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Cultural heritage beyond juridification: towards a comprehensive place-first research agenda

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Title:

Cultural heritage beyond juridification: towards a place-first research agenda

Purpose:

This paper proposes a research agenda towards a holistic, grounded, and flexible approach to cultural heritage, that can address social challenges and transformations in the context of place. It critiques the dominant/hegemonic cultural heritage narratives, deriving from juridification, and calls for a grounded approach in the way cultural heritage is framed and experienced.

Design/methodology/approach

The paper is conceptual, focusing on the need to open a line of enquiry into the relationship between legal texts, cultural heritage narratives, and social challenges and transformations. It follows the letter of the international conventions on cultural heritage against the worked example of the Medieval Town of Rhodes in Greece.

Findings

The paper sets the relevant research priorities for the investigation of the effective relationship between cultural heritage and social challenges in the context of place, and further stretches the need to evaluate the role of legal and regulatory texts to that effect.

Originality

The paper identifies new priorities for thinking about the effects of juridification/the law, cultural heritage, and social challenges/transformations in a place-specific context. It seeks to open new avenues of scientific explorations and new

interdisciplinary dialogues between a variety of disciplines that are relevant to the way a place engages and addresses social challenges and transformations.

1. Introduction: a new agenda for cultural heritage

Cultural heritage is a major force in shaping social identity and has the potential to play a key role in enabling local communities to enhance their transformational capacity (Hassan, 2020). Indeed, social transformation lies at the core of the need to preserve cultural heritage, as witnessed first and foremost in the legal texts pertaining to the preservation of cultural heritage (mainly at international/UNESCO level). The present paper will delve into the letter of these texts and seek to consider a place-specific agenda for dealing with cultural heritage, by providing the example of the Medieval Town of Rhodes (Rhodos island) in Greece.

The main question that the paper aims to consider is if (and how) this relationship between cultural heritage and social challenges can be reciprocal; in other words, if, and to what extent cultural heritage can help societies and individuals address social challenges and transformations at the local level (e.g. environmental degradation/climate change, population ageing, touristification, heritagization, commodification etc.), with a view to greater sustainability in the face of such global social changes and concerns. The present paper will demonstrate that cultural heritage's ability to achieve this remains slim, because of the current protectionist and hegemonic frameworks that fail to account for its holistic and ever-evolving nature.

As it is shaped, reinterpreted, and influenced by evolving social, political, and economic contexts creating new meanings, new cultural forms and hybrid identities, cultural heritage is constantly changing on multiple levels, including its material aspects, the interpretation of its meaning, or its various uses in society and economy (Byrne, 2008). In that respect, cultural heritage is particularly susceptible to the effects of urbanisation, demographic and climate changes, technological advances, and the impact of social and political movements. This is even more evident in the context of historic urban ensembles or historic urban landscapes, where such social transformations condense. We are therefore in need of a comprehensive framework

that will not only tap into the potential of cultural heritage, unearthing synergies and developing frameworks for future discussions, but will also help reframe what cultural heritage means with respect to people’s lived experiences, contributing to quality of life, enhanced sense of cohesion and sense of identity and belonging.

To this aim, we propose a research agenda that aims to help address social challenges and transformations through cultural heritage from the ground up and in a place-specific manner,¹ whilst also recognising the interpretative challenges that the multi-layered legal protection of cultural heritage has brought to the limelight. We thus evaluate the impact of making and applying “more law” to the protection of cultural heritage, exploring how the patchwork of applicable legal texts, provisions, and policies can have detrimental effects to the protected places instead. The overarching aim is to experience, explore, and appreciate the two-way relationship between cultural heritage and social challenges and transformations beyond the effects of juridification (Teubner, 1998; Habermas, 1985); beyond the recycling of hegemonic/dominant cultural heritage narratives that the interpretation and the codification of the law creates. A new grounded framework will focus on how cultural heritage can be conceptualised and practically employable instead.

We posit that the tenets of this research framework should comprise socio-legal, sustainable, political, tourism, and living heritage approaches, and focus on:

- Understanding the **local level** of global social challenges and transformations and their interrelation with respect to residing in, experiencing, visiting, and managing cultural heritage,
- Re-envisioning the **multiple layers of cultural heritage beyond the legally imposed perspective**,
- Making sense of the holistic/inclusive aspects of cultural heritage as a result of intergenerational and intragenerational **cultural dynamics**,
- Ensuring that **local communities are consulted and taken into account in relevant decision-making processes and managerial plans**;

¹ See for example UN Educational, Scientific and Cultural Organisation (UNESCO), Recommendation on the Historic Urban Landscape, 10 November 2011, available at: <https://whc.unesco.org/en/hul/>

- **Drafting generalisable and practicable conclusions that can be put to direct use by policy-makers and understood by the communities** that live, work, and experience cultural heritage in places.

To bring this to life, the rest of the paper develops as follows: at first, the paper addresses the relationship between cultural heritage protection and social challenges and transformations, laying the foundations of the discussion. The paper then seeks to identify the root cause of the division between cultural heritage narratives and their impact on the ground, by deep diving into the current legal frameworks for the protection of cultural heritage internationally and in Greece. In context, the paper discusses juridification and the creation of dominant cultural heritage narratives. It critiques the engulfment of cultural heritage by such legally derived, rigid and hegemonic narratives that effectively create policy enclosures and semiotic loops. The paper then presents the case of the Medieval Town of Rhodes (Rodos) in Greece, to situate the research agenda against a worked example of a heritage site undergoing significant challenges and transformations. Subsequently, the paper invites a broader dialogue between disciplines and discourses (as above), aiming to position cultural heritage in place and challenge specific contexts. We posit that cultural heritage can then be reframed from the ground up and face social challenges and transitions, as they arise.

2. Appreciating social challenges and transformations through cultural heritage

Cultural heritage has recognised value in international legal texts and national legislation, having been a UNESCO area of priority since the World Heritage Convention of 1972 and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict before that.² Indeed, both Conventions highlight the need to preserve world cultural heritage from physical and societal threats (war explicitly or broader changing social and economic conditions) and turbulence. A world with diminished cultural heritage is described as impoverished, and signatories to the

² UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention Concerning the Protection of the World Cultural and Natural Heritage*, 16 November 1972 and UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, 14 May 1954

Conventions are called to introduce a series of regulatory, educational, and research priorities to counter the detrimental effects that physical and societal deterioration can have on the preservation and enjoyment of world cultural heritage.

Additionally, on a European level, the Council of Europe recognised the existence and the importance of a European cultural identity built on common heritage, and expressed the need to inform national policies and facilitate bilateral cultural agreements between members of the Council; a need enshrined in the letter of the European Cultural Convention.³ The European Union also builds on notions of common European cultural heritage on policy level, having awarded its own “European Heritage” label.⁴ Stemming from an era of war and division both in Europe and around the world, these treaties and international efforts emphasise cultural heritage as a means to avoid the humanitarian catastrophes of war and celebrate common heritage as a declaration of what ties humanity together.

We can therefore observe that a common cultural heritage policy and priority is sought in the international arena: the aim is to foster (and perhaps impose) common perceptions and narratives of heritage, when faced with the adverse effects of war, division, natural catastrophes, and disaster. Cultural heritage, in this sense, is both local and universal, European and global, a means to address social and financial transformation (e.g., from socialist to market economies) and a way to meet challenges caused by war, economic transition, or natural disaster.

Without questioning the need to preserve peace and foster ties between peoples, globally, regionally, and locally, a series of observations can nevertheless be made: if the cultural heritage narrative, as recognised through the multiple layers of international and national legal and regulatory documents reflects the lived perceptions of cultural heritage on the ground; if such a legally-derived narrative that creates and imposes hegemonic perceptions of cultural heritage has the ability to impact/affect social challenges and transformations; if a more holistic/inclusive cultural

³ Council of Europe, *European Cultural Convention*, 19 December 1954 (Council of Europe Treaty Series no. 018), available at <https://rm.coe.int/168006457e>

⁴ More information on European Heritage Label Sites at <https://culture.ec.europa.eu/cultural-heritage/initiatives-and-success-stories/european-heritage-label>

heritage narrative is possible or indeed needed; and last but not least, whether a relevant agenda for cultural heritage (as understood and developed from the ground-up) can be developed and employed to anticipate, meet, and address the transformative, social challenges and transformations that the international documents correctly recognise as “danger zones”.

Providing answers to such questions will not only tap into cultural heritage’s potential, unearthing synergies and developing frameworks for future discussions, but will also help reframe what cultural heritage means with respect to people’s lived experiences, contributing to quality of life, enhanced sense of cohesion and sense of identity and belonging. In the next section we consider the extent to which juridification hinders such efforts and excludes local voices and bottom-up approaches from the appreciation of cultural heritage in the context of Greece.

3. The creation of dominant cultural heritage narratives through juridification: International and Greek contexts

At this stage, the paper explores how predetermined, legally informed cultural heritage narratives can clash with cultural heritage experiences on the ground in relation to a given place. We borrow the concept of juridification to refer to the creation of “more law” in both quality and quantity. More specifically, we refer to constitutive juridification in international legal terms (Blichner and Molander, 2007), viewed as the establishment of a new legal order; hereby, one subjecting cultural heritage to a normative, institutional environment (Abbott et al., 2000). We critique the impact that juridification has on the codification and commodification of cultural heritage into static representations that perpetuate clashes both in the law and on the ground, resulting in inefficient and superficial policy interpretations, as the example of Rhodes will demonstrate.

We provide the example of national legislation for the protection of cultural heritage in Greece, and comment on the legally created divide between several categories of cultural heritage. We spotlight protectionist/doctrinal clashes, such as the divide between tangible and intangible cultural heritage, set out in the respective UNESCO Conventions. We also consider the role of the Recommendation on the Historic Urban

Landscape 2011 as an attempt to bridge this discretion in the context of urban space. Here, we explore how the compartmentalisation of the cultural heritage narrative in the UNESCO texts does not correspond to the way cultural heritage is experienced and lived on the ground, and we further argue that prolonging the positivist division, prevents *living* cultural heritage (Bui *et al.*, 2020; Poullos, 2014) from meeting current social challenges and transformations, turning a living, breathing place into a static interpretation of what could and should have been, and introducing an invisible and unreachable benchmark.

From a legal and policy perspective, cultural heritage is defined by its compartmentalization as the protected subject matter of various international texts and instruments across bodies and organisations. In this sense, cultural heritage includes valuable objects and materials displayed in museums, landscapes, and the built environment, as well as customs, traditions and living heritage (Borowiecki, Forbes and Fresa, 2016), all protected under various international instruments, resulting in a labyrinth of overlapping protectionary approaches. It follows that cultural heritage is a subject matter that can be defined, afforded legal meaning, be posited between semantic boundaries, and create definition-dependent inclusion/exclusion zones, pursuant to the law's inherent binary (legal/illegal, protected/unprotected).

At this point it is worth considering the concept of *juridification* as the expansion of the law's reach into previously unregulated realms, via the creation of closed self-referential legal systems (loops) that ascribe and perpetuate meaning - the result being "more" legal subject matter in both quality and quantity (Magnussen and Banasiak, 2013). In context, international texts both create "more" cultural heritage narratives and exclude non-hegemonic manifestations of cultural heritage from the legal discourse at the same time.

The juridification of cultural heritage not only separates cultural heritage into protection-worthy and non-protection-worthy manifestations, but it also feeds and shapes the way cultural heritage is perceived and communicated from governments and administrations, and how it translates into national and regional policies. The example of Greece, for instance, demonstrates how the perception of cultural heritage is tied to the notion of antiquity and the discipline of archaeology, with national legislation explicitly giving priority to the protection of archaeological findings and

monuments, as the de facto interpretation of the concept of cultural heritage: Law 3028/2002 On the Protection of Antiquities **and Cultural Heritage in General**. Government is also organised with a view to prioritising the importance of archaeology as the predominant aspect of cultural heritage in the Greek context (see e.g., General Directorate of Antiquities and Cultural Heritage).⁵

Inevitably, this imprints the subordination of cultural heritage to the field of archaeology, leading to the imposition of dominant/hegemonic perceptions of how cultural heritage should be communicated, visited, and experienced. Karlsson and Gustafsson (2020) comment on how authentic cultural heritage experiences are staged in relation to Greek classic antiquity sites (whether UNESCO-protected or not), highlighting that visitors are discouraged from forming their own connections and interpretations in relation to the site: *“it is therefore not a question of using history and its material culture, and to be a part of living cultural processes, but rather about passively responding to the handling and staging of history and material culture by the experts of the heritage management (p.18).”* It follows that any deviation from the hegemonic perception of cultural heritage risks being considered “inauthentic” and therefore lacking the necessary “protection-worthiness” in the eyes of the law.

The impact of juridification on cultural heritage narratives can also be viewed in the division between tangible and intangible cultural heritage, as recognised in the respective UNESCO Conventions. The legal recognition of distinct categories “pushes” cultural heritage into even more binaries (tangible-intangible) and creates an artificial division that it is again upon the law to bridge through the means of yet more legal instruments, interpretations and recommendations; for instance, the UNESCO Convention regarding Intangible Cultural Heritage (hereafter ICH) explicitly stresses the “deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage”, while ar. 3 clarifies that safeguarding ICH does not alter the status or diminish the level of protection of Tangible Cultural Heritage (hereafter TCH); yet, older Conventions regarding CH made no provisions for ICH.

In the Greek context, the division between the two forms of cultural heritage and the subordination of ICH to its tangible counterpart is explicitly enshrined in national

⁵For more information see General Directorate of Antiquities and Cultural Heritage, at: <https://www.culture.gov.gr/en/ministry/SitePages/viewyphresia.aspx?iID=1304>

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3 legislation. Not only is ICH mentioned a total of 5 times in the most prominent piece of
4 legislation dealing with cultural heritage in Greece (Law No. 3028/2002 as above), but
5 also no provisions are made for its safeguarding and protection other than the
6 “recording” and static documentation of ICH deemed “of particular significance,”⁶
7 without any further explanation. Of course, this comes in stark contrast with the
8 remainder of the legislative text, which offers meticulous details for the preservation of
9 TCH, placing it under the direct supervision and protection of the relevant
10 archaeological national and regional ephorates and other relevant authorities.
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18 These issues have not gone completely unaddressed on an international level, as the
19 Recommendation on the Historic Urban Landscape (HUL) signed in Paris, 10
20 November 2011 (which was however not signed by Greece) recognises the “the most
21 abundant and diverse manifestations of our common cultural heritage” that take place
22 within historic urban areas, and calls for the development of tools that serve the double
23 aim of serving both the cultural landscape and the city’s lived components “by
24 considering the interrelationships of [...] physical forms, [their] spatial organization and
25 connection, [their] natural features and settings, and [their] social, cultural and
26 economic values”.
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34 The Recommendation recognises the new challenges brought by urbanisation and
35 globalisation, the need for sustainable financial and social development, and
36 environmental factors, reiterating in earnest the challenges identified in the past, only
37 now in an urban-specific context. The Recommendation builds upon UNESCO’s body
38 of international texts and is a welcome advance in dealing with the perplexities and
39 clashing priorities that manifest in the urban environment. However, it effectively
40 reinforces the binaries resulting from the Conventions, adding more layers to the
41 cultural heritage discourse: this stems from the fact that the Recommendation was
42 initially envisioned as an operational guideline within the World Heritage Convention,
43 with first drafts collated out of a plethora of pre-existing UNESCO Recommendations
44 and other relevant EU frameworks, such as the European Convention on the
45 Protection of the Archaeological Heritage (Revised) and the European Landscape
46 Convention, Florence, 20 October 2000.⁷ Ultimately, the HUL was seen as a
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58 ⁶ Ar. 5, Law No. 3028/2002

59 ⁷ European Convention on the Protection of the Archaeological Heritage (Revised), Valetta, 16
60 January 1992; European Landscape Convention, Florence, 20 October 2000

methodological or design tool to evaluate the existing UNESCO frameworks (Turner, 2013). This, combined with its voluntary “soft law” status, indicates that the Recommendation is not meant to depart from the pre-existing frameworks, but help apply them in a specific, urban context. If anything, at face value, the Recommendation both acknowledges and perpetuates the overlap of distinct cultural heritage categories, leading scholars (Turner 2013; Labadi and Logan, 2015; Pintossi et al., 2023) to call for the adoption of multi-stakeholder and grounded approaches to evaluate the challenges faced by urban cultural heritage sites. We particularly emphasise Turner’s plea (2013, p. 85) *“to take into account the singularity of the context of each urban region and historic area”*.

We need to reiterate that the effective result of the current legal framework is the creation of a protectionist overlap that can potentially lead to inefficient, piecemeal types of protection, should similar types of resources fall under different categories of heritage and be thus governed by different principles and procedures. At its extreme, the difference between ICH and TCH in particular means that policy-makers and conservation officials might find themselves in the unenviable position of having to decide which aspect of the same resource to safeguard and how. Equally, from a hegemonic narrative perspective, we are still faced with a similar power binary, as certain manifestations of ICH are deemed protection-worthy and prioritised under national and regional policies (as in the case of Greece).

Despite the Recommendation’s plea to a holistic viewing of cultural heritage in an urban context, the overlapping layers of protection, as a direct result of juridification, and the accompanying hegemonic cultural heritage narratives, have an immediate and direct impact on the way cultural heritage sites - and more importantly historical urban landscapes - are experienced, lived, visited, or managed.

In such cases, the material base of TCH converges with a place’s human element and respective communities as bearers of ICH. Consequently, life in these heritage sites may become less attractive for local residents, due to restrictive protective measures and various touristification and/or gentrification tendencies, depending on the specific challenges each place faces; residents may abandon the historic urban ensemble along with their traditions, festivities, or dialects, as seen for example in a number of cases around the world, from Venice (Salerno, 2022) to South Korea (Kim and

Holifield, 2022). As a result, it appears that the preservation of TCH has the potential to effectively undermine ICH (Choay, 2001) and its bearer communities in the case of conflicting policies and priorities, as the example of Rhodes, Greece will demonstrate. More particularly, this is linked to the *everyday dialectics* (Sequera and Nofre, 2018), as a newly formed economic and social arena, whereby different actors, such as residents, tourism and other entrepreneurs, investors, and others, compete for resources and place meaning/narratives.

The constitution and the protection of ICH in this sense, raise a series of questions about the relationship between heritage and place-specific agendas. Various scholars stress the importance of facilitating narratives of mutual understanding between distinct forms of cultural heritage (Melis and Chambers, 2021), whereas critical tourism and heritage studies literature engages with questions about the commodification of heritage (Munt, 1994; Callinicos, 1995; Richards, 1996; Sharpley and Sharpley, 1997; Miles, 2010), democratic deficit in the process of the constitution of ICH (Melis and Chambers, 2021), ownership, rivalry and cohesion/universality, and the politics of the past (Lowenthal, 1994; 1985; 1998; Meethan, 1996, Nuryanti 1996, Delanty, 2017).

The discourse uncovers issues to do with democracy and power imbalances and stresses the need to understand how these heritage narratives can, at times, be antagonistic. This focus on narratives of mutual understanding gives way to the need for production of transnational cultural heritage narratives, whether in the context of Europe (Delanty, 2017) or in international education (Simandiraki, 2006). The suggestion here is that to avoid antagonisms and move towards building alliances between different social actors/groups, there is a need to produce a diverse, non-dogmatic narrative.

The concepts of cultural heritage convergence, preservation, and touristification are interwoven in the development of cultural heritage narratives in relation to a given place. A grounded and place-first approach to the formation, appreciation, and evolution of cultural heritage, should in turn, inform or intercept cultural heritage law and policy-making, enabling a broader interdisciplinary dialogue, as the proposed agenda suggests.

The example of Rhodes is used in the following section to illustrate how juridification and the subsequent divide between TCH and ICH is felt on the ground, and highlight

implications for those who live in, experience, and manage protected places. With respect to the proposed agenda in particular, the worked example of Rhodes will demonstrate the failure to appreciate the lived conditions of cultural heritage (and by extension the value of ICH), the conflicting effect of policies and legislative efforts in safeguarding cultural heritage and dealing with social challenges and transformations, and will lastly, unearth the cultural dynamics evident in the given place.

4. Revisiting Cultural Heritage in the Medieval Town of Rhodes

The Medieval Town of Rhodes has a 2,400-year-old history of continuous habitation starting from the Classical period. Today, the most salient architectural element of the urban ensemble is Medieval/Gothic, with some Ottoman additions and some further substantial, but less easily discernible, colonial Italian interventions. In 1988 the Medieval Town was added to the UNESCO World Heritage List.

The Medieval Town of Rhodes is home to approximately 4,000-6,000 permanent residents; it further accommodates great numbers of tourists on an annual basis. Damage from WWII and ensuing social and political upheaval left large parts of the town uninhabited, quickly to become occupied by the poorest strata of Rhodian society. Through the years, the Medieval Town has functioned as a “doorstep” to the modern city of Rhodes, as successive waves of internal and international migration have found accommodation in its buildings, leaving them behind once some sort of social mobility has been achieved.

This peculiar population flow has been enriching the Town’s intangible cultural heritage, as preserved by the permanent residents. Living alongside this “transit population”, this assemblage of permanent residents has traditionally included members of the Greek Rhodian Muslim community, the Jewish community, as well as the Greek Orthodox Rhodian island-wide majority. All these backgrounds have been adding a variety of elements to the intangible “cultural reservoir”, expressed in the forms of a shared dialectal variety, religious and interreligious festivities.

The emergence of mass tourism as the main driving force of the local GDP (INSETE, 2022) has had a profound effect not only on the modern city, but on the Medieval Town as well. In fact, a quick walk around the Medieval Town reveals the replacement of

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traditional residential quarters and workshops by tourism and leisure businesses. This can exert formidable pressure on the material element of the urban ensemble/historic urban landscape, as well as the local residents who have to deal with the World Heritage status-derived restrictive protection/conservation regulations concerning their properties (see f.i. Amar and Tyvimaa, 2022) at the same time.⁸ Under these circumstances, residents appear to be gradually moving out of the city walls, taking the unique makeup of the Medieval Town’s ICH with them. This abandonment has further direct impact on the immovable cultural heritage, since buildings are left in a derelict state, with the financial costs of repair and restoration to the historic standards impossible to bear. This, coupled with the effects of climate change, threatens to put the historic urban landscape *at risk* - including adding the monument to the UNESCO list of endangered world heritage sites that risk losing their listed status (Machat and Ziesemer, 2020; Change, 2019). This points to the need to provide for the sustainable future of cultural heritage by taking both human and material factors into account: *change* is happening and needs to be accounted in any discussion about the Medieval Town in consultation with the communities directly concerned.

However, even though integrated management policies for the Medieval Town of Rhodes signed 1985 and more recently in 2023 that should - at least in principle - promote the collaboration between local and national authorities and institutions exist, these remain under “lock and key” by the Greek authorities, as reported in the local news.⁹ The new management policy signed in April 2023 in particular, has been met with the objection of locals and individual archaeologists alike, as it by-passes the local communities and those involved in the day-to-day management of the Medieval Town completely, to impose a secretive and centralised, paternalistic decision-making model (Tosun, 2000). There appears to be little to no consultation with the local population, and further, the policy fails to mention the preservation or the safeguarding of the Town’s ICH. Indicative of the top-down hegemonic approach is that the signatories to the policies are the central and local state authorities *only*; these comprise the Ministry

⁸ Ar. 10, Law No. 3028/2002 sets out the requirements for activities on immovable monuments and their surroundings
⁹ See <https://www.newsbreak.gr/ellada/456444/perierges-methodeyseis-gia-ti-mesaioniki-poli-tis-rodoy-dia-cheiros-mendonii/>

of Culture; the City of Rhodes; the Region of the South Aegean; and the Cultural Resources Management and Development Organisation.¹⁰

Another initiative indicative of the top-down approach that favours commodification of heritage, is the “Action Plan” published by the Institute of the Greek Tourism Confederation (INSETI, 2022). The “Action Plan” makes clear that the selling point of the Medieval Town is the seat of the “Knights”.¹¹ The document hardly mentions the town’s current inhabitants or its intangible cultural heritage (INSETI, 2022), and further confirms the top-down, managerial approach to promoting the impenetrable and rigid dominant narrative (here, cultural/touristic) with respect to the protected place.

Ultimately, as the protected place falls under the jurisdiction of the relevant authorities, it essentially becomes commodified, objectified, legally codified, and subjected to the hegemonic/narratives that derive from the law. It follows that these are difficult to decipher, comprehend, and apply by those not well-versed in the relevant jargon. The most prominent example of this is perhaps the official municipal guidance on how to implement the zoning and planning regulations within a protected monument, issued by the Technical Chamber of Greece.

This official administrative document entitled “Experiencing the uniqueness of the Medieval Town of Rhodes daily”¹² offers little insight into the Town’s ICH, laying out the strict planning requirements and emphasising the need to adhere to planning legislation for the ultimate benefit of “quality tourism” instead (Scrimizea and Parra, 2019; Jennings *et al.*, 2006).¹³ According to this narrative, “quality tourism” is attracted when planning laws are adhered to and the cultural heritage site becomes aesthetically pleasing to the *tourist gaze* (Urry and Larsen, 2011). Following this paradigm, the shade of streetlamps, the colour of the dining tables, and the type of doorknobs used within the Medieval Town’s walls are all prioritised as more culturally

¹⁰ https://www.ertnews.gr/perifereiakoi-stathmoi/notio_aigaio/istoriki-stigmi-gia-ti-mesaioniki-poli-tis-rodou-ypografi-programmatiki-symvasi-me-to-ypourgeio-politismou/

¹¹ Referring to the Palace of the Grand Master of the Knights of Rhodes, situated in the middle of the Medieval Town

¹² Uploaded by anonymous users here: <http://docplayer.gr/2558901-Vionontas-kathimerina-ti-monadikotita-tis-mesaionikis-polis-tis-rodoy.html>

¹³ As identified by Jennings *et al* (2006), the term has been used in relation to service, product quality, as well as environmental issues, reputation, sustainability, host and guest interactions, profitability, and finally place and identity.

significant than the Town's living and intangible heritage narratives, as the latter cannot immediately be *gazed upon* by the visitor.

The concrete friction between TCH and ICH in combination with the touristification witnessed in the Medieval Town of Rhodes, is a condensation of the problematic pattern that emerges: the disregard for ICH in any discussion on the topic of cultural heritage, leads to an "over-focus" on TCH as advocated by a colonialist narrative that prioritises "monuments", "masterpieces" and "value" over those elements that make up a place's ICH that may merit similar protection (Walsh, 1992; Lowenthal, 2002; Catapoti *et al.*, 2020).

Nonetheless, even this very observation is based upon the formal (and arguably moot) division between TCH and ICH. The suggested agenda critiques this fundamental division and questions its expediency and validity. Focusing on historic urban ensembles/ landscapes, ***the ultimate purpose of the proposed research agenda is to underline that cultural heritage should and could be seen as a total*** (see also Hafstein, 2018), as the Recommendation was seen to suggest. This feeds directly from debates following the COVID-19 pandemic that highlighted the many different aspects of social life and policy, including the role of communities and community-wide support networks, as well as the dangers of over-reliance on the *monoculture* of tourism (Rodríguez, 1999; Bastakis *et al.*, 2004; Panayiotopoulos and Pisano, 2019). The need to address cultural heritage holistically was also made clear by the crisis in the tourism sector (Lapoint, 2020, Brouder *et al.*, 2020), the most recent forest fires in the summer of 2023 that threatened the island's tourist season, and the ongoing migration crisis that has been feeding a continuous discussion on societal capacity for inclusion and integration (Bauloz *et al.*, 2019; Orcutt *et al.*, 2020; Salazar, 2022).

Ultimately, Rhodes faces a vicious cycle of commodification and heritagization affecting the wealth of its tangible and intangible cultural heritage, which arguably deprives its citizens from forming a sense of place. The recognition that there are diverse groups with, at times, antagonistic interests and agendas is also significant for the Rhodian community's identity (Tosun, 2000; Aas *et al.*, 2005; Pappas and Tsartas, 2009).

Population mobility and waves of migration have formed an amalgam, in which a range of traditions, societal values, religions, but also building architectures flourish and

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3 clash. The tourist boom of the late 20th century has brought the commodification of
4 local culture, along with a steep rise in the cost of living in the Medieval Town, as it
5 transitioned from being the main residential and commercial centre of Rhodes (early
6 20th c.) to working class/migrant district (post-war), to UNESCO World Heritage Site,
7 and top tourist destination more recently. Throughout this journey, successive waves
8 of permanent residents, belonging to various religious and ethnic communities, have
9 been driven away by political and social turmoil, resulting in a loss of ICH. Gradually,
10 what tends to remain is a romanticised past (Lichrou *et al.*, 2017); a romanticised
11 image of Medieval heritage, fit for tourist consumption. Today, the problems of
12 touristification are exacerbated by the difficulty and cost of renovation to homes
13 caused by the preservation regulations and bureaucratic obstacles, presented above.
14 As a result, there is no way of telling how much and what kind of ICH remains in the
15 Medieval Town and how much has been lost over the years. Our knowledge of the
16 Town's cultural heritage remains poor and incomplete, as people and communities
17 associated with non-dominant and non-commodified forms of ICH remain excluded,
18 invisible or - to use the wording of Greek law - "not of [any] particular significance".
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Houses in the Old Town now host refugees and the poorest strata of Rhodian society. Photo by the authors.



Tourism businesses in the Old Town. Photo by the authors.



Kahal Shalom is the oldest synagogue in Greece. The Old Town had been the home of a vibrant Jewish community for over 2,300 years, up until World War II. Photo by the authors.

It is not difficult to appreciate the need for a new framework for cultural heritage that would instil in the inhabitants, visitors, and other stakeholders of the Medieval Town, a true sense of place. A new agenda will help reframe what cultural heritage means with respect to people's lived experiences, contributing to quality of life, enhanced sense of cohesion, and sense of identity and belonging. So far, we have seen that the local life (and by extension the ICH) of the Medieval Town is completely detached and absent from the official policies and narratives, leaving the Medieval Town to operate in two parallel zones: official (and protection-worthy) and unofficial and therefore deemed to lack significance. Revisiting our agenda, as set out in the introduction, we observe that, appreciating the place-dependent and local level social challenges and transformations such as those experienced in the Medieval Town (namely touristification, heritagization, migration, as well as the effects of climate change/forest fires), calls for a holistic appreciation of what cultural heritage means beyond legal binaries and dominant narratives (to begin with). Understanding the **local level** of global social challenges and transformations and their interrelation with respect to living, experiencing, visiting, and managing cultural heritage, will prioritise place-specific needs and will highlight those elements of either TCH or ICH that make-up the place's cultural fabric, as lived, experienced, and formulated from the ground up. In the case of the Medieval Town this includes the transient populations past and present, the resulting intergenerational and intragenerational **cultural dynamics**, as well as the visitors, and the businesses (whether tourism related or not) that operate within its walls.

By extension, any prescribing legal texts and policies can be revisited as enabling rather than hindering the place's cultural expressions, bypassing the need for monotonous, box-ticking policy exercises, as brought forth by the legal "fatigue" caused by juridification. This could, for instance, be achieved by reading the legal and policy texts as enabling rather than prohibitive: asking what the legal framework prompts us to do with respect to cultural heritage instead of following the letter of the law as a literal restriction. In the Greek context this would mean acknowledging that the Archaeological ephorate is just one governmental branch that deals with the Medieval Town's cultural fabric: social, financial, environmental, and other policies (and relevant narratives) cannot and should not be excluded from the discussions or be subordinate to the one dominant narrative regarding cultural heritage. The Medieval

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Town, as the living organism that it is, experiences and expresses social challenges and transformations in a manner that necessitates acknowledgment and sensitivity: focusing on one static, interpretative aspect of these disservices the same subject matter the Conventions aim to protect.

Simply put, we reiterate the need for inclusive, place-sensitive, and localised processes and consultations (Ntounis, 2018), that promote practicality, adopt a simple language that can be easily generalised, and account for the multiple uses of the relevant place, as well as the multiple connected groups and priorities. Such processes will account for and consult the local communities, who might officially fall under the legal line of “significance” and “worthiness”, mirroring efforts encountered in adjacent fields to cultural management such as broader place management or place branding (Reynolds et al., 2022).

In any event, there is an inherent need to recognise the limitations on the way cultural heritage is experienced, lived, visited, and protected due to the restrictive nature of juridification, and to revisit how we understand and relate to its subject matter beyond hegemonic narratives. Returning to Turner (2013), acknowledging the status quo (and its impact) and taking the informed decision to broaden the discussion to include local groups and communities, is the first step to truly appreciate “the singularity of the context of each urban region and historic area”.

6. Conclusion

The proposed research agenda sought to point out the disciplines and discourses that are relevant in the creation, evaluation, and the enjoyment of cultural heritage, wishing to attract the interest and the contribution of academics, policy-makers, and practitioners across scientific fields, and beyond the interpretation of legal binaries. We sought to shed light on the multiple layers of legal relevance that juridification affords cultural heritage, which often result in the objectification of places where cultural heritage is lived, created, and celebrated in the everyday life. The example of the Medieval town of Rhodes was illustrative of how multiple and diverse cultural heritage narratives can get overlooked or even fade in the background of a protected or prioritised place. We have shown how ICH can easily be deemed irrelevant, not-protection-worthy, or even unwanted, when the legislative framework allows so.

Cultural heritage should be protected and celebrated in its totality, if it is to reach its internationally advocated potential to anticipate, meet, and address social challenges and transformations. Reinforcing static hegemonic narratives prioritises text over life and form over meaning, leading to objectification and hegemonization of cultural heritage practices. A place-first approach is thus necessary, as is the appreciation of the multifaceted socio-legal, sustainable, political, tourism, and living heritage factors that make-up cultural heritage in its totality.

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Houses in the Old Town now host refugees and the poorest strata of Rhodian society. Photo by the authors.

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Tourism businesses in the Old Town. Photo by the authors.

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Kahal Shalom is the oldest synagogue in Greece. The Old Town had been the home of a vibrant Jewish community for over 2,300 years, up until World War II. Photo by the authors.

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