CULTURAL PROPERTY, RIGHTS and MUSEUMS
SYLLABUS

Professor Haidy Geismar
Program in Museum Studies
New York University
New York, NY, USA

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:


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:


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


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:


Week 6: Tour at the Metropolitan Museum


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


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

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


**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:


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](http://www.materialworldblog.com)

USA: Hopi Kachina Dolls in the Metropolitan Museum

Who owns native culture, chapter x?

http://www.nau.edu/~hcpo-p/hcpo/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


New Zealand: Maori Shrunken Heads in museum collections

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

Herewini, Te Herekieki, 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


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:


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


**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:


See http://www.parthenonuk.com

Yalouri, Eleana


**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:


http://www.repatriationfoundation.org/


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


**Week 14: No more cultural property?**

Readings:


