

# Rethinking Traditional Cultural Properties?

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Those who treasure a building for its pleasing appearance or local sentiment do not find it less important because it lacks “proper” historic credentials.

*US Conference of Mayors, With Heritage So Rich<sup>1</sup>*

ALMOST EVERY TIME A HISTORIC PRESERVATION PRACTITIONER TALKS WITH ME about traditional cultural properties (TCPs), one of the questions asked is: “Is it time to rethink the concept?” I take this to mean the “concept” of TCPs as eligible for the National Register of Historic Places.

My answer is a simple one: *No*, it is not time to rethink the concept of TCPs, but *yes*, it is time to rethink the concept of the National Register.

Maybe that’s only a superficially simple answer, so I’ll elaborate.

## The term

Pat Parker and I coined the term “traditional cultural property” in the National Register Bulletin 38, published in 1990. We used it as a label for places that living groups of people value as reflecting their—the people’s—traditional identities. These places—and hence the people—were getting short shrift in federal agency planning and environmental impact assessment because they weren’t routinely recognized as eligible for the Register, and therefore were not being considered under Section 106 of the National Historic Preservation Act (NHPA). They were not being regarded as eligible because the National Park Service (NPS), in one of its periodic political panic attacks, had elected to justify its eligibility decisions to critics in Congress and the White House on the basis of “professionalism.” NPS assured its critics that its decisions were made by highly qualified professionals on its own staff and in the state historic preservation offices, based on well-developed professional standards. The effect of this excuse was to hold Register eligibility hostage to evaluation by architectural historians, historians, archaeologists, and a few others holding semi-advanced academic degrees. If a place wasn’t something a “professional” could appreciate, it wasn’t eligible.

Matters came to a head with two Section 106 cases: one involving the San Francisco Peaks in Arizona<sup>2</sup> (Figure 1); the other, Poletown in Detroit, Michigan.<sup>3</sup> In both cases properties of deep traditional significance to living communities—Navajo and Hopi people in one case, Polish-Americans in the other—were treated as not eligible for the Register because they were not places that preservation professionals appreciated. Poletown was demolished as a result, and the San Francisco Peaks were injured by a ski facility.



**Figure 1** San Francisco Peaks, Arizona. Photo courtesy of Tom Bean, Tom Bean Photography.

I've detailed elsewhere how our concern about these cases led to publication of National Register Bulletin 38.<sup>4</sup> What's important here is that we had a simple purpose in writing the thing: to get the federal government to attend as carefully to the cultural values of ordinary people as it did to the interests of historians, architects, and archaeologists.

This was not a new idea. As the quote that begins this piece suggests, the interests of ordinary citizens in their history and culture were very much on the minds of those who thought up the National Historic Preservation Act in the middle of the last century. And it must be assumed that such interests motivated Congress, too. Old buildings and archaeological sites do not vote, and the percentage of the electorate represented by historians, architects, and archaeologists is hardly sufficient to justify legislation as sweeping as NHPA. But addressing the cultural interests of mere citizens has generated a good deal of fretfulness on the part of preservation practitioners. Such interests are not always easily expressed in terms to which archaeologists and architectural historians naturally relate. Cultural significance is not easily measured, or even observed; it exists in people's heads, and learning about it usually requires talking with them, sometimes in ways with which outsiders are not entirely conversant or comfortable. Indeed it may not even be possible to talk about such significance; it may simply have to be felt by those who are able, and taken on faith by everyone else.

So, does this continuing discomfort on the part of mainstream preservation people mean we need to "rethink the concept?" To rephrase the flip distinction with which I began this piece, I'd say the answer to that question depends on what "concept" we're talking about.

## The concept of TCPs

Traditional cultural properties are deeply significant to those who view them as parts of their cultural heritage. That's a statement of self-evident fact, which we are in no position to rethink. This sort of significance—commonly referred to as the “power of place”—has been recognized for thousands of years, by philosophers from at least Plato onward, and in cultures all over the world.<sup>5</sup> The significance of such places continues to drive social and political change. Consider the case of Dongzhou.

In December 2005, the people of Dongzhou village in China's Guangdong Province demonstrated—or rioted, depending on which reports you read—in protest over government seizure of a nearby inlet, which it filled to create land for power plant construction. The Chinese government handled the matter in what one can hope is its own inimitable fashion, arresting and jailing the villagers, gunning down at least a few and possibly scores.

Why did the people of Dongzhou risk arrest, injury, and even death to protest what the government was doing? Partly because the inlet had been an important fishing area, but as reported in the *Washington Post* on December 21, 2005,

For the villagers of Dongzhou, the inlet was not only a source of fish. It was a source of good fortune. They said legendary creatures rose from its waters in ancient times. In more recent times, villagers said—during the Japanese occupation in World War II and the chaos during the Cultural Revolution—algae at the bottom saved the village from starvation. Filling it in, they complained, ruined Dongzhou's feng shui, the harmony of its environment.<sup>6</sup>

Government may ignore and undervalue such places, as the Chinese government apparently did at Dongzhou, and often police power will permit a government to get away with it. But over the long haul, I think, government does this at its peril. And whether it gets away with it or not, government's decision to run roughshod over a TCP and the people who value it does not change the fact that the place is, or was, deeply significant to people. If anything, such treatment may amplify the perceived significance of the place. Consider Jerusalem's Western (“Wailing”) Wall.

What this all means is that there is nothing for us to rethink about the significance of TCPs themselves; such places simply are significant, period. They are significant regardless of what government or technical experts say and do about them. They are significant because people regard them as such.

## The concept of TCPs as Register-eligible

We could, however—that is, NPS could—rethink the eligibility of TCPs for the National Register. It could go back to the premise that a place cannot be eligible unless a professional can appreciate it. Short of such cocoon construction—requiring an explicit admission that Parker and I led the Register down the garden path—the Register could so minutely nit-pick TCP eligibility determinations as to accomplish the same thing without ever quite saying so. This, in fact, is what seems currently to be going on, as evidenced by the keeper of the Reg-

ister's decisions in such cases as the Kiks.ádi Survival March route<sup>7</sup> in the 1990s and the Cape Cod Dune Shacks<sup>8</sup> in 2007 (Figures 2 and 3). In the former case, the keeper opined that the area could not be eligible unless it was continuously used—a standard that could be met only if the Russians were induced from time to time to bombard the Tlingit village whose ancestors had fled along the route. In the Cape Cod case, the keeper invented a standard under which she was able to deny the very culture of the associated community, based on its members' inconsiderate mortality and recruitment practices.

If NPS wishes to do this sort of re-“thinking,” it is certainly free to do so; far be it from mere citizens to seek influence in the decisions of federal officials. But I suggest that it would be a bad tactic in terms of the Register's long-term bureaucratic survival—which the Register has repeatedly shown to be its prime consideration. It is simply not rational to think that Congress created the national historic preservation program for the enjoyment of archaeologists, historians, and architects. The program must have public service at its core, and if that's the case, then failing to value the beliefs of the public has to be a risky strategy.

### **The concept of the Register**

I said at the beginning of this paper that while the “TCP concept” does not need re-thinking, the National Register concept certainly does. In such reconsideration may lie the

**Figure 2** One of the dune shacks located outside of Provincetown, Massachusetts, within Cape Cod National Seashore. Photo courtesy of Chuck Smythe.





**Figure 3** The Tasha Shack, in the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod, Massachusetts. Photo courtesy of Chuck Smythe.

means of simplifying and improving the way TCPs are identified and evaluated.

Why do we have a National Register? Historically, of course, we have one because when it enacted the NHPA in 1966 Congress directed NPS to “expand and maintain” one. But why did Congress think this was a good idea? What is the Register supposed to be for?

Historically again, the first “national register” we know of, in which all others find their intellectual roots, was set up by the French in the wake of their revolution.<sup>9</sup> The mob was clamoring to demolish the deposed aristocracy’s architectural monuments, but the revolution’s guiding lights thought this a little much. The guillotine, *oui*; knock down Versailles, *non*. So the original purpose of registration was to list structures that those in authority thought should be preserved in something like perpetuity.

Most nations’ national registers or register-equivalents (schedules, lists, etc.) either explicitly or implicitly have preservation in perpetuity as at least one *raison d’être*. But obviously not all historic properties can be preserved in perpetuity, and sometimes there is little reason to do so. An obsolete missile launch site rusting away on the coast of Florida may be beyond preservation and have no public use worth spending money on, but still be very significant in the history of space exploration or military technology. We characteristically document such properties and let them go. Sometimes strict preservation is not even desirable from the standpoint of the historic property—think of adaptive use that requires substantial

rehabilitation of a building or structure. So another purpose of a register may be simply to identify properties that shouldn't be blown away willy-nilly—that ought to be flagged for consideration in planning.

These purposes are not very compatible with one another; they generate contradictory expectations.

A list of places to be protected in perpetuity must be a relatively short list; otherwise our land use would become fossilized. Properties listed for permanent preservation must be documented in some detail, both to justify their preservation and to define where they start and stop: the boundaries beyond which changes *can* occur and within which they *cannot*. Listing a property for this purpose has substantial implications for the place's owner; it likely restricts severely what the owner can do with the place. For some owners (and others) this is a desirable state; for others it very definitely is not, so listing is often a contentious affair. To balance the economic and other impacts of listing, governments and non-governmental organizations often treat listing as an honorific practice, carrying with it impressive documents and brass plaques. Sometimes there are financial rewards for listing, in the form of government grants and tax benefits.

A list of places to be considered in planning can be—indeed must be—a less formal, more flexible affair. We may or may not wind up protecting such places in something like perpetuity; we may also protect them in part, or for a limited time, change them in various ways, or document them and let them go. The amount and kind of information we need on a place that is to be considered in planning depends on the kind of planning we're doing. At some stages of planning it's enough just to know that there may be something out there in the area to which our planning applies. At others, more data, or specific kinds of data, may be needed, and since planning *is* a process, we can get the data as we go along and adjust plans to accommodate them. Because we are not necessarily going to preserve the place, there are fewer implications for its owner, either positive or negative. The act of listing (or its equivalent) is a less political act than it is when permanent preservation is envisioned, and can be based on a wider range of considerations.

Some countries have multiple registers or their equivalents, serving different purposes. The United Kingdom, for example, has “Scheduled Monuments” that are preserved in perpetuity, and “Listed Buildings” for which changes are strictly controlled. A larger population of archaeological sites and landscape features that should be respected but not necessarily preserved at the expense of other interests are dealt with more flexibly under national and local planning laws without entry into a formal, permanent list (except insofar as is necessary for a given set of planning or research purposes).

In the US, we try to use the National Register for both permanent preservation and flexible planning purposes. This creates confusion and conflict. Are we honoring a place by listing it, or merely alerting planners to its existence? Are we qualifying it for grants and tax benefits, or not? What implications does listing have for the property's owner? With a single, all-purpose register, it's impossible to tell.

Our National Register also tries to embrace a wide range of property types, valued by different constituencies for different reasons. Architectural historians, archaeologists, community interests, and Indian tribes may assign drastically varying kinds of significance to

places of very different types—or, for that matter, to the same types and same places.

And the National Register purports to include properties of “national, state, and local levels of significance” —which, when you think about it, is a rather odd thing for a “national” register to do. In theory this inclusiveness reflects the federal government’s thoughtful respect for places reflecting the nation’s diversity, its many local social groups and their diverse interests. But if that theory is correct, why does the Register have a *federal* official—the keeper—whose decision about Register eligibility is (supposedly) final? What earthly right has the keeper to decide what’s important to, say, a Lithuanian-American community in southeastern Nevada?

The Register’s own history further complicates its character. The NHPA’s foundational literature—notably *With Heritage So Rich*<sup>10</sup>—is redolent with statements suggesting broad concern for places important to ordinary people in ordinary urban and rural communities. But the Register ended up being lodged in the National Park Service under the direction of architectural historians—the legendary hero twins Ernest Connally and William Murtagh. I mean no disrespect to Bill Murtagh or to Connally’s memory when I say that their notions of significance were colored by their academic training; this is simply a fact. It is also a fact that NPS has among its core missions the commemoration and illustration of the nation’s past; it is *not* charged with sustaining local community identity. The Register was the creation of architectural historians and historians, with occasional input from archaeologists, in a corporate culture devoted to telling and celebrating our national story. There’s nothing wrong with any of this, but it has created an institution with an attitude. The Register is biased toward places where events took place that a historian or archaeologist can recount and interpret, or that represent architectural styles and methods of building. A place that is simply a place, valued just because people identify with it, does not find a comfortable home in the Register.

All this—and many disappointing experiences with the Register over the decades—leaves me wondering whether we actually need a National Register, or at least a National Register like the one we have.

- If we continue to give federal grants and tax benefits to people who own, maintain, and rehabilitate historic buildings, we presumably need some kind of list of buildings that qualify, but wouldn’t state, tribal, and local lists work just as well for this purpose?
- Agencies that manage land doubtless need lists of important places under their jurisdiction and control, but the National Register has never served the purposes of such agencies very well, and most now have effective geographic information systems that can maintain place-data much more efficiently and flexibly than the Register can.
- Researchers in archaeology, architectural history, and some other academic fields construct and use lists of places in their work, but most such research takes place in a local or regional context, not a national one. The Register likes to think it’s a research tool, but this is, I think, little more than pretension.
- The Register also likes to call itself an educational tool, but is it really sufficiently more useful for this purpose than local and state lists to make it worth the cost of maintaining it?

- And when it comes to the Register’s role in Section 106 review, does it really make sense to have the National Park Service decide what ought to be considered by federal agencies in their planning? Wouldn’t it be more just, more democratic, for agencies to consider whatever affected people think ought to be considered? Among “affected people,” of course, are preservation agencies like NPS and professional interest groups like archaeologists and architectural historians, but also ordinary citizens who connect with places for their own idiosyncratic reasons—that is, people who value the kinds of places that Pat Parker and I called traditional cultural properties. These people quite resoundingly do not need NPS to tell them whether their special places are “really” special.

We wrote National Register Bulletin 38 to level the playing field of Section 106 review—to give ordinary citizens and communities access to the same protective tools enjoyed by architectural historians, archaeologists, and other preservation professionals. What we failed to consider was how deeply compromised the Register was by its penchant for “professionalism” and its own institutional history. By exposing TCPs to the Register’s technical standards and biases, we opened the door to outrageous abuses and ridiculous waste. Abuses like failing to trust communities to decide what’s important to them, insisting on “professional” evaluations instead. Wasteful practices like demanding boundary definition even where boundaries are irrelevant to management and inconsistent with the way local people conceptualize their world. Abuses like denying the very existence of a self-defined community, as happened on Cape Cod, or like dreaming up fictive criteria in order to denigrate the significance of places like the Kiks.ádi survival march route.

To those whose identities are wrapped up in them, traditional cultural properties are the most significant of properties. Such people need neither professional consultants nor the keeper to certify the significance of their TCPs. The things that trouble the identification and management of TCPs—and many other kinds of historic places—all too often are the products only of the Register’s arbitrary standards and unconsidered assumptions. The solution to these problems is not to rethink TCPs, but to rethink the Register.

## **Endnotes**

1. US Conference of Mayors 1966, 207.
2. See [www.sacredland.org/endangered\\_sites\\_pages/sfpeaks.html](http://www.sacredland.org/endangered_sites_pages/sfpeaks.html).
3. A good recent discussion of the Poletown case, though without reference to its alleged ineligibility for the National Register, is by George Cosetti at [www.counterpunch.org/corsetti09182004.html](http://www.counterpunch.org/corsetti09182004.html).
4. King 2003, 24–35.
5. See King 2003, 45–98.
6. *Washington Post*, December 21, 2005.
7. See King 2003, 164–166.
8. King 2008.
9. Herman 2004.
10. US Conference of Mayors 1966.



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