

‘Snatching Something from Death’: Value, Justice,  
and Humankind’s Common Heritage  
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## 1 Introduction

Some examples: [Notre-Dame Cathedral in Paris](#); [Bamiyan Statues](#). (cf [World Heritage List in general](#).)<sup>1</sup>

Two claims:

- (a) Some heritage goods are parts of humankind’s common heritage (HCH.)
- (b) the protection of humankind’s common heritage is a duty of justice.

## 2 Universal value and humankind’s common heritage

**The issue:** Heritage goods are those goods which we value partly they are parts of our past, and which we are disposed to preserve for future generations.

An account of the value of humankind’s heritage must do two things. It must provide an account of the value of its constitutive elements, or heritage goods, qua heritage goods. It must then articulate what it is about those goods which licenses us to say that they are part of humankind’s heritage (as distinct from, or in addition to, being part of a national heritage, for example). The second task consists in articulating an account of universal value.

**The question of value tout court:** fairly easy (beauty, historical significance, cultural importance, etc.)

**The question of universal value:** much harder. For it is a necessary condition for a heritage good to be part of humankind’s heritage that it should be universally valuable. Yet, the kind of value judgements which heritage goods usually elicit, together with

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<sup>1</sup>Words highlighted in red are hyperlinked to relevant websites.

the multiplicity of the standpoints from which they are made, seem to defy calls for universality.

**Two conceptions of universality:**

(a) The pluralist conception: we all have reason to value it from different socially constructed, practice-dependent, plural standpoints.

A problem: it does not account for the fact that HCH is our heritage, not yours, and mine, severally.

Solution: we all have reasons, irrespective of our own particularistic standpoints, to value one another as autonomous and creative beings. To value fellow human beings as autonomous and creative beings is precisely to value (within limits) the particular practice-dependent paths which they have shaped for themselves.

(b) The mere humanity conception: a good is universally valuable just if all human beings have a reason to value it merely by dint of the fact that they are human beings.

Which goods are universally valuable and part of our common heritage? A minimalist proposal – prehistoric sites and artefacts. (Ex: [Maros-Pangkep Caves](#).)

Expanding the minimalist proposal. The minimalist proposal proceeds on the assumption that there are things about who we are and what we do as human beings – aspects of our humanity, in other words – which have universal value, and that knowledge about who we are and what we do also has universal value. Four areas for expansion:

(i) heritage goods which symbolise, represent, contributed to, major events and practices in global human history writ large;

(ii) heritage goods which symbolise, represent, contributed to crimes against humanity;

(iii) heritage goods which symbolise, represent, contributed to, deeds for the sake of humanity.

(iv) heritage goods which symbolise, represent, contributed to, the achievements of humanity.

## 3 Justice and Humankind's Common Heritage

### 3.1 A conception of justice

(a) a just world is one in which all individuals, wherever they reside, are treated with equal concern and respect, and in which (were possible) they securely enjoy, as a matter of rights, equal opportunities for a flourishing life – a life worthy of human beings.

(b) a flourishing life is one in which one is secure in one's rightful enjoyment of freedoms and resources. (Compare with the racist.)

(c) individuals whose rights have been violated have remedial rights that steps be taken

to remedy, as far as is feasible, the injustice to which they have been subjected, and out of recognition of the fact that they suffered an injustice in the first instance.

### 3.2 Applying the conception to HCH

As a matter of justice, all human beings have rights against one another to the freedoms and resources which are necessary to and/or constitutive of a flourishing life. This includes freedoms and resources as pertain to cultural goods. Those goods provide the context within which we lead a flourishing life; but they also are its constitutive elements. To that extent, we owe it to one another not to impede one another's access to, and use and enjoyment of those goods, and more strongly still, to provide one another the means to do so.

We - all of us - would suffer three kinds of injustices, as a result of a failure to protect, or as a result of the destruction, of HCH specifically:

(a) A central feature of a flourishing life: the ability to use one's senses and imagination, to experience admiration, awe, wonder. Cultural goods have universal value (on the mere humanity conception thereof) by dint of their outstanding beauty: they can be admired by all of us, more strongly still inspire awe and wonder in all of us, irrespective of our respective standpoints, precisely because they are outstanding. To deprive fellow human beings of the opportunity to enjoy this central opportunity in this way, without warrant, is unjust.

The point holds of cultural goods in general, and of heritage goods in particular. (Ex: a 1904 recording of a castrato ([here](#).)

(b) Epistemic injustice: destroying, failing to preserve, and hiding information about, some of those universally valuable heritage goods, as well as their sequestration is an epistemic injustice.

(c) Agential injustice: To the extent that we - as well as those who act on our behalf and for our sake - need to know, at least in broad terms, the most significant phases of our global shared history in order to avoid committing wrongdoings, and to the extent that the preservation of those objects, landmarks and sites help us gain that knowledge, we are victims of a form of injustice if they are allowed to be destroyed or to decay.

**A puzzle: why those goods themselves, as opposed to eg replicas, digital copies, etc?**

**Answer:** understanding, and not merely knowing, matters.

### 3.3 Past and future: to whom are the duties owed?

(a) To future generations: same needs as ours.

(b) To our ancestors, for two reasons:

(i) to value fellow human beings as creative and autonomous beings is to value what materially underpins, and emerges from, their social and cultural practices. This extends to the dead: duties to the dead are grounded in the importance of respecting and promoting those of their (morally justified) plans, projects and attachments which were central to their lives, and about which they formed (or, at least, may be presumed to have formed) posthumous preferences.

(ii) Duties to victims of crimes against humanity.

## 4 The problem of cultural appropriation

**An important objection:** to say that humankind – that is to say all of us – have rights and duties in respect of certain heritage goods is to ride roughshod over the claims of particular cultures whose goods these are. It is to be guilty of cultural appropriation.

**Defining cultural appropriation:** the process or act by which some agent takes as in part their cultural goods (widely construed as cultural physical objects and practices) which are deemed to belong to some other agents.

**Cultural appropriation and value judgements:** the universal will erase the particular.

**Cultural appropriation and justice:**

(a) My account does not do justice to the real victims when heritage is destroyed.

(b) My account does not do justice to calls for the return of cultural objects which have been seized from their communities of origin in war, or in the course of colonial conquest.

**Some responses:**

(a) My account allows for deference to particularistic judgements.

(b) It allows for not losing sight of who the main victims are.

(c) It allows for repatriation in some cases.

## 5 Concluding remarks