

Book Reviews

Who Owns Antiquity? Museums and the Battle over our Ancient Heritage. By James Cuno. 228 pp. incl. 6 b. & w. ills. (Princeton University Press, Princeton and Oxford, 2008), £14.95. ISBN 978-0-691-13712-4.

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THE POLEMIC OVER what antiquities should be acquired by museums, and which ones they should decline in order to discourage the illicit traffic in them, has become much louder in recent months, with the reluctant return to Italy of antiquities, worth many millions of dollars, by the Metropolitan Museum of Art in New York and by the J. Paul Getty Museum in Los Angeles. These, it was claimed, had been illicitly excavated and illegally exported in recent decades, a charge tacitly accepted by the museums which agreed to their return. In this readable and lucidly argued book James Cuno sets out what might, ten years ago, have been described as the art museum director's case on the proprieties of ownership and acquisition. His position is still indeed held by the collection of which he is Director (the Art Institute of Chicago) along with such other influential institutions as the Metropolitan Museum or the Boston Museum of Fine Arts. But the times have moved on, and other museums, including now the Getty itself, have shown themselves willing to adopt more careful acquisition policies and to avoid buying antiquities which might have been the product of looting. Cuno here, thoughtfully and with well-chosen examples, reasserts the traditional view.

It is important, Cuno argues, that great institutions such as these, with their 'encyclopaedic' collections, should feel free to acquire antiquities, even if many of them may be of uncertain origin. For otherwise these might fall into obscurity in private collections rather than helping to fulfil the mission of the great museums of educating the public about cultural traditions and displaying art of all periods and from all continents. By implication he criticises more cautious institutions such as the British Museum or the Archaeological Institute of America which agree to follow the '1970 rule' in order to combat the traffic in illicit antiquities and the destruction of archaeological sites which sustains it. The year 1970 saw the adoption of the UNESCO Convention on the Traffic in Illicit Cultural Property, and those museums following the 1970 rule decline to acquire antiquities which lack documentation to prove their whereabouts back to that year – thereby guaranteeing that these could not be the product of looting at some subsequent date.

Following the former legal adviser to the Metropolitan Museum, John Henry Merryman, Cuno contrasts what he terms the 'nationalist, retentionist' policies of nations which seek to regulate or suppress the export of antiquities found within their boundaries with

the 'internationalist' position of museums like the Metropolitan or the Art Institute of Chicago. These seek to maintain free trade, with a minimum of regulation, and a general freedom to acquire, with a minimum of due diligence. But Merryman's appropriation of the term 'internationalist' to a position which denies the implications of such international conventions as UNESCO 1970 or UNIDROIT 1995 (The Convention on the International Return of Stolen or Illegally Exported Cultural Objects) seems a shade perverse.

The author appears to be on firmer ground in chapter three ('The Turkish Question') and chapter four ('The Chinese Question') where he considers in an informed way the changing boundaries of modern nation states, and the variety of ethnicities which they contain. Kurds and Armenians, Tibetans and Uighurs have not always fared well as territorial boundaries are reassigned and nation states redefined, and it may indeed seem ironic that Beijing is responsible today for the welfare of the cultural heritage of Tibet or of Xinjiang. But, writing from the special standpoint of the art museum director, Cuno scarcely considers the issue of the protection of archaeological sites, or the massive loss to knowledge which ensues when saleable antiquities are separated, without record, from the context of their discovery. To some extent these musings on ethnicity and nationalism are not centrally relevant to the problems of safeguarding the world's cultural heritage. For clearly the competent territorial authorities must have the main responsibility for safeguarding archaeological sites: ethnicity is not the issue. Both Turkey and China recognise these responsibilities through laws protecting sites and antiquities and through expert archaeological administrations, even if these cannot cope with the scale of the problem. Nor in China does it help that the People's Army, in contravention of national law, apparently sometimes undertakes illicit excavations for gain.

To some extent Cuno's arguments concerning ethnicity and identity relate to the second major issue that underlies this book, the problem of contested antiquities which were removed from their place and nation of origin long before 1970 and, in some cases, before laws relating to the disposal of antiquities were introduced in the countries in question. That is the issue of Restitution writ large – of Parthenon marbles and Benin bronzes, of Assyrian reliefs and of the Pergamum altar sculptures. But the issues in the two cases – modern, clandestine looting, versus colonial or imperial appropriation, mainly during the nineteenth century and by the leading world powers of the day – are not the same. No one today could justify the removal of the *Venus de Milo* to the Louvre or the head of Nefertiti to the Berlin museums, but that does not automatically mean that they should be returned forthwith to their country of origin. Cuno's argument for the encyclopaedic museum deserves to be considered.

Cuno must be right, also, that the source countries of many of the antiquities in question would do well to find legitimate ways of mak-

ing their rich past, with its abundant material remains, more widely known. Several already do this – he does not mention the generosity of the Mexican government in financing the reorganised display of the British Museum's great collection of Pre-Columbian antiquities, including wonderful Maya sculptures and Aztec mosaics. There are signs, indeed, that a little more respect from the great museums for the antiquities laws of the 'source' countries might be met with more generous policies on loans and even gifts. Nor should the merits of the 'partage' system, which Cuno advocates, be overlooked. Here the excavation in the host country was financed by an overseas museum or university, and in return the finds were divided – the 'partage' – under the supervision of the national archaeological authority. The financing institution was allowed to retain a significant proportion of the finds. That is how the British Museum and the University Museum of Pennsylvania in Philadelphia came to own, in a legal and transparent way, some of the great finds from the royal tombs at Ur of the Chaldees, while the National Museum in Iraq held (and mercifully still holds) the other half of the finds. Under such a system all the finds can be published, and scholars are aware of where they are curated, and many of the finds can legally be exported overseas, fulfilling the educational role of the universal museum.

There are many interesting arguments here. And it should indeed be possible to ensure that the great universal museums of the world can fulfil their mission without at the same time conniving in the illicit traffic in antiquities which funds the continuing destruction of archaeological sites today. But Cuno's implication that the rich institutions of the modern world can be left to regulate their own affairs, without clear acquisition codes and without international regulation, is belied by recent evidence. Peter Watson's book, *The Medici Conspiracy: the Illicit Journey of Looted Antiquities, from Italy's Tomb Raiders to the World's Greatest Museums* (New York 2006) makes all too clear how museum curators and widely respected dealers have sometimes been complicit in the traffic in looted antiquities. Acquisitive museums have too often been in league with wealthy collectors, encouraging them to amass substantial assemblages of antiquities without any exercise of due diligence, and then accepting these by gift or bequest, some years later, on the grounds that they have now become 'recognised collections'. This is the unpleasant reality that has recently led the Association of Art Museum Directors to move towards the acceptance of the 1970 rule, a position which the Museums Association of the United Kingdom, like the Department of Culture, Media and Sport, adopted some years ago. Most of us would share the aspiration underlying Cuno's question 'Who owns art?' that the past is the inheritance of us all. More dubious, however, is the fitness of institutions such as the one he directs, to be the custodians of this inheritance. Until they accept and publish an ethical acquisitions policy, their position – like that of the author – will be open to question.