



*Fig. 1. Elgin marbles in the British Museum'*

## PATRIMONIAL UTOPIAS: THE RETURN OF CULTURAL PROPERTY. AN OVERVIEW

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*The return of looted cultural heritage to its country of origin is one of the issues that has created great controversy in recent decades. Who owns the past? Why must these treasures be returned? There are many unanswered questions on which we will reflect in this text. Will we be able to create more effective protocols for returning actions? This is a very complex matter in which professionals and governments are involved and it knits reality as Penelope's shroud, a framework of heritage restitution utopia that is woven and unwoven over and over again.*

### Keywords:

return – heritage – property – restitution – expolia

### 1. INTRODUCTION

Cultural Heritage is a material and immaterial inheritance that defines us, identifies us and accompanies us, both in everyday life and during extraordinary events. We travel looking for material traces of past civilizations; we visit museums to be astonished and nourished with their preserved treasures. We take care of these; we conserve for tomorrow those elements that we judge should also reach future generations because they will help them to better know their own history.

Heritage is richness, but I wonder: is it cultural or economic richness? Does it encourage learning mechanisms in individuals? Is it a valuable tool for local development? What does it teach us? Does it help us to escape from reality? Does it remind us about what we should or should not do? There are many questions leading us towards a number of reflections, of what keeps being a plural and perhaps inaccurate definition of Cultural Heritage.

The possession of Cultural Heritage as a precious and desired property goes back to the beginning of humanity. In a process of growth and conquest, human beings steal goods that do not belong to them, and as time passes by, new roots develop, linking foreign property to personal heritage experience. In this way many major museums have enriched their collections,

often having visible traces of a Colonial past within their most valuable treasures. History and politics have evolved, and the imperialism identity was lost. However the material evidence of that “glorious” past still belongs to us. Is this lawful? Those objects have developed their roots in these large culture machines, they have learned how to live in another country and in another environment by becoming out of context, but we should not forget that they do not belong to us. Then, who owns the past?

### 2. THE CONDEMNATION OF THE RICHNESS OF CULTURAL HERITAGE AND THE FINANCIAL CRISIS

We have a great richness in cultural heritage, a richness that can sometimes become a heavy load if there are no resources to safeguard and conserve it. This is a common characteristic in the Mediterranean area; however this does not mean that others should “lighten” that load through looting or other means. Instead, we should be aware of the real value of the cultural heritage as a source for economic development and promote the creation of new mechanisms to enable us to protect it in its original context and out of context as well. Security in museums is a dichotomy. Keeping objects in their current locations does not guarantee their conservation, but it does permit an economic benefit to be derived from them. Even when the visit to exhibits is free, income from merchandising

<sup>1</sup> Picture by Andrew Dunn



Fig. 2. Nefertiti Bust (WIKIMEDIA).

can produce much larger benefits. For instance we can think about the Rosetta Stone and all the related products we can acquire at the shop within the British Museum, such as scale reproductions, mouse pads or erasers (see British Museum website).

Dialogue and the protagonist role of media are the two backbone strategies in requests for the return of cultural objects. The first one is generally unknown to the public and the second one informs the public, who day after day is astonished by news regarding past and present plunders, requests and claims. Since 2006 there has been an increase in the number of cultural heritage returned to their original countries (QUIROSA, 2011). One of the most relevant cases has been the return of the Aksum obelisk to Ethiopia (see Ethiopia Embassy website; UNESCO website), for example.

### I. Dialogue

Most of the tools developed during the second half of the 20th century respond to ethical standards rather than to a legal framework. This is why there are few or limited political crises between countries with ongoing disputes on the return of cultural heritage. However,

in the last months, the situation may have changed due to the lack of solutions in a short term. Turkey has firmly decided not to lend their museum objects to countries who keep having claimed goods (EL PAÍS website, 2012a). This decision affects three of the most important Museums in the world, the Louvre, the Metropolitan Museum of Art and the British Museum, and it is a particularly hard position, considering that in this 2012 and 2013 these museums have planned large exhibits dedicated to Islamic Heritage.

### II. The work of the mass media

The work of the media highlights these events, which were not of public interest in previous decades. The actions carried out by Melina Mercouri (MELINA MERCOURI FOUNDATION website) to claim the restitution of the Parthenon marbles were the starting point for these requests to appear in newspapers' front pages. Some even reached high levels of humanity, as in the case of the "Tired Hercules", when the missing half of the sculpture was finally returned to Turkey and it was the Prime Minister himself, Recep Tayyip Erdoğan, who put the bust on the plane home with his own hands (EL PAÍS website, 2011; EL MUNDO website, 2011). The role played by Zahi Hawass (ZAH

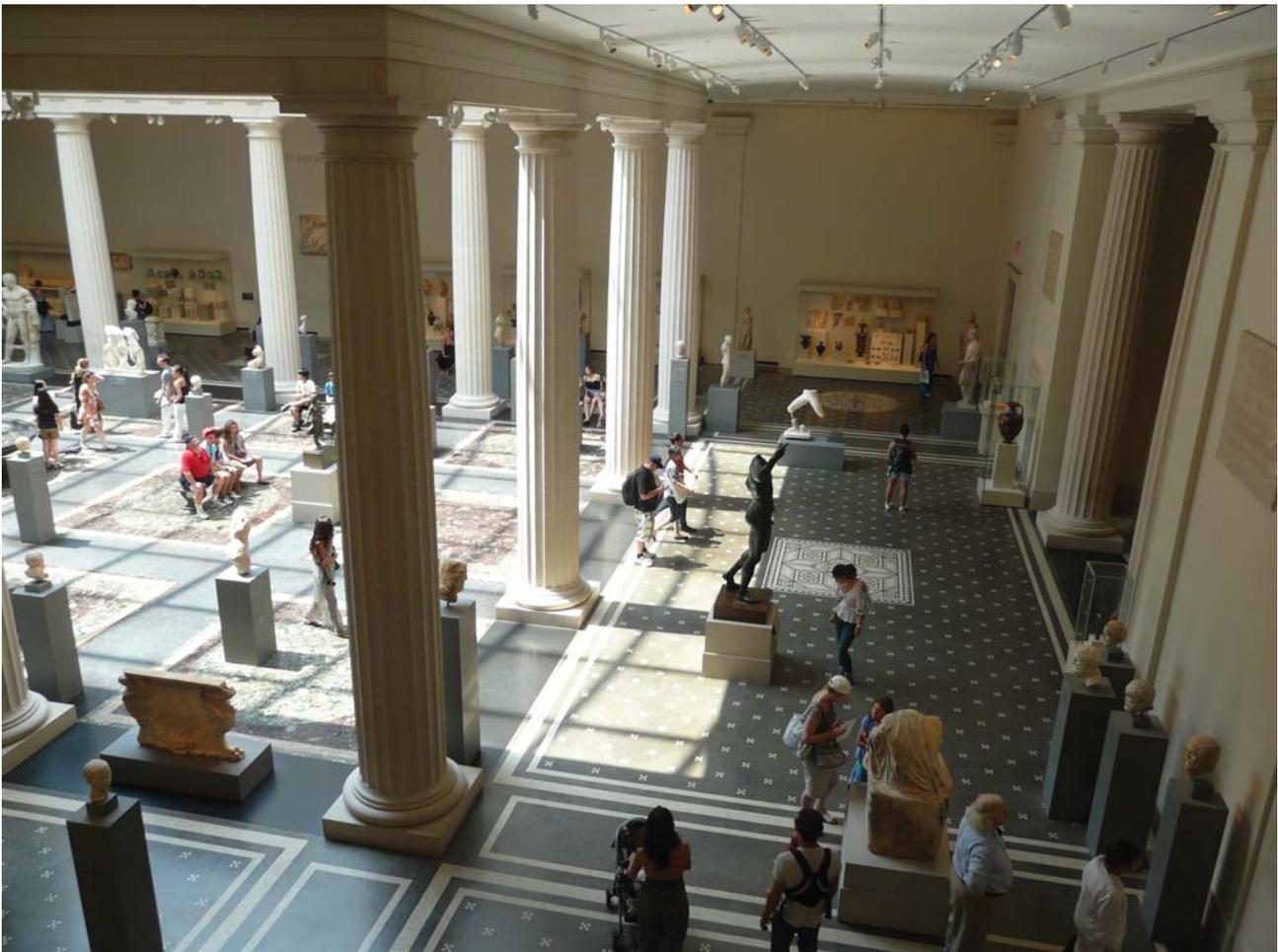


Fig. 3. Metropolitan Museum (WIKIMEDIA).

HAWASS website), a character that has been equally attacked and praised, had similar relevance in the return of Egyptian cultural property.

However this is not the work of individuals. There are many people involved in the achievement of a request reaching a successful end. It tends to be a tortuous bureaucratic process that directly depends on the good work made by the concerned administrations. There is no magical recipe and every case is particular. Solutions are always heterogeneous, despite the fact that from theory, universal precepts have been proposed.

People, who are the main users of this historical legacy, often ignore the important role that they can play at the beginning and during the development of these processes. Once again Greece has created very interesting materials, such as videos, often ironic, in which they claim Greek cultural heritage, in addition to the specific campaigns for the return of properties (BRING THEM BACK CAMPAIGN website) and the institutional work by the Government.

It is unavoidable to think that the current economic crisis is affecting these processes, in which the economic inequalities between countries are evident, as well as the capacity to safeguard, exhibit and disseminate this cultural heritage. Nevertheless we should also keep in mind that cultural heritage can also be a highly valid tool for sustainable development.

If we analyze the history of heritage conservation, which was dominated by the Western philosophy well into the twentieth century, there are many objects that have been directly or indirectly damaged, lost or deteriorated in developed countries. However, we want our museums to exemplify a professional ethic, which is actually quite recent compared to countries that still do not have these structures. I firmly believe that the European museum model should not condition, for instance, the protection strategies of an African museum. The measures to protect cultural property are diverse and every country must choose the mechanisms that better suit the safeguard of both contextualized and decontextualized heritage. For this reason it is necessary to enhance heritage that



Fig. 4. Obelisk of Axum (WIKIMEDIA).

remained in context, and return unlawfully displaced goods to those countries they were taken from. We must contribute with our experience in new and feasible projects, which can be carried out with few resources. The “temple of the muses” has evolved and we must break its traditional barriers formed over the centuries. Since cultural heritage is heterogeneous, measures to protect and conserve it must also be alike.

### 3. A STORY WITHOUT END

It is quite complicated to analyze the common features of ongoing requests for the restitution of cultural

heritage. The circumstances or reasons that led these heritage objects to leave their original countries can be very diverse. Sometimes, the reasons for restitution can be based on their chronology or sometimes the country of origin seems to be a contributing factor for the return. In the last decade, thousands of objects have been returned but many others are still waiting for a solution and they have become the spearhead of specific causes. Let us consider how significant the return of the bust of Nefertiti to Egypt would be; certainly as much as the return of the Parthenon marbles to Athens. In other cases some objects simply cannot be claimed, even when they are very important for their countries of origin. This is the case of the Altar

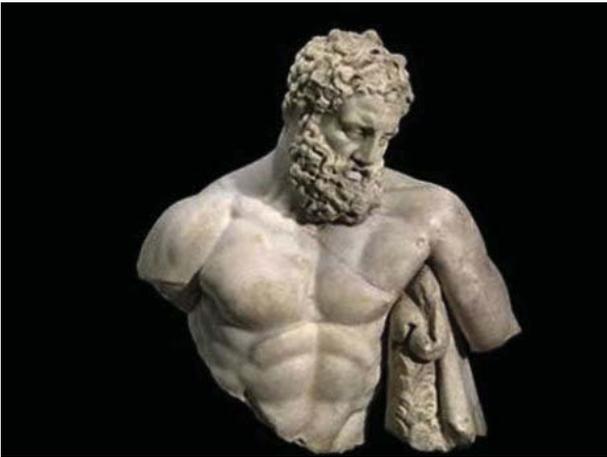


Fig. 5. Tired Hercules, upper part (Four Seasons, Turkey blog)

from Pergamon, which was sold for 20,000 German gold marks by sultan Abdulhamid II in 1879, and which will consequently not return to Turkey (EL PAÍS website, 2011).

In front of these types of cases, we can only wonder the following: do plundering cases prescribe? Many of the claimed cultural property came out of their countries more than one century ago. We exclude cases of objects in Royal collections or collected during imperial periods. We focus instead on German, English and French archaeological campaigns dating from the end of the nineteenth century and the beginning of the twentieth century. The plunder carried out by professionals such as Ludwig Borchardt, Lord Carnarvon or Heinrich Schliemann, among others, are directly responsible for many large collections of the major European and North American museums. The Rosetta Stone, for example, has been exhibited to the public since 1802. However, we should also mention that legal regulations on property and on the mobility of cultural findings during excavations at that time was not very accurate. In Spain, due to practices which



Fig. 6. Tired Hercules, lower part (Four Seasons, Turkey blog)

were closer to looting than to scientific research, important art pieces like the “Lady of Elche” or the Visigoth Treasure of Guarrazar were sold to France, and they only returned to Spain decades later, thanks to an exchange of heritage objects between both countries (QUIROSA, 2008).

The cultural objects which have returned to their country of origin respond to more recent events, as in the case of illegal acquisitions by institutions such as the J. Paul Getty Museum (GODART & DE CARO, 2007: 30), or when they are found before being auctioned or due to their discovery in antique shops like the Egyptian pieces recently discovered by a student in Barcelona (EL PAÍS website, 2012b). However these are often minor elements within collections. The two most paradigmatic new fresh examples undoubtedly are the return of the obelisk of Aksum and the Turkish half Tired Hercules that we have already cited in this text.

Should we therefore establish a specific chronology for restitutions? Should we make a fresh new start



Fig. 7. Public servants from Iraq Museum in Baghdad inspect the conditions of collections after the looting of April 2003. (EL PAÍS, 2011)

for those cases in which objects have remained for very long periods out of their countries of origin? The return policies have proven to be more effective in recent cases, as we said before, and the development of new mechanisms for protection against looting is contributing to gradually reduce the illegal trade of works of art. For instance, the latest statistics on this topic in Spain are starting to be encouraging (EL PAÍS website, 2005 & 2006).

Inventories of heritage objects and cooperation among security forces and public administrations have definitely contributed to improve a situation which was disastrous three decades ago. The new efforts should focus on weaker countries presently supplying this market, mainly located in Africa and the Middle East due to the insecure environment created by armed conflicts. We all remember what happened in Baghdad or more recently in Egypt.

To summarize, experience should help us move forward and stop practicing the increasingly complex

ways of acting which are also excessively influenced by Western and European philosophies. Texts by UNESCO such as the 1972 World Heritage Convention and the Recommendation for the Protection of Movable Cultural Property (1978) have established theoretical frameworks, but we should focus on specific cases which can help us solve the different situations in heterogeneous manners. At the same time we need to improve the mechanisms related to management and protection of heritage in economically disadvantaged countries. The return of objects must be based on practical experiences looking for solutions beyond their contextualization. Successful cases should turn into new practical procedures, given that cultural heritage is not a burden, but rather a starting point for sustainable development policies. As soon as we become aware of its potential, management and safeguarding strategies will start changing.

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