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HEADLINE: Antiquities, The World Is Your Homeland

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BODY:

To what culture does the concept of "cultural property" belong? Who owns this idea?

It has, like much material property in the last 50 years, often changed hands. And in doing so, it has also changed meanings and grown in importance. It now affects the development of museums, alters the nature of international commerce and even seems to subsume traditional notions of property.

It was brought to modern prominence in 1954 by Unesco as a way of characterizing the special status of monuments, houses of worship and works of art -- objects that suffered "grave damage" in "recent armed conflicts." In its statement Unesco asserted that such "cultural property" was part of the "cultural heritage of all mankind" and deserved special protection.

But the framers of that doctrine with its universalist stance would hardly recognize cultural property in its current guise. The concept is now being narrowly applied to assert possession, not to affirm value. It is used to stake claims on objects in museums, to prevent them from being displayed and to control the international trade of antiquities.

It is critically surveyed in an illuminating new book, "Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage" (Princeton) by James Cuno, the director of the Art Institute of Chicago and former director of the Harvard University Art Museums. The idea is as troubling as Mr. Cuno suggests. It has been used not just to protect but also to restrict.

In the United States, for example, the 1990 Native American Graves Protection and Repatriation Act required every museum getting public funds to survey its collections; identify Indian remains and funerary, sacred and other objects; and consult with Indian tribes and "repatriate" the artifacts if requested. Such objects may have been legitimately purchased a century ago from the tribes or have no issue clouding their provenance, but claims of ordinary property give way before claims of cultural property. The grievous sins of the past are now being repaid with a vengeance. And the risks of repatriation and the requirements of tribal consultation have led to promotional, uninformative and self-indulgent themes in exhibitions about American Indians.

The idea of cultural property also led to the Army Corps of Engineers' bulldozing an archaeological site in Washington State in 1998 that had yielded a 9,200-year-old skeleton, known as Kennewick Man, the oldest ever found in North America. Without any evidence local Indian tribes claimed the skeleton was their cultural property -- the

bones of an ancestor -- and they successfully prevented a complete scientific examination. The bulldozing was apparently a new form of protection, philistinism triumphing in the name of enlightened ideas.

The idea of cultural property has become a political trump card. At a conference in Athens in March, organized in part by a Unesco intergovernmental committee, the concept expanded even further: "Certain categories of cultural property are irrevocably identified by reference to the cultural context in which they were created (unique and exceptional artworks and monuments, ritual objects, national symbols, ancestral remains, dismembered pieces of outstanding works of art). It is their original context that gives them their authenticity and unique value."

Those artworks, objects, symbols and relics do not just merit protection; they should be "returned" to their "countries of origin," the only places, supposedly, where they can be fully appreciated. This has nothing to do with whether they were obtained illicitly or inappropriately.

The countries of origin, of course, are modern states, which are increasingly asserting control, a point emphasized by Mr. Cuno. In 1970 another Unesco agreement said it was "incumbent upon every state" to protect its cultural property. Cultural property -- almost by definition beyond the control or disposition of individuals -- is linked to the powers of the modern state and its political demands.

On the one hand, this idea might seem commonplace. We expect a state to protect its citizens, so why shouldn't it also protect works of art or monuments? The demand may be ineffective; it hardly prevented the Taliban from smashing non-Islamic objects in the Kabul Museum in Afghanistan or from destroying the great stone Bamiyan Buddhas. But the Taliban's deliberate demolition of cultural property was indeed an offense against mankind's heritage, and this concept helped make that violation clear.

The idea of state responsibility also lay behind criticism of the United States' failure to prevent the looting of Baghdad's museum during the early months of the Iraq war and may be fairly leveled at any nation's failure to control the illicit markets in antiquities.

This is the main reason why the idea of cultural property has so many advocates: It seems to establish a bulwark against the plunder of antiquities. The state asserts its control over cultural property and asks that other states intervene in improper trade. Many recent cases of objects' being returned to their regions of origin -- like the Metropolitan Museum's ceding the Euphronios krater to Italy -- are based on assertions of illicit transmission.

But Mr. Cuno points out that the claims go far beyond concern over looting. Italy, for example, affirms as its cultural property "virtually every kind of object produced in or imported to the land we now call Italy over 1,200 years of recorded human history."

One result of such demands and restrictions, Mr. Cuno says, is not a decrease in the world's looting and plunder at all; there is simply a shift in the market, with fewer and fewer objects purchased for public museum display.

Meanwhile, as the Athens conference suggests, an imperial notion of "cultural property" is taking shape. It is as if some states were seeking to nationalize all artworks and antiquities, wherever they are situated and whatever their provenance, even those objects that have nothing to do with the modern state staking the claims. Recently the Greek authorities told The Guardian of London, "Whatever is Greek, wherever in the world, we want back."

And while touring the Metropolitan Museum in 2006, Zahi Hawass, the secretary general of Egypt's Supreme Council of Antiquities, said that even nonlooted objects were "icons of our Egyptian identity," adding: "They should be in the motherland. They should not be outside Egypt."

Archaeology, of course, has always had a political element, but here the sweep is enormous. What is fueling this fever is another kind of conviction: that the great Western museums are stocked with items of plunder, and that it is time for restitution.

There are more than enough historical examples of such looting. (That is, for example, how the Rosetta Stone made its way to England.) But that practice is not historically peculiar to the West; such plunder, as many ancient objects show in their carvings and images, has long been commonplace.

What was profound in the West was not the looting but attempts to end it, along with ambitions that went beyond assertions of power and possession. The desires of the greatest collectors and museums have been to preserve and to understand (leading, for example, to the decoding of the Rosetta Stone and the preservation of artifacts that would have otherwise been lost). This gave birth to what Mr. Cuno calls "encyclopedic museums," those that encompass the world's cultures while seeking an Enlightenment ideal of universalist understanding.

Seen in this light the very notion of cultural property is narrow and flawed. It is hardly, as Unesco asserted, "one of the basic elements of civilization." It illuminates neither the particular culture involved nor its relationship to a current political entity. It may be useful as a metaphor, but it has been more commonly used to consolidate cultural bureaucracies and state control.

But if cultural property really did exist, the Enlightenment museum would be an example of it: an institution that evolved, almost uniquely, out of Western civilization. And the cultural property movement could be seen as a persistent attempt to undermine it. And take illicit possession.

Connections is a critic's perspective on arts and ideas.

URL: <http://www.nytimes.com>

CORRECTION-DATE: June 17, 2008

CORRECTION:

The Connections column on May 27, about the concept of cultural property, misstated some aspects of the case of Kennewick Man, a 9,200-year-old skeleton found in Washington State in 1996 and claimed by local Indian tribes under the provisions of the 1990 Native American Graves Protection and Repatriation Act. The skeleton is among the oldest found in North America, not the oldest. While Indians, with the support of the government, did initially block complete scientific examination of the skeleton, in 2004, after several years of litigation, scientists prevailed and continued their work; thus the Indians did not ultimately prevent a complete examination. In 1998, the Army Corps of Engineers, with the help of helicopters and barges, buried the Kennewick site under tons of rocks and soil; the corps did not bulldoze the site.

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