**Current Issues in Cultural Property:**

**From Native American Artifacts and Nazi-Looted Paintings to ISIS in Syria**

Arts & Sciences 1138.\*\*, Freshman Seminar

1 Semester-hour Credit

Day/Time Room

##### Professor Matthew Birkhold Office Hours: Mondays 11:00am-1:00pm

**Course Description**

Can cultural objects be owned? Who should own them? What are the best ways to protect heritage? The Elgin Marbles are currently housed in a British Museum. The Bust of Nefertiti is on display in Berlin. Sacred Native American masks are sold in China. ISIS is currently destroying antiquities in Syria. Private art collector are being sued to return art originally looted by the Nazis. This seminar will explore the growing debate about cultural property by looking to a range of contemporary case studies. Along the way, we’ll investigate the idea of culture, the ethics of ownership, the role of museums, and the best ways to legally protect objects that – once destroyed – will be lost forever.

**Texts**

All texts available on Canvas.

**Required Activities:**

1. Students are expected to attend each class, read all the assigned materials, and participate in class discussions.
2. In the final two weeks of class, students will present on a contemporary dispute of their choice, for example: ISIS and cultural objects in Syria; the Benin Bronzes; the Sevso Treasure; Çatalhöyük in Turkey; Russian “trophy art.”
3. As a final written assignment, students will a short Op-Ed discussing the debate surrounding their selected object and advocating action.

# Grading

Satisfactory/ Unsatisfactory

Class participation: 50%

Oral presentation: 20%

Final Op-Ed: 30%

To earn a satisfactory grade, students should earn a 70%. A mid-term progress report will be given to track class participation.

**Course Objectives:**

* To understand the contested idea of “cultural property” and its relationship to cosmopolitanism and group and national identity.
* To learn about the laws governing the ownership, trade, and repatriation of cultural property as well as the current policies of museums and archaeologists.
* To improve critical reading and the ability to synthesize complex ideas.
* To enhance persuasive writing skills.

**Biographical Statement**

Matthew Birkhold is an assistant professor of German and law. His research focuses on the intersection of law, culture, and the humanities and his writing covers a range of subjects, including Native American cultural heritage, intellectual property, and authorship. Matthew teaches undergraduate courses on: fan fiction; fairy tales and their contemporary adaptations; and law and literature. Prior to joining the faculty, he worked as an attorney-adviser to the U.S. Department of State, where he advised on issues related to international law.

1. **Introduction**
2. **What is Art: Cultural Heritage or Cultural Property?**
   1. 1972 UNESCO World Heritage Convention
   2. Lyndel V. Prott and Patrick J. O’Keefe (1992), “Cultural Heritage or Cultural Property?” *International Journal of Cultural Property*, 1 (2), 307-20.
3. **How Do We Think about Cultural Property?**
   1. John H. Merryman (1986), “Two Ways of Thinking about Cultural Property,” *American Journal of International Law*, 80 (4) 831-53.
   2. Derek Gillman (2006)*, The Idea of Cultural Heritage*, p. 6-41.
4. **Whose Culture is it?**
   1. Kwame Anthony Appiah (2006), “Whose Culture Is It?” *New York Review of Books*, 53 (2), February 9, 38-52.
   2. Rosemary J. Coombe (1993), “The Properties of Culture and the Politics of Possessing Identity,” *Canadian Journal of Law and Jurisprudence*, VI (2), July, 249-85.
5. **Role of Museums and Archaeologists** 
   1. Neil Brodie, “An Archaeologist’s View of the Trade in Unprovenanced Antiquities,” in: *Art and Cultural Heritage*, ed. Barbara T. Hoffmann (2006), 52-64.
   2. Yani Herreman, “The Role of Museums Today: Tourism and Cultural Heritage,” in: *Art and Cultural Heritage*, ed. Barbara T. Hoffmann (2006), 419-430.
6. **Tour of Wexner Center**
   1. Watch: *The Woman in Gold* (2015)
7. **The Current Art Market at Antiquities Trade**
   1. D. Matsuda, “The Ethics of Archaeology, Subsistence Digging, and Artifact Looting in Latin America: Muted Counterpoint,” *International Journal of Cultural Property* 7.1 (1998), pp. 87-97.
8. **Law and Policy**
   1. 1970 UNESCO Convention on Illicit Traffic in Cultural Property
   2. Select Museum Policies
   3. 2013 Guidelines on the Acquisition of Archaeological Material and Ancient Art
   4. Gerstenblith, Patty (2012), 2011 Cultural Heritage Legal Summary. *Journal of Field Archaeology* 37 (4):330-335.
   5. Luke, Christina (2012), “US Policy, Cultural Heritage, and US Borders.” *International Journal of Cultural Property* 19:175-196.
9. **Intangible Objects**
   1. Brown, Michael F. (2005), “Heritage Trouble: Recent Work on the Protection of Intangible Cultural Property.” *International Journal of Cultural Property* 12:40-61.
   2. Hafstein, Valdimar (2009) “Intangible Heritage as a List: From Masterpieces to Representation.” In *Intangible Heritage*, ed. Laurajane Smith and Natsuko Akagawa, 93–111.
10. **Nazi-Looted Art**
    1. Lynn H. Nicholas (1997), “World War II and the Displacement of Art and Cultural Property,” in *Spoils of War: World War II and its Aftermath*, ed. Elizabeth Simpson, 39-48.
    2. Erin Thompson (2016), “If We Return Nazi-Looted Art, We Should Return Empire-Looted Art,” *AEON*, 1-5.
11. **Native American Artifacts: Hopi Masks at Auction in Paris**
    1. Cornu, Marie( 2013), About Sacred Cultural Property: The Hopi Masks Case.” *International Journal of Cultural Property* 20, 451-466.
    2. Colwell-Chanthaphonh, Chip (2013), “Repatriation and the Burdens of Proof.” *Museum Anthropology* 36 (2): 108-109.
    3. Deborah L. Nichols, Anthony L. Klesert, and Roger Anyon (1989), “Ancestral Sites, Shrines, and Graves: Native American Perspectives on the Ethics of Collecting Cultural Properties,” in *The* *Ethics of Collecting Cultural Property: Whose Culture? Whose Property?*, ed. Phyllis Mauch Messenger, 27-38.
12. **Cultural Property in War: Afghanistan, Iraq, Syria**
    1. Bauer, Alex (2015), “Editorial: The Destruction of Heritage in Syria and Iraq and its Implications.” *International Journal of Cultural Property* 22:1-6.
    2. Davis, Tess (2015), “From Babylon to Baghdad: Cultural Heritage and Constitutional Law in the Republic of Iraq.” *International Journal of Cultural Property* 21:445-463.
13. **Presentations**
14. **Presentations**

# Academic Misconduct

**It is the responsibility of the Committee on Academic Misconduct to investigate or establish**

**procedures for the investigation of all reported cases of student academic misconduct. The term**

**“academic misconduct” includes all forms of student academic misconduct wherever**

**committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in**

**connection with examinations. Instructors shall report all instances of alleged academic**

**misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the**

**Code of Student Conduct** <http://studentlife.osu.edu/csc/>**.**

**Students with Disabilities**

**Students with disabilities (including mental health, chronic or temporary medical conditions) that have been certified by the Office of Student Life Disability Services will be appropriately accommodated and should inform the instructor as soon as possible of their needs. The Office of Student Life Disability Services is located in 098 Baker Hall, 113 W. 12th Avenue; telephone 614-292-3307,** [**slds@osu.edu**](https://email.osu.edu/owa/redir.aspx?C=UBt-K8tYR0t4JFb7lvBrqPoZaCmoonVuODqYYFTqo77AbE1H0f3TCA..&URL=mailto%3aslds%40osu.edu)**;** [**slds.osu.edu**](https://email.osu.edu/owa/redir.aspx?C=6hFK_liWobyu2DudnSNoj57gjy9TecO3b21luvDRulLAbE1H0f3TCA..&URL=http%3a%2f%2fslds.osu.edu%2f%23_blank)**.**