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DOI: 10.26881/gsm.2020.18.12

The birth of modern cultural heritage and its legal regulations: An actor-network theory approach

1. Matters at issue

There is little doubt that cultural heritage is a complex phenomenon, consisting of resources and activities, influencing individual decisions and the global economy alike. It includes artefacts, historic sites and natural landscapes but also songs, texts, performances or even local cooking recipes. It engages central and local authorities, museums, curators, hotel networks, airlines, publishers, restorers, tourists, as well as the science and e-communication sectors. Finally, it engages legislature. This phenomenon is far too complex to be examined and explained within a single discipline, or two, or even several. Such a task requires another tool, which – to stay independent and external – should be taken from a concept other than modernity.¹ This is because the concept of common cultural heritage was born out of the modern project, and modernity prefers pure disciplines rather than integrated tools – which we are going to avoid. Said feature of modernity stems from its fundamental concept based on subject–object dichotomy and its anthropocentric structure. This was expressed for the first time when Descartes said *cogito, ergo sum*.² In what was, arguably, the first call to place human being in the centre of the world. I quote that declaration as an iconic slogan of the Enlightenment³ project, as the Enlightenment strongly influenced further crucial historic events of

¹ J. Hartman, “Nowoczesność, modernizacja” [in:] *Słownik filozofii*, ed. J. Hartman, Krakowskie Wydawnictwo Naukowe, Kraków 2010.

² R. Descartes, *Discours de la Methode*, 1637, quoted for: W. Tatarkiewicz, *Historia filozofii*, vol. 2, *Historia nowożytna do roku 1830*, PWN, Warszawa 1970.

³ M. Uliński, “Oświecenie” [w:] *Słownik filozofii...*

the Western world: the American Revolution (1775–1783) and the French Revolution (1789–1805). Though that concept evolved over following centuries, each revolutionary turn (e.g., Kant 1781, Lyotard 1979) retained the central position held by man. This dichotomy has prevailed in many variants: human being–external world, culture–nature, and finally – politics–science. The central question emerging here is of epistemological nature: do we recognise the subject in an appropriate way?

Of those mentioned above, it is especially the latter dualism that is suspected of activating modernity. British scholars Robert Boyle and Thomas Hobbes disputed between 1660 and 1667 over the Boyle's experiment with a vacuum pump, with adversaries generally disagreeing as to what actually happened during the experiment. Hobbes, relying on *a priori* and metaphysical assumptions, doubted the existence of vacuum in nature and the significance of the whole enterprise. For Hobbes, everything made sense, as long as it was secondary to the Agreement he proposed and promoted, consisting in the (voluntary and deliberate) transfer of total temporal power by the people into the hands of Sovereign/Leviathan. Thus, for Hobbes, Boyle's experiment was primarily a manifestation of an undesirable way of organising social life. In this way Hobbes founded a long-term political discourse from which he completely eliminated scientific experiment, and by eliminating science based on experiment, he also eliminated nature from politics.⁴ Boyle, on the other hand, relied on real, concrete and credible witnesses – the observers of his actions and their effects were members of the Royal Society, who, as a result of the machine's achievements, testified to the existence of a vacuum, something that had not existed before, and included it into the resources of nature. In his experiment, the observers were as important as the pump itself. They decided what the pump produced. Thus, Boyle founded a long-term political discourse – in the sense of exercising power over scientific research – from which he excluded politics. It was, however, only a convenient appearance, a delusion, because no careful observer of modern history would fail to overlook the fact that the objects produced in both of these areas crossed their borders and were eagerly exploited by the other side.⁵ The Enlightenment clearly

⁴ S. Schapin, S. Schaffer, *Leviathan and the AirPump: Hobbes, Boyle and the experimental life*, Princeton 1985; B. Latour, *We have never been modern*, Harvard University Press, Cambridge 1993; P. Boës, "What was the air pump dispute between Boyle and Hobbes really about?", 26 March 2012, https://www.academia.edu/26677414/What_was_the_air_pump_dispute_between_Boyle_and_Hobbes_really_about (accessed: 10.11.2020); Ch. Huenemann, "Hobbes, Boyle and the vacuum pump", 3 *Quarks Daily (Science Art. Philosophy Politics Literature)*, 22 December 2014, <https://www.3quarksdaily.com/3quarksdaily/2014/12/hobbes-boyle-and-the-vacuum-pump.html> (accessed: 10.11.2020); M. Pospiszyl, "Ateologia wielości", *Praktyka Teoretyczna* 2013, vol. 8(2), http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.ojs-doi-10_14746_prt_2013_2_13 (accessed: 12.11.2020).

⁵ Z. Bauman, *Modernity and the Holocaust*, Polity Press, Cambridge 1989.

led Western civilisation into the dominance of “culture”, pointing at “nature” as a field of exploration and exploitation for mankind’s wellness, while Science was acknowledged to be used for this end.

In regard to this text’s main goal, it is worth noting, that the second half of the 18th century brought both rational and emotional interest in the past, represented mainly by the fine arts (architecture, sculpture, painting), and leading towards new cultural identities. The activity of French *hommes de lettres* who successfully utilised improved printing technologies⁶ made it possible to disseminate knowledge on ancient works of arts and architecture. In the middle of 18th century the German researcher Johann Joachim Winckelmann introduced the scientific approach, as he excavated, collected and interpreted material relicts of ancient Mediterranean civilisations, establishing a new knowledge resource.⁷

However, in the second half of the 20th century, modernity, thought as the Enlightenment based order, was called into question. What we call “the fall of modernity” started with the collapse of big political systems (totalitarian regimes, the iron curtain) and dissolution of some economical orders (command-administrative systems) and aesthetic attitudes (the end of the *avantgarde*). This decay spawned an influential intellectual formation called “post-modernity”. While modern man raised epistemological questions (how to interpret the world that I am also part of?), post-modern man raises ontological issues (the world itself is doubtful, and there are many of them, so which world am I looking for?). Modern discourse – one in which a participant may eventually change his or her mind and accept the other’s position – turned into a post-modern polylogue, with no chance for agreement. In addition to nature and culture, the area of discourse, i.e. a specific communication event conditioned by the context, has gained great importance. Nevertheless, this was just like multiplication of subjects, with central position still occupied by the human’s mind.

Summarising all the above, the answers to the shape of reality depended on the current state of epistemology, and as a result, in a way, the entire discourse looks a little like judging one’s own case. Therefore, if modern and post-modern methodologies were found to be powerless and suspicious, some thinkers proposed to replace the question of: “What is it?” with “How does it work?” and the results were at least interesting, if not fruitful. In his 1997 book, French thinker Bruno Latour presented a radical critique of dysfunctional earlier epistemic approaches based on the nature-culture dichotomy, of modern thought as an uncritical continuation of Enlightenment way of thinking at

⁶ J. Migasiński, *Filozofia nowożytna*, Stentor, Warszawa 2011.

⁷ J. Jokilehto, *A history of Architectural conservation. The Contribution of English, French, German and Italian Thought towards an International Approach to the Conservation of Cultural Property*, D. Phil Thesis, The University of York 1986.

the end of the second millennium, pointing at post-modern⁸ concepts as a symptom of extreme epistemological crisis.⁹ In consequence, Latour recommends a hybrid concept, something consisting of ontologically different parts, but working effectively as a whole. Material-semiotics,¹⁰ the approach Latour relied on, covers much more than a simple dualistic version of reality. It covers a wide web of heterogenous factors (regardless of their ontological core) which influence each other to reach a state of stability within a certain area. It makes it possible to avoid getting stuck in *a priori* reduced essentials.

Thus, the questions this text aims to answer are as follows:

- 1) What makes up cultural heritage and how is it “in continuous making” (instead of what is cultural heritage)?
- 2) To answer this I am going reconstruct the very beginning of cultural heritage: the instant appearance of French national heritage.
- 3) To reconstruct that process, I am going to investigate which agents were necessary to establish that completely new concept and make its continuation and development possible. More precisely, who/what had to take part?

2. Why Actor-Network Theory?

The hybrid concept we want to explore further in relation to cultural heritage belongs to the vocabulary of Actor-Network Theory (ANT).¹¹ ANT, arising out of Science and Technology Studies (STS), developed in the 1980s and applied to research on the current state of society, science and technology. The first and pioneering researches were: Michel Callon, Bruno Latour, John Law, Annemarie Mol. As another approach challenging the idea of modernity, ANT introduces reflection on actors, understood as any entities able to act (that is to say, to make a difference). These are not limited to human beings only, but comprise non-human factors as well: things, tools, infrastructures, technologies, ideas, other species, documents, ecosystems. An important point made by ANT is that people usually use paths marked out (limited) by non-human actors. Because of

⁸ M. Kowalska, “Postmodernizm” [in:] *Słownik filozofii...*

⁹ B. Latour, *We have never been...*

¹⁰ J. Law, “Actor Network Theory and Material Semiotics” [in:] *The New Blackwell Companion to Social Theory*, ed. B. Turner, Wiley-Blackwell, Malden, MA – Oxford 2008.

¹¹ B. Latour, *Politics of Nature. How to Bring Sciences into Democracy*, trans. C. Porter, Harvard University Press, Cambridge 2004; B. Latour, *Reassembling the Social. An Introduction to Actor-Network Theory*, Oxford University Press, Oxford 2005; R. Dankert, “Using Actor-Network Theory (ANT) doing research”, 2011, <https://ritskedankert.nl/using-actor-network-theory-ant-doing-research/> (accessed: 17.08.2019); for the recent ANT review see: M. Michael, *Actor-Network Theory: Trials, Trails and Translations*, SAGE Publications Ltd, London 2017.

this, the Actor-Network Theory is described as a “posthumanistic” or “poststructural” approach. It recommends abandoning the “modern” way of thinking by ignoring dichotomies like: culture–nature, subject–object, or human–non-human factors, as these are not able to describe reality. ANT says the actors are described upon their relations with other actors. These relations are not permanent. Thus ANT focuses on changes and reshuffles in the networks it researches. The networks are heterogenous, fluid and fragile. In effect, ANT doesn’t seek for constant rules, but envisages particular cases.

The aforementioned hybrid concept is based on the idea of “generalised symmetry”, which is a key concept of ANT. All actors have the same impact (power to change the network) regardless of whether are they humans or non-humans. An actor is no longer identified by its essence, but by its relationships with other actors, or more precisely, by what other actors have to do while in its presence, directly or indirectly. It is worth mentioning here, that the terms and concepts in use within ANT space are autonomous and are not in use outside ANT. It appears difficult to find terms in working language to describe these unique concepts, especially if one wants to avoid “*a priori*” reductions, or to stop talking about subjects and objects outright.

As a result, some of the concepts present in ANT space are: “actor”, “actant”, “human factors”, “non-human factors”, “black box”, “hybrid”, “inscription”, “mediation”, “translation”, “purification”, “obligatory passing point”, “stabilisation”, “making a difference”, “collective” and “assemblage”. Due to expected brevity of this text, I will use only few of them. One is “translation”: this is what makes heterogenous entities/actors within a network communicate with each other. Translation is not just a matter of language. It is the transfer of the presence of an entity into a new area rather than the simple juxtaposition of two words covering the same entity, one in its “native” language, and the another in a “foreign” one. Presence matters. It makes a difference in the network. The expected result of translation (and thus a proof of its effectiveness) is interaction of those who were targeted. If they interact, they are already in the network! Often, to reach certain area, lots of translations are necessary to form a chain which contains several embodiments of the initial entity which performs said expansion. It seems obvious that the presence of Leonardo da Vinci’s “Mona Lisa” is not acknowledged merely by looking at the painting. If it were, the never-ending stream of visitors would flow through the corridors of the Louvre, due to reasons other than just tourists’ curiosity. That would be the very “native” statement about the “Mona Lisa”, which is a painting. Instead, the “Mona Lisa” is transferred beyond the Louvre in many different ways. For example, insurance agents do not look at the painting as it is – they just read a series of numbers which tell them its economic value and they act upon that value. They build spreadsheets, establish conditions and limits, make offers, sign contracts etc., and it is the value of the “Mona Lisa” rather than the painting itself that makes them do it. So, translations are

not neutral processes. Translations engage areas which could not be engaged by “native” language. These are elements of ontological shifts along the chain of various embodiments of a certain entity. And still, if there is no interest in such details like insurance, the pigments used by Leonardo, temperature and relative humidity in the Louvre interiors, the “Mona Lisa” exists world-wide as just a “black-box” – an actor which works in a network so smoothly, that there is no interest to examine its internal features – which is another important concept of ANT.

It is becoming clear now that ANT offers something that could not be offered by previous anthropocentric and strictly epistemic systems. The previous approach relied on agreements based on rhetoric and persuasion rather than empirical experience and tried to judge whether certain way of interpreting reality is proper, this way each time coming back to the point of departure. The traditional epistemic question – whether knowledge is acquired correctly – is not the question for ANT. The question is what are the ways the knowledge is acquired. That is a radical shift. The question is not what the envisaged entities are, but what makes them what they are when envisaged. On the basis of that, ANT recommends to “follow the actors”. It is similar to ethnographic work, involving observation of practices within newly discovered, never-before-known communities, somewhere on remote islands. However, there is a crucial difference: ANT rejects “communities” and replaces them with “collectives”. This is to reflect the fundamental matter of the heterogeneity of the actors and generalised symmetry, which means that both human and non-human actors have power to act. It is necessary to mention that this methodology is recommended to examine ongoing or historic processes within material-semiotic structures rather than stable entities. This, however, is not a weakness or limitation of ANT. The theory says that stability is not a given. The moment of achieving stability is the moment of leaving the stage by being absorbed by a larger actor/hybrid, or remaining there as a “black-box”.

Here are the basic ANT methodology guidelines:¹²

- 1) Research does not concern stable, essential entities but relational and historic processes.
- 2) Agnosticism applies, and therefore a researcher must:
 - a) avoid ontological imputations;
 - b) avoid *a priori* reductions;
 - c) suspend automatic differentiation of ontological categories;
 - d) follow (without prejudice) the actors.

¹² E. Bińczyk, “Program badawczy Bruno Latoura i jego zalety w kontekście badań nad światem współczesnym” [in:] *Teoretyczne podstawy socjologii wiedzy*, vol. 1, eds. P. Bytniewski, M. Chałubiński, Wydawnictwo UMCS, Lublin 2006.

- 3) Non-human factors:
 - a) resist some use of them in scientific or technical practice;
 - b) it is impossible to isolate them (as nature itself or pure facts, untainted by human intervention) if they are a source of resistance;
 - c) a case study should be carried out each time and the history of emergence of a new actor should be reconstructed.
- 4) Each actor in the network has a decisive vote, makes a difference (that is to say, making a difference is a result of just being present in the network, which in consequence makes the network different than it would be without the actor in question) and resists (modifies the network).
- 5) The independence of non-human factors consists each time in a concrete stabilisation of the network of connections.

3. The birth of French national heritage

If one presents the kingdom of France as a material-semiotic structure/network-actor, it is easy to see that this structure/network was almost unchanged for 482 years (the first national assembly of the Estates General was in 1302, summoned by King Philip IV) before and 5 years after the publication of Immanuel Kant.¹³ This structure was inherently heterogeneous, it consisted of a king (as a cause), a Second Estate composed of two groups (clergy and aristocracy, the “rest” of the population referred to as the Third Estate, and was also defined by (variable) territorially boundaries, living and inanimate natural resources, artefacts (including distinctive artistic resources) and various technologies (of power, production, communication, commerce, warfare, etc.). On 29 June 1789, six hundred representatives of the Third Estate gathered in the Versailles ballroom in an act of protest against the further functioning of this centuries-old structure in an unchanged form, declared themselves the National Assembly, and demanded real participation in power. In reaction to King Louis XVI’s rejection of the changes proposed by the National Assembly, on 14 July 1789 the people stormed the Bastille, and on 26 August 1789 the National Assembly announced the Declaration of the Rights of Man and of the Citizen, a text that irreversibly changed the political history of Europe.

Despite the sudden and rapid dismantling of the foundations of its order brought about by the Revolution, the material-semiotic structure presented at the beginning of the chapter, called the French state, remained functional, albeit with a significant

¹³ E. Kant, *What is Enlightenment?*, trans. M.C. Smith, 1784, <http://www.columbia.edu/acis/ets/CCREAD/etscc/kant.html> (accessed: 23.09.2020).

change. The king as the cause was gone, as was the Second Estate as the structure's administrator. The Third Estate became the cause and administrator in one – in its mass of 25 million. Besides that, not much has changed. Of course, there were many new issues to be resolved, among them the problem of the “immovable and artistic heritage that was countless”¹⁴ accumulated for hundreds of years by the privileged estates. Resources of this kind, their legacy and current artistic activity, already had an important place and mission to be fulfilled in the new social order. However, under the new circumstances, the “black-box” that was the “material artistic resources of France” could no longer operate just as it did in July of 1789. In order to achieve stabilisation, it made other actors act in a number of ways. The necessary corrections were: a correction of symbols, a correction of amount of art resources, and a correction of localisation of remaining objects.

The first correction was about ownership rights. All of the objects were, in some way, signed, or marked with the “signatures” of their previous owners. These were the coats of arms of aristocratic families, religious symbols, or images of specific people. It was necessary to cleanse all objects of this stigma, to remove the markings, and apply new symbols if possible. Skilled sculptors and craftsmen were engaged to carefully “erase” thousands and thousands of Bourbon's emblems in their properties. An excellent example of that process is purification of *Chapelle Royale* in Versailles.¹⁵ The importance of the correct attribution of property to the rulers of France is evidenced by the name of the institution responsible for building resources belonging to them: Bâtiments du Roi (1602–1792), Bâtiments de la Nation (1792–1802), Bâtiments de l'Empereur (1802–1815), Bâtiments du Roi (1815–1850), Bâtiments Impériaux (1850–1871), Bâtiments de France (1871 – now).

The second correction resulted from the quantity of objects that changed hands. These resources, despite the spontaneous and/or controlled acts of iconoclasm carried out by the sans-culotte masses, still remained inexhaustible. These iconoclastic acts, by naming them in a hot political message and consolidating in later literature the name of “revolutionary vandalism”, dominated the reports about the fate of artistic resources. The term “vandalism” owes its heavy connotation to the fact that it struck the key symbols of the old order. Monuments were toppled from their pedestals, church towers were shortened, and movable artefacts “signed” in any way by the fallen institutions were destroyed *en masse* in various ways. Meanwhile, in the face of the practical lack of resistance and the violent erosion of all structures of *ancien régime*, the French Revolution turned into a sharp conflict between the revolting people and the enlightened

¹⁴ F. Souchal, *Wandalizm rewolucji*, trans. P. Migasiewicz, Fundacja Augusta hr. Cieszkowskiego, Warszawa 2016.

¹⁵ A. Maral, *La chapelle royale de Versailles, le dernier grand chantier de Louis XIV*, Arthena, Versailles 2011.

functionaries of the revolution.¹⁶ And famous (or infamous) sans-culotte iconoclasm dubbed “revolutionary *vandalisme*”, an emotional and political demonstration of an option that stood no chance against a “ruthlessly centralised” and desperately mobilised adversary, proved to be irrelevant as a force capable of wiping out the material traces of the old order.

However, no effort – including terror – would be made by the bureaucratic apparatus to protect cultural property; it had no chance in the fight against the state of abandonment, the sensitivity of materials, the forces of nature, and those human activities favoured by the cover of the night. These resources, due to their large mass, could not be effectively controlled or purposefully used in their current locations. These places were both private spaces (monastic and palace estates, lounges, libraries and gardens of the king and aristocrats) and publicly accessible sites (streets, city squares and churches). They were exposed to destruction, planned and natural, despite the fact that they passed from the hands of the king and the remaining 350 000 unseated owners into the hands of 25 million new co-owners. The natural and competent “guards and guardians” left the scene in result of secularisation, emigration, expropriation and executions. The newcomers were absolutely unprepared for the task. Consequently, there had to be a radical reduction in the mass of tangible cultural goods, both real estate and movable works of arts and crafts.

This is illustrated by a case which took place at the beginning of the Revolution. On 14 July 1789, the rebellious people in dramatic circumstances stormed the Bastille, a medieval fortress turned into a prison for opponents of the kingdom. Soon afterwards, one of the participants in the assault, the Parisian builder Pierre François Palloy, obtained an order for structure’s demolition, which left him with a huge mass of stone blocks and bricks. Of course, this raw material was recycled, being used to erect new buildings and a new bridge over the Seine. However, Palloy’s practice of reshaping stone blocks salvaged during the demolition into miniature *maquettes de la Bastille* was a phenomenon and a kind of symbol of the new approach. That practice has been preserved in historiography¹⁷ as Palloy’s more or less sincere contribution to the promotion of revolutionary ideals and the creation of republican traditions. *Patriote* Palloy carried out this mission, *inter alia*, by means of a “letter of recommendation”, a kind of certificate with which he attached to the stone *maquettes*, on which he had previously commissioned the text of the Declaration of the Rights of Man and the Citizen to be inscribed, and sent to the authorities of the newly created departments of the republican administration. This is similar to what we find today at stalls on Berlin’s Potsdamer

¹⁶ H. Arendt, *On revolution*, Penguin, London 1963.

¹⁷ F. Souchal, *Wandalizm rewolucji...*

Platz and in souvenir shops shelves on Unter den Linden, where one can buy coloured and foil-wrapped pieces of concrete taken from, according to the attached leaflets or printouts, the Berlin Wall.

The third adjustment was related to the dispersed location of the resources in question and manifested itself in relocating those objects that had been qualified for further use within the republican discourse to central institutions specially created for this purpose. These prototype institutions were two museums located in Paris: Musée Central des Arts, opened on 10 August 1793 at the Louvre, and Musée des Monuments Français, opened on 1 September 1795 in a former monastery. Both of these institutions relied on a stream of artefacts that were verified and directed there from all parts of France.¹⁸ The founding reference point in this case was another dualism, which gained great importance precisely during and as a result of the French Revolution. It pertains to a dualism unfolding in time: past–present (anticipating the future). The assumption, which has remained intact until today, was as follows: our (human, European civilisation) position is that of continuous movement in time, progress, acceleration and accumulation. At the same time – for clear understanding and communication – there is need for signs, for anchors in the past, for examples from the past.

In this sense, museums turned out to be perfect institutions: on the one hand, they execute control over the passage of time (resulting from the modern imperative of constant movement and the imperative of organising everything), and on the other hand, they make it possible (by extracting artefacts from their native places) to exercise full control over the story to which these artefacts are harnessed.¹⁹ To describe that, an American culture researcher Rodney Harrison used a very figurative phrase: “putting the past in its place”.²⁰ The reason was that a completely new concept of a political entity, which was the nation state, urgently needs to obtain points of reference to legitimise the origin of its own institutions and economic, social and military practices, using the past as the source of such references. That resulted in the implementation of specific actions (dislocation) aimed at saving works of art residing throughout France, which were naturally deteriorating or threatened with deliberate destruction.

This situation is accurately characterised by the remark made in 1791 by François Puthod de Maison-Rouge, who wrote in the ephemeral art periodical *Les monu-ment*

¹⁸ F. Haskell, *History and its Images. Art. And the Interpretation of the Past*, Yale University Press, London 1995; P. Kosiewski, J. Krawczyk, “Latarnia pamięci. Od muzeum narodu do katechizmu konserwatora” [in:] *Zabytek i historia. Wokół problemów konserwacji i ochrony zabytków w XIX wieku*, eds. P. Kosiewski, J. Krawczyk, Muzeum Pałac w Wilanowie, Warszawa 2012.

¹⁹ M. Wiśniewski, “Machiny postępu, nowoczesności i kontroli nad czasem” [in:] *Coś, które nadchodzi. Architektura XXI wieku*, ed. B. Świątkowska, Fundacja Bęc Zmiana, Warszawa 2011.

²⁰ R. Harrison, *Heritage. Critical approaches*, Routledge, London 2013.

sou le pèlerinage historique about people who witnessed the transfer of their ancestors' tombstones from church to museums, that they ought to burst with pride at the sight of their family heritage becoming national heritage. In this way a long era of controlled, one-sided communication began, which continues in some museums to this day.

With the French Revolution, the idea of time – which previously did not seem to play a major role (let us remember: the situation in the French state did not change almost in any way for 482 years before and for 5 years after the publication of Immanuel Kant) – suddenly became relevant, intensively counted by successive purification campaigns conducted within the community that had been dormant for several hundred years. Purification – in this article I will use this symbolic term taken from Latour in the sense of distinguishing, ordering, purifying, as an inevitable consequence of each recognised manifestation of duality, not only as part of the juxtaposition of Culture and Nature – immediately took everyday practices in each of the issues that somehow stood in the way of the revolution and, further, in the way of progress. In the field of interest to us here, that is, the care of monuments, this was expressed primarily in the activities described above as the third correction of the material artistic resources, which had become the property of the republic: mass verifications, reductions, dislocations, cataloguing, compiling in previously non-existent orders. Of course, in France there were also those artefacts, mainly architectural objects, which could not be transferred (at all or at once) to central, strictly controlled places. Efforts were therefore made to care for them *in situ*.

The case of the remains of the Bastille, discussed earlier, touches on an extremely important issue, namely – what objects constitute cultural heritage? It was exposed that tangible objects, in an area called the care of monuments, fall into symmetrical relationships with people, ideas, organisations, technologies through translations in the form of “certificates” of authenticity or utility in the area called “cultural heritage”, preferably issued by authorised experts or expert bodies.

As an illustration of the above, I include a diagram presenting “French national heritage” as a heterogeneous structure formed by six main actors: “ideas”, “material resources”, “skilled people”, “communication” and “natural factors” (Figure 1).

In comparison to the further list of factors/actors necessary to establish and operate the French national heritage (see conclusions), an actor which might be called “legal regulations” is missing from the diagram. Is “the law” not an actor itself? Arguably it is, though it is the case in other networks, which require other research questions than those raised here and thus – separate research. The law itself is not the focus of this text. In the case of emergence of cultural heritage, I propose envisaging legal regulations through the notion of translation. In the presented examples (the “Mona Lisa”, revolutionary vandalism, dismantling of the Bastille) we can observe the power of translation: value of art objects

drive the insurance market, property signs drive acts of destruction, certificates of authenticity drive patriotic emotions and education activities. The aim of translations is to establish a solid network,²¹ which can be taken from outside as a smoothly working black box (what is “outside” is another question during ANT-based research, and it is the researcher’s responsibility and efficiency to raise a certain problem – and thus target the proper network – to be researched).

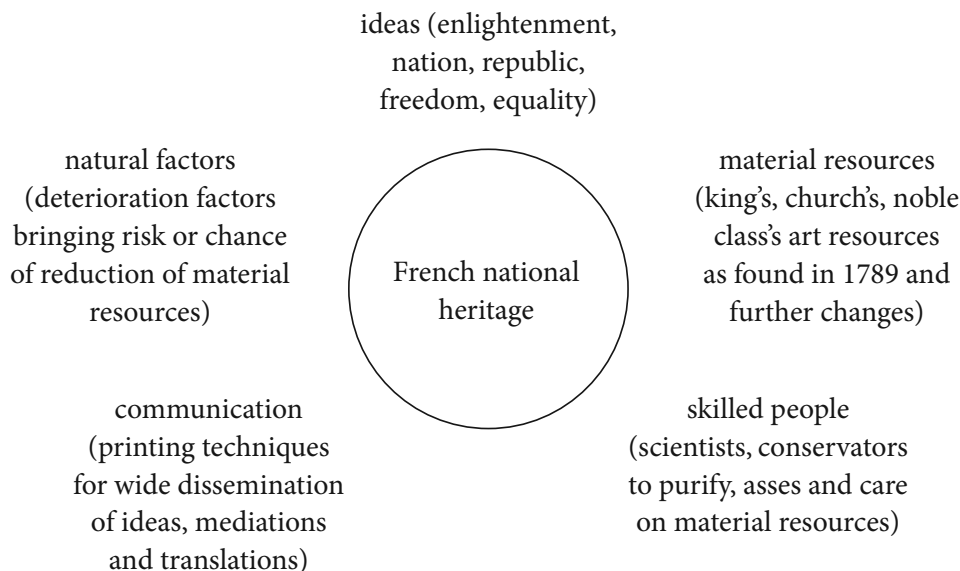


Figure 1. The chief actors in the network constituting French national heritage

Source: Own elaboration.

The presented diagram does not show translations themselves, as those are neither actors nor actor’s activities, but rather they are transmissions of the presence of an actor to an area where it cannot be recognised in the source/original incarnation. In other words, translations are “journeys” to and through ontologically different domains. Translations are necessary to build hybrids. The components are the results of purification, and translations are the binder. It is worth remembering that entering into relationships in a different network-hybrid is not a kind of recycling, because purification brings brand new entities (e.g., Boyle’s vacuum), which enables the formation of brand new, unique hybrids. In the present case, according to the rules of modernity, expert bodies (commissions) did the work of purification, exploring art resources. Legal regulations mostly and most efficiently did the work of translation, immediately bringing the

²¹ B. Latour, *Pandora’s Hope. Essays on the Reality of Science Studies*, Harvard University Press, Cambridge 1999.

presence of artistic artefacts to a wide collection of ontologically different areas: the law itself, education, science, security, warfare. The outstanding effectiveness of the law as a tool (medium) results from its universal application.

As mentioned, in 1789, events began to occur at an accelerated rate and the first years of French Revolution witnessed the following:²²

- 1) on 2 December 1789, Church property was confiscated;
- 2) on 17 June 1790, titles and coats of arms were abolished, and three days later it was ordered that all symbols of tyranny, serfdom and inequality are to be destroyed;
- 3) in August 1790, the *Commission des Monuments* was established at the Louvre;
- 4) in October 1790, a decree on securing and inventorying goods was issued;
- 5) from November 1790 to September 1793, the activities of the *Commission des Monuments* were continued;
- 6) In September 1792, “The Assembly acknowledged that, in sending monuments that may evoke memories of despotism to their destruction, it is also important to preserve and properly care for masterpieces of art capable of fittingly consuming the free time of the free people...”;
- 7) in September 1793, the *Commission temporaire des arts* was established.

The above list presents a record of two parallel processes: extensive purification run by expert bodies (the Commissions) and efficient translations run by legal regulations. Of those mentioned above, the first process is modern. In contrast to this, the second process has been strictly ignored by modernity since the Hobbes-Boyle dispute.

4. Conclusions

The examples analysed in this text show the instant emergence of French national heritage – the prototype for contemporary cultural heritage everywhere – as a vast collection of individual episodes, controversial practices, complex processes and questionable deliberations, the results of which depend equally on human and non-human factors (actors). Cultural heritage, thought of as a material-semiotic structure and reviewed with the methodology of Actor-Network Theory (ANT), proves its complexity and inability to be explained in an appropriate way within a dichotomous space, organised by a direct subject-object relationship. As a hybrid, it stays social, natural and discursive at the same time. Therefore, for the creation and further maintenance of cultural heritage (in terms of its “internal stabilisation” and preservation of the external status of the “black box”), the following heterogeneous causative factors and processes were and are

²² The list cited after: F. Souchal, *Wandalizm rewolucji...*

necessary: 1) ideas, 2) material resources, 3) skilled people, 4) technologies, 5) natural factors, 6) efficient translations.

However, despite the continuous development of its elements since the fall of modernity, cultural heritage seems to remain in a state of continuous confusion as it continues to bear all of the characteristics of a modern project. For over 100 years, doctrinal documents and legal regulations concerning monuments and their conservation in the form of theories, manifestos, declarations, guidelines or legal paragraphs have been adopted all over the world. There are already dozens of them in place. We can easily state that the modern approach, so efficient during the emergence of French national heritage, does not work in relation to contemporary worldwide cultural heritage.²³ Instead, we can observe the provisional “card by card” approach (e.g., Venice Card, Nara Document, Burra Charter) attempting to impose some sort of “order”. These documents are changing or replacing one another in reaction to new elements of purifications entering the scene. But still, there are many attempts at “effective” implementation of regulatory frameworks for world heritage at each level. The result is a sort of chaos, resulting from the coexistence of old, new and newer still guidelines in the conservation discourse, which causes them to lose their normative and practical meaning. Opinion-forming conservation circles consider this state of affairs to be defective and are still looking for opportunities and possibilities to “organise it”.²⁴ I think that we observe an ambiguous and disturbing situation here: helplessness in the face of postmodern polyphony, which is an expression of the inability to establish universal principles of cultural heritage conservation, which results in nostalgia for a modern mono-narrative. That cannot be restored in today’s world, except in the game, already on a global scale, when the Hobbesian Sovereign/Leviathan comes.

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²³ J. Koryciarz-Kitamikado, “Laka orientalna w służbie królewskiej. Różnice w podejściu do konserwacji między Wschodem a Zachodem” [in:] *Wilanowski Informator Konserwatorski 2017*, ed. T. Przygońska, Muzeum Pałacu Króla Jana III w Wilanowie, Warszawa 2017.

²⁴ B. Szmygin, “Teksty doktrynalne w ochronie dziedzictwa – analiza formalna i propozycje” [in:] *Współczesne problemy teorii konserwatorskiej w Polsce*, ed. B. Szmygin, Wydawnictwo Politechniki Lubelskiej, Warszawa – Lublin 2008.

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Summary

The birth of modern cultural heritage and its legal regulations: An actor-network theory approach

This article investigates the instant emergence of the phenomenon called French national heritage, which is the prototype of today's world-wide cultural heritage. The aim of the research is to identify factors which were necessary to form that concept, completely new at the time, and to make its development and continuation possible. To avoid *a priori* reductions and limitations of essential approach, the French national heritage is envisaged as material-semiotic structure, and in consequence, the study is conducted using the methodology and tools recommended by actor-network theory (ANT).

Keywords: actor-network theory, cultural heritage, material-semiotics structure, modernity

Streszczenie

Narodziny nowożytnego ujęcia dziedzictwa kultury i jego prawnej regulacji: podejście z punktu widzenia teorii aktora-sieci

W niniejszym artykule przedstawiono przebieg błyskawicznego uformowania się w latach Wielkiej Rewolucji Francuskiej fenomenu zwanego francuskim dziedzictwem narodowym, które jest pierwowzorem dzisiejszego światowego dziedzictwa kultury. Celem badawczym była identyfikacja czynników (aktorów i środków translacji), które były niezbędne do ustanowienia i wdrożenia tej zupełnie nowej w tamtych czasach koncepcji oraz umożliwienia jej rozwoju i kontynuacji. Jako specyficzne tło narodzin i obecnych problemów opieki nad dziedzictwem kultury został wskazany i scharakteryzowany projekt nowoczesny. Aby uniknąć redukcji *a priori*, francuskie dziedzictwo narodowe zostało ujęte jako struktura materialno-semiotyczna, a w rozważaniach wykorzystano aparat badawczy oferowany przez teorię aktora-sieci (ANT).

Słowa kluczowe: teoria aktora-sieci, dziedzictwo kultury, sieci materialno-semiotyczne, nowoczesność