

Repatriation for beginners

Jenny White
The *Private Art Investor*
28 November, 2014



Three Goddesses, Elgin Marbles. Source British Museum

At the heart of The British Museum in London lies a 247-foot frieze which originally stood as part of the Parthenon, a temple on the Athenian Acropolis, hailed as the apogee of the Athenian empire and an emblem of Greek cultural heritage and democracy for centuries to follow. This frieze forms part of a collection of artefacts which were moved from Greece to The British Museum in the early 19th century by British Lord Elgin, and more recently returned to the media spotlight when high-profile lawyer Amal Clooney formed part of the legal team who presented the case for their return to Greece. The debate which ensued highlighted an important number of moral, ethical and legal arguments which surround not only this specific case, but which apply to the repatriation of artwork and cultural artefacts from a range of historical contexts.

Initially, the argument may seem simple: that objects should be returned to their 'home' countries, that is, to the land from where they originally came. However, both the idea that a country has 'ownership' over the object, and the idea of the country itself, prove to problematise the situation. It is argued that a country as it exists in the present day often has little bearing on the same country hundreds, even thousands of years ago. For example, ancient art found in what is now Afghanistan, but which was created during the Hellenistic period, could have legitimate claims

from both Afghanistan and Greece. History is not as clear cut as to provide us with a fixed definition of a country, and in this context the continually shifting boundaries between such territories only serve to complicate the process.

Notwithstanding this, there is a strong voice to suggest that artefacts should be seen in their original context and appreciated by audiences to whom they are relevant — despite the fact that national boundaries may have changed or evolved since their creation. It is argued that pieces should be displayed in their entirety, as was the case in 2011, when the Boston Museum agreed to return the torso of a statue of Herakles to an archaeological museum in Antalya, Turkey to reunite it with the rest of the statue which was found in the country some 30 years earlier. In line with this argument, it makes sense that local inhabitants should be given access to their history through these pieces, yet many have raised the question of just how well suited some locations are to receiving and displaying such objects. For several locations, it is not a case of lack of budget or knowledge, but a matter of exposure. The statue of the goddess Morgantina which can currently be seen in an archaeological museum in Aidone, Sicily, where reliable public transport is lacking, received only 26,000 visitors in one year, compared with the 400,000 it welcomed in the Getty Villa in California when it was on display there in 2010. Another branch of this argument is that allowing museums to ‘share’ artefacts would prevent huge losses during political conflicts and natural disasters; the International Council of Museums has published an Emergency Red List of Syrian Cultural Objects at Risk in an attempt to highlight the cultural losses and vandalism which is occurring during the ongoing conflict in the region. It is suggested that keeping objects in museums in more ‘stable’ locations where they can be better looked-after is preferable to repatriating them.

A strong, but not impenetrable, argument against repatriation lies in the case for encyclopaedic museums, which was powerfully argued by art historian James Cuno in the journal *Foreign Affairs*. The diversity of objects on display in institutions such as the Metropolitan Museum in New York and the British Museum in London reflects not just the history of a country, but a history of humanity. Through this, museums can encourage curiosity about other cultures and animate visitors to draw comparisons between peoples, reflecting the diversity of the world as it exists today. Just as it would be unfair to deprive someone of seeing objects reflecting their history in museums in their native country, it would be unfair to deprive immigrants from that country to see their heritage shared around the world, the line of argument continues. As UNESCO said in a report, “No culture is a hermetically sealed entity. All cultures are influenced by and in turn influence other cultures. Nor is any culture changeless, invariant or static” — and it is logical that museums should reflect this in the variety of works on show.

However, with the majority of large museums being located in wealthy western countries, this stance has been criticised as neo-colonialist and patronising, effectively denying smaller powers the chance to re-claim their history and enrich their own cultural scene. In an interview in India’s *Financial Chronicle*, Smithsonian curator Masum Momaya said that Indian artefacts on display in British museums reflected a “philosophy of a higher civilisation ‘collecting’ archaeological or anthropological pieces of history to showcase the east”; returning objects which were forcefully or illegally taken being an obvious way to make amends for this apparent

historical wrongdoing. Jonathan Jones of *The Guardian* also took this stance, describing the defence of keeping the Elgin Marbles in the UK as “feeble”, arguing that “cultural imperialism” died along with the British Empire. The repatriation of objects, although a subject which can cause years of debate and tension between countries, can also lead to diplomatic benefits, such as in 2010 when the Peabody Museum at Yale University in the US returned several Inca artefacts to Peru, settling a century-long dispute between the countries.

In response to this argument, some have pointed out that once countries begin to make claims for restitution, it becomes hard to limit which works deserve to remain and which should return to their ‘homes’. According to The Archaeological Institute of America, 85-90% of “classical and certain other types of artefacts on the market do not have a documented provenance”. The more recent the work, the closer the connection it has to the present and therefore it is not only easier to trace its origins, but also much more rewarding, as it bears a stronger emotional link with present generations. Nazi-looted works, such as those which have been at the centre of the ongoing Cornelius Gurlitt case, can be traced through documentation to their original, rightful owners; yet it is suggested that the same kind of wrong-doing that may have occurred thousands of years ago is not only more difficult to correct, but less likely to find a large group of impassioned defenders for its return .

This leads on to another grey area in the case for repatriation — the complexity and flaws of the laws and governance for this type of affair. Settling disputes over pieces necessitates the cooperation of officials, experts, curators, dealers and institutions and until recently, little clear legislation has existed on the subject; even now that it does, there is no overarching governing body which is a ruling authority around the world. In 1954, the Hague Convention prohibited the illegal export of pieces from occupied countries and made it easier for objects to be returned to the country after said occupation was over; it was signed by around 50 states, marking an important, but not universally applied, step towards clarity on the issue. Another UNESCO convention in 1970 prohibited the illegal trade of artefacts and ruled that pieces which could not prove that they were outside of, or legally exported from, their “country of modern discovery” after 1970 must be returned. Despite this, the legality of the ownership of objects often older than the law itself frequently remains highly contested, such as the bust of the Nefertiti which lies in Berlin’s Neues Museum. Ever since the bust was unveiled in the city in 1925 (notably far before the UNSECO legislation), Egypt has put forward claims for its return, requesting UNESCO to intervene, claiming that the bust was taken illegally and they were misled by the Egyptian government; despite this the German government has maintained their right to the bust, and it has remained in Germany ever since.

The complexity of the issue and the unique nature of each case makes it unsurprising that there exists no clear cut moral or legal ruling on the repatriation of artworks and cultural objects, yet the debate does raise some interesting ideas on wider issues such as the nature of culture. In today’s society, the issue of repatriation represents not only how we view questions of ownership, but how we view culture itself. Are we at risk of diluting and undervaluing the cultural legacy of individual nations, of reinforcing historical wrongs by conglomerating these cultures under the guise of a more ‘universal’ version of history? Or is cultural nationalism the mark of a bygone age, and should we release our claims on the past in order to pave the way for a

thoroughly modern view of a world, in which national divides are irrelevant?