



Should the Plundered Arts be restituted?

How international norms are interpreted differently in national contexts

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Abstract

The objective of this essay is to look at two cases where the debate rages regarding whether or not to retribute stolen art back to the states from which it was originally stolen. By looking at the debate in each country the essay focuses on gaining understanding in how one state might decide upon returning the cultural treasures and the other refuses to. In assisting the analysis of the debate, theories from social constructivism, norms and ideas of different national identities are assessed. More closely, this essay tries to examine the different ideas of national identity (Imperial Cosmopolitanism and Egalitarian Cosmopolitanism) and analyze the domestic interpretations of the international norm on restitution of plundered treasures that follow from these identities. In doing so, states of interest, Sweden and Great Britain, are chosen and the theoretical model for analysis developed by Bacchi (2010) will be used in order to present “the problem”, the causes to the problem and the solutions provided to solve the problem. Thereby, the essay aims to show how the actions, behavior and arguments of these states, in the question of restitution, are greatly dependant on the differences in the ideas of national identity that each state might possess or have inherited from past.

Key Words: Plunder, Restitution, Norms, National Identity, Cosmopolitanism.

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1. Introduction

In June 2009, the New Acropolis Museum in Athens stood ready to receive its first visitors. This rebuilt home to the Greek art is described by the New York Times as "...one of the highest-profile cultural projects undertaken in Europe in this decade".¹ The exhibition offers its visitors the possibility to assess and admire a wide range of early Greek art with its impressive size and storage capacity. However, some might not know that the original reason behind the construction of this very expensive structure was that it would be the new home to the Parthenon Marbles. Though, the special section explicitly designed for these sculptures - that are at this time being kept at British Museum in London under the name The Elgin marbles - remains empty to this day. The British Museum refuses to return the 2500 years old Greek sculptures, taken away from their original place Parthenon in Athens by British ambassador Lord Elgin about 150 years ago. In that refusal, Britain is breaking against the international norm that advocates for restitution of plundered cultural treasures, a norm which is supported by conventions such as UNESCO (1970) and UNIDRIOT (1995).²

How come Great Britain chooses to break an international norm in such seemingly unimportant matter? How do the British justify their position as an opponent to restitution of cultural treasures? And more interestingly, what do these sculptures represent to Great Britain that makes it so important to keep them at the British Museum, is it a matter of principle or are there perhaps more fundamental ideologies steering this dispute?

"The Parthenon sculptures are widely regarded as the finest surviving examples of early Greek art..."³ The so called Parthenon Marbles refer to the group of sculptures from 5th century BC that was stored in the Temple of Parthenon in Acropolis, Athens.⁴ A great part of sculptures had still managed to survive a long and violent history of destruction, conflicts and wars that the city of Athens had been involved in. However, in the early 19th century, Thomas Bruce, 7th Earl of Elgin, also being the British Ambassador to the Ottoman Empire during the period 1799-1803, used his position to remove the sculptures from Acropolis and ship them to England.⁵ The sculptures were later sold to British Museum in 1816 by Lord Elgin.

The requests for the return of these sculptures had been made before, but the first official request of Greek Government came in 1983 from Melina Mercouri, the then Greek Minister of Culture.⁶ With her famous words in an interview - "the marbles are part of a monument to Greek identity, part of the deepest consciousness of the Greek people: our roots, our continuity, our soul. The Parthenon is like our flag"⁷ - it was obvious that the claims from the

¹ http://www.nytimes.com/slideshow/2009/06/19/arts/20090620-acropolis-slideshow_index.html

² Göteborgs Stat och Kultur tjänsteutlåtande om återlämning av Paracastextilierna 2010-03-09 (Diarienummer 1500/09), p.4-5

³ Gillman, Derek (2010), p.22

⁴ Hamilakis, Yannis (1999)

⁵ Merryman, John H. (1985), p.1882; Hamilakis, Yannis (1999).

⁶ Ibid

⁷ Gillman, Derek (2010), p.24

Greek side were (and still large part of them continue to be) significantly based on moral grounds.⁸

So, why does Greece think that it should be Athens instead of London where Parthenon marbles should be located? Some of the repeating points to this question are:

1. Because the monument to which they belong, namely the Parthenon, is in Athens.
2. Because in Athens the Marbles will be exhibited close to the Parthenon and within sight of it, and the visitor can form a complete picture of the temple in its entirety.
3. Because they form an inseparable part of the monument – the symbol of Greek Classical civilization at its apogee. The restitution of the Marbles will restore the unity of the decoration and the architectural cohesion of the monument.
4. Because the British have an obligation, not to Greece but to the cultural heritage of the whole world, to restore its symbol, the Parthenon, which is also the emblem of UNESCO.⁹

This essay thereby continues with the examination of Gillman's (2010) work, who repeatedly looks upon how the actions and behavior of Great Britain are to great extent dependent on the historical role and the narratives they might have inherited from past.¹⁰ It is made very obvious then what kind of ideas of cultural heritage and ideas of national identity that Great Britain has inherited. In more detail, Great Britain represents historically the role of conqueror, explorer, colonizer and to a great degree, the primary hegemon at both sea and land. It is thus common sense for Great Britain to perceive all the art and cultural treasures in the world as belonging to everyone, and not to any state or individual explicitly. Great Britain can be thus pointed out as possessing and representing the Imperial Cosmopolitan view.

Can the same trends of behavior be seen in Sweden too? What are then the Swedish ideas of cultural heritage and national identity that might make it act differently from Great Britain? In contrast to the British case, in 2010 Sweden decided to return the invaluable 2000 years old Paracas textiles to Peru. It would be childish to state then, without further investigation, that Sweden simply has better morals than Great Britain does. This is what the essay will find out in the analysis section.

The aim of this essay is to determine how the international norms regarding plunder and restitution are interpreted on another national level. More specifically, the essay will look at the Swedish case with the Paracas textiles and Sweden's decision to return them. The essay will use the British case outlined in the literature by Gillman (2010)¹¹ as a point of comparison. It is thus believed that a study of similar character has not been done yet and this essay aims to serve as a contribution to the existing literature on the differing interpretations of international norms in different national contexts. By explaining and comparing how Swedish case differs with its national interpretations of the international norm on restitution from the British case, this essay might serve as a sample and fundament to future studies on

⁸ Merryman, John H. (1985), p.1881

⁹ <http://www.uk.digiserve.com/mentor/marbles>

¹⁰ Gillman, Derek (2010).

¹¹ Gillman, Derek (2010). p. 22-30.

questions not handled in this essay, such as: why do the interpretations of one norm differ in different states? Are there any other significant factors, besides the national identity and cultural heritage, influencing that?

Through thorough examination of the discussions existing in both cases, the aim is to identify the differences in the interpretation of the international norm. To assist in this, constructivist theories revolving around interpretations of national identity, cultural heritage and norms will be applied.

2. Literature Review

In order to make it easier to assess and examine the literature available today on the restitution of plundered art and on international norms on plunder, this essay divides the literature into two different categories: the literature written on the plunder and restitution of art; and literature on norms and in particular, international norms. The literature review provides a general and comprehensive summary of those works that have been written on the subject of plunder through history, even though most of the literature on the subject dates from the last two centuries. The relatively recent interest of scholars in the question of restitution might perhaps be explained as a reaction to the Nazi-plundering and plunder-oriented Napoleonic wars.

It is also to be noted that in much of the existing literature, the focus often falls upon the jurisdictional aspect of restitution and plunder, rather than of why one should retribute once plundered art or how different countries perceive the international norm on plunder domestically.

In this section, the existing literature will be discussed in relatively broader and generalizing terms: first explaining what the literature on the plundered art look like today; followed by the literature on international norms. The literature review chapter will finally be summed up and concluded with the shortcomings and the gap of the existing works and how this essay intends to fill that gap and contribute to the existing literature in political science.

2.1. Restitution of war-time plundered art

There is a substantial literature on restitution of war-time plundered art, but most of it has a descriptive character and focuses on historical events, the reactions which they caused at that particular time and possible consequences that led or could have led to other events.¹² A significant portion of the literature on this subject deals primarily with the restitution of plundered treasures during the Napoleonic Wars and the Nazi-plunder during the Second World War, and argues whether or not the plundered treasures should be returned to their rightful owners. And in the case of restitution, the constantly recurring question is usually: who should be considered as the rightful owner?¹³ The Nazi plunder has been a subject of heated and long discussions since the end of the war and still remains to this day a hot topic, as the flow of articles and works being written on it continues. Arguments and discussions handled in the literature are to great extent based on the literature that is looking at plunder and restitution through the lens of law, mostly comparing the rulings of the old to modern day law-policies.¹⁴

Several of the articles come to the point of dealing with a conflict of interest: whether art belongs to human-kind as a whole and should be kept at famous museums of the “civilized”

¹² Falconer, Kelly Ann (2000); Pell, Owen C. (2003); Sandholtz, Wayne (2008)

¹³ Sandholtz, Wayne (2008); Pell, Owen C. (2003). Falconer, Kelly Ann (2000); Gerstenblith, Patty (2001)

¹⁴ <http://www.clarkart.edu/museum/content.cfm?ID=249>

world (such as Louvre in France or British Museum in Great Britain) which commonly grants access to everyone, or, if the art belongs to the heirs of the original possessors and should be returned to the country of origin.¹⁵ Also, since the plundered art commonly has a long history, where it has passed through the hands of large amount of possessors and conquerors, it is not as simple as deciding whether the art in question belongs to part A or B, there are commonly more interests and actors involved and the question becomes highly political and strategic issue in International Relations (IR). Beyond that, according to the arguments, since much of the art plunder at the times of wars - was something common and there were no legal or even moral constraints concerning it - the victors were actually encouraged to plunder art and thereby popularly considered as the rightful owners of it. This makes it hard today to state that the current possessors are not the rightful owners since they did not break any laws or norms at the time when plunder occurred. Much of the arguments in these works on restitution and anti-plunder are based on international norm theories and moral claims. Thus the questions raised in the literature are to a wide extent concerned with the possibility to find a unison way to determine the rightful ownership today to the art that was once plundered.¹⁶

There are also works including advocates who stress the importance of morality and rationality in context of the time-period the world is currently finding itself in, where norms tend to evolve and change very quickly, while others argue that it is the self interest and power politics of states that form the international norms.¹⁷ Further, turning to the literature that more specifically deals with the art-plunder related to the respective two countries of this essay (Great Britain and Sweden), there are also several works that discusses some of the art plundered by or into these states, such as the controversial Parthenon Marbles and others which might be of great value to this essay later while it develops.¹⁸

2.2. Literature on international norms

As with the historical and descriptive literature on art plunder, there is also a lot of literature to be found on international norms.¹⁹ And while the literature in many senses is thoroughly describing the existence and definition of norms, there is a lack of articles and books on how norms arise and tend to change over time. Here is where Sandholtz's work (such as "Prohibiting Plunder: How norms change") is unique.²⁰ Sandholtz treats the international norm as the main variable that constantly influences or is being influenced by different world events, political structures, rules and discussions and uses historical art-plunders as example. He successfully introduces an important theoretical framework and model for norm change, which serves as an effective tool for explaining how norms tend to change and what factors influence this process.

¹⁵ Gerstenblith, Patty (2001); Cuno, James (2008); Boardman, John (2000); Curtis, Neil G.W. (2006);

¹⁶ Falconer, Kelly A. (2000).

¹⁷ Sandholtz, Wayne (2007); Nadelmann, Ethan A. (1990); Goertz, Gary and Paul Diehl (1992).

¹⁸ Gillman, Derek (2010); Schultz, Ulla von (1998).

¹⁹ Cortell, Andrew and James Davis (1996); Nadelmann, Ethan A. (1990); Falconer, Kelly A. (2000) et al.

²⁰ Sandholtz, Wayne (2007b).

However, Sandholtz does not look at how the norm interpretations differ from state to state. Actually there are very few works done on the possible variations of how an international norm might be interpreted on a national or local level, except for a few exceptions ((Boyle (2002); Acharya (2004); Towns (2010)).²¹ This essay therefore would be a contribution to that scarcity of research done on the different interpretations of norms in national contexts.

Further, literature that looks at the different national interpretations of an international norm on art plunder - the main aim of this essay - *does not exist!* Here is where this essay is different from previous research on international norms, by its attempt to identify how Sweden interprets the international norm on art plunder. It is also worth mentioning that these two countries (Sweden and Great Britain) have not been chosen randomly or by coincidence but rather because they both are in middle of hot debate on restitution of plundered art and because they have not been subjects to a study of similar character as this. Why do these two European states under relatively similar geographical and political conditions and under the same international norm, somehow choose to interpret it differently nationally and thus differ in their decisions and actions on the question of restitution? With its uniqueness on studying these differences in interpretations of the same norm on art-plunder, this essay aims to serve as a contribution to the existing scientific literature on international norms.

2.3. The gap

Going through all the articles that have been assessed beforehand to this essay, one has to draw the conclusion that there is a lack of comparative studies (such as state versus state, plunder versus plunder, or old norms against new norms) on the norms regarding restitution of plundered art objects. The country this essay is aiming to study is Sweden and the arguments that exist in the interpretation of the norm, in a comparison with the British case outlined in Gillman (2010), where Great Britain opted not to return the plundered art. In the Swedish case, there has been little success in finding any academic works written on the subject of Paracas textiles. The gap being identified is thus that there are no academic studies done on Sweden and art restitution (besides some quick notes in books and articles with questionable relevance to this essay's case, such as in the Garstein's book or on particular websites for each art).²² However, descriptive works done on Second World War and Napoleonic Wars do exist to a great extent, but relatively few studies are done on the arts that have been plundered from other time- periods. There is also very little literature to be found on regarding how the international norm on restitution of plundered art is being interpreted in different national contexts. And literature written on the subject of this essay - Sweden's restitution of the Paracas textiles in contrast to Great Britain's refusal to return the Greek Parthenon marbles – does not exist. How does each country justify their actions and what arguments exist on national level that justify the different stances on the question of restitution?

²¹ Boyle, Elizabeth H. (2002); Acharya, Amitav (2004); Towns, Ann (2010).

²² Garstein, O. (1992).; <http://www.paracas.se/history/>

This study will aim to cover the gap of these shortcomings identified in the existing literature, with the main focus on analyzing the national discussions on the restitution of plundered arts in Sweden against the backdrop of Great Britain. The main purpose of this essay is thus to assess, examine and interpret Swedish interpretations, but also to draw out the differences between these two countries in regard to their domestic discussion and arguments concerning restitution of plundered art with the help of secondary literature on Great Britain.

3. Theoretical Approach

The theoretical framework for this essay will be based around the idea of that the world as we experience it, is created through the minds of human beings. While things may exist as physical mass, it is not until we define them as what they are, that they come into existence. For instance, a man or a woman might have the biological sex of either male or female; however, it is our definition of them both that has created them. This set of ideas is called 'Constructivism' and this is the philosophical thought that forms the basis for the theory part of this study.

Secondly, the theory section looks into the definition of norms and international norms, and how they differ from one another. In doing this, the essay uses as a tool the theoretical model for norm change developed by Wayne Sandholtz, which explains how norms emerge and tend to change as a result of the tense interplay between the currently existing rules and new experiences.²³ It also looks at current and past norms on art plunder.

The theory chapter also turns to assessing the ideas about cultural heritage and national identities in each respective state, which are then compared. Thereby, the theory section builds the necessary theoretical fundament that might be a possible explanation to the domestic differences in the interpretation of the norm. And finally, with the help of Carol Bacchi's analytical framework, the 'problem' of plunder touched by this study, the causes to this problem and the possible solutions to it are more closely analyzed.

3.1. Constructivism as a social theory

Theories exist on different levels of abstraction. Social theory is more of the general theory about the social world, about social action and the relationship between objects and actors. In social theory, constructivism holds its emphasis on reality as a social construction. Human relations consist of thought and ideas, not material conditions or forces. This is contrast to materialist philosophy of social science positivism, where things exist if they can be measured.²⁴

According to constructivist philosophy, the social world is not given. It is not something 'out there' that can exist without thoughts and ideas of the human beings involved in it. The laws of society cannot be discovered and explained by conventional scientific research methods. The social world is not part of nature, nor is the political world, this is important to note as this essay enters its empirical part.

Everything involved in the social world is created by men and women, and the fact that it is made by them, makes it intelligible to them. The social world is a world of human consciousness - the thoughts, beliefs, ideas and concepts are all formed by language, by

²³ Sandholtz, Wayne (2007).

²⁴ Jackson, Robert H. & Sørensen, G. (2007). p. 164

groups of people in states and nations. The social world is only truly meaningful to people who made it and live in it, which understand it, precisely because they made it and live in it.²⁵

Alexander Wendt writes in his article from 1992 that “social structures have three elements: shared knowledge, material resources, and practices. First, social structures are defined, in part, by shared understandings, expectations, or knowledge. These constitute the actors in a situation and the nature of their relationships, whether cooperative or conflictual.”²⁶ As an example for this he shows that “A security dilemma, for example, is a social structure composed of inter-subjective understandings in which states are so distrustful that they make worst-case assumptions about each other’s intentions, and as a result defines their interest in self-help terms. A security community is a different social structure, one composed of shared knowledge in which states trust one another to resolve disputes without war. This dependence of social structure on ideas is the sense in which constructivism has an idealist (or ‘idea-ist’) view of structure.”²⁷

The social world is partly constructed of material things, but it is in the ideas and beliefs of people that live in it, that define them to what they are, that make them important. The physical element in social constructivism is always secondary to the intellectual, which without it has no meaning.

When it comes to a constructivist view on plunder, Bacchi means that plunder is not a problem as it is, but rather is a socially constructed problem.²⁸ This means that plunder by its own accord does not exist without being socially defined. The most simplistic way of defining the social construction called plunder is “to rob of goods or valuables by force.” Plunder by itself does not exist ‘out there’ in the real world, only in the words that define it. In other words, plunder in its essence cannot be considered to be something that is bad, but rather, it is in our norms that we construct the proper behavior on how to act in social situations that makes plunder something frowned upon and prohibited. It is not socially accepted for an actor (e.g. a state or a person) to participate in the socially constructed act of plunder.

Similarly, the policy problems that occur from a prohibition of an act or from emergence of a norm are also socially constructed. Meaning that - the definition and identification of a problem, the solutions and policies offered in order to fix it and the eventual policy problems derived from those – are altogether products of social constructivism. Further, it is through social construction that norms come to be, by defining in words what is socially accepted or not. Norms create a basis for social interaction, whether the norm is followed or not.

3.2. Norms

The definition of a norm, according to Bierstedt (1963) is: “a rule or a standard that governs our conduct in the social situations in which we participate. It is a social expectation. It is a

²⁵Ibid, p. 165

²⁶Wendt, Alexander (1992). p. 73.

²⁷Ibid, p. 73.

²⁸ Bacchi, Carol L. (1999).

standard to which we are expected to conform whether or not we actually do so or not.”²⁹ Katzenstein has adapted this definition to suggest that international norms are “collective expectations for the proper behavior of actors with a given identity. In some situations norms operate like rules that define the identity of an actor, thus having “constitutive effects” that specify what actions will cause relevant others to recognize the particular identity.”³⁰

Norms may vary from group to group, what is considered a norm in one group, does not necessarily consist in another. Apart from varying in-between groups, norms also vary in form. They can dictate on how to dress, what to eat, how to behave and what to say. Failures to abide by the norms may result in punishment by the group or society, ranging from mild warning to expulsion from the group, and in some societies even death.

International norms

Similar to norms on the national level, international norms dictate the proper behavior for actors (e.g. states) when interacting on a transnational level – in other words, international norms shape the interaction between states or the domestic practices, policies and institutions of states. And like norms on a national level, breaking a norm may result in that the actor receives a punishment from other actors. According to Stephen D Krasner, for norms to be recognized as important and consequential, the effectiveness and the behavior of the promoting agents are of crucial matter.³¹

It is possible for states to ‘stretch’ the norms and according to Sandholtz “the more powerful an actor is, the more it will be able to transgress rules without suffering adverse consequences.”³² A ‘weak’ actor (*state*) will receive a much harsher treatment by the international community when breaking a norm than a ‘strong’ actor. For example wars that are regarded illegal by the international community; both the United States and Russia fared relatively well in regards to international pressure when they waged wars in Iraq and Chechnya respectively. In comparison, the combatants in former Yugoslavia received much harsher punishment for their involvement in illegal warfare from the international community.

While an action might at first be condemned by the international community, it is the response received from other actors that is crucial. A violation against the norm will always be a violation, but, “should the response on the other hand be mild or ‘pro forma’ condemnation, this is evidence of that a rule is weakening and a change in norms may be possible.”³³

For the purpose of this essay the international norm regarding plunder and restitution will be based out of the 1970 UNESCO convention and its extension in the UNIDROIT convention

²⁹ Bierstedt, Robert (1963). p. 222.

³⁰ Keck, Margaret E. & Sikkink, Kathryn (1998). p. 218.

³¹ Keohane, Robert O. (2010). p. 16-19.

³² Sandholtz, Wayne. (2008). p. 108.

³³ Ibid, p. 109.

in 1995. More specifically, article 3 of the UNIDROIT convention can be summarized in the following way: whoever possesses a stolen cultural object shall return it. Stolen objects include all archeological objects that have been dug up illegally, or objects that have been dug up legally but been kept in conflict with the law, if this corresponds with the legislation in the state where the excavation took place.³⁴ In other words, according to the mentioned conventions, any state that retains cultural artifacts that was plundered or otherwise acquired unethically, through theft or smuggling, should restitute those artifacts to the place of origin.

Interpretation and change of norms

From the early emergence of societies and social networks in the life of human beings, rules and laws has been implemented by the authoritative bodies of the particular time, thus controlling the actions and behavior of the majorities. Later experiences and events have tested these rules, either abolishing them or transforming them further to fit their original purposes. Depending on the time period, different rules has been applied and seen as legitimate, thereby different norms has been emerging and changing in parallel to the change of rules, indicating what is being considered as normal at different times and places throughout the world. But since the change in rules has been the result of specific experiences and acts, the tense interplay between existing rules and new experiences has triggered disputes on whether rules are legitimate, relevant or even fair. Disputes further have modified rules to not contradict the new experiences. This might be not the only reason behind the norm changes in international relations, but it is a very important and relevant one, as Sandholtz states in his model of norm change.³⁵ It is crucial at this point to clarify that this essay is not going to look at why norms change, but rather will use Sandholtz's model in order to bring understanding in how norms tend to change and further will make it possible to situate the analysis of interpretations that will be worked out later in this essay.

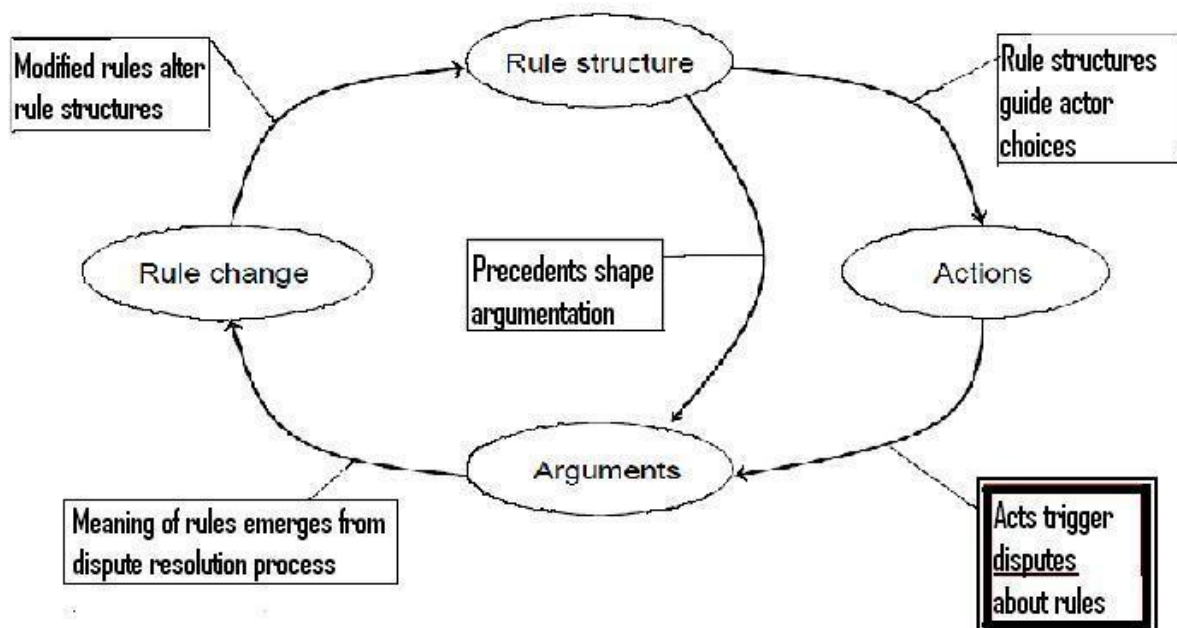
At the times when plunder still was considered as a norm and the victor of a conflict was seen as the legitimate possessor of the newly acquired objects through plunder, the barbaric acts through which the blood-thirsty conquerors kept acquiring treasures started to trigger disputes in the world. Now it was being questioned if plunder really was something that should be allowed to be exercised considering the experiences from history. The disputes led to that rules were created which prohibited plunder, and thus the norms changed on how plunder was perceived by the world.

Sandholtz argues that one of the most important reasons to why international norms emerge and changes is the result of constant interplay between rules and actions/experiences. Further, he introduces his theoretical model, The Cycle of Norm Change, which successfully tracks and predicts the process and progress of norm changes relative to existing rules and new experiences. He continues further arguing about what has led to such relatively quick changes in international norms on restitution of plundered arts, from "to victor goes all the spoils" to

³⁴ <http://www.unidroit.org/english/conventions/1995culturalproperty/1995culturalproperty-e.pdf>

³⁵ Sandholtz, Wayne (2007).

all plundered treasures being encouraged to be repatriated to their rightful owners. According to him, the actors that brought the change had to meet couple of conditions in order to change the existing norm on restitution. The actors had: 1) to be victors in the war; 2) not been plundered themselves; 3) forced the defeated plunderers to repatriate to third countries; and most importantly in the current case 4) not engaged in plunder themselves even though being the victors.³⁶ These actors are identified by Sandholtz as Great Britain and USA (it is however important to note that Sandholtz’s model of Norm Change is based primarily on two distinctive time-periods of plunder, Napoleonic Wars and Nazi-plunder, and the followed change in norms leaving out for example Britain’s relentless plunders of past). Considering Sandholtz’s Cycle of Norm Change (see figure below), it is easy to identify where currently the norm change on restitution of plundered art is found (pointed out with bold marking in the figure below).



(Figure: The Cycle of Norm Change)³⁷

While the question whether or not restitution of plundered art today has yet to become a norm or a rule is vividly argued over, Sandholtz is one of the proponents who argues that restitution is indeed an established norm.³⁸ And acts such as the repatriation of Paracas textiles by Sweden to Peru, do seem to confirm his statements.³⁹ But other instances, such as the ongoing “conflict” between Great Britain and Greece over the Parthenon marbles, seem to suggest the opposite. There is an alternative theory to this; that the same international norms may be applied to similar cases by actors with differing outcomes (i.e. norms may be interpreted differently by different actors).

³⁶ Sandholtz, Wayne (2007), p.19

³⁷ Ibid, p. 18

³⁸ Sandholtz, Wayne (2007b), p. 8-9

³⁹ <http://www.paracas.se/history/>

The scholarship on how the same international norm is interpreted differently by actors is still limited. Boyle (2002), however, has managed to provide satisfying example of just that, norm interpretation, that while both states in her example acknowledge that genital cutting is wrong (i.e. against the norm) they approach the norm in different ways, especially in the way it is applied into society.⁴⁰ Coming back to how the norm on restitution of plundered art is viewed, destructive from what is talked about in Boyle's work, it follows that the same international norm can be interpreted differently. Not all actors view the norm through the same glasses, which is also a point that Towns (2010) bring out in her work.⁴¹

In order to assess how international norms are interpreted domestically, it is vital to examine the different identities each nation possesses. There must be a reason, in theory, how each state chooses to interpret and act differently under one and the same international norm. Thus, cultural heritage and national identity are used as ideational components in order to see what kind of different behaviors these might invoke.

3.3. National identity

It is of vital importance to come to an understanding of what national identity is and what it represents. The definition of national identity is best put by Jeffrey T. Checkel and Peter J. Katzenstein stating that: "identities refer to shared representations of a collective self as reflected in public debate, political symbols, collective memories, and elite competition for power."⁴² Checkel and Katzenstein continue: "They consist also of collective beliefs about the definition of the group and its membership that are shared by most group members. We understand identities to be revealed by social practices as well as by political attitudes, shaped by social and geographical structures and national contexts."⁴³

The national identities chosen for this essay, among many others (Brock (1999); Mendieta (2009)), are Imperial Cosmopolitanism and Egalitarian Cosmopolitanism.⁴⁴ The reason for this choice is that Great Britain and Sweden are believed to possess these two different identities, which makes it relevant for this essay to look closer into this relationship. In order to assess what each of the identities mean, the one component shared by both these identities, Cosmopolitanism, will be assessed and briefly defined to begin with, with help of extensive literature that has been written on the subject.⁴⁵ However, this essay acknowledges that national identity does not exist as definitive and unchanging factor that influences the behavior of states. Therefore, this essay assumes that it has other influential sub-components that principally, even though not exclusively, affect the behavior of states in questions of restitution - ideas about cultural heritage. Ideas of cultural heritage, as a dimension and as an

⁴⁰ Boyle, Elizabeth H. (2002), p. 100-108, 116.

⁴¹ Towns, Ann (2010).

⁴² Checkel, Jeffrey T. and Peter J. Katzenstein (2009), p. 4

⁴³ Ibid, p. 4

⁴⁴ Mendieta, Eduardo (2009), p. 241; Brock, Gillian (1999).

⁴⁵ Nussbaum, Martha C. (1997); Brock, Gillian (1999); Mendieta, Eduardo (2009).

important subcomponent of national identity, will also be discussed generally throughout the text.

Cosmopolitanism

Cosmopolitanism is the view that the world consists of a single community that includes every individual in the world. The community finds its base in a moral code shared by all people, meaning that rules and norms exist on a transnational level. The concept of cosmopolitanism has been around since the time of the ancient Greeks. Mendieta (2009) writes that: "... to be a cosmopolitan was to think oneself citizen of the entire world. The implicit claim was that one's loyalty should be to a larger 'we' than that of one's local city-state, ethos, nation or even empire."⁴⁶

Having described what cosmopolitanism means in broader sense, it should be pointed out why there are so many forms and versions of cosmopolitanism that exist in the modern world.⁴⁷

The existence of these multiple different directions of cosmopolitanism serves as self-explanatory evidence of the fact that the fundamental version of cosmopolitanism on its own is not enough to provide the necessary theoretical base for one's beliefs or perceptions. Thus, mixed or customized versions of it are used for better and more satisfactory representation of one's opinions. However, for this essay only two, to some extent opposing, concepts will be used: 'imperial cosmopolitanism' - that defines how fundamental cosmopolitan views are so closely related to the basic nature of a hegemonic culture; and the 'egalitarian cosmopolitanism' - where cosmopolitanism takes a world-conscious stance, where every individual culture is believed to be equally important.

Imperial- and egalitarian cosmopolitanism

Before gaining deeper understanding in the structure, history and assumptions of cosmopolitanism, it is important to understand that the idea of the world as 'a single community' originates from empire-building states. In other words, being cosmopolitan means having an, in a sense, 'imperial' way of thinking. It is thus logical to assume that it is from the cultural heritage of imperialism and privileges that the cosmopolitan view derives. In the case of Great Britain, this point is best put by Mendieta (2009): "How much easier it is to be cosmopolitan when most that is 'worth reading' is translated into English and when the lingua franca of both the global public sphere and the global financial markets is also English."⁴⁸ However, it might be interesting to take a closer look at what is cultural heritage and thereafter examine in brief what kind of ideas about cultural heritage Great Britain possesses that makes it first of all, imperial, and further to one of the strongest advocates of imperial cosmopolitanism today.

⁴⁶ Ibid, p. 242

⁴⁷ Brock, Gillian (1999).

⁴⁸ Mendieta, E. (2009), p.242

Cultural heritage plays an important (though not exclusive) part in defining national identity and the particular way of how a given state might act. “Heritage is not an objective fact about the world but a social construction, to which historical and religious narratives, customary law and particular individuals have contributed in important ways.”⁴⁹ This means that heritage and its meaning is perceived and understood differently by different actors or groups, even within the same community or culture, depending on the form and content of the cultural stories (narratives) being told.⁵⁰ Cultural stories, or narratives, that we all possess in some way and that we tell about ourselves, are deeply associated with the meaning of heritage. In these stories, “we assign ourselves the best roles and marginalize others”.⁵¹

So, turning to the cultural heritage of Great Britain, Gillman (2010), with extensive quotes from other scholars on the subject, repeatedly shows that the actions and behavior of Great Britain are highly influenced by its historical role and the narratives that they have inherited from past, “...we are what we are, because we were what we were.”⁵² What this means is that, Great Britain represents itself as having a heritage of being the conqueror, explorer, colonizer and to a great degree, the primary hegemony at both sea and land – has a perception of themselves as the father to the whole world. It is unavoidable, thus, to perceive all the art, treasures and inventions in the world as belonging to the British, instead of any other culture exclusively. It appears here at this point that Great Britain, therefore, takes the stance of (imperial) cosmopolitan view, as Merryman (1985) notes: “The arts and sciences belong to all Europe, and are no longer the exclusive property of one nation...”⁵³ However, the obvious in this quote should be noted - claiming that arts and sciences belong to all Europe, Great Britain automatically sees itself as “all Europe” and even as the whole world, thus the cultural heritage of the world is perceived by the British, consciously or unconsciously, as British. One can expect then, logically, that British approach to matters and their actions are to a great extent pervaded with dominance and relatively high egocentric nature, which ranges from international conflicts on plundered art to international business relations.

While cosmopolitanism finds its roots in the imperial way of thinking one has to realize that cosmopolitanism, like any world-view, is ever-changing as the moral focus of the world shifts. This is especially true since the definition of cosmopolitanism is a single community based on a shared moral code. What this means for the cosmopolitan way of thinking is that a new concept is formed: ‘egalitarian cosmopolitanism’.

Rawls argues that: “Cosmopolitan egalitarian views are concerned with the well-being of individuals...”⁵⁴ A view of the world, where everyone is included in a single community based on a moral code that says that the well-being of the individuals in the community is of the priority. How is this then linked to the national identity and to Sweden, examined in this essay?

⁴⁹ Gillman, Derek (2010), p.66

⁵⁰ Ibid, p.89

⁵¹ Ibid, p.3

⁵² Ibid, p.73

⁵³ Merryman, John H. cited in Gillman, Derek (2010), p.56

⁵⁴ Rawls, John (1999), p.119-120

Sweden's national identity takes a lot from the egalitarian cosmopolitan point-of-view. The Swedish self-image is one of being the forerunner in the race for equality between the genders.⁵⁵ And while this image may or may not reflect reality, it is not of any real importance, as it is how a state sees itself that decides the course of actions taken. Sweden considers itself to be a so called 'good-state' where equality, not only between genders but also in the field of international relations, is the defining characteristic.

But could it be that the different interpretations of the norm by these two states, are not actually a result of different perception of their respective national identity, but it could perhaps be other factors that influence that? This essay acknowledges the possibility of existence of other ideational components that might affect the interpretation of a norm by a state. However, it also argues that the differences in national identity and cultural heritage – thus the different self-images of a state - are of most significant importance to the possible differences in interpretation of international norms domestically. This in turn, raises an interesting question: what kind of differences in cultural heritage and national identity does each of these two states have and what possible behavior or traditions might be evoked by them that could explain the different interpretations of international norm on art-plunder?

Sweden and Great Britain have come to share many identities through-out time: both nation-states have been imperialistic; Great Britain - with its colonizational agenda from the mid 16th century to the end of the Second World War; Sweden - with wars and annexation of land in present day Germany, Poland and Russia. Both states have gradually moved away from this identity, however, at different rates compared to one another. In Great Britain there is still a, though diminishing and rather unconscious, belief that the nation possesses the right to impose its will upon other states. There is also some existence of skepticism to larger co-operations, such as European Union. Sweden on the other hand, has left behind the notion that it has any form of influence over other nations and regions; even over those it once held (e.g. Finland). Further, Sweden sees itself as "morally immaculate" – an egalitarian ideal state, acting passionately in the promotion of equality in the rest of the world.⁵⁶ In other words, Swedish identity can be seen as world conscious and pro-collaboration – in which other cultures, their history, origins, treasures and their integrity are highly valued.

To sum up, the national identities of Great Britain and Sweden can be labeled "imperial cosmopolitan" and "egalitarian cosmopolitan" respectively.⁵⁷ These ideational differences in national identity of these two states might be a possible theoretical explanation to how they interpret one international norm differently, just the way it suits best their domestic policies, national traditions and personal interests.

Having described in general the existing different national identities that Britain and Sweden possess, this essay will continue to the introduction of the theoretical model for analysis that will make it possible later, together with the Paracas Textiles case, to highlight the problems, causes and solutions, using the slightly modified Bacchi's model of analysis.

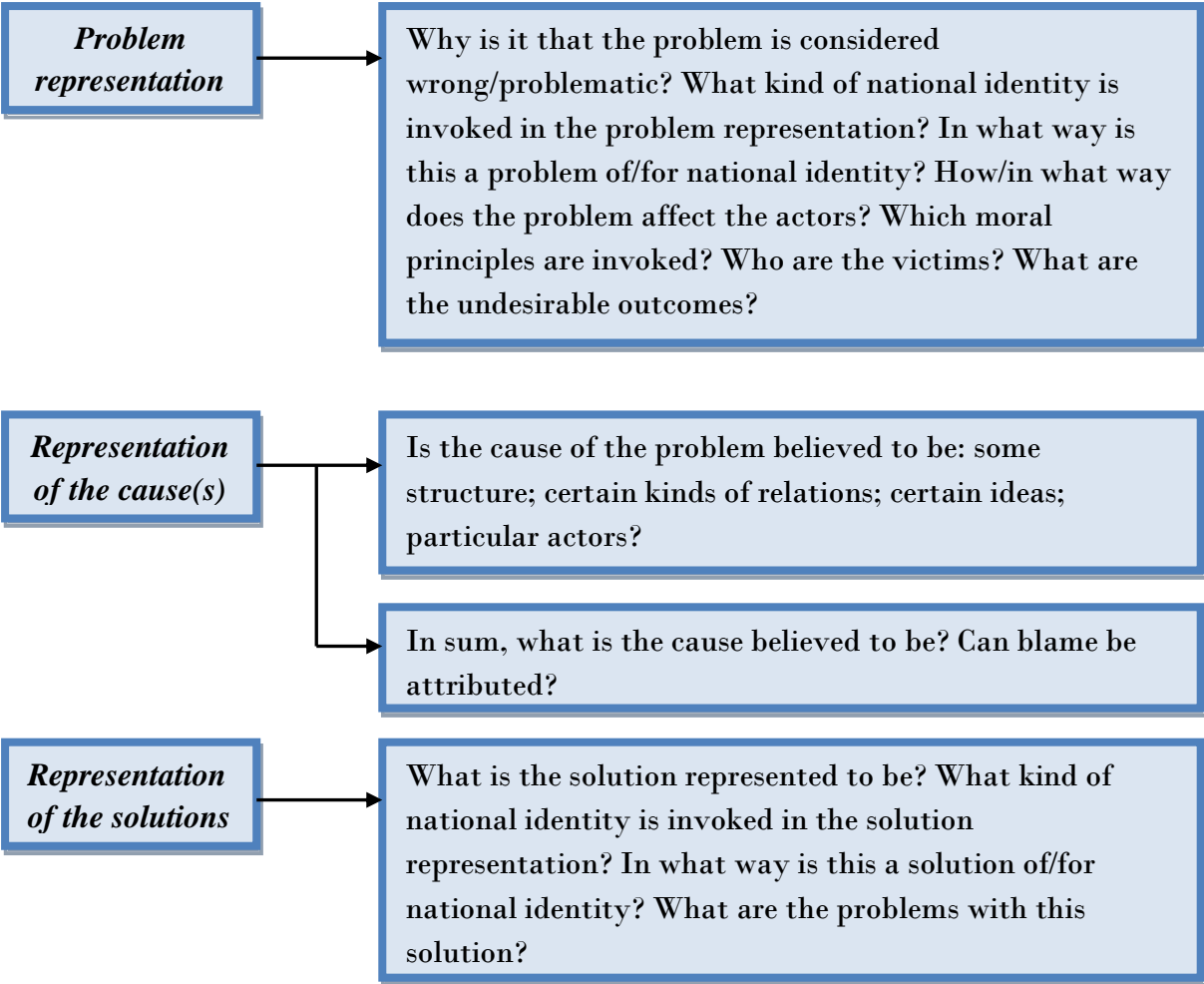
⁵⁵ http://www.svd.se/naringsliv/jobbet/sverige-tappar-i-jamstalldhet_2032229.svd

⁵⁶ Towns, Ann (2002), p.162;

⁵⁷ Gillman, Derek (2010), p.27

3.4. Framework for Analysis

For the analytical section of this essay, Carol Bacchi’s model for analyzing a problem will be used.⁵⁸ Bacchi creates a simple system where a problem is structured down into smaller segments. Through this you get a clear presentation of what the problem is to be, the arguments revolving around the problem and the underlying assumptions that lie unspoken when looking at the problem.



⁵⁸ Bacchi, Carol (2010), p.117-120

4. Specified Aim and Questions

The aim of this thesis is to analyze the interpretation of international norms of art restitution on a national level, namely Sweden. More specifically, the questions asked are:

1. How are international norms regarding the restitution of plundered arts interpreted on a national level, in our case, Sweden?
2. Are interpretations in Sweden similar to or different from those in Great Britain?
3. Do differences in Swedish interpretations from British interpretations correspond with differences in national identity?

5. Research Design and Methods

5.1. Research Design

This essay intends to do a small-number comparative case study of the interpretation of international norms in Sweden, using Great Britain as point for comparison where same norm might be interpreted differently.⁵⁹ This entails that the focus will fall on identification of the similarities and differences between the two respective cases, by comparing their take on the international norms of the restitution of plundered arts. The reason of why these two states have been selected is simple: both states are under the same international norm which enables the strategy chosen and the aim of generalization (e.g. the attempt to show that national identity matters in the interpretation of international norms). The choice of these states, besides both state's membership in European Union (which means they are under similar political conditions and laws), is also justified by the relevance, with their involvement in heavy both national and international debates on the question of restitution of plundered art.⁶⁰ Another factor for the choice of these two states for comparison is their geographical locations with relatively small physical distance to each other. These points justifying the choice of particularly these states, once again, stresses the importance of how two states under so many similar conditions choose to interpret the same international norm with such different outcomes. Thus, it should be logical at this point why specifically these two states (and not any other states that might have also experienced similar situations) have become a subject for study to this thesis. The essay will take a qualitative methodological approach in studying this.

The cases in question that this essay will use as empirical grounds are: the Paracas textiles from Peru, and Sweden's decision to retribute them and the Greek Parthenon Marbles, kept at the British Museum.⁶¹ So far Great Britain has been unwilling to return them and many works include the debates that similar actions evoke. This essay in contrast, will be assessing through motivational framing, at how the respective states motivate their decisions on the restitution of plundered art, with great emphasis on the status enhancement sub-frame which will assess what role are Sweden and Great Britain taking when creating their respective arguments. Great Britain is playing the role of the "vanguard" and preserver of world history and world cultural heritage? And Sweden is aiming to take the lead and set an example as the world conscious defender of cultural individuality?⁶²

Qualitative research

A qualitative research method is well described by Alan Bryman in his book 'Social Research Methods'. What makes a research method qualitative is that it puts its focus upon words, rather than numbers as a quantitative research method does in contrast.

⁵⁹ Bryman, Alan (2008), p. 58-59

⁶⁰ Strauss, Anselm L. (1987)

⁶¹ Gillman, D (2010), p. 22-30; <http://www.gp.se/kulturnoje/1.331517-peru-far-tillbaka-paracassamlingen>

⁶² Snow & Soule (2010)

The qualitative research method chosen for this essay represents somewhat a mix of inductive and deductive views on the relationship between theory and practice – the theory is generated from practical research results.⁶³ The research method is also interpretative, which means that the focus is placed upon understanding the social reality from a basis of how the actors in this reality interpret it.⁶⁴ The final qualification for how our research method is considered qualitative is that it takes an ontological reference in constructionism – where social interaction between individuals is the catalyst for creating the social dimensions.⁶⁵

The reason why this essay will approach the subject from a qualitative point of view is that the essay puts its focus on norms, and more importantly, how norms are interpreted. The norms will be looked at through a constructivist view, where the social interaction between actors is the main influence for the creation and interpretation of a norm. (See 'Definition of norms', p. 9.)

It is also important to point out that an attempt at approaching this subject in alternative ways while doing a qualitative research would not produce satisfactory results, since norms by definition only exist through social construction; it is only through definitions that it can be analyzed.

Method of analysis

The study will look at the cases through a grounded theory approach, where a form of argumentative generalization will be made.⁶⁶ This implies that the research will through the data collection constantly evolve, with arguments and new data being collected, which will support or falsify the first assumptions (such as those described in the Theory Chapter, if the argumentations and interpretations of each state differ depending on the differences in national identity).

The strategy choice for this essay, in order to do the intended comparative study, the slightly modified version of reference point-strategy seems as the optimal option, where the reference-points for comparison between the two states will be represented by the reality-based social “bench-markers” of constructivism that are generally accepted on historical or some other empirical grounds.⁶⁷ By comparing these reference-points – such as ideas about cultural heritage and national identity – the objective and the strategy will be to achieve criterion-consistency, when to certain extent similar or of similar-size differences are expected to be discovered in each of these points during the comparison.⁶⁸ Thus, the essay will approach the empirical data through qualitative text analysis described in Bergström and Boréus (2000) and

⁶³ Bryman, Alan(2008), p. 22

⁶⁴ Ibid, p. 21-24

⁶⁵ Ibid, p. 22.

⁶⁶ Glaser, Barney G. & Strauss, Anselm L. (1967)

⁶⁷ Esaiasson, Peter (2007) p. 169-171

⁶⁸ Ibid, p. 167

Esaiasson (2007) where the focus is placed upon the meaning of the texts that this work is examining.⁶⁹

The time frame chosen is mainly influenced by the choice of the distance between the analyzer of the material (us) and the cultural, social and time contexts. Thus, since the chosen distance is small in order to achieve maximum possible accuracy with the examinations and interpretation of the texts, the time-frame sets itself automatically (e.g. modern time-frame).⁷⁰ While analyzing the texts and the arguments found in the texts, an “open approach” will be used, meaning that the results and the answers to the questions will be greatly influenced by the content and the findings in the material of interest.⁷¹

For the analytical framework this essay will make use of the model created by Carol Bacchi.⁷² Bacchi’s model divides the theoretical content of a study into a frame that makes it easy to access and understand the case, the “problem” represented in the case, the causes that might have caused it and the solutions available to solve it. The model in its essence takes form of questions adapted to fit each respective study, which has also been done in this essay. When applying Bacchi’s analytical frame on the cases and theory presented in the study, the goal is to come to an understanding of why plunder is considered something “bad” and to explore what assumptions, supported and otherwise, that creates this image of plunder. Thus, the “problem” is identified to begin with. Further, the possible theoretical causes that might have led to the problem are examined, such as eventual differences in national identities and ideas about cultural heritage and how these relate to the different behaviors of each nation. And finally, the solutions to the problem are presented in form of discussions about how the existing problem might be solved. Through that, we can begin to analyze and draw logical conclusions upon in what ways there are differences in the interpretation of the international norm on the restitution of plundered arts.

Gathering of material

Searching for the material related to “Paracas Textiles”, much of what is to be found in articles and internet has a significant emphasis on history behind the origin of the textiles and how they found their way to Sweden. Thus, the material to great extent has a descriptive character. While assessing this material, however some arguments, discussions and decisions are highlighted in the texts and by doing so, present to the reader about how Sweden perceives the question on repatriation of Paracas textiles back to Peru.

Though, besides these texts, the sources for gathering the necessary material in order to do the study are: news articles in popular newspapers (Göteborgs Posten, Aftonbladet etc) regarding the cases outlined above; debates on the subject (Kulturdebatt om Paracas Textilierna 2010-01-26), in both article form and on television - retrieved from specific television and debate

⁶⁹Bergström, Göran and Kristina Boréus (2000), p. 20 ; Esaiasson, Peter (2007), p.238

⁷⁰Esaiasson, Peter (2007), p.251

⁷¹Esaiasson, Peter (2007), p.244-245

⁷² Bacchi, Carol (2010). p. 117-120

websites; museum periodicals; and articles in popular magazines and from literature written on the subject. An example of this is the article in the Swedish newspaper, Göteborgs Posten (GP). In the article there is a short description of the Paracas textiles, what they are and where they originally came from. The challenge will be then to remain attentive to exactly 'how' the argumentation or cases are formulated and presented (such as revealing the hidden implications behind the naming of the Paracas textiles exhibition as "A Stolen World" in Sweden or the Parthenon Marbles renamed to "The Elgin Marbles" in British Museum).

From other sources, material will be more accessible. In Gillman's (2010) book, Cultural Heritage, a large segment can be found describing the Parthenon marbles and the discussion regarding whether or not the marbles should be restituted.⁷³ Returning to the case with the Paracas textiles, some of the material will be found at the official website and other relevant websites about the textiles.⁷⁴

5.2. Delimitations

The most obvious delimitation with this study is the choice of states. This essay focuses only on the different interpretations of the international norms in two seemingly similar states, and as such this produces a much more narrow scope on how states in general interpret international norms in regard to the restitution of plundered arts.

A limitation is also to be observed when it comes to the applicability of the study; the possibility to apply either the Swedish or the British interpretation of the international norm on any other state is lost, without further qualified research for each case of interest. In other words, the essay will mainly aim to showcase the Swedish and British take on the international norms regarding the restitution of plundered arts, without any intentional attempts in reaching universal practical applicability of the study on other states.

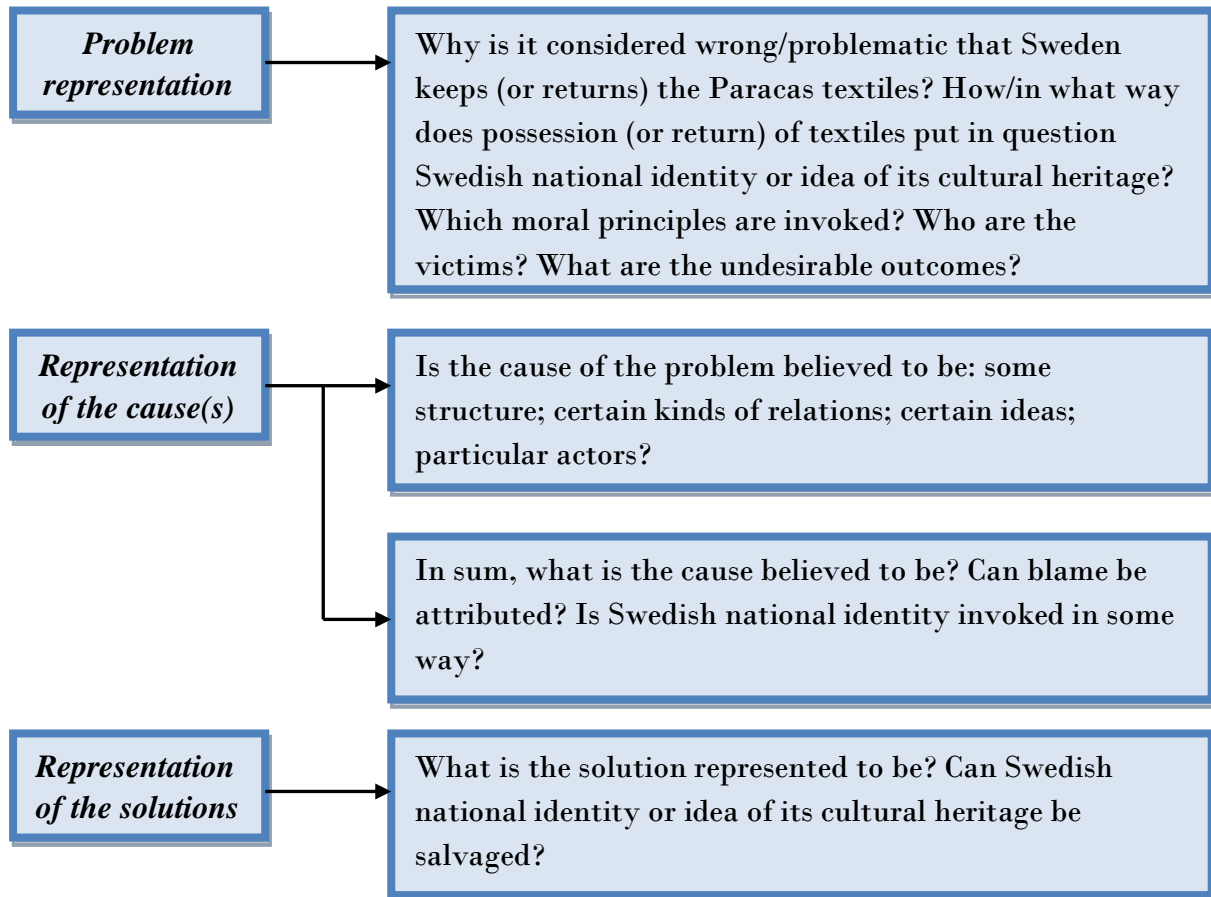
⁷³ Gillman, D (2010), p. 22-30

⁷⁴ <http://www.paracas.se/history/>;

http://www.enjoyperu.com/peru_travel_tours_information/conozca_peru_magazine/edition_5/paracas_textiles_paracas_textiles.html

5.3. Analytical Framework

The essay use the structure provided by Bacchi to create an analytical frame that fragment the problem of restitution into different segments to get a clearer picture of what is said in the case of the Paracas textiles.



6. Analysis of the Swedish national Norm Interpretation

In this section the discussion regarding the case with the Paracas textiles will be analytical, the arguments for and against the restitution of the textiles and the discussion revolving the eventual decision to ultimately retribute them. The arguments will be analyzed through the theoretical groundwork provided in the earlier sections and with the help of the analytical frame developed from the structure provided by Bacchi and literature on national identity.

The section will be structured so that the case with the Paracas textiles will form a majority segment, an explanation of the case, why it is problematic and the causes, as well as the solutions, will be analyzed. Then a smaller segment with the case of the Parthenon marbles, and the discussion around that case, illustrated by Gillman (2010), will follow to provide a ground for comparison with the first case. This is so that the differences in the argumentation can be seen and analyzed, and through that conclusions can be drawn on where the differences in the interpretation of a norm lay.

6.1. The background of the Paracas textiles

The history of the Paracas textiles on why they came to be such a hot topic finds its beginnings in the early 20th century. During the first few years of the 20th century, textiles of an unknown origin started to appear in private collections across the world. The textiles were traced back to Peru. However, they did not come from any known Andean culture and they woke the archeological curiosity all over the world.

In 1925 the Peruvian archeologist Julio C. Tello managed to persuade a known grave robber to lead him and his colleagues to the location where the textiles had been found, the Paracas peninsula in Peru.⁷⁵ In 1931-33 large scale illegal export of the textiles was followed, a couple of hundred pieces ending up in Sweden after that the Swedish consul-general Sven Karell in Peru, donated the pieces smuggled out of Peru, to the ethnographic department of Gothenburg's Museum.⁷⁶

Since that, not much was heard of in regards to the Paracas collection kept in Gothenburg until the 21st century, when the textiles became of public interest due to the exhibition in September 2008 of the textiles opened by Världskulturmuseet under the name "A Stolen World".⁷⁷ The textiles are currently in the process of being restituted to Peru after the Swedish Culture Board, in conjunction with Gothenburg City and Statens Museer för Världskultur, decided that the textiles and ownership right should be awarded to Peru.⁷⁸

⁷⁵ <http://www.paracas.se/history/>

⁷⁶ http://www.vartgoteborg.se/prod/sk/vargotnu.nsf/1/kultur_o_fritid,unika_paracastextilierna_visas_i_ny_uts_talling_om_plundring

⁷⁷ Jonsson, Stefan (2010), p. 38-39

⁷⁸ http://www.svd.se/kultur/peru-far-tillbaka-paracastyger_4424961.svd

What is the problem with the Paracas textiles?

The discussion around the case whether the textiles should be restituted back to Peru or not is both interesting and controversial. Interesting due to the wide variety of arguments used, such as if a state can actually own a cultural treasure that is older than the state itself?

The debate is also controversial, where for example Torgny Nordin, a freelance writer for Göteborgs Posten, argues that: “If these pre-Colombian grave-cloths had not arrived in Gothenburg, then there is a large possibility that they would have been lost. They might have had been destroyed or disappeared in private collections”.⁷⁹ Arguments like these create somewhat of a turmoil in the field of international relations, because the unspoken assumption here is that Peru would not be able to protect, or care for, its own cultural treasures. But before we dig deeper into the arguments around the case, it is important to look at and analyze the two camps in regard to the actual acquisition of the Paracas textiles that is present in this debate.

The first position is that the textiles were stolen from Peru, a clear violation of both the laws in place in Peru as well as in Sweden, that the case is straight up a case of illegal plunder. This position is strengthened by the letters sent in the start of the 1930's from Swedish consul-general, Sven Karell, to Erland Nordenskiöld, head of the Ethnographic Museum in Gothenburg, explaining he has been able to acquire a so called '*quipu*' and that he intends to send by mail.⁸⁰ After further mail correspondence and shipments of textiles, Karell writes to Nordenskiöld that he would appreciate discretion in regard to from where the museum have made their latest acquisitions and asks to remain anonymous as a donator.⁸¹ This mail correspondence is seen by many as direct proof that the case of the Paracas textiles is a clear-cut case of plunder and theft. And that the Swedish consul-general was nothing but a smuggler, that broke not only Swedish, but also Peruvian law.

The second position in regard to how and why the textiles ended up at the Ethnographic Museum in Gothenburg is that of caretaking. To preserve remnants of cultures long gone, and that the ones best equipped for the task should perform this. This position's main argument is that if the textiles would not have been brought out of Peru, they would have been lost to history. In this camp, ownership of cultural treasures is not one of the states, but rather, as Torgny Nordin puts it: "... the Paracas textiles belong to the global cultural heritage!"⁸² In other words, the task of maintaining artifacts such as these textiles is, not of one state, but of all.

The two camps contrast each other very well, both claiming to take the moral high-ground in the debate regarding restitution. One invoking the rights of ownership over cultural objects by the state, the other of that a cultural artifact belongs to humanity and should be cared for

⁷⁹ Transliteration of 'Kulturdebatt om Paracastextilierna 2010-01-26' See appendix 1. Source: <http://vimeo.com/9021954>

⁸⁰ Jonsson, Stefan (2010), p. 19

⁸¹ Ibid, p. 20

⁸² Transliteration of 'Kulturdebatt om Paracastextilierna 2010-01-26' See appendix 1. Source: <http://vimeo.com/9021954>

where the best care can be provided. This can be linked to the theories regarding the different types of cosmopolitanism that was outlined in the theoretical chapter of this essay. Egalitarian cosmopolitanism, that regards equality in the world community, falls well in line with the arguments used by the position that argues for restitution of the Paracas textiles. All states have ownership over cultural treasures that are found within its borders and that an international co-operation is necessary for preservation of these artifacts as well as returning them to from where they were stolen. Imperial cosmopolitanism like its egalitarian counterpart also finds itself in the debate regarding restitution of the Paracas textiles. The imperial cosmopolitan stance is used by the position arguing against the restitution of the textiles where these cultural treasures are a concern for the global community and that those that have ‘the best’ possibility to care for them should do so.

Critique of the first position takes form mainly in argument that many of the cultural treasures ‘owned’ by states finds its origin in cultures no longer in existence, and that these artifacts just happens to be located on territory claimed by the modern state. Adriana Munoz from Världskulturmuseet says that: “The hegemonic group that creates the state cannot demand that cultural artifacts from minority groups, that in reality have not been included in or represented in the forming of the state, should belong to the state, by the mere fact that these groups settlements exist in areas that the state claim as theirs.”⁸³ In the case of the Paracas textiles, this is painfully obvious as the Paracas culture is of Andean origin and over two thousand years old, while the state of Peru finds its origins in European settlers and is merely two hundred years of age.

Further critique one can find in the argument toward this position is, at least in the case of the Paracas textiles, that there is no legally binding obligation to retribute the artifacts. The UNESCO convention of 1970 and its complementary convention of 1995 states that: “cultural artifacts belong to the countries of origin and that cultural treasures should be restituted”, however, these conventions cannot be applied retroactively.⁸⁴

Critique towards the second position is that it is mostly an ‘Eurocentric’ view, that the arguments that cultural artifacts should be kept where they can receive the best care is simply a refined way of saying that ‘we – the Europeans’ have the most money and thus best able to care and show them to the world. During the cultural debate of whether the Paracas textiles should be restituted back to Peru or not, the question was raised by a man in the audience stating: “How will people be able to see cultural objects such as the Pergamon altar, Nefertiti and the Paracas textiles if the museums of the world would be forced to retribute them all?”⁸⁵ The answer he received was that people of the world also live in Turkey, Egypt and Peru. This shows how easy it is to get stuck in a Eurocentric view. People in Peru will undoubtedly visit the exhibition as well, and as for the scientific purposes, Stefan Jonsson argues that the scientific value of keeping the textiles in Gothenburg has been modest; only one disquisition

⁸³ Ibid

⁸⁴ Göteborgs Stat och Kultur tjänsteutlåtande om återlämning av Paracastextilierna 2010-03-09 (Diarienummer 1500/09), p.3

⁸⁵ <http://www.gp.se/kulturnoje/1.297617-kan-man-aga-ett-kulturforemal->

of the textiles has been published in Gothenburg. He asks the question whether the scientific value in the textiles might have been greater if the textiles would have been kept at a different location instead of Gothenburg.⁸⁶

As a response to the argument that the textiles have produced a limited amount of actual scientific data, Torgny Nordin argues that while there has been very little written about the textiles themselves, what could be called science in regard to the Paracas textiles, occurred in the 1990's, when the debate regarding an extension of the Modern Museum was in question. At that time, the state placed money in research concerning the preservation of the Paracas textiles. Researchers looked at collections abroad and concluded that no one had a really good system for preserving these cultural artifacts. And eventually, through research conducted in Gothenburg, the problem with preserving the Paracas textiles was solved.⁸⁷

In regard to science, the value of keeping the textiles in Sweden is a question that divides the experts. While some interesting research that involves the Paracas textiles, undoubtedly have been produced, in the debate regarding the restitution of the textiles, the argument that it is of a scientific value is questionable. As debaters from both camps argues that whatever value the Paracas textiles had to the field of science, was twenty years ago. There is always the possibility that new research on the textiles is produced, but that might as well occur in Gothenburg as in Lima, as is the underlying assumption from Stefan Jonsson argument. There is also the question whether it is actually worth having more Paracas collections in Peru, seeing as there are already a large number of objects in place in Peru. And by restituting the collection in Gothenburg, the amount of people with the real possibility to visit an exhibition is reduced, decreasing the general awareness of the textiles in people.

Moving away from the arguments regarding the possibility for the public to view the textiles and the scientific value of keeping it in one location or the other, there are several other arguments used by the two camps. A type of arguments brought up in the debate regarding the Paracas textiles is the ethical dilemma. The Swedish self-image is that of that 'we' are to act morally correct, and be kind and friendly to others. To not return something that was, depending on how you look at the case, stolen from someone else, conflicts with the self-image of the Swedish people.

It would also be a violation of the UNESCO convention not to retribute stolen cultural artifact, however, since the convention states that it cannot be applied retroactively, that is, on past cases, the Paracas textiles does not fall under conventions' rulings. This makes it then hard to consider refusal to retribute plundered arts as a violation of UNESCO convention. The cultural board of Sweden, however, uses this convention as one of the arguments in their suggestion to the municipality office of Gothenburg, when arguing that the Paracas textiles should be restituted.⁸⁸ In their report to the municipality office of Gothenburg they state that: "Sweden possessing these smuggled cultural objects is in violation against the ethical and political

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ Göteborgs Stat och Kultur tjänsteutlåtande om återlämning av Paracastextilierna 2010-03-09 (Diarienummer 1500/09), p. 1

commitments which finds its base in the international instruments in the field of culture, for example UNESCO's convention that prohibits illegal import, export and transfer of ownership in regards to cultural property, and ICOM's ethical rules for museums."⁸⁹

The report also states that to restitute the objects in question would be an excellent opportunity for Sweden to show their ethical and legal commitments in the question of restitution as well as promote the cooperation and solidarity, in a consensual aspect, countries in between.⁹⁰ The fact that the Swedish cultural board brings up arguments regarding ethics and proper behavior, shows how deeply rooted the self-image of Sweden as a 'good state' is. To restitute cultural objects that were, in their regard, stolen is not only given, but also an excellent opportunity to show just how deeply Sweden cares about what is 'right thing to do', both from an ethical, and a legal, standpoint.

There is another possible reason to why the cultural board argues in this fashion though, other than through that of a self-image of 'good state' view. Staffan Lundén, from Museion, states that: "The question regarding cultural objects is not a new one, already during the 1930's, attempts at creating a convention to stop the illegal trade with cultural artifacts were made, however, a number of western states, Sweden included, shot down this convention."⁹¹ He continues: "This is a cultural deed that we can take responsibility for."

So in the struggle to uphold the self-image that exists in Sweden, the decision to restitute the Paracas textiles might be a way to repent for old sins. Since Sweden was one of the nations responsible for there not being an international convention that prohibited the illegal import of these cultural objects and so, to restitute them would, in sense, repair the damage caused. This is another example of how important it is for Sweden to maintain its self-image and to separate 'us' from the other 'western states'.

A third cluster of arguments in the debate is the one of ownership rights to cultural objects. Can a state that has existed for only two hundred years claim ownership over artifacts over two thousand years old? Again, depending on initial camp, the opinion varies. The camp that is for restitution of the Paracas textiles, through their standpoint say that the state is indeed the owner of these cultural objects, since to claim something as "stolen", there must be an original owner of the object in question. The other camp argues that cultural treasures are owned by all the people of the world, that a state that is younger than the culture and artifacts they claim ownership over, is impossible.

Adriana Munoz, argues that: "...the hegemonic group that creates the state cannot demand ownership of cultural artifacts from minority groups that has not in truth been included in the formation or represented in the creation of the state, just because the minority group's settlements happen to be located in an area claimed by the state."⁹² However, the argument in

⁸⁹ Ibid, p. 3

⁹⁰ Ibid, p. 3

⁹¹ Transliteration of 'Kulturdebatt om Paracastextilierna 2010-01-26' See *appendix 1*. Source: <http://vimeo.com/9021954>

⁹² Ibid.

question is often only invoked when the subject of restituting is dealing with artifacts plundered by western states from states in other parts of the world. If the argument shall remain true, it should be the same for every state – this leads back to the imperialistic cosmopolitan view – how would the British for example, react if the museum in Greece was to argue that the British do not have ownership rights over Stone Hedge or other culturally relevant locations in Great Britain?

Causes of the problems with Paracas textiles?

With the representation of the problem being analyzed we can start looking at what the perceived causes of these two positions' views of what is considered problematic with the restitution of the Paracas textiles. The first thing when looking at the debate is that both camps agree upon one very important aspect, that the prime objective is to preserve the artifacts for the future and keep them away from private collections, so that the cultural treasures of the past is available to people of present and the future. Torgny Nordin poses an open question that summarized this standpoint very well: "... how can we keep these things [Paracas textiles] away from a monetary controlled collectors market?"⁹³ The objective for both sides seems to be the same, but the ideological path which they choose – to reach a problem representation and solution – is what creates the differences in the representations of the cause.

As has been mentioned earlier, the two ideological paths in this debate are cosmopolitan in nature, but distinguishably different in their approach. The imperial cosmopolitan stance go about the problem through a role of being a care-taker of these cultural artifacts – seeing it as that there is a risk that harm would come to the textiles if they are not kept in their own care. The underlying assumption is that it would be morally wrong to return the textiles if it means that they risk being damaged or destroyed in the process. This connects to a self-image of being superior at the task of preserving cultural treasures – an argument used in the first place to remove the artifacts from their original place of discovery. From another ideological approach, egalitarian cosmopolitanism, the cause for the problem representation is based around plunder and the morality concerning this problem representation – the Paracas textiles were illegally removed or possibly even stolen from Peru – and as such, a decision to keep them would conflict with self-interests in preserving a positive self-image. As for the moral aspect from an egalitarian perspective, causes for restitution can be found in the argument by Staffan Lundén, where he states that: "...if one [Världskulturmuseet] have received something that belongs to someone else, then one should return it. And also apologize if one received it and knew that it was smuggled- or stolen goods."⁹⁴ From the egalitarian point of view, for morality to be invoked as a cause for restitution – considering the textiles as stolen from someone else, rather than being a case of care-taking – is the logical approach. To further emphasize the morality in this, one can look at the report from the Cultural board of

⁹³ Translitteration of 'Kulturdebatt om Paracastextilierna 2010-01-26' See *appendix 1*. Source:

<http://vimeo.com/9021954>

⁹⁴ Ibid.

Gothenburg that states: “To return the objects in question to Peru would be an opportunity for Sweden to show its ethical and jurisdictional commitment in this issue and promote co-operation and solidarity, in mutual respect, between the states.”⁹⁵

In sum, an intimate relationship between how a problem is represented and the ideological standpoints (egalitarian or imperial), can be observed. Imperial cosmopolitans regard the cause of the problem as one of care-taking, while egalitarian cosmopolitans see the cause of the problem to be one of plunder. And by being able to identify the causes of the problem, it is possible to look at the representation of the solution from the two positions, plunder versus preservation.

Representation of the solutions for the Paracas textiles

The possible solutions for the Paracas textiles follows in line with the two camps identified; those that see the acquisition of the textiles as a case of plunder; and those that regards it as preservation of cultural artifacts. As one could see in both the problem- and cause representation, the solutions are also tied closely to the ideological standpoints of egalitarian versus imperial cosmopolitanism.

The first possible solution is connected with egalitarian cosmopolitanism and says that the Paracas textiles should be restituted back to Peru. There are several important arguments that support this possibility. The strongest argument is that it would fall in line with the self-image of Sweden as discussed earlier, with Sweden being a morally ‘good state’ that abides to the international conventions regarding cultural objects. What also makes this a likely outcome is the argument supporting ownership rights of the state, as we also looked at earlier in the essay, Swedish law states that any cultural artifacts found within the Swedish border belong to the state, so is there even a possibility that ‘we’ can deny Peru the same right? The only real critique for a possible restitution would be the difficulty and danger in transporting the textiles all across the world to Peru as the textiles require a very specialized environment as to not simply fall apart.⁹⁶

The second solution, that the textiles are not be restituted back to Peru, finds support in the argument that the textiles are fragile and that it would be difficult, dangerous and expensive to move the textiles, and also that safekeeping and preservation of the textiles would be harder in Peru than in Sweden, a point of view tied to imperial cosmopolitanism. Critique towards this solution is presented in the UNESCO-councils writing series 3/2008 – which states that if security aspects are to be included in a discussion regarding restitution, then follow-up question must be raised, concerning who has the authority to decide upon when the security

⁹⁵ Göteborgs Stat och Kultur tjänsteutlåtande om återlämning av Paracastextilierna 2010-03-09 (Diarienummer 1500/09), p. 3

⁹⁶ http://www.svd.se/nyheter/inrikes/peru-kraver-tillbaka-textilier_3983597.svd#after-ad

aspect is filled, should the responsibility fall upon the current possessor of the objects, or the recipients?⁹⁷

As an alternative to restituting the textiles, a solution is presented in that while the textiles remain in Gothenburg, all the ownership rights and decision making in regard to the Paracas textiles falls upon Peru. Stefan Jonsson provides an interesting argument for this: “The most intelligent way is probably that if Peru could demand something else [in exchange] from Gothenburg, if Gothenburg could in some humble way accede this request.” He argues that it could be anything from a rune stone, as to keep the Paracas textiles in Gothenburg. Or it could be a case of exchanging research, donations to professorships or the build-up of institutions.⁹⁸

This idea fall well in line with the egalitarian standpoint, however, there are also problems with this solution. Staffan Lundén argues that while the thought of entering into a cultural exchange program with Peru is an exciting thought for the future, he sees problems with it, as this might create a tendency that one state ‘buys’ a cultural object from another in exchange for other resources.⁹⁹ This could possibly create a situation that would not be far from what the UNESCO convention tries to prevent – trade with cultural objects.

6.2. The case of the Parthenon Marbles

This essay will now describe in more detail the case of Parthenon Marbles to examine just how exactly Great Britain has in its turn chosen to interpret the international norm that justifies their opposition to the restitution and what kind of arguments the British stance is leaning on in order to confront the arguments of proponents to restitution. In more detail, the Imperial Cosmopolitan view argues that all the art and cultural objects in the world belong to the whole world and no state or individual has exclusive rights to possess them. This is the popular view of the British that consider themselves (*as stated in the Cultural Heritage and National Identity sections*) as the father of the world and thus responsible to protect and preserve the world culture, regardless what anyone might think or which bounds between the object and its current possessor that must be cut off: cultural, religious or whether it’s a matter of personal affection and ownership. One of the stronger examples the cosmopolitans use, to show what happens if art is not confiscated and stored in protected places such as British Museum, is the case with the two Bamiyan Buddhas in Afghanistan which represented the “...second and third largest surviving early Buddhist figures in the world”.¹⁰⁰ In 2001 the two statues were destroyed, together with many other historical objects, by the prevailing Taliban regime in their systematic annihilation and attempt to remove as much pre-Islamic sculptures as possible.¹⁰¹ The pro-cosmopolitan probably loudest voice is found in John Henry

⁹⁷ Göteborgs Stat och Kultur tjänsteutlåtande om återlämning av Paracastextilierna 2010-03-09 (Diarienummer 1500/09), p. 4

⁹⁸ Translitteration of ‘Kulturdebatt om Paracastextilierna 2010-01-26’ See *appendix 1*. Source:

<http://vimeo.com/9021954>

⁹⁹ Ibid

¹⁰⁰ Gillman, Derek (2010), p.9

¹⁰¹ Gillman, Derek (2010), p.12

Merryman (1985; 1986; 1998)¹⁰², who argues that claims made on cultural nationalistic grounds are not strong enough compared to cultural internationalism which stands for preservation, integrity and access. However, the following question then arises: why would Greece not meet these requirements when it is considered to be their art in first place and it is highly logical to assume that gathering, preserving and granting maximum possible accessibility to these objects would be of primary interest to Greece, in order to show the world their history and their national pride through them?

One of the significant cosmopolitan points here, considering the “accessibility” requirement, is that since it is Greek art, Greek population will gain relatively less knowledge and benefit from it compared to the British to whom these sculptures “...contribute more to learning by being proximate to major artistic achievements from other cultures”¹⁰³. Further, the British arguments in this dispute, consider the sizes of the public and population that might be attracted or interested in seeing these sculptures depending where they are located, in Greece (population approx. 11 million in 2008) or Great Britain (population approx. 62 million in 2009).¹⁰⁴ Cosmopolitans argue further, supporting the British, that the existence of museums such as British Museum - where all cultural objects in the world should be gathered and stored - serves as a more concentrated and easy-accessible possibility to the public, and that returning these cultural objects to their places of origin would damage the integrity, which is the whole ideational foundation of all worldwide museums. Though, it might be an interesting point why The Parthenon Marbles are displayed and referred to as The Elgin Marbles in British Museum and by British officials. Can it be considered as an attempt to state to the public that British Museum is the rightful owner, regardless to the actual history of these sculptures? The fact that 2500 old sculptures are renamed today to the name of the person who removed them 150 years ago from their home, can hardly be by many considered as an preservative, integrity-oriented or the correct access-granting act. Such action might be considered as highly disrespectful to the true history of the cultural objects and this formulates a normative, but still very valid question: should not the sculptures and the story they tell be prioritized before the private or personal interests of the actors involved?

Secondly, turning to the point with the preservation, throughout the arguments Great Britain is not hiding their doubts in the competence of Greek art experts and the possible technical care that might be provided to the sculptures in preserving them if returned to Greece. British thus consider themselves superior (again, as mentioned in the theory sections above, the national identity of British can easily be identified here) in handling historical and fragile objects, possessing the latest technology and knowledge for preserving the objects in the best way available in the world. However, the construction of massive New Acropolis Museum by Greek authorities storing now impressive collections of early Greek art - with a special section designed exclusively to store the Parthenon Marbles in the case of their restitution, which obviously remains empty at the time-being - is a strong contra argument for

¹⁰² Merryman, John H. (1985); Merryman, John H. (1986); Merryman, John H. (1998)

¹⁰³ Gillman, Derek (2010), p.50

¹⁰⁴ <http://gogreece.about.com/cs/practicalinfo/a/fastfactsgreece.htm>;
<http://www.statistics.gov.uk/cci/nugget.asp?id=6>

particularists.¹⁰⁵ Thereby, the argument that Greece would be worse in preserving their cultural heritage has its clear weaknesses. Ironically, this point is well formulated by Merryman himself by stating that “...if we don’t care about its preservation, it isn’t, for us, a cultural object” which can also be put in this way: since it is our cultural object, we care about preserving them.¹⁰⁶

However, Great Britain argues that most of Greek arguments for restitution are based on the cultural nationalism and that on its own do not justify the claims or the eventual risks that transportation from England to Greece might bring. One of the major weaknesses in cultural nationalism is said to be, according to Merryman, its foundation and dependence on the sentiment – which is an obviously very unstable ground, that might come to change depending on many different domestic factors and put the cultural objects at risk (*as in the case with Bamiyan Buddhas*).¹⁰⁷ Thus, it is logical to assume that Great Britain considers itself, consciously or unconsciously, as a more stable state politically, socially and religiously than Greece that will grant better protection in face of possible destruction of the art, today and in the future.

It is worth noting, that the opposition to the restitution of Parthenon Marbles, is not shared throughout the whole British population. In more precise terms, there are even British committees, such as The British Committee for the Restitution of the Parthenon Marbles, fighting for the cause of restitution and bringing all of the Parthenon art together.¹⁰⁸

¹⁰⁵ <http://www.theacropolismuseum.gr/?la=2;>

<http://www.nytimes.com/2009/06/20/arts/design/20acropolis.html>

¹⁰⁶ Merryman, John H. (1989), p.355

¹⁰⁷ Merryman, John H. (1985), p.1881

¹⁰⁸ <http://www.parthenonuk.com>

7. Conclusion

The aim of this essay was to do a study on the different representations of the policy problem inherent in the debates on the policy of restituting plundered art. More precisely, the aim was to assess how international norm was interpreted differently in different national contexts and if these differences corresponded to the ideas of national identity possessed by each state, Sweden and Great Britain. The main case used was the debate on restitution of the Paracas textiles from Sweden to Peru. The case of the Parthenon marbles, with refusal of Great Britain to retribute them to Greece, was used as a comparative sample case in order to deepen our knowledge in the existence of differing interpretations of one international norm on restitution domestically. The Swedish case was analyzed by first identifying two distinct types of national identities in the debates on restitution – Imperial Cosmopolitan and Egalitarian Cosmopolitan identity. According to Imperial Cosmopolitanism, the world is perceived as a single community where all the arts and cultural treasures are said to be a part of common world heritage of man-kind and no one has individual rights to possess or claim such objects. The implication here is that such treasures should be hosted and preserved by one ‘advanced’ and ‘competent’ state. Egalitarian Cosmopolitanism does also see the world as a single community but with equality as the main principle, and thus valuing individual cultures and being proponent to the idea that states have the right to own their national and cultural artifacts.

In the British discussions of the Parthenon marbles, the Imperial Cosmopolitan identity was relatively easy to identify – Britain has throughout history seen itself as the representative of humanity and civilization, and British Museum was the obvious choice for the storage of the Parthenon marbles, as all other world art too. The moral claims of Greece, in contrast, were portrayed as provincial and particular and hardly comparable to the British stance in the matter – preservation of world cultural heritage.

In the Swedish debate, we found that there were different representations of the ‘problem.’ One set of understandings stressed that the Paracas textiles were ‘stolen’ from Peru and that Sweden was keeping illegally acquired art during the colonial era when Europe considered itself as superior to others. The second set of understandings held that the textiles were ‘saved’ for humanity, and that Sweden had a responsibility to the world to safeguard and maintain these treasures. When analyzing thoroughly the arguments used, with help of the analytical instrument in this essay, it started to become clear that the different understandings of the problem invoked the distinctive cosmopolitan identities. However, while both understandings of the problem existed in the Swedish debate, the Swedish cultural board (which ruled that the textiles should be restituted to Peru) brought forward reasons for this that falls in line with what is identified as egalitarian cosmopolitanism.¹⁰⁹ It seems difficult (even though not impossible) for policies that can be interpreted within the Imperial Cosmopolitan frame to take hold in Sweden. Sweden thus is identified to lean towards the

¹⁰⁹ Göteborgs Stat och Kultur tjänsteutlåtande om återlämning av Paracastextilierna 2010-03-09 (Diarienummer 1500/09), p. 1-3

Egalitarian Cosmopolitan identity in the arguments on the question of restitution of plundered art.

The case of the Parthenon marbles can then be looked at to draw a conclusion regarding how two states act differently with the same norm as a guideline. It is rather safe to assume that similar ideological camps that were identified in the case of the Paracas textiles exist in the British debate as well. However, Great Britain has to this day been unwilling to retribute, and the arguments in favor of this act do seem to fall in line with what we have labeled Imperial Cosmopolitan identity. This, we argue, shows that the states handled in this thesis do act in accordance with what has been identified as their respective national identities (e.g. how each state perceives itself to be historically and in respect to the rest of the world).

The premise for this essay was that there wasn't much literature on plunder, the literature that did exist was descriptive in nature and focused to a large extent on the Second World War era. There was also a lack in connections between plunder and international norms. Couple of scholars (Boyle (2002); Acharya (2004); Towns (2010)) has looked at how one and the same international norm might get different outcomes domestically, however there were no studies done on how the international norm on restitution of plundered art is interpreted differently in different national contexts, until this essay. Thus, what this essay means for the existing literature on international norms and plunder is that it shows that states that act under the same norms and rules can in fact act in different ways as they might differ in the interpretations of the norm. As a first stepping stone towards further research on the subject, this essay identifies that these domestic differences in the interpretation of one and the same international norm are intimately tied to the ideas about national identity that a state might possess. We argue further, that ideas about national identity is something that needs to be recognized when looking at the connections between norms and plunder and different interpretations of international norm on national levels.

As for further research on this subject and adjacent topics, it could be worth digging deeper by possibly looking at purely causal indicators, such as why do these states act as they did and identifying the reasons behind their decisions. Another exciting topic for a further research would be to look at other states to see if there are cases where outcome mirrors (e.g. complete opposites to the results of this essay) can be found and examine the reasons behind it (e.g. perhaps greater geographical distance between the chosen cases, or existence of another forms of national identity).

8. Bibliography

8.1. Reference list

Books

Bacchi, Carol L. (1999). "Women, Policy and Politics: The Construction of Policy Problems", 1st edition, Sage Publications Ltd.

ISBN 978-0-76-195675-4.

Bergström, Göran and Boréus, Kristina (2000). "Textens mening och makt: Metodbok i samhällsvetenskaplig textanalys", 1st edition, Studentlitteratur, Lund.

ISBN 91-44-01643-3.

Boyle, Elizabeth H. (2002). "Female Genital Cutting: Cultural Conflict in the Global Community", 1st edition, The John Hopkins University Press.

ISBN 0-8018-7063-1.

Bierstedt, Robert (1963). "The Social Order", 2nd edition, McGraw-Hill Book Co., New York.

ISBN 0-120-97482-7.

Bryman, Alan (2008). "Social Research Methods", 3rd edition, Oxford University Press.

ISBN 978-0-19-920295-9

Checkel, Jeffrey T. and Peter J. Katzenstein (2009), "European Identity", Cambridge University Press; 1st edition.

ISBN 0-521-88301-6

Cuno, James (2008). "Who Owns Antiquity? Museums and the Battle over Our Ancient Heritage", Princeton University Press.

ISBN 978-0-69-113712-4

Esaiasson, Peter (2007), "Metodpraktikan", 3rd edition, 2007 författarna och Norstedts Juridik AB

ISBN 978-9-13-910865-8

Gillman, Derek (2010). "The idea of cultural heritage", Cambridge University Press, rev.ed.

ISBN 978-0-52-112257-3

Glaser, Barney G. & Strauss, Anselm L. (1967). "The discovery of grounded theory: Strategies for qualitative research", Chicago: Aldine.

ISBN 978-0-20-230260-7

Jackson, Robert H. and Sørensen, G. (2007). "Introduction to international relations: theories and approaches." Oxford University Press.
ISBN 0-199-28543-8

Keck, Margret E. and Kathryn Sikkink (1998). "Activists beyond borders: Advocacy Networks in International Politics". Ithaca and London. Cornell University Press.
ISBN 0-801-48456-1

Ralws, John (1999). "Law of Peoples: With, the Idea of Public Reason Revisited".
Cambridge, Harvard University Press.
ISBN: 978-0-67-400079-7

Sandholtz, Wayne (2007b). "Prohibiting Plunder: How Norms Change". Oxford University Press, USA.
ISBN 978-0-19-533723-5

Schultz, Ulla von (1998). "The cultural Heritage in Sweden: preserving the past for prosperity" (*original title: "Sveriges Kulturarv"*), Stockholm: SI
ISBN 91-520-0528-3

Snow, David A. & Sarah A. Soule (2010). "A Primer on Social Movements". (W.W. Norton & Company, Inc)
ISBN 978-0-39-397845-2

Strauss, Anselm L. (1987). Qualitative analysis for social scientists. Cambridge: Cambridge University Press.
ISBN 0-521-33806-9

Towns, Ann E. (2010). "Women and States: Norms and Hierarchies in International Society", Cambridge University Press
ISBN 978-0-521-74591-8

Articles

Acharya, Amitav (2004). "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism", *International Organization* 58, Spring 2004, p. 239–275

Bacchi, Carol (2010). "Mainstreaming Politics: Gendering Practices and Feminist Theory", University of Adelaide Press.

Retrieved from: <http://www.adelaide.edu.au/press/titles/mainstreaming/Mainstreaming-Ebook-final.pdf>

Boardman, John (2000) "The Elgin Marbles: Matters of Fact and Opinion", *International Journal of Cultural Property*, Vol. 9, 233-62

Brock, Gillian (1999), "Conceptions of Cosmopolitanism", *Edinburgh University Press, Utilitas*, 11/3 (November 1999): 255-76.

Cortell, Andrew and James Davis (1996). "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms." *International Studies Quarterly* 40: 451-478.

Curtis, Neil G.W.(2006) 'Universal museums, museum objects and repatriation: The tangled stories of things', *Museum Management and Curatorship*, 21: 2, 117 — 127

Falconer, Kelly A. (2000). "When Honor will not Suffice: The need for a Legally binding International Agreement regarding ownership of Nazi-Looted Art." *University of Pennsylvania Journal of International Economic Law* 2000 21:2. P. 383-426

Garstein, O. (1992). "The age of Gustavus Adolphus and Queen Christina of Sweden" Brill Academic Pub, p.56, 589

Gerstenblith, Patty (2001). "The Public Interest in the Restitution of Cultural Objects". *Connecticut Journal of International Law* 2001 16:2. P. 197-213

Goertz, Gary and Paul Diehl (1992). "Toward a Theory of International Norms: Some Conceptual and Measurement Issues." *Journal of Conflict Resolution* 36(4): 634-664.

Hamilakis, Yannis (1999) "Stories from exile: Fragments from the cultural biography of the Parthenon (or 'Elgin') marbles", *World Archaeology*; Oct 1999, Vol. 31 Issue 2, p303, 18p, 4 Black and White Photographs, 3 Charts.

Retrieved from: <http://web.ebscohost.com.ezproxy.server.hv.se/ehost/detail?sid=8d93a8ea-a583-4de3-9530-c0ed5453a699%40sessionmgr4&vid=1&hid=12&bdata=JnNpdGU9ZWwhvc3QtbGl2ZSZzY29wZT1zaXRl#db=afh&AN=2488901>

Jonsson, Stefan (2010). "Tingen vi delar: Historien om Paracastextilierna i Göteborg 1933-2010." 2010 Januari, Statens Kulturråd and Världskulturmuseet.

Keohane, Robert O. (2010). "Stephen Krasner: Subversive Realist", Woodrow Wilson School of Public and International Affairs, Princeton University.

Mendieta, Eduardo (2009). "From imperial to dialogical Cosmopolitanism". *Ethics & Global Politics*. Philosophy Department, Stony Brook University, New York, NY, USA. Vol. 2, No. 3, 2009, pp. 241-258

Merryman, John H. (1985). "Thinking about the Elgin Marbles", *Michigan Law Review*, Vol. 83, No. 8 (Aug., 1985), pp. 1880-1923
Retrieved from:

<http://cnes.cla.umn.edu/courses/archaeology/5014/documents/Merryman1985.pdf>

Merryman, John H. (1986). "Two Ways of Thinking About Cultural Property", *The American Journal of International Law*, Vol. 80, No. 4 (Oct., 1986), pp. 831-853

Retrieved from: <http://www.asil.org/ajil/v80831.pdf>

Merryman, John H. (1989), "The Public Interest in Culture Property", *California Law Review*; Mar1989, Vol. 77 Issue 2, 26p.

Retrieved from: <http://web.ebscohost.com.ezproxy.server.hv.se/ehost/detail?sid=4b1d34d2-1c30-4b4e-8afa-873d78300242%40sessionmgr12&vid=1&hid=15&bdata=JnNpdGU9ZWwhvc3QtbGl2ZSZzY29wZT1zaXRl#db=afh&AN=6769223>

Merryman, John H. (1998). "The Free International Movement of Cultural Property". 31 *N.Y.U. Journal of International Law and Politics* 1.

Nadelmann, Ethan A. (1990). "Global Prohibition Regimes: The Evolution of Norms in International Society." *International Organization* 44(4): 479-526

Nussbaum, Martha C. (1997). "Kant and Stoic Cosmopolitanism", *Law and Ethics*, University of Chicago, *The Journal of Political Philosophy*: Volume 5, Number 1, 1997, pp. 1-25

Pell, Owen C. (2003) *Edited by: The International Bureau of the Permanent Court of Arbitration (2003)*. "Resolution of Cultural Property Disputes." p. 307-311.

Sandholtz, Wayne (2008). "Dynamics of International Norm Change: Rules against Wartime Plunder". *European Journal of International Relations* 2008 14: 101. P. 111-121

Sandholtz, Wayne (2007). "Dynamics of International Norm Change." Retrieved from: <http://www.socsci.uci.edu/~wsandhol/dynamics%20of%20norm%20change-4-04-tp.pdf>

Towns, Ann (2002). "Paradoxes of (In)Equality: Something is Rotten in the Gender Equal State of Sweden" *Cooperation and Conflict*, June 2002 vol. 37 no.2. 157-179

Retrieved from: <http://cac.sagepub.com.ezproxy.server.hv.se/content/37/2/157>

Wendt, Alexander (1992). "Anarchy is what States Make of It: the social construction of power politics" *International Organization*. Vol. 46, no. 2. 1992.

Websites

<http://www.clarkart.edu/museum/content.cfm?ID=249>; 2011-02-18

<http://www.paracas.se/history/>; 2011-05-02

http://www.enjoyperu.com/peru_travel_tours_information/conozca_peru_magazine/edition_5/paracas_textiles_paracas_textiles.html; 2011-05-02

<http://www.theacropolismuseum.gr/?la=2>; 2011-05-08

<http://www.nytimes.com/2009/06/20/arts/design/20acropolis.html>; 2011-05-08

http://www.nytimes.com/slideshow/2009/06/19/arts/20090620-acropolis-slideshow_index.html ; 2011-05-08

<http://gogreece.about.com/cs/practicalinfo/a/fastfactsgreece.htm>; 2011-05-09

<http://www.statistics.gov.uk/cci/nugget.asp?id=6>; 2011-05-09

<http://www.uk.digiserve.com/mentor/marbles>; 2011-05-09

<http://www.parthenonuk.com>; 2011-05-09

<http://www.gp.se/kulturnoje/1.331517-peru-far-tillbaka-paracassamlingen>; 2011-05-02

<http://www.gp.se/kulturnoje/1.297617-kan-man-aga-ett-kulturforemal-> ; 2011-05-02

http://www.vartgoteborg.se/prod/sk/vargotnu.nsf/1/kultur_o_fritid,unika_paracastextilierna_v_isas_i_ny_utstallning_om_plundring; 2011-05-02

http://www.svd.se/kultur/peru-far-tillbaka-paracastyger_4424961.svd; 2011-05-02

http://www.svd.se/naringsliv/jobbet/sverige-tappar-i-jamstalldhet_2032229.svd ; 2011-05-02

http://www.svd.se/nyheter/inrikes/peru-kraver-tillbaka-textilier_3983597.svd#after-ad; 2011-05-02

<http://vimeo.com/9021954>; 2011-05-06

<http://www.unidroit.org/english/conventions/1995culturalproperty/1995culturalproperty-e.pdf>; 2011-05-10

8.2. Appendix 1

Transkribering av 'Kulturdebatt om Paracastextilierna 2010-01-26'

Källa: <http://vimeo.com/9021954>

Debattpanelen:

Gilbert Chauney, *Perus ambassadör*

Torgny Nordin, *frilans på GP*

Stefan Jonsson, *kritiker på DN*

Staffan Lundén, *Museion*

Adriana Munoz, *Världskulturmuseet*

Samtalsledare:

Björn Sandmark, *Chef Göteborgs kulturförvaltning*

[Debatten öppnas och ordet ges till Perus Ambassadör]

Perus Ambassadör:

"I suppose that you all are aware that clearly these objects of Paracas culture that are about 2000 years old, were looted from archaeological sites in Ica, a province in Southern Peru. And then they were smuggled out of Peru and brought here to Gothenburg. We all more or less agree about this. I could be more specific about this but there has been studies on the movement of these objects. Both looting and smuggling is forbidden by law in my country [Peru] and these are not recent laws but have existed from the start of the Peru Republic in 1821 after the Napoleon wars. There have been sequences of laws forbidding smuggling and looting in 1822, 1836, 1893, 1911, 1921, 1929 etc – which all forbid this [looting and smuggling]. So according to these laws, this [looting and smuggling] is forbidden and we are entitled to, not only entitled, but even obliged to claim the archaeological objects found outside my country [Peru]. And that is the reason why my government has instructed me as I presented last month with official note to the Ministry of External Affairs. I have at this point no authority to decide in this matter, but only discuss as these cases are being studied by both [countries Sweden and Peru]. In second phase it will be experts, lawyers etc who will be in charge of this matter and reach a conclusion to this claim. "

Samtalsledare Björn Sandmark:

"Det som har också på en ren formell nivå komplicerat den här frågan är att, som ambassadören nämnde här, är han som ambassadör skyldig att vända sig till svenska regeringen och har gjort så. Men eftersom den här samlingen ägs av både Statens Museer för Världskultur som äger en del av de här textilierna och Göteborgs stad som äger större delen av de här textilier, så man alltså lämna ett förhoppningsvis gemensamt svar på detta.

Men det komplicerar bilden något eftersom egentligen så kan ambassadören inte kommunicera direkt med Göteborgs Stad utan har fått kontakt via Kulturdepartementet till staden [Göteborg].”

Torgny Nordin:

”Det finns ju naturligtvis många möjliga ingångar till det här. Ambassadören här inledde med att gå tillbaka till Napoleon krigens och Perus grundande 1821. Och det är lite speciellt, eftersom Sverige också fick ta del av Napoleon krigens konsekvenser, nämligen erövrande av hela våra östra delen av landshalva Finland. Det är sådant som sker i krig. Först kan man börja konstatera om inte de här pre-Columbianska liksvepningarna [Paracas textilier] hade kommit till Göteborg så kan de mycket väl ha gått förlorade. De hade kanske förstörts eller så hade dom försvunnit i privatsamlares ägo. Dom kom till Göteborg och dom har tagits väl om hand här. Det har aldrig varit frågan om att mörka Paracas textiliernas närvaro här i Göteborg utan de har flera gånger visats upp, inte minst under Isaksson ledning för 20 år sen.

Som jag sa, så finns det flera olika ingångar i det här ämnet. Det skulle vara intressant att veta vem det är som ställer de här kraven. Är det kulturhistoriska museer i Peru? Är det verkligen de som sysslar med Paracas textilierna i Peru eller är det idé som kommer från president Garcia?”

Samtalsledare Björn Sandmark:

”Det är uppenbart att det är Perus regering som ställer kraven.”

Torgny Nordin:

”Då är det intressant att veta vad dom Peruanska myndigheter som arbetar med kulturföremål tycker om det. Om vi tittar på utställningen här så går den ju att se som en direkt invit till Peru. Det är ju en indignationsnummer som visas här, vältrar sig i skuldmedvetande över hur det har gått till. När man istället skulle kunna ha presenterat detta unika material, höjden av tio tusen års hantverksstad i Anderna. Jag tycker, att frågan som vi ska ställa är inte om ägande utan det gäller om ansvar. Hur tar vi hand om de här sakerna, hur kan vi hålla de här sakerna undan en pengastyrd samlarmarknad? Hur tillgängliga blir dom för forskningen? Det har Etnografiska museet i Göteborg gjort väldigt väl och jag kan inte se ett tungt skäl till varför vi ska flytta på de här textilierna- Jag säger inte att jag inte kan se att det finns skäl, jag tycker att båda sidorna har skäl. Men de tyngst vägande skälen tycker jag är dom som har att göra med förvaltning och att ta ett ansvar. Man också säga så här: i tusentals år så har det rövats. Det finns inte en svensk stormassgrav, det finns inte en faraonisk grav som inte är plundrad. Allt är plundrat. Så ser det ut. Så ser kulturen ut. Det har pågått så i flera tusen år. Det kan man beklaga och det bör man beklaga men vi kan inte

backa tillbaka till noll. Vad är det för värld vi lever i? Det är en global värld. En global värld som ställer globala utmaningar, en global etik. Vi måste ha ett globalt ansvar på det som finns i den globala världen. Geografin håller på att bli relativ på något sätt, det börjar spela mindre roll var man befinner sig, det viktigaste är hur man tar ansvar för de här sakerna. Och det är, tycker jag, är ganska uppenbart att Paracas textilierna, den här lilla samlingen som finns här, det viktigaste med den är att vi tar ett ansvar för den, att förvalta den. Jag ser inte skälen till man ska flytta dem när de förvaltas såväl här, helt enkelt för att det tillhör ett globalt ansvar alla måste ta. Poängen är att Paracas textilierna tillhör det globala kulturarvet .”

Samtalsledare Björn Sandmark:

”Du nämnde här forskningen och tillgängliggörandet. Jag kan påminna om att det finns en stiftelse här i Göteborg, som heter Paracas stiftelse, som har syfte att främja forskning och samarbetet kring Paracas textilierna och som under år har finansierat uppehåll för peruanska forskare som har varit här och som har en hemsida som ni kan besöka när ni har tillfälle ”

Stefan Jonsson:

”Jag har under de senaste månaderna sysslat med att titta i dåvarande Etnografiska museets arkiv med hjälp av framförallt Adriana Munoz som hjälpt mig att orientera mig i det ganska stora materialet om Paracas från Göteborgs Museet som grundades 1860 som sedan blev Etnografiska museet 1946. Dessförinnan var det alltså Etnografiska avdelning av Göteborgs Museum. Och i det här materialet framgår det ganska tydligt att detta med Paracas, ända från 1932 då den första av tre sändningar kom från generalkonsuln i Lima Sven Karell, har inte varit en hemlighet men en officiell gåtfullhet kring vilket Museet som byggt en stor del av sin identitet. Och den berättelsen tog inte slut förrän Etnografiska museet gick upp i Världskulturmuseet och då det blev möjligt att göra en utställning som denna som visas nu under namnet ”En Stulen Värld”. En utställning tror jag inte hade varit möjligt att göra tidigare. År 1977 så skriver Henry Basén som då var pensionerad chef för Etnografiska museet... till Isaksson: - ”Det var Kauden som lyckades animera generalkonsuln Sven Karell att göra sina ytterst viktiga donationer. Hur detta gick till känner jag till ganska bra men vissa saker bör ej hamna i dagsljuset ännu.”

Så detta med att denna historia [om Paracas] har varit välkänd, det tror jag egentligen inte att det har varit tills den senaste utställningen ”En Stulen Värld”. De kommer alltså [till Göteborg] i tre laster 1932 och 1933. De är skickade under diplomatisk immunitet sannolikt via den svenska beskickningen i Lima till Göteborg från generalkonsuln Sven Karell som sannolikt har skaffat sig de här samlingarna. Full vetskap om de lagstiftningar som gäller i Peru, att man får inte göra så här, och det är därför som han till varje pris anhåller hos Göteborgs Museets chefer om att han ska vara anonym och att hans namn på inga villkor får

uppges i samband med Paracas textilierna. Jag ska läsa upp ett citat här från Sven Karell 1933 till museichefen Kauden: - "Det skulle bland annat kunna tänkas [i samband med att textilierna ska visas för första gången] att den Peruanska konsuln i Göteborg, Carlos Anderson, genom tidningarna fått uppmärksamhet fäst på saken och genom tjänstens vägar gjort eller gör efterforskningar och är det tydligt att om detta skulle komma till resultat att jag skulle komma i mycket kinkig belägenhet." Sedan har Kauden i sitt svar försäkrat att generalkonsuln Carlos Anderson såg samlingarna, var mycket intresserad av dem men frågade inte hur vi erhållit dem. Och det framgår i den här korrespondensen att Sven Karell när han skriver från Lima, är han väldigt ängslig över att det här ska uppdragas hur de har kommit till Göteborg från Lima. Han säger också: - "När det gäller en av Paracas textilierna [vilket han kallar för Praktpjäsen som förvaras i en särskild låda vilket antas vara en av de vackraste av de här textilierna] är det bäst att den inte visas eftersom det finns risk att man härifrån [från Peru] kommer göra anspråk på att få den restituerad eller åtminstone få reda på hur den kommit i er ägo." Sedan så svarar museichefen Kauden på detta med en plan: - "Vore det kanske bäst att ej ställa ut den samtidigt med de andra utan vänta något därmed och sedan vid något tillfälle ordna in det i samlingarna utan något särskilt låtsas-om. På så sätt väcker den kanske ej ett så plötsligt och märkligt uppseende. Står vi inför risken att bli av med föremålet, ställer jag ej ut den på flera år ännu."

De här breven visar hur museichefen Kaudens sinne flyter, mellan samlarens begär, forskarens önskan att öka kunskap om Perus historia och museichefens uppdrag att tillgängliggöra kulturarvet. Går man igenom hur Paracas textilierna har visats, bevarats och hanterats från 1930-talet fram till ganska nära vår egen tid, så ser man att det är samlarens begär i regel som får styra. Det vill säga, de som skötte det här museet under 30-70 talet och även framåt, så var det oerhört viktigt att bygga upp ett ryktbart museum och det här tror jag var det allra främsta motivet till att samla de här fina samlingarna som man idag har. Det vetenskapliga intresset kommer ju i andra hand och får snarast vara ett rättfärdigande och legitimerande intresse. Sedan fanns ett ytterligare intresse för Paracas textilierna, och det var det konstnärliga värde hos de här textilier. Så vi har egentligen att göra med tre stycken värden: museiskapande och museibyggnad intresset; sedan kommer vetenskapliga intresset; och sedan det estetiska intresset – skönheten hos de här objekten. De här tre värden, vetenskapliga, estetiska och identitetsskapande – strider mellan varandra. Men det är alltid samlarintresset som är det starkaste. Det sägs ofta, som t.ex. Torgny [Nordin] nämnde, att det har varit väldigt betydelsefullt att ha de här föremålen just i Göteborg som gjort dem tillgängliga: men det genomgående här är att, så som Kauden gjorde, att man gömmer undan dem än att visar dem eller tillgängliggör dem. Ett tecken på detta, som går också emot om att de skulle ha en stor vetenskaplig betydelse, är att om man studerar en bibliografi över vad som har skrivits om Paracas kulturen och arkeologiska lämningarna efter Paracas kulturen, så ser man i den senaste kompletta bibliografin att det finns en enda vetenskaplig skrift som har kommit från Göteborg. Det finns tusentals vetenskapliga uppsatser om Paracas och det finns en som är utgiven här i Göteborg. Så att skälet till att de här textilierna finns i Göteborg är vetenskapligt och främjat tillgänglighet för forskning – denna vetenskapliga betydelse tror jag helt enkelt inte existerar. Den hade nog sannolikt haft mer vetenskapligt betydelse om den [Paracas samlingen] hade funnits någon annanstans. "

Adriana Munoz:

”Frågan är inte en speciell fråga [en fråga angående textilierna i sig], utan ett dilemma som alla etnografiska museer eller museer som förvaltar etnografisk material över hela världen har idag. Det har mycket att göra med att när man grundade dessa museer runt om i världen, det var i samband med byggandet av nationella stater, i hela världen. Dessa projekt att göra etnografiska museer är anknutet till en idé om modernism och nationell stat. Och när de här museerna framkom, de föremål som kom till dem var i samband med människor som har blivit exkluderade från de nationella projekt. Och det är därför man har den här situationen, att idag inom de etnografiska samlingarna i Sverige finns material från Amer. Och man går till ett etnografisk museum i Buenos Aires eller Lima, det är fortfarande [material] från människor som blivit exkluderade från de nationella diskurser. T.ex när man byggde de här nationella stater som Sverige, Argentina osv så finns det en hegemonisk grupp – de som definierar vad en stat ska vara. I Sverige t.ex. blir det en idé om hur Sverige ska se ut och [som bestämmer] vilka människor ska ingå i Sverige. Och Amer. är inte inkluderade då i den hegemonisk diskurs om vad Sverige är.... De etnografiska museerna över hela världen ser ut väldigt lika och som har en tradition att utbyta material.

Idag befinner vi oss i en annan värld. Idag pratar man mycket om de här transnationella stater, man pratar mycket om post-kolonial stater. Man kan då diskutera vad de här samlingarna representerar idag. En sak som är intressant är att en kategori som har varit som grund att grunda Världskulturmuseet när den första proposition från regeringen kom, var det då icke-europeisk material.

Världskulturmuseet har ett uppdrag som är globalt och när man besöker samlingarna, så ser man att 70% av materialet tillhör Latin Amerika, mestadels från Mexiko. När det gäller Peru och Paracas textilier, så har det alltid funnits en intressant tendens i samlandet av syd-amerikansk material. När man tittar på alla länder och deras samlingar så har Peruansk material alltid uppskattats som en skatt och det är väldigt lite av arkeologisk material som kommer från forskningsresor. Och, jag har för mig att lite mer än 90% av föremål som kommer från Peru är arkeologisk material som kommer från anonyma donationer, utbytet med speciellt Tyskland eller köpta i auktioner i Frankrike. Och sedan när man jämför den här skatt -symbolik som finns bakom just Peruansk material så har det att göra med romantik och att Peru har associerats med Inka och högkultur. T.ex. då 1911 man upptäckte Machu Picchu, man får en känsla av att det är många gömda skatter. För att jämföra med det här materialet som beskrivits som etnografisk material så har etnografisk material alltid haft en lägre status. Om man tittar på Brasilien så är [deras samlingar] 50% arkeologiska och 50% etnografiska medan i Peru så är det 90% som är arkeologiskt och bara 10% som är etnografiskt. Som sagt, museet [Världskulturmuseet] har 70% av sitt material som kommer från Latin Amerika och frågan om repatriering till Peru är inte den första och säkert inte den sista som vi har fått eftersom vi har bestämt oss att vara öppna och ha den här sortens dialoger. Och man försöker få så djup kontakt som möjligt med museer andra länder. Men just i den här frågan kan man säga att innan begäran kom så har vi försökt fördjupa de här kontakter, inte bara

med institutioner men också med olika grupper som kan känna någon djup tillhörighet till dessa föremål. ”

Samtalsledare Björn Sandmark:

”Hur skulle du värdera de här föremålen [Paracas textilierna]?”

Adriana Munoz:

”De är unika, vilket är det mesta som är inte en massproduktion. Men gällande fråga om de är det finaste som finns, så befinner ju sig självklart den finaste samlingen i Peru som utgör en fantastisk samling. Det som är intressant med samlingen här [i Sverige] så är det en väldigt komplett samling. Det har mycket fokuserats på textilier, men i de 3 sändningar som kom till Sverige så är det väldigt mycket keramik förutom bara textilier. Och det vore väldigt intressant att använda dessa som jämförelse eller för bearbetning med de andra. ”

Samtalsledare Björn Sandmark:

”Som Stefan [Jonsson] sa, så har det kommit fram att det har varit väldigt lite forskning kring Paracas textilierna i Göteborg. Betyder det att det är få forskare från Göteborg som har jobbat med detta eller har du kanske som chef för samlingen mycket kontakt med utländska forskare som forskar på de här textilierna?”

Adriana Munoz:

”Jag är ingen chef men det är många utländska forskare som har kommit hit och tittat på föremålen. Sedan ett väldigt vanligt problem i sådana fall är att det mesta intresset hamnar kring själva materialet, alltså var materialet är gjort och hur den har konserverats och väldigt sällan som man kan den här kunskapen. Det har alltid prioriterats att utbyta kunskap av själva innehållet och vi har mycket kunskap om det fysiska, hur samlingen mår fysiskt.”

Staffan Lunden:

”Jag ska säga lite kortfattat om det internationella regelverket kring de här frågorna och lite om de olika sätt som man kan se på de här frågorna kring ägande av kulturföremål. Jag ska börja med att upprepa ett av citaten från korrespondensen och breven från 1938 då smugglaren Sven Karell har skickat iväg de här föremålen. Han skriver då till museet efter att han har skickat iväg de här föremålen: - ”Jag skulle inte bli överraskad om när det gäller ”pjäs” blir utställd, detta är känt i Peru att man kommer härifrån göra ett anspråk att få den

restituerad eller åtminstone få reda på hur den har kommit i eran ägo.” Det här citatet visar ju väldigt tydligt att de här frågorna kring äganderätt och kulturföremål – att de inte är nya, utan det är något man har diskuterat länge vid diskussioner som går tillbaka till Napoleonkrigen. Redan på 1930 talet så försökte man skapa en internationell konvention kring de här frågorna för att just komma tillrätta med den här illegala handeln med kulturföremål. Men vissa av som man säger Västlänterna sköt den konventionen i sank och Sverige hade faktiskt en aktiv del i detta och det är en kulturgärning som vi kan ta på oss och som vi [Sverige] har då gjort också. Och det är då först vid 1970 som man får en internationell konvention som är en UNESCO konvention som reglerar handeln med de här stulna arkeologiska föremålen och andra kulturföremål. Sedan får denna en kompletterande konvention 1995 som är UNBRAC konvention. Man kan ju säga att de allmänna principerna i de här konventionerna är att de här föremål tillhör ursprungsländerna och att dessa ska lämnas tillbaka. Nu är alltså de här konventioner inte retroaktiva som kan då aldrig appliceras direkt på andra fall och juridiken då ger oss inte en exakt vägledning i hur man löser de här frågorna. Det hade som sagt kunnat finnas ett regelverk långt innan om inte stoppats internationellt.

Hur kan man då se på de här ägandefrågorna? Man kan säga att i den internationella diskussionen kring ägandet av kulturföremål och kulturarv så finns det två positioner: en position att kulturföremål kan ägas av en stat eller av en grupp; den andra positionen är att kulturarvet är globalt och universellt och vilket då ska ägas av alla. Man kan nog säga att första tanken är att kulturföremål ägs av någon, t.ex. med Paracas textilierna så är det en stat som gör anspråk. Det här grundar sig i en ganska enkel tanke och det är det globala systemet som vi har idag när vi faktiskt erkänner suveräna nationalstater och som har ett suveränitet över sitt territorium och kan reglera ägandefrågorna över föremål och naturtillgångar som finns på territoriet. En stat kan reglera vem som får äga malm, skog och samt göra ägandanspråk på kulturföremål t.ex. som vi gör i Sverige också. Dessa alltså regler som en stat kan ha som har absolut inget att göra med huruvida de som en gång tillverkat dessa föremål tillhörde denna stat, om det finns genetisk koppling eller inte – det är ointressant [i detta sammanhang] att veta om t.ex. om vikingarna som gjort vissa föremål kände sig svenska eller inte.

Det är alltså ett väldigt enkelt resonemang, det är den världsordning som vi bygger på idag. Med ett sådant resonemang så är ju Perus krav väldigt rimliga. Att man vill få tillbaka det man har blivit berövad. Jag tror att de flesta håller med om den principen att om man har tagit emot någonting som någon annan äger, så lämnar man väl tillbaka det och även ber om ursäkt om man visste att det var ett smuggelgods. Så en position som Göteborgs kommun och Världskulturmuseet kan ta här är att man överlämnar äganderätten till Peru och ber om ursäkt att ha tagit emot det och dragit ut så länge med att lämna tillbaka det. Och med detta resonemang får bestämmanderätten över föremålen gå tillbaka till Peru och följa den Peruanska angelägenhet om var de här föremålen ska vara. Och det bör vara Peru som bestämmer om de här föremålen kommer bevaras bättre i Peru eller få stanna i Sverige. Göteborgskommun som egentligen är en hälare ska inte ställa några krav, som t.ex. att man lämnar tillbaka dem om Peru tar hand om dem. Det är inte riktigt det man gör om man har stöldgods.

Det andra resonemanget är det internationella ägandet, det globala ägandet och kulturföremål kan inte ägas av någon utan de ägs av alla. Det tycker jag är en vacker tanke, egendomslösa samhället och att skog, mark och annat fördelas efter behov mellan alla och inte efter vem som har rätten att äga det. Tyvärr är detta ett resonemang som ofta används för att vägra lämna tillbaka någonting. ”Det här är hela världens kulturarv och därför ska jag behålla det!” Så kan man ju inte riktigt resonera. Det är ett sådant resonemang om British Museum brukar ha. Och skulle Göteborgs kommun skulle vilja gå in ett sånt resonemang, att det här är hela världens kulturarv då får väl föremålen på Statsmuseet också vara det. Då kanske man kan få 100 föremål från Statsmuseet. Gällande diskussioner om gemensamt ägande och gemensamt ansvar - det får ju gälla också Statsmuseets samlingar då. Att ställa krav på Peru som är rättmätig ägare, är ju svårt. Man får återlämna föremålen och sedan komma med att kanske böna att man också vill vara med och äga dem om Peru tycker att det är okej. Det är ju en rimlig ståndpunkt i den här frågan. ”

Perus Ambassadör:

Kritisk mot spekulationer om att textilierna skulle stulits eller förstörts om dem inte hamnat i Sverige, Peru har visat sig kapabel till att ta hand om sina andra kulturföremål. Dessutom ställer han sig frågande om iden att det är regeringen i Peru som ligger bakom kraven på att föremålen ska återbördas [mer spekulationer]. Att det skulle ligga ett försök att få billiga politiska poäng är ogrundad för att presidenten ändå sitter på sitt sista år. Det är snarare kulturministeriet som ligger bakom kraven på att textilierna ska återbördas och att det är dem som gett instruktioner till Perus utrikesdepartement att kräva en återbördande av kulturföremålen. Kraven har inget politiskt motiv. Presidenten blev såklart glad över att föremålen kan komma att återbördas, men han ligger inte bakom kravet. *”Hela den här frågan har jag [ambassadören] försökt hålla konfidentiell som möjligt i hemlandet för att inte reta upp befolkningen vilket är väldigt möjligt”.*

Torgny Nordin:

Viktigt att komma ihåg att vi får 2 stora latinamerikanska samlingar kommer till Göteborg på 1930-talet. De mexikanska textilierna var en legal utgrävning, och mexikanska staten fick tillbaka de föremål som de ville ha, medans resten blev en del av utställningarna i Göteborg. I fallet med Paracas textilierna så handlar det inte om en legal utgrävning, utan om plundring av kulturföremål. Många argument har en substantiell tendens vars viktigaste och återkommande mål är att försöker förklara de här föremålen som stöldgods som då i sig skulle tala då för sig om återlämning. Men att det skulle uppfattas som stöldgods är inte självklarhet och inte riktigt en helt korrekt uppfattning, det skulle kunna röra sig om stöldgods, men detta kan inte i dagsläget bli bekräftat.

Det har skrivits ganska lite om textilierna, men det som skulle kunna kallas för forskning om Paracas [textilierna] skedde för omkring 20 år sedan [1990]. Då var det tal om att moderna

museet borde byggas ut. Staten gick in med pengar för att forska om hur man tar hand om textilierna, för textilierna mådde inte bra. Man tittade på andra samlingar utomlands och konstaterade att ingen hade riktigt utvecklat något bra system för att ta hand om textilierna. Detta löste man genom forskning i Göteborg.

Etnograferna på 1930-talet var övertygade om att dessa kulturföremål [i Peru] skulle försvinna, och om vi kan bevara dessa är det vår plikt att föra ut dem och bevara dem i en säker miljö. Visserligen kunde detta ske genom att underliga metoder [plundring, stöld, osv.]. Icke desto mindre gjordes detta inte för att tjäna pengar, utan för att bevara och ställa ut för efterkommande generationer. Det skedde i god vilja. Denna kontext är väldigt viktig att ha för sig när man ser på grundläggande avsikten med omhändertagandet av Paracas textilierna.

Ska vi tillgodose nationella krav på rättvisa [Perus krav om återbördande] eller ska vi förhålla oss till de globala kulturella sammanhang som finns. Perus krav på repatriering har skäl för sig, men dessa är inte tyngre än att det bevaras i Göteborg så som det gjort hittills, så länge det bevaras på samma sätt som det har gjorts och så länge det fortfarande forskas på materialet.

Stefan Jonsson:

Etnografiska museer i väst uppstod som en reaktion till att forskare och tänkande människor i dessa länder förstod att den civilisation som de själva representerade höll på att utplåna andra civilisationer och det gällde att rädda spåren av dessa innan de försvann. Det är en dubbel belägenhet därför att man säger att för vissa representerar man nåt [en civilisation] som håller på att utplåna något annat [en annan civilisation] och därför måste man se till att rädda kvarlevorna av det. Det är logiken i detta, och institutionerna som sysslar med detta måste komma att konfrontera sig själva med detta. Vad Världskulturmuseet nu har gjort är i en stulen värld, är att tala in i samtiden och gårdagens historiska konflikter. Detta är något som Etnografiska museet inte lyckades med [på sin tid]. Och de fick inte textilierna att tala på detta tydliga sätt om historiska eller samtida konflikter, [först] nu börjar de [skaparna av Paracas textilierna] vittna, och tala om vad vi ska göra med deras röster och deras bilder och vilket [som] är det ansvarsfullaste sättet att hantera dem. Så det i sig är ett framgångstecken. Men just därför är diskussioner om vad som skall göras med dessa gamla tyger ska helst undvika att se dem som föremål, ting, som kan byta plats. Utan det ska istället tas som en möjlighet till att utöka samtalen, konflikterna, mellan de människor som är verksamma kring de här föremålen. Frågorna löses inte genom att man flyttar dem från Göteborg till Lima [Peru].

Hur ska frågan på ett bra sätt i nuläget? Bollen ligger både hos både Perus kulturministerium och Göteborgs kommun att komma på ett intelligent sätt att lösa den här frågan [om återbördande av Paracas textilierna]. Det intelligentaste sättet är antagligen att om Peru skulle kunna [tänka sig] att begära någonting annat [i utbyte] från Göteborg, om Göteborg skulle på något ödmjukt sätt kunna efterkomma den begäran. Det kan handla om allt ifrån en runsten, så kan vi få behålla dem här textilierna i Göteborg, men det kan också handla om forskarutbyten eller donationer till professorer eller uppbyggnad av institutioner, ett långsiktigt samarbete. Allt detta såklart på Perus villkor, samt på Göteborgs stads och den svenska statens

bekostnad. Så frågan är vad man skulle kunna begära av varandra och ge varandra på den punkten. Där skulle man kunna få igång ett synnerligt intressant samarbete, och i synnerhet som är viktigt för Perus ambassad i Sverige, samt kulturministeriet i Lima att förstå det som skett med kultur arvet från Paracas med den här utställningen är ett framgångsrikt sätt att få, och kanske det mest framgångsrika hittills, det gamla Andiska kulturarvet att verkligen engagera människor här i Göteborg. Och det skulle ha sin logik i att godset återbördas till Peru, men än mer så om det betydde att samtalet om det Andiska kulturarvet kunde fortsätta på många olika platser.

Adriana Munoz:

”För oss på museet så befinner vi oss i dilemmat i att vi har en praxis som bygger på en tradition på sättet att behandlar dessa fenomen [som återbörkning innebär].” Dilemmat är mellan lag och etik. Allt är preskriberat, men vi ser ändå det etiska i detta [i att återlämna]. Det gäller ju inte bara Paracas textilier i sådana här lösningar, utan allt annat också som finns på museet.

Staffan Lunden:

Tanken om att statsmuseet kan ingå i ett utbytesprogram med Peru om kulturföremål är en spännande tanke för framtiden. Att man behåller föremål, men att man bekostar olika saker i Peru – kan också vara en lösning. Dock är den lite problematisk, det finns en tendens att man gör så nu för tiden, att man hyr föremål i 25-års perioder. Men att man ”köper loss” föremålen på detta sätt kan i sig vara problematiskt för framtiden.

Sven-Åke Gustav Karlsson: (Arbetade under Sven Karell)

”Jag kom till Lima 1953, och jag skulle egentligen arbeta med någon som hette Tango-Jansson. Men det visade att han hade sysslat med smuggling. Jag gick upp till generalkonsuln Sven Karell och fick till slut jobb på electrolux och kom sedan på Facit, och blev bäste säljare på Facit i hela Sydamerika.

Jag har gått i skola hos Sven Karell som sysslade med affärer, men den som styrde och ledde svenska kolonin var doktor Sven Eriksson. Han var personen som alla lyssnade på. Man kunde på denna tid betala en summa [till den som styrde i området??] för att få en [metall]detektor för att gå ut å gräva i gravarna och ta med sig hem ”vaccos” [antag. Kulturföremål från Paracas] om man hitta dessa.

Doktor Eriksson föreslog att Sven Karell skulle vara den som förde ut textilierna [ut ur landet], eftersom dessa då inte skulle vara stulna, utan dem är troligtvis köpta . Sven Karell hade INTE stulit textilierna. [alltså kan inte dessa föremål räknas som stöldgoods och därmed är köpta föremål? Detta skulle bekräfta då Torgny Nordins position]”

