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**CONSIDER THIS**

## **Antiquity Belongs to the World**

### **Archaeology must be shielded from nationalistic laws and politics**

By JAMES CUNO

Last September, Yale University agreed to return a large number of artifacts that it had excavated at Machu Picchu in 1912. During the administration of President Alejandro Toledo (2001-6), Peru had contended that the objects were merely on loan and should have been returned long ago. Yale countered that all of the loaned objects had been returned in the 1920s and that it had good title to the ones still in New Haven. Negotiations broke down, and Peru threatened to go to court.

In 2006, Toledo was succeeded by Alan García, and negotiations resumed. A preliminary agreement signed in September 2007 transferred legal title of all of the artifacts in question (several thousands and various kinds) to Peru. Some of the research-quality objects would remain on loan to Yale's Peabody Museum of Natural History for further study. Yale would establish a program of scholarly exchanges for a period of at least three years. And Yale and Peru would jointly organize a traveling exhibition of the excavated material, with proceeds going toward the cost of building a museum and research center in Cuzco, for which Yale would serve as an adviser. Yale's president, Richard C. Levin, was quoted as saying that "we aim to create a model for resolving competing interests in cultural property. This can best be achieved by building a collaborative relationship — one which involves scholars and researchers from Yale and Peru — that serves science and human understanding."

Five months later, Eliane Karp-Toledo, the former first lady of Peru who had led the campaign for the return of the artifacts while her husband was president, wrote an op-ed for *The New York Times*. "I fail to understand the rationale for Yale to have any historical claim to the artifacts ... ," she wrote. "The agreement reflects a colonial way of thinking not expected from a modern academic institution."

Then she added, pointedly, "I wonder if it is pure coincidence that Yale delayed negotiations with Mr. Toledo, Peru's first elected indigenous president, until Peru had a new leader who is frankly hostile to indigenous matters."

Yale replied in a letter to the editor: "Peru and Yale share the premise that Machu Picchu belongs to humanity as a cultural patrimony of the world declared by UNESCO. Yale recognizes the importance of Machu Picchu to Peruvian identity and history and has always sought an amicable resolution that recognizes a shared interest in stewardship and scholarship."

In April talks between Yale and Peru turned sour. Peru now claims that Yale had actually taken more than 40,000 artifacts from Machu Picchu, or more than 10 times the original estimate, and is demanding the return of all the artifacts immediately.

Politics bedevils archaeology, and has for more than a century. In the early years of the 20th century, it was not uncommon for European and North American archaeologists to scientifically excavate sites and share their finds with local authorities, taking some back to their host museums or universities for further study. This was called *partage*, and it was the means by which both local and many of our university archaeological collections were built.

The University of Pennsylvania Museum of Archaeology and Anthropology, for example, has sponsored more than 350 expeditions around the world. Many have resulted in important finds, some of which were removed to the museum and compose the core of its collection. Following the First World War, the museum joined forces with the British Museum to excavate in Iraq at Ur. At the time, archaeology in Iraq was under the jurisdiction of Gertrude Bell, the Oriental secretary to the high commissioner and honorary director of archaeology. She was also a major force behind the wording and passage of the 1924 law that regulated excavations, established the Iraq Museum, and legitimized *partage*. It was on these terms that the Penn-British Museum expedition under the direction of Leonard Woolley worked at Ur. (Their efforts are documented in an excellent exhibition catalog produced by the museum in 1998, showing highlights of the finds that were removed to the museum.)

Bell died in 1926. Eight years later, Sati al-Husri, an Arab nationalist, was appointed director of antiquities and began to tighten local control over archaeological excavations. Foreign archaeologists objected. Woolley wrote to the editor of the London *Times*: "Twelve years of foreign excavations have given to Baghdad one of the most important museums in the world for the study of Near Eastern antiquities and that because of, not in spite of, permission given to excavators to remove objects which were sometimes unique as well as precious."

But it was too late. There was no turning back. Foreign excavators were allowed only "to make castings of antiquities" they found and to remove "half of the duplicate antiquities" and certain other antiquities "already in the possession of the Iraq Government." The antiquities from Ur now in Penn's museum were all removed before 1930. They could not have been removed five years later after the tightening of local control, or at any time since.

Still, archaeologists, including many at Penn, continued to excavate in Iraq, with some disruptions during times of war. Saddam Hussein encouraged their work, but he defiantly refused to allow for the removal of their finds and sought the repatriation of many antiquities removed under earlier regimes. Previous Iraqi governments, he said, "did not grasp the importance of these antiquities, taking no interest whatsoever in these stolen treasures. . . . The Iraqis and their nationalist-socialist revolution are determined to restore the treasures which are the symbol of the first and greatest civilizations in human history."

In April 2003, the Iraq Museum, which Saddam supported and expanded, was attacked and partially destroyed, and thousands of its objects were damaged or stolen. In 2006 the museum was reassigned to the Ministry of Tourism and Antiquities under the control of the radical Shiite cleric Moktada al-Sadr. A group of international archaeologists responded by writing to the Iraqi government, urging it to protect cultural sites and put its cultural heritage under the Ministry of Culture, and declaring that "only a strong, national, nonpolitical State Board of Antiquities and Heritage, backed fully by the force of the State, can preserve the heritage that is left."

Of course, as a sovereign nation, Iraq, like Afghanistan under the Taliban, can do whatever it wants with the antiquities and archaeological sites under its jurisdiction. Its cultural-property laws give it that authority. Ironically, the authors of the letter, and most university-based archaeology museum curators, have promoted the imposition — and tightening — of nationalist, retentionist cultural-property laws as a means of protecting archaeological sites and inhibiting the trafficking of looted antiquities. In a new book, I argue against such laws for two reasons: They have failed to protect our ancient heritage, and they perpetuate a false view of culture as pure, static, and national.

Increasingly over the 20th century, nations, many of them newly formed as the result of the dissolution of empires, instituted those kinds of cultural-property laws and signed bilateral treaties and international conventions as means of strengthening them. And still the looting of archaeological sites continues. Iraq is but one example. Wherever poverty, social alienation, and political chaos exist (often as a result of warfare, civil strife, or simply a failed state), lawless behavior flourishes. And when those factors exist in a country with archaeological sites and artifacts, illegal trafficking in antiquities occurs.

Laws intended to retain antiquities within the jurisdiction of the modern nation-state concentrate the risk to antiquities by keeping them in one place. Were we to distribute that risk among many countries, as we once did through partage, there would be a better chance that fewer excavated antiquities would be damaged or destroyed and more of them available for sustained research.

The latter point is important: The work the curators of the University of Chicago's Oriental Institute have done on the inscribed tablets composing the Persepolis Fortification Archive, which has transformed our understanding of Achaemenid Persia, was possible only because the tablets were removed to Chicago in 1936 and have been

carefully studied there ever since. The painstaking research documenting and transcribing the tablets could not have been done in the field alone.

The sad truth is that nationalist cultural-property laws are not intended to protect the world's ancient heritage. Instead, they are meant to claim that heritage as the property of the modern nation-state, important to its identity and esteem. They are used to legitimize modern governments' claims as heirs to an ancient past: modern Egypt to Pharaonic Egypt, modern Greece to Athens, Italy to ancient Rome, the People's Republic of China to the first emperor, modern Iraq to Mesopotamia (Saddam's government's slogan was "Yesterday Nebuchadnezzar, today Saddam Hussein"). As such, the laws impose nationalist characteristics on antiquity when none could possibly exist. And they distort the truth of culture, which is that it is and always has been fluid and mongrel, the result of contact with new and strange things, never static or pure. As the Ghanaian, British-educated, Princeton-based philosopher Kwame Anthony Appiah has said: "Cultural purity is an oxymoron."

Nationalist cultural-property laws are political instruments. And the political motives that inform them can also, as in the case of the Peru-Yale dispute, inspire calls for the repatriation of ancient artifacts removed before the laws came into being. The promise of research and teaching, scholarly exchanges, joint excavations, and collaborations on museum building hang in the balance.

Does antiquity "belong" to modern nation-states in any meaningful way, and should nations be encouraged to restrict the world's access to antiquity through retentionist cultural-property laws? Or should we, for the preservation and understanding of our ancient heritage, argue against such laws and for the reinstatement of partage — the very means by which not only so much of the collections at Harvard, Yale, Penn, and Chicago were built, but the collections locally too, in Baghdad, Kabul, and elsewhere?

The imposition of nationalist, retentionist cultural-property laws has resulted only in putting our ancient heritage at risk and encouraging its misuse for political gain. Woolley was right when he wrote to the *Times* 74 years ago. For most of the last hundred years, antiquities have been politicized as nationalist cultural property. That has to change if we are to resolve competing interests that, as Yale's president wrote, serve "science and human understanding."

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