

Who owns
PRIAM'S
TREASURE?

*Discovered at Troy,
 smuggled to Greece,
 bestowed upon Germany,
 confiscated by the USSR—
 Schliemann's gold is still
 causing a ruckus.*

Return the Treasure to Germany

Why should the events of World War II abrogate longstanding agreements over cultural ownership?

KLAUS GOLDMANN

Priam's Treasure belongs in Berlin's Museum of Pre- and Early History, part of the German system of federal museums.

Heinrich Schliemann excavated the Trojan hoard in 1873. It then passed into his hands in 1875, when he paid an indemnity of 50,000 francs to the Ottoman government. In 1881, Schliemann presented the treasure to the German people. Therefore, the famous collection from Troy is only temporarily "stored" at the Pushkin Museum in Moscow.

Is there really an unresolved issue of international law here? The answer is no. The legal haggling over Priam's Treasure, as well as other questions concerning the cultural possessions of nations defeated in World War II, has been precipitated by countries that want to have the treasure for themselves—not

because of any legal rights.

At least since the beginning of the 20th century, international law has required that countries recognize each other's cultural possessions. This has made possible traveling cultural exhibitions, for example, in which objects belonging to one nation are exhibited in other nations. Do we want to jeopardize this system?

Should cultural possessions that changed hands during the war be returned to their legitimate owners? Western nations and Russia have already decided the matter. The Hague Convention of 1907 requires the inviolability of cultural possession in times of war. And the regulations of the German-Soviet Nachbarschaftsvertrag (Neighborhood Treaty), ratified in November 1990, as well as Germany's 1992 treaty with the Russian Federation are based on mutual acknowledgment of cultural possession.

The "Spoils of War" dispute raised its ugly head again in 1991, when it became publicly known that cultural assets taken by the Red Army from occupied European countries at the end of World War II were being kept in secret depots. Although the legal issues are settled, Germany and Russia have not yet reached an agreement concerning the return of German possessions—including Priam's Treasure.

Objects that disappeared during World War

II must be returned to the museums and collections from which they were taken. This is the first order of business. It does little good to urge that cultural possessions be repatriated elsewhere without first obtaining the consent of the legitimate owners. The current excavator of Troy, Manfred Korfmann of Tübingen University, has argued that the Trojan collection be handed over to Turkey, where it would be displayed in a museum yet to be built in Troy. But that argument avoids the principal point: Only the legal owner of the treasure can decide where it would best be displayed.

Heinrich Schliemann was the legal owner of Priam's Treasure. He presented it, for undivided safekeeping, to the German people, who upheld their end of the contract by caring for and exhibiting the treasure. This contract was disrupted by the events of war—which international law does not recognize as constituting a legal breach of contract. The treasure belongs in Germany.

In November 1945, 200 world-renowned paintings were taken from Berlin's museum collections and deposited at the American collection point in Wiesbaden, to be shipped to the United States—presumably as war reparation. But U.S. art-protection officials intervened. Taking the risk of being tried in a m

tary court, they protested against this violation of cultural heritage:

We wish to state that ... no historical grievance will rankle so long, or be the cause of so much justified bitterness, as the removal, for any reason, of a part of the heritage of any nation ... Though our obligations are to the nation to which we owe allegiance [the United States], there are yet further obligations to common justice, decency and the establishment of the power of right, not of expediency or might, among civilized nations.

Over the past half century, nothing has changed. So there is nothing to be added.

Klaus Goldmann is a curator at the Museum of Pre- and Early History in Berlin. He was invited to Moscow in 1994 to view the Schliemann collection.

Send It Home— to Turkey

That's where it was found, and that's where it belongs.

ÖZGEN ACAR

A week after Schliemann found Priam's Treasure in 1873, he smuggled it out of Turkey, secretly and illegally, on the Greek ship *Taxiarches*.

No one disputes this fact. The Trojan hoard was illicitly removed to Greece and, later, to Germany. It therefore follows that this collection remains part of Turkey's cultural heritage and should be returned there.

The Ottoman Empire sued Schliemann on April 6, 1874, in Athens, where the treasure then resided. Schliemann asked the court to dismiss the case on the grounds that neither of the disputants was a Greek citizen—and the court agreed. The Ottoman government then appealed this decision to the Greek Royal Court, which ruled that the treasure was to be returned to Turkey. When Greek officials arrived at Schliemann's house to confiscate the Trojan collection, however, they found he had hidden it somewhere else.

Schliemann appealed the verdict to the Supreme Court. No one knows how the Supreme Court suit ended—or even if it was concluded. In his memoirs, Schliemann claims he reached an out-of-court settlement with

Ottoman government. But why should he be believed? No written text documenting this

agreement has been found. And we know that Schliemann's writings are filled with mistakes and deliberate lies.

Schliemann proposed to sell the treasure to the tsar of Russia. The tsar rebuked Schliemann, saying that Russia would not buy "stolen, looted artifacts." Schliemann then suggested that the British Museum exhibit the treasure. But museum officials, wanting to avoid a scandal, rejected his proposal. Clearly, Schliemann's contemporaries recognized his behavior as unlawful.

Rather than arguing over past events, however, those concerned with Priam's Treasure might better discuss how the collection should be disposed in accordance with the interests of humanity at large. Today, the finds from Troy are spread over more than 40 museums and a number of private collections. How can scholars conduct research on such far-flung antiquities? How could those of us interested in Troy visit all of these collections?

Indeed, excavations are still being carried out at Troy by an international team, adding hundreds of discoveries to the corpus of Trojan finds. Common sense dictates that the Trojan collection should be exhibited in its entirety at one site—for scholars and laypeople alike.

Even before the treasure surfaced in Moscow, the Turkish government had taken steps to realize this goal: (1) Recognizing that Troy is the common heritage of mankind, the government licensed new excavations, in 1988, by a team of more than 70 scholars from the United States, Great Britain, Greece, Mexico, Austria, Italy, Germany and Turkey—led by Manfred Korfmann of Germany's Tübingen University. (2) The Troad was declared a "natural, historical and peace park." The park also includes tombs from the Battle of Gallipoli, fought in the Dardanelles during World War I. (3) Work has begun on a museum on the site of ancient Troy. (4) The government successfully applied to UNESCO to have Troy declared a world cultural heritage site. (5) Turkey will send a portion of the Trojan treasure, along with other artifacts, to be displayed in Germany from 2001 to 2002.

As Manfred Korfmann, the head of the Troy excavation team, has said: "[N]ot only finds of Schliemann but also every single one of the objects extracted from Troy should be gathered in one place." Wouldn't everyone benefit if the entire Trojan collection were displayed in a single museum—especially a museum on the site where, in Homer, the Greek hero Achilles fought the Trojan hero Hector?

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Leave the Gold in Russia

At least for now, emotions from World War II are running too high to risk moving the treasure.

STEPHEN K. URICE

As Archaeology Odyssey has been unable to find anyone willing to defend Russia's claim to Priam's Treasure, Elizabeth Simpson, editor of The Spoils of War (New York: Harry N. Abrams and The Bard Graduate Center, 1997), has kindly permitted us to reprint Stephen K. Urice's summary of the Russian position from that book.—Ed.

The Russian Federation's position is set forth in a two-page letter dated January 11, 1995, which outlines the Russian position without setting forth specific legal claims. In that letter, it is emphasized that the case of the Trojan treasures "is just one element in the total complex of Russian and German mutual claims to cultural treasures moved during the [Second World War] and in its aftermath from the territories of both countries." The Russian position notes that the Trojan treasures and other properties are currently the subject of negotiations between Germany and the Russian Federation and that it is the mutual desire of the parties that the "content, direction, and argumentation of the negotiations remain confidential."

The Russian Federation puts particular emphasis on seeing the treasures in the broad context of all cultural property moved as a result of the war. Thus, the Russian position holds that the legal context must reflect the current bilateral discussions between Russia and Germany and the ongoing efforts of domestic Russian legal developments.

As to the nonlegal aspects, the Russian Federation indicates that there is widespread popular opinion in Russia that all of the relocated cultural treasures currently in that country—including the Trojan treasures—belong to Russia as the victors in World War II. As the statement puts it, "This belief is rooted in the emotional perception of the past war, which brought innumerable sufferings to millions of people." On the other hand, the Russian position accepts that the resolution of the situation should "benefit the world culture as a whole."

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