FROM GLOBAL PILLAGE
TO PILLARS OF COLLABORATION

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Turkey’s First Minister of Culture

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Distinguished ladies and gentlemen, here I stand before you - - and plead guilty. I am, as Lord Elgin dubbed my ancestors, “a malevolent Turk who mutilated the Parthenon Marbles for senseless pleasure.”

I declare, however, that later we Turks came to our senses about cultural heritage. We are hell-bent to cling on to everything we possess, hell-bent to recover everything that imperialists and superstates stole from us. Our “senseless pleasure” has now been replaced by pain, by pangs of conscience, by paucity of panaceas.

The task I have been assigned is to provide a response from a “source country” which denotes “a nation stolen blind”, Turkey, in this instance…Turkey as a source of anguish, because it was, it still is, outrageously plundered…a source of anger because it had, especially during the Ottoman times, squandered part of its heritage…a source of anxiety, because it vexes the imperialist establishment by making vigorous claims for properties stolen from it…a source of angst, because it is fast becoming a market country for smuggled art and antiquities.

Please don’t assume, distinguished ladies and gentlemen, that I am here to vent my fury against the predators. Without absolving the crooks and the lords of the hoards, I shall attempt to explore with you and to enunciate prospects for a new regime whereby the world might share and share alike in the benefits of the lux and frux of diverse civilizations. The title of my speech is indicative: “From Global Pillage to Pillars of Collaboration”. Mine is going to be a novel appeal for universal patrimony. That obviates patriotism. In the sphere of the smuggling of art and archaeology everybody is wrong and everybody is right. I feel strongly that we must do away with cultural jingoism and move in the direction of joint, collective, universal enjoyment of art and archaeology. Our current attitudes are based on selfishness and possessiveness on the part of the have-nations and greed and thievery on the part of the have-nots. As we take strides into the new millennium, we are still living through the blight of schismatic nationalism, of the purblind fanaticism of the nation-state.

Our age needs a new altruism, a dynamic idealism. We can no longer gear antiquities to guilt and recrimination. Yes, imperialism had an enormous capacity for rapacity. Cultural properties often fell victim - as they still do sometimes - to reprehensible improprieties. Nonetheless, solutions can hardly be based on the reductio ad absurdum of mere legitimacy or mechanical legislation.

Certainly heartiest congratulations go to the Washington University School of Law for organizing this Symposium on “Imperialism, Art and Restitution”. It is nothing short of “inspired” and “inspiring”. This forum will discuss diverse aspects of cultural smuggling, museum holdings, issues of repatriation, and compensation. It will, I am confident, seek solutions. I hope that, by the end of the two-day Symposium, we might be able to work out a declaration designed to propose a new international regime for art and archaeology.

We must offer our thanks to Professor John Haley and Linda McClain, the Whitney R. Harris Institute for Global Legal Studies and its staff for organizing this important event on Art and Law, in other words, Statutes on Statues. Also, thank you Prof. John Henry Merryman for originating the idea for this interesting event.
I wish it will be possible to avoid arguments here about who is right or wrong and why. It is senseless to mete out blame. We have all sinned. We are all guilty - - imperialists, of theft; so-called source countries, of neglect and collusion; traffickers, of vandalism and venality. The time has come to create a new order of international understanding and cooperation, through a repertoire of constructive measures.

One could bemoan what happened in the past and what is still going wrong. One could ask in the form of a doggerel:

As we small nations do nothing but blunder,
Empires and superstates shamelessly plunder,
Stealing what we have above ground and under,
Tearing our resplendent collections asunder…
Isn’t it time for us victims to ponder:
Why so much in the way of creative wonder
Goes abroad from our lands – way yonder?

Through the centuries, willful destruction of cultural heritage took its toll of magnificent sites and monuments and objects. Both Ottoman soldiers and Napoleon’s used the Sphinx for target practice Alexander the Great, the Persians and Mongols burned down numerous cities in Asia Minor. Was it the Romans or the Muslims who sent the library in Alexandria up in flames? The Taliban obliterated so much of the Buddhist heritage in Afghanistan. Just three weeks ago, a leading figure of the Turkish Islamist organization known as “National Vision” disclosed that ten years ago they were thinking of blowing up to smithereens the breath-taking Roman pantheon of gods and kings up on Turkey’s Mt Nimrod, because, to them it was a pagan, and therefore sacrilegious, site. “National Vision” invoked at the time the precedent of Abraham destroying the idols.

Compared with such actual or potential destruction, it is of course a lesser evil for imperialists to carry away objects and monuments into safety. Fearing vandalism, German engineer Karl Humann denuded the Altar of Zeus and whisked it away (presumably with the consent of Ottoman authorities) to his homeland where Berlin’s “Pergamon Museum” proudly and impressively displays it. Some of the carved marble from Pergamum ended up in the British Museum. Has that plunder been detrimental or beneficial? It is conceivable that vandalism might have played havoc with the treasures of Pergamum during the closing decades of the Ottoman State or in the early years of the Turkish Republic. But, assuming there was no such danger or, despite the danger, assuming no heinous destructive act was perpetrated, wouldn’t it have been a blessing to have the Altar standing erect in situ? Shouldn’t it come back now to its original, authentic site where Turkey provides security and protection?

Of all cases of international theft and illicit traffic, the least discovered and the most lightly punished are those that involve art and archeology. Although national legislation and international conventions exist, authorities remain lax. Cars, yachts, jewelry with no historical value are often found and returned. But art objects and archeological artifacts somehow elude official attention - - many find their way into oblivion in the hands of private collectors or in basements of museums.

Cardinal sins keep getting committed in and off the field. The archaeological plunder of Iraq has been simply horrendous. Representing a “source country” - - what an elegant
First Commandment: “Thou shall not commit cultural theft.”
Second Commandment: “Never sack or ransack; if you do, give it back.”
Third: “Archaeological pillage is sacrilege.”
Fourth: “To deny rightful owners their chance for retrieval is evil.”
Fifth: “God shall tear you asunder if you plunder.”
Sixth: “Thou shall not covet thy colony’s patrimony.”
Seventh deadly sin: “Depredation is the worst depravity.”
Eight Commandment: “If you leave a country destitute, you must restitute.”
Ninth: “If you prey upon foreign soil, no one will pray for your soul.”
Tenth Commandment: “You shall denounce grave robbers and applaud robber barons.”

Ladies and gentlemen,
Both the problems and the prospects of world patrimony are enormously complex.

A compelling and dramatic example is undoubtedly the Elgin Marbles, which quite wisely constitutes the topic of one full session at this international symposium. Almost two full centuries ago, in 1806, the Ottoman Sultan cavalierly turned them over to the British Ambassador, Lord Elgin, whose name became enshrined in them, although most scholars, quite appropriately, insist on calling them the “Parthenon” marbles. Did Elgin steal them or receive them as a gift from the Sultan? Did the Sultan have the right to give them away? Did Lord Elgin have the right to cart them away? British Museum claimed that it preserved and displayed the Marbles authentically. Many scholars disagree. Some have advanced the argument that the Museum tampered with the surfaces. It was also indicated that the sculptures were not positioned authentically, that some of the figures faced the wrong way. The vigorous Greek diplomacy to bring the Marbles back to the Parthenon has met with British objections that they are safer in London, because poor air quality in Athens would do a great deal of surface damage. To obviate such objections, Greece decided to build an impressive museum on the same site. The museum itself has come under severe criticism that its architectural style is incompatible with classical aesthetics. Archeologists also complain that the ruins of a 7th century A. D. village will get buried under the museum.

There are no pat solutions to cultural complexities. Whose ancestors created which objects? Are the original creators the rightful owners? Or the descendants of the communities that had transported them elsewhere? Or whoever happens to be the present custodians? For instance, who legitimately owns Scythian art?

By the same token who should properly inherit the Schliemann trove? Greeks, Trojans or their heirs, Ottomans, Russians, Germans?

Turkey is demanding the return of the objects stolen from Constantinople in 1204. It would certainly love to get back the Four Horses that the Crusaders took away from the Hippodrome in Constantinople to Venice. Would Turkey, however, be willing to relinquish to Egypt the Obelisk that was originally commissioned by Pharaoh Tutmose the third about 3,500 years ago and brought to Constantinople and erected there 2,400 years ago where it still stands?
There are so many criteria and arguments for the legitimization of antiquities and other cultural properties - original creators, geographic location, length of stay, type of custodianship, authentic context, cultural milieu, enhanced value through scholarship, exhibition, publication, exposure, etc. Which one or ones among these would justify claims to ownership?

Many plundered nations feel fortunate that international conventions and some national laws enable them to retrieve their stolen goods. Capable lawyers have done wonders in this respect. Those who speak for “source countries” are grateful to a number of governments and museums who have willingly sent objects in their possession back to the centuries of origin. Cultural diplomacy works best when there is goodwill on both sides. But sometimes even “source countries” that have everything to gain from rational agreements waste a golden opportunity because of myopia or mistrust.

My own country, Turkey, missed out on a remarkable opportunity in 1981/82. Allow me to tell you a heart-breaking story:

In 1962, in a village 20 miles from a major Southwestern city, a peasant digging underneath a tree, happened upon a Byzantine trove - silver plates, bowls, crosses, candelabra and other exquisite objects dating back to about 570 A.D. probably from the Church of St. Nicholas nearby, The Sion Monastery. A clever antique-dealer from Istanbul got wind of this great find, showed up on the scene, and bought part of the treasure from the peasant for a pittance. The nearest Archeological Museum there found out about it later, took over the remaining objects and sent them to the Archeological Museum in Istanbul.

The following year, the antique-dealer contacted the Dumbarton Oaks Museum in Washington, DC, and sold his part of the treasure in Switzerland for a million U.S. dollars. Shortly thereafter he closed his shop in Istanbul, took up residency in Athens, and then settled in Switzerland.

In 1964 the deal was disclosed, with Dumbarton Oaks acknowledging the fact that it had acquired what came to be known as the Sion Treasure. It was only then that the Turkish government demanded the return of the smuggled items. From 1964 through 1980, the Turkish initiatives yield no positive results. A top-level Turkish diplomat in 1980 showed up at Dumbarton Oaks and told the Director that he was “there to take possession of the silver that belonged to Turkey.” He was politely shown the door.

In 1981, there was a new, enlightened Director at the Museum, Giles Constable, a scholar with exemplary probity. A recent appointee as Turkey’s Ambassador for Cultural Affairs, I sought him out. We had a private lunch at a Washington, D.C. restaurant, where I found him quite receptive to the idea of returning the Sion Silver. However, he and I were anxious to accomplish much more than a mere return agreement. Ambitiously, we wanted to serve scholarship, restoration, exhibition, publication. The return process itself involved elaborate legal and diplomatic work. Giles Constable and I held a meeting with Derek Bok, then President of Harvard University. I also met with several members of the Harvard Corporation. They were in favor of the arrangements in principle. After their formal vote to send the Sion treasure back to Turkey, it was necessary to secure the approval of the U.S. Attorney General’s office, which came through. The endorsement from Dumberton Oaks, Harvard Corporation, and the U.S. Attorney General had been
predicated to a great extend on some of the terms that Dr. Constable and I had written into the agreement. We both felt strongly that those terms were enlightened and would provide excellent advantages for all concerned, also for the world of scholarship and museums.

For one thing, many of the items had been damaged during the digging or in transit. Some had been battered or flattened for easier smuggling. Dumbarton Oaks agreed to repair the objects it had purchased as well as those in the Istanbul Archeological Museum - - completely free of charge. And Turkey would send one or two trainees to learn restoration at Dumbarton Oaks. The collection, thus restored and unified, would be exhibited in Istanbul and two years later at Dumberton Oaks, also possibly at another U.S. museum or two, after which it would go back to Istanbul. The agreement had an article that allowed for the possibility of further exhibitions outside of Turkey. It included arrangements, unilateral and joint, for publication of catalogues and scholarly works.

Giles Constable and I felt rather proud of this unique agreement and hoped that it might constitute an example for comparable arrangements internationally, that it might become a model for cultural diplomacy beyond return or restitution, that it would be beneficial in diverse ways.

What went wrong? The Turkish side, which had vigorously sought for years to get the trove back, balked. The document had all the American signatures. It was ready for one Turkish official signature which was never affixed.

So, ladies and gentlemen, “source countries” are often not resourceful enough. Sometimes, on the verge of securing what they hanker after, they fail dismally. In this instance, Turkey had to gain everything and nothing to lose. But sometimes bureaucratic ignorance and/or legalistic apprehensions work against cultural treasures both nationally and internationally. As a result of such official sabotage, the Sion Silver did not go back, restoration work lagged, no Turkish restorers were trained, there were no exhibitions or publications. Turkey lost; everyone involved lost.

I keep bemoaning the regrettable failure of the Turkish government. But, while commending the goodwill of Dumbarton Oaks, Harvard, and the Attorney General in this instance, I must condemn many museums in the United States and in Europe for concealing or flaunting some of their stolen pieces. Many of them offer hypocritical defenses such as:

“We acquired these items a long time ago…Statutes of limitation apply.”

“If these had stayed in their country of origin, they would have disappeared or been destroyed.”

“There is no proof that any of these were stolen - - maybe they were given as gifts.”

“No, you may not inspect our basements, but you should take our word for it that these objects are not in our museum.”

“Our national legislation prohibits the return of the items even if we would rather return them.”
“These may have come from your soil, but they were not created by your ancestors. They are yours by conquest, by default, by your illegitimate acts.”

“They appear to be yours, but we excavated them, we did the scholarly work on them, we did all the scientific publications.”

These paltry or pathetic excuses contain some half-truths, to be sure.

It is true that some poor countries are extremely rich in their archaeological assets. Turkey is a prime example. Its mainland – Anatolian peninsula – is host to more than 40 identifiable different ancient civilizations. It possesses an estimated 20 thousand mounds and tumuli, 3 thousand ancient cities, and no less than 25 thousand monuments. Each year, more objects are dug up than the total number of objects in all of the British museums. How can an underdeveloped country where the per capita national income is barely 3,000 U.S. per annum, afford to excavate, restore, preserve, and exhibit this vast treasure? Impressive improvements have taken place, but so much more needs to be done. It has been estimated that if the total cultural budget of all European nations were used for archeology in Turkey, it would fall short of Turkey’s annual needs.

The shame of abandoning certain sites to make way for dams, for instance, the unforgivable episode that involved submergence of Zeugma, makes me shudder. I keep hoping that the Turkish Ministry of Culture and Tourism will respond to pressure from international organizations, NGO’s, and public opinion to spare other sites like Hasankeyf from a similar fate.

The short-sightedness of certain governments have in the past resulted in great opportunities lost. One infuriating example is what transpired in Turkey in connection with an offer that had been made by Mr. Gulbenkian in the early 1960s at a time when a military government was in power. Mr. Gulbenkian, a citizen of Turkey although he had virtually never lived there, wanted to make a gift of his fantastically rich art collection, including many priceless Ottoman art objects. He also offered to set up a fund to create a museum in Istanbul to house his collection and to defray the cost of maintaining the museum. Furthermore he proposed that he might fund the creation of an orchestra whose expenses his foundation would pay for. In every conceivable way, this was a munificent offer. Turkey had nothing to lose, but a great deal to gain. Yet, taking a mind-boggling decision, the Turkish government declined to accept the offer. Thereupon, Mr. Gulbenkian established the museum and created the orchestra in Lisbon, Portugal.

True, neglect and incompetence facilitate pilferage and smuggling. But does that disqualify Turkey from its status as a custodian any more than thefts of paintings disqualify many advanced nations? The country is blessed with archaeological riches that defy the imagination. Its surplus could fill hundreds of museums in other countries. Turkey could sell, donate, exchange countless items. Yet, most of its scholars, archaeologists, and cultural administrators are passionately reluctant to part with any item – even though they know that Turkey will get, in return, a wealth of items from other countries. But the bickering goes on. The insistence on possession is relentless.

It leads the world nowhere. We must now unite for “one world of art and archeology”. That requires a new system of ethics, a universal deontology, a world-wide collaboration.
Because the prevailing patterns of proprietorship are predicated upon narrowminded nationalism as well as crass possessiveness, the world is denied the opportunity - which I identify as a universal right - to view and study and enjoy creative arts everywhere. Everything in global patrimony belongs to all of us - to all nations, to all human beings. We are all compatriots in world civilizations. Perhaps we should coin the terms “com-patrimony” and “com-patrimonists”.

Because of the need to cover up stolen objects, some museums in industrialized countries are, in part, thieves’ dens. Because of the concern to lose what they possess or the reluctance to share scholarly knowledge, many museums in underdeveloped countries have become citadels.

There is a crying need for openness, honesty, altruism, constructive cooperation.

Permit me to propose a set of new principles for the future world order of art and archaeology:

1. World Inventory: Entire holdings of all museums to be registered in a world inventory supervised by UNESCO.

2. Amnesty: An international amnesty to be issued for all cultural objects acquired by museums prior to 1975.

3. Repatriation: All objects illegally acquired by museums after 1975 to be returned to their countries of origin.

4. Stronger anti-smuggling laws: New national legislation and international measures to reduce smuggling of art and antiquities.


6. Integrity of Sites: An international ban on tampering with the authenticity and integrity of archeological sites.

7. International Fund: Creation of an AA Fund (Art and Archeology Fund) with income to be derived from a percentage of gross receipts at all museums, of all museum-to-museum sales of cultural properties, of fees and penalties for illegally acquired objects, a portion of royalties etc.

Use of AA fund: Income to be used for the creation and renovation of museums, restoration of sites and objects, international traveling and cyber-exhibitions, production of books, CD’s, documentaries, etc.

Would the world create and comply with such a regime?

Is all this feasible? Is it a panacea? Or is it pure fantasy? A utopia that will never come about? Utopia is always worth a try. It is better to be guided by utopia than myopia. “Nothing happens,” said the American poet Carl Sandburg, “unless first a dream.” I agree with Anatole France, the prominent French author, who once observed: “If it
weren’t for utopias, there would be no cities and man would still be eking out a miserable life in caves.”

Ladies and gentlemen, we must have faith in the prospect for better conditions for art preserved and antiquities conserved. Setting up a new and rational system is not an idle dream. If we strive hard enough, we can achieve it. In many ways - -in war and terrorism, in guilt and destruction - -we continue to be savages. But the world has, nonetheless, taken giant strides - - thanks to dreams fulfilled through determined efforts and enlightened work.

Who would have predicted in 1900 that life expectancy would rise from 35 to 70 by the year 2000?

Who would have foreseen in the latter part of the 19th century that man would fly and even travel faster than the speed of sound?

Who would have thought that slavery would be abolished and colonies emancipated?

Who would have imagined, even 25 years ago that he could reach into his pocket pull out a cell phone in Zimbabwe and chat with a friend in Japan?

Who in the early 20th century would have expected a world organization like the UN composed of independent sovereign states each with an equal vote? From Burma to Britannia, from Algeria to America?

Who would have foreseen, say 60 years ago, the eradication of measles, malaria, polio?

Ladies and gentlemen, minor and major miracles are never out of the realm of possibility. They do occur and will continue to happen in science, medicine, scholarship, technology.

Imperialism is dead. Restitution is feasible, almost routine. Art is forever. Despite instances of savagery, humankind will preserve its civilizations and creativity. International law is capable of making a compellingly constructive contribution to a better world. The eponymous creator of the Whitney R. Harris Institute for Global Legal Studies was right in affirming that “the struggle for peace, law, and justice in the world is eternal.” We can, however, confidently assert on our part that, without having to wait for an eternity, we shall be able to create a new just order for the world’s art and archeology, museums and cultural institutions.