

FOR IMMEDIATE RELEASE

April 2, 2001
Professor Lowry Burgess
Carnegie Mellon University
Pittsburgh, PA

Contacts

phones:
412 441 7199 (home)
412 268 7294 (office)
lb30@andrew.cmu.edu (email)

THE TORONTO MANIFESTO

The Right to Historical Memory

In response to the destruction of the Buddhas in Bamiyan, Afghanistan

The "Toronto Manifesto", authored by Professor Lowry Burgess of Carnegie Mellon University will be placed on the Goodnews Network at:
goodnews@goodnewsbroadcast.com for world wide endorsement on the internet.

Responding to UNESCO Director General Koichiro Matsuura's widely published call to action, the "Toronto Manifesto" was presented and streamed out globally on the internet March 20 at the worldwide "Planetary Vision Festival 2001" in Toronto Canada in conjunction with the Club of Budapest among whose members are the Dalai Lama, Mikail Gorbachev, Jane Goodall, and Ervin Lazlo.

The 'manifesto' has garnered the attention of both the US State Department and UNESCO in Paris. It is supported by a growing number of institutions in the arts, education, and religion. (It has endorsements from President Jared Cohon and Dean Martin Prekop of Carnegie Mellon University, the Very Reverend James Parks Morton, Director of the Interfaith Center, as well as other institutions, artists and scholars.) Its promulgation is being supported by a grant from the Kellogg Foundation. The Toronto Manifesto is now ready for the endorsement of a broader global public to bring support in moving its principles into worldwide discussion and eventual legal and financial adoption into the Hague Conventions "General Provisions Regarding Protection" and the US "Convention on Cultural Property Implementation Act" as well as other relevant documents.

The Toronto Manifesto:
"The Right to Historical Memory"

Summary:

1. Humanity without historical memory is lost and dangerous.
2. Historical treasures constitute a common property, a global memory and inheritance.
3. This network of historical value represents a new wealth for the entire world.
4. Preservation is essential to the future well-being of the world and is a vital seed bed for the future growth of human imagination. Preservation and conservation are not simply physical, they require education and communication.
5. A balance between historic deep time and global electronic time needs to be created to promote human understanding and belonging.
6. There must be economic and social rewards for conservation and preservation. Economic rewards can be structured a 'specific' value that can be exchanged with other commodities in the global finance structure. Social value stems from tolerance and continuity.
7. Punishments for destruction or illicit commerce can be part of the conduct of the

World Court based on the proposed elaboration of the Hague Conventions.

FULL TEXT

The Toronto Manifesto:
"The Right to Historical Memory"

That the past may not vanish!

In the cause of human toleration and understanding and as a comfort to the world, historical and cultural artifacts require care by all people and societies. In conservation and preservation is assurance of shared meaning, a cooperation and communion in deeper human values, a celebration of high aspirations and a continuity of memory and love. Historical treasures constitute a common heritage and, ultimately, contribute to an essential repository of living knowledge. Such historical 'properties' gradually become the inheritance of the world, reaching across the boundaries of place, time and culture-- ultimately owned by all-- a common property and shared responsibility. From this common value larger crucial meanings for both individuals and societies can be discerned and wisdom derived for the future creative conduct of the world. Globally shared, this common value is the seed bed of new relationships, ideas and insights-- the fertile ground for the imagination of the world.

As global networked communication systems grow in flat immediate time, actual artifacts and monuments from deep historical time become more personally and socially important. A deep sense of place is a necessary balance to the dis-location of networked electronic communications systems. Productive balance can provide a positive feeling of global belonging. This vital balance between local and global, past and future is essential to the evolution of planetary civilization and a basis for future more peaceful communion.

To be effective, conservation and preservation must garner economic rewards within the global finance system. Commitments to historic preservation must be seen in global finance as a new form of value-- a value that does not move--a timeless value of enormous worth-- a historic commonwealth.

Conservation and preservation can be structured as part of the dynamic economic system within the global finance network. They can act as attractors for investment as well as conduits for financial debits, credits and multipliers for investment flow.

A global financial framework that motivates and rewards historical preservation and conservation must be integrated within existing financial networks and exchanges. In such a structure, preservation and conservation become economically advantageous. Such economic advantage equates with the survival of culture. By such action, it is possible to foresee a vast 'inter-net' of global historical resources that is as beneficial as the creation of the internet.

Equally, disincentives and punishments need effective enforcement. Individuals and societies, religions, states and countries can be held formally and firmly accountable for destruction or illicit commerce. Condemnation of destruction and illicit commerce is part of the emergent structure of worldwide human rights and the body of law accruing through prosecutions of the World Court. More specifically, the "Right to Historical Memory" is an essential building block within the growing body of human rights promulgating itself through existing and future laws, policies and conventions worldwide. The complexity of designating and conveying responsibility for preservation must not justify inaction nor foster resignation. While destruction and irrevocable loss through hate and greed is easy, the burden of care is great and the effort of education and preservation constant. Through mutual responsibility for historical memory we affirm humanity and tolerance for each other both as individuals and societies. Certainly existing exemplary systems and organizations exist. And therefore, it is with certain confidence in this mutual endeavor that we press forward.

Any human without memory is lost. Humanity without memory engenders a frightful retreat into brutal nonexistence. For each moment lost a precious artifact or monument disappears for all time. Any time lost is literally TIME lost. The ongoing destruction must cease. Setting these issues before the world in an urgent and profound appeal is a step toward remedy and sanity.

(First Draft)

The Toronto Manifesto
The Right to Historical Memory

Exegesis:

(What the term 'cultural property' means in the context of the Toronto Manifesto is those historical objectifications that are deemed essential to a holistic understanding of the richly variegated sphere of human cultural invention that has accumulated within the past one hundred thousand years. What is implied by 'historical' in relation to 'memory' is more than simply 'something-from-the-past', rather, 'historical' is the concept of belonging to an evolving understanding of anthropological, archaeological, and cultural knowledge in which extensions and new discoveries can be situated, cherished and protected.)

The core premise of the Toronto Manifesto is that the history of the 'protection' of people, things, and places within a more universally defined 'humanity' has reached a sufficiently coherent density that it is not unthinkable to expand those protections, maintained through the World Court, to the larger memory of humanity expressed through 'cultural artifacts'. It also states that because of global communications technologies, the interlinked databases sufficient to identify and maintain widely shared knowledge of 'artifactual memory' exist and can be expanded and integrated. Further, it assumes that 'artifactual memory' is of enormous value and that its value can be identified, given economic form and effectively interact within the existing global finance networks as a means to develop an economy for the protection and preservation of cultural artifacts.

This exegesis traces the roots of the Toronto Manifesto amid the historical accumulations of ancient and customary, sacred and cannon laws, as well as the more recent evolution of human rights, sea, environmental and space law-- outlining historical and legal supports from the existing body of international, treaties, conventions, declarations, and customs that protect 'cultural property'. Synergies between and among the 'protections' of person, property, and environment combined with the growing global experience of public communication and opinion, have created a domain of increasingly mutual effect and benefit that now make a plausible platform for the Toronto Manifesto's implementation.

Contemporaneously, the Toronto Manifesto also derives from the global communications networks called 'cyberspace' including its habits, rules and laws that are rapidly redefining the nature of 'property' or what is now called IP (Intellectual Property). Within this latest, most vibrant transformation, amid the simultaneous space and time of the internet, there has emerged a profound intuition and impulse-- it belongs to everyone-- and is a globally shared property. Indeed, various attempts to corner, control, or parcel this system are resisted as vigorously as any historical oppression. In its free, dynamic and even volatile mesh is a different world wishing-- wishing to be more cooperative and communicative-- forming of new kinds of shared property-- even extraordinary forms of global communication, collaboration and aid. Within this most disengaged alienating complex of technologies new sets of human endeavor and imagination are made manifest. This framework of new and shared 'intellectual-properties' conditions certain aspects of the Toronto Manifesto's initiative-- that new conceptions 'property' can be formed to range against established forms of exclusive property ownership. From this dynamic cyber-manifestation the Toronto Manifesto calls upon the world to pull what is most ancient and vulnerable into a new framework of a global common-wealth of historical memory. In the notion of free and globally shared historical 'IP' the Toronto

Manifesto finds a conceptual root and by grafting the idea of global historical memory, instantiated in objects, properties, as well as locations or sites, onto the expanding worldwide communications and finance systems--in a cultural IP 'free zone' or 'common-wealth' thereby establishing a new reserve of future hope.

The keystone within the Manifesto is the definition of a unique form of property-- a cultural property or 'IP' which belongs to all human memory-- a global 'historical property'. The Toronto Manifesto proposes that this property resides within a common-wealth (a sanctuary or preserve) of global cultural memory, a shared repository of distinctive cultural memories that does not need to belong to ones self, group or society in any immediate sense--nor does it comprise the property of the other, the different, or the alien. This new 'property' creates a condition that does not depend on tolerance (as one tolerates that which cannot be changed or removed); nor need it arouse odium-- a disgust or hatred. The Toronto Manifesto seeks to define a status for cultural properties that is neutral-- a logical neither-nor/either-or, metaphorically understood as a 'gift' given away and by giving increases its value by being shared. Given back, it brings with it new value created by shared appreciation. As the cycle of reciprocal giving continues--the more giving and appreciated returning, the more the shared value increases. In this zone of liberation from forced identification, e.g. 'one' from the 'other'-- 'mine' from 'theirs'-- a cultural property becomes part of a generally agreed upon zone of shared and appreciated historical value--an 'our' of growing value.

The underlying historical precedents that create support for the Toronto Manifesto follow 3 basic intermingling but rather surprisingly different paths to the present-- those paths of search and struggle for the protection of persons, objects and places. These separate traditions for 'protection' have expanded exponentially in the last 60 years to a point where they commingle in such density that they, along with the previously outlined explosion of global communications technologies and techniques, interlink to create a platform on which the Toronto Manifesto can locate and secure itself to create further precedent for coherent global cooperation.

The Protection of Individuals--Human Rights

The heart of the Toronto Manifesto is located in the historical search for justice now called 'human rights'. It maintains that memory, and more specifically 'historical memory' is a fundamental human 'right'-- the right of an individual, group, or all humanity to memory and more particularly, to that memory embodied in historical-cultural artifacts and properties. The human capacity for memory is a primordial foundation for culture and culture a structure of memory. Cultural properties are memory made physical. The Toronto Manifesto seeks a specific clarification by assuming that every differentiated culture which has expressed itself in forms of consummate achievement is valuable to the entire framework of human knowledge and creativity. These historical manifestations constitute a cultural seedbed from which new forms and insights can emerge--just as we look at ancient seeds for the keys to new plant life. The present reevaluation of previous cultures' ideas and artifacts gives insight into cultural evolution. Hence, the preservation of these histories is essential to contemporary and future adaptation, understanding and consciousness.

To make a claim for the preservation of historical memories it is essential to understand in barest outline the millennial struggle of the individual human against the crushing force of the sovereign power of the monarch, the state or religion, and further, to comprehend the claim of justice within a broader humanity--an 'ius gentium' of Roman law or general human law compared with the more parochial law governing a tribe, people, or nation.

Under what conditions does an individual have the right of protection and the ability to make a claim of protection upon the larger society or humanity as a whole? The specific customary legal traditions that place an individual under general protection and claim justice from a wider social context (such as are found in the protection of widows and orphans) is in every society's fundamental customs and codes. Responsibility of the larger society to protect that which is vulnerable is an instinctual value--to protect the powerless from the powerful whether human or natural. All human rights descend from this instinctual claim of the vulnerable for justice (protection) from the larger society.

The acknowledgment of the right to justice is essential to the survival of larger social organizations thereby placing constraints upon absolute power or limits on incessant hostilities such as the ancient protection of Olympic athletes or the protection of pilgrims to Mecca. One of the most interesting demonstrations critical to the overall evolution of 'special protection' of cultural properties is the history of 'war powers' -- the legal constraints upon the war-making powers of heads of state, having precedents in Roman law and in the 10th Century in France in the movement called the "Peace of God" that protected all persons or places, including the poor and pilgrims, consecrated by the church from combatants in wars. Confederations of Peace were formed for similar purposes enforced by religious sanctions. From these early efforts there has emerged a continuous stream of similar secular efforts to constrain war-making, most recently in Nuremberg and those enacted by the US Congress in the 1970's. These limits are instructive because they provide a basis for the constants on the use of destructive power, destructive power used against cultural artifacts.

From the late Roman and particularly from the early Christian repository of both secular and canon law that the concept of universal justice can be seen to emerge into commingling streams. More particularly, a framework is slowly established wherein an individual could make a broader claim for justice framed within the wider 'universal' aegis of both church and state--the Roman citizen, the Christian or Islamic faithful -- a protection within a larger more formally universal community.

The extraordinarily violent ebb and flow between centralized and decentralized authority in and among the Christian churches created the basis for the more aggravated secular struggles, conflicts and contradictions of the later middle ages. The devastations of the Black Plague, the emergence of new wealth, technologies and societies, led to a constant destabilization of feudal authority and the desire for the independence of individuals, congregations, cities and states from wider secular and religious control in Western Europe. The constant assertion of the individual's or congregation's 'right to worship freely' is the proving ground for both the secular and sacred assertions of 'rights' against the monarch or the Pope reaching a divisively acrimonious climax in the Council of Trent. Increasingly 'free' cities focused on trade and profitable openness emerged to challenge the centralized authorities. Contrarily, at the same time, due to global exploration, monarchies expanded to become empires with extensive off-shore resources and power to stifle domestic social demands. In the German states Luther's initial religious revolution gave rise to a century of secular rebellions and wars between imperial power and contentious society's varying demands for greater freedom and independence.

In England, after nearly two centuries of social and religious pressure Elizabeth I of England acknowledged the vestigial 'rights' of the 'common' people as a part of her continuous efforts to stabilize the religious and social animosities that surrounded her. Upon this early acknowledgment of broader common 'rights' beyond Magna Carta that the whole transformation from subject to citizen devolves in Anglo-American legal tradition. Slowly, the growing power of 'Commons' came into increasing conflict with the Crown reaching the climatic Glorious Revolution where the Commons established the authority to remove and execute the 'divinely appointed' King. This revolution produced fecund social and legal experimentation, ranging from the proto-anarchistic 'Diggers' of Winstanley and Godwin and their 'communal' anti-authoritarian experiments to the deep Quaker protests. These protest movements resonated with the stubborn and disciplined efforts of the many Anabaptist and Pietist separatist communities stemming from the extraordinary Protestant energy of the cities like Zurich and Basle in Switzerland and of Halle in Germany, extending out into all of eastern and western Europe and the New World. Russia had its own flowering of experimental utopian communities originating from reforming energies within the Orthodox Church augmented by general unrest with central authority and in some cases influenced by the emigrations of Protestant pietist groups and ideas from the west .

It cannot be denied that there were deep conflicts concerning the meaning and value of the objectified world within the Protestant revolutions, which nevertheless, had spawned so many innovations empowering both individual and private property rights. Within the Protestant sensibility there was a deep and abiding admiration for iconoclastic traditions. Iconoclasm was seen as an aid to both social and political progress. Thus we can discover within the search for protection of 'property' an ambivalence between the need

for tradition and continuity against innovation and even novelty-- more deeply, between faith in tradition or faith in the 'Coming'. In the West, the past two centuries in the arts and aesthetic thought have born out, with exquisite clarity, the artists' constant search into an unknown future, and as importantly, into the rediscovered past to find a basis for modern being which bears with it such anxiety and ambivalence concerning the image and objectivity.

In the Americas, the new societies emerging from New England along with the great social experiment of William Penn in the Commonwealth of Pennsylvania formed by constituent experimental religious communities with many original ideas and laws, laid a basis for American innovations and led to a set of fundamentally new social experiences and political relationships. The emerging sense of a different life and society finally exploded into a full revolution setting aside or inverting nearly every previous social or political relationship. The universalism of the free citizen from whom all governmental power is derived by consent was inherent in both the American and French Revolutions and was augmented by a greater sense of enfranchisement with a vestigial sense of broader human brotherhood. (In the ideological revolution, the role of Freemasonry cannot be understated in its effect on the thinking and behavior of revolutionary leaders in both North, Central and South America.) This cataclysmic, experiential, socio-political crack, combined with the philosophical frameworks that Kant and succeeding German and English idealists along with American Transcendentalists became a vital socio-political, even spiritual program that the world had not seen. It set a new world of evolving human rights in unstoppable motion.

The French and particularly the American total revolutions were the resilient paradigms for all liberal social experimentation, revolutions and counter revolutions in the 19th century. The continual uprisings and revolutions so brutally suppressed by overweening imperial power allied with emergent industrial capitalism and further reinforced by the extreme exploitation of populations of enslaved or nearly enslaved colonial peoples, produced three main countervailing trends by mid century--the organized churches' moral and social resistance which often created the beginnings of 'unionist' and anti-slavery movements, or utopian communal 'workers' experimentation ; the universal urgency of Marx "Communist Manifesto's" call to all people to reorganize the whole of society; and quite separately, the emergence of growing isolationist desires of repressed ethnic and religious minorities, driven by economic and social repression back to the tribal politics of earth and blood, language and faith which first cohered in the Hapsburg Empire in the second half of the 19th Century, and then in 20th, erupted into quite different forms of Fascism, primarily in Italy, Germany and Japan but also wide spread in Europe and the Americas. In these repressed religious and ethnic societies the tendencies the concept of self and other, mine and yours became intensely exaggerated often provoking a gulf deepest hate and extreme contempt-- the 'odium' for the other--the outsider-- that J.S. Mill addresses in his "On Liberty". The rage of odium reaches its culmination in the many nearly successful mass exterminations of the 20th century which recently so ominously re-emerged in the Balkans and other genocidal hot spots in Africa and Asia. This legally systematized 'rage' against the whole Jewish people was carefully studied and legally defined as 'genocide' by Raphael Lemkin in the 1940's. His lifelong scholarly and legalistic thought was finally instantiated in the 1948 UN Genocidal Convention.

Withal, the competing claims of exclusive groups or nations with their fissiparous tendencies pulled against the fabric of universal calls emanating from the extremes of the churches and communism. What social system would offer the greatest durable protection and justice to the most people, a people being increasingly isolated and disempowered by new agglomerations of inordinate power vested in the industrialized nation-state's capitalized mobility tending toward ever increasing capacity for total extermination and destruction?page 6So deep was the persistence of odium that even in the rapidly transforming social conditions of the US it took the total convulsion of the Civil War and a hundred years of bitter struggle for women's suffrage to make a beginning for the universal claim of justice. It required the 14th ("Equal Protection") Amendment to the Constitution of the United States as well as continuous landmark decisions by the US Supreme Court to arrive at the threshold for human rights provided by the 1964 Civil Rights Act which began to test in the US, at long last, the fundamental claim to specific social justice within the frame of universal human rights earlier encoded in the UN Charter. These many documents and declarations combined with the precedents of the League of Nations, and most particularly the Nuremberg Trials,

engendered a much more legally significant claim to universal justice by all vulnerable peoples. Yet, there is still no form of justice to prevent the extermination of millions in Africa or elsewhere in the world. Only now the enforcement methods that do not punish the very people calling out for protection are being established and tested. Equally the methods for bringing individuals who have committed crimes against humanity are gradually evolving and just now being proven slightly effective. No matter how frail the progress, this struggle for protection and justice is the inner, core history, of the 20th Century.

Yet, it is in this albeit fragile frame of emerging human rights that the Toronto Manifesto places its heart and hope. It presses human rights further to embrace the right to the tangible memory of the world, manifest in its historical/cultural artifacts, and that in the protection of such memory is a modest basis for a broader understanding of life, love and care engendering a peaceful creativity for the world. The Protection of Objects--Cultural Artifacts

The traditions associated with the protection of properties, objects and 'cultural' artifacts is both different from human protection and curiously complex, extending on the one hand to the protections and abridgments created in times of war or military occupations and, on the other hand, the special sequestration surrounding 'sacred' properties. The third notion of individual 'private' ownership or ownership by private 'trusts' is relatively new and intersects and significantly interacts with the growing concept of individual and general human rights. Its most recent and advanced manifestation is the 'property rights' embodied in universal humanity as expressed in the Hague Accords and the subsequent iterations that have amplified them.

In the West the history of the 'protection' of what would now be called 'cultural properties' is a withering set of violent contradictions and at best ambivalent confusions. They all descend from scriptural anxieties and uncertainties in the Old Testament and the New, as well as subsequent authoritative interpretations, compounded by Plato's uncertainty. On the other hand, in the East, and particularly in Hindu India, there has never been such confusion. Darshan, the act of visual worship, is inherent in the psyche and culture. Human made objects have always been worthy of worship and devotion. Generally, as one moves westward and northward, the direct iconic presence and value of the 'object' dissolves into an increasing anxiety concerning the issues of image, icon or idol-- that which stands for something else, versus something that stands for itself. Further complications surround the objects of veneration caused by questions and concerns pertaining to relics and other historical remains. These often violently destructive divisions concerning the use of images and icons are merely reflections of the more crucial struggles and horrific slaughter surrounding the nature of the reality and meaning of the Eucharist. Finally, in the East the 8th Council of Constantinople in 869 permanently legitimized the presence of icons and anathematized iconoclasm in the Third Canon that remains the rule to this day. The burdens of tradition where all power was vested in precedence conflicted with the need for renovation and purification embodied in iconoclastic tendencies. Iconoclasm was carried westward in recurrent waves in Europe, later manifesting itself in American Puritanism.

Amid the swings toward and against iconoclasm, a more practical approach to images resides a stream that acknowledges a more useful and mundane purpose for images found in the papal letters of Gregory the Great, particularly in Saint Augustine, and finally in the "Caroline Books" by Charlemagne around 792. A modest and compromising position is stated where 'images' could serve the edification of people, act as focal elements for devotion, and otherwise encode the history of the faithful. A sense of ambivalent usefulness remains constant in western anxiety about the nature of images and objects in both social and individual attitudes toward other more secular objects. This is the base of the aesthetic anxiety in the West. (All these ambiguities and anxieties can be seen in blazing clarity in the Puritanism of the Massachusetts Bay Colony and later in the nearly humorous, if it weren't so tragic, new American Republic's debates about its 'image' and how it should look to itself and the world, creating the basis of the American obsession with the concept of 'image' and image-property.)

To move this argument for the protection of cultural properties in a more clarifying direction and to shed light on the extraordinary complexity of the life of objectified

properties, we introduce a multi- dimensional matrix with X, Y , Z---T and Q axis in which any cultural property can be located.

The "X" axis is defined at the one end by ownership by 'earth' -- custom, tribe, locality, language and blood; at the other by ownership by 'heaven'-- divine ownership, possession by God or gods, or spirits.

The "Y" extends from ownership of 'image'-- skin or surface configuration which is usually portable and commodified to the ownership of the 'icon', the presence or actuality which usually cannot be moved or is only moved under special ritualized circumstances.

The "Z" axis is defined by the ownership of the 'gift'-- with its customs, cycles and obligations which moves through societies in specially prescribed ways often as tokens of extraordinary status to the totally disengaged 'commodity' in dynamic commerce where everything has abstracted volatile price/value.

The "T" is the ownership by 'time' axis-- with newness, novelty, and originality at the one extreme extending to the old, the antique, the common and worn on the other. Extraordinary contradictions of value can be seen at either extreme. The "Q" is the 'qualitative' axis dominated by issues of technology and technique, from the values of highly sophisticated or technical complexity to so called 'primitive' or 'folk' simplicity. High value can be seen at either extreme.

Any cultural artifact can be placed within this matrix and its value will be effected by how it moves along and within the various vectors. It is also important to note that the value of an object is often dislocated from or tangential to its ownership. Objects can be owned by gods, the dead, religions, nations, localities, communities, societies, trusts, families, and individuals. 'Ownership' itself constitutes a contagion of conflicts. By what authority or custom does anyone 'own' something or have the right to claim ownership of it. This human problem leads to the most baroque constructions and tortured rationalizations that inhabit so many of the world's conflicts concerning cultural artifacts.

This X,Y,Z--T ,Q matrix helps to understand and define the complex mixtures of values that are confronted in any cultural object or artifact and the realization that, only rarely, do such objects appear in a simple condition within the 'matrix'. Hence, the difference between traditions and codes related to the protection of cultural properties as seen in the incongruencies between the Lieber Code, the Hague Conventions and the subsequent UNESCO Convention on the Means of Prohibiting the Illicit Import, Export, and Transfer of Ownership of Cultural Property -- each code defines a slightly different value domain within the matrix--hence nuances of value can effect the way a cultural artifact is understood and protected. As a result there are many cracks and gaps that lead to controversies over jurisdiction. The main historical fracture lines lie between the concept 'one's own' --the belonging to place, earth, language, tribe becoming customary tradition and law expounded by Grotius, Locke, and Burke, most recently playing out in tribal claims upon cultural artifacts; and the concept of 'for all'--belonging to God, humanity, the planet, articulated by Wyclif, Saravia, Filmer, Von Herder, Kant and Zouain, as seen in the universal claims of Science upon artifactual repositories. Recent conflicts between native peoples and the sciences are instructive examples of the contradictions represented within the matrix.

More particular to the position of the Toronto Manifesto, the Hague Conventions of 1954 for the Protection of Cultural Properties in the Event of Armed Conflict grew out of the more expedient protections of the 19th Century Lieber Code which protected certain 'cultural' properties from arbitrary seizure or destruction during and after combat. The Hague Conventions expanded these claims upon common justice to a wider or more universal call while yet embodying the worth of the local distinction:

"Being Convinced that the damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of mankind, since each people makes its contribution makes its contribution to the world..."

The Toronto Manifesto sees these conflicts from a similar viewpoint-- that of a universal overarching umbrella of care, understanding and preservation-- seeking where possible

to first protect those cultural treasures most endangered or abandoned, precarious or in immediate risk of destruction while minimizing distinctions-- believing that the universal memory of the world instantiated in cultural artifacts is the natural inheritance of every individual requiring care, and most particularly, when there are no living relevant custodians in proximity to the objects or monuments.

Protection of Place, Location, Site

The history of the concept of a location or place set aside by special ceremonial and meaningful significance, or area reserved by custom, ritual and rules relating to status and behavior, reaches as far back as we have archaeological and historical records. On the one hand, they are set aside by human custom as places or complexes important to the continuity and shared memory of the community, and on the other hand, set aside by divine intervention, communication or presence--hence belonging to a transcendental reality and the remembrance of it. This sequestration or setting aside, and all those impulses we associate with sanctuary or memorial, preserve or park, are so deeply embedded in the archetypal foundations of human life. In every situation, these places, objects, persons and times are set outside the customary or normal conventions by imposition of special conditions or rules. Even those traveling to and from such places are given special treatment and privileges such that the protection and preservation required by the site obtains to its participants, even from a distance. Mementos take on distinct value within a distant and even alien community-- on mantle pieces or in museums--value accrues to both persons and artifacts by proximity to, derivation from and participation in such 'sites'. This zone of common value is demarcated by its extremes--the extreme of the totally famous monument, rendered nearly invisible by their universal fame (the Pyramids, the Acropolis, the Taj Mahal, etc.) where cultural artifacts are literally endangered by extraordinary celebrity; or the other extreme by those relatively unknown treasures (e.g. the Buddhas in Afghanistan or Ankor Wat in Cambodia) residing in orphaned or abandoned status needing protection and salvage as in traditional salvage laws of the sea, from the threats of overweening greed and violence of persons, governments, religions-- or the forces of economic development compounded by the dangers of nature and time.

We can trace an emerging framework of concepts of internationally enforced aegis or protection initially defined by the conglomeration of custom, tribe, and language, or conversely from 'divine' ownership or a universal commonwealth of spirit that owns all as expressed by Pope Alexander's breathtaking assertion of papal authority over the 'newly' discovered lands in the Americas and Africa, from Arctic to Antarctic, in a series of bills in 1493. This early expression of global authority was formally ratified in the Treaty of Tordesillas in 1494 dividing the New World between Spain and Portugal. Another landmark in this historical sequence is the assertion of the broader rights of a 'nation' is the Monroe Doctrine of 1823 in which US President James Monroe prohibited the interference of European Powers in the Western Hemisphere and exerted the US hegemony over the Americas. Here again was the assertion of a broader authority over a whole region of the world beyond any national boundaries. Curiously, both of these territorial annexations, the Treaty of Tordesillas and the Monroe Doctrine, laid the basis for the emergence of the set of unusual international conditions that led to the Antarctic Treaty of 1959 which effectively supersedes all national claims.

To trace this evolution more specifically, it is in the period before and after the Second World War the legal status of Antarctica is much more fully amplified in the thinking and actions of the US President Franklin Roosevelt. He created a new concept of 'sovereignty' for the whole of Antarctica lying south of the Americas creating a 'trust' called the Western Hemispheric Trusteeship--a concept to overarch all former Antarctic claims. Because this new framework did not seek to resolve conflicting territorial claims, this general idea evolved into the Inter-American Treaty of Reciprocal Assistance signed in Rio de Janeiro in 1947. Important to the argument in the Toronto Manifesto, this treaty did not seek to abrogate other treaties or claims in Antarctica. By providing an umbrella of agreeable goals, it developed into the first Antarctic Treaty in 1959 with its enactment in 1961. From the unique construction of this treaty, it can be seen that Antarctica, and its evolving status, is a lens through which the world, as a whole, has been trying to find accommodation to a wider and more secure common good. Indeed

more recently, Malaysia proposed that the Antarctic continent become a "Res Communis", a common property and heritage of the whole world, governed by the UN for the general benefit of humankind.

The historical and legal status of the Antarctic is the most interesting and productive example of hostile and contentious nations struggling to frame a massive new concept of shared territorial property--a global trust for the common good. The subsequent environmental resolutions governing Antarctic development, such as the "Measures for the Protection of Antarctic Flora and Fauna" in 1964 and the 1982 "Convention on the Conservation of Antarctic Marine Living Resources" have added new dimensions to the concept of a global preserve or "World Park" such as Greenpeace has proposed for Antarctica.

The embodiment of the Antarctic experience opens the door to an evolving structure of international conventions and laws whose most significant next manifestation is in the laws governing the exploration and development of outer space. The overarching primacy of peaceful development for the common good that emerged from the Antarctic experience laid the legal framework for the world's reach into outer space. While fear of the militarization of both Antarctica and outer space had motivated the neutralization of both 'properties', nevertheless, it is within these bracketed zones that new forms of cooperation and understanding for shared benefit have emerged. These numerous and epochal collaborations are now represented by the international space station and all the legal and policy frameworks that surround it. Through this particular sense of mutuality and collaboration in the future of outer space integrated with the sense of shared 'intellectual property' of the internet that we find our way back to the inner space of the human past to redefine our relationship to it in a new way. **THUS VIEWING THE EARTH FROM OUTER SPACE, IT IS AS IF WE ARE TREASURING THE MEMORY OF THE EARTH AND IN AN ADORING AND NON-JUDGMENTAL VISION, LOOKING DOWN UPON ALL HUMAN HISTORY BENEATH. THIS IS THE PARTICULAR VISION OF THE TORONTO MANIFESTO.**

Global Finance and the Emergence of New 'Cultural Property' Value

The Toronto Manifesto suggests the establishment a framework of economic incentives for the preservation of cultural properties. In so doing, it intends to ignite a network of interactive value in which regions and cultures can effectively participate and even collaborate for economic benefit. The global financial network would benefit from the introduction of a new kind of 'commodity' into its restless search for new forms of value.

At any moment around \$350 trillion in various forms of value is being exchanged through globally interconnected financial systems. At least 20 separate major forms or commodities interact in this huge dynamic flow of value between the Federal Reserves, the World Bank and other connected institutions and governments. Many forms of normally negative economic value: credits, debts, swaps, loans, deficits, etc. are used in this system to maintain balance and mobility and further to provide financial opportunities. The Toronto Manifesto proposes that within this global financial web it is possible to imagine sets of credits or values being placed upon or given for the care, preservation, and promulgation of cultural properties. Thereby, peoples, countries, and regions can develop different forms of 'cultural-protection' values to interact within the global finance system and to attract other forms of investment or economic advantage. Indeed, it could be anticipated that maintenance of cultural properties is an informative measure for other forms of investment or economic participation. Such a system of credits or incentives can be established through the UN and UNESCO in cooperation with the World Bank and the Federal Reserve System. This system of credits or values would be particularly beneficial where resources are scarce or where danger, for whatever reasons, is immanent. Such a system of valuation can also be augmented by the creation of a 'trust/trusteeship' which would have worldwide partners and membership as well as access to other financial resources outside the previous system such as foundations and private philanthropy. The agglomeration of such resources already exists in types of national trusts which are neither private nor part of traditional public or governmental administrations.

While the Toronto Manifesto does not argue for a specific system, it does however,

acknowledge that organizations and models do exist that are both inspiring and instructive and in which great efforts and commitments are entrusted. In fact, the means to integrate and cross reference large artifactual databases such as the CHIN database in Canada, NADB in the US, IPHAN in Brazil, DKC in Denmark, DRACAR in France, YAAR in Spain, ARCHIS in the Netherlands, POLEMOM in Greece JADIS in Jordan and CIDOC more generally in Europe, just to mention a few, offer the potentialities for systems for widespread use. Just the implementation of means to identify sites and artifacts globally would be a highly significant act that becomes a basis for the development of a global system for preservation and protection. In the enactment of Toronto Manifesto's premises, it is understood that every situation calling for protection brings its own unique requirements to such its embrace of security. Even at this writing the "recent decision by the International Criminal Tribunal for the former Yugoslavia to include the damage done to Dubrovnik, Croatia, among its indictments offers hope that attacks on world heritage could become a crime under international law" (Jon Henley, London Guardian, August 6th, 2001) and gives specific encouragement to the impetus the Toronto Manifesto is seeking..

Brief Bibliography:

William P. Agee

*The War Powers Resolution:

Congress Seeks to Reassert Its Proper Constitutional Role as a Partner in War Making*

Rutgers Law Journal, Rutgers University

1987

Margaret Ashton

England's Iconoclasts

Clarendon Press

Oxford University Press

1988

Antarctic Treaty

US Arms Control and Disarmament Agency

Washington, DC

1959--

Henri Bergson

Matter and Memory

Zone Books

New York

1991

The Bible

King James Version

Massachusetts Bible Society

Boston

1908

Balsdon, J. P. V. D.

Romans and Aliens

University of North Carolina Press

Chapel Hill

1979

Lowry Burgess, Elizabeth Goldring, Otto Piene

Sky Art Manifesto

Center for Advanced Visual Studies

Massachusetts Institute of Technology

1985

Joseph Campbell

The Inner Reaches of Outer Space

Harper and Row
New York, London, Tokyo
1986

Charlemagne (Charles the Great)

The Caroline Books

Aachen
c. 792
Heumann
Hannover
1731

The Constitution of the United States of America

83rd Congress
US Government Printing Office
Washington, DC
1961

Derek Gillman

Legal Conventions and the Construction of Heritage

2nd Annual Sterling and Francine Clark Symposium
Williamstown, MA

(in press)

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

UNESCO
Paris
1954

Henrik Jarl Hansen and Gillian Quine

Our Fragile Heritage

National Museum of Denmark
1999

Richard Shelley Hartigan

Lieber's Code and the Law of War

Chicago
1983

Alan K. Henrickson

The Last place on Earth, the First Place in Heaven

"Imagining Antarctica"

Stadtsmuseum Linz
1986

Louis Hyde

The Gift, the Erotic Life of Property in the Imagination

Random House
New York
1983

The Law of the sea : multilateral treaties relevant to the United Nations Convention on the Law of the Sea / Office of the Special Representative of the Secretary-General for the Law of the Sea.

United Nations
New York
1985

Phillip C. Jessup and Howard J. Taubenfield

Controls for Outer Space and the Antarctic Analogy

Columbia University Press
1959

Kenneth Scott Latourette
A History of Christianity
Harper and Row
New York, Evanston, London
1953

Frank E. Manuel and Fritzie P. Manuel
Utopian Thought in the Western World
Harvard University Press
Cambridge, Massachusetts
1979

Edward James Martin
The History of the Iconoclastic Controversy
The Macmillan Co.
New York and Toronto
1930

John Merryman
Two Ways of Thinking About Cultural Property
University of Pennsylvania Press
Philadelphia
1987

John Julius Norwich
A Short History of Byzantium
Vintage Books
Random House
New York
1997

Jaroslav Pelikan
Imago Dei: the Byzantine Apologia for Icons
Princeton University Press
Princeton
1990

Phillip W. Quigg
Antarctica: The Continuing Experiment
Foreign Policy Association Headline Series
1985

The Qur'an
Ahmed Ali, trans.
Princeton University Press
Subject to Citizen
Education Development Center
Newton, Massachusetts
1967

The War Powers Resolution: A Test of Compliance, Hearings Before the Subcommittee on International Security and Scientific Affairs of the House committee on Foreign Affairs
94th US Congress
1975

The UNESCO Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property
UNESCO
Paris
1970

Rachael Weiss, editor/curator
Imagining Antarctica
Stadtmuseum Linz
Linz, Austria
1986

BURGESS BIOGRAPHY:

Lowry Burgess is an internationally renowned environmental artist. He created the first official art payload to be taken into outer space by NASA. His artworks are in museums in the US and in Europe.

He is Professor of Art and former Dean of the College of Fine Arts at Carnegie Mellon University where he co-founded the Studio for Creative Inquiry which supports advanced research projects in the arts.

He has been a Fellow and Senior Consultant at the Center for Advanced Visual Studies at MIT in Cambridge, Massachusetts for 25 years where he created and directed large collaborative projects in the US and Europe. He is on the International Advisory Committee on Art, Science and Technology at MIT.

He was the concept originator of the international new year's arts festival called "First Night". He originated the arts in the subways programs for the Department of Transportation. He has developed and advised in more than a dozen major city scale projects.

He has been honored with awards from the American Academy of Arts and Letters, the National Institute of Arts and Letters, the Guggenheim Foundation, The Rockefeller Foundation, the National Endowment for the Arts and the Kellogg Foundation. His book, "Burgess, the Quiet Axis" received the prestigious Imperishable Gold Award from Le Devoir in Montreal.

He has been featured in numerous international television and radio broadcasts in the US, Europe and Japan including: NOVA, "Artists in the Lab"; Smithsonian World, "Elephant on a Hill", "Artists of Earthwatch": "Arts and New Technologies" (Tokyo 12); "Artransition" (German National Television); "The Quiet Axis" (Hungarian State Television), on MSNBC; and more than two hundred national and international radio broadcasts.

In 1974 Professor Burgess went to Bamiyan, Afghanistan on a Guggenheim Grant to do an artwork (a holographic lake of waterlilies and stars) in the dry valley opposite the Buddhas that have now been destroyed.

[Back](#)