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CULTURAL PROPERTY, RIGHTS and MUSEUMS SYLLABUS

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Course Description

What does it mean to 'own' or have a culture? Are all cultures or all claims the same? Is owning your culture a basic human right? How is this dialogue about cultural and property configured within museums? Who owns collections, exhibitions, and are there different kinds of ownership in the museum context? This course will investigate the growing discussions about cultural property rights that have emerged in the context of museum practices, from collection and display to conservation and archiving. A general analysis of concepts of culture, property, and rights related to these material and social domains, will be offset by sessions that examine how different understanding of entitlements may be negotiated within museum spaces and how museum objects (broadly defined) may be understood as cultural resources. Special focus will be the impact of legislation; indigenous rights movements; international conceptions of intellectual and cultural property; commodity transaction and the marketplace, on drawing out cultural property rights in relation to museum practices. We will aim to develop practical skills that can help us as museum practitioners in navigating these issues and will hold a number of workshops with different guests.

Assignments

1. Class presentations will be ongoing throughout the semester (20%)
2. Short presentation about international cultural property projects (5%)
3. 1000 word review of literature and discussions of weeks 1-5 (25%)
4. Presentation and statement of ethics (5%)
5. Research paper and presentation (4000 words) (45%)

Weekly Outline

Week 1: Introductions, course outline and overview

Raising questions about property, key themes in relation to museums. Overview of course outline, assignments.

Screening: TOTEM

Week 2: The culture of property

This week we start to examine some different models of property – private property, commodities, gifts, inalienable possessions, in order to think about what assumptions about ownership, objects and entitlement are implicit within formulations of cultural property.

Readings:

Macpherson, C.B. 1978. Introduction. Property: Mainstream and Critical Positions. University of Toronto Press.

Hann, C. 1998. Introduction: The embeddedness of property. In Hann (ed.). Property Relations.

Weiner, A. Inalienable Wealth, *American Ethnologist*, Vol. 12, No. 2 (May, 1985), pp. 210-227.

Myers, Fred. 2001. Introduction. The Empire of Things. Santa Fe: SAR Press

C. Humphrey and K. Verdery. 2004. Introduction: Raising Questions about Property. In Property in Question: value transformation in the global economy. New York: Berg.
Michael Brown in above

Week 3: Properties of culture/culture and objects

This week we briefly analyze the concept of culture, and start to think about when people want to own cultures, what kinds of things are they talking about?

Readings:

Kuper, Adam (1999) 'Introduction: Culture Wars', in Culture: the anthropologists Account. Cambridge, Mass.: Harvard University Press.

Handler, Richard. 2003. Cultural Property and culture theory. Journal of Social Archaeology. Volume 3(3): 353 – 365.

Kirschenblatt Gimblett, B. 1991 Objects of Ethnography. In Karp and Lavine eds. Exhibiting culture.

Bodenhorn, B. Is being Inupiaq a form of cultural property? Online at <http://www.siberian-studies.org/publications/cultprop.html>

Clifford, James 1990. Objects and selves. In Stocking, George. Objects and others.

Aaron Glass, 2004. Return to Sender: On the Politics of Cultural Property and the Proper Address of Art *Journal of Material Culture* 2004 9: 115-139

Brown, M. 1998. Who Owns Native Culture? Chapter two.

Week 4: Cultural Property Law as Theory and Politics of Cultural Property

Readings:

Cultural Property, Ethics, and Law in International Context, Unpublished paper by Alexander A. Bauer

Carpenter et al. 2009. In Defense of Property. The Yale Law Journal.

Merryman, J. 2005. Cultural Property Internationalism. International Journal of Cultural Property (2005) 12:11–39.

Gerstenblith P. 2006. 2006 Recent developments in the legal protection of cultural heritage. *In* Archaeology, Cultural Heritage, and the Antiquities Trade. N. Brodie, M.M. Kersel, C. Luke, and K.W. Tubb, eds. Pp. 68-92. Gainesville: University Press of Florida.

A. A. Bauer (2008). "New Ways of Thinking About Cultural Property," Fordham International Law Journal 31:690-724.

Week 4: Workshop - International projects to define and protect cultural property: UNESCO initiatives and legislations/ ICOM

This week we draw on our more theoretical interrogation of property and culture to critically assess some attempts to create international definitions of cultural property, and attendant legislation. Specifically we analyze the assumptions about culture, human rights, and globalization inherent within UNESCO and UN legislation. What ideas about cultural property are inherent to these international cultural policies?

Assignment: The reading for this week is for you to have a go-through of UN/UNESCO legislation and other documents for one of the following categories:

Intangible Cultural Heritage
World Heritage Sites
Underwater Heritage
Moveable Heritage and Museums

I want you to prepare ten-minute presentations that answer some (not all!) of the following questions drawing on UN material, using particular case studies.

1. What is 'cultural property' according to the UN project in question?
2. What is the difference between cultural property and cultural heritage?
3. What role does UNESCO try to play, what aspects of cultural property can it regulate?

What are some of these mission statements?

4. Why is international agreement necessary about cultural property issues?
5. What kinds of projects does UNESCO work on in relation to cultural property?
6. How is UNESCO relevant to the work of museums?
7. How are some of the legislations you have been reading applied? What are some of the problems?
8. How successful has UNESCO been in developing ideas about cultural property that are cross-culturally applicable?

Readings:

Brown, M. 2005. Heritage Trouble: Recent Work on the Protection of Intangible Cultural Property *International Journal of Cultural Property* (2005) 12:40–61.

Kirschenblatt-Gimblett, 2004. Intangible Heritage as Metacultural Production. *Museum International*, 56, 1-2, 52-65.

Blake, J. "On Defining the Cultural Heritage," *The International and Comparative Law Quarterly* 49 (2000): 61- 85.

Week 6: Tour at the Metropolitan Museum

Brodie, N and Renfrew, C. 2005. Looting and the world's archaeological heritage: the inadequate response. *Annual Review of Archaeology*. 34:343–61

Christopher Chippendale and David Gill on the collection and connoisseurship of Cycladic pieces. <http://www.mcdonald.cam.ac.uk/projects/Chip/Chip213.htm>

Muscarella, Oscar. 2009. *A Review And Addenda: Michael Gross's Rogues' Gallery*

Renfrew, Colin. 2000. *Loot, Legitimacy and Ownership: The ethical crisis in archaeology*. London: Duckworth

Week 7: Cultural Property and Human rights

This week we see how culture and property have been linked, particularly in terms of a discourse of human rights and entitlements and we start to consider how this plays out in terms of museum policies and practices.

Readings:

Robbins, Bruce, and Elsa Stamatopoulou (2004). Reflections on Culture and Cultural Rights. *South Atlantic Quarterly* 103:419-34

M. Rowlands. 2004. Cultural rights and wrongs: uses of the concept of property. In K. Verdery and C. Humphrey. *Property in Question: Value transformation in the global economy*. New York: Berg books.

Oldham, P and M. Frank. We the peoples. The United Nations Declaration on the Rights of Indigenous Peoples. *Anthropology Today* 24(2): 5-10

George Nicholas, Catherine Bell, Kelly Bannister, Sven Ouzman, and Jane Anderson. Intellectual Property Issues in Heritage Management. *Heritage Management*, Volume 2, Issue 2, Fall 2009,.

Janke, Terri, 2003. *Minding Culture: Case Studies on Intellectual Property and Traditional Cultural Expressions*. Browse and read at least one case study

Week 8: Workshop on ethics and protocols, and museum publics

Assignment (to be discussed in class). In teams, create a wall panel for a museum exhibit that includes the following that tries to make the public aware of these issues from the standpoint of the museum. Think about the nature of the institution (if you haven't been there look at its website carefully), its constraints and its responsibilities. Reflect on this process for class discussions, where do the tensions lie, what was difficult to say and so forth.

Readings:

Jane Anderson, Framework for Community Protocols.

Look at the links on blackboard:

<http://www.aam-us.org/museumresources/ethics/coe.cfm>,
<http://icom.museum/ethics.html>
www.museumethics.org

Cultural Property and Museum Ethics – a class response, on www.materialworldblog.com

USA: Hopi Kachina Dolls in the Metropolitan Museum

Who owns native culture, chapter x?

<http://www.nau.edu/%7Ehcipo-p/hcipo/index.html>

Australia: Photographs of Aboriginal Australians at the Smithsonian

Jane Anderson. *Correcting Course: Rebalancing Copyright for Libraries in the National and International Arena*

American Library Association and The MacArthur Foundation

Christen, K. Gone digital: aboriginal remix and the cultural commons. *International Journal of Cultural Property* (2005), 12:3:315-345 Cambridge University Press

Kim Christen's Mukurtu Project. <http://www.mukurtuarchive.org/>

Geismar, H. (2009) Photography changes who gets to see images of us. *Click! Photography Changes Everything*. <http://click.si.edu/Story.aspx?story=530>

New Zealand: Maori Shrunk Heads in museum collections

Statement of purpose from the Repatriation office of the Museum of New Zealand Te Papa Tongarewa:

Herewini, Te Herekiki, 2008. The Museum of New Zealand Te Papa Tongarewa (Te Papa) and the Repatriation of Kōiwi Tangata (Māori and Moriori skeletal remains) and Toi Moko (Mummified Maori Tattooed Heads). *International Journal of Cultural Property*.15:405-406

Patrick J. O'Keefe, 1992. Maoris Claim Head

[International Journal of Cultural Property](#) , [Volume 1](#) , [Issue 02](#) , Jul 1992 , pp 393-394

Marine Bel, Michael Berger and Robert K. Paterson, 2008. Administrative Tribunal of Rouen Decision No. 702737 December 27 2007 (Maori Head case). [International Journal of Cultural Property](#) , [Volume 15](#) , [Issue 02](#) , May 2008 , pp 223-226

Week 10: NAGPRA and its alternatives

This week we look at the ways in which attitudes have changed towards the collection and exhibition of human remains in museums and we examine in depth some of the debates and responses that have emerged in reaction to this tradition of collection and display.

Readings:

Tapsell, P. 2002. [Partnership in museums: A tribal Maori response to repatriation](#). In *The Dead and their Possessions: Repatriation in principle, policy and practice*, pp. 284-292. C. Fforder, J. Hubert and P. Turnbull, eds. Routledge, New York.

Willis, E. 2008. The Law, Politics, and "Historical Wounds": The Dja Dja Warrung Bark Etchings Case in Australia, *IJCP* 2008 15:49-63

Tiffany Jenkins, a polemic:

http://www.timesonline.co.uk/newspaper/0,,176-1439927_1,00.html

Adrienne Kaeppler. 2005. Two Polynesian Repatriation Enigmas at the Smithsonian Institution. *Journal of Museum Ethnography* 17(1): 152 – 163

Barkan, E and R. Bush. 2002. Claiming the stones, naming the bones: cultural property and the negotiation of national and ethnic identity. Los Angeles: Getty Research Institute Part II. Codifying birthrights.

Jacobs, Jordan. 2009. Repatriation and the reconstruction of identity. *Museum Anthropology*. 32(2): 83 – 96

Thornton, Russell, 2002. [Repatriation as healing the wounds of the trauma of history: cases of Native Americans in the United States of America.](#) In *The Dead and their Possessions: Repatriation in principle, policy and practice*, pp. 17-24. C. Fforder, J. Hubert and P. Turnbull, eds. Routledge, New York.

Geertz, C. 2004. Morality Tale. *New York Review of Books*. Review of a book about the repatriation of Ishi's brain.
<http://www.nybooks.com/articles/17450>

Week 11: Visualizing NAGPRA and Repatriation

By this time you should start seriously researching your research papers. A tentative title and bibliography will be due today for discussion.

Screening: Repatriation film

Week 12: Cultural property rights and heritage: 'Owning the nation'

This week we discuss what it means for the nation as a particular form of cultural property and examine the collusion of national museums in both instituting and changing ideas about national identity.

Case study: The euphronios krater

Readings:

M. Brown. 2004. Heritage as Property. In K. Verdery and C. Humphrey. *Property in Question: Value transformation in the global economy*. New York: Berg Books

Barkan, E and R. Bush. 2002. Introduction. *Claiming the stones, naming the bones: cultural property and the negotiation of national and ethnic identity*. Los Angeles: Getty Research Institute and chapter 1 Appropriating the Stones: The Elgin Marbles and the Formation of British Taste.

Hitchins, C. 2008. *The Elgin Marbles: the case for restitution*. London: Verso. Intro
See <http://www.parthenonuk.com>

Yalouri, Eleana

2001 *The Acropolis: Global Fame, Local Claim*. Berg Publishers, Oxford. Chapter selection

Cuno, J. 2008. *Who owns antiquity? Museums and the battle over our ancient heritage*. Princeton University Press. Chapter selection

Week 13: Dealing with Cultural Property in the marketplace

This week we look at the ethics and practice of collecting and trading cultural property. We will assess the control over the market that cultural property legislation confers, discussing this from not only the perspective of curators and legislators but also from that of collectors and dealers.

Readings:

Special edition, *International Journal of Cultural Property: Ethical considerations and cultural property*. 1998.: “Cultural Property Ethics” by John Merryman, and “The Ethics of Art Dealing” by Peter Marks.

<http://www.repatriationfoundation.org/>

Bator, Paul (1981). *The International Trade in Art* (Chicago, IL: University of Chicago Press), pp. 18-34, 37-54.

M. Janeway and A. Szanto (eds). 1999. *Who Owns Culture? Cultural Property and Patrimony in an age without borders*. Columbia University: National Arts Journalism Program. Discussion: *The Trade in Art: Where Cultural Property Goes*.

Corbey, R. African Art in Brussels. *Anthropology Today*. Vol 15 (6)
.p.11 (Can be downloaded from Bobst electronic reserves).

Ortiz, G. 1997. The cross-border movement of art: can and should it be stemmed? (blackboard).

Geismar, Haidy. 2008. *Alternative Market Values? The Contemporary Pacific*.

Check out: www.mcdonald.cam.ac.uk/IARC, <http://www.repatriationfoundation.org/>,
<http://illicit-cultural-property.blogspot.com/2009/11/profile-of-art-market.html>

Myers, Fred. 2004 “Unsettled Business: Acrylic Painting, Tradition, and Indigenous Being.” *Visual Anthropology* 17, 3-4 (special issue, *Confronting World Art*): 247-272.

Week 14: No more cultural property?

Readings:

Kramer, J. 2004, FIGURATIVE REPATRIATION First Nations 'Artist-Warriors' Recover, Reclaim, and Return Cultural Property through Self-Definition. *Journal of Material Culture* 9(2).

Appiah, A. 2006. Whose culture is it anyway? In *Cosmopolitanism: ethics in a world of strangers*. New York: Norton

Welsh, Peter (1997), The Power of Possessions: The Case Against Property. *Museum Anthropology* 21(3):12-18.

Carman, J. 2005. *Against Cultural Property*. Chapter 6 and conclusions.