

# BOOK REVIEW

John Henry Merryman, *Thinking About the Elgin Marbles: Critical Essays on Cultural Property, Art and Law*. Pp. 468. Kluwer Law International, The Hague/London/Boston 2000. ISBN 90-411-9777-X. Reviewed by Catherine Bigley McGovern\* and Peter J. McGovern.\*\*

It is always a pleasure to revisit old friends. *Thinking about the Elgin Marbles: Critical Essays on Cultural Property, Art and Law*, authored by John Henry Merryman, provides the reader just such a pleasure. This text, published in 2000, contains a collection of Professor Merryman's essays and articles written through the years, the earliest essay having been written as early as 1972. This compilation is arranged so as to provide the reader with a well-developed chronology of issues that have long been discussed—and are still being discussed—by academics and others of the art world. The book is divided into two universes, as Merryman has always seen the art world: cultural property law and art law. These two universes are then divided into chapters. Each chapter is further introduced by a concise comment that provides an updated focus to the chapter that will follow.

Merryman reintroduces to the reader all the players that participate in this world of art and the law that governs it. He provides the reader with those former essays that help one realize the role and thoughts of artists, museums directors, gallery owners, national governments, archaeologists, and collectors of art. He reacquaints his audience with the discussions of the complexities of the interrelationships of these players. He retells the familiar findings of the seminal cases that have attempted to give direction to the world of art law even as that law is being rewritten today. He reminds the reader of the place of such organizations as UNESCO, UNIDROIT, and the EU, to name only three that also contribute to the rewriting and reformulation of the law that impacts the art world today.

In the book's second chapter, Merryman again includes his essays that lay out his ideas of art as “common human culture” versus “national common culture.” It is within this chapter that he reiterates his own experiences and frustrations with the drafting of the UNIDROIT Convention. He also discusses the policy of several national governments that adopted retention-of-cultural-property statutes. He

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\*Adjunct Professor, Center for Intellectual Property Law and Information Technology, DePaul College of Law.

\*\*Professor of Law and Director of the Center for International Business and Trade Law, John Marshall Law School.

asks the question, "Are these countries truly protecting or only retaining cultural property and for what purpose?" A complex question, he quickly admits.

*Thinking about the Elgin Marbles* is an excellent text for teaching and reference. The author has included not only his own essays and addresses but also those of other voices in the art law community. Many of these voices are voices of dissent, but reading their material provides a balanced discussion of all that has happened and continues to happen in the art world and art law. Included, also, is a complete list of Merryman's articles and book reviews to continue the classroom discussions.

Why revisit the world of cultural property and art law today with yet another compilation of this nature? Easily answered: here is all the quality material necessary, at hand to assist the ongoing rethinking underway. This text provides the overview required to make critical decisions as to the policies towards cultural property in museums, galleries, and the rule of law. As the author reminds his readers, there is an importance that has only just emerged in formulating cultural property policy. He admonishes the readers to anticipate controversy. This book will only help all factions to recognize the issues at hand and work towards consensus.