

# Cultural Heritage Protection in European and Polish Law

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講演： **Kamil Zeidler** 氏（グダンスク大学教授）

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**Summary:** The system of cultural heritage protection is based on three pillars: 1) law, 2) economics, and 3) social knowledge and responsibility. Although law is very important, but is not the only factor in human activity called cultural heritage protection.

Focusing on law it should be stressed that in all modern states the system of legal protection of cultural heritage has two sources: public international law and internal law; sometimes it has the third source, like European law (which is quite different from international law) in European Union member states.

Law is divided into different branches: civil law, criminal law, administrative law, financial law, etc. In each of them we can find legal tools stipulated to protect cultural heritage, however some of them are more useful than others.

In the process of applying the law, we have to focus on valuation - determining what is an object of cultural heritage and what is not, but not only then. When public authority has to make a legal decision, very often it has to go beyond the legal system (understood as a system of legal norms and - norms interpreted from these legal norms), and refer to other normative systems and systems of valuation. With regard to this issue the most important is, as we can call it, theory of conservation, the most important part of which is soft law document - Venice Charter (1964).

Finally, this problem is strictly connected with liberalism versus communitarianism debate, and as such it can be called hard case.

会場: 政策研究大学院大学 3階 会議室A / Venue: GRIPS Meeting Room 3A  
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定員: 20名 (要事前申込み、先着順、無料) / Participants: 20 persons (registration required, admission free)

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