

Book Review

Art and Cultural Heritage: Law Policy and Practice, by Barbara T. Hoffman
(editor)

Cambridge University Press (2006), ISBN 1845426037600, 600pp, £66.50.

This is a large book, both in its format and its breadth of coverage. It also makes it a challenging book to review – and the editor is to be commended for putting together such a wide-ranging and timely volume. Art and cultural heritage remain in the news. At the time of writing this review the Middle East is embroiled in another conflict involving Israel and Lebanon, which in addition to the humanitarian crisis will put historic sites and buildings at risk. The chapters in the book which deal with the protection of cultural heritage in time of war (from the Bamiyan Buddhas of Afghanistan to Iraq) unfortunately remain as relevant as ever.

In sixty-three chapters, over seventy contributors address what the editor considers to be critical topics in cultural property law whose links are often not explored, with a reach that is global, not local. What the work does not purport to be is a comprehensive survey of all the legal issues relating to art and cultural property – she considers that, at least in the USA, the interests of the artist, collector and auction house are well served in other literature.

The book opens with an introduction by the editor on "exploring and establishing links for a balanced art and cultural heritage policy." This sets the scene for the work: the editor guides us through the complex legal and public policy landscape surrounding "cultural heritage", a term which represents a movement from the concept of "cultural property" – objects of artistic, historical, archaeological or ethnological interest, to one of "cultural heritage" – a term which is broader in scope and focuses more on the protection of "culture" than "property." It is clear from both her introduction and the book as a whole that an integrated approach to this area is required – it is a matter of law and policy where views are often divergent – there is no single top-down one-size fits all solution, but there is a need for linkages between the models that may be used in practice.

Turning to the detailed content, the book is in ten parts with an Appendix which serves as a guide to art and cultural heritage resources and has some legal materials (UNIDROIT Convention on Stolen Property of 1995) and codes of practice (e.g. ICOM Code of Ethics for Museums). The ten parts are: (1) international legal tools and viewpoints; (2) keeping culture alive: the source nation's efforts to manage, protect and preserve heritage resources; (3) international movement of art and cultural property: the "market nations"; (4) protecting the world's heritage: the national dimension in the international context; (5) cultural and national heritage guidelines and infrastructure and mining projects; (6) protection of the underwater cultural heritage; (7) who owns traditional knowledge?; (8) museums and cultural heritage; (9) innovative solutions and partnerships for natural and cultural heritage conservation; and (10) resolving cultural property disputes – arbitration or mediation. Of most interest to the readers of this journal will be the section on traditional knowledge – here, various viewpoints are presented – the Head of this area at WIPO,

a Senior Patent Counsel at a bio/pharma company, a lawyer involved in Maori affairs in New Zealand (who is also a member of the Moriori people), two regulatory lawyers at a major international law firm, and an expert on social epistemology with a focus on women in design and traditional knowledge systems. Getting people with diverse viewpoints to speak to the subject in hand is one of the strengths of the book – in the editor's words it is a "bubbling cauldron of law mixed with ethics, philosophy, politics and working principles."

Overall this is a fascinating book – the specialist will find it of considerable value on account of the range of viewpoints presented; the non-specialist will simply want to dip into it to get a feel for the subject.

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