SOCRATIC PANEL: CULTURAL PROPERTY—A TWO-WAY STREET

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CALLAWAY: Let us begin by responding to a hypothetical study. We're down the road a little bit, maybe a year or two, and a deep recession—nearly a depression—has hit the United States. Our leading museum of modern art has an endowment that has been reduced by at least $100 million. Its gifts are down, its membership is falling, its admissions are diminished. It is really in trouble.

And to the rescue comes a foreign art patron whose passion for certain museum holdings—we'll say Jasper Johns, Andy Warhol, something that is really of value in this city—is his price for immediately replenishing the endowment, coming up with operating funds for a couple of years. And acknowledging that he's taking priceless American works of art away, he's going to throw in some money for the development of young American artists. But in return, he wants these objects or these paintings for himself. That's the deal. And for the sake of our discussion, all the legal stuff has been dispensed with, and you're one of the key trustees. What do you do?

APPLE: It depends upon how many works of art, by whom, and how important. If this guy wishes to take three paintings by an artist who is otherwise well-represented in our collection and elsewhere, I would swallow hard and say, "If we're not going to do this, what do you propose we do?"

CALLAWAY: Make it whatever you want, but it hurts. It really hurts. If volume is what matters to you, let it be volume.

APPLE: If you hypothesize that the picture is an American "Guernica"—a painting of that importance—my advice would be to let it go to this rich but evil man.

CALLAWAY: Why is he evil? He's saving you from your destruction! He's going to support art in the future.

APPLE: Then why does he want these works of art for his enjoyment only?

CALLAWAY: If you can think of no American art that is that worthy, then say so.

APPLE: I am hard-pressed to think of a single picture. This decision has to be rooted in the question of what alternatives are available.

Let's take another example: the question of the Jasper Johns that was to be sold by the New York State Theater. That was a question of a painting for a place.

The Museum of Modern Art obviously has a number of pictures that are displayed. There are constant arguments about the excessively rigid canon of modern art that is put on display there. So I'm hard-pressed to believe that unless you're talking about a wholesale clean-up, this would be something I would not want to do. If you want to know how I would vote, I would try to balance the sale against the idea of closing down the museum if no options had been presented. You portrayed an extremely dire situation, where not only are operating funds in peril, but the endowment is in the tank. All the people who give us money are in the tank. So you have to consider the prospect that the museum is going to close if you don't have another source. Faced with that situation—unless the guy was going to clean us out rather than put a dent in that collection—I would consider selling it.

MCINTOSH: My understanding is we're trying to find something in American culture that can help us understand the kind of anguish that other people in other cultures feel when their cultural property—a concept that I would prefer to widen to their "cultural heritage"—is sold, is alienated from the source. And the difficulty resides in finding an example that resonates broadly. I'm a trustee, but the resonance is not broad in this case. Is anybody in Spanish Harlem going to care what is happening to this collection?

CALLAWAY: We really struggled with this opening hypothetical, to see if we could find an example for which anybody would care. We said in advance, "This may be an exercise in futility."

MCINTOSH: But it may not be, because it allows us to examine the framework that has been built around this particular example, and why it might only upset a very limited number of people. This is because it depends on a particular cultural view of property. And if anthropology has contributed anything to our general understanding of life as we live it, it's that culture has a property of instilling a framework for viewing the world, a set of assumptions that allow us to contribute meaning to the world, and interpret the world around us. These things are instilled in us when we are very young. We wear them as lenses that are transparent to us. And they're shifted by local factors such as race, class and ethnicity. But we don't realize when we're wearing them. They are utterly transparent to us. So we believe that we see the world as it really is, and it's only when we come in contact with other perspectives that we can begin to take off the lenses or put on someone else's lenses, and see that the world has got a shifting set of realities.

But this example plays into a particular set of assumptions about property—that it's meant to be bought and sold. It doesn't upset a lot of people because art is meant to be bought and sold in our culture. That is why art is produced in our culture. It's another transaction. I can't put on those lenses because I've been other places and listened to other points of view that have permanently clouded my ability to see purely my original point of view.

If I have to represent the interests of the museum—and we understand that the way property moves in our culture is about power and it's about class and status and prestige—then I'm very upset, because the prestige of my museum rests on the quality of my acquisitions and the quality of its collection, and you're asking me to give up a chunk of it. But in a larger sense, has some sort of deeply held cultural value been transgressed here? No.

CALLAWAY: So you go to your two o'clock board meeting, go through your pro forma resistance and then get back to your real issues, say, of West Africa.

Mr. Kimmelman, let's suppose that you're the chief art critic of *The New York Times*, and you

get wind of this story. How do you treat it?

KIMMELMAN: You report it, pretty fast. It's a gigantic story if a major art museum in New York is in such dire circumstances that it's going to have to close its doors and is considering deaccessioning, selling off part of its collection.

But I think that the issues that you have to raise have to do not just with some betrayal of a museum's responsibilities to its collection, but the conflict between the American capitalist way of looking at culture and the way most other cultures look at the objects that they value and produce. The Museum of Modern Art—since that's more or less the museum you're referring to—is a good choice for several reasons. It's technically a private institution, and it sells pictures all the time. It would claim that it sells pictures that are not as important as the ones that it acquired, but it does so because it has had an attitude since the beginning that the paring and refinement of its collection is intrinsic to building a great modern art museum.

"The bottom line is, we do not have a national culture, because there is no such thing."

In comparison, the National Gallery of Art, which is a national institution with governmental responsibilities to the public, has a policy against deaccessioning anything, for very good reasons. There is built within our museum system a conflict between the notion of a national cultural heritage, which is owned and administered by the small number of national public institutions that we have, and a much more liberal and capitalistic idea toward the handling of culture, which is the situation of almost all museums, which is why we have competitions between our museums, often at great moral, ethical and financial costs.

The bottom line is, we do not have a national culture, because there is no such thing. We are a very diverse nation, which is to our credit. But at the same time, we do not have the sense of responsibility to the cultures that we do have that ensures that these institutions have a real responsibility. They claim that they do. The museum would say, "We would never sell our Pollocks. We would rather close." And I think despite the MOMA's relatively liberal policy, it would probably close its doors than sell off the Pollocks.

CALLAWAY: But what would you do with this story? Would this story be an outrage in *The New York Times* by the time you got through with it?

KIMMELMAN: Sure. Among other things, you see it as your responsibility as a good journalist to say that even if we do not, as a matter of policy in this country, have an attitude of protecting these things, we ought to, and that there's some connection between our urban life, the survival of our urban life culture and the preservation of these things in the institutions. So I think we'd make a big campaign of it.

CALLAWAY: Mr. Schama, let's say that the board (let's say it's really closely divided) says, "We need to talk to some wise people, people who've been around, people who know history, people who have written about these things, people who will make us think." And they called you and said, "What should we do?"

SCHAMA: I think I would rapidly regret taking the phone call. I'd be very upset. I'd say, "Sell it." It depends, as has been said. There's no such thing as a "generic masterpiece," which is a problem for art. So if we're talking about something of literally incommensurably transcendent quality, problems arise. But I would then say, "Well, let's think about how much we're actually asking for it. This is our tariff." We're going to say, "We'll start with 10 times what this painting might fetch at sale tomorrow."

CALLAWAY: This guy is already there. He's already way above and beyond the market because he's a very sensitive evil man.

SCHAMA: Then I have absolutely no problem. This actually happens in Britain all the time. Stuff gets wrenched up, and there's a moment of pain. But there is a view that national psychology or civic psychology is an emotionally needy thing, that says "Can't take this away—no, no, no—this is America, this is New York."

And the response to that is, "Grow up." I think this view dates from a particularly emblematic moment. There's a man named Alexander Dunoit, who in 1793, was hired by Jacques-Louis David, who is the most dreadfully unscrupulous guy you can imagine. He's hired to strip churches of every piece of evidence of devotion to the monarchy and the church. And he sets about his work with such gusto that actually, pieces of the sculpture were brought to him in order to be lined up for the ritual slashing.

At some point, he has a terrible inner conversion. Instead of being a smasher, he becomes a hoarder. And Dunoit stashes away all these objects so that when Napoleon comes along, he is congratulated for it and offered a job at the Musée de France. The Musée de France is an extraordinary procession of statues—great medieval masterpieces laid out in the grounds of one of the churches. And for the first time, (because the Louvre's not ready), average people in the street could come—having gone through the Revolution, ground zero culturally—to say, "Hold on, we don't want to do that. We are not a phase of French history. We need these statues. We need these altar pieces."

This was the moment when neediness became policy. And national psychologists have to clutch to themselves these things that speak to their sense of who they are. In America's case, it's interesting that you would want to cite a Rauschenberg or a Pollock. You wouldn't say, for example, "Why not an Asher Durand or a Mary Cassatt?" The thing about American modernism is that it seems to represent that moment when the American century suddenly was out there in neon lights. And instead of that incontrovertible sense of America's centrality to the world being made emblematic by the Marshall Plan or the foreign policy of John Foster Dulles, it seems to be central when people from the rest of the world want to come to New York. The New York school is where it's at. To which one says, "Ha!" The world moves on. Maybe Japanese art will be what we'll all want in the next century. It's how the world is.

CALLAWAY: Well, the board is really perplexed. They've met an adviser who's a match of the evil guy. You want to talk money, this guy talks money. So now they've called you, and they've said, "Help us with this."

STEINER: I think I would try to find another bidder and get the two into a war with each other where they keep upping the ante. But really, I don't think that financial strategies are the point of this problem.

Your hypothetical involves a fundamental conflict plaguing American culture: the clash between a capitalist's frame of reference, which has to do with the exchange and the interchangeability of objects, and the idea of a unique object so crucial to one's identity that it cannot be replaced by anything else.

I just came from giving a lecture called "The Necessity of Pornography." I was talking about the dynamic between pornography, which is based on this idea of the interchangeability of bodies, and the literary romance, which is based on the idea of the single unique object that you sacrifice everything to attain, Beatrice, the Holy Grail. You are posing this problem in America, a country that has had a lot of trouble with the romance.

Still, we probably could pinpoint an object whose threatened loss would mobilize this completely heterogenous country. Let's say

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that the French government decided to repossess the Statue of Liberty. Surely that would do it. Here, you might get some consensus, in that the Statue of Liberty does function as that kind of nation-making symbol.

CALLAWAY: Or another scenario, in which Bill Gates buys it and takes it to Seattle, because the New World is Asia, and we want it to face there. That would get a good national debate going.

STEINER: That strikes me as a reasonable basis for this discussion. But I can't think of a single work of art that could provoke that kind of upset in this country, nor even a category of art objects that might provoke that upset nationwide. Americans don't have that kind of investment in their art.

CALLAWAY: But I'm going to say that Mr. Kimmelman in *The New York Times* would be so successful in igniting this. Give *The New York Times* credit for taking the lead on this, and *The Wall Street Journal* jumps in, and all the national newspapers, maybe Peter Jennings does a half-hour special. We know that we're not engaging everybody in this country, but we have got the top cultural story going, particularly with the closing of this museum, because millions come to this museum. And you're one of the trustees of this museum. Where do you vote on this issue, and why?

ROCCO: I think you're talking about a time when economic conditions would be so bad—you'd have schools closing, transportation closing, people losing jobs and not finding them again. You have a foreigner—you say he's evil and very sensitive, but he's foreign—and he's coming here, wants this thing for himself, he's going to take it away. I think people are going to be much more angry. If you get a lot of money for this picture, and the picture goes, I think people will forget the money rather quickly. The sense of loss, I think, people will remember very much longer.

CALLAWAY: Who feels the sense of loss?

ROCCO: Americans, who would be living in a time where loss would be all around them.

CALLAWAY: Johnny Apple got the stakes immediately. We're going to close this museum down.

ROCCO: But museums can be reopened. Let's say this picture's gone to Japan.

KIMMELMAN: This happened on some level in Detroit. You have a city that was economically very depressed. The endowment was tiny. Detroit's museum was dependent on the city's support, and the city had much more of an economic problem than the museum. And the museum had an option, or at least the trustees did: disposing of the collection, distributing it to someone else. Which they did not do.

APPLE: I have two very brief comments. One, I completely disagree that such a situation as you were talking about—the sale of one, or seven, or nine pictures from the Museum of Modern Art—would be a big national story. It would be a big New York story, because there is an elite in New York who cares about it. But if you think for 10 seconds that this country as a whole would care deeply about losing seven pictures when there are 300,000 people unemployed, when the market is in the tank, when people are in the streets, when the government is unstable because of the situation, you have a fantasy view of the United States of America.

The one thing that this country unites on culturally is this country. That's why the Statue of Liberty going back to France, or leasing the "Star Spangled Banner" to Britain for six months every year would cause problems. But

artworks—particularly in the midst of general economic chaos in the country, universities in trouble, jobs in trouble, all kinds of institutions in trouble—are way below the fold. In Britain too, by the way.

CALLAWAY: Mr. McCarter, let's say you're the director of this museum. Let's say you don't smoke, you don't drink, and your private life is beyond reproach. But the one thing you have an almost pornographic passion about is that you love this particular batch of paintings as much as this evil man does. In the context of every other aspect of your responsibility, what do you do?

MCCARTER: I guess I align myself with the forces of evil. In the long run, economics wins out. You and I live in a city that is being stripped, absolutely stripped, of another cultural patrimony—corporate headquarters offices. There are nine that have moved out. And these are big deals: Amoco British Petroleum, SBC Ameritech. It's a denuding of the cultural and corporate leadership that art institutions have depended on for a long time.

There are two things that museum directors are in the business of doing. One is the preservation of the collection. And the other is the preservation of the institution. And when it comes down to the preservation of the institution, you've got to think seriously about this. How did this all transpire? How did these collections come together? Ultimately, it depends on the economics of the situation. And the institutional survival, I think, takes precedence.

I come out of a sector where we think in terms of discounted cash flow, three-year payback on investment. In museums, by contrast, particularly in natural history and anthropology, you're thinking in terms of millennia. Now, how do you get back to a sustainable condition? You know that there are business cycles, and that this is going to turn around in five or 10 years. So the preservation of the institution is paramount. If you can redeploy its assets and capabilities, you survive for another day. I'm on the side of the economics.

CALLAWAY: Johnny Apple, if we don't have this great sense of national loss about some of this, is there anything that Americans care about on the scale of what we're hearing that other cultures care about?

I got to thinking about our coliseums. What would happen if in Chicago, you proposed to tear down Wrigley Field? For those of you who don't know it, it's this beautiful ballpark. And people go to it not to see the worst team in American history, but because of the vibes. It is an astral experience. There is Yankee Stadium. These are the coliseums. If you want to see American culture and religion and view where hearts and minds really are, forget your Jasper Johns. We're now talking American culture: our coliseums.

Mr. Apple, if anthropologists here are trying to see where the heart and soul of America is on this question of "who owns culture?" should we have had a seminar on "George Steinbrenner wants to tear down Yankee Stadium?" Is that where the ballgame is in this country?

APPLE: One of the reasons why *The New York Times* would wade so deeply into the subject you originally propounded is because *The New York Times* is very concerned about the economic well-being of New York City, because it's where we get most of our advertising, which is what pays the inflated salaries and expense accounts of people like us.

I think that these are some of the things that people care about, America's coliseums. We care about certain kinds of monuments. I think St. Louis would go crazy if they had to lose the Gateway Arch. New York would go crazy if you suggested that it would lose the

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Statue of Liberty. I think there are certain other kinds of local totems.

Interestingly enough, over the last 35 or 40 years, museums as a whole have become engines of developments in cities. People run ads to get talented website designers by saying, "We have a good orchestra, we have a good museum in this city. It's not the pits, so you can move from New York to Fort Worth and still have the Kimbell Art Museum…" They say those things in ads.

I haven't yet seen a similar identification with a single work of art. Towns get hold of these monuments, these stadiums, these museums, and in a few cases, these orchestras. I think we're a lot closer, on a local rather than a national scale, with these than with individual paintings.

"What gets the national juices pumping and what actually makes for local allegiance are two different things."

CALLAWAY: What if they dug up Graceland and took all the Elvis stuff, or if they took the Empire State Building down brick by brick and took it to Tokyo?

APPLE: Battlefields matter a great deal more in America than they do in most places. I've never understood why you cannot find Bosworth Field on a map in Britain. It's not on the AAA map, it's not promoted by anybody. You can't avoid Gettysburg.

SCHAMA: There is an issue we haven't quite approached: What gets the national juices pumping and what actually makes for local allegiance are two different things. The case of the Statue of Liberty is actually terribly interesting and important, because it is the one case where something that was in some ways intensely local—New York as a haven for immigration—also conveys or invests the nation with meaning. The mythology of the open gate is important for New York.

You mentioned ballparks, the kind of emotional investment of communities in baseball, hockey or basketball teams. There's an intense connection with the community. And sometimes it's grotesquely apparent, as with that alarming caricature of a leprechaun on the Boston Celtics. Sometimes, it gets very difficult for me to actually sit and watch the Fighting Irish basketball team, entirely African-American. That's actually wonderfully American.

But I'll invoke one story about an otherwise inconsequential advertising sign—the Citgo sign, which is to this day on a building above Kenmore Square. It didn't mean anything until the company that had been responsible for the sign—a huge, illuminated sign, a very antique sort—decided it was costing too much to keep it lit. They were going to take it down.

And the most improbable storm of protest was ignited. This sign, it turned out, functioned as a kind of beacon for commuters. People had a relentless sort of demanding, grinding muse; they felt a sense of, "Here's where we are, halfway home, in Boston, the guys are playing, losing in Fenway Park, in Kenmore Square…" And the Citgo sign was kept. Precisely because it had become dysfunctional. It no longer advertised anything except how cozy and fateful it was to be part of this swirl of the city.

At the same time, Richard Serra was suing the particular federal agency that decreed that "Tilted Arc" would be removed from Federal Plaza downtown. And "Tilted Arc" had been treated or described by those who wanted it removed as having nothing to do with our daily life: in fact, it was described as an aggressive object, in terms of where they wanted to walk in Federal Plaza. And that's a huge irony. It's hard to think of a more generically alien world than Federal Plaza. "Tilted Arc" was nonetheless thought to be an enemy occupation of their working and living space.
And Serra sued, not claiming that this was an

indispensable part of New York, but claiming a personal $10 million compensation for loss to reputation and working prospects. It was very odd that he chose hype as grounds on which to get money for this disaster. But it was interesting.

Those two things were going on at the same time. In one case, something we wouldn't even dream of calling a work of art had been adopted as a talisman for community. The other had been stigmatized as an alien presence.

CALLAWAY: Mr. Kimmelman, are we starting to have some consensus here that if you do want to find the heart and soul of the question of cultural passion in this country, that you'd better go local?

KIMMELMAN: I certainly understand this. It's easier to look at local examples like the Citgo sign. But I think maybe the problem for us is that we're confusing aesthetics with what is a much more complicated notion of identity.

Two examples: One is obviously the Elgin Marbles, which have come to have an overriding aesthetic value. But the issue there has to do with the kind of constructed Greek national identity that comes as a validation, and the construction of an ancient culture by the Western world on Greece. So Greece comes to value these objects to a certain extent because of the notion of ancient history and the value that has been placed on them, which is why Simon's point about postwar American art being the thing we value more than, say, "Washington Crossing the Delaware" is interesting as well.

I think the real issue there is partly economic, but also it is: Whose history is more valuable? Who has a greater claim to this history? Another example was Assisi. We here in America were very concerned during the earthquakes a year ago about what had happened to the basilica in Assisi, because there were frescoes by Giotto and that was where the tourists went. And when I went to Umbria and looked around, everyone talked about the small towns, the little hill towns, the places with the church with its frescoes or the town hall, and these things were destroyed. The entire life of the community depended on what to outsiders were, more or less, irrelevant aesthetic objects. This was the real concern. The basilica—sure there would be lots of tourist dollars. We confuse what we think is value with passing aesthetic judgments. I think the real issue is: How do we, as a people, identify ourselves with certain objects?

MCINTOSH: Part of our difficulty here is we're within a culture that places values on objects and aestheticizes objects. But the main function of objects in our society is to be mobile, to move. Because that is who we are as a people. That is part of our grand national construct: that you go to America with nothing, and you become something. It's the American Dream. How do you indicate that you have become something? You amass things. And so these things have to move. That is a great national, cultural value. We have to understand that in other places, like the case of Italy, people view things very differently. Objects serve very different purposes.

Also, we have a hard time understanding other countries' positions because of who we are—not of what we are within our own country, but who we are internationally—that we're the wealthiest and the most powerful nation on earth. And so our examples fail, except for the Statue of Liberty, because it involves a major national symbol—the only one we're able to come up with that would resonate broadly across class lines, gender lines and geographic lines in this country—going to a foreign country.

And it is very hard for us to grasp that the power structure of the world is such that we

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don't imagine anything that matters to us being anywhere but here. And that is not the case, unfortunately, in the majority of countries in the world. The things that matter to them, because of the power and wealth structure of the world, are going elsewhere than where those people would like them to be. They're going away.

I remember the 1980s—the closest I can get to a sense of unease beginning to penetrate the American consciousness—when there was the great real-estate boom, and Japanese were buying a lot of American land. They bought Rockefeller Center. They bought Pebble Beach, all those golf courses. And there was a sense of, "Gee, what if the world doesn't remain the way it is? And the Japanese, maybe they have something culturally that's superior to us and it will allow them to best us at our game?" There was the beginning of a great sense of unease, which seems silly and premature in retrospect.

Think back to the beginnings of American self-doubt, and how the transfer of property was involved materially in the seeds of that self-doubt. And amplify that many orders of magnitude for people who can't retain anything of value in their culture, because money talks.

Simon Schama tells us, "That's the way the world is." Well, it's the way the world is because the people with the money and the power are wearing cultural lenses that make that the way the world is. And what I'm asking as an anthropologist is, "Can we not try to see the world through other people's eyes?" Other rules can govern property—not just personal ownership and property as status symbol, property as aesthetics, something we'd like to be able to own. Property that isn't even just objects.

Mr. Apple's notion about what's important gets us into more welcome territory for an archaeologist. We're not talking about artworks that were somehow fusing with cultural property, which is a much broader concept to most people in the world. It can involve sacred landscapes, trees, rocks, burial mounds in a sacred landscape, not just works of art. Battlefields. We remember the great hue and cry when Disney wanted to make a theme park at the Battle of Bull Run. One of the things that people were very worried about was not just that there are certain things that are too sacrosanct to be commodified, to have the coarseness of making money associated with them, but that the entire landscape would be modified. You wouldn't be able to see the perspective of the battlefield in the same way that people who fought it saw it. And that made a lot of difference.

There are a lot of folks in this world who feel this way about the things around them. Our job here is to try to find those little chinks in our own cultural system that allow us to peer beyond and see why people get so upset, because they live lives that we can only dimly imagine. And they value things that are completely meaningless to us. We're spending way too much time talking about artworks and objects, and the question is much broader.

MCCARTER: I think we are now giving up power. For example, five or 10 years ago, there was great debate over U.S. troops operating under NATO and U.N. leadership. Now, we're on the cusp of ground-troop movement under NATO leadership. Still, the general making the command decisions is a U.S. citizen. We look at the NASA space missions that are going on, and emerging is this consortia of Japan or Russia or the Europeans, etc.

Another aspect of patrimony that we are on the cusp of giving up is the industrial exploitation of the natural resources of lesser-developed countries. We're under U.N. agreements: biotechnical firms based in Europe, the United States and other developed countries are taking genetic materials out of lesser-devel-

oped countries, who then are saying, "We want a share in the economic value. As developed countries, we are having to share the technical and scientific power we have with those lesser-developed countries."

Maybe that gets it into the sharing of leadership, the future of the United Nations. Why are we in arrears? What is the opportunity, 1,000 years from now, of an entirely different political configuration, beyond the nation-state? Maybe it's very difficult for us to give up that power, that leadership position.

APPLE: I would like to suggest that one of the things that regulates how deeply a people will feel the loss of X, Y or Z is how well-established they are within their own minds, as a people. If you are someone who's had the hell kicked out of you going back as many generations as you can think of, you are more likely to be devastated by the loss of something. If you have time to establish an identity, it's different. The Greeks are a wonderful example. They do not want to be thought of as one of the fragments of the Ottoman Empire. They want to be thought of as descendants of Pericles. It's very, very important that they have this.

I lived for a long time in West Africa. The people in the villages of Mali—one of the most anthropologically and artistically rich, and economically poor countries in the world—they have tradition. They have family lines. They have ritual. They have some objects that they would call aesthetic that you would call "aestheticized." They hate having those objects ripped out of their context, precisely because those objects give value and richness to rituals and procedures that mean everything to them. They hate it as much when the central government decides to build a museum to attract rich European and American visitors and wrenches these objects out of the village, out of the tribe and into ordered grouping, sticks them under glass, as one may do it in Vienna or New York. One reason we have trouble agreeing on an object here is that we don't have that problem. We are not only economically well-off, we're not only the most powerful country in the world, but we have an occasionally distorted and lopsided view but a nevertheless strongly held view of who we are. And who we are is the Statue of Liberty.

CALLAWAY: But take a look at the side of this country that isn't that well-off. One of the interesting things we see in Chicago, as they now tear down the public housing projects, is the love and attachment that some of the people who lived in those despicable conditions have for those buildings.

STEINER: I keep thinking that the situation that we're deploring—that there is no object one can imagine would move Americans in this way—is not a deplorable situation at all. And we're posing it in a spirit that involves some rather predictable critical hand-wringing: "Why don't Americans understand art? Why don't they appreciate art? And if they only did, then they would go to town for someone like Jasper Johns." But this reasoning is very much against certain ideas that we think of as progressive.

"Who thinks of nationalism as a progressive notion?"

On the one hand, who thinks of nationalism as a progressive notion? Why should we be whipping ourselves up, trying to force Americans to attach national values to a particular object, and to go to war if need be or to make huge sacrifices to hold onto it? It's so much better if you're not wrapped up in such symbols. The history of this country, in contrast to European history, allows Americans a certain freedom from construing nationalism in that way.

Secondly, why should an appreciation of art necessarily be grounded in the idea that one's very identity, either in terms of nation or of some other allegiance, is endangered if the art

is not preserved at all costs? Works of art function in many ways. They don't necessarily have to function as markers of identity, national or otherwise. We have done ourselves violence recently by assuming that that was the "right" way to think about art.

MCCARTER: Probably, the real issue is a paternalistic one. I think we probably believe that we take care of objects better than other people. This is the nub of the issue, since we all agree that we need to have a larger world view of this.

Let me throw a wrench in the works. One issue is what really happens to these objects afterwards. One argument has to be that museums preserve them better than we presume those in the location of origin would.

This is a constant, ongoing issue for museum people—the conflict between trying to satisfy a broadening world sense and what is often the practical reality, which is that if you return objects to some countries, they will not be as well taken care of, and that those objects are going to be not only preserved better but appreciated more widely if they're on view at the Metropolitan Museum or the British Museum.

SCHAMA: That view is the view of the imperialist: "You can't look after yourselves, your children; you don't know about health. We are civilization; we'll do it all for you." And it depends what you mean by "taking care." Consider Mr. Apple's point that ritual objects in their village may be half-eaten by termites, but they will be taken care of in a particular way that has an intense and important meaning to the community.

APPLE: It is interesting that we value the objects that have been ill taken care of for the longest in the community, as opposed to those that were taken out of the community right away and well taken care of. You go to an artifacts dealer in West Africa now, and they will say, "This was danced for 23 years, $23,000. This was danced once, $8,000."

CALLAWAY: I would like to quote from the mission statement of this conference: "The conference mixes experts and journalists, seeking to summarize and move beyond the conclusions of earlier conferences on the subject, with a particular view to forming policy and working guidelines in the cultural-property and patrimony field."

And then Raymond Sokolov had a paragraph: "The cure for most of these ills would be an international art treaty establishing uniform standards of ownership, reasonable protections for national patrimony that would allow for some kind of free but supervised art market, with stringent protections for antiquities." To make this work, there would have to be a world art court of the sort that Ronald Lauder of the Metropolitan Art Museum had been organizing for art lost in the Holocaust. So there was a sense here of "Is there a new standard? Can we move ahead?"

MCINTOSH: I think that Mr. McCarter's point about giving up power is very much a part of our present landscape. And the path to the future is recognizing that we live in a different world than the imperial 19th century that shaped many of our views of public institutions. And even though it is hard to give up notions that have guided us as we've grown and developed, that is the situation that faces us.

For someone who works in a country like Mali, where the outflow of cultural capital is vastly greater than what is retained, people are trying to find a way to share ideas, to share power and responsibility. There are concerns (paternalistic as they may be), that they can't be cared for properly in a country with so few resources.

There is some merit to those concerns. But I would argue that our response should not be,

"Then it must come here—these people will not take care of it." No, there are people who are committed to taking care of it. All they lack is personnel and resources. Part of the way forward is to be part of that solution, and form partnerships. The people who love the art—and I'm talking specifically about antiquities from Mali—have benefited both in intangible and very tangible ways from it, from the vast inflation in the cost and value of their collections. And we can consider NGOs, various organizations, whose particular purpose is to provide the money for the research, the money for the infrastructure and training and institutions in those countries, which will ensure the proper maintenance of these objects in these countries.

Although development has been represented as a major threat for antiquities and archaeological sites, I would like to say that it certainly depends on where you are. In Mali, on sites that are along the Niger river—where commerce and development have moved to the margins of the river and away from the floodplains where the great civilizations of the past were—99 percent of the losses are coming from looting. And it is voracious. We have to think about what this means in terms of autonomy, sense of self, sense of pride, etc., and look for a different future.

CALLAWAY: Mr. Kimmelman, is there anything you can help us with on the idea of an art court? Frequently at these panels, we'll have a very sharp definition of the issue: "We should move to adopt; you have a right to sue HMOs if you get screwed by HMOs, etc." Is there something that this conference could move to, like, "Yes, a world court." Or, "Yes, USIA funding that's meaningful, with respect to enforcement of a UNIDROIT covenant."

KIMMELMAN: The basis of these arguments is always paternalistic. I think even as we may try to come to some consensus, it still has to do with the fact that we as different cultures cannot really agree on what value is. I think looting is a very interesting example. We may have created a certain notion on our own of the value of the culture, in which we see the looting of these sites as a cultural stripping that is in competition, to some extent, with the economic demands of the country. Whose priority is then to take precedence? This is really the nub of the problem: coming to some global consensus. We don't have a common sense of what cultural value is.

CALLAWAY: But would a world art court be any source of discussion?

KIMMELMAN: There have been laws passed. UNIDROIT's made laws about looting. The question is how useful they have been.

CALLAWAY: So is it a farce? Is it developing toward something?

KIMMELMAN: It's not a farce or a success.

CALLAWAY: So it's a work in progress? Can you point to anything they've done where you can say, "Here was a useful resolution of a conflict"?

APPLE: The designation of places as "protected places" by UNIDROIT in a few cases has reinforced the goals of local people who want the protection, because they can say, "It's not just us who thinks this is important, it's the whole world."

SCHAMA: I do think the degree to which works of art or pieces of cultural property can be protected depends critically on local passion, and local responsibility. It's true that it's not easy paying for it. And I am absolutely in favor of voluntarist muscle being pumped to support places where local passion isn't quite enough to build a fence around what's supposed to be protected. But I absolutely would be against a world art court.

"This is really the nub of the problem: coming to some global consensus. We don't have a common sense of what cultural value is."

CALLAWAY: John McCarter, there was a conference recently that considered public policy in art. And at the end, they had a practical discussion on, "Should the University of Chicago establish a center for the discussion of public policy in art?" If we don't have a world art court, should we have the cultural equivalent of the Environmental Protection Agency?

MCCARTER: We do have something I think that has been very successful—NAGPRA (Native American Graves Protection and Repriation Act)—which was passed in 1990 to the total dismay of the museum community, which said, "How can we museums continue to exist with these collections subjected to all the kinds of distribution and loss?"

We now have eight years of history, and my take on it is it has been a very positive experience, both for the Native American communities and for the museums. It has cleared up a lot of the most egregious behavior of museums of the late 19th and early 20th century. We started to open serious and imaginative discussions about the treatment of these objects and how they can be used.

You've got to think about the cultural patrimony issues in the broad sense, of this latest extension that we as a species are leading this world through. And I think the protection of natural species, of biodiversity, of natural communities, as well as the cultural patrimony, is a big issue. And it ought to be at the forefront. Therefore, I support the idea of the University of Chicago taking the lead on this issue.

STEINER: I think another factor that might help is education. The way that art is taught in American universities doesn't prepare students well to talk about these problems to consider art in terms of the institutions and the political issues that surround them. Typically, we're concerned with matters such as sex/class/race, the kind of identity politics that would go into a very particular view of these issues, and that might ultimately fan a simple nationalism. That has, at the moment, a stranglehold on the teaching of art in the universities. The only opposition that's been presented to that has been "aestheticism." But there are much better ways to negotiate those two poles in art. We could be doing a whole lot more in the universities to present the whole panoply of interests that surround art.

MCINTOSH: Mr. McCarter makes a particularly relevant point, and that is the experience with NAGPRA. We had a particular set of intellectual elite values that guided the treatment of Native American groups and their antiquities for a long period of time in this country, with an unwillingness to acknowledge a different world view. This culminated in a very abrupt departure from the status quo in 1990 that many archaeologists predicted would be the end of their discipline. We come to a point now almost 10 years later where many people involved in the effort of repatriation acknowledge that they learned a lot, and that it was a good thing. And we have an opportunity, as members of an intellectual and cultural elite, participating in this discussion on cultural property, to decide, "Are we going to learn from that lesson, or are we going to hold out for the status quo and ignore the fact that the world has changed?"

The upshot could be just as cataclysmic. We rested secure in our knowledge that we were the intellectual elite, and they would never have the power, or command the political resources to do anything about it. It was very unstated, but there it was. Should we continue with this way of thinking? Or shall we be surprised again at some point in the future when the necessary adjustments are made?

"We could be doing a whole lot more in the universities to present the whole panoply of interests that surround art."

We have a choice. And I think that most people who have participated in NAGPRA repatriation would say, “We should have negotiated, we should have had a dialogue, we should have been talking, we should have had a whole broad-scale participatory process long before this.” And that’s where the way forward lies.