

Introduction

Museums like the British Museum and the Metropolitan Museum of Art attract a large number of eager tourists every year, who are hoping to learn about culture and art. The encyclopedic displays of art have successfully gathered aesthetes from around the world to study and marvel at the beautiful and diverse collections of artifacts. Unfortunately, many of these works of art have had lives that are more complicated than what meets the eye. From artifacts going through complicated looting networks, to having authority over artifacts granted by colonizing powers, to artifacts being distributed as spoils of war, many of these artifacts have been illicitly acquired. In this paper, I argue that museums should repatriate illicitly acquired artifacts in their possession to their countries of origin. I use the definition of cultural objects which are “works of art that are historically, ethnically, or religiously important to a certain group of people” (Roodt, 2013, p.291) to define artifacts. I also use Roodt’s (2013) definition of country of origin as “the country that designates the object as part of its cultural heritage, or that classifies it as national treasure” (p.290).

I support my position on artifact repatriation with the three following arguments. First, the artifacts were taken from their countries in an unjust, unlawful, and very often, harmful way, and therefore must be returned to achieve justice. Repatriation can be used as a method of corrective justice to correct the wrongs of the past (Björnberg, 2015). Second, I argue that returning artifacts gives people the chance to learn about them from the perspective of the people of the original country. By returning the artifacts, we’re gaining the value of learning about the artifacts within their cultural and historic context (REF). Finally, I argue that the illicitly acquired artifacts have strong cultural, religious, and historical value to their people. This is why these artifacts should be in the possession of their people (REF).

I also consider alternative positions towards artifact repatriation. These positions include Museums should not return artifacts as that would discourage people from learning about cultures outside that of the host country. I refute this argument by mentioning how repatriation efforts between the US and Turkey have resulted in the improvement of

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Commented [cp8]: Verb choice: Try to avoid the verbs “state,” “say,” “talk about,” and “mention” when referring to an author. They are overused verb and not very helpful ones. Instead, consider verbs such as argue, suggest, show, demonstrate, highlight, ... but make sure you know what each of these means as they are not all just synonyms.

connections and indefinite loan agreements between the two countries (Green, J., 2017).

Others argue that some of the source countries may not be able to provide appropriate care the artifacts require as would the host museums. I refute this argument by mentioning the example of the Greek Elgin Marbles which have had a whole museum created to protect them when they're returned. The last counter argument is that the inhabitants of the countries whose artifacts were looted are not ethnically the same as those who were harmed therefore cannot present themselves as the original owners. I refute that argument by showcasing the cultural continuity between the original owners and today's inhabitants and by bringing light to the concept of transfer of victimization (Björnberg, 2015).

This paper is important because it brings awareness to the continuous harm that museums are causing by refusing to cooperate and repatriate illicitly acquired artifacts to their countries of origin. This paper highlights the importance of these illicitly acquired artifacts to their original people, by the artifacts being culturally, historically, and in some cases, religiously significant to their people. I conclude my paper by suggesting the use of 3D copies of artifacts in the current host countries and returning the originals to their countries of origin.

Discussion of Sources

Source 1

Al Quntar, S. (2017). Repatriation and the legacy of colonialism in the Middle East. *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, 5(1), 19–26.

<https://doi.org/10.5325/jeasmedarcherstu.5.1.0019>

The article was published in the *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, which is a peer-reviewed journal published by Penn State University Press. The *Journal of Eastern Mediterranean Archaeology & Heritage Studies* focuses on Eastern Mediterranean Anthropology and history. The author, Salam Al Quntar, is a lecturer assistant professor at Rutgers School of Arts and Sciences with a Ph.D. in Archaeology from the

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Work on the voice – but otherwise – great for this stage!

University of Cambridge. This article presents the Middle Eastern perspective on acts of artifact repatriation. It describes the phases of illicit Middle Eastern artifact acquisition by imperialist powers, the connection between the Middle Eastern populations and Middle Eastern artifacts in the wake of nationalism. It also and presents reasons why Western museums are refusing repatriation. Dr. Al Quntar concludes her paper by emphasizing the importance of repatriation in re-building the severed connections and relations between the Middle East and their former Western colonizing powers. I will use this article to provide the necessary support for one of my supporting arguments on the importance of artifact repatriation because the artifacts were taken from their countries in an unjust, unlawful way. I will use the described phases of illicit artifact acquisition in the Middle East along with some of the examples of the artifacts that were acquired in the methods described. The methods of acquisition and examples of artifacts will work to create an emotional response in the audience and convince them that the presented artifacts were acquired wrongfully and must be repatriated to restore justice. I like this article because it flowed well and was easy to read. The author made the right choice of vocabulary for the article and used well-known artifact examples to keep the reader engaged.

Source 2

Björnberg, K. E. (2015). Historic injustices and the moral case for cultural repatriation.

Ethical Theory and Moral Practice, 18(3), 461–474.

<http://www.jstor.org/stable/24478633>

The article was published in the *Ethical Theory and Moral Practice* journal, which is a peer-reviewed journal that focuses on the field of practical philosophy. The author, Karin Edvardsson Björnberg, is an associate professor of environmental philosophy at the Royal Institute of Technology. This article discusses the two sides in the argument for repatriation as a means of corrective justice. It brings light to the factors that a repatriation case must fulfill to be considered valid and the difficulties of such a process. I will be using this article to show how the most famous repatriation cases of today are valid and have moral grounds. I

will also be using the concept of transfer of victimization and cultural continuity brought up by the article to showcase the perspective of the people of the original country. The discussion of such a concept will help me refute the counter argument that today's inhabitants of the countries whose artifacts were illicitly taken are not ethnically the same as those who were harmed and therefore cannot present themselves as the original owners. I like this article because the author has a clear analytical approach in writing. She has presented the outline of the argument and brief descriptions before entering the topic. This provision of an outline helps the reader stay focused during reading and allows the reader a faster way of accessing the parts of the argument they deem important or need.

Source 3

Green, J. (2017). Museums as intermediaries in repatriation. *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, 5(1), 6–18.
<https://doi.org/10.5325/jeasmedarcherstu.5.1.0006>

This article was published in the *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, which is a reputable peer-reviewed journal that focuses on Eastern Mediterranean archaeology and history. The author of the article, Dr. Jack Green is a holder of a Ph.D. in archaeology from University College London. He is the Chief Curator of Miami University Art Museum and is the former Associate Director of the American Center of Research (ACOR), Amman, Jordan. This article discusses how museums can play an active role in artifact repatriation and the stunting of unethical, illegal networks of artifact trade. The article provides examples of repatriation success stories where repatriation has benefited both the source and host countries and created indefinite loan agreements. I will use the examples of successful repatriation to showcase how repatriation is not a loss for the host country but an opportunity for the future where through deals as indefinite loan agreements more history and culture can be shared. The article also discusses repatriation examples where the artifacts are taken care of as well as they were in the host country. I will be using these examples to refute the argument that source countries are not able to provide the care the artifacts require

as would the host museums. I like this article because it is well-structured and concise. It is also well-researched, and the examples have been chosen well.

Source 4

La Follette, L. (2017). Looted antiquities, art museums and restitution in the United States since 1970. *Journal of Contemporary History*, 52(3), 669–687.

<http://www.jstor.org/stable/44504068>

This article was published in the *Journal of Contemporary History*. The *Journal of Contemporary History* is a quarterly peer-reviewed journal established in 1966 that focuses on the history of the 20th century. The author of the article, Dr. Laetitia La Follette, is a professor of Greek and Roman Art and Architecture at the University of Massachusetts Amherst. She earned a Ph.D. in classical archeology at Princeton University. This article discusses the change the US went through from refusing repatriation and restitution and holding onto colonial past to being an upholder of policies that help in the process of repatriation. The change came about after the introduction of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The article also discusses other laws the US passed to correct their past wrongs. One example of such a law is the Native American Graves Protection and Repatriation law (NAGPRA) where the **US, instead, started** to play an important role in protecting Native American archaeological material. The introduction of NAGPRA helped in changing museums from upholders of colonialism to places of collaboration with Native Americans. This article is important for my paper because it showcases the efforts of the US, which is a highly regarded country, in repatriation, encouraging other countries to follow. I will also use this article to support my second supporting argument on returning artifacts giving people the chance to learn about them from the perspective of the people of the original country. This source was harder to read than other sources. I did not like the persistence of the author on using uncommon vocabulary that can be replaced with well-

known words. If I could change anything about the article, I would swap some of the words with their better-known synonyms.

Source 5

Merryman, J. H. (1986). Two ways of thinking about cultural property. *The American Journal of International Law*, 80(4), 831–853. <https://doi.org/10.2307/2202065>

This article was published in *The American Journal of International Law*, which is an academic journal that discusses international law and relations. The author of the article, Dr. John Henry Merryman was a professor of law at Stanford University with a Ph.D. in law from New York University. One important achievement of Dr. Merryman is achieving the Guggenheim Fellowship for Social Sciences, US & Canada award. The article introduces the two most important international laws passed: Hague 1954 and UNESCO 1970 and their relation to the concept of cultural nationalism and cultural internationalism. This article is interesting because it showcases opposing points of view on repatriation that are valid. From the point of view of cultural internationalism, protecting illicitly acquired cultural and historical artifacts and spreading culture and history, is more important than repatriating these artifacts to their original countries. Cultural internationalists view artifacts as a property of humankind instead of a specific nationality. However, from the view of cultural nationalism, repatriating artifacts to their countries of origin and correcting the wrongs of the past as a part of corrective justice is more important than maintaining these artifacts. I will use this article to construct the background of the first counter argument on opposing repatriation so cultural and historical knowledge is available to everyone and so people get to learn about cultures other than theirs. This source assumes that the reader has some prior knowledge of international law. Due to this assumption, the article mentions laws without too much prefacing. Hence, it can be hard to read for some readers. I would have appreciated more description of the introduced laws.

Source 6

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Scott, D. A. (2013). Modern antiquities: The looted and the faked. *International Journal of Cultural Property*, 20(1), 49-75. <http://dx.doi.org/10.1017/S0940739112000471>

This article was published in *The American Journal of Cultural Property*, which is a peer-reviewed journal that discusses topics related to cultural property and cultural heritage. The journal aims to promote important discussions and debates that a wide audience of different fields and perspectives can access and contribute to. The author of the article, Dr. David Scott is the Ruth and William Lubic anthropology professor at Columbia University with a Ph.D. in anthropology from the University of the West Indies. Dr. Scott has a wide range of publications and is also the founder and editor of the journal *Small Axe*. This article discusses the various philosophical views regarding the retention of art by hosting countries and the returning claims to their original countries. The article uses examples from the Getty Museum and Metropolitan Museum of Art to support the arguments discussed. It also highlights the problem of the growing number of fake arts in association with looted art as countries are trying to save their heritage and art that was claimed by other countries in the past. Moreover, the value of copies and reproduced artwork in museums that can help preserve the artifacts that might have been damaged or looted is discussed. Throughout the article, several examples of art that was looted in history and either returned or retained by the host country are presented. I will use this article to support my working arguments that looted artifacts should be returned to their original countries and use the historical examples to further support my argument. The article also suggests the benefit of art copies which would support my proposed solution of creating 3D copies of the original work and returning the originals to their countries of origin.

Source 7

Cuno, J. (2014). Culture war: The case against repatriating museum artifacts. *Foreign Affairs*, 93(6), 119–129. <http://www.jstor.org/stable/24483927>

This article was published in the *Foreign Affairs* journal, which is a journal that was published in 1922, that focuses on US foreign policy and international affairs. The author of

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the article, Dr. James Cuno, is an art historian and curator with a PhD in the History of Art from Harvard University. Cuno was the former art director at Harvard University and is currently the president of J. Paul Getty Trust, which is a foundation that provides financial grants to museums in the US. The article argues against artifact repatriation. The article discusses how artifact repatriation would lead to denial of access to world culture and history to those outside of the artifacts' countries of origin. The article also discusses the difficulties of repatriation as a form of corrective justice, namely knowing when to stop as most countries have had imperialist pasts. One interesting point the article brings light to, is that repatriation does not protect cultural artifacts as the artifacts are all put in one place, where if any disaster were to happen, most cultural artifacts of that nation would be destroyed. I will use this article to further build my counter argument on artifacts being better protected in their host countries. I liked this source because it was direct and easy to understand. It is well written, and clearly explains and lays out its arguments.

Source 8

Roodt, C. (2013). Restitution of art and cultural objects and its limits. *The Comparative and International Law Journal of Southern Africa*, 46(3), 286–307.

<http://www.jstor.org/stable/23644806>

This article was published in *The Comparative and International Law Journal of Southern Africa*, which is a triannual peer-reviewed academic journal. The journal is published by the Institute for International and Comparative Law in Africa (ICLA) established in the Faculty of Law of the University of Pretoria. The mission of the journal is to allow those interested in involving comparative or international law in African legal reform and research. The author of the article, Dr. Christa Roodt is a research lecturer of Art, Law and Business at the University of Glasgow with a Ph.D. in Law from the University of the Free State in South Africa. Dr. Roodt's research interests include International Art Law and Cultural Heritage which are reflected in her recent publications focused on solving the dispute in regards to the international and civil claim of artistic objects of cultural value and

law aspects of international commercial arbitration in the EU, the US and South Africa. This article discusses the legal laws for the returning of illicit artifacts and how law can help settle dispute especially as licit and illicit objects are intermixed. The article brings light to the underground art market and the illicit trade of artifacts. The author also discusses the irreparable harm that looting causes by erasing the historical context of the looted artifacts. This information about the artifacts can never be regained. I will be using this article to define the word “artifact” and the term “country of origin”. This article was a bit difficult to read as the author uses uncommon jargon. However, this use of uncommon jargon is expected as the article is published in a law journal.

Outline

1) Introduction

- a. Background information
- b. Definition of artifacts
- c. Importance of the topic
- d. Summary of supporting arguments and counter arguments
- e. Thesis
 - i. Thesis
 1. Museums should return illicitly acquired artifacts to their countries of origin.
 - ii. Counter-thesis
 1. Museums should not return illicitly acquired artifacts to their original countries.

2) Supporting argument 1: The artifacts were taken from their countries in an unjust, unlawful, and very often, harmful way, and therefore must be returned to achieve justice.

- a. Methods of acquisition that are considered unlawful.
- b. Examples of the methods of acquisition.

3) Supporting argument 2: Returning artifacts gives people the chance to learn about them from the perspective of the people of the original country.

a. Examples of the successful US-Native American repatriation efforts.

4) Counter argument 1: Museums should not return artifacts as that would discourage people from learning about cultures outside that of the host country.

a. Explain counter argument

b. Refute the counter argument using examples of repatriation efforts that have led to long-term loans of artifacts

5) Counter argument 2: Some of the source countries may not be able to provide appropriate care the artifacts require as would the host museums.

a. Explain counter argument

b. Refute counter argument with the example of the Elgin marbles and the museum that was built for them in Greece.

6) Conclusion

a. Restate thesis.

b. Summarize main supporting and counter arguments.

c. Suggest the use of 3D copies in the host museums and returning the originals to the source countries.

References

Al Quntar, S. (2017). Repatriation and the legacy of colonialism in the Middle East. *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, 5(1), 19–26.

<https://doi.org/10.5325/jeasmedarcherstu.5.1.0019>

Björnberg, K. E. (2015). Historic injustices and the moral case for cultural repatriation.

Ethical Theory and Moral Practice, 18(3), 461–474.

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Cuno, J. (2014). Culture war: The case against repatriating museum artifacts. *Foreign Affairs*, 93(6), 119–129. <http://www.jstor.org/stable/24483927>

Commented [cp15]: Some minor issues – but over-all – very nice work for this stage! 😊

This said – please note the comments very seriously because the next draft will be for a lot of points and – I will have to address those issues with some deductions. I know – scary 😊

Over-all – and most importantly – this is an excellent submission – it must have taken A LOT of work – and I really appreciate that 😊

- Green, J. (2017). Museums as intermediaries in repatriation. *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, 5(1), 6–18.
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- Tahan, L. G. (2017). Trafficked Lebanese antiquities: Can they be repatriated from European museums? *Journal of Eastern Mediterranean Archaeology & Heritage Studies*, 5(1), 27–35. <https://doi.org/10.5325/jeasmedarcherstu.5.1.0027>