

Introduction

Magnus Magnusson

On 21 April 1971, a Danish frigate called *Vædderen* ('The Ram') came steaming into the harbour bay of Reykjavík, the capital of Iceland, bearing priceless gifts. There were 15,000 Icelanders cramming the quayside; but throughout the rest of Iceland, it was as if a plague had struck. No one moved in the streets. Shops and schools were closed. The whole nation, just over 200,000 souls in those days, was listening to the radio or watching television for a live account of the historic event which was taking place at Reykjavík harbour.

Just after the *Vædderen* tied up, off came three members of the crew. Each of them was carrying a carefully wrapped package. These three packages had been locked in a cabin all the way across from Denmark to Iceland. Only the captain had had a key to that room; and twice a day he and an Icelandic representative had solemnly unlocked the door of the cabin to see if the three occupants were all right and the temperature and humidity at optimum level.

They contained, these packages, two books which are by any standard priceless. On the quayside they were snugly installed on the back seat of a black police car. Various dignitaries such as the Prime Minister made speeches of welcome. Then the car was driven slowly through the streets of Reykjavík, past thousands of cheering people, to the university. It was like a royal wedding. And that afternoon Mr Helge Larsen, the Danish Minister of Education, got up behind a battery of microphones, picked up the old leather-bound volumes, handed them to his Icelandic counterpart, and uttered the immortal words: 'Værsgo! Flatøbogen og Kongebogen.' ('There you are! *Flateyjarbók* and *Codex Regius*!')

To any Icelander (and here I must declare a passionate interest, for I am an Icelander myself) it was a magic moment, and these were magic words. For *Flateyjarbók* (the Book of Flat-Island) and *Codex Regius* (the King's Volume) were, and are, two of the most valuable manuscript treasures of Iceland's medieval literature; and they were being returned by one country, Denmark, to a former colony, Iceland, from which they had been removed 250 years earlier.

The long story behind this historic event is carefully documented in the first chapter of this important book by Dr Jeanette Greenfield. It has not, to my knowledge, been told so fully or so well in any English-language source. But it is well worth the telling, because it is of paramount significance to the issues involved in *The Return of Cultural Treasures*.

Flateyjarbók is a magnificent manuscript codex, containing a great collection of Icelandic sagas and royal histories of Norwegian kings. It was made for a wealthy farmer in the north of Iceland in the 1390s, who employed two priests as scribes for two years to copy and illuminate the material. They wrote on vellum, calfskin; and it took the lives of 113 calves to make the 225 leaves of the codex. Later, this book passed into the possession of a farmer on the little island of Flatey in Breidafjörður on the west coast of Iceland, and became known as *Flateyjarbók* as a result. In the seventeenth century it came into the possession of Bishop Brynjólfur Sveinsson of Skálholt, a distinguished scholar and collector of manuscripts, and he sent it as a gift to the king of Denmark in the hope that it would be printed and published there.

The other manuscript, *Codex Regius*, which was also presented to the king of Denmark by Bishop Brynjólfur, is tiny by comparison but incomparable in stature. It was written around 1270, and its significance lies in the fact that it is the only surviving vellum copy of the *Edda*, the major repository of the mythological and heroic lays of Germanic literature, composed in Icelandic (Old Norse) and preserved only in Iceland. Without it, our knowledge of Norse mythology and heroic legend would be vastly the poorer.

Their value to world scholarship is inestimable. But their value to Iceland was, and is, if anything greater, for between them they symbolized Iceland's great heritage of medieval prose and poetry. Denmark could not have chosen two more suitable gifts to hand over to her former colony.

But these two books were only a forerunner, an earnest of the future. They were simply the first instalment of nearly 3,000 manuscripts and other documents that Denmark promised to return to Iceland – a process which is now almost complete.

These manuscripts had all been removed from Iceland in a hectic period of manuscript collecting that covered barely more than fifty years, from around 1650 onwards. Iceland by then had been a colony, first of Norway and then of Denmark, for some four centuries. Danish imperial policy, coupled with severe climatic conditions, had reduced the people of Iceland to unbelievable penury and misery. Yet the seventeenth century had seen a flowering of Renaissance learning among Icelandic scholars, whose Latin treatises about the geography and culture of Iceland had kindled a revival of antiquarianism among scholars in the rest of Scandinavia. Fired by a desire to learn more about their past, these scholars began to realize that the main sources were to be found in the ancient writings of the Icelanders in their vellum books. Expeditions were sent out from Denmark and Sweden to find and fetch them as if they were rare botanical specimens. Indeed one Royal Antiquary, despatched by the king of Denmark, was drowned in 1684 when his ship, laden with a cargo of uncatalogued manuscripts, was lost with all hands on the voyage back to Denmark.

Much the most significant manuscript collector, however, was a brilliant young Icelandic scholar called Árni Magnússon (1663–1730). He was brought up at the farm of Hvammur, on the west coast of Iceland, celebrated as the home of a prominent settler and matriarch of the Dales district in *Laxdæla Saga*. He grew

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up in an environment where, despite the endemic poverty, learning and culture were revered. His grandfather was a clergyman and also the local teacher, who taught him Latin from the age of six; his uncle, another clergyman, started him on Greek and algebra from the age of twelve. A precocious scholar, the boy was sent to the University of Copenhagen, which was then the only seat of higher learning open to young Icelanders. He quickly graduated in theology, but his burning interest was in the literary antiquities of his homeland. He became a secretary in the Royal Archives, and in 1701 he was appointed to a new chair at the University of Copenhagen as Professor of Danish Antiquities – the first Icelander ever to hold a university chair.

In 1702, Árni Magnússon was sent to Iceland by the king as one of two royal commissioners to carry out a land census of property throughout the country, and to carry out a general investigation of conditions in the land and of the conduct of Danish officials and merchants. It gave Árni a unique opportunity of seeking out antiquities on his own account at the same time. For ten years, from 1702 to 1712, he travelled the length and breadth of the land, looking for manuscripts wherever he went, cajoling, wheedling, haggling, begging, borrowing and buying up every single scrap of vellum he could find, whatever the price, and paying for them out of his own pocket. People said of him that he could sniff out old manuscripts like a bloodhound. He found one piece of vellum which had been cut to make an insole for a shoe; another had been trimmed by a tailor to make a pattern for the back of a waistcoat. Eventually he had amassed fifty-five cases of vellum manuscripts and paper copies and medieval documents. There were long delays before they could be shipped to him in Copenhagen, where they arrived in 1720. Árni installed them in his professorial residence in Kannikestræde, in the university quarter, and set scribes to work to make copies of every item.

But then disaster struck. On 20 October 1728, the Great Fire of Copenhagen began. For several hours, Árni Magnússon thought himself safe; but on the second day the flames reached the university quarter. Only then did Árni start to take precautions. All day long, until five o'clock in the evening, he and two helpers tried to empty the library as fast as they could. But by then it was too late to save all but the best books. The oldest and most valuable manuscripts were rescued, but the bulk of the library, including all the printed books and paper copies and other documents, perished in the flames. Árni Magnússon never really recovered from the tragedy, and within fifteen months he was dead. On his death-bed he bequeathed the remnants of his great collection to the University of Copenhagen, to create an institute for their study.

The significance of these saga manuscripts to the people of Iceland would be impossible to exaggerate. They have been the root and stock of Icelandic culture, the life-blood of the nation, the oldest living literature in Europe, enshrining the origins of Icelandic society. The sagas not only preserved the old language as a living tongue and a written language which is closer to modern Icelandic than Shakespeare is to modern English; they also helped to keep alive the Icelanders through the worst centuries of natural disasters and colonial oppression. Indeed, when the Icelanders took up the struggle for freedom and independence from

Denmark in the nineteenth century, the saga literature was both their inspiration and their justification. In the long independence campaign, the demand for the return of the manuscripts was a constant theme. And when Iceland eventually achieved full independence in 1944, the first claim which the Icelanders made on their former colonial masters was for the restitution of the saga manuscripts to their homeland.

The wrangle which ensued lasted for more than twenty-five years, and absorbed public opinion in both Iceland and Denmark. Iceland never brought a legal action against Denmark, either nationally or internationally. Instead, it was left to the political will of the Danish Parliament, which reflected the response of Danish public opinion to the appeal of 'natural justice'; and in the end, the Danish judiciary rejected a massive claim for compensation from the Danish institutions involved, thus clearing the way for the start of the hand-over on that memorable day in Reykjavik in 1971.

This striking example of magnanimity and goodwill stands out in my mind like a beacon in the rather murky conditions which befog the whole issue of the restitution of cultural objects. The Icelandic experience, I confess without shame, has put me firmly on the side of those who sympathize with others who would like to have their national cultural treasures returned – like the Greeks and their Parthenon Marbles (the so-called Elgin Marbles in the British Museum). For me it is not a matter of morality or even legality, but of decency and civilized behaviour.

Happily, there are signs that people's consciences are being stirred, all over the world. The matter of the Icelandic manuscripts is not so exceptional now as those who base their arguments for stubborn retention on the grounds of the danger of setting a precedent seem to realize. Dr Greenfield listed a remarkable number of cases of restitution in an article in *Antiquity* ('The Return of Cultural Property', March 1986): let me cite some of them here.

In 1950 there was an agreement between France and Laos about the restitution of Laotian objects of art.

In 1962, when Uganda became independent, special objects relating to the Kabaka of Uganda were returned by the Cambridge University Museum of Archaeology and Anthropology.

In 1964, the Mandalay regalia were returned to Burma by the Victoria and Albert Museum.

In 1968, there was an agreement between France and Algeria returning some three hundred paintings which had been exhibited in the Museum of Algeria.

In 1970, Belgium returned at least forty objects to Zaire.

In 1973, the fragment of a stela stolen from the Piedras Negras was returned by the Brooklyn Museum to Guatemala.

In 1974, a fifth-century mosaic from the ancient city of Apamea was returned by the Newark Museum in New Jersey to Syria.

In 1974, a mask was returned to Papua New Guinea by the National Museum of New Zealand.

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In 1977, Belgium returned several thousand cultural objects to Zaire, on top of the 1970 consignment.

In 1977, two major American institutions returned a number of cultural items to Panama.

In 1977, too, Australia (which now has a good track record in these matters) started returning artefacts to Papua New Guinea, perhaps inspired by a growing awareness of its own aboriginal cultural heritage.

In 1980, France and Iraq came to an arrangement about the return of fragments of Babylonian law codes to Iraq.

In 1981, a French court ordered the restitution to Egypt of a stolen Amon Min statue which had been illicitly traded.

In 1981, South Africa returned some carved birds to Zimbabwe.

In 1981, New Zealand returned more than a thousand cultural objects to the Solomon Islands.

In 1981, the Wellcome Institute in London returned a collection of Himyarite items to the Yemen.

Throughout the 1980s, indeed, restitution has continued unabated, to the gratification of countries like Vanuatu (New Hebrides), Honduras, Kenya, Iraq, Ethiopia, Ecuador and Peru.

Some of these returns have been the outcome of protracted and often bitter wrangling. Some have been the outcome of patient and sympathetic negotiation between governments. Some have been the outcome of spontaneous gestures by the museums and institutions involved. Some restitutions have been enforced when the objects were shown to have been illicitly imported or illegally acquired.

Some museums are more obstinate than others, even about returning items which originally came to them on loan. It took many years for Kenya to prise back from the British Museum of Natural History the seventeen-million-year-old skull of *Proconsul africanus*, which Mark Leakey had brought back to London on loan for display. It was not until 1982 that the Trustees reluctantly agreed that it should be 'de-accessioned'.

The main impetus for return is coming from those countries which feel that they were in no position to resist the original removal of the antiquities, for colonial or other reasons – naturally enough. The wholesale looting and plundering and (sometimes fraudulent) 'purchasing' of objects by dominant countries is a continuing blot on the saga of the growth of archaeological learning. Nor is Lord Elgin with his notorious acquisition of the Parthenon Marbles alone in the hall of dubious fame. What about André Malraux?

For those who think of André Malraux only as a distinguished writer (the author of *La Condition humaine* about the Kuomintang Revolution of 1927, and *L'Espoir* about the Spanish Civil War, in both of which he took part) and in his latter years as a statesman (Minister of Cultural Affairs in the 1960s), it may come as a surprise to learn that in his younger days he was charged and sentenced to three years' imprisonment (reduced on appeal in Saigon to a suspended sentence of one year) for using his official position on a study expedition to dislodge

and steal a cargo of massive stones and bas-reliefs from a protected temple in Cambodia. No doubt his rationale had been impeccable; he claimed that the temple of Bantea-Srei had been abandoned, and that he was indulging in ‘rescue archaeology’ to put into circulation treasures which had been ‘lost’. No doubt his youthful experiences in Cambodia helped to inform his views on art in such classic books as *Les Voix du silence* and *La Psychologie de l’art*.

Taking the law into one’s own hands can work both ways, however. When the so-called Stone of Destiny was removed by young Scottish Nationalists from Westminster Abbey on Christmas Day in 1950, there can have been few Scots who did not feel a guilty tinge of secret pleasure that a historic piece of Scottish nationhood had been spirited back to its homeland: deplorable, of course, but, well . . .

Something very similar happened in June 1982 when a Mexican journalist called José Luis Castaneda de Valle stole an ancient eighteen-page Aztec codex known as the Tonalamatl Aubin from the French National Library in Paris and spirited it back to Mexico. By the time the loss was discovered and Interpol had been alerted, the codex had been given to the Mexican Institute of Anthropology and History. The French were naturally indignant and demanded it back, but the buccaneering aspect of the whole business inspired a wave of nationalism: this was part of Mexico’s cultural heritage which had been plundered, like so much else, in the past. It had come into the possession of the Spanish viceroy as early as 1740, and later was acquired by a Spaniard called Antonio de Leon y Gama. On his death it was sold to a German traveller called Max Waldeck, who sold it in Paris to a French scientist called Joseph Aubin (hence its name). It was bequeathed to the National Library in 1848 by its last private owner, a Frenchman called Eugène Goupil. The French government can argue that it has proper legal title to the codex – twenty sheets of tree bark, folded like a concertina; but the people of Mexico claim that it *ought* to be in Mexico, its original home, and the Mexican authorities are not being exactly helpful about its return to France.

Some might think that there is a kind of poetic justice about this bizarre situation, and might even relish it; but it does the cause of orderly return little good. How much better it is to be able to point to dignified agreements such as the one in 1978 when the US government returned to the Hungarian people the crown, orb and sceptre of St Stephen, the first Hungarian king, who had received them from Pope Sylvester II in 1001. The regalia had been lost and stolen, lost and stolen again several times over before finding asylum in Fort Knox after the Second World War.

The United States of America, indeed, has a notable record of restitutions. The Maya Room of Mexico’s National Museum of Anthropology now boasts a magnificent temple facade which had been shipped to New York in 1968 and offered for sale to the Metropolitan Museum there for some \$400,000. The Museum refused the purchase, however, and the dealer who had organized its illicit removal from a remote site in Campeche was ‘persuaded’ to donate it to the Mexican Museum.

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The current international market in illicitly acquired art and archaeological treasures is a huge business now, by all accounts, and all too many auction houses and institutions are prepared to turn a blind eye to the dubious provenance of some of the illegally excavated items put up for sale. But the Americans are setting the rest of the world a fine example with their strenuous efforts to return treasures, particularly pre-Columbian artefacts, when they can be proved to have been illegally removed.

In Europe, many major national institutions, especially the Louvre and the British Museum, are against the return of anything if it can possibly be avoided. The *cause célèbre* at the British Museum is the Elgin Marbles, whose return to Greece was so passionately advocated by Melina Mercouri, the celebrated actress, in her ministerial role with the Greek government. Many of the greatest treasures in the British Museum were acquired in circumstances that reflect little credit on the ethics or honesty of the 'finders'; today's 'keepers' therefore find themselves occasionally having to bat on an extremely sticky wicket and rely on stonewalling techniques. The wholesale plunder of antiquities in Egypt and Mesopotamia by the giant Italian, Giovanni Battista Belzoni, in the first decades of the nineteenth century was as unscrupulous then as it is indefensible today. Sir Aurel Stein's removal of a whole library of ancient Chinese documents from a sealed room in one of the Tunhuang Caves in China in 1907 was devious, to say the least, and has aroused considerable bitterness amongst the Chinese.

It is my belief, however, that the climate of opinion is now changing to one of greater willingness to consider, at least, the possibility of return of certain objects. Men of great distinction and renown in the world of scholarship, like the late Professor Glyn Daniel, for many years editor of *Antiquity*, have expressed themselves as being firmly on the side of restitution of *some* of the objects in Western museums to their place of origin, such as the Benin bronzes to Africa, or the Rosetta Stone to Egypt.

Obviously, this is not something which could, or should, be done overnight. Every single object has its own particular history, its own peculiar circumstances of acquisition, and the merits of each case must be weighed. These merits should obviously include such factors as the capacity of the home country to house, protect, study and display any material that is returned, just as much as the gratification of national pride or the soothing of national injury for political or sentimental reasons.

In this book, Dr Jeanette Greenfield has documented a great number of these cases, and takes the reader through the tangled legal undergrowth which surrounds them. She chronicles and analyses the work of international agencies like UNESCO and the various international conventions and resolutions which have been drawn up in an attempt to establish workable principles which all can follow. In her final chapter she offers her own working formula for the assessment and resolution of national claims for the recovery of historic treasures which might be considered to be 'cultural property'.

On the whole issue of cultural return there is often a confusion between historically removed objects and those objects which have been removed illicitly

in more recent times. The latter category is, on the whole, the easier to deal with through existing legal machinery. Historically removed objects, however, are harder to assess. It should be possible to claim legally all materials which have been taken by force, by unequal treaty, by theft or by deception; such material is more often than not held in state institutions. Dr Greenfield argues that the class of object in which title should not be deemed to have passed would be: (a) the historic records or manuscripts of a nation, including the narrative representation of its history in an art form which has been dismembered; (b) objects torn from immovable property forming part of the sovereign territory of the state whence they were taken; and (c) palaeontological materials.

It can be argued that many of the objects which were moved in the past were so removed for safe keeping, and that without that removal they would not now exist. That may well have been true then, but it does not necessarily pertain today. Can anyone argue that the Elgin Marbles are still so important to scholars of the history of Western art that it would be unsafe to return them? And now that the Rosetta Stone has been deciphered, is it anything more than a trophy of war?

One sometimes wonders whether the attitude of the British establishment to the return of cultural property would be different if Stonehenge had been sold abroad? The possibility actually arose in 1898 when Sir Edmund Antrobus offered to sell it to the British nation for £125,000. The offer was refused, and it was not until 1915 that it was bought by Cecil Chubb for £6,600; but it must be considered providential that there were no American millionaires around at the time who wanted to buy it at all costs, like London Bridge in 1968.

Dr Greenfield concludes her original and penetrating study with these words:

The case of the Icelandic manuscripts is the outstanding example of a major state-to-state return of cultural property. It was an unusually civilized and rational act in the face of all the common legal, political and historic arguments against return. With time, the view that certain major treasures selected under certain fixed criteria ought to be returned may not be regarded as the pipedream of misguided liberals and scholars . . . nor as a precipitate action which will cause the ultimate absurdity – the return of everything.

It is a view with which I find myself in total sympathy.

INTRODUCTION TO THE SECOND EDITION

Magnus Magnusson

Many events since the publication of the first edition of this book in 1989 have vindicated my belief that public attitudes towards the question of cultural return are changing – for the better. There have been many new instances to add to the original list cited. Let me give just a few:

- In 1990 Australia received its ‘birth certificate’ – the original vellum Australia Constitution Act (1901) which had ended its status as a British colony. Britain

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had resisted return because it would break an unbroken series of archives stretching back to the thirteenth century.

- International returns seemed to spur domestic sympathy towards the notion of cultural return and of respect for the special significance of artefacts to their creators. In 1991 a boomerang which had been found wedged in the Richmond corroboree tree (in Victoria) was returned to the elders of the Australian Aboriginal Wurrundjiri tribe to whom it belonged, after being held by the finder's family for sixty-five years!
- In 1991 a memorable return of books took place in Mainz. They had been part of a 10,000 volume library dating back to the sixteenth century, which had been in the castle home of the Sabatini family in the Abruzzi village of Pescocostanzo. The books disappeared during the German occupation in 1943. When news came that they were stored in the cellars of Mainz University, the descendants of the Sabatini family drove a removal van across the border to Germany to retrieve more than 1,000 volumes.
- In 1991 the impetus for returning bones gained in strength. At long last, the University of Edinburgh, which held one of the largest overseas collections of colonial skeletal remains, finally decided to return them to Australia.
- In 1993, after ninety-six years, the New York Museum of Natural History sent Eskimo bones back to Greenland for burial. The Eskimos had been brought as living specimens to New York by Admiral Robert E. Peary, where they had succumbed to illness and died.

Sometimes the matter of return has had to be put to legal test; but the results have been increasingly in favour of return:

- In 1993 the Whale House treasures belonging to the Tlingit Indians living in the village of Klukwan in south-east Alaska were the subject of a clan dispute which went to law. The artefacts – four carved house posts and a painted screen – have been called the American Indian equivalent of the Elgin Marbles, and described as the greatest works of art in the history of the north-west coast. In 1993 a tribal court ordered their return to the whole village after their removal to Seattle almost a decade earlier.
- Also in 1993 the six-year legal battle in New York between Turkey and the Metropolitan Museum over the Lydian Hoard (the gold of Croesus) ended in an agreement to return hundreds of antiquities taken from Turkish sites decades ago. In the face of mounting evidence regarding provenance, the Metropolitan was put in the position of having to make a return which, in terms of size and importance, was unprecedented. Only a few years ago museums would balk at making any return at all, but now the balance has shifted.

Dramatic political change has occasioned new destruction and loss but has also given rise to unexpected cultural returns. In 1993 a surprise agreement provided that Israel would return to Egypt thousands of antiquities recovered through excavations during its occupation of Sinai from 1967 to 1982.

The disintegration of the Soviet Union and other events in Eastern Europe, including the break-up of Yugoslavia and Czechoslovakia, have created new

cultural heritage issues. Russia has suffered the loss of many of its icons, while old wounds have been re-opened regarding the removal of many famous paintings to the USSR during the Second World War, as well as the plundering of Russian museums. Stories keep surfacing about the possible whereabouts in Russia of hidden treasure, such as the Schliemann Treasure (the Treasure of Priam).

Despite the occasional negative response to its ideas, this important book has turned out to be almost prophetic about the changed attitude, particularly over the return of native relics, and about extraordinary events such as the return of the Lydian Hoard from the Metropolitan Museum to Turkey. It is no exaggeration to say that the book anticipated, and probably influenced, a major revision of this subject in some quarters. In its innovative approach it successfully addressed a wide and disparate readership which was shown for the first time that a long, complicated and significant history lay behind the concept of cultural return.

It was Arthur C. Danto in his review (*The Times Literary Supplement*, 16 March 1990) who perhaps best understood the subtle spirit of the book when he referred to 'the rather morally beautiful idea' it contains: 'That certain objects belong by right to a culture, and that in certain circumstances this overrides rights of circumstantial ownership.'

From the successful outcome of the Icelandic manuscript story to the current claims for Hebrew manuscripts from the Vatican, the story of cultural restitution is moving full circle. This revised edition reconfirms this, not only as a work about cultural objects but also as a treatise about the philosophy of cultural identity which will continue to provide food for thought in the quarters where it can prove really nutritious.

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 1995

INTRODUCTION TO THE THIRD EDITION

Magnus Magnusson KBE

With this third edition of her monumental study of *The Return of Cultural Treasures*, Jeanette Greenfield is bringing the wheel of cultural fortunes towards its full circle.

So many of the murky areas of art removal and art plunder which she has illuminated so starkly now stand in much clearer light. In Iceland, for instance (my own particular 'specialised subject', I like to think), the story of the return of the precious Icelandic manuscripts from Denmark to her former colony is now complete; in 1997 the last batch of manuscripts was handed over by the Rector of the University of Copenhagen to the Rector of the University of Iceland at a ceremony at a scholarly symposium. It meant that no fewer than 1,666 manuscripts from the Arnarnagnæan Institute, and 141 from the Royal Library of Denmark, had been returned – a total of 1,807 in all.