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Cultural Heritage and Interculturality: A Call to Action

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1. Introduction

Interculturality has become a buzzword in our thinking about culture and heritage. Even the United Nations Educational, Scientific, and Cultural Organization (UNESCO) refers to interculturality as a key objective of its treaty on the diversity of cultural expressions (UNESCO 2005, Article 1(d)). This treaty defines interculturality as ‘the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect’ (UNESCO 2005, Article 4(8)). But the implications of interculturality for and in heritage studies are unclear. This article aims to contribute to fleshing out these implications.

I wish us to discuss the ways in which interculturality intersects with heritage, and how these two concepts translate into effects on our perceptions of, engagement with, and prospects for ‘the other’. I work on the assumption that interculturality and heritage share a similar mission, grounded in dialogue (D. Spivak 2017). This dialogue is polyphonic, and at

times cacophonous (Bigenho and Stobart 2018). The complexity, on its surface, goes against our urge to make sense of the world, because both interculturality and heritage show the world has no one sense. But we still choose certain narratives through which to make sense of the world and of identity.

Against this background, I argue that interculturality invites us to constantly rethink the narratives we choose in or via critical heritage studies. It is a welcome addition to our vocabulary and toolset in critical heritage studies, because it keeps bringing us back to basics. Interculturality can help us sharpen the political stakes and work of critical heritage studies. It can potentially move us more onto action. It can also enable the translation of our critiques of identity as channelled and authorised via heritage into the work of actors with the ability to enact political and institutional change. Put it another way, interculturality can reveal a more politically active approach to critical heritage studies, offering paths of action towards recognition, rights, and redistribution. The critical focus of interculturality on unequal social relations and the need to rebalance resources enables these possibilities.

Conversely, critical heritage studies can also help reinvigorate interculturality. As with any word that gains traction in the *zeitgeist*, interculturality can and has lost some of its political action edge. Critical heritage studies can help us rediscover what is at stake when we come to the table open to engaging with interculturality, and what only doing it halfway means.

In order to pursue my thesis, and taking these stakes into account, what follows first describes and contrasts the scholarly profiles, as it were, of both interculturality and critical heritage studies. On the basis of lessons gleaned from that exercise, the following section works through the work that heritage does in intercultural societies across two examples:

Indigenous and Afro-descendant peoples. Based on these examples, I move to fleshing out the ways in which interculturality and heritage studies can work to reinvigorate the political stakes and power of identity. Concluding remarks follow.

2. The missions of heritage studies and interculturality: alignments and misalignments

The 2022 Conference of the Association of Critical Heritage Studies which took place in December 2022 in Santiago, Chile, invited us to connect and engage in dialogue about ‘different scenarios from which to reflect on aspects of heritage from the point of view of interculturality’ (ACHS Santiago 2022).

Interculturality implies, in the words of the Conference organisers,

seeking out and initiating dialogue among diverse cultural and social-economic actors, creating a polyphonic and palimpsestic dynamic that facilitates our interaction as a social fabric and our ability to understand one another. From this perspective, we recognize the existence of conflicting positions and the power inequalities that operate therein.

(ACHS Santiago 2022)

How does interculturality relate to critical heritage studies and our mission? Canvassing the characterisation of interculturality by scholars in that field, regardless of whether they connect the conversation to heritage (Elias and Mansouri 2020), allows us to compare and contrast to what we do in heritage studies (Campbell and L. Smith 2012). I use the term

‘field’ loosely here, to denote a project around a set of ideas or central concept, without committing to any one institutional make-up or body of theory.

In considering some core ideas of both critical heritage studies and interculturality and their possible interconnections, for the purposes of our discussion it is worth considering: (1) the fundamental or primary objectives of the field, particularly their targets of critique; (2) similarly, the secondary targets of the critical enterprises in both fields; (3) the base disciplines from which these multidisciplinary fields draw their methodologies, epistemological assumptions, and vocabulary; (4) the key mode of critique or analysis within each of the fields; (5) the normative aspirations, if any, of each field; (6) how these aspirations respond to the languages of redistribution and recognition that often appear in relation to analyses of the place of minority groups in contemporary societies (Fraser 1995; L. Smith 2022); (7) the role that difference plays in each of these fields as a lever for their epistemological and political projects; and (8) how each of these fields appears outside of academic circles, particularly in the ‘mainstream’ liberal political discourse.

I chose these eight factors for a few reasons. First, querying these factors allows us to offer a basic baseline profile of the two fields (factors 1-5), pressing on a key point for turning the insights I am pursuing in this piece into political action (factors 5-8). The focus on actionable work is not unwarranted, to the extent that interculturality is based on calls for political and institutional change (Dervin and Tan 2022), and as change is often framed along recognition and redistribution when speaking to historically disadvantaged groups, who often organise themselves around culture and heritage to pursue political projects (Young 1997). This move, which in many ways originated in political philosophy and Marxism (Fraser 1995; Robinson 2019) also extends to interculturalism conversations (Zotzmann and Hernández-

Zamora 2013) and more recently to critical heritage studies (L. Smith 2022), serving as a useful common prism for the present analysis.

Second, and related to forming a baseline, I chose factors that were at least mentioned (even if not always in depth) in literature on interculturality and critical heritage studies. I particularly focused on factors that pointed to political engagement beyond intramural debates within the field itself, and that aimed at the ways in which the central concern(s) of interculturality and / or critical heritage studies resonated with bigger concerns in politics, rights, and economics.

I acknowledge that my characterisation of interculturality and critical heritage studies is not uncontested. As I explain after the summary table below, each of these characterisations is grounded on relevant literature. Inevitably, I make some broad generalisations about both interculturality and heritage studies as fields of study, political projects, and conceptual battlefields.

The table below outlines my main findings of the comparison across the eight factors I described above:

| Issue | Interculturality | Critical Heritage Studies |
|-------------------------------|--|--|
| Fundamental critique / target | One identity holds most if not all power | Authorisation of identity as generative of power (imbalances) |
| Secondary targets | Race / colonialism | Colonialism |
| Base disciplines | Sociology, <u>Law</u> , Education, <u>Anthropology</u> , Psychology, Linguistics, Communication, <u>History</u> , Economics, International Relations | Archaeology, Musicology, <u>Law</u> , <u>Anthropology</u> , <u>History</u> , Geography, Architecture, Museology, Urban Planning, Musicology, Theatre |
| Key mode of critique | Mapping of effects | Discourse analysis |
| Normative? | Yes, calls for dialogue | No, primarily thick-descriptive |

| | | |
|--|---|--|
| Aim in recognition-redistribution spectrum | Recognition (with some redistribution) – embraced | Recognition – but critiqued |
| Role of difference | Difference celebrated, often with a role towards convergence [aiming to get otherness out of business?] | Convergence critiqued, calls to tease out difference. Critique of its flattening to serve national projects / Authorised Heritage Discourse. Difference poised to offer [radical] alternatives to cohesiveness |
| Status | Co-option of term by liberal discourse, turned into tokenism / ‘invisible asterisk’ of multiculturalism. Rejection by right-wing discourse as ‘radical identity politics’ | Co-option of analytical tools by right-wing discourse, leveraged into nihilism and chaos to shelter status quo post- <i>reductio ad absurdum</i> |

Table 1: Comparison of Heritage Studies and Interculturality

This comparison yields a number of useful insights. First, both fields seem to use identity and difference as central articulators of their intellectual and political mission (on interculturality, Aman 2017; on heritage studies, Schwabe 2021). This connection enables the comparison in the first instance, and helps centre us on ‘the other’ (G. Spivak [1987] 2006) as the subject on whose agency and aspirations the work of interculturality and critical heritage studies converge.

Second, both fields emphasise recognition (including its critiques) as a political objective for said ‘other’, often at the expense of redistribution (on interculturality, Zotzmann and Hernández-Zamora 2013; on heritage studies, L. Smith 2022). While, as I noted above, some people in critical heritage studies seem to be inviting a broader conversation about redistribution (L. Smith 2022), for the most part the focus is on discursive and symbolic recognition, often as a platform or first step towards redistribution. Downplaying or not considering redistribution, however, sidesteps the tensions between the two concepts

which have occupied political theorists for several decades (Fraser 1995). Nancy Fraser (1989, 1995), among others, has shown that there are tensions between these dual goals, and that, in some respects, the work of redistribution is to take difference 'out of business'. Young (1997) has criticised this insight for ignoring how cultural difference is a unit for political organisation that will always be of use in struggles for redistribution, but it is still valid in that it underscores how culture, important as it is to organise debates on interculturality and heritage studies, is also limited without greater consideration of the political or economic stakes of identity.

Power inequalities, a concept to which the Santiago Conference organisers allude in their call, is instrumental to inviting redistribution back into the conversation, too. Redistribution is a pathway to demonstrate in tangible terms how recognition does not always equate to a fundamental transformation of power relations, and of how power is not just political or symbolic power leveraged by recognition, but it also means economic power. Hale (2002) has shown compellingly how 'the spirit of intercultural equality' that pervades the politics of recognition limit the types of claims for changes in power relations that are possible within neoliberal polities.

Third, across both interculturality and critical heritage studies, a few disciplines affect both fields – namely, law, anthropology, and history (on interculturality, Ricca 2014; on heritage studies, Lixinski 2015). Identifying these disciplines gives us insight into where shared vocabularies and methodologies may be found to articulate conversations between the two fields.

Fourth, the comparison also shows that both fields, and the terms with which they are labelled, sit uneasily in contemporary mainstream politics history (on interculturality, Devin and Tan 2022; on heritage studies, Hall 2004). This shared unease of contemporary political discourse is important because it reminds us of the need, and potential, for alliances and searching for ways to gain access to actors with the ability to enact political and institutional change. Rappaport (2005) in particular has shown the need for Indigenous peoples in particular to engage in allyships with a range of actors in seeking to transform power relations – even if ultimately she concludes that interculturality remains utopian, despite being a worthwhile aim to guide action that falls short of interculturality. Gaining said access matters most if the fields are committed to promoting political change, which, I suggest in this piece, should be the case.

In this respect, last, but by no means least, the comparison reveals that the normative commitments of both fields are historically different. Within critical heritage studies, as with other critical fields, normative commitments have been of secondary importance (L. Smith 2022). But, within interculturality, calls for change are a central part of the mission of the field (Barrett 2013). Interculturality in dialogue with heritage studies can therefore help nudge critical heritage scholars towards more open normative commitments and change.

These five aspects invite us to think of the work of heritage in societies that either describe themselves as intercultural, or that are seeking interculturalism as a means to frame politics.

These themes affect societies all around the world. I wish to focus on two examples to investigate (or at least speculate about) the role of interculturality in our thinking about heritage when otherness is at stake. I want to think about the heritage of Indigenous and Afro-descendant peoples in two different parts of the world. Each of these examples will tell

us a different story about how difference is created (Winter 2014), celebrated (Arantes 2014), flattened (Brown 2004), ignored (Woodward 2018), or co-opted (DesRoches 2021) through heritage. They will also, hopefully, give us elements to think about the role of heritage, and critical heritage studies with it, in leveraging a more politically committed interculturalism.

3. The work of heritage in intercultural societies

The two examples in which this section focuses (Indigenous and Afro-descendant peoples) encapsulate different ways of organising identity around culture in a way that is closely connected to what we easily might see labelled as ‘heritage’ within authorising (state-centric) frameworks. This ease of labelling differs from other forms of historically oppressed identity (like migrants, women, LGBTIQ+ people, older persons, children), who, even as subjects of special rights, often organise their identities around something other than culture that easily translates as heritage (like gender, sexuality, age). At the same time, both these identities, while visible to heritage authorised by the state, often frame their heritage in fact as challenges to the state’s. This ease of recognisability combined with the challenge is the primary driver behind exploring Indigenous or Afro-descendant heritage, as articulated through heritage processes.

Each of the subsections below explores one example of heritage for each identity, and the connection of that heritage to larger political processes and discourses, using the parameters of the comparison between heritage studies and interculturality fleshed out in the previous section. I will describe each of these examples in the context of the

demographics of the broader identities at stake (to the extent they can be generalised), and then use the examples to examine the political claims of each of these populations, through the dual prism of recognition and redistribution. This process allows us to delve into the shared disciplinary languages of the fields of critical heritage studies and interculturality. Anthropology and history, in the accounts below, largely form the descriptive background that underpins recognition and redistribution claims, and law – despite its difficult relationship in particular with critical heritage studies (Lixinski 2015) – anchors the normative possibilities of political claims for recognition or redistribution.

a. Indigenous: the limits of separate recognition

There are anywhere between 250-600 million Indigenous people in the world, depending on government terminology used to designate them (Muckle 2012). This fact alone points us to the gatekeeping function that states exercise in determining who is Indigenous, which spills over into thinking about and recognising Indigenous heritage and its place in the political and socio-economic landscape. It is a direct by-product of settler-colonialism, which informs the experiences of most Indigenous peoples across the world (Kauanui 2016). This type of colonialism is ongoing against most Indigenous peoples across the world, resulting in widespread dispossession of lands, erasure through mainstream educational practices, paternalism in social policy, and socio-economic results for Indigenous populations that are consistently lower than for the population at large of any country where significant Indigenous populations live. As Wolfe (2006) famously put it, it is a structure, and not an event.

Among these are Indigenous peoples in Australia, which are just about 1 million in a population of 25 million (ABS 2022). Indigenous peoples are not recognised in the Australian Constitution beyond an outdated races power, and that is progress in comparison to them not even being counted as citizens in the country as late as 1967 (*Australia's Constitution*, s 127). Indigenous peoples in Australia have had land rights recognised under law for the past 30 years, first by judicial decision and then by legislation. There are many limits to the recognition of Indigenous land and rights more generally, including what Elizabeth Povinelli (2002) described as 'the cunning of recognition', or the idea that Indigenous peoples' rights to be different from the rest of society will always be marred by taking away certain prerogatives, or setting a ceiling on how much difference settler-colonial institutions will accept. Encroachment on Indigenous land in the name of 'development' is commonplace, and Indigenous peoples are only entitled to be 'consulted' on these matters, holding no real right to consent; instead, the decision is made by a governmental authority, and can only be queried on the basis of administrative procedures, since Australia is one of the few countries in the world without a national constitutional bill of rights.

Further, and unsurprisingly, Indigenous peoples in Australia are often victims of paternalism from the Australian government, including a number of federal interventions in parts of the country where the majority of the population is Indigenous. And Indigenous peoples have worse socio-economic indicators (health, education, mortality, rate of imprisonment, etc.) than any other segment of the Australian population.

At the time of writing, there is an ongoing conversation in Australia known as the Uluru Statement from the Heart process, which calls for, in this order, Voice, Treaty, and Truth

(Uluru Statement 2017). This process aims to reconfigure Australian settler-colonial society, without fundamentally undoing it.

The Uluru Statement is an Indigenous-led movement that rejected proposals for symbolic recognition in the Australian Constitution (which, to be reformed, requires a referendum across the entire population) (*Australia's Constitution*, s 128). Instead, the Uluru Statement process consulted Indigenous peoples all across Australia, and reached a consensus calling for, in the first instance, institutional reform through an Indigenous Voice to Parliament (Davis and Williams 2021). This Voice, still to be the subject of a referendum at the time of writing but a promise of the left-leaning Labour government that came to power in mid-2022 (Allam 2022), shifts the Indigenous recognition conversation quite significantly.

Indigenous recognition can happen along a spectrum of symbolic recognition (which was the Australian government's original proposal in the first decade of the 2000s) (Davis and Williams 2015), to focusing on rights of limited use because of the difficulties of enforcement and their undermining by the clash with white settler rights and political interests in the management of liberal multiculturalism (Povinelli 2002), to the Uluru Statement process's calls for stronger recognition via institutional reform and presence.

Australian first nations heritage is extensive and diverse. It often forms part of land titling processes by helping prove ancestral ties with the land (Silverman and Ruggles 2007). I wish to focus today on the Juukan Gorge, in Western Australia. It belongs to the Puutu Kunti Kirrama and Pinikura peoples. It is best known for a cave that is the only inland site in Australia with evidence of continuous human occupation for over 46,000 years (Langton 2020). Rio Tinto, the mining company, destroyed it in 2020 as part of their prospecting of

the land for mineral exploitation (Langton 2020). The destruction did not violate Aboriginal Heritage statutes in the state of Western Australia or federally, as the requirement of consultation with Indigenous peoples contained in the applicable legislation was technically met (Langton 2020). The tremendous response to and condemnation of the destruction has triggered a unique momentum for reform of heritage management law and policy in Australia (McGlade 2021).

Cultural heritage can appear and play a role in all three forms of recognition. Symbolic recognition can be seen in Australia via the use of Indigenous imagery and identity in selling Australia as a multicultural nation to the world, whether through the desert fine arts movement (McGrath and James 2008) or, more recently, the Sydney Olympics in 2000. The recognition via rights can be seen in repeated efforts at protecting Indigenous artists against cultural appropriation, and the resolution of a number of Indigenous heritage claims in Australia using intellectual property law mechanisms (Janke 2000, 2021). The move to institutions via the Voice aims to cement a distinctive political identity with agency that cannot be discounted or discarded by existing consultation processes (consultation processes, which, on paper, functioned according to law in the Juukan Gorge destruction).

That Indigenous peoples, via the Aboriginal Archaeology Association (Salleh 2004), use cultural heritage to help prove historical ties to the land to gain title under Australian Native Title legislation might seem like an attempt at redistribution (Ritter 2010), but as Indigenous scholar Irene Watson has argued, Indigenous land rights in Australia are in many ways ‘the largesse of a lie’, because they never undid the violence of the colonial encounter, just papered over it (Watson 2022). I will return to redistribution in the next subsection, on Afro-Descendant heritage.

Back to the Juukan Gorge, it became an important symbol of the mistreatment of Indigenous peoples and the underhandedness of liberal multiculturalism – Indigenous cultures are recognised, but only insofar as they cost the white settler population little to nothing (Povinelli 2002). When they cost something, or just stand in the way of potential extractivist profiteering, Indigenous heritage becomes expendable.

Despite this sad state of affairs, the liberal political *zeitgeist* swiftly condemned the destruction of the Juukan Gorge (CNA 2021). It also called for greater recognition of Indigenous heritage and stronger legal protections (CNA 2021). These protections are specific to Indigenous heritage and cast it separately from non-Indigenous heritage, however, which can be a problem. Specifically, to treat Indigenous and non-Indigenous heritage separately makes it easier for the non-Indigenous public to disregard it in decision-making, it allows for less state resources to be directed to Indigenous heritage without affecting the conservation of non-Indigenous heritage (since the legislative framework is separate, and thus the public expenditure decisions and allocation of authority). Further, and crucially, the separation creates a paradigm in which Indigenous heritage can be treated as an exception to development, rather than heritage conservation being the status quo against which the need to develop must be argued (which is what happens with non-Indigenous heritage). While the intention to separate is good, in that it at least ostensibly gives greater recognition to the importance of Indigenous culture and prevents Indigenous heritage from being drowned out by non-Indigenous heritage in selection contexts, it also has very negative consequences (Butterly and Lixinski 2020).

Considering the dual goals of recognition and redistribution, the Australian context and the specific example of the Juukan Gorge show us that recognition is firmly a goal for Indigenous

peoples. But, to the extent Indigenous heritage exists under a paradigm that casts it as an obstacle to development, redistribution becomes an elusive goal to articulate and pursue within existing political and institutional structures.

In response to this difficult existence of Indigenous heritage and political claims, law is often hailed as a suitable response. One of these responses calls for reform Indigenous heritage law in Australia, including the federalisation of the competence (CNA 2021). This move is however likely to enshrine recognition without redistribution, and a dialogue that is very much apart from, rather than a pathway to, the centre of power. It does not envisage full Indigenous control over heritage, at least not in a way that Indigenous peoples get to decide on the economic exploitation of their heritage directly. But it does improve the current landscape in that at least it protects Indigenous heritage against third parties. That said, this legal reform can do more, if Indigenous peoples themselves see heritage as a pathway for redistribution, and there is a Voice to Parliament through which they can leverage these claims into reform proposals when they are formally being negotiated. The ‘fragile flowers of difference’, to borrow from Levi-Strauss (1983, 255), are still being trampled in Australia. Keeping them in the shade is what is allowing for them to be crushed and picked by political actors. Visibility can be leveraged via recognition and open intercultural dialogue through institutions like the Voice to Parliament.

***b. Afro-descendant: the limits of integration into broader heritage narratives
and the possibilities of redistribution***

Heritage processes often intersect with race and structural racism dynamics. Ubertazzi (2022), for instance, notes the process around the protection of Rooibos tea production in South Africa, and how it was used to only grant protection to lands already owned by white farmers, at the exclusion of Black farmers entering the market. Despite this obvious intersection, and many others like the privileging of colonial heritage in listing of heritage in Africa, Asia, and Latin America (Yongqi et al. 2021), race is not often articulated as part of authorising and authorised heritage narratives.

In this subsection, I wish to focus on heritage of the African diaspora. The African diaspora includes about 100 million around the world (half of those in the United States) (Zezele 2010). I do not focus on Black heritage in Africa because I wish to focus on places where Black people experienced oppression on the basis of race, and Africa as a continent where the majority of the population is Black would yield different perspectives on intercultural dialogue (perhaps around ethnicity, instead of race). Many of the insights applied to Black diasporic heritage may still be useful, however.

Among Afro-descendant diasporas, I will focus on *Quilombolas* in Brazil. *Quilombolas* are descendants of once-enslaved African people in Brazil. Brazil was the last country in the Americas to abolish slavery (in 1888), and the country who exploited the largest number of enslaved African persons in the Americas.

Quilombolas live in *quilombos*, settlements that formed as pathways of resistance to enslavement and systemic racism. *Quilombolas* are part of the 15 million Afro-descendants in Brazil (Leite 2007), but do not cover all of them. And, it must be noted, the figure is under-reported because of systemic discrimination, as people of mixed race choose to

identify as white instead to attempt to avoid discrimination. These mechanics are the other side of the coin of what I remarked above in relation to Indigenous peoples – specifically, the problem of governmental classification is compounded here (as with Indigenous peoples, in fact) with how people choose to designate themselves for census purposes while existing within certain political and institutional constraints.

Despite systemic racism that even compels some to not identify as Black or *Quilombola*, many *Quilombolas* use their identity and its distinctiveness as a means to organise politically and pursue rights claims. They also produce and hold cultural heritage that allows them to pursue their shared identity, which the Brazilian Constitution treats as part of the national heritage (Articles 215-216 of the *1988 Brazilian Constitution*).

The 1988 Brazilian Constitution, which came about in the aftermath of a brutal military dictatorship, is the first constitutional text since Brazil became independent from Portugal in 1822 to have specific provisions acknowledging Afro-descendant people. The 1988 Constitution is the first in Brazilian history to include references to a multicultural society (as opposed to the unified national identity projects of previous constitutional texts), in addition to very strong provisions on rights protections and institutional design measures aimed at shoring up democratic processes. It includes provisions on land rights to Indigenous peoples, strong environmental protections, and detailed provisions on a strong social security system.

In addition to the provisions on cultural heritage that acknowledge the contribution of white, Indigenous, and Black people to the formation of national identity and culture, the Constitution also contains a specific provision that purports to offer reparations to

Quilombolas for the harm of enslavement. This provision, known as ADCT 68, grants *Quilombolas* ownership over their lands. Cultural heritage is important because, as this provision was given effect via long-lasting constitutional litigation in Brazil, land title is guaranteed precisely because these lands are themselves *Quilombola* tangible heritage, and essential to pursue the cultural survival of the intangible heritage – that is, the identity – of these communities (Engle and Lixinski 2021).

ADCT 68 as a reparations measure was long a goal of Black activists and academics alike (Nascimento [1985] 2021)). It allowed for political and economic conversations, and redistribution at least partly couched on racial critiques of capitalism (Robinson 2000). But, in Brazil, these racial critiques of capitalism encountered an obstacle in the form of the racial democracy discourse, which suggests that Brazil is a harmonious coming together of Black, Indigenous, and white people, all of whom mixed to become simply ‘Brazilian’, creating a country where racism does not exist (Freyre [1933] 2003; Ribeiro [1995] 2000; Eakin 2017)). This discourse erases culture and even race, ‘gets it out of business’ to use Fraser’s terminology (Fraser 1995). In doing so, it also makes it harder to frame redistribution because it downplays the uses of heritage as a form of political organisation.

For *Quilombola* communities, to have their lands titled because of how they serve to advance heritage (or are heritage themselves) means that recognition triggers co-option into the national identity project. This mechanism, even though it yields a positive result on the surface (land titling), also exposes the limits of intercultural recognition. Recognition is the trigger for redistribution, but redistribution only goes so far, because it still symbolically puts *Quilombolas* at the mercy of a national project or social contract they never wrote, and to which they now must become parties.

The litigation to which I alluded above took place in the Brazilian Supreme Court. It upheld the possibility of *Quilombola* land titling, through the language of heritage. In doing so, while safeguarding *Quilombola* identity and claims for reparations, it also attempted to make peace in the present by selecting the past, much like a politically engaged version of heritage. Spoken in a judicial register in particular, which assumes a number of authorising forces and institutions, heritage cannot undo the basic social contract, it can only file an (arguably weak) addendum to it. In other words, it renders the violence of enslavement essentially non-justiciable, by granting compensation to those who profited from African bodies in exchange for lands to be handed over to African peoples. And these lands, as with Indigenous land titling, come with multiple conditions (inalienable, only the surface, contingent upon a certain way of life, etc. (Engle 2010) which limit their effect as redistribution, or at least impose caveats thereto. Finally, *Quilombola* heritage, spoken as national heritage, displaces *Quilombolas* as subjects of rights and reparations for enslavement as a course of action.

This example, in relation to interculturality, highlights the need to call for more redistribution leveraged through heritage. This redistribution should perhaps, however, not pander to the oppression of white society and accept the limits of what liberal multiculturalism is willing to grant. Interculturality pushes us farther than the lowest common denominator reached from a position of inequality, it calls for a levelling of the playing field before identifying the common denominators. It can help us do away with the possibility of enshrining white privilege in a narrative of national identity supported by authorised heritage discourses that drowns out dissenting cultures, heritages, and identities.

In other words, intercultural dialogue can work to push minorities into the mainstream, and thereby seek to transform the mainstream. But, in doing so, it can also water down the possibilities of political organisation and redistributive claims by accepting the premises of racial democracy or, more broadly, operating within certain background authorising norms and institutions.

4. Reinvigorating the function of heritage as a vector of identity

On the basis of the lessons from these two examples, and considering the analytical insights yielded by the comparison across interculturality and critical heritage studies above, it is now possible to distil some insights about the ways in which heritage can be not only described in political terms, but also wielded for political purposes. What follows revisits the key points of comparison from section two, above: the ways in which identity and difference are used to articulate intellectual and political missions in the two fields; the emphasis on recognition and its critique; the role of disciplines like law, anthropology, and history; ; the relationship of a heritage-leveraged intercultural discourse to mainstream liberal politics and the potential of interculturality as a call for action.

First, on the use of identity and difference as a central articulator of the intellectual and political mission, all examples relied on this tool. But it is with Afro-descendants that this use is at its sharpest among the examples above, in my view, given the ways in which *Quilombolas* have relied on difference to gain access to rights in a constitutional text, and enforce them through heritage. In doing so, they had to negotiate the myth of racial democracy as a foundational myth of the polity, and in some ways overcome it. Their efforts

highlight that difference will always have a role to play in how we organise ourselves politically.

Second, on the emphasis on recognition (which may include its critique), it is worth remarking that recognition is foregrounded both by heritage and intercultural conversations, and is essentially a precondition to all else, as Indigenous peoples' movements have shown over the years. But the focus on recognition often backgrounds redistribution, as the cost of recognition may be a bounded form of recognition that makes access to redistribution harder by constraining political choice. The Voice to Parliament in Australia seeks to change that status quo, but thus far the destruction of Indigenous heritage underscores that economic concerns of Indigenous peoples are deemed inexistent, or at least secondary, in conversations about Indigenous heritage.

Third, on the shared role of disciplines like law, anthropology, and history, it is worth highlighting how Afro-descendants have shown us that history has helped articulate some claims, particularly for historical occupation of land, but it is anthropology, which focuses more on living culture, that has the greatest impact on determining what the political cause is. Law helps articulate the cause and leverage claims, but it is a somewhat limited register for action.

Fourth, on the uneasy current status of both terms in relation to contemporary mainstream politics, each of the examples presents a specific lesson. Indigenous heritage shows us how interculturality can become tokenism. Afro-descendant heritage tells us how heritage-authorising norms and institutions can enable co-option of identity and its political potential into a national paradigm.

Fifth, as we translate interculturality into a call for action or a normative commitment, social movement organising for both Afro-descendant and Indigenous peoples show how, despite their inherent internal diversity (Hale 2002), interculturality works as a call for action and a normative commitment to grabbing a seat at the table. The effect of interculturality is to leverage heritage to create franchise and enable agency, while maintaining difference.

On the basis of these lessons, there are some potentials for cooperation between critical heritage studies and interculturality. These are: (1) that interculturality adds normative verve to heritage; (2) that the two fields can leverage each other in the pursuit of normative commitments; (3) that this intersection can offer a pathway for political organising; (4) that the two fields taken together can put recognition of the other at the forefront of broader national political projects; and (5) that interculturality and critical heritage studies can create franchise and enable agency.

At the same time, these potentials are not without their risks. Some pitfalls may be: (1) that interculturality can water down the critical appeal of critical heritage studies, or trade it off quickly in the quest for pragmatic compromise; (2) that the focus on intercultural agendas can hide or crowd out other political claims that can be leveraged through heritage; (3) that the pragmatic emphasis of interculturality can lead to heritage being more easily co-opted by the nation-state; (4) that the two fields still use a limited toolset within the language of the law and political power, and their intersection may not be on its own terms sufficiently forceful to cut through to actors with the ability to enact political and institutional change; and (5) that neither interculturality nor heritage studies are sufficiently well-equipped to tackle calls for redistribution, nor critiques of racial capitalism that often underpin redistributive claims.

These possible shortcomings are worth bearing in mind, but in my view they do not deter us from the possibility of interculturality helping advance critical heritage studies. Critical heritage studies can become aware of the power it can wield, and do so purposefully. There is always time and room for critique, but critique is in my view at its best when it serves a political action objective.

5. Concluding remarks

The connection between interculturality and heritage is potentially powerful, and worth exploring or at least being mindful of. To do otherwise is to allow others to leverage it for their own political projects, with us refusing to give ‘the other’ tools to fight the co-option of their own identities without receiving any benefits from that trade-off. As critical heritage scholars, we have a responsibility to use our own power for good, and we cannot avoid it. Our power exists, we cannot (or at least should not) deny it. Doing so only leaves that power open to being used by others.

Thinking hard about the role of interculturality in how we see, experience, and use heritage is key. Doing so provokes us to see heritage as a vector of identity with a potential for transformation. It dares us to imagine a society in which heritage’s centrality is acknowledged, in which its political power and potential is turned into positive action. I have tried to make sense of some of these threads. Now it is incumbent upon us as a field to heed these calls for action and transformation, for a world where heritage’s power is a force for good.

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References

- ABS (Australian Bureau of Statistics). 2022. *Australia: Aboriginal and Torres Strait Islander Population Summary*. Canberra. <https://www.abs.gov.au/articles/australia-aboriginal-and-torres-strait-islander-population-summary#cite-window2>
- Allam, Lorena. 2022. "Labor promises to 'move quickly' on Indigenous voice to parliament referendum if elected." *The Guardian*, May 19. <https://www.theguardian.com/australia-news/2022/may/19/labor-promises-to-move-quickly-on-indigenous-voice-to-parliament-referendum-if-elected>
- Aman, Robert. 2017. "Colonial Differences in Intercultural Education: On Interculturality in the Andes and the Decolonization of Intercultural Dialogue." *Comparative Education Review* 61 (S1): S103-S120. [doi:10.1086/690459](https://doi.org/10.1086/690459).
- Arantes, Antonio A. 2014. "The Celebration of Cultural Diversity and the Politics of Difference in Safeguarding Intangible Cultural Heritage." *Ethnologies* 36 (1-2): 279–296. [doi:10.7202/1037610ar](https://doi.org/10.7202/1037610ar).

- Barrett, Martyn. 2013. "Interculturalism and Multiculturalism: Concepts and Controversies." In *Interculturalism and Multiculturalism: Similarities and Differences*, edited by Martyn Barrett, 15-41. Strasbourg: Council of Europe Publishing.
- Bigenho, Michelle, and Henry Stobart. 2018. "Grasping Cacophony in Bolivian Heritage Otherwise." *Anthropological Quarterly* 91 (4): 1329–1363.
- Brown, Michael A. [2004] 2020. "Heritage as Property." In *Property in Question: Value Transformation in the Global Economy*, edited by Caroline Humphrey and Katherine Verdery, 49-68. Abingdon: Routledge.
- Butterly, Lauren, and Lucas Lixinski. 2020. "Aboriginal Cultural Heritage Reform in Australia and the Dilemmas of Power." *International Journal of Cultural Property* 27 (1): 125-149. doi:10.1017/S0940739120000028.
- Campbell, Gary, and Smith, Laurajane. 2012. "Manifesto of the Association of Critical Heritage Studies." *Association of Critical Heritage Studies: History*.
<https://www.criticalheritagestudies.org/history>
- CNA (Committee on Northern Australia). 2021. *A Way Forward: Final Report into the Destruction of Indigenous Heritage Sites at Juukan Gorge*. Commonwealth of Australia.
https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024757/toc_pdf/AWayForward.pdf;fileType=application%2Fpdf
- Commonwealth of Australia. [1900] 2020. *Australia's Constitution*. Canberra: Parliamentary Education Office and Australian Government Solicitor.
- Davis, Megan, and George Williams. 2015. *Everything you Need to Know About the Referendum to Recognise Indigenous Australians*. Sydney: NewSouth Books.
- Davis, Megan, and George Williams. 2021. *Everything you Need to Know About the Uluru Statement from the Heart*. Sydney: UNSW Press.

- Dervin, Fred, and Huiyu Tan. 2022. "Politics of Interculturality." In *Supercriticality and Intercultural Dialogue*, edited by Fred Dervin and Huiyu Tan, 115-127. Singapore: Springer.
- DesRoches, Davina M. 2021. "Working-class Heritage and the Marketization of Difference: The Limits of New Museology at Manhattan's Tenement Museum." *International Journal of Heritage Studies* 27 (10): 1051-1063. doi:10.1080/13527258.2021.1928736.
- Eakin, Marshall C. 2017. *Becoming Brazilians: Race and National Identity in Twentieth-Century Brazil*. Cambridge: Cambridge University Press.
- Elias, Amanuel, and Fethi Mansouri. 2020. "A Systematic Review of Studies on Interculturalism and Intercultural Dialogue." *Journal of Intercultural Studies* 41 (4): 490-523. doi:10.1080/07256868.2020.1782861.
- Engle, Karen. 2010. *The Elusive Promise of Indigenous Development: Rights, Culture, Strategy*. Durham, NC: Duke University Press.
- Engle, Karen, and Lucas Lixinski. 2021. "Quilombo Land Rights, Brazilian Constitutionalism, and Racial Capitalism." *Vanderbilt Journal of Transnational Law* 54 (4): 831-870.
- Fraser, Nancy. 1989. *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory*. Minneapolis: University of Minnesota Press.
- Fraser, Nancy. 1995. "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age." *New Left Review* 0 (212): 68-93.
- Freyre, Gilberto. [1933] 2003. *Casa-grande & senzala: Formação da família brasileira sob o regime da economia patriarcal* [Casa-Grande & Senzala: Formation of the Brazilian Family Under the Patriarchal Economy Regime]. 48th ed. Recife: Global Editora.
- Hale, Charles R. 2002. "Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala." *Journal of Latin American Studies* 34 (3): 485-524.

- Hall, Stuart. 2004. "Whose Heritage? Un-Settling 'The Heritage', Re-Imagining the Post-Nation." In *The Politics of Heritage: The Legacies of Race*, edited by Jo Littler and Roshi Naidoo, 21-31. Abingdon: Routledge.
- Janke, Terri. 2000. "Intellectual Property: Arts for Money's Sake." *Alternative Law Journal* 25 (4): 189-191.
- Janke, Terri. 2021. *True Tracks: Respecting Indigenous Knowledge and Culture*. Sydney: NewSouth Publishing.
- Kauanui, J. Kēhaulani. 2016. "'A Structure, Not an Event': Settler Colonialism and Enduring Indigeneity." *Lateral* 5 (1), <https://www.jstor.org/stable/48671433>.
- Langton, Marcia. 2020. "The Destruction of the Juukan Gorge Caves: A Cultural Property Crime in Moral Terms." *The Saturday Paper*, 19-25 September.
- Leite, Ilka Boaventura. 2007. "The Trans-historical, Juridical-formal and Pos-utopian Quilombo." In *Project Rethinking Histories of Resistance in México and Brazil*, organised by John Gledhill. Manchester: University of Manchester.
- Lévi-Strauss, Claude. 1983. *Structural Anthropology*. Vol. 2. Chicago: University of Chicago Press.
- Lixinski, Lucas. 2015. "Between Orthodoxy and Heterodoxy: The Troubled Relationships Between Heritage Studies and Heritage Law." *International Journal of Heritage Studies* 21 (3): 203-214. doi:10.1080/13527258.2014.922113.
- McGlade, Hannah. 2021. "Western Australia after the Juukan Gorge Inquiry: Little Solace for Aboriginal People." *AusPubLaw*, December 10.
<https://www.auspublaw.org/blog/2021/12/western-australia-after-the-juukan-gorge-inquiry-little-solace-for-aboriginal-people>
- McGrath, Ann, and Diana James. 2008. "Papunya Art." *Aboriginal History* 32: 213-217.

- Muckle, Robert J. 2012. *Indigenous Peoples of North America: A Concise Anthropological Overview*. Toronto: University of Toronto Press.
- Nascimento, Beatriz. [1985] 2021. "The Concept of Quilombo and Black Cultural Resistance." [Translated by Christen Smith, Archie Davis & Bethânia Gomes.] *Antipode* 53: 279.
- Povinelli, Elizabeth A. 2002. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham, NC: Duke University Press.
- Presidency of the Republic. [1988] 2020. *Constitution of the Federative Republic of Brazil*. Brasília.
- Rappaport, Joanne. 2005. *Intercultural Utopias: Public Intellectuals, Cultural Experimentation, and Ethnic Pluralism in Colombia*. Durham, NC: Duke University Press.
- Ribeiro, Darcy. [1995] 2000. *The Brazilian People: The Formation and Meaning of Brazil*. Translated by Gustavo Lins Ribeiro. Gainesville: University Press of Florida.
- Ritter, David. 2010. "The Ideological Foundations of Arguments About Native Title." *Australian Journal of Political Science* 45 (2): 191-207. doi:10.1080/10361141003736125.
- Robinson, Cedric J. 2000. *Black Marxism: The Making of the Black Radical Tradition*. 2nd ed. Chapel Hill: University of North Carolina Press.
- Robinson, Cedric J. 2019. *An Anthropology of Marxism*. 2nd ed. Chapel Hill: University of North Carolina Press.
- Salleh, Anna. 2004. "Aboriginal archaeologists take a stand." *ABC Science Online*, December 16. <https://www.abc.net.au/science/articles/2004/12/16/1266812.htm>
- Schwabe, Siri. 2021. "A Heritage of Otherness: Memory Haunts and Urban Development on the 'Other Side' of Santiago de Chile." *Ethnos*, 1-17.
doi:[10.1080/00141844.2021.1973057](https://doi.org/10.1080/00141844.2021.1973057).

- Silverman, Helaine, and D. Fairchild Ruggles. 2007. "Cultural Heritage and Human Rights." In *Cultural Heritage and Human Rights*, edited by Helaine Silverman and D. Fairchild Ruggles, 3-29. New York: Springer.
- Smith, Laurajane. 2006. *Uses of Heritage*. Abingdon: Routledge.
- Smith, Laurajane. 2022. "Heritage, the Power of the Past, and the Politics of (Mis)recognition." *Journal for the Theory of Social Behaviour* 52 (4): 623-642. doi:10.1111/jtsb.12353.
- Spivak, Dimitri. 2017. "Dialogue and Heritage in the Cultural Strategy of UNESCO." *Culture and Dialogue* 5 (2): 242-252. doi:[10.1163/24683949-12340035](https://doi.org/10.1163/24683949-12340035).
- Spivak, Gayatri Chakravorty. [1987] 2006. *In Other Worlds: Essays in Cultural Politics*. Abingdon: Routledge.
- Ubertazzi, Benedetta. 2022. *Intangible Cultural Heritage, Sustainable Development and Intellectual Property: International and European Perspectives*. Cham: Springer.
- Uluru Statement from the Heart* 2017. <https://ulurustatement.org/wp-content/uploads/2022/01/UluruStatementfromtheHeartPLAINTEXT.pdf>
- UNESCO. 2005. *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Paris, France: UNESCO.
- Watson, Irene. 2022. "The History of a Lie: The Mabo Case after 30 years." Podcast Episode. *Countersign*, May 31. <https://countersignisapodcast.com/app/uploads/Countersign-S03E01-Irene-Watson.mp3>
- Winter, Tim. 2012. "Beyond Eurocentrism? Heritage Conservation and the Politics of Difference." *International Journal of Heritage Studies* 20 (2): 123-137. doi:[10.1080/13527258.2012.736403](https://doi.org/10.1080/13527258.2012.736403).

- Wolfe, Patrick. 2006. "Settler colonialism and the elimination of the native." *Journal of Genocide Research*, 8 (4): 387-409, DOI: [10.1080/14623520601056240](https://doi.org/10.1080/14623520601056240)
- Woodward, Kathryn. 2019. "Concepts of Identity and Difference." In *A Museum Studies Approach to Heritage*, edited by Sheila Watson, Amy Jane Barnes, and Katy Bunning, 429-440. Abingdon: Routledge.
- Yongqi, Liang, Yang Ruixia, Wang Pu, Yang Anlin, and Chen Guolong. 2021. "A Quantitative Description of the Spatial-temporal Distribution and Evolution Pattern of World Cultural Heritage." *Heritage Science* 9 (80): 1-14. [doi:10.1186/s40494-021-00549-6](https://doi.org/10.1186/s40494-021-00549-6).
- Young, Iris Marion. 1997. "Unruly Categories: A Critique of Nancy Fraser's Dual Systems Theory." *New Left Review* 0 (222): 147-160.
- Zezeza, Paul Tiyaambe. 2010. "African Diasporas: Toward a Global History." *African Studies Review* 53 (1): 1-19. doi:10.1353/arw.0.0274.
- Zotzmann, Karin, and Gregorio Hernández-Zamora. 2013. "Beyond the 'Cultural Turn': The Politics of Recognition Versus the Politics of Redistribution in the Field of Intercultural Communication." *The Language Learning Journal* 41 (3): 357-369.
doi:10.1080/09571736.2013.836351