

# Preface

Related to history, law, culture, and international politics, the allocation of cultural heritage is both controversial and complicated. Beginning in the mid-twentieth century, an international legal regime was developed to protect cultural heritage against military operations and illicit trafficking. Subsequent international campaigns seeking the return of cultural heritage to their respective countries of origin have drawn public attention. My interest in this topic arose 5 years ago while studying law in China from reading the numerous press reports in mainland China, as well as attending numerous lectures, regarding the auction of Yves Saint-Laurent's bronze heads from the Old Summer Palace. My master's dissertation treated private international law applicable to the recovering of stolen cultural property. Upon completing my master's dissertation, the Guangzhou Municipality provided me funding for further research.

This book comprises the findings of my 3 years of research into the issues surrounding the repatriation of cultural objects, particularly Chinese cultural relics 'lost' in modern Chinese history, conducted under the guidance of Profs. Inge Van der Vlies and Arthur Salomons, both members of the Faculty of Law at the University of Amsterdam. Following an introduction, I study a number of specific losses of Chinese cultural relics and the legal regimes regarding the protection of cultural heritage applicable to such losses. These case studies first assess the possibility of seeking legal remedies of restitution under the contemporary legal regime. Next, they examine the cultural and ethical issues underpinning the international conventions protecting cultural heritage as well as the claims being made for the return of cultural heritage. The related issues of cultural identity, right to cultural heritage, multiculturalism, the politics of recognition, human rights, and cosmopolitanism are also studied. In the concluding chapter, I answer the research questions and suggest areas warranting future research.

This study has required knowledge in public international law, private international law, common law, ancient Chinese law, Chinese history and culture, and art theory, among other disciplines. In addition to the inherent difficulty of translating Chinese terms into English, terms such as 'unequal treaties,' 'century of

humiliation' and 'patriotism,' which are commonly used in China, are criticized in the West as ideological CPC propaganda. Although I appreciate the comments of Westerners alerting me to cultural and ideological differences and I readily admit such comments have helped me become more objective and view my topic from various perspectives, such comments have made me acutely aware of the chasm of misunderstanding between China and the West regarding this topic. I sincerely hope this book will, to some extent, lay a foundation for bridging that chasm and resolving our respective cultures' disputes over cultural heritage.

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Zuozhen Liu



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Liu, Z.

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