

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

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The past is up for grabs as never before. The contenders are many: collectors, museums, countries, native cultures, religious groups. These new stakeholders are an uneasy fit with the past's traditional, scholarly caretakers – archaeologists, curators, and historians. How should peoples' competing interests and claims be assessed and adjudicated?

In this course we grapple with this new landscape. We will study a series of specific situations, consider them from both ethical and legal points of view, and seek to extract larger principles. Along the way we will dissect and discuss philosophical theories, ethical codes, and national and international laws relevant to cultural property. Ultimately we are unlikely to agree with one another or perhaps even persuade ourselves of what is right or best, but we should end the semester with a real-world understanding of the parameters and complexity of the issue.

Required Books

Cuno, James. *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage*. Princeton University Press, Princeton: 2008.

Robson, Eleanor, Treadwell, Luke, and Gosden, Chris. *Who Owns Objects? The Ethics and Politics of Collecting Cultural Artifacts*. Oxbow Books, Oxford: 2006.

Sax, Joseph. *Playing Darts with a Rembrandt: Public and Private Rights in Cultural Treasures*. University of Michigan Press, Ann Arbor: 1999.

Waxman, Sharon. *Loot: The Battle over the Stolen Treasures of the Ancient World*. Henry Holt, New York: 2008.

Additional readings are available on the course web site: <http://blogs.bu.edu/aberlin/archaeology-portal/courses/who-owns-the-past/>

Requirements

You are expected to complete all reading assignments and to attend every class. In each class period there will be sustained discussion and debate; positions may be assigned in advance. Your contributions should be prepared, considered, and useful; your approach should be informed and also open-minded. **Class participation will count as one-third of your final grade.**

In addition to class attendance and participation, your grade will be based on one short position paper and a final paper and presentation. You may use (and properly reference) examples and articles from course readings as well as others you collect. Note that the short length of these papers require you to communicate the essence of your arguments clearly and succinctly.

PAPER 1: Lay out your stance on the purchase of antiquities by individuals and/or museums. Focus on a specific example, and include ethical and legal arguments for and against your position. You may use the topic considered in week 1 (buying a cuneiform tablet on eBay) or another example. **This paper should be no longer than 5 pages and is due October 31st.**

PAPER 2: Artifacts – the material remnants of antiquity – lie at the heart of the complexities of adjudicating the past. Are they property (as currently treated in most legal codes) or something fundamentally different (as Joseph Sax argues)? In his article “Who guards the guardians?” (on syllabus for November 28th), Oliver Leaman recognizes this complexity by comparing artifacts to children, an analogy that allows him to embrace the difficulties rather than simply adhere to one or another position. While he goes on to formulate “some rules for good behavior” (p. 37), in the end he argues that a diversity of views is not only unavoidable but likely preferable since “that reflects the essentially contested nature of guardianship itself” (p. 45).

Concluding, as Leaman does, that “no one strategy ... is acceptable” (p. 45) is all well and good for a philosophical article in a scholarly book, but it is of little help when forced to decide on a course of action in real life. For this paper, choose one specific case, issue, or situation in which there are at least two contenders for a piece of the past. The case need not be one that we have talked about in class (though it may be). Give a clear summation of the case, both points of view, and the relevant legal framework. Discuss the most pertinent ethical argument(s) in support of both sides (you may want to re-read Lackey’s article, which is on the syllabus for November 28th). Present what you consider to be the fairest solution. **This paper should be no longer than 6 pages and is due December 5th.**

“The past is hidden somewhere outside the realm, beyond the reach of intellect, in some material object (or in the sensation that material object will give us) of which we have no inkling. It depends on chance whether or not we come upon this object before we ourselves must die.”

Marcel Proust, *Remembrance of Things Past*, trans. C. K. S. Moncrieff and T. Kilmartin (Harmondsworth, London: 1983), pp. 47-48.