The ethics of conservation: some dilemmas in cultural built heritage projects in England

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Abstract

Purpose – The paper aims to offer a contribution to the development of conservation scheme management by examining some of the ethical dilemmas that are commonly encountered in conservation projects.

Design/methodology/approach – The approach is a detailed and critical review of existing literature and recent policy direction.

Findings – A practitioner's response to the various dilemmas will not only need to be conditioned by the codes of conduct of the various professional institutions but also through the explicit recognition of the very different set of ethical dilemmas that are encountered in conservation projects.

Originality/value – The paper contributes to the broader appreciation of the ethical dilemmas that may be encountered in contemporary conservation practice. The paper can inform conservation consultants, administrators, specialist trades, educators and the non-specialist reader.

Keywords Professional ethics, Conservation, Economic sustainability, Heritage

Paper type General review

Professional ethics: some background

In a broad context, ethics can be considered to be the explicit philosophical reflection on moral beliefs and practices. More specifically, it is the study of values and customs of individuals or groups and can cover the analysis and employment of the concepts of right or wrong and those of responsibility. Ethics was originally conceived as a way to guide debate between the questions of morality and values. The principal tool of ethics has been in asking questions that put a profession's many assumptions under critical scrutiny, asking if they are sufficiently consistent, comprehensive and inspiring. Such on-going review is important, as there are a number of issues at the heart of the ethics debate that demand continued engagement. While the debate's primary result may be the development of core values and principles that shape professional practice, it should also address the fundamental question of "what ought we to do?"

A hallmark of a major profession is its acceptance of the responsibility to act in the public interest and this requires an explicit commitment by its membership to subjugate personal advancement to this responsibility. While the precise detail of acting in the public interest will vary between differing professional activities, a common theme for each profession is to have regard to the legitimate interests of clients, employers, employees, and the various other communities who rely upon the objectivity and integrity of the various professions. The counterpoint to these responsibilities is the grant of a set of privileges that could include the right to engage

in self-regulation, the exclusive right to perform particular functions, or conferment of some special status or recognition (Longstaff, 1999). Many governments find a profession's self-regulation to be an economical way of meeting public criticism without incurring additional policing costs or the necessity of drafting and implementing legislation to the same effect (O'Keefe, 1998). In many circumstances, this elevates professionals to an elite position enabling them to benefit from a wide range of pecuniary and non-pecuniary rewards while ostensibly practising in the public interest.

A professional's ethical landscape is made up of choices, decisions and the practical application of shared core values and principles (Longstaff, 1999). A key issue in this approach is the need for practitioners to reflect upon their own professional practice and, where necessary, to consider their choices against the codes of practice that will have been developed within the particular profession. The fundamental principles for most professional bodies are likely to include: integrity, objectivity, competence and care, confidentiality and behaviour. A profession's key principles and core values are often articulated in specific codes of practice or codes of ethics. These formalised documents provide professions with the opportunity to present peer-imposed regulations that express best practice standards within the professional activity. While the priority given to different values and principles may vary between professions, the overall list tends to be held in common (Longstaff, 1999). Codes may also serve as measurement benchmarks as a means by which the practitioners within the profession police themselves (Sease, 1998).

Determining the content of a code of ethics poses a different set of problems. The codes guide and constrain the actions of professionals in ways that necessarily diverge from social mores. This heightens the probability of conflict between the values of the professional and those of their client and society at large (Spector, 2001). Such potential conflict needs to be carefully and skilfully addressed as codes will only perform their primary functions effectively if they are kept constant with developments in the various professions involved and only if real efforts are made to deal with contentious issues (O'Keefe, 1998). To be effective in the longer term, codes of ethics must be flexible enough to be able to adapt to changes as the profession grows and develops knowledge and skills, for in the process attitudes and standards will inevitably change. However, clear distinctions must be made between passing fads and beliefs that do not reflect the broader values of the profession as a whole (Sease, 1998). Published codes will be based upon careful consideration of ethical issues related to specific professional activities. Although codes are suitable as professional statements, they are actually ethics by stipulation, and are used as a possible guard against liability problems (Fisher, 2000).

Professional ethics draws from deep philosophical roots to develop the mores and norms that help shape contemporary practice. Despite written codification of professional responsibilities, it is recognized that the ethical approach could be compromised by the often competing philosophies and the more pragmatic demands of various stakeholder groups. Under such professional pressures, it becomes more important for practitioners to be provided with solid and consistent guidance and advice from the professional bodies upon which to inform their various decision-making processes.

Architectural and conservation ethics

The ethical problems raised by architecture are of a very different nature to those encountered in other disciplines for a number of reasons. Initially, architecture is a dialectic art form that, of necessity, must resolve a series of tensions that are within and external to any project. For example, it could involve the mediation of the often egotistic wishes of the client (or themselves) with the legitimate public concerns regarding the quality of construction and insensitive design. Other dilemmas include the need to resolve the risks of technological innovation against those of stagnation (Spector, 2001) and to reconcile the needs to consume scarce resources and those to conserve them. Negotiating such balances is at the heart of an architect's obligation (Spector, 2001). Second, the ethical dilemmas encountered by applied sciences – genetic modification, stem cell research, disposal of nuclear waste – are clearly external to the disciplines that have generated them, whereas those raised within architecture – such as aesthetics, authenticity and integrity – remain internal to it (Lagueux, 2004). This is because the nature of architectural practice considers the internal ethical questions to be no more than the normal issues that architects must resolve in the course of practice. Third, as architecture is a practice as well as a product, it necessarily addresses the concrete and the idealistic, and this can produce a further clash between the physical and intellectual property rights (Fisher, 2000).

The development of ethical thought and application in the built environment disciplines has been encouraged and informed by an expanding literature. Influential, even seminal, work considering various aspects of ethics in the architectural setting has been provided by, for example, Watkin, 1977 and 2001; Scruton, 1979; Harries, 1998; Fox, 2000 and 2006; Wasserman *et al.*, 2000; Spector, 2001; Ray, 2005; Perez Gomez, 2006 and de Botton, 2006. These texts provide a detailed and rigorous platform from which to reflect upon practice. Some of the major themes emerging from this applied work are examined later.

Conservation in its broadest sense has diffuse boundaries, since it may engage various and diverse forms of professional consultancy and craft-based activity in a specific project. At the technical level it is a more precisely defined activity. Conservation of the built heritage matured as a bona fide field of academic study and professional practice in the twentieth century, despite its historic international origins. As a hybrid discipline it synthesises theory and methodology drawn from the humanities and sciences (Matero, 2000). The underlying rationale for the conservation of cultural built heritage is not substantially different from the conservation of movable objects as the core ideals remain constant and valid. Yet there are some significant differences that need elaborating as they can go some way in explaining the peculiarities of architectural conservation. These include:

- Cultural built heritage is more visible and acts as historic and cultural reference points, as well as symbols of local and national identity or power.
- The scale and cost of cultural built heritage projects is likely to be far greater than many other objects. Under this criterion it is only logical for the degree of scrutiny to be greater (Munoz Vinas, 2005).
- Cultural built heritage can be experienced in different ways by its wider constituency who are likely to have diverse agendas toward it.

- The conservation process mediates between diametrically opposed forces – the pressure to change and those to preserve. In doing so it must provide various levels of utility to its existing and potential user-groups.
- There is no intrinsic incompatibility between saving the old because it is has aesthetic, cultural and social value and the idea of adapting and integrating the old with the new to create vibrant environments reflecting contemporary patterns of work and recreation (Maguire, 1997).
- While conservation work is frequently subject to tightly drawn and restrictive planning policies, the interpretation of the policies can be an added complication for the scheme architects. The need for the designer to comply with a further set of technical norms and standards, designed to ensure safety and efficiency, may deflect the solution in conservation terms.

Some specific ethical dilemmas in conservation
Conservation can be considered as a process that may be characterized by a series of linked functions aimed at safeguarding cultural heritage (Matero, 2000) yet it poses a further special set of ethical concerns for practitioners and administrators. Given the possible number of solutions that can be advanced for a problem, a range of ethical issues need to be addressed seriously in order for a conservation programme to progress through until completion. For example, conservation practitioners, whether professional consultants or highly skilled craftsmen, recognize that the work they do will affect the fabric of a structure in a number of ways. If a structure is analogously considered as an historical "document", any work may alter the "document" forever, even though genuine efforts may be made to reduce this impact. This may be one reason why the international conservation-based charters focus specifically on the material aspects of the building, placing emphasis on minimising physical impact in order to retain the authenticity of the fabric (Rowney, 2004). The shift from original state to historical palimpsest reinforces the entire record of the changes the structure has endured (Lowenthal, 1999) and many forms of intervention are likely to have impacts upon the authenticity and integrity of the building, both of which are particularly important issues in the broader ethical discussions.

Elitism and tension
The charge of elitism continues to be levelled at conservation practitioners and administrators. It is a learned professional activity and academic education plays an important role in preparation for practice (Matero, 2000). In England, built environment conservation consultants are most likely to be professional members of the Royal Institute of British Architects (RIBA), the Royal Institution of Chartered Surveyors (RICS) or the Royal Town Planning Institute (RTPI). They may also hold memberships to a number of practitioner-focused or specialist interest groups such as, for example, the Society for the Protection of Ancient Buildings (SPAB), the Institute of Historic Building Conservation (IHBC) or the Cathedral Architects Association (CAA). The professional bodies are characterized by a degree of exclusivity reinforced by restrictive entry barriers via academic achievement at cognate under- and post-graduate levels, a requirement for structured and relevant professional experience that is peer assessed and a commitment to life long learning (LLL). It is through academic study and LLL that evolving philosophical thought and theory can

be incorporated and transferred to practice. Thus practice can draw from developing theoretical knowledge to create new approaches so that real problems can be solved from the experience gained (Matero, 2000).

While it could be argued that there is nothing inherently wrong with encouraging the concentration of knowledge in a very small, well-educated and highly trained group, it may foster a perceived exclusivity and dominance within narrow professional boundaries. The politics of institutional self-interest is likely to be viewed with suspicion from stakeholders outside of the elite group encouraging levels of resentment. Furthermore, tension may also exist between the various professional disciplines involved with the conservation of cultural built heritage. While this may be unsurprising given the various directions, priorities and agenda adopted by different professional groups, the situation could be exacerbated where the works of intervention or treatment have become disconnected from the broader notion of conservation (Avrami *et al.*, 2000). Accordingly, full resolutions, or at least accommodations, may need to be secured to prevent a scheme or its details being irreparably compromised. However, Bateman (2001) argued that planners believe that they are the key-holders to the knowledge of how the historic environment is best to be protected and that in many sensitive locations attempt to exert authority over the design solutions. Yet planners do not receive formal training in design or aesthetics and as such it may be difficult for them to justify important commentary on such matters should not be a position to make such important judgements.

There is a plurality of competing interpretations of conservation value between the various professional consultants engaged in conservation work and the general public's perceptions. While professionals generally operate under the auspices of public interest, it is possible that the public's awareness of heritage conservation is far wider than the professionals' relatively narrow academic focus or technical competence. This diversity undermines the legitimacy claimed by professionals by identifying a single conservation value to the exclusion of many possible other perspectives (Hobson, 2004). Decisions about what to conserve and why, are often taken independently from those dealing with how to conserve. This is due in part to the relative isolation of different groups of professionals that engage in the work of conservation as broadly defined (Avrami *et al.*, 2000).

Conservation is in threat of being undermined by the wider development of society towards a market capitalism predicated on individual "lifestyle-choice". In reality, much of the public support for conservation comes from the "choices" of individuals (Glendinning, 2001) or those espoused by various pressure groups. Government policy has actively promoted the expansion of the consultation with various amenity groups to provide constructive dialogue. Yet their contributions could potentially lead to intransigence and extremism, as much of their supporting rhetoric is still drawn from the old ethical-collectivist stock arguments of community outrage against "nasty buildings" (Glendinning, 2001). Such entrenched and inflexible positions may act as a further barrier that designers must factor in during the preparation of their scheme solutions.

Regulatory system

The preservationist philosophy that influences national and local policy is deeply embedded and has been the focus of sustained criticism in the recent literature. For

example, the popular convention of understanding heritage, simply as a physical artefact or record is challenged by advocating an approach, that treats heritage as a cultural process that reflects the perceptions, politics and assumed national identities of its practitioners (Harvey, 2001). Conservation philosophy has evolved since the 1980s and while conservation of the built heritage is recognised as a complex process, to remain relevant and vibrant, it is now argued that it must be situated in the larger social contexts (Avrami *et al.*, 2000). For example, the questions of: What constitutes heritage? How it is cared for? By whom and for who is conservation interpreted? Must be addressed in a milieu that has become largely defined by cultural context, societal trends, political and economic forces, all of which are subject to often rapid change (Avrami *et al.*, 2000). The public interest in and concern for many aspects of conservation of the built heritage has been stimulated by numerous media campaigns and has been further informed by a rich and varied literature that has considered conservation of the built heritage in a number ways.

The current regulatory system is primarily based upon philosophical visions espoused during the mid-nineteenth century. The platform was established by a small number of influential thinkers such as Pugin, Ruskin and Morris, each of whom was fairly controversial figures in their own right. Ruskin's approach was based on a fusion of beauty, morality and truth. For Ruskin, architectural deception was inherently sinful as it deceives honest people and discredits professionals (Lagueux, 2004) and Pugin was heavily influenced by his religious conviction. Both believed that aesthetic values could not be dissociated from ethical ones, particularly as the ethical problems associated with irresponsible architecture, such as the work of destruction and rebuilding of cathedrals and churches under the guise of "restoration", could only be resolved by architects who were guided by higher and better aesthetic principles (Lagueux, 2004). However, a particular concern is whether it is ethically correct for nineteenth century thinking to be embedded largely unchanged in twenty-first century policy and to ignore the dramatic advances that have been made in many aspects of practice and thought.

Morris' *SPAB Manifesto*, the pivotal document of the Society for the Protection of Ancient Buildings (SPAB), became the template for international conservation bodies and for UK government conservation policies developed in the post-1945 era. These policies have remained largely unchanged and their platform has been strengthened by the recommendations and principles stated in a number of charters developed by global heritage agencies including ICOMOS, ICCROM, ICOM and the World Heritage Organization. While the Venice Charter (ICOMOS, 1964) provided a rationale for conservation of the cultural built heritage, subsequent charters have advocated a determinedly Western perspective to conservation work. A fundamental issue is whether it is ethically correct to impose the use of non-binding conservation agreements and to engage upon a form of cultural imperialism by exporting Euro-centric approaches across the world?

The broader planning policies developed for the stewardship of the historic environment are frequently narrowly interpreted, leading to the stifling of creative solutions, and a system that is often insufficiently flexible to absorb the high-quality solutions that designers are capable of providing but rarely have the opportunity to develop (Mansfield, 2004). The increasing public awareness of the fragility of cultural built heritage has produced a proliferation of pressure groups, many of which are

dedicated to the control of change and, as such, are preservationist by nature (Maguire, 1997). Other quasi-governmental agencies, such as the Commission for Architecture and the Built Environment (CABE) and English Heritage (2000), also have statutory rights of consultation. The expansion of the consultee's role represents another layer of regulation that designers have to negotiate and in order to satisfy often conflicting objectives may lead to compromise within a conservation scheme.

Authenticity

One of the most vital and enduring debates within the conservation field has centred on the nature of authenticity so exclusively that its concept has become as fragile and evanescent as it is pervasive (Lowenthal, 1999). In many ways this is unremarkable given that authenticity lies at the base of all modern doctrines on the conservation and restoration of historic monuments (Lemaire, cited in Starn, 2002) and is a central tenet of the cultural heritage industry. In the conservation context, its importance and significance was reinforced in *The Nara Document on Authenticity* (ICOMOS, 1994), a document that has further informed national policy. Despite the quasi-official sanction, the concept of authenticity remains fuzzy and an easy target for criticism (Starn, 2002), a situation not helped by the concept being in a state of flux and its defining criteria subject to change (Lowenthal, 1999).

In the wider sense, authenticity denotes the true as opposed the false, the real rather than the fake, the original not a copy, the honest against the corrupt (Lowenthal, 1999). This absolute conviction was at the core of *The Seven Lamps of Architecture* (Ruskin, 1880) in which Ruskin argued that a restoration of a building would remove the "golden stain of time", at which point its authenticity would be lost and the building would become counterfeit. Ruskin's essential proposition that the value of an historic building lies in its sheer age and the continuity of its materials over time (Miele, 2005) emphasises that the patina of age can be a badge of authenticity. Ruskin's "anti-scrape" sentiments have continuing resonance for policy makers. In distinct contrast to Ruskin's approach, Viollet-le-Duc proposed that restoration works should re-establish a building to a finished state which may never have actually existed at any given time (Viollet-le-Duc, 1854). Under this regime, a conservation practitioner would have a *carte blanche* approval to impose any style or form to the existing building. Viollet-le-Duc was convinced that architects had an ethical duty to ensure the development of a rational architecture that was an expression of the *zeitgeist* (Lagueux, 2004). For many, such an approach is wholly inappropriate in the conservation arena. However, these diametrically opposed positions continue to present a contradiction that practitioners must seek to resolve in their solutions.

The term patina can be considered in a number of ways and this can cause a dilemma for conservation practitioners as the range of options for intervention will be conditioned by the actual or perceived condition of the building's structure and fabric. For example, patina can be seen as the acceptable changes that are considered intrinsic to the material due to the natural weathering of that material under normal circumstances (Matero, 2006). This may be more easily appreciated as it represents the natural degradation of any material over time. Alternatively, it can be discussed as an excessive alteration resulting from decay and the obscuring of the surface by soiling, crusts or degradation (Matero, 2006). The problem for practitioners may be compounded as they are often faced with making decisions on previously executed

work, such as, for example restoration, protection, repair or even rebuilding work (Timothy and Boyd, 2003), that is likely to have altered the original appearance, and which has also been subject to a more inconsistent weathering process by various agents. In many situations, these distinct processes interact synergistically. Under these situations, authenticity may have been lost. It must be recognised that the designer's original intent for the building is a transient condition that exists only briefly, if at all, after completion of the work (Matero, 2006). Thus, if a building is left to decay through wilful neglect, a lack of proper care, or intransigence, how authentic will it is at the point when the designer is engaged to address the problems?

Integrated conservation and sustainability

The notion of sustainability has become pervasive in many aspects of contemporary society. In its broadest terms it is an attempt to balance the current needs from the human and natural environments with those of the future without compromising the choices that can be made by future generations. The futurity dividend is a core and important feature and one, which has immediate resonance in the conservation of the cultural built heritage. The definition provided in *Our Common Future* (Brundtland Commission, 1987) must be viewed as the platform to facilitate the development of other definitions within specific arenas. This is particularly important as there is a common judgment that conservation and regeneration play an important part in a wider strategy for the improvement of the urban environment.

The concept of "integrated conservation" was a major theme of the *Convention for the Protection of the Architectural Heritage of Europe*, generally referred to as the Granada Convention (Council of Europe, 1985). Under this Convention, the protection of the architectural heritage moves from an isolationist approach to become an integral part of the individual policies on economic, social and cultural development (Christofidou, 1996). The widening of the cultural heritage protection approach from individual assets to whole areas and environments has embedded conservation near to the centre of the sustainable development debate (Pickard, 2002). In response to the recommendations in the international protocols and charters, government policy toward the conservation of the cultural built environment has evolved significantly. It has moved toward defining and implementing sustainable goals for the historic environment and has explicitly recognised the contribution that the cultural built heritage could make to economic and community regeneration. Indeed, the Department of Culture, Media and Sport (DCMS, 2001) commented that the historic environment must be viewed as a powerful catalyst for renewal and as a stimulus to high quality new design and development. However, this imposes an economic imperative upon scheme decisions not connected with the cost of work to the structure or fabric of the building. The dilemma is in assessing the wider economic value against the possible budgetary constraints set for the work.

The sustainable economic growth rationale has created its own particular tensions within the conservation of the cultural built heritage. It is evident that as the volume of heritage tourism increases there is likely to be a commensurate rise in both positive economic and negative physical impacts at the site and the surrounding area. However, the expectations of modern heritage tourists are very different from those of only a generation ago and this can place an enormous strain on a particular building's fabric and its historic contents (Curteis, 2002). Ironically, the volume and behaviour of

tourists are slowly destroying the very things that initially attracted them (Timothy and Boyd, 2003) and this not only undermines the policy direction but also the attempts to address the accelerated deterioration through the works of intervention.

The shift in central government policy since the 1980s has mirrored the international concerns for a more sustainable environmental agenda. As such, conservation has become a major influence in many aspects of contemporary life. In the built environment context, refurbishment, rather than demolition and rebuild, is an integral part of conservation. There is a wide agreement that refurbishment is not conservation *per se*. Refurbishment schemes may include elements of conservation, but not the overzealous preservation of outdated buildings that may have limited relevance to contemporary needs (Mansfield, 2003). Yet new use for old buildings is a peculiarly Western concept based primarily on economic requirements and escalating technology. One of the most common arguments for the retention of old buildings is their adaptation to accommodate new and contemporary functions. The justification lies in the economic reuse of the building but again the impact of changes is considered in terms of the building's physical form. This reinforces the attitude that heritage significance resides in the structure, and as long as the physical form is conserved, its heritage value is assured. It is argued that a change of use continues the life of a building. While the *raison d'etre* of the building may be gone, often accompanied by the loss of details that contributed towards its distinctive character, the losses and necessary alterations often further diminish the building's original quality, function and significance (Rowney, 2004).

Codes for conservation

Burnham (1998) argued that conservation needs a succinct formal statement of ethics to which institutions can subscribe and by which priorities can be set and performance measured. Implicit within this is the requirement for a common understanding of what constitutes knowledge, a common understanding of what constitutes an advancement of that knowledge, and the means for sharing that knowledge (Clavir, cited in Munoz Vinas, 2005). Yet the major hurdle with the suggestion is that conservation is not a single profession but rather an array of discrete disciplines than span a wider range of specialist technical, design and craft skills. Burnham's suggestion would require individual practitioners to not only have a thorough understanding of the values and standards espoused by their own professional bodies, but also be cognizant that their values and standards can be interpreted differently by practitioners of the different specialities (Sease, 1998). While it may be an aspiration for a code of ethics to be developed, the many practical difficulties associated with it indicates that this would be impossible in any time frame.

Some conclusions

Architecture differs from other forms of art in that its execution normally results in a work that is durable, public and subject to constraints imposed by structural, end-user and regulatory conditions. It is, therefore, full of complexity and contradiction, opportunity and constraint. The need to resolve tensions within a project is often equalled by the need to resolve issues outside of it. Choice is central to the practice of architecture, but choice creates dilemma – to innovate or to preserve; to demonstrate individuality or conformity; to provide the aesthetic or the functional. Architectural

dilemmas can have ethical dimensions that need to be carefully judged and balanced at different stages of the scheme's development and practitioners need to be mindful of the key question "what ought we to do?", the source of fundamental philosophical debate. There are potentially a larger number of ethical dilemmas in conservation work given the collective memory embedded in many cultural heritage assets, the scale and capital costs of many of the programmes of work and, more prosaically, the more restrictive regulatory systems that operate. Practitioners involved with the conservation projects are charged with a special set of responsibilities, many of which are beyond those owed to the commissioning client.

In order to provide consistency in developing an approach that incorporates often, difficult choices, practitioners are assisted by statements from the various professional institutions that shape and guide practice. The codes of ethics outline the shared core values of the profession and its members and provide a framework for assessment for those engaged in working in the public interest. The codes need to be flexible enough to incorporate changes within the professional environment, yet must not be so malleable so as to impair their integrity within the constituencies they serve.

In an increasingly complex cultural heritage arena, it is imperative for conservation practitioners to not only keep abreast of the advances in technologies but also to keep focus on the various ethical challenges that emerge within each project. While all of the ethical issues are in a state of flux, some of those discussed in the paper – authenticity, integrated conservation and sustainability – are evolving rapidly and are being shaped by considerable specialist contributions at an international level. It seems that there will be on-going dialogue with regard to the conservation of the cultural built heritage from both ethical and philosophical perspectives for some considerable time. Practitioners and administrators must be fully aware of the dimensions to the dilemmas they face in order to act responsibly and within the public interest.

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