DOES HISTORY SUFFER WHEN CULTURAL ARTEFACTS ARE RETURNED?

This is a question that may surprise many and indeed many may consider it wiser to leave unanswered rather than hazard untenable answers. Michael Kaput has some views on this issue which he expresses in an article entitled, “Whose Heritage? Repatriating ancient treasures seems like a noble cause, but history might end up the loser.” The article has been reproduced in Elginism, a leading website devoted to the question of restitution, especially, the restitution of the Parthenon/Elgin Marbles. (1)

Kaput does not give us any definition of history. If we take history as record of events and developments within a time framework, it becomes difficult to see why the return of the bust of Nefertiti from Berlin to Cairo should be a loss to history. Did history suffer when the Egyptian queen was moved from Egypt to Germany? Or does history only suffer when artefacts are returned from their present locations in the West to their countries of origin?

Following the well-known thesis of James Cuno and co, Kaput argues that the present contending States did not exist when the artefacts were made and transferred:
“The war over antiquities is waged between modern nation states, which didn’t exist at the times the artifacts were created or removed. Many of the artifacts in question were taken across the borders of defunct political bodies, Ottoman-administered Egypt in the case of the Rosetta Stone, and Ottoman-administered Greece in the case of the Elgin Marbles. Though cases can be made for their return, it is logically and legally impossible to hold modern-day states accountable for the actions of past governments, regimes and empires.”

This argument has hitherto been advanced by the retentionists to deprive a claimant such as Egypt of her right to the bust of Nefertiti or to the Rosetta Stone. Kaput seems to be extending this contention to include an argument that the present holding States had not been in existence at the time of the alleged illegitimate transfers. Although he does not expressly say so, he seems to be implicitly extending the notion also to Great Britain and France by declaring that “Though cases can be made for their return, it is logically and legally impossible to hold modern-day states accountable for the actions of past governments, regimes and empires.” This can only mean that the holding States did not exist at the time of transfer. At this point, we may start wondering whether he is really aware of what he is saying since Britain, and France did exist at the time the disputed objects were removed. Whilst Cuno and co limited their questioning of the existence of present States at the time of production or removal to claiming States, Kaput extends the argument to holding States.

Queen-mother Idia, Benin/Nigeria, now in the British Museum, London, United Kingdom.

As for modern States not being accountable for actions of past governments, regimes and empires, one may remind Kaput that there is such a notion as State
succession. He surely must be aware that the present German State and government have assumed certain obligations deriving from the nefarious activities of the evil Nazis and that the boundaries of many States are based on agreements made by previous States and governments. Without some kind of succession to both the good and bad deeds of previous States, life in present States would be impossible.

Kaput buys completely Cuno’s idea that present-day Egyptians have no connections with ancient Egyptians:

“It is difficult to make the case that the artifacts of ancient Egypt were made by people bearing strong similarities to citizens of the modern-day Arab Republic of Egypt, just as it would be difficult for Greek PM Papindreou to say he has a tangible link to the lineage of Socrates. Though geography and cultural identity count for much personally, they are not consistent, logical or legal foundations for creating effective mechanisms to govern the return of antiquities”.

We have already answered elsewhere the basic argument presented by Cuno on the alleged lack of continuity or links between ancient Egypt and present-day Egypt. If the criteria set up by Cuno were applied to present-day France, Germany, Britain, and the United States, none of them would be able to hold artefacts found in their territories.(2)
Egyptians. Kaput must be well-versed in Physical Anthropology to go through thousands of years of human evolution and development to establish or deny similarities or continuities between peoples of different epochs. He declares that there is no tangible link between a Greek Prime Minister and Socrates. We have never heard the Greeks base their claim to the restitution of the Parthenon Marbles on such an absurd ground as the physical similarities between their leaders and the ancient Greek philosophers. If we apply such a test to the French, Germans, the British and the Americans, we would obtain hilarious results that would make us forget altogether the issue of restitution. No doubt Kaput has not thought of this because, like most retentionists, he is only concerned with the motivations and qualifications of those demanding the return of their artefacts and not with those holding on to them.

Michael Kaput appears to be more courageous than most of those writing on restitution issues. He boldly declares geography and cultural identity as less important for the determination of the issues involved: “they are not consistent, logical or legal foundations for creating effective mechanisms to govern the return of antiquities.” The archaeologists who have hitherto taught us that the location and context of artefacts are of crucial importance will no doubt look at Kaput’s thesis.

The author returns to his source of inspiration and declares:

“These larger issues are precisely the ones people like James Cuno, director of the Art Institute of Chicago, see as the overriding concern in the political debate over antiquities. Cuno’s book Who Owns Antiquity? and his subsequent lectures on the subject of antiquities argue for a global culture of antiquities exchange, in which scholars refuse to cave to the pressure of leaders and governments seeking to acquire antiquities for their own national promotion. “It is in the nature of our species to connect and exchange.”

Kaput mentions “a global culture of antiquities exchange” but does not give any concrete examples. We are not aware of any global exchange of antiquities apart from the one way traffic of antiquities going from some countries such as Egypt, Greece, Nigeria, Peru, and Mexico to Britain, France, Germany and the United States. There are still the outstanding issues regarding the Parthenon/Elgin Marbles, Rosetta Stone, the bust of Nefertiti, the Benin bronzes, and the Zodiac in the Louvre which perhaps are viewed by others as part of “global exchange” even though the history of the illegitimate transfers can by no means be considered as “exchange”. What did the claiming countries receive in “exchange”? In many cases, the brutality of the acquisition methods used: invasion, looting, oppression and massive violations of human rights by the colonialists clearly rules out the use of a euphemism such as “exchange”. Would anyone dare classify the forcible transfer of the Benin bronzes to Great Britain,
after invasion, massacres and burning of Benin City in 1897 as “exchange”? Would the British invasion of Ethiopia in 1868 and the looting of the treasures of Magdala be perhaps a form of exchange? It is true that some, against their better judgement and in post facto mitigation of the British attack on Benin, have tried to argue that the invasion and the subsequent spread of Benin art in the Western world at least led to a better appreciation of African art. In view of the massive loss of lives and the destruction of material wealth in Benin, a kingdom that did not share any territorial border with Great Britain but made the “mistake” of resisting British hegemonial ambitions in the West African coast, can one accept such an assessment as justification for murder and plunder?

Following his master’s voice Kaput, refers to “scholars refuse to cave to the pressure of leaders and governments seeking to acquire antiquities for their own national promotion”. We do not know which scholars he is referring to and from which States. Nor are we aware of any scholars acquiring antiquities “for their own national promotion.”

The rather weak argument of Cuno that legislation against illegal trafficking in antiquities only encourages the illegal market is swallowed whole by Kaput who also accepts the unfounded notion that such legislation is used to bolster national identity. That States are required by various conventions, including the 1970 UNESCO Convention, to enact national legislation for the implementation of treaties may perhaps surprise some. That the illegal trade in antiquities is fuelled by the insatiable desire of Western museums to acquire as many artefacts as possible and by all means seems to escape some writers.

Rosetta Stone, Egypt, now in British Museum, London, United Kingdom
Kaput, like many retentionists, makes generalizations about our “common heritage”, ”global culture” etc and seems to support the view that those who resist the hegemony of the dominant powers could only be nationalists that “degrade the ideals behind preserving humanity’s past”. He hardly pauses to consider the reasons for resisting imperialist hegemony and that the real betrayal of humanist ideals are by those who have always been prepared to resort to the use of violence to achieve their aims. To turn the victims of oppression and domination into destroyers of humanist ideals because they ask for the return of cultural objects wrenched, often with violence and intimidation from their locations, is a cynical way of thinking which only serves the entrenched interests of former colonialists and their supporters.

Retentionists and their supporters have a remarkable way of placing the burden of proof of their arguments on the shoulders of their opponents and diverting attention to aspects of a general problem that end up by obscuring the main concern.

An assertion is made or insinuated that repatriation of cultural artefacts to their country of origin may cause loss to history but no evidence or example is provided. It is left to opponents of the assertion to supply examples and evidence that the contrary is true, i.e. that restitution does not contribute to losses for history. Attention is thus diverted from the serious question of preventing looting to a false problem of potential dangers of restitution. Devoting more attention to a non-existing problem reduces concentration on real problems. There is no evidence of abundant willingness or readiness on the part of States holding cultural objects of others to return them. There is therefore no need to worry unnecessarily about the dangers of restitution. Most scholars would say that the real danger now is the loss of knowledge through looting of artefacts encouraged by museums and collectors that purchase objects without asking questions about their provenance. There is ample evidence of the dangers of looting and the matter is discussed on daily basis by scholars. (3)

Kaput adopts the usual retentionist tactic of attributing to the absence of adequate law, the lack of willingness to repatriate cultural artefacts:

“The key UNESCO convention on the issue — the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property — was enacted in 1970. But it has no legal weight, and applies only to antiquities removed from countries after 1970.

The lack of international legal tools that can be used to reclaim antiquities is part of the problem for source countries, leading to high-profile repatriation campaigns such as the one led by Hawass”
The impression is given that there have not been restitutions of artefacts because of the inadequacies of the law and that in the absence of appropriate legal provisions, there can be no restitution. This is a remarkable argument when we consider that it usually comes from those countries that have looted/stolen the cultural artefacts of others. None of the laws applicable in the societies and States from which the cultural artefacts were looted or stolen approved of such acts. It is like the thief who on being requested to return stolen property, retorts that this cannot be done because there is no law covering the situation. When the artefacts were looted nobody seemed overly concerned about laws. The UNESCO Convention (Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970) which is said to have no “legal weight” is an instrument the international community has provided for itself. Its weaknesses and strengths are a reflection on the balance of power in the concert of nations or what Kaput describes as “political footballs.” Unlike football matches, international relations are games in which the players often make the rules as they go along and there are no yellow or red cards to be distributed for fouls. Penalties are not awarded against brutal violators of the rules. Unlike football, many innocent persons uninvolved in the game die as a result of violations of International Law rules.

The history of the adoption of the 1970 Convention clearly indicates the strong opposition of the holding States to any provisions that might deprive them of any of the artefacts looted/stolen during the colonial period. It took many States some thirty years to ratify the convention with extensive reservations. A look at the list of ratifications of the 1970 UNESCO Convention offers interesting information for assessing the postures of various States, including States that stand to benefit from the convention but have so far not done so.

Neither the 1970 convention nor any other legal instrument forbids States from returning stolen/looted cultural artefacts to their countries of origin. Indeed Article 15 of the 1970 Convention expressly authorizes States to enter into negotiations about artefacts transferred before 1970:

“Nothing in this Convention shall prevent State Parties thereto from concluding special agreements among themselves or from continuing to implement agreements already concluded regarding the restitution of cultural property removed, whatever the reason, from its territory of origin, before the entry into force of this Convention for the States concerned.”

Several UNESCO and United Nations resolutions as well as conferences have urged holding States to return cultural artefacts. The ICOM (International Council of Museums) Code of Ethics has urged museums to enter into negotiations with countries of origin. Clearly, if the Western States are not willing to return artefacts, this is not due to the absence of adequate laws but to the lack of political will aided and abetted by the lack of consciousness that it is
morally and legally wrong to hold on to looted/stolen property. Many in the
West, especially in the museum world, seem to think any means for obtaining
cultural artefacts is acceptable. That they are depriving others of their cultural
icons and human rights does not seem to bother them. Indeed, there are scholars
who insist on the right and duty of Western museums to detain cultural artefacts
of others.

The various restitutions made recently to Egypt, Italy, Greece and to Ethiopia
have not shown any loss or suffering by history. No doubt some Western
museums may lose in specific situations of restitutions, especially where the
disputed artefacts are their greatest attractions. But can this be a respectable
argument for not correcting past wrong doings and injustice to the countries of
origin of the artefacts? Are the interests and sentiments of the peoples of those
countries not important? We recall the joys and hopes of the peoples of the
countries of origin whenever their cultural objects are returned. The return of the
Axum Obelisk by Italy to Ethiopia was met with prayers, songs and dances
raising hopes that finally those treasures looted by the British at Maqdala in
1868 may eventually be returned. *Archaeology*, a publication of the
Archaeology Institute of America reported that:

“In the weeks before the stele's arrival, euphoria seized much of the nation.
Parading school children, chanting priests, and dancing Axumites were
broadcast daily on Ethiopian television. Even the foreign press reveled in the
nation's proud homecoming party.” (4)

It is not difficult to imagine the joy and satisfaction of the people of Benin,
Nigeria and Africa if the British Museum and the other Western museums were
to return some of the Benin bronzes, especially the bust of Queen-Mother Idia
which has become a pan-African symbol. But do these Western States and
museums really care for the sentiments and aspirations of the African peoples?
The Benin Royal Family and the Nigerian Government have asked several times
for the return of some of the Benin bronzes only to be met with dead silence or
disdain. The Art Institute of Chicago and the Field Museum, Chicago, do not
even bother to acknowledge receipt of letters from the Royal Family.

Those Western museums and Governments that are busy proclaiming their
wishes to celebrate with Nigeria and other African States the 50th anniversary of
African Independence could follow their words with concrete actions by sending
some African artefacts back to their countries of origin. They would create
tremendous joy for the African peoples whose artefacts, thousands in numbers,
are lying in the depots of the Western museums which have no use for them and
have space problems. Where then is the alleged humanity of the Westerners who
never tire of proclaiming our “common humanity” and “our common heritage”?
They do not seem worried by their perpetual and constant violations of the

human rights of the African peoples to cultural development by withholding their cultural icons. How can one detain for decades the cultural icons of others and wish them progress and development? How can they even pretend to celebrate with us when they deny us our cultural objects that define and establish our identity and portray our conceptions of the world and human existence? How would the Western States like their cultural icons to be detained for decades, for example, by the Chinese?

The arguments presented by Kaput indicate a refusal to recognize the dynamic history of international relationships and to support the development of equitable cultural relations. But the world is changing, with or without the consent of the mighty ones and their supporters or those who have internalized standing colonial positions. Forces of change are increasing daily and the return of cultural artefacts is on the agenda. Kaput may lament that “When artefacts are used as political footballs, history gets sidelined.” What he calls “political footballs” are the dynamics of the changing relationships that are moving towards the correction or balancing of the asymmetric relationship. (5) Tullio Scovassi has correctly described this dynamic development, with respect to the return of the Axum obelisk, as follows: “The story of the belated restitution of the Axum obelisk is an outstanding example of the progressive development of principles of international law relating to the non-impoverishment of the cultural heritage of other countries, to the integrity of cultural sites and to the non-exploitation of the situation of countries subject to colonial rule”. (6)

There is not a shred of evidence to suggest that history suffers any loss as a result of restitution. It is the people deprived of their cultural and religious artefacts that suffer. In any case, there is not at present a super-abundance of willingness on the part of those holding disputed artefacts of others to return them and so the fear of dangers of restitution is a fiction of the imagination of some writers. The urgent task now is for Great Britain, France, Germany, Belgium, Netherlands, Spain, Portugal and others to return some of the artefacts removed during the colonial days from Africa, Asia and Latin America; they should also contribute to reducing further looting of artefacts which thrives mainly because of the lucrative market for such items in the West. (7)

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Obelisk from Axum, Ethiopia, dismantled by Mussolini’s Fascists in 1937 and located in Rome for decades before it was returned in 2005 to Ethiopia.

NOTES


3. See for example, Looting Matters [lootingsmatters.blogspot.com](http://lootingsmatters.blogspot.com) Portable Antiquity Collecting and Heritage Issues, [paul-barford.blogspot.com](http://paul-barford.blogspot.com) Illicit Cultural Property [illicit-cultural-property.blogspot.com](http://illicit-cultural-property.blogspot.com)


6. The return of the Axum Obelisk
THE RECENT STORY OF THE AXUM OBELISK