IMT SCUOLA ALTI STUDI LUCCA

WHO OWNS THE PAST? POLITICS AND LAW IN THE RESTITUTION OF CULTURAL PROPERTY

LORENZO CASINI

IMT Papers 2/2026

IMT School for Advanced Studies Lucca

Piazza San Ponziano 6, 55100 Lucca

IMT Papers 2/2026

ISSN 3103-6066

ABSTRACT

The article examines the issue of cultural property restitution as a boundary field between law, politics, and ethics, exploring the legal and symbolic significance of returning works of art to their places, States, or communities of origin. Through a broad survey of historical and contemporary cases—from wartime spoliations to illicit trafficking, from post-colonial restitutions to those linked to Nazi-Fascist persecutions—the Author highlights the different causes, modalities, and rationales of restitution, emphasizing the plurality of actors and instruments involved. The contribution reconstructs the role of both international and domestic law, underscoring their structural limits, in particular non-retroactivity and the inalienability of public cultural property, and shows how restitutions are often grounded in negotiated agreements and forms of soft law rather than in judicial decisions. In conclusion, the article argues that a new ethic of cultural responsibility and an emerging international custom are taking shape, pointing toward the possible affirmation of a "right to restitution," also understood as a response to a fundamental question in cultural heritage studies: who owns the past?

Lorenzo Casini (b. 1976) is Rector and Professor of Administrative Law at the IMT School for Advanced Studies Lucca, where he teaches Law and Cultural Heritage. Amongst his publications, *Advanced Introduction to Cultural Heritage Law* (Elgar, 2024).

TABLE OF CONTENTS

1. Introduction: restitutions as a frontier theme

The issue of cultural property restitution is currently at the centre of the global debate at the intersection of law, politics and history*.[1] The restitution of a work of art is never a purely administrative act; it may also represent a form of cultural justice, a way of interpreting the past and acknowledging wrongs, domination and misappropriation.[2] Restitutions tell a story of power, wars and markets, as well as of the legal principles and ethical values that have attempted—often unsuccessfully—to correct their effects.

The very concept of restitution is also fundamental to understanding the dilemmas facing contemporary cultural heritage law. Two tensions, in particular, recur constantly: on the one hand, that between protection and valorization; on the other, that between retention and circulation.[3]

The first tension contrasts the protection of the item with its exposure, circulation and the dissemination of the cultural values it embodies. The second concerns the relationship between the desire to retain heritage within national borders and the interest in promoting its free circulation.[4] Both of these tensions reflect the dual dimension — national and international—of cultural property law.

Restitution is a frontier issue because it concerns both the internal regulatory system (which regulates ownership, governs protection and dictates export limits) and the international legal norms, built on multilateral conventions and cooperation practices.[5] These are long-standing issues, already discussed, for example, during the early stages of the parliamentary debate that in Italy led to the first laws protecting national historical and

---

* This paper revisits and further develops the keynote lecture delivered at the international workshop "Polyptychs' Fortune and Misfortune. Provenance, Reconstruction, Restitution", held in Lucca on 7–9 October 2025. I would like to thank Sabino Cassese, Maria Luisa Catoni, Maria Giusti, and Anna Pirri Valentini for their comments on an earlier version of this paper; usual disclaimers apply.

[1] K. Hausler and E. Selter, *Beyond Restitution. Exploring the Stories of Cultural Objects After their Return*, Oxford, Hart, 2025.

[2] L.V. Prott, *The international movement of cultural objects*, International Journal of Cultural Property, vol. 12, no. 2, 2005.

[3] L. Casini, *Advanced Introduction to Cultural Heritage Law*, Cheltenham, Edward Elgar, 2024; J.H. Merryman, S.K. Urice, S.J. Franke, *Law, Ethics and the Visual Arts*, 6th ed., Cambridge, Cambridge University Press, 2025.

[4] On the dichotomy between the forced retention of works of art within national borders and free circulation, see A. Pirri Valentini, *Il controllo sulla circolazione internazionale delle opere d'arte*, Milano, Giuffrè, 2023.

[5] A. Chechi, *The Settlement of International Cultural Heritage Disputes*, Oxford, OUP, 2014.

artistic heritage.[6] In 1903, it was observed in Parliament that "in general, we can make a clear distinction between states that had works of art to preserve and had rightly adopted these prohibitive measures, and states that needed to bring in these works of art in large numbers and had every reason to adopt a policy of complete liberalism, completely free from constraints that would have had no reason to exist".[7] Meanwhile, the then Minister of Education, Nasi, noted that "[e]veryone says that there are huge preparations for export; I neither deny nor affirm this, but it cannot be prevented. After all, I was just reminded that all foreign museums are full of Italian art objects; this means that even with the papal and Bourbon laws, a way was found to make the objects disappear [...] With restrictive systems that nullify property rights, the goal cannot be achieved; on the contrary, the opposite result is achieved, because the violence of the state is met with the violence of private individuals, a natural and legitimate reaction occurs, and the items disappear".[8]

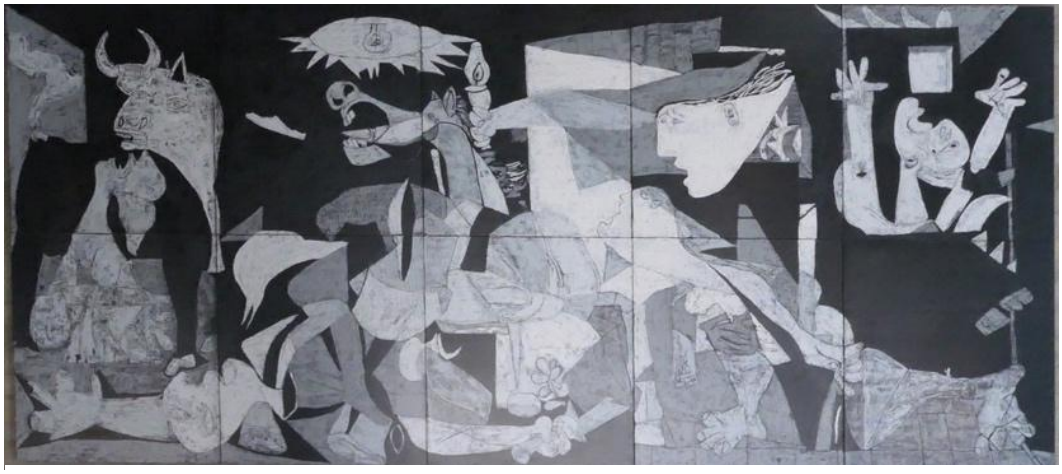

Fig. 1 – Pablo Picasso, Guernica, 1937, Reina Sofía National Art Centre, Madrid

An emblematic case illustrating the complexity of the problems that can arise from restitutions is the painting *Guernica* by Pablo Picasso (fig. 1). On 14 November 1970, the day the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was signed in Paris, the artist wrote to the director of the Museum of Modern Art in New York—where the painting was housed—stating that it could return to Spain only once the civil and political freedoms suppressed under the Franco dictatorship had been restored: "In order to take

[6] For a historical reconstruction of the parliamentary debates, see R. Balzani, *Per le antichità e le belle arti. La legge n. 364 del 20 giugno 1909 e l'Italia giolittiana*, Bologna, Il Mulino, 2003.

[7] Ettore Ciccotti, Chamber of Deputies, Session of 28 April 1903.

[8] Nunzio Nasi, Chamber of Deputies, Session of 29 April 1903.

your intention into consideration, as well as my wish, I ask you to carefully reflect on my instructions in this regard. The request for the return of the painting can be made by the Spanish authorities. But it is the museum's duty to release *Guernica* and the accompanying studies and drawings. The only condition I impose on the return is that I consult a solicitor".[9] The work returned to Spain eleven years later, in 1981, eight years after Picasso's death and six years after that of Francisco Franco, but only after democracy had been restored. The painting was completed by Picasso in Paris in July 1937, where it was then exhibited in the Spanish pavilion at the Universal Exhibition. Once the exhibition ended, the work was dismantled to begin its journey to exhibitions in New York. Guernica was therefore not a restitution in the strict sense, but it vividly captures the political and symbolic meaning of the gesture: a work that returns when a country rediscovers itself.

2. Anthology of cases

The historical record of restitution cases is vast. Each case highlights different reasons—legal, political, moral—and shows how restitution may result from choices made by various parties and can take place in different ways: negotiations, bilateral agreements, judicial decisions or even unilateral initiatives.[10] To navigate through thousands of episodes, cases can be grouped into a few broad categories. Before attempting a classification, however, it may be useful to mention three examples.

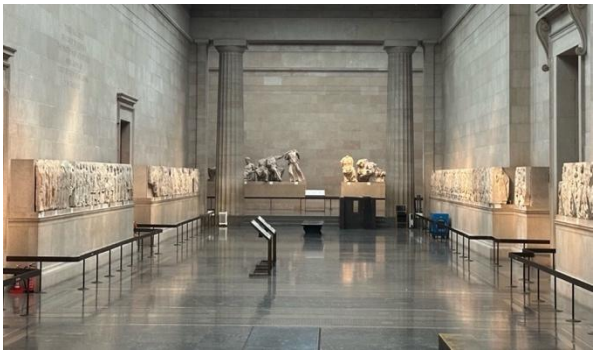

Fig. 2 – Parthenon Marbles, ca. 447–432 BC, British Museum, London

The first case concerns the Parthenon marbles (fig. 2), probably the most famous and, at the same time, the most controversial.[11] In the early 19th century, Thomas Bruce, 7th Earl of Elgin

[9] Quoted by G. Van Hensbergen, *Guernica. Biografia di un'icona del Novecento* (2004), Italian translation, Milano, il Saggiatore, 2006, p. 265. On Guernica, see also C. Ginzburg, *La spada e la lampadina. Per una lettura di* Guernica, in Id., *Paura, reverenza, terrore*, Milano, Adelphi, 2015, p. 157 et seq.

[10] M. Cornu and M.A. Renold, "New Developments in the Restitution of Cultural Property: Alternative Means of Dispute Resolution," in *International Journal of Cultural Property*, no. 17, 2010, 1-31.

[11] Among the vast literature on the subject, see, most recently, C. Titi, *The Parthenon Marbles and International Law*, Cham, Springer, 2023, and D. Rudenstine, "Trophies for the Empire: The Epic Dispute between Greece and England over the Parthenon Sculptures in the British Museum," in 39 Cardozo *Arts & Ent. L.J.* 377 (2021).;

and British ambassador to the Ottoman Empire, had numerous friezes and sculptures removed from the Parthenon, then under Ottoman rule, and transported to England. The legitimacy of this operation is still a matter of debate. The alleged Ottoman "signature" that authorised Elgin is of dubious authenticity and, in any case, could not have represented the consent of the Greek people. Since 1832, the year of Greece's independence, Athens has repeatedly requested their return. The new Acropolis Museum, inaugurated in 2009, was also conceived as a "waiting space": in the upper gallery, plaster copies of the friezes preserved in the British Museum alternate with the originals, producing a visible void that is, in itself, a political argument. The case of the Parthenon is paradigmatic because it did not arise from war or illicit excavation, but from a situation of domination – that of the Ottoman Empire – and political asymmetry, and because it shows how the return of cultural property can be based on a question of principle rather than on a genuine legal title.

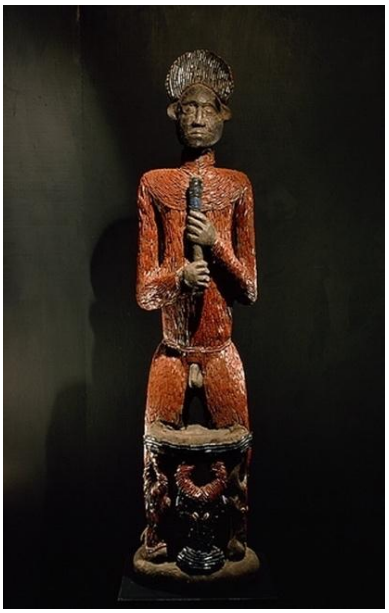

Fig. 3 – Kom artist (unknown), Afo-A-Kom, pre-colonial period (date uncertain), Royal Palace of Laikom, Laikom (Cameroon)

The second emblematic case, very different in context, is that of the Afo-A-Kom sculpture from Cameroon (fig. 3). In the 1960s, the sacred statue of the Kom people was stolen and sold on the international art market. In 1970, it was found in a gallery in New York. Thanks to an international fundraising campaign and an agreement with the owner, the statue was repurchased and returned to Cameroon. When the authorities proposed placing it in a museum in the capital, the head of the Kom community replied that he would only accept if there was space in Yaoundé for "the entire Kom population".

The work ultimately returned to its village of origin, where it is still kept and venerated. It is a unique case because the restitution was requested not by a state, but by a community; it was not

previously, J.H. Merryman, *Thinking About the Elgin Marbles. Critical Essays on Cultural Property, Art and Law,* 2nd ed., The Hague-London-Boston, Kluwer, 2009, p. 24 et seq., and V. Farinella and S. Panichi, *L'eco di marmi. Il Partenone a Londra: un nuovo canone della classicità*, Rome, Donzelli, 2003, and in particular the introduction by S. Settis, *Acropoli Futura*, pp. XI et seq.

the result of a treaty but of cultural and identity recognition, which makes it an interesting testimony to "cultural immovability".[12]

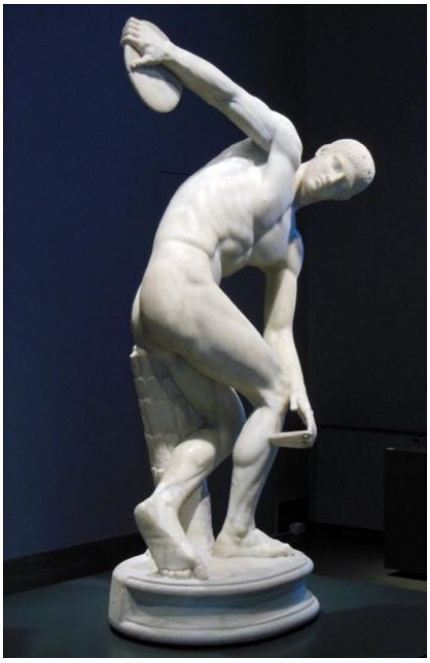

Fig. 4 – Anonymous Roman sculptor (after Myron), Lancellotti Discobolus, 2nd century AD (copy of a 5th century BC original), National Roman Museum – Palazzo Massimo, Rome

The third example shows a somewhat paradoxical hypothesis: it is the case of the Lancellotti Discobolus, a Roman marble copy (2nd century AD) of the famous bronze by Myron (5th century BC) (fig. 4). Found in 1781 in Villa Palombara on the Esquiline Hill, formerly owned by the Lancellotti family, the specimen was sold in 1938 to Nazi Germany, at the direct instigation of Adolf Hitler, who recognised it as the embodiment of the Aryan athletic ideal. The sale took place despite opposition from various exponents of Italian culture and the then Minister Giuseppe Bottai. At the end of the Second World War, in 1948, the work was returned to Italy by the Allied authorities as part of the recovery operations carried out thanks to Mario Siviero. In 2023, the issue resurfaced following statements by the Glyptothek in Munich – where the Discobolus was kept until 1948 and where the statue's original pedestal remains – about a possible legal claim on the work; these statements were later clarified, as no formal request for restitution had been made. The Italian Ministry of Culture has reaffirmed full national ownership of the artefact, classifying it as an integral part of the state's heritage.

These three examples confirm how difficult it is to classify the various types of restitution claims, given the diversity of their causes and the parties involved. In any case, it may be useful here to provide an anthology based on four types: 1) restitutions linked to war looting; 2) restitutions arising from illicit trafficking in works of art; 3) post-colonial restitutions; 4) restitutions due to Nazi-Fascist racial persecution.

[12] J.H. Merryman, *Thinking About the Elgin Marbles*, op. cit., p. 260 (on the story of the Afo-a-Kom sculpture, more extensively pp. 187 et seq., 216 et seq. and 260 et seq.); on this subject, see also S. Cassese, *I beni culturali: sviluppi recenti*, in M. Chiti (ed.), *Beni culturali e Comunità europea*, Milano, Giuffrè, 1994, p. 341 et seq., in particular 347.

2.1. Restitutions resulting from war looting

In the modern age, war looting was marked by the Napoleonic Wars. In 1797, following the Treaty of Tolentino, hundreds of Italian works of art were sent to Paris to enrich the Louvre. Among them was Paolo Veronese's The Wedding at Cana (fig. 5), removed from the refectory of San Giorgio Maggiore in Venice.

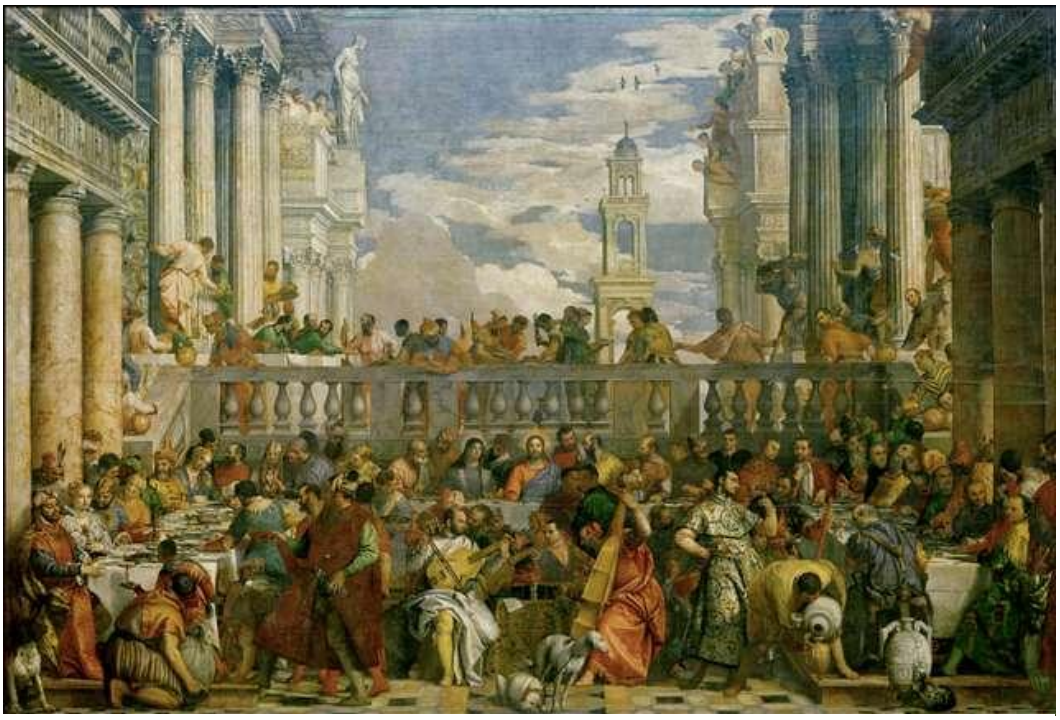

Fig. 5 – Paolo Veronese, The Wedding at Cana, 1563, Louvre Museum, Paris

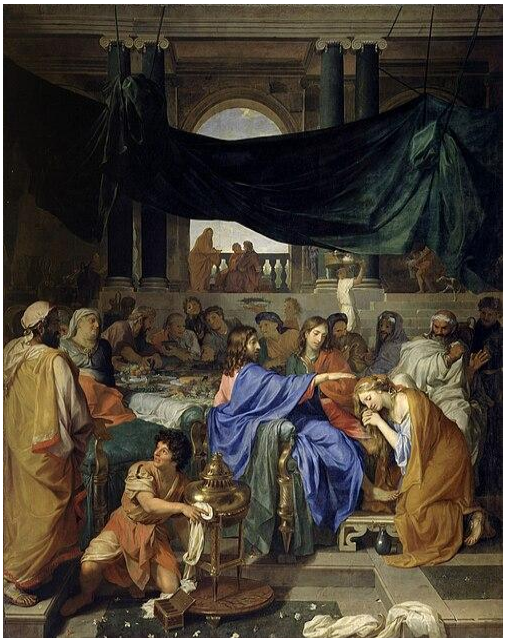

Fig. 6 – Charles Le Brun, The Feast in the House of Simon, ca. 1653, Galleries of the Academy, Venice

When, in 1815, Antonio Canova obtained the return of many works, Veronese's canvas remained in France: moving it was considered too risky for its physical preservation. In exchange, Italy received *The Feast in the House of Simon by Charles Le Brun* (fig. 6). By contrast, Raphael's Transfiguration, also taken, was returned to Rome. These cases, like others, show the ambiguity of the concept of "war booty": between the right of conquest and the principle of reparation, the 19th-century restitutions paved the way for a debate that would lead, in the 20th century, to the Hague

Conventions (1899, 1907, then 1954) on the prohibition of requisitioning cultural property in times of war.

In more recent times, an example of the dispersion of cultural heritage in contexts of conflict and political and institutional instability is the Syrian civil war, which began in 2011. Syria is one of the most significant contemporary contexts for understanding the evolution of international instruments for the protection of cultural heritage in situations of non-international armed conflict.

Syria's archaeological and artistic heritage has been the target of both intentional destruction—emblematic of which is that perpetrated by ISIS at the archaeological site of Palmyra—and systematic looting involving sites such as Apamea, Dura Europos and Mari. These events have fuelled transnational trafficking in antiquities and archaeological artefacts, thereby serving, among other things, to finance hostilities and the armed groups that held power.

In this scenario, the regulatory response has been multi-layered: while the 1954 Hague Convention and the 1970 UNESCO Convention formed the basis for the protection of property and for the implementation of seizure and restitution measures, new *ad hoc* regulatory instruments have also proved decisive. Examples include UN Security Council Resolution No. 2199 of 12 February 2015,[13] which imposed a binding ban on international trade in cultural property from Syria (establishing a *de facto* embargo regime) and, at European level, Regulation (EU) 2019/880,[14] which defined "the conditions for the introduction of cultural goods and the conditions and procedures for their importation in order to safeguard the cultural heritage of humanity and to prevent illicit trade in cultural goods [in the customs territory of the Union], in particular where such illicit trade may contribute to the financing of terrorism".[15]

[13] The full text of the Resolution is available at https://docs.un.org/en/S/RES/2199%20(2015).

[14] Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and import of cultural goods, available at https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:32019R0880.

[15] Art. 1 of Regulation (EU) 2019/880.

2.2. Restitutions arising from illicit trafficking in works of art

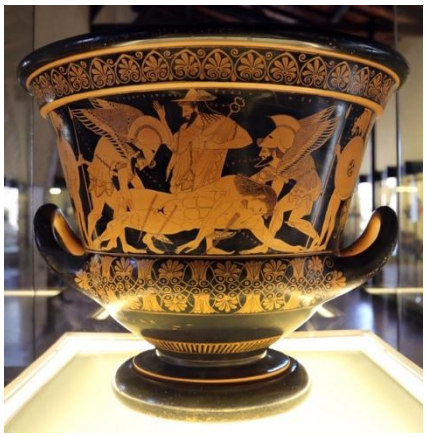

Fig. 7 – Euphronios (painter) and Euxitheos (potter), Euphronios Krater, ca. 515 BC, Cerite National Archaeological Museum, Cerveteri (Italy)

Another category of restitutions concerns goods that have left their territories of origin as a result of clandestine excavations, illegal exports or imprudent purchases.

A well-known case is that of the Euphronios Krater (fig. 7), a masterpiece from the 5th century BC, illegally excavated in Cerveteri in the 1970s and purchased by the Met in New York. After lengthy negotiations, in 2006 the museum returned it to Italy under a cultural cooperation agreement[16]. Today, the Krater is on display in Cerveteri, in the archaeological context from which it originated.

Fig. 8 – Inca craftsmen (unknown), Artefact from Machu Picchu, Inca imperial period, Casa Concha Museum, Cusco (Peru)

Another famous example concerns the Peruvian artefacts from Machu Picchu taken away by Hiram Bingham in the early 20th century and held by Yale University until 2010 (fig. 8).[17]

In both cases, the restitution was not imposed by a court, but was facilitated by bilateral agreements based on the principle of 'cultural cooperation', which the 1970 UNESCO Convention – although not applicable to the cases in question because it came into force after the events – encourages in Article 7: States must take measures for the recovery and return of cultural property that has been illicitly exported. Later, in May 2025, the Met in New York announced the return of three ancient works to Iraq:

[16] A.K. Briggs, "Consequences of the Met-Italy Accord for the International Restitution of Cultural Property," 7 *Chicago Journal of International Law* (2006-2007) 623.

[17] S. Swanson, "Repatriating Cultural Property: The Dispute Between Yale and Peru Over the Treasures of Machu Picchu," 10 *San Diego International Law Journal* (2009) 469.

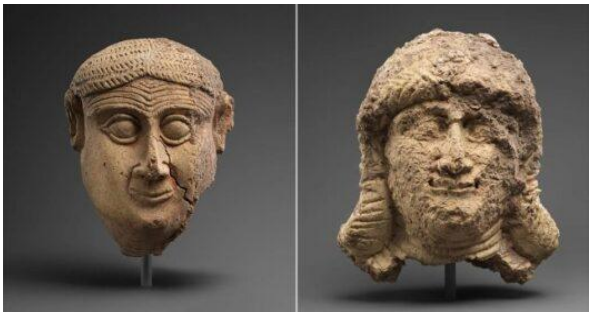

Fig. 9 – Anonymous Mesopotamian artists, Babylonian ceramic heads, ca. 2000–1600 BC, returned to the State of Iraq

a Sumerian alabaster vase (ca. 2600-2500 BC) and two ceramic heads from the Babylonian period (ca. 2000-1600 BC) (fig. 9). The objects were identified as stolen and improperly acquired. More specifically, the vase and one of the two ceramic heads were acquired by the Met in 1989 through a donation from the Norbert Schimmel Trust, while the third artefact was purchased by the Museum in 1972. Subsequent investigations revealed that the first two artefacts had passed through the hands of London dealer Robin Symes, who was later involved in numerous illegal activities related to the trafficking of antiquities. The two heads, male and female, are believed to originate from the archaeological site of Isin in Iraq, while the vase, although not associated with a specific area of provenance, is documented on the Baghdad antiquities market in the mid-1950s, where it was purchased by Swiss antiquarian Nicolas Koutoulakis and subsequently included in the collection of Cecile de Rothschild.

As part of the institutional cooperation between the Museum and the Manhattan District Attorney's Office, and as a result of the investigations conducted on Symes, new information emerged that was decisive in clarifying the illicit provenance of the artefacts.[18] These revelations led the Museum to recognise the need to return the artefacts to the Iraqi authorities, thanks in part to the creation of the Cultural Property Initiative programme, launched in 2023, which aims to promote transparency, provenance research and international collaboration in the museum context.

Among the various actions taken in this context is the transfer of ownership of two stone sculptures to Yemen. This led to a custody agreement under which the Met undertook to preserve and exhibit the works until their return is formally requested by the Yemeni authorities. Following this agreement, fourteen ancient sculptures voluntarily repatriated to the Republic of Yemen from the Hague family collection (New Zealand) were placed on deposit at the Museum at the request of the Yemeni State, for purposes of study and cataloguing pending their eventual return.

[18] For more information: https://www.metmuseum.org/press-releases/iraq-return-2025.

2.3. Post-colonial restitutions

Many restitutions, especially recent ones, fall into the category of post-colonial restitutions, which address the legacy of European domination in Africa, Asia and Oceania.

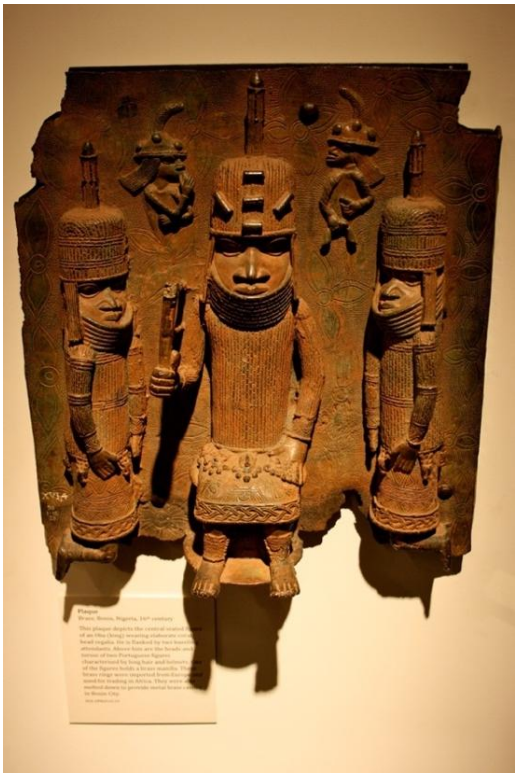

Fig. 10 – Artists of the Kingdom of Benin (Edo people), Benin Bronzes, 13th–19th century, returned to Nigeria

The case of the Benin Bronzes (fig. 10), looted in 1897 by a British expedition, has become a sad symbol of what happened between the end of the 19th century and the end of colonialism. Thousands of works were scattered in museums around the world, particularly in London, Berlin and Paris. Since 2018, numerous institutions have decided to return part of their collections to Nigeria, recognising the original injustice.

France has assumed a prominent role in post-colonial restitution. In his 2017 speech in Ouagadougou, President Macron announced his intention to initiate a process of systematic restitution to African nations. The Sarr–Savoy report, published in 2018, then outlined this policy, arguing that restitution is not a gesture of generosity, but of historical equity. Since then, several French laws have authorised the transfer of works to Benin, Senegal and other African countries.[19]

[19] Regarding the restitution of cultural property from France to its former colonies, and in particular to Benin and Senegal, in the wake of *the Sarr-Savoy Report*, see Law *Relatif à la restitution de biens culturels à la République du Bénin et à la République du Sénégal* No. 2020-1673 of 24 December 2020 (Journal Officiel No. 312, 26 December 2020). The full legislative report is available on the French Senate website at https://www.senat.fr/rap/l20-091/l20-091_mono.html.

In 2021, a new bill (*Proposition de loi relative à la circulation et au retour des biens culturels appartenant aux collections publiques*) was submitted to the French Senate, aimed at regulating the issue of the restitution of cultural property belonging to public collections in a more general and lasting manner; see: https://www.senat.fr/dossier-legislatif/ppl21-041.html. On the subject of the restitution to countries of origin of cultural property belonging to French public collections, please refer to the report *Patrimoine partagé: universalité, restitutions et circulation des œuvres d'art*, commissioned by the President of the Republic and published by Jean-Luc Martinez on 27 April 2023; https://www.culture.gouv.fr/fr/Espace-

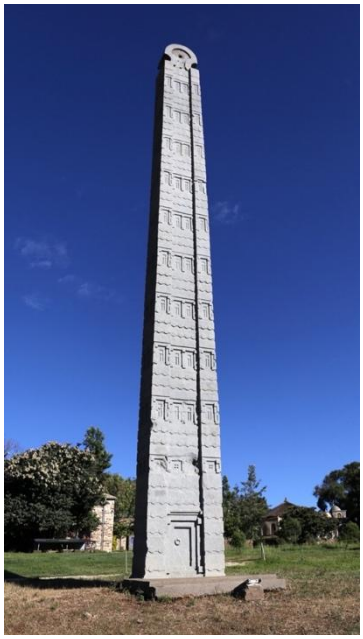

Fig. 11 – Axum Stele, 4th century AD, Axum Stele Park, Axum (Ethiopia)

The Axum stele (fig. 11), brought to Italy in 1937 after the occupation of Ethiopia, also belongs to this category of restitutions. Located in front of the Italian Ministry of Africa, it remained in Rome for decades, despite the 1947 peace treaty requiring its return. Only in 2005, after sixty years of postponements, did the stele return to Ethiopia, in a climate of great symbolic value and reconciliation.[20]

The colonial logic of "exporting civilisation" has thus been overturned by a policy of recognition and cultural equality. The more recent case of the restitution of the remains of King Toera to Madagascar in August 2025 should also be viewed in this context: a gesture marking the end of a long colonial silence and reaffirming the right of peoples to their own memory. The return of these remains, which were kept at the *Musée national d'Histoire naturelle* in Paris, is the first case of application of the 2023 law on the return of human remains belonging to public collections.[21]

Other recent initiatives marking a significant evolution in European practices in this area are also part of the growing reliance on bilateral cooperation instruments for the return of cultural property. In June 2025, as part of a national policy aimed at recognising historical responsibility for the acquisition of goods during the colonial era and re-establishing, through structured agreements, forms of shared custody of cultural heritage, the Netherlands returned 119 Benin bronzes to Nigeria. Shortly before, in May 2025, Finland returned to Benin a 17th-century royal stool from Dahomey, which had been

documentation/Rapports/Remise-du-rapport-Patrimoine-partage-universalite-restitutions-et-circulation-des-aeuvres-d-art-de-Jean-Luc-Martinez. In 2025, the bill *"Relatif à la restitution de biens culturels provenant d'États qui, du fait d'une appropriation illicite, en ont été privé" (Relating to the restitution of cultural property from States which, as a result of unlawful appropriation, have been deprived of it)* was presented to the Senate. This is the first French bill to provide a general framework for restitution in certain circumstances and to allow for exceptions to the principle of the inalienability of public collections. The full text is available online: https://www.senat.fr/leg/pjl24-871.html.

[20] On this matter, see L. Lixinski, *Axum Stele*, in J. Hohmann and D. Joyce (eds.), *International Law's Objects*, Oxford, Oxford University Press, 2018, pp. 130 et seq.

[21] Law No. 2023-1251 of 26 December 2023 on the restitution of human remains belonging to public collections, https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000048668800.

transferred under undocumented circumstances and identified as an object of significant historical and cultural importance to its country of origin.

Fig. 12 – Moctezuma's Headdress (Penacho de Moctezuma), early 16th century, Weltmuseum Wien, Vienna

Nevertheless, there are still numerous cases of non-return or requests that have gone unheeded. A famous example is the so-called Montezuma headdress (or *Penacho of Moctezuma II*) (fig. 12), an artefact made of quetzal and other tropical bird feathers mounted on a base of plant fibers and metal, dating from the early decades of the 16th century. Its first recorded appearance in Europe dates back to 1596. It is currently kept at the Weltmuseum in Vienna, where it is one of the main pre-Columbian artefacts in the collection. Mexico has long been demanding its return, but Austria refuses to transfer it, arguing that the conditions in which it is kept would make it irrecoverable and that, to date, there has been no formal request under international law.

Furthermore, once returned, objects do not always find a suitable home. In Nigeria, for example, the Museum of West African Art (MOWAA) — created to house and celebrate the return of the prestigious Benin bronzes — opened without exhibiting the originals.[22] In fact, at the time of the inauguration, only clay replicas made by artist Yinka Shonibare were displayed instead of the authentic bronzes. Although some 150 original bronzes have indeed returned to Nigeria in recent years, none of them are currently on public display. This restitution, which was thought to mark a turning point in colonial culture and memory, thus appeared more like a symbolic race between Western institutions than a truly shared process. In Nigeria, the management and ownership of the artefacts have sparked internal conflicts—between the federal state, the state of Edo and the royal family of the Oba of Benin—to the

[22] https://www.theguardian.com/news/ng-interactive/2025/oct/12/restitution-row-how-nigerias-new-home-for-the-benin-bronzes-ended-up-with-clay-replicas.

extent that the government has officially recognised the royal family's ownership[23]. Meanwhile, the MOWAA has had to redefine its role: rather than being the "museum of Benin bronzes", it will house objects from all over West Africa and display archaeological materials and culture more generally, but not those that have been returned. This case highlights how the restitution of works of art is not just a matter of physically moving objects, but also involves issues of power, identity, destination and public access.

2.4. Restitutions related to Nazi-Fascist racial persecution

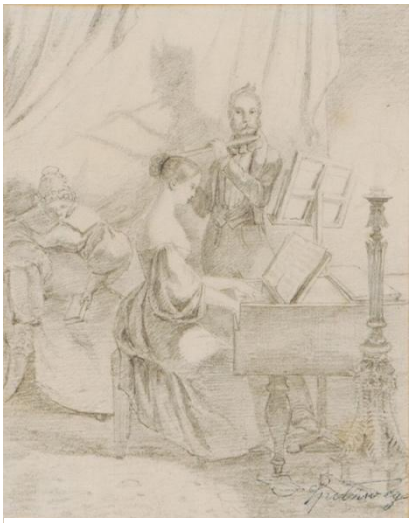

Fig. 13 – Carl Spitzweg, Das Klavierspiel, 1840, returned to heirs (private collection), location not public

A final group of cases concerns works stolen, confiscated or forcibly sold during Nazi-Fascism.[24] Although several countries have adopted *ad hoc* legislation to facilitate restitution,[25] this process does not always succeed and often proves laborious.[26]

The drawing *Das Klavierspiel* (1840) by Carl Spitzweg (fig. 13), found in Cornelius Gurlitt's infamous collection in 2012, was returned to the heirs only in 2021, after a long and complex identification process.

[23] https://www.theguardian.com/world/2025/nov/10/protesters-disrupt-event-at-nigeria-museum-mowaa-embroiled-in-looted-artefacts-row.

[24] B. Cortese, "La restituzione dei beni d'arte spoliati agli Ebrei nella persecuzione nazifascista, tra diritto internazionale e diritto interno," in *Il diritto ecclesiastico*, 2018, pp. 123 et seq.; T. Scovazzi, "La restituzione dei beni culturali depredati alle vittime dell'olocausto: la situazione in Italia," in *Il diritto ecclesiastico*, 2018, pp. 171 et seq.; M. Frigo, "Il quadro giuridico internazionale in tema di restituzione dei beni culturali spoliati alle famiglie ebraiche: quale spazio per i meccanismi alternativi di risoluzione delle controversie?," in *Il diritto ecclesiastico*, 2018, pp. 159 et seq.; B. Gaudenzi, B., *The 'Return of Beauty'? The politics of restitution of Nazi-looted art in Italy, the Federal Republic of Germany and Austria, 1945-1998, in European Review of History*, vol. 28, 2021, pp. 323 et seq. In a non-strictly legal context: Pavan, I., *Le conseguenze economiche delle leggi razziali* (The Economic Consequences of Racial Laws), Bologna, Il Mulino, 2022.

[25] For an examination of national regulations on the subject, see R. Redmond-Cooper, *Museums and the Holocaust*, 2nd ed., Institute of Art and Law, 2021.

[26] For a comparison of the methods and results of the restitution of works stolen during the Nazi-Fascist period and post-colonial restitution, see L. Bilsky, *The virtues of comparing: between early Jewish restitution campaign and contemporary post-colonial restitution debate*, Art Antiquity & Law, vol. 25, no. 4, 2020; C. Andrieu, *Post-war Restitution vs Present-Day Reparation in France: Towards the Disappearance of Legal and Political Dilemmas?*, in Veraart W. and Winkel L. (eds.), *The Post-war Restitution of Property Rights in Europe: Comparative Perspectives*, pp. 11–19, Amsterdam, Scientia Verlag, 2011.

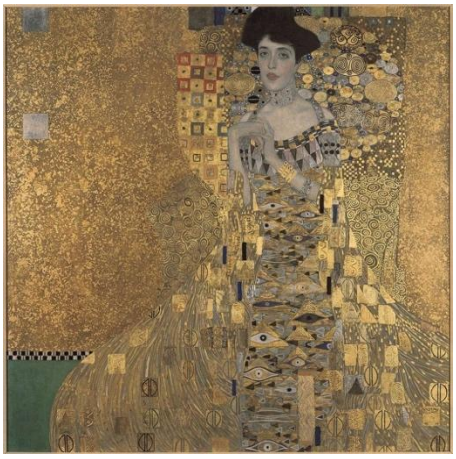

Fig. 14 – Gustav Klimt, Portrait of Adele Bloch-Bauer I, 1907, Neue Galerie, New York

Gustav Klimt's portrait of Adele Bloch-Bauer I is another famous case (fig. 14): after years of controversy, the US Supreme Court authorised the heir, Maria Altmann, to file a claim for the return of the work, a painting that had been confiscated from her family in the 1930s. Restitution ultimately followed arbitration between Altmann and the Austrian government.[27]

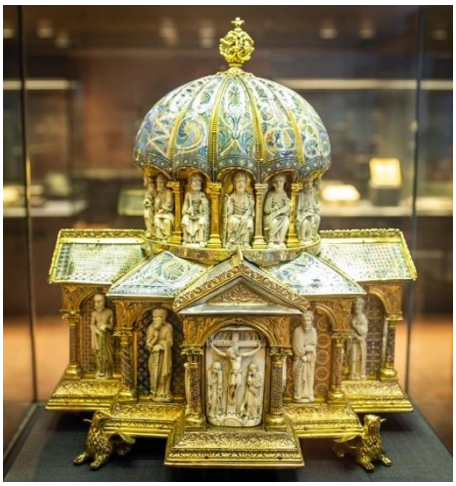

Fig. 15 – Dome Reliquary from the Guelph Treasure (Welfenschatz), end of 12th century, Museum of Decorative Arts (Kunstgewerbemuseum), Berlin

In other cases, the interpretation of national laws may appear inconsistent with human rights principles or, at the very least, unfair to the legitimate owners of cultural property. This is illustrated by the case of the Guelph Treasure. The collection—described as a unique ensemble of medieval relics and devotional art and known as the *Welfenschatz* (fig. 15)—belonged to a Jewish art dealer who was forced to sell it in 1935. His heir later brought an action against Germany, which held the property, before the United States courts. The Supreme Court ruled that Germany could not be sued under the expropriation exception provided for in *the Foreign Sovereign Immunities Act*, as this exception incorporates domestic law derived from international property law, which "presumes that what a country does to property belonging to its own citizens within its own borders is not subject to international law".[28] This was despite the fact that the sale of the Welfenschatz had been

[27] In this regard, E. Jayme, *"Human Rights and Restitution of Nazi-Confiscated Artworks from Public Museums: The Altmann Case as a Model for Uniform Rules?"*, 11 *Uniform Law Review n.s.* (2006) 393. For a broader perspective, E.A. Graefe, "The Conflicting Obligations of Museums Possessing Nazi-Looted Art," *51 Boston College Law Review* (2010) 473, and M.J. Reppas II, "Empty International Museums' Trophy Cases of Their Looted Treasures and Return Stolen Property to the Countries of Origin and the Rightful Heirs of Those Wrongfully Dispossessed," 36 *Denver Journal of International Law & Policy* (2007-2008) 93.

[28] *Fed. Republic of Germany v. Philipp*, 141 S. Ct. 703 (2021)

forced, took place prior to the Holocaust and was described by the heirs as an act of genocide.[29]

The issue of art stolen during the Nazi-Fascist period led, in 1998, to the adoption of the Washington Principles, a declaration by 44 countries calling on governments and museums to return the works or, in any case, to provide for forms of fair compensation.[30] Subsequently, in March 2024, the Best Practices for the Washington Conference Principles on Nazi-Confiscated Art were adopted.[31]

3. The grounds for restitution

Restitution claims arise from different historical causes, but these often overlap. On the basis of the types outlined above, four broad categories can be identified.

The first and oldest category concerns looting and war booty. War plunder is prohibited under international humanitarian law.[32] The Hague Convention of 1907 already prohibited the confiscation of private and public property; the 1954 Convention introduced specific protection for cultural property in the event of armed conflict. However, the frequent failure to return items looted during the Napoleonic or Nazi periods shows how difficult it is to remedy violations committed before these instruments came into force.

A second cause relates to theft, illegal excavations and trafficking. The unauthorised export of archaeological or artistic property is widespread. The 1970 UNESCO Convention stipulates that each State Party must "prohibit and prevent the illicit import, export and transfer of ownership of cultural property". The subsequent 1995 UNIDROIT

[29] *Fed. Republic of Germany v. Philipp*, 141 S. Ct. 703, 711–12 (2021).

[30] The text of the Washington Principles is available online at https://www.state.gov/washington-conference-principles-on-nazi-confiscated-art/, as are subsequent international documents prepared to implement them, most recently the Best Practices for the Washington Conference Principles on Nazi-Confiscated Art of March 2024: https://www.state.gov/best-practices-for-the-washington-conference-principles-on-nazi-confiscated-art/.

[31] https://www.state.gov/office-of-the-special-envoy-for-holocaust-issues/best-practices-for-the-washington-conference-principles-on-nazi-confiscated-art.

[32] M. Frigo, *La circolazione internazionale dei beni culturali. Diritto internazionale, diritto comunitario e diritto interno*, Milano, Giuffrè, 2007.

Convention introduces a right to restitution even against *bona fide* possessors, marking a decisive development: possession is not sufficient to legitimise ownership.[33]

A third cause concerns colonial occupation. During European expansion, the heritage of colonised peoples was systematically transferred to Western museums. Contemporary restitution practices are based on the idea of cultural equality enshrined in the United Nations Charter and the 2007 UN Declaration on the Rights of Indigenous Peoples, which recognises the right of indigenous peoples to own, control and protect their cultural heritage.[34]

A fourth cause concerns discrimination and persecution. Works stolen during the Nazi-Fascist era fall into a separate category, where restitution has a moral as well as a legal dimension. The 1998 Washington Principles, with their 2024 Best Practices, as well as the 2019 European Union guidelines, call on states to identify confiscated works and facilitate their restitution or compensation to heirs.

In all these areas, restitution is the response to a fundamental violation: the appropriation of cultural property removed from its context, community, or history.

4. Why return?

The reasons behind restitution are not only legal. There is invariably an ethical and political component.[35]

In any case, the first reason relates to property rights. When an object belongs to a state by law or by virtue of a legal title, restitution is the enforcement of a violated right.

---

[33] On the international protection of archaeological property, P. Gerstenblith, *Theft and Illegal Excavation: Legal Principles for Protection of the Archaeological Heritage*, in F. Francioni and A.F. Vrdoljak (eds.), *The Oxford Handbook of International Cultural Law*, Oxford, Oxford University Press, p. 200, and Id., *Increasing Effectiveness of the Legal Regime for the Protection of the International Archaeological Heritage*, in J.A.R. Nafziger and A.M. Nicgorski (eds.), *Cultural Heritage Issues: The Legacy of Conquest, Colonisation, and Commerce*, The Netherlands, Martinus Nijhoff Publishers, 2009. See also A. F. Vrdoljak, A. Jakubowski, A. Chechi (eds.), *The 1970 UNESCO and 1995 UNIDROIT Conventions on Stolen or Illegally Transferred Cultural Property: A Commentary*, Oxford University Press, 2024.

[34] Finally, see C. Roodt, *Restoring the Law of Restitution of Cultural Property: Complex Colonial Histories*, London, Routledge, 2025; A. Caligiuri, *Legal aspects concerning the restitution of cultural property removed during colonial occupation*, in *Questions of international law*, 2025.

[35] On the 'ethical' component of cultural property restitution, specifically with regard to Italy's position, see A. Visconti, *Between 'colonial amnesia' and 'victimisation biases': Double standards in Italian cultural heritage law*, in *International Journal of Cultural Property*, vol. 28, 2021, pp. 551 et seq.

Several legal systems, for example, have established that archaeological finds discovered underground belong to the state: this strengthens claims and protects the collective interest.

A second reason is the interest in returning the work to its original context. Restitution also entails the restoration of meaning. Placing a work in its place of origin can help it regain its identity and integrity. This is the principle that guides the 1995 UNIDROIT Convention, which refers to "the reintegration of property into its cultural environment". Here, however, it should be noted that, from a historical and artistic point of view, the damage caused by the decontextualisation of a work of art in any era cannot be repaired: if we think, for example, of the looting of a tomb or the destruction of an illegal excavation with the removal of artefacts, the return of the works will certainly not fill the void of information lost as a result of those actions.

A third reason is to rebuild the national cultural heritage. Every theft causes a tear in a country's cultural artworks. Restitutions attempt to heal this loss and contribute to the collective memory. This is the logic behind many "retentive" laws, such as the Italian law, which restricts the export of works of historical interest.

A fourth reason is the recognition of peoples' rights. Restitutions to indigenous communities are based on the right to cultural self-determination. The 2007 UN Declaration establishes that peoples have the right to maintain and transmit their traditions, including their material heritage. This has led to many restitutions of human remains and ritual objects.

A fifth reason is moral obligation. Restitution is often an ethical duty. When an object has been acquired through violence, coercion or exploitation, its presumed legal legitimacy is not sufficient to justify its retention. In such cases, restitution is a gesture of reconciliation rather than patrimonial justice.

5. Actors and methods of restitution

Another aspect of interest, in many ways related to those discussed above, concerns the actor making the restitution, as well as the methods and means by which it is carried out. Restitution may be undertaken by states, and in particular governments, as in the case of post-colonial or post-war restitutions, by public or private museums, as in the case of the restitution of stolen works, or by individuals, as in the case of illicit trafficking in works of art.

These cases can often overlap, as in the case of Maria Altmann and the Klimt paintings stolen by the Nazis (in this case, the works were held by the Belvedere Museum in Vienna, an Austrian state institution). As discussed above, in most circumstances it is national governments that order the restitution.

With regard to methods and instruments, restitution is almost always achieved through agreements between the parties, such as in the case of the Euphronios Krater, or through unilateral acts, as in many post-colonial restitutions. In fact, court rulings are rarely involved, while arbitration, including international arbitration, may sometimes be used. In other cases, a law or special legislative provision is required to enable restitution: one example is the French legislation on works stolen by the Nazi-Fascists, which also provides for the possible removal of such works from public ownership if they are held by public museums.

6. The role of law

Law therefore plays a central yet complex role, providing principles, tools and constraints. There are, in particular, two obstacles that affect its effectiveness: property rights and the inalienability of public artworks.

The right to property, traditionally described as "terrible" because of its absolute force, often conflicts with the objectives of cultural justice.[36] Many owners, even those acting in good faith, find themselves involved in cases of irregular provenance. And among the principal obstacles to restitution are frequently the rules of civil law governing statutes of limitation and acquisitive prescription (adverse possession), as has occurred particularly in cases involving Nazi-looted artworks. On the other hand, national legislation—such as that in Italy—recognises the prevalence of the public interest, establishing that cultural property belong to the community.

The inalienability of public property is another major limitation. Special laws are required to enable the return of works belonging to state collections, such as those adopted by France for post-colonial restitutions or even those stolen by the Nazi-Fascists. This principle is consistent with the 1970 UNESCO Convention, which in Article 13 encourages States to establish internal mechanisms for restitution and cooperation.

---

[36] S. Rodotà, *Il terribile diritto. Studi sulla proprietà e i beni comuni*, new ed., Bologna, il Mulino, 2004, which echoes Cesare Beccaria's 1763 formula.

At the international level, the regulatory framework is extensive, encompassing the Hague Conventions (1899, 1907, 1954) for the protection of property in the event of armed conflict; the 1970 UNESCO Convention for the prevention and return of illicitly exported property; the 1995 UNIDROIT Convention for the return of stolen property and the return of illegally exported property; 2017 Nicosia Convention (Council of Europe) on crimes against cultural property; 1998 Washington Principles, for the restitution of works stolen during the Nazi-Fascist era, together with their Best Practices adopted in 2024.

Most of these instruments, however, suffer from a structural limitation: non-retroactivity.[37] They cannot be applied to events that occurred before their entry into force.[38] For this reason, historical restitutions mainly take place through bilateral agreements, diplomatic negotiations and forms of *soft law*, which are more flexible and often more effective than litigation.

Over the last twenty years, however, a customary trend has emerged: an *opinio iuris* that recognises restitution as having autonomous legitimacy, even outside of treaties. Increasingly, failure to return objects appears to be an anomaly, an implicit violation of a collective moral duty. It is as if, in contemporary international law, an unwritten principle of historical equity were taking hold, according to which unduly acquired works must be returned to their places and peoples of origin.

This principle, still informal, is reinforced by increasingly widespread practices: cooperation agreements, joint commissions, museum policies geared towards transparency of provenance (*provenance research*). The idea that a museum can own forever an object originating from contexts of violence or domination seems increasingly untenable today.

---

[37] On the ineffectiveness of international regulation on the circulation of cultural property, E.A. Posner, "The International Protection of Cultural Property: Some Skeptical Observations", Public Law and Legal Theory Working Paper No. 141, The Law School, The University of Chicago, November 2006.

[38] Further causes of ineffectiveness, again attributable to the law, are the conflict between different laws, in particular between the law of the country where the property is located (*lex rei sitae*) and that of the country from which the property was unlawfully removed (*lex originis*), as well as the absence of an effective judicial system for resolving disputes. On the first issue, see T. Szabados, *In Search of the Holy Grail of the Conflict of Laws of Cultural Property: Recent Trends in European Private International Law Codifications, in International Journal of Cultural Property* (2020) 27:323-347. On the second, M.-A. Renold, *International Dispute Resolution Mechanism* and K. Siehr, *The Role of Domestic Courts*, both in F. Francioni and A.F. Vrdoljak (eds.), *The Oxford Handbook of International Cultural Law*, Oxford, Oxford University Press, 2020, at pp. 665 and 687 respectively.

Positive law is not enough to explain the phenomenon: the impetus comes from collective consciousness, shared values and the growing role of public ethics in international cultural relations.

7. Conclusions: towards a right to restitution?

Restitution is a frontier issue at which law, politics and memory intersect. Each restitution is a story in itself: a web of rules, diplomacy, emotions and, often, long waits. But taken together, restitutions tell the story of a profound change in the way societies understand cultural heritage: no longer just as a collection of objects, but as a set of rights and relationships.

From a legal standpoint, restitution is the exercise of a right of ownership or sovereignty. From a political perspective, it is an act of recognition. From a moral point of view, it is a form of reparation. All these elements are intertwined: law alone does not explain the phenomenon but makes it practicable; politics alone does not justify it, but gives it direction; morality provides its foundation.

The international standards currently in force—from the 1954 Hague Convention to the 1970 UNESCO Convention, from UNIDROIT in 1995 to the Washington Principles in 1998—have played a decisive role in creating a common language. However, their limitation is their lack of retroactive effect: they cannot resolve major historical disputes but only inspire negotiated solutions[39]. The most common approach is therefore that of *soft law*, recommendations and bilateral agreements, flexible instruments that allow states and institutions to find shared solutions without the need for international litigation.

At the same time, a new ethic of cultural responsibility has emerged. Museums, universities and collectors now approach the issue of provenance not as a technical detail, but as an ethical and professional duty. Restitution is no longer perceived as a loss, but as an opportunity for transparency and dialogue. From this perspective, provenance research serves not only to discover where an object comes from, but also to re-establish a broken relationship between the object, its context and its history. It therefore also seeks to offer

[39] In this regard, T.I. Oost, *In an Effort to do Justice? Restitution Policies and the Washington Principles*, Centre of Art, Law and Policy, University of Amsterdam, 2012.

elements of an answer to one of the most profound questions addressed by the disciplines concerned with cultural heritage: who owns the past?[40]

It is in this context that we can speak of a "right to restitution" that is currently taking shape. It is not yet a codified principle, but an emerging custom recognised by states, organisations and cultural institutions. It does not arise from legal imposition, but from a convergence of consciousness: the idea that it is unacceptable to retain property when it is clear that it belongs to others, or that it has been obtained through violence or deception.

However, a delicate balance remains: that between restitution and protection. Not every return is automatically positive if it is not accompanied by guarantees of conservation, valorization, and public access. The goal must be a responsible return, capable of combining justice and care, memory and knowledge.

In the absence of binding international mechanisms, restitution is established as a political and cultural act based on cooperation. It is the sum of rules, diplomacy and ethical conscience. And it is precisely in this intertwining that its strength lies: the ability to transform law into an instrument of cultural justice, and memory into dialogue between peoples.

Ultimately, returning cultural property also means restoring a voice, a presence, a part of humanity that had been silenced: this, perhaps more than any other aspect, is the political and legal significance of restitution.

[40] K. Fitz Gibbon (ed. by), *Who Owns the Past? Cultural Policy, Cultural Property, and the Law*, New Brunswick, Rutgers University Press, 2005; J.H. Merryman, A.E. Elsen, S.K. Urice, *Law, Ethics and the Visual Arts*, 5th ed., Kluwer, The Netherlands, 2007, p. 217 et seq.

BIBLIOGRAPHY

Adler A., "Expanding the Scope of Museums' Ethical Guidelines With Respect to Nazi-Looted Art: Incorporating Restitution Claims Based on Private Sales Made as a Direct Result of Persecution". *International Journal of Cultural Property*, vol. 14, issue 1, 2007.

Albert M.-T., Bernecker R., Cave C., Prodan A.C., Ripp M. (eds.), *50 Years World Heritage Convention: Shared Responsibility – Conflict & Reconciliation*, Springer, Cham, 2022.

Anderson J., Gesimar H. (eds.), *The Routledge Companion to Cultural Property*, Routledge, London-New York, 2017.

Andrieu C., *Post-war Restitution vs Present-Day Reparation in France: Towards the Disappearance of Legal and Political Dilemmas?*, in Veraart W. and Winkel L. (eds by), *The Post-war Restitution of Property Rights in Europe: Comparative Perspectives*, pp. 11–19, Amsterdam, Scientia Verlag, 2011.

Andrieu C., *Two Approaches to Compensation in France: Restitution and Reparation*, in Dean M., Goshler C., and Ther P. (eds by), *Robbery and Restitution: The Conflict over Jewish Property in Europe*, New York, Berghahn Books, pp. 134–54, 2007.

Barbati C., Cammelli M., Casini L., Piperata G., Sciullo G., *Il diritto del patrimonio culturale*, 3rd ed., Bologna, il Mulino, 2025.

Barclay S., Steele M., *Rethinking Protections for Indigenous Sacred Sites*, 134 *Harvard Law Review* 1294 (2021).

Barkan E., *The Guilt of Nations: Restitution and Negotiating Historical Injustices*, London, John Hopkins University Press, 2000.

Bilsky L., *The virtues of comparing: between early Jewish restitution campaign and contemporary post-colonial restitution debate*, Art Antiquity & Law, vol. 25, no. 4, 2020.

Blake J., *International Cultural Heritage Law*, Oxford, Oxford University Press, 2015.

Bronin S., Byrne J.P., *Historic Preservation Law*, 2nd edition, Saint Paul, West Academic, 2021.

Bronin S.C., Rowberry R., *Historic Preservation Law in a Nutshell*, 2nd edition, Saint Paul, West Academic, 2016.

Campfens E. 'Restitution of Looted Art: What about Access to Justice?' *Santander Art and Culture Law Review*, vol. 4, no. 2, 2018, pp. 185-220.

Campfens E. (ed by), *Fair and Just Solutions? Alternatives to Litigation in Nazi-Looted Art Disputes: Status Quo and New Developments*, The Hague, Eleven International Publishing, 2015.

Carstens A.-M., Varner E., *Intersections in International Cultural Heritage Law*, Oxford University Press, Oxford, 2020.

Casini L., *Advanced Introduction to Cultural Heritage Law*, Cheltenham, Edward Elgar, 2024.

Casini L., *Ereditare il futuro. Dilemmi sul patrimonio culturale*, Bologna, il Mulino, 2016.

Cassese S., *I beni culturali da Bottai a Spadolini* (1975), now in Id., *L'Amministrazione dello Stato*, Giuffrè, Milan, 1976, 152.

Catoni M.L. (ed.), *Il patrimonio culturale in Francia*, Electa, Milan, 2007.

Chechi A., *The Settlement of International Cultural Heritage Disputes*, Oxford University Press, Oxford, 2014.

Cortese B., "The restitution of artworks looted from Jews during Nazi-Fascist persecution, between international law and domestic law". *Il diritto ecclesiastico*, fasc. 1/2, 2018, pp. 123–58.

De Girolamo D., 'The Conflation of Morality and "the Fair and Just Solution" in the Determination of Restitution Claims Involving Nazi-Looted Art: An Unsatisfactory Premise in Need of Change'. *International Journal of Cultural Property*, vol. 26, issue 4, 2019.

Emiliani A., *Leggi, bandi e provvedimenti per la tutela dei beni artistici e culturali negli antichi stati italiani 1571-1860*, new ed., Polistampa, Florence, 2015.

Esterling S.E., *Indigenous Cultural Property and International Law: Restitution, Rights and Wrongs*, Routledge, London-New York, 2023.

Fincham D., *How Adopting the Lex Originis Rule Can Impede the Flow of Illicit Cultural Property*, in 32 *Columbia Journal of Law and the Arts* 111 (2008).

Francioni F., Gordley J. (eds.), *Enforcing International Cultural Heritage* Law, OUP, Oxford, 2013.

Francioni F., Sheinin M. (eds.), *Cultural Human Rights*, Martinus Nijhoff Publishers, Leiden-Boston, 2008.

Francioni F., Vrdoljak A.F. (ed.), *The Oxford Handbook of International Cultural Law,* Oxford University Press, Oxford, 2020.

Frigo M., *Circulation de biens culturels, determination de la loi applicable et methods de règlement des litiges,* Martinus Nijhoff, Amsterdam, 2016.

Frigo M., "Il quadro giuridico internazionale in tema di restituzione dei beni culturali spoliati alle famiglie ebraiche: quale spazio per i meccanismi alternativi di risoluzione delle controversie?" *Il diritto ecclesiastico*, 2018, pp. 159–69.

Gaudenzi B., "The "Return of Beauty"? The politics of restitution of Nazi-looted art in Italy, the Federal Republic of Germany and Austria, 1945–1998". *European Review of History*, vol. 28, issue 2, 2021, pp. 323–46, https://www.tandfonline.com/doi/full/10.1080/13507486.2021.1885350.

Gerstenblith P., *Art, Cultural Heritage and the Law: Cases and Materials*, Carolina Academic Press, Durham, 2019.

Gerstenblith P., *Cultural Objects and Reparative Justice: A Legal and Historical Analysis*, Oxford University Press, Oxford, 2023.

Gerstenblith P., "International Art and Cultural Heritage". *The International Lawyer*, vol. 44, issue 1, 2010, pp. 487–501.

Gibson J.M., *Repatriation of Indigenous Cultural Heritage. Experiences of Return in Central Australia*, Routledge, London-New York, 2024.

González Zarandona J.A., Cunliffe E., Saldin M., *The Routledge Handbook of Heritage Destruction*, Routledge, London-New York, 2023.

Grisolia M., *La tutela delle cose d'arte*, Soc. Ed. Il Foro italiano, Rome, 1952

Harding S., "Cultural Property and the Limitations of Preservation" 25 *Law and Policy* (2003) 17.

Harvey D., *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change,* Blackwell, Cambridge MA & Oxford UK, 1990.

Hufnagel S., Chappel D. (eds.), *The Palgrave Handbook on Art Crime*, Palgrave Macmillan, London, 2019.

Huntington S.P., *The Clash of Civilisations and the Remaking of World Order*, Simon & Schuster, New York-London-Toronto-Sydney, 1996.

Hutchinson J., *Cultural nationalism*, in J. Breuilly (ed.), *The Oxford Handbook of the History of Nationalism*, OUP, Oxford, 2013, 75.

Jayme E., "Human Rights and Restitution of Nazi-Confiscated Artworks from Public Museums: The Altmann Case as a Model for Uniform Rules?", 11 *Uniform Law Review n.s.* (2006) 393.

Jayme. E., "Globalisation in Art Law: Clash of Interests and International Tendencies," 38 *Vanderbilt Journal of Transnational Law* (2005) 927.

Kowalski W., *Types of Claims for Recovery of Lost Cultural Property*, in 57 *Museum International* (2005) 85.

Lixinski L., *A Third Way of Thinking about Cultural Property*, in 44 *Brook. J. Int'l L.* (2019) 563.

Lixinski L., *Intangible cultural heritage in international law*, Oxford University Press, Oxford, 2013.

Lixinski L., *International Heritage Law for Communities: Exclusion and Re-Imagination*, Oxford University Press, Oxford, 2019.

Losson P., *The Return of Cultural Heritage to Latin America. Nationalism, Policy, and Politics in Colombia, Mexico, and Peru*, Routledge, London-New York, 2022.

Lostal M., *International Cultural Heritage Law in Armed Conflict. Case-studies of Syria, Libya, Mali, the invasion of Iraq, and the Buddhas of Bamiyan*, Cambridge University Press, Cambridge, 2017.

Lowenthal D., *The Past is a Foreign Country* (1985), revised edition, Cambridge University Press, Cambridge, 2015.

MacMillan F., *Intellectual and Cultural Property. Between Market and Community*, Routledge, London-New York, 2021.

Manacorda S., Chappell D. (eds.), *Crime in the Art and Antiquities World. Illegal Activities in Cultural Property and Criminal Policy Responses*, Springer, New York, 2011.

Manacorda S., Visconti A. (eds.), *Protecting Cultural Heritage as a Common Good of Humanity: A Challenge for Criminal Justice*, ISPAC, Milan, 2014.

Merryman J.H. (ed.), *Imperialism, Art and Restitution*, Cambridge University Press, Cambridge, 2006.

Merryman J.H., Urice S.K., Franke S.J., *Law, Ethics and the Visual Arts*, 6th ed., Cambridge, Cambridge University Press, 2025.

Mezghani N., Cornu M. (eds.), *Cultural Interest and Globalisation*, Volume I, *National Protections*, and Volume II, *International Aspects* (2004).

Nafziger J.A.R., *Frontiers of Cultural Heritage Law*, Leiden, Brill, 2021.

Nafziger J.A.R., Kirkwood Paterson R. (eds.), *Handbook on the law of cultural heritage and international trade*, Cheltenham, Elgar, 2014.

Nafziger J.A.R., Kirkwood Paterson R., Dundes Renteln A. (eds.), *Cultural Law. International, Comparative, and Indigenous*, Cambridge, Cambridge University Press, 2010.

Nafziger J.A.R., Nicgorski A.M. (eds.), *Cultural Heritage Issues: The Legacy of Conquest, Colonisation, and Commerce*, The Netherlands, Martinus Nijhoff Publishers, 2009.

O'Donnell, N., *A Tragic Fate—Law and Ethics in the Battle Over Nazi Looted Art*. ABA Book Publishing, 2017, https://www.abebooks.com/9781634257336/Tragic-Fate-Law-Ethics-Battle-1634257332/plp.

O'Keefe R., "Protection of Cultural Property Under International Criminal Law," 11 *Melbourne Journal of International Law* (2010) 339.

O'Keefe R., *The Protection of Cultural Property in Armed Conflict*, Cambridge, Cambridge University Press, 2006.

Oost T.I., *In an Effort to do Justice? Restitution Policies and the Washington Principles*. Centre of Art, Law and Policy, University of Amsterdam, 2012, https://pure.uva.nl/ws/files/1632937/161302_cvkrb_tabitha_oost_restitution_report.pdf.

Palmer N., *Adrift on a Sea of Troubles: Cross-Border Art Loans and the Spectre of Ulterior Title*, in 38 *Vanderbilt Journal of Transnational Law* (2005) 947.

Palmer N., *Art Loans*, Kluwer, The Netherlands, 1997.

Palmer N., "Spoliation and Holocaust Related Cultural Objects: Legal and Ethical Models for the Resolution of Claims", *Art, Antiquity and Law*, vol. 12, no. 1, pp. 1–16, 2007.

Pavan I., *Le conseguenze economiche delle leggi razziali*, Bologna, Il Mulino, 2022.

Pirri Valentini A., *Il controllo della circolazione internazionale delle opere d'arte*, Milan, Giuffrè Francis Lefebvre, 2023.

Prott L.V., *The international movement of cultural objects*, International Journal of Cultural Property, vol. 12, no. 2, 2005.

Psychogiopoulou E. (ed.), *Cultural Governance and the European Union: protecting and promoting cultural diversity in Europe*, Palgrave Macmillan, London, 2015.

Rascher A.F.G. 'The Washington Conference on Holocaust-Era Assets (30 November-3 December 1998)'. *International Journal of Cultural Property*, vol. 8, issue 1, 1999.

Redmond-Cooper R., *Museums and the Holocaust (II Ed.)*. Institute of Art and Law, 2021, https://ial.uk.com/product/mh-2nd/.

Riley A., *The Ascension of Indigenous Cultural Property Law*, in 121 *Mich. Law Rev.* 1 (2022).

Scovazzi T., "La restituzione dei beni culturali depredati alle vittime dell'olocausto: la situazione in Italia". *Il diritto ecclesiastico*, fasc. 1/2, 2018, pp. 171–81.

Scovazzi T., *Analisi e significato della pratica italiana*, in T. Scovazzi (a cura di), *La restituzione dei beni culturali rimossi con particolare riguardo alla pratica italiana*, Milano, Giuffré, 2014, sp. IV Capitolo *I beni culturali delle vittime dell'Olocausto*, p. 141 ss.

Stamatoudi I.A. (ed.), *Research Handbook on Intellectual Property and Cultural Heritage*, Elgar, Cheltenham, 2022.

Techera E.J., 'Protection of Cultural Heritage in Times of Armed Conflict: The International Legal Framework Revisited', 4 *Macquarie Journal of International & Comparative Environmental Law* (2007) 1.

Thatcher M. (ed.), "Themed Section on The State And Historic Buildings: Preserving 'The National Past'," in 24 *Nations and Nationalism* (2018) 22.

Visconti A., *Between "colonial amnesia" and "victimisation biases": Double standards in Italian cultural heritage law,* International Journal of Cultural Property, vol. 28, pp. 551–57, 2021.

Vrdoljak A.F., *Indigenous Peoples, World Heritage, and Human Rights*, in *International Journal of Cultural Property* (2018) 25:245-281.

Weller M., "Immunity for Artworks on Loan? A Review of International Customary Law and Municipal Anti-seizure Statutes in Light of the *Liechtenstein* Litigation," 38 *Vanderbilt Journal of Transnational Law* (2005) 997.

Woodhead C., *Nazi-Era Spoliation: Establishing Procedural and Substantive Principles*, Art Antiquity and Law, vol.18, no. 2, pp. 167–93, 2013.

Woodhead C., "Redressing Historic Wrongs, Returning Objects to Their Rightful Owners or Laundering Tainted Objects? 21st-Century UK Remedies for Nazi-Era Injustices." *International Journal of Cultural Property*, vol. 21, fasc. 2, 2014.