

MEDIATING CONFLICTING LOYALTIES: THE CULTURAL HERITAGE NETWORK IN GERMANY

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Abstract

This article is about both the German heritage regime with its processes and criteria, which the author of the article calls the German heritage network, and the author's occupation as a heritage consultant who also works as a cultural broker. From these two perspectives, he aspires to show the structures, actors and values within the German implementation process, as well as the (sometimes) conflicting affordances, while at the same time working as a part of this network and researching it.

Keywords: *intangible cultural heritage, national implementation process in Germany, cultural brokerage, heritage as network.*

The implementation process in Germany

Germany joined the ICH-Convention in 2013. The national implementation process has been developed by the Conference of the Culture Ministers in Germany and the German UNESCO Commission, which also is responsible for the organization. At the moment (spring of 2022), the German national inventory of intangible cultural heritage contains 117 cultural expressions and 14 examples

for best practice. There are five inscriptions on the international UNESCO lists and five nominations.¹

As Germany is a confederal state and the 16 federal states are responsible for culture, there is a complex system of actors and institutions:² (1) Every two years, heritage communities (bearer groups) can apply for the national inventory. The heritage practitioners are expected to do this on their own initiative, following the intended “bottom-up” approach. They have to contribute an application dossier, which contains descriptions of the cultural expression and the community. (2) The applicants submit the files in the federal state in which they live, or where their representatives (e.g., craft associations) are based. In every federal state, the responsible specialists of the ministries or evaluation bodies check the files and suggest the nominations for the national list. The nominations are approved by the federal states’ governments. A special feature in Germany is that some federal states have their own inventories in addition to the national list, where cultural expressions of the federal state are listed.³ Notably, the application requests for the national list and the federal state inventories use the same files and criteria. (3) The German UNESCO Commission collects the nominations from the federal states, which are limited to 64 in total (four nominations from each of the 16 federal states) (4) From this nationwide pool of nominations, the nationwide evaluation body examines the applications and suggests the nominations for the national list. These are approved by the Conference of the Ministers of Culture of the federal states and the Federal Government Commissioner for Culture and the Media.

Part of this process, especially the evaluation process, is invisible to the public and can be described as a “Black Box”, other parts of the process are involved in public relations, especially the announcement of the newly accepted cultural expressions. The application rounds are launched every two years. There are events organized by the German UNESCO Commission and by federal states, to spread information on the process and the criteria. After the files are evaluated on the level of the federal states, sometimes there is information about the nominations – but this is optional. Furthermore, the nationwide evaluation only presents the cultural expressions that were successful. There is no public information on the rejected applicants (unless the communities disclose this information on their own) and there also is no

¹ Available: <https://www.unesco.de/en/culture-and-nature/intangible-cultural-heritage/nationwide-inventory-intangible-cultural-heritage> (viewed 01.02.2024); [https://ich.unesco.org/en/lists?text=&country\[\]=00005&multinational=3&display1=inscriptionID#tabs](https://ich.unesco.org/en/lists?text=&country[]=00005&multinational=3&display1=inscriptionID#tabs) (viewed 01.02.2024).

² The official papers (in German) are available at <https://unesco.de/ike> (viewed 01.02.2024).

³ Federal state lists exist in Bavaria, North Rhine-Westfalia, Saxony, Thuringia.

discussion or possibility to appeal this decision. The decision on the candidacies sometimes follows another process, the so-called *Rückstellung*, a kind of pending status with an opportunity for the applicants to revise their files. Ultimately, even in the case of an approval, the files remain secret (albeit, again, the instance when the communities disclose the information).

Keeping the evaluation process concealed preserves the evaluation bodies from political pressure. The decisions are based on the expertise of the members of the bodies (the names are mostly listed publicly), their discussions and the policies. To date, there is no public discussion on the criteria and the aims of the implementation process in Germany. Meanwhile, ICH in Germany is a rather marginal phenomenon, especially when compared to the *Denkmalschutz* (monument preservation) or museums, which have important fundings and are implemented widely in national laws.

Structures, criteria and actors forming ICH

Germany intends to follow a “bottom-up” approach, which is a problematic term [Sousa 2020: 373–379], and can be described as concept rather than an effective reality. “Bottom-up” in Germany means that the heritage communities shall directly apply for the national list. This is quite easy in case of small and regional cultural expressions. However, in the case of widespread communities, for example, connected to traditional craftsmanship, the associations are predominantly the entities tackling the application form. Furthermore, as the heritage practitioners are organized in different ways, it is quite hard for communities to apply, if they have no central organisation and scarce resources. This is the case, for instance, for post-migrant groups, urban cultural expressions, pop culture scenes, or free arts. Some support may come from the federal states, but in most states, there are little resources attributed to the instigation and coordination of applications. There is also a conceptual tension between the “bottom-up” approach and the hierarchical structures of evaluations and nominations. Additionally, there is no possibility for revisions or discussions regarding the evaluation bodies’ decisions. This aspect, in addition to the concealed nature of the process, is intended to keep politics and lobbyism out of the implementation process and to enable independent decision-making based on a scientific approach. On the other hand, there is no public discussion or negotiation about the process and the criteria, which involves different stakeholders from politics to academic scholars, all the way to heritage communities, all of them having their own policies and agendas.

The files the heritage communities have to submit consist of an application form, ten images and two expert opinions. The application form requires, in a rather dense manner, for the description of the cultural expression, its history and long-term

changes, involved communities and accessibility, for the ways ensuring transmission of skills and knowledge to the next generation, as well as the aspects of threats and of safeguarding plans. These aspects are largely based on the application form for the Representative List and the implicit values of UNESCO, such as the promotion of diversity, accessibility, respect of human rights and sustainability. In Germany, there are some specific questions concerning the reflection on problematic eras, namely the German Empire, the National Socialist period, and the socialist time of the German Democratic Republic.⁴

The application form also requests to involve as many heritage practitioners as possible. This is intended to promote awareness within the heritage community and minimize conflict or cultural appropriation – but it also makes it quite difficult to apply in the case of fragmented communities or scattered cultural expressions that have no organization, centre, or strong structures. This is quite important, as the German implementation process does not list the cultural expressions as a whole, but rather turns the communities who managed the application process into gatekeepers, who are then commissioned to transmit the official logo to the bearer group.

Decisions are mainly based on the application file and the knowledge of the evaluation bodies. Normally, no research or on-site meetings take place. The files remain secret, as long as the applicants do not disclose by themselves. What becomes apparent, are the descriptions of the cultural expressions published by the German UNESCO Commission and by the evaluation bodies of the federal states (in case of the federal state lists). This enables to assure quality and minimize wrongful or conflicting interpretations. However, these descriptions also shape the perception of ICH, based on the hidden agendas and the knowledge of those in charge.

There is little discussion in Germany about what exactly is meant when speaking of “ICH”. There has been a lot of academic excitement concerning this concept in Germany after 2006, a multi-vocal debate over the Convention, its implementation, and the terms enshrined [Bendix et al. 2012; Berger et al. 2009; Eggert and Mißling 2015; Hemme, Tauschek and Bendix 2007; Maase 2015; Samida 2013; Schneider and Valeska 2014; Tauschek 2010]. Meanwhile, there is still no clear definition of ICH. Therefore, intangible cultural heritage can be defined as a synonym for tradition, as a set of cultural performances including the transmission of knowledge and skills within and between communities, as a legal framework in connection to an evaluation and awarding process, as a cultural and identity policy tool, or as a specific perspective on cultural expressions.

⁴ <https://www.unesco.de/kultur-und-natur/immaterielles-kulturerbe/immaterielles-kulturerbe-werden> (viewed 01.02.2024).

Cultural brokerage and the four loyalties

We can consider the application form and the file as a type of “boundary object” [Christiansen 2005] that mediates between the sphere of the heritage communities and the evaluation bodies. It is the result of the effort to compare a wide range of cultural expressions which are quite incomparable, ranging from rituals to crafts to knowledge on nature, and thus enables the implementation process. The application form has a kind of Janus face: the applicants speak with one face, and the evaluation body with another. It is necessary for heritage practitioners to select the right aspects of their cultural expressions and explain them in a way that fits the form and the criteria. This is often not easy for the applicants – and therefore support is necessary.

In Bavaria, it is the mandate of the author of the current article to be part of this two-faced process. As a heritage consultant, based at the Institute for European Ethnology at the Bavarian Academy of Sciences and Humanities,⁵ the author takes part in information events, explains the structures and criteria of the application process, reviews the proposals of the application forms with the applicants, and supports the Bavarian evaluation body. During consulting, he can contribute his academic knowledge on cultural expressions and processes, question some stereotypes and stagings expressed by the applicants, and encourage research by the bearer groups (e.g., studies in archives).

In addition to consulting, the author is a researcher on concepts about intangible cultural heritage and cultural expressions, on the terms and implementation processes, in a critical approach. His interest also lies in the possibilities to fill the gaps of the lists. The German inventories on the national and federal state level still lack Jewish or post-migrant cultural expressions, they have no ICH from Sinti and Roma, and there is some bias towards small scaled and medium-town expressions, missing the urban or pop-culture heritage.

These two approaches within the author’s working on and with ICH and the bearer groups mostly belongs to different spheres of consulting and researching but fertilize one another. It is crucial to maintain a neutral position based on a scientific approach – and especially to reflect on this polyvalence! Yet it is accompanied with certain challenges, as in the complex system of structures and criteria, and the author of the current article is an actor too, connected and bound by different loyalties [Groschwitz 2024].

⁵ Available: <https://kblg.badw.de/institut-fuer-volkskunde/immaterielles-kulturerbe.html> (viewed 08.10.2025). The position is funded by the Bavarian State Ministry of Finances and Homeland Affairs.

The four loyalties / commitments

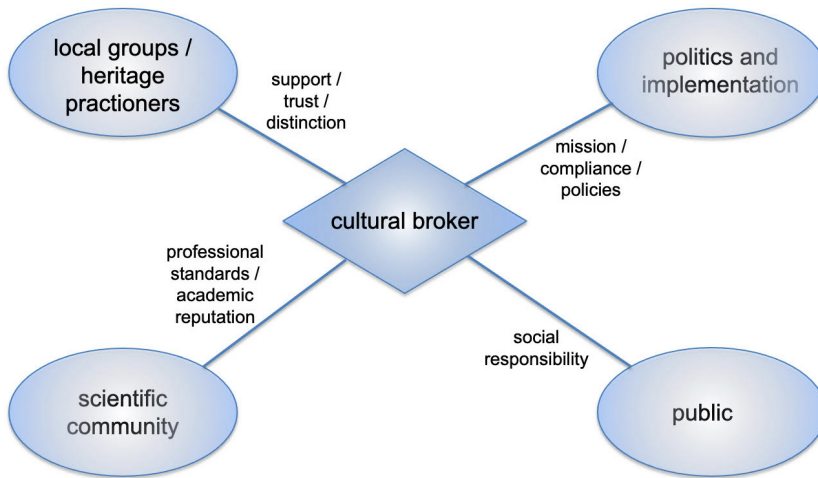


Figure 1. The four loyalties, inspired by Antweiler & Schönhuth.

The author of this article in his professional capacity must be trusted by the heritage communities, the Bavarian evaluation body, the officials, and the UNESCO-commission, by the scientific community, and, finally, by public. In any commitment, he has to exercise restraint and be aware for possible vulnerabilities of the heritage practitioners, there may be aspects he should not discuss with others. But most of all, he must translate. He has to translate the process and the criteria to the heritage communities, translate the values and maybe the hidden agendas of the bearer groups to the evaluation body and officials, he has to translate what is going on to the scientific community – and also translate research and results to the heritage practitioners and the policy makers. In this manifold activity, he considers himself as a cultural broker, which means in this case: providing knowledge and explaining across different layers. As he has no decision-making authority, he can act quite freely and hold valuable dialogues with the different groups. To be clear: he is only one example of a cultural broker in Germany, there are more colleagues with similar challenges. Furthermore, it is very important to keep the exchange and discussions beyond the official procedures.

In his position, the author does not write the files or parts of them, he only gives advice, since the heritage communities still shall identify with their applications. If successful, they are very proud of this achievement. There is some first research on the processes which happen within the communities after an approval, which is a very interesting topic, but which has to be explored further.

Examples from the German implementation process

Three brief examples shall illustrate the application process and some issues in Germany. The first is the so-called “Easter Wheels Run” in Lügde (North Rhine-Westphalia), which has been listed on the national inventory in 2018. Every Easter, the community builds and maintains big wheels made of oak, water them for days, then stuffs them with straw. On the night following Easter Sunday, the straw is set on fire and the wheels run down the hill into the river. This custom relies on many skills and knowledge, and it gives people a strong sense of belonging. Meanwhile, this application had a huge problem at the first attempt, because the heritage community followed some mythological narratives. They imagined themselves to be part of a tradition reaching back to pagan times. These interpretations of rituals often form a kind of dark heritage, reaching back to the 19th and early 20th century. Especially during the National Socialist period, such social practices fitted perfectly into collective imagination of “sun wheels” and “Germanic cults”. These mythological narratives have been deconstructed by scholars over many decades – but they lived on within the heritage community. Thus, the evaluation body had to reject the practitioners’ self-perception – and identified the need for further research. This was accomplished by a historian who collected sources and traced back the cultural expression to the time of Baroque celebrations. Thus, in the end, the application process transformed the self-perception and self-interpretation of the practitioners – and contributed to scientific knowledge [Harnack 2022].

The second example is a mounted pilgrimage from eastern Bavaria. Based on a legend, every Pentecost Sunday there are a catholic procession from Kötzing to a small church, a horse blessing, and some festivities. The horses are opulently decorated, and it is the central celebration of the citizens. The cultural expression is listed on the Bavarian Inventory, but it failed the national list, as women are excluded from the procession itself; they only are involved in the preparations and decorations. This example illustrates the possibility of different interpretations by the Bavarian and the nationwide evaluation body. The rejection from the national inventory had a major impact on the identity of the heritage practitioners. After a brief period of disappointment, they turned the rejection upside down. They still refuse to open the practice to women – and they make the refusal part of their identity. They consider their sense of tradition stronger than the UNESCO criteria.

The third example does not concern a nomination – not now, but it would be possible, even if difficult [Groschwitz 2019]. The festivities of Newroz, the Zoroastrian New Year, is included on the Representative List by many nations.⁶

⁶ Available: <https://ich.unesco.org/en/RL/nawrouz-novruz-nowrouz-nowrouz-nowrouz-nauryz-nooruz-nowruz-navruz-nevruz-nowruz-navruz-02097> (viewed 08.10.2025).

Newroz is also celebrated in Germany, by post-migrants, especially Iranians and Kurds. Since Newroz has been banned in Turkey for several years, it has also become a ritual of Kurdish resistance there. This political content came to Germany along with Kurdish migrants, together with banned political parties. At the moment, when searching for Newroz and Kurds in Bavaria on the internet, one soon reaches the state security – which is not the best environment for ICH. Nevertheless, Newroz has a huge potential for the national list in Germany, as it is celebrated by people living in Germany – and the German national list still lacks migrant heritage. But there are some obstacles. Firstly, there is no overarching heritage community, which could be defined. Secondly, the different groups have no organizational structures – and they follow different ideas of Newroz. And thirdly, Newroz in Germany probably has to shed its political aspects before it has a chance to get nominated. Or maybe these different aspects could be the very reason to bring Newroz to the national list? Nevertheless, this probably would fail at the German implementation process.

These three examples provide a very brief insight into the ways how the notion of cultural expressions as heritage depend on the structures and criteria of the implementation process. There is no neutral way to look at cultural expressions and heritage communities. Furthermore, each of the aforementioned definitions of heritage follows the concept of a division between cultural expressions and communities on the one hand, and other actors, scholars, evaluation bodies, media, policy makers, etc. on the other hand (Fig. 2).

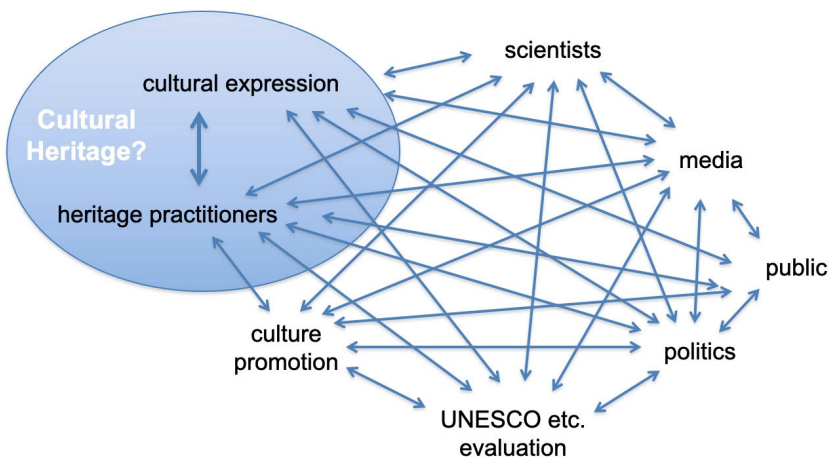


Figure 2. Division between heritage and further stakeholders.

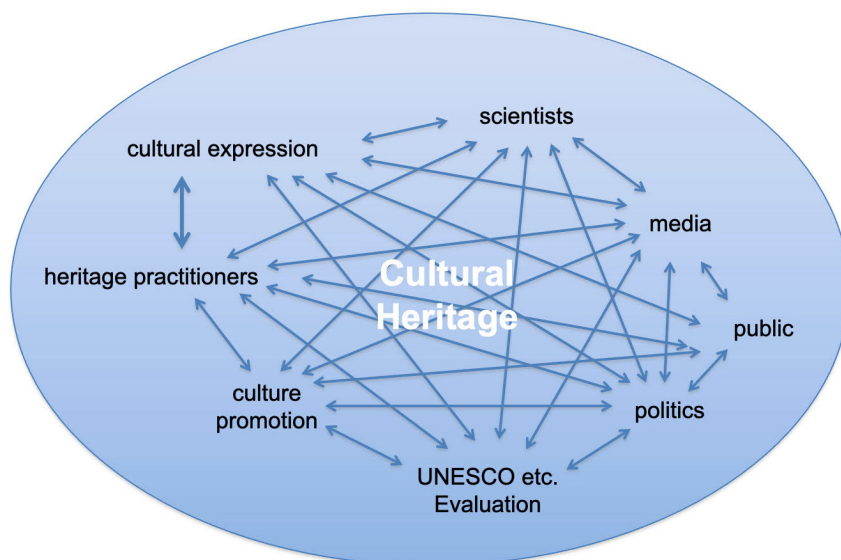


Figure 3. Cultural Heritage as network.

In contrast to this model, the author suggests a notion of ICH as the whole network itself (Fig. 3). With this approach, one can think about the co-production of heritage by the whole network, the interactions, and translations, the interdependencies, and formations [Groschwitz 2021]. Cultural Heritage is less of a state, but more of a process. The scholars, heritage professionals and members of evaluation bodies, are a crucial part of this process – and of ICH itself. This model also relates the different spheres of consulting and research, as all actors in the network refer to the processes and criteria, to knowledge bases and agencies, albeit with different perspectives and power.

Heritage, values and policies

Heritage is not an essential fact, but the result of a complex co-production made from policies, traditions, and skills. There are many valuable studies on heritage that show the different actors, the frameworks, the inventions, interventions, and determinations. There also is the double focus on the past developments of cultural expressions and the processes in the present. Above all, the fluidity of intangible cultural heritage allows for an active role in shaping and forming cultural expressions. In Germany, there have been numerous and extensive academic discussions deliberating whether the convention is suitable for the cultural expressions, whether the terms are adequate and what could be the goal of the implementation process. Especially the formatting effect on cultural expressions by the criteria, the application

processes, and the involved experts have been questioned. These discussions were important, but at some point, they led to a dead end.

The recent discussions have a new focus – on values and policies. Once Intangible Cultural Heritage is considered as an instrument of culture and identity politics, as it is designed within the UNESCO framework, one must ask about the policies and values applied to cultural expressions, and which are negotiated within the network of cultural heritage. Then questions must be asked regarding heritage management and the need for education.

With this focus, documenting and safeguarding, valorising, and shaping do not have to be discussed under terms of tradition or authenticity – instead, the author suggests to think of heritage as a public space, where we are able to negotiate social and cultural issues, where we can think about the future: which of the appropriated skills and knowledge can we adapt to recent values and transmit them to the future? This approach is not utopian, as it is already being implemented in participatory valorisation, in the quest for more diversity and representation, in the negotiations done in contested heritage. It would be great, if there could be more discussions on the future of intangible cultural heritage in Germany.

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