

# LA380-15 Art and Cultural Heritage Law

**23/24**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Charlotte Woodhead

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

This module provides an opportunity for students to study the developing area of art and cultural heritage law and to engage with the legal and policy considerations involved in regulating objects, places and practices that have a cultural, historical, religious or artistic value to particular cultural communities, nations or to humankind.

[Module web page](#)

### Module aims

This module provides an opportunity for students to study the developing area of art and cultural heritage law and to engage with the legal and policy considerations involved in regulating objects, places and practices that have a cultural, historical, religious or artistic value to particular cultural communities, nations or to humankind.

Given the near universal concern for preserving and protecting cultural heritage there is a significant body of international law, soft law, policy documents, domestic legislation and codes of ethics.

Students will therefore gain a developed understanding of this varied material by interpreting, analysing and applying it to scenarios in a critical manner. The module incorporates both public international law elements and domestic law but has a comparative law aspect, for example in the contrasting ways in which different countries have addressed the repatriation of cultural heritage to countries of origin. This module therefore provides an exciting opportunity for students to develop their critical legal skills across a variety of different areas of law that deal with art and cultural heritage, but also to focus on the cultural, historical and political context of the issues relating to cultural heritage. This module will therefore make a direct and concrete contribution to the Law School's law in context ethos.

Furthermore, the module's content has a firm interdisciplinary foundation which will encourage students to acquire knowledge and engage in critical debate with the aid of materials derived from cultural policy, museum studies and anthropology.

## Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

### Definitional woes

- Tangible and intangible cultural heritage
- Cultural heritage or cultural property?
- Legal problems with defining 'art'
- Law's influence on definitions

### Value, identity and place

- Why is cultural heritage important to communities?
- Intrinsic or extrinsic value?
- Identity and personhood
- The link between place and cultural heritage
- Decontextualised objects v the aesthetic object
- Legal protection of value

### International norms

- UNESCO, the Council of Europe and EU treatment of cultural heritage
- Cultural rights & human rights
- Protection in the event of armed conflict
- Key theories/grand narratives (of which some of the following may be covered)
- Internationalism versus nationalism
- Functionalist approach to cultural heritage
- The universal museum
- Introduction to repatriation - a political tool or restorative justice?

### Caring for art and cultural heritage

- The recognition of care, preservation and access in legal and non-legal instruments

The 'Playing Darts with a Rembrandt' anomaly (more protection from harm for listed buildings and their fixtures than Old Masters)

- Conditional exemption scheme (taxation benefits)
- The illicit trade in art and cultural objects

#### Repatriation and restitution

- Legal impediments to repatriation (UK)
- Inter-governmental efforts
- Decolonisation of museums and the role of repatriation in decolonisation
- Nazi looted artworks: return and restitution - returning objects to their 'rightful owners'
- Non-litigious options & determining cases based on ethical precepts (e.g. Spoliation Advisory Panel and comparable European panels)

#### Museum codes of ethics as a regulatory mechanism

- International and national codes (ICOM and Museums Association)
- The development of 'soft law'

#### Commodifying cultural heritage and art (of which some of the following may be covered)

- Taxation
- Selling street art
- Artists' Resale rights

## Learning outcomes

By the end of the module, students should be able to:

- Demonstrate, in an informed and critical manner, a consolidated understanding of key academic, cultural and political arguments concerning the regulation of cultural heritage
- Construct and defend coherent and persuasive arguments about the legal and ethical implications of decisions involving cultural heritage
- Critically analyse and apply relevant scholarly materials and primary sources to real and hypothetical situations
- Undertake and present interdisciplinary research in a critical and thoughtful manner.
- Demonstrate an ability to enter into informed and critical debate through written work, oral presentations and group discussions.

## Indicative reading list

[View reading list on Talis Aspire](#)

## Subject specific skills

Understanding of and ability to apply elements from both the inter- and intra-disciplinarity of art and cultural heritage

law. Ability to discuss critically issues relating to art and cultural heritage.

## Transferable skills

Ability to critically engage with contemporary issues. Awareness of issues relating to colonisation and the lasting impacts of these. Ability to articulate ideas and to engage in discourse.

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## Study

### Study time

Type	Required
Lectures	18 sessions of 1 hour (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	100 hours (67%)
Assessment	25 hours (17%)
Total	150 hours

### Private study description

No private study requirements defined for this module.

## Costs

Category	Description	Funded by	Cost to student
Field trips, placements and study abroad	Lunch on trip	Student	£10.00
Field trips, placements and study abroad	Field trip to museum in London	Department	£0.00

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## Assessment

You do not need to pass all assessment components to pass the module.

### Assessment group A3

**Assessment component**

Reflective Diary 60% 15 hours No

Students will present a record of their reflections on the objects, places and practices that were discussed in seminars and lectures. This will be informed by their preparatory studies and by the discussions undertaken in the lectures and seminar. Students will also be encouraged to link their reflections to their engagement with art and cultural heritage outside the classes. Students will conduct independent research to present the cultural, historical and political background to selected aspects of the course.

Reassessment component is the same

**Assessment component**

Judgment in the court of law and morality 40% 10 hours No

Students will be required to construct a final determination of a claim 'in the court of law and morality'. To this end students will be required to produce a reasoned and cogent argument as to their proposed resolution of a claim in a real-world example of their choice. They will conduct independent research to present the cultural, historical and political background and then rely on both legal and non-legal materials to support and defend the position that they adopt.

Reassessment component is the same

## **Feedback on assessment**

Feedback via Tabula

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## **Availability**

### **Courses**

This module is Optional for:

- Year 2 of ULAA-M130 Undergraduate Law
- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law

- Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- Year 2 of ULAA-M131 Undergraduate Law (4 Year)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M134 Undergraduate Law with German Law
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- Year 2 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- Year 3 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- Year 2 of ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Unusual option for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- Year 3 of ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)

- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology