Research Handbook on Contemporary Intangible Cultural Heritage. Law and Heritage
Charlotte Waelde, Catherine Cummings, Mathilde Pavis and Helena Enright, (eds).
(Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing Limited, 2018)

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This *Research Handbook* presents contemporary intangible cultural heritage policy and practice from the perspectives of both law and heritage. Each of the seventeen chapters is concerned with a different aspect of contemporary ICH, international treaties and the law, including the 2003 *Convention for the Safeguarding of the Intangible Cultural Heritage*. Taken collectively, and with its focus on *contemporary* culture, this handbook is a departure from the established discourse within single disciplines or fields. This innovative *Research Handbook* will be of great interest to academics researching the legal protection of ICH and the relationship between ICH, human rights, communities, identity and international trade. Those with an interest in the protection of atypical intellectual property will also find this handbook to be a source of valuable insights and information.

The book is organised into three parts: 'The Framework of Contemporary Intangible Cultural Heritage'; 'Debates within Contemporary Intangible Cultural Heritage'; and 'Contemporary Intangible Cultural Heritage and Its Uses'. This research handbook originated in the urgency and prominence of the loss of intangible cultural heritage in an increasingly connected world. Coupled with the desire to sustain, safeguard and intervene in the face of the loss of intangible cultural heritage, there have been a growing number of academic conferences exploring ICH theory and responsive practices. Just such a conference helped shape this collection of essays. The four co-editors feature an impressive selection of the contributors to this conference, and well-grounded complementary knowledge and experience with intangible cultural heritage from their own disciplinary perspectives.

What is notable about this handbook is that the contributors seek to challenge many of the experts in the fields of law and heritage by focusing on *contemporary* intangible cultural heritage experiences. The book seeks to move beyond the preconceived notions of heritage to delve more deeply into contemporary and living intangible cultural heritage. This most welcome approach leads to a volume that

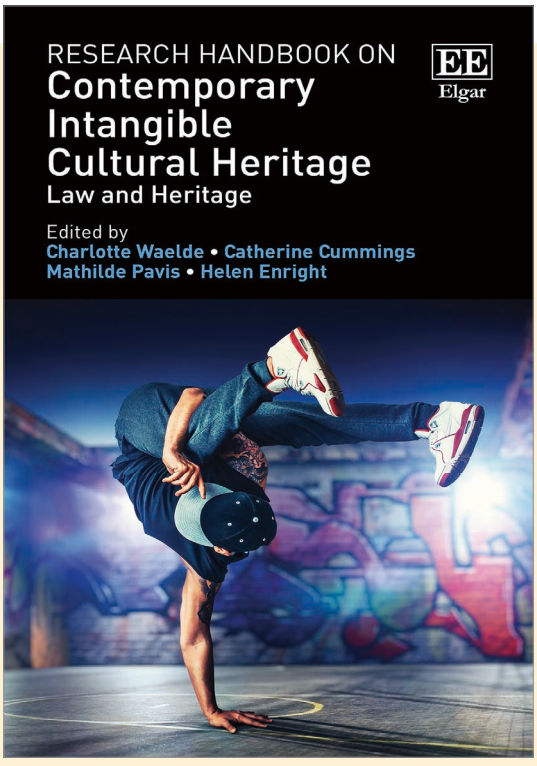
re-imagines intangible cultural heritage in terms of human rights, sustainability, power, trade and identity. While inherited traditional knowledge of the past has shaped early ICH policy efforts, the focus of this work is the way intangible cultural heritage shapes expressive culture and contemporary identity in a complex multicultural world during a time of rapid globalisation. This is a critical step forward as it acknowledges the resilience and adaptability of traditional intangible cultural heritage to reshape and remake cultural life in both urban and rural contexts.

Unlike some other collections of essays on intangible cultural heritage that focus exclusively on its persistence in the face of forces of homogenisation and the growing dominance of popular culture, this collection of essays seeks to bring legal frameworks into dialogue. It highlights the work of scholars who are striving to find new legal strategies to safeguard the often-fragile intangible cultural heritage of communities around the world. The result is a rich conversation in these articles between contemporary heritage and the law. As a result, the contributors present the challenges and inconsistencies related to definitions of intangible cultural heritage and the role that the law can play where there are no agreed international treaties.

Each chapter offers a specific example or perspective on contemporary ICH, international treaties and the law, especially the 2003 *Convention for the Safeguarding of the Intangible Cultural Heritage*. The co-editors identify a number of themes and key terms that emerge from these essays and they include:

> *identity, authority, human rights, youth culture, subculture, participation, counter-culture, tradition, cultural diversity, globalization, language, cultural creativity, sustainability, trans-nationalism and migration, and ICH as a form of political resistance to legal and cultural authority.*

Perhaps one of the most significant contributions of this book is the recurring desire among those authors from the fields of law and heritage to see how best to represent communities in the selection of what to safeguard – as well as finding the most effective cultural processes to protect and help sustain these cultural expressions. Along with this key challenge, the contributors also paint a picture of well-intended legal



efforts that often collide with the values of communities. In addition, attention is paid to a failure of legal guidelines to safeguard local traditions and tradition-bearers. All too often, administrative law and intellectual property laws are crafted to advance the commercialisation of cultural products, knowledge and practices, and undercut or help exploit the intangible cultural heritage they seek to safeguard.

Among the most sobering themes in this volume is the idea that the courtroom is becoming a forum for legal claims for the 'protection' of intangible cultural heritage or, more directly, control over community-based expressive culture. The legal contributors to the volume acknowledge the powerful role that the courts can play in interpreting and deciding the ownership of intangible heritage, and yet rarely are the voices of those who steward the cultural knowledge of the community given proper representation in the legal processes. The legal specialists represented here are encouraged to work more closely with cultural heritage professionals and community tradition-bearers for more responsive and equitable intangible cultural heritage policies and conventions.

The individual chapters are uniformly well-written, persuasive arguments, often relying on specific case studies. Among the more notable additions to the ongoing assessment of the potential impact of intangible cultural heritage is presented by Yvonne Donders who builds a strong analysis of the similarities and differences between human rights and cultural heritage treaties - and the need to link them more closely. Abbe Brown in her chapter makes a compelling case for the fact that currently, the interest in creating sustainable development policies and the safeguarding of intangible cultural heritage should take into account the need to pay greater attention to preserving cultural diversity in the policy making process.

Catherine Cummings presents a practical challenge to museums drawing on the new museum mission to more effectively serve their communities by embracing equitable inclusive processes and increased community participation. This includes museums taking an active collaborative role in the documentation, collection and presentation of contemporary intangible heritage. In a similar way, Njabulo Chipangura focuses on heritage sites and their contemporary circumstances and calls for more of a balance between the tendency for monumentality at the expense of intangibility. This chapter argues persuasively for greater representation and engagement by members of the local communities of origin for the safeguarding of intangible cultural heritage.

It is worth noting that while over 175 nations have signed up to the *Intangible Cultural Heritage Convention* of 2003, it has fostered inspirational actions as well as contentious debates that have influenced cultural policy and practice on the international, national, state and local levels. Unfortunately, both the United States and the United Kingdom (among a few others) have chosen not to sign up to the *convention*, despite being active participants in the scholarly debates on policy and strategies to safeguard and perpetuate intangible cultural heritage.

This volume is an impressive research resource that captures much of the current debate and dialogue. Hopefully it will foster additional publications that include the voices of communities along with academic experts. There are truly remarkable innovative steps being taken by many countries, including national, provincial, city and local inventories, nominations and recognition programmes in large countries such as China as well as smaller scale efforts around the world. There is much to learn from this work as the literature on intangible cultural heritage continues to attract attention from scholars drawn from a growing number of disciplines.

Overall, this *Research Handbook* is an important achievement, bringing together excellent contributions from the heritage and law sectors. The clear and welcome focus on contemporary intangible cultural heritage will appeal especially to those in the fields of the arts, humanities, law and social sciences, with a particular interest in the evolving legal landscape that is being shaped by greater attention to human rights, community representation, identity, cultural diversity and inclusion, equity and international trade and commerce.