

## SWWE 2009 – THE POLITICS OF CULTURAL OWNERSHIP

(State of the World Week: 11 - 15 May 2009)

A forum for inquiry into current affairs, the State of the World Week at ECLA (SWWE) fulfils an integral part of ECLA's educational mission by demonstrating the relevance of Liberal Arts studies to contemporary world events. The week is planned by students and faculty together.

The topic of this year is 'The Politics of Cultural Ownership'. The week is centred around current issues regarding the ownership of art and cultural artefacts. We will look at questions such as: Who owns artefacts in museums? Who has the right to decide whether an art work should be restored? Who has the authority to speak for a culture threatened by collapse? Can cultural identity itself be an object of ownership? What happens to the notions of copyright and intellectual property in the era of the internet, new media and filesharing? The debates triggered by such questions not only lead to legal disputes, they tend to touch upon - and sometimes challenge - some of our most fundamental intuitions about politics, ethics and human identity.

In ECLA's State of the World week, leading scholars, artists and other experts – together with students and faculty - will explore what happens when the ownership of art is challenged. Recent cases involving the restitution, restoration and artistic appropriation of art works will be discussed. The topic raises questions that are strongly linked to the Academy Year-core course on the concept of 'Property' in modernity.

## SCHEDULE

### SUNDAY

#### FEAST: SWWE OPENING DINNER (18:30)

“FEAST” is a very special place, as Suzy Fracassa, the owner of the space and of a catering agency entitled “Fortuna’s Table” states. Located in the heart of Neukölln, we will be offered a special dinner in a converted shop space in Weserstrasse 58, at the corner of Wildenbruchstrasse. (Near U-Bhf. Neukölln)

Signing up with Yvonne necessary.



#### Afternoon presentation and walk (Berlin Programme)

##### Brindusa: The Politics of Street Art. Who does a wall belong to?

Meeting Point: U-Bahnhof Schlesisches Tor, 15:45

In this session, we are dealing with the question of ownership of Street Art. Using a wealth of examples, and introducing some celebrated street artists such as BLU and Banksy, we will discuss in how far street art constitutes an “Art” for the people, and how it relates to notions of ownership. After a short presentation, we will explore a variety of Street Art Works in the neighbourhood of Kreuzberg, SO 36. (Signing up with Yvonne required. Limited to 12 places)

## MONDAY: Restitution

### Morning Lecture & Discussion (10:00 – 12:00):

#### Daniel Butt: Cultural property or cultural heritage - who owns what, and why?

Daniel Butt teaches at the Department of Politics and International Relations at the University of Oxford. His primary research focus is on questions of global justice, in particular on normative questions relating to the rectification of historic international injustice. His book *Rectifying International Injustice: Principles of Compensation and Restitution Between Nations* has just been published by Oxford University Press (2009). It looks at the theoretical foundation of contemporary claims for compensation and for the restitution of property which arise as a result of past wrongdoing between nations. This lecture seeks to set the debate about who owns cultural heritage within the wider context of theoretical questions relating to the ownership of property. It outlines a number of different accounts of international property rights, and argues that, in order for their claims to be consistent, both those who advocate and those who oppose the restitution of cultural property may have to accept some potentially unpalatable truths.

#### Readings:

Daniel Butt, *Principles of Compensation and Restitution Between Nations* has just been published with Oxford University Press (2009), pp. 58 – 67, Chapter 5.

## Afternoon Seminars

14:00 – 15:30

### 1. Getting practical - what should museums and collectors give back, and what should they keep? (Daniel Butt)

Building upon the morning's lecture, the seminar looks at a range of real world cases where museums and private collectors have faced restitution claims based explicitly on moral, rather than legal, claims of ownership. What principles should guide decision makers in such cases? And what decisions should they reach?

#### Readings:

Daniel Butt, *Principles of Compensation and Restitution Between Nations* has just been published with Oxford University Press (2009), pp. 58 – 67, Chapters 5 and 2.

Norman Rosenthal, *The time has come for a statute of limitations*, in: *The Art Newspaper*, 11.12.2008

16:00 – 17:30

## 2. Legal Issues in the restitution of cultural heritage (Volker Wiese)

Volker Wiese teaches at Bucerius Law School in Hamburg and specialises in restitution policies. He obtained a Master of Laws (LL.M.) from McGill University for his thesis: "A new Approach to the Private International Law of Copyright", and a PhD. from Bucerius Law School in 2005, on "The Influence of European Law on International Property Law pertaining to Cultural Property".

This seminar examines the legal basis on which states and other institutions assert and protect their right of ownership to cultural objects. It considers the difficulties caused by diverging national regulations on the question of bona fide transfers of ownership which regularly infringe property rights of foreign states. We also discuss several court decisions and some recent legislative acts on the question which national laws ought to govern such a transfer of cultural property, in particular when cultural objects have been illegally exported from their country of origin. We ask what criteria ought to determine the judgment that there is an inextricable 'cultural' connection between an object and a specific country. What implications do such judgments have for items currently housed in museums not in their country of origin? Finally, we consider what the function of laws concerning cultural property ought to be: a conservationist emphasis on restitution, or an encouragement towards legitimate 'trading'?

## TUESDAY: COPYRIGHT

### Morning Lecture & Discussion (10:00 – 12:00)

#### **Joy Garnett: On the rights of Molotov Man: Appropriation and the art of context**

Joy Garnett's work, in which she appropriates media images as source images for paintings, was at the centre of a notorious legal dispute with photojournalist Susan Meiselas in 2007. Her article, "On the rights of Molotov Man: Appropriation and the art of context," (*Harper's*, February 2007), focuses on the issues of fair use, open source culture and authorship, and will be at the centre of this discussion. Garnett studied painting at L'Ecole Nationale Superieure des Beaux-Arts in Paris and received her MFA from The City College of New York. She currently serves on the College Art Association's Committee for Intellectual Property where she is helping to draft guidelines for Orphan Works legislation as well as a "Guideline for Best Practices in the Assertion of Fair Use of Visual Images." A 2004 recipient of a grant from the Anonymous Was a Woman foundation she is represented by Winkelman Gallery, New York City. Notable past exhibitions include "That Was Then...This Is Now," P.S.1 Contemporary Art Center/MoMA, "Image War: Contesting Images of Political Conflict," Whitney Museum of American Art (2006), and "Without Fear or Reproach," Witte Zaal, Ghent, Belgium (2003). She has been Arts Editor for the scholarly journal Cultural Politics since 2005.

#### Readings:

Joy Garnett and Susan Meiselas, On the rights of Molotov Man: Appropriation and the art of context, in: *Harper's*, February 2007, pp. 53 – 58.

Jonathan Lethem, The ecstasy of influence: A plagiarism, in: Harper's, February 2007, pp. 59 – 71.

## Afternoon Seminars

14:30 – 17:45

### 1. Who Owns History? Art, Mass Media and Journalism in the Digital Age (Joy Garnett) / Whose Trash? Whose Face? (David Levine)

In this joint session, Joy Garnett – in discussion with David Levine- will describe some detailed responses to an email query she recently sent to fellow artists and art-world colleagues, asking them to articulate their hopes and fears about the future of copyright and free expression. In the second part, David will introduce his latest art project, which bears on these issues.

Readings:

Joy Garnett and Susan Meiselas, On the rights of Molotov Man: Appropriation and the art of context, in: Harper's, February 2007, pp. 53 – 58.

Jonathan Lethem, The ecstasy of influence: A plagiarism, in: Harper's, February 2007, pp. 59 – 71.

David Levine, Artist Project / Hopefuls, in: Cabinet. A Quarterly of Art and Culture, Issue 31 (Shame), pp. 27ff.

14:00 – 15:30

### 2. The Last of the Crow? (Thomas Nørgaard and David Hayes)

When a culture is threatened by collapse, what sort of person has the authority to speak for it? This question has received a bold answer in a recent book by philosopher Jonathan Lear, who argues that such a person should be capable of 'radical hope'. Lear develops this proposal through a philosophical interpretation of the life-story of Plenty Coups, chief of the Crow Indians from 1876 to 1932. The lecture will focus on Lear's understanding of Plenty Coups as a man of 'radical hope', and in that light discuss two fundamental questions about cultural identity: what does it mean for a threatened culture, like the Crow culture, to survive? And is it really the man of 'radical hope' who should lead the way?

Reading: Jonathan Lear, Radical hope: Ethics in the face of cultural devastation, Harvard University Press 2006.

19:30 – 21:00

### **Evening Film Screening: Being John Malkovich (MH)**

Reading: Daniel Shaw "On Being Philosophical and *Being John Malkovich*." in *Thinking Through Cinema – Film as Philosophy*, Thomas E. Wartenberg and Murray Smith (ed.), Blackwell, 2006, pp.11-118.

## WEDNESDAY: IDENTITY THEFT

### Morning Lecture & Discussion (10:00 – 12:00):

#### Ruth Franklin: Identity theft in literary representations of the Holocaust

Ruth Franklin is a senior editor at *The New Republic*, a biweekly magazine on politics and culture. Her book reviews and essays also appear in *The New Yorker*, the *New York Times Book Review*, the *London Review of Books*, *Granta*, and other publications. She writes mainly about contemporary American and European fiction, with a special interest in recent writing about the Holocaust. Currently she is working on a collection of essays (forthcoming from Oxford University Press in 2010) about Holocaust literature, which will investigate key works of fiction and memoir by writers such as Elie Wiesel, Primo Levi, Imre Kertesz, and W.G. Sebald, with a focus on the shifting lines between testimony and literature.

#### Readings:

Carl Friedman, *Nightfather*, in: *Nothing makes You Free*, ed. Melvin Julies Bukiet, pp. 33–47.

Nathan Englander, *The Tumblers*, in: N. Englander, *For the Relief of Unbearable Urges*, pp. 27–55.

Thane Rosenbaum, *Cattle Car Complex*, in: *Nothing makes You Free*, ed. Melvin Julies Bukiet, pp. 196–205.

### Afternoon Seminars

14:00 – 15:30

#### 1. W.G. Sebald and the Facts of Life (Ruth Franklin)

Few writers have been as conscious of the conflicting demands of literature and testimony as W.G. Sebald. In his literary works, which often took as their subject individuals devastated by historical tragedy, Sebald employed a distinctive mixture of genres—novel, essay, encyclopedia, and dream—to create a kind of textual memorial. We will look at *The Emigrants*, in which he reconstructs the family histories of four people whose lives were marked by the Holocaust, to consider the ways in which it may be possible for literature to fulfill the function he claimed for it in one of his last public lectures: that of offering the victims of suffering “an attempt at restitution” that goes “over and above the mere recital of facts, and over and above scholarship.”

#### Reading:

W. G. Sebald, *The Emigrants*, 1993 (various edns.)

W. G. Sebald, *An Attempt at Restitution*, in: W. G. Sebald, *Campo Santo*, 2005 (also published in *The New Yorker*, 20.12.2004)

16:00 – 17:30

2. The Lives of Others: Dave Eggers' *What is the What: The Autobiography of Valentino Achak Deng* (2006) (Catherine Toal)

Written by a novelist who achieved fame with a much-disputed memoir of his orphaned childhood, and who is known for his dedication to transformative literary and social causes, *What is the What* is the first autobiography touted as *not* authored by its living subject. Valentino Achak Deng fled the civil war in his native Sudan, undergoing the ordeal of refugee camps and the struggle to begin a new life in the U.S. Focusing also on the book's promotion and reception, the seminar will consider the effects and political intentions of an American writer's ventriloquized approximation of a 'third'- (and 'first'-) world experience not his own.

Reading:

Dave Eggers, *What is the What*, 2006.

16:00 – 17:30

3. Who owns John Malkovich? (Matthias Hurst)

There is a paradox involved in the work of the screen actor. The craft of acting might be defined as the capacity to transform into different kinds of character, yet the screen actor is often recognized for particular types of look, gesture and mannerism that are repeatedly in evidence. A screen persona may lead to the actor being identified with a whole cultural period, or with one specific character, and even seems to influence our judgment of the actor as a person. What sorts of philosophical issues are involved in an audience's feeling of ownership over, or its desire to possess, the identity of the actor?

Reading:

David Hume, *A Treatise of Human Nature*, Oxford University Press, 2000, pp. 164-171, 486-487.

John Locke, *An Essay Concerning Human Understanding*, Penguin Books, 1997, pp. 296-314.

Daniel Shaw "On Being Philosophical and *Being John Malkovich*." in *Thinking Through Cinema – Film as Philosophy*, Thomas E. Wartenberg and Murray Smith (ed.), Blackwell, 2006, pp.11-118.

## THURSDAY: ART RESTORATION

### Morning Lecture & Discussion (10:00 – 12:00)

#### Denise Budd: Art Objects vs. the Museum

Denise Budd received her Ph.D. from Columbia University in 2002, writing on the documentary evidence regarding the early career of Leonardo da Vinci. She has taught classes in Renaissance art and authenticity issues at Rutgers University, as well as a broad range of art-historical subjects, and is currently a Lecturer-in-Discipline in the Core Curriculum at Columbia University. She is also the Director of ArtWatch International, a watch-dog group which seeks to protect the dignity of works of art, with which she has worked since 1996.

This lecture will address a variety of issues that are critical to the care and handling of paintings and sculptures in their modern institutional settings, and evaluate on a broad level the way in which the actions of a museum can put in jeopardy the very art objects it is charged with protecting when the larger financial situation of the museum is at stake. Themes will include the phenomenon of the “Blockbuster” exhibition as a means of increasing attendance revenue, restoration as a draw to tourism, and the impact of corporate patronage of the arts.

#### Reading:

James Beck and Michael Daley, *Art Restoration: The Culture, the Business and the Scandal*, 1994, Chapter 3 and 4

James Beck, *A Bill of Rights for Works of Art* (revised 1992).

### Afternoon Seminars

14:00 – 15:30

#### 1. Case Study in Restoration: The Sistine Chapel (Denise Budd)

This seminar will focus on what was the most controversial and complex collection of restoration projects in recent memory, the cleaning of the Sistine Chapel frescoes in the Vatican palace. Including work on the 15<sup>th</sup> century cycle of wall frescoes by Italy’s leading artists, and the 16<sup>th</sup> century additions of Michelangelo’s ceiling frescoes and Last Judgment on the altar wall, the restorations lasted continuously from 1977 to 1999, with the final product resulting in a radical re-evaluation of Michelangelo’s identity as a painter and his role in the history of Renaissance art. We will consider both the popular praise of what has been decreed the “Glorious Restoration” by its supporters, as well as the small but vocal objection to the undertaking, evaluating the historical, scientific, and most importantly, the visual evidence.



#### Readings:

James Beck, with Michael Daley, *Art Restoration: The Culture, the Business, and the Scandal*, Chapters 3 and 4.

James Beck, "Michelangelo's 'Pentimento' Bared", in: *Artibus et Historiae*, 12/24, 1991, pp. 53-63.

David Cast, "Finishing the Sistine" in: *The Art Bulletin*, 73/4, Dec. 1991, pp. 669-84.

Kathleen Weil-Garris Brandt, "Twenty-five Questions about Michelangelo's Sistine Ceiling" in: *Apollo*, December 1987, pp. 392-400.

David Ekserdjian, "The Sistine Chapel and the Critics" in: *Apollo*, December 1987, pp. 401-4.

14:00-15:30

#### 2. Owing Culture: Museums and Public Art (Laura Scuriatti)

An exhibit in a museum is not just an object, but a palimpsest of narratives, the embodiment and contested locus of tension between economic, cultural, political and aesthetic values, which are often indistinguishable, once objects are transformed into cultural property, and cultural property into exhibits. The aim of this seminar is to investigate these processes and their cultural, political and economic implications: what is the status of cultural property? Can culture be owned? What does it mean to talk about public art? Who owns it and on what basis?

#### Readings:

Phyllis Maud Messenger (ed.), *Whose Property? Whose Culture? The Ethics of Collecting Cultural Property*, University of New Mexico Press, 1999, pp. 1-27.

James Clifford, *The Predicament of Culture*, Harvard University Press, 1988, chapter 10.

16:00 – 17:30

#### 3. Controversial Art-Restorations: is Humanity erasing its own past? (Geoff Lehman and Peter Hajnal)

In this talk an art-historian and a philosopher will examine together some of the assumptions guiding decisions to restore major works of art, such as Michelangelo's *Sistine Chapel*, or Masaccio's *Branacci Chapel*. It will be argued that unwarranted trust in technology often effaces the need for real dialogue between art-historians, philosophers, cultural historians, curators, artists, and scientists concerning the need for submitting artworks to radical cleaning processes. To address the question whether environmentalist strategies can be adapted for the purpose of protecting art, the talk will offer for discussion a 'Bill of Rights for Works of Art' drafted by James Beck and Michael Daley in 1995 as a conclusion to their book *Art Restoration: The Culture, the Business, and the Scandal*.

## FRIDAY: Seminars and Essay Writing

### Morning

The morning is reserved for further reading and essay writing.

Essays (3-5 pages) are due on Saturday, 12:00.

## Afternoon seminars

14:00 – 15:30

### 1. Nazi Looted Art and Restitution (Aya Soika)

This seminar looks at several restitution cases, particularly at the controversy surrounding Ernst Ludwig Kirchner's *Street Scene* of 1913, returned by the Berlin Brücke Museum to the heirs of prominent collector Alfred Hess in 2006, and subsequently sold through Christies for a record sum. The aim of the seminar is to give an introduction to the complexities of 'ownership' of art works, and to provide an analysis of the role of provenance research in both institutional settings and legal processes, by looking at a sample of case studies in which the principles for dealing with Nazi-looted art (as established in the Washington Declaration of 1999) were put to the test.

The seminar will include presentations on an art work by Hans Haacke dealing with the problematic issue of provenance (Alina Floriou), and a presentation on the Kirchner restitution case (Snezhina Kovacheva).

Readings:

The Washington Declaration of 1998, released in connection with the Washington Conference on Holocaust-Era Assets, Washington, DC, December 3, 1998.

Proceedings of the Washington Conference On Holocaust-Era Assets (selections).

14:00 – 15:30

### 2. Who owns John Malkovich? (Matthias Hurst)

There is a paradox involved in the work of the screen actor. The craft of acting might be defined as the capacity to transform into different kinds of character, yet the screen actor is often recognized for particular types of look, gesture and mannerism that are repeatedly in evidence. A screen persona may lead to the actor being identified with a whole cultural period, or with one specific character, and even seems to influence our judgment of the actor as a person. What sorts of philosophical issues are involved in an audience's feeling of ownership over, or its desire to possess, the identity of the actor?

Readings:

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Daniel Shaw "On Being Philosophical and *Being John Malkovich*." in *Thinking Through Cinema – Film as Philosophy*, Thomas E. Wartenberg and Murray Smith (ed.), Blackwell, 2006, pp.11-118.

16:00 – 17:30

3. Is there a right to culture? (Bruno Macaes)

Do rights apply exclusively to individuals and are they meant to protect our interests in freedom or autonomy? Or may the concept of a right also apply to culture? May rights be used to preserve particular cultures? Who are the beneficiaries of a right to culture? Human beings need to be part of a wider cultural and social context if they are to develop their abilities to the full. From this perspective, to speak of human rights in the absence of a human right to culture may seem overly formal and individualistic. But is the idea of a right to culture ultimately compatible with individual rights to freedom and autonomy?

Readings:

Chandran Kukathas, Are there any cultural rights?, in: *Political Theory* 1992, 20, pp. 105–139; Will Kymlicka, The Rights of Minority Cultures: Reply to Kukathas, in: *Political Theory* 1992, 20, pp. 140–146; Robert E. Goodin, Liberal Multiculturalism: Protective and Polyglot, in: *Political Theory* 2006, 34, pp. 289–303.

18:00

**Photography Exhibition & Drinks Reception.**

**“Transformations and ownership of Urban Spaces”**

## CONTENTS

### Readings for Lectures

#### Monday

Daniel Butt, *Principles of Compensation and Restitution Between Nations* has just been published with Oxford University Press (2009), pp. 58 – 67, Chapter 5.

#### Tuesday

Joy Garnett and Susan Meiselas, *On the rights of Molotov Man: Appropriation and the art of context*, in: *Harper's*, February 2007, pp. 53 – 58.

Jonathan Lethem, *The ecstasy of influence: A plagiarism*, in: *Haper's*, February 2007, pp. 59 – 71.

#### Tuesday Evening (Film Screening)

Daniel Shaw "On Being Philosophical and *Being John Malkovich*." in *Thinking Through Cinema – Film as Philosophy*, Thomas E. Wartenberg and Murray Smith (ed.), Blackwell, 2006, pp.11-118.

#### Wednesday

Carl Friedman, *Nightfather*, in: *Nothing makes You Free*, ed. Melvin Julies Bukiet, pp. 33–47.

Nathan Englander, *The Tumblers*, in: N. Englander, *For the Relief of Unbearable Urges*, pp. 27–55.

Thane Rosenbaum, *Cattle Car Complex*, in: *Nothing makes You Free*, ed. Melvin Julies Bukiet, pp. 196-205.

#### Thursday

James Beck and Michael Daley, *Art Restoration: The Culture, the Business and the Scandal*, 1994, Chapters 3 and 4, conclusion (A Bill of Rights for Works of Art).

### Readings for Seminars

See Schedule of the Week. Readings are indicated below each seminar description. Books and photocopies will be provided separately.