Alessandra De Luca

Opening address

The place where the conference at the origin of this volume is taking place, offers a perfect opportunity to introduce the very subject of the conference and the book.

Villa Ruspoli appeared as an appropriate venue for a conference on the Italian law of cultural heritage, not only because it is a beautiful historical building belonging to the University of Florence[1], but also because it was supposed to be fully refurbished by the time the conference begun. However, the tapestry that gives its name to the Red Hall, the main room where the conference was held, evidently needed repairing. The reason for this situation was that, once funds had been allocated and work had begun, the Department of Legal Sciences asked for two separate quotes with reference to the tapestry, one for its replacement and the other for its restoration. Replacement was the less expensive option, but, being this a historical building, the *Soprintendenza* objected and required a restoration of the original tapestry instead. Yet, the initial estimate of the costs of the repairs was too high and it was necessary to look for alternative quotes, which took extra time. Thankfully, a much less expensive solution was found and the repairs have already been completed, thus giving this little story a happy ending. Its real interest, however, lies in the fact that this story offers a perfect example of how to start delving deep into the way the Italian law of cultural heritage acts, a case study involving the main competing interests that characterize this field: preservation and promotion, cultural and historical interests, and economic viability.

In order to explain the purpose of the conference, the best perspective is the metaphor of dialogue that appears in the title. The idea of the conference, actually, was born out of a series of conversations or dialogues concerning the difficulty for the foreign public to understand – and, even before that, to be aware of – the complex, all-encompassing rules governing cultural heritage law in Italy. Notwithstanding the interest, the fascination, the love that many individuals and institutions from all over the world – particularly Americans – have for Italian cultural heritage, a lack of awareness and knowledge seems to exist.

This lack exists at two different although connected levels. On a broader level, it affects the vision, the philosophy that underpins the Italian approach to cultural heritage; indeed, the Italian culture of cultural heritage. On a more tangible level, it refers to the existence and contents of the regulation affecting the activities involving our inestimable (natural) and artistic treasures, be it the investments in historic real-estate, the purchase of antiques, or the digitization of artworks and cultural objects.

During their conversations, the members of the organizing committee realized that these difficulties share a common root and this root is mainly linguistic. In other words, the literature on the Italian law of cultural heritage in English is scarce, although English is today's *lingua franca*. The (ambitious) aim of the conference, therefore, is to take a first step towards bridging this gap in legal scholarship by discussing and then publishing a volume presenting the Italian law of cultural heritage in English.

From the very beginning we have been aware that it was not an easy task, partly because of the difficulty of translating into English the unique concepts of the Italian law of cultural heritage. We have had first-hand experience of these difficulties in the preparation of the conference, starting with the core notions of *tutela* and *valorizzazione* that are at the heart of the panels devoted respectively to «Public and private in the promotion (*valorizzazione*) of cultural heritage» and «Protection (*tutela*) and circulation of cultural heritage». But, also the choice of the title for the third panel was not straightforward: «Digitalization of cultural heritage between preservation and promotion». Here the question was: digitalization or digitization? This awareness led us – actually it was Jennifer Celani, our Master of Ceremony, who promoted and implemented the idea – to produce a short glossary that was also circulated among our speakers.

The linguistic aspect – I must admit – is the first one that attracted me when we discussed the idea of this conference, because I am not an expert in the law of cultural heritage, but I am a comparatist and legal translation is a field where legal comparison can bring its distinctive contribution. Actually, «[t]he relationship between law and language is, implicitly and explicitly, at the core of comparative law research», as stated in the Editorial of the first issue of a new law journal devoted to *Comparative Law and Language*, published in 2022[2]. Thanks to the scholarship of the late

1. The interesting story of how this building came to be acquired by the University of Florence is recollected by its main actor, Grossi P., *Su 'Villa Ruspoli' patrimonio dell'Ateneo forentino*, Quaderni Fiorentini, 2022, pp. 765 ff.

2. Ioriatti E., *Editorial,* Comparative Law and Language, vol. I, n. 1, 2022, p. I.

Florence, Villa Ruspoli. A moment of the conference; note the tear in the tapestry on the upper left-hand side, as mentioned by Alessandra De Luca in her presentation (photograph by the editors).

Rodolfo Sacco, notably, whose views on this topic are summarized in English in the seminal article *Legal Formants: A Dynamic Approach to Comparative Law* published in 1991 in the *American Journal of Comparative Law*, legal translation has acquired the dignity of an autonomous discipline: traductology. The conference and the book, then, offers the unique opportunity to engage with the problems of legal translation in action.

The metaphor of dialogue well represents also the methodological approach of the conference: the multifaceted topic of the law of cultural heritage can only be understood and explained by adopting a multidisciplinary approach, by establishing a dialogue among different disciplines and different types of expertise: theoretical and practical, public and private. This was the guiding criterion in developing the framework for the conference, that aims to be an attempt to bring together scholars, mainly but not exclusively legal scholars, experts from the Italian Ministry of Culture, and directors of state and private museums and foundations to address the main issues of the debate on cultural heritage in an interactive dialogue with the United States.

Two additional points need to be briefly addressed now.

The American public was identified as the privileged audience of this dialogue – as the subtitle of the conference clearly indicates – due to the scale of US involvement and investments in this field, but also for the relevance of American scholarship on cultural heritage. Suffice it to mention here John Henry Merryman, a great comparatist[3] who had a close connection with Italy and was an expert in Italian law[4]. But he was also the founder of the field of 'Art law',

3. He is the author of *The Civil Law Tradition. An Introduction to the Legal Systems of Western Europe and Latin America*, Stanford: Stanford University Press, 1969. The 3rd edition, written with Rogelio Perez-Perdomo, was published in 2007.
4. In 1965 Merryman published *The Italian Style* trilogy in the *Stanford Law Review*, that later resulted in the volume *The Italian Legal System: An Introduction*, Stanford: Stanford University Press, 1967 (with Mauro Cappelletti and Joseph M. Perillo).

with his course on 'art and the law' organised for the first time, as mentioned earlier, at Stanford University in 1970 that gave rise to the seminal volume *Law, Ethics and the Visual Arts*[5], still the most important text on art law.

Probably, also the fact that the conference was convened in Florence is not unrelated to the choice of this perspective, given the privileged relationship of this city and region with the United States, as the very existence of an institution such as Friends of Florence clearly shows.

This does not mean, however, that the conference will offer the parallel presentation of the Italian and the US legal system, as the recourse to the dialogue metaphor might suggest. Rather, what the conference tried to do through its roundtable and three panels is setting the stage for the dialogue by offering a portrayal in English of the multifaceted topic of the Italian law of cultural heritage that always includes the foreign perspective, often the American one, to project it onto the international stage.

The publishing of the proceedings of the conference is the next natural step of our ambitious project, but we would not consider it the final one. Rather, we hope that the conference and the publication will be the starting point for a future dialogue – *i.e.*, an exchange of ideas and opinions – in English on the Italian law of cultural heritage and an in-depth analysis of topics and aspects that could not be fully addressed on this occasion.

5. Merryman J.H., Elsen A.E., *Law, Ethics and the Visual Arts: Cases and Materials*, M. Bender, 1979. At present the 5th edition is available: Elsen A.E., Urice S.K., Merryman J.H., *Law, Ethics and the Visual Arts*, Dordrecht: Kluwer, 2007.

To conclude, as co-chair of the scientific committee, I would like to express my warmest thanks to all those who contributed to the organisation of this conference, and in particular to my fellow members of the organising committee – each one has given an invaluable contribution in terms of passion and expertise that has made possible what at the beginning appeared not to be so – and the distinguished guests who accepted to contribute to the conference and to this volume.

Special thanks go to the Department of Legal Sciences for its generous support. This conference is indeed part of a pluri-annual project headed by the Department of Legal Sciences, selected as one of Italy's excellences, and funded by the Italian Ministry for University and Research. I would like to thank the Head of the Department, professor Andrea Simoncini who, despite his commitment to another conference, managed to address the participants personally, and the Deputy Head, professor Chiara Favilli, who masterly supervised the work at Villa Ruspoli and always responded to any request with patience and efficiency.

I would also like to express my heartfelt gratitude to the other institutions that supported our project with generosity and enthusiasm: Friends of Florence, the University of Notre Dame Law School, Salvatore Ferragamo, Alta Toscana Innova, MPM avvocati, and Generali Agenzia di Firenze Rifredi.

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