

The Parthenon Sculptures

Conference at the Senate House,
University of London
7 June 2016

Open up the window and let that genie out¹

Tristram Besterman

INTRODUCTION²

When the late Eddie O’Hara³ invited me to speak at this conference, he asked me to consider the debate around the Parthenon sculptures in the context of the twenty-first century museum. In response to his brief, I have structured my paper in three parts. In the first, I reflect on the role of museums in society and their response to contemporary challenges in the democratic space. In the second section, I describe my route through museum repatriation, which began with human remains from Australia and led inexorably to the classical antiquities of Athens. Finally, I set out a personal view on how the British Museum might rediscover some truly international enlightenment values in relation to the place of the Parthenon sculptures in world culture.

1 THE 21ST CENTURY MUSEUM

To uncover some insights into the role of the modern museum, I’ll resort to what museums do best: the telling of stories.

Not quite the whole story

“Well, I think that just about covers everything, so there’s not much more to say.” With these brisk but rather ill-advised words, an eminent obstetrician wound up an hour-long seminar for postgraduates in the Department of the History of Science and Medicine at the University of Manchester in the late 1990s. The Manchester Museum, where I was Director, was situated just across the road, and I was attending because of the close links between our institutions. The retired surgeon had assembled an impressive array of delivery forceps used over the last two centuries, and these were laid out in

¹ An unashamedly mixed metaphor. Part reference to a line in the second stanza of the song, *The Buddy Bolden Blues*, made famous by Jelly Roll Morton in his 1938 recording. “...Open up that window and let that bad air out...” Genies, once they escape from the confines of a bottle, are out of control: anything can happen and that’s when it starts to get interesting.

² The conference marks an important anniversary, that is, the 200th anniversary, to the day, when the British Parliament voted – after a deal of controversy – the funds (£35,000) to purchase for the nation the classical sculptures removed from the Acropolis by the Earl of Elgin between 1801 and 1805, which he had intended for his country seat in Scotland. In writing this paper, I am keenly aware of the pressing financial challenges to both the Greek economy and to museums in the UK, which are as a consequence closing their doors, many for the last time. It is important to acknowledge that present reality in the context of this historic anniversary.

³ Then Chairman of the British Committee for the Reunification of the Parthenon Marbles
www.parthenonuk.com

chronological order on tables in the centre of the room. His knowledge of their development and use was authoritative, and as he spoke about each one, he handled it with the care of the skilled craftsman, well-practiced in his trade.

It had all gone so well until his final sentence. He had not, however, reckoned on the response of the women in that seminar room. Their sense of outrage was palpable as one, with iron self-control, said, "If you think there is nothing more to be said, you've not heard the half of it. Have we considered what it was like to be on the receiving end of these implements? Have we discussed the effect on a woman, *in extremis*, when the surgeon came into the room brandishing one of those things?" At this point the discussion took off in a direction completely unpredicted by and quite beyond the control of the man who had assembled the artefacts. For me, this is where it got really interesting.

It was such a good lesson on the unconsidered presumption of the scholar/curator/collector to 'own the narrative' and how offensive that can be. Moreover, it can short-change us when alternative narratives are suppressed. How often are the stories in museums – and of history more generally – those of the 'doers' whilst the voices of the 'done to' are rarely, if ever, heard. The exclusion of other voices in the museum is rarely deliberate: rather it is the consequence of mere thoughtlessness at best, or arrogance at worst. Both are inexcusable. Nowadays, more reflective museums challenge the kind of institutional culture in which the activities and narratives of the coloniser are privileged over those of the colonised.

The museum as part of personal identity

When we visit a museum, we also construct our own narratives. In *Catcher in the Rye* the plot is set in 1950s USA. The protagonist-narrator is Holden Caulfield, a troubled young man, who describes the local museum.

"...right near the doors you passed this Eskimo. He was sitting over a hole in this icy lake, and he was fishing through it. He had about two fish right next to the hole, that he'd caught.

The best thing though in that museum was that everything stayed right where it was. Nobody'd move. You could go there a hundred thousand times, and that Eskimo would still be just finished catching those two fish... Nobody'd be different. The only thing that would be different would be *you*."⁴

For Caulfield, socially adrift and alienated in a changing world, the museum provides psychological moorings of a kind: there is something comforting and dependable about that predictable tableau. Such faux-permanence creates a problem for the contemporary museum, because innovation is an imperative if a museum is to remain socially relevant, precisely because the world is changing. Witness the hullabaloo in 2015 when the Natural History Museum

⁴ Salinger, J.D. 1951. *Catcher in the Rye*. Penguin Books p.127

announced its intention to move the plaster cast of *Diplodocus carnegii* from the main entrance hall to a side gallery. (Contrary to popular belief, 'Dippy' has not always been in the main hall: those of us of an older generation remember *Diplodocus* in a side gallery, where its impact in a smaller space was, if anything, more dramatic.)

The public outrage (in which the media played no small part) represented an emotional investment by people whose childhood was inflected by memories of gazing up at that long neck as they entered the museum. Museums have to deal with conflicting demands. The laws of nature decree 'change or die', and museums are not exempt from this rule, whilst popular nostalgia clings to immutability. At a time when one in seven of the global population is on the move, the cultural make-up of nations is in flux and antiquities and the environment are being destroyed at an unprecedented rate, the idea of the museum as a bastion against transience might, depending on your viewpoint, seem even more important, or increasingly irrelevant.

Perhaps museums are part of the 'market place of ideas' described by Steven Poole⁵, in which out-dated and unhelpful concepts refuse to die: there are still people who believe that the Earth is flat, regardless of the overwhelming evidence to the contrary. These he calls 'zombie ideas', which seem to serve a curiously comforting social purpose – a challenge to the onward march of progress and science's 'global conspiracy'. Nonetheless, argues Poole, even the most outmoded ideas, zombie or not, can offer important insights into how we construe the world.

When we internalise our experience of the museum as part of our personal identity as we construct our own stories, which act upon us in ways that have sensory, emotional and even spiritual dimensions as well as rational.

Not the whole truth

If our individual experiences make us personal stakeholders in the museum, and we accept the legitimacy of alternative narratives that challenge the exclusive authority of the specialist, are we not in danger of sliding down a slope of epistemological relativism? Or, put more straightforwardly, if everyone's story counts, how do we reliably 'know' anything, and where can we look for 'truth' (whatever that is)?

The point, of course, about the parable of the obstetrician, is not that he was untruthful – far from it: rather, it was that his is a very partial truth. Truth, as most acknowledge, is a slippery customer. Three witnesses of the same incident will give three divergent accounts and may actually contradict each other on points of detail. None is being untruthful. Furthermore, as time passes, our recollection of an event changes, and with it, the way that we relate it.

⁵ Poole, S. 2016. *Rethink: The Surprising History of New Ideas*. Random House

Perhaps a more useful approach is to ask how we might enlist alternative voices to re-frame the *authentic* narratives mediated by the museum. This can reveal something not only unforeseen but often much more reliable than the entries in the museum register.

Beatrice Blackwood, a social anthropologist, worked in Alberta, Canada in the 1920s, where she recorded the Kainai First Nation through a number of photographs, a small collection of which resides in the Pitt Rivers Museum at the University of Oxford. UK curators Laura Peers and Alison Brown devised a visual repatriation project in partnership with the source community, in which narrative authority in the photographs has been given back to the Kainai Nation⁶. Using Blackwood's photographs, they tell their own story, in their own words and for their own purposes. The results have been startling. In one photograph, which shows Kainai people grouped by a tipi, their descendants were able to supply the names and details of every person in the photograph. Moreover, they told the researchers that they would never have dressed like this at the time and that they did not live in tipis. So the artfully-posed photograph falsified the record and was probably the result of coercion. Without the willing involvement of the source community in deconstructing the imagery, the true meaning of the Blackwood photographs would continue to be misunderstood.

According to a Native American proverb, '*it takes a thousand voices to tell a single story*'. More enlightened museums have long since stopped behaving as though one voice can tell a thousand stories, and engage with their communities of identity⁷ in a more interesting, productive and imaginative way.

When museums have the generosity of spirit – and the courage – to relinquish sole control of the narrative, everyone wins. The museum learns more, the public hears more and the authors of alternative, authentic narratives have their voices acknowledged, valued and respected.

⁶ Brown, A., Peers, L. and members of the Kainai Nation. 2006. *Pictures Bring Us Messages/Sinaakssiiksi Aohtsimaahpihkookiyaawa: Photographs and Histories from the Kainai Nation*. Toronto: University of Toronto Press.

⁷ Communities of identity describes people whose sense of self is to some degree represented in the material culture held by the museum. As *de facto* shareholders in the cultural equity of the museum, communities of identity are connected non-exclusively with objects and the museum through geographical or cultural proximity, rational enquiry, creativity, philosophy or tradition.

Status and meaning of objects in the museum

Furthermore, we need to be aware that, on entering a museum, material culture changes meaning and status in a profound way. Removed from an original context and placed for our edification and enjoyment in the hallowed halls of the museum, the object morphs into something quite other. From around 2003 onwards, The Manchester Museum created a ‘contact zone’⁸, a place in which the museum could facilitate and record encounters between communities of identity and objects in the collections. These ‘collective conversations’ give us new insights and can make us aware of the way in which the objectives of the museum can be at odds with the intentions of the maker and user of an object.

Kahente Horn-Miller, a First Nation American from the Mohawk nation, was a PhD student in 2004 when she agreed to be filmed at the MM. She reflected with sadness on the presence of a pair of her people’s moccasins in the collections, observing that they should have been used until worn out and then returned to the land. For Kahente they are “living things” that, because of their incarceration in the museum, will “never be allowed to die”.⁹ With disarming candour, she also related how, when she was a young girl, she asked her grandmother how to make a pair of traditional moccasins. “Find a pair and they will tell you”, her grandmother replied. And the only place that she could find such instructive examples of the traditional craft was, of course... in her local museum.

It is the stock-in-trade of museums to arrest, with varying degrees of success, the processes of decay that would otherwise have consigned objects to oblivion. From dried plants, mounted insects and fossils to social history ephemera, archaeological objects and fine art, all become artefacts with an extended existence through the museum’s artifice. As Kahente shows us, the advantages of preserving and making available such evidence outweigh the selectivity and even falsification inherent in the process of preservation – so we should be aware of the changed meaning constructed by the museum.

Museums with a mission

Museums do all this with a very worthy intention: to help us to understand who we are, the world around us and our place in that world. In so doing, they can be places of inspiration, instruction and creativity, and they can be places of grief, mourning and loss.

⁸ Clifford, J. 1997. *Routes: Travel and Translation in the Late Twentieth Century*, Cambridge, MA: Harvard University Press.

⁹ <https://www.youtube.com/watch?v=NKLXsM7MptI&list=PL78D756442248FADD&index=4>

Museums are almost always to some degree culturally, socially, economically and politically instrumentalised. That is to say museums, in doing what they do, serve another purpose. They can be:

- **shrines of memory** – to immortalise historic figures, lost ways of life, or past glory and atrocity. The word museum derives from the Greek word, *museion*, seat of the nine muses, who, in Greek mythology, were daughters of Mnemosyne, the Classical personification of memory. Down House in Kent, the country home of Charles Darwin, memorialises the great evolutionary biologist. Site museums evoke ways of life lost since the disappearance of industry, which have scarred communities across the UK. The Los Angeles Holocaust Museum keeps alive a necessary memory of humanity's industrial scale capacity for inhumanity. Memory of conflict is, by its very nature, contested. Following the 1994 genocide in Rwanda, memorial centres became part of 'memory wars', sanitised by a state-controlled version of history, in danger of perpetuating violence in another form¹⁰. In partitioned Cyprus, site museums on both the Greek and Turkish side, by keeping the flame of atrocity burning, can become impediments to reconciliation and peace-building¹¹.
- **the means of projecting national identity and state power** – this has long been the case, exemplified by international brands from the Prado and the British Museum to the Uffizi and the Louvre. More recent additions to the list include those at Singapore, Qatar and Amman. In the last of these, the museum links the modern Jordanian royal family with the nomadic Nabataean civilisation that built Petra, constructing an historic legitimacy for the nation's modern rulers. Perhaps the most moving example of this agenda is the Palestinian Museum that opened this year on the occupied West Bank. The beautifully designed building is devoid of exhibits. Projecting powerlessness, the building tugs at the conscience of the international community.
- **tourist attractions** - in capital cities, towns and rural communities, museums are integral to the tourist 'offer'. As a visitor attraction, the museum adds value to the economy¹². Block-buster exhibitions keep the turnstiles whirring, whilst shows on 'dinosaurs' and 'pharaohs' make

¹⁰ Field, S. 2007. 'No one has allowed me to cry': Trauma, Memorialisation and Children in Post-Genocide Rwanda, chapter in *Contested Spaces: Sites, Representations and Histories of Conflict*, edited by Purbrick, L. Aulich, J and Dawson, G. Palgrave Macmillan

¹¹ Lisle, D. 2007. Encounters with Partition: Tourism and Reconciliation in Cyprus, *op cit*.

¹² *The Economic Impact of Museums in England*. Arts Council England, 2015. The published research demonstrated that for every £1 invested in a museum, a £3 dividend is generated in the economy. In 2013 we are told, museums earned £2.64bn income, generated £1.45bn for the economy and created jobs for more than 38,000 people. In austerity Britain, where cash-strapped public services are subjected to extreme funding pressures, advocacy documents are commissioned to demonstrate the financial worth of the museum. Arguments of cultural and educational value no longer cut the mustard.

strange bedfellows in local museums desperate to increase market-share so that they can remain in business.

- **engines of economic regeneration** - connected to the foregoing, urban centres, whose purpose for existence was built on a manufacturing, trade and commercial base that has long since disappeared, look to investment in a cultural icon to re-engineer their place in the world. Perhaps the most famous example is the Guggenheim Museum, Bilbao. It is something of a one-off and others who have tried to emulate the Spanish city have been unable to replicate its success.

Museums are not – and never have been - agenda-free. On the contrary, they are best understood as agenda-rich. As I suggest earlier, museums should enable a new kind of engagement that creates a space for debate, the museum, if you like, as *agora*. By openly challenging themselves and their stakeholders, museums will earn and keep society's trust.

2 FROM SKULLS TO SCULPTURE

Human remains in museums: objectified people

“Tristram, would you like to be smoked?” As the Director of the Manchester Museum, I was asked this rather unusual question in 2003 by Major Sumner, Traditional Custodian of the Ngarrindjeri Nation from South Australia. Major was a member of an Indigenous Australian delegation which had come to Manchester for a repatriation ceremony. The Manchester Museum was handing back some of their Old People, Aboriginal skulls collected in the late nineteenth and early twentieth centuries and held in store ever since.

The smoking ceremony is an important custom for Indigenous Australians (as it is, too in other cultures: American First Nations refer to it as ‘smudging’). It involves smouldering eucalyptus leaves in an open wooden container, whilst the holder - in this case Major Sumner - used a pelican feather to waft the smoke over the recipient. The purpose is to cleanse, and to keep at bay bad spirits.

The delegation had arrived the previous evening, angry and upset at the treatment they had received at the hands of the Keeper of Palaeontology at London's Natural History Museum, which held many Aboriginal remains. Their presence in the NHM's fossil collections is a necessary reminder of the scientific paradigm at the time of their acquisition by the museum: Australian Aborigines were thought to be an evolutionary link between apes and humans. Shocking though this seems today, the way in which the Keeper of Palaeontology treated his Australian guests showed that nothing much had changed. Not only did the Keeper (the title is significant) empowered by the museum to refuse to return the remains but according to Major Sumner, having repeatedly eyed up the features of one of the leaders of the Australian delegation, he asked Bob Weatherall to bequeath his skull to the NHM's collections.



Handing back the ancestors to Australian Indigenous representatives at the Manchester Museum, 28th July 2003. In the foreground the author (as Director) formally transfers responsibility to Bob Weatherall. Back row left to right: Rubena Colbey, Rodney Dillon, Major Sumner, the Lord Mayor of Manchester, Nova Peres, Les Malezer and Professor Mike Grant, Dean of Biological Sciences.

My involvement in the issue of human remains in museums began some years earlier. A major part of my career was committed to developing a museum ethic rooted in accountability, openness and stewardship. Under my chairmanship, the Museums Association Ethics Committee developed a new, people-focused (as opposed to object-centred) definition of museums and a radically new *Code of Ethics* structured around social accountability.

In 2000, John Howard and Tony Blair, respectively the Prime Ministers of Australia and Britain, issued a joint declaration to ‘increase efforts to repatriate human remains to Australian Indigenous communities’. As a result, the British Government established a working group, on which I served. The resulting *Report of the Working Group on Human Remains*¹³ was published in 2003, after two years of deliberation and receiving evidence from a range of interested parties, including bioanthropologists, archaeologists and claimant communities across the world.

The conclusions and recommendations of the Report, which reflected the majority of those who served on the Working Group, urged, *inter alia*, positive engagement with claimant communities and mechanisms to enable the return of human remains. There was one dissenting voice: from the Director of the

13

http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/reference_library/publications/4553.aspx

Natural History Museum, whose Statement of Dissent is included in the Report (pp.177-184), whose views and leadership are not unconnected with the treatment Major Sumner described when his delegation visited the Natural History Museum.

The intervention of the Australian prime minister, whatever his motives, highlights an important ethical issue for UK museums. Across the nation, there are museums, like the Manchester Museum and the British Museum, whose collections were expanded with material derived from overseas in the colonial era. That material often has significance outside the borders of the UK, whilst the holding museums are answerable only within the democratic realm of the UK. That puts overseas claimant communities at an unfair disadvantage. I would argue that this places a moral obligation on the holding museum to make every effort to address this democratic deficit in the way that they engage with claimant communities.

Earlier in 2003, the Foundation for Aboriginal and Islander Research Action (FAIRA) sent to Manchester a representative to discuss and agree all the details of the July hand-over ceremony. Rubena Colbey is an Indigenous radio journalist, and we spent a two days preparing for the event. During those discussions, an important line was crossed. Ms Colbey and I were sitting in a private room, surrounded by the skulls of the Old People and I asked her if there would be any objection to my inviting bioanthropologists from the University of Cambridge to make detailed measurements of the skulls before their return. That way, I thought, everyone wins. Quietly she replied that this would be completely unacceptable to the people whom she represented. I could, at that point, perfectly legally have overridden her objection: the skulls were after all still in the care of the Manchester Museum and I had a duty to science as well as to the Indigenous community. Nonetheless, it seemed to me, in that moment we had reached a watershed, where the moral imperative mapped a different route. To ignore the objection seemed like one more violation to add to those already perpetrated by the west on the claimant community. So I chose to accede to Ms Colbey's request that the skulls be left in peace¹⁴. In so doing, I was keenly aware that I had ceded control over the Old People to the claimant community, an important milestone in the process of repatriation and their long journey back home.

The Manchester return was one of the first. Now, I'm pleased to report, it has become standard practice. With the retirement of the dissenting Director, even the Natural History Museum has understood its ethical obligations – though it took a very public and unseemly row with the Tasmanian Aboriginal Centre to help the Trustees to see the light. When museums treat overseas

¹⁴ It is worth noting that science, which argues the case for retaining human remains as the evidence on which we can gain better understanding of human evolution, dispersal and diversity, had not shown any interest in the Aboriginal crania in the Manchester Museum, which had lain unexamined in the museum for about a century.

claimants with respect and empathy, they not only return dignity and control to the source community, but they also do themselves a favour.

Whilst museums may publish ethical codes and standards of conduct, institutions are essentially amoral entities. Ethical conduct depends wholly on the moral compass of the individuals who govern, lead and run the museum. The conduct of some national museums lags woefully behind those in the regions, where there is a much more accountable relationship between the museum and its many constituencies both in the UK and overseas.

Context and consent

It is sometimes argued that those who favour repatriation are retroactively applying twenty-first century legal and moral standards which would have been entirely alien at the time of the original dispossession. Yes, so the argument runs, we might feel uncomfortable today about such colonial associations, but we must understand that ‘they’ were doing nothing wrong at the time. This is an argument that must be challenged not only because it is morally lazy but also because it is almost invariably factually incorrect.

On legal grounds, the assumption is wrong: there were laws at the time that forbade the disturbance of native graves overseas.¹⁵ In the tangled web of human interactions at the time, there was great inequality of power between the coloniser and the colonised. That power was open to abuse and allowed practices to go unchecked, which today would be regarded as repugnant. Today, one social commentator¹⁶ accuses curators, who support the cause of thoughtful repatriation, of being motivated by post-colonial guilt. Really? Well, I can only plead guilty as charged, m’lady and admit to such crimes of conscience. Further, she questions why spiritual belief should trump the claims of science. It is a good question and one that has its reverse: why should science necessarily trump the spiritual? Consideration of context and consent holds the answer, I suggest.

Context is what gets curators get out of bed. Context is key to our understanding of material evidence – precisely where an object was found, how and why it was collected and by whom, and so forth. Without such associated information, many objects can be devoid of scientific value.

Consent, in the case of human remains is also fundamental to legitimate scientific enquiry. Between 1998 and 1995, at Alder Hey Children’s Hospital in Liverpool, the body parts of 850 infants were retained as pathology specimens. This was done without the knowledge or consent of the children’s parents. When the practice was discovered, it caused huge suffering to the bereaved

¹⁵ Fforde, C. 2004. *Collecting the Dead: Archaeology and the Reburial Issue*. Duckworth, London.

¹⁶ Jenkins, T. Various published works and broadcast statements, e.g. <http://www.bbc.co.uk/news/science-environment-15822232>

families and the body parts were returned to families for reburial. (Indigenous people are not alone in attaching importance to the remains of their kin.) It is universally accepted that body parts taken without consent have no place in scientific enquiry – an unequivocal ethical tenet of good science. The notion of consent is central to the *Human Tissue Act 2004*, which was enacted as a direct consequence of the Alder Hey scandal. Section 47 of the *Act* empowers nine national museums in England and Wales to deaccession human remains in their possession.

A museum that holds human remains that were originally removed illegally and without the consent of the source community, and whose continued possession by the museum is also without consent: how can such material possibly be subject to legitimate scientific enquiry? There are indeed circumstances in which science should not trump spiritual belief – whether the remains were illicitly harvested in 20th century Britain or 19th century Australia.

Making up the rules

Once the *Human Tissue Act 2004* became law, depending on your point of view, it rendered national museums vulnerable to repatriation claims or gave such museums the means of engaging positively with claimant communities. I was subsequently engaged by the British Museum to submit an external report on two claims. The first, in 2007 concerned two cremation ash bundles claimed by Tasmanian Aborigines¹⁷ and the second, in 2008, involved tattooed heads and worked bone fragments claimed by New Zealand Maori¹⁸. In each case, my brief was to assess “the actual and potential public benefit of the remains in question, if held (by) the Museum”. The wording is significant, because it is derived from the *British Museum Policy on Human Remains*¹⁹. The Policy states that the Trustees’ consideration of claims will be ‘open and transparent’. In practice, the drafting of the Policy (white man’s rules) was opaque, having involved, in the absence of evidence to the contrary, no consultation with any overseas Indigenous community. Its provisions appear arbitrary and in their application, the Trustees have been inconsistent. The Tasmanian ash bundles were repatriated. In the case of the Maori remains, the worked bone fragments were returned and the tattooed heads retained – a decision quite at odds with the BM’s own rules.

Claimant communities have to negotiate with an array of museums and academic institutions, each with its own practices and policies, ranging from the downright hostile (NHM historically and Cambridge currently), through unpredictable (the British Museum) to the positively engaging (Royal College of Surgeons, London, UCL, Brighton, Exeter, Manchester, etc.).

¹⁷ http://www.britishmuseum.org/pdf/Final_Dossier.pdf

¹⁸ <http://www.britishmuseum.org/pdf/00%2022%20Tristram%20Besterman%20report%20dated%20April%2007.pdf>

¹⁹ <https://www.britishmuseum.org/PDF/Human%20Remains%206%20Oct%202006.pdf>

The thin end of the wedge?

Commentators fixated on precedent, and the media eager to exploit it, ask if repatriating human remains isn't the start of something that would eventually empty UK museums of most of their collections. After all, they would argue, aren't museums full of the loot of empire?

Faced with this challenge, I stuck to the line that human remains are, by their very nature, distinctive. Nothing else in the museum can be compared. So it was that the exceptional nature of human remains was my stock answer to the inevitable media question, "And what about the 'Elgin Marbles'?" (And it was always the *Elgin* rather than the *Parthenon* Marbles). I simply wasn't going there.

Until I did go. That is, to Athens. Eleni Cubitt had been keeping an eye on this museum practitioner with a penchant for engaging with claimant communities and returning human remains, someone within the museum sector who was unaligned with retentionist dogma. One thing led to another and I found myself invited to give a paper on my work to a UNESCO Conference, entitled *The Return of Cultural Objects to their Country of Origin* in Athens 2008.

It was a smart move by Eleni. During the conference we were shown around the new Acropolis Museum – a few weeks before opening - by the museum's president, Professor Dimitrios Pandermalis. I remember walking within that cleverly positioned glass box on the top floor, designed by Bernard Tschumi to connect the view of the Acropolis outside with the marble rectangle inside, displaying the Parthenon sculptures – facing outward in the Athenian light, rather than inwards, in the grey pallor of Bloomsbury. It was a revelation. Confronted with the spaces left by the sculptures taken to London (and other European cities), as an Englishman I felt ashamed and embarrassed. How could this be defended, now that Athens had such a wonderful museum, one designed to house the whole set of the surviving marbles?

As I descended the stairs, I also came off the fence and knew that I had no choice except to support the cause of reuniting the sculptures in Athens, where they belonged and could best be understood. But what of the dividing line between human remains and other material in the museum that I had carefully constructed? Was this not 'opening the floodgates'? No: these sculptures had been an integral part of the structure of a building that still stands, a building, moreover, that is internationally iconic. That is an attribution and context that is unique to the Parthenon marbles.

3 FREE THE BLOOMSBURY SET

Sacred cow

In parts of the national political and cultural landscape, the British Museum has become something of a sacred cow. This is unhealthy. No cultural institution, however revered, and particularly one funded from the public purse and entrusted with an international patrimony, should be above criticism or beyond challenge. It's bad for democracy and it's certainly bad for the institution.

Taking risks

There are too many instances of the BM's resistance to change, a refusal to be a bit more adventurous in challenging orthodoxy: the mind-numbingly predictable BM method of display and exhibition design. There have been occasional flashes of inspiration, such as Grayson Perry's wonderful and gently subversive exhibition in 2011, *At the Tomb of the Unknown Craftsman*²⁰, which led the visitor into seeing and thinking about objects in a new way. The exhibition pulled off that strange alchemy of provoking a silent dialogue between viewer, object and maker (modern and ancient).

Andy Holden, with his *Pyramid Piece* at the Tate Britain in 2010 did something similar around the idea of cultural appropriation and restitution. The centrepiece was a giant knitted rock that filled a gallery space, representing a fragment that the artist, as a boy, had removed from the Great Pyramid of Cheops in Giza. As he grew up, the burden of that small act had bloated in Holden's conscience to a gigantic size. There was an amateur video of his revisiting the pyramid as a man, climbing over its half-ruined surface quixotically trying to locate the precise location to which he should return his fragment. Funny, thought-provoking and refreshing, an artist can bring new insights to the museum and its visitors.

The BM has recently introduced a panel and a leaflet into the Duveen Gallery, which admits, in a rather one-sided way, to the contested nature of the Parthenon sculptures²¹. It's a small start but it could go a great deal further. It would, for instance, to commission the polemical artist, Tania Bruguera from Cuba, to create a safe haven in the Duveen Gallery, in which free thinking and free speech are encouraged and where her rules of 'respect, transparency and equality' will apply. Perhaps a more robust debate about the *locus* of the BM in

²⁰ <https://www.theguardian.com/artanddesign/2011/oct/06/grayson-perry-tomb-unknown-craftsman-review>

²¹ The BM's website includes pages that also describe the contested nature of the Parthenon Sculptures. The reading list includes four publications by Ian Jenkins, the BM's pre-eminent scholar on Ancient Greece, as well as Mary Beard's *The Parthenon* and William St Clair's *Lord Elgin and the Marbles*. The BM sees fit not to include Christopher Hitchens' *The Parthenon Marbles*. http://www.britishmuseum.org/about_us/news_and_press/statements/parthenon_sculptures.aspx

respect of international patrimony and its obligations to the past, the present and the future could be explored. The Trustees should be encouraged to participate and listen. They might learn a thing or two.

Risk-taking, innovation, multiple voices, challenging orthodoxy: do these have a place within the staid galleries of the BM? Absolutely: for these are the very attributes that ushered in the Enlightenment, the intellectual soil in which the western museum is rooted.

This might be one way to challenge the BM to live up to its self-proclaimed '*world under one roof*' ethic: its principal defence of retaining the Parthenon marbles in one place where the art of Classical Athens can be compared with the material culture of the rest of the world across time and space. It is a powerful argument, to be sure, but can scarcely be sustained if the only voice we hear is the BM's own. If an institution claims global reach, where is the matching accountability beyond the UK's democratic pale to offset the cultural hegemony? Where under that 'one roof' do we hear the voices of 'the world'?

And within the democratic realm, does the BM act in our name ...

- when it works in partnership with BP²², one of the biggest corporate environmental polluters in history?
- when it joins a UK 2015 economic delegation led by George 'we're-all-in-this-together' Osborne to China, a one-party state that regularly disappears dissident artists such as Ai Weiwei?
- when it opposes a change in the law that would enable the BM to return Nazi loot in its collections to its rightful owners²³?
- when it applies its own rules arbitrarily in determining a request to return human remains to source communities?

Independence vs accountability

With the appointment of a new director, Dr Hartwig Fischer, there is an opportunity for the BM to review its leadership role and governance structures in terms of the transparency of its actions and its accountability to the British nation and the international community. The British Museum is an important part of the cultural fabric of the nation, comparable, in some ways, with the

²² The exhibition at the BM, running concurrently with this conference, is entitled *The BP exhibition Sunken Cities: Egypt's Lost Worlds*. Sponsorship is not benevolence but a commercial contract in which the sponsor derives measurable benefits in exchange for money. The BM is cashing in its cultural capital by associating its brand with that of the oil giant.

²³ Correspondence in 2009 between the BM and the Commission for Looted Art in Europe, in which the BM stated its opposition to changing the law to allow the restitution of works of art in its collection that had been stolen by the Nazis between 1939 and 1945, giving as their reason the BM's paramount duty to keep the collections intact.

BBC. There is a current debate about the best means of governing the BBC, protecting its independence from political interference and holding the broadcaster to account in the democratic realm. It would be healthy to have a similar debate about the BM. Like the BBC, its funding comes from the public purse (though not through a licence fee, a form of hypothecated tax) and it needs to protect its independence – though there is something of a tension in that position when 15 out of 25 trustees are appointed by the Prime Minister.

When under pressure, the British Museum takes up a defensive position, which as often as not involves wrapping itself in the cloak of statutory privilege. The *British Museum Act 1963* explicitly prohibits the dispossession of anything from its collections, except under certain prescribed conditions. Drafted more than half a century ago, issues have emerged which those who drafted the legislation had never anticipated. Claims for the return of human remains and Nazi loot being two examples.

As Dicken's Mr Bumble observed, "*If the law supposes that... the law is a ass—a idiot.*" We are fortunate in having Parliamentarians who will change the law to remedy injustice. Andrew Dismore MP initiated and saw through the House a private members' Bill, which resulted in the passing of the *Holocaust (Return of Cultural Objects) Act 2009*. And as mentioned earlier, the Government-led *Human Tissue Act 2004* gave nine national museums, including the British Museum, the statutory power to deaccession and return to claimant communities the remains of people who died less than 1,000 years ago.

The lesson to learn from this is that the power to determine the future of the Parthenon sculptures lies not with the Trustees of the BM but with Parliament. A statutory power, to override the *British Museum Act 1963* would have to be enacted to enable their return. In 2009-10 a Private Members' Bill²⁴ was drafted to amend the *British Museum Act 1963* to free up the Museum to transfer items in the collections to another institution provided public access was guaranteed. The Bill's sponsor, Andrew Dismore MP, stated that "The Bill confers a general power but its sponsor envisages only one situation in which it might realistically apply: to repatriate the Parthenon Marbles to Greece."²⁵ The Bill ran out of time when Parliament was prorogued, and never made it onto the Statute Book.

International mediation

Grandstanding by either side when there is a dispute rarely leads to a satisfactory resolution. It polarises debate and is invariably costly in terms of time, money and reputational damage. Legal processes are inherently adversarial and, as in politics, the fog of war generally obscures rather than illuminates the issues.

²⁴ <http://www.publications.parliament.uk/pa/cm200910/cmbills/037/10037.i-i.html>

²⁵ <http://services.parliament.uk/bills/2009-10/britishmuseumact1963amendment.html>

Alternative dispute resolution (ADR) is preferable to legal action. Instead of the ‘winner takes all’ outcome of the courts, ADR uses mediation to find common ground between willing participants who can negotiate a settlement that is mutually acceptable. And who better to undertake the role of impartial international mediator than Unesco? Established in the aftermath of the Second World War, Unesco’s founding principles have never been more important. They stress the need for intercultural dialogue and the importance of the cultural fabric of society.

A retentionist mindset is deeply embedded in the values, culture and traditions of the British Museum. That is reinforced in no small degree by the wording of the *British Museum Act 1963*, which dwells on the duties of Trustees to keep and store collections safely. The *Act* does not overly concern itself with the social purpose and obligations of holding these collections. That context provides a major disincentive for either the Trustees or the Director to be willing participants in a mediation brokered by Unesco or by anyone else for that matter.

Just as John Howard and Tony Blair set the ball rolling in 2000 with their joint statement on the return of human remains to Australia, in my view nothing will change in relation to the Parthenon marbles until and unless there is a meeting of minds at head of state level between Greece and Britain. The wheels of state will grind slowly and the outcome would by no means be assured unless Parliament wills it.

The clock is ticking

The collections in a museum embody a continuously evolving context. Objects have a life of their own: they change hands, they move from one context to another and they mean different things depending on people, time and place. In the two-thousand-year narrative arc of the Parthenon sculptures why should anyone presume that the story ends in Bloomsbury? It’s time for the Trustees to understand that they cannot forever stop the clock.



Sand dunes in the Coorong, South Australia, where the Ngarrindjeri have reburied the Old People returned by the Manchester Museum in 2003. When he visited in July 2016, the author was shown the site by Major Sumner, Traditional Custodian.