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Who Owns the Past? Repatriation Cases and the Future of Repatriation

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## ABSTRACT

What is the debate surrounding museum repatriation and how far has the debate come? The debate around, and process of, repatriating artifacts is complex, and with the increasing reckoning with colonial pasts and injustices, there have been many calls for the repatriation of artifacts taken out of their home countries. Cases of artifacts obtained through colonial acquisition, such as the Alexander Sarcophagus and the Benin Bronzes will be examined. Cases of artifacts obtained through private collections, theft, and illegal excavation such as the Shelby White and Leon Levy Collection and the Getty Museum will also be examined. Lastly, culturally significant artifacts like looted artifacts from Cambodia and the Trojan Gold will be analyzed. The process of repatriation can be complex. Laws can hinder repatriation, and the safety of the artifact is also of major concern. It can be difficult to repatriate an object when the artifact may not be stable enough to be sent far away or when the destination is in turmoil or lacks the resources to protect or properly conserve the artifact. These cases demonstrate how the conversation surrounding repatriation and ethical curation has developed. As museums begin to come to terms with the legacies of their collections, they are attempting to become more ethical about the way they obtain their objects and who they obtain them from. Repatriation is increasingly being debated, and as the topic of museum repatriation has been pushed to the forefront, the question of ownership of these artifacts has been brought forth. Are these artifacts the property of humankind? Or are they the property of the cultures they came from? Who does the past belong to?

## TABLE OF CONTENTS

LIST OF FIGURES .....	iii
ACKNOWLEDGEMENTS .....	v
Chapter 1 Introduction to the Debate on Repatriation .....	1
Chapter 2 Laws Pertaining to Cultural Property and Repatriation .....	4
Turkey’s Ottoman Law of 1906.....	5
UNESCO Convention of 1970.....	6
NAGPRA .....	7
Chapter 3 Artifacts Acquired Through Colonial Acquisition.....	13
The Alexander Sarcophagus .....	13
The Benin Bronzes.....	19
Chapter 4 Artifacts Acquired Through Private Collections and Looting .....	25
The Getty Museum .....	25
The Shelby White and Leon Levy Collection.....	31
Chapter 5 Successful Cases Involving Culturally Significant Artifacts .....	37
Kennewick Man.....	38
Cambodian Artifacts .....	45
Trojan Gold.....	51
Chapter 6 Discussion: The Future of Repatriation .....	54
Chapter 7 Summary and Conclusions.....	60
BIBLIOGRAPHY.....	62
ACADEMIC VITA.....	70

## LIST OF FIGURES

Figure 1 The Alexander Sarcophagus (Coe 2015) .....	13
Figure 2 The Scene of Alexander the Great Fighting the Persians (Dobrzynski 2009) .....	15
Figure 3 The Benin Bronzes in the British Museum (Oltermann 2021) .....	19
Figure 4 The German Foreign Minister Signing over the Benin Bronzes to Nigerian Culture Minister (Escritt 2022).....	23
Figure 5 Orpheus and the Sirens (Getty 2022) .....	26
Figure 6 The Venus of Morgantina (Frammolino 2011) .....	28
Figure 7 Shelby White at the Inauguration of the Lod Mosaic Archaeological Center of Israel (Dafoe 2022).....	31
Figure 8 The Upper Torso of the Weary Herakles (Shea 2011).....	35
Figure 9 A Reconstruction of the Kennewick Man (Zimmer 2015) .....	38
Figure 10 The Kennewick Man's Skeleton (Raja 2016).....	43
Figure 11 Statue of Duryodhana (Mashberg and Blumenthal, Dec 12, 2013) .....	47
Figure 12 One of the Kneeling Attendant Statues (Mashberg and Blumenthal, May 3, 2013)	49
Figure 13 Earrings from the Trojan Gold Collection (Gopnik 2012).....	51

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## Chapter 1

### Introduction to the Debate on Repatriation

The debate around, and process of, repatriating artifacts is complex, and with the increasing reckoning with colonial pasts and injustices, there have been many calls for the repatriation of artifacts that reside outside of their countries of origin. Many factors can govern whether objects or human remains are repatriated. For example, cases of repatriation in the US involving Native American human remains are governed by legislation (the Native American Graves Protection and Repatriation Act) that essentially forces a museum to cooperate. In other repatriation cases, it is the museum that makes the decision of whether to repatriate objects or human remains (Curtis 2006, 118). Proponents and opponents of repatriation and their argument for and against repatriation serve to make the debate even more complex.

In the repatriation debate there are usually two sides: those who agree with repatriation, and those who do not agree with it. Those who agree with repatriation believe in the national heritage/cultural nationalism view and are referred to as cultural nationalists. Cultural nationalists believe that cultural property should remain within/be given back to its country of origin. This argument emphasizes national interests and values and supports national pride. Proponents of this view believe that a country that is deprived of its cultural property is or will become culturally deprived, therefore, to avoid this cultural deprivation, countries of origin deserve to have possession of their own artifacts (Salem 2005, 175-176). Likewise, a group may base its cultural identity in certain objects or artifacts and believe that these objects should remain a part of their nation or group (Yasaitis 2010, 454). An object should be repatriated to its

country of origin because it can be essential to a country's self-worth and right past wrongs. People from countries of origin, and especially impoverished countries, may not ever get the chance to visit their cultural object in another country, which can also call into question the concept of the "universal museum".

Conversely, people who are against repatriation believe in cultural internationalism and are cultural internationalists. They take the world heritage, or "universalist" approach, and advocate for the "universal museum". For cultural internationalists, cultural property belongs to the world and is shared human culture. People not a part of the culture that created the objects still have a right, and an interest, in the artifacts' preservation and interpretation (Yasaitis 2010, 454). This argument is based on the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which states that "cultural property belonging to any people whatsoever is the cultural heritage of mankind." (Kersel 2004, 47). Cultural internationalists also believe that the country with better resources to properly care for an artifact should be the one to own it. They argue that some countries are unstable and therefore do not have the resources to properly conserve or protect the artifact. Proponents have the view that if an object is repatriated then it will create a slippery slope of other repatriation requests, therefore killing off the "universal museum". They believe that less people will be able to see an artifact it was given back to its country of origin and that countries of origin should have an interest in making their cultural objects accessible to all people (Salem 2005, 176-177). Lastly, cultural internationalists say that countries whose objects were removed should be grateful they were taken and brought to safety, as there was a chance the artifact could have been destroyed due to looters or warfare in their countries.

Both cultural nationalists and internationalist make valid points in the repatriation debate, showing that the answer to repatriation is not that simple. Artifacts that reside in museums outside of their home countries have been acquired in many ways, including what some would argue legal and others illegal. Additionally, some cases of repatriation have been solved and others are still pending. Cases of artifacts obtained through colonial acquisition, such as the Alexander Sarcophagus the Great and the Benin Bronzes will be examined. Cases of artifacts obtained through private collections, theft, and illegal excavation such as the Getty Museum and the Shelby White private collection of Greek, Roman, Turkish etc. antiquities will also be examined. Lastly, culturally significant artifacts like artifacts illegally taken out of Cambodia and the Trojan Gold will be analyzed. When museums are deciding to repatriate an object, matters of laws, ethics, and conservation can come into play. Cases such as the ones mentioned above can show how the conversation around repatriation and ethical curation has developed. Above all cases, hangs the question of who these artifacts belong to. The cases exhibited can see how this question has been answered and how it could help answer future cases.



## Chapter 2

### Laws Pertaining to Cultural Property and Repatriation

Looting, illegal excavations, and the trafficking of antiquities are common concerns regarding the subject of repatriation and the general safety of antiquities. The illegal trade of cultural property is frequent in the art and museum world; therefore, this has led to the creation of laws intended to slow down and stop illegal trafficking. Though, in the creation of such laws regarding cultural property, there had to be a consideration of what is and is not included in the definition of cultural property. Cultural property has been defined in many ways. The 1954 Hague Convention on the Protection of Cultural Property defines cultural property as property that is of great importance to the cultural heritage of every people. Cultural property includes architecture, archaeological sites, works of art, manuscripts, books, and other objects that are considered of archaeological, historical, or artistic interest. The 1970 UNESCO Convention would expand this definition to include more things such as natural specimens and musical instruments to include objects from all aspects of life. In 2018, in a new legislation, the European Union would define cultural property as objects older than 250 years old and worth at least 10,000 euros. This new legislation would require a special license for cultural property and attempt to prevent illegal trafficking (Godwin 2020, 149).

Cultural property is usually taken from archaeological sites (discovered and undiscovered), monuments, collectors, private museums, and churches and then sold on the black market. The FBI has estimated that the illegal art trade amounts up to a revenue of six billion dollars a year. When artifacts are illegally trafficked only 5-10% will ever be recovered, and the time it takes to recover illegally trafficked artifacts is, on average, 13 years. The illegal trafficking of artifacts persists because there is a demand for it, incentives for trafficking it, and

factors such as political instability, unclear laws regarding ownership of cultural property, new and improved methods of transporting objects, and changing borders only allow it grow (Veres 2014, 94).

International laws and agreements between different countries have been created to deal with and suppress the selling of looted antiquities and help with the problem of repatriation concerning looted antiquities. The main laws influencing and/or mentioned in the cases discussed below will be explained forthwith, as they can influence whether a museum will repatriate an artifact or not.

### **Turkey's Ottoman Law of 1906**

The Ottoman Law of 1906 is Ottoman Era Law that banned the export of cultural artifacts. Turkey says that any object removed from Turkey after 1906 is the property of Turkey and should be returned to Turkey (Collado 2014, 2). It also says that artifacts with unknown provenances or gaps in the provenances are stolen and belong to Turkey as well. As Turkey has been very adamant in seeking the repatriation of its antiquities, Turkey often uses this law in its repatriation claims. The law was originally passed in 1884 but was only loosely enforced and updated in 1906. As a result of this law and a few other factors, Turkey has been persistent in its repatriation request and has been successful for the most part. To enforce this law and see their artifacts returned, over the years Turkey has even gone so far as to deny loans museum. In March of 2012 the Turkish government denied artifacts to the Metropolitan Museum of Art (MET) in New York, the British Museum, the Louvre, the Pergamon Museum in Berlin, and the Victoria and Albert Museum if they refused to return artifacts allegedly obtained and taken out of the

country illegally. Turkey's persistence and tactics such as these has led to Turkey being viewed as aggressive and uncooperative. This law is significant as, in the cases involving Turkey and Turkish artifacts, Turkey will use this law to claim artifacts and then threaten to restrict a country's access to Turkish artifacts or archaeological sites/research to get the artifact back. Now Turkey is one of the country's leading repatriation requests and greatly influencing the debate (Teixeira 2015, 38-39).

### **UNESCO Convention of 1970**

The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is an international agreement that can govern claims of the repatriation of cultural property. When concern was raised about the illegal trafficking of antiquities in the 1960s, and the diminishing cultural heritage of countries of origin, it was decided that international cooperation was needed to help curb the illegal trafficking. The 1970 UNESCO Convention states that a foreign country has the right to claim any cultural property that was illegally exported outside of its country after 1970, therefore, museums or art galleries cannot acquire or lay claim to the cultural property. Any cultural property taken out of its country before 1970 is not subject to the convention (Collado 2014, 1-2). Additionally, the Convention promotes measures such as creating restitution provisions, inventories, and export certifications to prevent the trafficking of illegal antiquities, monitoring trade, and imposing penal or administrative sanctions. It also aims to promote scientific and technical institutions. After the 1970 Convention, any antiquity on the market without a documented provenance being offered as a gift or added to a collection would automatically be

placed under suspicion. Despite its aims, there were still some problems with the 1970 Convention, therefore the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was created to expand on the UNESCO convention and provide more protection for cultural property (Veres 2014, 96-97; Yasaitis 2010, 456). Unfortunately, both Conventions are not that efficient, but they would be if more countries supported it. It's failure to address certain things are a reason for lack of support from countries. Both Conventions have to address the definition of cultural property clearly, making sure it's neither too narrow nor too broad. They should try not to focus too heavily on a source or market nation as it makes countries less supportive of the convention. Also, they need to have a balance between cultural nationalism and cultural internationalism to accommodate many countries (Veres 2014, 102). The 1970 Convention is especially important to the cases that will be discussed, as many of the countries involved in these cases have signed it and turned to it to see the return of its artifacts. It needs more work, but it is the culmination of countries beginning to care more about cultural property and working to address illegal antiquity trafficking.

### **NAGPRA**

The Native American Graves Protection and Repatriation Act (NAGPRA) became a federal law on November 16, 1990. This law requires federal agencies and federally funded institutions (museums, universities, local governments, and state agencies) to repatriate Native American human remains and cultural items (funerary objects, objects of cultural patrimony, and sacred objects) to their appropriate communities. In order to repatriate human remains and cultural items these institutions must: consult with the lineal descendant of Native

American/Indian Tribes and Native Hawaiian organizations on Native American human remains and cultural items, identify and report all Native American human remains and other cultural items in their possession, protect and plan for the possible removal of Native American human remains and cultural items removed from federal or tribal lands, and give prior notice before they repatriate any human remains and other cultural items (National Park Service, Jan 30, 2023). If these institutions do not/refuse to comply with the law, they are subject to criminal prosecution and civil penalties. Museums who do not comply with NAGPRA no longer receive grants, and a review committee must monitor and review museums and federal agencies' implementation of NAGPRA (National Park Service 2021).

NAGPRA was passed to address colonial violence against Native Americans. During the 19<sup>th</sup> century it was common for anthropologists and collectors to loot Native American graves, burial platforms, corpses, and decapitated Native Americans on battle fields and send them to Washington to be studied. Physical anthropologists wanted to collect native American body parts, and particularly the crania, to do studies on them to prove Native Americans were biologically different and inferior to white people. These studies supported government and public policy, and gave scientific justification, for white people to take Native American land and relocate Native Americans onto reservations. In 1868, the US surgeon general conducted a study of Native American crania and issued an order for army personnel to collect Native American crania and other body parts for the Army Medical Museum, making the collection of Native American remains part of federal government policy. During the 1880s, there was a period of mass collecting Native American objects and human remains, with museums and private collectors competing for them. Before NAGPRA was passed, museums were filled with

Native American remains and artifacts, and NAGPRA helped to allow tribes to reclaim their ancestors and artifacts (Crowther 2000, 270; Preston 2014).

This law was monumental in pushing the repatriation debate forward and bettering the relationship between Native Americans and the US. It radically transformed anthropology, history, and art museums in the US and compelled museums and other institutions to confront their colonial pasts and collections. NAGPRA is important, not only because it requires federal institutions to formally repatriate the ancestors and objects formally claimed by federally recognized tribes or lineal descendants, but also because it represents a civil rights law, an administrative law, and a property law (Nash and Colwell 2020, 226).

Furthermore, the passing of NAGPRA did not happen randomly. It took from laws that came before it, and like many laws surrounding repatriation, it came out of fervent requests from communities of origin. NAGPRA would be the culmination of the work of the American Indian Movement (AIM) and other laws. NAGPRA built upon and superseded the American Antiquities Act of 1906 that designated Native American remains discovered on federal land objects of antiquity rather than human beings. Other laws that influenced NAGPRA are the National Historic Preservation Act of 1966, the American Indian Religious Freedom Act of 1978, the Archaeological Resources Protection Act of 1979, and the National Museum of the American Indian Act of 1989. The National Museum of the American Indian Act of 1989 only applied towards the Smithsonian, but it marked the first time that Native American human remains in federal custody were treated as human beings and not as archaeological resources. Throughout the passage of most of these laws, AIM, founded in 1968, raised awareness of the unethical treatment of their ancestors' remains by museums and scientists through protesting archaeological research and museums in 1971. Luckily, after public awareness was raised some

museums voluntarily repatriated some ancestral remains and objects in the 1980s. Although it should be noted that these human remains and objects were repatriated mainly because they were extreme cases, and the human remains and objects (such as the Zuni Ahayu:da, or the Zuni War Gods) requested back were clearly wrongfully, and perhaps illegally, possessed by museums (Nash and Colwell 2020, 227).

Additionally, although NAGPRA has made great strides regarding repatriation, the law still has major issues that are trying to be fixed. As of 2022, the US Department of the Interior is planning to revise NAGPRA with the goal of increasing the enforcement of it. The revision consists of the review of 700 proposals from tribal leaders and the creation of a new role titled the civil penalties investigator. This role would be a full-time position in which the investigator, the newly appointed David Barland-Liles, would closely monitor compliance failures in order to make sure NAGPRA is aiding repatriation to its fullest potential. Some of the proposals being reviewed are focused on making it easier for tribes to prove their affiliation to their ancestral human remains and cultural objects which would in turn make it easier for museums and federal agencies to repatriate. One other major issue affecting NAGPRA compliance is the fact that it only applies to 574 federally recognized tribes, while not applying to 200 tribes that are not federally recognized. Many of the ancestral human remains and cultural objects still possessed by museums are said to come from not federally recognized tribes in the Bay Area (Angeleti 2022).

The Association of American Indian Affairs (AAIA) has critiqued NAGPRA, expressing that it is outdated as it was passed over 30 years ago, and that institutions have been escaping NAGPRA and exploiting its weakness to hinder the repatriation of Native American human remains and cultural objects. AAIA also recommended the revision of NAGPRA's only

exception to repatriation, the “right of possession” that indicates that human remains and cultural objects were obtained with the consent and full knowledge of lineal descendants. The organization also asks for institutions to improve collection documents. The organization stated that many tribes have complained that museums and other agencies declined to provide all the requested collection documents and that the tribes should not have to be burdened with compelling museums and agencies to produce information (Angeleti 2022). These revisions were proposed in October of 2022. It is unknown if they have gone through. In January of 2023 the Department sought comment on the proposed revisions. No other updates have been made so far (National Park Service, Jan 19, 2023).

After 30 years of NAGPRA’s implementation, around 2020, the US National Park Service estimated that the law has facilitated the return of about 67,000 Native American ancestral human remains, 1.9 million funerary objects, and 15,000 sacred and communally owned objects. Though, there are still many human remains and cultural objects in the possession of museums. It is estimated that the remains of around 127,000 Native Americans and millions of funerary objects still sit on museum shelves in the US (Nash and Colwell 2020, 226). However, the number of Native American human remains and objects that remain outside the U.S., is also unaccounted for. While NAGPRA only applies to the U.S., it has also helped to confront colonial legacies outside the United States. Native Americans have been requesting the return of their cultural objects from museums abroad. From 2012-2014, the Hopi attempted to stop the sale of some their cultural objects at a French auction house and engaged in a legal battle for them, but was unsuccessful as the French government agency, also known as the board of sales, ruled multiple times that the Hopis, or any other Native American tribe, had no legal right to challenge the sale on French soil (Mashberg 2014). Though this attempt at repatriation was



unsuccessful it shows that conversations regarding NAGPRA/colonial legacies are beginning to take place outside of the United States in countries such as France, Germany, Belgium, England, and especially in colonial settler countries such as Canada, Australia, and New Zealand.

NAGPRA is not perfect, but it has made monumental strides in the repatriation debate and has not only influenced the United States but many other countries as well (Nash and Colwell 2020, 234).

These laws, the Ottoman Law of 1906, the UNESCO Convention of 1970, and NAGPRA are significant because they all show turning points in the debate over cultural property and the illegal possession of artifacts and human remains. The Ottoman Era Law of 1906 and its aggressive enforcement by Turkey has led to Turkey greatly influencing the repatriation debate and taking cultural nationalism to another level. The UNESCO convention of 1970 Was created to protect the cultural heritage of countries and try to curb illegal trafficking of antiquities. Many countries have turned to it and the repatriation debate, showing that it has some effect, but it would have an even greater effect on repatriation cases if more countries signed it. NAGPRA, which was passed to address the history of colonial violence towards Native Americans, has been successful in many Native tribes seeing their artifacts and ancestral human remains repatriated. It is also responsible for fostering relationships between Native Americans and the US. These laws and conventions have greatly influenced the repatriation debate and the outcomes of the cases discussed below.

## Chapter 3

### Artifacts Acquired Through Colonial Acquisition

The cases discussed below, the Alexander Sarcophagus and the Benin Bronzes, are examples of cases involving artifacts acquired through colonial acquisition. Cases such as these raise the question of whether museums should return their colonial artifacts. These cases are a part of a larger trend of countries that were once colonies requesting their artifacts and beginning to prioritize protecting their cultural heritage. With cases such as these museums have also begun developing new policies involving restitution and repatriation. Both the Alexander Sarcophagus and the Benin Bronzes display how ex-colonial countries have gone about requesting their artifacts be returned, and how they've succeeded/not succeeded in getting them back.

#### The Alexander Sarcophagus



[Figure 1 The Alexander Sarcophagus \(Coe 2015\)](#)

The Alexander Sarcophagus was discovered in 1887 by a team led by Osman Handi Bey in Lebanon (Fig. 1). It is one of 17 sarcophagi discovered on the necropolis in Aya'a on the eastern outskirts of Saida in Lebanon. It is a horizontal, rectangular chest made from white marble, or Pentelic. There are six sculptural relief panels that depict human figures on each side of the box. One of the long walls shows Alexander riding into the scene from the left, between two men, who are identified as Greek and Persian from their clothing. The other long wall depicts a hunting scene of men and wild animals fighting to the death. One short end wall shows a hunting scene and the other shows a battle scene. Both pediments depict soldiers fighting. The scenes on the sarcophagus were described as being painted with bright colors such as scarlet, red, lavender, purple violet, blue, and yellow (Houser 1998, 281-284).

Contrary to the name, the sarcophagus does not house Alexander the Great, and nor was the sarcophagus created for him. It was made for Abdalonymous of Sidon, who became the king of Sidon, a Phoenician city-state, in 332 B.C. but the sarcophagus was completed by the end of the fourth century. It is named after Alexander because his portrait appears in a scene on the exterior (Fig. 2; Houser 1998, 281). Other than Alexander, the sarcophagus depicts the battle of Issus, the battle fought by Alexander the Great and the Hellenic League against King Darius III of Persia and the Achaemenid Empire. It is currently in the Istanbul Archaeological Museum in Turkey, and Lebanon is asking that it be returned.



[Figure 2 The Scene of Alexander the Great Fighting the Persians \(Dobrzynski 2009\)](#)

Turkey's claim to the sarcophagus rests on the rule of the Ottoman Empire. Lasting from 1299 to 1922, the colonial Ottoman Empire acquired and ruled Turkey, Greece, Lebanon, Egypt, Bulgaria, Hungary, Macedonia, Syria, Israel and Palestine, Romania, parts of the Ukraine, and large parts of the Arabian Peninsula. Under the Ottoman empire many artifacts were taken out of these countries. The sarcophagus was moved from Lebanon. It was also the Ottoman Empire that gave permission for Lord Elgin to remove some of the sculptures from the Parthenon in Greece. The Ottoman Empire not only gave permission for artifacts to be taken out of its colonies in large quantities, but it took artifacts from its colonies for itself (Jenkins 2016, 212). Despite the sarcophagus being from Lebanon, Turkey claims that the sarcophagus, and all other artifacts looted during the Ottoman rule of Turkey, belong to Turkey and should stay in Turkish

Museums. Turkey's director-general for cultural heritage and museums, Murat Suslu, stated that the sarcophagus legally belongs to Turkey because it was excavated on land that belonged to Turkey at the time (Collado 2014, 17-18).

This case is unique, as Turkey has refused to return the sarcophagus while adamantly requesting the return of its artifacts. Turkey has been fighting the UNESCO law allowing museums to acquire artifacts that were taken out of their countries of origin before 1970. Turkey is countering the UNESCO convention with an Ottoman-era law from 1906 that banned artifacts from being taken out of the country. Turkey says any object taken out of the country before that date belongs to Turkey (Bilefsky 2012). As a result, Turkey has asked U.S. Museums to return artifacts they believe were taken illegally out of Turkey. Some institutions Turkey focused on were the J. Paul Getty Museum, the Metropolitan Museum of Art in New York City, Harvard University's Dumbarton Oaks Research Library and Collection, and the Cleveland Museum of Art (Felch 2012). Turkey has provided evidence for the museums and has threatened to stop loaning art to the accused institutions until they respond. In 2012 Turkish officials filed a criminal complaint in the Turkish court system for an investigation into the MET's Norbert Schimmel Collection. Then, Murat Suslu gave the MET an ultimatum: prove the provenance of the golden bowls and ancient figurines in the Norbert Schimmel Collection or Turkey will stop loaning treasures to the MET (Bilefsky 2012). The MET was subsequently denied loans (Felch 2012). In 2011 the Pergamon Museum in Germany returned a 3,000-year-old sphinx. The sphinx had been taken to Germany for restoration in 1917. German officials said Turkey threatened to cancel Germany's archaeological projects in Turkey if they did not return the sphinx. After Germany returned the sphinx, Turkey refused to loan four objects for an exhibit, and would not lend anymore until Germany returned other items (Bilefsky 2012).

Turkey's refusal of loans to museums and the denial of access to important archaeological sites is a major reason why it has been successful in its requests while other countries haven't had much luck. Turkey has bargaining power. It has important artifacts to lend and has used that to its advantage. In 2016 the MET did an exhibition on the Seljuks, a Turkic dynasty that established an empire in West Asia from Turkey, Iran, Iraq, Turkmenistan, and Syria. It had to go without some of the artifacts it needed from Turkey. Even the British Museum was denied loans for a 2012 exhibit on the Hajj, Islam's holy pilgrimage to Mecca. The British Museum asked to borrow thirty-five objects for the exhibit, and the Turkish museums agreed to lend them, but the Turkish Ministry of Culture did not and refused to loan the artifacts, forcing the British Museum to continue the exhibition without their artifacts (Jenkins 2016, 207).

As Turkey refuses to return the sarcophagus to Lebanon, Lebanon has also requested the return of other Lebanese objects. Lebanon has requested the return of the Eshmunazar II sarcophagus from the Louvre in France. This sarcophagus was important as it had the longest known Phoenician inscription (22 lines) on its lid. This request was unsuccessful, and the sarcophagus remains in the Louvre. Lebanon requested the Sevso treasure. The silver was acquired in 1980 by a British Marquis who tried to auction them off at Sotheby's 1990s. The governments of Lebanon, Croatia, and Hungary tried to stop the sale, claiming that the treasure had been acquired illegally from their territories and sold on the black market. Lebanon claimed the silver was taken from the Baalbek region during the civil war from 1975 to 1990. The prosecutors rejected their claim, and the objects were not returned to Lebanon. However, Hungary was able to purchase seven items of the Sevso treasure. Lastly, Lebanon requested that the Eshmun babies also be returned. The Eshmun babies were also going to be sold at Sotheby's in Geneva when a Swiss archaeologist, Dr. Rolf Stucky, noticed the artifacts in a Sotheby's

catalogue. He was able to prove that the artifacts were from Bustan Al-Sheikh near Sidon because he had a record and photos of them. Due to this Lebanon was able to have these statues repatriated, and they are now at the National Museum in Beirut on exhibit (Tahan 2017, 29-30).

While it may seem easy for countries to request that their objects be repatriated, the country making the repatriation request still has to maintain a good relationship with the country who possesses the artifact. Although Lebanon has requested artifacts back from France it still has to keep a good political relationship with France, as Lebanon's museums and heritage professionals rely on the French to help create museums and conserve cultural monuments (Tahan 2017, 30-31). Similar with Turkey, when it comes to repatriation and the legality of the Alexander Sarcophagus Turkey seems to have the upper hand, and Turkey relies on the Ottoman Law of 1906 to fight off Lebanon's requests. Although Lina Tahan, a researcher at the University of Cambridge argues that the Lebanese never had a say on which objects could be exported out of Lebanon. It was the Ottomans and the French who drafted the antiquity laws to take artifacts out of Lebanon to enrich the Greco-Roman and Phoenician museum collections in Constantinople and Paris. Tahan also acknowledges that some countries may not have the resources to protect and conserve their artifacts but some countries, such as Lebanon, are able to do so. Tahan proposes loans, and states that Louvre has loaned a lot of its collection to the Louvre Abu-Dhabi, therefore, the same loans can be done with Lebanese artifacts and especially the ones that are in storage at the Louvre (Tahan 2017, 34).

As Turkey is very passionate about the repatriation of its artifacts one would assume that it would be more understanding of the repatriation requests that it receives. In the time of countries and institutions coming to terms with their colonial pasts, looking at Turkey's history with the Ottoman Empire and Lebanon, it would be good for Turkey to try and establish a

positive relationship between it and Lebanon regarding the sarcophagus. With many countries and museums who refuse to repatriate, bad publicity can build up and possibly pressure Turkey to respond similar to the British Museum and the Parthenon Marbles. It does not seem to be good look for Turkey, that it resorts to aggressive tactics while refusing to repatriate artifacts not from Turkey. A good solution to help both countries, as Tahan says, would be loans. Another solution could be that with time, one day Turkey might be willing to hand over the sarcophagus, but that is unlikely. Perhaps with Lebanon's increasing requests and Turkey being such an advocate for repatriation, Turkey will realize its hypocrisy and begin to cooperate with Lebanon on loaning/repatriating the sarcophagus.

### **The Benin Bronzes**



[Figure 3 The Benin Bronzes in the British Museum \(Oltermann 2021\)](#)



The Benin Bronzes are a group of brass and bronze sculptures from the Benin Kingdom, located in southern Nigeria (Fig. 3). They were taken out of Benin during the Benin Massacre of 1897. In the late 19<sup>th</sup> century, while European countries competed for African resources the King of Benin enacted trade embargos against the British, who were growing powerful in the region. The British sent an army to attack the kingdom but, while heading towards it, the army was attacked and slaughtered. The British then retaliated with the Punitive Expedition (Benin Massacre) of 1897. During the Punitive Expedition the capital was destroyed, the palace trashed, and the king was overthrown and forced into exile. There were over 4,000 pieces of art in the palace and most of it was looted. The expedition kept most of the pieces, but 2,500 pieces were taken to England. The pieces were either put on display in the British Museum or sold off at an auction to pay for the expedition (Klesmith 2013, 69).

Nigerians have been requesting the Benin Bronzes back for decades. Benin Bronzes were sought after by museums for their sharp detail and scarcity. In June 2012, Nigerian officials of the National Commission for Museums and Monuments demanded the return of thirty-two artifacts from the Benin Kingdom, recently donated by the Museum of Fine Arts Boston by Robert Lehman. The Director General of the Commission, Mallam Yusuf Abdallah Usman, has stated that the artifacts were looted during the Benin Massacre of 1897 and are essential to Nigerian history, therefore, they must be returned immediately by the Museum of Fine Arts Boston. The Benin Bronzes are important to Nigerians because they are said to give a realistic view of West African history through its people's own artwork. The people of Benin, especially those in the King's court, were skilled with metalworking and were good at working brass as well. 160 bronze heads were taken during the massacre. The bronzes were basically considered

chronological records in Benin. Every head represented a former a king, so the Benin dynasty was recorded back to the 12<sup>th</sup> century (Klesmith 2013, 69-70).

As the Benin Bronzes are prized by museums, they have great economical value. In 1986 four Benin carvings were sold to the Royal Museum of Scotland for 300,000 pounds. A bronze figure was sold for 185,000 pounds. The money from the artifacts would have been beneficial to Nigeria as a developing country. To increase the chances of repatriation, Nigeria has stated it would loan out some of its artifacts if they were returned, so Nigeria would gain another source of income while not depriving the world from seeing and learning about the Benin Bronzes and other artifacts. The Museum of Fine Arts in Boston has not given the Bronzes back, stating that the donation from Lehman was legal as he purchased them between the 1950s and 1970s. The British Museum has used this point to refuse repatriation as well. As the British were considered the legitimate authority during colonial times, the British Museum claims the artifacts belonged to the British when they were taken out of Benin. The legitimacy of British rule during that time is debated. Threatened by war, the Benin chiefs signed a treaty with Britain in 1894. International law dictates that an international law signed under coercion or threat of force is not valid. Under this, Britain was not considered the legitimate ruler of the time and the artifacts do not belong to the British Crown (Klesmith 2013, 70-71).

Recently, the Boston Museum of Fine Art's curator for provenance, Victoria Reed, has stated the Bronzes need to be returned to Nigeria. Reed states "These are indisputably looted works of art...They are not acceptable under our collections policy, and we are prepared to pledge to retribute them." Even though the Museum of Fine Arts is willing to return the Bronzes, the situation of their repatriation is still very complicated. The museum owns 5 out of the 32 Bronzes on display in the Museum of Fine Arts. Most of the objects cannot be returned because

the museum does not own them. The other 27 Bronzes, given on a loan, still belong to Robert Lehman Jr. who purchased the collection through dealers and auctions. He has not spoken about the collection or commented on the situation (Loos 2022). There is the question of who the Bronzes should be returned to: Nigeria's federal government, southern Nigeria's Edo state (including Benin City), and the present-day king of Benin (The Boston Globe 2021).

Despite the situation with the Museum of Fine Art, Nigeria has had some success in the repatriation of the Bronzes. British universities returned a bronze cockerel and a bronze head commemorating a Benin king. The Smithsonian's National Museum of African Art has taken its Bronzes off of display and have begun to repatriate them (The Boston Globe 2021).

With all of the talk surrounding the Benin Bronzes, other African artifacts are also being repatriated. In 2017, the French President Emmanuel Macron traveled to the capital of Burkina Faso, Ouagadougou, and gave a speech acknowledging France's history of colonial violence in Africa. Macron stated that he could not "accept that a large share of several African countries' cultural heritage be kept in France. There are historical explanations for it, but there is no valid, lasting, and unconditional justification. Within five years, I want the conditions to exist for temporary or permanent returns of African heritage to Africa" (Curry 2023, 40). In 2021, the Quai Branly Museum in France, which possesses France's largest ethnological collection, repatriated a few artifacts to Benin. The artifacts repatriated were two thrones, the doors of the palace of Benin, and other symbols of royal power. These artifacts had been a centerpiece of the museum's collection ever since it opened in 2006. When the artifacts were returned to Benin a ceremony at the presidential palace in Cotonou was held to celebrate the return of these artifacts. Four months after the return nearly 200,000 people, with the majority being from Benin, visited the exhibition (Curry 2023, 45-56).

In July of 2022, German government representatives took it one step farther and declared that the legal ownership of Benin Bronzes in museums across Germany, more than 1000 artifacts, be transferred to Nigeria (Fig. 4). Fortunately, both countries benefited from this decision, as many of the Benin Bronzes will stay in Germany on long term loans for the next 10 years and other pieces will stay in Nigeria until it builds a new museum for them with Germany's help. After the museum is built, Nigerian officials have decided to lend the Bronzes to Germany on a rotating basis (Curry 2023, 60-61).



[Figure 4 The German Foreign Minister Signing over the Benin Bronzes to Nigerian Culture Minister \(Escritt 2022\)](#)

Lastly, also in 2022, Hermann Parzinger, the president of the Prussian Cultural Heritage Foundation, also known as SPK, decided to return some of the Benin Bronzes to Nigeria. Before

the SPK's decision to repatriate the SPK was one of the biggest opposers of repatriation. Though in the past few years with the popularity of the repatriation debate the SPK has decided to repatriate many objects from its collection. Some of the artifacts returned were a goddess figurine to Cameroon, ritual and cultural objects to Namibia, the remains of Maori people to New Zealand, and funerary items and the remains of Indigenous Hawaiians and Alaskan Natives to the U.S (Curry 2023, 60-61).

## Chapter 4

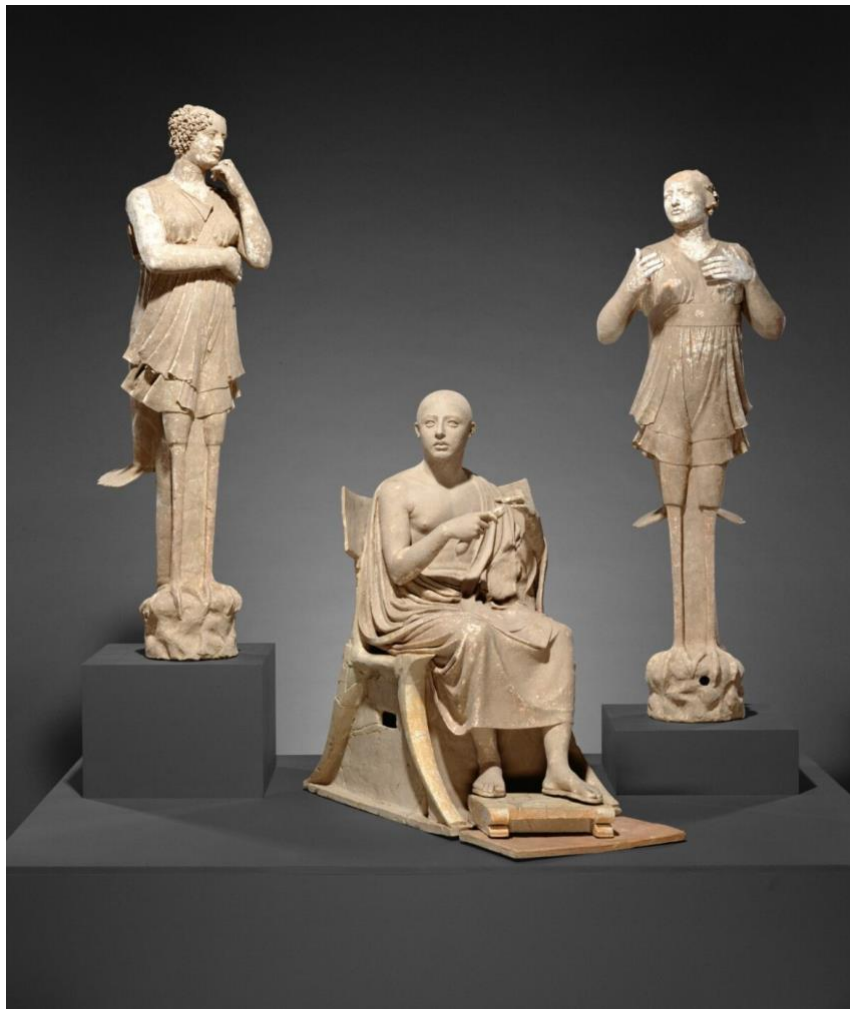
### **Artifacts Acquired Through Private Collections and Looting**

The cases discussed in this chapter display repatriation cases involving looted artifacts acquired by private collections. The Getty Museum and the Shelby White and Leon Levy cases show the role curators and private collectors can play in repatriation cases involving the illegal trafficking of antiquities. The illegal antiquities market is a global issue and is a serious problem regarding the looting of a country's cultural heritage. The illegal antiquities market, and the dealers, sellers, and buyers in it, are behind a lot of cases of repatriation. In their repatriation requests countries are now responding to the illegal antiquities market not only by targeting dealers but also by targeting museums and the curators and private collectors that furnish them.

#### **The Getty Museum**

The J. Paul Getty Museum in Los Angeles has one of the largest collections of Greek and Roman antiquities. Inside the museum is the Getty Villa. The Getty Villa Museum next to the main museum was made to resemble a Roman country house and is filled with Greek and Roman artifacts. The museum has recently been in the news for its repatriation of three of its major sculptures, Orpheus and the Sirens, back to Italy (Fig. 5). The three life-size terra-cotta sculptures, created around 300 B.C., were taken from the museum by the Manhattan district attorney's office. It was decided that the sculptures were illegally excavated. The three sculptures were sent back to Italy in September of 2022. The three sculptures were taken in April, as the result of an investigation into Gianfranco Becchina, an Italian antiquities smuggler, who has been accused and convicted taking stolen antiquities by Greece. Becchina was taken into custody in Italy in 2001 and charged with receiving, illegally exporting, and conspiring to traffic stolen

goods. In 2001 the charges were dropped as the statute of limitations expired. Becchina was still made to give up thousands of stolen Roman antiquities that were confirmed to have been looted by raiders. The Getty purchased these sculptures in 1976 and had a diary that recorded the purchase of the sculptures, which was \$550,000. The repatriated sculptures will be displayed in Rome's Museum of Rescued Art before it is permanently moved to Taranto, Puglia (Mashberg and Povoledo 2022).



[Figure 5 Orpheus and the Sirens \(Getty 2022\)](#)

This is not the first time a Getty collection has come into question, nor is this the first time it has had to repatriate parts of its collections. The Getty has been known to buy from suspicious dealers who've been suspected or convicted of buying and selling stolen artifacts. The Getty purchased some of its artifacts from Giacomo Medici, a dealer who tried to appeal a ten-year prison sentence in Italy for illegal dealing. They purchased other artifacts from Robert Hecht who was on trial in 2006, along with Marion True, a former Getty curator. Both were charged with criminal conspiracy and the receipt of stolen artifacts. True was also one of the people leading the fight against illegal trade of antiquities (The Economist 2006). True was not found guilty and the trial ended in 2010 without judgement. True says that she did recommend that the Getty purchase artifacts she figured had been looted, though if she found out where a work came from, she advocated for it to be returned (Edgers 2015).

Furthermore, in 2007 the Getty returned 40 artifacts from its collection back to Italy after many talks with Italian officials. In 2010-2011 the Getty returned its most prized artifact: a statue of the Greek goddess Aphrodite, called the Venus of Morgantina (Fig. 6). The statue was purchased by the Getty for \$18 million in 1988. When they purchased it, the provenance was unknown and there was no documentation. The London dealer who sold them the statue would only hint that the past owner of the statue was a collector in a Swiss town north of Italy. Multiple experts warned Marion True and the Getty not to purchase the unknown statue. Italian officials also claimed that the statue was from Morgantina, Sicily. When Marion True traveled to Rome to return three Getty artifacts that were stolen from Italy, an Italian prosecutor requested the return of the "Venus of Morgantina". The Italians authorities did not have the evidence to prove this at the time, so they could not take their claim any further (Frammolino 2011).





[Figure 6 The Venus of Morgantina \(Frammolino 2011\)](#)

In 1995, Italy's national art squad raided a Geneva warehouse. They found photos of freshly excavated artifacts in a car trunk. They traced some of the objects in the photos back to the Met, the Boston Museum of Fine Arts, the Cleveland Museum, and the Getty. The Getty had nearly 40 artifacts from the photos, the highest of any museum. These objects were noted to have been acquired during True's time at the Getty (Frammolino 2011). In December of 2004, Italy convicted Giacomo Medici of trafficking in illicit archaeological artifacts. True was indicted as a co-conspirator and ordered to stand trial in Rome. Included in the evidence against True was the Getty artifacts seen in the photos and the Venus of Morgantina, which was not seen in the photos but at the time was still suspected to have been purchased illegally (Frammolino 2011).

True was the first curator in the U.S. to be accused of trafficking illicit art by a foreign government. She resigned from the Getty in 2005. In a written statement to the Smithsonian,

True claimed that she was used by the Italian state as a highly visible target to create fear among American museums. It was learned that True kept ties with people who sold unprovenanced artifacts (while fighting against the illegal artifact trade mentioned earlier). In 1992, she met with two men to purchase a fourth century B.C. gold Greek funerary wreath. She did not purchase it at the moment, as she stated, “It is something that is too dangerous for us to be involved with”. Four months later, the dealer offered the wreath for a reduced price, from \$1.6 million to \$1.2 million. True had the Getty purchase the artifact. The Getty would end up repatriating the wreath to Greece in 2007. After the situation was settled, Italy allowed the Getty to keep the statue of Aphrodite until 2010 (Frammolino 2011).

Recently, Massimo Osanna, the director general for museums for Italy’s culture ministry, has stated that Italy and the Getty are still discussing the return of the Victorious Youth statue, also known as the Getty Bronze. Italy says the Youth was taken out of Italy without the proper export papers and have accused the Getty of willful negligence in not doing proper research before purchasing it. The Getty responded that the statue was Greek, and it was discovered in international waters hundreds of years after it was made, therefore Italy does not have a strong connection to it and there are no grounds to repatriate it (Mashberg and Povoledo 2022). Alongside the Orpheus and the Sirens sculptures, the Getty will return a second century AD colossal marble head of a deity, a second century AD stone mold for casting pendants, an oil painting titled Oracle at Delphi, and a fourth century B.C. Etruscan bronze thymiaterion (Getty).

Italy’s indictment of True can be important in future cases of repatriation as it highlights the lengths that Italy went to to return its objects, and its success in doing so. Italy tried to negotiate with the Getty Museum first, and when that failed, they indicted the curator, and this would help to change attitudes surrounding museums and the practice of museums purchasing

stolen antiquities. As museums repatriated looted artifacts, they began to revise the guidelines for future purchases and put forth restrictions on their collecting and owning antiquities. One of the agreements resulting from the Getty and True case was that museums would do a thorough search into the provenance of any artifact it wanted to acquire that left the country before 1970, per the 1970 UNESCO Convention (La Follette 2013, 38-39).

Marion True was the first curator to be accused by a foreign government of trafficking antiquities. This could lead to more curators being charged by foreign governments. In a way Italy can be said to have used the curator as leverage to have the Getty return the looted artifacts. True also claimed this herself. A high-profile criminal investigation reinforced Italy's pursuit of its cultural property as a public spectacle. This case encourages other museums and other art institutions to be more cautious of how it acquires its artifacts. Criminal prosecution like in this case could also encourage museums to voluntarily return artifacts. After True's trial the Boston Museum of Fine Arts returned thirteen artifacts to Italy and signed an agreement with the Italian Ministry of Culture. In 2007 the Princeton University Museum repatriated eight artifacts to Italy while retaining the title to seven of the artifacts (Wolkoff 2010, 720-721).

## The Shelby White and Leon Levy Collection



[Figure 7 Shelby White at the Inauguration of the Lod Mosaic Archaeological Center of Israel \(Dafoe 2022\)](#)

The late millionaire Leon Levy and his wife Shelby White were philanthropists known to collect Greek and Roman antiquities (Fig. 7). They have amassed a large collection that has been displayed in various museums with one museum being the Metropolitan Museum of Art (MET). In 1999, the Greek Ministry of Culture was informed by George Despinis, that an artifact suspected to have been looted was found in the Leon Levy and Shelby White Collection at the Metropolitan Museum of Art. The artifact was the upper part of a grave stele depicting two men: a warrior and a teenager. The artifact was dated to the fifth century B.C., and it was said to be from the Porto Rafti area in Greece. The upper part of the artifact was found in the Shelby White collection's catalogue published by the MET. The lower part of the stele was found on a private

property in Porto Rafti during an official excavation by the Ministry of Culture. The lower part has been displayed at the Archaeological Museum of Vravrona since 1963.

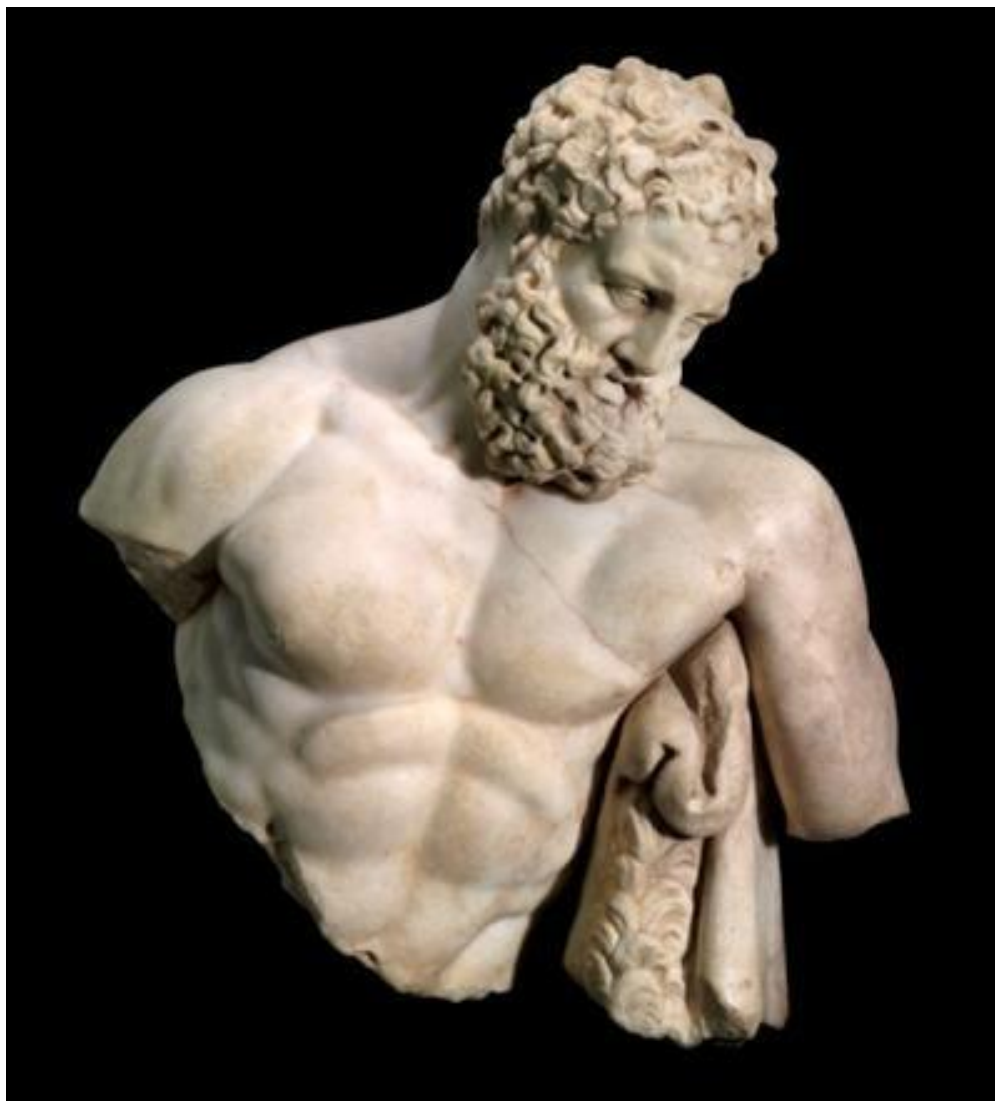
After the discovery of the illicitly obtained stele, another antiquity suspected of being looted was discovered in the Shelby White collection. The artifact was a bronze calyx Krater dating to 340-320 B.C. originally from Pieria, Greece. It believed that the Krater was discovered in an illegal excavation of a king's tomb in the area. The krater was displayed in an exhibit in the McClung Museum from September 2005 to January 2006. A Greek journalist, Nikolas Zirganos, saw the krater on the internet and informed the Ministry of Culture. Zirganos had also worked on a similar case involving the J. Paul Getty Museum. In the spring of 2007, the Greek Ministry of Culture requested that Shelby White return both the stele and the krater to Greece. Long negotiations for repatriation took place in Athens and New York. On July 10, 2008, an agreement was reached between White and the Ministry of Culture to return the artifacts to Greece. In the agreement, the Greek Ministry of Culture decided not to take the matter to court or file a suit as they believed White acted in good faith. The Ministry of Culture also reserved their rights to any antiquity in the White collection assumed to be in relation. Both artifacts were returned to Greece on August 1, 2008. The artifacts were handled by the Greek Consulate of New York. When the stele was returned to Greece it was reunited with the lower part and displayed in the Vavrona Museum (Stamatoudi 2016 445-446).

In 2008, the Shelby White collection would return another ten artifacts to Italy and a few to Greece. Nine of the ten Etruscan and Greek artifacts were given to the Italian Consulate to be shipped to Italy. One artifact was a red-figured, fifth century vessel depicting Herakles slaying Kyknos. The vessel was signed by Euphronios, an Ancient Greek vase painter. Another was a pot from the painter Eucharides that depicted scenes of Zeus and Herakles. The tenth artifact, the

Euphronios vessel, was sent back to Italy in 2010. A section of a fresco from 50 to 30 B.C. was part of the artifacts sent back to Italy as well (Povoledo 2008). Italian investigators tracked the Eucharides pot and other artifacts back to an Italian dealer named Giacomo Medici, who was convicted of trafficking illegal antiquities in 2004. In a raid on Swiss warehouses used by Medici in 1995, Polaroid photographs of recently unearthed artifacts with dirt still on them. White and Levy bought some of the artifacts seen in the photograph from a London dealer named Robin Symes. Italian government officials decided not to threaten White with prosecution as they did not believe White was involved in the crime. During negotiations White made the Italian officials agree to not pursue any artifact from her collection again. Italian officials agreed they would claim any other artifacts from a 1990 MET exhibit titled *Glories of the Past: Ancient Art from the Shelby White and Leon Levy Collection*. Although, if the officials found evidence that other artifacts from the collection were looted from Italy, the accord would give Italian prosecutors the right to seek their return. In a study done in 1999 by British archaeologists David Gill and Christopher Chippendale, it was found that, of the 200 objects in the exhibition, 93% of the objects in the *Glories of the Past* collection had no known provenance. This raised suspicions about many of the artifacts being looted. The situation with the White collection was the first time the Italian Ministry of Culture negotiated a pact with a private collector. White asserted that she and her husband Leon Levy bought the artifacts legitimately and that they had no knowledge of the artifacts being illegally excavated (Povoledo 2008; Voon 2022).

In 2011 the upper torso of the *Weary Herakles* statue, owned by White and the Boston Museum of Fine Arts and exhibited in *Glories of the Past*, was returned to Turkey (Fig. 8). In 2022, looted artifacts from the Shelby White Collection were seized from White's home and returned to Turkey and Italy. This seizure was the culmination of an 18-month-long investigation

into the collection's provenance. The Manhattan District Attorney's office issued a search warrant on June 28, 2021 that listed 5 artifacts, and another on April 27, 2022, that listed 18 artifacts believed to be stolen. According to the search warrants there was evidence of criminal possession of stolen property in the first, second, third, and fourth degrees. Conspiracy to commit the crimes were included as well. The US Consulate General in Istanbul, Turkey deduced that the artifacts were taken from an illegal excavation in Turkey and smuggled into the US over 50 years ago. Several of the repatriated artifacts were displayed in the Glories of the Past exhibit. A life size bronze statue of the Roman emperor Lucius Verus and four pieces an Anatolian columned sarcophagus from ancient Perge were returned to Turkey. The second search warrant listed the statue value as \$15 million and the sarcophagus pieces to be \$1 million. The artifacts were unveiled in a repatriation ceremony at the Antalya Museum on November 13 of 2022. David Gill, who found that the majority of White's collection had unknown provenances in 1998, has a blog named Looting Matters that lists some of the artifacts recently taken from White's home. A red figure calyx krater from around 515 B.C. and valued at \$31 million. An Apulian guttural with a ram's head spout from around 330 B.C. and valued at \$15,000. Two fish plates attributed to the Cuttlefish painter and the Perrone-Phrixos painters from the mid fourth century B.C. and both valued at \$20,000. The Art Newspaper identified other seized artifacts. A Bronze Bust of Man from the first century B.C. and valued at \$3 million. A cauldron with four animal heads from the sixth century B.C. valued at \$150,000. A bronze spiral brooch valued at \$25,000. Under the June 2021 warrant a 700 B.C. ritual dinos from White's collection was sent back to Italy. This artifact was only one amidst the 200 Greek and Roman looted artifacts from across the US returned to Italy in December of 2021. Officials say that this was the largest single repatriation of relics from the US to Italy (Voon 2022).



[Figure 8 The Upper Torso of the Weary Herakles \(Shea 2011\)](#)

The looted artifacts were a matter of concern, not just because the artifacts were acquired illegally, but also because White is very influential in the art/museum world and educational philanthropy. White and Levy gave \$20 million dollars to the MET to finance its' expanded wing of Greek and Roman Art that reopened in the spring of 2007. White is on the MET's board of trustees. In 2006, the Leon Levy foundation made a gift of cash and real estate for \$200 million to New York University to finance a new Institute for the Study of the Ancient World. White and



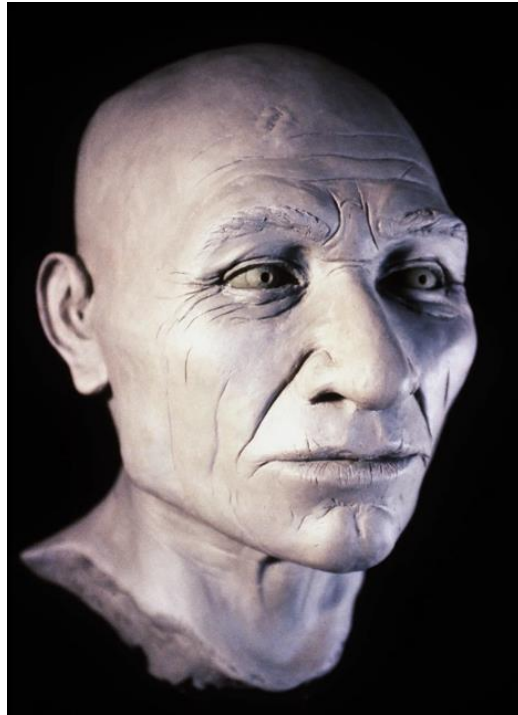
Levy sponsored excavations in Israel, Turkey, Iran, the Aegean, the Balkans, and more. White has financed digs and archaeological publications as well (Povoledo 2008). These cases involving the White collection not only put the whole White collection under suspicion, but the museums White has loaned artifacts to also. Moreover, this case could encourage countries seeking the repatriation of their artifacts to focus on private collectors. The steps taken to repatriate the artifacts and the seizure of Shelby White's collection could influence other countries to take legal action to return objects believed to have been stolen and illegally excavated.

## **Chapter 5**

### **Successful Cases Involving Culturally Significant Artifacts**

This chapter is comprised of successful cases of repatriation involving culturally significant artifacts and human remains such as the Kennewick Man, Cambodian artifacts, and the Trojan Gold. The following cases can set a precedent of museums listening to and working with countries/communities of origin requesting the return of their artifacts. As more countries are requesting the return of their artifacts, it is important that both sides can come up with a solution that everyone will be content with. These cases are successful because both sides had managed to find solutions that worked to their benefit and prioritized maintaining good relationships with each other.

## Kennewick Man



[Figure 9 A Reconstruction of the Kennewick Man \(Zimmer 2015\)](#)

In 1996 two college students in Kennewick, Washington came upon a human skull in the Columbia River. When they notified the police, they contacted the Benton County coroner Floyd Johnson. Johnson, after looking at the skull, decided to contact the local archaeologist James Chatters. After looking over the skull himself, Chatters contacted the U.S. Army Corps of Engineers, as the skull was found on federal land managed by the Corps. He applied for a permit under the Archaeological Resources Protection Act that would give him authorization to collect anything found at the site. After he received the permit, Chatters and the coroner returned to the site and dug up the rest of the skeleton. Chatters discovered 250 bones and bone fragments which represented at least 143 skeletal elements. While looking at the skull and bones Chatters knew it was clearly old, but the skull “did not look Native American”, so he believed it might have been

the skull of an early European pioneer or trapper. There were signs of the skull and bones being prehistoric such as the teeth being cavity-free, which signaled a diet low in sugar and starch, and worn down and a spear point embedded in the hip bone. To confirm the age of the skeleton Chatters sent a metacarpal bone to the University of California, Riverside to be radiocarbon dated. A radiocarbon age of  $8,410 \pm 60$  years, which is 8,340 to 9,200 calendar years. After receiving the date Chatters contacted anthropologist Douglas Owsley with plans to take the skeleton to the Smithsonian in Washington, D.C. to study it along with other scientists. Before leaving, Chatters informed the Corps the radiocarbon dating results and soon after the Corps would confiscate the skeleton from Chatters and place it in an evidence locker in the sheriff's office. Chatters was also told to stop testing the metacarpal bone, which, by then, was already on its way to the University of California at Davis for DNA testing (Preston 2014; Schneider and Barran 2014, 90-91).

When Columbia River Basin Native American tribes and bands heard the news of the over 9,000-year-old skeleton, they requested that the skeleton be given to them under the Native American Graves Protection and Repatriation Act (NAGPRA) so they could rebury it in a secret location. In an explanation, the Umatilla tribe's spokesman Armand Minthorn, recounted the long history of scientists digging up Native Americans bone to study them, and said the studies being done on the skeleton desecrated the body and violated their deeply held religious beliefs. The Corps, who were dedicated to keeping a positive relationship between the tribes and itself and did not want this request interfering with other problems involving the Native claimants, told the Native tribes that the skeleton would no longer be subjected to desecration by scientific studies. The Corps then released a newspaper announcing that it would transfer the skeleton to four recognized tribes and one unrecognized tribe. Owsley and other scientists asked to examine

the skeleton before it was buried but the Corps refused because of Tribal religious objections.

Owsley believed there was no evidence linking the skeleton to any Native American tribes, and that the skeleton did not appear to have physical features characteristic of Native Americans.

After pleas from the scientists, congress, members, and the public the Corps still refused. Eight scientists then filed a lawsuit in Portland, Oregon to stop the transfer and get access to the skeleton to study it. This lawsuit would be the beginning of an 8-year lawsuit over the skeleton, named Kennewick Man (Fig. 9). An emergency hearing was held on October 23, 1996, and the Corps agreed to stop the transfer of the skeleton (Fig. 10) and not to release it without notifying the plaintiffs beforehand (Preston 2014; Schneider and Barran 2014, 90-91).

During the trial both sides would accuse each other of wrongdoing. The scientists accused the Corps of mishandling the bones and, when large parts of the skeleton's femur went missing, the Corps and the FBI accused Johnson and Chatters of stealing them. In 2002, the scientists won the lawsuit, as the court ruled that the bones were not related to any living tribe. The Kennewick Man was not proven to be Native American, therefore NAGPRA did not apply to him. The judge also ordered the Corps to allow the scientists to study the skeleton. In 2004, the government appealed to the Court of Appeals for the Ninth Circuit. The court ruled in favor of the scientists again, stating that Kennewick Man's remains were so old that the Secretary of the Interior was not permitted to reasonably conclude that Kennewick Man shared any genetic and cultural features with a present-day Native American tribe.

After the trial Owsley and his fellow scientists gave the Corps a plan of study, which was approved after several years. Almost 10 years after Kennewick man was found the scientists were able to study the body. They were given 16 days to examine it. In their studies, they learned much about Kennewick man such as who he was, what he did, and where he traveled. Owsley

thought that Kennewick Man belonged to an ancient population of seafarers, who were the original settlers of the Americas. They also reconstructed Kennewick Man's face. As 22 scientists examined the 300 bones and fragments, they believed that Kennewick Man did not belong to any living human population. Looking at the shape of his skull and bones, his closest living relatives were said to be the Moriori people of the Chatham Islands and the Ainu people of Japan. Scientists believed he provided evidence for an alternative view on the peopling of North America. Kennewick Man was said to be descended from a group of people who later spread out over the Pacific and became the ancestors of modern-day Polynesians. Among these people were the ancient Jōmon people, the original inhabitants of the Japanese islands and the ancestors of present-day Ainu people in Japan. To these scientists, Kennewick Man suggested that the Jōmon people, or people related to them, were the first settlers of North America. This called into question the traditional view that the first people in North America came through Central Asia and walked across the Bering Land Bridge through the ice-free corridor into North America (Preston 2014).

In other studies scientists got a view of what Kennewick Man's life was like. He was about 5 foot 7 inches in height and weighed about 160 pounds. He died at the age of 40. He was probably right-handed, and he was a spear thrower, indicated by the oversized bones in his right arm and leg. He had a spear point buried in his hip. The spear point barely missed his abdominal cavity which would have caused him a fatal wound. This injury probably occurred between the ages of 15 and 20 as there appeared to be bone growth around the wound. Before his death he took a heavy blow to the chest that broke six of his ribs and because he used his right hand to throw spears the five ribs that broke on his right side never fully healed together. Scientists could also tell what Kennewick man ate and drank during his life. In the last 20 years or so of his life

he had a marine diet and ate animals such as seals, sea lions, and fish. He drank cold glacial meltwater from a high altitude. Kennewick man also appeared to have a good relationship with the community around him over time as he was purposefully buried in a specific way. He was deliberately buried in an extended face up position in a grave that was 2 ½ feet deep. He was purposefully buried with his left side toward the river and his head upstream (Preston 2014).

As can be seen, there have been many studies done on Kennewick Man, however, these studies did not include a DNA analysis. As of 2015, Kennewick Man's DNA genome was sequenced by Danish scientists, and it was discovered that Kennewick Man had a clear genetic similarity to Native Americans and not to the Ainu, Polynesians, or Europeans as previously thought. This new information changed theories regarding the peopling of the Americas.

Overtime there were several waves of people that came to the Americas, with distinct branches of people reaching South America, northern North America, and the Arctic. The specific group of Native Americans closely related to Kennewick Man has not been found, but the Colville tribes, one of the Native tribes that claimed Kennewick Man as an ancestor, was shown to have the closest relation to him. The Colville tribes and four other tribes still hoped to have the bones repatriated and reburied. One of the Danish scientists that did the DNA analysis, Dr. Willerslev, reached out to the Colville tribe and ask them to join the study. The Colville tribes agreed to join the study, but the four other tribes did not. The Colville tribes and the scientists worked out an arrangement that would benefit them all. Dr. Willerslev sent equipment to collect saliva to their reservation and the Colville tribe gathered the samples and sent them back. Doctor Willerslev invited representatives of the five tribes to Copenhagen to observe the research in his lab and do a ceremony in honor of Kennewick Man. It was this sample where they discovered that the Colville DNA was the closest match to Kennewick man of all samples from Native Americans in

the study. Due to this discovery the Colville tribes, and other tribes, will have the Kennewick Man repatriated and be able to rebury him (Rasmussen et al. 2015, 456; Zimmer 2015).



[Figure 10 The Kennewick Man's Skeleton \(Raja 2016\)](#)

The Kennewick Man case is also significant in that it called into question NAGPRA's power and ability to balance the interests of Native tribes, museums, and archaeologists. The



Kennewick Man case shows that NAGPRA and the government still must address the problem of cultural affiliation and address how to handle the ancient remains of Native Americans. Most of the disagreements in the Kennewick Man case surrounded how the U.S. determined cultural affiliation. Scientists argued that Kennewick Man was not culturally affiliated with Native American but rather the Moriori and Ainu people, therefore NAGPRA did not apply as he was too old and did not meet the definition of Native American. The remains were then given to the scientists to study. In 2015, a DNA analysis revealed that Kennewick Man was in fact closely related to Native Americans, and although Congress repatriated the remains back to the five claimant tribes it failed to address the problem of cultural affiliation. There are questions of whether NAGPRA allows scientific testing to determine the cultural affiliation of remains, and if so what level of testing is allowed. Another concern is how much proof of cultural affiliation is required for repatriation. NAGPRA, for the most part, meets its goal in repatriating human remains and cultural objects back to Native Americans, but the Act still has problems that need to be fixed to make the process of repatriation simpler and smoother. Now that the Kennewick Man case is over, the government, museums, and scientists can look back on the decade long case to see where NAGPRA went wrong and prevent another case like it. Despite the excruciating process, the Native tribes' repatriation request was successful and ended in a positive relationship between scientists and the Colville tribe that respected Native American boundaries and religious beliefs while still prioritizing scientific research (Crowther 2000, 189; Nash and Colwell 2020, 228-229).

## Cambodian Artifacts

There has been a long history of Cambodian artifacts being looted. In the 19<sup>th</sup> and early 20<sup>th</sup> centuries Cambodian artifacts were largely looted by Frenchmen wanting to fill their national museums with art from Cambodia, which was a colony of France at the time. In the 1950s and 60s Cambodia, now independent was largely peaceful and could focus on cultural preservation. As culture preservation was prioritized in Cambodia, Cambodia, along with other countries, called for international agreements to regulate the illegal art trade. These calls resulted in the 1970 UNESCO convention, which could not help Cambodia much as a civil war broke out. From 1970 to 1998 there was a civil war in Cambodia. Paramilitary groups such as the Khmer Rouge, pillaged ancient Cambodian sites for artifacts to sell to the international art market. During this period the trafficking of looted artifacts became an organized industry, leading to Cambodian artifacts being trafficked and auctioned across auction houses all over the world, and especially in the US (Davis 2011, 168-170).

In 2012 federal agents filed a forfeiture suit against Sotheby's (one of the oldest and largest fine art auction houses in the world), stating that it should return a tenth century statue of a Hindu Warrior, the Duryodhana, that was illegally removed from a Cambodian temple and brought to the US (Fig. 11). Before the request for the statue's return, Sotheby's was planning to sell the Duryodhana as the centerpiece of its Indian and Southeast Asian auction in March of 2011. Sotheby's acquired the statue in 2010 from Decia Ruspoli, a widowed Belgian woman whose late husband bought the statue from a London auction house in 1975. Sotheby's considered the artifact impressive and featured the artifact on the cover of its auction catalogue. The artifact was described as a great masterpiece of Khmer art, "unequaled by image from any other period in its portal of drama and potential action" (Henderson 2014, 253-254). When

Sotheby's hired an expert to look over the statue, the expert warned Sotheby's that the artifact was stolen and that returning the artifact to Cambodia would "save everyone some embarrassment" (Davis 2012). In the suit, the US government made several allegations surrounding the Duryodhana statue: the government alleged that the statue was looted from Prasat Chen, a Hindu temple, in 1972 by a Thai network and taken to a dealer in Bangkok who then sold the statue to a collector. The government alleged that the collector then gave the statue to a British auction house that knew the statue was stolen and still sold it to Ruspolis. The government alleged that Sotheby's inaccurately represented the Duryodhana's provenance when it attempted to sell the sculpture a year earlier (Henderson 2014, 254). Sotheby's defended itself stating that the artifact entered the US legally (Davis 2012). Sotheby's also argued that Cambodia had not shown any legal grounds for its claims, as the US could not prove any violation of an ownership law (Burns 2013). After the Secretary General of Cambodia's National Commission for UNESCO sent a letter to Sotheby's requesting for it to remove the statue from its auction, Sotheby's came up with a few solutions to solve the problem in May 2011. Sotheby's offered to put the statue back on auction for the upcoming fall and donate the money to the conservation of Koh Ker. The second solution involved either a private individual or the Cambodian government could buy the statue and repatriate it to Cambodia. The last solution would have Sotheby's sell the statue to a museum and then begin a cultural exchange program with Cambodian museums. Cambodia responded with a statement saying that it appreciated Sotheby's advocacy for the conservation and preservation of Khmer cultural heritage and that it would consider Sotheby's second proposal (Henderson 2014, 257).



[Figure 11 Statue of Duryodhana \(Mashberg and Blumenthal, Dec 12, 2013\)](#)

Sotheby's and Cambodia settled the suit on December 13, 2013. Sotheby's and Ruspoli agreed to voluntarily return the statue to Cambodia ninety days after the settlement. Neither Ruspoli nor Sotheby's would be compensated. Both sides agree in a "good faith disagreement" about whether past Cambodian/French laws gave ownership of the statue to Cambodia. The US acknowledged that both Sotheby's and Ruspoli had no knowledge that the statue was owned by

the Kingdom of Cambodia and had done nothing wrong. The forfeiture action was dropped, and it was agreed that the government would not file any more claims regarding the Duryodhana statue. As the case was settled, a public hearing (that could have set a legal precedent for cases involving the sale of objects with an unknown provenance) was avoided (Burns 2013).

Both Sotheby's and Cambodia came out of the repatriation issue on a positive note. A Sotheby's representative acknowledged that the agreement confirmed that Sotheby's and Ruspoli acted in good faith at all times. Cambodia's secretary of state says that the country was pleased by the support and help from the US government (Henderson 2014, 259-260). A negative of the agreement is that it prevented a ruling that defined Cambodian cultural heritage (Burns 2013). A positive thing about this case, for Cambodia, is that it may have influenced the return of other artifacts to Cambodia.

In May of 2013 the MET voluntarily returned a pair of Khmer sculptures, called the Kneeling Attendants, from the Prasat Chen temple to Cambodia (Fig. 12). In a press release, the MET stated that the Kneeling Attendants had been at the museum since the late 1980s to early 1990s and were looted from the Koh Ker temple. The MET said it chose to repatriate the sculptures based upon newly discovered information but did not go into detail about it. The New York Times reported that the additional information consisted of witness statements and photographs of the bases that the sculptures were removed from.



[Figure 12 One of the Kneeling Attendant Statues \(Mashberg and Blumenthal, May 3, 2013\)](#)

In May of 2014, the Norton Simon Museum in Pasadena returned the Bhima, another warrior statue taken alongside the Duryodhana, to Cambodia. The museum acquired the statue in 1976. The museums stated that, although it properly acquired the statue and could defeat any claims regarding it, it returned the statue out of respect for its relationship with Cambodia over the years, with the hopes of maintaining a positive one. The museum's decision to repatriate their artifacts could have been influenced by the situation with Sotheby's. If the MET's sculptures

were removed after the 1980s they were most likely stolen, violating the 1970 UNESCO convention (Henderson 2014, 258-259).

In 2022 the US returned 30 looted artifacts back to Cambodia. These artifacts were displayed at an event celebrating their return to Cambodia. Two of the objects were a sandstone statue of the Hindu god Skanda, called Skanda on a Peacock, and a five-foot statue of the Hindu god Ganesh. Investigators said the Skanda statue was stolen from a temple by a Khmer Rouge conscript and self-described looter in 1997. Both artifacts were looted from the archaeological site at Kohl's Ker, the capital of the ancient Khmer Empire. The artifacts were trafficked by an organized looting network and were sold by Douglas A.J. Latchford, a British art dealer known to collect Cambodian antiquities. The return of the artifacts is the result of an investigation into Latchford by federal prospectors in New York and the Department of Homeland Security. The collector who purchased Skanda on a Peacock gave up the statue to the authorities. Twenty-five of the artifacts being repatriated were surrendered by a man named James H. Clark, who bought up to \$35 million of Cambodian and Southeast Asian antiquities. Clark used many of them to decorate his Miami Beach penthouse. When selling the items to Clark, Latchford told him they were legally sold. Federal officials provided Clark with evidence of the artifacts being looted, which prompted him to give the artifacts back to Cambodia. Four of the artifacts being returned are from the Denver Museum as well (Jacobs and Mashberg 2022).

This case involving the U.S. government's willingness to cooperate with the Cambodian government not only resulted in a peaceful, successful case of repatriation but also fostered a positive relationship between the two countries. The trafficking of Cambodian art is serious problem While the question of ownership was not officially answered, there was a support for

Cambodia's efforts to stop illegal trafficking of antiquities, which can lead to fewer repatriation requests.

### Trojan Gold



[Figure 13 Earrings from the Trojan Gold Collection \(Gopnik 2012\)](#)

The Trojan Gold was purchased by the Penn Museum in 1966 for \$10,000 (Fig. 13). The Trojan Gold is a group of 24 pieces of gold jewelry from 2400 B.C. The gold was offered to the museum by George Allen of Hesperian Fine Arts, an art dealership that no longer exists. Allen had brought the gold from Robert Hecht, who bought the gold from another dealer named George Zakos. The only letter that mentions the sale says that the Trojan Gold was discovered in Troy and was similar to the Treasure of Priam found by Heinrich Schliemann. The Treasure of Priam was found by Heinrich Schliemann at Troy in 1873. It was rediscovered in the Pushkin



Museum in Moscow. Schliemann had smuggled the gold out of the Ottoman Empire, and it ended up in Berlin. It was taken out of Berlin by Soviet Soldiers during World War II. The provenance of the gold was unknown, and David Bass, who was a curator in the Mediterranean Section of the Penn Museum in the 1960s, questioned the gold's authenticity. He also thought that some of the objects came from different sites. He pointed out that the gold shared similarities to Early Bronze Age jewelry from northwest Turkey, Poliochni on Greece, Ur, and Mochlos on Crete. The Penn Museum's purchase of the gold led to the Pennsylvania Declaration. The document prohibited the Penn Museum from purchasing unprovenanced antiquities. The gold had since been exhibited in museums such as the MET, the Bowers Museum in Orange County, and museums in New Orleans and Denver. Ernst Pernicka, a former director of the Troy excavation and professor at the University of Tübingen, examined the Trojan Gold and concluded that the gold was anciently manufactured and that the metallurgical content matched the gold that Schliemann found at Troy in the 1870s. Pernicka analyzed soil still lodged in a tiny loop of gold on one of the pendants and found that the soil on the pendant matched the soil found on the Trojan plain. They concluded that the gold came from a place of Trojan influence like Turkey, Greece, or southeastern Europe. This finding was still not enough to be sure of its provenance to Turkey. In 2009, officials from the anti-smuggling department of the Turkish Ministry of Culture and Tourism discovered that Penn Museum had items from Troy in its collections. The involvement of Robert Hecht, an indicted American dealer, was confirmed during this time as well (Velioglu et al. 2013, 2).

In 2011 the Turkish Ministry of Culture and Tourism contacted the Penn Museum about potentially transferring the gold to Turkey based off Pernicka's findings. Talks between the Turkish Ministry of Culture and Tourism and the University of Pennsylvania lasted for about 11

months, from September of 2011 to August of 2012. Penn pointed out that the museum had purchased the gold before the UNESCO convention came about. The Turkish Ministry responded that they were following the Ottoman Antiquities Law of 1906 and that the situation was similar to the US NAGPRA law. Penn decided it needed to compromise with Turkey for three reasons: Penn had been working at the Turkish site of Gordion since 1950, the Penn Museum was the headquarters of the American Research Institute in Turkey, and Penn had established the Pennsylvania Declaration even before the 1970 UNESCO convention, therefore it was an important part of the museum. Richard Hodges, the Penn Museum director, offered Turkey a 30-year loan which was rejected. Both sides eventually decided on an indefinite loan, which was the best Penn could do considering the exact provenance of the gold was still unknown. Penn would still own the gold. The Trojan Gold would go indefinitely to Ankara and in return the Turkish Ministry would support Penn's excavations at Gordion. The Turkish Ministry would also loan to Penn a group of artifacts from the Midas Mound Tomb at Gordion for a 1-year exhibit. These artifacts were displayed in an exhibit titled The Golden Age of King Midas. It went up in February 2016 and 32,000 people had seen it over the year. Both sides also promised to set up additional loans in the future. Penn Museum and the Turkish Ministry signed the agreement in August of 2012 and the Trojan Gold was returned to Turkey on September 1, 2012. In this case, Turkey disregarded the UNESCO convention that was usually followed, forcing the Penn Museum to come up with alternative ways of settling the situation. The Trojan Gold was of great cultural and political significance to Turkey as the site of Troy in Turkey is believed to be the site of Homer's Iliad. The Iliad is believed to lie at the foundation of European cultural tradition. This was used to support Turkey's admittance into the European Union (Rose 2017 87-90).

## Chapter 6

### Discussion: The Future of Repatriation

Each case discussed above represents different aspects of repatriation cases and how museums/countries have handled repatriation requests. The first case discussed was the Alexander Sarcophagus. This case involving the sarcophagus shows that, despite Turkey's adamant repatriation efforts of its own artifacts, Turkey is not quick to, or willing to as of right now, act on any repatriation requests made towards it. Lebanon argues that the sarcophagus should be returned to Lebanon, as it was found on Lebanese land, and the Lebanese had no say in the export of the sarcophagus by the Ottomans. Turkey argues that the sarcophagus belongs to Turkey under the 1906 Ottoman Law and the fact that Lebanon belonged to the Ottoman Empire when the sarcophagus was exported. While Turkey is using the 1906 Ottoman Law to refuse Lebanon's repatriation request it is also using the law to see its own artifacts repatriated. Cultural Internationalists may argue that Turkey should keep the sarcophagus as it has better resources to take care of the sarcophagus and its legally theirs under the Ottoman Law of 1906. Cultural Nationalists can argue that that Lebanon does have the resources to take care of the sarcophagus and that the Ottomans had no right to export the sarcophagus. It is possible for the Istanbul Museum, and other museums possessing Lebanese artifacts to consider loans, although it is unlikely for the sarcophagus to be loaned as it is the Istanbul Museum's most prized artifact. This case highlights the irony of Turkey's fight to have its objects repatriated. The irony of Turkey's claims could put a mirror up to any country requesting its artifacts back yet coveting another country's artifacts. Future countries/communities' cases of repatriation could also follow

Turkey's example and take a more stern and aggressive approach to see the return of its artifacts as well.

The cases of the Benin Bronzes and the looted Cambodian artifacts are more positive and good examples of both sides being open to finding a solution that will fit each other's goals. In both cases one can see a great change in the repatriation debate, with countries such as Germany and France voluntarily repatriating the Benin Bronzes and other artifacts to Nigeria, and the US government and art collectors working with Cambodia to see the return of its artifacts. Although Germany has signed over the Benin bronzes, it does not mean that Germany will never see the Benin Bronzes again. Nigeria has agreed to do loans with Germany and do a rotation of artifacts while Germany has agreed to help Nigeria build a museum for the Benin Bronzes. These are also good examples of countries focusing on creating positive relationships with each other rather than focusing on ownership of the artifacts. A similar situation could possibly happen with Cambodia and the loaning of artifacts.

The Getty Museum and the Shelby White cases could set a precedent of countries choosing to prosecute in order to see their artifacts returned, and the targeting of curators and art collectors suspected of being involved in the trafficking of antiquities. It has also led to a change in the way museums go about purchasing antiquities for their collections. These two cases are also significant as many people have done thorough research into the cases and have acquired information on the illegal trafficking and purchasing of antiquities by museums, curators, and collectors. The two British Archaeologists mentioned in the White case, David Gill and Christopher Chippendale, went further and reconstructed the provenance of the artifacts repatriated by the Getty Museum and the Museum of Fine Arts in Boston. Artifacts from those museums have been traced back to well-known traffickers and dealers like Hecht, Medici,

Gianfranco, Bechinna and others. They also discovered that these some looted antiquities were given fake pedigrees, and uncovered the many alliances between international dealerships, galleries, and auctions houses involved in the illegal antiquity trade (La Follette 2013, 41). Some of these names, such as Medici and Hecht, have also been associated with the Shelby White and Trojan Gold cases. These cases have opened a window into the world of illegal antiquity and what countries are doing to shut it down and see the return of stolen artifacts.

In the end NAGPRA prevailed in the Kennewick man case by making sure the Kennewick Man's skeleton was given back to Native Americans and forming a positive relationship between the US government and Native tribes. The case also exposed some problems with NAGPRA and how it handles cultural affiliation. While the general NAGPRA case shows how difficult it is to balance the interests of Native Americans, museums, and scientific research, the interactions between the Colville tribe and the Danish scientists give a good example of that of how that can be done. The Danish scientists worked with the tribe to acquire DNA samples to study while simultaneously giving the tribe control over the situation and allowing them to perform their religious ceremonies.

In the case of the Trojan gold the Penn Museum decided to repatriate the gold, although it stills owns it, in order to keep a positive relationship with Turkey. As mentioned in the Alexander Sarcophagus case, Turkey has bargaining power and used that to stand firm its request of repatriation. Turkey denied the 30-year loan that Penn proposed and would only settle on an indefinite loan. The Penn Museum had to oblige Turkey, as the important research the Penn Museum has been doing in Turkey for years rests on its relationship with the country. Although Turkey received the Trojan gold the Penn Museum received a promise from Turkey that Turkey

would support its research in the future and would do loans with the pen museum. This case can encourage more collaboration between museums and countries.

Additionally, even though repatriation requests are increasing that does not mean it is easy, or even possible, for a country to request its artifacts back. Countries trying to see the return of their artifact can face many difficulties regarding legal fees. It should be taken into consideration that these cases take up a lot of time and money and some origin countries or groups requesting repatriation might not have the resources to go to trial and must rely on the generosity of museums and other institution to repatriate. Not many countries, especially those affected by colonialism, can afford to take other countries/or people to court in long legal battles such as in the Getty Museum case. Therefore, a lot of countries/communities must rely on voluntary repatriation. This can also affect a country's request for an artifact.

From the museum's perspective cases such as these could set a precedent of museums trying to negotiate long term loans in order to avoid damaging their reputation. Just as the countries of origin can use the 1970 UNESCO Convention to get their artifacts returned, likewise, museums can argue that objects in their collections that they acquired before 1970 should stay in the museums. As calls for repatriation increase and many museums, and curators, try not to be put into the spotlight, museums will become more cautious of how they acquire their artifacts. Some, as seen with the Boston Museum of Fine arts, will even voluntarily repatriate items from their collections. Some other things museums can do to stifle the trafficking of antiques is to educate the public, and especially tomb robbers, on how important it is to protect cultural heritage. Museums should train local curators on how to acquire objects with a known provenance legally. Museums can even raise money or offer support towards the improvement of other institutions in origin countries (Price 2010, 213).

Furthermore, prevention is key. A great way to stop/prevent repatriation from ever needing to happen is for countries of origin to regulate antiquity trafficking/export on their own soil. Turkey, for example, has attempted to protect its cultural heritage using litigation and creating the 1983 Law Protecting Cultural and Natural Property. This legislation has one of the strictest regimes for controlling antiquity exportation. In Turkey, cultural property is owned by the state, and cultural property is prohibited from being taken out of Turkey unless for a temporary exhibit or study. These laws are possible with the help of Turkey's 1906 Ottoman Law. This law would come in handy with Turkey's first repatriation case against Heinrich Schliemann in 1874. Ottoman authorities filed a suit against Schliemann in the Athens courts, laying claim to half of a group of Trojan artifacts known as Priam's treasure that he had removed from Turkey. Even though Turkey was not successful with this case, due to the 1906 law, proclaiming it illegal to export items under Ottoman law, it is possible that Turkey can still make a claim for some of Priam's treasure (Blake 1998, 826).

The president of SPK Hermann Parzinger, mentioned in the Benin Bronzes case, made a comment on repatriation requests, and he stated that each request should be evaluated on its own merits, with input from local communities and national governments and research into the circumstances of individual acquisition (Curry 2023, 61). Each case of repatriation is different and requires different solutions and different arguments. Regardless, repatriation requests should involve respect and the collaboration between the communities and countries involved. With many of these cases having received a lot of publicity it has increased requests for repatriation. As these repatriation requests continue and affect the way museums/countries not only handle the artifacts in their possession but also the trafficking and purchasing of illegal artifacts in

general, these cases can be used as examples of what should and should not be done regarding repatriation.



## Chapter 7

### Summary and Conclusions

The pressure, and success, from some of these cases, such as Italy vs. Marion True/the Getty, Cambodia vs. Sotheby's, Turkey vs. Penn, and the recent seizure of the Shelby White collection, could lead to more repatriation requests, and museums being more concerned with the provenance of their collections. Many of these cases have even led to museums voluntarily repatriating some of their artifacts. In all of these cases though, there is a harsher crackdown on the looting and trafficking of illegal antiquities that will most likely be seen in future cases. Looking at all these cases, one of the main factors ensuring the success of a repatriation case is evidence proving that the artifact was taken out of the country illegally. Many of these cases could not proceed until concrete evidence of illegal activity was provided. Any country wanting to begin a repatriation claim should take the time to build up evidence to support its claim, as it will lead to a quicker solution. Overall, one of the positive things to come out of each of these cases is a strengthened relationship between multiple different countries. Repatriation is complex, and as shown in the aforementioned cases, the solutions to it can vary. The question of who the past belongs to cannot be answered simply, as it depends on the case, the countries involved, the goals of either side, and the legal systems governing the cases.

As the result of these cases of repatriation, Governments and Museums (those trying to avoid bad publicity surrounding repatriation and those requesting artifacts back) have tightened up their policies regarding provenance and the trafficking and purchasing of illegal antiquities. This shows that while we cannot change the past, we can make the present, and most certainly the future, better. We can also try to stifle antiquity trafficking and prevent the need for repatriation in the first place. Repatriation can and does benefit the requesting countries and it

can benefit non-counties of origin as well. There can be a system of reciprocity and collaboration. Good examples of collaborating countries like the U.S. Cambodia can be made. Loans and artifact exchanges being considered are signs of progress. As stated earlier, the question of ownership is complex and the best thing that could be done is to listen to past cases of repatriation, learn from them, and try to move forward.

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## ACADEMIC VITA

### EDUCATION

**BA** Pennsylvania State University, Bachelor of Arts in Classical and Ancient Mediterranean Studies and  
Bachelor of Arts in Anthropology with honors May 2023

Relevant Coursework: Greek Archaeology; World Archaeology; Museum Studies; Jewish Communities; Roman Empire; Sumerian; Seven Wonders of the Ancient World; End of the Late Bronze Age: Crisis, Collapse, and Transformation in the Eastern Mediterranean; Greek Civilization; Ancient Egypt; Mesoamerican Archaeology; Anthropology of Alcohol; Indigenous North America; Andean Ethnology and Archaeology; Intro to Biological Anthropology; Molecular Forensic Anthropology

**AA** University of Akron, Associate of Arts May 2020  
Summa Cum Laude

Relevant Coursework: Human Cultures (Cultural Anthropology) and Intro to Archaeology

### HONORS AND AWARDS

Schreyer's Honors  
Classics and Ancient Mediterranean Studies Student Marshal  
Paterno Fellows  
Archaeological Institute of America Matson Student Fellowship  
Schreyer's Honors George H. Deike Scholarship  
Riegel Family Trustee Scholarship  
Paterno Fellows Scholarship

### EXPERIENCE

**Matson Museum of Anthropology**, University Park, PA 2022 to Present  
**Museum Assistant**

- Cataloguing and labeling artifacts
- Help develop exhibits
- Help create museum social media posts
- Greet and guide visitors in the museum

**Puts Behavioral Endocrinology and Evolution Lab, University Park, PA 2022 to Present  
Research and Lab Assistant**

- Conduct participant meetings for a study on women's menstruation cycles
- Analyze urine and saliva microbiomes

**Radiocarbon Dating Lab, University Park, PA 2022 to 2022  
Lab Assistant**

- Extract and purify carbon-containing samples
- Helped to process and record data for bone and teeth samples

**EXTRACURRICULARS**

Lambda Alpha Anthropology Honor Society  
Member of the Archaeological Institute of America  
Penn State Archery Club