

## Caring for Cultural Heritage

This book explores how cultural heritage and its care are translated in UK law and non-law instruments. It analyses how communities of care look after cultural heritage because they care about it. These communities include the international and national community, national and local governments, courts, professional bodies, institutions such as museums as well as community groups. 'Care' refers to the varied ways in which communities engage with cultural heritage to maintain it, sustain relationships about it and with it, use it and provide access to it, with a view to passing it on to future generations. The book also assesses how far these nested practices of care assist communities of care in providing respectful, empathetic and dialogical care to navigate harm to cultural heritage. It will be of interest to scholars of cultural heritage studies across disciplines, including law, sociology and anthropology, as well as policymakers and practitioners in cultural heritage management.

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# Caring for Cultural Heritage

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An Integrated Approach to Legal and Ethical Initiatives  
in the United Kingdom

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IN MEMORIAM

Richard Giles Woodhead (1949–2021),  
whose Yorkshire heritage  
– infused with a hint of rhythm and blues –  
shone through, and lives on . . .  
. . . and to Robert, Charlie, Isobel and Susan,  
– whom I care *about*, and care *for* –  
I dedicate this book.



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## Acknowledgements

The story of the evolution of this book is very much tied up with births, death and a global pandemic.

The book evolved from some of the work undertaken for my PhD thesis, supervised by Professor Janet Ulph and Professor Dawn Watkins, to whom I owe thanks. However, the book ultimately took a very different turn. Inspired by conversations with Professor Fiona Smith, who introduced me to the work of James Boyd White, I thought again about how I read legal cases and wanted to explore the communities that they created. With the desire to move beyond preservation and access as an approach to heritage at some stage I thought that ‘care’ would encompass the varied activities that we do to cultural heritage to look after it. It is with great thanks to Dr Andrzej Jakubowski, who, in feedback on my book proposal, opened my eyes to the fact that the really interesting thing about my approach was that of care. As the project developed, and as I interrogated the concept of care more fully, I realised just how fundamental care is to both the feeling towards cultural heritage and the processes that we undertake with cultural heritage *because* we care. As I grappled with the concepts of care, I benefited immensely from comments on the early chapters from Professor Ann Stewart and Professor Vanessa Munro. I am so appreciative of Dr Andrzej Jakubowski reading the first two chapters and his comments on them. Maria Ovens very kindly read two chapters, and her linguistic advice as well as her advice on one particularly thorny issue was invaluable. Professor Rebecca Probert was so generous with her time and care in reading an entire draft of the book; the work benefited significantly from her advice. I would like to thank Behesti Aydogan for his research assistance in chasing elusive references for some of the footnotes. Sincere thanks are due to the editorial and production teams at CUP and Integra.

And finally, thanks to family members who have assisted: thank you to Robert Fear for reading the entire book and for his advice and to Susan Woodhead for also reading the entire book to check for consistency of references. Her careful notes made the final editing all the easier.

Now come the caveats. This book is long, because the legal landscape in the United Kingdom is so vast and fragmented and the extent to which cultural heritage is cared for is extensive. Given the fact that my husband (who works in

an unrelated field) required frequent sips of wine to get through reading the book, I was tempted to provide accompanying tasting notes. However, instead I feel that some words to help navigate the book might be of assistance. For those interested in the ethics of care and its application to cultural heritage I recommend reading Chapters 1, 2 and 5. In the case of a particular interest in the ethics of care, as applicable to restitution and repatriation claims, I recommend reading Chapters 2 and 9. Where the reader's interest lies in the UK perspective and how the United Kingdom specifically cares for cultural heritage, I recommend reading Chapters 6, 7 and 8.

Having started my career as a doctrinal private lawyer, I haven't abandoned my roots as seeing the law as a means of facilitating society. Nevertheless, in the context of cultural heritage I see the clear advantages of using a framework of responsibilities rather than rights and recognise how law can act as a community of care, providing care for cultural heritage, albeit not always appropriately. I hope that this book serves as the start of a dialogue about how law and non-law instruments can care directly and indirectly for cultural heritage.