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# Editorial

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With the conclusion of the fifth year of publication of the *International Journal of Cultural Property*, a significant transition in the life of the Journal has also been completed. On behalf of the Editorial Board and the International Cultural Property Society, I want to thank Professor Norman Palmer, who successfully and admirably edited the Journal for four years, for his tireless efforts in producing a journal which has achieved international recognition and established a high standard of scholarly inquiry. These accomplishments set a difficult task for me as I am honored to assume the position of Editor. I am also very appreciative of the dedication of Professor Kurt Siehr, who stepped in to edit the first issue of this volume and who has provided valuable assistance to me in the preparation of this issue as well.

This time of transition provides the opportunity for us to look back at how far the Journal has come and to project some of the expectations and hopes which we have for the future. The Journal has, to a large measure, accomplished the goals which were articulated in the first issue. At that time, the Journal was intended to be "an organ of communication among people throughout the world who are interested in questions of cultural property policy, ethics, economics and law." From the beginning a strong commitment was stated that the Journal should adopt an interdisciplinary approach to the problems of cultural property and cultural heritage management. The Journal needs to renew that commitment through selection of an editorial board which reflects that interdisciplinary approach and through publication of articles which reflect non-legal, as well as legal, analyses and approaches.

Behind that commitment lies the belief that problems of the world's cultural heritage can only be discussed intelligently through the application of knowledge learned in a variety of academic fields, including law, history, anthropology, art history, archaeology, economics, and heritage preservation and management. By the same token, those who work in government, museums, and field archaeology can contribute as well as the academy to the current debate. In addition to melding the principles of different fields of study and of

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application, the Journal will strive to focus attention on the problems of all sectors of the globe, not merely those of Western Europe and North America.

While we seek to renew our commitment to the principles which guided the founding of this Journal, it is also worth pausing to reflect on the increasing scope of the peril posed to the world's cultural heritage during the past five years. Wars, governmental instability, and internecine fighting have plagued many regions, and destruction of the world's cultural heritage has continued apace with other forms of destruction, both of people and of property. Even more apparently benign developments have caused increases in environmental pollution, tourism, and industrialization which also pose significant dangers to the preservation of our cultural heritage. Responses of both individual nations and intergovernmental organizations have led to a variety of actions, including increased litigation, international cooperation to study effective site and object conservation techniques, and the promulgation of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects.

The role of this Journal is to document these changes and to lead the way in suggesting innovations in theory, philosophy, law reform, and practical applications. As such, we seek to be the Journal of record for legislation, international documents, agreements, treaties, and position papers, as well as the premier forum for the philosophical debates engendered by these issues.

While the debate has taken on a passionate and sometimes acrimonious tone, it is hoped that the pages of this Journal will remain open as a neutral forum for debate, discussion and courteous persuasion by all those who are engaged by this topic.

In this issue, Sarah Bush analyzes the lengthy legal battle concerning the fate of the statue, *The Three Graces*. The recounting of this battle points out that three issues were concerned – the desire of a nation to keep its cultural property within its borders, the desire of the market to trade freely in art works, and the desire to maintain the integrity of a cultural monument which incorporated both architecture and sculpture. Because the desire to keep the art work within the borders of the United Kingdom did not equate with the goal of maintaining the integrity of Woburn Abbey, Ms. Bush now calls for greater consideration of the close relationship between a sculpture and its architectural setting in making such determinations in the future.

Professor Shyllon presents an informative analysis of the protection of cultural heritage in Nigeria, discussing both its historical development and the current situation. He points out many of the inadequacies of the present system and makes a good case that it is not possible to attain full protection for cultural heritage in a nation unless all the people become involved through education, understanding of their past, and the pride in their heritage which such understanding brings.

In the Documents section, Alessandro Gugolz presents the recently enacted cultural property legislation of the Sultanate of Oman, accompanied by a brief analysis of the history of the legislation and its more significant aspects. In the Case Notes section, Professor Paterson discusses the decision of the Canadian courts to enforce the judgment award against Bumper Development Corporation handed down by the English court when the sculpture of *The Nataraja* was ordered returned to India.

Finally, Professor Merryman helps us to inaugurate a new feature in this issue as well. As space permits, we will republish older cases which have significance for this field, along with commentary. Thus, in this issue, the 1813 decision involving “*The Marquis de Somerueles*” is reprinted with a discussion by Professor Merryman. It is our hope thus to make these cases more accessible and to demonstrate the origins of the study of cultural property. We will continue to experiment in providing engaging and challenging material for the Journal’s audience, while maintaining the high standards and reputation which were established in the past.

