

Legal Issues in the Parthenon Marbles conflict

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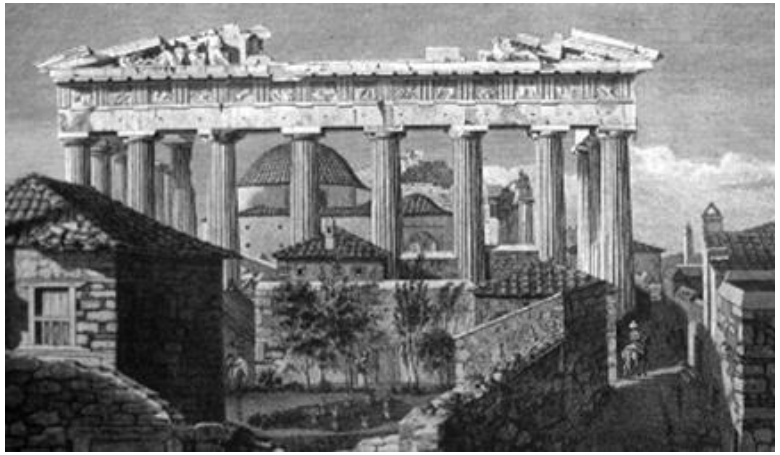
‘Repatriation’

‘To send or bring someone, or sometimes money or other property, back to the country that he, she, or it came from’ (Cambridge Dictionary)

Root: ‘patria’ ‘fatherland’ or ‘home country’ (Latin)

In ‘cultural property’ cases, it means the return of cultural objects to their countries or places of origin.





The very idea of ‘patria’ is complicated

- https://youtu.be/uxDyJ_6N-6A

Repatriation claims present both factual and legal questions:

- who is/are the legal owner of the object(s)?
- is there a difference between the legal owner(s) and the moral or historical owner(s)?
- how were the objects transferred to where they are today? Legally? Illegally?
- is it possible and/or appropriate to return the objects?

The legally-significant issues in the case of the Parthenon Marbles may include :

- who owned the marbles at the time that Elgin obtained his‘firman’ (letter of permission from the Sublime Porte) authorizing his activity on the Acropolis?
- Was the firman (a) legal (document) itself?
- Did Elgin’s agents exceed the authority of this document?
- Was the taking ratified by the Ottoman government later?

How does the law protect cultural property or heritage?: International law implemented domestically

(a) destruction in wartime (1954 *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (the 1954 Hague Convention) & its two Protocols (1954 & 1999))

(b) illicit trade/trafficking (1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (the 1970 Convention))

(c) Listing (World Heritage Convention)

(d) other international and domestic initiatives, including implementing statutes, UN Security Council Resolutions, etc.

As well as standard principles of property and contract law

- Property Law: ‘good title’
- Contract Law: ‘valid transfer’







But legal tools often do not get at the root of the conflict. Like ‘patria’, ‘ownership’ is also a complicated concept in this area

At issue in ‘repatriation’ and ‘ownership’ are identity, history, morality, and politics

‘This is our history, this is our soul… [T]hey are the symbol and the blood and the soul of the Greek people… [W]e have fought and died for the Parthenon and the Acropolis…’ (Melina Mercouri)

‘To rip the Elgin Marbles from the walls of the British Museum [would be] a much greater disaster than the threat of blowing up the Parthenon’ and ‘The moral order dictates that Britain should keep the marbles, because Britain is the true heir of Pericles’ democracy.’

‘How can we live without our lives? How will we know it’s us without our past?’ (John Steinbeck, *The Grapes of Wrath*)