

# BOOK REVIEWS

Katarzyna Zalasńska\*

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*Prawo ochrony zabytków*  
[The Law on the Protection  
of Monuments]  
Kamil Zeidler (ed.)

ISBN 978-83-7865-175-8

Wolters Kluwer, Warszawa – Gdańsk 2014

*Prawo ochrony zabytków* [The Law on the Protection of Monuments] (2014) is undoubtedly the most significant book on the legal protection of monuments in Poland published in recent years. The publication consists of a total of 45 contributions prepared by a group of 48 authors, which makes it at the same time the broadest collection so far released in this area. It is worth noting first the origin of the publication: the book under review is the result of a research project, undertaken at the Faculty of Law and Administration, University of Gdańsk in 2013 on the tenth anniversary of the enactment of the Act on the Protection and Guardianship of Monuments (APGM) – a core instrument on the legal protection of tangible cultural heritage in Poland.

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According to the editor, Kamil Zeidler, Associate Professor at the University of Gdańsk, this book constitutes a *sui generis* commentary to the APGM since its structure mirrors the internal construction of the Act, and each contribution refers to its specific provisions, regulations and the legal institutions defined therein. Following the normative analysis, offering comments *de lege lata*, the authors endeavour to formulate concrete demands *de lege ferenda*, and thus they attempt to indicate the direction of envisaged changes in the existing legislation to ensure their proper performance. The inclusion of many contributors from outside the legal profession, ones who deal on a daily basis with the protection of monuments, has made a comprehensive picture of the problem possible, as well as showing its complexity and the challenges associated with its application. The dialogue between legal theory and practice concerning the existing regime of the APGM has brought excellent results: the book is practical but it also includes stimulating theoretical legal considerations, which should become the starting point for the work on the reform of the law shown here to be inevitable.

Considering the breadth of the book under review it is difficult to refer to each individual contribution. Therefore, I have taken the liberty of referring only to some select contributions. Special attention should be paid to the paper by Piotr Dobosz as it comprehensively systematizes the problem of the development of legal forms for the protection of monuments in Poland. In turn, the contribution by Jacek Brudnicki skilfully analyzes the regulation concerning the procedure of removal from the register of monuments. Importantly, Katarzyna Piotrowska describes the complex issue of legal aspects of heritage management taking the examples of historic monuments and World Heritage Sites. The book also contains other contributions focusing on very concrete, practical and extremely current problems of monument protection. Among these, it is worth paying attention to the very interesting study by Monika Drela exploring the issue of an administrative decision to protect an immovable monument by establishing temporary seizure as a tool for preventing its destruction. Anna Kociołek-Pęksa proposes valuable proposals for changes in the legal protection of monuments, such as a mandatory fire certification for historic properties. The practical and highly significant issue of the status of the regional inspector of monuments as an auxiliary prosecutor in a criminal trial is discussed by Anna Gerecka-Żołyńska. Finally, I would like to mention the analyses by Wojciech Szafranski and Bartłomiej Gadecki referring to the role of criminal law in protecting the authenticity of art objects and preventing forgery in the art market.

*Prawo ochrony zabytków* is an important contribution to the development of the law on the protection of monuments in Poland. Its versatility and content layout, the diversity of the issues, the experience and achievements of the authors make it the most significant publication on this subject in the last decade. Its high appraisal and positive reception by readers are confirmed by the numerous awards received by the Publisher, among others, the title Book of the Year 2014 awarded by the Association of Monument Inspectors, Gdańsk University Publishing House

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Award for the best academic publication in the academic year 2013/2014, as well the Journalists' Award in the competition for the Best Academic Book in 2014 during the 18<sup>th</sup> Poznań Book Days.

In conclusion, one should note that this publication was dedicated to the Memory of Piotr Ogrodzki, the Director of the Centre for the Protection of Public Collections, following his premature death in 2013.