

ABSTRACT

Museum Ethics and Egypt's Antiquities: Restitution, Preservation, and the Arab Spring

Chelsea Ferwerda, M.A.

Mentor: Julie L. Holcomb, Ph.D.

Museum ethics and the collecting of antiquities in Egypt have had a symbiotic relationship, each influencing the other. Centuries of looting in Egypt have led to the dispersal of Egyptian antiquities around the world. In many cases these artifacts have found their way into the collections of Western museums. As a result, museums have been faced with questions concerning what artifacts belong where, and who owns what. The ethical issues surrounding restitution continue to generate controversy in the museum world today. Egypt and other source countries increasingly demand objects back. On the question of restitution and in other questions as well, museums are guided by standards such as codes of ethics, international cultural conventions, and national legislation. After the Arab Spring in early 2011, the challenge of protecting Egypt's antiquities was made greater. International organizations teamed with Egypt in dealing with the turmoil and the lack of resources, and have made great strides in caring for Egypt's cultural property. Events such as this and the continuation of discussions continue to shape the ethics of museums and their interaction with Egypt's antiquities.

Museum Ethics after the Arab Spring: Are Preservation and Restitution Compatible?

by

Chelsea Ferwerda, B.A.

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Approved by the Department of Museum Studies

Kenneth C. Hafertepe, Ph.D., Chairperson

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Approved by the Thesis Committee

Julie L. Holcomb, Ph.D., Chairperson

Kenneth C. Hafertepe, Ph.D.

Nathan Elkins, Ph.D.

Accepted by the Graduate School

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J. Larry Lyon, Ph.D., Dean

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CHAPTER ONE

Introduction

When a visitor walks into an encyclopedic museum—a museum that contains collections covering a broad historical and geographical scope—they will likely see a number of objects from Egypt. Graceful, detailed statues, delicate samples of hieroglyphics, colorful and elaborate sarcophagi evoke images of Egypt's long and fascinating history. The objects help to tell the history of Egypt, but each also has its own history. The stories of who created them, who used them, what happened to them after they fell out of use, and where they are now are also highly relevant. These objects are all part of the cultural heritage of Egypt—part of what Egypt was in the past, and what it is now. For much of history the antiquities of that country have been dispersed throughout the nations, often finding homes in encyclopedic museums where visitors from every country view the items, appreciate them, and learn from them. But this means that each object, which is, in a way, a piece of Egypt itself, has left its source country. Often this has occurred through looting and the illicit trade in antiquities.

Egypt initiated efforts to regain some of these objects, but museums and other collectors had mixed reactions to this—some were willing to give up the items, but others balked and insisted that the items were better off where they were. When the Arab Spring occurred in 2011 and created turmoil in Egypt that threatened the nation's antiquities, the world was forced to decide what they believed about the issue of repatriation. The discussion became highly publicized, and institutions came together to protect the cultural heritage of Egypt. The movement towards repatriation has been stepped up, but

Egypt also has to deal with a lot of difficult issues in order to ensure the safety of objects regained and the antiquities that are still in the country.¹

Standards and expectations regarding cultural property have changed drastically over the last century, a change that can be tracked through the progression of conventions, national laws, and the codes of ethics and statements of best practices of museum organizations. These “rules” have gradually become more and more in favor of restitution of cultural property to the country of origin, strict about exportation and importation, and respectful of the national heritage of countries, especially those which were colonized by powers at some point in their history. In the case of Egypt, the progression was given a forward jolt, as shown by the reaction of cultural organizations and their immediate concern and involvement. Art and culture blogs exploded with frequent updates and opinions on the events in Egypt. If looted artifacts were located and returned to Egypt, newspapers were sure to publish the story, because they knew there were people, both professionals and academics in related fields as well as others, were hoping for such good news. Museums, meanwhile, joined in the effort to watch for objects looted from Egypt and join in efforts to squash the illicit trade, more than they had in the past, overall. Yet, in many cases, museums are still reluctant to return Egyptian antiquities that they already have in their collection.² As shown in this thesis, the debate about restitution is far from over, and yet it will never be the same after the events of the Arab Spring—there is more pressure on museums than ever before to return objects as public sympathy tends to lie

¹ Mike Elkin, “Arab Spring Impacts Archaeology - Libya/Egypt/Tunisia/Syria,” *Archaeology* 65 no. 1 (January/February 2012), accessed January, 2014, http://archive.archaeology.org/1201/features/top_ten_arab_spring.html.

² Kwame Opoku, “Restitution and Recent Upheavals in Egypt,” *Pambazuka News* 523 (March 30, 2011), accessed February 2014, <http://www.pambazuka.org/en/category/features/72124/print>.

with Egypt's requests, as seen through the involvement of the general public and the sudden perceived importance of restitution debates. There is also more attention focused on the illicit trade in antiquities, which involves museums, as preventers and participants.

Antiquities in Egypt's History

Egypt's antiquities have been coveted throughout their history not only by foreigners but by Egyptians themselves. The earliest looters of Egypt, and the most common, were Egyptians. Egyptian graves, especially those of nobility and royalty, were often ready sources of wealth, due to their practice of sending the dead to the afterlife with rich treasures in tow. Thieves would sometimes break in within hours of the burial, stealing gold and jewels and baubles from the very bodies of the dead. It became such a problem in Egypt that eventually all the royal corpses in the Valley of the Kings were removed to secret niches, where they remained safe from tomb robbers until the 1800s, when they were finally discovered but, fortunately, preserved for the sake of science and history. There are records of some of these lootings on a set of papyri that were, ironically, sold illegally in the late 19th century.³

Fascination with Egypt and its antiquities is a long-term craze that has plagued the country for millennia. Long before modern European attitudes of superiority and entitlement, rulers were taking antiquities from Egypt to display in their own realms. Constantine, for example, was so intrigued by obelisks that, using what technology they had in his time, he had one transported from Egypt to Constantinople.⁴ Multiple obelisks found a new home in Rome. In the medieval period looting was such a popular pastime

³ Fagan, *The Rape of the Nile*, 9.

⁴ *Ibid.*, 29.

for European travelers in Egypt that it became a taxed industry. Guidebooks were published, often using mystical formulas for discovering tombs and the treasure within. One book, for example, gave a recipe for a type of incense, containing saffron, dung, carob, and figs, which were supposed to be mixed with human blood and rolled into pellets. This mixture allowed the explorer to uncover secrets when exploring a tomb—but only after breaking through masonry and finding a gold-clad corpse.⁵

From the medieval period through the nineteenth century, mummies were exported from Egypt by the thousands to satiate the desire for the supposed healing powers in powdered mummy. All classes of Egyptians were mummified, but only the very rich could afford tombs to keep the bodies safe for long periods of time. As a result, corpses were constantly being revealed by the shifting of sands in the desert winds. Mummy powder was a popular commodity. In parts of Europe it was highly valued for supposed healing powers; in the 17th and 18th centuries doctors commonly prescribed it for a wide variety of ailments.⁶ Antiquities were in demand for more reasons than just their monetary and cultural values— they had a range of worth from historical to political, from monetary to even medicinal.

When Napoleon went to Egypt with his army, he brought along “savants,” scholars who could study the culture and history of Egypt and take notes on it.⁷ Besides making drawings of temples and statues, the French army also took samples of Egyptian antiquities to bring back to Europe. Many of these are now found in the Louvre, but others found their way to other countries, mostly in the West.

⁵ Fagan, *The Rape of the Nile*, 39.

⁶ Marc Abraham, “Mmmm... Yummy, Mummies!” *The Guardian*, December 8, 2008, accessed January 2014, <http://www.theguardian.com/education/2008/dec/09/improbable-research-mummies>.

⁷ Fagan, *The Rape of the Nile*, 66.

The Rosetta Stone is perhaps the most famous object taken from Egypt by Napoleon, due to its importance to linguistic studies. It also provides a case study for how Egyptian antiquities left their source country and became property of another. Napoleon's soldiers found the stone while constructing a fort from the rubble of ancient Egyptian buildings near the delta of the Nile River. One of the men saw writing on the stone, and realized there were three different scripts represented. Recognizing the potential importance of the discovery, the stone was delivered to scholars who identified the scripts as Greek, Demotic, and Hieroglyphics. The parallel texts provided the key for understanding Hieroglyphics, which no one had yet been able to read. The stone fell into British hands when Napoleon surrendered to them at Alexandria in 1801.⁸ It was ultimately sent to the British Museum in 1802, where it is still on display. The Rosetta Stone is a piece of Egypt's culture and history, and contains information that provides an important link to understanding Egypt's history. Yet it has become a part of Britain's cultural heritage as well, having been displayed in the British Museum and been exposed to more visitors than it ever was during the thousands of years it was unknown in Egypt. It is also one of the objects coveted by Egypt, which has made heated and repeated requests for its return.⁹

Giovanni Battista Belzoni, a former performing strongman from Italy, became obsessed with Egypt and its history. He, too, was responsible for pilfering vast amounts of antiquities, including some rather large ones such as a bust of Rameses. His looting of

⁸ "The Rosetta Stone," *The British Museum*, accessed February 2014, http://www.britishmuseum.org/explore/highlights/highlight_objects/aes/t/the_rosetta_stone.aspx.

⁹ Cristina Ruiz, "Egypt to Demand Rosetta Stone from British Museum," *The Times*, December 6, 2009, accessed March 2014, <http://www.elginism.com/similar-cases/egypt-to-demand-the-rosetta-stone-from-the-british-museum/20091216/2597/>.

Egypt was, for him, largely a matter of ego—this was the case for many of the looters of his time.¹⁰ Adventures in exotic lands and collections of foreign curiosities were a cause for bragging, and the bigger and flashier the souvenirs, the better. Stories of danger and conquest in other countries brought many men, and even women, a prized reputation among the social circles of the West.

Belzoni went to Egypt with plans to build a hydraulic machine for the reform-minded Pasha, but his plans went awry, and he turned his energy towards antiquities. His first target was the finely sculpted head of Rameses II. The English desired it in Britain, for the sake of study. The Rosetta Stone had presented a challenge—explorers and scholars wanted to supersede it with discoveries of their own. The bust had the potential to outawe the Stone. Belzoni took advantage of the opportunity, and took on the task of removing the head and transporting it to England. Despite attempts by France to thwart him and local workers who did not wish to work for a foreigner, Belzoni succeeded in his task. During his stay in Egypt, Belzoni freely took papyri, often from the hands of mummies. He gathered mummies, paying robbers regular wages.¹¹ He harvested a large number of monuments, sarcophagi, burial goods, and other antiquities—he even took an entire obelisk from Philae.¹² When he returned to Egypt, he was greeted as a “celebrated traveler” and a sought-after guest at parties. His stories were narrated in the *Quarterly Review*, and he wrote an extremely popular book telling of his adventures. An exhibition of artifacts he had brought to England, along with paintings and wax impressions of the

¹⁰ Claire Anderson, “Conceptions of Victorian Masculinity within Britain’s Colonial Project in Egypt,” *Al Qawl*, September 20, 2012, accessed February 2014, <https://blogs.commonsgorgetown.edu/alqawl/2012/09/20/conceptions-of-victorian-masculinity-within-britains-colonial-project-in-egypt-part-1/>.

¹¹ Fagan, *The Rape of the Nile*, 155-176.

¹² *Ibid.*, 219.

sights of Egypt, opened in the Piccadilly Circus in 1821. Thousands of people crowded in to gawk at the “curious remains of antiquity.”¹³ Belzoni was a hero and a legend, because of what was, according to the modern perspective, horrific pillaging, looting, and vandalism.

While antiquities taken from colonized countries during the imperial period were the core of many collections, questionable acquisitions by museums did not end with that period. Antiquities have always been a monetarily valuable and highly sought-after commodity. Looters of modern times have continued to take advantage of the market and pillage archaeological sites, raid museums and storage, and obtain antiquities in any way they can. From local farmers who find objects buried in the ground to art and museum professionals who use their expertise to acquire looted objects, many have made great profit from the illegal business and have, in the process, deprived countries of vast amounts of their cultural property and vandalized the world’s history and heritage.

Looting, in both the past and present, has created ethical problems for museums that are a significant issue in conversations between museums, international cultural organizations, and source countries. With antiquities from Egypt dispersed around the world, there is a multitude of questions concerning where the antiquities belong and why, how they can best be used, protected, and appreciated, and how transfer can be controlled and managed appropriately. Ethics regarding antiquities in museums is a field that has undergone dramatic change in the last century—views in the early 20th century and before were shaped largely by the colonial mindset of the West, whereas the field is now shaped more by globalization and equality. Egypt, perhaps, is one of the most dramatic

¹³ Ibid., 238.

examples of the changes in ethics, since it was repeatedly occupied and colonized, and is a source of some of the most well-known and coveted antiquities. It has been a significant player in the shaping of ethics, as it is slowly asserting its voice and demanding its rights, including the restitution of some of their cultural property from western museums, their former colonizers.

Definitions

Many of the central issues forming the interaction between museum ethics and source countries such as Egypt involve precise definitions. Whether or not an object is official national property or cultural heritage may be the hinge on which its legal status revolves. Some definitions, then, are needed in order to establish what is being discussed. A looted object is any object that is considered national property of Egypt, and is not in the physical possession of an authorized authority, such as a museum. Objects that were excavated illegally or removed from an institution without appropriate authorization were looted or stolen. Antiquities traded or sold without going through the legal procedure are considered stolen.¹⁴

Nations have different ideas of what constitutes national property, and different restrictions on exportation. The regulations of Egypt are among the most strict. Any object uncovered in an archaeological excavation, whether legal or illegal, registered or unregistered, is considered national property. Once an object is considered national

¹⁴ Simon R. M. Mackenzie, "Dig a Bit Deeper: Law, Regulation and the Illicit Antiquities Market," *The British Journal of Criminology*, 14 December 2004.

property that status cannot change unless the item is legally sold or transferred and clear record of that transaction is provided.¹⁵

By each country being able to define national property for itself, rather than having an internationally standard and accepted definition, countries are allowed to decide what they will keep in their country. This is probably the only feasible way to allow the definition to be made—as long as each country can make their own laws, they can make their own definitions. It does create some confusion, though—what may be legally exported or privately owned in one country may not be legally exported or owned in a different country. It also means that, while a country may have every right to a monopoly of antiquities which originated there, the rest of the world is necessarily deprived of the benefits that can come from those items. Furthermore, countries can claim as national property antiquities and other objects that originated in other countries. Italy has claimed paintings by Van Gogh, for example, as national property, because they had become an important cultural piece in an Italian museum.¹⁶ The Rosetta Stone could be considered national property of the United Kingdom since it has resided so long in the British Museum, even though Egypt also claims it.

UNESCO defines cultural property 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.” Egypt can define as cultural property any object or structure anything that meets value-based criteria, regardless of age—it does not

¹⁵ Supreme Council of Antiquities, “Recovering Stolen Treasures,” accessed November 2013, http://www.sca-egypt.org/eng/RST_MISS_MP.htm.

¹⁶ Jia Min Cheng, “The Problem of National Treasure in International Law,” *Oregon Review of International Law* 12, no. 41 (2010), 170.

actually have to be an “antiquity.” For an object to qualify as cultural property it has to meet a certain standard of historical, religious, or artistic value.¹⁷

Antiquity—in turn—is, according to Egypt’s law no. 117, 1983, “any movable or immovable property that is a product of... the various civilizations or any of the arts, sciences, humanities and religions of the successive historical periods... down to a point one hundred years before the present that symbolizes one of the various civilizations that have been established in the land of Egypt or that has a historical relation to it...”¹⁸

Cultural heritage, as opposed to cultural property, is a concept rather than a group of objects. Its importance is subjective, rather than objective—it is the idea held by the public of a heritage or legacy which enhances the culture and appreciation of that culture, and the people’s identity, associated with physical objects. It is focused on the significance of people and their culture, rather than the importance held by the objects themselves.¹⁹

Because of the subjectivity of cultural heritage, it is not something that can be defined or claimed by individual countries. It is, though, what people tend to identify with more—if Egyptians want Egyptian antiquities returned, it is more likely to be because of sentiments attached to the objects, tying the people with their past and what is represented by those objects, rather than the objective importance held by those items for scholarship.

¹⁷ Nevine El-Aref, “Hands Off, and We Mean It,” *Al-Ahram Weekly On-Line* 938 (12-18 March 2009), accessed February 2014, <http://weekly.ahram.org.eg/2009/938/eg7.htm>.

¹⁸ *Egyptian Law on the Protection of Antiquities of 1983*, Article 1, § 1983.

¹⁹ Lucille A. Roussin, “The Trade in Antiquities: Heritage for Sale?” *15 ILSA J. Int’l & Comp. L* (2008-2009), 569.

To illustrate these definitions, the Rosetta Stone was looted, because it was removed from Egypt without national sanction; however, this form of looting was not illegal at the time of the Stone's removal. If the Stone had been found in 1869 or after, it would be considered national property, because it was an archaeological discovery in Egypt—when it was found, though, laws defining national property were not yet in place in Egypt. The Stone certainly meets the standards of cultural property—it has great scholastic value; even if the Stone had not provided the key for understanding Hieroglyphics, it contains information valuable for the study of archaeology, history, linguistics, and government. The cultural heritage value of the Stone is equally significant—it is an iconic link to Egypt's past and through it, and Egyptians have a vested interest in it as a relic to their cultural past.

Encyclopedic Museums

As with most ethical questions, issues relating to cultural property, looting, acquisition of antiquities, and related issues seldom result in black-and-white answers. Looting deprives a source country of their cultural property, and does not give them the chance to derive the benefits from them that they should, whether cultural, monetary value, or others. Yet antiquities that were taken out of source countries, in many cases before looting was technically illegal, are now benefitting the entire world by their use in encyclopedic museums. There is little debate about the illegality of the acquisition or retention by museums of items which were looted in recent years, but what about the objects looted earlier, such as during the imperialist period, when looting was not illegal? Should these be returned to the source countries as well? This shows one aspect of the complexity of the interplay of ethics and antiquities.

The purposes and results of encyclopedic museums go beyond displaying and preserving physical artifacts and serving the world with international and inter-chronological knowledge. Antiquities have a unique ability to serve as ambassadors of their source country—they represent the culture, history, and, to some extent, the wealth of that country.²⁰ If each country held a monopoly on their artifacts, and that country was the only one that held their cultural property, the antiquities would serve to keep that country's pride and culture within their geographical boundaries. They would encourage nationalism and exclusivity, as well as “politicizing culture.”²¹ When antiquities are displayed in museums around the world, however, they expand those boundaries—a nation shares its culture, others learn to appreciate that culture, the nation shares its bounty, a piece of itself—with other countries. The source country is declaring that it trusts that country to take care of its treasure. Countries have a mutual stake in each other. Countries must interact with each other in this way, send these inanimate ambassadors to neighbors, and come to agreements with each other. The Rosetta Stone is an Egyptian ambassador in Britain—it represents Egyptian history and culture in a physical way. When visitors—whether British or from another country—come to the British Museum and view the Rosetta Stone, they learn about Egypt and gain a new appreciation of its past. They learn and think about Egypt in a way that they would not through merely reading about Egypt's history and cultural property in books. They are seeing a physical

²⁰ Drake Bennett, “Finders, Keepers,” *The Boston Globe*, February 10, 2008, accessed May 2014, http://www.boston.com/bostonglobe/ideas/articles/2008/02/10/finders_keepers/?page=full.

²¹ James Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, (Princeton, NJ: Princeton University Press, 2009), 28.

piece of Egypt's past and, it is hoped, connecting with it in a deeper sense than simply gaining objective facts.

Encyclopedic museums teach about objects in a way that museums which specialize in one area cannot. When objects from different geographical regions are in the same building together, they have a comparative value that objects lack when they are viewed in geographical isolation.²² When Egyptian artifacts at the British Museum are within a short walk of Assyrian artifacts from the same general time period, when ancient Chinese, Native American, Southern African objects can be viewed in the same day, visitors are able to place each country and their items in a greater context, expanding beyond geographical boundaries. They can learn about the whole world as it existed during that time. They can better appreciate the differences between cultures and regions. Not only do they learn more about world history, but they learn more about a certain area's history. It is possible to learn more about Egypt's history if other concurrent histories are studied in parallel.

In the British Museum, for example, the Egyptian gallery is located immediately next to the Middle Eastern Gallery. A visitor can view the Rosetta Stone and within a few seconds be looking at objects that were made in countries with which Egypt traded and warred, objects that may have been created around the same time as the Rosetta Stone. Just beyond the Middle Eastern Gallery is where Roman and Greek items are kept. If they are close observers, visitors may notice some characteristics of Egyptian art that made its way into Greek and Roman art—they may see Egyptian naturalism reflected in the changing periods of Greek art, or may see the lotus design, popular in Egyptian art,

²² Neil MacGregor, "The Whole World in Our Hands," *The Guardian*, July 24, 2004, accessed March 2014, <http://www.elginism.com/elgin-marbles/universal-museum/20040726/89/>.

replicated on Greek vases. They may notice that some Greek statues imitate the characteristic arms-down, left-foot-forward pose of Egyptian statuary. If a visitor is curious what writing was like in Japan at the same time as Hieroglyphics, or how pottery in China compared with contemporaneous Greek pottery, they only have to walk across the court on the ground floor of the Museum.²³ If all a visitor could see was Egyptian items in Egypt, Greek objects in Greece, and Turkish items in Turkey, this comparison-based learning would be impossible.

An argument against this is that when an item from Egypt, or any country, is displayed outside of its own source region, it loses context which inherently provides additional information about that item.²⁴ The Rosetta Stone, if displayed in Rosetta or even elsewhere in Egypt, has more intrinsic value than it does in London. This may, to some extent, be true—it is possible that when a visitor in Egypt has spent the day in the object’s source country, and has a better geographical context in which to place the item, they may have a greater appreciation for its distinctively Egyptian history, and put the object in a distinctively Egyptian context. Nevertheless, the original context of the stone cannot be recreated, and even the archaeological context—where in Egypt it was found, in which historic layer (locus) of an excavation it was found, what position it was found in—was lost once the object was taken from the ground.²⁵ Archaeological data does give valuable information about the object, but once the object has lost its original position, one location is little better than another.

²³ “Ground Floor,” *The British Museum*, accessed February 2014, http://www.britishmuseum.org/visiting/floor_plans_and_galleries/ground_floor.aspx.

²⁴ Senta German and Elizabeth Gilgan, “‘Diggers’ and ‘American Digger’: A Viewer’s Guide,” *Saving Antiquities for Everyone*, March 27, 2012, accessed April 2014, <http://www.savingantiquities.org/diggers-and-american-digger-a-viewers-guide/>.

²⁵ Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, 59.

Archaeological context, though, is only one of many contexts. It is good for Egyptian items to be seen in Egypt. It is also good for Egyptian items to be seen in other countries, alongside artifacts from other regions. Different contexts have different values. An item loses context with each step it takes—when it leaves the ground or its *in situ* position, when it is dug up from the ground or removed from its burial site, when it leaves the archaeological site, when it is cleaned and preserved and placed in a museum; if it leaves its original city, if it is taken to another country. With each move the object becomes more distanced from its original context. Yet who can argue that an object has the most value and educational potential when it is still buried in the ground? Once it is removed, it is removed for good. Rarely can an object be returned to its original context—if the Rosetta Stone were returned to Egypt it would not be tossed in a pile of rubble. It would not be built into a temple. It would likely not even be placed in Rosetta. That context has been irretrievably lost. This is the whole purpose of archaeological records—which, if properly kept, should provide all the necessary information about the objects’ context. These records form a large part of the objects’ scholastic importance.²⁶

The archaeological context in which an object was found may not even be its original context—it may have traveled before it reached its final resting spot. In many cases objects already had a history, a multi-contextual story, before it was laid to rest. Who knows the true story of the Rosetta Stone, before it was found in the rubble of a temple by the French? How did it come to be there? The temple was from a later period than the Stone—the Stone was used as a recycled block for construction. Where was it before

²⁶ William Harms, “‘Lost’ Records Unlock Mysteries of Excavation,” *The University of Chicago Chronicle* 13, no. 3 (September 30, 1993), accessed January 2014, <http://chronicle.uchicago.edu/930930/medinet.shtml>.

then? Where did it come from? Many items found may have long stories beyond the one which provenance can describe. The archaeological context in which an object is found—the place it happened to stay for most of its existence—is only the last of its steps before discovery. Who can say that its archaeological context was its most important context? The argument for repatriating an object based on the value of its original context, and the importance of the original context itself to scholarship—has, at best, a semi-arbitrary basis.²⁷

The emphasis on archaeological context also limits the perceived value of the object to a narrow definition—that of its specific location within the area of the archaeological site. The object has a value to different disciplines and to those with different interests that may not be affected by exactly where it was found. Archaeological context is inherently limited. Objects also have aesthetic value. They have comparative value to other objects from Egypt, from different periods, and different regions. Texts have linguistic and historical value within them that may or may not be enhanced by context. Also, there is only so much archaeological data that can be gathered from similar objects—once the region and period of a type of vase are known, how many more vases in context are necessary?

It is the voice of the encyclopedic museums that is the loudest. Their opinion is often taken to be the opinion of all museums. This is not necessarily the case, though. The collections of these museums often contain more high-profile items than those found in smaller or non-encyclopedic museums, because of their longer collecting history and greater funding. Four of the five objects that Zahi Hawass focused his demands on are in

²⁷ Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, 60.

encyclopedic museums—the British Museum, the Metropolitan Museum of Art, the Louvre, and the Boston Museum of Fine Arts.²⁸ Part of the stature of their profile, it is granted, is due in part to the size of the museum. If the Rosetta Stone were housed in a university museum or a lesser-known museum, perhaps it would not be as famous, or perhaps Hawass would not have bothered to expend so much energy trying to regain it for Egypt.

Encyclopedic museums, despite their reputation and power, are still obliged to follow ethical standards. With a greater profile, their reputation has more at stake. If a museum such as the British Museum or the Metropolitan Museum of Art did something clearly unethical and the media and public found out, the reputation of the museum would suffer. If even encyclopedic museums, though, cannot define ethics for themselves, who can? Ethics is a metanarrative that, though subjective, has the input of so many different codes, organizations, and bodies, such as countries, that, slowly, it is gaining a more solid definition. Unlike in the days when the Rosetta Stone was taken from Egypt or Belzoni took what he pleased, it is clear and universally accepted that such looting is wrong—no one, hopefully, will say that it is alright for a representative of one country to go into another and take what they please without permission. If the story of the Rosetta Stone were to take place today, few would believe that it was not a problem for the French to take the Stone and claim it as their own. There are objective answers even in a field which is largely in shades of gray.

²⁸ Orly Halpern, “Egypt to UK: Return Rosetta Stone,” *The Jerusalem Post*, July 19, 2005, accessed March 2014, <http://www.elginism.com/similar-cases/egypt-requests-return-of-pharonic-reliefs/20050719/168/>.

Throughout the history of the trade and use of Egypt's cultural heritage, the world has fought for the antiquities—to take them and to keep them, to use them and to protect them. Standards have been put in place to regulate disagreements, yet the arguments and the questions continue, scarcely abated. New events repeatedly come up, new smuggling rings and new methods of illegally trading in artifacts, new legislation, new turmoil and chaos. The Arab Spring of 2011 was a culminating event which forced international cultural organizations to take action and which changed the treatment of Egypt's antiquities irrevocably.

Since the Arab Spring, Egypt has been forced to fight harder to protect their antiquities, and to regain those that were looted in the past. International museums and cultural organizations have responded, though—there has been a greater push not only from Egypt but from around the world to bring Egypt's antiquities back (though this is by no means unanimous, or fulfilled). Collaboration has increased, as these organizations have banded together to be watchdogs for Egypt's cultural heritage and assert pressure on those who are reluctant to return antiquities, and especially on illicit trade. It is increasingly an international effort, as it is realized that Egypt's property is the property of all, and that every nation shares responsibility to help.

CHAPTER TWO

Standards

Every source country, of course, has created laws regulating the exportation of their antiquities. Many of them also have laws defining who may own their antiquities within their own country, what objects may be bought and sold and how, where objects may go after excavation, and other procedures regarding discovery, trade, and use of antiquities. Though such controls have limited effects, they are an attempt by source countries to control the flow of their antiquities, typically keeping as many of them inside the country and in the government's control as possible. This protects the benefits the country can derive from them, financially, politically, and culturally.

International standards, laws, and regulations regarding the antiquities trade and foreign use of objects abound as well. Generally, they are sympathetic to source countries, and back up the laws of those countries. They have to take into account, though, international needs and desires, and therefore are not always as strong or as consistently enforced as some source countries would prefer them to be. Such codes are created by national and international museum organizations, such as the International Council of Museums (ICOM) and the American Alliance of Museums (AAM) in their codes of ethics and standards of practice, by international conventions such as UNESCO and UNIDROIT, and by federal governments as well.

Most museums have a code of ethics which guides their decision making and their actions. Increasingly, regulations concerning acquisition and use of objects from other

countries that were potentially looted are an increasingly important part of these codes of ethics. Among professional organizations, nearly all discuss the obligation of museums to research the provenance of every item they desire to acquire. For example, ICOM's code has a section concerning "Provenance and Due Diligence" requiring museums to make every reasonable effort to research and record the provenance of every item they want to acquire to ensure that it was not illegally obtained by a previous owner, or would be illegal for the museum to accession.¹ Museums should avoid displaying items from their collections that have questionable or unknown provenance.² AAM's "Standards Regarding Archaeological Material and Ancient Art" urge museums to research the provenance of all items they acquire, and require full documentation from sellers and donors. Of course, museums are required to comply with all legislation of the United States. Above and beyond such legislation, AAM recommends that museums ensure that any item they are considering for acquisition was out of its country of origin before 1970, adopting the provisions of the UNESCO agreement, which is discussed later in this chapter. Furthermore, if a museum possesses an object with unknown or incomplete provenance, they are expected to research the object and fill in the blanks, if possible.³

The American Association of Museum Directors (AAMD) has similar guidelines to those of ICOM and AAM. Until 2008 they were permitted to acquire items that had left the source country at a rolling date of ten years previous. The "Introduction to the

¹ "Code of Ethics," *International Council of Museums*, last modified 2012, accessed October 2013, <http://icom.museum/the-vision/code-of-ethics/>, 3.

² *Ibid.* 8.

³ American Alliance of Museums, "Standards Regarding Archaeological Material and Ancient Art," *Ethics, Standards and Best Practices*, accessed December 2013, <http://www.aam-us.org/resources/ethics-standards-and-best-practices/collections-stewardship/archaeological-material-and-ancient-art>.

Revisions to the 2008 Guidelines on the Acquisition of Archaeological Material and Ancient Art” expresses their encouragement to other countries to follow their example of “voluntary restraint” and to their own members to “pursue voluntary standards for acquisitions that are stricter than the requirements of applicable law.” Like ICOM, AAMD warns museums against any activity that can directly or indirectly encourage looting. In the AAMD’s Code of Ethics, the Directors take personal responsibility for the legality and purity of their collections. They are not to suggest or allow acquisition of any item that has, to their knowledge, been removed or transitioned in any illegal or questionable manner.⁴

By cooperating with these standards, museums and other institutions such as auction houses and art dealers have prevented the sale of many illegally exported antiquities. For example, in May of 2013 Marcel Marée, a curator at the British Museum recognized a relief depicting a Nubian prisoner in a catalog of antiquities up for auction at Christie’s. He checked with the director of the Egyptian archaeological site from which the piece came to confirm its identity, and found that it had indeed been looted, and that the provenance given to Christie’s was false. Marée notified the auction house, and they pulled the item from the sale. Neil Kingman, who had brought the items to Christie’s, was arrested and convicted of fraud. Five other items which Kingman tried to sell at Christie’s, which he supposedly bought at a souvenir shop, were pulled from auction as well, though they were not, at the time, identified.⁵

⁴ Association of Art Museum Directors, “Code of Ethics,” last modified 2014, accessed January 2014, <https://aamd.org/about/code-of-ethics>.

⁵ Martin Bailey and Melanie Gerlis, “Guilty Plea over Antiquities,” *The Art Newspaper* 249 (September 5, 2013), accessed February 2014, <http://www.theartnewspaper.com/articles/Guilty-plea-over-antiquities%20/30312>.

Regulations such as these were not in place until relatively recently—if they had been as significant an issue decades before, museums would likely not have many of the items they do now. For many years museums operated on a system of vocally acknowledging ethical standards, of holding fast to proper protocol in word, and in truth when convenient. But among dealers and among museum professionals there was an unwritten code in which it was accepted practice to make questionable but desired transactions in a covert manner. In essence, the code was, “Don’t ask, don’t tell.” A handshake and a finger held before the lips was enough. For decades before that, museums rarely even questioned their conscience, or blinked an eye at acquiring an obviously looted item—there was, as far as they could tell, nothing at all wrong with doing so. As a result, museums contain thousands of items that, according to the rules now in place, should not be there. These items are as capable as legally acquired objects to educate the public and spread cultural and historic knowledge and understanding, but are a thorn in the conscience of many museums. There would also be less of an ethical dilemma forced upon museums—to return items that were likely, or certainly, looted before there were written laws against such activity, or to keep them in order to benefit larger audiences.

Museums are gradually coming out into the open about the origin of their collections. While they are still not likely to admit blatantly acquiring looted objects, especially those acquired in relatively recent years, they are more frequently including information about the source of their collections on labels and in catalogues. Granted, most online catalogs are not likely to identify an object as looted, or discuss dubious circumstances under which an object was found and or acquired, but, given the minimal amount of information given, this is probably not a deliberate or manipulated omission.

Another important part of ethical guidelines, statements of purpose, and codes of ethics is the use of the knowledge which is stewarded by the museum. Spreading knowledge is a central part of the mission of museums, and foremost in their functions. AAMD's guidelines highlight the necessity of this function by requiring that museums publish, as soon as possible, archaeological acquisitions, and to do so in an electronic format so that it is easily accessible to the general public.⁶

Restitution

Partly in response to looting, partly in response to source countries' demands for restitution, and partly for other reasons, there have been a number of international conventions, which nations around the world signed. These have had varying degrees of success, and some have been controversial, but they are nevertheless a good start in creating beneficial dialogue between nations and laying groundwork for cooperation.

The Hague Convention was called into order in 1954 in response to the devastation to cultural property caused by World War II. It intended specifically to provide for protection of cultural heritage during times of conflict, but is applicable at all times. It calls for protection of cultural property within the signatory nations by not using or exposing items and their surroundings in ways that are likely to lead to damage, or by looting or vandalism. If one force was occupying another, the occupiers should support local authorities in protecting their antiquities. If the object is in another country, that country should care for it as if it were its own. If the object left the country of origin

⁶ Association of Art Museum Directors, "Code of Ethics."

during the time of conflict, and upon cessation of the conflict the country asks for its return, the depository country should return the object within six months.⁷

Among the shortcomings (depending on perspective) of the Hague Convention, though, is that it is not retroactive; therefore, any item taken during conflict prior to 1954 is not subject to the terms stated by the convention.⁸ Any state that is not a signatory nation is under no obligation to comply. In reality, no nation at all is required to comply, whether or not they signed the Convention. Such conventions have no legal power; they are essentially mere ethical standards, strongly encouraging signatory nations to abide by the terms of the articles, but with no structure in place for enforcement. Such “legislation,” therefore, is little more than a loud voice; if a country has the goodwill to follow the stated guidelines, then very well—they may or may not have done so anyway. And if they do not, the articles they signed will hold them to nothing.

In 1970 the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property was enacted. The convention defined as illicit trade any transaction that occurred contrary to the terms stated in the articles.⁹ The articles take into consideration laws of the source countries, and ask that museums, collectors, or anybody who is responsible for importing antiquities

⁷ “Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954,” *Unesco.org*, accessed December 2013, http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁸ Aisha Y. Salem, “Finders Keepers? The Repatriation of Egyptian Art,” *10 J. Tech. L. & Pol’y* (2005):181, accessed August 2013, <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/jtlp10&div=10&id=&page=>.

⁹ Jennifer Kreder, “The Revolution in U.S. Museums Concerning the Ethics of Acquiring Antiquities,” *Miami Law Review*, 2010, accessed July 2013, [http://works.bepress.com/cgi/viewcontent.cgi?article=1007&context=jennifer_kreder&seidir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fhl%3Den%26q%3Dmuseum%2Bethics%2Bantiquities%26btnG%3D%26as_sdt%3D1%252C23%26as_sdt%3D#search=%22 museum%20ethics%20antiquities%22, 1004.](http://works.bepress.com/cgi/viewcontent.cgi?article=1007&context=jennifer_kreder&seidir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fhl%3Den%26q%3Dmuseum%2Bethics%2Bantiquities%26btnG%3D%26as_sdt%3D1%252C23%26as_sdt%3D#search=%22%20museum%20ethics%20antiquities%22,1004)

should refuse any transaction that does not comply exactly with the terms stated in the source country's laws regarding exportation.¹⁰ AAM's Standards Regarding Archaeological Material and Ancient Art suggest that museums keep documentation recording that their antiquities were exported from the country of origin before the date the Convention was signed. They also state that items acquired after that date were likely looted or sold illegally.¹¹

UNESCO is vague in its language, and lacks uniformity in its structure—this has led to many parties not taking it seriously or taking advantage of its ambiguity to interpret it in a way that benefits them.¹² The United States only signed partially onto the convention; they signed onto two sections, but implemented that in 1983 with their own legislation, the Cultural Property Implementation Act. This way they maintained their ability to make independent decisions regarding importation of antiquities while giving a nod to the significant international legislation. According to this act, the United States Customs Service is permitted to seize anything they determine to be stolen cultural property when it crosses the border into the states. They have a committee in place which makes recommendations concerning which items may or may not be looted or imported illegally, and permit or restrict importation.¹³ If a source country requests restitution of an item in the United States, the committee has the right to refuse to return the object, based on the provenance, or lack of provenance, of the item, and the care, required by

¹⁰ Kreder, *The Revolution in U.S. Museums*, 1003.

¹¹ American Alliance of Museums, "Standards Regarding Archaeological Material and Ancient Art," *Ethics, Standards and Best Practices*, accessed December 2013, <http://www.aam-us.org/resources/ethics-standards-and-best-practices/collections-stewardship/archaeological-material-and-ancient-art>.

¹² Salem, "Finders Keepers?" 182-183.

¹³ "AIA Statement on Museum Acquisitions and Loans of Antiquities and Ancient Art Works," *Archaeological Institute of America*, accessed December 2013, [AIA_AAMD_Response.pdf](#).

UNESCO, which the requesting country takes of its antiquities and archaeological sites.¹⁴ Despite steady disenchantment with the Convention, UNESCO has continued to make efforts to return items to their source countries, launching various campaigns, such as one in the early 2000s intending to boost restitution of antiquities to Egypt, and helping with preservation efforts in times of emergency.¹⁵

UNESCO 1970, like the Hague Convention, is not retroactive, and thus has no influence on items removed before 1970. In theory, though, it strongly encourages restitution and national retention of cultural property.¹⁶ For objects such as the Rosetta Stone, the question is clearly not influenced by the UNESCO Convention, since it was removed from Egypt over a century and a half before the cut-off date of 1970. Technically, though, the Rosetta Stone has provenance; the British Museum has records of exactly where the stone came from, by whom it was found, and when they found it. They know where the stone was and when before it was up until it was placed permanently in the British Museum. The provenance, such as it is, would be an atrocity according to modern standards and would only serve as proof of the illegality of the stone. But since such methods of removal were not illegal at the time it was done, the provenance is legitimate. There is nothing illegal about the British Museum's possession of the stone.¹⁷

¹⁴ McDonald Institute for Archaeological Research, University of Cambridge, accessed November 2013, <http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue10/gerstenblith.htm>.

¹⁵ *Egyptian Cultural Heritage Organization*, accessed July 2013, <http://www.e-c-h-o.org/News/IllegalAntiquities.htm>.

¹⁶ "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970," *Unesco.org*, accessed December 2013, http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.

¹⁷ Salem, *Finders Keepers*, 189.

UNIDROIT (International Institute for the Unification of Private Law) Convention on the International Return of Stolen or Illegally Exported Cultural Objects was signed in 1995. Unlike previous conventions, UNIDROIT did not focus on prevention of looting, but instead on repatriation of looted objects. The question of restitution had already been a significant issue for some time before the convention, but this gave the idea a new force behind it, a new clarity, and a new pressure on museums. Museums were no longer told merely to refuse to buy items with imperfect provenance or to protect the items they had. They were now supposed to take initiative to remove items—sometimes their central pieces—and return them to the country of origin. This included not only countries, but cultural groups as well.¹⁸ According to this convention, the British Museum should voluntarily wrap up the Rosetta Stone and send it back to Egypt. The terms of the convention do state that legitimate purchasers of eligible antiquities—such as museums who had done research into an item’s provenance and still unknowingly purchased a looted item, or even if they had purchased an item looted before 1970, should be compensated by the country which was to receive the restituted object.¹⁹ Theoretically, then, if the British Museum sent the Rosetta Stone back to Egypt, Egypt should make an agreement to provide either monetary compensation or, more likely, recompense in a different form—maybe a loan of some items from their museums, or a gift of other objects.

¹⁸ James Cuno, *Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage* (Princeton, NJ: Princeton University Press, 2008), 49.

¹⁹ Salem, *Finders Keepers*, 183-184.

Like the other conventions, UNIDROIT is not retroactive.²⁰ Also, Egypt actually happens to not be a signatory nation of UNIDROIT 1995. Britain, however, did sign the convention, and by the terms of UNIDROIT should still return the Rosetta Stone. Such an action would still be considered voluntary, since UNIDROIT, and Egypt applying to UNIDROIT, has no legal power.²¹ Even the pressure put on Britain is minimal, since the only case UNIDROIT brings against them is ethical, and the British Museum has equally ethical reasons for refusing to return the Stone.

According to ICOM's Code of Ethics, "When a country or people of origin seeks the restitution of an object or specimen that can be demonstrated to have been exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country's or people's cultural or national heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to cooperate in its return." UNESCO 1970 recommends that museums not even wait to be asked, but to initiate the return of objects.²² There are cases, though, in which both parties consider an object to be cultural property—the Rosetta Stone is part of the history of the British people as well, after being preserved and displayed by the British Museum for over two centuries. At these times the museums have a valid reason for retaining the objects while maintaining ethical standards.

AAM states, in "Standards Regarding Archaeological Material and Ancient Art," that every museum should include in its collections policy well-defined standards, specific to

²⁰ Ibid.

²¹ Cuno, *Who Owns Antiquity?* 43.

²² "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970."

that institution, regarding what provenance an item must have to be acquired by the museum. This ensures that the museum has consistent rules which will guide all of its future acquisitions, and that all acquisitions will fit within boundaries defined by the museum as ethical.

Despite the stance of conventions and codes of ethics, individual museums often take a quite different position. In 2002 the International Group of Organizers of Large-Scale Exhibitions (also called the Bizot Group), which consists of the directors of sixty large museums around the world, met to formulate their views of repatriation. As representatives of many of the most significant museums in the world, the group has a tremendous amount of power. Against their collective strength individual countries requesting restitution have little leverage. Even museum organizations such as ICOM hold no sway over them if they do not wish to be convinced. The result of their 2002 meeting was a declaration that the represented museums were against restitution in many circumstances. While they acknowledged the ethical obligation to return items that were recently looted, they uphold the advantages of globalization and universal museums, and are opposed to repatriation of objects such as the Rosetta Stone, the Elgin Marbles, and the Nefertiti bust, and others which are not so clearly rightful possessions of the country of origin.²³

Included in the mission statement of almost every museum, and a core part of the Code of Ethics of every museum organization, is that museums exist for their community and for the benefit (i.e. education and culturalization) of humanity. When items are returned to the source country, cultural property of that nation is concentrated in that

²³ Salem, *Finders Keepers*, 188.

country, and the rest of the world is correspondingly deprived. Humanity, as a whole, loses. Though Egyptians may benefit, people in every other country can no longer see significant artifacts from Egypt unless they can go to Egypt—which, especially during times of political unrest, such as is now the case, is difficult.

According to ICOM’s Code of Ethics, “Museums should be prepared to initiate dialogues for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national and international legislation, in preference to action at a governmental or political level.”²⁴ Many museums, though, refuse to take such action. Codes of ethics are considered ethical baselines for museums; ideally, museums should go above and beyond what the code calls for, since what is included in the code is only what every museum—whether a museum of history, art, science, or something else; whether a zoo, a botanical garden, or another form of museum—is able to follow. History museums, such as the British Museum and the Louvre, have additional responsibilities that are specific to their type of institution and to themselves. Yet many museums do not do what this section of ICOM’s code calls for. The museums have reasons of their own to disobey, which they claim in the name of ethics. Ethics is a subjective area in which, in many cases, there is a formal statement that decides what is right and wrong—but there are many circumstances under which the answer may not be so clear. Sometimes it may be more ethical to do something that is uncalled for in a formal code, or even contrary to the code. Sometimes a question arises which is not provided for in the code.

²⁴ “Code of Ethics,” *International Council of Museums*, last modified 2012, accessed October 2013. <http://icom.museum/the-vision/code-of-ethics/>.

Egypt

Egypt, of course, stands with the formal code of ethics, and claims that by withholding their cultural property the foreign museums are depriving Egypt of its heritage, and what rightfully belongs to them. Even if artifacts were taken out of the country before laws restricting exportation were instituted, Egypt wants to convince museums that they have an ethical obligation to return the items to their source country, on the basis that no matter how the objects were removed from the country they should inherently be in the state's possession; that when many objects were removed Egypt was oppressed or incapable of preventing removal; and that the museum which holds them has no real right to that object.

Egypt's first law regarding antiquities was enacted in 1835, banning removal of antiquities from the country without authorization by the government. The law has been modified several times, most recently in 1983. The last modifications left loopholes, though, so Egypt is currently in the process of yet another modification. The potential changes would omit the current clause that permits possession of Egyptian antiquities, whether inside Egypt or in a foreign country. A modification would make it illegal for private ownership of antiquities. Within a year after the law is approved, everyone who possesses an Egyptian antiquity should turn it over to the Supreme Council of Antiquities, which will put the object in an archaeological storehouse.²⁵ Many of those who possess an antiquity purchased it in "good faith," meaning that they had a well-founded or educated assumption that they acquired the item legally (in some cases the transaction was legal under existing laws, in other cases there may have been false

²⁵ El-Aref, *Hands-Off, and We Mean It*.

provenance, or the purchaser did not realize they did not have adequate information). Even for such people, the Egyptian government assumes that once the law is published they will know that their possession of the object is illegal. This is according to the principle that antiquities are not commodities, but strictly possessions of the state.²⁶

Even though the law permits authorized acquisition of antiquities, this can be done only after a rigorous routine of protocol and permission. Such transferal of property is very rare; Egypt desires to maintain control of their antiquities as much as possible. Almost any antiquity that leaves the country leaves illegally, and any object that transfers ownership does so on an illegal basis; legally it is still in possession of the state. If museums want to acquire a new Egyptian antiquity, for the most part, it has to be an object that was removed before 1970.

Museums and Acquisition

In order to have antiquities to repatriate, museums must have acquired them sometime, somehow. In some cases, museums have owned antiquities for many years, even centuries, in which case they probably obtained the pieces legally, according to the laws in existence at the time. According to modern laws, though, the museums cannot acquire antiquities in the ways they used to. Now there are strict laws and ethical standards which provide rules for acquisition. If these rules are disobeyed, museums can find themselves in disgrace—not only may the acquired objects be the subject of repatriation requests, but there may also be legal consequences. Marion True, a former curator of the Getty Museum, was on trial for five years in Rome for illegally acquiring antiquities from Italy.

²⁶ McDonald Institute for Archaeological Research.

The Getty also returned twenty-six objects to Italy. Other museums have had to return some of their treasured, even central, pieces. Italy requested the return of the Euphronios krater from the Metropolitan Museum of Art—a piece for which the museum had paid \$1.2 million in 1972 and which had instantly become a prized possession. The Met had to comply when it was discovered that they had purchased the item without a complete provenance, and it turned out to have been looted and illegally exported from Italy.²⁷

The codes of ethics of AAM and ICOM cover the issue of legal acquisitions. If museums adhere to these standards, they have little excuse for obtaining antiquities illegally; the standards require careful research into the provenance of the object, its history, and all existing documentation. Museums are required to comply with all applicable legislation of the source countries, international conventions such as UNESCO 1970 and UNIDROIT 1995 of which the museum's country is a signatory nation, and legislation of the country of the museum.

Though museums must comply with these restrictions in order to maintain ethical standards, such restrictions placed on use and transfer of antiquities by source countries is highly controversial among museums and scholars. While these laws may protect reckless transport and displacement of cultural property, and could potentially discourage looting, they are responsible for severely diminishing research potential, limiting new material available for the public, and condemning many potentially interesting and valuable antiquities to remaining in the ground. Many objects which could be significant to expanding scholarship and enlightening to the world are hidden away and even lost or destroyed simply because it is not legal to study them or make them accessible. With

²⁷ "Top-Ten Plundered Artifacts," *Time*, accessed April 2014, http://content.time.com/time/specials/packages/article/0,28804,1883142_1883129_1883079,00.html.

such limitations, unprovenanced antiquities become, essentially, worthless. If they cannot be studied or seen by the public, what use do they serve? If they are stashed away in a dark and dusty warehouse, unknown and unseen, whom can they benefit? They are, for all practical purposes, nonexistent. If the Rosetta Stone were to be found under similar circumstances to those which actually happened, it could not be published. If it was made available on the market now, it could not be bought. The Stone would be stashed away, unknown and uncared for. The key to translating Hieroglyphics would exist, but only in a warehouse, while scholars, perhaps, continued to puzzle about the strange Egyptian signs and the history that lies untold in the thousands of Hieroglyphics inscriptions.

There are unknown quantities of artifacts that are still *in situ* in Egypt, and not all of them are in recognized archaeological sites. Untold numbers lie buried in farmers' fields and beneath cities. If an item is found in an unofficial area by an unauthorized person, it cannot legally be collected.²⁸ If a farmer were to pluck a pot that he turned up while plowing, it would be an illegal action with potentially severe consequences. He is supposed to leave it just where it is, where it will eventually be reburied and likely lost forever. Nevermind the potential value of the pot to research and the world—it could be a one-of-a-kind piece in exceptional condition, something that could make a significant contribution to what is known of Egyptian pottery. The pot, though, would have no provenance, and therefore in the field it must remain forever, except for the extremely unlikely possibility that that field someday becomes a part of an excavation.

There are exceptions to the rules of acquisition, however; there are cases in which the museum feels it is justified in obtaining an antiquity without flawless provenance, when

²⁸ Cuno, *Whose Culture?* 111-112.

the worth of the item to the public outweighs the risk to the museum if their legal ownership is challenged. If the museum does this, though, they should be transparent about what they are doing and why, and how they can validate it using their collection policy and relevant ethics codes. This should, according to codes of ethics such as ICOM's, only be done in extreme cases.

Restrictions on export and acquisition of antiquities are often cited as depriving the world of potential research and learning, of spreading culture, and of multinational interactions. James Cuno calls it “censorship of scholarship.”²⁹ Unresearched and unpublished material is increasingly rare—not because new objects are not being discovered, but because, due to restrictions, they are not accessible to scholars, or cannot be published due to lack of adequate provenance.

Archaeologists typically assume that an object is looted unless it has proven and complete provenance. In some ways this is justified—there is indeed a plethora of looted objects in circulation, and with modern methods of creating false provenances or taking advantage of loopholes, caution is necessary. This means, however, that many items which are legitimate, but lack a sufficient provenance due to carelessness in recordkeeping or the circumstances under which they were found and transferred, are falsely assumed to be looted. Such objects are then hidden away from sight and use, often in a storage warehouse. There are hundreds of thousands of objects in such warehouses in Egypt—many of these are completely unknown, and may never be exposed to light again. Whatever they have to offer—their potential for scholarship, the history they could

²⁹ Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, 20.

teach, the beauty they could bring to the world—will never be appreciated. Laws do not allow them to be published or used in any way.

The negative impact of restrictions placed on excavating and publishing antiquities is hard to pinpoint—it is unknown what is out there, undiscovered—it cannot be known what is being missed. What if the Rosetta Stone had not been made available for study? Hieroglyphics, and many of the keys of Egypt’s history, may not be known—if they were known, it may have been a much more recent discovery. What if the Nefertiti bust had never been made public? One of the most iconic images of Egypt, one of the most beautiful pieces of statuary would not be known. What else is hidden in Egypt that could open new realms of knowledge, expand popular imagination, stun the world with beauty?

The practice of restricting export and use by other countries of antiquities also falsely limits those who can appreciate the antiquities to “peoples” rather than individuals.³⁰ A student from the Netherlands can appreciate an Egyptian statue as much as the Egyptian people. Are Egyptians the only people who have a right to have access to, and be able to appreciate in person, Egyptian artifacts? Imagine if the Rosetta Stone were taken out of England, the Zodiac Ceiling were removed from France, and, with all other significant Egyptian artifacts that had at one time been removed illegally, were returned to Egypt. If Egypt had a complete monopoly on all artifacts that originated there. If no one could see an Egyptian statue, vase, relief, or anything else without physically traveling to Egypt. Not only would this be a tragic loss to the scholarship and enjoyment of the world, but it would be detrimental to the world’s knowledge and appreciation of Egypt itself. Without

³⁰ Cuno, *Whose Culture?* 75.

that source of scholarship, without the fascination of viewing artifacts in museums, without the ambassadorial role which the objects play—would the world outside of Egypt remain as fascinated by their culture and history, and have such a desire to visit the country? Would Egypt be, in a sense, culturally alienating itself from the rest of the world?

It is not only national legislation that can be destructively fanatical. The very conventions and international laws which were intended to protect antiquities can sometimes lead to their destruction or waste. When the Taliban were on a rampage in Afghanistan, trying to destroy any artifacts that represented a heritage other than Islam, UNESCO denied authorities permission to export cultural property to a museum in Switzerland built for the purpose, temporarily, until they could once again be safe in their country of origin. UNESCO's reason was that outside of Afghanistan, the objects would have little cultural worth, and Afghanistan would lose a major cultural resource. As a result of this decision, thousands of priceless antiquities were mercilessly destroyed by the Taliban, often smashed into powder in front of museum curators. UNESCO did eventually change their mind, but it was too late for many irreplaceable treasures.³¹

How are such organizations as UNESCO stewarding antiquities? Cultural heritage is a nonrenewable resource. Is it wasted by condemning it to remain buried in fields or lost in a storage warehouse a crime, or does it truly benefit society? If they repealed these decisions and allowed farmers to collect artifacts they find, if archaeologists and scholars were allowed to publish unprovenanced objects, a whole new set of problems could arise. The world would suddenly have available new resources, fresh topics for study and

³¹Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, 81.

viewing, hundreds of thousands of new objects made accessible. Yet with this loss of control, with more freedom of transfer and legal money to be made, there are still many risks involved. Archaeological sites could be quickly emptied, recordkeeping could lapse into carelessness, objects that had been illegally looted or transferred in the past could be given *carte blanche* and all past crimes forgotten.

Obviously there would need to be a balance. The difficulty is deciding where to draw the lines, what to allow and what to forbid. Laws must be obeyed, even if that means that antiquities do not always receive ideal treatment or appreciation. But, perhaps, the laws could be reevaluated and reworked to avoid such waste of nonrenewable resources.

Legislation and ethical standards intend to preserve a nation's cultural heritage. What they have done already has had only a limited effect—looting is still rampant, some museums and collectors still purchase insufficiently provenanced antiquities, and many antiquities inside and outside their source country are lost or in danger. It is uncertain whether export regulations have slowed down looting at all. It is possible, in fact, that they have indirectly contributed to the problem. Museums, though, have purchased many less looted objects due to legislation and updated ethics. Countries have more power to protect their cultural heritage. The laws have had significant benefits. How many pieces, though, have been lost forever, either through destruction or neglect, due to the same rules and regulations?

Double Standards for Museums

Unfortunately for museums, they are under a lot of pressure to accomplish things they are not always legally able to do. Visitors to museums want new items to view.

Researchers want fresh material to study. The public desires a wide range of items in

encyclopedic museums—from a variety of time periods and geographical locations. With such strict limitations on acquisitions, and even facing the loss of many of their current items, museums are not easily able to meet this demand.

Directors of museums have to please the museum's Board of Trustees in order to keep their job, and trustees often want the museum to have fabulous pieces, and ever-expanding collections. They also tend to dislike an attitude of ethical superiority on the part of the director.³² Such a situation leaves the director caught between ethical standards and the will of the Board, and often unable to satisfy both.

Directors are often left with a decision to make—to risk tension between himself or herself with the Board, and side with what is more strictly ethical, or to venture into the gray areas of ethical ambiguity in order to bring important pieces into their collections, impress and satisfy the public, and appease the Board. Of course it may not always come down to this. Perhaps the Board can be brought to understand. Perhaps the public will be contented with something that does not cross ethical boundaries. Too often, though, directors are forced to choose between the two.

The dilemma which faces museum directors is reminiscent of the dilemma regarding antiquities in the ground—to leave them there unless someday a legal excavation is performed there, or rescue them so the public can benefit? These issues illustrate that ethics is not necessarily a right or wrong, black-and-white field. Yet museums are supposed to follow them closely. Quite often, the best a museum can do is take cases individually and do what they deem right for that case, minimizing risks in any way they can. Unfortunately, this can lead to problems with source countries. Though museums

³² Karen Warren, "A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues," *In The Ethics of Collecting Cultural Property: Whose Culture? Whose Property?* edited by Phyllis Mauch Messenger, 1-25, Albuquerque, New Mexico: University of New Mexico Press, 1989.

have virtually ceased to purchase antiquities that left source countries later than 1970, they still have to decide whether or not to return items that should, if codes of ethics are strictly followed, be returned, but would be a major loss to the museum and public. They need to decide if that piece that they recognize tremendous value in, but has uncertain provenance, is worth risking Egypt's wrath and a blow to their reputation, but would preserve the object. These are not easy decisions to make, and museums have, at times, regretted the calls they have made in such cases in the past.

CHAPTER THREE

Before 2011

Zahi Hawass, the former head of Egypt's Supreme Council of Antiquities, claimed that the Rosetta Stone is a piece of Egypt's identity and inherently belongs there. According to his perspective, it was originally stolen, after all—what right does England have to the stone? It was made by Egyptians, in Egypt, and used by Egyptians. It is a significant piece of their history. This demand by Egypt is part of an increasing number of requests and demands from source countries, such as Egypt, Greece, and Italy for restitution. These countries are challenging the right of museums around the world to hold pieces of their cultural patrimony—pieces that were originally looted or sold illegally, or have incomplete provenances.

The debate about restitution is a relatively recent development in the museum and antiquities world. When the Rosetta Stone was taken from Egypt, no ethical dilemma was invoked. Though source countries were not always willing to let their cultural property leave their country (sometimes they were), it was not frowned upon by those who had much of a say in the matter. In the mid nineteenth century Egypt enacted its first law concerning the movement of antiquities inside and outside the country. In the twentieth century the Hague, UNESCO, and UNIDROIT conventions first addressed the question of protection of antiquities, then the prevention of illegal exportation of antiquities, and then the actual return of antiquities. Now it is a highly contested and prevalent discussion around the world.

The museums which now hold the pieces Hawass wanted back argue that they belong to the world, for the good of all. If museums began to concede to source countries and return artifacts, museums fear they would be quickly emptied of many of their most important pieces, and the education of the whole world would suffer as a result. Also, though these pieces were generally made within the geographical boundaries of what are now the source countries, in many cases the current people have little to do with the culture from which the item originated. Modern Egyptians do not generally claim descent from Pharaonic Egyptians—many of them have, in fact, denied any link at all to their polytheistic but geographical predecessors.

These questions are a major concern to museums. They are facing possibilities such as being forced to give up objects, including the Rosetta Stone, that have educated visitors for many years. If they are made to give up piece after piece, emptying their collections, and sending them back to source countries, then what state will this leave the research and education potential of the world in? What will happen to the commonwealth of history and knowledge? It is difficult to define the most ethical route for museums in this case.

During his reign as cultural minister of Egypt, Hawass was a plague to museums which hold items he wanted back in Egypt. He started with asking for loans of the items, but it was general knowledge that his ambitions did not stop there—he did not want the items for only a few months, he wanted them in Egypt to stay.¹ While his successors may not be as noisome as Hawass, many of those in authority in Egypt have the same basic attitude. Egypt still wants these items—and many others—back.

¹ Sharon Waxman, *Loot: The Battle over the Stolen Treasures of the Ancient World* (Times Books, 2009), 18.

A couple of the artifacts—the zodiac ceiling and the statue of Ankhaf—are claimed by the museums which hold them to not be in stable enough condition to transport. But Egypt still wants them. This raises the question—is Egypt truly concerned primarily with the objects, or with something else? Rather than accepting the museums’ demurrals with grace and understanding, Hawass turned to threats, when he still had the power to do so.² As the head of the Supreme Council of Antiquities, he had control over who could excavate where. All archaeology in Egypt was subject to his whims. This was a dangerous monopoly on power that Hawass did not mind using to his full advantage. He threatened to ban both the Boston Museum³ and France—not just the Louvre, but all of France—from the right to excavate in Egypt.⁴

As an example of Hawass’ interaction with museums that get in his way, in 2007 National Geographic News ran an article entitled, “Egypt Vows ‘Scientific War’ if Germany doesn’t Loan Nefertiti.” Since the 1930s Egypt has been requesting the bust of Nefertiti be returned from Germany, whom they believe took it from Egypt unfairly. In 1912 Ludwig Borchardt, a German archaeologist in Egypt, uncovered the bust of Nefertiti. At that time antiquities found in German excavations were divided evenly between Egypt and Germany, according to the partage system. According to a document from 1924, written by the secretary of the German Oriental Company, Borchardt was responsible for representing Germany in dividing the goods. He seemed to be aware of

² Sylvia Hochfield, “Descendant of the Pharaohs,” *Artnews*. May 5, 2006, accessed April 2014, <http://www.artnews.com/2006/05/01/descendant-of-the-pharaohs/>.

³ Rasha Mostafa, “Egypt’s Threats to Cut off International Museums,” *Abou Al-Hool*, May 2008, accessed February 2014, <http://www.abou-alhool.com/english1/details.php?id=303#.U3Knp3Qo7IU>.

⁴ Paul Schemm, “Artefacts Drive Wedge between Egypt, Louvre,” *IOL News*, October 8, 2009, accessed February 2014, <http://www.iol.co.za/news/africa/artefacts-drive-wedge-between-egypt-louvre-1.460853#.U3KoKHQo7IU>.

the value of the bust, so in order to save it for Germany, he did not clean the dirt off the figure, and took a photo of it that showed it poorly. He intentionally gave Egypt the impression that it was of little worth, even lying about the material it was made of.⁵ Consequently the Egyptian inspector paid little attention to it, and the bust was allotted to Germany with little argument, until a couple of decades later when Egypt realized the value of the bust and the circumstances under which it Germany took it.

During Hawass' term in government the bust was one of his primary targets. Because of the circumstances of its removal, Hawass felt that Egypt had a rightful claim to it. When the article was written, the National Museum of Cairo was planning an exhibit and asked Germany to loan them the bust for three months. Germany refused, stating that the bust was too fragile to travel safely, and that the museum would be acting irresponsibly if they complied. Hawass insisted that they were simply afraid that, once the bust came to Egypt, it would not be returned. When Germany refused to cooperate, Hawass declared that he would never again organize an exhibit in Germany using Egyptian antiquities. If Germany continued to reject Hawass' offer of negotiations, Hawass threatened to organize an international boycott of loaning items to Germany. His desire was to make "the lives of these museums miserable."⁶

Germany did not return the bust return to Egypt, but as long as Hawass was in authority, he did not give up. The issue caused a worldwide debate. The website "Nefertiti Travels" documented a worldwide campaign to allow the bust to be shown in

⁵ "Archaeological Controversy: Did Germany Cheat to Get Bust of Nefertiti?" *Spiegel Online International*, February 10, 2009, accessed March, 2014, <http://www.spiegel.de/international/world/archaeological-controversy-did-germany-cheat-to-get-bust-of-nefertiti-a-606525.html>.

⁶ Dan Morrison, "Egypt Vows 'Scientific War' if Germany Doesn't Loan Nefertiti," *National Geographic News*, April 18, 2007, accessed February 2014, <http://news.nationalgeographic.com/news/2007/04/070418-nefertiti-egypt.html>.

Egypt at the exhibit mentioned above. According to the site, millions of people followed the debate, and the German government came under criticism by international media for its refusal to loan the bust, since they were under an “ethical obligation” to cooperate with Egypt’s request.⁷

While the physical objects and the history they represent are important to Egypt, there is far more at stake for countries asking for their objects back than just the objects themselves. In fact, the objects, as objects, tend to be of only secondary value; their historical and cultural value tends to serve as a vehicle to obtain things of greater significance to the requesting country. Egypt wants an acknowledgement of the wrong that was done to them, an affirmation of their rights and independence, and the right to what they see as theirs.

According to Karen Warren, there are three main things that source countries desire—restitution of cultural property, restriction of imports and exports of cultural property, and the rights of the parties involved, such as rights of ownership and access.⁸

In her article, “A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues,” she describes six main arguments which museums, and those against cultural nationalism, make, as well as three arguments opposing these. They are all arguments which have been formulated only relatively recently, as source countries find their voice and their strength, and feel more confident in asserting their rights from their former colonizers.

⁷ CulturCooperation e.V., “Nofretete Nefertiti,” accessed February, 2014, <http://www.nofretete-geht-auf-reisen.de/ewelcome.htm>.

⁸ Warren, “A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues.”

One of the arguments described by Warren, which is used by museums and those siding with cultural internationalism, is that objects were at times taken out of source countries in order to rescue them.⁹ Artifacts are, admittedly, often safer in western museums. If the Rosetta Stone was in Egypt, where museums have been ransacked multiple times since the Arab Spring, it would be at risk of looting or vandalism, as too many artifacts have been. At the British Museum, where it has lain undisturbed since it first arrived there around over two centuries ago, there is little risk of theft or damage. It benefits from the resources the British Museum has to offer— assured funding which can provide for preservation, a secure building, and a safe repository. Athens, which demands the Elgin marbles, taken from the Parthenon in the 19th century, suffers from heavy air pollution which is responsible for the decay of many monuments and exposed artifacts in the area. Museums have often offered this as a reason why antiquities should remain in their museums—why return the item to the source country if it is not safe there?

Not only are the large and well-funded museums which hold many of these contested objects safer and more stable, but, as a second argument suggests, these museums are also able to offer more convenient and reliable access to the general public and to researchers. In 2012 the British Museum had over 5.5 million visitors. The National Museum in Cairo, on the other hand, is almost empty on most days. That same year, it attracted less than 645,000 visitors.¹⁰ There is little tourism, and relatively few researchers are able to go to Egypt, especially during the current turmoil. If someone

⁹ Warren, “A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues.”

¹⁰ Hrag Vartanian, “2012 Museum Attendance Numbers Show a Diverse Global Art Scene,” *Hyperallergic*, April 3, 2013, accessed January 2014, <http://hyperallergic.com/68051/2012-museum-attendance-numbers-show-a-diverse-global-art-scene/>.

wants to see the Rosetta Stone, either out of curiosity or for an academic purpose, they are much more likely to be able to visit it in London than Cairo. Even for those not seeking specifically to see the Stone, many more can view it at its current location. The objects are simply more available for appreciation, access to knowledge and research opportunities, and even education about the source country where they are now. Is it a responsibility or obligation of the museums to provide that access? Is that more important than sending the object back to its source country, where few could appreciate it, study it, or learn from it?

Thirdly, museums argue that no one nation owns cultural property—it is the common possession of all humanity. Is it fair to say that the Rosetta Stone belongs to Egypt alone? The entire world has benefitted from the Rosetta Stone and the knowledge it imparted through enabling translation of Hieroglyphics. Saying that a piece of cultural property belongs to one nation or another divides humanity into distinct districts with strict boundaries. This denies any notion of a common humanity and universal advantage.¹¹

Changing of legislation is another argument used by museums. Museums are accountable to current laws—whether or not a museum chooses to acknowledge previous laws is mostly a matter of ethical choice. When many objects were taken from the country of origin, the removal was legitimate and legal. Most countries did not have restrictions placed on export of antiquities until relatively recent years. When the Rosetta Stone was removed, nobody tried to stop the French from taking what they wanted. Granted, the French did not ask the Egyptian authorities for permission. There was no precedent, though, for doing so, no conceivable reason in the western sovereignty

¹¹ Warren, “A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues.”

mindset of the time. This does not necessarily pardon the West for not asking permission, but it is undeniably a fact that this, was, in fact, the way the West interacted with the East in that period. When Lord Elgin removed the marbles from the Parthenon, he actually had the permission of the local authorities (Turkish Ottomans who dominated Greece until the revolution).¹² Egypt's first law restricting exportation of antiquities was made in 1835. That was after the Rosetta Stone and the Elgin Marbles had been removed. Thousands of Egyptian antiquities were already in place in museums around the western world. By today's standards these objects were looted, but the question remains about what matters more—the laws in place when the objects in question were taken, or the laws in place now. Western museums are understandably hesitant to accept responsibility for acting according to laws which were enacted long after they acquired certain objects. Should every object that was taken out of Egypt prior to the 1835 law be returned? This is part of the reason conventions such as UNESCO 1970 and UNIDROIT 1995 are not retroactive—it is impossible for all actions taken in the past to be amended according to current laws, as laws change frequently. What is more important? Laws then, or laws now? If museums started going back through their records and bringing all their past actions into accordance with modern laws, the face of museums would be completely changed. It would start a stone rolling down a mossy slope, with no certain ending.¹³

It is also unclear whose laws museums should comply with—whether to prioritize the laws of their country, or the laws of the source country. Britain's laws are different than Egypt's laws when it comes to import and export of antiquities. When possible museums

¹² Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, 171.

¹³ Warren, "A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues."

generally try to comply with the laws of both countries, but sometimes it is necessary to prioritize one or the other—which one to choose can be a difficult decision. When a source country was under foreign rule when an object was taken, it cannot just be assumed that because there were no relevant laws at the time, the museum has no obligation to act in retrospect, since the country did not have the ability to assert laws of their own making.

It is known that one reason source countries want objects back is for political reasons. But there are political advantages to keeping them where they are, as well—and in fact for encouraging further dispersal of antiquities around the world. Just as antiquities can act as symbols of power for the country which holds them, they can also be used as ambassadors of goodwill. If countries share their antiquities, they are sending representations of themselves, their culture and their heritage, to other nations which can then display this entrusted item so that everyone who sees it or studies it can learn about the culture it is from, and appreciate the intercultural nature of the museum's exhibition. Indeed, when one culture's objects are dispersed over a broad geographical range, they enhance the world's sense of aestheticism and the value of the source culture. It can also benefit the artifacts themselves—when Egypt, for example, is in such an unstable state as it is now, the objects in the country are at risk. Objects in other countries are considerably more secure, in general. Egyptian artifacts, as a whole, have a better chance of survival if there is a significant representation of them outside of Egypt.¹⁴

The fifth argument is that antiquities have the ability to break down parochialism and a national sense of exclusivity. Such actions would encourage nations to diplomatically

¹⁴ John Tierney, "Who Should Own the Rosetta Stone?" *The New York Times*, November 16, 2009, accessed May 2014, [should-own-the-rosetta-stone/comment-page-4/?php=true&_type=blogs&_r=0](http://www.nytimes.com/2009/11/16/opinion/16tierney.html).

work out compromises and agreements with each other, encourage a sense of trust and responsibility for the nation stewarding of another's culture, and cordial relationships rather than competition.¹⁵ According to this argument the end result is greater than the means; the objects would be a sacrifice, in a sense, of the country of origin for the sake of political relationships and harmony. It leaves a lot of room though for different methods of making such results happen. It certainly does not eliminate restitution, but perhaps a more selective trade of antiquities. It opens the way for compromise and alternatives.

While Egypt fought for objects in encyclopedic museums, such as the Rosetta Stone and the bust of Nefertiti, they endanger relations with that country. Hawass, especially, with his fiercely confrontational tactics, strained diplomatic ties with the countries he was warring with. While the countries have remained in a working relationship with Egypt, there is considerable tension when it comes to antiquities and archaeology.¹⁶ What if the opposite happened? What if Egypt willingly allowed the Louvre to keep the zodiac ceiling, the Berlin museum to keep the bust of Nefertiti? What would happen if Egypt worked humbly with other museums and worked out a compromise that would be mutually beneficial? This would likely make international relations easier, especially in the cultural sector, as well as putting the countries on more level footing with each other and opening more doors for cooperation.

The last pro-internationalist argument stated by Warren is that there is evidence that putting so many restrictions on the import and export of antiquities is actually counterproductive—instead of discouraging looting and the illicit market, it has the

¹⁵ Bennett, "Finders, Keepers."

¹⁶ Rasha Mostafa, "Egypt's Threats to Cut off International Museums."

opposite result.¹⁷ It is unknown though whether restrictions, perhaps done a little differently, could still have a positive effect, or whether it is just inevitable under any circumstances that the illicit market will flourish and looting will thrive as long as it is illegal.¹⁸

Warren discusses equally valid arguments for source countries. There are parties both in countries of origin and in the countries which hold the objects of those countries who argue that nations have an undeniable right to the cultural property which constitutes their identity and heritage. By importing or holding onto objects that should, according to this argument, be in their source country, a nation is depriving that country of their rights as well as their cultural patrimony. This does not necessarily require, though, that countries of origin have a right to require all objects back. Perhaps it does not harm the integrity of their cultural heritage to have a representative sampling of their objects in other countries. Egypt's cultural patrimony is scattered around the world. This can be seen as a gain for the world as well as a loss for Egypt, though Egypt could even benefit from having their nation's heritage in museums around the world.

This argument can be turned around on the side of the museums currently holding the object as well, when that object has been there for a long time. The Rosetta Stone, for example, has been an integral part of the British Museum for so long that it is arguably as much a part of Britain's culture as it is of Egypt's. After all, it has been exposed and known in Britain longer than it probably was in the ancient days of Egypt.

¹⁷ Warren, "A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues."

¹⁸ Mackenzie, "Dig a Bit Deeper: Law, Regulation and the Illicit Antiquities Market."

The question of “who owns history” is commonly asked in the restitution debate. If the source country has exclusive ownership of their country, then they would indeed have a relatively unarguable right to their own objects. It is hard, though, to limit a country’s history to their geographical boundaries—Egypt’s history is part of the history of the world, just as the history of every country is the history of all mankind.

The geographical distinctiveness of antiquities and geography-based claims to possession is further blurred by the historical fluctuation of national boundaries. Modern national boundaries often have little in common with the boundaries of the area’s history. Egypt’s boundaries have changed many times throughout their history, as have those of many countries. Areas that were once part of Egypt no longer are. Antiquities that were created by Egyptians in what was once Egypt. There is also a distinction between national boundaries and boundaries of culture and influence—Egyptian objects were not always made by Egyptians, in Egypt. Egypt had a wide spread of cultural influence, reaching far beyond the borders of Egypt itself.

Another argument in favor of source countries—perhaps the most objective one—is that when an item is removed from its original context, the aesthetic and historical value of the whole complex is broken down. The sum of the parts are less than the whole—the temple from which the Zodiac ceiling was taken, for example, suffered significantly from the loss of the zodiac. The Zodiac ceiling, too, does not have the same value it did when it was still in place in the temple. The scholarly and artistic value of the entire piece loses its integrity when it is deconstructed and its pieces taken to institutions and collectors around the world. The context also adds to the knowledge that can be gleaned from an object. If a scholar were to study the Zodiac ceiling, he could likely learn more from the

ceiling and the temple itself if he viewed it as a whole. Theoretically, a scholar could learn more from the Rosetta Stone if he or she were to look at where it was found and the archaeological evidence around it. Context enables archaeologists and scholars to construct a more complete picture of how the items was used, who used it, and the world in which it was created, allowing a greater sense of the importance and history of the object itself.¹⁹

For most objects that have been outside of Egypt for a long time, it is too late. If the Rosetta Stone were to be returned to Egypt at this point, its context could not be reconstructed, and it could be studied to no more advantage in Egypt than in the British Museum. The rubble amongst which the Stone was found has long since found its way into other buildings, and any contextual integrity destroyed. The Zodiac ceiling could benefit a little more, perhaps, because the temple from which it was taken is still relatively intact, but even that benefit would be limited—while the ceiling would be closer to the temple in which it was found and scholars would not have to travel from one country to another to view both, the ceiling cannot feasibly be re-adhered to the temple interior. While some objects may have a more significant advantage to gain from being returned to Egypt, the argument is more relevant in a forward-looking rather than retrospective way.

Modern Looting

Egypt has, since 1835, instituted a number of laws concerning their antiquities. These laws have progressively become stricter, as looting continues to be a significant problem in Egypt. Ever since looting became illegal in Egypt, the illicit trade of antiquities has

¹⁹ “AIA Statement on Museum Acquisitions and Loans of Antiquities and Ancient Art Works.”

thrived. Looting is the third most lucrative commerce in the black market, worldwide,²⁰ and despite strict laws, Egypt is no exception to this rampancy. Egypt has long suffered from a lack of security and resources for preventing looting, such as funding for police and border control. Looting is far too tempting a trade, and far too easy for looters to get away with. Though some looters are caught, many more are not. It is impossible to know how many people are involved in looting and trading Egyptian antiquities. For years now looting has become even more prevalent, despite attempts by Egypt, international organizations, and museums to prevent it.²¹ Museums have ceased to purchase antiquities that were taken out of their source country before 1970, the date of the UNESCO Convention, or antiquities that have imperfect provenances. Archaeologists operate under strict regulations to ensure that excavated objects are provenanced and are placed in appropriate institutions for research, storage, or display.²²

Some believe that the restrictions placed on the antiquities trade have actually contributed to the increase of looting, rather than effectively discouraging it. The illicit market is more profitable when that is the only way antiquities can leave the country and imperfectly provenanced items can be obtained. Because antiquities are harder to obtain, due to the risk, prices are high. Egyptian antiquities are coveted enough, though, that there will be buyers even at such high prices, and as long as there are buyers, there will be sellers competing for those sales.²³

²⁰ “The Global Antiquities Black Market,” *Voice of America*, October 28, 2009, accessed March 2014, <http://www.voanews.com/content/a-13-2004-12-22-voa28-66874067/260608.html>.

²¹ Cuno, *Who Owns Antiquity? Museums and the Battle over Our Ancient Heritage*, 5.

²² *Egyptian Cultural Heritage Organization*, accessed July 2013, http://www.e-c-h-o.org/News/Illegal_Antiquities.htm.

²³ Warren, “A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues.”

Much of the illicit trading done in Egyptian antiquities is done by highly organized smuggling rings. In many cases it seems that members of these groups have access to artifacts, and they have established methods to get them out of Egypt. Experts in archaeology and art, and museum professionals are all too often involved—the reputation of these experts provide an effective cover in some cases. They can also provide connections, and gain admission to information and private areas of institutions and sites that others might not be able to access.

In 2001 a reputable New York art dealer, Frederick Schultz, was convicted and jailed for his involvement in looting from Egypt. He worked with Jonathan Tokeley-Parry, who was a non-professional antiquities restorer, and Ali and Toutori Farag, antiquities dealers in Cairo, the wealthy Andrew May of England, and others. Tokeley-Parry was convicted in 1994, but released so that he could lead the police to his compatriots. Most of the items which they stole have since been returned to Egypt.²⁴ Most of the people involved in this particular looting and smuggling ring were insiders, with expertise or access that enabled a more elaborate and difficult to detect heist.

International organizations and museums have to be careful to not make assumptions—when professionals and insiders are involved, false provenances, disguised objects, and generated stories can be quite convincing. The importance of thorough research on the part of anyone dealing with buying and selling antiquities cannot be overstated. This is a lesson learned many times over, and museums, auction houses, and customs officials are slowly learning the methods of those involved in the black market and becoming more efficient at detecting illegal objects.

²⁴ Alexi Shannon Baker, “Selling the Past: United States v. Frederick Schultz,” *Archaeology*, 22 April 2002, accessed January 2014, <http://archive.archaeology.org/online/features/schultz/index.html>.

The prevalence of looting and the apparent lack of security raises the question, does Egypt truly have the ability to care for the Rosetta Stone, the other objects that they are asking for, and the antiquities they already have? The vast quantity of antiquities that fill the storage rooms of their museums, many of which are unknown, unpublished, uncatalogued? The collection of the Egyptian Museum in Cairo began under the auspices of the Service des Antiquities de l’Egypt, founded in 1835. It started as a means to keep looting and the flow of looted objects in check. Instead of items going here and there and leaving the country in droves, the Service hoped to keep them accounted for, and mostly within Egypt. When the current building was erected in 1900, the pieces of the collection that were not put on display were stashed in the vast storage areas, and most of them sit there still, collecting dust, succumbing to heat, slowly decaying without the care required to preserve them. Furthermore, inventory has been slow to happen—as of 2008 Janice Kamrin at the Cairo Museum was using volunteers to inventory the collection, something that had never happened before.²⁵ The process is slow, though, and long overdue. It did not happen until three statues were stolen from storage in 2005, and Hawass proclaimed that it was time for it to happen.²⁶ If an inventory had taken place earlier it would likely have prevented a number of thefts, misplacements, and losses due to disorganization.

The majority of Egyptians lack passion and zeal when it comes to their antiquities. Security guards are relatively ambivalent, allowing visitors to touch objects on display and even climb on some of the larger pieces, such as sphinxes that lie in regal repose with

²⁵ Waxman, *Loot*, 112.

²⁶ Waxman, *Loot*, 109.

little to stand between the curious museum visitor and the ancient piece of stone.²⁷ The museums get few visitors; Egyptians do not closely associate themselves with the ancient inhabitants of their country, and indeed have little genetically, religiously, or culturally in common with the pharaonic citizens. Few take time or care to pay the money to see the objects exhibited in museums. Foreign tourists are now rare as well, especially after the Arab Spring and the increased turmoil it set off. This means that not only are there few people to appreciate the artifacts that are cared for and on display, but there is little revenue to fund increased or even continued efforts.²⁸

Many Egyptians are comparatively apathetic concerning not only the objects that are already in their country, but about the objects that the authorities are demanding back. When Hawass was in office, even other authorities and people in the antiquities world had mixed opinions about his demands. Some believed his motives were more political than truly concerned with the objects and Egypt's right to their cultural property. Some think he was just wasting his effort, and that it would not lead anywhere. Or maybe his energy would be better spent on something more promising. Others supported him and his requests. With such mixed opinions, will the objects such as the Rosetta Stone get the attention in Egypt, from both museum staff and from visitors, that they now receive in their current locations?²⁹

Egypt is considerably more uncompromising than many other nations in their restrictions on exporting and ownership of cultural property. Italy, for example—a

²⁷ Waxman, *Loot*, 110.

²⁸ Sarah El-Rashidi, "Egypt's Ancient Artefacts Crumble," *Ahram Online*, May 23, 2013, accessed May, 2014, <http://english.ahram.org.eg/NewsContent/9/40/72154/Heritage/Ancient-Egypt/Egypt%e2%80%99s-ancient-artefacts-crumble.aspx>.

²⁹ Waxman, *Loot*, 13-31.

country that is one of the leaders in demands for restitution, and notorious for suing noncompliant foreign museums—is willing to work out agreements with the United States concerning long-term loans.³⁰ When the Metropolitan Museum of Art returned their Euphronios krater to Italy, Italy sent them the contents of a tomb—less famous but still important and informative, when taken as a whole—in return. Private citizens of Italy are allowed to own antiquities, but cannot send or take them abroad.³¹

All of this is in contrast to Egypt, which, though they have considered exchanges or loans in the past, are very reluctant to do so and in many cases will not even consider it. Hawass was infamous for his hardliner tactics—if another museum did not respond in the way that he demanded of them, he would not often listen to offers of compromise or negotiation, but would simply threaten to cut off the archaeological rights of that museum, or even the country of that museum. Egypt is also much more strict concerning exporting and private possession—all antiquities are owned by the state, and none are to be exported without a complicated process of government-sanctioned transfer.³²

Egypt's demands have not all been ignored or rejected. In 2010, the Metropolitan Museum of Art volunteered to return to Egypt nineteen artifacts from Tutankhamun's tomb. They had acquired the items between the 1920s and 1940s via the estate of Howard Carter, contrary to terms, specifically applying to the tomb, agreed to at the time by

³⁰ Roussin, "The Trade in Antiquities: Heritage for Sale?"

³¹ Cuno, *Whose Culture? The Promise of Museums and the Debate over Antiquities*, 76.

³² "Egyptian Law on the Protection of Antiquities (1983)," *Cultural Property Training Resource*, accessed January 2014, <http://www.cemml.colostate.edu/cultural/09476/laws10egyptenl.html>.

Britain, which did not permit the items to leave Egypt. In recognition of this, the Met acknowledged Egypt's rightful title to the items.³³

In 2008 the art historian Eva Hoffman asked for the provenance of some pieces of a tomb wall that were on exhibit in the Louvre, after recognizing the tomb from which they came. She then visited the tomb, and found where they had been illegally carved away. Though Hawass did put pressure on the Louvre by halting French excavations in Egypt until the Louvre complied with his request to return the pieces, it did not take the Louvre long to send the fragments back to Egypt.³⁴

In 2009, a private collector brought the corner of the naos (an inner chamber of a temple) of Amenemhat I to the Metropolitan Museum of Art to authenticate the piece, though the collector had purchased it in the 1970s. Dorothea Arnold and Adela Oppenheim of the Met's Egyptian Department conducted research on the object and found that it had been missing from Egypt for over 100 years. The collector allowed the Met to take possession of the piece, and the Met then volunteered to return it to Egypt, where it arrived in 2009.³⁵

There have been many cases in which a museum has played a significant part in bringing about the return of an item, even if the piece was not in their possession. In 2006 the Leiden Museum was shown a shabti (small statue) of a woman named Hener by the private collector who had purchased it. Staff at the museum recognized it as coming from their excavations, and facilitated its return to Egypt. In 2008 Oppenheim and Dietrich

³³ "New York Museum to Return King Tut Artefacts to Egypt," *BBC News* (November 10, 2010), accessed February, 2014, <http://www.bbc.co.uk/news/world-us-canada-11728564>.

³⁴ Supreme Council of Antiquities.

³⁵ *Ibid.*

Arnold, both curators at the Met, recognized a stolen relief fragment from the tomb of Murdiris in the catalog of Bonham's, a London auction house. They notified Hawass, who alerted Bonham's that the piece may have been looted. Bonham's pulled the relief from sale and returned it to Egypt. Also in 2008 Oppenheim and Dietrich were offered two duck vessels for sale by Christie's and by Rupert Wace Ancient Art Ltd. After some research they realized that they had been excavated several decades before, and that they had been stolen. Both sellers thereafter ensured the return of the vessels to Egypt.³⁶

In some cases federal government may fight against a museum in that country, siding with the source country. This was the case in a dispute concerning the St. Louis Art Museum, which holds the mask from the mummy of Ka-Nefer-Nefer, a noblewoman from Egypt's 19th dynasty. The Museum acquired the object in 1998, with uncertain provenance. The Supreme Council of Antiquities of Egypt discovered in 2006 that the mask had been stolen a few decades before. The U.S. Government had the provenance of the mask traced, and confirmed that it had been illegally removed from Egypt.³⁷ Consequently, they filed a suit against the St. Louis Museum. The museum, though, filed a counter-suit—a bold and unusual movement for a museum—insisting that there was not sufficient evidence to prove that the mask was stolen, and that the federal government could no longer seize the mask, because the statute of limitations had expired.³⁸ The case was eventually decided in favor of the museum, but left a lingering ethical question.

³⁶ Supreme Council of Antiquities.

³⁷ Malcolm Gay, "For the St. Louis Art Museum, a Legal Victory Raises Ethical Questions," *The Atlantic* (May 30, 2012), accessed January, 2014, <http://www.theatlantic.com/national/archive/2012/05/for-the-st-louis-art-museum-a-legal-victory-raises-ethical-questions/257839/>.

³⁸ Bruce Olson, "U.S. Demands Art Museum Hand over Egyptian Artifact," edited by Peter Bohan, *Reuters*, March 16, 2011, accessed January 2014, <http://www.reuters.com/article/2011/03/17/us-museum-mask-idUSTRE72G06E20110317?feedType=RSS>.

Judge Henry E. Autrey dismissed the case saying that there were no solid facts proving the mask was missing, **because it was stolen and then smuggled out of the country.**³⁹

In the years leading up to the Arab Spring, the movement towards restitution was slowly escalating, but efforts on the part of many institutions were half-hearted. Some, in perhaps less drastic fashion than the St. Louis Art Museum, stubbornly clung on to the Egyptian artifacts they had, even while knowing that at some point the pieces had been looted. Pressure was slowly mounting, yet complacency was still a heavy cloud. The issue of repatriation, while heatedly discussed in circles of cultural organizations, museums, and the cultural sector of Egypt's government, was barely touched outside of those spheres. The Arab Spring in 2011 changed the momentum of the debate, bringing a sense of urgency to the question and bringing the discussion into the news into a more public light.

³⁹ Gay, "For the St. Louis Art Museum, a Legal Victory Raises Ethical Questions." Emphasis original.

CHAPTER FOUR

Egypt and its Antiquities Since 2011

On January 25, 2011 angry Egyptians gathered in Tahrir Square in Cairo to protest poverty, unemployment, and corruption in the government of the current president Hosni Mubarak. This launched a long series of riots and a period of outflowing of rage and violence in the streets of Cairo. The Muslim Brotherhood, a social organization with a radical religious agenda, backed the revolution and called for Mubarak's resignation. The government responded to the protests by shutting down access to the internet and putting the military in charge of security. On February 11 the President stepped down, giving the Egyptian people hope of a democracy.¹ The military assumed control of Egypt until Mohamed Morsi, a leader of the Muslim Brotherhood, was elected president but, during a second round of violent rioting, was ousted on July 3, 2013 after giving himself autocratic power and empowering Islamic control.²

Following Morsi's ouster, the Muslim Brotherhood was labeled a terrorist group and made illegal. Members came under prosecution, being arrested and even killed in large numbers. Abdel Fattah Al-Sisi, who was appointed defense minister by Morsi, but led the military takeover when Morsi was ousted, is expected to become president in June 2014. If he is elected, he has promised to eradicate the Brotherhood, in spite of its widespread

¹ Cara Parks, "What's going on in Egypt?" *The Huffington Post*, January 28, 2011, accessed May 2014, http://www.huffingtonpost.com/2011/01/28/whats-going-on-in-egypt_n_815734.html.

² Ian Black, "Mohamed Morsi: The Egyptian Opposition Charge Sheet," *The Guardian*, May 3, 2013, accessed May 2014, <http://www.theguardian.com/world/2013/jul/03/mohamed-morsi-egypt-president-opposition>.

following and power in society and even government—the Brotherhood took much control of elections in both 2011 and 2012.³

The turmoil in Egypt has created a state of confusion and chaos that still continues. The government, such as it is, is focused on trying to create stability. Human and monetary resources are stretched, so areas which are not as urgent as human safety and governmental stability, such as the cultural sector, are suffering. The antiquities of Egypt took a blow from which they have not yet recovered. Egypt's already fragile security was heavily diminished, funds that were allotted to antiquities were diverted to other needs, citizens' anger was sometimes taken out on antiquities, chaos and civil devastation meant more citizens looking to antiquities for money on which to survive, and leadership and authority in the antiquities sector underwent rapid change and therefore increased instability. Any complacency museums and other organizations had regarding antiquities from source countries was shaken, and the world's concerns about protecting and preventing looting of antiquities was challenged.

Amidst the chaos of the rebellion, the post of secretary general of the Supreme Council of Antiquities (SCA) underwent rapid change, making the situation of Egypt's antiquities even more precarious—Zahi Hawass lost his post during the uprising, amid angry accusations of corruption and responsibility for lack of jobs for archaeology graduates. He also barely escaped a year in jail after he was believed to have participated in manipulating bidding at the Museum of Cairo. Hawass had many friends as well as enemies. He began many significant projects of restoration, including such projects as the

³ David D. Kirkpatrick, "Ex-General Vows to End Brotherhood if Elected," *The New York Times*, May 5, 2014, accessed May 2014, <http://www.nytimes.com/2014/05/06/world/middleeast/ex-general-vows-to-end-brotherhood-if-elected.html>.

Step Pyramid of Djoser. He brought a lot of attention to the antiquities of Egypt and their needs, and to the issue of repatriation. He brought much-needed (though still insufficient) funding to Egypt's museums and antiquities through the famous traveling exhibition, "Tutankhamun and the Golden Age of the Pharaohs."⁴ He also had a notorious ego which irritated many of those with whom he came into contact, and even plenty of people at a distance. To museums he was at times an over-the-top gadfly, ceaselessly demanding some of their best-known antiquities back.⁵

After Hawass, with his oversized personality and in-the-face tactics, left his post, authority rapidly switched hands multiple times. After Hawass came Mohamed Abdel-Fattah, who kept the post less than six weeks. He explained that Egypt had abused its antiquities and neglected its responsibilities in that area. The debt owed by the SCA was also more than he felt able to take on. His successor was Mustafa Amin, who kept the post from September 2011⁶ until 2013, when Mohamed Ibrahim Ali took over.⁷ He faced a number of critical problems: employees who demanded fulfillment of promises made by other employers, an enormous debt, a severely debilitating lack of resources, a tottering balance of unemployed or underpaid workers, underfunded museums, under-

⁴ "King Tut Treasures to Tour the U.S.," *Associated Press*, December 3, 2004, accessed May 2014, http://www.today.com/id/6631690/ns/today-today_entertainment/t/king-tut-treasures-tour-us/#.U2vd7HQo74g.

⁵ Waxman, *Loot*, 18.

⁶ Nevine El-Aref, "No Treasure in Archaeologists' Vaults," *Al-Ahram Weekly On-Line* 1067 (October 6-12, 2011), accessed March 2014, <http://weekly.ahram.org.eg/2011/1067/eg14.htm>.

⁷ Philip Coppens, "A New Future for Egyptology," *Philip Coppens*, accessed May 2014, http://www.philipcoppens.com/hawass_2.html.

protected antiquities, and archaeological sites in desperate need of care. In short, he faced chaos.⁸

The rapid changes in leadership left many projects in limbo, or completely abandoned. Ibrahim funneled funds towards employing graduate students, while letting the projects, begun by Hawass, remain unfinished. Inevitably, shifts in authority created instability. Egypt's antiquities no longer benefit from the energetic zeal and brutal efficiency in management that Hawass brought to his job, which transformed the handling of antiquities and archaeological sites in Egypt. Though his reign was controversial, his positive accomplishments are undeniably vast. Ibrahim has been both praised and criticized—he does not have the fiery personality of Hawass, which drove much of the improvements regarding Egypt's antiquities. He was also left with a tragically low budget, making painful cuts necessary. Many believe, though, that he has done well with the limited resources he has.⁹

In spite of Ibrahim's efforts, the security system in Egyptian museums and archaeological sites, which was never stellar, has been severely insufficient. When the Arab Spring occurred, other projects and civil needs understandably took priority over antiquities, which meant that much of the scant funding for antiquities was lost. Partially as a result of this, over two thousand items have been looted directly from museums since

⁸ El-Aref, "No Treasure in Archaeologists' Vaults."

⁹ Joshua Hammer, "The Rise and Fall and Rise of Zahi Hawass," *The Smithsonian Magazine*, June 2008, accessed March 2014, <http://www.smithsonianmag.com/history/the-rise-and-fall-and-rise-of-zahi-hawass-72874123/?page=1>.

the uprising. As of October 2013, the worth of antiquities looted just since the spring of 2011 was estimated to be at least \$2 billion.¹⁰

Many of the items taken from ravaged archaeological sites were taken for the sake of their monetary value, but looting and destruction in museums have other motivations as well, particularly political. When the Malawi Museum in Upper Egypt was ransacked in September 2013, couple of teenagers who participated in the act, when asked why they were destroying items, said, “The government is destroying their people, so we are destroying this because it belongs to the government.” Items that were too heavy or large to transport were simply destroyed on the spot. Artifacts were smashed, burned, broken, vandalized in every way, leaving them worth nothing, monetarily.¹¹ The looting of the Malawi Museum took place shortly after Mohamed Morsi was ousted from Egypt’s government, only a little over a year after he was elected, mostly due to the political power of the Muslim Brotherhood. The looters were mostly supporters of Morsi who took out their anger at his removal on the objects in the museum. It is no coincidence that fighting against the government has, on more than one occasion in Egypt, been accompanied by looting of the museum—the Malawi Museum was ransacked during fierce political fighting, echoing the initial revolt in the spring of 2011, when the Cairo

¹⁰ Deborah Lehr, “Cultural Racketeering and Why it Matters: Robbing the World of History,” *The World Post*, October 1, 2013, accessed May 2014, http://www.huffingtonpost.com/deborah-lehr/cultural-racketeering-and_b_4025586.html.

¹¹ Derek Fincham, “Have You Seen Tutankhamun’s Sister?” *Illicit Cultural Property*, November 18, 2013, accessed February 2013, <http://illicitculturalproperty.com/have-you-seen-tutankhamuns-sister/>.

Museum was looted during the violent protests during the coup against then-president Hosni Mubarak.¹²

For the most part the Muslim Brotherhood avoided taking a leading role in the revolution, especially during the initial fighting. Their role was largely in the background, using the rebellion as a vehicle for their own agenda. As devout Muslim believers, the members of the Brotherhood look at relics from the pharaonic past as pagan images, inherently marked for destruction. When rebels broke into museums during the chaos, members of the Muslim Brotherhood were among them, actively destroying antiquities in the name of Islam. There is an interesting division among the attitudes of Egyptians towards their antiquities. Some, like Hawass, see in antiquities an important, and desirable, link to Egypt's history and their own past. Others, such as the Muslim Brotherhood, view items from Egypt's past as heretical images. Their actions in Egypt echoed actions of radical Muslim groups in other countries, such as the destruction of the famous Buddha statues of Bamiyan in Afghanistan, destroyed by the Taliban in 2001 because of their pagan meaning, and the looting of the Kabul Museum in 1992.¹³

While much of the looting taking place in Egypt is impulsive or unorganized—locals digging in archaeological sites, or rebels bursting into museums and taking what they can—Egypt has its share of professional smugglers and highly organized smuggling rings. Shortly after the Arab Spring in Egypt, for example, four Egyptians—three art dealers and one art collector—were convicted for running one of the largest organized

¹² Sanskrity Sinha, "Protestors Ransack Ancient Treasures in Egypt's Malawi Museum," *International Business Times, UK Edition*, August 17, 2013, accessed May 2014, <http://m.ibtimes.co.uk/egypt-malawi-museum-looted-morsi-muslim-brotherhood-499645>.

¹³ W. L. Rathje, "Why the Taliban are Destroying Buddhas," *USA Today*, March 22, 2001, accessed May 2014, <http://usatoday30.usatoday.com/news/science/archaeology/2001-03-22-afghan-buddhas.htm/>.

thefts of antiquities for the last several years. Mousa Khouli, Salem Alshdaifat, Ayman Ramadan, and Joseph A. Lewis II used methods involving creating false provenances and disguising the objects as different sorts of objects—not nearly as valuable—to get them across customs.¹⁴

Apart from looting, antiquities in Egypt are in danger from other violence as well. During the fighting in Tahrir Square in the spring of 2011, the National Museum was at risk from bullets and shells. On January 24, 2014, a suicide car bomb detonated next to the Museum of Islamic Art in Cairo, which also holds the Egyptian National Library and Archives. The impact of the bomb devastated the museum; a water pipe also burst as a result of the blast, which added heavy water damage to the structural damage. The Egyptian Heritage Rescue Team, staff from the Ministry of Antiquities, and staff from the museum gathered to rescue what they could, and to conserve what was salvageable. The building, which had recently undergone a 14.4 million dollar renovation—a high price for Egypt—was destroyed. The ceilings are crumbling, and the structure will have to be rebuilt. Estimations vary as to what percentage of the collections were completely destroyed, but in any case, a significant amount of Egypt’s cultural heritage was lost forever in the attack.¹⁵ The Egyptian government estimates that the building will take

¹⁴ Mark Vlasic, “Stamping out the Illicit Trade in Cultural Artifacts,” *The Guardian* (August 7, 2011), accessed February, 2014, <http://www.theguardian.com/commentisfree/cifamerica/2011/aug/07/egypt-antiquities-trade>.

¹⁵ “Egypt Bombing Damages Islamic Art Museum,” *USA Today*, January 25, 2014, accessed January, 2014, <http://www.usatoday.com/story/news/world/2014/01/25/egypt-bomb-art-museum/4868969/>.

another \$14 million to restore the building and bring it up to internationally accepted standards.¹⁶

In December of 2013, after a series of bombings by the Muslim Brotherhood, the Ministry of State for Antiquities declared a state of emergency for all archaeological sites and museums. Though the bombings were not directed at these sites, the ministry is taking all reasonable measures to keep terrorists such as members of the Brotherhood away from sites containing antiquities. Ibrahim has asked the director of general administration of the Tourism and Antiquities Police, Major General Mumtaz Fathi, to do all he can to tighten security, including preventing any vehicles from getting too near archaeological sites and museums.¹⁷

On another note, a different effect of the lack of security resulting from the disorganization and lack of resources in the aftermath Spring 2011—a rare case of destruction without political motivation—is that two German men were able to sneak inside the Great Pyramid in Giza. They scraped pigment from the cartouche of Khufu's name and chipped away pieces of stone in an attempt to prove a conspiracy theory. Their theory? That the Great Pyramid is an archaeological lie, renovated by Khufu, but built as a power station by Atlanteans 20,000 years ago.¹⁸

¹⁶ Sarah Gauch, "Triage for Treasures after a Bomb Blast: Sorting through the Rubble of Museum of Islamic Art in Cairo," *Art and Design*, January 31, 2014, accessed February 2014, http://www.nytimes.com/2014/02/01/arts/design/sorting-through-the-rubble-of-museum-of-islamic-art-in-cairo.html?ref=todayspaper&_r=2.

¹⁷ Nevine El-Aref, "Security to be Tightened at Egypt's Archaeological Sites," *Ahram Online*, 26 December 2013, accessed January 2013, <http://english.ahram.org.eg/NewsContent/9/40/90121/Heritage/Ancient-Egypt/Security-to-be-tightened-at-Egypt's-archaeological-.aspx>.

¹⁸ "Why did Two German 'Hobbyists' Deface a Cartouche of Khufu inside the Great Pyramid and What does it Have to do with Atlantis?" *News.com.au*, January 16, 2014, <http://www.news.com.au/technology/science/why-did-two-german-hobbyists-deface-a-cartouche-of-khufu-inside-the-great-pyramid-and-what-does-it-have-to-do-with-atlantis/story-fnjw1aw-1226802932762>.

While Egypt's antiquities were among the hardest hit during the Arab Spring, they were not alone in the devastation. The antiquities of Libya, Syria, Tunisia, and others suffered as well. The National Museum in Tripoli, Libya had taken preventive measures, hiding many of their significant artifacts. Such precautions were well-warranted; revolutionaries broke into the museum, but fortunately they only wrecked old cars belonging to Qaddafi. Some archaeological sites suffered minor damage from bullets. Most significantly, the Treasure of Benghazi, which was stored in a bank vault, was stolen, and its whereabouts are unknown.¹⁹

In the various countries which experienced or are experiencing revolution, the violence forced many archaeologists to abandon their sites, leaving projects unfinished, and storage rooms full of unprotected artifacts. Civilians are aware of the vulnerability of sites and storage buildings, and with the devastating social conditions, they are more likely than ever to turn to those sources for much-needed money. Tombs and other archaeological sites have been heavily damaged, even destroyed, as was the case with the Ken-Amun tomb in Tell el-Maskhuta.²⁰ While Egypt has employed what police forces it can afford to protect museums and archaeological sites, their effectiveness has been minimal. In some cases, such as when the National Museum was broken into, the police

¹⁹ Elkin, "Arab Spring Impacts Archaeology - Libya/Egypt/Tunisia/Syria."

²⁰ Suzie Thomas, "Egypt 2011," *Trafficking Culture*, June 13, 2013, accessed February 2013, <http://traffickingculture.org/encyclopedia/case-studies/egypt-2011/>.

left their posts.²¹ When the Malawi Museum was broken into in August, no police at all were present.²²

Protecting Egypt's museums is difficult. But protecting remote archaeological sites is much harder. It is impossible for Egypt to post guards at each location, with the thousands of sites spread across the deserts of Egypt. It does not help that in some cases, police that were posted at museums or sites either left their posts or were overcome by looters. Storage magazines in Saqqara and Abusir have been looted. When storage or archaeological sites are looted, lists of specific objects which have gone missing cannot be made and posted, as they have for museum objects. Items in storage have not usually been fully documented and photographed, as they are in museums. Archaeologists have no way of knowing, typically, what has been taken. Antiquities taken straight from archaeological sites are even more difficult to track—thousands of items have been taken that have not been seen by any archaeologist. Such items may find their way onto the market with no scholar, archaeologist, or official knowing that they exist.

Because of the wide range of facilities that have been broken into, the vast amount of looted objects, the rate at which items are being looted, and the fact that so many items are unknown, museums and other institutions are being warned that any antiquities from Egypt are suspect, and should be assumed to be looted until proven otherwise.²³ The

²¹ Andrea Dorfman, "The Break-In at Cairo's Prized Museum," *Time*, 2014, accessed February 2014, http://content.time.com/time/specials/packages/article/0,28804,2045328_2045333_2045155,00.html.

²² Nevine El-Aref, "Egypt's Malawi National Museum Damaged, Looted," *Ahram Online*, August 15, 2013, <http://english.ahram.org.eg/NewsContent/9/44/79117/Heritage/Museums/Egypt-Malawi-National-Museum-damaged,-looted.aspx>.

²³ Ursula Lindsey, "Antiquities and Scholarship are Caught up in Egypt's Political Turmoil," *The Chronicle of Higher Education*, January 31, 2011, accessed January 2014, <http://chronicle.com/article/AntiquitiesScholarship/126166/>.

American idea of innocence until proven guilty has little role when it comes to protection of cultural heritage.

ICOM, working with UNESCO, has rallied its forces—imitating its efforts in Iraq in 2003, it has issued a 300 page “Red List” for Egypt, listing thousands of items that have been stolen from the country’s museums, including a photograph and description of each. It is asking that museums, auction houses, law-enforcement agencies, and art dealers around the world to watch for these items, and if found, to report them immediately to authorities in Egypt. ICOM has used Red Lists for decades, in different countries, from Latin America, to the Middle East, to Africa. In September 2013 ICOM published a Red List for Syria, as their antiquities have been hit hard in the civil war in that country. A list for Libya is expected soon.²⁴ Anywhere antiquities are at an especially high risk of being looted, the Red List raises awareness and involves a variety of institutions around the world to increase chances of return. The Lists do not only list items that are known or suspected to have been looted, but the types of antiquities that are likely to be looted are also included, so that officials and others who come in contact with antiquities have a greater chance of recognizing or suspecting looted items. For example, one entry in the “Emergency Red List of Egyptian Cultural Items at Risk” under the heading “Funerary elements” reads, “Wood: Wooden objects for religious or ceremonial use representing models of boats and depicting people at work (millers, butchers, musicians), offering

²⁴ France Desmarais, “Red Alert,” *Apollo Magazine*. October 8, 2013, accessed February 2014, <http://www.apollo-magazine.com/red-alert/>.

bearers, workshops and other daily scenes.”²⁵ The description is accompanied by a photograph of a representative object in that category.

Different countries that were involved in the Arab Spring have reacted in different ways to the threats and damage to their cultural property. All have suffered, all have experienced increased looting, all have had to deal with violent acts towards their museums and antiquities. Turkey responded to the events by taking a very offensive role, demanding the return of all antiquities from Turkey with incomplete or unproven provenances which ensure the possessing country’s full legal title to the object. As long as museums did not cooperate, Turkey refused to loan objects or grant licenses for archaeological excavations. Nor are they shy about publicizing deprecatory statements about noncompliant museums.²⁶

Following Qaddafi’s overthrow in Libya, museums and archaeological sites, as in Egypt, experienced a depletion of security. Looters were quick to take advantage of the situation, and consequently the black market has an abundance of Libyan artifacts in circulation. Christies’ has found items listed for auction that were products of Libyan looting—fortunately because of the high profile of looting in Libya and efforts at raising awareness such as Red Lists, Christie’s and other auction houses are watching for looted objects. They have rigorous procedures in place for determining authenticity and

²⁵ “Emergency Red List of Egyptian Cultural Objects at Risk,” *ICOM*, accessed February 2014, <http://icom.museum/resources/red-lists-database/red-list/egypt/>, 6.

²⁶ “Turkey Battles Museums for Return of Antiquities Following Arab Spring,” *Center for Art Law*, July 16, 2013, accessed February 2014, <http://itsartlaw.com/2012/12/10/turkey-battles-museums-for-return-of-antiquities-following-arab-spring/comment-page-1/>.

provenance. If they find illegal property, which is not rare, they take the appropriate steps for returning it to the country or owner with legal title.²⁷

Auction houses, museums, and officials are especially on the lookout for the so-called Benghazi Treasure, a massive hoard of priceless objects from ancient Greece and Rome, stolen in an elaborate heist during the chaos in Libya. To add to their complications, Egypt is the nearest border to where the treasure had been kept, meaning that it likely crossed into Egypt and could feasibly still be there. Egypt, though, has enough troubles of its own, and already has a shortage of security. There is little Egypt, who would otherwise be Libya's greatest hope, can do to help Libya in this case.²⁸

Of the countries that suffered increased looting and theft during and after the Arab Spring, Egypt has probably had the most difficult time. All of the countries involved have vast amounts of treasure, isolated archaeological sites, and a lack of resources. Egypt, though, seems to have experienced the most devastation to their museums and the most anger directed towards antiquities as representatives of the government's holdings and Egypt's polytheistic religious past. Their situation has also garnered the most international attention—UNESCO, ICOM, INTERPOL, and other organizations are very actively involved in raising awareness of stolen antiquities, looting, and preservation needs in all the Arab Spring countries. Because of the high profile of the break-ins and damage Egypt has suffered (with the National Museum of Cairo, the Malawi Museum, and the Islamic Art Museum), however, media has tended to focus more on Egypt. They

²⁷ Colin Simpson, "Christie's Thwarts Plot to Sell Libyan Antiquities for Dubai Auction," *The National*, October 22, 2012, accessed March, 2014, <http://www.thenational.ae/news/uae-news/christies-thwarts-plot-to-sell-libyan-antiquities-for-dubai-auction#ixzz2A7fMjIum>.

²⁸ Laura Allsop, "Looting of Libyan Treasure Highlights Illicit Antiquities Trade," *CNN*, November 11, 2011, accessed February 2014, <http://www.cnn.com/2011/11/11/world/europe/looted-treasure-libya/index.html>.

have had some success stories that have made the news, they have been the most vocal about their losses. Even though Hawass no longer holds his governmental post, his demands in the past meant that the world was already watching Egypt's antiquities. Hawass gave Egypt an edge in the media—his attention-grabbing style and Indiana Jones-like adventures drew notice to Egypt and sympathy for its antiquities. His was a strong international voice that other countries lacked, one that could not be ignored. Now that he is no longer an active member of the government, he left as a legacy a higher profile of Egyptian antiquities and their plight.

Even before Hawass, people around the world had an emotional attachment and an interest in the pyramids, in the strange hieroglyphic symbols, in the familiar symbols of Egypt's past. When they see destruction being wreaked upon that history, people everywhere are saddened and angered. Though other countries that suffered in the Arab Spring have long and fascinating histories, their stories are not ingrained into common imagination as are Egypt's—while many people are relatively familiar with images of the pyramids and sphinxes and the idea of mummies, few can recognize equivalent markers from the history of Libya, Syria, or Tunisia. Egypt has an advantage because of this—people are more likely to sympathize with damage to antiquities of Egypt because they can relate to it. They feel the loss because they have some form of attachment to what is being destroyed and stolen. The antiquities of the other countries are every bit as valuable, but their loss is not quickly noticed. Though the world has long held a fascination with Egyptian history, Hawass helped promote and prolong this interest by maximizing the profile of Egyptian archaeology, publicizing the finds and their stories, and through other efforts. The exhibits he helped arrange, “Tutankhamun and the Golden

Age of the Pharaohs” and “Tutankhamun: The Golden King and the Great Pharaohs,” brought Egyptian history to the world in a new, tangible way. These exhibits attracted millions of visitors as they made their international circuit, bringing to life for visitors the enchanting world of Pharaohs and mummies and sparking a revived interest in Egypt’s past and its material remains.²⁹

Because Egypt has received the most international attention of all the countries hit by the Arab Spring, they have been the leading source country in driving reactionary change in museum ethics. As museums and other cultural organizations have scrambled to come to Egypt’s aid and to attempt to find ways to deal with Egypt’s solution, they have activated a process that has affected all countries involved in the Arab Spring. For example, Egypt and helping organizations have made use of social media to spread awareness of looting and looted objects. Egypt’s Heritage Task Force has created a Facebook page with albums for different sites and museums which have suffered from looting. The page includes an album for the Malawi Museum with hundreds of photographs showing the items stolen in August of 2013.³⁰ Egyptians living near archaeological sites, sometimes in relatively remote areas of Egypt, have been known to use Twitter to report to authorities suspected looting activity which they observed.³¹ There are many blogs that deal with looted antiquities and issues regarding cultural

²⁹ Nicole Okoneski, “Tutankhamun: The Golden King and the Great Pharaohs' Exhibition to Begin U.S. Tour...” *Reuters*, April 2, 2008, accessed May 2014, <http://www.reuters.com/article/2008/04/02/idUS141539+02-Apr-2008+PRN20080402>.

³⁰ “Egypt’s Heritage Task Force,” *Facebook*, accessed March 2014, <https://www.facebook.com/EgyptHeritageTaskForce?fref=ts>.

³¹ Garry Shaw, “Egyptians Tweet to Save their Heritage from Looting,” *The Art Newspaper*, September 5, 2013, accessed January 2014, <http://www.theartnewspaper.com/articles/Egyptians-tweet-to-save-their-heritage-from-looting/30307>.

property in the Middle East, even specifically Egypt. Social media is a new method of trying to prevent looting and return cultural property. Social media is part of the reason the situation of Egypt's antiquities has a higher profile than other countries involved in the Arab Spring—through social media Egypt can hope to reach greater audiences than ever before with its plight. The pioneering of Egypt in the use of social media is paving the way for other countries to follow suit. Museums are increasingly making use of social media as well—the ways museums could use social media to help with protecting antiquities has promising potential.

The watchfulness of Egypt and the cooperation of international organizations has paid off, in some cases. In late 2013 Egyptian officials in charge of watching international sales of Egyptian antiquities found several items up for sale online, including two at an auction house in Toulouse. Upon notification, France promptly returned the items, which had been stolen from a warehouse, to Egyptian authorities.³²

In November of 2013 ninety items from the Malawi Museum were found in an auction house in Jerusalem, due to a lack of sufficient documentation which caused officials to research the items more closely. They were seized by Israeli officials, who cooperated in working to return them to Egypt.³³

Though there has been great progress in recent years in prevention of acquiring looted antiquities, as auction houses are more thorough in their provenance checks, customs are more aware of items passing through, and museums do not acquire items

³² Gareth Harris, "French Officials Return Egyptian Antiquities Looted after Arab Spring," *The Art Newspaper*, December 24, 2013, accessed February 2014, <http://www.theartnewspaper.com/articles/French-officials-return-Egyptian-antiquities-looted-after-Arab-Spring/31388>.

³³ Ibid.

with inadequate provenance, there is still a long ways to go. Art dealers, auction houses, and museums are still occasionally overcome by the temptation to purchase or accept an item that is important but lacks sufficient proof of origin. In March of 2013 the Néret-Minet Tessier & Sarrou auction house in Paris had 92 antiquities for sale from various countries, including Egypt, which did not have provenance provided. This does not necessarily mean that any or all of the items were looted, but it leaves the possibility hanging. And, if there were no listed provenance, it is actually quite likely that at least some of the items were illegally exported. 38 of those items were sold.³⁴

With problems on the scale of what Egypt has to deal with, the country has, with the help of organizations such as UNESCO, operating under the guidance of ethical standards, accomplished a great deal in the wake of the Arab Spring. Bechir Lamine, the director of the UNESCO office in Egypt, praised the Egyptian Ministry of Antiquities for its efforts and successes in protecting Egypt's antiquities. They have found and regained half of the items stolen from the National Museum in Cairo and 70% of the items stolen from the Malawi Museum. Considering the number of items that were stolen, the number of people involved, and the rate at which antiquities can be dispersed, their rate of success is really quite remarkable.³⁵

³⁴ "In Paris – Lots of Antiquities – No Provenance – UPDATED WITH SALE RESULTS," *Nord on Art*, March 15, 2013, accessed March 2014, <https://nordonart.wordpress.com/2013/03/05/in-paris-lots-of-antiquities-no-provenance/>.

³⁵ "UNESCO Lauds Efforts by Ministry of Antiquities to Protect Artifacts," *The Cairo Post*, January 4, 2014, accessed February, 2014, <http://thecairopost.com/news/67153/news/unesco-lauds-efforts-by-ministry-of-antiquities-to-protect-artifacts>.

In a touching demonstration that some Egyptians do indeed care about their country's cultural property and their own material heritage,³⁶ a group of revolutionaries broke apart from the mass of protesters during the rioting in January 2011 and joined hands, creating a chain around the National Museum of Cairo.³⁷ They defied their fellow countrymen who took part in the destruction, preventing looters from stealing artifacts that they held as precious relics of their country's past.

³⁶ Declan Butler, "Egyptians Rally to Protect Cultural Heritage," *Nature*, February 3, 2011, accessed January 2013, <http://www.nature.com/news/2011/110203/full/news.2011.72.html>.

³⁷ Marc Doyle, "Protecting the Egyptian Museum in Cairo," *Great Museums Television*, February 10, 2011, accessed May 2014, http://greatmuseums.org/newsandviews/more/protecting_the_egyptian_museum.

CHAPTER FIVE

Conclusion

Throughout Egypt's history, the movement of the country's cultural property has been subject to the country's political currents. During the centuries when the world craved objects from the "exotic" far-off land of Egypt, the freedom to take whatever they wanted was taken for granted by explorers and foreign officials because they had political dominance over Egypt. The seizure of so many antiquities was a result of the sovereign mindset of westerners and the perceived political weakness of Egypt. Because of the prejudice represented in such actions, and the cultural significance attached to these objects, they are still pawns of political power. Egypt wants them back to reclaim their title to independence and cultural individualism. This has been the case for some time, but since the Arab Spring, the political and nationalist power of Egypt's antiquities has been emphasized yet further.

The rebellion was a nationalist movement, and Egypt's antiquities, as significant symbols of their heritage, were caught up in the fighting and the cause for fighting. Some, like the teenagers questioned after ransacking the Malawi museum, took out their anger on the cultural heritage of their country because the items belonged to the government, and the government was hated. The Muslim Brotherhood destroyed objects perceived as relics of a pagan past because of their religious beliefs. Antiquities have not only political significance, but religious as well, even those that were not created for religious purposes. Much looting took place as a more indirect result of the political chaos—the poverty of

the country and the social devastation that was aggravated by the rebellion led many to use the illicit trade as a source of revenue.

Yet, demonstrating the patriotic and emotional significance of Egypt's antiquities to the people, other Egyptians risked their lives to protect the same items their fellow Egyptians were trying to destroy, when they formed a human chain around the Cairo Museum. Others dedicated themselves to raising awareness or watching for looting at archaeological sites. Many Egyptians value the objects and want desperately to see them safe.

The vast quantity of news articles, opinions, and blog posts covering the situation of Egyptian antiquities reveals the concern cultural institutions and even common people felt about the crisis facing the cultural property of Egypt. Articles about the "heritage" of Egypt cried out for help for protecting these items and the return of objects that had already left the country. While the pace of actual restitution may be temporarily slowed due to the fact that Egypt's attention and resources have forcibly been focused on protection of what they have and regaining objects looted since 2011, the world is, as a result of the Arab Spring, joining in their demands for return of objects looted from Egypt in the past, such as the Rosetta Stone, the bust of Nefertiti, and the Zodiac Ceiling.

The Arab Spring and the political agenda surrounding Egypt's antiquities merged with the debate about restitution and Egypt's interaction with western museums. Before the Arab Spring restitution had already been a long-running debate, but few outside of immediately concerned spheres paid much attention to it. The antiquities had some cultural significance to both the country of origin and the country which currently

possessed them, but there seemed to be equally valid arguments on both sides as to who had the greater right to the objects.

After the revolution, the political significance of the antiquities was highlighted through the push and pull asserted on them during the revolution of the government and the protests of the people. While museums still had valid arguments for keeping the objects, the public became more involved and are now, generally, on the side of Egypt. People grew aware of the fact that a great quantity of Egypt's antiquities are scattered around the world—not only are they being lost to Egypt in greater numbers than before the Arab Spring, but there are pieces being held around the world, kept from Egypt. Now museums are feeling public pressure not only to take on a greater role in protecting Egypt's heritage, but to return the objects they have. The very people who visit the Rosetta Stone in the British Museum or the Nefertiti bust in Berlin are pushing museums to return to Egypt what they see as belonging to Egypt. The Arab Spring, though it has had devastating effects on Egypt's antiquities, has been a positive publicity tool for the plight of the nation's cultural property. It has yet to be seen how Egypt will use this new edge—if sympathy for Egypt will last, and give Egypt a useful edge in demanding objects back. If Egypt can gain a foothold on the looting and gather enough resources to renew their efforts for restitution, they may have an advantage now that they lacked before.

In spite of the trend towards restitution, though, there are still many unresolved questions and issues. The political instability of Egypt has created an inherently unsafe environment for antiquities, in spite of Egypt's claim that they can provide for their

cultural property. UNESCO has pledged support in creating a better environment,¹ but such a project will likely take a long time. It is also dangerous for tourists, meaning that not many people will have access to the antiquities inside Egyptian museums.

The Arab Spring is too recent an event for its effects to be fully known, and the political issues in Egypt are far from resolved. Museums and other cultural organizations are waiting to see how the situation develops—the ethical debates concerning antiquities will continue to take shape as circumstances change. Already, though, Egypt and its revolution have made an important contribution to the progress of ethical questions. Their persistence in requests for restitution, especially for certain items which are among the centerpieces of some museums, has forced the museum world to consider thoroughly what they believe about restitution—why they believe they have the right to keep the objects that they have chosen to not return. Events have also accentuated the political role which cultural property can play, to the point that antiquities are a vulnerable pawn in power play and protests. Also, museums are realizing the potential they have to protect a nation’s cultural property by monitoring the antiquities trade, which they have a unique access to, and using their connections and influence to raise awareness of the danger which the antiquities of many countries face.

As far as a resolution to the debates concerning restitution, museums are exploring alternatives to the question of whether to keep objects or to return them. Codes of ethics for museums and museum-related organizations are starting to discuss collaboration, encouraging negotiation and coordination. If museums and countries can find ways to

¹ “Second Day of Director-General Official Visit to Egypt,” *UNESCO Media Services*, March 13, 2013, accessed May 2014, http://www.unesco.org/new/en/media-services/singleview/news/second_day_of_director_general_official_visit_to_egypt/#.U3KFRXQo7IU.

compromise, or ways in which every party may be satisfied, then they should strive towards those goals. This was one of the frustrations museums had with Zahi Hawass—he would not listen to offers of middle ground. He wanted the objects in Egypt and officially possessed by them. There was no room for loans or exchanges. Perhaps Hawass' successors though may be willing to consider loans, in which case ownership of an object could be transferred to the country of origin, while the object itself remains in the museum in which it currently resides, as a long-term loan.

Ibrahim Ali, the current Secretary General of the SCA, is showing more willingness to compromise than Hawass did. In 2012 Egypt was reviewing paperwork to renew a request for the Nefertiti bust from Germany, but Ibrahim seemed to be seeking out a peaceful resolution, stating that Germany and Egypt have strong ties of friendship and cooperation, including archaeological.² This is not something that Hawass would have been likely to say. The road ahead for Egypt's antiquities will hopefully be increasingly positive, despite the hatred many have for them because of their political or religious importance, and despite the fierce contentions for ownership.

If codes of ethics were taken as black-and-white rules, direct restitution would be the most ethical route. Ethics, though, are largely a gray area, and are still being shaped by time and events. Not only is there room for compromise and questioning, but these are essential to assuring the best options for the collections of a museum and, in the case of Egypt's antiquities, the individual objects.

² Nevine El-Aref, "100-year battle for the iconic Egyptian bust of Nefertiti," *Ahram Online*. September 1, 2009, accessed March 2014, <http://english.ahram.org.eg/NewsContent/9/40/51764/Heritage/Ancient-Egypt/year-battle-for-the-iconic-Egyptian-bust-of-Neferti.aspx>.

The relationship of museum ethics and Egypt's antiquities is a symbiotic one, each helping to shape the fate of the other. The way the world responds to events such as the Arab Spring, and the result of the measures which are taken in similar urgent situations, are defining what will someday be seen as ethically right and wrong regarding the actions of museums towards ancient art and archaeological materials. The field of museum ethics will never be the same as it was before the Arab Spring—the motion of questions concerning the ownership and the safety of artifacts is being rapidly shaped and directed by world politics and human values, and the outcome will be part of a new ethical code. The new code, in turn, will define the future of the accessibility, ownership, and preservation of the world's cultural heritage.

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