

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

September 12th: The issue, head-on

READING:

- Hugh Eakin, “Must Looted Relics Be Ignored?” *NY Times* 5/2/2006;
- James Ede, “Who Owns Objects? A View from the Antiquities Trade,” in *Who Owns Objects?* (pp. 77-82);
- James Gleick, “Keeping It Real,” *NY Times Magazine* 1/6/2008, pp. 13-14;
- Ursula Kampmann, “Who Owns Objects? A View from the Coin Trade,” in *Who Owns Objects?* (pp. 61-76);
- Joseph Sax, “Collectors: Private Vices, Public Benefits,” in *Playing Darts with a Rembrandt* (pp. 60-80).

ASSIGNMENT: In surfing the web, you come across an offering of five small ancient cuneiform tablets for sale on eBay. The tablets are legible and seem to refer to known historical personages. Would you make an offer? Why or why not? If asked, would you write them up for publication?

Compose a clear answer (no more than 2 pages). Print it and bring it to class. You will not to hand it in, but you will need to consult it. Be prepared to discuss and defend your response, and also to change your mind.

IN-CLASS DISCUSSION: Collectors are us – owning a piece of the past

September 19th: Archaeologists Bad! Museums Good!

READING:

- John Boardman, “Archaeologists, Collectors, and Museums,” in *Who Owns Objects?* (pp. 33-46);
- James Cuno, “Preface,” “Introduction,” “The Turkish Question,” and “The Chinese Question” in *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage* (pp. ix-xxxvii, 1-20, 67-120);
- Joseph Sax, “An Academic Scandal Par Excellence: The Dead Sea Scrolls” and “The Privatization of Scholarly Research,” in *Playing Darts with a Rembrandt* (pp. 153-178).

IN-CLASS DEBATE: An ivory tower or a blockbuster show?

September 26th: Loot, part 1: colonialism, theft, and the market

READING:

- Neil Brodie, “Smoke and Mirrors,” in *Who Owns Objects?* (pp. 1-14);
- Rebecca Mead, “Den of Antiquity,” *The New Yorker* 4/9/2007 (pp. 52-61);
- Sharon Waxman, “Introduction” and “Part One: Pharaohs and Emperors” and “Part Three: Lord Elgin’s Legacy” in *Loot: The Battle Over the Stolen Treasures of the Ancient World* (pp. 1-131, 209-76).

IN-CLASS DEBATE: Is the backstory relevant?

October 3rd: Loot, part 2: the nation-state and cultural blackmail

READING:

- James Cuno, “Identity Matters” in *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage* (pp. 121-45);
- John Merryman, “Thinking About the Elgin Marbles,” *Michigan Law Review* 83 (1985), pp. 1880-1923;
- John Tierney, “A Case in Antiquities for ‘Finders Keepers,’” *NY Times* 11/17/2009 and comments on tierneylab.blogs.nytimes.com/2009/11/16/who-should-own-the-rosetta-stone/#comments;
- Nicolai Ouroussoff, “Where Gods Yearn for Long-Lost Treasures,” *NY Times* 10/28/2007;

IN-CLASS DISCUSSION: Pressure points and game-changers

October 10th: No Class

October 17th: Competing Priorities

READING:

- Gwenda Blair, “Paying with the Past,” *Chicago Magazine*, December 2008 (<http://www.chicagomag.com/Chicago-Magazine/December-2008/Paying-with-the-Past/index.php?cparticle=1&siarticle=0#artanc>);
- Barbara Crossette, “Taliban Explains Buddha Demolition,” *NY Times* 3/19/2001;
- Joanne Farchakh-Bajjal, “Who Are the Looters at Archaeological Sites in Iraq?” in *Antiquities Under Siege: Cultural Heritage Protection After the Iraq War*, Lawrence Rothfield, ed. Altamira Press, New York: 2008 (pp. 49-56);
- Julie Hollowell, “Moral arguments on subsistence digging,” in *The Ethics of Archaeology* (pp. 69-93);
- Travis Sills, “Judicial Conversion of Culture: Attaching Embodiments of Ancient Culture to Judgments in Civil Proceedings,” in *Yearbook of Cultural Property Law 2007*, Sherry Hutt, ed. Left Coast Press, Walnut Creek: 2007 (pp. 237-256);

- James A. Wawrzyniak Jr., “Rubin v. The Islamic Republic of Iran: A Struggle for Control of Persian Antiquities in America,” *Yearbook of Cultural Property Law 2008*, Sherry Hutt, ed. Left Coast Press, Walnut Creek: 2008 (pp. 223-272);
- <http://culturalheritagelawyer.blogspot.com/2011/09/massachusetts-court-dismisses-rubin-v.html>

IN-CLASS DEBATE: Should the past pay for the present?

October 24th: The Hague Convention and national patrimony

READING:

- Hague Convention, cultural resources;
- James Cuno, “Political Matters” and “More Political Matters” in *Who Owns Antiquity? Museums and the Battle over our Ancient Heritage* (pp. 21-66);
- Patty Gerstenblith, “From Bamiyan to Baghdad: warfare and the preservation of cultural heritage at the beginning of the 21st century,” *Georgetown Journal of International Law* 37.2, Winter 2006 (pp. 245-352);
- Michael Kimmelman *et al.*, “Is It All Loot? Tackling the Antiquities Problem,” *NY Times* 3/29/2006;
- John Merryman, “Two Ways of Thinking About Cultural Property,” *The American Journal of International Law* 80 (1986), pp. 831-53.

IN-CLASS DEBATE: Whose heritage? Nationalists vs. Internationalists

October 31st: Native Americans and NAGPRA

READING:

- Native American Graves Protection and Repatriation Act (NAGPRA);
- Nelson D. Schwartz, “Far from the Reservation, but Still Sacred?” *NY Times* 8/12/2007;
- Douglas P. Lackey, “Ethics and Native American reburials: a philosopher’s view of two decades of NAGPRA,” in *The Ethics of Archaeology* C. Scarre and G. Scarre, eds. (Cambridge, Cambridge University Press: 2006), pp. 146-162;
- Mark O’Neill, “Repatriation and its Discontents: the Glasgow Experience,” in *Who Owns Objects?* (pp. 105-128).

IN-CLASS DISCUSSION: Is NAGPRA a good law?

ASSIGNMENT: **Paper 1 due**

November 7th: Archaeologists and the State Department

Guest Speaker: Professor Christina Luke, Chair, Cultural Heritage Policy Committee, Archaeological Institute of America

READING:

- Convention on Cultural Property/United States Code 2601 (<http://exchanges.state.gov/heritage/culprop/laws/pdfs/2600.pdf>)
- Cultural Property Implementation Act (CPIA)/United States Public Law 97-446 (<http://exchanges.state.gov/heritage/culprop/laws/pdfs/97-446.pdf>);
- United States State Department, Public Notices 2011-26646 (Belize) and 2011-26643 (Bulgaria) (www.gpo.gov/fdsys/pkg/FR-2011-10-14/pdf/2011-26646.pdf)
- Background and Memoranda of Understanding (MoU) for:
 - China: <http://exchanges.state.gov/heritage/culprop/chfact.html> and <http://exchanges.state.gov/heritage/culprop/chfact/pdfs/ch2009mou.pdf>
 - Italy: <http://exchanges.state.gov/heritage/culprop/itfact.html> and <http://exchanges.state.gov/heritage/culprop/itfact/pdfs/it2001mou.pdf>
- Bonnie Magness-Gardiner, “Long-Term Archaeological Loans from Italy: Summary of Roundtable Discussions,” *American Journal of Archaeology* 107 (2003), pp. 477-81.
- Jane A. Levine, “Returning Stolen Cultural Property. Tomb of Wang Chuzi Marble Wall Relief,” *Cultural Resource Management* 2 (2002), pp. 17-18.

IN-CLASS DISCUSSION: Archaeologists as advisors and shapers of US policy

November 14th: The Long View

READING:

- John Burns, “The Great Buddhas Wait, Knowing Nothing Lasts,” *NY Times* 10/18/1996;
- Roger Cohen, “Return to Bamiyan,” *NY Times* 10/29/2007;
- David Lowenthal, “Material Preservation and Its Alternatives,” *Perspecta* 25 (1989), pp. 67-77;
- David Lowenthal, “‘Trojan forebears,’ ‘peerless relics’: the rhetoric of heritage claims,” in *Interpreting Archaeology: Finding Meaning in the Past*, I. Hodder, M. Shanks, A. Alexandri, V. Buchli, J. Carman, J. Last, and G. Lucas, eds. (Routledge 1995), pp. 125-30;
- Gavin Lucas, “Modern Disturbances: On the Ambiguities of Archaeology,” *Modernism/modernity* 11 (2004), pp. 109-120;
- Irene Winter, “Babylonian Archaeologists of the(ir) Mesopotamian Past,” *Proceedings of the First International Congress on the Archaeology of the Ancient Near East*, P. Matthiae, A. Enea, L. Peyronel, and F. Pinnock, eds. (Università degli studi de Roma, Roma 2000), pp. 1785-98.

IN-CLASS DISCUSSION: Antiquity, modernity, humanity

November 21st: Dead and gone?

READING:

- Elisabeth Bumiller, “Seizing a Last Chance to Find Lost G.I.’s as WWII Memories Fade,” *NY Times* 9/6/09;
- Jim Dwyer, “From Bones of Immigrants, Stories of Pain,” *NY Times* 10/14/2009;
- Kate Galbraith, “New Homes Confront Old Burial Grounds,” *NY Times* 6/17/2007;
- R. H. McGuire, “The Sanctity of the Grave: White Concepts and American Indian Beliefs” in *Conflict in the Archaeology of Living Traditions*, R. Layton ed. (Unwin Hyman, London: 1989), pp. 167-84;
- G. Scarre, “Can Archaeology harm the dead?” in *The Ethics of Archaeology*, C. Scarre and G. Scarre, eds. (Cambridge, Cambridge University Press: 2006), pp. 181-98;
- Elaine Sciolino, “French Dispute Whether Maori Head is Body Part or Art,” *NY Times* 10/26/2007;
- Michael Slackman, “In a New Age, Bahrain Struggles to Honor the Dead While Serving the Living,” *NY Times* 9/17/2009;
- J. Jeremy Wisniewski, “What We Owe the Dead,” *Journal of Applied Philosophy* 26 (2009), pp. 54-70.

IN-CLASS DISCUSSION: When does a cemetery become a site?

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

December 5th and 12th: Presentations

ASSIGNMENT: **Paper 2 due**