



Lambert, Meg (2013) *Give and take: US museums' attitudes and ethics toward the acquisition and repatriation of West African cultural artefacts*. [MRes.]

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Give and Take:  
US Museums' Attitudes and Ethics  
Toward the Acquisition and Repatriation  
of West African Cultural Artefacts

A dissertation submitted for the degree of Master of Research

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September 2013

## **Abstract**

This dissertation explores how a small number of United States museum professionals conceptualize and approach the risks and rights involved in the acquisition and return of traditional West African art. Because no similar sociological or criminological studies exist on the museum community's response to issues of illicit acquisition and repatriation of cultural objects, this research presents an introductory set of questions and findings in an attempt to initiate wider empirical investigation. Interviews were conducted with seven US museum professionals and subsequently analysed using interpretative phenomenological analysis. The findings of this study indicate that museum professionals within the African art field, while not personally subject to the sensitive issues surrounding the illicit antiquities in the last few decades, have been personally and professionally affected by these events, and that individual museum approaches to these issues are more dependent upon the beliefs and actions of individual curators than upon pre-existing institutional, national, and international policies. Additionally, despite the museum community's recent emphasis on transparency, there was a notable discomfort and acknowledged sensitivity in discussing these issues.

## **Acknowledgments**

I must thank the whole Scottish Centre for Crime and Justice Research and the Trafficking Culture team, particularly Dr Donna Yates, for her constant availability (despite conducting fieldwork in Bolivia) and the illuminating and informative trips to the pub. I am also particularly grateful to Dr Neil Brodie and Dr Simon Mackenzie for their support and input (and the occasional pint).

I owe my regards to the few courageous museum professionals who generously offered their time and perspectives to this study. Many thanks are owed to Jason Schroedl, for weathering the full force of all my frustrations and joys throughout this process, and Jenny Judova, for providing a last minute editorial eye and successfully getting me out of the flat on occasion.

Most of all, I am incredibly grateful to my family for their unrelenting support and encouragement, their unwavering belief in my abilities, and their continued trust that my passion will manifest itself practically.

## **Contents**

<b>Abstract</b>	ii
<b>Acknowledgements</b>	iii
<b>1. Introduction</b>	1
<b>2. Literature Review</b>	
2.1 The Illicit Antiquities Trade	4
2.2 Repatriation	4
2.3 Museum Ownership and Acquisition	5
2.4 Museum Acquisition of African Objects	5
<b>3. Methodology</b>	9
<b>4. Findings</b>	11
4.1 How risk is assessed: acquisition as a risk analysis process	11
4.2 How the right to acquire objects is formulated	14
4.3 How grounds for repatriation and the rights of source countries are conceptualized	21
<b>5. Discussion</b>	24
5.1 How risk is assessed: acquisition as a risk analysis process	26
5.2 How the right to acquire objects is formulated	27
5.3 How grounds for repatriation and the rights of source countries are conceptualized	30
<b>6. Conclusion</b>	31
<b>Works Cited</b>	33

## **1. Introduction**

In recent decades, the international art museum community has experienced a reluctant evolution as the traditional collecting methods of the first half of 20<sup>th</sup> century have become increasingly condemned for their contribution to the illicit antiquities trade. The previously tacit and normalized involvement of curators in the transnational trafficking of stolen and illicitly excavated objects has become the focus of numerous media investigations and international court cases (Atwood, 2004; Felch and Frammolino, 2011; Watson and Todeschini, 2006; Waxman, 2008). The resulting ethical reconsiderations undertaken by museums have drastically transformed the collecting process as museums attempt to update their methods and maintain their positive public image (AAMD, 2001; 2004; 2008; 2013). However, the perspectives of museum professionals in relation to the unethical or illegal acquisition of unprovenanced cultural artefacts have rarely been explored from any kind of social scientific perspective, let alone a criminological one. Consequently, our understanding of how museum professionals have responded personally and professionally to the legal and cultural battles of the last few decades, and how their reactions have contributed to the altering landscape of museum collecting, is severely limited.

In light of the recent criminalization of buying or accepting unprovenanced cultural objects, the increasing regulation of museum acquisitions and returns, media and governmental investigations, the public downfall of colleagues, and the rise of repatriation requests, this study explores how a small number of United States museum professionals conceptualize and approach the risks and rights involved in the acquisition and return of traditional West African art. Though journalistic investigations have offered groundbreaking reports on the actions and effects of the involvement of certain museum professionals in the perpetuation of the illicit antiquities trade, no scientific attempts have been made to explore the socio-psychological background of such activity or long-term effects on the greater community. Events such as the trials of curator Marion True and dealers Robert Hecht and Giacomo Medici, the recent arrest of dealer Subhash Kapoor and the discovery of his illicitly sold objects in museum collections throughout the world, and the rising tide of repatriation requests have all undoubtedly had reverberating effects among a curatorial community that is in constant conversation. However, no attempt has been

made to scientifically evaluate what those effects are and how they may be manifesting.

This is particularly the case in regards to West African art, which has not been subject to the same volley of investigations, court cases, or repatriation requests as other fields. Systematic understanding of the West African art market's illicit activity is almost non-existent, with only a handful of books and articles written on the topic. Though the export of West African cultural objects has been in practice since the colonial era, the 1970s initiated a continuing demand for artefacts from cultures such as the Nok and Yoruba of Nigeria and the Djenné and Dogon of Mali (Schmidt and McIntosh, 1996). At the time of this writing, Mali is the only West African country to hold a Memorandum of Understanding with the United States to prevent the illegal import and export of cultural material (Bureau of Educational and Cultural Affairs website), and Nigeria is the only West African country to repeatedly make repatriation requests for cultural objects in Western museums (Opoku, 2012a; 2012b; 2013). Political instability, shifting cultural and religious identities, and widespread poverty have prevented concerted efforts to preserve cultural heritage and to confront Western institutions. As a result, African art curators have seen far less of the legal and cultural ramifications of negligent collecting than colleagues in larger departments.

In an attempt to fill a hole in the existing literature on these issues, this research seeks to shed some light on three related topics:

- 1) how risk is assessed by curators in considering acquisitions;
- 2) how the right to acquire objects is formulated; and
- 3) how grounds for repatriation and the rights of source countries are conceptualized.

The objectives in exploring these topics are similarly threefold:

- 1) to survey how ownership rights overall are being approached by curators;
- 2) to identify prioritization and justification processes employed in acquisitions and returns procedures; and
- 3) to determine the extent to which these processes vary across institutions.

Out of roughly two dozen museum professionals that I approached, seven agreed to take part in this study. Five of these are African art curators at a range of institutions of varying size. In addition to these, Victoria Reed, the provenance researcher at the

Boston Museum of Fine Arts, and Maxwell Anderson, the director of the Dallas Museum of Art, provided their perspectives based on their experiences working with African art curators and acquisition in general.

This research was undertaken as part of the larger Trafficking Culture study at the University of Glasgow, a four year project funded by the European Research Council to develop an evidence base for informing policy interventions to reduce the global illicit trafficking of stolen and looted cultural objects. This research, conducted as part of my Master of Research in Criminology, is a precursor to my PhD research with the Trafficking Culture study on the illicit market for West African objects within Europe.

This dissertation is divided into six chapters, including this introduction. The literature review will touch on important works regarding the discussion of museum professionals' conscious and unconscious roles in white collar crimes related to the antiquities trade, museum approaches to ownership and repatriation debates, and museum professionals' assessment of acquisition as a whole and of African objects in particular. The methodology chapter will more fully describe my participants, my initial research aims, and my use of interpretative phenomenological analysis to interpret my findings. The findings chapter is broken down into three sections to explore the relevant topics of risk, the right to acquire, and the right to repatriate as mentioned above. The discussion chapter is similarly divided by topic and will synthesize my analytical understanding of the findings. Finally, the conclusion will sum up my findings and my hopes for future research.

A note on terminology: the term "cultural object" is used throughout this work to refer to historical objects made for artistic, cultural, or religion purposes. In the African art field, the term "antiquity" is ill suited as bounds of age or era in African art history are inconsistently defined by scholars, curators, and dealers alike. Participants in this study presented a range of definitions for "antiquity", which varied from "archaeological material" to "pre-colonial". In general, "traditional African art" was the term used most frequently to describe non-contemporary cultural or religious art objects. The term "artefact" is similarly ill suited due to its archaeological connotations. US museums have few West African objects that can be considered archaeological, most being cultural objects created and distributed within the last two hundred years that have never been excavated or looted from an African archaeological site. Finally, the word "repatriation" has been deliberately used as



opposed to other terms such as “restitution”. While there is an argument to be made for the inherently political nature of “repatriation” versus the more neutral “restitution”, its use here reflects its widespread usage in the media and the political character of its recent practice.

## **2. Literature Review**

### **2.1. The Illicit Antiquities Trade**

Over the past two decades, academics have been conducting various types of empirical research into the looting of archaeological material and the collecting of illicit antiquities by museums and private collectors. So far, much of this work has focused on looting itself (Alva, 2001; Bowman, 2008; Brodie and Contreras, 2010; Brodie and Contreras, 2012, Brodie, Doole, and Watson 2000; Kersel, 2007; Thoden van Velzen, 1996;) collecting (Chippindale and Gill, 2000; Chippindale and Gill, 2001; Kersel, 2008), the impact of looting on archaeological sites and understanding (Brodie and Renfrew, 2005; Brodie, 2006; Elia, 1997; Renfrew, 2000) and the form and effects of laws and regulations (Brodie, 2005; Chippindale and Gill, 2002; Mackenzie, 2005; Vitale, 2005; Vitelli, 1980). While the nature of the illicit antiquities trade inherently poses questions of crime, criminality, and crime prevention, the topic has rarely been approached from a criminological or sociological perspective. The few criminological perspectives that do exist have largely focused on dealers and the market (Mackenzie, 2011a; Mackenzie, 2011b; Mackenzie and Green, 2009). Even fewer focus on the actions, motivations, and justifications of actors related to the trade (Mackenzie, 2007; Mackenzie and Green, 2004), while one focuses on the actions and malpractice of museum professionals from a strictly criminological perspective (Brodie and Bowman Proulx, 2013). Among these, even fewer empirical works exist on the illicit antiquities trade within sub-Saharan Africa, consisting of a handful of books (Corbey, 2000; Panella, 2002; Schmidt and McIntosh, 1996; Steiner, 1994) and a smattering of articles and chapters (Brent, 1994; Gado, 2001; Hammer, 2009; Insoll, 1993; Shaw and MacDonald, 1995; Shyllon, 2003; Sweetman, 1995; Togola, 2002).

### **2.2. Repatriation**

Social or academic commentary on the repatriation debate is overwhelmingly

found among law and cultural heritage media, rather than being described by museum professionals themselves. Such studies focus on issues of repatriation's rising popularity as a whole (Cohan, 2004; Kaye, 1999;), legal developments and approaches (Bohe, 2011; Ericson, 2004; Petr, 2005), ethical considerations (Gerstenblith, 2001; McIntosh, 2006), and debates in philosophical perspectives on ownership (Curtis, 2006; Merryman, 2005; Merryman, 1986). The recent rise in repatriation requests has consequently seen the evolution of Mutually Beneficial Repatriation Agreements (MBRAs), a form of agreement between source country and museum, which typically involves the acknowledgement of the source country's ownership and eventual repatriation of the object, in addition to long-term loans and cultural exchange. Such agreements have recently become popular between Italy and a number of US museums (Gill and Chippindale, 2006; Park, 2002; Steele, 2000). Despite their increasing use, only a couple of articles exist on MBRAs (Falkoff, 2008; Wolkoff, 2010). These articles are oriented towards the politico-legal implications of repatriation, rather than empirical assessment of its socio-cultural effects in both museum and source communities. As far as the author is aware, there have been no systematic analyses of how repatriation affects both the source community as well as the museum post-return, whether or not repatriations have had any affect on deterring looting, or whether MBRAs have definitively strengthened or weakened communication and cultural exchange between source countries and museums.

### **2.3 Museum Ownership and Acquisition**

Most literature detailing museum approaches to ownership and repatriation are representative of the individual opinions of institutional leaders. Chief among these is James Cuno, the current CEO of the Getty Trust and author of a number of books and articles championing the internationalist belief in humanity's shared ownership of cultural objects, and consequently the museum's right to collect. Books such as *Whose Muse?*(2004) and *Who Owns Antiquity?* (2010) as well as various articles (Cuno, 2001; 2005; 2009) offer philosophical commentaries defending the continued acquisition of ancient art while besmirching archaeological arguments. While many differing views do exist, particularly the views of Dallas Museum of Art director Maxwell Anderson (Anderson, 2010), such views have not been as widely published.

## 2.4 Museum Acquisition of African Objects

Beginning in the 1980s, scholars of so-called “primitive” arts became increasingly sensitive to postcolonial, Eurocentric views that had dominated African art history since its inception in the 1950s. A sizeable amount of literature since then has critically engaged with how Western museums and academics present and interpret African art (for example, Ben-Amos, 1989; Guenther, 2003; Karp, 1991; Kasfir, 1992; Lamp, 2004; Price, 2007). Most notable among these is Sally Price’s *Primitive Art in Civilized Places* (1989). This slim but powerful volume questions and explores issues of Eurocentrism in the collection, connoisseurship, and display of “primitive” art from indigenous African, South Pacific, and Native American cultures. Price purposefully does not provide an analysis of primary scholarship on “Primitive Art”, but attempts to provide a perspective on “second generation” knowledge that begins with experts but is reframed in the context of dissemination through popular media (Price, 1989: 4).

In terms of the distinctly American approach to acquiring African art, *Representing Africa in American Art Museums* (Berzock and Clarke, 2011) explores the history of African art in US museums with a focus on the histories behind the formation and acquisition of individual collections. While it does offer a comprehensive and varied perspective on many different collections and museums, it generally fails to consider how curatorial and audience perspectives on these collections may be changing in the wake of the repatriation debate and greatly evolved acquisition methods. This book has a primarily historical focus on African collections up to the 1990s or early 2000s, and does not take much time to interrogate the current state of collecting or the object histories of African art in museums.

More nuanced or individual approaches to opinions on object histories and provenance can be found in exhibition and collection catalogues. Two participants in this study have penned catalogues that directly discuss problematic aspects of art trafficking, the histories of private collections now in their institutions, and the individual provenance of each object (Geary and Xatart, 2007; Lamp, 2012). Both these participants also drew attention to the exhibition catalogue of the UCLA Fowler Museum’s recent exhibition on the Benue River Valley, which controversially chose to include looted objects.

Based on the collection of Geneviève McMillan, now at the Boston Museum of Fine Arts, *Material Journeys: Collecting African and Oceanic Art, 1945-2000* (Geary and Xatart, 2007) explores the production histories, trade routes, and collecting histories of African and Oceanic art in the last century. Objects from the collection are showcased as examples as the authors present a history of the production, trade, and collection of art from West and Central Africa. In almost all cases, the detailed provenance or life history of each object is not included, often because it is simply not known. Instead, it demonstrates what is known about it and how it fits into the canon. In many ways, this catalogue acts a comprehensive history not only of the art, trade routes, and collectors, but of scholarship as well.

*Accumulating Histories: African Art from the Charles B. Benenson Collection at the Yale University Art Gallery* (Lamp, 2012) takes a notably unique route in presenting the donated collection. This catalogue offers a rare dual perspective: first, this work explicitly does not focus on the indigenous context of African art or attempt to interpret its meaning and function. Instead, it aims to provide a commentary on the nature of collecting, the motivations of collectors, their personal involvement with objects, the emotionality of objects, and how the history of African objects outside of Africa continues to evolve. Second, Lamp offers, not quite as explicitly, his own perspective as a curator who is keenly aware of the manipulation of African art since it gained popularity with the West, and the power collectors and dealers have wielded in influencing how the history of African art is understood. Rather than simply using objects to illustrate a broader history, Lamp points out what may be missing from objects, what may have been altered, and critically engages with the collection to assess how collectors' or dealers' interactions have changed the object or abstracted its meaning.

The final part of the introduction to *Central Nigeria Unmasked: Arts of the Benue River Valley* (Berns, Fardon, and Kasfir, 2011) explicitly discusses issues of provenance, both in general and specifically as they relate to objects within the exhibition. Conscious of the fact that many objects in the exhibition were illicitly obtained (particularly objects stolen during and after the Biafran War), it is posed that while the perpetrators have “exited the stage” so to speak, the consequences of their actions persist and it becomes the responsibility of scholars to question current action and be true to the historic record (ibid 2011: 31). Consequently, the objects presented in the Benue exhibition are published with “best efforts to reconstruct their

provenance, whether from direct evidence or by comparison and argument, and without any attempt to conceal their arduous and conflicted journeys” (ibid 2011: 31). In addition to discussion of the literal spiritual meaning that is lost in decontextualization of objects (the loss of vessels for spirits of Ga’anda peoples), it is also admitted that fieldwork and publications have unfortunately provided “treasure maps” for looters (ibid 2011: 32). Ultimately, objects with problematic ownership histories are presented nonetheless in “an effort to promote knowledge about them and to make them accessible for additional study” (ibid 2011: 32).

Participants of this study also emphasized the importance of two European perspectives on issues regarding acquiring and repatriating African cultural objects. While these offer insights that are not generally found in US literature, they also represent a distinctly European experience involving cultural memory and direct historical ties to the forceful removal of objects during colonial occupation. The African art market in America, being relatively recent, is not directly tied to military involvement, and therefore the experiences and issues posed by these books are often inapplicable to the American experience as a whole.

*Tribal Art Traffic: A Chronicle of Taste, Trade and Desire in Colonial and Post-Colonial Times*, by Raymond Corbey (2000), focuses heavily on collections within Belgian and Dutch museums and the experiences and histories of the objects and individuals related to those collections. Consequently, much of the art and trade routes discussed are from Central Africa, specifically the Congo. While the first section offers one of the most detailed and insightful histories of European expeditions to Africa, including missionary outreach, the involvement of artists and ethnographers, and the collectors and dealers involved in acquiring African art objects, the second half offers a unique set of interviews with collectors, dealers, and curators based in Belgium and the Netherlands. This section focuses on conversations surrounding issues such as authenticity, trade routes, and the complex relationship between the museum world and the art market, and offers significant personal opinions by individuals whose roles in scholarship and the art market frequently overlap.

Published by the Museum of Ethnography in Stockholm, Sweden, *Whose Objects? Art Treasures from the Kingdom of Benin* (Ostberg, 2010) presents a number of views on the museum’s collection of Benin objects. In addition to art historical reflection, the chapters include a meticulous and heartfelt argument for the repatriation of Benin

artefacts from His Royal Highness Prince Edun Akenzua (Akenzua 2010: 16), and a brief history of the traditional use of Benin objects and a proposal for their use upon their repatriation (Agbontaen-Eghafona, 2010: 22). While explicitly stated in the forward that the Museum does not share the views of each chapter, they are nonetheless enthusiastically included in a rare collaboration between a source country and museum.

In summary, criminological or sociological analyses of acquisition and repatriation of illicit cultural objects within the museum context are significantly lacking in the current literature. The dialogue on these issues within museum publications and discourse is limited, and research thus far conducted on these issues roundly neglects museum professionals' views and roles in past and present acquisition of illicit cultural material. These perspectives are a crucial factor to consider in developing greater systematic understanding of the illicit antiquities trade as a whole, and its role and effects in the museum community. An attempt to provide a cursory, exploratory understanding of a small number of these perspectives is presented in the following chapters.

### **3. Methodology**

My overall goal for this study was to develop a cursory understanding of the perspectives of museum professionals regarding the legality and ethicality of the acquisition and repatriation of West African cultural objects in light of current regulation and recent events. In order to do this, I sought an appropriately small sample of museum professionals and analysed the resulting data through an analytical framework used traditionally in psychology.

I contacted a little over two dozen museum professionals at institutions of varying size across the US. Out of those, seven agreed to participate. Two chose to remain anonymous. Their aliases, Curator R and Curator F, were randomly selected from the alphabet to maintain a sense of individuality rather than sequence. Frederick Lamp represented the smallest institution and the only university art museum as the curator of African art at the Yale University Art Gallery. Christraud Geary, the Teel Senior Curator of African and Ocean Art at the Boston Museum of Fine Arts (MFA), and Victoria Reed, the Monica S. Sadler Assistant Curator for Provenance at the MFA, chose to be interviewed together. Maxwell Anderson, director of the Dallas Museum

of Art (DMA), was the only museum director to be interviewed. Kirstin Krause Gotway, a Mellon Global Curators curatorial assistant at the Indianapolis Museum of Art (IMA), was the youngest curator to be interviewed at only 27 years old.

A semi-structured interview schedule was used, tailored to each individual participant. In some cases, participants requested to see the schedule ahead of time, but did not object to follow up questions not included on the list provided. Interviews were conducted via phone, except in the case of Geary and Reed, who were interviewed in person at the MFA. Participants were explicitly told that this study would focus on their perspectives on the legality and ethicality of the acquisition and repatriation of West African cultural objects. I identified two particular ethical considerations at the outset: first, due to the relatively small sample size within a comparatively small field, complete anonymity could not be assured, depending on the level of familiarity among a small pool of colleagues. To address this, I offered anonymity but was frank about the possibility that true anonymity may not be attainable. Second, I anticipated that the sensitive nature of the topics discussed might dissuade participants from being forthcoming about their beliefs or experiences to a criminology student. To encourage mutual trust and willingness to communicate, I offered to share the transcription of their interview so they might have the opportunity to revise, clarify, or add or retract information.

In making sense of the findings, I chose to employ interpretative phenomenology analysis (IPA). This qualitative research approach attempts to explore the experience and perception of individuals in reaction to a particular phenomenon or event, and to present a detailed examination that enables the experience of individuals to be expressed in their own terms as much as possible. Along with its foundation in phenomenology, IPA combines hermeneutics (the theory of interpretation, in order to understand how the phenomenon appears to the participant and how the analyst's own experience is implicated in making sense of the phenomenon) and idiography (to understand how particular experiential phenomena were understood from the perspective of the individual in a particular context). This is an admittedly unusual choice of analysis for a criminological topic, as IPA is primarily practiced in psychology to examine particular events that have had life-altering consequences for participants. Psychological studies that employ IPA are largely focused on health-related issues and their impact on certain aspects of the subjects' life world, such as chronic fatigue syndrome (Arroll, Senior 2008), multiple sclerosis (Borkoles et al,

2008), spinal injuries (Dickson et al, 2008), etc. Cultural, non-medical phenomena are also explored through IPA, such as sexuality and sexual identity within a wider cultural framework (Coyle, Rafalin 2000; Flowers et al, 1998; Flowers et al 1997), the experience and effects of anger (Eatough, Smith 2006; Eatough, Smith, and Shaw 2008), and criminal rehabilitation (Aresti, Eatough, and Brooks-Gordon 2010; Bladger et al, 2011; Meek 2007).

The use of IPA in this study was particularly apt for three reasons: 1) my sample, though small, was in fact the ideal size for the development of detailed interpretations of participants' individual experiences and perspectives, which a larger sample would not have allowed in the allotted time frame; 2) from the beginning, my research questions were designed with a focus on the exploration of the personal perspectives of museum professionals, with the goal to develop a cursory understanding of how they perceive themselves within the issue; and 3) the topics covered present a collection of significant events that have drastically altered the professional practices and personal beliefs of the museum community over the last few decades. Consequently, IPA is ideally suited to tackle such questions that are not explicitly psychologically oriented.

Transcripts of participant interviews were analysed multiple times to separately examine descriptive comments that illustrated the key events, phrases, and general content of the participants' life world; linguistic comments that reflected the ways in which content and meaning were presented; and conceptual comments that more subtly indicated patterns and overarching understandings of the topics discussed. These analyses were then examined comparatively and broken down into the three major themes and subthemes explored in the next two chapters.

Initially, this study focused exclusively on east coast US museums, in the hope that limiting myself to a single region would allow me to interview as many participants in person as possible. However, difficulty in gaining my originally desired number of participants (10-15) prompted me to include the whole of the United States and forego physical interviews in favour of phone interviews. Ultimately, this proved beneficial as my sample enjoyed greater variance among participants than if I had limited myself to the east coast.

## **4. Findings**

### **4.1 How risk is assessed: acquisition as a risk analysis process**



Throughout analysis, a prominent theme emerged in which the acquisition process for the museum professionals sampled was approached predominantly as a risk assessment process. There are three particular facets to this process explored here: 1) the structure and function of the acquisition process itself, 2) the breadth and depth of provenance research, and 3) the questions prioritized throughout these processes.

## ACQUISITION PROCESS

There was a persistent belief among curators that the acquisition process would vary little across institutions, and therefore did not warrant a great deal of discussion. Although the process was indeed similar, it featured notable variation depending on institution size and type, and the priorities of individual curators.

At the majority of institutions, a collections committee, board of trustees, or both were described as having the final authority on assessing prospective acquisitions. The process leading up to this assessment differed. At the two largest institutions, all curators were required to fill out a detailed acquisition form on the prospective object's history, from original cultural context to ownership history. At two other institutions, the process did not involve the same direct documentation of the object, but was moderated by a number of authorities such as legal and conservation departments, as well as the museum director or assistant director. The last two curators appeared to have slightly more freedom, but no less of a rigorous process, despite being at quite differently sized and structured museums. Curator R did not describe any particular decision-making hierarchy, such as curator to director to board of trustees, but recounted a more communal process of curators working collaboratively to make informed decisions about acquisitions. As a curator at a smaller-scale university museum, Lamp described his role in acquisitions as a solitary process of courting collectors to solicit gifts and donations, which are then presumably vetted by the board of trustees and director. However, in making decisions about historical cultural objects, he noted that he collaborates with a fellow Yale professor and archaeologist in order to make the most informed decision.

## PROVENANCE RESEARCH

The provenance research employed by most participants emphasized determining the legality of an acquisition, and predominantly valued meeting legal standards over

the consideration of socio-cultural issues or concerns. This sample of interviews demonstrates that despite ever-tightening provenance research guidelines, the types of information that are valued about an object are dependent upon the individual curator as much as they are on the institution's policies.

The structure itself of the provenance research process varied from the investigative process of the MFA's and the DMA's provenance forms, to the more flexible and improvised processes employed by smaller institutions. At the stricter end of the spectrum, the MFA's Reed described provenance research as a risk assessment process. She believed that risk cannot be eliminated because every object may have been stolen or smuggled at some point. By her assessment, there is no such thing as a no-risk object, and the smartest, safest bet for museums is to use the provenance research process in order to identify low-risk objects. Consequently, her role as a centralised provenance curator means each curator must go through her as part of the acquisition process by filling out a detailed form to demonstrate their full knowledge of the proposed object's known history, from probable country of modern discovery to the export laws and patrimony statutes of the state parties named. There is an explicit focus here on the legality of the object's history. Director Maxwell Anderson introduced a similar process the DMA in 2012, without the role of a centralized provenance researcher.

On the other end of the spectrum, Lamp enjoys a more independent approach at Yale that is no less thorough. While he does provide donors with forms asking them to provide as much provenance about the donated object(s) as they can, he admitted this form gets little attention. His own research into objects' provenance is significant. He did not cite any particular guidelines followed, but seems to have designed this process based on his own experiences, expertise, and personal investment in the issue. In detailing his research process for a recent acquisition of a large collection of West African objects, he not only included his course of action but his own reasoning and methods for weighing risks.

Curator R presented the most notable and unique provenance research process. In addition to the usual questions of import and export history, publishing history, and authenticity, this curator also questioned whether there has been "fair notice" among museums in Africa to vet the object and determine whether they would ever request it back. Notably, their provenance research process prominently includes the counsel and input of colleagues both inside and outside her institution. If the object presents

questions or areas of expertise not fulfilled by immediate staff, the curators will seek the expert opinions of other colleagues in order to determine whether the object may have been stolen without their being aware, whether they believe it to be authentic, and any other assessments required. This is the only instance in this study in which the opinions and expertise of colleagues not within the institution is described as being sought out to make informed decisions about acquisitions. When authenticity has been determined, Curator R's method of provenance research is focused as much on the art historical context of the object as it is on ownership history. They equate provenance research with art historical research, indicating that they see determining object context and history as an art historical process rather than just a legal one. Curator R's approach highlights how little the art historical context of an object is seen to be a part of its wider ownership history. In general, legal considerations of ownership history and risk assessment are often viewed as being separate from the "art history" of the object, as opposed to being a part of it.

#### QUESTIONS PRIORITIZED

The questions most frequently prioritized in the acquisition process amount to, "What do we know about the object, and how do we know it?" Following this are questions that focus on whether the object was legally acquired, and then legally exported and imported. Remaining questions varied among individuals and institutions. While the MFA's guidelines force curators to question whether the acquisition would directly incentivise looting, other individuals prioritized questions about whether another country would likely lay claim to the object in the future.

Among this sample, there was a preoccupation with whether or not objects will be taken away in the future, versus any questioning of the institution's role in possibly exacerbating, prolonging, or otherwise negatively affecting any socio-cultural issues of the object's source community. There was almost no questioning of whether the object has any cultural sensitivity, and whether that sensitivity could be positively addressed through the acquisition.

#### **4.2. How the right to acquire objects is formulated**

The right to acquire objects appears to consist of a three-tiered set of considerations: 1) legal considerations, 2) moral considerations, and 3) cultural

justifications. All participants valued considerations of legality before other factors. Moral considerations in the right to collect were discussed by about half of the participants, and are generally indicative of a personal set of guiding principles that affect their approach to their work as a whole. Cultural justifications for collecting were found in two kinds of discussions: 1) the curator's own personal experiences in Africa or working intimately with African communities, and 2) the mention of local African communities that would have immediate access to the collection at the curator's institution.

## LEGAL CONSIDERATIONS

First and foremost, the right to acquire objects as conceptualized by those sampled here were based primarily on the legal right to do so. The legal justification for acquisition is repeated by all participants through discussion of both acquisition and provenance, as well as in some discussion on the validity of repatriation. Throughout the interviews, it appeared that questions on the legality of objects often eclipsed questions of cultural or historical issues or sensitivities associated with objects. The extent to which these legal factors are considered in conjunction with moral or cultural factors varied among individuals and institutions.

The most prominent example of this prioritization is found in the MFA's acquisition of the Robert Owen Lehman collection, which consists of thirty-four West African bronzes and ivories. Thirty-two of these were seized from the Kingdom of Benin, in present-day Nigeria, during Britain's Punitive Expedition in 1897 (MFA website). The violent removal of the bronzes and other artefacts from the palace, combined with recent repatriation requests from Nigeria to other institutions with looted Benin artefacts, has generated significant cultural and historical sensitivity around these objects. When discussing the acquisition of this collection, Reed remarked on their knowledge of the sensitivity of the issue, but explained, "When we were given the opportunity to acquire these objects, we weren't in a position to sort of...solve the problem of the Benin bronzes." US law, national museum organizational guidelines, and the MFA's own policies were all cited as confirming the validity and low-risk assessment of the acquisition, despite criticism and Nigeria's renewed repatriation requests.

## MORAL CONSIDERATIONS

There are two subsections within moral considerations in the right to acquire: 1) the personal belief systems of individuals that inform why objects should be acquired and under what circumstances, and 2) a diversified but ultimately important relationship with the art market. Although few of the curators interviewed have the financial means to directly participate in the art market, the provenance research process invariably necessitates direct communication with dealers, auction houses, galleries, and collectors on how, where, and when objects were acquired. This communication has elicited differing and, due to the small size of my sample, firmly individual opinions on the nature of the museum/market relationship, how it affects the level of risk involved in assessing acquisitions, and how it affects scholarship and exhibitions as a whole.

#### Personal beliefs:

Of the four participants who provided insight into their personal beliefs on acquisition, two emphasized the importance of using museum acquisition to bring objects into the public domain from the opaque realm of private collections and market circulation. Though all participants made it clear that the mission of the museum as an institution is to share and educate, Geary (MFA) and Lamp (Yale) seemed to especially approach acquisition as a means of rescuing objects into public collections. Both notably described objects in anthropomorphic terms, Geary seeing unprovenanced objects as “orphan objects”, and Lamp describing objects in private collections as living in “captivity”. From this perspective, objects are seen to “disappear” into private collections, and museum acquisition restores the public’s right to see and learn from them. Lamp particularly expressed his belief that collectors should be discouraged from buying unprovenanced and/or problematic objects, but that once objects are “out” from their source country and onto the market, they should be put in public institutions so they are available for public display and scholarship.

Reed’s sense of moral rights appeared to be tied in with her belief in legal rights. She put an emphasis, both in the interview and in literature she provided me with at the outset of the interview, on museums learning from past mistakes in order to avoid collecting recklessly. (Reed, 2013) She put a premium on asking questions, and fully understanding where objects are coming from and under what circumstances. Most unique, however, was Curator R’s expansion upon the basic foundation of their belief

in telling stories about African peoples through exhibition, education, and caring for objects in perpetuity through giving them purpose. Notably, Curator R did not see acquisition as simply another aspect of museum work, but as a powerful tool for future education and art production. They believe that museums should use collecting as a strategic form of documentation to write history as it happens, and to dispel lingering notions of primitivism among audiences unfamiliar with African art. Curator R explains,

What the museum world has to be ready for and think about in terms of acquisitions is the collecting of the so-called new traditions, done in an ethical way, done in a way that encourages people to talk about these new traditions, encourages younger people to value them in their own cultures, and to be able to collect them jointly with museums and cultural institutions in particular African countries.

They ultimately want to ensure that in a hundred years, art that is traditional now will not be viewed as degraded, as some throughout the 20th century have perceived so-called traditional African art. This curator is the only participant to have described acquisition as being used to aid in the creation of history and art history, rather than merely the recording of it.

Museum and market relationship:

Out of the five participants who commented directly on the relationship between the museum and the art market, all but one believed problematic aspects might arise in communication between the two. The perception of these issues and the presentation of the severity of these issues varied individually.

Curator R expressed a rather routine relationship that was not marked by excessive negativity or positivity, but was blatantly aware of issues that can emerge in interacting with the art market, principally issues of deception and provenance, and an untroubled approach to working around these issues. For Curator R, the majority of roadblocks surfaced in working with collectors who, according to the curator, predominantly do not ask questions about provenance or ownership history. However, the curator qualified that good collectors do ask because “they know acquisition by museums is increasingly difficult.” This suggests that this curator sees responsible collectors as intending to donate in the future, and that their diligence in researching

provenance may be due in part to avoid rejection from increasingly strict museum acquisitions policies.

Reed expressed a more outright frustration with the art market. She presented the idea that if curators themselves are not proactive in asking questions and demanding information from art dealers, there would be no incentive for dealers to provide any information on objects. “We have to demand paperwork from them, we have to ask questions of them, and sometimes we do get some push back, but I think that if we don’t ask those questions, they’re never going to feel that they have to supply anything.” She emphasized her frustration when dealers attempt to provide only their word on the good standing of objects in lieu of contacts or context, indicating that perhaps these conversations occur frequently enough to incur the significant expression of such issues in the interview context.

Lamp presented the unique perception of the market as being directly affected by museum exhibitions. In his experience, he has noticed a trend that when museums feature major exhibitions of African objects, objects from the region or culture exhibited garner higher market prices and greater market demand. This cause-and-effect relationship makes him uncomfortable by his own admission. He has questioned his own role in this to a certain extent, and emphasized that he himself would never consider buying objects from the market place for the Yale collection. However, he does not condemn the market or collecting; he simply finds it unfortunate that scholars and dealers “work hand in glove as it turns out, whether we want to or not.” He qualified this disappointment with the important roles dealers and collectors have had in his work throughout his career. He described working with dealers who have had much more knowledge about the original contextual use of objects (not including specific find-spots or regional sources) and what constitutes the authenticity of objects than he himself and other scholars have. Consequently, “we can’t write them all off and there are good dealers and there are bad dealers, just as there are good collectors and bad collectors, and frankly, good and bad scholars.”

Somewhat contrarily, Anderson does not see the museum as having any great effect on the market. Rather, he sees the relationship as being separated by a chain-link fence: “So, in a way, it’s porous and you can talk through it but you can’t cross it. And by that I mean I’m actively concerned, always, when a vendor of an object is not forthcoming about information.” He was the only participant to draw attention to the legal issue with the market; principally that it is completely unregulated in the United

States. He described it as being the “last major unregulated feature of, certainly in the US, the US economy.” He sees the museum and the market as having inherently opposite natures: while the museum is committed to the transparency of their working methods, the market is an irregular institution that provides no standard and no reward for vendors to share information. Because of this, the occasions on which the museum must work with the market are often made difficult by unforthcoming individuals.

Rather than assign blame to the unregulated and opaque nature of the art market, Curator F emphasized scholarship’s inability to catch up with the rate at which objects are being discovered and sold. When asked about the museum/market relationship, this curator expressed discomfort and initially refused to comment on the subject altogether. However, as they went on to emphasize that their approach is dependent upon individual objects and people, they further mentioned that in certain situations, one can “run into certain kinds of bumps in the road in trying to find out about the history of an object.” They described that researching object histories can be made difficult when “objects have a trajectory that is outpacing scholarship, objects within the market.” However, they do not see these “stumbling blocks” (lack of context and provenance) as forming any kind of contention between their work and the market. Ultimately, Curator F sees the market as moving forward regardless of what scholars do. The curator explained, “It’s wonderful when there can be people on the ground researching these things, that...it is sad when you have work that you can’t understand completely because the scholarship hasn’t, or the information just hasn’t made it into a broader audience. I don’t necessarily blame the market for that.” Their belief that it is scholarship that has provided the most shortcomings in object histories, rather than the market system, is the only such opinion within this sample.

## CULTURAL JUSTIFICATIONS

Only two participants discussed their work with source African countries in relation to their work as museum curators and, ultimately, on the cultural justifications on acquiring objects. These included discussions of the curator’s experience working in Africa with African museums and source communities, who the objects are available to when in the care of the museum, how the museum may collaborate or work with source countries, relationships between source communities and museum, and particular responsibilities museums have after acquiring. It might be notable that other curators did not touch on the relationships they or their



institutions may have with source communities, or whether those considerations factor into their acquisition of objects at any stage.

Geary placed a great deal of weight on her beginnings in African art as an anthropologist cataloguing the collection of the royal palace in Bamun, Cameroon, as well as her experiences on the board of a Ford Foundation project that provided monetary and expert support for capacity building among African museums. Her experience in Cameroon emerged as particularly important to her. She stressed her experiences witnessing the illicit antiquities trade operate first hand while conducting her fieldwork, offering a unique glimpse as the only participant who had experience with the trade itself at the source. However, in this instance, it was only the individual curator who had experiences and relationships with West African communities and museums, rather than the institution as a whole. Consequently, this particular use of cultural justification for acquiring is not built so much on active relationships between the institution and other source communities or countries, but is based more around one curator's past experiences.

Curator R demonstrated two major factors in their consideration: 1) a strong interest and belief in fostering capacity building and education at African museums, as well as collaboration between African and US museums; and 2) indication of a set of personal responsibilities they believe museums must live up to in order to justify the acquisition of objects and maintenance of collections in the long term. The importance of the relationships fostered between the curator/their institution and African communities and museums was illuminated and presented with a deeper meaning when this curator discussed their museum's positive relationship with the Kingdom of Benin. The material Curator R's museum contains from Benin is well known by Benin officials, and members of the Benin royal court have visited the objects at the museum. Though this topic was explored as part of a question on repatriation, not acquisition, the curator made notable statements on their institution's continued right to hold those objects, as opposed to other institutions: this curator emphasized that the Benin royal family knows what is in the collection, they know it is a small collection, and they are "happy when a substantive story about the sacking of Benin and the circulation of objects can be told." The curator stressed that museums have a responsibility to their audiences to balance the publication, access, and circulation of the collection so that institutional educational missions are put to constant use. Significantly, they sympathized with Nigerians who have called for the

repatriation of objects from a major European institution, and implied that they did not believe that particular institution was living up to its institutional responsibilities, indicating what I perceive as personal belief that the museum's rights to objects may alter depending on whether the collection is being actively and dynamically presented.

### **4.3 How grounds for repatriation and the rights of source countries are conceptualized**

Although repatriation was featured as a key aspect of the study, the willingness to discuss the topic varied among participants. A few directly discussed their opinions on repatriation, their beliefs on the rights of source countries to repatriation, and their personal beliefs in the ownership of cultural objects overall. Others censored or edited their own opinions for the interview, or simply refused to respond to questions about repatriation altogether.

As with the right to acquire, conceptualizing rights for repatriation were similarly founded on legal precedents. Across the board, nearly all participants who willingly discussed repatriation emphasized that their support for the restitution of objects is founded upon whether substantial legal evidence can be obtained and verified presenting the wrongful removal of objects from the source country. Two of the most evident strains of discussion revolving around repatriation and the rights of source countries consisted of 1) questions of rightful ownership in the wake of great political and cultural upheaval and 2) questions of care and access to the public.

#### **OWNERSHIP**

Four participants offered clear perspectives on their approach to questions of ownership regarding repatriation, the two most dominant coming from the curators of the smaller institutions represented in this sample, Lamp at Yale and Krause Gotway at the IMA.

Lamp's approach to repatriation is founded primarily on legal rights, but contains a certain flexibility derived from his belief in protecting the rights and interests of source communities, as well as a universalist approach to the circulation and ownership of cultural objects. After emphasizing the need to establish legal wrongs and crimes committed, the second major issue for Lamp in considering repatriation

was the question of who objects are in fact being returned to. He cited his own research area, the Baga people of Guinea, and the confiscation of their cultural objects by an Islamic jihad in the 1950s. He sees that it “gets murky” because while it can be ascertained that a theft took place, both through photographic documentation as well as personal testimonies, it cannot be as easily determined who exactly the objects were stolen from. Such cultural objects often did not belong to individuals, but to clans and villages that, 60 years on, have radically altered. He questioned the authority of national museums, which are run by national governments that may have been hostile to the source community of the repatriated object, as was the case with the Baga. He sees the government itself as being culpable, and questioned the return of objects “to that same gang of oppressors”. Additionally, he lamented the fact that individuals from such source communities are frequently not among the professionals employed by national museums, implying that the presentation of their history may be neglected or misrepresented.

As the youngest participant in this sample, Krause Gotway displayed a perspective on repatriation that is becoming representative of the new generation of curators and museum professionals who have grown up with repatriation debates and the evolving concept of museum ownership. She described herself as having been “raised within the idea that you repatriate objects back when it’s called for.” She distanced herself from “old school art historians” and sees herself as belonging to a generation that has assumed a greater sense of global identity, thanks in large part to the internet. In general, she “loves the idea of repatriation” as long as there is “a legitimate request and a legitimate grievance”. Unlike other participants, Krause Gotway notably presented her own opinion on how repatriation cases might be handled in the future, suggesting that she would be glad to see “an international court system that could help render judgment on this type of thing.” She believes there should be “a set bar” in order to bring clarity and standards to messy repatriation cases.

As an outspoken and unique figure in the international conversation over the looting and return of cultural objects, Anderson was the only participant to determine his preference for the term “restitution” over “repatriation”. While he does not believe that historic or ancient cultural objects are necessarily directly connected to the heritage of modern day countries, he does recognize the rights to have objects returned and advocates for returns on a case by case basis. Because of this, he believes that “repatriation” is a political, legal term that lacks clarity and its use

heralds a more nationalist agenda. In assessing rights to repatriation in West African countries, he referred to the lack of bilateral agreements between the US and countries like Nigeria. He sees the first step in assessing repatriation rights as securing Memoranda of Understanding with the US in order to clarify import and export laws, definitions of terms, and time frames in which they identify unauthorized exports to have been in breach of the law. However, based on his work on the Cultural Property Advisory Committee, he stated that the State Department sees very little information from the sub-Saharan world.

As was discussed in Part II, Curator R's concept of ownership rights is influenced by a personal belief that museums have certain responsibilities to maintain that, if not lived up to, may compromise their rights to care for objects. When asked about the volley of repatriation requests from Nigeria and the Kingdom of Benin, the curator acknowledged that there is questioning within Nigeria about to whom the cultural objects in questions actually belong to, but stated that it is not a discussion they or their institution would become involved in. However, the curator then said, "You just have to understand that probably Nigerians feel that the thousands of objects that are now in the British Museum barely see the light of day might be something that could be returned to Nigeria. So you know, there's a question of enough balance of publication, of access, you know, of circulation. We've not had trouble with that." This indicates that in addition to informing the right to acquire, this belief in museum responsibility also informs source community rights and does not serve purely to defend the institution, but to promote and care for the objects themselves. This is not an institution-centric perspective, but instead values issues of education and access over issues of ownership.

## CARE AND ACCESS

Only two participants directly addressed concerns about the care of and access to cultural objects post-repatriation. However, others briefly and less explicitly referred to such issues.

In addition to the complications Lamp saw with ownership in repatriation, he was also concerned about the state of museums in source African countries. Though he admitted it is sad that many African museums suffer physically and financially and do not have important objects from their own heritage, he believed this is in part the fault of their own administrations. He cited events in the 1970s and 1980s of museum

professionals looting their own collections to sell on the market, as well as modern leadership that he considered questionable. He found it “very hard to work up any kind of sympathy” for national museums that have engaged in such activities in the past, indicating he would not support the repatriation of objects to such institutions.

Similarly, Krause Gotway was cautious regarding repatriations to countries that have experienced a great deal of upheaval and conflict, and expressed concern over political administrations that may exploit important cultural objects for personal gain, as she described them having done in the past. She listed a series of questions that she believes should be considered in assessing the benefits of repatriation: “You of course have to balance it with, if I send this object back, will it be damaged, will it be destroyed, will it be resold, possibly going into a private collection and not being able to be viewed by the population at large?” This indicates that for her, the concept of repatriation does not mean that countries are free to use the objects returned to them in any way they see fit, but that they have the same responsibilities held by museums to keep objects in the public domain, to be viewed, studied, and appreciated by as many people within the community as possible. However, while she does believe that having a set of criteria to be met before source countries may reclaim objects can be an asset, she also noted that it is often used as an excuse to block repatriations by the objects’ current owner. She named Greece’s efforts to reclaim the Parthenon Marbles as the best-known example of being denied objects despite fulfilling criteria named by Britain in the past. She repeatedly noted that objects should not be returned to the market.

## **5. Discussion**

One of the most significant findings in the study overall was the unanticipated, widespread sense of unease in discussing sensitive topics of acquisition and repatriation. Because the African art field has remained relatively untouched by the rising popularity of repatriation, I did not foresee the same level of guardedness or suspicion in discussing these topics among African art curators as I believed I would have found among departments more recently subjected to legal questioning. However, the reluctance of curators to speak openly on these issues and their institutional experiences presented constant challenges throughout the study, primarily during the initial invitation to participate, but occasionally in establishing trust within interviews. Nearly every participant acknowledged the significant

sensitivity of the topic itself. Some expressed varying levels of concern over how their remarks would be interpreted, and occasionally questioned whether I was looking for their perspective as an individual or as an institutional representative. It was even brought to my attention during interviews, both through direct discussion and indirect mentions, that a group of curators, some of whom were participants and some of whom ultimately did not respond to my query, had emailed each other about my research in order to determine whether or not it was acceptable to speak with me and what topics could reasonably be covered.

From the beginning, it was apparent that there was a great deal of latent fear on the subject matter and that despite not having been the target of many repatriation attempts, the perspectives and approaches of the African art curators interviewed here have been significantly affected by the legal and moral changes within museums over the last two decades. Out of the twenty-four museum professionals across the country that I reached out to, seven ultimately agreed to participate in the study. Two others expressed interest, but did not participate. These numbers, paired with the frequent mention of the sensitivity of the topic, lead me to believe that the individuals in this sample may not be representative of the museum community's African art field as whole. Their willingness to participate in this study and speak candidly on issues of acquisition, provenance, and repatriation are, extrapolating from the response rate, likely atypical. However, four out of seven referenced the risk they themselves perceived or believed other museum professionals would perceive in participating in such a study, indicating they had weighed these risks in choosing to participate. Some of their concerns (e.g. what questions would be asked, how interview material would be used, and questions on whether their opinion as an individual or as an institutional representative was being sought) were addressed in correspondence leading up to the interview, rather than in the interview itself.

Only one participant, the youngest of the sample, spoke frankly about the fear at the heart of the issue. When I mentioned the difficulty I had faced in persuading curators to speak with me, Krause Gotway readily admitted, "I can imagine. It's tricky, you're writing about a kind of taboo subject. Especially after Marion True and the Getty Museum, even though they're not African, of course. But any kind of archaeological material has suddenly become very scary for museums." This was the only direct reference to previous legal cases that have generated massive institutional policy rewrites within the museum community, and indeed the only direct reference

to any fear or apprehension within the community. Ultimately, this widespread apprehension has coloured my perspective in assessing this data. I believe that this community's unease is a crucial factor to be taken into consideration in contemplating the significance of these findings. The following discussion is thus presented with this topic sensitivity and risk of speaking out kept ever in mind.

### **5.1 How risk is assessed: acquisition as a risk analysis process**

The findings illustrate that the assiduousness of provenance research and acquisition vetting may vary from museum to museum, but not because of the size of the institution or the resources available. It appeared primarily to vary due to the experiences, values, and personal beliefs of individual curators. While institutional policies, national laws, and international agreements have indeed set a legal framework that all museums in this study strictly followed, the kinds of information valued about objects and the decisions made within this legal framework seem to differ based on the personal experiences and belief systems of each individual curator. These experiences and beliefs appear to play a significant role in weighing the perceived risks of an acquisition, as is demonstrated more fully in discussion on Part II.

Though Reed was the only participant to explicitly describe her belief that there are only low-risk, rather than no-risk, objects, I discerned a widespread trend in settling for objects with little risk rather than holding out for objects with no risk at all. This indicates that there is both a willingness among curators to acknowledge that an object's history may present new information and challenges in the future, as well as an acknowledgment that the market has been inundated with objects with incomplete or problematic provenance.

The assessment of objects' histories appears to consist of a dichotomous process, divided into the art historical significance of the object, followed by ownership and import/export history. The two rarely appeared to be considered in conjunction with one another, or to be thought of as related in the sense that the legal history of an object may also be encompassed in its art history. It seems there are exceptions to this, as demonstrated by Curator R's unique approach to provenance research as art historical research, and significant attention to collectors' influences, market systems, and provenance in general in various exhibition and collection catalogues published

by participants in this sample. However, these exceptions may be attributed to the exceptionality of this sample to begin with, and may not be representative of the field as a whole.

Most significantly, this sample demonstrated a notable preoccupation with questioning whether objects are likely to be claimed by another institution or country in the future, rather than questioning the socio-political role and responsibility of the institution in acquiring certain objects. The legality of the acquisition was the primary concern and prioritization of risk among most participants, as opposed to the risk of exacerbating, prolonging, or otherwise negatively affecting any socio-cultural issues related to the object in the object's source community or find-spot country. This in itself is problematic because the laws, agreements, and international conventions that currently exist are often flawed or biased in such a way that certain types of objects or the circumstances surrounding their removal may be neglected or overlooked (Mackenzie, 2005; Mackenzie and Green, 2009). As a consequence, while the letter of the law may be followed dutifully, social harms may be perpetuated when laws do not serve to protect specific groups or circumstances. Additionally, in considering the increasing cultural exchange and communication between museums and source countries as a result of the repatriation surge, it is significant that only one participant emphasized the importance of communicating with African museums and countries to stay informed of possible thefts, maintain open lines of understanding between source communities over what objects are in museum collections and how their stories are told, and to help wherever possible in building capacity in African educational institutions.

## **5.2 How the right to acquire objects is formulated**

The right to acquire, as conceptualized within this sample, consists of a triumvirate of legal, moral, and cultural rationale used to assess and defend acquisitions.

### **LEGAL CONSIDERATIONS**

As was touched on in Part I discussion, legal considerations are almost always considered before moral or cultural factors. An example of this was demonstrated through the MFA's acquisition of culturally and historically sensitive material from the Benin Kingdom with only a solemn nod of acknowledgment to its past, and a



belief that the institution was not in a position to “solve the problem of the Benin bronzes.” While there were indeed no legal objections to acquiring so many significant West African objects, this institution’s perceived inability to directly affect major cultural-historical issues is called into question by the approach of Curator R’s institution. Curator R’s museum includes a small collection of Benin materials, but has maintained positive and open communication with the royal family of Benin. In Curator R’s case, the acquisition and care of sensitive cultural material is eased through communication with the source country, and emboldened through a mutual desire to have the objects’ stories told to as wide an audience as possible. Curator R’s experience illustrates that it is possible to acquire objects with tumultuous histories and, if not “solve the problem” of their histories, at least imbue them with new purpose and meaning in the telling of their histories. While the MFA may have gone to great lengths to demonstrate their commitment to transparency in regards to provenance and their intended approach to the display of the objects, I believe that their lack of engagement with the source community in dealing with sensitive historical material signals a larger issue of cultural engagement and exchange within the museum community.

## MORAL CONSIDERATIONS

Personal belief systems:

I found it notable that the participants with strong ties to anthropology and archaeology, namely Geary and Lamp, were the participants who most anthropomorphized the plight of stolen or looted objects. This, to me, reflects arguments often made in the archaeological community to illustrate the loss of information and archaeological context wrought through the destruction of find-spots and the de-contextualization of objects on the market. I find it significant that the participants most concerned with rescuing objects into collections were also those with the most experience working in anthropology, in Geary’s case, and in collaborating with archaeologists, in Lamp’s.

Curator R’s approach to the right to acquire provides a useful contrast with the other views expressed in this sample: it highlights that curators with more traditional curatorial backgrounds still frequently approach acquisition as an important but routine aspect of museum work, with little questioning (in these interviews, at any rate) of the purposes served by continuing to build collections. Curator R's

perspective on acquisition as documenting and writing art history as it occurs in order to offset cultural or racial biases provides a sort of curation-as-social-action method to museum collecting in the 21st century, perhaps offering a glimpse of how museum collecting may evolve.

Museum/market relationship:

Though all participants presented decidedly individual opinions on the relationship between museums and the art market, their experiences taken together illustrate the significant role the art market plays in museum acquisitions, even when curators have never bought objects from the market. While these opinions do not share enough similarities to represent the opinion of a particular population, it is notable that of the seven individuals interviewed, only one did not express frustration in navigating the murky, challenging world of art market provenance. The first four perspectives presented warrant chapters of their own, but can be considered typical or expected frustrations in dealing with lack of information and unforthcoming sources. They represent a spectrum of issues and concerns that are emerging in 21st century museum acquisition, and deserve their own follow up studies to further explore how the unregulated art market affects the views and methods of museum professionals. However, Curator F's perspective offers a completely different view and opposite approach to the museum/art market relationship. Curator F's understated descriptions of lack of provenance simply being "stumbling blocks", which are not so much the market's fault as they are scholars' for not matching the market's pace, is astonishing in comparison with the rest of the sample.

## CULTURAL JUSTIFICATIONS

Though only two curators offered views on the cultural justification for acquiring cultural objects, these perspectives offer a useful comparison between how cultural justifications are formed versus how they are implemented, if at all. While Geary has notable experience working closely with source communities in West Africa, as well as unique first hand knowledge of the illegal export of cultural goods in that region in the 1970s-80s, her connection to those places and people appears to be limited to that time. She did not indicate whether she, as an individual or as an institutional representative, continues to maintain working relationships with West African museum professionals, institutions, or communities, and consequently, whether the

cultural justification for acquiring is further justified through culture or knowledge exchanges, active partnerships, or simply transnational professional relationships. It has been demonstrated that this is not the case with the Kingdom of Benin or Nigeria. Curator R, on the other hand, demonstrates a distinctive applied philosophy to justifying acquisitions both at the outset of the acquisition process, as well as throughout the institution's possession. This approach demonstrates that even the most basic but direct communication between museum and source community has a significant effect on each community's sense of ownership rights.

### **5.3 How grounds for repatriation and the rights of source countries are conceptualized**

Unlike the sections on acquisition and provenance research, which revealed important information about the beliefs and experiences of museum professionals that have not been previously studied, analysis of Part III simply reflects views and opinions on repatriation that are already relatively well known and agreed upon in the wider repatriation debate. Though only four perspectives were touched on here, and only three offered detailed insight, I believe that they are likely representative of views of other participants within this sample who did not go into such great detail. Additionally, I believe they reflect the concerns and opinions of museum professionals and cultural heritage experts in fields facing similar challenges to preservation and education, principally political upheaval and human rights issues. The concerns and priorities listed here are not unique to this study, but are informative in understanding how African art curators approach such concerns and priorities in their countries of expertise.

Across the board, nearly all participants communicated varying levels of concern over the current state of West African society and what the current socio-political environment means for the preservation of and access to cultural objects. It was not unexpected that there would be a strong desire for source countries to have reasonable political stability and up to date centers and resources before objects are returned. However, two of these responses offered notable departures from typical rhetoric. First, Krause Gotway was the only participant to discuss her desire for a solution to repatriation debates, and to suggest a solution in the form of a centralized international court system. As she was the youngest member of this sample, I interpret this hope for more effective solutions to increasingly ubiquitous arguments

to be indicative of a generational shift. This view reveals the possibility that a new generation of curators may look toward a more global method of addressing ownership disputes, such as MBRAs, rather than continuing to rely on individual countries' court systems and the traditional lawsuit method.

Second, Curator R displayed what I perceived to be an equalized approach to the responsibility of keeping and caring for cultural objects. In my experience interviewing curators, very rarely do museum professionals acknowledge their rights to possess objects are conditional upon the same factors that are called out when source countries request the return of objects. Curator R seemed to suggest that they are more likely to be sympathetic to source communities requesting repatriation when they believe that the institution being targeted has not lived up satisfactorily to responsibilities of balancing publication, access, and circulation. Curator R was adamant that their institution could not be considered to "hoard" any objects, and seemed to indicate a belief that other institutions may be guilty of this and consequently have weakened their own case. I perceive this view to be particularly progressive, and indicative of a move away from traditional concepts of museum ownership toward a more globalized concept of conditional custodianship of cultural objects.

## **6. Conclusion**

To conclude, this study has identified a number of important findings in an attempt to begin empirical investigation into how museum professionals assess risk in considering acquisition, how they formulate the right to acquire objects, and how the grounds for repatriation and the rights of source countries are conceptualized. Because no similar sociological studies yet exist on the museum community's response to these issues, this research has merely presented an introductory set of questions and findings. These have paved a small way in determining that museum professionals within the African art field have indeed been personally and professionally affected by the events of the last few decades surrounding acquisition and repatriation, and that individual museum approaches to these issues are more dependent upon the beliefs and actions of individual curators than upon pre-existing institutional, national, and international policies.

Perhaps the most important takeaway from this study as a whole is the varying reluctance, discomfort, or downright refusal among curators to talk openly, frankly, or

in detail about these issues and its effect on their work. As the US museum community has increasingly emphasized the importance of transparency, particularly in relation to issues of acquisition and repatriation, it is notable that so few were willing to participate in this study and of those few, two asked for complete anonymity.

Future research on the effects of the illicit African art market on the museum and academic community will be the subject of my forthcoming PhD at the University of Glasgow, in conjunction with the Trafficking Culture study. However, in continuing to move forward, there is a great deal of work that remains to be seen in exploring these issues from a criminological or sociological perspective. Ideally, such research will contribute to a functional discourse on how curators' approach to these issues have evolved in the past, and what can be learned from them as museums and museum professionals re-evaluate how collections are formed and presented in the future.

In particular, an issue not explored in depth in this study is the changing face of the African art curatorial field. As new generations of curators emerge, interest in so-called traditional African art and field-based research appears to be waning while a greater focus on contemporary African art takes hold. This has led to the vocalization of some concern and reflection both within interviews conducted for this study and in various publications (Kasfir, 2013; Lamp, 1999; Blier, Okeke, Magee-Curtis, Bettelheim, Nelson, 1999). Among the participants in this study, responses to this phenomenon ranged from benign ambiguity, to significant concern for future curators' experience with objects, to excitement in seeing what is regarded as a much needed shift. Regardless of the level of concern, such an evolution in focus will undoubtedly impact how incoming curators approach the historical material already within museum collections, as well as any they may acquire throughout their career. This evolution will necessitate research in the future to create a better understanding of curatorial approaches to historical cultural objects.

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