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Making a List and Checking it Twice: The List as a Tool of Historic Preservation

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Abstract

In this paper I explore the list as a tool for heritage preservation. My focus will be on extent to which a list is useful in and of itself, decoupled from any other forms of intervention. While considerable attention has been paid to the regulatory and incentive mechanisms that typically accompany listing, rather less attention has been paid to the act of listing as a tool in its own right. What is a list for? How do those who use it as a tool of historic preservation conceive of it? Is it merely a designation or is it an award? What are the intended reactions to the fact of listing? What are the actual reactions? What are the issues involved in compiling the list? Can a list be too long? Can it be too short? Is the listing process ultimately self-defeating? Under what conditions? Are there ways in which lists can be designed to increase their effectiveness as a preservation tool?

Making a List and Checking it Twice: The List as a Tool of Historic Preservation¹

J. Mark Schuster

“The origin of the Seven Wonders lies in people. Humans constantly survey their world and set beside the marvels of nature the works that have been imposed on the natural landscape by human hands.”

Peter Clayton and Martin J. Price
*The Seven Wonders of the Ancient World*²

“The list relies on discontinuity rather than continuity; it depends on physical placement, on location; it can be read in different directions... [I]t has a clear-cut beginning and a precise end, that is, a boundary, and edge... Most importantly it encourages the ordering of the items... And the existence of boundaries, external and internal, brings greater visibility to categories, at the same time as making them more abstract.”

Jack Goody
“What’s in a List?”³

“[A]s good pragmatists, we know that things perceived as real are real in their consequences... So even when people take classifications to be purely mental, or purely formal, they also mold their behavior to fit those conceptions.”

Geoffrey C. Bowker and Susan Leigh Star
*Sorting Things Out: Classification and Its Consequences*⁴

“I have a recurring nightmare, that sometime in the next century the entire country will be designated under some Conservation Order or other. The people actually living there will be smothered with bureaucratic instructions limiting their freedom.”

Nicholas Ridley
British Secretary of State for the Environment, January 1988⁵

Introduction

In 1996 Françoise Benhamou published a paper, “Is Increased Public Spending for the Preservation of Historic Monuments Inevitable? The French Case,” in which she discussed “the ever-growing demand for preservation.” Her diagnosis was that a problem was being created by the process of listing historic properties; such lists were growing, seemingly without constraint, and the result was an ever increasing commitment of public funds to preservation activities, a commitment that was escalating with little apparent rhyme or reason. She suggested three possible ways out of this trap: (1) biting the bullet and increasing public support accordingly; (2) placing an increased emphasis on turning listed heritage properties into money makers, thereby privatizing them in some sense but also possibly perverting their historic importance and character; or (3) delisting properties in order to prune the costly lists, perhaps applying a social cost-benefit analysis to the pruning process. Though she found the first alternative unlikely, she found the second unpalatable and the third even more unlikely, so, in the end, she concluded, “It would be better to simply accept the fact that cultural heritage is extremely costly for the community.” (Benhamou, 1996, p. 196)⁶

In this paper I wish to suggest a fourth alternative, but to do so requires an excursion into just what a list is and what it intends to accomplish.

To set the stage for my argument, let me begin with a story. (I hesitate to use the word “anecdote” because I will claim that the importance of this story is much more than anecdotal.) Gerard Bolla, former Deputy Director-General of UNESCO, once gave a presentation at M.I.T. in which he discussed at length his experience with UNESCO’s then relatively new Convention for the Protection of the World Cultural and Natural Heritage. The convention had been created, in part, “to give an institutional framework to the international solidarity displayed at the time of the rescue of the temple of Abu Simbel” from the rising waters caused by the construction of the Aswan High Dam in the Nile River (Bolla, 1987, p. 28).

In his impromptu remarks following his formal presentation, he pointed out that many of the states that had urged the adoption of such a convention had focused on the creation of a World Heritage Fund that could provide grants to projects for heritage sites of universal importance. At the same time, in exchange for its support of the convention, the United States had insisted on the creation of a formal World Heritage List. While many had felt that the money offered through the fund would prove to be the most important tool incorporated in the convention, Bolla argued that, in the event, the list had turned out to be much more important. While the resources deposited in the World Heritage Fund would always be limited, in much the same way that the historic preservation budgets of the member states would also be limited, World Heritage List designation quickly became an important symbol that could be used effectively by many different interests to bring a wide variety of political pressure and a wide variety of resources to bear on the protection and preservation of these internationally recognized sites. The use of the list as a rallying point proved far less exhaustible than the use of any fund, however large. Thus, to use the vocabulary of the tools of government action literature, Bolla was expressing the view that the *information* embodied in granting formal *designation* had turned out to be more effective than the *incentive* of offering *grants*.⁷

Herein lies the key to my argument. What can be accomplished by decoupling the information task of listing from the other tasks that it might be asked to accomplish and the other tools that it might be asked to trigger? Put another way, does the problem that Benhamou identifies come from the fact of listing itself, or from the other policy appendages that are attached to the list?

The vocabulary of the list

If one wishes to consider listing as a tool in historic preservation, and particularly if one wishes to consider that tool comparatively, one immediately confronts a rather contorted and confusing set of vocabulary: schedules, inventories, lists, classifications, surveys, registers, records, and inscriptions are some of the concepts of which one must make sense. French law, for example, provides for the *listing* of buildings whose “preservation is in the national interest from a historical or artistic point of view,” and the *registration* of buildings in an additional inventory of historic monuments of “publicly or privately-owned buildings or parts thereof which do not justify immediate listing but which are of sufficient historic or artistic interest as to render preservation desirable (Benhamou, 1996).” British law, on the other hand, provides for the *scheduling* of ancient monuments (uninhabited historic sites), the *listing* of historic buildings (buildings and artifacts in use), the *registration* of parks and gardens of special historic interest, and the *registration* of historic battlefields (Pendlebury, 2001). The primary American list is called the National *Register* of Historic Places.

While different words may signify different processes with different implications in the countries in which they are used simultaneously (i.e. scheduling may imply something different from listing in the UK, just as listing has different implications than registration in France), the situation is further complicated by the fact that a particular site or elements of that site can be the subject of multiple designations. Consider the following example of how complex these various forms of designation can become:

“Fountains Abbey/Studley Royal in North Yorkshire, comprising major monastic remains and a historic garden, contains *scheduled ancient monuments* and *listed buildings*, is registered an *historic park or garden* and is inscribed as a *World Heritage Site*. Some areas of field barns and walls in the countryside in the Yorkshire Dales are designated as *conservation areas*. These areas also form part of a *National Park*... [emphases in the original].” (Pendlebury, 2001, p. 291)

I do not propose to untangle here all of the different meanings of these common words as they are used in different places, but it is necessary to adopt a set of meanings for the words that I will use to make any progress in untangling exactly what a list is, how it functions, and what it accomplishes.

First, let us reserve the words “survey” or “inventory” to mean an organized and systematic process whereby sites and buildings are identified and information about them is gathered with an eye toward identifying and separating out any special significance that they might have. Thus, I will use survey or inventory to indicate the process of identification. I will use the word “list” to signify a selection from that inventory, made according to a set of criteria, for which a

decision has been made and for which society believes that some sort of action ought to be taken to assure its conservation or preservation. Note that my use of the word “list” does not necessarily suggest any action on the part of the state other than the act of listing itself. For the most part, I will not try to distinguish in any vocabulary-based way among various levels of protection; I do not intend to imply that registration is less stringent than listing, which is in turn less stringent than scheduling—though this seems to be the ordering used in a number of countries—nor do I intend to imply any other possible ordering of these words.

What is a list?

To classify and to categorize is a very human response to complex social situations. We organize our work to make sure that it gets done; we organize our files to ensure easy retrieval of critical information; we sort out those things that are commanding our immediate attention from those that can wait and from those that we never intend to consider again. The purpose of the list is storage and organization, but when the list is used to effect change, to accomplish something—the ultimate purpose of storage and organization—it becomes something more.

In a fascinating essay, “I’ve Got a Little List” (in reference to Ko-Ko’s song in *The Mikado* in which candidates for the attention of the Lord High Executioner are enumerated), William Gass considers the role of the list as a rhetorical device with an interesting property:

“Lists suppress the verb and tend to constantly remind us of their subject, for lists have subjects... Yet the verb lurks like a cur just out of our kick. Most often it takes the form of a command: Buy! Remember! Invite! Do! Write! Thank! Imprison! Proposition. However, since the command itself is never set down, the list feigns passivity and politeness.” (Gass, 2002, p. 83)⁸

Thus, the list is a “purposeful collection” pretending indifference but calling for action. This is an important point for us, particularly if we want to find a way out of Benhamou’s dilemma.

More formally, Yates and Orlikowski (1992, p. 301) view the list as a genre of organizational communication. Their definition of a “genre” is of considerable help here: A genre is “a rhetorical situation consisting of three critical elements: (1) an exigence (something needing to be done), (2) an audience (who must be affected or influenced), and (3) constraints (‘persons, events, objects, and relations that are parts of the situation because they have the power to constrain decision and action needed to modify the exigence’).” To transfer these elements into the realm of preservation: a need for preservation of selected properties is identified, the behavior of property owners or caretakers is targeted, and what is possible is influenced by the power of the state, the rule of law, the interests of affected individuals, the preferences of various interest groups, and the availability of resources.

Thus, the list is both a purposeful collection and a form of argumentation. Seen in either way it is hardly just a neutral catalogue. This makes the task of decoupling the information content of the list from the action content of the list more difficult, but not impossible.

What does a list do?

The ultimate intent of the list in historic preservation is to assure the preservation of identified properties, but how exactly does it intend to do that? Can preservation be accomplished by listing per se? Perhaps, but, for the most part, listing is viewed as a preparatory step.

Given Benhamou's cautions, what one actually reads in careful descriptions of the work of lists is rather surprising. The Department of National Heritage's booklet, *What Listing Means: A Guide for Owners and Occupiers*, which describes the formal process for listing historic building in the United Kingdom, contains what at first glance seems to be a rather unremarkable sentence: "The purpose of the list is simply *to put a mark against certain buildings to ensure that their special interest is taken fully into account in decisions affecting their future* [emphasis added]." (Department of National Heritage, 1994, p. 3) This phraseology suggests that identification and commendation can, in and of themselves, be powerful and have important action implications.

The web site of the Division of Historic Preservation of the State of Louisiana makes a similar point about the National Register of Historic Places in the United States: "It is a *great honor* for a property to be listed in the prestigious National Register of Historic Places. This status can be very useful in helping to save historic buildings and sites because *people will think twice about insensitive alteration or demolition* [emphases added]." ⁹

Evans *et al.* (1994, p. 505) make a similar point about the impact of World Heritage listing on decision making in the United Kingdom: "Inclusion of a site in the World Heritage list is not therefore, by itself, a direct instrument of planning control, but it does *signal the importance of the site* as a material factor to be taken into account by a local planning authority or by the Secretary of State for the Environment on appeal... [emphasis added]."

Or consider Batisse's (1992, p. 2) characterization of the World Heritage List: "The list, therefore, is exemplary, but it should not be viewed merely as an academic 'honors list' or a list of 'three-star laureates' that constitute 'musts' for enlightened tourists. Rather, the World Heritage List is a legal and technical instrument *intended to draw attention to the wealth and diversity of Earth's cultural and natural heritage* [emphasis added]."

All of these characterizations of what lists do emphasize the same thing: the information that is communicated by the list, information that, it is hoped, will be sufficient to change citizens' and owners' behaviors with respect to listed properties. The message is: "These are important; you should be respectful and careful and do your utmost to preserve them."

We are not too far away here from Mossetto's ideas (1993, p. 151) on the role of certification in the art market:

"Consumers in search of a higher level of certainty on the quality of the goods they are going to buy resort to institutional solutions. They explicitly ask 'someone' for a previous judgement on their quality. 'Someone' who has to be trusted not because he represents any sort of public interest or collective

willingness, but because ‘he knows’ what other people do not know about quality. In people’s opinion, this ‘someone’ is entitled to ‘certify’ because he is able to ‘interpret’; that is to perceive the aesthetic qualification of the good, even while other people (ordinary consumers) do not.”

“The increase in information included is supplied to the market through ‘certification’. Certification, therefore, has also an economic meaning; it is a transfer of value from the interpreter to the consumer, which enables the consumer to act as such.”

“Collectively speaking, certification is socially important because it can prevent the need for subsidization...”

While one might debate whether a governmental decision or a governmentally-sponsored decision about list-worthiness has exactly the same attributes in this regard as an independent trusted source of expert information, the idea is quite the same: presence on a list certifies worth in a broader societal sense, albeit through the perspective of those who possess particular information. Mossetto’s last point quoted above is of particular interest for us because it suggests the possibility of information bringing about socially desired results without further state action.

But lists do more than indicate and certify.

Hood (1986), in his exploration of the tools that government uses to accomplish its ends, borrows terminology from the field of cybernetics to make a distinction between tools that are “detectors” and tools that are “effectors.” Detectors are all the instruments that government uses for taking in information. Seen in the preservation context, listing and the inventorying that precedes it serve to compile information on what are considered to be the most important and most valued historical properties and sites. Thus, the processes of inventorying and listing are important detectors of information. Effectors, on the other hand, are all the tools that government can use to try to have an effect on the world. Information can also be an effector, though this role is often underappreciated in the design of programs to pursue public policies.¹⁰

Lists can and should perform both sorts of tasks; they collect and organize information and they communicate information. And it is critical to remember this when designing, interpreting, and using them. But the tradition in historic preservation is to ask lists to do more, much more.

What else do we ask lists to do?

As an intervention of choice in historic preservation, lists are asked to do much more than detect, indicate, and certify. They are typically asked to become the trigger for other interventions. On the positive side (from the owner’s point of view), listing might trigger eligibility for grants, which might be automatically granted as an entitlement or subjected to a competitive process, or it might trigger eligibility for tax incentives, once again either as-of-right or by proposal. On the negative side (again as perceived by the owner), listing might trigger regulations regarding maintenance, renovation, use, public access, transfer, or demolition.

More neutral responses might also be triggered. For example, Section 106 of the National Historic Preservation Act in the United States triggers a procedural requirement for a review of the impact that any federal project or federally-funded project will have on a listed property, with the hope that the surfacing of this information will encourage a solution with lesser impact. (It also triggers a review by the relevant State Historic Preservation Officer as to whether any impacted properties are eligible for listing.) Phelan (1993, p. 74) points out that this is similar to the effect of the Environmental Impact Assessment process laid out in the National Environmental Protection Act:

“[B]oth acts essentially create obligations that are chiefly procedural in nature and both have the goal of generating information about the impact of federal actions on the environment...[B]oth are designed to insure that the federal agency ‘stop, look, and listen,’ before moving ahead.”

British preservation practice, which is closely linked to local planning procedures, is similar, at least in theory. Any owner of a listed building must seek permission for alteration or demolition from the local planning authority, and such permission is to be granted only if the proposal is within the intent of the overall plan. Saint (1996) describes this as postponing the real argument about a building’s merits and destiny until the point at which its future is a matter for practical concern—in other words, to the point at which a decision has to be taken. Such a procedural requirement can, of course, become effectively regulatory if permission is denied on a regular basis.

Arguably, the American system is the one in which the list is expected to do the least. While the information intent of listing is not completely decoupled from other forms of state action, a rather significant attempt has been made to achieve a loose coupling. Quoting from the web site of the National Register of Historic Places with additional commentary in brackets:¹¹

“Listing in the National Register contributes to preserving historic properties in a number of ways:

- Recognition that a property is of significance to the Nation, the State, or the community.
- Consideration in the planning for Federal or federally assisted projects [Section 106 review, discussed above].
- Eligibility for Federal tax benefits. [Owners of commercial properties on the list are eligible for federal tax credits for approved maintenance and renovation expenditures.]
- Qualification for Federal assistance for historic preservation, when funds are available. [Limited direct federal money is available, and each state receives some money from the federal government that it can regrant to certified local governments for preservation projects.]”

Notice that the limited interventions that are triggered are either incentives or procedural, not regulatory. They are positive rather than negative.

But note a further caveat from the same web site:

“Many states and communities use National Register listing as the backbone of their planning processes and designation criteria. In some cases, state and local ordinances may establish protections for preservation purposes.”

What this means is that federal listing may trigger a fuller range of policy actions that are embedded in state or local law. (In part this is because in the Constitution of the United States most regulatory powers are restricted to the states who can then pass them along to local governments.) Thus, while in the American federal system listing on the National Register will not lead to any federal restrictions on the use of property, it may well lead to state or local restrictions.¹² This is why in the United States owners of nominated properties can object to, and thereby prevent, their property from being listed. When such an objection is made, the eligibility decision is still made even though the property will not be listed, and owners of eligible but unlisted properties can take advantage of the federal incentives.

The piggybacking of various levels of government onto the list points to an interesting and more general property of lists: once someone compiles them others will use them, often not for the purposes for which they were originally intended.

In the end, it is the coupling of these other policy actions with the growth of listing that leads to Benhamou’s dilemma.¹³

How do lists grow?

The issue that attracted Benhamou’s attention to listing was the dramatic growth in the number of properties on government preservation lists. The number of listed monuments in France is now approximately 15,000 and the number of registered monuments is over 31,000 (Benhamou, 2002, p. 4). The numbers in the United Kingdom are even more spectacular (Table 1).

Table 1: Listing and Related Designations in the United Kingdom, 1998/99

	England	Scotland	Wales	Northern Ireland	Total	<i>Percentage</i>
Listed buildings	453,111	44,401	22,308	8,563	528,383	93.0%
Scheduled ancient monuments	17,759	6989	3,145	1,466	29,359	5.2%
Conservation areas	8,819	813	502	53	10,187	1.8%
Total	479,689	52203	25,955	10,082	567,929	100.0%
<i>Percentage</i>	84.4%	9.2%	4.6%	1.8%	100.0%	

Source: Max Hanna, “Profile of the Built Heritage,” in Sara Selwood, ed., *The UK cultural Sector: Profile and Policy Issues*, p. 281.

By one estimate the 10,000 conservation areas include another 500,000 unlisted buildings covered by similar protections (Delafons, 1997, p. 178). In addition, subject to lesser levels of protection are some 8,000 registered Parks and Gardens of Special Historic Interest and 40 registered Historic Battlefields. The United States has identified over one million historic buildings and sites on some 75,000 properties (Donohue, 2001, p. 31); 2,300 of these are designated as National Historic Landmarks, a subset of the National Register so designated because of their national, rather than state or local, importance.

While equivalent numbers for other countries might be less spectacular—though partial information for Italy indicates that the numbers are just as impressive there as well—it is clear that whatever governmental resources are available will be spread thinly across a wide variety of properties if they all become available for access to such resources by virtue of being listed (Sharland, 2000, p. 1098).

Even the World Heritage List, which one would expect to be the most exclusive list of all, is under considerable pressure to be more and more inclusive. As of December 2001, it included 721 properties (554 cultural sites, 144 natural sites, and 23 mixed properties). With the addition of the category of “cultural landscapes” (von Droste *et al.*, 1995), pressure from countries who feel that they have not received their fair share of listings, and forthcoming nominations from signatories who have not yet submitted nominations, some commentators foresee that the list will ultimately number in the thousands.

In some sense, the size of a preservation list is a function of how national legislation has defined the boundaries of the designated heritage. But such lists have not reached stable numbers. They continue to grow. Why?

Pignataro and Rizzo (1997) summarize Benhamou’s argument about the two causes of growth as “historical additions” and “typological extensions.” The first refers to the fact that as buildings age they eventually come within the minimum age criterion for listing. The second refers to the fact that surveying has now turned to thematic work, consciously searching out buildings and properties of specific types that have heretofore not been considered worthy of listing. These are, indeed, important factors contributing to the growth in lists, but they seem to me to provide an insufficient account of that growth.

We have now come to understand, I believe, that two other factors need to be taken into account: “invention of the heritage” and “rent seeking.” A growing literature has provided a contemporary critique of the “heritage industry.”¹⁴ In this literature, the heritage is seen as a contemporary creation, which may have little to do with the actual attributes of the objects that are being promoted to heritage status:

“In the exploitation of natural resources, a distinction is made between renewable and non-renewable resources; this may have some relevance here to heritage management although much depends upon the resolution of the following contradiction. In one sense, as we have seen, every heritage resource is in absolute fixed supply (there is only one York Minster, Heidelberg or George Washington). Indeed, one of the most important uses of heritage has ostensibly been the

forming and propagation of the singular character of places through the uniqueness of their heritage...[T]he conservation movement can create the resources it conserves, in so far as its stimulation of an awareness of historicity endows value to objects or buildings which previously had no such ascribed value. There are in this sense many more heritage resources now than a century ago, while the accelerating tempo of heritage resource creation is a well-remarked, contemporary phenomenon...Clearly an advantage of many heritage resources is that they are not in such relatively fixed supply as are such natural resources as oil fields, water-falls, or the Grand Canyon.” (Graham *et al.*, 2000, p. 147)

To the extent that these newly defined heritage resources are then listed on preservation lists, it is only because we want to list them and, presumably, have decided to “protect” them, whatever that means.

The observation that listing is often coupled with, and automatically triggers, a variety of public sector interventions beyond the simple provision of information leads us to the fourth source of growth. Not all of the interventions that are coupled to listing are negative ones (e.g., regulations or prohibitions); beyond the honorific imprimatur of being on the list, listing might also trigger tax incentives or grants or technical assistance. Any of these benefits might cause individuals and communities to endeavor to get their own properties listed in order to benefit from these advantages, irrespective of the historical merits of the property under consideration.

Whether or not such rent-seeking behavior¹⁵ will succeed is a function of the design of the listing system, but there is some suggestion that gaining access to the list in some places is not particularly difficult. Suddards (1988, p. 525) in his consideration of whether listing in the U.K. has gone too far, comes to the conclusion that “any building can be listed,” citing a decision in the Court of Appeal in which it was stated that “the risk of property being listed as property of architectural or historical interest is a risk which inheres in all ownership of buildings...[I]t is a risk...which attaches to all buildings and it is a risk that every owner and every purchaser of property must recognise that he is subject to.” (The risk referred to here is the risk of being subject to constraints on the use of property once listed.) Similarly, in a recent interview with the author, Michael Houser, Architectural Historian and National and State Register Program Director for the State of Washington, voiced the opinion that the nomination process merely required “creative writing.” “Assuming a property has the necessary physical integrity, any property whose nomination is written well enough,” he said, “can make it onto the register; all it requires is little more than, “This property is a great example of a representative type.””

The literature discusses two general approaches as to how listing criteria are to be applied (Bolla 1987), distinguishing between “objective” and “subjective” systems. In an objective system, listed properties are either specified in the legislation itself, leaving little room for misinterpretation of intent, or a set of categories is precisely defined so no additional decision making is necessary. In the latter case, an administrative decision to classify the property is often unnecessary; protection comes from meeting the criteria rather than from being on the list. A subjective system, on the other hand, uses criteria that need to be interpreted through some type of decision-making process.

In the United States, a joke is told about the three baseball umpires who had rather different views as to what their job entailed. The first was quite clear: "I calls 'em as they are." So was the second: "I calls 'em as I sees 'em." As was the third: "They ain't nothin' till I calls 'em." We might call these three approaches the objective, the subjective, and the creative. A fourth umpire might add, "It all depends on how badly they want 'em." These would be the rent-seekers.

To be sure, there are powerful forces that lead one to prefer long lists. Gass (2002, p. 95) points out that, "The list is the fundamental rhetorical form for creating a sense of over abundance, overflow, excess." One can hear preservationists saying, "My, our list is long! We must have a considerable and valuable architectural and natural heritage." And if the links to government action are unclear (or obscured, as they often are), listing appears to be costless, which it most definitely is not under virtually all of the listing regimes of which I am aware.

Of course, various authors at various times (not only Benhamou) have been concerned about the growth in lists and the implications of that growth. Peacock (1997, pp. 231-234), for one, has made a "Modest Proposal" in which representative historical artifacts would be saved. He calls for the development of a typology and a selection of representative examples of each type, which would result in both decreasing and changing the composition of the stock of objects to be saved.¹⁶ (His proposal applies to both the movable and the immovable heritage.) Suddards (1988) rightfully points to the fact that in the U.K. provision has been made for a property owner to request a certificate of immunity against listing. Such a certificate guarantees the owner that the building will not be listed for five years. But applying for a certificate entails another risk: bringing the property to the attention of the Department of the Environment could have the paradoxical result of leading to listing. This is further complicated by the fact that anyone can apply for an immunity certificate—thus, a preservation group can apply for an immunity certificate hoping that the result will be the reverse of what it applied for!

In the United Kingdom, the fundamentals of the current listing procedures were laid out in the Town Planning Act of 1947. During the debate there was concern that owners would have to be compensated if their buildings were listed, so an effort was launched to keep listing "small and finite." A vociferous debate ensued with proponents on either side of the issue threatening to resign if more (or fewer) buildings were to be included. Saint (1996, p. 130) has characterized this debate: "In this interesting clash may be seen a division between the modern, discriminating art-history and pro-planning philosophy of the more progressive Georgians and the easier-going, inclusive, antiquarian and vernacular-orientated approach of the SPAB [Society for the Protection of Ancient Buildings]." Here is encapsulated the debate that we have been witnessing between cultural economists, who might be characterized as trying to maintain a policy balance between public resources and what it is possible to accomplish, and true-believing preservationists, who, presumably, would like to make such lists as long as possible.

But simply focusing on the length of the list (as a proxy for how much we are willing to regulate private interests or how much we are willing to spend in public resources) causes the debate to swerve off target.

A(nother) modest proposal¹⁷

By now it should be clear that I believe that a fourth solution to Benhamou's dilemma would be to decouple listing from other government actions, making it clear that listing is first and foremost a way of providing information to owners, to citizens, and to the government itself. Of course, for such an information strategy to have an appreciable impact, careful attention has to be paid to the dissemination of that information.

I have already argued that historically the American system has been rather highly decoupled; this also appears to be true, though perhaps to a lesser degree, in Great Britain. A quick review of the literature reveals that the same may be true in other Anglophone countries. And it may well be true elsewhere as well. In the German *Länder* of Bavaria, Saarland, and Lower Saxony, for example, lists of historic properties do not have a regulatory effect since the regulatory provisions of the law can be applied whether or not a building is listed. The addition of a building to the list "is considered a declaratory—or informational—action, and property owners do not have the right to dispute a listing." (Will, 1984, p. 21)

One of Benhamou's major observations, echoed by many others, is that one-size-fits-all policy instruments applied across the board do not respond very well to the net marginal social benefit of preserving one property as compared to another. A more finely grained system would be likely to be more optimal.

If the list is to be restricted to giving information, then there should also be a guarantee that such information will be generated and distributed. Currently, the information content of many historic preservation lists is meager at best. In some cases, it is nearly impossible to consult a copy of the complete list.¹⁸

But more importantly the lists do not make the explicit case as to *why* a particular property has been listed. That would seem to be a necessity in order to communicate why it is that particular attention ought to be paid to the social value of the property. This would also provide a modicum of accountability and public scrutiny for the agency that makes the listing decision, not, in and of itself, a bad thing (Sharland, 2000, 1097). (Requiring that there be a published justification as part of the listing process might also help to place a damper on the growth of the lists.)

Listing alone will not cause individuals to take account fully of the fact that the social value of a particular property is greater than the private value. Social value will still be greater than private value. But, more information better targeted and more widely provided will offer the opportunity for interested individuals and groups to organize collectively to assure that such properties will be preserved. There is still a role for other forms of government action to bring these into better alignment, but these forms of action need to be careful about the proper allocation of costs and benefits among the interested parties. Regulation, in particular, requires the owner to bear the cost on behalf of society, and therein lies much of the heat in the preservation debate.

Would it not be refreshing to structure preservation action and intervention around the assumption that people will perform well (when well informed) rather than poorly?

The phrase “protection of the cultural heritage” suggests that we believe the latter; from whom are we protecting the heritage if not from ourselves?

Is a pure information strategy likely to have an effect? Gerard Bolla believes that the World Heritage List has had that effect. A document on the Australian experience with the World Heritage List reports that a major effect of listing has been the increased provision of resources for strengthening management and improving interpretation and visitor facilities at historic sites. The fact that a site has been listed, it is felt, cultivates local and national pride, developing a feeling of responsibility (Australian Heritage Commission, 1995).

Would it be possible to decouple already highly coupled systems? It would not be easy—perhaps currently listed properties would have to have the policies applying to them grandfathered in some way—but I suggest that in the long-run it might be much more effective than the three alternatives explored by Benhamou. At the very least, it is useful to go through the thought experiment as a way of weighing the attributes, both negative and positive, of our current systems of historic preservation.

Public policy with respect to endangered species is another field of public policy that makes use of lists, in this case extensive regulatory use of lists. In Metrick and Weitzman’s (1996) account of how society chooses to invest limited public resources in biodiversity, particularly with respect to endangered species, are strong echoes of the discussion above:

“Simply by listing a species as endangered, the government opens a legal avenue for development projects to be delayed or canceled, and for millions of dollars in opportunity costs to be incurred. Indeed, once a species is placed on the endangered species list, cost-benefit analysis is practically precluded. Additionally, all listed species are eligible to have funds spent directly on their recovery, with the eventual goal of having their endangerment reduced to levels that would allow them to be removed from the list.”

“We also analyzed the implementation of the government’s current system for setting spending priorities. The analysis finds that, while the priority system is being implemented to some degree, the least important component of the system had an influence which far exceeded its prescribed role. This component, a fairly objective measure of whether a species is in conflict with development, is also found to influence the priority system itself. Such influence suggests that it might be useful to have a more formal separation between an agency making policy and an agency gathering the scientific information necessary for the setting of priorities. Without such a separation, even a well-intentioned government is prone to mixing these two distinct activities.”

In a sense, I am recommending the same response to a similar problem.

Problems with this modest proposal

Yet, such a modest proposal is not problem-free. Would this proposal diminish or encourage the growth of lists? If listing entailed no marginal cost, perhaps many more properties would be listed, thereby diminishing the value of the information offered by the list. If a list is primarily honorary, the value of that honor is likely to be in inverse proportion to the number of honorees on the list. Try the following experiment: Ask your friends how many buildings they think are listed on the National Register of Historic Places (or the equivalent in your country). My students' answers were in the vicinity of 200-500, while the true number, as we have seen, is closer to one million.^{19, 20}

On the other hand, refocusing the list's function on the provision of information about particularly valued properties might reduce rent-seeking and refocus the decision making process on exactly what that value is and should be.

A second drawback is that even if one level of government made the decision to decouple, it would not be able to prevent other levels of government from continuing to link other policy interventions to list membership. Of course, having a clear model of decoupling might suggest to lower levels of government that decoupling might also be of interest to them.

In considering this question, Sharland (2000, 1098) has said, "The separation of the process of listing from consideration of what is needed to ensure that a building is protected means that expectations for protection may be created without being fulfilled." This may be the case, but it seems to present a weak case against decoupling, because coupling would make those expectations higher still.

There are other criticisms that might be made of this proposal, but they tend to be of the idea of listing itself. The libertarian argument would be not to list even in an honorary capacity because listing only invites government control. As Norma Lang has pointed out, "If we cannot name it, we cannot control it, finance it, teach it, research it, or put it into public policy..." (quoted in Bowker and Star, 1999, p. 243). (Indeed, for this reason the state itself might want more properties on the list, which may be a fifth cause of the growth of lists.)

Providing another caution about listing, Gamboni (2001, p. 8) calls attention to what he calls the "ambivalent character of listing," a form of selective attention:

"Claiming for certain objects a special attention and protection has the simultaneous and sometimes more real effect of abandoning other objects to environmental, economic, or political hazards. This character can be minimized, but it is inevitable to the extent that preservation and destruction are two sides of the same coin. 'Heritage' results from a continuous process of interpretation and selection that attributes to certain objects (rather than to others) resources that postpone their degradation."

In some circumstances the provision of information on valuable heritage properties might actually endanger those listed, subjecting them to vandalism, theft, and destruction or, in more

normal circumstances, to the wear and tear that comes from increased visitation and use. Instructing the Luftwaffe in 1942, Hermann Göring is said to have directed them to destroy “every historical building and landmark in Britain that is marked with an asterisk in Baedeker (Boorstin, 1992, p. 106).” These became known as the “Baedeker raids.” Lists can be used by others for diametrically opposed purposes.

In conclusion

Many tensions and issues surface in the debates that surround listing in historic preservation. Listing has many disadvantages, ambiguities, and contradictions. But it also has a substantial advantage if it can be deployed as a clear source of information concerning the social value of heritage properties. It is not at all clear that the standard practice of coupling other policy interventions with the fact of listing is more effective or more efficient than the alternative. Benhamou’s dilemma might, in the end, be better addressed through decoupling listing from other interventions than through any of the alternatives she explores. Is someone willing to make that experiment? In certain national contexts, in certain ways, that experiment is already underway.

Notes

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² Clayton and Price (1988, p. 2).

³ Goody (1977, p. 81).

⁴ Bowker and Star (1999, p. 53).

⁵ Quoted in Suddards (1988, p. 523).

⁶ Benhamou's argument is a good deal more complex than my summary here suggests, but I wish to focus on certain aspects of that argument and that is why I have chosen to present it in this way. She has explored this line of reasoning further in more recent papers (Benhamou 1997 and 2002).

⁷ For a fuller discussion of how the tools approach to government action might be applied to preservation of the built heritage see Schuster, *et al.* (1997).

⁸ There is an interesting parallel here with the creation of "cultural observatories" to manage research and information in the field of cultural policy more broadly. The phrase "cultural observatory" has been described as a "shy" choice. These new institutions were not created to rule or control; rather, they would observe, monitor, and provide information passively (Schuster, 2002, p. 33). One wonders whether the attempt to design public policy delivery systems in this way is particularly characteristic of cultural policy.

⁹ Web site of the Division of Historic Preservation of the State of Louisiana
<http://www.crt.state.la.us/crt/ocd/hp/ocdhp.htm>

¹⁰ For a further discussion of this point, see J. Mark Schuster, "Information as a Tool of Preservation Action," in Schuster *et al.* (1997).

¹¹ <http://www.cr.nps.gov/nr/index.htm>

¹² To see how this plays out, consider the web site of the Division of Historic Preservation of the State of Louisiana, which tries to assure owners of potentially listed properties: "Sometimes a

property owner fears that placing his building on the Register will restrict his use of the property or will prevent selling or renovating the building without permission from a government agency. That is not true. The National Register does not restrict an owner in any way from doing whatever he pleases with his property.” This statement is true—as far as it goes, but it is a bit disingenuous in that it does not signal that state or local laws may actually include such restrictions. <http://www.crt.state.la.us/crt/ocd/hp/ocdhp.htm>

¹³ Benhamou (1996, p. 117), herself, is a bit unclear on this point with respect to the situation in France. While she focuses on increased listing leading to increased costs, she also suggests that the state can make other choices: “The law stipulates that the State *may* finance 50 per cent of restoration work on historic monuments (these subsidies can reach 100 per cent if local authorities also provide subsidies), and between 20 per cent and 40 per cent of restoration work for registered monuments. Protection also offers tax deductions for building or repair work and for management or caretaker fees, and relief from inheritance tax. [emphasis added].” In the first sentence the key word is “may.” If this is correct, then the French situation may be a bit more like the British and American situations than her paper suggests. On the other hand, once a property is listed the tax incentives mentioned in the second sentence may be as-of-right and not discretionary on the part of government.

¹⁴ See, most notably, Hewison (1987).

¹⁵ There may be a second form of rent-seeking behavior here as well. Preservation proponents may see increasing the list as a way of putting indirect pressure on the state to increase the resources available for preservation. There may even be a third form with local proponents lobbying for the creation of a particular designation or list onto which they can then be placed. The history of National Heritage Corridor program in the United States is a case in point. Supporters of the preservation of the Illinois and Michigan Canal lobbied Congress to create a new type of national park and then received designation as the first National Heritage Corridor.

¹⁶ In Bowker and Star’s (1999, pp. 61-62) terms, this proposal would entail switching from an Aristotelian system of classification, which is based on one or a series of binary distinctions, to a prototype system of classification, which functions in a much more fuzzy way and is based on the idea that we have a broad picture in our minds and we extend this picture by metaphor and analogy to see if something else belongs in the same prototype-based category. They go on to point out that in making public decisions where benefits and costs are a stake we try very hard to develop an Aristotelian system rather than a prototype system, even though in casual conversation we think about the latter as underlying any mode of organization and classification.

Gass (2002, p. 92) makes this point in a somewhat more colloquial manner: “Some lists list. Other lists list examples of what they wish to list.” In the field of historic preservation it would not be too misleading to suggest that we begin with the second, the “best” examples of what we wish to list, and eventually proceed to the first as the list continues to grow.

¹⁷ In deference to Alan Peacock’s “modest proposal.” (Peacock, 1997, pp. 231-234)

¹⁸ The web site of a British real estate firm specializing in the sale of heritage properties has this to say about the accessibility of listing information in the U.K.: “Although the listings have been digitized, the general public can only consult scrappy photocopies of the original listings...It is called the Greenbacks, because the scraps of paper are kept in about 300 greenbacked folders in a room in Swindon.” Hardly what one would expect of an information tool. Web site of Pavilions of Splendour (Estate Agent): <http://www.heritage.co.uk/apavilions/glstb.html>

¹⁹ Indeed, this experiment suggests a simple test of the “correctness” of a list: Are the things that people think should be on it on it? And are the things that people think should not be on it not on it? This, in turn, turns our attention of who should decide what to include on the list and whose criteria should be used, questions outside the realm of the current paper.

²⁰ The growth of lists has also engendered a predictable response: the formation of more highly selective sub-lists with correspondingly higher information content. In the United States, National Historic Landmarks make up a more highly selective subset of the National Register of Historic Places, and many listing processes now also include a smaller lists of properties in particular danger (e.g., UNESCO’s List of World Heritage in Danger). Seen through the lens of increased information, these responses seem highly desirable and ought to be encouraged.

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