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Author(s): James Cuno

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# Culture War

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## The Case Against Repatriating Museum Artifacts

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*James Cuno*

**I**n December 2007, the Italian government opened an exhibition in Rome of 69 artifacts that four major U.S. museums had agreed to return to Italy on the grounds that they had been illegally excavated and exported from the country. Leading nearly 200 journalists through the exhibition, Francesco Rutelli, Italy's then cultural minister, proclaimed, "The odyssey of these objects, which started with their brutal removal from the bowels of the earth, didn't end on the shelf of some American museum. With nostalgia, they have returned. These beautiful pieces have reconquered their souls." Rutelli was not just anthropomorphizing ancient artifacts by giving them souls. By insisting that they were the property of Italy and important to its national identity, he was also giving them citizenship.

Rutelli has hardly been the only government official to insist that artifacts belong to the places from which they originally came. In 2011, the German government agreed to return to Turkey a 3,000-year-old sphinx that German archaeologists had excavated from central Anatolia in the early twentieth century. Afterward, the Turkish minister of culture, Ertugrul Gunay, declared that "each and every antiquity in any part of the world should eventually go back to its homeland."

Such claims on the national identity of antiquities are at the root of many states' cultural property laws, which in the last few decades have been used by governments to reclaim objects from museums and other collections abroad. Despite UNESCO's declaration that "no culture is a hermetically sealed entity," governments are increasingly making claims of ownership of cultural property on the basis of self-proclaimed

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**JAMES CUNO** is President and CEO of the J. Paul Getty Trust. He is the author of *Museums Matter: In Praise of the Encyclopedic Museum and Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage*.

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and fixed state-based identities. Many use ancient cultural objects to affirm continuity with a glorious and powerful past as a way of burnishing their modern political image—Egypt with the Pharaonic era, Iran with ancient Persia, Italy with the Roman Empire. These arguments amount to protectionist claims on culture. Rather than acknowledge that culture is in a state of constant flux, modern governments present it as standing still, in order to use cultural objects to promote their own states' national identities.

In the battle over cultural heritage, repatriation claims based strictly on national origin are more than just denials of cultural exchange: they are also arguments against the promise of encyclopedic museums—a category that includes the Metropolitan Museum of Art, in New York; the British Museum, in London; and the Louvre, in Paris. By presenting the artifacts of one time and one culture next to those of other times and cultures, encyclopedic museums encourage curiosity about the world and its many peoples. They also promote a cosmopolitan worldview, as opposed to a nationalist concept of cultural identity. In an era of globalization that is nonetheless marked by resurgent nationalism and sectarianism, antiquities and their history should not be used to stoke such narrow identities. Instead, they should express the guiding principles of the world's great museums: pluralism, diversity, and the idea that culture shouldn't stop at borders—and nor, for that matter, should the cosmopolitan ideals represented by encyclopedic museums. Rather than acquiesce to frivolous, if stubborn, calls for repatriation, often accompanied by threats of cultural embargoes, encyclopedic museums should encourage the development of mutually beneficial relationships with museums everywhere in the world that share their cosmopolitan vision. Cultural property should be recognized for what it is: the legacy of humankind and not of the modern nation-state, subject to the political agenda of its current ruling elite.

### **LESSONS FROM THE LOUVRE**

I first visited an encyclopedic museum more than 40 years ago. Walking through the Louvre as a young, traveling student, drawn to different things that caught my eye, I came across an alabaster bust of a praying figure from the ancient Near East. It was an armless torso with a head, a long, flowing beard, and one eye inlaid with shell and another just an empty hole. An inscription carved into the statue revealed that it was



dedicated to a goddess on behalf of a Mesopotamian king by his vassal Eshpum more than 4,000 years ago.

The small figure was wholly foreign to me, yet I was captivated. I imagined that I was looking at the statue as its original owner must have done—and then, not just its original owner but everyone since who had seen, admired, and protected it until it came into the museum where it has been preserved for centuries for all to see. I sensed that I was but one person in a long line of admirers attracted to the figure's magic, all the way back to Eshpum.

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This is the power and promise of encyclopedic museums. By preserving and presenting examples of the world's cultures, they offer their visitors the world in all its rich diversity. And in doing so, they protect and advance the idea of openness and integration in a changing world. Over the last three decades, more people have

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*Museums encourage curiosity and promote a cosmopolitan worldview.*

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moved across or within national borders than at any point in human history, straining the very contiguity and definition of nation-states, which are now less politically defined and territorially circumscribed than ever

before. But all too often, as a result, governments seek fixed national cultures to shore up their hold on their states' identities. They focus on what the anthropologist Arjun Appadurai (citing Sigmund Freud's "narcissism of small differences") called "new incentives for cultural purification as more nations lose the illusion of a national economic sovereignty or well being." This kind of promotion of cultural purity, borne of uncertainty, can produce dangerous, often violent xenophobia.

Appadurai was expanding on the ideas of the literary critic and theorist Edward Said, who also examined the formation of national cultural identities. In an essay published in 2000, Said concluded that "the notion of an exclusionary civilization . . . is an impossible one." Instead, he insisted that the more important question is whether "we want to work for civilizations that are separate or whether we should be taking the more integrative, but perhaps more difficult, path, which is to try to see them as making one vast whole whose exact contours are impossible for one person to grasp, but whose certain existence we can intuit and feel." This principle is exactly what encyclopedic museums encourage: understanding the intertwined nature of different cultures that are more similar than they are different, the result of centuries of contact through trade, pilgrimage, and conquest.

Yet this history allows critics to see encyclopedic museums as imperial instruments and contemporary agents of historical imbalances of power by which stronger nations continue to enrich themselves at the expense of weaker ones. But such a view fails to account for the complexity of empire. "Partly because of empire," Said wrote, "all cultures are involved in one another; none is single and pure, all are hybrid, heterogeneous,

extraordinarily differentiated, and unmonolithic.” That applies not just to European imperialism; it goes as far back as the Mongol and Mughal empires and the empires of ancient Greece and Egypt. If one goes looking for evidence of empire in the collections of encyclopedic museums, one could find it everywhere. Empire is a fact of history, and history is on display in encyclopedic collections.

### RETURN TO SENDER?

If the small alabaster sculpture I first encountered in the Louvre years ago were discovered today, it would almost certainly be claimed by Iran as national property. A French archaeological delegation excavated it in Susa, the modern Iranian city of Shush, at the turn of the twentieth century. At that time, in an arrangement with the Persian government, the French team had rights to all the objects it excavated, provided that it compensated the government for any gold or silver. The country’s 1930 Conservation of Antiquities Act changed those terms: if the state discovered excavated objects directly, it could appropriate them all; if foreign excavators discovered them, the state could choose up to ten objects of value and divide the rest equally with the foreign excavating team.

In 1972, new legislation outlawed such divisions and gave the Iranian Center for Archaeological Research authority over all excavations in the country. In 1985, the government established the Iranian Cultural Heritage Organization and charged it with surveying, registering, and conserving all archaeological sites and artifacts in the country. In 1998, the government went even further, passing a law that gave the organization the authority to take “necessary measures to identify and reconstitute Iran’s cultural properties, at national and international levels.”

Egypt, Italy, Turkey, and many other states made similar legal arrangements with archaeologists a century or more ago—instituting the practice of *partage*, or the sharing of finds—and then experienced similar evolutions in their cultural property laws. These modern laws have often asserted living relationships between modern nation-states and the ancient civilizations that long preceded them. In 1971, for example, Mohammad Reza Pahlavi, Iran’s last shah, held an opulent celebration in the ancient city of Persepolis to commemorate the anniversary of the founding, 2,500 years earlier, of the Persian monarchy by Cyrus the Great, explicitly identifying his own decadent reign with the glories of that ancient empire.

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*Countries that claim  
historical objects are not  
protecting their cultural  
heritages.*

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More than half of the 192 member nations of the UN have laws that either grant the state ownership of ancient objects found within their borders or restrict their export without state approval. Most of these laws were passed after 1970, the year UNESCO adopted a convention against the illicit trade of archaeological artifacts. Two of the most contentious ongoing repatriation claims involve objects removed from Greece and Egypt, respectively, long before 1970: the Parthenon Marbles (also known as the Elgin Marbles), a collection of Greek sculptures and architectural pieces that a British ambassador acquired and shipped to London between 1801 and 1812 and that now reside in the British Museum, and the bust of Nefertiti, which was brought to Berlin after it was discovered by German archaeologists in 1912 and is now held by Berlin's Neues Museum.

The marbles were removed from the Parthenon and other buildings in Athens' Acropolis complex with the permission of the reigning Ottoman authorities and have been on display in the British Museum since 1817. Greece didn't pass a law governing antiquities and ancient objects until 1834. When it achieved its independence from the Ottomans, in 1829, Greece made the Acropolis its national symbol, then removed all non-Athenian additions to the citadel's buildings, including remnants of a Byzantine church, an Orthodox and Roman Catholic cathedral, and a mosque. (The German architect in charge of the project pledged that "all the remains of barbarity will be removed.") Still, the Greek government has persistently claimed that the marbles' return would "restore the unity" of the Parthenon.

The bust of Nefertiti has been in Berlin since 1913, when Egypt, although nominally a province of the Ottoman Empire, was effectively ruled by the British. Egyptian governments have petitioned Germany for the bust's return since the 1920s. Germany has always refused, claiming that the bust was legally removed as part of a division of finds between the German excavating team and Egyptian officials. In December 2009, the director of Berlin's Egyptian Museum (the collection of which is part of the Neues Museum) presented historical documents, including a protocol signed by the German excavator and the Egyptian Antiquities Service, authorizing the bust's removal.

Egyptian authorities alleged that the excavator misrepresented the bust's importance in the protocol to deceive the Egyptian authorities and get it out of Egypt—a charge the German government and museum authorities have consistently denied.

In these and other disputes, the UNESCO convention of 1970 has encouraged countries' calls for repatriation. But the convention does not override national cultural heritage regulations that predate 1970, nor is it itself a law. It is a binding agreement among its 115 signatory countries to regulate the trade in antiquities and prevent their looting and illicit trade. Adherence to the terms of the convention was lax in its early years, as museums and individual collectors acquired antiquities without careful consideration of their proper legal status or provenance.

A major shift occurred in 2008, when the Association of Art Museum Directors decided to bring its acquisition policies in line with the UNESCO charter. Nearly 200 directors of leading museums in the United States, Canada, and Mexico agreed that museums "should not normally acquire archaeological materials and ancient art without provenance demonstrating that the object was out of its country of modern discovery prior to or legally exported therefrom after November 17, 1970."

The decision was largely a response to scandals involving stolen antiquities, which provide a powerful argument for repatriation. In the late 1990s, Swiss and Italian police raided the Geneva warehouse of Giacomo Medici, an Italian art dealer, and found photographs and documents revealing his extensive involvement in the illegal sale of antiquities. A number of U.S. museums that had acquired objects through Medici were implicated. In fact, it was the Medici scandal that eventually led the Metropolitan Museum of Art, the Museum of Fine Arts in Boston, the J. Paul Getty Museum in Los Angeles, and the Princeton University Art Museum to send those 69 objects back to Rome in 2007.

### **CLAIM GAME**

Although the UNESCO convention has helped crack down on the illegal trade in antiquities and led to the rightful repatriation of illicitly acquired art, it has also inspired many governments to make combative and sometimes dubious claims for restitution. As Zahi Hawass, Egypt's then long-serving antiquities minister, said in 2010, "We will make life miserable for museums that refuse to repatriate."



And states are not alone in these efforts. UNESCO, despite what it says about cultural fluidity, has joined with nation-states to assist in the repatriation of cultural objects on the grounds that they represent countries' exclusive national heritages. Its repatriation and restitution committee has a broad mandate to facilitate bilateral negotiations for the return of "any cultural property" that a state deems to have "fundamental significance from the point of view of the spiritual values and cultural heritage of [its] people." Claims can apply to any object that was taken out of a country through "colonial or foreign occupation or as a result of illicit appropriation." The International Council of Museums, a nongovernmental organization with formal relations with UNESCO and the UN's Economic and Social Council, has a similarly all-embracing directive. The council instructs any museum with an object in its collection that is subject to a repatriation claim to "take prompt and responsible steps to cooperate in its return."

But individual countries alone determine when something is part of their cultural heritage: there is no international institution with the authority to make that determination. A national government or state-backed entity can even declare a preceding state's or regime's self-proclaimed national cultural property idolatrous and destroy it, and there is nothing any other country or any international agency can do to stop it. In 2001, UNESCO tried in vain to prevent the Taliban from demolishing the Bamiyan Buddhas, two monumental sixth-century statues carved into a cliff in central Afghanistan. Not even a meeting between UN Secretary-General Kofi Annan and representatives of the Taliban leader could spare the statues.

Since that notorious attack, threats to the world's cultural heritage have only become more common. UNESCO lists sites where what it calls "emergency actions" to protect cultural heritage are needed; the list currently includes places in Egypt, Haiti, Iraq, Libya, Mali, and Syria where cultural property is threatened by either armed conflict or, in the case of Haiti, natural disaster. These actions, led by UNESCO, assess and document the extent and severity of the damage to, for example, the Roman-era ruins of the ancient desert city of Palmyra, in Syria, and Aleppo's Old City, both designated as UNESCO World Heritage sites and both damaged in 2012 in fighting between the Syrian army and rebels in the ongoing Syrian civil war, and Egypt's Museum of Islamic Art, in Cairo, which was damaged in a bombing claimed by Islamist militants in January.

## SPREAD THE WEALTH

Contrary to their stated intent, countries that make political claims on historical objects are not helping protect their cultural heritages. Since the rise in cultural property laws, many such objects have become concentrated in a few places. Insurance companies know this is a bad idea. Political instability and natural disasters can threaten cultural property anywhere—whether it's the more than 4,000 medieval manuscripts destroyed by Islamist militants in Mali in 2013 or the galleries and art collections in New York City damaged by flooding during Hurricane Sandy in 2012. Allowing the world's museums to share cultural property through loans or acquisitions would reduce some of these risks.

Governments and international agencies that value the protection of cultural property and the principle of cultural diversity should speak out in favor of a robust program of exchange among museums around the world. They should also discourage frivolous restitution claims from individual governments and promote the responsible sharing of collections from encyclopedic museums with museums in places that themselves have no encyclopedic museums. Given the political sensitivities of many governments, this is most likely to happen through loans of cultural objects rather than through their acquisition.

Unfortunately, not every museum sees the value in lending. There are risks with it, to be sure: the possibility of damage during transportation or from changes in environmental conditions, not to mention political instability. But over the long term, these risks can be mitigated through measures to increase the ability of smaller museums to properly care for objects of great value.

For encyclopedic museums to fulfill their promise of cultural exchange, they should be established everywhere in the world where they do not now exist. And existing encyclopedic museums should aid in their development. Already, there are laudable examples of how great museums in wealthy countries can foster a more comprehensive kind of cosmopolitanism. The British Museum established a program in 2008 to promote partnerships with institutions in Africa, Asia, and the Middle East. In addition to loaning collections and exhibitions from British museums, it focused on training: in conservation, curating, and archiving. In all, some 29 countries were involved. The program was supported by the British government's Department

for Culture, Media, and Sport. But after three years, the British government cut the program's funding. The partnerships continue on a smaller scale supported by grant funding, including from the Getty Foundation.

This process of exchange and cooperation should build trust among museums and national authorities. It will be a long, slow process, but if successful, it would lay the foundation for a greater understanding of the values represented by the encyclopedic museum: openness, tolerance, and inquiry about the world, along with the recognition that culture exists independent of nationalism. These ideas can flourish everywhere, not only in the United States and Europe but wherever there is a spirit of inquiry about the world's rich and diverse history—and venerable or new museums to foster that interest—from Marrakech to Nairobi, Abu Dhabi to Mumbai, Shanghai to Mexico City. Examples of how such collaboration has worked include two recent exhibitions at the Chhatrapati Shivaji Maharaj Vastu Sangrahalaya, in Mumbai: *The Cyrus Cylinder and Ancient Persia: A New Beginning*, organized by the British Museum, and *Flemish Masterpieces From Antwerp*, organized in collaboration with the Royal Museum of Fine Arts Antwerp. Potential future collaboration could involve, perhaps, Chinese or Kenyan curators arranging an exhibition drawn entirely from the diverse collections of the Metropolitan Museum of Art or the J. Paul Getty Museum, to be shown, respectively, at the Palace Museum, in Beijing, or at the Nairobi Gallery, in Nairobi.

But this more open future mostly depends on individual governments' setting aside their nationalist claims and encouraging among their citizens a cosmopolitan view of the world's many different cultures. Then, perhaps, more young students will have the experience I had in the Louvre some 40 years ago: a powerful and ancient object will enlarge their world, forever provoking curiosity about another time and place. 🌐