

AR 480/780: WHO OWNS THE PAST? ARCHAEOLOGY, ETHICS, AND LAW

November 28th: What's to be done?

READING:

- Holland Cotter, "Who Owns Art?" *NY Times* 3/29/2006;
- James Cuno, "Epilogue" in *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage* (pp. 146-62);
- Patty Gerstenblith, "Collecting Antiquities in the International Market: Philosophy, Law, and Heritage" *Yearbook of Cultural Property Law* 2007 (Walnut Creek CA), pp. 139-66;
- Oliver Leaman, "Who Guards the guardians?" in C. Scarre and G. Scarre, eds. *The Ethics of Archaeology* (Cambridge, Cambridge University Press: 2006), pp. 32-45.
- Atle Omland, "The ethics of the World Heritage concept," in C. Scarre and G. Scarre, eds. *The Ethics of Archaeology* (Cambridge, Cambridge University Press: 2006), pp. 242-259;
- Elisabetta Povoledo, "Returning Stolen Art: No Easy Answers," *NY Times* 10/27/2007;
- Joseph Sax, "Antiquities Business" in *Playing Darts with a Rembrandt* (pp. 179-96);
- Sharon Waxman, "Repatriations" and "Conclusion" in *Loot: The Battle Over the Stolen Treasures of the Ancient World* (pp. 343-76).

IN-CLASS DISCUSSION: Ideas to practice

Consider the following issues:

- Large museums in the United States own and display unprovenanced antiquities.
- Archaeological sites on private land in the United States have no legal protection.
- The general public knows little and cares less about the antiquities market.
- It is easy and legal to buy a (likely looted) cuneiform tablet on eBay.

For each of these, do the following:

- give one reason why this is a problem that should somehow be addressed.
- give one reason why this is not a problem, or not enough of one to warrant any sort of action.
- grant that you find each of these issues problematic. Offer one idea or active response that is possible, practical, and actually within your power to effect. To this end, you may want to look at the links to various advocacy groups on the class web site.

\*\*\*\*\* BRING A WRITTEN COPY OF YOUR ANSWERS TO CLASS \*\*\*\*\*

“Surely the only thing to do at this point is to try to turn karma around, to transform a history of theft into an experiment in sharing – to replace debate and legislation with cooperation, to replace implacable suspicion with trust, or at least gestures of trust. Any place would be a good place to start.” Cotter, *NYTimes* 3/29/2006.

“It is time to question whether the nation-state bias of UNESCO and its Conventions has proven it to be a help or hindrance to the protection of the world’s cultural and artistic legacy. To date, some thirty years after it was drafted, UNESCO 1970 has failed, and failed because it has no teeth: it cannot contradict the authority of its Member States. It can only offer to help mediate claims between Member States; and on the basis that culture is the property of nation-states. We are losing our common ancient heritage at an ever-increasing rate through theft and destruction, poverty, development, warfare, and sectarian violence. No amount of international conventions and agreements that declare the existence of, and then proclaim to respect, the ‘collective genius of nationals of the State’ will be able to overcome the obstacle of nationalism. Nationalism is always a way out of international agreements. That’s just the way it is.” Cuno, pp. 155-56.

“The question that will determine the future is not whether museums in the United States will have archaeological artifacts and ancient art works to display. Rather, the question is how will these artifacts come to U.S. museums.” Gerstenblith, p. 156.

“There is a lot to be said for continuing the rather imperfect system that leaves the precise details of looking after artefacts to both the individuals in the private sector and the professionals in the public sector ...” Leaman, p. 43.

“The perception of a mosaic of cultures represents an ethical challenge because it is connected to essentialism and the notion of rootedness of diverse cultures in particular places.” Omland, p. 257.

“... a distinction should be recognized between an object and the ideas, information, or inspiration embodied within that object, and ... ownership need be qualified only to the extent necessary to assure the preservation and availability of those ideas.” Sax, p. 195.

“There has to be a logical extension to the argument that the West simply must stop financing the destruction of history by buying antiquities. What will happen to antiquities if museums no longer acquire them? Will smugglers cease to smuggle? Will looting come to a halt? Or will looted pieces merely be sold elsewhere—to private individuals, who do not share them with the public? Will the source countries take steps to excavate and protect the sites that contain precious objects? It is entirely possible that prosecuting museums, shaming curators, suing dealers, and threatening donors will not end looting at all but will merely take the trade out of public view ... Because of all of these factors, there are no simple answers to the problem of stolen antiquities and no easy path to expiating the sins of cultural imperialism ... Restitution is a balancing act.” Waxman, pp. 374-75.