

CHAPTER 8

WHOSE CULTURE
IS IT, ANYWAY?

The Spoils of War

In the nineteenth century, the kings of Asante—like kings everywhere—enhanced their glory by gathering objects from all around their kingdom and around the world. When the British general Sir Garnet Wolseley destroyed Kumasi in a “punitive expedition” in 1874, he authorized the looting of the palace of the Asante king Kofi Karikari. At the treaty of Fomena, a few months later, Asante was required to pay an “indemnity” of 50,000 ounces (nearly one and a half tons) of gold, much of which was delivered in the form of jewelry and other regalia. A couple of decades later, a Major Robert Stephenson Smyth Baden-Powell (yes, you know him as the founder of the Boy Scouts) was dispatched once more to Kumasi, this time to demand that the new king, Prempeh, submit to British rule. Baden-Powell described this mission in his book

The Downfall of Prempeh: A Diary of Life with the Native Levy in Ashanti, 1895–96.

Once the king and his Queen Mother had made their submission, the British troops entered the palace, and, as Baden-Powell put it, “the work of collecting valuables and property was proceeded with.” He continued,

There could be no more interesting, no more tempting work than this. To poke about in a barbarian king’s palace, whose wealth has been reported very great, was enough to make it so. Perhaps one of the most striking features about it was that the work of collecting the treasures was entrusted to a company of British soldiers, and that it was done most honestly and well, without a single case of looting. Here was a man with an armful of gold-hilted swords, there one with a box full of gold trinkets and rings, another with a spirit-case full of bottles of brandy, yet in no instance was there any attempt at looting.

This boast will strike us as almost comical, but Baden-Powell clearly believed that the inventorying and removal of these treasures under the orders of a British officer was a legitimate transfer of property. It wasn’t looting; it was *collecting*. In short order, Nana Prempeh was arrested and taken into exile at Cape Coast. More indemnities were paid.¹

There are similar stories to be told around the world. The Belgian *Musée Royal de l’Afrique Centrale*, at Tervuren, explored the dark side of the origins of its own collections in the brutal history of the Belgian Congo, in a 2001 show called “ExItCongoMuseum.” The Berlin Museum of Ethnology bought most of its extraordinary Yoruba art from Leo Frobenius, whose methods of “collection” were not exactly limited to free-market exchange.

The modern market in African art, indeed in art from much of the

global south, is often a dispiriting sequel to these earlier imperial expropriations. Many of the poorest countries in the world simply do not have the resources to enforce the regulations they make. Mali can declare it illegal to dig up and export the wonderful sculpture of Djenné-Jeno. But it can't enforce the law. And it certainly can't afford to fund thousands of archaeological digs. The result is that many fine Djenné-Jeno terra-cottas were dug up anyway in the 1980s, after the publication of the discoveries of the archaeologists Roderick and Susan McIntosh and their team. They were sold to collectors in Europe and North America who rightly admired them. Because they were removed from archaeological sites illegally, much of what we would most like to know about this culture—much that we could have found out by careful archaeology—may now never be known.

Once the governments of the United States and Mali, guided by archaeologists, created laws specifically aimed at stopping the smuggling of the stolen art, the open market for Djenné-Jeno sculpture largely ceased. But people have estimated that, in the meantime, perhaps a thousand pieces—some of them now valued at hundreds of thousands of dollars—left Mali illegally. Given these enormous prices, you can see why so many Malians were willing to help export their “national heritage.”

Modern thefts have not, of course, been limited to the pillaging of archaeological sites. Hundreds of millions of dollars worth of art has been stolen from the museums of Nigeria alone, almost always with the complicity of insiders. And Ekpo Eyo, who once headed the National Museum of Nigeria, has rightly pointed out that dealers in New York and London—dealers including Sotheby's—have been less than eager to assist in their retrieval. Since many of these collections were well known to experts on Nigerian art, it shouldn't have taken the dealers long to recognize what was going on. Nor is such art theft limited to the Third World. Ask the government of Italy.

Given these circumstances—and this history—it has been natural to protest against the pillaging of “cultural patrimony.”² Through a number of declarations from UNESCO and other international bodies, a doctrine has evolved concerning the ownership of many forms of cultural property. It is that, in simplest terms, cultural property be regarded as the property of its culture. If you belong to that culture, such work is, in the suggestive shorthand, your cultural patrimony. If not, not.

The Patrimony Perplex

Part of what makes this grand phrase so powerful, I suspect, is that it conflates, in confusing ways, the two primary uses of that confusing word “culture.” On the one hand, cultural patrimony refers to cultural artifacts: works of art, religious relics, manuscripts, crafts, musical instruments, and the like. Here “culture” is whatever people make and invest with significance through the exercise of their human creativity. Since significance is something produced through conventions, which are never individual and rarely universal, interpreting culture in this sense requires some knowledge of its social and historical context. On the other hand, “cultural patrimony” refers to the products of a culture: the group from whose conventions the object derives its significance. Here the objects are understood to belong to a particular group, heirs to a trans-historical identity, whose patrimony they are. The cultural patrimony of Norway, then, is not just Norway’s contribution to human culture—its voices in our noisy human chorus, its contribution, as the French might say, to the civilization of the universal. Rather, it is all the artifacts produced by Norwegians, conceived of

ers, while the interests of consumers—of audiences, readers, viewers, and listeners—drop from sight. Talk of cultural patrimony ends up embracing the sort of hyper-stringent doctrine of property rights (property fundamentalism, Lawrence Lessig calls it) that we normally associate with international capital: the Disney Corporation, for instance, which would like to own Mickey Mouse in perpetuity.⁵ It's just that the corporations that the patrimonialists favor are cultural groups. In the name of authenticity, they would extend this peculiarly Western, and modern, conception of ownership to every corner of the earth. The vision is of a cultural landscape consisting of Disney Inc. and the Coca-Cola Company, for sure; but also of Ashanti Inc., Navajo Inc., Maori Inc., Norway Inc.: All rights reserved.

Human Interest

When we're trying to interpret the concept of cultural property, we ignore at our peril what lawyers, at least, know: property is an institution, created largely by laws which are best designed by thinking about how they can serve the human interests of those whose behavior they govern. If the laws are international laws, then they govern everyone. And the human interests in question are the interests of all of humankind. However self-serving it may seem, the British Museum's claim to be a repository of the heritage not of Britain but of the world seems to me exactly right. Part of the obligation, though, will be to make those collections ever more widely available not just in London but elsewhere, through traveling collections, through publications, and through the World Wide Web.

It has been too easy to lose sight of the global constituency. The legal scholar John Henry Merryman has offered a litany of

examples of how laws and treaties relating to cultural property have betrayed a properly cosmopolitan (he uses the word “internationalist”) perspective. “Any cultural internationalist would oppose the removal of monumental sculptures from Mayan sites where physical damage or the loss of artistic integrity or cultural information would probably result, whether the removal was illegally or legally, but incompetently, done,” he writes. “The same cultural internationalist, however, might wish that Mexico would sell or trade or lend some of its reputedly large hoard of unused *Chac-Mols*, pots and other objects to foreign collectors or museums.” And though we readily deplore the theft of paintings from Italian churches, “if a painting is rotting in a church from lack of resources to care for it, and the priest sells it for money to repair the roof and in the hope that the purchaser will give the painting the care it needs, then the problem begins to look different.”⁶

So when I lament the modern thefts from Nigerian museums or Malian archaeological sites or the imperial ones from Asante, it’s because the property rights that were trampled upon in these cases flow from laws that I think are reasonable. I am not for sending every object “home.” Much Asante art now in Europe, America, and Japan was sold or given by people who had the right to alienate them under the laws that then prevailed, laws that, as I say, were perfectly reasonable. The mere fact that something you own is important to the descendants of people who gave it away does not generally give them an entitlement to it. (Even less should you return it to people who don’t want it because a committee in Paris has declared it their patrimony.) It is a fine gesture to return things to the descendants of their makers—or to offer it to them for sale—but it certainly isn’t a duty. You might also show your respect for the culture it came from by holding on to it because you value it yourself. Furthermore, because cultural property has a value for all of us, it can be reasonable to insist that those to whom it is returned

are in a position to take trusteeship; repatriation of some objects to poor countries whose priorities cannot be with their museum budgets might just lead to their decay. Were I advising a poor community pressing for the return of many ritual objects, I might urge it to consider whether leaving some of them to be respectfully displayed in other countries might not be part of its contribution to the cosmopolitan enterprise of cross-cultural understanding as well as a way to ensure their survival for later generations.

To be sure, there are various cases where repatriation makes sense. We won't, however, need the concept of cultural patrimony to understand them. Consider, for example, objects whose meaning would be deeply enriched by being returned to the context from which they were taken; site-specific art of one kind and another. Here there is an aesthetic argument for return. Or take objects of contemporary ritual significance that were acquired legally from people around the world in the course of European colonial expansion. If an object is central to the cultural or religious life of the members of a community, there is a human reason for it to find its place back with them. The communities in question are almost never national communities; still, the states within which they lie may be their natural representatives in negotiating their return. Such cases are bound to be messy: it will often be unclear if a work is site-specific or how an outsider should judge whether something is central to a community's religious life. Law, whether national or international, may well not be the best way to settle these questions.

But the clearest cases for repatriation are those where objects were stolen from people whose names we often know—people whose heirs, like the king of Asante, would like them back. As someone who grew up in Kumasi, I confess I was pleased when some of this stolen art was returned, thus enriching the new palace museum for locals and for tourists. (Thank you, Prince Charles.) Still, I don't

think we should demand everything back, even everything that was stolen; not least because we haven't the remotest chance of getting it. Don't waste your time insisting on getting what you can't get. There must be an Akan proverb with that message.

There is, however, a more important reason: I actually want museums in Europe to be able to show the riches of the society they plundered in the years when my grandfather was a young man. I'd rather that we negotiated as restitution not just the major objects of significance for our history, things that make the best sense in the palace museum at Manhyia, but a decent collection of art from around the world. Because perhaps the greatest of the many ironies of the sacking of Kumasi in 1874 is that it deprived my hometown of a collection that was, in fact, splendidly cosmopolitan. As Sir Garnet Wolseley prepared to loot and then blow up the Aban, the large stone building in the city's center, European and American journalists were allowed to wander through it. The British *Daily Telegraph* described it as "the museum, for museum it should be called, where the art treasures of the monarchy were stored." The London *Times's* Winwood Reade wrote that each of its rooms "was a perfect Old Curiosity Shop." "Books in many languages," he continued, "Bohemian glass, clocks, silver plate, old furniture, Persian rugs, Kidderminster carpets, pictures and engravings, numberless chests and coffers. . . . With these were many specimens of Moorish and Ashantee handicraft." The *New York Herald* augmented the list: "yataghans and scimitars of Arabic make, Damask bed-curtains and counterpanes, English engravings, an oil painting of a gentleman, an old uniform of a West Indian soldier, brass blunderbusses, prints from illustrated newspapers, and, among much else, copies of the London *Times* . . . for 17 October 1843."

We shouldn't become overly sentimental about these matters. Many of the treasures in the Aban were no doubt war booty as well. Still, it will be a long time before Kumasi has a collection as

rich both in our own material culture and in works from other places as those destroyed by Sir Garnet Wolseley and the founder of the Boy Scouts. The Aban had been completed in 1822. It was a prize project of the Asantehene Osei Bonsu, who had apparently been impressed by what he'd heard about the British Museum.⁷

Imaginary Connections

Cosmopolitanism, as we've been conceiving it, starts with what is human in humanity. So we understand the urge to bring these objects "home." We, too, feel what Walter Benjamin called the "aura" of the work of art, which has to do with its uniqueness, its singularity. In this age of mechanical reproduction, Benjamin noticed, where we can make good facsimiles of anything, the original has only increased in value. It is relatively easy nowadays to make a copy of the Mona Lisa so good that merely looking at it—as you would look at the original in the Louvre—you could not tell the copy from the original. But only the original has the aura: only it has the connection with the hand of Leonardo. That is why millions of people, who could have spent their plane fare on buying a great reproduction, have been to the Louvre. They want the aura. It is a kind of magic; and it is the same kind of magic that nations feel toward their history. A Norwegian thinks of the Norsemen as her ancestors. She wants not just to know what their swords look like but to stand close to an actual sword, wielded in actual battles, forged by a particular smith. Some of the heirs to the kingdom of Benin, the people of Southwest Nigeria, want the bronze their ancestors cast, shaped, handled, wondered at. They would like to wonder at—if we will not let them touch—that very thing. The connection people feel to cultural objects that are symbolically

theirs, because they were produced from within a world of meaning created by their ancestors—the connection to art through identity—is powerful. It should be acknowledged. The cosmopolitan, though, wants to remind us of other connections.

One connection—the one neglected in talk of cultural patrimony—is the connection not *through* identity but *despite* difference. We can respond to art that is not ours; indeed, we can fully respond to “our” art only if we move beyond thinking of it as ours and start to respond to it as art. But equally important is the human connection. My people—human beings—made the Great Wall of China, the Chrysler Building, the Sistine Chapel: these things were made by creatures like me, through the exercise of skill and imagination. I do not have those skills, and my imagination spins different dreams. Nevertheless, that potential is also in me. The connection through a local identity is as imaginary as the connection through humanity. The Nigerian’s link to the Benin bronze, like mine, is a connection made in the imagination; but to say this isn’t to pronounce either of them unreal. They are among the realest connections that we have.