



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

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Administering Culture in International Law:
The Colonial Pedigree of World Cultural Heritage
MPIL Agora
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When writing the history of legal concepts such as "world cultural heritage", one faces interesting theoretical challenges. How to bring the coming into being of a global normative concept in a historical narrative? A particular challenge for global legal historians is to use local, national, and international frames for the historical investigation of international law.

The traditional narratives of the history of cultural heritage protection suggest that the development of international legal rules was fundamentally driven by codification efforts of the laws of war and customary international law beginning in the 19th century.

Different to this norm-centered approach to the history of international law, the main argument of this project is that the advance of regulations concerning cultural heritage emerged in a complex relation to the discourse of "civilization" in international law – with all its colonial implications. Putting the focus on these intersections between law and "civilization" the presumably unblamable purpose of law to protect culture becomes ambivalent. The word "administering" in the title of this study alludes to this uncertain role of the law. It suggests a new narrative that inscribes the colonial encounter into the development of this legal field.



Sebastian M. Spitra, obtained his academic degrees in Law (Mag.iur.) and Philosophy (B.A.) from the University of Vienna. Currently, he is research fellow and Ph.D. candidate at the Institute for Legal and Constitutional History at the Vienna law faculty, where he teaches constitutional history and history of international law. He worked in an NGO as environmental lawyer and conducted a research project about the Habitat-Directive. He is a fellow of the Vienna Doctoral Academy "Communicating the Law" and a founding member of the Verein Forum kritischer Jurist*innen in Austria. He has published on the intellectual history of international law, the history of cultural heritage, and the didactics of law. His research addresses the intellectual history and theory of international law. He works as a freelance journalist for the Austrian newspapers "Die Presse" and "Der Falter".

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