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# NOTES ON NEW BOOKS

Paola Monaco\*

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## *Cultural Heritage in the European Union. A Critical Inquiry into Law and Policy* Andrzej Jakubowski, Kristin Hausler, and Francesca Fiorentini (eds.)

ISBN 978-90-04-36534-6

Brill / Nijhoff, Leiden 2019, pp. LVI, 472

*Cultural Heritage in the European Union. A Critical Inquiry into Law and Policy* is the comprehensive and concluding text emanating from the EU project “HEURIGHT – The Right to Cultural Heritage. Its Protection and Enforcement through Cooperation in the European Union”. The project was co-financed by the European Commission (JPI Heritage Plus – Horizon 2020).<sup>1</sup> The volume provides a critical analysis of the laws and policies which address cultural heritage throughout Europe, considering them in light of the current challenges faced by the European Union (EU). The book deals with the matrix of organizational and regulatory frameworks concerned with cultural heritage both at the European Union institutional level and within its Members States, as well as their interaction, cross-fertilization, and possible overlaps.

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<sup>1</sup> HEURIGHT Project was led by Dr. Andrzej Jakubowski, the Project Leader, based in Poland, and managed by two other Principal Investigators: Kristin Hausler (United Kingdom) and Prof. Francesca Fiorentini (Italy). The aim of the project was to investigate how human rights guarantees in relation to cultural heritage are being understood and implemented in the EU and in its neighbouring countries.

After an introduction by the editors of the book, Andrzej Jakubowski (Institute of Law Studies of the Polish Academy of Sciences, Warsaw), Kristin Hausler (British Institute of International and Comparative Law, London), and Francesca Fiorentini (University of Trieste), the book is divided into 16 chapters, written by 18 contributors from different geographical and cultural backgrounds. Each contributor provides their own perspective of how the EU's laws and policies frame and address cultural heritage. Bringing together many experts in their respective fields, including lawyers, economists, heritage professionals, government representatives, and historians, the book offers a cross-disciplinary approach and a variety of views which allows an in-depth scrutiny of the latest developments pertaining to cultural heritage in Europe. Drawing from the valuable experiences of its contributors, the book does not only provide a collection of sound academic research, but also contributes to a more comprehensive understanding of the key issues in the field.

Those interested in topics related to EU and cultural heritage will doubtless appreciate the publication of such a comprehensive study. The book unquestionably fills a gap in the literature relating to European law concerning cultural heritage. Despite the large volume and seemingly wide scope of the existing literature focusing for example, on cultural and linguistic diversity, movement of cultural goods, intellectual property, and audio-visual industries, no large-scale and in-depth investigation in relation to cultural heritage and its legal and policies operationalization was available prior to the publication of this book.

Reading this collection of papers offering expert opinions is highly recommended to anyone with an interest in the laws and policies addressing cultural heritage throughout Europe. It is sufficient to view the table of contents to appreciate the legal complexity inherent in this subject, which the editors divide into three main parts encompassing 472 pages of text.

Part I "Europe, the European Union and the Concept of Cultural Heritage" is devised to explore how cultural heritage has been conceptualized in the EU's legal and policy agenda, by highlighting the multifarious elements underlying the notion of cultural heritage and investigating how these elements have been perceived and employed as linking factors in the process of European regional integration. The five chapters analyze the early invocation of notions of a shared, common, or European heritage by the European Communities in the 1970s and 1980s, the place of cultural heritage within the EU's legal and policy framework in the perspective of its constitutional foundations, the circulation of cultural objects in the EU internal market, and the recognition of "a right to cultural heritage" by the European Court of Human Rights and the European Court of Justice.

Part II "Cultural Heritage and the European Union's Economic and Social Development" discusses the contribution of cultural heritage to economic integration and increase of wealth and opportunities within and outside Europe. The five chapters that make up Part II deal, respectively, with measuring methodologies of economic and social growth through cultural statistics and indicators, the use of the "value

## NOTES ON NEW BOOKS

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based approach” in selecting and realizing any set of values in cultural heritage projects, how (and if) the notions of culture, cultural diversity, and cultural heritage have been used in the EU Common Commercial Policy, the issue of collections’ mobility as a way for the public to be acquainted with both foreign and their own common cultural heritage, and finally the role of cultural heritage in the “Europeanization” of education systems and programmes in the EU.

Part III “Cultural Heritage and the European Union: New Frontiers” builds upon the first two parts and aims to offer an overview of the newly extended boundaries of cultural heritage governance by taking a holistic and anthropological approach to cultural heritage, especially by putting emphasis on its role in realizing fundamental rights and fostering the creation of more inclusive societies. The first two of the five contributions of this section deal with the problem of the adequacy of the EU’s legal framework in protecting the rights of cultural heritage of minorities and indigenous cultural heritage and of EU law and policy on migrants’ cultural heritage and cultural rights. The other three papers address issues relating to the new “spatial” dimensions of cultural heritage, such as the institutional, political, and legal frameworks in the field of implementation of the concept of intangible heritage, the gradual integration of cultural heritage within EU external action, and the measures of the cultural landscape protection in the EU.

The overall impression created by this work is that apart from providing detailed information and well-thought analysis that was not previously available in a single body of work, the book represents a crucial instrument for the understanding and management of EU law and policy on cultural heritage, as well as for its improvement. In particular, it shows that well beyond a growing number of actions devoted to cultural heritage protection *per se*, the EU institutions have pursued an important “instrumentalization” of cultural heritage which represents the recognition and utilization of a powerful natural motivating force across a large variety of policies, with the primary aim of realizing other political objectives, distinct from cultural heritage protection, such as diplomatic, geopolitical, or economic goals. This is a relevant contribution of the book which also explains why and how cultural heritage plays an important role in supporting and fostering the EU project. However, the book also makes clear the risks connected with the “instrumentalization” of cultural heritage and warns policy makers to conduct it with care in order to reinforce a positive vision of a shared Europe and European identity, which is sometimes challenged. In this respect, the book also provides a set of recommendations on how the EU’s involvement in cultural heritage should be ameliorated and fostered with the aim of pursuing a better cultural heritage governance for the benefit of individuals, states, and communities.

As it is stressed by the editors in the final conclusions of the book, in the present historical context in which the EU (and with it the rest of the world) has to face important and pressing challenges, such as armed conflicts and humanitarian crisis in neighbouring regions, migration phenomena, threats to democracy and to

the EU legal framework and integrity, terrorism, populism, and economic difficulties, the EU itself has a lot to gain in working towards the acceptance of a common cultural heritage. Cultural heritage can represent an anchor for peace and a vector for the wellbeing and development of EU Members States and beyond them. In this perspective it is hoped and expected that this book will enrich the debate on the contribution of the role that cultural heritage can play for international peace and security, sustainable development, and a better understanding among people, within and outside Europe.