

Cultural Heritage 2.0: Participatory Stewardship

This roundtable seeks to bring diverse insights from fields such as intellectual property and bio-medical ethics, among others, to bear on the challenges faced by stakeholders of cultural heritage debates. Technological advancements in these fields outpace international law, forcing them to identify creative solutions to property rights that are pertinent to the domain of cultural heritage. This roundtable aims to shift the emphasis of cultural heritage debates from objects' materiality to their myriad functions and diverse constituencies. Its goal is to identify cultural heritage policies that remain open to and expand contingent relationships between objects and their stewards over time.

Cultural heritage debates in the past two decades have been characterized by a tendency to think of objects in terms of tangible property to which nations or institutions make ultimate title claims. This approach has resulted in the fraught effort to establish and freeze stakeholders' (national, ethnic, religious, institutional, etc.) identities in legal terms. Though such efforts are rooted in an impulse to distribute rights to the objects to the greatest possible public, particularly in their country of origin, it has yielded unsatisfying results. Not only are national and international law confronted with the challenge of identifying successor populations for objects produced when contemporary nations and institutions were not in existence, but they face the added burden of deputizing authoritative representatives for these groups. The transfer of object title to these groups is often conceived of as final and enduring.

However, the relationship between a group and an object at any given moment is necessarily historical and contingent. Because stakeholders of cultural heritage do not share a universal and timeless definition of property, policies should move towards concepts of variable stewardship that take diverse notions of property into account over time as opposed to perpetuating models of ultimate and exclusive ownership. Fields such as intellectual property, which considers intangible knowledge, or bio-medical ethics, which encompasses intangible and tangible dimensions of knowledge production, would seem to have much to contribute to debates on cultural heritage. These disciplines have proven to be comparatively adaptive to changing political, social, and technological landscapes.

One of the most compelling examples is the "Creative Commons" movement, which seeks to move away from a totalizing and anachronistic concept of copyright to one that takes the complexities of the international digital age into account by allowing creators to voluntarily reserve and waive rights to aspects of their production. This approach demonstrates a willingness to engage with changing demands on legal and cultural structures, largely brought about by technology. It acknowledges the increasingly powerful role of the individual whose actions are not performed in concert with others as part of a group but rather, aggregate into meaningful and ever-changing constituencies that effect change without an appointed voice of authority.

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The application of this type of thinking to tangible cultural heritage presents exciting opportunities for the future. In order to make this conceptual and practical leap in the domain of cultural heritage, we might consider the ways in which bio-ethics is addressing shifts in thinking about property, individual or communal rights, and the tangible dimension of the body. For example, the field has had to grapple with a range of issues concerning individual or group rights to sell, donate, or dispose of body parts, embryos, or genetic material and the shortcomings of national and international law, which often lag behind scientific developments. We see similar potential in the ways in which intangible and tangible dimensions of property are considered in environmental law where drilling rights, for example, must be negotiated with Native American communities whose historical relationship to preceding populations is as fraught with legal pitfalls akin to those of cultural heritage.

The roundtable will bring together a group of scholars from diverse fields to share insights into property rights that offer the potential to develop new approaches to cultural heritage.

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