To my parents
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<th>Abbreviation</th>
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<tr>
<td>ICOM</td>
<td>International Council of Museums</td>
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<tr>
<td>NAGPRA</td>
<td>Native Americans Grave Protections and Repatriation Act</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<td>UNIDROIT</td>
<td>International Institute for the Unification of Private Law</td>
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The term “universal museums” is a recently coined definition that refers to museums such as the British Museum and the Louvre in France that grew out of the European Enlightenment in the eighteenth and nineteenth centuries. Although there are many universal museums that represent a broad range of history and culture from all over the world, this thesis pertains to the nineteen universal museums that signed the Declaration on the Importance and Value of Universal Museums in 2002. The Declaration states that colonial methods of collecting, however immoral, need to be viewed under the light of an earlier era when collecting values were largely different, and that subsequently, today these museums “serve not just the citizens of one nation but the people of every nation.” However, this document is largely viewed as a defense against repatriation claims from source countries since it neglects to include possible ways of improving dialogue with the communities or countries affected by repatriation of their objects.

Today, in a post-colonial world, where cultural and political boundaries have changed dramatically, museums have a changed mission. Far removed from their colonial roots when their sole mission was to collect, preserve, and exhibit objects for
the benefit of the elite; museums now strongly aspire to disseminate knowledge to a wider public, and to maintain a high standard of professionalism with respect to cultural property. However, universal museums have been reluctant to embrace this change as reflected by their largely adverse responses to the growing number of requests by source countries, including formerly colonized nations, for the return of cultural treasures.

In this thesis, I address the challenges that universal museums face in contemporary society with respect to their current identity and purpose, and the issues of repatriation they face. To better understand universal museums, I first provide a historical overview of how they rose out of royal collections as the first ever public museums used to “enlighten” society. I summarize the repatriation debate using current cultural property laws and international museum policy perspectives which together significantly hinder the possibility of having positive outcomes for both parties. Lastly, using the Benin Bronzes and Nigeria as a geographic focus, I portray a non-Western standpoint of universal museums and how repatriation issues are being tackled. This is a vital perspective as the views of non-Western museum and cultural heritage professionals are largely absent in the battle for disputed art. In conclusion, I propose collaborative solutions that encourage the development of long-standing relationships between universal museums and formerly colonized nations. These ties would serve the purpose of educating communities about their own cultural heritage while also allowing museums to continue the exchange of art and to enhance the growth of knowledge for their public.
CHAPTER 1
INTRODUCTION

Universal museums are museums with encyclopedic collections that represent different cultures of the world.¹ They were originally established during the eighteenth and nineteenth centuries in continental Europe at the height of significant cultural and political movements such as the European Enlightenment, colonization, and the French Revolution of 1789-1799. The term “universal museum” was officially introduced in a statement titled the Declaration on the Importance and Value of Universal Museums (hereafter titled the Declaration) that was published in December 2002 and signed by nineteen directors of universal museums in Europe and the United States.² Most universal museums are art museums that originated from royal collections, with the exception of the British Museum, which emerged from a natural history collection that was donated to the state by the physician Sir Hans Sloane. The British Museum became known as a museum of art after it purchased the Parthenon Marbles in 1816 and acquired the Towneley Marbles.³ Although there are many universal museums that

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¹ The newer term “universal museum” is used interchangeably with the terms “encyclopedic museum,” “enlightenment museum,” and “universal survey museum.” It is a twentieth century update to an eighteenth century institution, its prototypes being the British Museum and the Louvre.


represent different cultures of the world, this thesis focuses on the nineteen universal museum signatories of the Declaration.

The Declaration is viewed as a defense against a growing number of requests from source countries for the return of objects within the universal museums’ collections. The battles over the return of the Parthenon Marbles from the British Museum to Greece, and the bust of Nefertiti from the State Museum in Berlin to Egypt are a few of the high-profile repatriation claims that initiated the creation of the Declaration.\textsuperscript{4,5} The mounting calls for repatriation from source countries and the subsequent publication of the Declaration, self-proclaiming the title of “universal museum” for the first time, has provided a new context in the cultural property debate. The latter which typically takes place between a Western museum and the government of a source country (usually non-Western) now includes a critical divide between universal museums and countries that were under European colonial rule.

In summary, the contents of the declaration emphasize the important role that universal museums have played in creating “universal admiration for ancient civilizations” to an “international public.” Despite discouraging the ongoing illicit trafficking of objects, the Declaration claims that objects that were “acquired in earlier times” by museums should be viewed in context of an earlier era that had “different sensitivities and values.” The Declaration also claims that these objects have become a


\textsuperscript{5} For a summary of the repatriation case of the bust of Nefertiti, see Sharon Waxman, Loot: the battle over the stolen treasures of the ancient world (New York: Times Books, 2008), 53-61.
part of the museums’ heritage, and that while its original context is important, universal museums have provided a renewed context that goes beyond its original provenance. The Declaration’s reference to objects “acquired in earlier times” can be attributed to objects procured from the periods of European Absolutism in the sixteenth century to imperialist rule in the nineteenth century resulting in colonization of vast lands across the world.⁶

Beginning with the rise of European absolutism in France, Russia, Austria, Denmark and Spain in the sixteenth century, the collection and exhibition of art came to represent the power of the state. The creation of absolutism or an absolute monarchy led to competing power plays between the rising European powers. The display of grand art in royal courts was central to the domination of the European state, and art was confiscated as booty from territories under rule for this purpose.⁷ Later, in the eighteenth century, as European powers became a dominant part of the rest of the world through colonization, we began to see a widespread appropriation of ancient cultures. The treasures from distant lands became part of the rising national identities of European countries. The French Revolution of 1789 and the consequent nationalization of Louis XVI’s property resulted in the declaration of the Louvre as “The Museum of the French Republic.”⁸ This crucial period in Europe’s history epitomizes the important role that art played in establishing national identity. Monuments and

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⁶ Imperialism and colonialism are often confused as synonyms of one another. However, colonization is typically a consequence of imperialism. Edward Said defines imperialism as “the practice, the theory and the attitudes of a dominating metropolitan center ruling a distant territory” and colonialism as “almost always a consequence of imperialism...is the implanting of settlements on distant territory.” Edward Said, *Culture and Imperialism* (New York: Vintage Books, 1994), 9.

⁷ Chapter 2 describes in detail the manner and purpose of collecting during European absolutism.

objects from Greece and Rome were the first ancient cultures that drew keen interest from competing European powers. Then, in the nineteenth century, beginning with Napoleon Bonaparte’s rediscovery of ancient Egypt, the collection of ancient antiquities spread further East from Egypt to the Mesopotamian civilizations, and subsequently in the twentieth century, to antiquities in Asia, Latin America, and Africa. Many of these ancient treasures now remain on display in the halls of Western museums, including universal museums.

Today, we live in a very different world. The countries that were once colonized are now building their own national identities, and the reclamation of their cultural property, as an extension of their cultural identity, is a way of reclaiming a stolen history. To many source countries, viewing the acquisition of objects in the light of a different era does not absolve the impropriety surrounding their removal from their original locations. However, during the nineteenth century at the height of imperialism, when European powers plundered innumerable antiquities from conquered territories in the competition for national glory, the notion of its present-day immorality did not exist. In fact, it was considered the norm. As Elazar Barkan, Professor of International and Public Affairs at Columbia University, suggests:

Looted cultural objects expansively displayed in museums and world fairs were the most concrete demonstration of imperial glories and wealth. Eventually, with the delegitimation of imperialism, even after the European powers withdrew from their empires, they held on to the cultural imperial spoils. It is these possessions that have become subject to criticism.  

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The pillaging of art that took place at this time happened without the rule of law, and the military, archaeologists and scholars brought back valuable treasures of ancient civilizations to universal museums in the West, while vanquishing those civilizations of their own history. One of the imperial atrocities of the nineteenth century that evokes the need for justification by a source country is the plunder of Benin City (present day Nigeria) by British forces in 1897. In reaction to the killing of some British troops, the city and palace of Benin were invaded, and thousands of treasures were looted, after which the city was burned. Today, most of the Benin treasures, more famously known as the Benin bronzes, can be found in universal museums in Paris, the United Kingdom, and the United States.\(^\text{10}\) In 1977, the British Museum requested an insurance bond worth two million pounds sterling for the loan of an ivory mask to the Nigerian government though eventually denying the request altogether on the grounds that the mask was too fragile for travel. Using preservation concerns as justification for denying loan or repatriation requests has become a popular strategic move made by universal museums. More pressing justification provided by the director of the British Museum, Neil MacGregor, and other universal museum directors is that the worldly context provided by these antiquities is only possible within the walls of the universal museum.

According to MacGregor, the “terrible circumstances of the 1897 dispersal” formed a “new, more securely grounded view of Africa and African culture.”\(^\text{11}\) He goes on to say, “I don’t know where else a visitor can apprehend Africa in so many contexts.

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A collection that embraces the whole world allows you to consider the whole world. That is what an institution such as the British Museum is for."¹² For MacGregor, the Benin Bronzes, and other contested objects in the British Museum’s possession such as the Rosetta Stone and the Parthenon Marbles serve a greater purpose – ‘a worldwide civic purpose.’¹³ He promotes the idea of being able to display the world under one roof, a notion of universality, crediting its roots to the eighteenth century European Enlightenment, the intellectual movement that he claims provided the foundation to broaden people's understanding of the world.¹⁴ He compares the British Museum’s encyclopedic collection with the *Encyclopédie*, a renowned representation of Enlightenment thought published in France in the mid-eighteenth century by Denis Diderot highlighting the importance of gathering universal knowledge, a concept which MacGregor claims was empirically accomplished by the British Museum from the collection and housing of material under one roof.¹⁵ By having objects of different cultures exhibited next to one another, MacGregor determines that this new context, only possible in a universal museum setting, would allow more truthful details to emerge that would not be possible if these objects were exhibited in isolation.

In embracing its Enlightenment roots, he believes that the modern encyclopedic museum or universal museum has the ability to use its collections in their worldly

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¹² MacGregor, “The Whole World in Our Hands.”

¹³ See Chapter 4 for a case study on the Benin Bronzes.


¹⁵ Denis Diderot, a French philosopher and prominent Enlightenment thinker is best known as chief editor of the *Encyclopédie*, known in English as “Encyclopedia, or a systematic dictionary of the sciences, arts, and crafts,” published in France between 1751 and 1772.
context to challenge people’s views of the diversity and interrelatedness of the cultures of the world, insisting that “the world is one and that we who work in museums are doing something to shape the citizen of ‘that great city, the world.’” He also credits the European Enlightenment for having founded the notion of trusteeship, stating that the “notion of an obligation to hold the object for the benefit of others, the whole world, natives as well as foreign, those living now and not yet born” is “rhetoric of the eighteenth century” and “an Enlightenment concept and term of law.”

Neil MacGregor has become the most vocal supporter of the Declaration and the universal museum. Although the British Museum was not one of the original signatories, it published a statement as a preface to the Declaration, both of which were first published through the press office of the British Museum. Another vocal supporter of the Declaration is James Cuno, Director of the Art Institute of Chicago who has written many publications in defense of universal museums and the need for disputed objects to remain within their collections. Similar to the views of MacGregor, Cuno believes that the universal museum is based on European Enlightenment values of cosmopolitanism allowing exploration of the full extent of diversity in human culture. Cuno calls the British museum ‘the inspiration of all encyclopedic art museums,’ stating that its empirical application of the Encyclopédie for the sake of experimentation and curiosity of the ways of the world were part of the Enlightenment ambition. In defending all universal museums’ need to strive for the Enlightenment’s ‘universal’ objectives, Cuno asserts that we should be inspired by “the Enlightenment’s ambition for

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18 For a full view of the Statement on the Value of the Universal Museum, see Appendix I.
universality – for discovering the underlying principles of all things and all knowledge – and its emphasis on unprejudiced and open inquiry about the world and its people.”¹⁹

The Declaration caused widespread criticism from scholars, museum professionals, and professional organizations spearheading much needed debate of the key issues regarding cultural property, repatriation and the purpose of universal museums.²⁰ Geoffrey Lewis, Chair of the ICOM Ethics Committee, who does not support the Declaration, encourages dialogue between museums and source countries, stating that universal museums have to face the reality of the significance of national patrimony towards cultural heritage today. In an editorial published in an ICOM newsletter in 2004, Lewis expressed his opinions regarding the Declaration and stated the following:

The real purpose of the Declaration was, however, to establish a higher degree of immunity from claims for the repatriation of objects from the collections of these museums. The presumption that a museum with universally defined objectives may be considered exempt from such demands is specious. The Declaration is a statement of self-interest, made by a group representing some of the world’s richest museums; they do not, as they imply, speak for the “international museum community”. The debate today is not about the desirability of “universal museums” but about the ability of a people to present their cultural heritage in their own territory.²¹

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²⁰ The deputy director of the UK Museums Association called the Declaration a “crude statement that does not give credit to the subtlety of thought that many museums give this issue.” The president of the Australian Museums Association said that were more positive ways of managing repatriation claims which could build relationships between museums and communities that would favor both parties. ICOM stated that the issue of repatriation requires more wise and thoughtful judgment and that strong declarations needed to be avoided. See Jeanette Greenfield, *The Return of Cultural Treasures*. 3rd ed. (Cambridge, UK; New York: Cambridge University Press, 2007), 88.

Lewis’ emphasis on presenting cultural heritage on one’s own territory is a representation of a nationalistic approach that supports the modern political borders of source countries. The idea of identifying cultural property with a modern nation has become a significant part of the language embodied in the ICOM Code of Ethics, and more importantly in UNESCO legislation relating to cultural property, specifically the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (hereafter called the 1970 UNESCO Convention). The premise shared by UNESCO and ICOM is that cultural property belongs to the geographic area from which it originated, and that the descendants of the people of the culture attributed to the object are the rightful claimants.

This nationalistic approach is very different from the more internationalist view taken on by universal museum directors, who believe that cultural heritage belongs to all mankind. A strong advocate of the internationalist approach is John Henry Merryman, a prominent expert of international cultural property law, who believes that the sovereignty of a nation bears no relevance to the determination of where cultural property belongs. For internationalists like Merryman, MacGregor and Cuno, the principle of limiting cultural heritage to its geography has politicized the issue of repatriation, causing misunderstanding and conflict. In addition, the internationalist

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approach determines that if a country has an abundance of cultural resources that it does not have the capacity to take care of, then those resources should instead be transferred to countries able to do so, such that they can be preserved for the good of mankind.  

The battle over high-profile cultural treasures such as the Benin Bronzes, the Parthenon Marbles and the Rosetta Stone, with the help of widespread media attention, has engulfed the museum world and the global community to such a large extent that it has narrowed our perspectives on the real issues at hand. What is the role of the self-declared universal museum in the twenty-first century? Is it relevant to use eighteenth-century European Enlightenment values to justify the need for objects to be represented in a worldly context? Why do universal museum directors believe they have the authority to speak for the ‘international museum community’ because of the universal nature of their collections? Does the return of objects nullify past historical injustices which have severely transformed the identities of these cultures? And how can universal museums find collaborative solutions with source countries?

This thesis attempts to answer the questions posed above by analyzing the ideology of the universal museum, first from a historical perspective and then focusing on the challenges they face today in the twenty-first century with regards to the cultural property debate. In promoting the concept of universality in the twenty-first century, I believe that the directors of universal museums face two major challenges.

First, the selective use by museum directors of “universal” principles of the European Enlightenment to defend themselves against repatriation claims in the twenty-first century appears to be problematic. The European Enlightenment, although undoubtedly one of the most culturally and scientifically rich aspects of Europe’s history is not without its complications. Innumerable discourses on this eighteenth century intellectual movement present varying interpretations of its purpose and its effects on Europe’s public sphere as well as the world. Its “universal” principles have been challenged as far back as the Enlightenment itself by philosophers such as Immanuel Kant (1724 – 1804), Johann Gottfried Herder (1744-1803), Adam Smith (1723 – 1790) and Denis Diderot (1713- 1784). While they recognized that all people deserved equal dignity and respect, they felt it was equally important to recognize the cultural distinctiveness of people. Therefore, they struggled between universal concepts and cultural pluralism. For Kant, Smith, and Diderot, using the universal argument of a shared humanity of all people was not enough to challenge colonialism, which they believed to be antithetical to Enlightenment principles.\textsuperscript{25} They felt that until people in Europe recognized the diverse aspects of varying cultures, people in the colonies would continue to be treated with disrespect. Therefore, for Diderot, the only way in which universal human dignity could be attained was to recognize “particularity as the universal human trait.”\textsuperscript{26} Today, in a world that is more culturally pluralistic than it has ever been, it may seem anachronistic for universal museums to strive for a ‘universal’ context. In considering the undeniable tie that the Enlightenment has to nationalism


\textsuperscript{26} Kohn, “Colonialism.”
and colonialism, which has contributed to the mass-scale plunder of art treasures, one may question whether its motives were universalist. In this sense, the European Enlightenment is multi-dimensional in its effects, and universal museums would do well not to attach themselves to Enlightenment roots in promoting a “universal” façade.

Second, the universal museums’ steadfast aim in applying a universal context to their collections, despite the escalating calls for repatriation by source countries, appears to go against recognition of the gaining national significance of cultural property over the past three decades. Since the 1980s, we have seen UNESCO take on a more nationalistic approach towards the designation of cultural property to a particular place, largely due to practical dilemmas with regards to the growing illicit trade in antiquities. UNESCO is the main operational agency through which control is exercised over the import and export of cultural property. Although operating on an international framework, UNESCO controls and mediates repatriation claims on a national basis. For universal museums, nationalism is seen as an obstacle in the preservation of universal cultural heritage against possible destruction. Therefore, the challenge for universal museums and source countries is finding common ground between a polarized internationalist and nationalist view on the rightful place for cultural property.

The two challenges that I have described above will be discussed more fully in the following chapters. The second chapter gives a brief historical overview of the origins of the universal museum, describing its birth from princely galleries during the Renaissance, its transition to a public museum during the eighteenth century European Enlightenment, and its establishment as a nineteenth century imperialistic institution. This chapter also addresses the relationship between the European Enlightenment and
the concept of universality. To understand the original concept of universality, it is imperative to understand the general cultural developments of the period in which they grew during the age of exploration, where the development of public museums was part of a larger scheme by nations to impart power, and educate and reform society.

In the third chapter, I address the implications of colonial plunder and its effects on the cultural property debate. This chapter addresses the problems that universal museums face with respect to cultural property claims using cultural property law theories that demonstrate the internationalist approach taken by universal museums and the nationalist approach taken by source countries. This chapter also addresses how international conventions such as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (hereafter called the 1995 UNIDROIT Convention) have given paramount recognition to the expression of national cultural heritage through cultural property, a principle which does not favor the declaration’s claim for universal cultural heritage, as it supports the return of objects to their place of origin.27

The fourth chapter is a case study of the Benin Bronzes that addresses the issues faced by Nigeria in attempting to repatriate the bronzes from the universal museums that possess them. I use this case study to demonstrate the current obstacles faced by source countries in repatriating their cultural property under the auspices of UNESCO and UNIDROIT conventions. Finally, I provide alternative solutions to repatriation, one of which is building branches of universal museums in Africa. I believe that this method would allow universal museums to enforce true

“universal” values by enabling source countries to be reconnected with objects that represent their culture, while facilitating universal museums with further knowledge and research. It would also encourage the process of gradually eliminating the colonial underpinnings and authoritative structure of universal museums.
CHAPTER 2
UNIVERSAL MUSEUMS: AN HISTORICAL OVERVIEW

Introduction

The universal museum has had a complex history since its emergence in eighteenth century Europe. To give a historical narrative of the development of the universal museum, we have to examine the development of the first public art museums in Europe, since these were the first museums with encyclopedic collections to serve the public since their transition from princely collections. Carol Duncan and Allan Wallach called these museums “universal survey museums,” referring to museums such as the Louvre and the Metropolitan Museum of Art which represent a broad range of history in their collections. According to Duncan and Wallach, “the universal survey museum is not only the first in importance, it is also the first type to emerge historically, and from the beginning it was identified with the idea of the public art museum.”

It is important to look closely at the eighteenth century European Enlightenment and how it contributed to the formation of the first public museums - the prototypes of the universal museums - in Europe. It is also important to understand that the European Enlightenment gave rise to nationalism and new imperialism amongst the European empires, ultimately resulting in the zenith of colonial expansion taking place in the nineteenth and twentieth centuries.

Universal museum directors, Neil MacGregor and James Cuno, use the European Enlightenment and its universal aspirations as a supporting argument for the importance of having the whole collection “under one roof,” where each culture can be further appreciated by its juxtaposition to other cultures – hence giving the objects a universal

1 Duncan and Wallach, 54-55.
objective.² MacGregor and Cuno are able to use the European Enlightenment conveniently as a binding force to universal values as it was during this period that the early universal museums such as the British Museum and the Louvre were established. Although encyclopedic collecting did take on new meaning during the Enlightenment era, its origins precede the age of the Enlightenment to that of the Renaissance. The earliest example of a museological classification system that had a specific arrangement of objects was compiled by Flemish physician Samuel Quiccheberg, who had developed a detailed encyclopedic template for scholarly collecting.³ He was one of the first scholars to use the terms Kunstkammer and Wunderkammer, more famously known as ‘cabinets of curiosities,’ which referred to the earliest private rooms that were filled with extraordinary works of art and nature.⁴ Quiccheberg’s meticulous classification system for the “rich theatre of objects of the whole universe, unique materials, and extraordinary representations” provided an encyclopedic framework for scholarly collecting.⁵ In this sense, the European Enlightenment cannot be wholly credited for giving museum collecting a universal or encyclopedic objective. There are many varying analyses to the goals and accomplishments of the European Enlightenment, but to perceive it myopically as an event that strove for universal values, as claimed by supporters of universal museums, is too one-dimensional. This chapter will explore the European Enlightenment and its multi-dimensional effects on European

³ Samuel Quiccheberg (1529-67) was considered to be either a physician to Albrecht V of Bavaria (1528-79) or a counselor at court. See Eva Schulz, “Notes on the history of collecting and of museums” in Interpreting Objects and Collections by ed. Susan M. Pearce (London: Routledge, 1994), 175-187.
⁴ Schultz, 178.
⁵ Schultz, 178-9.
society as well as non-European colonies, thereby demonstrating the need for universal museum directors to have a broader understanding of the Enlightenment that is not limited to universalist values.

**The European Enlightenment**

The eighteenth century in Europe was a crucial time that fostered the “establishment of modern forms of thought, politics, and culture,” and it was during this time that the European Enlightenment was born. The Enlightenment brought on a new set of cultural, political and humanistic beliefs that spurred a wave of revolutionary transformations. In essence, it constituted a repudiation of external authority and tradition, such as nobility and religion, and promoted the use of individual reason.

There are many philosophers that have contributed vastly to the subject of the European Enlightenment, a few of whom are Denis Diderot, Montesquieu, and Voltaire from France, Immanuel Kant from Germany, and Adam Smith from Scotland. Despite the plethora of Enlightenment thinkers who have contributed to its critical analysis, there is no unified agreement of what the Enlightenment constitutes. This may be as a result of the fact that although the Enlightenment did spread like an epidemic through different parts of Europe, it took on its own individual form in each country depending on the political situation.

On a political level, an important aspect of the European Enlightenment that took place was the shift in monarchial rule from absolutism to enlightened absolutism. Although the Enlightenment supported philosophies that were in principle against the notion of authority, it did not immediately cause a disruption of the monarchies (until the

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French Revolution in 1789), but instead enabled a few monarchs to adopt certain aspects of Enlightenment philosophy. While the absolutist monarch was considered ruler under the power of God, the enlightened absolutists considered themselves to be servants of the state. Examples of Enlightenment absolutists are Catherine the Great of Russia, Joseph II and Maria Theresa of Austria, and Frederick II of Prussia. In practice, the enlightened absolutist was similar to the absolute monarch in that they felt entitled in their right to govern by birth and ran very centralized governments, but they did uphold Enlightenment values such as religious toleration of minorities, freedom of speech, and right to own private property. More importantly, they played an important role in fostering art, culture, and education.

Another important aspect of the European Enlightenment was the emergence of a more democratic public sphere. The increasingly centralized governments of enlightened absolutists in the eighteenth century created a widening gap between the state and the ‘public’ sphere. The public were treated as “objects of rule, with obligations and duties, as taxpayers, potential soldiers, and so on. To this extent, they were reduced to a function ‘other’ than the state, unqualified to take an active role in governing themselves and therefore as suitable objects of governance.” This process forced the public sphere to form its own aims and demands against the traditions of absolutist role, creating in the long run an autonomous group of individuals that rose in the ranks of class to be more active in society, and subsequently becoming a revolutionary challenge to the absolutist ways of rule. This emerging public sphere, also known as the bourgeoisie or middle class, rose with the ownership of capital, and, in

\[\text{Prior, 23.}\]
determining their civil, legal, and cultural rights, began to critique “royal privilege and the excesses of court life.” More importantly, in response to the demands made by the bourgeoisie on the restrictive princely galleries, many monarchies, in order to satisfy the growing public, decided to make their collections public.

Although the Enlightenment supported core ideals such as the importance of reason, universal human rights, progress, secularism, public welfare, centralized government, and democracy, it was not meant to be absorbed by all people in Europe. In fact, Kant thought that only those who were truly free and independent were considered worthy of having citizen’s rights. In other words, people who had professions that made them dependent on others, such as servants, peasants, and handymen were not considered worthy until they were independent. Also, philosophers such as Moses Mendelssohn believed that the European Enlightenment was only important to the rising middle class society, and he thought that bringing it to the public would be problematic as it would inhibit them from being controlled and working for the bourgeoisie or the middle-class. Therefore, he made a distinction between Bourgeois Enlightenment and Human Enlightenment, stating that the two could in fact come in conflict with one another. This gives us a sense of how the Enlightenment could only be enjoyed by the privileged and the educated. Although it is the workings of the Enlightenment that gradually shifted monarchial political values of the European

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8 Prior, 24.

9 Published in the 1784 September issue of the Berlinische Monatsschrift (Berlin Monthly) in response to the question Was ist Aufklärung? (What is Enlightenment?). See Gregorios, 32-33.
absolutist states, giving way to a more secure public sphere, it was not completely democratic.

The First Public Art Museums

The European Enlightenment was largely responsible for the transformation of princely galleries to public art museums, which resocialized the art viewing experience. Before the transformation to public art museums, princely collections had a singular function – to serve as a direct indicator of the absolutist power of the monarchy, thereby representing its wealth and high social standing. The visitor to the gallery only viewed the art as “essentially an extension of his social relationship to the palace and its lord.”

Princely galleries and the manner of representation of art was closely linked to the rising of absolutist empires in Austria, France, Prussia, Russia, Great Britain, and Italy in the sixteenth and seventeenth centuries, the latter of which had been a dominant imperial stronghold since the fourteenth century. The most famous princely collections were those of Emperor Rudolf II of Hungary and Croatia, the Archduke Leopold-William of Brussels, Phillip II of Spain and Cardinals Mazarin and Geronimo Colonna from Italy.

These European empires competed with one another, each demonstrating to the other its grandeur and monumental power through court masques, musical presentations, theatre and other forms of embellishment that signified royal authority. Art, too, was a convenient contribution to this display of exuberance. Paintings were used as part of a larger decorative scheme to cover the walls of galleries in a tapestry-like effect.

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10 Duncan, 58.
11 Duncan, 59.
12 Prior, 17.
13 Duncan, 57.
Oftentimes, these paintings were compromised to fit this decorative scheme by using inconspicuous frames, and even cutting them down or enlarging them to fit. Quantity, excess, decoration, and the outward appearance of the art were far more important than its individual aesthetic expression. There was also a designated physical space for works of art depending on its subject, “landscape for great chambers, mythological icons for banqueting halls, pastoral scenes for halls and intimate portraits for ‘withdrawing chambers.’” Royal portraiture was also part of this iconographic programme where busts or portraits of princes were placed as the focal point of an historical representation which included other monarchs and rulers. For example, in the Antequarium of Albrecht V of Bavaria in late sixteenth-century Munich, the legacy of past emperors was conveniently appropriated to indulge the prince’s legacy by the visual arrangement of their portraiture, which symbolized his immortality and glory. The eighteenth century European Enlightenment gradually brought an end to the privately viewed princely galleries, and across Europe, a wave of transformations took place which led to the establishment of the first public art museums.

Throughout Europe, several royal collections that were once only viewed by special guests visiting the prince were now being turned into public museums by royalty itself. Pope Clement XIV opened the Pio-Clementino in Rome in 1773 which contained a part of the Vatican collection; the Uffizi Palace in Florence which secured a collection of Medici paintings was opened as an art gallery in 1795; and the Belvedere Palace in Vienna which acquired the Hapsburg collection opened in about 1776. In France, the

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14 Prior, 19.
15 Prior, 20.
16 Bazin, 162-163.
The gardens of Versailles were opened to the public under Louis XIV, and under Louis XV, 110 paintings and drawings were exhibited to the public twice a week at the Luxembourg Palace.

The European Enlightenment “democratized treasure” in two ways, firstly by introducing a new system of display that put the objects in the context of art history, and secondly, by using this new form of display as a way of educating the public.17 “What had been riches became enrichment, became, that is education and consciousness.”18 Duncan and Wallach called this new system of display a new “art historical programme,” where art was being reorganized according to the moment of history that it represented, and museums had a new purpose to collect art that represented significant periods of art history. Works of art were no longer symbols of the power of the monarchy and instead demonstrated the cultural achievement and individual genius of man.

Simultaneous with the opening of public galleries and museums was the publication of Winckelmann’s History of Ancient Art in 1764 which introduced a new form of classification placing art in the narratives of human progress with relation to both specific national art schools such as Italian, French, Dutch and Flemish, and to the broader strides of civilization.19 The art was henceforth classified according to school and chronology. According to Nick Prior, “what was distinctive about Enlightenment thought was the adherence to a more secular and inner-worldly universe of belief which

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18 Fisher, 439.

19 Prior, 33.
stressed system, order, and the application of rational principles of classification to what previously had eschewed taxonomy."

The formation of the public art museum in the late eighteenth and early nineteenth centuries also caused shifting social relations between the visitor and the collection. The visitor was now part of the nation’s achievements which were attributed to individual and artistic genius versus the prince’s achievements. The visitor was also no longer at the museum as the prince’s guest but as a citizen of equal rights who had access to the nation’s property. Duncan summarized this shift as follows:

The public art museum addressed its visitor as a bourgeois citizen who enters the museum in search of enlightenment and rationally understood pleasures. In the museum, this citizen finds a culture that unites him with other French citizens regardless of their individual social position. He also encounters there the state itself, embodied in the very form of the museum. Acting on behalf of the public, it stands revealed as keeper of the nation’s spiritual life and guardian of the most evolved and civilized culture of which the human spirit is capable. All this it presents to every citizen, rationally organized and clearly labeled. Thus does the art museum enable the citizen-state relationship to appear as realized in all its potential.

So how did the newly formed public art museum fit within the ideals of the new European nations? And who was their public? Ideally, public institutions including the museum were meant to exude universal values that encouraged public access despite differences in class, gender, and social status. However, as Pierre Bourdieu has analyzed, public art museums remained exclusive destinations for the middle-class elite, and they implemented Enlightenment values of “universal access” to a limited “public.” Although a national institution that was deemed to be fully democratic, the public art museum instead created a divide between groups. In its emergence as an

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20 Prior, 33.

institution of high culture, the public art museum was inherently forming codes that discouraged behavior considered prevalent of the lower classes. The art museum’s regulation on acts of vandalism, swearing, drinking, and touching pictures seemed to discriminate against people who were not educated or privileged. Therefore, although the museum intended to be an educational institution for the public sphere, in many ways, it prevented the larger public from having “universal access” and having a fair chance at an educational experience. For example, the Louvre provided little assistance to those who needed guidance despite its new identity as an educational institution. In other parts of Europe, art museums had restricted hours that prevented the working class from attending. Also, the Hermitage required its visitors to dress in aristocratic apparel and acquire an admission ticket.

Pierre Bourdieu thought of the art museum as a discriminatory cultural institution whose artistic pleasures could only be truly appreciated by those who had educational and high cultural dispositions.\(^{22}\) Therefore, to truly understand art and decipher it aesthetically using the knowledge of the art classification process, he believed that cultural competence was a precondition. According to Bourdieu, the lower classes could only decipher art in terms of its function, such as its age, renown and price, categories which they were familiar with from their social situations. These largely opposing perceptions of art greatly influenced the creation of a restricted/high culture and a large scale/popular culture in the nineteenth century, and museums together with other avenues of high art such as orchestras and theatres enforced the distinctions of these social groups. Therefore, the emergence of the public art museum, although

\(^{22}\) Prior, 54.
heavily influenced by the European Enlightenment, was largely exclusive in its limited access to the bourgeois public sphere or middle-class, which ironically emerged as a result of ideals of universality and equal civil liberties. In its elevation to a higher status, the bourgeoisie had created an aesthetic space for themselves that symbolized class distinctions – the public art museum. As Bourdieu noted, “never is ideology so powerful as when it is dressed up in the idioms of democracy, citizenship or universal enlightenment.”

Even today, we see universal museums such as the Metropolitan Museum of Art, the Louvre, and the Rijksmuseum face the challenging situation of having either to simplify exhibitions for the general public or keep their high standards reflecting connoisseurial values. The question of which public the universal museum is serving remains to be answered.

**Colonization and Anti-imperialist Thought**

The European Enlightenment’s ideals of democracy and right of individual reason that were fostered in the eighteenth century became concretized during the establishment of European nations in the nineteenth century. The Enlightenment’s influence created a bourgeoisie middle class that separated itself from the larger common people in a grand effort to wrest authority from the earlier monarchs. The bourgeois of the nineteenth century were interested in a capitalist system that was not hindered by state regulations in an effort to enhance economic growth. There was a new wave of commercialism that encouraged international trade and brought more wealth into the growing imperial powers of France, Britain, Germany, Portugal, Holland, Belgium and Spain. This economic growth further stimulated the European nations to

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23 Prior, 56.
invest in exploration outside the European periphery. It was in the mindset of economic expansion amongst the bourgeois of European nations that a new imperialism was born, resulting in colonial expansion across vast territories of the world. By the late nineteenth century, the Portuguese, Spanish, British, French, Dutch, German, and Belgian empires each had a share of the world:

Consider that in 1800 Western powers claimed 55 percent but actually held approximately 35 percent of the earth’s surface, and that by 1878 the proportion was 67 percent, a rate of increase of 83,000 square miles per year. By 1914, the annual rate had risen to an astonishing 240,000 square miles, and Europe held a grand total of roughly 85 percent of the earth as colonies, protectorates, dependencies, dominions, and commonwealths.24

Enlightenment thinkers such as Denis Diderot, Immanuel Kant, and Johann Gottfried Herder were against the concept of colonialism, and believed that its implementation of slavery, expropriation of property, and forced labor were antithetical to the principles of the Enlightenment including the importance of reason and self-governance. Unlike popular imperialist thought at the time, Diderot, Kant and Herder did not believe that Europeans had superior claim to “civilize” non-Western territories. Their thoughts against colonization were essential components of anti-imperialist thought, and were groundbreaking considering the wave of imperialistic fervor that was taking place in eighteenth century Europe.

In his book titled *Enlightenment against Empire*, Sankar Muthu studies Enlightenment anti-imperialism and reflects on the historical anomalies of the Enlightenment era that brought fervent anti-imperialist thought from Enlightenment

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thinkers such as Diderot, Kant, and Herder. Muthu believed that in the time before and after the Enlightenment era (late seventeenth century and early nineteenth century), philosophers were either agnostic towards imperialism or in full favor of it. However, the Enlightenment era brought new light to anti-imperialist thought and new ground was established on the relationship between European and non-European people. Diderot, Kant, and Herder sought to explore the relationship between human unity and human diversity, believing that each concept was heavily intertwined. Although they did not consider all cultures to be equal (multiculturalism starts to arise in the nineteenth century), they believed that cultures could not be deemed inferior or superior to one another. More importantly, they believed that humans were fundamentally cultural, that is, “they possess and exercise, simply by virtue of being human, a range of rational, emotive, aesthetic, and imaginative capacities that create, sustain, and transform diverse practices and institutions over time.” And in recognizing diversity in human nature, Diderot’s solution was to “identify particularity as the universal human trait. In other words, he emphasized that human beings all share similar desires to create workable rules of conduct that allow particular ways of life to flourish without themselves creating harsh injustices and cruelties.”

Diderot believed that “colonial empires…frequently become the sites of extreme brutality because when the colonists were far away from legal institutions and informal sanctions, the habits of restraint fell away, exposing natural man’s full instinct for

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26 Muthu, 7-8.

27 Muthu, 77.
violence.” In light of the unfamiliarity of cultural practices of the indigenous people that were encountered by the Europeans, Diderot believed that colonists had to recognize that the ability to develop such different cultural and aesthetic practices was a universal human concept that was inherent to man. In this sense, an early development can be observed in studying the relationship between universalism and cultural plurality during the Enlightenment era. As the cruel treatment of the colonies came to light in Europe, its contested reception by anti-imperialist Enlightenment thinkers introduced nuances of cultural particularity and human diversity, and the concept of universalism became less abstract and superficial, and instead became a part of a substantial political movement of Enlightenment anti-imperialism.

Conclusion

The public art museum in Europe, the prototype of the universal museum, had been established with an outward appearance of embodying universal rights and individualistic expression, although in practice it remained as a space for the bourgeoisie or middle-class elite. The eighteenth century European Enlightenment had created a public sphere that evolved into a new form of bourgeois distinction in the nineteenth century, nurturing the public art museum as a sanctuary of high art and culture to serve the purposes of this new “public” sphere. As described earlier in the chapter, the European Enlightenment itself began as an intellectual movement for the elite, with grand ideals of repudiation of aristocratic authority and establishment of equal rights as actively discussed by the great philosophers of the time.

28 Kohn, “Colonialism.”
The European Enlightenment and universal museum appear to be ambiguous in upholding values of universality. As Linda Nochlin stated, "as the shrine of an elitist religion and at the same time a utilitarian instrument of democratic education, the museum may be said to have suffered from schizophrenia from the start."²⁹ As described in this chapter, the European Enlightenment’s influence on the establishment of the public art museum was multi-dimensional. Although it did democratize the art viewing experience in museums by providing greater accessibility to a larger public sphere, it also harnessed the art museum as a place of social distinction. It also played a role in the rise of European nations in the early nineteenth century, thereby bringing together universal values under a nationalistic purpose. As Enlightenment thinkers Diderot, Kant, and Smith have mentioned, to simplify the European Enlightenment as an expression of hope and optimism that called for universal rights and equality was problematic as it ignored the inherent capacity of human beings to have diverse cultural traditions and tendencies.

Today, universal museums use the argument of universality as a legitimate Enlightenment concept that needs to be upheld in order to view the world’s cultures as being interconnected. Using the European Enlightenment as the foundation of universalism, universal museums argue that they should be exempt from claims for repatriation as they represent citizens of all nations and bring universal admiration to the ancient civilizations of the world. In only promoting the concept of universality or cosmopolitanism as the essence of Enlightenment, universal museum directors tend to neglect the plural nature of the European Enlightenment as described above, and

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should consider the prospect of diversifying their understanding of the Enlightenment to mean more than universalism. Many would argue that the “universal argument” of holding objects of all culture under one roof is the universal museums’ diversion from the mounting repatriation claims they are receiving from former colonies and other source countries from whom the objects were taken. The impending fear of a mass repatriation taking place initiated the publication of the *Declaration on the Importance and Value of Universal Museums*. As demonstrated in the following chapter, the Declaration has created a rift between universal museums and former colonies, with the former taking on a cultural internationalist approach that upholds universalist values, and the latter taking on a cultural nationalist approach in the superseding cultural property debate.
CHAPTER 3
UNIVERSAL MUSEUMS AND SOURCE COUNTRIES: THE CURRENT CULTURAL PROPERTY DEBATE

The Dispersal of Cultural Property

During the European colonization of Asia, the Americas, and Africa, many cultural treasures were plundered and brought back to Europe and housed in the early prototypes of the universal museum – the public art museums. With the extension of European rule to colonial territories, the nineteenth and twentieth centuries witnessed the pinnacle of “collecting” antiquities. Widespread archaeological expeditions and scientific field studies were conducted, and hoards of objects were collected by the individual colonial empires, mostly as a form of competition between European nations, thereby destroying the cultural treasures of colonies even further. The rivalries between France and Britain resulted in the removal of cultural treasures from Greece and Egypt in epic proportions, with most antiquities falling under the care of the British Museum and the Louvre. Examples of treasures that were amassed as a direct result of this rivalry were the Parthenon Marbles from Greece, and the Rosetta stone and colossal head of Rameses II from Egypt.¹

The most notable large scale event of colonial plunder took place under the command of Napoleon Bonaparte after the French Revolution during the French Revolutionary Wars and Napoleonic Wars. General Bonaparte was responsible for bringing back innumerable objects to France from other European states. During his Italian campaign, he brought major masterpieces back to France including the *Apollo Belvedere, Laocoön, Dying Gaul*, Raphael’s *Transfiguration*, and Correggio’s *Saint*

Jerome. Napoleon also had a strong interest in Egypt and sent a team of scientists, artists, and engineers to document Egyptian flora, fauna, geography, buildings, and monuments. His fascination with Egypt led to the ruthless removal of magnificent treasures that generously enhanced the collection at the Louvre, while leaving Egypt literally emptied of its ancient civilization.

When Napoleon was defeated at Waterloo in 1815, the Louvre, then known as the Musée Napoléon, returned 2,065 pictures and 130 sculptures, subsequently regaining its original title. This was largely as a result of the 1815 Congress of Vienna, which required that all cultural property appropriated during the Napoleonic Wars be returned to their countries of origin. Interestingly, this treaty was designed by the former monarchs of Prussia, Britain, Russia and Austria who wanted to reclaim their cultural property from France and to prohibit cultural treasures from ever being considered legitimate war booty again. The redistribution of art that took place occurred on the basis of returning objects to their original geographical locations, an early precedent to the nation-based cultural property returns that are taking place today. As a result of this treaty, plundering art within Europe became immoral and illegal. However, the plunder of art outside Europe continued as fair activity, and the continents of Africa, Asia, and Latin America continued to be exploited uninhibitedly in the name of European national glory. “The competition revolved around who could dominate the vast ‘empty spaces’ of the world, namely those regions that were not under the sovereignty of a recognized power. Looting from these regions was not contested. The

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2 Bazin, 176.

3 Lewis, 379-381.
growing European domination of other countries was seen as imperial progress.”⁴ Universal museums such as the British Museum and the Louvre became the principal holders of this colonial plunder, and their collections grew at an unprecedented scale during this period.

In the late nineteenth century up until World War II, universal museums also accumulated many cultural treasures through a system known as partage, or *partager* in French, meaning, to share.⁵ Through partage, archaeological finds were divided between the host country and the excavating party. It is through the system of partage that the bust of Nefertiti became part of the collection of the Egyptian Museum in Berlin, Germany. Partage was also responsible for the formation of the British Museum’s Assyrian collection, the Museum of Fine Art in Boston’s Egyptian collection, and finally, the formation of university archaeological collections at Harvard, Yale, the University of Chicago, and the University of Pennsylvania.⁶ Partage gave incentive for foreign expeditions to excavate and provided archaeological training to the host country. However, with the rise of nationalism in source countries, and the implementation of cultural property as belonging to the state, partage was abolished. James Cuno fervently supports the return of partage to tackle the current cultural property debate. He reprimands archaeologists for supporting the nationalistic ideologies of source

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⁴ Barkan, 20.
⁶ Cuno, 14.
countries, stating that they should instead withhold their expertise until source countries agreed to share their archaeological finds.\textsuperscript{7}

\textbf{The Cultural Property Debate}

Today, in a post-colonial and post-Enlightenment world, past colonies that are mostly from the developing world are beginning to vehemently question past methods of “collecting” by former colonial empires. With the empowerment of nations outside Europe, people are now demanding compensation for the injustices that were caused during colonization and demanding that their cultural property be returned. As highlighted in the previous section, many colonies endured large scale confiscation of thousands of objects that were a part of their cultural heritage. A significant proportion of these objects found their way into the collections of present day universal museums in Europe and the United States. These museums are tainted with the tangible consequences of colonization and are now in the scrutiny of the public as a result of rapidly growing requests for repatriation of objects from past colonies.

The term “cultural property” was first introduced in the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict, the first international convention solely based on the protection of the world’s cultural heritage in the aftermath of World War II.\textsuperscript{8} As refutation of the acts that had divided the world after World War II, the Hague Convention tried to exercise a more global and unified perspective towards the damage that had been committed to cultural property all over the world, bequeathing those objects and monuments with more universal significance.

\textsuperscript{7} Cuno, 154.

\textsuperscript{8} For full view of 1954 Hague convention, see Patty Gerstenblith, 745-757.
For example, its preamble states that “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world.” This was a culturally internationalist approach that began to shift towards an emphasis on the local communities and individual nations in the 1980s as a result of a gradual recognition of all cultures being equal and the subsequent de-centering of culture from the European centrality. New questions were being asked regarding the definition of cultural property. Was cultural property national, international or local? The repeated shifting national boundaries over centuries also added to the dilemma of determining where cultural property truly belonged. Modern nations favored the protection of cultural property as national sovereignty while battling internal contradictions with local communities who believed that objects were best preserved under their own care.

The focus on local communities and individual nations also arose as a result of the growing illegal trade of antiquities that had resulted in objects being transferred from the typically poor, art-rich nations to the wealthy, art-holding nations. The shift from international to national also resulted in making previous legal transfers illegal. The dominant international legislation that was established and that continues to govern the illicit trade of antiquities between nations is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Unlike the 1954 Hague Convention, the language in the 1970 UNESCO Convention is more culturally nationalistic, emphasizing that “cultural property

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9 Gerstenblith, 475.
10 Barkan, 22.
11 For full view of 1970 convention, see Gerstenblith, 771-779.
constitutes one of the basic elements of civilization and national culture, and that its true value can be appreciated only in relation to the fullest possible information available regarding its origin, history and traditional setting.”¹² In addition in Article 1 of the Convention, cultural property is defined as “property which on religious or secular grounds is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science…. “¹³

The issue of repatriating cultural property as a means of substantiating a country’s national glory is being revisited two centuries after Napoleon’s loot was redistributed to other European nations upon the establishment of the Treaty of Paris in 1815. Although the two scenarios bear similarities in that the legislation of both periods call for a return of cultural property based on their source locations, the countries that are fighting for their cultural property today are former colonies that are largely poor and do not have the power to implement and execute the laws enacted by former European monarchs. Moreover, the current cultural property debate is now taking place on a global scale that has to work around the import and export regulations of individual nations, not to mention the policies of museums that are holding contested objects.

**Cultural Internationalism versus Cultural Nationalism**

Universal museums and source countries that are demanding restitution of their cultural property represent two different cultural property law theories. Universal museums represent the internationalist or paternalist theory which determines that cultural property belongs to all of mankind and should be looked after by those who can

¹² Gerstenblith, 772.

¹³ Gerstenblith, 772.
best take care of it. A strong advocate of the internationalist theory is John Henry Merryman, who has vehemently supported the Parthenon marbles remaining in Britain, claiming that they are not exposed to city pollution and civil war. To the internationalist, the sovereignty of a nation bears no relevance and he determines that if a country has an abundance of cultural resources that it does not have the capacity to take care of, then those resources should be given to those who can, to be preserved for the good of mankind.14 The British Museum has taken an internationalist approach to Greece’s claim for the return of the Parthenon Marbles, claiming that they would take care of the marbles until Greece is able to do so. However, although the Acropolis Museum was built in 2008 with a special gallery to display the Parthenon Marbles, the British Museum continues to decline return, and even argues that the Parthenon Marbles are now a part of the British Museum’s history. The internationalist approach has also been used in the protection of monuments considered to be of universal cultural significance that have been threatened by natural and political destruction. For example, a unified front of museum and cultural heritage experts tried to prevent the unlawful destruction of the ancient Buddhas in Afghanistan by the Taliban, although they were ultimately destroyed nonetheless in 2001.15 In another example, in an effort to preserve the Abu Simbel Temples in Egypt from being flooded as a result of the construction of the Aswan High Dam, an international campaign was created in 1959 to relocate the temples to a higher level, which was accomplished between 1964 and 1968 as a result of international donations. The universal museum uses the internationalist theory and the European

14 Hutt, 22.

15 For further information on the deliberate destruction of the Buddha Statues which violated international law, see Francesco Francioni and Federico Lenzerini, “The Obligation to Prevent and Avoid Destruction of Cultural Heritage: From Bamiyan to Iraq,” in Hoffman, 28.
Enlightenment’s principles of universality on the basis that they are the rightful caretakers of the world’s cultural property.

The nationalist theory determines that the original provenance of an object determines ownership and that the object holds high value and is of the most benefit if maintained place of origin. Therefore, to the source country, possessing its cultural property is its inalienable right.

The demand for restitution is based on the assumption that, notwithstanding economic and political changes over time, or even demographic and cultural discontinuities, cultural property remains part of the identity of its original owners, determined primarily by geographical affinity. The psychological basis for such an attachment is that the object is part of the group’s identity and vice versa.16

Sovereign control plays a supreme role and if an object has been wrongfully removed in the past, the nationalist seeks for its return despite possible destruction or neglect in its place of origin. The global significance of the object bears no relevance to the nationalist.17

**Universal Museums and Cultural Internationalism**

Neil MacGregor has been the main proponent embracing the idea of universality in encyclopedic collections and is considered largely responsible for the Declaration, having requested other museums to declare their status as “universal” institutions.18

The British Museum, compared to other universal museums, faces largely contentious claims for return of objects such as the Parthenon Marbles, the Rosetta Stone, and the

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16 Barkan, 32.
17 Hutt, 23.
Benin Bronzes. MacGregor has continually insisted that their existence in the British Museum is crucial to the worldwide appreciation it deserves and that this cannot be achieved elsewhere. He has communicated that:

In the British Museum the visitor can see how the achievement of fifth-century Athens could not have been created without the civilizations of Egypt and Assyria, and indeed the great enemy, Persia, but it is perhaps only in the British Museum that the full measure of the Greek achievement can be grasped. Walking through the galleries you can see how the Greek reinvention of the human form changed sculpture from Turkey to India, as well as providing the visual vocabulary for the entire Roman Empire. ¹⁹

His perspective is vital in securing the status of a universal museum but has also resulted in closer scrutiny of his justifications for keeping these objects in the British Museum. For example, he is known to have remarked that “the life of these objects [the Parthenon Marbles] as part of the story of the Parthenon is over. They can't go back to the Parthenon.”²⁰ He has also remarked that Greece’s claims to have the Parthenon Marbles returned are not credible as he does not believe that the marbles are a key symbol of European democracy. Mark O’Neill challenges these statements by comparing Britain’s own “clean” record of European democracy and imperial conquest to that of Greece, expressing the view that the British Museum has no right to exercise such authority based on a requirement of having an untainted record of democracy. ²¹

MacGregor’s selective use of Enlightenment principles of universality to demonstrate the British Museum’s ‘worldwide civic purpose’ puts him in a tough situation.


²¹ O’Neill, 193.
With two hundred years of hindsight, we have a new perspective on the multi-dimensional nature of the European Enlightenment beyond universality, its indirect contribution to the rise of European nationalism and subsequent imperialism and colonization of non-European territories, causing the dispossession of many valuable cultural treasures. In an unpublished document on the validity of universal museums, Tom Flynn states the following regarding the consequences of the European Enlightenment:

The Enlightenment carries a particularly persuasive cultural charge for it is to this historical reference point that we ascribe the source of our modern day ideals of free citizenship, social justice and rational inquiry, all perceived as central to the museum’s purpose as a didactic institution. During the nineteenth century, those same imperatives came to underpin the scientific and industrial aspirations of the European colonial powers, who believed themselves to be embarking upon a ‘civilizing mission.’

Therefore, in understanding the complicated nature of the Enlightenment, the British Museum’s selective use of its principles of universality as justification for looting another country’s cultural heritage is quite deplorable. However, unlike previous directors of the British Museum, MacGregor must be given due credit for encouraging debate on the topic of repatriation which has played a significant role in promoting dialogue with source nations. For example, the British Museum collaborated with the National Museum of Kenya to showcase specific objects from the British Museum’s collection that demonstrated Kenya’s participation in cultural exchange within Africa and the Middle East and Asia. According to MacGregor, the exhibition was “chosen entirely by colleagues in the National Museum of Kenya.”

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22 Flynn, 17.

23 MacGregor, Whose Culture?: The Promise of Museums and the Debate Over Antiquities, 53-54.
great obligations of the encyclopedic museums like the British Museum: to send exhibitions like this around the world, to allow the whole world to have access to a world’s collection.” While it is commendable that MacGregor is allowing some objects of the British Museum to travel to source countries, these select incidents of philanthropy do not tackle the core issues surrounding why the British Museum should continue exercise authority over the context in which objects need to be displayed.

If the British Museum were to uphold the views of the Enlightenment thinkers who believed in cultural plurality versus universalism, it would take greater strides to encourage discussion between itself and the countries/communities involved in determining how significant certain objects are to a country’s cultural heritage. In a world that is more culturally diverse than it has ever been and that better recognizes the equal significance of different cultures, it would seem more advantageous to promote mutual relationships rather than battle claims for ownership. I believe that the myopic focus on determining where an object belongs, takes us away from the larger problem of determining how universal museums can find a solid method of promoting cross-cultural awareness in a pluralist society, thereby determining its relevance in the 21st century.

According to Tristram Bertram, former Director of the Manchester Museum, if museums do not properly analyze aspects of context and consent in a collaborative manner in solving repatriation claims, they would continue to embody the “racial constructs” of the nineteenth century museum:

At least two principles should guide museums in dealing with claims: context and consent. In analyzing context, both the historical circumstances in which the remains of people left their source community and entered the

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museum, and the current circumstances of the claim should be sensitively explored. The spirit and conduct of enquiry should involve a dialogue between the museum and source community that recognizes equity and be informed by respect, to avoid adding a third stage of violation. By extension, consent – or the lack of it – is a crucial factor in past dispossession and present possession. The racial constructs of nineteenth-century science and museum practice can resonate uncomfortably in the twenty-first, if holding institutions fail to engage appropriately with claimant communities.  

James Cuno is also a strong supporter of universal museums and calls the British Museum an inspiration for all encyclopedic art museums. He claims that “they are meant to represent the world’s diversity, and they organize and classify that diversity for ready, public access.” He also believes that present day national laws that protect the cultural property within its national borders are “narrow, proprietary claims, and discourage our learning more about the diverse cultures of the world.” Cuno has stated that present day nations have no affinity for the makers of those antiquities except in inhabiting the same location at a different time:

What is the relationship between, say, modern Egypt and the antiquities that were part of the land’s Pharaonic past? The people of modern-day Cairo do not speak the language of the ancient Egyptians, do not practice their religion, do not make their art, wear their dress, eat their food, or play their music, and do not adhere to the same kind of laws or form of government the ancient Egyptians did.

These are some of many contentious statements that appear in Cuno’s *Who Owns Antiquity?* which have infuriated many source countries, not to mention museum professionals who do not support the universal museum. It is ironic that Cuno simplifies

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26 Cuno, 140.

27 Cuno, 141.

28 Cuno, 9.
the source countries’ motive for having objects returned to them as being nationalistic, when it was a rise in nationalism amongst nineteenth-century European states that exponentially enhanced the collections of European museums with material cultures from the non-Western world. As Sharon Waxman wrote in her bestseller *Loot: The Battle over the Stolen Treasures of the Ancient World*: 

The creation of Western museums like the British Museum – whatever the official philosophy – was actually informed by power, by empires that felt entitled to occupy distant lands and claim their cultural patrimony along with their natural resources, to take the symbols of ancient civilizations from elsewhere and fill their own museums with trophies that confirmed their power in the world. The scourge of nationalism followed in the nineteenth century, continuing ferociously into the twentieth century. Without doubt, the momentum of that force propelled countries like Greece and Egypt to preserve the past for their own purposes. But there is no small irony in this, for nationalism is a wholly European invention.29

Therefore, it should seem acceptable that source countries that have become politically independent in the twentieth century would want to symbolize the power of their states through the representation of their own culture, much in the same way that the Louvre exhibited cultures of the world to portray its status as a powerful European state. In the case of the nations, it would seem fair that the objects that were stolen from their lands during colonial conquest play a strong role in symbolizing that independence. Also, we must not forget that the transitory nature of national boundaries of today exist largely as a result of colonization which is responsible for forming the current national boundaries of African and Asian countries. The original geographic location of an object means very little to Cuno. But if he is to accept the reality of the political and cultural nature of our world today, he should understand that nations have attached a strong allegiance to

29 Waxman, 268.
the protection of their cultural heritage within present borders. And international legislation from UNESCO, UNIDROIT and ICOM also support the safeguarding of a nation’s cultural property. Sharing the same cultural traits as the people of ancient civilizations should not be a factor in determining the ownership of an object. It is shocking that Cuno even remarks that a difference in the legal system of ancient and present day Egyptians disqualifies the latter from the right of ownership. Does this mean that all countries requesting objects should exhibit cultural traits of the past occupiers in order to be qualified? It is also shocking that Cuno declares that countries such as Egypt, Greece, and Italy that have continually made requests for the return of cultural property should not have the right to the ownership of their objects while expecting those countries to continue sharing their antiquities with others.

Cuno has argued consistently against national retentionist cultural property laws and believes that they isolate different cultures and their objects under a false system of national classification. However, housing objects of different cultures under one roof of an encyclopedic museum does not necessarily deprive that object of affinity for its national identity. When we visit a museum today we are continually drawn to the object’s place of origin, that is, its country of origin, which is often identified in object labels. For example, when we view Egyptian art at the Metropolitan Museum of Art, we are reminded of Egypt the country, and are even motivated to visit the country to be able to see more of its cultural achievements.

As described above, many cultural and political events have resulted in a national emphasis on cultural property since World War II. It seems that albeit being in need of vast improvement, national patrimony laws represent the only practical solution
for long term safekeeping of the world’s cultural property against illicit trafficking. Moreover, it is time for the independent nations of the non-Western world to experience national glory using their cultural property as symbols of power. If the European empires once used the artifacts of distant cultures to celebrate their own glory, then it would seem more reasonable for present nations to celebrate the artifacts of cultures that once existed on their own lands. However, many nations do not have the capability to take care of the objects that are already within their control, and using the policies set by UNESCO and ICOM, universal museums would do well to find methods of assisting these countries in a non-authoritative manner as a form of morality for the injustices that have been caused in the past.

**Universal Museums and Cultural Nationalism**

In addition to the individual governments of source countries that are requesting the return of their cultural property, ICOM and UNESCO have also, in the past three decades, begun initiatives to establish legal precedents that support national patrimony. As described in previous sections of this chapter, the emphasis on assigning a national identity to cultural property has taken place as a result of the growing illicit trade of antiquities and the gradual acknowledgement over time of the fact that all cultures are equal. The views of the local and the nation are often supported by archaeologists and anthropologists as well as those who favor objects remaining in close proximity if not returned to their original context. Therefore, returning an object of cultural significance to a museum that is near its original provenience is more favorable to the nationalist. However, museums in the West, including universal museums, think otherwise, believing that the objects have more to offer in juxtaposition with other cultures, not to mention being viewed by an international public.
In response to the *Declaration on the Importance and Value of Universal Museums*, Geoffrey Lewis, ICOM Chair of the Ethics Committee, published a rebuttal in a 2004 edition of *ICOM News* titled “The ‘Universal Museum’: A Case of Special Pleading?” Lewis states that the key issue that universal museums are working against is the paramount need for people to “present their cultural heritage in their own territory.” He also mentions that professional and political legislation from UNESCO and ICOM support the notion that cultural property plays an important role in expressing the cultural heritage of a nation when it is in its own territory. In acknowledging that national protection of cultural property does not fit the role of the universal museum advocated by the signatories of the Declaration, Lewis suggests that the “way forward is more likely to be achieved through partnerships between museums.” He questions the authoritative language of the Declaration that presumes to speak for the “international museum community” because of the universal museums’ encyclopedic collections. He calls the Declaration a statement of “self-interest,” stating that “the presumption that a museum with universally defined objectives may be considered exempt from such demands is specious.”

He also addresses the fact that there has been no sign of reconciliation following the Declaration with museum directors continuing to reinforce the Enlightenment model without addressing the real issues at hand. For instance, universal museums continue to ignore demands of individual nations and instead exercise authority over their right to

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30 Lewis, 379-381.
31 Lewis, 379.
32 Lewis, 380.
33 Lewis, 379.
use the world’s collections to bring “natives and foreigners” together. Instead, they should find collaborative solutions with museum and cultural heritage experts from source countries. This would be a huge step forward in the direction of equitable solutions. Until universal museums drop their guard as caretakers of the world’s collections, there is no hope of conciliatory changes to the cultural property debate.

Using the terms “success partnership,” “mutual confidence,” and “greater transparency” that are expressed in the ICOM Code of Ethics on collecting policies, Lewis suggests that universal museums should not focus on the ownership of collections but instead address “the context of both the world order and the role and function of museums in the twenty-first century.”[^34] In understanding the steps that museums are taking in the twenty-first century to demonstrate equity with a strong educational emphasis in a highly diverse environment, Lewis suggests exploring the potential of having profitable partnerships with countries that have lost a significant part of their cultural heritage which should not be limited to methods of display, loans, and exchanges. He addresses the importance of ICOM Code 6 in fulfilling this partnership which encourages that “museums work in close collaboration with the communities from which their collections originate as well as those they serve.”[^35] He states that finding a legal solution to ownership claims is often mitigated by a lack of documentation and the non-retroactive nature of international law. In the context of repatriation disputes, the code suggests that museums should be open to dialogues with the country or people of origin which should take place in an impartial manner based on the principles of local,

[^34]: Lewis, 381.

national and international legislation. The case studies of the Benin Bronzes and the Parthenon Marbles in the following chapter will specifically demonstrate the difficulties in establishing legal solutions to repatriation claims of colonial plunder.

Conclusion

Two centuries since the Enlightenment era, we are able to marvel at the pursuit of knowledge by European scholars in their creation of a comprehensive method for encyclopedic collecting and a specific art-historical program of display which continues to be maintained in universal museums today. However, we are also left with a clear understanding of the price paid by many source countries in the pursuit of knowledge and famed national stature because of the colonial plunder that exploited the cultural treasures of many territories. Enlightenment thinkers Diderot, Kant, and Herber, have argued against imperialism and colonialism and its effects on distant territories. Their analyses of the European Enlightenment, as well as the analyses of post-modern philosophers such as Sankar Muthu, have provided a more pluralistic character, which has largely challenged the all encompassing concept of universality.

The belief that mankind could be studied exclusively as a part of history, separately from the divine, was a significant contribution of Enlightenment insight. The revolutionary ideas of civil rights and freedom of religion, and the study of the progress of mankind by Enlightenment philosophers were taking place in opposition to the former feudal Ancien Régime which was governed by aristocratic and monarchial values.\textsuperscript{36} However, as described above, these Enlightenment insights manifested into

\textsuperscript{36} The Ancien Régime refers to the aristocratic, feudal system that was established in France between the 14\textsuperscript{th} and 18\textsuperscript{th} centuries. This system of governance was removed during the French Revolution of 1789. Ancien Régime can also refer to other former political systems in Europe that had similar origins.
nationalistic aims towards the latter stages of the eighteenth century. And the rise in European nationalism also led to the colonization of distant territories, which further increased the powers of the European empires. Also, the European Enlightenment was only experienced by the bourgeoisie of European society throughout the Enlightenment era, and the class distinctions were heavily embedded in the art-historical programme of the early universal museums. Therefore, the principles of universality of the Enlightenment were only experienced by the European elite, and for a long time, the European public sphere as well as all non-European cultures had no place in experiencing its advancements.

The ripple effects of the European Enlightenment were more than just universal. In hindsight, the Enlightenment was heavily intertwined in European nationalism with Eurocentric ideals that are antithetical to universal principles. Therefore, for universal museums to persistently use the argument of taking care of objects for the world would require reverting to eighteenth century ideology. It even seems derogatory for universal museums to reduce the European Enlightenment to such a simplistic cause, because it disregards the pluralistic nature of its contributions. Therefore, to use the Enlightenment’s ideal of universality is clearly self-serving as it does not help in tackling the cultural property matters of the twenty-first century.

Eight years have passed since the publication of the Declaration, and we are yet to see universal museum directors develop a substantial approach with source countries that abandons their exertion of authority, and instead promotes dialogue and acknowledges past injustices. If universal museums were to uphold “universal” values, they would take great strides in developing long term partnerships that would assist
those countries that have lost a significant part of their cultural heritage, while forming a relationship of trust that would allow them to continue borrowing art and furthering research on those cultures. As Tom Flynn communicated regarding the desires of source countries, “rather than pursuing narrow political aims, what many are arguing for is a loosening of the Western museum’s proprietorial grasp on the world’s material culture and the narratives that circulate around it. Instead they argue for the construction of a more internationalist, collaborative approach that restores the importance and value of context to an object’s meaning and identity.”

But what steps are being taken by universal museums to devise more coherent methods that demonstrate universal perspective without projections of Western cultural values? As Mark O’Neill has suggested in his essay on enlightenment museums, universal museums have the great potential to be able to develop new methods of communication with source countries with the purpose of resolving past injustices of the colonial past, and finding a truly universal method of portraying the cultural differences of the world that would promote mutual understanding, and more importantly, instill a form of respect between both parties.

37 Flynn, 3.
38 O’Neill, 200.
CHAPTER 4
CASE STUDY OF THE BENIN BRONZES: THE BATTLE FOR THE RETURN OF CULTURAL TREASURES TO AFRICA

Introduction

The eighteenth century European Enlightenment brought about unprecedented change to Europe that revolutionized the structure of political and cultural institutions as well as European society. The Enlightenment had inspired many movements which included the scientific revolution, technological advances and a secular pursuit of knowledge based on logical reasoning. There was a new form of humanitarianism that strived for strong principles of universal human rights, self-governance, and freedom. More specifically, the Enlightenment had inspired the rise of the European nations in the nineteenth century, and the competition for national glory drove each nation to colonize as many distant territories as possible. The continent of Africa was deeply affected and influenced by European colonization which reshaped the political and economic structure of each territory. In addition, this resulted in an exploitation of human resources due to the slave trade, as well as the imperial plunder of cultural treasures.

As the European nations began to possess different parts of African territory, they also plundered Africa’s cultural treasures. Imperial plunder in the colonies happened freely as an uncontested occurrence, and the looted cultural objects continued to furnish museums, including the early universal museums, in Europe, as tangible evidence of imperial glory. Although it is believed that European “collecting” of antiquities largely took place in the seventeenth and eighteenth centuries, it continued in Africa late into the nineteenth and early twentieth centuries. Significant cultural treasures that were removed at this time include the Ashanti Gold from Ghana in 1874, the Benin Bronzes
from modern Nigeria in 1897, and the Magdala Treasures from Ethiopia in 1868. Each of these treasures was removed through British punitive expeditions as a result of conflict against each kingdom. Most of these treasures have been dispersed among museum and library collections in the United Kingdom, including the British Museum, Victoria & Albert Museum, British Library, Royal Museums of Scotland, and the National Museums at Liverpool. The Benin Bronzes are also found as major collections in Berlin and in New York, Philadelphia and Chicago. This section will focus on the plunder of the Benin bronzes and the current difficulties faced by Nigeria with regards to the illicit art trade, as an example of the obstacles faced by African nations in attempting to have their cultural treasures returned to them.

Case Study of the Benin Bronzes

The Benin Bronzes are considered royal art made by a specialist gild of bronze casters for the Oba, king of Benin. The bronzes were made exclusively for the king and were kept in his palace. The Benin Empire produced brass and ivory castings for several centuries until the punitive expedition of 1897, which discontinued the evolution of the Benin Bronze art. The punitive action was organized by the British naval expedition because a previous visiting British team had been killed when they attempted to interrupt a sacred ceremony being performed by the Oba. Fifteen-hundred British forces stormed into Benin City and removed thousands of works of art ranging from brass heads, bronze plaques, and ivory to wood carvings. The city was burned to the ground and the Oba was banished. Over 2,000 bronzes were removed as war booty, arriving in London in 1897, and were dispersed to museums around the world.

1 Greenfield, 119, 122, 134.
2 Greenfield, 125.
According to Greenfield, the British government wanted to sell the bronzes to pay for the expenses of invading and destroying the city of Benin. In fact, an article in the *Illustrated London News* of 1897 called the bronzes “grotesque,” although they are now considered to represent one of the great empires of Africa.

According to Follari Shyllon, Nigeria holds the fifth largest collection of Benin Bronzes after Berlin, London, Oxford, and New York. It is reported that one bronze figure has been valued as much as £185,000. In 1977, Nigeria requested a loan from the British Museum of a fifteenth century Benin ivory mask for a pan-African festival in Lagos. Although the British Museum initially requested a £2 million insurance bond, it later rejected the loan request stating that the mask was too fragile to travel. When the National Museum of Benin was being constructed in the 1960s, the Nigerian government requested donations from countries holding large quantities of Benin Bronzes in the form of a resolution that was presented at the General Assembly of ICOM in France in 1968. Although the resolution was circulated to the embassies and high commissions of those countries, Nigeria did not receive a single response. Eventually, Nigeria had to compete with other countries in auction houses in Europe to buy back its own cultural heritage. Further, in 1980, the government of Nigeria bought “five Nigerian works of art at a total cost of eight hundred thousand pounds sterling”

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3 Greenfield, 124.
4 Greenfield, 123.
5 Shyllon, 143.
6 Greenfield, 125.
7 Shyllon, 137.
8 Shyllon, 139.
from Sotheby’s in London to enhance its collection of Benin objects for its new museum. More recently, in 2002, the Nigerian government formally requested the British Museum to return its collection of Benin Bronzes. However the collection remains at the British Museum.

**Obstacles Faced by Nigeria in Repatriating Cultural Property**

The inability for Nigeria to have the Benin Bronzes returned to them is one of many cases shared by the art-rich countries in Africa. According to Follarin Shyllon, Professor of Law at the University of Ibadan in Nigeria, there are several reasons why Nigeria has not had favorable responses with regards to the return of cultural property, including Benin Bronzes. The main reasons are the current illicit trade of antiquities, cases of corruption within museums in Nigeria that have shown the participation of staff in art theft, a lack of a proper museum system, facilities to preserve and document objects, and a lack of participation in international treaties.

Prior to its independence in 1963, Nigeria had already enforced several laws to control the export of its antiquities, largely as a result of the disappearance of Ife bronze heads since their discovery in 1938. In the same year, the Nigerian government enforced an Order in Council to control the export of its antiquities. The 1938 Order of Council was replaced in 1943 by another Order of Council and later by an Antiquities Act in 1953. In 1979, a Nigerian National Commission for Museums and Monuments Act was created that superseded the above. Despite the enforcement of export regulations, Nigeria saw a wave of art theft take place in the 1960s and 1970s,

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9 Shyllon, 139.

10 Shyllon, 138.

11 Shyllon, 138.
regrettably during the same time that Nigeria and other African nations were gaining independence from their European colonizers. The disappearance of objects from Nigerian museums became a regular occurrence in the 1980s, when a variety of Nok, Ife, and Benin heads, amongst other valuable objects, appeared in Togo, Switzerland and the United States. It was later discovered that a dealer who removed these objects was being assisted by the Nigerian government.\textsuperscript{12} In addition, in 1991, the National Museum in Nigeria found two of its staff members in possession of two objects. Also, in 1993, a bronze stool was stolen from the Ife University Museum of Art and subsequently appeared in the United States.\textsuperscript{13} Many professionals and African government appointees have discussed the need for drastic steps to be taken to reduce the plundering of Africa’s cultural property. According to dele jegede, a Professor at Indiana State University, "one can contend that without the West’s overwhelming interest in African art, illicit trade in cultural property on the continent would not have assumed the alarming dimensions that it has reached, especially in the last three decades."\textsuperscript{14} In this sense, we see a cyclical pattern between the illicit trafficking of cultural property and the return of cultural property. As long as the plunder of cultural objects continues to take place against export regulations, museums in the West are not willing to return objects in case of confiscation or destruction. However, the cyclical nature of the relationship also determines that museums in the West, including universal museums, are sometimes the ultimate benefactors of these illicit goods, and therefore, should enforce


\textsuperscript{13} Greenfield, 129.

\textsuperscript{14} jegede, 127.
stricter rules to ensure that the plundering can be reduced. In addition, museums in the West must not forget that they too encounter major cases of art theft. For example, on May 19, 2010, the Museum of Modern Art in Paris was raided by a lone robber who stole five valuable paintings of modern art including Pablo Picasso’s *Le Pigeon aux Petits-Pois* and Henri Matisse’s *La Pastorale*, which have all been valued at £86 million at the very least.\(^\text{15}\)

The argument for preservation has been debated back and forth between museums and source countries. As a result of wars and corruption, denying restitution on the basis of preservation has become another form of justification used by Western museums, including universal museums. A classic example of the preservationist argument has been used by the British Museum in the case of the Parthenon Marbles. The British Museum continued to state that Greece did not have the proper facilities to take care of the Parthenon sculptures until the Acropolis Museum was opened in 2008. Now, their argument is largely based on the importance of the context provided by the British Museum in housing the marbles there. Their preservationist argument was largely refuted when news leaked in 1998 revealing how the British Museum had “cleaned” the marbles in the 1930s to achieve its “classical, white appearance” by getting rid of what appeared to be original traces of color leaving the Greeks furious.\(^\text{16}\) What was worse was that when the British Museum did find out about the damage, they


\(^{16}\) A new edition of *Lord Elgin and the Marbles* by William St. Clair that was published in 1998 exposed the episode of “cleaning” by the British Museum in the 1930s. In order to satisfy the preferences of Sir Joseph Duveen who wanted the marbles to look whiter (Duveen had agreed to make a donation for a new gallery to house the marbles), the British Museum went against its preservation policies to have the color removed. See Waxman, 247-251.
decided to cover it up. This inflamed existing tensions between Britain and Greece, resulting in extensive debate. However, the British Museum summarizes the incident as an unfortunate event of the past while continuing to uphold its stature as a global caretaker.

The lack of proper museums in Nigeria has been argued as early as the 1940s by Kenneth Murray, considered the father of the museum movement in Nigeria, as early as the 1940s, who stated that “the needs, indeed for a collection of Nigerian art in Europe cannot be as vital as the need for one in Nigeria. In Europe it would chiefly have academic purpose, but in Nigeria it is wanted for the cultural life of the country itself.” Murray voiced his opinion with respect to the looting of Nigerian art that was taking place at the time. He believed that the absence of a local museum in Nigeria facilitated the removal of valuable art to museums in the West. The first museum in Nigeria, the Jos Museum, was only built in 1952. However, as discussed above, events of theft have continued despite the establishment of museums in Nigeria, and have unfortunately involved participation by staff members. In addition to cases of art theft, Shyllon states that museums in African states, including Nigeria, need a proper system of inventory of their collections. Without proper documentation, prosecuting cases of restitution are difficult.

At the second session of the UNESCO Intergovernmental Committee in 1981, African members of the committee stated that while it is essential for museums to have

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18 Shyllon, *Art and Cultural Heritage*, 139
adequate facilities, it should not be a “prerequisite for the return of cultural property.”

Also, according to a report submitted for the Committee on the Situation in Africa in 1983, the argument of conservation should not be used to solve repatriation claims but should instead be a condition that is created as one aspect of the return process.

However, for any museum, including universal museums, preserving an object is one of its primary functions, and if it were to loan an object to a location that poses possible destruction or theft, it would be in violation of the museum’s collections management policies, not to mention those of ICOM’s Code of Ethics. For example, Article 2.21 of the ICOM Code of Ethics states that in the case of disasters, “careful attention should be given to the development of policies to protect the collections during armed conflict and other human-made or natural disasters.”

The need to protect cultural property for the world is an internationalist approach that is almost always embraced by universal museums that are holding the contested objects. However, one must contemplate the prospect of violating the sovereignty of a country in the name of universalism. According to Elazar Barkan, “efforts to save singular antiquities may indeed, be well intentioned but can only be viewed locally as paternalistic imperialism, and a misplaced renewal of the ‘white man’s burden’ to civilize

19 1978 UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation was formed to facilitate bilateral negotiations regarding property that had been removed as a result of colonization and military occupation. Folarin Shyllon, "Museums and Universal Heritage: Right of Return and Right of Access", text of a Lecture delivered to mark the International Museum Day at the Women Development Centre, Abuja on 18 May 2007.<http://list.africom.museum> (accessed March 19, 2010).

20 Shyllon, "Museums and Universal Heritage: Right of Return and Right of Access."

21 ICOM Code of Ethics, 7.
the world.” At the same time, it is recognition of the universal value of cultural treasures that should put an end to the widespread illicit looting of objects that are being removed from museums and sites in African countries yet are nevertheless continuing to end up in museums in Europe and the United States. The question of preservation or protection of cultural property is yet another aspect of the divide between cultural internationalism and nationalism that has not found common ground.

According to Shyllon, African states have five options to prosecute cases of restitution in a legal manner which include 1) litigation in foreign courts, 2) the 1970 UNESCO Convention, 3) the UNESCO Intergovernmental Committee, 4) bilateral agreements and 5) the arbitration option under the 1995 UNIDROIT Convention. There is a general lack of participation by African countries in acceding to the 1970 UNESCO Convention and the 1995 UNIDROIT Convention. As of 2010, art-rich African countries such as Eritrea, Ethiopia, Ghana, and Kenya have not ratified either convention. According to Lyndel Prott, Professor of Cultural Heritage Law at the University of Sydney, Australia, for many African nations, cultural legislation is not a priority, and there is a lack of communication between different government institutions with regards to maintaining standards to preserve cultural heritage. She also states that many nations may not be aware of the benefits of ratifying international conventions as only a few African lawyers possess a detailed knowledge of the legal aspects of cultural repatriation claims. Shyllon shares similar views. He believes that there may be

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22 Barkan, 27.

23 Shyllon, *Art and Cultural Heritage*, 139-142.

24 Lyndel V. Prott, “Saving the Heritage: UNESCO’s Action against Illicit Traffic in Africa,” in Mcintosh and Schmidt, 33-34.
difficulties in completing the required forms to be submitted for the request of return, although UNESCO provides assistance on such matters. He also believes that as a result of a general lack of resources and skepticism on the success rate of repatriation claims, many African nations do not see the point in carrying out the work. Often times, prosecuting claims in foreign countries, even as member states of the 1970 Convention, is a burdensome cost to cover and requires legal professionals, both of which are mostly unavailable in many African states.\textsuperscript{25} As discussed earlier, another obstacle for African countries is the lack of systematic inventories of objects in their collection that have been stolen, and Shyllon mentions that many African nations need to do their “groundwork” before approaching claims through UNESCO. The lack of evidentiary documentation is often a major hindrance in prosecuting repatriation claims.

It is important to remember that both the 1970 UNESCO and 1995 UNIDROIT conventions do not apply retroactively, and only prospectively.\textsuperscript{26} Therefore, the conventions largely apply to the objects that are still in their countries of origin but are threatened of danger through the illicit art trade. However, Article 15 of the UNESCO Convention encourages State Parties to enter into bilateral negotiations regarding property that had been removed prior to the convention.\textsuperscript{27} For example, at the tenth session of the UNESCO Intergovernmental Committee for Promoting the Return of

\textsuperscript{25} Shyllon, \textit{Art and Cultural Heritage}, 141.

\textsuperscript{26} “The normal rule of international law is that treaties are not retroactive and an express provision to this effect is not necessary (there is none in the 1970 UNESCO Convention, which is clearly accepted as non-retroactive).” See Lyndel V. Prott, “UNESCO and UNIDROIT: a partnership against trafficking in cultural objects,” in \textit{The Recovery of Stolen Art: A collection of Essays}, ed. N. Palmer, 213.

\textsuperscript{27} Article 15 states that “Nothing in this Convention shall prevent States 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.”
Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, initiatives were taken to encourage bilateral negotiations between Greece and Britain regarding the Parthenon Marbles. However, many professionals have begun to doubt the effectiveness of the existing international treaties regarding cultural property. According to Greenfield and Barkan, the UNESCO conventions are too wordy and are written with abstract principles that cannot be applied practically to claims.\textsuperscript{28} Moreover, Western states have begun to question its political bias and have attacked it for becoming too politicized and anti-Western. Also, the language that defines cultural property has been criticized for being too flowery and privy to various interpretations. It has also been criticized for not having formal means of tackling cultural property disputes. Greenfield and Shyllon are two among many legal professionals who have advocated the establishment of an international art tribunal or a Court of Arbitration for Cultural Property that would settle disputes in a civilized manner by encouraging dialogue based on mutual respect and dignity. The court would consider “the country of origin, the significance of the property to the claimant country, and the manner in which the property was removed from its country of origin.”\textsuperscript{29} Such a process of arbitration would appear to be more neutral as it would not operate under a national framework.

Therefore, it would seem that although Nigeria has ratified the UNESCO and UNIDROIT conventions, the language and ineffectiveness of the conventions make it rather difficult for state parties to demand the return of their cultural property removed

\textsuperscript{28} Barkan, 17-18, Greenfield, 368-370.

\textsuperscript{29} Greenfield, 369.
prior to the state parties’ ratification of the conventions. In addition, Nigeria and other African nations need to take greater initiatives to protect their cultural heritage from the current illicit art trade before considering the return of cultural treasures acquired during colonial times. For example, Mali is the only African nation that has entered into a bilateral agreement with the United States to apply import restrictions on its cultural property. This was in light of the heavy pillaging that had been taking place in Mali’s archaeological sites. Clearly, Nigeria and other African nations face similar issues, yet have not taken the steps necessary to initiate such agreements to protect their cultural heritage. The current illicit art trade seems to be the largest obstacle that Nigeria faces with regards to its cultural property, and until that subsides, the question of returning the Benin Bronzes to Nigeria from the British Museum may remain unanswered.

Conclusion: A Moralist Approach

dele jegede has stated that today it is much easier to study African art in the West than in Africa because of the extent of African antiquities that have left the continent through colonial plunder and illicit trafficking. But as Thurstan Shaw has observed, original works of art are better understood in the location that gave birth to them. For universal museums to attribute the aim of restitution claim by a source country to nationalism is too simplistic and unfair. And as discussed earlier, it is hypocritical for universal museums to use this argument as their own history is tainted with the rise of nationalism in Europe. The mass removal of cultural treasures to the early universal museums in Europe was done as part of a large scale imperialistic venture. In

\[^{30}\text{Shyllon, Art and Cultural Heritage, 141.}\]
considering how African nations struggled to achieve their independence as a result of the effects of colonization, universal museums should feel obliged to assist these countries in regaining their cultural heritage. As Peter Schmidt states in *Plundering Africa’s Past*, “if colonization was the first stage in the West’s denigration of the African past, then the erasure of Africa’s cultural heritage that is occurring today is the second.”

However, as described earlier, there are many obstacles for source countries in Africa in fighting repatriation claims. It would seem highly unlikely for universal museum to repatriate significant cultural treasures to former colonies and as George Abungu has stated, African nations do not seek a mass removal of cultural property from universal museums.

In accordance with Article 6 of the ICOM Code of ethics, universal museums need to work in partnership with the communities who have lost their cultural property. Currently, universal museums and source countries are holding steadfast to their internationalist and nationalist approaches respectively, with little room for collaboration. Under the current language of cultural property, Nigeria has a small chance of seeing some of the Benin Bronzes within the walls of Nigerian museums. I believe that the argument of repatriation and debating who owns cultural property distracts universal museums and source countries from finding more positive solutions that embrace current museological standards upheld by ICOM. Repatriation, the act of transferring ownership from one institution to another, should not be the only way in which source countries could enjoy antiquities that were once removed from their lands.

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31 Peter Schmidt, “The Human Right to a Cultural Heritage,” in McIntosh and Schmidt, 27.
A cultural property theory that best suits resolution between universal museums and source countries is the moralist theory. This theory chooses the honorable path in trying to undo wrongdoings of the past, as well as respects the values of the less powerful. “Moralists do not assume that giving a society back its cultural resources will fully compensate them for past wrongful appropriation; rather, the goal is to keep the dominant society from repeating its wrongs. Social justice, rather than full restitution, is the ultimate goal.” Two examples of moralist approaches have been made in the United States with the collaboration of museums and private foundations. The first example is the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA) in the United States in 1990 which required all federal agencies to return Native American objects to their respective people that had been robbed by former colonists. The act also established federal grants to alleviate the repatriation process for both parties. In this case, the preservation of the sanctity of the cultural practices of the Native Americans prevailed over the need to keep a cultural object in the public domain. The second example is the creation of a publicly accessible Nazi-Era Provenance Internet Portal (NEPIP) in 2003 that allows museums in the United States to document objects in their collection that may have changed hands in Europe between 1932 and 1946. By having this information publicized, the portal provides a standard method of strengthening provenance research by allowing families that have lost their property as well as researchers to be able to identify their objects.

The establishment of NAGPRA and NEPIP has been revolutionary in introducing new methods of negotiation for two very controversial situations. They are both

32 Hutt, 20.
wonderful examples that the signatories of the Declaration should follow to find similar solutions for the wider cultural property battle with source countries. NAGPRA and NEPIP have both been successful in establishing platforms for negotiation that have benefited both the museum and the rightful owner. Interestingly, although museums have offered to return objects to the rightful owners under the auspices of these two acts, there have been instances where the latter have negotiated with museums to keep their objects on long-term loans with the knowledge and understanding that they are better taken care of there. In addition, some owners have agreed for museums to keep their objects with the agreement that they are given due credit when the object is displayed, or by giving significance to the story of how museums have acquired their objects.

What Africans want is to be able to enjoy their treasures on their soil and to encourage the sustainability of their cultural heritage by educating the local community of their culture. Many of the objects that are stored in universal museums, including the Ashanti Gold, Benin Bronzes, and Magdala treasures, hold a lot of power in being able to enlighten Africa of its cultural heritage. It would seem that the only way in which Africa can enjoy these treasures in the immediate future is through a promise of sharing with universal museums. In the following chapter, I will propose specific methods of collaboration, as alternatives to repatriation, which could be used by universal museums and source countries that embody a moralist approach.
CHAPTER 5
DISCUSSION AND CONCLUSION

Introduction

The self-declaration of the universal museum in the Declaration on the Importance and Values of Universal Museums and promotion of Enlightenment roots has further entrenched universal museums in a cultural and political debate with source countries. It has spearheaded a new debate that questions the use of “universality” and how it applies to today’s cultural property debate. In a post-modern and post-colonial world, the European Enlightenment is seen as ambivalent, as it has paradoxically been responsible for the pursuit of knowledge and colonialism, leaving universal museums on a conflicted historical path. Therefore, if universal museums are to embrace their Enlightenment history, they cannot ignore their nationalistic ties. Likewise, they should then be more understanding of the need for source countries to re-possess their cultural property in order to re-instate their powers as nations. In a conversation with Tom Flynn, the Director of the Manchester Museum, Tristram Besterman, said the following after returning the human remains of an Australian Aboriginal in 2003:

Voltaire, one of the leading figures of the 18th century Enlightenment, was a great champion of human rights and to represent the Enlightenment purely as seeking after objective truth — which was a very important part of it — to the exclusion of the rights of man, is, I think, to misrepresent the Enlightenment. I would like to think that were some of the great leaders of the Enlightenment, both in England and in France, around today, they would have been looking on approvingly when I returned that Australian material because of the terrible violence we did to the spiritual rights of those indigenous people. We behaved like colonial bullies and that was not something the Enlightenment was about. To pretend that it is, or was, is a very partial reading of that whole spirit of taking us out from the Dark Ages.¹

¹ Flynn, 19, 20.
Eight years following the Declaration, the universal museum directors have not put forward a coherent method of addressing the claims without using the premise of the Enlightenment model as justification for the objects remaining in universal museums. As George Abungu and George Lewis have mentioned, source countries are not requesting a mass repatriation of objects from universal museums. What they are seeking is some form of acknowledgement of the historical injustices that were caused in the past that have resulted in a mass confiscation of a significant part of their cultural heritage.

Universal museums do not have the ultimate right to determine that disputed objects acquired during earlier times have a greater purpose in being exhibited within a worldly context. Although this is important, it is time for universal museums to have a renewed global perspective that is relevant to the cultural, political and economic aspects of the twenty-first century, and not those of eighteenth century Europe. In considering themselves to be universal institutions, universal museums have the potential of being able to give new meaning to their “worldwide civic purpose” which is not limited to abstract universal values. In embracing the cultural plurality of the world we live in, universal museums can set new precedents on how museums in general can serve as well regarded universal bodies. As Jeanette Greenfield states in her response to the Declaration on the Importance and Value of Universal Museums:

The scholarly and curatorial function of museums is international and is universally regarded. However institutions cannot be ‘universal’ unless they are universally constituted or universally accountable. The nature of the objects held and the breadth of their collections, however interesting, do not bestow universal human rights…What distinguishes the present from the past is accountability and this alters the context in which objects are held.²

² Greenfield, 87-88.
The Declaration clearly does not hold universal museums accountable for any cultural damage experienced by many source countries. Instead of encouraging dialogue with source countries, the Declaration absolves participating museums of the need for dialogue by calling themselves universal. George Abungu, former Director of the National Museums of Kenya, asks why the Declaration only includes museums in Europe and North America, and then asks on what grounds these museums consider themselves to be universal? He refutes the notion of universal museums by stating that “all museums share a common mission and shared vision.”

As described in Chapter 4, the divide between the universal museums’ internationalist approach and the source countries’ nationalist approach has inhibited the two parties from finding a collaborative approach. For universal museums to uphold the meaning of universality in the twenty-first century, they would need to embrace a moralist approach that embodies new museological standards. They would also need to make a concentrated effort to remove themselves as an authority over the representation of world cultures and find more collaborative methods of engaging with its public, more specifically with the groups or nations who have suffered the loss of their cultural property to enhance their collections.

**A Moralist Approach: Building Branches of Universal Museums**

According to Professor Thurstan Shaw, Emeritus Professor of Archaeology at the University of Ibadan, Nigeria, it would be morally right for museums to return objects to their country of origin, and believes that retaining them would be “denying part of the

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independence 'granted' to such countries; and this is a neo-colonialist policy." He also suggests an alternative solution to repatriation - establishing branches of the British Museum in areas of Africa, such as the British Museum in Kumasi, or the British Museum in Benin. This would overcome problems of legal disputes as the objects would be transferred as loans. Such an arrangement would have unprecedented benefits in developing Africa’s lost cultural heritage. Shyllon supports this alternative to repatriation. The debate of ownership and possession often sets back many claims for repatriation, as museums are unwilling to transfer title of ownership to source countries. He believes that establishing universal museums in Africa could split the role of possessor and owner, with museums in former colonized countries having possession of the objects, and universal museums retaining ownership. However, for this to succeed, universal museums would need to relinquish their global authoritative control. To continue enforcing an abstract Enlightenment ideal of universalism in presenting objects in a worldly context would not benefit the source communities today. And as long as universal museums continue to uphold these views without addressing the plight of source countries, the claims for repatriation will continue. Under this scheme, universal museums could organize long-term loans of objects that are of significant cultural value to a source country. By maintaining a less authoritative stance, universal museums could collaborate with source countries to determine which objects are of estimable cultural and educational value to the local society and what kinds of

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4 Greenfield, 109.

5 Shyllon, 143.
exhibitions would truly portray the stories of the African cultures and the objects that give a tangible context to them.

Housing important cultural treasures in their places of origin would undeniably have an enormous impact on the local populations. It would provide the means of educating Africa’s population on their lost cultural heritage. With the grave situation of the current illicit art trade in Africa as well as the influence of tourism, many indigenous groups have lost the skills that have been passed down from generation to generation as there is more profit in creating objects that cater to the art market and the tourist. I believe that it would also be largely educational for universal museums as well as their branches to tell the story of how objects in Africa were removed to the European empires, and why it was so important for those objects to be displayed in museums in the West. It would also be enlightening for visitors to understand the depths of destruction caused by the current illicit trade which has already hampered the continuing preservation of their cultural heritage. In turn, I believe that universal museums would find it easier to acquire new objects that would further scholarly research through such a partnership.

Further, I believe that universal museum branches could introduce universally themed exhibitions in source countries. Instead of only displaying objects that are culturally significant to the area, universal museums could uphold their principle of a worldly context in source countries as well. For example, it would be highly informative for source communities to be able to view the influences of African art in the early twentieth century on European artists Pablo Picasso, Henri Matisse, Maurice de
Vlaminck, and Georges Braque.⁶ These types of thematically defined exhibitions would bring a universal objective to objects. Typically, museums in Africa and other developing countries in Asia and Latin America are national institutions that largely embrace nationalistic aims through exhibitions. While this is important, to have exhibitions that show the influences of local art beyond the nation would not only meet the criteria of universal museum objectives, but also provide local communities with a greater understanding of how the early transit of art has influenced many different cultures of the world. Also, thematically defined exhibitions that demonstrate a connection to the living communities would be more advantageous to African countries, in comparison with the traditional museum setting of separating cultures by galleries. In the recently concluded Museum and Restitution conference organized by the Centre for Museology and the Manchester Museum at the University of Manchester, Dr. Kokie Agbontaen-Eghafona, Professor at the University of Benin, Nigeria, gave a lecture titled “After restitution what next? An appraisal of public attitude towards the museum and museum objects in Benin City, Nigeria,” where she discussed a study she had conducted in Benin city, Nigeria to understand the views of the local people on museum objects.⁷ She found that many local people had not visited the museum. The study reveals that the local people believe that objects in museums are detached from their culture, the latter of which is more connected with contemporary versions of historical objects. The decontextualisation of the object from its original location is seen as a disadvantage by the people of Benin City, and they attribute museum objects to the

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1897 British destruction of Benin art. Therefore, creating thematically themed exhibitions that establish a connection with the living community would be imperative. The National Museum of the American Indian in Washington, D.C. is a prime example of a museum that places a strong emphasis on collaboration with the Native people of North America and encourages expression of the contemporary voice.

Building universal museums in African countries would also hopefully reduce the number of African objects entering the illicit art market and provide more generous economic prospects for locals to be trained to work in museums. While establishing universal museums in African countries could pose a challenge to the less-adequately funded national museum, there is a lot of potential to have collaborative exchanges between universal and national museums.

**Limitations**

Although the prospect of building universal museums in source countries has been voiced, the question of funding has not been thoroughly researched. It would seem burdensome and greedy for source countries to expect universal museums to fund such a project. Instead, it would be beneficial if universal museums and source countries urged UNESCO to create an international fund through international contributions that would support these projects. During the tenth session of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in January 1999, a fund was established to facilitate the return of cultural property to its country of origin.\(^8\)

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The fund was established to finance training and education projects, and strengthen museum systems. It would be highly advantageous for universal museums and the governments of source countries to implement a variation of this recommendation under the auspice of UNESCO that would not only alleviate initial financial costs involved to establish a museum but also help source countries to be able to effectively run their own museums. However, depending on UNESCO alone for financial support poses a risk because of impeding national political biases. Other means of private financial support should also be sought.

The prospect of building branches of universal museums in source countries poses other limitations. Firstly, for universal museums to successfully set up their branches in a source country, the political stability of that country would be imperative as the art would need to be in a secure location. Secondly, in many source countries, as well as art-market countries in Europe, cultural property belongs to the state and museums are nationalized. Therefore, universal museums and governments of source countries would need to determine the role of the universal museum in a source country – would it be privately-run or nationalized? Also, how much control would the national government of a source country have over a universal museum branch? Overall, the branch method would need to be approached carefully on a case-by-case basis with a source country.

**Other Universal Solutions**

Universal museums can implement other methods that embody moralist universal solutions through collaboration with source countries. The first method is

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9 UNESCO Intergovernmental Committee, 13.
reuniting parts of objects owned by different museums. So far, this has been established between museums within one country. For example, in 2002, fifteenth century panels from a triptych by Fra Angelico that were owned separately by the J. Paul Getty Museum in Los Angeles and the Yale University of Art were reunited.\textsuperscript{10} In addition, three decades ago, the Metropolitan Museum of Art in New York and the Louvre reunited the head and torso of a 2100 B.C. neo-Sumerian statue, and agreed to take turns displaying the reassembled piece. To reunite pieces that have been separated to museums in different continents would require the input of cultural and political diplomacy. But this method would also allow museums to share the art instead of considering the prospect of losing cultural property through repatriation claims.

The second method of establishing a universal solution to the cultural property debate is by digital restitution. This could be in the form of virtual display on the internet or by creating digital facsimiles of objects in the physical space of the museum. In today’s age of technology, museums have become accessible to the world through virtual display of its objects and exhibitions. Museums have begun to create online systems of their collections that would otherwise be hidden. This form of virtual display has connected people from all over the world, and has provided museums with a stronger interactive and educational front. In a recent discussion at the Museum and Restitution International Conference in Manchester, U.K., museum professionals discussed the role of digital restitution and its possibilities as an alternative to physical

repatriation. Could photographs take the place of physical objects for a source community? Can a digital object convey the same kind of knowledge and meaning that the original object would? Should a digital facsimile be created in the museum of a source country or, should the physical object be returned to a source country with the digital facsimile being created in a universal museum?

If digital restitution is not perceived well by source countries as an alternative to physical repatriation, it still holds promise in being able to initiate dialogue between museums and source countries. It is a way of engaging the source communities with museum objects and determining their views on virtual access versus the physical presence of an object. Digital restitution could also be viewed as a method of determining the views of the local communities regarding museums and cultural property before establishing a universal museum branch in a source country.

**Conclusion**

The battle between universal museums and source countries is highly complicated in nature and is interdisciplinary in its engagement of museum, cultural heritage, legal and political professions. The disputes over cultural property are never ending and until universal museums are able to establish an engaging platform on which to address these concerns that involve the participation of source countries, their role as “universal” institutions remains questionable. Using the Enlightenment model as a defense against claims for repatriation has been shown to be an inadequate response that exploits a complex cultural and political movement. Universal museums would do well to review

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their policies in the Declaration and consider changing its authoritative and one-sided approach.

Although acquiring antiquities during colonization occurred under very different cultural and political precedents, it is largely acknowledged that these museums have a moral obligation to return objects to their country of origin. In the case that repatriation does not take place, universal museums have the unparalleled opportunity of being able to explore universal values by sharing their collection with source countries through building branches of their museums in source countries. By sharing significant objects with the descendants of the artist cultures who have lost a significant proportion of their cultural heritage, universal museums have the opportunity to create stronger connections that tie the object’s historical legacies to that of present cultures.
APPENDIX
DECLARATION ON THE IMPORTANCE AND VALUE OF UNIVERSAL MUSEUMS

Statement on the Value of the Universal Museum

Media Release
British Museum

December 2002 - Eighteen of the world's great museums and galleries have signed a statement supporting the idea of the universal museum. The statement was drafted at their last meeting in Munich last October, and presented to the British Museum for publication.

Their directors are all members of an informal group of museums worldwide which meets regularly to discuss issues of common interest.

One of the most pressing of these is the threat to the integrity of universal collections posed by demands for the restitution of objects to their countries of origin.

Museums and galleries such as these are cultural achievements in their own right. They bring together the different cultural traditions of humanity under one roof. Through their special exhibitions and their permanent displays they endow the great individual pieces in their collections with a worldwide context within which their full significance is graspable as nowhere else.

Neil MacGregor, Director of the British Museum, said "This declaration is an unprecedented statement of common value and purpose issued by the directors of some of the world's leading museums and galleries. The diminishing of collections such as these would be a great loss to the world's cultural heritage."

Declaration on the Importance and Value of Universal Museums

The international museum community shares the conviction that illegal traffic in archaeological, artistic, and ethnic objects must be firmly discouraged. We should, however, recognize that objects acquired in earlier times must be viewed in the light of different sensitivities and values, reflective of that earlier era. The objects and monumental works that were installed decades and even centuries ago in museums throughout Europe and America were acquired under conditions that are not comparable with current ones.

Over time, objects so acquired – whether by purchase, gift, or partage – have become part of the museums that have cared for them, and by extension part of the heritage of the nations which house them. Today we are especially sensitive to the subject of a work's original context, but we should not lose sight of the fact that museums too provide a valid and valuable context for objects that were long ago
displaced from their original source. The universal admiration for ancient civilizations would not be so deeply established today were it not for the influence exercised by the artifacts of these cultures, widely available to an international public in major museums. Indeed, the sculpture of classical Greece, to take but one example, is an excellent illustration of this point and of the importance of public collecting. The centuries-long history of appreciation of Greek art began in antiquity, was renewed in Renaissance Italy, and subsequently spread through the rest of Europe and to the Americas. Its accession into the collections of public museums throughout the world marked the significance of Greek sculpture for mankind as a whole and its enduring value for the contemporary world. Moreover, the distinctly Greek aesthetic of these works appears all the more strongly as the result of their being seen and studied in direct proximity to products of other great civilizations.

Calls to repatriate objects that have belonged to museum collections for many years have become an important issue for museums. Although each case has to be judged individually, we should acknowledge that museums serve not just the citizens of one nation but the people of every nation. Museums are agents in the development of culture, whose mission is to foster knowledge by a continuous process of reinterpretation. Each object contributes to that process. To narrow the focus of museums whose collections are diverse and multifaceted would therefore be a disservice to all visitors.

Signed by the Directors of:
The Art Institute of Chicago; Bavarian State Museum, Munich (Alte Pinakothek, Neue Pinakothek); State Museums, Berlin; Cleveland Museum of Art; J. Paul Getty Museum, Los Angeles; Solomon R. Guggenheim Museum, New York; Los Angeles County Museum of Art; Louvre Museum, Paris; The Metropolitan Museum of Art, New York; Prado Museum, Madrid; Rijksmuseum, Amsterdam; State Hermitage Museum, St. Petersburg; Thyssen-Bornemisza Museum, Madrid; Whitney Museum of American Art, New York; The British Museum, London
LIST OF REFERENCES


BIOGRAPHICAL SKETCH

Dushanthi Jayawardena is from Sri Lanka and has lived in Libya, Brunei, Bahrain, Sri Lanka and the United States. She earned a Bachelor of Arts in art history from Hood College in Frederick, Maryland in 2004. To pursue her interest in museums and cultural heritage, she interned at the Bahrain National Museum for two years. During her graduate studies at the University of Florida, she has worked at the University Galleries and has interned at the Harper’s Ferry National Historical Park in West Virginia. She currently works as a Registration Assistant at the Harn Museum of Art. She hopes to return to Sri Lanka to engage in cultural heritage projects.