

90 to 95 Percent

Athens was having a great few years. It was the 5th century BCE and under the leadership of visionary general Pericles, Athens had become a formidable political power and a significant cultural center. All the glorification of Athens culminated in the spectacular citadel called the Acropolis, located on a sun-washed limestone hill as if the city itself was among the gods. Within the Acropolis stood the magnificent marble temple known as the Parthenon. The pediments on this temple displayed marble reliefs that even centuries later are considered among the most beautiful works of art of all time. And 24 centuries later a British lord hacked them off and sold them to the British Museum.

It was almost a normal day in 1801. Athens was under control of the Ottoman Empire and had been for 400 years. Lord Elgin was there as the British Ambassador and took a liking to the Parthenon Marbles. After agreeing with the Turks to take some marbles home with him he proceeded to chip half the marbles off their pediments to be used for his own devices. Ever since Greece gained its independence in 1832 it has called for its art to be returned. Now Britain is being forced to answer.

Stealing art has happened since humans started making objects they saw as valuable instruments of power. The ancient Egyptians built secret passageways into their tombs to deter grave robbers, and the ancient Romans were famous for triumphal processions in which they would display works of art they stole from the Greeks. However, the issue of repatriation, or returning art to its source country, is a consideration that has only come up in the last two decades. More complex than simply gaining back lost art, repatriation exposes political struggles of the past and present and is a highly emotional topic. The artworks that countries want back were often taken under violent or predatory circumstances and represented a loss of cultural

identity. What prompted this process to arise only recently? And what makes the issue so complex?

To answer these questions one may investigate the case of the Parthenon Marbles. Lord Elgin's "purchase" of the marbles is even more sketchy than it seems: "A vaguely worded license from the Ottomans authorized Lord Elgin's men to remove 'some pieces of stone with old inscriptions, and figures.' Although there was no explicit permission to cut sculptures off the Parthenon, Elgin apparently took an expansive view, carting off about half of the surviving sculptures on the Athenian citadel" (Lidz, 2022). Fifteen years later Lord Elgin sold the marbles to the British Museum where they have remained ever since.

The controversy of the Parthenon Marbles emphasizes the changing morals from the 19th century to contemporary times. During Elgin's time, colonialism ran rampant and it wasn't out of the ordinary to take art in less-than-legitimate ways. How have times changed since that fateful day in 1801?

In a Modern Condition class my classmates and I discussed the relationship between the present and the past. Condorcet's "Tenth Epoch of Man" lays out an expansive plan for how humans will progress intellectually and culturally worldwide to eventually achieve equality. In our class we considered whether Condorcet's plan was carried out and if human nature had actually progressed as he predicted. We came to the conclusion that in many ways Condorcet took an overly optimistic view and humans still act just as violently towards each other as they did hundreds of years ago. However, ideas about the importance of allowing a country to own the art made by its people have evolved over time. People no longer tolerate another country's treasure sitting behind glass when that piece was taken by force. Condorcet likely would have approved of the changing mindset toward art that was taken from a source country. Because he

emphasized equality between nations he would appreciate the effort to return a piece of art that was important to a country's sense of identity and power.

Images have been highly politicized since humans first began creating them. The Parthenon Marbles were the first images to depict gods on the same level as mortals, glorifying Athens and impressing upon the viewer that the gods were on the Athenian's side. Repatriation shows that the politicization of images hasn't ceased and perhaps has only intensified. When a source country asks for its art back it isn't just for its citizens to admire. I discussed this motivation and other aspects of repatriation with Dr. Jennifer Udell, curator of university art at Fordham University. Dr. Udell, curator of the museum since 2007, spoke with me openly and energetically from her cozy office filled with stacks of neatly organized books and papers. When I asked why a country might ask for its art back she told me there were multiple things a source country could gain from having its art returned. The most obvious and positive motivation is for countries to regain their cultural heritage, but the glaringly political advantage is for source countries to gain power through a successful return of art: "Is it more about the victory of retrieval that they want the object back, or do they want the object back because they value the object? The more cynical take is that it's a source country flexing the fact that they were able to get something back. It's kind of a symbol of power, the ability to get something back." Just as art was originally created for a political purpose such as justifying a new king's rule or advertising military victories, the same art still holds enormous political power in a different way. Now it represents a country's place in the world and the ability to have its requests granted by powerful governments.

The main bodies that discuss repatriation are governments or museum officials, and that raises an interesting question: when museums return art to source countries, who benefits, a

government or its citizens? Repatriation is undoubtedly a political issue and most of the visible conversations about it occur between governments, but it's a different experience for the average potential museumgoer. Some may be well-versed in the history of the objects and feel motivated for their return, and others might be indifferent or feel that returning art isn't a pressing issue. The fact that the conversation about repatriation is overwhelmingly between museum officials, art experts, and government leaders reveals that the main motivation isn't to give the average citizen the opportunity to view art. Instead, like Dr. Udell pointed out, the art is a symbol of political reclamation that allows powerful groups to own what they believe rightfully belongs to them.

It's important to remember that just because a source country's motivation is political doesn't mean it's any less legitimate. However, politics can certainly get in the way of a successful repatriation project. In the case of the Benin Bronzes, politics have become a major part of the conversation as Western museums consider returning the Bronzes they possess. An article by David Frum delves into the history of the Benin Bronzes as well as the complex power struggle involved in their return. The Benin Bronzes were first acquired by Britain through horrific colonial violence. They invaded the city of Benin, stole hundreds of precious art pieces, and drove the king of Benin, the oba, into exile. This dealt a terrible blow to the kingdom since some of the stolen pieces told its history, and in their absence the citizens of Benin could no longer piece together the essential story of their own identity.

Western museums first acknowledged cries for the return of the Bronzes in 2007, but the conversation began to escalate in the aftermath of the murder of George Floyd in 2020. This tragic event intensified a worldwide discussion about race and injustice, and the Benin Bronzes fit right in. The issue of colonialism has also been reexamined with a modern lens and the West

is finally starting to realize it needs to make amends. Several museums have returned the Bronzes they held, including the German Museum, which has committed to returning all of its Bronzes. Other museums need a little more convincing.

The hesitation mainly arises from battling political entities in Nigeria. The governor of Edo State (present-day Benin), Godwin Obaseki, wants to make a museum of West African Art that will house the Benin Bronzes and give an economic boost to the area through tourism. His proposal met with glowing approval internationally, yet the museum project still hasn't been realized. This is because there is another political entity that has a claim to the Bronzes: the oba.

Benin City still has an oba who doesn't wield much political or economic power today, but still has immense influence traditionally. And according to law all of the Benin Bronzes technically belong to him and his family. The oba said that the royal family had long been planning a museum of their own that they believed the Nigerian government supported, only to find Obaseki's project steamrolling his without any opening for a conversation or collaboration between the two political entities.

On Obaseki's side his museum plan is not a gesture of disrespect but rather his best attempt at successful repatriation. Obaseki thinks the best chance of getting the Bronzes back is by appealing to Western standards. Obaseki believes he can offer the best museum and therefore the most attractive option for Western museums to return Benin art to. Interestingly, when Frum asked the public whether they thought Obaseki or the oba would prevail, the overwhelming opinion was that the oba would come out on top. Either way, whoever controls the return of the Bronzes holds immense political power in their hands due to their ability to award jobs and dispense building and operating contracts. But this is where the situation gets even more complicated.

There's a third, even more powerful political entity vying for the power to control the Bronzes: the Nigerian national government. So far according to Western standards, the museums currently under the control of Nigeria paint a grim portrait for the future of the Bronzes. The museums are poorly attended and have little security. Multiple thefts have been recorded, some by Nigerian officials themselves: In 1973 the Nigerian head of state needed a thank you gift for a visit to Britain, so he took a Benin head from the Lagos museum and presented it to Queen Elizabeth. It remains in Britain to this day. This museum system is not appealing to curators who want to make sure the art is protected and appreciated. Each of the three political entities in Nigeria have a legitimate claim to the Bronzes, and some seem more appealing than others (Frum, 2022). Now Western museums are faced with an important question: If they want to return the Bronzes, who exactly are they returning them to?

The opinion that art should be kept safe and on display is certainly a valid one, but it should not be the main factor that curators consider when they decide whether or not to return Benin Bronzes. Even if every single Bronze went back to Nigeria and was stolen, that outcome would still be better than sequestering the artifacts in Europe and America. The simple fact is that the West doesn't own the Bronzes, so it doesn't have the right to decide what to do with them. It can negotiate with Nigeria and possibly keep some Bronzes, but it can't keep them in the name of the art's safety because it shouldn't be the one in charge. It's not wrong to want art to survive and be appreciated, but at the end of the day curators may have to let that idea go and accept that the country where the art originated should be able to treat the art as it chooses.

African art and repatriation are inextricably linked due to the long and dark history of violence in African countries. Colonization and looting have brought African art in large quantities to Western museums. In 2018 French President Emmanuel Macron commissioned a

report regarding the repatriation of African artifacts in French museums. The report delivered by the academics contains a staggering statistic: “90 to 95 percent of Africa’s cultural heritage is held outside Africa by major museums” (Nayeri, 2018). The commission’s goal is not to return every single piece of African art but to balance it out a bit more. The report recommends that objects taken to France without the consent of the countries of origin should be permanently returned upon request, including objects taken by force or acquired unethically by the army. Unsurprisingly, this affects a large portion of the African art currently displayed in European museums, so the way France handles the fallout from this report will likely affect how other European museums will handle repatriation (Nayeri, 2018). So far France’s response has produced underwhelming results.

France has “90,000 objects from sub-Saharan Africa in its national collections” (Nayeri, 2018) but as of June 2022, only 28 have been returned (Harris, 2022). Why has the process been so slow? It turns out legislating repatriation is incredibly difficult: “In December 2020, the Senate clashed with the government over a bill that would return 27 colonial-era artifacts in museum collections to Benin and Senegal. Although the National Assembly and the Senate both unanimously approved the bill on its first reading in December 2020, a joint committee of senators and deputies failed to reach an agreement on the final wording the previous month” (Harris, 2022). Politicians have different opinions about whether this restitution project should involve national legislation that organizes the return of objects or whether museums should be provided with the framework to return objects so that they can decide for themselves. Political discussions on the subject have reached an impasse and the government itself seems confused about what it’s doing. The French government told Parliament that proposing a framework law is impossible, then asked Jean-Luc Martinez, French ambassador for international cooperation on

cultural heritage, to work on a framework law (Harris, 2022). Even if the intention to repatriate objects is there, actually returning the objects is an arduous task. As Dr. Udell puts it, “We cannot legislate morality.”

The process of returning art is a long and complicated one without a whole lot of precedent, and understanding repatriation requires understanding the history of laws addressing the subject. Even as early as the 2nd and 3rd centuries BCE people were criticizing and punishing those who looted art: “In the second century B.C.E., the ancient Roman author Polybius criticized the Roman plunder of Greek sanctuaries on Sicily. A century later, the Roman orator, Cicero, prosecuted the Roman governor of Sicily, Gaius Verres, for excessive looting of Sicilian cities” (Gerstenblith, 2017). An early example of repatriation occurred when British leaders decreed that the French should return the art looted during the Napoleonic wars. However, “only about half of the works looted by Napoleon—and none of those taken from non-Europeans—were returned” (Gerstenblith, 2017). Throughout history most looting occurred during wartime, and finally during the American Civil War the first military code of conduct was written. Called the Lieber Code, it protected works of art among other objects and structures of cultural significance from being destroyed or sold. This principle evolved further with the first international conventions that codified rules of conduct for warfare.

Called the Hague Conventions, they turned the protection of works of art into law. Notably, they “did not prevent large-scale theft and destruction of cultural objects and structures” but “served as the basis for prosecution and punishment of those who violated their principles” (Gerstenblith, 2017). World War II involved especially horrific cultural devastation, leading the 1954 Hague Convention to define and protect cultural property, or ““property of great importance to the cultural heritage of every people...”” (Gerstenblith, 2017). The aftermath of World War II

brought about a new interest in international works of art within European and North American countries that coincided with a decline of colonialism and new countries seeking “legal means to conserve at home what remained of their heritage” (Gerstenblith, 2017). All of these factors came to a head during the 1970 UNESCO Convention (United Nations Educational, Scientific and Cultural Organization). This convention officially prohibited “the import, export, and transfer of cultural property contrary to its provisions” (Gerstenblith, 2017). As Dr. Udell says, “It was the first major international treaty and convention convened to put a stop to illegal looting and export. But it also provided the mechanisms for source countries that had all this material to get it back.” After centuries of military looting and attempts to confront the problem, finally the pieces were in place for countries to start regaining what they had lost.

Dr. Udell has firsthand experience of returning art to source countries. Her collection is entirely made up of a donation of Greek, Roman, and Etruscan antiquities, which are difficult to completely legitimize because “it’s very hard to have that holy grail of an unbroken paper trail documenting your object.” Dr. Udell relayed her account of having one-third of her collection returned to Italy: “About a year and a half ago ninety-nine objects in my small museum collection here at Fordham were actually seized by the Manhattan DA’s office and sent back to Rome. It was completely the right and just decision, it had to be done. We had the material on view for fourteen years and then as the Americans and the Italians worked their way through this case, it finally got to us and then it went back.” Dr. Udell’s museum wasn’t the only one to have objects seized by the DA: “A lot of the auctions, the dealers, the traffickers, came through New York so they came through his jurisdiction. Crimes were committed. He also heads up the art crime division. They are very active in seizing all sorts of material from all sorts of people.” To explain Dr. Udell’s case, “the ninety-nine that were seized were directly connected to a notorious

trafficker. The other objects were not. But the ones that were seized were really part of this multi-year multi-continent investigation into this one trafficker, Edoardo Almagià. He was funneling objects to a dealer who my donor worked with unwittingly, and that's how we ended up holding the hot potato so to speak."

Dr. Udell's case shows that not all foreign objects in museums are kept with malicious intent. Sometimes a curator may not even be completely sure what is legitimate and what is not. Dr. Udell knew that coming into this job, and from the beginning decided the best course of action was to put objects on view but be open to future possibilities: "The question that I had to consider was, 'What do you do with those objects that are here in the US that were collected in good faith that may be problematic?' The damage was done, they were out of the ground. So what's the way forward? Do you ignore them? Or do you put them on view, publish them, and then wait and see what happens? That's the position I took." She pointed out that a major reason looting is problematic is because it takes away vital information from an archeological dig site, but once artifacts come out of the ground that information can't be returned. Because of this Dr. Udell decided that putting the objects on view would be the most beneficial option.

The case of the Parthenon Marbles could have turned out like Dr. Udell's, but passionate feelings on both sides of the issue have turned the issue of repatriation into a stalemate. More and more evidence is piling up to prove that Elgin's actions were at least immoral and at most illegal. A Constitutional law professor named David Rudenstein has researched this case for almost twenty-five years, finally reaching the conclusion that "British Parliament committed fraud in 1816 by purposely altering a key document during the translation process, making it appear as though Elgin had received prior authorization from Ottoman officials to remove the Parthenon

marbles when he had not” (Small, 2020). There are three documents to consider, each weakening the British Museum’s case that the marbles were obtained legitimately.

The first is the original Turkish version, “which is absent from the Ottoman archives, despite the empire’s meticulous record-keeping from that time period” (Small, 2020). The second is a document written in Italian, the language chosen by Elgin and his agents in which to write the contract. However, “the lawyer’s research showed that Elgin and his agents in Greece didn’t read Italian, which raised the question as to why such a consequential agreement would be written in a language neither party spoke fluently” (Small, 2020). One possible explanation is that Elgin’s Italian interpreter was the intermediary who wrote the document. Notably, scholars of the Ottoman Empire “have said that the language of the Italian document does not match the wording of a typical Turkish contract from that period” (Small, 2020).

The third and final document to consider is Parliament’s English translation of the Italian contract, which they may have altered for use in the investigation. The English version has three key elements that the Italian version does not have: the name of Elgin’s agent as the marbles’ courier, the date of the contract as 1816, and a signature of an Ottoman official approving the exchange. Instead of a signature the Italian version just has the equivalent of a blank space for filling a name in. “Rudenstine claims that Parliament committed fraud by inserting Hunt’s name into the document, which was later used to legitimize Elgin’s 1816 sale of his marbles to the British Museum at a moment when the public favored returning cultural property to its source nation” (Small, 2020). As pointed out earlier, after the Napoleonic wars the British ordered France to return art they stole, so their actions appear rather hypocritical.

The British Museum’s current excuses to keep the marbles are also not very convincing. In a list of common misconceptions on their official website, they completely deny the idea that

the marbles were stolen: “Lord Elgin, the British diplomat who transported the sculptures to England, acted with the full knowledge and permission of the legal authorities of the day in both Athens and London. Lord Elgin's activities were thoroughly investigated by a Parliamentary Select Committee in 1816 and found to be entirely legal. Following a vote of Parliament, the British Museum was allocated funds to acquire the collection” (The British Museum, 2022). Of course the Parliamentary Committee would find Elgin’s acts legal; it’s in their interest to have the marbles in Britain. Dr. Udell weighed in on this issue, saying “there are a lot of reasons why Britain is despicable and should send them back. Their whole paternalistic, patriarchal attitude that ‘the barbarian Greeks couldn’t possibly take care of them as well as we can - this after the British Museum subjected the marbles to gross overcleaning in the 19th century.’”

The British Museum infamously damaged the marbles in the mid-19th century and *again* in the 20th: “In the late 1930s, British Museum masons skinned some of the marbles. During an ill-judged cleaning operation, much of the patina was literally scraped away with wire brushes, copper chisels and coarse carborundum, also known as silicon carbide, a harsh abrasive cleaning agent that was deemed inappropriate even back then” (Lidz, 2022). As recently as the early 2000s art experts continued to argue that the Greeks wouldn’t be able to adequately house the marbles (Graham-Dixon, 2004), although The British Museum now denies the claim that they believe the Greeks aren’t able to take care of the art: “Our colleagues in Athens are, of course, fully able to conserve, preserve and display the material in their care” (The British Museum, 2022).

Some feel that the British Museum should collaborate with UNESCO to figure out the best way to return the marbles. The museum takes quite an interesting stance on this: “The British Museum has a long history of collaboration with UNESCO and admires and supports its

work. However, the British Museum isn't a government body...The Trustees want to strengthen existing good relations with colleagues and institutions in Greece, and to explore collaborative ventures directly between institutions, not on a government-to-government basis. This is why we believe that UNESCO involvement isn't the best way forward” (The British Museum, 2022). The British Museum is attempting to move away from a political position when the issue of repatriation is already deeply entrenched in politics. Clearly the British Museum is committed to finding every excuse in its power to keep the marbles, but their words sound more and more hollow as the years go on. As a government Britain is famous for horrific colonialism, and instead of repairing damage by returning objects obtained under suspicious circumstances, it chooses to double down.

Why are museums so reluctant to return their art? This question isn't too difficult to answer. Museum officials dedicate their entire lives to preserving and studying these precious works, and are often passionate about showing them to other people. The Parthenon Marbles are incredibly beautiful and fascinating due to their important place in history. The Benin Bronzes are masterfully crafted and mesmerizing to view. Of course it is a privilege to take charge of these objects and give viewers the chance to educate themselves on the history and art of countries all over the world. However, to prioritize the experience of viewing objects behind glass cases over returning a vital piece of cultural heritage is to value the personal pleasure of the colonizer over the national identity of the colonized. Of course it's important to learn about and view objects from diverse locations and time periods, but it's more important to ensure a vital piece of heritage, unethically acquired, can return home.

What may come to mind when one considers the long-term effects of sweeping repatriation is a museum empty of all art besides objects that come from its own country. Dr.

Udell explains this point of view: “There’s the slippery slope argument that you hear a lot that museum curators make. If this goes back then what’s to stop every source nation on the planet from claiming that they want everything back? Then we won’t have any museums anymore.” This certainly paints a bleak picture for the future of museums, institutions that provide enormous cultural benefits through a dedication to educating viewers about human history through fascinating artifacts. However, Dr. Udell points out that this fear is unrealistic: “Every claim against an object is a case-by-case basis. I think the legal system would put the brakes on the slippery slope situation. Everything’s very different, everything’s very specific.” This goes back to the French government’s commitment to return its African art that has so far not made much of a dent in its vast collection. Repatriation isn’t as easy as one government calling another and shipping the piece over. Each work of art has its own history and provenance to consider. Does the source country have a legal claim to it? Have shifting borders over the centuries made it unclear which country actually owns the object? Repatriation is really just a question of who owns art, and because that question never has a simple answer, museums don’t have to worry about gaping holes in their collections.

Skeptics of repatriation may have their fears further alleviated by the fact that returning an object to a source country often involves the museum getting something back in return. A common solution is receiving objects on long-term loan, meaning that a source country officially owns an object, but a museum is allowed to display it for an extended period of time. Sometimes a source country may not even want its objects back, they just want the museum to acknowledge that it legally belongs to them. Dr. Udell told me about some successful recent cases where a museum returned an object and got objects on loan in return, including her own museum: “You look at the Met returning the Euphronios Krater back to Italy and in exchange they got some

phenomenal long-term loans. The MFA in Boston is always working with the Italians. I'm happy with the resolution here [at Fordham] because I'm gonna be able to go back to the culture minister in Italy and try to get stuff on long-term loan. So there's a lot of instances where it works." This solution of returning objects and getting some back in exchange is widely viewed as the best option and leads to the satisfaction of both parties.

Another possible route for museums to consider is using replicas to replace the art that they return to a source country. Many frown upon this solution, but it shouldn't be too easily dismissed. Of course nothing can compare to the experience of seeing an original work of art made thousands of years ago. There's a connection made between the humans of the present and the humans of the past through these ancient objects that is impossible to artificially create. However, seeing a replica can still encourage curiosity and evoke fascination with an object.

Replicas can allow viewers to see what a piece would have looked like with none of the damage and destruction that comes with thousands of years of survival (Lidz, 2022). Seeing a ruined piece is a different experience from seeing what it would have looked like when it was originally made, and this comparison can serve to educate people about the meaning of the art when it was first created. For example, the Greek and Roman sculptures that many people picture as smooth white marble were actually brightly painted. This misconception can finally fade away if museums used replicas to show what the statues would look like with the paint still intact.

Whichever direction museums choose to take when considering displaying replicas, their advantages shouldn't be overlooked by the feeling that "it's just not the same." If the British Museum can't have the Parthenon Marbles, at least it can have a very good copy of them that serves the purpose of educating visitors about the wonders of Greece and perhaps encouraging

them to make the trip to Athens themselves. As Dr. Udell says, “It’s funny because for a long time my attitude was like, ‘Oh my God just keep them in London, they’re so much easier to get to.’ But my thinking has changed because I’ve been to Athens enough times to know that it would be pretty magnificent to see them back there, restored where they belong.”

It may seem frustrating that repatriation moves so slowly and ignites so many passionate arguments. The future of successfully returning and exchanging works of art can appear daunting, but it’s important to remember just how new this issue is. The world is still figuring out where it stands and source countries and museums alike have to decide how to navigate this extremely young process. Yes, there are significant problems to consider such as battling political entities and the future care of precious works of art. But at the end of the day it’s important to remember what is owed to the countries that have been terrorized and looted. These countries are often willing to offer objects on long-term loan and negotiate with museums, which is as close to a win-win as everyone is likely to get. There have been many successful exchanges that hint at a future where source countries can regain the lost pieces of their identities. Imagine the splendor of the Parthenon Marbles reunited and the pride of the Benin Bronzes reassembled. Perhaps it's possible to get close to that fateful day in 1801 and see what could have happened if the marbles had always stood together, powerfully conveying their message of the glory of Athens.

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