

Lorenzo Casini, *Advanced Introduction to Cultural Heritage Law*,

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Lorenzo Casini's new book is part of a series called "Elgar Advanced Introductions", which promises to "offer concise and lucid surveys of the substantive and policy issues associated with discrete subject areas", being "accessible yet rigorous".¹ In these respects, the book clearly succeeds. Lorenzo Casini offers us an erudite yet readable volume which, moving at a brisk pace, engages with major classic and emerging concepts of concern to the field.

The book, as an "Advanced Introduction", offers no overarching thesis, and its main intent is to map key debates for those seeking to enter the field. And yet, through its structure, Casini reveals a normative project: to leverage a cosmopolitan commitment to safeguarding cultural heritage beyond state borders, with its corresponding analytical backing.

The short book is divided in four chapters. The first chapter lays out an introduction to heritage law's dilemmas, by offering an overview of the movements, convergences, and dissonances of cultural heritage and

art as conceptual and regulatory categories, also mapping public and private interests in heritage law, and major trends in contemporary scholarship in the field. Here, Casini's erudition is perhaps at its peak, and his wealth of expertise with both academia and legal practice shines most strongly. His insights on legal classification make us sit uneasily with how the law captures culture and heritage, laying the groundwork for his cosmopolitan vision.

The second chapter offers the reader six dilemmas around cultural heritage law. Each of these dilemmas attempts to transcend a framing concept of heritage law, via transcending a binary that creates and limits the work of said framing concept. So, Casini discusses ownership via a public versus private binary; history through a protection versus valorization binary; and borders via retention versus circulation. He scrutinizes heritage itself by reimagining tangible versus intangible; culture itself in juxtaposition to nature; and statehood in a conversation around the binary of national versus international heritage. I will return to binaries, and the work they do in Casini's book, below. However, it is worth noting that this chapter is where the most abstract analytical work of the book occurs, and it offers plenty of food for thought, challenging many assumptions in the field in ways different from the usual challenges. As part of an Advanced Introduction,

¹ <https://www.e-elgar.com/products/advanced-introductions/>

this chapter confronts novice and experienced readers alike by rehashing old ideas in new ways (valorization, to which I return below), and foregrounding ideas which the legal field had pushed to the background (retention and circulation).

The next chapter, on “globalizing cultural heritage law”, introduces UNESCO regimes and interests into the conversation, framed around three key regimes, in this order: the 1954 Hague Convention regime on cultural property in wartime; the 1972 World Heritage Convention; and the 1970 Convention on cultural objects. While Casini makes reference to the other two major UNESCO heritage regimes (the 2001 Underwater Cultural Heritage Convention, and the 2003 Intangible Cultural Heritage Convention), most of the discussion remains with the three older regimes, and particularly lingers on museums and cultural objects as specific sites of contestation. Cultural objects are useful to Casini’s ultimate goal in this chapter – of teasing out what he calls “patterns of globalization” – given that cultural objects move across borders. It is understandable therefore that Casini stays with this regime the longest, even if I personally would have enjoyed a more even distribution among the five key regimes in a book that is meant to be an introduction to the field (however advanced).

Casini’s commitment to a cosmopolitan heritage legal discourse across these three chapters enables conversations about institutional frameworks, values, and binaries. Each of these shows the reader a different facet of his articulation of key concerns in the field, converging towards what, in the fourth and final chapter, he calls “the three dimensions of cultural heritage law” (p. 127): institutional, regulatory, and procedural. The procedural dimension, in my view, is the one Casini least forcefully articulates, as my retelling of the argument below indicates.

On institutional frameworks, despite being very cognizant of nationalism and its influence in shaping our legal commitments to heritage safeguarding, ultimately Casini defaults to UNESCO as the clearinghouse for safeguarding cultural heritage. Yet, he relies on multiple concepts drawn from national traditions to inform what cosmopolitanism can accomplish. The move is unsurprising, as UNESCO frameworks often build on the convergence of local and national traditions, and rely on them for normative content.

However, Casini innovates here by reimagining the usual moves in the literature. The usual literature in the field that engages both domestic and international frameworks either uses national traditions as an historical artefact that UNESCO frameworks have effectively transcended (and then focuses on the latter); or starts from the UNESCO frameworks and then fills the normative gaps by relying on examples of domestic practice. In this way, the sequence is one that moves from domestic to international. Casini instead dispenses with directionality, and uses domestic and international frameworks, concepts, and values to construct an a-institutional legal discourse that is largely untethered from institutional constraints. This move, while salutary, invariably gets in the way of a procedural account of heritage law (one of Casini’s three dimensions), because it challenges the sequencing of arguments that lies at the core of procedural law.

The procedural dimension is also one which demands that different stakeholders spell out their values, a point that in my view Casini under-utilizes in the book. Nonetheless, his conversation around values is very generative, particularly as he introduces the reader to the idea of “valorization”, or the institutional pathway that replaces “protection” as the key driver of heritage law. The concept of valorization is relatively unfamiliar to English-speaking audiences, but rather common in civil law traditions (which cover most of the rest of the world). Part of the reason that the concept does not translate well to English-speaking audiences is that valorization is not even a word in English, it is a neologism. But to valorize heritage means to enhance its value by “increasing its knowledge and public enjoyment” (p. 55). The concept of valorization is a great instance of a domestic law concept being teased out to make a broader case for how we (ought to) think about heritage and our activity to safeguard it. Valorization in many ways aligns with the idea of safeguarding in regimes like the 2003 Intangible Cultural Heritage Convention, in that it also foregrounds community engagement with the heritage, rather than the heritage itself, as that for which to strive.

Binaries, as I indicated above, are a key structuring device in the book. Casini does much of that work through his six dilemmas. In doing so, he for the most part traverses familiar ground in the field. While the engagement with valorization is original, the other binaries are recognisable, which is fitting for the genre of an Advanced Introduction. Casini still offers fresh insight to these binaries by his mix

of sources and constant changes in register. Speaking to legal sources of many different nations and international institutions, as well as a wide range of non-legal sources, Casini weaves compelling narratives that recast these binaries in a familiar yet intriguing light.

Of particular interest to this Journal's readership is Casini's engagement with intangible cultural heritage as part of a binary in opposition to tangible heritage. In his discussion of this binary, surprisingly, Casini dispenses with the usual rhetoric about what intangible heritage is, and how it changes over time, and how it is often detached from a physical means; he explores all these questions elsewhere in the book. Here, and in a testament to the originality of the book, Casini largely focuses on what I would have instead classified as an author's moral rights over their creation. The idea of moral rights appears more often in the realm of copyright law than heritage law. Casini does not use the term "moral rights" per se, thus sidestepping intellectual property law and focusing

the ideas on heritage; in doing so, he offers us a fresh perspective through which to think about the stakes of intangible cultural heritage, centring the creator(s) in relation to state institutions, the market, and other external actors. This fresh take on the work of intangible cultural heritage beyond the trappings of legal regimes and the usual suspects of heritage practice is a provocation to reimagine not only what intangible heritage is, but, most of all, what work it does, and ought to do, for people and peoples whose identities are at stake.

Overall, Casini has written a provocative book, which in parts may be too advanced, but I believe in a good way. By offering a new look at the field to newcomers, Casini's book can help dislodge many of our assumptions and path dependencies. By challenging the views of those who come to the book after already having spent time in the field, Casini invites us to reimagine the contours we once thought familiar and safe, to refocus on the mission of heritage law. 🇺🇸