

# Sustainability versus Heritage

A case study for use in teaching in Engineering Ethics

## Abstract

This scenario examines the case of a conflict between environmental issues (using sustainable timber) and protecting heritage (replacing like with like in a listed building).

## Teaching Format

2 hour session, small group discussions

## Practicalities

This session is suitable for beginners and students with some experience of ethics teaching

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## Relevant Ethical Concepts & Issues

- Culpable Ignorance
- Instrumental & Intrinsic Value
- Duty to the Environment
- Duty to Obey the Law
- Duty to Preserve Heritage

More information about these concepts and issues can be found in the 'Glossary for Engineers' document

## Partners in producing this resource

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## Sustainability vs. Heritage: Part 1

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BFG Ltd have been contracted by the local authority to undertake restoration work on Russell House, a listed building in West Yorkshire. Russell House is an attractive specialist children's home well-loved by staff and children who, for the duration of the restoration work, have had to be relocated to rather unsatisfactory temporary accommodation. As it is a listed building, materials that need to be replaced must be replaced like-with-like. Most of the timber in the house is sapele hardwood from Ghana. Of course, where possible, BFG will retain as much of the original timber as possible. But, as part of the refurbishment, the timber will have to be taken out, to get to cables for example, and then put back. As a result of this, some of the timber is likely to break and then needs to be replaced like-with-like.

At the same time, however, there are a number of requirements to use sustainable timber. As the restoration is government funded, BFG are required to comply with the government's timber procurement policy which states that contractors should actively seek to buy timber from legal and sustainable sources. Government contracts are not awarded if contractors cannot guarantee that their timber is legal and, wherever possible, contracts are awarded to those companies who provide timber which is sustainable also. However, many environmental groups argue that these requirements are too lax, and should be more stringent. In particular, the reliability of some of the regulating bodies has been questioned, and the Forest Stewardship Council (FSC) is generally considered to be the most reliable.

Whilst BFG was awarded the contract for Russell House based on their tender to use sustainable timber, there are no further regulations concerning any particular requirements. The government policy does not stipulate, for example, that FSC timber must be used. The local authority has stated, however, that one of the reasons for choosing BFG over other companies was their reputation for having commendable environmental policies. BFG themselves have a policy of only using timber certified as sustainable by the Forest Stewardship Council (FSC).

The challenge then was to find a supplier of Ghanaian sapele hardwood that was certified as sustainable by the FSC. Mr. Ely was put in charge of this task. Unfortunately, he was unable to find Ghanaian sapele hardwood that was certified by the FSC, but he did find a supplier in Sweden who could provide Ghanaian sapele that was certified as sustainable by Sustainable Forestry Initiative (SFI). In addition, he also found a UK supplier who could provide sapele certified by the FSC, but it wasn't Ghanaian sapele.

Mr. Ely then reported his findings back to his superior, Mr. Tyler. In the meantime, the staff and management of the children's home have been bringing pressure to bear to complete the project quickly. This is because of the detriment to the welfare of the children from the less suitable temporary accommodation.

### Questions

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Read Part 1. Try and summarise in one or two sentences the issue(s) that this part of the case study presents. Then in groups of 4-6 discuss the following questions.

- (i) What reasons are there for thinking that BFG ought to use the Swedish supplier?
- (ii) What reasons are there for thinking that BFG ought to use the UK supplier?
- (iii) What should BFG do and why?

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## Sustainability vs. Heritage: Part 2a

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BFG signed a contract with the supplier in Sweden and continued work. A month later, however, Green Action, an environmental pressure group, arrived on the site claiming that the timber being used was not sustainable. Mr. Ely met with the Green Action representative, insisting that BFG had evidence that the timber was sustainable, and he provided Green Action with copies of the documentation from the SFI. Green Action, however, provided evidence that SFI allowed unsustainable logging, and also provided evidence that the particular timber being used in this project was not sustainable.

BFG had complied with all legal requirements, and had used timber that was certified as sustainable, and so they could claim to have done all they could, but had simply been misinformed. But, at the same time, they made a deliberate choice to relax their standards and to accept SFI timber, rather than FSC timber, knowing that FSC were significantly more reliable than SFI. They didn't relax their standards in order to maximise profit, however, but to replace like-with-like in the listed building.

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### Questions

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Read part 2a and discuss the following questions in your group:

- (i) To some extent, BFG have to rely on the information provided by others. To what extent should they simply trust others to give them true information, and to what extent do they have an obligation to make some checks for themselves. How demanding is this requirement to make checks?
- (ii) What is the difference between culpable and non-culpable ignorance in this case? Should BFG be blamed for this error, or are they innocent victims?
- (iii) Once the error has been recognised, what should BFG do?

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## Sustainability vs. Heritage: Part 2b

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BFG signed a contract with the UK supplier and continued work. A month later a representative from English Heritage, Mrs Foster, arrives on site to inspect the work. During the process of rewiring the ground floor, some wood panelling has had to be replaced using the newly purchased timber. Mrs Foster notices that the new wood has a different grain and finish to the original timber. She asks to see documentation confirming the source of the timber and Mr Tyler supplies her with the certificates from the FSC. The certificates state that the timber is Cameroonian rather than Ghanaian sapele. Mrs Foster claims that because of this, BFG have breached the terms of the listed building consent granted before the beginning of the project which clearly states that any materials which need to be replaced as a result of the refurbishment must be replaced like-with-like. This means that BFG are likely to be fined heavily and English Heritage may well pursue a court case against them.

BFG complain that they had replaced the broken sapele wood with new sapele and did not realise that the condition of replacing 'like-with-like' was to be taken so literally. Moreover, during his investigations, Mr Ely discovered that Ghanaian sapele is classified as vulnerable to extinction by the International Union for the Conservation of Nature and Natural Resources (IUCN) and this information was a major factor in BFG's decision to use the UK supplier. BFG believed that they had complied with all legal requirements in sourcing sustainable timber and by replacing like-with-like. Their decision to go with the UK supplier was based on environmental rather than economic concerns, yet they misunderstood the like-with-like condition and in doing so, broke the terms of their contract.

### Questions

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Read part 2b and discuss the following questions in your group:

- (i) Are BFG to blame for breaching the terms of the like-with-like condition?
- (ii) If the newly replaced timber functions as well as the original wood then does it really matter that it's not strictly like-for-like? If Mrs Foster had not noticed the difference would BFG nevertheless have done something wrong? Why?
- (iii) Does the fact that Ghanaian sapele is an endangered species justify BFG's actions in this case?

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## Tutor Notes

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The tutor takes a facilitator role directing questions where necessary to generate discussion, allowing students to voice their own opinions and encouraging students to justify their answers. The different parts of the scenario will be given to the students separately. To begin with, hand out **part 1** and give the students time to read the text. **(5 minutes for this section)**

Next, ask the students for their first impressions, and facilitate a brief discussion. This discussion should just ascertain that the students understand what's going on in this case and have identified the main issues that are at stake. First, there is a possible conflict between protecting heritage (replacing like with like) and protecting the environment (using sustainable timber). Similarly, there is a conflict between obeying the law and acting in accordance with the most important ethical issues. Don't worry if the students' responses are not framed exactly in these terms; just make sure they have grasped the basic point. **(5-10 minutes)**

Split the students into groups of 4-6 and get them to discuss the questions relating to part 1. **(15 minutes)** After students have been given time to discuss the questions, bring them back into a large group and ask them to report back the outcome of their discussion. For this part you should expect a deeper level of engagement- more detailed answers and maybe some attempt at justification of those answers **(15 minutes)**. Here are the main points that should get covered:

**(i) What reasons are there for thinking that BFG ought to use the Swedish supplier?**

The wood is certified as sustainable, BFG are not to blame if it turns out not to be. As long as the certificate is there, BFG have done their duty. Although not using FSC timber goes against BFG's usual policy, this is justified in this instance to fulfil the like-with-like condition.

The wood is like-with-like and this is important to preserve the heritage of the building - more important than having to consider the mere *possibility* that the wood might not be sustainable.

**(ii) What reasons are there for thinking that BFG ought to use the UK supplier?**

There is strong reason to suspect that the wood supplied by the Swedish supplier may not come from sustainable sources - the SFI is said not to be as reliable as the FSC and this is probably why BFG have a policy of only using FSC certified timber.

The like-with-like condition may not be so stringent and replacing any broken timber with wood of the same species is probably sufficient. Anyway, the woods are identical in appearance and properties, and so no one will notice. Even if the colour of the new timber is slightly different, this may improve with age, and having wood panelling that does not match is not as important as saving endangered habitats.

**(iii) What should BFG do and why?**

There will more than likely be a split between people who think that heritage considerations outweigh any possible environmental damage that might come out of going with a particular supplier, and those who believe that any chance that the environment may be damaged should be avoided if the only cost in doing so is an aesthetic one. Encourage students to try and articulate why, for example, heritage is more important than the environment (perhaps as citizens of England we have a duty to protect our immediate environment over environments which are not 'ours').

At the end of this discussion ask the students to commit to a proposed course of action (if they refuse to commit, tell them that the decision has to be made - if this were really happening, the job schedule would suffer from such indecision, children are waiting to be given their home back!). Note the group's responses.

**Break for 10-15 minutes - allow students to leave the room/ have a cup of tea etc.**

Reconvene and hand the students the **next part of the scenario**. If the students say that they would order from the Swedish supplier hand them part 2a, if they decide to order from the UK supplier, hand them part 2b. (In the event that all students agree, or that the split is very uneven, feel free to allocate the different parts to certain students. Tell any complainants that playing devil's advocate is good for their critical thinking skills!) Some people may have changed their mind over the course of the break. Note down who these students are to ask them about this decision later on in the session.

Rearrange the students into groups of 4-6 people, all of whom have the same section of text to read. Give the students **5 minutes** to read the text and then hand out the corresponding set of questions. Ask for a volunteer from each group (or allocate one if no volunteers are forthcoming) who will act as a spokesperson and report the group's responses back to the rest of the class. Allow a further **15 minutes** for the students to discuss the questions in their small groups.

Call the students back for a group discussion. The spokesperson from the group discussing part 2a should begin by summarising the answers that they gave to the questions. (You may wish to record each group's answers to the questions/summarise their overall discussion on a whiteboard or flipchart. Alternatively, you could instruct the spokesperson to write the responses on the board themselves as they talk through them. It is useful to have a record of students' views to refer to when summing up at the end of the class in order to demonstrate the progress that students have made.) Allow participation and questions from members of the other group if they wish to give them (**15 minutes**). Here are the main points that should be covered in relation to each question:

- (i) **To some extent, BFG have to rely on the information provided by others. To what extent should they simply trust others to give them true information, and to what extent do they have an obligation to make some checks for themselves? How demanding is this requirement to make checks?**

BFG relied on the information given to them by the SFI but had some reason not to trust them - they were judged to be unreliable. In this situation, BFG were foolish to trust the SFI. While it is not BFG's fault that the wood is unsustainable they can still be blamed for not enquiring further about the source of the wood given they had good reason to suspect that it was from an unsustainable source.

The demand to make checks is dependent upon how reliable or trustworthy one's source is. There is the risk in any transaction that one might be deceived by others, but that does not mean that one ought to distrust everyone. This is both irrational - not everyone is out to deceive us - and counterproductive- we are unlikely to get anything done if we do not enlist others' help. However, we ought not to trust blindly because clearly not everyone is trustworthy. In this case, BFG should have checked out the source of the wood but this is not to say that every supplier of theirs should be subject to the same checks. However, it may be the case that further checks would not have revealed anything suspicious. Without sending someone to Ghana it is difficult to see how BFG could have been absolutely sure about the source of the wood. It is difficult to say where the line should be drawn. The fact that there are children waiting to move back in to Russell House also means that BFG are not required to make extensive checks in this case; the need to ensure that the wood is sourced sustainably must be balanced against the needs of the children.

- (ii) **What is the difference between culpable and non-culpable ignorance in this case? Should BFG be blamed for this error, or are they innocent victims?**

Culpable ignorance is a case where ignorance of the facts surrounding a situation does not diminish the responsibility of the moral agent for unwanted or immoral outcomes of an action. Even though the agent acted in good faith at the time, we say that 'they should have known better' or 'they should have realised what they were doing' and so they are still blameworthy for the immoral outcomes of their action, even though these outcomes were not intended.

In this case, BFG were ignorant of the fact that the wood was from an unsustainable source; they had paperwork which told them otherwise. They are culpably ignorant if it can be said that they should have known better. In this case it may be reasonable to say this - they had reason to suspect the SFI to be unreliable. Saying that BFG are 'innocent victims' could be stretching the truth too far.

**(iii) Once the error has been recognised, what should BFG do?**

More than likely there will be a split between the views of the students at this point. Those who say that BFG should do nothing will draw on the following reasons: The damage is already done, the trees are chopped down; BFG would be wrong to waste the wood; BFG did not know that the wood was not sustainable so are not wrong to use it - they were given a guarantee by the SFI and so are not to blame.

Those who say that BFG should send the wood back to the supplier will draw on the following reasons: Bad publicity will ensue from the fact that Green Action are involved so BFG should be seen to be intolerant of unsustainable materials so that their reputation is preserved and future business is not affected; while it is too late to save the particular wood that has been used on site, BFG should nevertheless cease all transactions with the supplier to prevent them from prospering any more from their deception (compare: the fur trade); it is the right thing to do. BFG 'knowingly' used a substandard accreditation body and need to make up for this. It was always possible that the wood was from an unsustainable source and BFG knew this. They need to accept the responsibility for this outcome and do something to put it right - returning the wood and finding a reliable supplier perhaps.

Next, receive feedback from the group discussing part 2b also with the opportunity for others to comment if they want to. The group's responses should also be recorded as before. **(15 minutes)** Again, the main points to be covered in relation to each question are given below.

**(i) Are BFG to blame for breaching the terms of the like-with-like condition?**

Listed building consent is granted under the condition that materials are replaced like-with-like. BFG may have specified in their application for listed building consent that they would use Ghanaian sapele for the restoration work. If this is the case, they broke the contract in obtaining Cameroonian sapele and did something wrong by doing so. However, BFG may have not specified that they would use Ghanaian sapele in their application, in which case they are less to blame, but not blameless. The fact that they investigated sources for both kinds of wood indicates that they at least *thought* that the like-with-like condition was strictly applied, and even if they were not sure about this, they still acted wrongly by breaking what they *believed* were the rules.

**(ii) If the newly replaced timber functions as well as the original wood then does it really matter that it's not strictly like-for-like? If Mrs Foster had not noticed the difference would BFG nevertheless have done something wrong? Why?**

It may be worth questioning the justification for the strict application of the like-with-like rule. Presumably, the rationale behind it is something like the thought that the look and character of the building should not be altered, and any new material should be long-lasting. The newly replaced timber, being the same species as the old, can reasonably be expected to function as well (in terms of durability, strength and other physical properties) but is not quite the same colour. Perhaps this will remedy itself over time, or can be stained to look identical. However, it was breaking the rules, and for this reason BFG have done something wrong; whether in fact anyone realises this is beside the point. [Compare: undiscovered theft]

**(iii) Does the fact that Ghanaian sapele is an endangered species excuse BFG's actions in this case?**

That BFG's motives were laudable in this case does make a difference to our moral evaluation of their actions but probably does not excuse them totally. They could, for example, have gone with the less reliable supplier, or another cheaper supplier, and misled English Heritage wilfully and for purely economic gain, which would have been worse. What they did was choose to ignore, or fail to strictly adhere to, a like-with-like condition on the grounds that to adhere to this condition would involve committing a morally worse act - procuring unsustainable and endangered wood.

After noting the response of the group considering 2b it is time to **conclude the session (10 minutes)**. This can be done in a couple of different ways:

Simply summarise the two opposing positions bringing in the points that have been made by both groups. Incorporate the material that you/they have put on the flip chart. Reiterate that the dilemma involved a conflict between preserving heritage and preserving the environment and that it is difficult to see which one should take precedence. Reiterate also that aside from this ethical dimension to the problem, there were also particular factual issues which affected how one might react to the situation: the reliability of the regulatory bodies, the exact terms of the like-with-like condition, the fact that Ghanaian sapele is classified as endangered. Mention that moral problems will often involve taking complex facts into consideration as well as straightforwardly moral issues. Finish off by saying that while the dilemma may not have been 'solved': there may still be disagreement within the group - the point of the exercise was to make students aware of what kind of reasons they should be drawing on to support a course of action. They have been made aware of duties to preserve heritage and the environment, as well as duties to be honest and upfront. It may not be clear which duties are the most important but this has equipped them with the information to apply these concepts in other cases.

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## Further Reading

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### Environment and sustainability

- Singer, P. (1993), *Practical Ethics, second edition*, Cambridge: CUP. Chapter 10.

### Culpable ignorance

- Smith, H. (1983), 'Culpable Ignorance', *Philosophical Review*, **92(4)**: 543-571.

### Trust

- Gambetta, D. (ed.) , *Trust: Making and Breaking Cooperative Relations* (New York: Blackwell, 1988)
- Baier, A. (1986) 'Trust and Anti-trust', *Ethics* **96**: 231–60.

### Newspaper/ Web Articles

- John Vidal, 'UK plays key role in illegal logging', *The Guardian*, 19<sup>th</sup> April 2002  
<http://www.guardian.co.uk/Archive/Article/0,4273,4397185,00.html>
- Greenpeace bulletin:  
<http://www.greenpeace.org.uk/contentlookup.cfm?CFID=1437354&CFTOKEN=&ucidparam=20050811172012&MenuPoint=D-G-C>
- FSC homepage: <http://www.fsc-uk.org/>
- Government Timber Policy: <http://www.proforest.net/cpet>
- World Conservation Monitoring Center evaluation of tree species: [www.unep-wcmc.org/species/tree\\_study/pdfs/1.pdf](http://www.unep-wcmc.org/species/tree_study/pdfs/1.pdf)

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<http://www.engsc.ac.uk/downloads/scholarart/ethics/heritage.pdf>