

ETHICS BOWL CASES

FALL 2015

CASE 1: THE REPATRIATION OF THE PARTHENON (ELGIN) MARBLES

Housed in their own room British Museum among other Classical antiquities and the remains of a Greek temple, are a set of marble friezes from the walls of the Parthenon in Athens, Greece. The fabulous marbles, sculpted during the age of Pericles under the guiding hand of Phidias out of fine white Pentelic marble quarried 10 miles from Athens and hauled by oxcart to the Acropolis, remained on the high walls of the Parthenon until the first decade of the 19th century. At that time, a period of severe international disorder because of the Napoleonic Wars, the marbles were removed and shipped to London at the behest of Thomas Bruce, seventh Earl of Elgin and eleventh of Kincardine and the Ambassador Extraordinary and Minister Plenipotentiary of His Britannic Majesty to the Sublime Porte of Selim III, Sultan of Turkey in Constantinople.

Since then, Elgin's controversial taking has frequently been both criticized and defended by poets, artists, cultural leaders, politicians, diplomats, lawyers, and academics. Only recently, these marbles have again captured international attention. In 1999, the European Parliament urged Britain to return the collection, and at the end of the same year, President Clinton offered to mediate Greece's demand that Britain return the marbles. A conference at the British Museum, which focused on the improper and subsequently concealed cleaning—really scraping—of the marbles in the 1930s, became a forum for swapping charges and countercharges among those supporting retention or return, with the Greek representatives eventually walking off in anger.

The battleground over the marbles sweeps broadly across legal, moral, ethical, and historical considerations. Those defending the taking and the retention of the marbles make several tenuous claims: Lord Elgin had impeccable legal title to the marbles because the Ottomans, who ruled Greece at the time, gave him permission to take them; Britain deserves the marbles because Elgin's taking of them preserved them from looters, collectors and air pollution; the marbles are now part of its patrimony; they are more accessible in London than they would be if they were in Athens; Greece is not prepared to take adequate care of the marbles; and returning them would set a bad precedent, resulting in the emptying of exhibition halls of the world's great museums.

The claims of those favoring return have been comparably strenuous: The Ottomans lacked moral authority to alienate public monuments; the removal of the marbles caused irreparable damage to the structure of the Parthenon; the return of the marbles to Athens will facilitate scholarly study; Greece is prepared to protect and preserve the marbles; and the great museums of the industrialized West cannot turn a deaf ear to all claims for the important remains of a heritage merely because such claims threaten established collections. The debate still rages: Should the marbles be returned?

[FROM RUDENSTEIN 2000]

CASE 2: THE REPATRIATION OF NATIVE AMERICAN REMAINS

The Anthropology department at Fairview University is in the middle of a very important ethical debate. Two weeks ago, the chair of the department received an email from the President of the university expressing concern about human remains being curated in the Anthropology department. The President's email outlines a letter she had received from a local Native American group. The group had recently reviewed a NAGPRA compliance report published by the Anthropology department from 1995. In the report, the authors revealed that the University curates over 500 sets of human remains and hundreds of associated funerary objects, all of which were collected in the United States, and some of which were collected as much as 100 years ago. Of the 500 plus human remains, 90% were listed as Culturally Unidentifiable Human Remains (CUHR).

The Native American group states that they were surprised to learn that many of the CUHR (at least 50) were donated from members of the public and/or had little or no contextual information associated with them. They mention that they have read and learned that many archaeologists feel it is difficult or impossible to make significant scientific interpretations from unprovenienced artifacts. "Thus," the letter reads, "we do not understand the wishes of the department to keep these ancestors if they are of little or no scientific value." The letter from the Native American group ends with a request to repatriate the unprovenienced CUHR to the group so that they may rebury them.

The President of Fairview University was also surprised to learn about these CUHR in the university's collections. She asks the Anthropology department chair to convene the faculty so that they may make a decision. "Either the unprovenienced CUHR will be repatriated" says the President, "or you need to come up with persuasive ethical and legal reasons to keep them."

The chair does a bit of research and discovers that, indeed, many of the CUHR are without provenience information and that no new research has been done on these CUHR since the NAGPRA report. With this information in hand, the chair calls a meeting of the entire Anthropology department in order to respond to the President's request. Should the remains be repatriated? To who?

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