

<b>Institution:</b> The Open University		
<b>Unit of Assessment:</b> D30 Philosophy		
<b>Title of case study:</b> Enhancing the understanding of the ethical dimensions of the protection of cultural property in warzones		
<b>Period when the underpinning research was undertaken:</b> 2017-2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Derek Matravers	Professor of Philosophy	1994 - present
<b>Period when the claimed impact occurred:</b> 2017-2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b>		
<p>Matravers' research offers a valuable new ethical dimension in considering the implications of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This convention obliges states to preserve cultural property during military action at all reasonable costs. His work has had a demonstrable impact by:</p> <ul style="list-style-type: none"> <li>• Shaping opinion in the international heritage community.</li> <li>• Enhancing UK and US military personnel's knowledge of the moral difficulties of Cultural Property Protection (CPP).</li> <li>• Influencing policymakers in Norway.</li> </ul>		
<b>2. Underpinning research</b>		
<p>To date, 133 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO)'s 193 member states have ratified its 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. The impact claimed concerns three countries, the USA, Norway, and the UK, who approved the convention in 2009, 2016, and 2017 respectively. Approving the convention commits states not to act in a way that will damage cultural property during conflict unless two conditions are met. Contravening the convention is a war-crime.</p> <p>The two conditions are:</p> <ol style="list-style-type: none"> <li>1. The property in question has, by its function, been made into a military objective.</li> <li>2. No feasible alternative is available.</li> </ol> <p>To determine whether the second condition is met, military personal must undertake 'proportionality calculations', which balance the costs and benefits of military action. Problems arise as the convention gives no account of how proportionality calculations could be made that balance damage to cultural property against military advantage. This situation is obscured because UNESCO, and others in the heritage sector, favour 'the inseparability thesis' which proposes the value of culture and the value of life are inseparable and that, in consequence, the need for such proportionality calculations will never arise. Former Director-General of UNESCO, Irina Bokova, has said "<i>There is no need to choose between saving lives and preserving cultural heritage: the two are inseparable</i>". The argument is also popular with NGOs such as the Blue Shield, which describes itself as "<i>the cultural equivalent of the Red Cross</i>". Its UK Committee's website states "<i>The Convention does not place cultural property above people, as it exists within a wider framework of laws designed to protect civilians and their property in a conflict situation</i>".</p> <p>This view also underpins attempts to persuade United Nations member states to extend the 'Responsibility to Protect' legislation, a global commitment to prevent genocide, to cultural property.</p>		

Matravers' research challenges the ethics of this approach. The result of the 2017-2020 AHRC-funded Heritage in War Project (on which he was PI and Helen Frowe, of Stockholm University, was Co-I), his work applies moral philosophy to explore critical questions such as 'How much extra risk would combatants be expected to take?', 'How much extra risk could be imposed on non-combatants?' and 'To what extent can military effectiveness be sacrificed?' [O1, O2].

Matravers' research argues that without a way to determine the feasibility of options open to them, combatants may take actions which needlessly destroy cultural property or result in loss of life. Hence, support for 'the inseparability thesis' undermines the ability of combatants to enact the law concerning the treatment of cultural heritage. It has also given rise to a worrying lack of awareness of the moral difficulties involved in CPP among military personnel and policymakers. Matravers' work identifies the issues of which they need to be made aware.

### 3. References to the research

Both publications are *Getty Occasional Papers*. This is a highly regarded series, sent to academic departments, NGOs, and policymakers throughout the world. Papers are commissioned and peer-reviewed by the academic staff of the Getty. Despite [O1] being out for less than 12 months, it is cited in academic literature, for example; Bulow, 'Risking Civilian Lives to Avoid Harm to Cultural Heritage' <https://doi.org/10.26556/jesp.v18i3.1076>, *Journal of Ethics and Social Philosophy*; Isakhan and Barry, 'Syrian and Iraqi Opinion on Protecting, Promoting, and Reconstructing Heritage After the Islamic State' in *The Preservation of Art and Culture in Times of War* (eds) Claire Finkelstein, Derek Gillman, and Frederick Rosén, (Oxford: OUP). It is also included in university course reading lists such as 'World Heritage in Global Conflict', by Prof Lynn Meskell, Stanford University.

- O1.** [\*Conflict and Cultural Heritage: A Moral Analysis of the Challenges of Heritage Protection\*](#) (2019) Frowe, Helen and **Matravers**, Derek. ISBN: 978-1-60606-640-9 | Publisher: Getty Publications | Published: Los Angeles.
- O2.** 'Social and Cultural Costs' (2020), **Matravers**, Derek, in Cuno, James and Weiss, Thomas G. eds. [\*Cultural Heritage Under Siege: Laying the Foundation for a Legal and Political Framework to Protect Cultural Heritage at Risk in Zones of Armed Conflict\*](#) (pp. 54-64) ISBN: 978-1-60606-681-2 | Publisher: Getty Publications | Published: Los Angeles.
- G1.** (2017-2020) 'Cultural Property: Heritage in War' (AHRC)  
PI: Prof Derek **Matravers**, CoI: Prof Helen Frowe (Stockholm University) GBP409,093.74.

### 4. Details of the impact

Between October 2017 and October 2020, Matravers applied his research [O1, O2] in the Heritage in War Project, through which he attempted to learn from, and change the minds of, heritage professionals, policymakers, military leaders and NGOs. Regular two-way dialogue with these groups provided valuable access and vital real-world insights to underpin the research. He held workshops and conferences in the UK, US, Sweden, Norway, Belgium, Israel, Syria and Lebanon. Matravers' work led to him being invited to NATO Headquarters in Brussels to contribute to thinking on CPP, to the Getty Institute in Los Angeles, and to lecture to the UK and US military. These relationships created significant opportunities for Matravers to share his work with these groups, and led to substantial impact in three vital areas:

#### 1. Shaping opinion in the international heritage community

Following an approach by Scott Sagan (Prof of Political Science in Stanford), Matravers was commissioned by James Cuno (the President and CEO of the J. Paul Getty Trust) to co-author the third of the Getty Occasional papers in Cultural Heritage Policy [O1]. Matravers was subsequently invited to share findings from the Heritage in War Project at the 'Cultural Heritage under Siege' workshop at the Getty Centre in Los Angeles (May 2019). The Trust's agenda was to develop a programme to lobby the UN to extend the 'Responsibility to Protect' legislation (which

currently applies only to the protection of people) to heritage. During the two-day workshop, Matravers sought to convince an audience of 19 leading international heritage, conservation and NGO leaders (including former UNESCO Director-General, British Museum Director and the General Manager of the Aga Khan Trust for Culture) that the case for equating the protection of people with the protection of heritage had not been proven. In a letter later that month, Cuno wrote Matravers' contribution "*provided valuable material on how cultural property protection fits within the scope of moral philosophy*" and "*brought issues to the attention of the group that would otherwise have been missed and thus influenced the direction of the project*" [C1]. The Getty are keen to continue involving Matravers in the project, and, in September 2020, published a transcript of the workshop, including the full text of Matravers' presentation [O2].

## **2. Enhancing UK and US military personnel's knowledge of the moral difficulties of Cultural Property Protection (CPP)**

Matravers invited the Lt Col commanding the newly created Cultural Property Protection Unit for the British Army, to attend a research meeting in London in January 2018. Impressed by the research, the Commander invited Matravers and Frowe to lead a training session for more than 20 of his officers and military CPP professionals from Germany, Belgium and the United States. Writing to Matravers after the October 2019 event at British Armed Forces training centre, Southwick Park, the Lt Col stated the problems discussed "*provided a great debate*" [C2].

Major Scott Parsons, a serving United States officer and Assistant Professor of Philosophy and Ethics at the United States Military Academy at West Point, invited Matravers and Frowe to lead a training session on CPP for 82 US army cadets, during the West Point Philosophy Forum (October 2019). In a November 2019 letter, Parsons noted the session attracted the most cadets to a Forum he had seen in his six years of running the programme [C3]. All 17 cadets who completed anonymous post-event evaluation questionnaires agreed the session had brought the difficulty of proportionality calculations to their attention, had an impact on how they conceive their role, and how they will carry it out in the future. "*We gloss over this subject in military science classes, but I didn't understand the depth, complexity and weight this carries on the battlefield*", explained one cadet. Another said they would now "*take CPP into account, weigh the risks, and consult with my legal team*" before taking action which involved cultural property [C4].

While at West Point, Matravers and Frowe also held a seminar on 'Protecting Cultural Heritage at War'. The event brought together leaders from the Academy with experts from New York University, Rutgers University, John Jay College, the Smithsonian Institute and the US Naval War College. In his November 2019 letter, Parsons explained that Matravers' research and contributions to debate at the academy had "*encouraged the Department of English and Philosophy to incorporate lessons on CPP for cadets from the Spring 2020 semester*" [C3]. Dr Laurie J. Rush of the Archaeological Institute of America advises the US military on CPP. After participating in the October 2019 events at West Point, she wrote to Matravers to remark that she had not previously "*given serious thought to the question of relative values of cultural property and human life*". Rush also wrote that the sessions gave her the chance to re-examine her research and teaching "*from a new perspective*". Rush also said Matravers insights have already positively impacted heritage professionals "*working directly with military personnel on these issues, and it is only a matter of time before this project begins to influence practice as well*" [C5].

## **3. Influencing policymakers in Norway**

In 2019, Norway's Council for the Ethics of the Defence Sector invited Matravers and Frowe to advise on the implications of the country's 2016 agreement to the 1954 Hague Convention for the Protection of Cultural Property. During December 2019, Matravers provided research-based advice to the Leader of the Council, Camilla Serck-Hanssen, the Judge Advocate General, and Representatives of Norway's Ministry of Defence. In a January 2020 letter, Serck-Hanssen

acknowledged Matravers' evidence was "*of great importance for the participants*" and helped them obtain "*more knowledge and to identify new challenges regarding the topic*" [C6].

**5. Sources to corroborate the impact**

- C1.** Testimonial letter. 30<sup>th</sup> May 2019. President and Chief Executive Officer, The J. Paul Getty Trust.
- C2.** Thank you Letter. 4<sup>th</sup> November 2019. Commander of the newly created Cultural Property Protection Unit for the British Army.
- C3.** Testimonial letter. 15<sup>th</sup> November 2019. Major Military Intelligence, Assistant Professor Department of English and Philosophy, United States Military Academy, West Point.
- C4.** Feedback questionnaires. West Point cadets.
- C5.** Testimonial letter. 28<sup>th</sup> October 2019. Archaeologist and Cultural Resources Manager, US Army Fort Drum.
- C6.** Testimonial letter. 7<sup>th</sup> January 2020. Head of the Ethical Council for the Defence Sector.