

Antonio Cortijo Ocaña

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Reviewed by Antonio Cortijo Ocaña (University of California, Santa Barbara)



The law involving Historic Heritage Sites as developed in Italy, France, and Spain is the object of this excellent study in comparative law. This legal attention is represented by the law on *les monuments historiques* of 1913 in France, the Legge di Beni Culturali (June 1, 1939 n. 1089) and Legge June 29, 1939 n. 1497 on Natural Heritage Sites, in Italy, and the Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español in Spain (to some extent an extension of the Ley relativa al patrimonio artístico nacional of 1933). These three laws should also be complemented by that of the Unesco Convention 2003. Historically speaking, the French began to worry about the protection of historical monuments after the destruction experienced during the French Revolution, and the other countries followed suit. The three have many points of contact, although there are also important differences. As the author indicates, these laws

rappresentano il punto di arrivo di una politica che è giunta a comprendere che i beni culturali si trovano in una «rete di rapporti» 1, nella quale non vi è solo la dinamica pubblico-privato, e cioè il confronto dello Stato con l'interesse privato al libero uso della cosa, per il quale sicuramente era necessario trovare un punto di equilibrio, problema irrisolto che a lungo aveva fatto da ostacolo alla realizzazione di una compiuta legge in materia, ma una molteplicità di altri interessi quali, ad esempio, quelli di natura economica e commerciale, anche di rilievo internazionale, o quelli collettivi alla fruizione della cosa e, ancora, quelli alla ricerca scientifica e alla valorizzazione

In the case of France, the author cautions us that in the Constitution of 1958, still in place, there is no specific law devoted to cultural heritage. Nevertheless, this is only a sign of the constitutional model that sees in the constitution “il luogo di composizione del quadro istituzionale della République, più che il “testo sacro” dei diritti, ciò tanto più nel caso del testo della Costituzione “gaullista” del 1958”.

The Italian case of article 9 is rather different. Attempting to respect the composite nature of the fascist parliament, it desired to include the several institutional cultural interests. It is the Republic, and not the State, the one in charge of caring for the “patrimonio”. This article has been the base of the current article 117 that gives an important role to regional actors.

The 1978 Spanish Constitution affirms the protection of «todos los españoles y pueblos de España en el ejercicio de los derechos humanos, sus culturas y tradiciones, lenguas e instituciones». The recognition of cultural heritage also includes immaterial elements as reflected in the 1985 Title VI on Ethnographic heritage and the Law of 2015 “para la salvaguardia del patrimonio cultural inmaterial”. This is a rather legally advanced concept as indicated by the author, and it stands in clear difference with Italian and French legislation, as something influenced by the dialogue in which Spain constantly engages with other Latin American nations and their immaterial heritage. For instance, the recognition as cultural heritage of the *Elx miracle play*, a National Monument since 1931, is a clear example of this. To this it should be added the relevant role played in Spanish legislation by the protection of the cultural heritage by the different Autonomous Communities.

Since 2003, we have experienced a shift in legal paradigm. It is not so much the State’s protection of its heritage and its character as titular / owner of it, what is at stake, but the protection of the heritage understood as a right of men and the community. This explains the delay in the case of France and Italy in what pertains to the legal protection of immaterial heritage. For the protection of the latter heritage, France now refers in its *Code du Patrimoine* to art. 2 of the UNESCO convention of 2003, a relative *escamotage* according to the author. Nonetheless, France has founded a central(ized) administrative *Département de pilotage de la recherche et de politique scientifique* to deal with these matters, creating national *labels* in protection of the *repas gastronomique* and the *baguette* culture.

In Italy, the constitutional *vuoto* regarding immaterial heritage has been *corrected* with particular laws, such as L.R. Campania 6/2012 entitled *rriconoscimento della dieta mediterranea*. In addition, *Comuni* and *Autonomie* that constitute the Italian Republic have also the possibility of proposing the revalorization of their cultural (material and immaterial) heritage. Thus, although still utilizing a legal concept of State as the entity in charge of caring for the cultural heritage, Italy now allows for a high degree of decentralization. The conclusion for the author is that

Tutti e tre i Paesi, dopo una iniziale difficoltà ad inserire il concetto di Patrimonio Immateriale nella propria cultura, hanno tuttavia, ben presto, dato sostanza istituzionale al nuovo concetto, anche nella consapevolezza del suo valore in termini di possibile prestigio, nonché di probabili ricadute economiche, sicché si sono affrettati, nelle loro diverse articolazioni istituzionali, a “battere il campo” del patrimonio culturale immateriale, tanto al proprio interno, quanto sul piano internazionale. Così i tre Paesi da noi considerati, pur in presenza di una opzione

politico-culturale progettata, almeno in origine, dall'Unesco specificamente al fine di dare particolare spazio ai paesi emer- © Wolters Kluwer Italia 224
CONCLUSIONI genti privi di significativi patrimoni materiali ma ricchi di tradizioni immateriali, si sono rivelati capaci di essere attivi protagonisti nell'ambito dei riconoscimenti Unesco. (224-225)

This superb volume makes a great contribution to the history of European comparative law. In addition, a comparison among the legal systems of Italy, France, and Spain highlights the common source of these three legislations, as well as their interest in the protection of their material and immaterial heritage. If anything, D'Alessandro's study is once again proof of the necessary symbiosis of humanities and law in the defense of a shared European Mediterranean culture.