

Cultural Property Law and Restitution: A Commentary to the International Conventions and European Union Law. By Irini A. Stamatoudi. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing Limited, 2011. Pp. x, 401. ISBN: 978-1-84844-661-8. £98.00; US\$160.00.

What is cultural property? How does the law govern the protection of cultural property? Who are the stakeholders in the protection of cultural property and how do their interests intersect and conflict? If there are conflicts, what legal bodies are authorized or able to settle the disputes? These questions are the focus of *Cultural Property Law and Restitution: A Commentary to the International Conventions and European Union Law* by Irini A. Stamatoudi. As a practitioner in the area of cultural property law, having represented Greece in UNESCO, assisted in the return of artifacts from museum collections to Greece, and helped draft Greek statutes on the protection of cultural property, Ms. Stamatoudi's experience gives her insight into the different legal instruments and regimes that govern in the cultural property arena.

According to Ms. Stamatoudi, "no internationally accepted definition of cultural property" (p.4) exists, so in the first chapter of *Cultural Property Law and Restitution*, she explores the different means of defining the term in order to be able to regulate and protect it. As a general principle, the term can be defined as "anything which bears witness to the artistry, history and identity of a particular culture. That includes objects that are considered cultural by nature...as well as objects, which by reason of time and evolution of beliefs have been rendered cultural..." (p.5) In addition, there is discussion of what is meant by return and restitution, because these are two key concepts in the area of the protection of cultural property. The two major theories of cultural property law, cultural nationalism and cultural internationalism, are introduced in this chapter as well as a backdrop for the discussion of specific legal instruments in the subsequent chapters.

Chapter 2 begins with a detailed description of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property ("UNESCO Convention"). Adopted by UNESCO in 1970, the Convention entered into force in April 1972 and was an important step toward creating international cooperation in the protection of cultural property. As its name states, it is intended to govern the area of illicit trafficking in cultural property between nations. The book presents a section-by-section discussion of the obligations state parties have under the Convention, such as creating national services to assist in the drafting of cultural property laws and working to prevent the acquisition of illegally exported cultural property by museums within their territory. After this, the second major international cultural property law, the

1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects (“Unidroit Convention”), is analyzed. The Unidroit Convention applies to international thefts of cultural property and establishes legal rules for the restitution and return of cultural objects between state parties. Detailed discussion on this Convention includes the definition of a cultural object and an explanation of the difference between restitution and return, as well as an analysis of the circumstances in which compensation needs to be paid to a purchaser.

The third chapter presents the cultural property regime of the European Union. Even though the Treaty on the Functioning of the European Union (“TFEU”) contains provisions on the free movement of goods, there are also sections creating exceptions or limitations relating to cultural property. Article 36 allows members to restrict the import and export of “national treasures possessing artistic, historical or archaeological value” (p.113) as long as the restrictions are not arbitrary or discriminatory. There is also secondary legislation, Regulations 116/09 and 752/93 and Directive 7/93, that apply in the area of the protection of cultural property. The two regulations establish and govern export controls on cultural goods, while the directive provides procedures for the return of cultural property that was illegally removed from a member state. The specific concepts and application of these instruments are discussed throughout the chapter.

In the fourth chapter, “soft law” sources of regulation are introduced, as are the main international organizations that operate in area of cultural property law. “Soft law” addresses codes of ethics for professional organizations and memoranda of understanding from international organizations. Since there are a large number of such sources, the author focuses on a few of the most important. For both the UNESCO International Code of Ethics for Dealers in Cultural Property and the International Council of Museums Code of Professional Ethics, the key clauses are explored and analyzed. It is important to note that the adoption of the codes of ethics are voluntary by members of the industry and serve as a complement to the laws in the area. Other enforcement and educational activities by international organizations, including UNESCO and the International Council of Museums, and the establishment of registers of stolen and illegally exported cultural objects are also explained in this chapter.

The dispute resolution of cultural property cases is the focus of chapter 5. As a general principle, cultural property cases are international, because they involve the return of cultural objects to the country of origin. While litigation is an option in this area, Ms. Stamatoudi lists numerous disadvantages to recourse to the courts, including the cost, difficulty enforcing a judgment across borders, and jurisdictional questions. Since alternative dispute resolution is a growing means of settling cultural property claims, the

bulk of this chapter explains the different types of ADR, mainly mediation and arbitration, and addresses their strengths and weaknesses.

The last chapter provides an overview of the how all of these legal instruments operate together to establish the law of the protection of cultural property. It examines the longevity of the UNESCO Convention, and how it is being cited by national courts and serves as an underpinning for other international conventions, such as ones protecting underwater cultural heritage and diversity of cultural expressions. In looking at all of the means available for protecting cultural property, this final chapter concludes that there is growing international respect for and cooperation in the prevention of illegal movement of the cultural property.

Cultural Property Law and Restitution represents a detailed discussion of the major laws and conventions that exist in the area of the protection of cultural property. Appendices present the full text of the conventions, European Union legislation, and the codes of ethics discussed in the book. These are useful in providing the documents in their entirety, in addition to the quotations of the texts throughout the book. There are also extensive explanatory footnotes and a long list of references included for further research or reading. While the author mentions a few cases as being relevant to application of the conventions, many of these references are made in passing and do not discuss the specifics of the case. More examples of how the law applies in real situations would make the topic come alive to the reader. As a straight-forward overview of cultural property law, *Cultural Property Law and Restitution* is a valuable addition to this “rather recent and fast evolving area of law.” (p.1)

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Medicine, Law, and the State in Imperial Russia. By Elisa M. Becker.
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In February 1867, a court in Moscow, Russia tried a female peasant accused of murdering her husband, cutting his body into two parts and hiding it in the cellar of their house. Even though all evidence pointed at her as being the perpetrator, the defense decided to apply a newly introduced law that gave legal weight to a physician's conclusions and requested a chemical microscopic analysis of the blood found at the crime scene. This was the first open court trial where this type of analysis was conducted and the expert's