

# Struggles over Drowning Heritages

Sanna S. Lehtinen

Drowning Lawscapes: State Responsibility for Future Generations' Rights to Coastal Heritage<sup>1</sup>

“The ultimate, hidden truth of the world, is that it is something that we make, and could just as easily make differently.”

– David Graeber

In my doctoral thesis, I argue that spaces that are recognized as official cultural and natural heritage under law and international conventions tend to end up becoming occupied, used, and exploited in ways that degrade the very cultures and ecosystems they are supposed to protect. Since submitting my thesis at the beginning of this summer, I have seen many of its themes become even more relevant.

In June, while residents of Venice in Italy were sweltering under a heatwave, private jets from across the globe landed in the city to deliver guests to a billionaire's extravagant wedding.<sup>2</sup> The wedding may have dazzled the world, but in Venice, it sparked anger. In the weeks before the event, locals protested, saying their city was being used as a stage for the rich and famous, while problems like people moving away and excessive tourism were ignored by the city council.

Around the same time this summer, in the United States, a new immigration detention center was opened in the protected Everglades wetlands in Florida. The center's environmental impact was not assessed before the construction, even though the Everglades' unique ecosystem supports a wide variety of plants and animals, including many threatened and endangered species protected by law.

Instead, the center was named Alligator Alcatraz, where species like crocodiles, alligators, and pythons – as President *Trump* put it – should guard the detainees from escaping. However, law has now being put to the test, as just last week a district court ordered a two-week halt to construction while a federal judge considers whether the center violates environmental laws.<sup>3</sup>

Both Venice and the Everglades represent fragile heritage sites that are threatened by climate impacts, especially rising sea levels. These actions not only harm the humans and other species connected to these areas but also change the kind of heritage we leave for future generations. On top of that, the Venice city council and Trump's administration represent the public authorities responsible for protecting the heritage, and in these cases, they are the ones enabling the damage to heritage.

1 This text is the author's *lectio praecursoria* delivered on 15 August 2025 at the public doctoral defense held at the Faculty of Law, University of Helsinki, where the author defended the dissertation “Drowning Lawscapes: State Responsibility for Future Generations' Rights to Coastal Heritage”. The opponent was Associate Professor Merima Bruncevic from the University of Gothenburg, and the custos was Professor Ida Koivisto from the University of Helsinki.

2 This refers to the wedding of Jeff Bezos, one of the world's richest individuals, and his partner Lauren Sánchez.

3 A federal court later ordered the detention center to be closed because of environmental and human rights violations. In September 2025, however, a federal appeals court granted requests from the State of Florida and the US Department of Homeland Security to halt the enforcement of that order.

Heritage exists in many kinds of spaces around us. In my thesis, ‘heritage’ is understood as an umbrella term and a phenomenon that covers various forms of heritage including cultural, natural, tangible, intangible, underwater and Indigenous heritage, with a special focus on coastal heritage, meaning heritage located on land and in the sea in coastal areas. However, what an individual considers heritage, or what, for instance, cultural studies might define as heritage, does not always align with what the law or jurisprudence recognize and officially protect as heritage. While we might tend to think of law as neutral, it is created and shaped by humans. The decisions about what is recognized as ‘official’ heritage – and what is not – are human decisions as well.

The reason I started by highlighting these two examples, Venice and Everglades, is that they are both official heritage sites included on the UNESCO World Heritage List. This means they are protected under World Heritage Convention and international heritage law. The core idea of heritage protection is to safeguard heritage so that it can be passed on to future generations. Yet, at the same time, we are using and consuming that very heritage at future generations’ expense. In my thesis, I argue that these sites are vulnerable for reasons that current legislation does not adequately recognize, and Venice and Everglades serve as two key examples of what I call drowning lawscapes.

The concept of lawscape can be theorized and interpreted in various ways. In my research, it refers primarily to how space and law intersect; how law meets space; how law and space are coextensive, meaning, that we are always in a lawscape – even right now, here, in this lecture room. My study examines how current generations use heritage as a space, which is

simultaneously also the space of future generations. I approach future generations broadly, including both human and non-human beings that inhabit the very same space. In this context, we can speak of a spatial struggle or a spatiotemporal conflict, a contest over how space is used and who it belongs to. As the examples I mentioned show, the struggle over heritage space is far from equal. It is based on hierarchies and is deeply intertwined with political and economic power, where heritage is harnessed to meet the demands of capital, for example, by becoming a backdrop for luxury weddings or playing a role in systems of control.

My thesis is a journey divided into five parts. After the first, introductory part, I move on to the second part, titled ‘Grammar’. International heritage law has an inbuilt grammar that draws distinctions between cultural and natural heritage, tangible and intangible heritage, and underwater and land-based heritage. For example, Venice is officially designated as cultural heritage, whereas the Everglades is classified as natural heritage. So, the law makes clear distinctions, but in real life, where law and space meet, those lines do not always fit the space. Venice, a city surrounded by a lagoon and whose very existence depends on its unique connection to water, shows that culture does not simply end at one point and nature begin at another. Similarly, human activity has shaped and touched the Everglades so deeply that separating it from culture is impossible.

Moreover, these categories also fit poorly with the kinds of transformations brought about by the climate crisis. Sea-level rise, for instance, may eventually turn heritage that exists on land into underwater heritage. I argue that the law fails to adequately recognize drowning heritage because the climate crisis

challenges the categories and classifications the law has defined for heritage. Therefore, in my thesis, I look for ways to move beyond these binary distinctions embedded in heritage law and its limited ability to respond to the climate crisis. As a response, I propose widening the law's grammar with the concept of liminal heritage. The term liminality, borrowed from cultural anthropology, refers to a space in-between: something not yet, or no longer, clearly defined. For example, heritage that is drowning or melting is no longer completely on the ground, but not yet fully underwater either. In other words, liminal heritage is heritage that resists clear categorization. It exists in spaces of transition: between land and sea, under and above water, culture and nature, the tangible and the intangible.

The third part titled 'Methodology' is an experimental section in which the actual drowning of the lawscapes of Venice and the Everglades takes place. Before the drowning, however, my thesis explores the background, history, and current state of protection at these two sites. Based on my analysis, I argue that the legal and political tools currently relied upon in heritage management do not align with the actual protection needs of these sites.

Think of Venice again. It might bring to mind crowds of tourists, cultural landmarks, or a dream wedding setting – and all of that is undoubtedly true. But it is also a living city and ecosystem where daily life unfolds, a home and heritage for people and other-than-humans. Given its global fame and popularity as a travel destination, one might assume that Venice is also well protected. At first glance, it seems that plenty has been done in recent years: cruise ships are banned from the canal near the historic center, the flood gates rise against high water, and day visitors are charged an access fee.

However, I argue that these protective measures are largely aimed at preserving a certain image of Venice and the benefits that come with it. Cruise ships and their tourists have not vanished; they still come, only anchoring farther out. Flood gates keep tourists' feet dry, but at a cost to the lagoon's ecological health. And the access fee appears more symbolic than effective as there is so far no evidence that it reduces tourist numbers. And in my thesis, that very Venice drowns.

The Everglades, in turn, has been a national park since 1947. But the national park covers only a small part of the original Everglades ecosystem and Indigenous lands. Much of the area has been cleared for agriculture and tourism; airports, landfills, luxury resorts, and Disney World have been built there. And now, Alligator Alcatraz. In my thesis, I also drown this Everglades.

Using the method of drowning, my thesis reveals how existing legal structures marginalize liminal heritage and sustain oppressive power relations. Drowning heritage takes imagination; saving it takes legal imagination. In my thesis, I explore two futures for a drowned Venice. As a spoiler, one is more hopeful, the other less so. Then I repeat the same exercise with the Everglades. I propose that by employing legal imagination, we can develop legal approaches and interpretations that safeguard coastal heritage more effectively than what is done today. The fact is that we can no longer turn back the rising sea – but we still have choices in how we respond to it.

However, in my thesis, my intention is not only to drown things, but to also build them up. Therefore, in the fourth part titled 'Perspective', I formulate new principles for critical heritage law and introduce approach on the protection of the heritage of future generations

as a living horizontal responsibility stretching across time, demanding care beyond anthropocentric interests. In a nutshell, this critical approach to heritage law means questioning the existing vertical system and proposing new principles for its development. Thus, I argue that we need the shift of perspective: heritage is not just cultural or natural, it is more-than-human. Its legal protection should not only flow from the top down but should be shared within and learned from communities. By embracing care and kinship between and within generations, the law can help ensure that living, thriving spaces are cherished for the future.

The last part of my research compiles the conclusions. To summarize them briefly: the current ability of international heritage law to safeguard drowning heritage is inadequate and anthropocentric, leaving coastal futures vulnerable to loss and damage. A key part of changing that is reimagining legal responsibility for heritage differently as well as the steps that are needed to ensure that it could actualize. Therefore, the law needs to adapt by recognizing heritage as a living and changing part of our environment. It should assign flexible but clear responsibilities to protect these sites, connect different types of heritage protection, and include all voices affected by the climate emergency to ensure fair and effective safeguarding.

The climate crisis is also a social catastrophe, with some consequences that cannot be undone. Social disasters destroy the everyday things we often take for granted, such as culture, nature, and heritage, leaving some of them to drown in silence. While I have been emphasizing legal imagination here, 'legal' on its own is not enough. We need all kinds of imagination – imagination that crosses disciplines and brings science and art together. That is why I have also engaged with climate fiction

in my thesis. Culture, art, nature, and heritage are exactly the things that feed our imagination and are at the very core of our existence.

As I mentioned, in my thesis I color two kinds of futures for coastal heritage protection. They are shaped by my research and my imagination, and someone else might color them differently. Imagining other kinds of futures does not change the status quo right away, but it can create space for new ideas and new solutions. During the years I worked on this thesis, a trend of climate litigation has started to emerge. People are taking action for the rights and spaces of present and future generations. And there are many ways to take action, and one important way as well, is to produce researched knowledge. Therefore, I want to close my lecture with hope, inspired by the words of the late anthropologist David Graeber. While the future may seem difficult or uncertain, it can just as well be hopeful. When we dare to imagine the future differently, we take the first step toward making it real.