ANTIQUITIES: INTERNATIONAL CULTURAL PROPERTY?

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BRILLIANT: There is an international organization known as the World Monuments Fund, whose headquarters are in New York City, and which concerns itself with the protection, restoration and preservation of major works of architecture in the world—works of architecture that are thought of being in danger of being destroyed, being lost, falling apart, being transformed into some other dysfunctional use, or in some manner disappearing from the spectrum of architectural monuments of quality in the world heritage.

Every few years, a group of scholars, including myself, is asked for our opinions about monuments worthy of protection and restoration, and that we should grade those monuments on a scale of one to five. A certain number of these imperiled or endangered monuments—judged on the whole by Western scholars—are deemed worthy of protection. Money is then sought to achieve that end.

Apart from the peculiar mode of selection, the desire to protect imperiled world monuments is perhaps worthwhile. On the other hand, one of the criteria used for selection is evidence that the restored monument is likely to retain its new condition. Many of these monuments are progressively, or continuously, endangered by the circumstances that surround them: the loss of the communities for which they were made, ongoing war or violence, or that the buildings may have been created for a purpose that is no longer viable.

In other words, an important criterion for preservation is the connection between the past and the future. It's interesting to think of the substitution that is possible for the preservation of monuments of the past, the kind of substitution that the Disney imagination makes possible by the creation of surrogate images. A recent article in *ARTnews* suggested that serious conversations are now going on in Athens that the Parthenon, so imperiled by pollution, should be taken apart, rebuilt somewhere else, and a substitution—a substitute ruin—should be constructed on the Acropolis.

I had a disturbing, but pertinent experience many years ago in Wurms, Germany. I had gone to the local provincial museum and then on to see what was supposed to have been the oldest vernacular synagogue in Europe, surviving from the late 12th to early 13th century. I came to the square in which this building was to be found, and all I could see was a great, grassy plot with blocks of stone here and there. I was bewildered, and I retraced my steps, and then I realized (this was the late 1950s) that I was in the right place, the place where once this building had existed and served a community. The building had been destroyed not by bombs, but by the Nazis in the late 1930s. What they had left behind were the stones that were themselves memorials, nude memorials,

for a building that once had existed, and a community that had been destroyed.

I felt then our responsibility not only to remember, but also to activate memory, not just by virtue of the recreation. The synagogue has been recreated. It is a model of a building that no longer exists for a community that no longer exists. Whose past is it? Who appropriates the past or deserves to do so? Who claims possession of the past? And therefore, who is justified in claiming responsibility, in pursuing possibilities for the future existence of monuments from the past?

GERSTENBLITH: In preparing my remarks, I was struck by the punctuation of the title of the session: "Antiquities (colon), International Cultural Property (question mark)." I first assumed I would address the international aspect of antiquities, and therefore the question mark in the title is arguably misplaced.

I later realized that the question mark is in the proper place, because what we should be asking ourselves is not whether antiquities have an international character—the answer to that is undoubtedly yes—but whether antiquities are property. Should they be owned, like any other type of property, to be traded in the market for the greatest monetary value to the highest bidder? Or is there a greater value that distinguishes them from other commodities?

I suspect that part of the title, "International Cultural Property," was intended to evoke the framework of analysis established by a leader of this field, Professor John Henry Merryman, who posited in several influential articles, one of which is entitled "Two Ways of Thinking About Cultural Property," that there are in fact two ways, and presumably only two ways, of thinking about cultural property. This framework is often viewed in the United States as the starting point of any analysis of cultural property. Professor Merryman labeled these two ways "cultural nationalism" and "cultural internationalism." According to his characterization of cultural nationalism, objects of cultural heritage serve to enhance national identity and to allow self-fulfillment of a particular community or nation. According to Merryman, this view leads both to laws that restrict the free trade in cultural objects and to what he calls "negative retentionism": the retention of cultural objects by nations that are unable to care for them properly, or to appreciate them sufficiently, or to pay for them what the international market demands.

Merryman labels the other perspective "cultural internationalism," according to which the purpose of cultural property is to increase the understanding of human civilization everywhere. Paradoxically, it is the object viewed in isolation that has the ability to impart this knowledge. Therefore, it does not matter from where this object came, only that it should circulate freely and be placed where the most people can see it and learn from it. Many who subscribe to this approach view the unregulated international market as a necessary prerequisite to the fulfillment of these goals.

My earlier assertion that antiquities are undoubtedly international in character may seem to indicate that I follow this perspective in cultural internationalism. Yet I do not. I have come to realize that this dichotomy of perspectives omits other values inherent in cultural property and that the picture is considerably more complex. Once we break out of this imposed dichotomy, we can see that it is a false one. Not only can both national and international values be melded into a single approach, but other values should be incorporated into a perspective that embraces the unique characteristics of cultural heritage. This perspective is context-centered and focuses on the preservation of the archaeological and historical record in which cultural objects are found. This contextual approach encourages appreciation of the aesthetic value

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of objects, while at the same time enhancing human understanding.

It is this which demands a distinctive protective regime for antiquities. For the archaeological and historical record of the world comprises all vestiges of human existence and all manifestations of human activity, including abandoned structures and remains of all kinds, together with all portable cultural material associated with them. The archaeological heritage is a fragile and non-renewable cultural resource. The protection of the archaeological heritage should be considered a moral obligation upon all human beings.

It is also a collective public responsibility. Only carefully preserved original contexts can furnish the data upon which the reconstruction of our past depends. Archaeologists study the past through careful excavation of sites and through retrieval of an array of cultural material with archaeological, historical, artistic, religious, cultural and aesthetic significance. This material offers evidence of history otherwise lost. Archaeological sites range from large urban centers to single burials. They are excavated a layer at a time, in reverse chronological order, regarding all remains of human activity as potentially valuable sources of knowledge. This process allows each object to be placed in its proper chronological sequence and in association with architectural features such as houses, industrial areas and burials. This, in turn, aids the reconstruction of each of the site's time periods, societal structure, culture, trade and living patterns, and connections among sites located throughout the world. What is learned from the complete reconstruction of past societies and civilizations enhances our understanding and appreciation of modern societies and our own cultural development. The legal protection of archaeological sites—particularly against the devastating effects of looting, most often caused by the demands of the illicit market—is essential to maintaining this evidence of our histories.

This contextualized approach to our understanding of cultural objects is both internationalist and nationalist. Contextualism is international because it increases our understanding of the past, which is a benefit to everyone. It is also nationalist because it may enhance understanding of particular cultural groups found within the borders of modern nations.

It has fallen to the nation-state to protect these physical remains through its legal regime. Neither the nation-state nor the legal regime has been a perfect guardian of the past. International organizations—some inter-governmental ones like UNESCO and non-governmental ones—aid in this preservationist effort. Voluntarism and public education also play important roles. Because laws and their enforcement are the product of a nation, however, the nation is the only entity with the ability to protect the physical remains of the past. Many nations have passed laws that vest ownership of certain categories of antiquities in the national government. Any taking of these objects is therefore theft. While some would like to characterize these types of laws as the product of romantic Byronism, many nations today, including the United States, use them as one method to reduce incentives to purchase undocumented antiquities and thus prevent the looting and destruction of sites.

Arguments in support of an unregulated market focus first on the benefits that accrue to the individual or institution that acquires the object. Second, the acquirer asserts a right to the object based on a moral or intellectual superiority. Third is an expression of altruism: because the possessor has a greater ability to care for the object, the possessor is not acting primarily for his or her own benefit, but rather for the benefit of everyone else, including the original owner.

Let us analyze some of these attitudes in greater detail. First, it is said that the market is able to find collectors, both public and pri-

vate, that are best suited to care for cultural objects. Those who would encourage the art market often suggest that placing a high monetary value on these objects is the best means of insuring their physical protection. Yet even in what the market purports to do best in, it does not always succeed, due to both intentional and unintentional damage. For example, tomb robbers and site looters often inadvertently or intentionally destroy objects, either to make them transportable or out of ignorance. In a case involving Pre-Iconoclastic and Byzantine mosaics stolen from the Kanakaria Church in northern Cyprus, the mosaics were removed from the curved walls of the church. Not only were the mosaics injured when they were removed, but the Indianapolis dealer who purchased them—thinking that they would be more saleable if flattened—had a conservator reset the tiles. In the process, many of the tiles were broken, and much of their depth and perspective were lost. In fact, the conservator reset them in Elmer's glue. Particularly for objects that end up in private collections, there are no guarantees of appropriate conservation, and objects are sometimes recut or altered to suit the modern decorating tastes of their owners.

Second, the market, it is said, serves to move objects throughout the world so that more people can enjoy them. Yet the market's appreciation for decontextualized objects remains mired in a one-dimensional view of the value of objects as exclusively aesthetic. While archaeology does not impede this aesthetic value, the unregulated market certainly impedes scientific study.

This morning, Professor Ricardo Elia discussed south Italian Apulian vases. I will mention a similar study by Professors David Gill and Christopher Chippendale, who studied Cycladic figures of the 3rd millennium B.C., which had been highly prized by collectors for their eerie resemblance to Brancusi sculptures. Gill and Chippendale determined that 90 percent of the known figures do not have a documented provenance, which means that we do not know anything about their archaeological context. An entire field of connoisseurship has been distorted beyond recognition, because it is not possible to determine which of the figures are genuine and which are fake. At the same time, an estimated 85 percent of Cycladic burial sites have been destroyed by looting.

The corollary to this part of the market justification is that the market allows these objects to move throughout the world, therefore making them more accessible to more people. However, the object is likely to end up in a private collection or in one of a handful of well-endowed institutions, often in storage, to be displayed occasionally, not necessarily accessible either to the general public or for scholarly research. Furthermore, the argument always seems to assume a one-way flow from areas of the world that are rich in cultural heritage to museums in a few major areas, primarily New York, London, Paris, Switzerland and sometimes Japan. Some parts of the world today, because of 19th-century colonialism and the 20th-century market, are almost entirely devoid of their own culture heritage.

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Third, it is said that source nations have an excess of cultural objects and are not capable of taking care of those they have. Some use this argument as an excuse to justify smuggling or theft and as part of the semantic ploy to redefine what is legal and what is illegal. The museums of North America and Western Europe are also filled with artworks and antiquities. In some U.S. museums, only a small percentage of their holdings is on display. Even if one were to posit a world in which countries rich in cultural resources might decide to enter into a legal market, what little evidence there is indicates that legal trade would not stop the looting. In those countries that have permitted legal trade to be conducted, sites are still looted. According to a study

by Dr. Patrick O'Keefe, it is as likely that an influx of objects on the market will stimulate additional demand as it is likely to satisfy the current demand. In addition, individuals and institutions with considerable wealth and prestige will not be content with anything less than the unique, so-called "museum-quality" piece. Unfortunately, one must loot many tombs and destroy many cultural objects with less aesthetic appeal in search of the exact right piece to satisfy the high-end collector.

What do I see for the future? The trend in the United States seems to be favorable toward restitution of stolen cultural property. Recent decisions such as that permitting the forfeiture of the Sicilian Phiale purchased by New York collector Michael Steinhardt, as well as settlement agreements in which private collectors and museums, including the Metropolitan Museum of Art, have returned antiquities to their country of origin, should discourage other high-profile collectors from undertaking purchases unless the documentation of the object is secure.

I believe the law is developing toward placing a burden of due diligence on the purchaser of antiquities, thus indirectly requiring the purchaser to search title and to demand documented provenance in a meaningful way. If the demand for looted objects is limited, the looting of sites would be discouraged. This demand is reduced by eliminating incentives to purchase undocumented objects by imposing legal consequences on those who purchase them.

In the international context, I want to mention briefly that President Clinton finally transmitted the 1954 Hague Convention to the Senate for ratification in January 1999. Unfortunately, this convention seems to be languishing. It would be of interest to all of us here to urge quick ratification of this treaty in the U.S. Senate. More countries are submitting requests to the United States to implement import restrictions on undocumented archaeological and ethnographic materials, pursuant to our implementation of the 1970 UNESCO Convention, although the search for more permanent controls remains elusive. The efforts of European nations to adopt both the UNIDROIT and UNESCO conventions is encouraging.

This leads us to the possibility of fostering a new culture of collecting, one that focuses on the full story that cultural objects can tell. Perhaps the most significant element in creating such a new culture would be to examine the conduct of our leading museums. In the past, the major museums of the world built their collections primarily through the art market, either as direct purchasers or as recipients of donated objects and artworks. I suggest that museums should seek an alternative, based on loans and exhibitions, which are grounded in institutional cooperation.

Although ownership of objects may have seemed in the past to provide permanence to collections, this is questionable today. An approach based on a spirit of cooperation brings several advantages. First, it ensures that the world's artistic and cultural heritage really does circulate throughout the world, rather than remaining in a few institutions and private collections. Secondly, it allows these institutions to move away from reliance on the market, which has often furnished aesthetically pleasing, costly, but unprovenanced objects whose stories are muted for lack of scientific and historical context. Third, it permits the museums of Western Europe and North America to enter into mutually beneficial partnerships with the institutions and governments of other nations, rather than perpetuating an antagonistic stalemate. Exchange of objects allows sections of the same object, which originally formed a single corpus, to be reunited. It also allows objects to be viewed through new eyes. When objects have been placed on loan with different institutions, not

only have advances in conservation techniques resulted, but new discoveries have been made.

International loans for exhibition purposes, longer-term international loans for museums that agree to abide by international laws and ethical standards, international collaborations ranging from excavation to conservation, site preservation and interpretive projects are all examples of this contextualized, collaborative perspective. If this view were accepted, then it would be possible, I believe, to increase the free exchange of cultural materials, which will enhance the acquisition of knowledge and appreciation for the past, from which all humankind would benefit.

WHITE: I would like to try to dispel some misconceptions that many people have about collectors. First, I think the belief that "if there were no collectors, there would be no antiquity problem" is a bit misguided. There would still be an antiquities problem. If the antiquities had no value on the commercial market, they would continue to be plundered by people who would use them for other things. They would be melted down. There are many reasons why antiquities would not stay where they were. It is not simply because there are collectors that sites are destroyed and monuments looted and defaced.

Collectors are only a small part of the reason that antiquities move from one country to another or disappear altogether. If one wants to show reasons why archaeological sites are destroyed and works of art lost, we can look at the archaeologists, who have claimed the moral ground. Archaeologists are very destructive. They leave mud brick walls to deteriorate because they have not found a way to preserve them, or they remove things that they think are insignificant, such as animal bones, from a site; therefore, there is no way ever to discover what the eating habits of a particular culture may have been. Or they allow a site simply to deteriorate.

Archaeologists also often believe in excavating a site to bedrock. Does anyone know what happens when you excavate to bedrock? Suppose you have a lovely Roman floor, but you think there's a Greek floor underneath it. What do you do? You smash the Roman floor, after you have, to quote an archaeologist, "documented and photographed it." You have still destroyed it, whether you have documented it or not. So there goes another Roman floor. Even more culpable are archaeologists who excavate and then fail to publish, frequently dying with their notes indecipherable and unread.

Urbanization is another culprit in the destruction of cultural property. Urbanization allows the building of new levels of civilization and paves over the old ones, not with a reversible material, but with concrete, so that the past is lost forever. Think of what happens. A contractor has his machines and workers on a job. He's about to build a road. And he's paid by the day. Someone on the site discovers an antiquity. The job is held up. The workers aren't going to be paid. Do you think the contractor is going to report the findings of that antiquity? Chances are he will not.

And what about the dams that are built and the sites that are flooded, putting thousands of acres under water? Or nationalism that sees objects in one culture destroyed by another? Or, in a cultural revolution, the destruction of objects by fanatic rulers who want to change the cultural order? War also brings destruction including, sometimes, wholesale devastation of museums. I've been told that the museum of Sarajevo was shelled for 1,000 days and almost totally destroyed. In Iraq, after the Persian Gulf War, many antiquities began appearing on the market, and I've been told that many of these objects were from families selling objects they had owned for years because they needed the money.

I think it is romantic to believe that all objects should be saved or should be left where they

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were found. But if we follow the line of thinking of those who believe that all objects should remain in their country of origin, museums all over the world would have to send their treasures away. Surely, in this day of global mobility, this is not practical or even thinkable. Where should some objects be sent? If a silver cup was made in ancient Athens and then exported to Sicily, is the vase the cultural property of the Greeks or of the Italians?

We should not believe that only context permits us to know an object. Think of the scholarship involved in just one area: that of deciphering the Dead Sea Scrolls. Without scholarship, we had something that was worthless. It was only the scholarship, and not the context, that let us know what these scrolls contained.

Even an object without an immediately known provenance should not be considered suspect. Some objects, especially small things, were kept by private individuals and never reported. So the provenance may exist but is lost. I do not think there is enough money to preserve everything.

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Collectors are the traditional preservers of our shared history. Knowledgeable collectors bring value to the objects. A collector friend of mine told of being offered part of a gold 10th-century Japanese idol recently. It had been cut into three pieces for its weight, not preserved for its artistic merit. Fortunately, he purchased two parts of it. The other part is lost forever. In poor countries, people often make a living by finding things on what are known as "official sites" that have been closed, especially things that might disintegrate. An example of this is tablets found by local residents of a site in Syria after a dam was built. If local residents didn't know that people would pay money for the cuneiform tablets that had been left behind, they would have been lost.

I would like to talk about what my husband and I do as collectors. Like other responsible collectors, we do not buy stolen art. We do our best to find out as much as possible about the provenance of an object before we buy it. We talk to scholars. We conduct research. We submit photographs to Art Loss Register. We publish the works we have. Despite this, we sometimes make mistakes. In the past few years, we have returned several objects to foreign governments. Some of them had been taken during World War II.

As collectors, we regard ourselves as caretakers. We know that eventually, our collection will go to a museum, where it will be seen by future generations. So we watch our charges very carefully. We feel responsible for conservation, cleaning and sometimes restoring pieces that were battered and corroded, and for keeping objects in climate-controlled rooms. We sponsor archaeological excavations.

We exhibit our collection all over the world. Currently, over 90 of our objects are on view, including 50 Iberian bronzes. I am pleased to report that when this exhibit was shown at the Cycladic Museum in Athens, the Crown Prince of Spain came to see them. He said afterwards that he had never expected to see such a beautiful display of Iberian works outside of his own country. Now that collection is in Israel. Because of our involvement in archaeology, I was asked, by the director of the Israel Antiquities Authority, to become president of the American Friends of the Israel Antiquities Authority. In that capacity, I help raise money for special projects in Israel, and help to sponsor exhibits of archaeological material in America, including the exhibition at the New York Public Library of the Dead Sea Scrolls.

We keep our collection available to scholars and we send photographs to scholars who wish to publish articles about them.

Because many excavations go unpublished for many years, my husband and I started the White/Levy Publications Fund at Harvard University. We are sort of a World Monuments Fund for archaeological publications. We try to find sites that were never published that we think are of great significance, and we give money to facilitate their publication. When we started this project, we didn't know if foreign archaeologists would apply for grants, because most publications in foreign countries are really under the aegis of the government. However, I'm pleased to say that we have awarded grants to archaeologists in Greece, Cyprus, Israel and many other countries. And we have now broadened our reach to include excavations in Iraq and other countries.

We hope that collecting can become a more collaborative effort. If we are ever to make progress toward solving the problem of patrimony, it is not through adversarial court proceedings, but through cooperation. In the past, it was not unusual for museums or private individuals to sponsor excavations and then share the finds, so that a museum in Chicago ends up with wonderful objects from Assyria, and a museum in Philadelphia exhibits finds from ancient Sumer. By allowing the free flow of objects, more of them would be preserved. In addition, the valuable information that is lost when finders of objects hide their sources would be retained. In the past, it was routine for dealers to divulge such information.

Collecting follows a long tradition. Romans collected Greek art. In the 18th century in Naples, Claire Lyons, noted an Italian writing to someone else who said, "There are so many vases being collected in Naples that they end up buried in the rooms of the music masters and the litigators."

We believe that as collectors, we are following a long and honorable tradition. We remember that the great museums of Europe have, as their core, the private collections of kings and reigning families, whose legacy to the future has been indispensable. We hope that we, too, will contribute to preserving our cultural heritage, and preserving more of this legacy of the past.

TRUE: Traditionally, the role of a museum's curator has been to work to build an institution's collections, and to exhibit, interpret and safeguard those collections. Over the past three decades, however, those of us who work in museums—with collections of antiquities especially—have been forced to confront the complex issues surrounding the protection of cultural properties within their native countries. The active promotion of stronger national and international laws protecting the artifacts of cultural heritage, as well as major legal efforts by the governments of the archaeological countries to recover their patrimony from institutions and private owners abroad, have been widely publicized. These initiatives, plus the depressing documentation of the despoilation of archaeological sites around the world, have caused many institutions to turn from collecting archaeological artifacts to alternative activities in order to remain vital and interesting for their various audiences. As the Getty Museum is one of these institutions, I thought it might be helpful to consider how fruitful and effective these new directions have proved to us.

In 1995, the Getty Museum amended its policy for the acquisition of antiquities to include the stipulation that any object considered for purchase, gift or loan had to have been previously published or otherwise documented as being in an established collection or institution. For all intents and purposes, this new amendment brought our period of aggressive collecting to an end. Many museum professionals surely found our decision incomprehensible, because our collection is far from complete or representative. But because this decision was made by choice and not forced by extenuating circumstances, I'd like to explain our decision.

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The first issue is that we realized when we closed our old museum in July of 1997, the entire first floor was dedicated to the antiquities collection, and we had on exhibition only 6 percent of the material that we owned. When we reopen that area in 2002, we will still be able to show only 50 percent of the collection at any one time, and I have serious reservations about adding to a collection simply to put material in the basement.

The second issue was that it became more and more difficult for us to actually be certain that we could acquire the objects that we were acquiring as good-faith purchasers.

This is partly because of the all-too-common practice in the international market of forging provenanced documents, or signing false statements or warranties. Recent headlines in both the *New York Times* and *Los Angeles Times* described the return of three objects by the Getty Museum to the government of Italy. We took the initiative to return these objects. We discovered that they were stolen from the country, and we informed the government about the theft, and we made the arrangements for the return. But in all cases, these objects were accompanied by documents from the dealers that warranted that they had good title to sell these objects. We decided that rather than continue to struggle with the difficulties that pervade so much of the market when it became clear that there were so many more positive ways in which we could use our resources, that we would undertake some new initiatives that we hoped would be more constructive.

The first direction to which we have allocated funds is conservation of both objects and archaeological sites. I will mention two different projects. The first was an international meeting on site management that we co-sponsored in the Mediterranean region with the Getty Conservation Institute. The purpose of the meeting was to bring together national archaeologists, directors of foreign missions, conservators, ministers of culture and ministers of tourism from all of the 19 countries that border the Mediterranean to discuss how their interests intersected around archaeological sites. In particular, we wanted to discuss how the exploitation of these sites was often in conflict with their preservation. The meeting produced a set of resolutions for the implementation of good site-management practices. Widely disseminated, these resolutions have begun to be put into practice in several important archaeological sites, and the full proceedings of the conference have been published and disseminated.

Though the organization of such a meeting may seem an odd activity for a museum, it had a very positive effect for our museum activities and in the preservation of sites. The antiquities organization of Israel, one of the countries that attended, has offered to lend our museum a collection of ancient glass on long-term loan. Glass is something that we're very poor in, so this will provide us with material that we can show in our galleries. We've also embarked on two research projects with colleagues on archaeological sites in Italy, and we are organizing a major exhibition with the government of Tunisia on the great Tunisian general Hannibal, an exhibition that will open in Carthage and travel to Rome and Los Angeles.

The second initiative is an exchange program that we have recently finalized with the Pergamon Museum in Berlin. Though much conservation work has been done over the decades with incredible care and skill in this great museum, there has never been a full-time staff of conservators that was adequate to the scale of the collections. For this reason, there are a number of important sculptures in that museum that are badly in need of treatment. At the Getty, we have a large, well-trained staff of conservators and a small collection of ancient sculpture that is pretty well

complete in terms of its conservation treatment. Last fall, the first of two large marble sculptures arrived from Berlin, and our conservation staff began restoring this object in collaboration with the conservator from the Berlin museum. When completed, the sculpture will be exhibited in our museum for two years with full documentation of the conservators' work, and then returned to Berlin. We hope that these two statues will be replaced by others, and the process of conservation and exhibition can continue until the critical needs of the Berlin collection are met. From our perspective, all sides benefit in this collaboration: the Pergamon Museum's sculptures are preserved, the Getty Museum has wonderful new pieces to exhibit to its public that are without parallel in the permanent collection, and the conservators can share the information discovered in the restoration process. In both of these examples, you'll notice that the result has brought us new material for exhibition in our Los Angeles museum.

Finally, why, in the face of all the problems and antagonisms that exist around the issues of patrimony, does any museum outside of an archaeological country wish to maintain and exhibit ancient art and artifacts? Many archaeologists representing both the national and foreign missions would say unequivocably that they should not.

I say that not only does the museum have a responsibility to represent these collections, but that the archaeological countries have a responsibility to make material available to us for exhibition, because of the values they offer for public education, for research and for conservation. Such collections can be used to introduce new and broader audiences to ancient art and the cultures that produced them through exhibitions and educational programs. I would be surprised if most of the people in this room did not have their first encounter with a work of ancient art in a museum. In many cases, that encounter inspired a lifelong interest. It is the widespread interest and concern of these broader audiences for these artifacts and their cultures that will ultimately lead to their preservation.

Archaeological sites and monuments around the world are in ever-increasing jeopardy, not just from war and looting. The combined effects of environmental pollution, mass tourism and commercial exploitation, plus the lack of any serious site-management programs in most countries, have done more damage in the last 50 years than in the previous 3,000. Hundreds of millions of dollars are needed to conserve and protect these irreplaceable resources. These funds cannot come from the archaeological countries alone.

But how will, and why should, the international community accept responsibility for these resources if the people have not been educated about the importance of the cultures that produced them and the necessity for the preservation? The education of an international audience is a key factor in which museums traditionally have played, and hopefully will continue to play, a significant role. The willingness of the archaeological countries to provide access to these materials and long-term loans for exhibition can only increase the public awareness of the value of the cultural heritage, which will ultimately support its preservation.

HITCHENS: Regarding the Parthenon and perhaps finding a safer site for it than the Acropolis: at whose expense is this irony, if it is one? Because the only place you could go in the entire world and see the Parthenon as it was designed to be visited is Nashville, Tennessee, where at the 1897 exposition, the Acropolis, almost completely, almost pedantically was recreated for the American delectation. They did think of putting the Acropolis on the highest hill in the park, in deference to what they could see was going to be a theme-park culture. They thought, "We'll build it a little bit lower so people won't be discouraged

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by the trek." And Colonel William South decided to do this extraordinary reconstruction. It's been reconstructed and redone since, but so much damage had been done to the east pediment by then that Colonel South had to put the west pedimental figures of the Parthenon on both ends. Nobody then in Nashville noticed, because the U.S. was a country in the process of being made. In fact, Nashville was called the "Athens of the West" when it began. It was already the Athens of the South by the time of the exposition. You can see, on the site of Robert Altman's great movie, those who want to act, to struggle and suffer and do things in public and take a part in the life of the city, gravitate to the Nashville Parthenon. And this is where the ambitions of Phileus and Pericles are to be seen in their most fully realized condition.

I offer this partly as response to the introduction, and second to ask the question, "Could there be an aesthetic element to the matter of natural justice? Is there any beauty to justice? Is there any justice to beauty? Is there a natural symmetry between these two ideas? Or can we consider them separately?"

Our literary models here are not very encouraging. They are Solomonic and Shakespearian, and they consist of division of the spoils. The Solomonic case is well-known to all; if the partition is not going to work for a human being, it may be said that it is not that likely to work for a work of art. The second example of the great ironic carve-up is in the "Merchant of Venice," when Portia is only able to say, "Well, you can have the flesh, as long as you don't take any blood." It's still a carve-up, an amputation, a partition. It is the idea of property being divided without any reference to its authenticity or wholeness or integrity.

Why do we wince, though? I was pleased to hear not just Dr. Gerstenblith mention the mosaics in Cyprus, but the wince that she got when describing what happened. I've been to that desecrated church, and you look up and you see where they were supposed to be. You have to have a sense of culture and symmetry and proportion. These are meant to be looked at from below, among other things. They're done by the artist, flat to his or her eye, but knowing that the viewer will see them like that. Everything is lost if they are taken down: let alone if they are unrolled, let alone if they are flattened out and ironed, let alone if they are reglued. Why do we call the person in Indianapolis who did this an "art dealer"? What is she dealing in? Not in art. This is a commodities dealer of a very low type, a fence, a pimp, a receiver of stolen goods, and should be treated as if that were so.

So why is this racket called the "art market"? The artistic character and nature of the artifact is destroyed by this kind of treatment, just as was Selene's horse head torn from the pediment of the Parthenon, intended for the decoration of Lord Elgin's gloomy, windswept baronial Scottish keep, relinquished by him when he was strapped for cash, now just stuck like a horse's head on a hook in Les Halles, because it's an artifact. You're supposed to look at it from the pedimental corner upwards to see the face of the horse, and the way that its mouth droops and appears to foam. This is a dying horse. All perspective, all curvature, all proportion is abolished by the amputation.

I would like to propose two cases. One is a hypothetical, the other is historical, in which it could be argued that restitution of cultural property would become an aesthetic priority as well as one of natural justice.

The hypothetical is this: Suppose that the canvas of the "Mona Lisa," or Bruegel's "Icarus," had been cut in two. One half of it was in Naples, and the other in Stockholm. If these two halves were not reunited, what would be lost? Two things. One, no one would ever know what the picture had originally looked

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like. Two, factions would form around, "Well, we saved at least one half of it for Stockholm, or we got it fair and square and it's ours." So the second big loss, would be that the fragments of what was painted would become mere relics, or fetish objects. The original purpose of having such objects in museums would be forgotten, or abolished, or deformed, or negated by it.

If you look at the sculpture of Phileas, which was carved as a unity and tells a narrative story in stone, on what grounds can it be argued that half of this frieze should be in a cellar in Bloomsbury and the other half in Athens? There is the option of moving the whole Parthenon to Bloomsbury. I have not yet heard that proposed, but this would allow the British to say, "We haven't just saved one, we've saved the whole lot now, and we've saved it fair and square." That's the hypothetical case. You see the *reductio ad absurdum*.

The historical cases are very clear. When the transfer of cultural artifacts has been carried out for reasons of plunder or private acquisition, and has thus deprived the classical art's natural audience of a clear view of its own patrimony, of what is our common artistic heritage? Because these works have either been stolen, or broken up, or desecrated, or simply hauled into the gloomy private collection of an acquisitive person, whose attitude to art is probably the same as the dealer in Indianapolis.

The three great cases are these: In the aftermath of the defeat of Napoleonic France, there was a convention set up throughout Europe to restore what had been taken by the dependents of Napoleon for their own private collections. There was an ensuing European commission after the congresses of Berlin and Vienna. Second, since the end of the European empire, in particular British and French imperialism, there have been efforts to undo what seem now like exorbitant thefts of property, or the removal of tutelary deities, and so on—things that mattered much more to the people from whom they were taken than to those who went to see them on a Sunday afternoon in Bloomsbury. And the third is the attempt to put right the misery and blaspheming horror inflicted by Nazi imperialism in Europe between 1939 and 1945, a lot of which involves the finding and restoring of cultural property.

The Elgin sculptures are involved in all three of these cases, because Greece was not recognized as an independent country when the European powers met with Castleray and the others in the liege after 1815, and decided that here could be reapportioning. If you weren't a legitimate government, you couldn't claim that you wanted back what had been taken from you. In this case, the thieves were people on the winning side, Lord Elgin and his protectors. So Greece missed that chance after the war, when the British Museum did return the coronation regalia of Mandalay, and the coronation stools of the Ashanti people in West Africa, the Lane collection of paintings back to Dublin.

These were all amendments being made for the degradations of imperialism. They were done quietly, they were done ad hoc. But they were admissions. Greece and Cyprus were left out of that, because it was feared that the Parthenon Marbles would be a great precedent. And the Parthenon sculptures were also involved in the question of the degradations of Nazi imperialism.

You can now go and see the marbles in the Duveen Gallery. Lord Duveen had the marbles scrubbed with wire brushes to make them look more attractive. The British Museum buried the report of that, kept the sculptures out of view for 10 years, hoping that the damage wouldn't be noticed. The museum had to move them into one of the London underground stations, they said, to escape the Nazi

bombardment. For 12 years in London, no one could see them, because they were so afraid of people seeing what Duveen's Disneyfication had done. But here's what Duveen was and what he did. I'll quote from a book ["Lord Elgin and the Marbles"] by William St. Clair:

> "Sir Joseph Duveen's fortune had been built by buying old pictures in Europe and selling them to the United States. In the years following the First World War, many families in Britain and elsewhere in Europe were glad to ease their financial problems by selling their inherited pictures across the Atlantic. Duveen, it was suspected for a time, and is now absolutely certain, shamelessly modified the pictures he bought to make them more attractive to his potential clients. And they, for the most part, did not know or care that they were being deceived. Old Masters were stripped, touched up, repainted, prettified and coated with varnish. And Duveen would deny there had been any intervention. . . . an art historian with whom he had a secret financial partnership, supplied misleading professional attributions of the picture. . . .If, as was pointed out, the Duveen Dura carried more new paint than old, well, he would explain, 'It had been a Dura once.'"

So this is the steward of the Parthenon Marbles. I remember Oscar Wilde saying, after he'd been in prison for about six months, "In Britain, if you're in prison, you're described as a guest of Her Majesty, as one of Her Majesty's prisoners. . .If this is how Her Majesty treats them, she doesn't deserve to have any prisoners."

If this is how the British Museum treats and has treated its cultural patrimony, then we have to argue the following: To whom do the parts of the sculpture belong? They belong to the whole. To what else could the sculptures belong than to the whole of the sculpture? Not to us, not to Greece, not to London, not to Lord Duveen or any of his heirs or ensigns, not to the Elgin family. They belong to the whole. They belong to Phileas and Pericles. To whom does the whole belong? The whole belongs to us, because it is the nearest we can get to the definition of our continuity and artistic patrimony. None of these questions are in need of any further complexity. One of the very definitions of the aesthetic, the simple and the beautiful is that it is symmetrical and, in that respect, complete.

> "To whom do the parts of the sculpture belong? They belong to the whole. To what else could the sculptures belong than to the whole of the sculpture?"

DALEY: The term "cultural property" reminds us that whatever airs art may assume, someone or some organization owns it and has power over it. For art lovers, the actual ownership of a work is inconsequential, so long as access to it is unimpeded.

Campaigners for the return to Athens of the British Museum's Elgin Marbles—they're called the Elgin Marbles because they're not the whole of the Parthenon Marbles, they represent over half of the surviving sculptures—the campaigners for the return of those marbles invert this relationship by placing ownership above access. They do further mischief by placing a notion of moral ownership above actual ownership, and by rooting this morality in nationalist sentiment. Because modern Greeks equate their sense of national identity with the Acropolis, it is claimed every art object ever associated with or located on the site must be returned.

The irony here is that the antithesis of nationalistic art is classical art. Pressing the latter into the former is both perverse and philistine. It is true that the Parthenon and its sculptural decorations were conceived and executed as a unity for a specific purpose by a particular people at a singular moment. But that moment and those circumstances are gone. The glorious art remains. And—against the odds, and in part through its partial dispersal

and worldwide recognition as a quintessentially paradigmatic and universally comprehensible art form—the restitution campaign purists and their nationalistic fellow travelers vilify Elgin and caricature his removal of carvings from the Acropolis as nakedly unprincipled imperialist abuse when, as they well know, the cold facts testify to the contrary.

First, the removals were necessary on conservation grounds, and they have proved highly beneficial. Second, as Elgin hoped, their detachment did great service to art and was greatly welcomed by artists. Turner complimented Elgin for effecting the sculptures' "rescue from barbarism." What is more, the wave of philhellenism triggered by their arrival in London played no small part in the subsequent liberation of the Greeks from Turkish rule. In order to give credence to claims of injury by Elgin, the role of context in art is fetishized. "If the Marbles began life on the Parthenon," it is insisted, "they must all return to it." Henry Moore's testimony on this point is studiously ignored. He was especially opposed to the Marbles' return if it entailed their being reunited on the Parthenon. "It's architects who want to push sculptures up into the air. Sculptors like them on the ground, where people can see them properly and, preferably, touch them."

Contrary to long-fostered impressions, there are now no plans to undo Elgin's alleged crime by reuniting the sculptures with the Parthenon. A century and a half of Greek stewardship and restoration practice has made that impossible and has left the building itself in mortal peril. The 25-year-old EU-funded restoration, which was scheduled to last another 30 or 40 years, has ground to a halt. Last year, the director was sacked. This year, the entire committee for the restoration has been disbanded. Pollution in Athens is so bad that the remaining sculptures have been taken down and stored in nitrogen-filled glass cases. The very acts of removal that have been portrayed as butchery by Elgin are now replicated and sanctioned in Athens as state-of-the-art restoration practice under Article VIII of the 1964 Charter of Venice. Were the Elgin Marbles ever to be returned to Athens, not only would they not be on the Parthenon, they would not even be on the Acropolis. Instead, a plan has been hatched to house them all together in what is a perfectly hideous off-site museum. This was scheduled for completion in 1996, but construction has yet to start. Even architects who support the Marbles' return condemn this building as an ill-conceived Hollywood-style extravaganza.

One million people pay each year to visit the Acropolis. Over six million people, four and a half million of whom are foreign, visit the British Museum each year for free. At the British Museum, the magnificently displayed Marbles are seen both in the context of wider Greco-Roman antiquity and vis-a-vis the treasures of other civilizations and eras.

This is no trivial or frivolous benefit. One regular 19th-century beneficiary of the museum's fabulously rich comparative collections was Karl Marx. The importance of his exposure to the museum's contents may have been underestimated. It was classical art that stymied Marx's own grandiose schema. His planned metasystem was neatness itself. "The so-called cultural superstructures of societies stand on their own economic bases. Primitive societies produce primitive art. Advanced economic bases guarantee advanced cultural forms." Or rather, as Marx found, they don't. Classical Greek art simply refused to fit. "How could it be," Marx asks, "that an ancient art should not only continue to afford us with aesthetic enjoyment but actually prevail beyond its time as a standard and remain as an unattainable model?" His own answer was half-hearted but nonetheless perceptive. Greek art remains eternally charming because it represents "the historical childhood of humanity, where it retains its most beautiful development."

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This was no culturally determined, sentimental, aesthetic prejudice of a 19th century white European male bourgeois. The freshness, charm and unrivaled artistic potency of which he spoke were recognized in antiquity itself. Plutarch observed that every work from the time of Pericles had, from the moment of its creation, the beauty of an ancient masterpiece which yet retained its freshness and newness to this day. He identified a certain novelty which "bloomed upon them" and kept their beauty "untouched by time." This awesome beauty truly has proved timeless.

We risk reducing these great works by conniving at their hijacking as emblems of a contemporary national identity. Supreme classicism deserves more than a role as logo. We also must emphatically reject complacent and hypocritical claims that because of their "special status," returning all of the Marbles to Athens would pose no threat to the great international comparative museums. The museum is already under siege. The prospect of the Marbles' return is already fueling fresh demands. The Moscow and St. Petersburg museums face repatriation claims from former Soviet satellite states. Nationalism and religious fundamentalism are on the march, not least in the Balkans. Culture is already hot and dangerous property. Calls for ethnically pure art arrangements are, at best, misguided and should be discouraged.

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As for the Elgin Marbles campaign, it presents us with stark choices. I cite two recent letters sent to British newspapers on the dispute. The latter first, and this was sent to the *Guardian*, a liberal British newspaper.

> "Sir, Isabel Hilton writes: 'For centuries, cultured Britons have studied ancient Greece.' For the 'cultured,' read: upper and upper middle class, the Elgin Marbles appeal because the classics were part of an elite British education, not because of their intrinsic value. By all means, let the new government undertake restitution of stolen art works, or compensation where that's more appropriate. But let's give priority to the worst cases of imperialistic looting."

Second letter:

> "Sir, when in 1967, I left Greece under the Colonel's rule, my visits to the British Museum brought me solace. I was able to keep in touch with my cultural heritage outside the geographical and political confines of Greece. Later, I discovered to my delight and amazement that apart from the perfect display of the Elgin Marbles in their special gallery, they are kept in a country where the study of Ancient Greek is kept alive, where Greek plays are performed either in the original or in English and in the most erudite and scholarly fashion, like the Theban plays by the Royal Shakespeare Company in Stratford last season and in London this year. Schoolchildren, among them my own son, have the privilege and joy of reciting verse and studying Homer in the original. By contrast, in Greece, the study of ancient Greek in schools, marked by the impoverished language studied today, has been cut off from its natural roots. Visitors to museums, including that on the Acropolis, are frustrated by restricted opening times and high admission charges. Moreover, a new gallery close to the Parthenon to house the Marbles would violate the Acropolis. The advocates of the demand for the return of the Elgin Marbles, which stems from empty nationalist zeal and socialist politics, should direct their zeal and support toward Cyprus. The Marbles much remain where they are in a country that cherishes the classical tradition."

Needless to say, I'm with the second letter.

GERSTENBLITH: A few words about the process of excavation, which we all understand is a type of destruction.

That's why it needs to be undertaken carefully, scientifically, and why it needs to be documented. The alternative is looting, which doesn't document anything and preserves no information, other than a stray object which seems to have sufficient monetary appeal. Many archaeologists do believe that parts of sites should be left unexcavated so that in the future, when better methods are developed, other archaeologists can go back, re-excavate and find more information, just as today, sites that had been excavated in the 19th century are being re-excavated. A good, well-run excavation preserves all the floral and faunal information, tells about diet and all those kinds of things, and the Roman mosaic floor would be lifted and preserved, probably placed on display either on the site or at a local or national museum.

The Dead Sea Scrolls were mentioned. A lot was certainly learned about them by scholars, who knew how to read them. Much more would have been learned, however, if we could have recovered the context. The scrolls were scattered throughout the world by the market. It took a lot of effort and a lot of money to recover them and bring them back together. A few are large and well-preserved, but many of them are in very small pieces. It was very difficult to piece them back together. Scholars have debated for 30, 40 years how to put them back together.

Wouldn't it have been nice to have known exactly which cave which ones came out of, known what they were wrapped in, known which pots were found with them, what their date was? We don't know their exact dates, we don't know who wrote them, we don't know which sites were associated with them. There's a lot about the Dead Sea Scrolls that we might have known if they had been properly excavated.

HITCHENS: I think the Parthenon case is interesting because it is unique and exemplary.

The reason why the uniqueness would be my stress is simply that it would avoid the introduction of so many false issues, like the Elgin Marbles are so called because it's part of the mandate of Elgin's family and the British Museum bequest that they have to be referred to as that. Remember, these marbles were taken to be the decor of his private home in Scotland. Remember, also, the damage done to the physical building, which cannot have the sculptures back, by the wrenching away of this stuff. Remember also that the ship that shipped them home, sank. And nearly all of the Marbles were lost. And remember the 12 years no one could see them at all? It's preposterous and ahistorical to say that this was a conservation operation.

That it was a service to art, I do say in my book, there is irony, and it is a pleasurable one, an unintended consequence. I think it's one of the nicer unintended consequences. But I don't think it licenses the judgments of Henry Moore, that Selene's horse head would be better in a parking lot.

As to the question of precedent, it's perfectly simple. There is no court. There is no law. There are no precedents. To whom are the Babylonians going to go when they want their stuff back? In what form is the precedent useful to them? To whom can they plead this case? If the government in Russia decided they do or don't want to give things back to former Soviet republics, it can or cannot do so. But the idea of the precedent is a phony attempt to change the subject.

If the Greeks wanted anything else back, it might be true. But the Greeks have said that they are pleased that the museums of the world are full of their artifacts. But none of the arguments that you've given for Britain's restitution and for the opportunities of people

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to see them in different contexts and to spread the word, none of these would apply if, during the Nazi occupation of Athens, those sculptures had been moved to Berlin. If that was the case, all of your defenses would still apply.

DALEY: The removal of the sculptures from the Parthenon by Elgin saved them from the effects of the pollution that has so damaged the ones that have been left in place, the ones that are now being taken down and put, in many cases, in basements. And the Marbles are not in a basement in Bloomsbury, but in a splendid, classically designed gallery.

The worst damage that has been done to art and is being done to art, perhaps apart from aerial bombardment, is by conservators. And the habits and the practice and the funding of these practices are turning the world's great art treasures into permanent job-creation schemes, which lead to spin-off in the form of exhibitions, books and what have you, which is one of the matters that should concern all who are concerned about art.

"As to the question of precedent, it's perfectly simple. There is no court. There is no law."

AUDIENCE QUESTION: What would Mr. Daley have done today if the Nazis had succeeded in entering London and had stolen Trafalgar's monument, took it to Germany, and put it in a better setting because there's too much pollution in London and that monument is suffering?

And, what, if they went into the dungeon of St. Paul's Church and took the tomb of Lord Nelson and put it in a better setting in London? Would you have agreed that that setting more befits those two rather revered monuments of England, just as you're doing with the Marbles?

DALEY: I will turn the question round and ask: "Would you remove everything from the great museums? Would you strip the British Museum of everything which you might feel other parties had better claim to?"

AUDIENCE MEMBER [In response to Daley's comments on the Elgin Marbles restoration project]: The restoration project has not come to a standstill. Its pace is such because of repeated rejections of sponsorship offers by the committees. I know this because I worked on it last summer.

AUDIENCE QUESTION: My question is for Christopher Hitchens. Isn't it, at the end of the day, counterproductive to start talking about restoration out of the museums? My experience has been in Libya, which has the largest Greek rooms in the world. They have formally asked the British Museum, who were the ones who dug up the first diggings there, "Would you be so kind as to return the objects?" But they told me, "We don't ever believe that the British Museum is going to return anything to us or to anybody else. What we would really like is some support from the foreign museums for the digging up of our Acropolis, which costs millions of dollars to do. That's a practical thing." Their attitude was, "Rhetorical demands about restoration are not going to ever happen and are of no political significance in Libya." The rooms are Greek, not Arabic. It's senseless.

It seems that what you're doing is taking the most glaring, historic example of imperialism, and therefore demanding that this become some sort of canon of future activity, which has to be counterproductive because those museums in the West are not going to help these guys get out the stuff that's still underground.

HITCHENS: Let us not make the best the enemy of the good. You may have noticed recently that the Sphinx is looking a bit better. It's been restored. One reason it's looking better is that a bit of its beard has been put back into it. That bit of the beard was in the British Museum for a long time. It looked kind of silly on its own. "Here is a chunk of the beard of the Sphinx. We've got it. What we have, we

hold. Don't be asking for it back because it would mean the end of the great civilizations." "Nonsense," they said. "Give it back. It belongs on the Sphinx." It's back. How difficult is that?

On the other hand, my countrymen are being offered the chance to become co-sponsors of the Acropolis museum and the restoration project. When opened, it would have grand monuments in Greek and English saying, "Generosity, internationalism, philhellenism." Our expertise in museums would overcome some of the shortcomings of the Greek project. It's a wonderful and generous and handsome international offer, and it's being treated in this awful, constipated, mean-minded and creepy way, as I may have mentioned.

AUDIENCE QUESTION: I believe that claims after the end of the Soviet Empire probably could be comparable to the restitution situation at the end of the Austro-Hungarian empire, when the Hungarians, Czechs, Romanians and other nations were claiming stuff in Vienna, like the situation with the Elgin Marbles.

DALEY: I don't know the case in point. The general question—should we return everything to everyone who asks for it?—is problematic. The more recent the claim, the better the case for returning works. And, you don't have to defend Nazi looting or Soviet looting to make a case for the retention by the British Museum of the Elgin Marbles.

The marbles are not only held in Bloomsbury. They're also held in Athens, Paris, Copenhagen, Palermo, the Vatican, Heidelberg, Munich, Wertzburg, Strasberg and Vienna. All of these marbles are available to the public: except those in Athens, which are waiting attention in the restorer's studios because they've suffered such terrible corrosion in recent years.