

NEW BOOKS

Editorial Note

CULTURAL HERITAGE LAW BOOKS PUBLISHED IN 2024

The Routledge Handbook of Heritage and the Law edited by Lucas Lixinski and Lucie K. Morisset

ISBN 9780367687632

Routledge, London–New York 2024, pp. 544
Published: 14 February 2024

This volume, edited by Lucas Lixinski (University of New South Wales) and Lucie K. Morisset (Université du Québec à Montréal), sheds light on the relationship between the fields of Heritage and the Law, examining the ways in which the law both shapes heritage and heritage practice, and does so in ways that are both anticipated and unanticipated. The handbook includes contributions from 41 authors working across a range of jurisdictions and analyses the law as a transnational phenomenon. It employs international and comparative legal methodologies to derive lessons that can be applied in a broad range of contexts. The volume demonstrates that the law is fundamentally a language of power and contestation, and illustrates how this impacts the various views of heritage. Furthermore, it shows that in order to comprehend the manner in which

the law influences pivotal aspects of heritage practice it is essential to consider the potential of heritage as a nexus of identity, struggles over resources, and the distribution of power. The volume takes the position that heritage should be regarded as a catalyst for legal engagement rather than a passive regulatory object. It begins by examining the various legal fields or mechanisms that can influence actions within the heritage field. It then questions how these mechanisms enable authority and the extent to which they empower those who deal with seized heritage. Finally, it envisions how the ongoing dialogue between heritage and the law can establish new grounds in both fields. This handbook serves to clarify the often opaque nature of the law in the context of heritage studies, demonstrating how the law can be understood as a medium through which the culture and power of heritage are expressed and shared.

The Routledge Handbook of Heritage and the Law offers a perspective on the law and is intended for those who wish to consider how the legal landscape has evolved, or could evolve, in relation to heritage and its potential to facilitate social, cultural, local, or other forms of development. It should be of interest to scholars, students, policymakers, and practitioners engaged in the fields of museum studies, heritage studies, urban studies, cultural intervention, and planning.

*Heritage in War and Peace:
Legal and Political Perspectives
for Future Protection*
edited by Gianluigi Mastandrea Bonaviri
and Mirosław Michał Sadowski

ISBN 9783031473470

Springer, Cham 2024, pp. 595
Published: 24 February 2024

This volume, edited by Gianluigi Mastandrea Bonaviri (University of Bologna) and Mirosław Michał Sadowski (University of Strathclyde), brings together nearly 50 authors from across the globe and various disciplines, and constitutes a valuable contribution to the field of conservation of cultural heritage.

It covers a wide range of topics regarding the protection of heritage in times of war and peace. The book uniquely links the two typically separate perspectives by building on the wealth of discussions that took place during the 2021 and 2022 instalments of the international “Heritage in War and Peace” Seminars. These were held in Rome and Montréal, respectively. The volume addresses a number of key issues, including the protection of contentious heritage, the limitations of the current dichotomous cultural and natural heritage protection frameworks, the digitalization of heritage, the role of heritage in military conflicts, the use of heritage by armed non-state actors, Indigenous peoples’ relationships with heritage, the intersection of intellectual property (IP) law and heritage, human rights matters linked to heritage protection, and the latest case studies surrounding restitution of cultural property.

Given the scope and analytical depth of the book, it will be of particular interest not only to practitioners and conservation specialists but also to academics and students in the broader social sciences and humanities, and to all those who hope to preserve our heritage for future generations.

*The 1970 UNESCO
and 1995 UNIDROIT Conventions
on Stolen or Illegally Transferred
Cultural Property: A Commentary*
edited by Ana Filipa Vrdoljak,
Andrzej Jakubowski,
and Alessandro Chechi

ISBN 9780192846884

Oxford University Press, Oxford 2024, pp. 944
Published: 29 February 2024

Trafficking in cultural objects presents a significant challenge for the international community. The resulting cultural damage, coupled with the dangers posed by organized crime in the field, has given rise to debates on the optimal regulatory

framework for the trade in cultural property and has informed legal responses at all levels aimed at protecting movable cultural heritage. This research commentary is the first to provide comprehensive coverage of the two leading multilateral treaties on movable cultural heritage in a single volume. It addresses the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by UNESCO in 1970; and the Convention on Stolen or Illegally Exported Cultural Objects, adopted by UNIDROIT in 1995. It was edited by Ana Filipa Vrdoljak (UNESCO Chair in International Law and Cultural Heritage, University of Technology Sydney), Andrzej Jakubowski (Institute of Law Studies of the Polish Academy of Sciences in Warsaw), and Alessandro Chechi (University of Geneva), and co-authored by 51 other leading scholars and practitioners from around the world.

This commentary is intended to serve as the authoritative text for academics, lawyers, policymakers, and diplomats on the protection and regulation of cultural objects. It encompasses both public and private international law rules on the trade in cultural objects, and provides a detailed historical and thematic overview. The Commentary draws on the *travaux préparatoires* and intergovernmental and state practice over the last half century in order to provide an article-by-article analysis of the interpretation and application of these treaties. The 1970 UNESCO and 1995 UNIDROIT Conventions are also examined in the context of other cultural conventions, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols; the World Heritage Convention; and the Intangible Heritage Convention; as well as related fields of international law, such as international humanitarian law, international criminal law, human rights law, and international economic law. Hence the volume offers a critical, in-depth examination of the current trends and future directions of international cultural heritage law and policy. This book is of great importance, inasmuch as the illicit trafficking in cultural property represents a significant challenge for the international community. The resulting cultural damage, coupled with the dangers posed by the rise of organized crime, has engendered increasing debates on the optimal regulatory framework for the trade in cultural property, and has informed legal responses at all levels in order to protect movable cultural heritage.

Advanced Introduction to Cultural Heritage Law

Lorenzo Casini

ISBN 9781789900088

Edward Elgar Publishing, Cheltenham–Northampton 2024, pp. 170
Published: 10 March 2024

This book, by Lorenzo Casini (IMT School for Advanced Studies, Lucca), offers a valuable account on international and comparative public law on cultural heritage. It is a coherent study published within the framework of the Elgar Advanced Introductions. The series comprises stimulating and thoughtful introductions to major fields in the social sciences, business, and law, expertly written by the world's leading scholars. Designed to be accessible yet rigorous, they offer concise and lucid surveys of the substantive and policy issues associated with discrete subject areas. This book delves into the increasing globalization of cultural heritage law in this innovative and thought-provoking *Advanced Introduction*. Chapters build on examples of armed conflict, UNESCO World Heritage, illicit traffic and restitution, and museums. In addition to answering fundamental questions on cultural property, the author constantly connects national and global aspects of cultural heritage law; he dissects old and contemporary dilemmas such as the public and private divide, the paradoxes of protection, the complex regulation of landscape, or the retention vs. restitution approaches, and examines the future challenges of cultural heritage law in the digital age. The value of the book is undoubtedly enhanced by the inclusion of a diverse range of case studies and examples drawn from a variety of legal systems and jurisdictions.

This coherent study offers a very useful introduction to everyone interested in the role and operation of law in the sphere of cultural heritage. It also highlights the general relevance and significance of cultural heritage issues in the field of law and in social sciences more broadly.

Changing Heritage: How Internal Tensions and External Pressures Are Threatening Our Cultural and Natural Legacy
Francesco Bandarin

ISBN 9781032713939

Routledge, Abingdon–New York 2024, pp. 478
Published: 9 April 2024

This book offers a comprehensive and detailed examination of the multifaceted dimensions of heritage issues in the present era. It offers a critical analysis of the intricate challenges currently and impending faced by heritage, while also delineating promising avenues for future developments. The book is authored by Francesco Bandarin, who previously served as Director of the UNESCO World Heritage Centre (2000-2010) and subsequently as Assistant Director-General of UNESCO for Culture (2010-2018). It draws on the author's extensive experience gained from working in this capacity. It presents discussions of heritage sites from a global perspective. In the present era, our cultural and natural legacies are confronted with considerable challenges, largely due to social and economic transformations, political pressures, and unresolved historical issues. This book examines these threats from two distinct perspectives: internal tensions and external pressures. Internal tensions include the disregard for human rights and gender equality, the increasing exploitation of heritage for political purposes, the development of post-colonial perspectives, and the necessity to reassess the established notion of "universal value". External pressures are derived from a number of global processes, unsustainable tourism, political conflicts, ethnic clashes, and religious strife, which are collectively responsible for significant destruction in numerous parts of the world. In examining the dynamics between heritage and these internal tensions and external pressures, Bandarin offers insights into the challenges faced and emphasizes

the imperative role of civil society in safeguarding the value of heritage for present and future generations.

Changing Heritage addresses a multitude of concerns pertaining to the crisis in heritage management on an international scale. This book will be essential reading for scholars, students, and professionals engaged in the field of heritage, as well as for those working in related areas such as law and policy.

Heritage, Conflict, and Peace-Building edited by Lucas Lixinski and Yujie Zhu

ISBN 9781032512617

Routledge, Abingdon–New York 2024, pp. 268
Published: 30 April 2024

This volume, edited by Lucas Lixinski (University of New South Wales) and Yujie Zhu (Australian National University), examines the possibilities arising from and the challenges associated with transforming heritage from a casualty of conflict into an opportunity for peacebuilding. The authors, who hail from both academia and practice, present case studies that shed light on the multifaceted factors and conditions influenced by diplomacy, nationalism, and victimhood; as well as the roles of diverse institutional actors in fostering peace. They demonstrate the possibilities and pitfalls of the way heritage works for local communities, the nation-state, and the international community when these different actors and their peace aspirations and agendas intersect. By examining heritage and the peace processes on all continents, the contributions in this volume form a compelling analytical account of how the discourses with respect to heritage and peace connect, overlap, and sometimes diverge. They also emphasize that our shared aspirations for peace should not be taken for granted in the heritage context, and that it is incumbent upon heritage scholars and practitioners to be more clear about the work they wish to do and its role in promoting peace. The book facilitates this approach by addressing the issues at hand in a multidisciplinary manner, offering a number of methodological perspectives.

Thus, *Heritage, Conflict, and Peace-Building* will be of interest to scholars and practitioners working in heritage studies, transitional justice, museum studies, international relations, education, history, and law.

European Union Economic Law and Culture: Towards a European Culturally Corrected Market Economy

edited by Evangelia Psychogiopoulou
and Sarah Schoenmaekers

ISBN 9781803927121

Edward Elgar Publishing, Cheltenham–Northampton 2024, pp. 312
Published: 16 May 2024

This volume, edited by Evangelia Psychogiopoulou (Hellenic Foundation for European and Foreign Policy [ELIAMEP]) and Sarah Schoenmaekers (Maastricht University), offers a novel perspective on the nexus between culture and economic law and policy within the European Union (EU). The authors present a series of pivotal inquiries concerning the nature, scope, and extent of the competences of the EU and its member states in the domain of culture. This volume is notable for its incisive analysis, which brings together esteemed academics and practitioners to advance an understanding of the Union as a cultural market economy. It also effectively surveys the ways in which the EU has been able to pursue cultural policy aims within the context of its internal market and external trade policies.

European Union Economic Law and Culture demonstrates that there is still a considerable scope for improvement in balancing economic and cultural concerns in EU law and policy-making. This underscores the need for measures and strategies aimed at “cultural correction”. The book is thus a valuable resource for academics, scholars, and postgraduate students

specializing in EU law and policy, EU constitutional law, and EU regulation in the field of culture. Inasmuch as it also juxtaposes crucial legal debate with practical policy implications, it is also of significant benefit to those engaged in the formulation of cultural and economic policy at both the national and EU levels.

Legal Protection of Intangible Cultural Heritage: Perspectives from Indonesia and Malaysia Diyana Sulaiman

ISBN 9781032254982

Routledge, Abingdon–New York 2024, pp. 280
Published: 17 May 2024

The book, by Diyana Sulaiman (Faculty of Law, Universiti Teknologi MARA, Shah Alam, Malaysia), examines whether the safeguarding of intangible cultural heritage by Indonesia and Malaysia upholds the interests of the various communities from which the cultural heritage originates, and whether the national legislations of these two states recognize that cultural heritage is often shared with other states and communities. The legal classifications of various Indigenous communities and the interpretations of “indigeneity” in the two countries have presented problems in the context of the safeguarding of intangible cultural heritage. The book explains that the state is regarded as holding the intellectual property rights for some forms of intangible cultural heritage and this also posed problems in the implementation of the laws to protect the communities’ heritage. This book employs a community-based perspective and adopts a multidisciplinary approach in exploring questions of the rights to and benefits of heritage.

This book presents an intriguing methodological approach that makes it a valuable resource for students, academics, and policymakers with an interest in international law, heritage, and intellectual property rights.

*Cultural Property Crime and the Law:
Legal Approaches to Protection,
Repatriation, and Countering Illicit Trade*
edited by Michelle D. Fabiani,
Kate Melody Burmon,
and Saskia Hufnagel

ISBN 9781032426884

Routledge, Abingdon–New York 2024, pp. 292
Published: 20 May 2024

This volume, edited by Michelle D. Fabiani (University of New Haven), Kate Melody Burmon (Ronan Institute), and Saskia Hufnagel (University of Sydney), presents a comprehensive examination of novel methodologies for utilizing and operating within and around both criminal and civil law in the detection, investigation, and restitution of illicit cultural property. It brings together a diverse group of scholars and practitioners engaged in the investigation and prosecution of cultural property crimes. The volume explores the normative tensions and intersections between civil and criminal law, and considers the ways in which they can complement each other in the field. The volume focuses on innovative legal solutions to the unique challenges presented when facing a transnational form of crime. In order to effectively address such crimes, it is essential to consider varying structures of law and order, as well as to possess a deep understanding of the heritage in question, both in past and present cultures. The collection of essays examines the respective contributions of both areas of law to the prevention of cultural property crime, the holding of offenders to account before the law, and the return of objects to their rightful owners and/or places of origin. The volume combines the perspectives of academics and practitioners, showcasing a global range of experience to explore novel ideas and applications of legal theory and practice in cases involving

cultural property crimes. For these reasons, the volume may be of interest to academics and practitioners in the fields of cultural property crime, including criminology, law, archaeology, museum studies, political science, economics, and law enforcement.

A Research Agenda for Cultural Heritage Law Lucas Lixinski

ISBN 9781035324415

Edward Elgar Publishing, Cheltenham–Northampton 2024, pp. 254
Published: 13 August 2024

This book by Lucas Lixinski (University of New South Wales) is part of the Elgar Research Agendas series and represents a significant contribution to the field of cultural heritage law. The series outlines the future of research in a given area; leading scholars are given the space to explore their subject in provocative ways and map out the potential directions of travel. In such a context, it emphasizes the importance of developing rigorous and socially engaged scholarly research in this area. The book analyses the tensions and methodologies pertinent to the field, with the return of colonial cultural objects serving as a key case study. This book challenges the assumptions that underpin the role of cultural heritage law by building on empirical insights and current legal scholarship. The author questions the foundations of the field by dissecting binaries such as international versus national, public versus private, and tangible versus intangible. He then examines it through different theoretical lenses, including historicization and pragmatism. Furthermore, he engages with broader concerns within the legal discipline, including human rights and the interests of local communities, and considers arguments in favour of and against cultural restitution. In conclusion, Lixinski posits that critical heritage law research must prioritize interculturality and redistribution, and encourage readers to utilize these concepts and methodologies for the advancement of social justice.

This book is an invaluable resource for anyone engaged in the study of the intersections between cultural heritage, law, and cultural policies.

Intentional Destruction of Cultural Heritage and the Law: A Research Companion
edited by Alberta Fabbricotti

ISBN 9781032467443

Routledge, London–New York 2024, pp. 478
Published: 9 September 2024

The deliberate destruction of heritage sites and cultural annihilation continue to evoke a profound sense of shock and disquiet among the international community. The world has been outraged by the amount of destruction of world cultural heritage sites over the past two decades, as evidenced by the dissemination of widely-circulated videos depicting events such as the demolition of the Buddhas of Bamiyan and the ancient Syrian city of Palmyra. These acts represent the most visible and striking examples of what is meant by the term “Intentional Destruction of the Cultural Heritage of Humankind” (IDCHH).

The book explores in detail the remedies available in international law to fight against IDCHH. These remedies are defined as all the lawful responses provided for in both customary law and by the special responsibility regimes created under the many substantive areas of international law. The examination includes UNESCO instruments and UN measures for the maintenance of international peace; mechanisms for the protection of human rights and those for the protection of investments; and international criminal justice outcomes implemented through the decisions of the Permanent Criminal Court. Thus the book explores the various avenues for response, such as appeals to international courts, peacekeeping operations, and referrals to the criminal legislation of states,

in addition to reparations. The concept of the Cultural Heritage of Humankind implies that IDCHH harms all states and all peoples and human groups in the world, not only the state or people on whose territory the cultural property is located. The book identifies the various international law avenues available for subjects not directly injured by IDCHH to obtain its cessation and reparations.

This comprehensive collection of essays, edited by Alberta Fabbriotti, Associate Professor of International Law at La Sapienza University, was authored by 31 experts in international humanitarian law and international criminal law.