

Give It Back or Get Out: Cultural Property “Battles,” Egypt, and the Musée du Louvre

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The Issue at Hand

On October 7, 2009, Zahi Hawass, the former Secretary General of Egypt’s Supreme Council of Antiquities (SCA), officially “sever[ed] ties” with the Musée du Louvre, one of the world’s preeminent museums (Schemm). Hawass’s decision was motivated by the Louvre’s refusal to return to Egypt four wall reliefs looted from a Luxor tomb during the 1980s. According to Hawass’ website, these reliefs or wall paintings were part of the tomb of 18th Dynasty nobleman, Tetiky, and their removal from the tomb and subsequent acquisition by the Louvre were discovered by Dr. Eva Hoffman’s Egyptology team from Heidelberg University, which had been studying the tomb in 2008 (Hawass, “Battle of the Louvre”).

In January 2009, Hawass made his first request for the repatriation of the reliefs, but the Louvre stalled the return, stating that the Scientific Commission and the French Ministry of Culture had to approve any repatriations; after waiting for nearly a year, during which time the Louvre reapplied for an archaeological excavation permit, Hawass made the dramatic move to suspend Egypt’s relationship with the Louvre (Hawass, “Battle of the Louvre”). As part of the severance package, Hawass halted a Louvre-sponsored excavation at the ancient city of Saqqara and canceled a lecture to be given by Christiane Ziegler, the former Louvre curator responsible for acquiring the reliefs in 2000 and 2003. Within two days, based on recommendations from a panel of 35 specialists, France’s Culture Minister, Frederic Mitterrand, capitulated to Hawass’s demands, agreeing to return five – not four – reliefs from the Luxor tomb. In the announcement of the decision to repatriate the wall paintings, Mitterrand also stated that they “were acquired by the Louvre in ‘good faith’ and that the decision to return them reflects France’s and the Louvre’s commitment of ‘resolute action against illegal trafficking of cultural goods’” (Charlton).

However, in spite of France’s promise that the reliefs would be returned, Zahi Hawass refused to lift the ban on Louvre excavations or to restore Egypt’s relationship with the Louvre until the reliefs were actually in Egypt’s possession again. On December 21, 2009, Hawass reported that the five Tetiky tomb

reliefs had been returned to Egypt and were being stored at the Egyptian Museum, Cairo, pending a decision on the feasibility of restoring the paintings to the tomb walls from which they were stolen (Hawass, “Tetiky Paintings”). At the same time that he reported the return of the reliefs, Hawass also announced that the Louvre’s excavation permits for Saqqara would be reinstated (Hawass, “Tetiky Paintings”).

Yet, Hawass’ demands for the return of cultural property to Egypt did not end with the Louvre. A mere two weeks after publicly severing ties with the Louvre, Hawass made a bid for the return of the Nefertiti bust on display at the Neues Museum in Berlin (Kimmelman). This was not the first time that Hawass, who believes the bust was spirited out of Egypt illegally, has requested its return. The Neues, meanwhile, argues that the Nefertiti bust arrived in Germany through completely legal channels, after Ludwig Borchardt, the discoverer of the bust, received permission from Egyptian authorities to transport it to Berlin in 1912 (Kimmelman).

These recent and prolific incidents highlight the incredibly complicated and volatile nature of cultural property, especially when that property is believed to be stolen and is demanded back by the country of origin. Egypt has long requested the return of materials tied to its cultural heritage, and, since his rise in influence, Zahi Hawass has become a particularly vocal advocate for the repatriation of Egypt’s cultural property. The Louvre, for its part, has been involved in acquiring stolen cultural items practically from its inception as France’s National Museum during the French Revolution, when it was the practice of those overseeing the Museum to take possession of art actively confiscated from French royalty and, later, during military expeditions (Oliver).

This paper will examine the issues surrounding the debates over cultural heritage, stolen cultural property, and ownership as these issues relate to the most recent international disputes between the art/artifact-rich nation of Egypt and art/artifact-importing museums. It will also be the purpose of this paper to discuss the tendency to frame disputes over cultural property as “wars” or “battles,” the arguments for and against repatriation, the rise of repatriation requests and legislation, and possible ways

to resolve cultural heritage conflicts. Particularly, in addressing these issues, this paper will focus on Egypt and the Louvre.

Collecting and the Louvre: A Sordid History of Pilfering and Excavations

On September 19, 1792, in the midst of the French Revolution, the Louvre Palace “was designated as the Museum of France to house the collections of royal, ecclesiastical, and émigré art works” (Oliver 4). In spite of the turmoil created by the Revolution, the newly formed National Assembly legally decreed the Louvre to be France’s National Museum, because Jean Roland, the Minister of the Interior, urged the revolutionary government to recognize the necessity of dedicating a place to the preservation of France’s cultural heritage: “this national monument must show the great riches of the nation...France must extend its glory through the ages to all people...[The museum] will become one of the most powerful means of illustrating the French Republic” (qtd. in Oliver 22). Indeed, in the course of the following two centuries, Roland’s vision for the Louvre as a monument to France’s artistic history has been realized, as the Louvre possesses wide collections of decorative arts, paintings, prints, drawings, and sculptures created by French artisans and artists, spanning the period from the Middle Ages to the nineteenth century (Musée du Louvre, “Collection: Overview”). However, for the purposes of this paper, it is far more fascinating to discuss how the Louvre branched out from its original mission to collect art works integral to France’s cultural heritage. To understand the Louvre’s expansive collection of non-French works of art, though, requires an examination of how the revolutionary government first amassed its French collection.

From its inception as France’s national museum, the Louvre has dabbled in what amounts to trade in stolen cultural property; the initial French collection at the Louvre simply represented personal and private property that the revolutionary government seized “first from the church, then from émigrés, and thereafter from the academies and the Crown” (Oliver 22). As early as January 1794, the Conservatoire, the governing body of the Louvre, had expanded its mission beyond the collection of French works:

The national museum’s mission, other than instructing those who came to view or to study the collections, included saving the art treasures already confiscated as well as those soon to be arriving from foreign conquests. The revolutionary government perceived the *Muséum Français*

as a place where much of the world's great art could be protected, restored, and displayed in the best possible manner... (Oliver 39)

Based on the museum's re-focused mission, the new French government ordered the confiscation of foreign art works while its army was engaged in military expeditions abroad. These military tours and the pieces of art subsequently looted during the tours fed the Louvre's collection for the next decade, as military convoys returned with confiscated treasures from Belgium and then, under the leadership of Napoleon Bonaparte, from Parma, Lombardy, Rome, and Venice in Italy (Oliver 41, 46-50). Such large-scale looting even led to the creation of a song celebrating Napoleon's confiscatory victories in Italy: "Rome is no more in Rome/It is all in Paris" (qtd. in Oliver 50).

Napoleon then turned his sights on Egypt. Ironically, however, Napoleon's campaigns in Egypt did not result in the widespread confiscation of art that had occurred in Belgium and Italy. Rather, based on recommendations from a group of cultural and scientific attachés who joined Napoleon, the 1798 expedition to Egypt led to the development of the Institute of Egypt at Cairo, which was designed to "propagat[e] European culture and ideas to the East" (Oliver 58). Although Napoleon's scholarly companions did collect Egyptian artifacts during the 1798 expedition, these items, the most famous being the Rosetta Stone, did not make it back to the Louvre; instead, they were in turn confiscated by the British army, which was also campaigning in the region (Musée du Louvre, "Egyptian Antiquities: Introduction").

Not until Napoleon's second defeat in 1815, did the rest of the European powers officially recognize the culturally destructive nature of France's military campaigns and begin to address the issue of repatriating cultural property to countries of origin:

Thousands of confiscated treasures from Western Europe were proudly displayed (at the national museum and library) for all the world to see, but the allied representatives gathered at the Congress of Vienna had no intention of allowing *their* cultural property to remain in Paris and demanded the return of these "military trophies." Within the space of three months perhaps *half of what had been collected since 1793 was sent back to its country of origin. However, a great deal remained in the Louvre*, thanks to the efforts of Denon [then director of the Museum], bureaucratic obstruction, and diplomacy. Some paintings escaped repatriation because they were being restored; others were found to be inaccessible or "lost." (Oliver 67) [emphases added]

The Duke of Wellington decried Napoleon's actions as "contrary to the principles of justice and the rules of modern war" (qtd. in Oliver 69). This reaction to Napoleon's looted spoils of war directly informed subsequent attempts to protect materials of cultural heritage during wartime or conflict, for example the Hague Convention (Oliver 69). With the Congress of Vienna, therefore, the decision to request repatriation and to honor repatriation requests seemed intricately tied to the right of countries of origin to the properties in question. However, this did not stop the Louvre from keeping a large portion of what it had already acquired.

Thus, the Louvre has a long and sordid history of collecting by confiscation. However, the Louvre itself emphasizes that this method was not used when collecting Egyptian antiquities (although perhaps more accurately, France did not get the opportunity to install confiscated Egyptian antiquities at the Louvre because they were first stolen by the British army) (Musée du Louvre, "Egyptian Antiquities: Introduction"). The Egyptian artifacts that made their way into the Louvre's collection prior to Napoleon's campaigns did so through the revolutionary government's confiscation of royal collections. In fact, the Louvre's Egyptian Antiquities collection was not officially established until December 15, 1826, after newly appointed Egyptian antiquities curator Jean-François Champollion oversaw the purchase of the Durand, Salt, and Drovetti private collections (Musée du Louvre, "Egyptian Antiquities: Introduction"). By 1827, approximately 9,000 Egyptian artifacts had arrived at the Louvre; the collection again expanded between 1852 and 1868 with the arrival of the private collections of Dr. Clot, Count Tyszkiewicz, and Delaporte (Musée du Louvre, "Egyptian Antiquities: Introduction"). The Louvre has admitted that the provenance of these private collection items "generally remains unknown" (Musée du Louvre, "Egyptian Antiquities: Introduction").

Aside from purchasing collections, the Louvre also became involved in Egyptian excavations in the middle of the nineteenth century. Sent to Egypt for the purpose of buying some Coptic manuscripts for the museum collection, Louvre assistant August Mariette instead spent his purchase money on an excavation at Saqqara, effectively initiating the Louvre's long archaeological investment in the ancient city (Weeks 10). Mariette followed his dig at Saqqara with excavations at Thebes, Abydos, Edfou, and

numerous other sites (Weeks 10). Through this early wave of excavations, the Louvre acquired a large number of Egyptian antiquities; this system called *partage* allowed foreign excavators to keep some of the materials they excavated after sharing their discoveries with the host country (Cuno xxxiii). In the space of one year (1852-1853), Mariette alone increased the Louvre's Egyptian holdings by 5,964 objects (Musée du Louvre, "Egyptian Antiquities: Introduction"). Although now heavily criticized for his destructive excavation techniques, at the time, Mariette received high praise for his attempts to excavate scientifically; indeed, the Egyptian ruler at the time named Mariette the Conservator of Egyptian Monuments, after which Mariette founded the Egyptian Museum in Cairo, developed guidelines for properly excavating sites, and "clamp[ed] down" on looting from Egyptian sites (Weeks 10-11).

Since the windfall that early excavations of Egyptian sites produced, the Louvre has steadily increased its Egyptian Antiquities collection through gifts and purchases; today, the Louvre Egyptian collection features objects ranging in dates from ca. 4,000 B.C. to the fourth century A.D. (Musée du Louvre, "Egyptian Antiquities: Discover"). According to one article, the Louvre's Egyptian Antiquities collection today includes approximately 35,000 objects, a large number that is nevertheless dwarfed by the 90,000 objects and 60,000 objects owned, respectively, by the British Museum and the Museum of Fine Arts in Boston (Kozloff 149, 150).

Egyptology and Egyptian Cultural Identity

The rise of Egyptology as a field did not begin with Egyptian scholars. Rather, Jean-François Champollion, the Louvre's first curator of its Egyptian Antiquities collection, is recognized as the father of Egyptology, as it was his deciphering of the hieroglyphic writing system in 1822, by way of the Rosetta Stone, that allowed the study of Ancient Egypt to advance beyond the un-scientific fascination with and collection of the riches and monuments left behind by pharaohs of millennia past (Haikal 123). Indeed, from Napoleon's 1798 expedition to Egypt until the 1952 Egyptian revolution, France played a central role in the study and protection of Egyptian cultural property (Haikal 123, 124). It was not until Champollion urged Egyptian Viceroy Mohammed Ali Pasha to establish the Service des Antiquités Egyptiennes in 1835, that a governing body existed "to try to control the traffic of antiquities in and out of

Egypt” (Haikal 123). Prior to (and even following) the founding of the Service, collectors and explorers of Egypt’s past were infamous for their destructive techniques - dismantling entire monuments, using gunpowder to blow open structural entrances, and digging and plundering indiscriminately, without consideration for provenance or original contextual evidence (Weeks 9). Moreover, the interest in Egyptian antiquities from European private collectors drove many Egyptians to loot monuments and sites for objects to sell to visiting tourists (Weeks, 9).

James Cuno, president and director of the Art Institute of Chicago, argues in *Who Owns Antiquity?* that Egyptians did not become fascinated with Egypt’s ancient, pre-Islam history until Europeans began expressing profound interest in and demand for Egyptian antiquities; this led to the rise of “Pharaonism” among Egyptians (10). In “Egypt’s Past Regenerated by Its Own People,” Egyptologist Fayza Haikal suggests that Egyptians’ lack of interest in their country’s past stemmed from the fact that, in becoming “Arabized,” the country had lost connections with its pre-Islamic culture and language (123). Kent R. Weeks, another Egyptologist, however, attributes Egyptians’ lack of interest in the Egyptian past to the established European bureaucracy which, for the most part kept Egyptology out of Egyptian schools, fearing both nationalist insurgency and lost control over Egypt’s prized antiquities (Weeks 20).

France’s involvement in Egypt’s cultural heritage continued with Mariette’s excavations in the 1850s and his subsequent appointment as Conservator of Egyptian Monuments and the establishment of the Egyptian Museum in Cairo. It was not until the 1950s, following several reorganizations, that the Egyptian Museum, Cairo, and the Service des Antiquités Egyptiennes actually fell under the directorship of Egyptians – the Cairo Museum in 1950 to Mahmoud Hamza and the Service in 1952 to Mostapha Amer (Haikal 124). Yet, while France (and Britain) still held tremendous sway in Egypt, several Egyptian scholars did join the efforts to study and preserve Ancient Egyptian culture. For example, referred to “as the father of Egyptian Egyptology,” Ahmad Pasha Kamal worked at both the Service and the Cairo Museum in the late nineteenth and early twentieth centuries, and he is revered for his contributions to excavations and in the translation of the Ancient Egyptian language (Haikal 124, 125). In “Egypt’s Past Regenerated,” Haikal further suggests that the Egyptian re-investment in Ancient Egyptian culture

coincided with Howard Carter's excavation of Tutankhamun's tomb in 1922, an event that spawned the "Egyptomania" movement in Egypt as well as abroad (126). However, in Egypt, "Egyptomania" differed vastly from that experienced in other countries:

It [Egyptomania in Egypt] was certainly not a search for exotic mystery, esotericism, or even for the simple admiration of the beauty and contribution to the world of a great civilization: *the "Egyptian Revival" was rather a search for a long-lost identity, yearning stimulated also by the shock of the encounter with another culture. It represents a longing for a time in which Egypt was great and admired, not subdued by foreign powers...* (Haikal 127) [emphasis added]

Thus began Egypt's love affair with its own past and the concurrent attempt to establish a cultural identity that was intrinsically wrapped up in the material culture of Ancient Egypt – the country's cultural heritage – rather than the country's colonization by European forces.

Following the 1952 revolution, the Egyptian government finally gained control over the country's monuments and the Service des Antiquités Egyptiennes, which later morphed into the Egyptian Antiquities Organization, after which it finally came to be known as the Supreme Council of Antiquities (SCA) (Weeks 20; Haikal 124). Furthermore, since the 1952 revolution, numerous archaeology departments and Egyptology courses and new museums have been established in Egypt. Cairo University, the American University in Cairo, and other national universities graduate between 400 and 500 students of Egyptology each year (Haikal 127). Meanwhile, the Egyptian Museum, Cairo, home to more than 120,000 Egyptian artifacts, has been joined by the Coptic Museum, the Luxor Museum, the Mummification Museum, the Merenptah Temple Museum, the Imhotep Museum, and the Nubia Museum, among others; additional museums in the planning and building phases are the Grand Egyptian Museum at Giza, the Akhenaten Museum in Minya, and the National Museum of Egyptian Civilization, designed to display collections that have been stored in the Cairo Museum's basement for the past 50 years (Kozloff 146-147).

In spite of the plethora of Egyptology programs and museums present in Egypt, Weeks reports that the majority of archaeological expeditions in Egypt are still undertaken by non-Egyptian entities, estimating that as many as 90 foreign-sponsored excavations take place each year, many focusing on sites that do not represent traditional Egyptian excavations (Weeks 20, 21). Additionally, in her article

“Ancient Egypt in Museums Today,” former Cleveland Museum of Art curator Arielle P. Kozloff quotes Minister of Antiquities, and former SCA Secretary General, Zahi Hawass as saying:

The biggest challenges facing museums in Egypt are the lack of trained curators, and the lack of modern collections management systems. We are addressing both of these issues through ongoing projects. ARCE [the American Research Center in Egypt] is sponsoring a museum training project at the Egyptian Museum, Cairo, which will develop a new collections management system for this museum, set up a registrar’s office, and train a group of young registrars. A team is currently building a new database for the museum that will form an essential part of the new system. This initiative will cover the Luxor Museum, the Nubia Museum, and the new Imhotep museum. (147-148)

Yet another training program has been established with the British Museum (Kozloff 148). In spite of ongoing struggles, Egypt’s domestic efforts to establish Egyptology programs, to build museums to house cultural materials, and to invest in the training of professional curators and collections managers demonstrates a desire to study, protect, and preserve the physical aspects of its cultural heritage, properties that many Egyptians today deeply associate with their national and cultural identity.

Egyptian Legislation and the SCA

Aside from protecting its cultural heritage through the creation of educational and training programs and the building of museums, Egypt has long been party to domestic and international legislation concerning cultural property. Additionally, through its Supreme Council of Antiquities (SCA), Egypt has a long history of raising awareness about the protection of cultural property. In 1835, Egypt passed its first antiquities law, which subsequently went through five sets of revisions, the most recent incarnation being Egyptian Law No. 117, passed in 1983, that officially prescribed all Egyptian antiquities as state property and branded their illicit removal from the state after 1983 as theft (El-Aref, “Hands Off”). As recently as March of 2009, new legislation was under review which would more stringently protect Egyptian cultural heritage, forcing Egyptian owners of antiquities to hand these items over to the SCA, dramatically increasing the penalties for smuggling and stealing antiquities (life imprisonment and a substantial fine in the case of smuggling), and placing copyright restrictions and fees on replicas, photographs, and logos (El-Aref, “Hands Off”). In early February of 2010, legislation amending Egyptian Law No. 117 was passed by the People’s Assembly, potentially landing anyone

convicted of smuggling Egyptian cultural property with a fifteen-year sentence and nearly twenty-thousand-dollar (U.S.) fine (El-Aref, “No More Trafficking”). Moreover, the new legislation essentially assigns the copyright of museum logos and photographs and replicas of Egyptian antiquities to the Supreme Council of Antiquities, while also repealing the right of *partage* that allowed foreign excavating teams to keep 10 percent of the objects they found (El-Aref, “No More Trafficking”). In addition to these domestic laws, on May 4, 1973, Egypt accepted and became a state party to the 1970 United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO).

Egypt further attempts to control the destruction and loss of its cultural property under the auspices of its Supreme Council of Antiquities (SCA). As an agent of the Egyptian government, the SCA is “concerned with – and responsible for – all aspects of running the Cultural Heritage of the Country; being in charge of its welfare, management, protection, conservation, preservation, exhibiting, documentation, research and media presentation” (Eternal Egypt). As such, the SCA oversees Egypt’s monuments, museums, and any archaeological excavations undertaken in the country, issuing permits to approved expeditions (Weeks 20). Since the amendments to Law No. 117 passed in February of 2010, the SCA’s powers with regard to the protection of Egypt’s cultural property have been further expanded. Egypt’s commitment to protect and stem the illicit removal of its cultural heritage from its borders is thus readily observed in the powers granted to the SCA and the enactment of domestic or acceptance of international cultural property laws.

Egyptian Repatriation Requests and Zahi Hawass

In spite of Egypt’s attempts to protect its cultural property, the looting and smuggling of Egyptian antiquities is still a serious problem that is considerably compounded when considering the span of history during which Egyptian antiquities have been the subject of collectors’ fascination and looters’ greed. Given the abundance of stolen Egyptian cultural property still in circulation or in collectors’ – public and private – hands, Egypt has from time to time made bids to retrieve these items illicitly removed from its borders. As early as 1935, the Egyptian government, in an attempt to reclaim cultural

property lost during the country's subjugation by foreign powers, "advised the British Foreign Office that antiquities would only be exported on a 'system of exchange, i.e. that Egypt must have in return something which she required in the way of art, science, natural history, etc., but not necessarily antiquities'" (Vrdoljak 87). Since that time, Egypt's requests, or in some cases demands, for the return of certain cultural properties have only increased in number, especially once Dr. Zahi Hawass, Egypt's current Minister of Antiquities, was named Secretary General of the SCA in 2002 (Hawass, "Biography").

In his book *Secrets from the Sand*, Hawass identifies tourism, urban development, improper archaeology, and theft as the most prevalent threats to Egypt's cultural heritage although he gives the most space to theft, which has been a problem since the pharaohs ruled Egypt (246-251). According to Hawass, in order to reduce the rate of thefts, scholars and the government "need to focus on educating the public and strengthening Egypt's economy so that people have less need to enter the antiquities trade and more incentive to work with the Antiquities Department" (Hawass, *Secrets* 250). Furthermore, Hawass commends museums that have repatriated stolen cultural property, while he simultaneously laments the fact that many items remain in the collections of museums outside Egypt. In particular, Hawass focuses on the Nefertiti bust that currently resides in Berlin, suggesting that Borchardt obscured the bust with mud so that the Egyptian Antiquities Department would relinquish the bust in preference to keeping other, more "exquisite" artifacts discovered during the excavation (Hawass, *Secrets* 251). Hawass additionally notes that the Egyptian government has requested the return of Nefertiti since before Hitler rose to power in Germany, but these requests have never been granted, nor have those for the return of the Rosetta Stone from the British Museum (Hawass, *Secrets* 251).

Since his appointment as Secretary General of the SCA, Hawass has been an incredibly vocal advocate for the repatriation of Egypt's cultural property; he has made repeated requests for the return of the Nefertiti bust, the Rosetta Stone, the Ka-Nefer-Nefer mask, and numerous other items of cultural property although many of these requests have fallen on deaf ears, forcing Hawass to take action against some foreign entities who did not cooperate. He has in the past, as more recently with the Louvre,

suspended archaeological expedition permits for the Saint Louis Art Museum, Oxford's Ashmolean Museum, and the Royal Art Museum in Brussels, among others (Hawass, "Press Release-Egypt").

Repatriation Arguments

So, where does the most recent incident between Egypt and the Louvre fit into the ongoing international debate over cultural property? According to Karen J. Warren, a philosophy professor who specializes in ethics, there are traditionally six arguments against cultural property restitution and repatriation claims: the rescue, foreign ownership, humanity ownership, means-end, scholarly access, and encouragement of illegality arguments (Warren 3-8). Moreover, Warren details three arguments in support of cultural property repatriation claims: the cultural heritage argument, the country of origin ownership argument, and the scholarly and aesthetic integrity argument (Warren 8-10). It is not the purpose of this paper to discuss each argument, but connections certainly exist between a number of these arguments and the recent Louvre/Egypt case. For example, France's claim to have purchased the reliefs in "good faith" directly references the foreign ownership argument as justification for holding in its possession stolen artifacts, while Hawass's request for the reliefs' repatriation is founded on the cultural heritage and country of origin ownership arguments. Yet, the use of these arguments has a much longer history than the recent Louvre/Egypt case.

Arguments against Repatriation

France's confiscation of cultural property during revolutionary and Napoleonic expeditions and the subsequent forced repatriation of many of these items by the 1815 Congress of Vienna exhibit the earliest uses of some of the arguments described by Warren. In attempts to justify its confiscation of cultural property and to keep the confiscated items, the French government argued that, in acquiring these cultural properties, France had ensured their protection and preservation in the Louvre because, otherwise, they would have been destroyed and lost in their countries of origin (Vrdoljak 24); France had done the world a service by "rendering them accessible to the masses" in the centrally located Louvre (Vrdoljak 25); and France had effectively made the properties an integral part of France's own national identity

(Vrdoljak 29). Thus, the French bid to keep these cultural items heavily relied on variations of Warren's rescue, humanity ownership and scholarly access, and foreign ownership arguments.

Two centuries later, the Louvre continues to make similar justifications for the collection of foreign cultural property. Former French Culture Minister, Renaud Donnedieu de Vabres saw the Louvre as "an essential instrument for the dialogue of cultures and the preservation of their diversities" (qtd. in Oliver 81). Current Culture Minister, Frederic Mitterrand, in his announcement that the Louvre would be returning the five reliefs also argued that they had been purchased in "good faith" (qtd. in Charlton). Of course, de Vabres' statement hints at Warren's rescue argument, while Mitterrand's insistence on a "good faith" purchase refers to the argument of foreign ownership (*i.e.*, we bought it fair and square, so it should be ours). Nevertheless, Mitterrand did not use the "good faith" argument to keep the reliefs; rather, it was provided as a justification for the presence of looted materials in the Louvre's collection.

Additionally, museum professionals and scholars today continue to argue against the repatriation of antiquities such as those at the center of the recent Egypt/Louvre case by using what Warren refers to as the humanity ownership argument. In his book *Who Owns Antiquity?*, James Cuno, president and director of the Art Institute of Chicago, bases his entire argument against the repatriation of cultural property to countries of origin on the concept that these antiquities belong to all humankind:

Antiquity cannot be owned. It is our common heritage as represented by and in antiquities and ancient texts and architecture. We should be working together to preserve and share it broadly as what is surely our common ancient heritage. That discrete antiquities have been found within the borders of a particular modern nation-state is a matter of chance. There is no natural and indelible connection between antiquities and modern nation-states. The battle over our ancient heritage today is over false claims of ownership. It is a matter simply of politics. (Cuno 20)

Cuno thus denies that countries of origin can lay claim to certain antiquities because the modern societies that inhabit those countries do not share a cultural identity with the ancient societies that once inhabited the same geographic space. He makes specific reference to Egypt in making this argument:

Antiquities are often from cultures no longer extant or of a kind very different from the modern culture claiming them. What is the relationship between, say, modern Egypt and the antiquities that were part of the land's Pharaonic past? The people of modern-day Cairo do not speak the language of the ancient Egyptians, do not practice their religion, do not make their art, wear their dress, eat their food, or play their music, and they do not adhere to the same kinds of laws or

forms of government the ancient Egyptians did. All that can be said is that they occupy the same (actually less) stretch of the earth's geography. (Cuno 9-10)

Cuno explicitly argues that sharing geographical space, separated by hundreds or thousands of years, cannot serve as the foundation for a shared cultural identity and, therefore, should not be the basis for countries of origin claiming antiquities as their cultural property. Instead, Cuno suggests that, in the debate over who owns the past, John Henry Merryman's "triad of regulatory imperatives" be invoked (qtd. in Cuno 13). The triad, consisting of "preservation, truth, and access," poses certain questions (qtd. in Cuno 13). How will the object in question and its context be best preserved - by foreign institutions or by a country of origin's institutions? How can the object and its context best serve the search for knowledge? And, how can the object be made the most accessible to scholars and the public? Through his answers to these questions, Cuno suggests that antiquities can be better preserved, can provide more information to the base of knowledge, and can be more easily accessed if they are not solely possessed by their countries of origin. By focusing on preservation, knowledge, and access, Cuno argues, the debate over antiquities should abandon questions of ownership for questions of stewardship, and thus, rely on the concept that antiquities are a part of humanity's, and not any one nation's, cultural heritage (Cuno 13).

Arguments for Repatriation

In ordering the repatriation of cultural properties confiscated by France during its revolutionary and Napoleonic eras, the 1815 Congress of Vienna recognized that cultural objects are "inseparable [*sic*] from the country to which they belong" and, as such, must be restored to their places of origin (qtd. in Vrdoljak 26). The Congress of Vienna's decision therefore directly relates to Warren's cultural heritage and country of origin ownership arguments. Two hundred years later, Egypt continues to make claims for the restitution of cultural property based on the cultural heritage and country of origin ownership arguments first propagated by the 1815 Congress of Vienna. In *Secrets from the Sand*, following his description of certain Egyptian artifacts located in museums abroad, Zahi Hawass expresses a fervent wish: "I hope to one day see all these artifacts back in their motherland..." (Hawass, *Secrets* 251). Hawass clearly sees such artifacts as belonging to Egypt because they were born (produced) in Egypt; it is

this belief that ultimately drives Hawass' claims for repatriation. Additionally, Egyptian Law No. 117, which gave state ownership to all Egyptian antiquities, represents a direct move by the Egyptian government to lay claim to all Egyptian cultural properties. And, international entities are beginning to recognize Egypt's ownership rights to its materials of cultural heritage; in 2002, based on Law No. 117, a U.S. court convicted New York antiquities dealer, Frederick Schulz, of "conspiring to smuggle and possess looted Egyptian artifacts" (Kozloff 152).

Cultural Property "Battles"

The recent Egypt/Louvre case not only speaks to arguments used for and against repatriation in the international debates over cultural property. In her article detailing these various arguments, Warren also describes how the ongoing debates over cultural heritage have been carried out within an aggressive conceptual framework that construes such debates "as basically a dispute about ownership, property, and rights" that in turn "encourages a resolution of conflicts over cultural properties from a value-hierarchical, win-lose perspective" (Warren 16). The recent Egypt/Louvre case fits snugly into such a framework, as media covering the event simultaneously characterized the situation as a petty and potentially violent conflict: "Egypt Snubs the Louvre over 'Stolen' Artifacts," "Egypt Severs Ties with Louvre over Artifacts," and "France to Return Egyptian Art after Louvre Row" (Charlton).

The tendency to frame such debates as conflicts is more overtly captured in the *New York Times* article "When Ancient Artifacts Become Political Pawns," where journalist Michael Kimmelman referred to the Egypt/Louvre situation as "another skirmish" in the "culture wars" (1). Kimmelman further suggested that Hawass' requests for the repatriation of the reliefs and Nefertiti bust were possibly politically motivated acts of vengeance after former Egyptian Culture Minister Farouk Hosni lost the election for UNESCO's director general seat following a scandal in which he made anti-Semitic remarks. Kimmelman therefore claimed:

The country's only potent *weapon* left may be antiquities. It plays to popular sentiment and national pride. While the art world likes to ponder the merits or misfortunes of seeing art from one place in another place or the inequities that have resulted from centuries of imperialist collecting, the real issue behind the Egyptian claims, as with so many others, is nationalism. (1) [emphasis added]

Zahi Hawass denied that his decisions to suspend Egypt's relationship with the Louvre or to request the repatriation of the Nefertiti bust were motivated by anything other than the desire to have Egypt's cultural heritage returned to Egypt, and instead claimed that the initial request for the reliefs was issued in January 2009, long before Hosni lost the UNESCO seat (Hawass, "Press Release-Egypt").

However, Hawass was himself guilty of operating within the aggressive conceptual framework that characterizes cultural heritage debates as disputes over property. On his website, immediately following France's announcement of its decision to repatriate the reliefs, Hawass wrote a blog entry titled "Battle of the Louvre," in which he stated that the decision to return the reliefs made him "very happy" and that he "hope[d] this story will be a warning to everyone, all museums and archaeologists, Egyptians and foreigners, not to deal in stolen antiquities" (Hawass, "Battle of the Louvre"). Hawass thus viewed this incident between Egypt and the Louvre as a conflict-oriented lesson, one in which there was an obvious winner – Egypt – and an obvious loser – the Louvre.

In his discussion of who owns the past, Cuno also raises the issue of cultural property being used to serve political agendas:

National cultures are contested within and from outside a country. They are defined by and are meant to sustain the powerful elite within a nation, and they are defined by others as a way of distinguishing one national culture from another: ours from theirs. Antiquities play a role in this, either because the people of a modern nation feel a direct, racial link to those earlier peoples, or because more frequently a modern nation derives a particular (modern) benefit from them. That benefit may be financial, in terms of tourism, or political: important archaeological remains give a modern nation a place of prominence at international forums (such as UNESCO) that it might not otherwise have for its lack of political, economic, military or strategic importance in the world's affairs. (Cuno 12)

In effect, according to Cuno, "Possession is power" (Cuno 15). As evidenced by media coverage of the Egypt/Louvre event, Zahi Hawass' own characterization of the event, and James Cuno's discussion of antiquities, claims to cultural property are often framed as arguments that make use of hostile language and that imply nationalistic motivations behind requests for repatriation.

Inconclusive Conclusions

The incident between Egypt and the Louvre ultimately raises several serious questions for which there may be no concrete answers. Are the arguments used to justify the retention or repatriation of materials of cultural heritage valid? Is it appropriate to characterize international repatriation negotiations as battles or win-lose scenarios? Can repatriation discussions and repatriation itself be carried out in less hostile, more cooperative ways? And, ultimately, did the Louvre make the right move in deciding to repatriate the Luxor tomb reliefs to Egypt?

First, it seems the Louvre legally made the correct choice by agreeing to repatriate the reliefs to Egypt. The reliefs were removed from their Luxor tomb and Egypt in violation of Egyptian law, and, by repatriating the reliefs, the Louvre essentially recognizes that Egyptian law takes precedence over the museum's claims to ownership. Furthermore, as a ratifying state party to the 1970 UNESCO Convention, France has an obligation to repatriate cultural objects illicitly removed from the borders of other states parties to the Convention, including Egypt (UNESCO). By recognizing Egyptian law and participating in the restitution of this stolen cultural property, the Louvre and France have acknowledged that a country of origin has a right to make claims of ownership on material culture that formulates an integral component of that country's cultural heritage and cultural identity. Of course, remembering Cuno, this raises the question of whether the Egyptian government today, based on the assumption of shared cultural identity, even has a right to claim as its own, material culture from a society which was not the cultural antecedent of modern Egyptian society.

By necessity, we also must ask if Zahi Hawass' requests for the repatriation of these reliefs were motivated by anything other than a nation's desire to have back in its possession stolen materials it sees as essential pieces of its cultural identity. In short, did the Egyptian government use repatriation as a mechanism for political revenge or to gain some future political or financial advantage? If so, the Louvre's decision to repatriate, while legally right, may have been inappropriate, as such politically- or financially-motivated requests for repatriation suggest that, unlike mission-oriented museums, the country of origin does not value the preservation and public enjoyment of its cultural patrimony above its own

national interests. Yet, if the Egyptian government did have nationalistic motivations behind its requests for repatriation, France may have had similar motivations behind its decision to repatriate. It must be recognized that the Louvre did not commit to the repatriation of the reliefs until the museum's access to numerous other antiquities and historical information within the borders of Egypt was threatened by Zahi Hawass' suspension of the archaeological and museological relationship between his country and the Louvre. As such, the Louvre's actions can be interpreted as an institutionally-interested means to preserve access to Egypt's treasures, which often make their way to foreign museums in the form of traveling exhibitions.

Of course, the Egypt/Louvre repatriation case can be examined beyond the questions of legality and ownership rights. A museum facing a repatriation decision may raise concerns over the country of origin's ability to protect and preserve the cultural property once it is returned. Had Zahi Hawass not taken such dramatic action, the Louvre may have declined the request for repatriation out of concern for the antiquities' well-being. As mentioned earlier, Hawass himself has suggested that Egyptian museums face a shortage of properly trained curators and collections managers, as well as acceptable collections management systems (Kozloff 147-148). Additionally, the Egyptian Museum, Cairo, has been criticized for being too small to house the collections it has now (Haikal 124) without seeking the repatriation of further objects, as it has been forced to store many of its collections in its basement for the last 50 years (Kozloff 147).

Indeed, concerns over Egypt's ability to safeguard its cultural property have been legitimized by the looting and vandalism that have coincided with the revolution that began in Egypt in late January 2011 to oust former president Hosni Mubarak. Almost immediately after the political protests started, so did the looting. And soon after, Zahi Hawass issued press releases detailing the damage that had been done. On January 28, 2011, looters broke into the Egyptian Museum, Cairo, damaging 70 objects on display; simultaneously looters robbed storage facilities at Qantara and broke into tombs at Saqqara (Hawass, "The Situation" and "February 2, 2011 - The State of Egyptian Antiquities"). Early reports from Hawass, however, were optimistic, as he reported that some objects were immediately returned, that

damaged artifacts could be repaired, and that the Egyptian military was protecting sites from further looting and vandalism (Hawass, “State of Egyptian Antiquities – 3 February 2011”). Yet, it quickly became clear that objects were missing from the Egyptian Museum, Cairo, and that looters had broken into additional artifact storage facilities and royal tombs, an activity that only increased with Mubarak’s resignation (Hawass, “Sad News” and “The Status”). It is now evident that nearly 40 objects are missing from the Egyptian Museum, Cairo, and around 800 objects were taken from the storage facility in Qantara (Hawass, “A Call to Protect Egyptian Antiquities” and “An Update on Qantara East”). The Tetiky tomb reliefs, housed at the Egyptian Museum, Cairo, as of late December 2009, have not appeared on circulating lists of objects stolen from the Museum.

From the very beginning of the revolution-associated looting, Egypt’s ability to care for its cultural property, including repatriated pieces, was questioned by some:

These events make Mr. Hawass's quest to return all Egyptian objects to Egypt misguided or at least poorly timed. Last week he again demanded the return of the bust of Nefertiti from Berlin. The Rosetta Stone in the British Museum has long been on Mr. Hawass's wish list, along with the Zodiac Ceiling in the Louvre and statues in Boston's Museum of Fine Arts and museums in Hildesheim, Germany, and Turin, Italy. And a few weeks back he complained bitterly that the obelisk known as Cleopatra's Needle, a gift to the U.S. from the Khedive of Egypt that has graced Central Park since 1881, was in poor condition and might have to be reclaimed. He has made similar demands for the repatriation of Egyptian artifacts around the world, whether purchased, donated or stolen. But can Egypt even look after what it has? This question is now out in the open. (Joffe)

And, considering the effects of the recent Egyptian revolution on the cultural property currently in the country, it is a legitimate question to ask whether objects repatriated to Egypt would fare any better in the face of ongoing political instability. The answer, unfortunately, is probably not. But, what country can make unequivocal assurances of the safety of its cultural property? Furthermore, we must consider that it is perhaps not particularly useful to judge a country’s care of its cultural property on an event that is beyond the control of those individuals responsible for managing the country’s collections.

In spite of the very real and valid concerns for the safety of Egyptian cultural properties, Egypt, especially through the work of the SCA, has made concerted efforts to improve its care for its cultural property. New museums are in the planning and building phases, which would greatly expand the space

available to house cultural artifacts. Perhaps somewhat ironically, these museums are being funded through object and exhibition loan fees paid by borrowing institutions abroad (Kozloff 147). Apparently the goal is to loan the objects now so they have a safe place to return to once the new museums are built. As mentioned before, Egypt's initiatives to improve the care of its cultural property have also been evidenced by museum training programs that have been developed in conjunction with the American Research Center in Egypt and the British Museum (Kozloff 148). Furthermore, in the case of the recent looting activities associated with the January 2011 revolution, it appears that museum and antiquities ministry staff did their best to protect the cultural property for which they were responsible, given an impossible situation over which they had no control. Tourist police officers as well as members of the protesting public helped apprehend looters and blockade the Egyptian Museum, Cairo, following the break-in on January 28 (Hawass, "The Situation"). And, as soon as they were permitted back into museums and storage facilities, staff undertook inventories, while conservators immediately set to work repairing damaged artifacts (Hawass, "Restoration" and "Sad News"). Additionally, it must be noted, that in spite of the large numbers of missing objects, progress continues to be made on their recovery.

Moreover, while some Egyptian antiquities may be better protected in the foreign museums that currently house them, some foreign collections are not above reproach when it comes to the care of the objects represented in them; according to Museum of Fine Arts, Boston, conservator, Susanne Gänsicke, some of these collections "contain material excavated many decades ago, which has never been treated and which sometimes resides, still heavily encrusted with soil, in original excavation crates" (Gänsicke 166). Given that Egypt is working toward a more organized system of care for its cultural property and given that some foreign-held collections are in danger themselves, it seems the Louvre would have had a difficult time denying repatriation of the reliefs by suggesting that Egypt cannot protect its own cultural artifacts.

But, museums facing decisions about repatriation may also consider whether publics outside the country of origin will have access to the cultural property for study or enjoyment once the property is repatriated. Any repatriation decision that raises the issue of access must include a discussion of how

accessible the property currently is in its foreign institution. Although the Louvre may have argued that returning the reliefs to Egypt would have made the artifacts inaccessible to a large proportion of the worldwide public that will never make it to Egypt, such an argument would have been rather futile, as only the proportion of the public that visits the Louvre while living in or visiting France would have access to the reliefs if they remained in the Louvre.

Having re-introduced the ownership, rescue, and access arguments, it is appropriate to turn to the question of whether or not the arguments used in favor of or against the repatriation of cultural property are even valid. As evidenced by the recent revolution-related damage to cultural properties in Egypt, it is rather obvious that some arguments foreign collecting institutions might make against the repatriation of cultural property, do have validity. Whether these arguments take precedence over arguments for the repatriation of cultural property, however, is the real issue. While the safety of collections objects is a justified concern for museum professionals, and while museums play an essential role in providing their publics with a more sympathetic understanding of and appreciation for diverse cultures from around the world, at the same time, we should recognize the importance of certain cultural properties to the peoples and countries from which they originated, as sources of communal pride in their cultural identity. Given the potential legitimacy of arguments on either side of cultural property debates, it seems that decisions concerning the repatriation of objects of cultural heritage must be made on a case-by-case basis to assess the validity of the arguments on either side, rather than making blanket statements about the position a country or institution should or will take.

Moreover, it appears that, far too often, a great many of the repatriation or retention arguments feed directly into the aggressive conceptual framework (described by Warren) that surrounds debates over cultural heritage. Ultimately, the arguments and the framework, with its violent language of conflict, battles, wars, possession, and control, appear to be harmful to the foundation of cooperative international relationships, relationships that are essential to the protection of cultural heritage materials, whether they reside in their country of origin or in a collection abroad. These arguments and the framework within which they operate characterize negotiations over cultural property as win-lose scenarios, in which one

country or collecting institution must benefit at the expense of another and in which the country or collecting institution negotiating over the possession or ownership of cultural property treat the property as a bargaining chip (*e.g.*, if you don't give us back what we want, you and your archaeological teams can get out of our country or, you can have back what you want, but you need to give us access to other antiquities within your country). It is the vehement opinion of this author that such underhanded bargaining and such winner-loser outcomes do not have to result from negotiations over cultural property.

Although Zahi Hawass states in *Secrets from the Sands* that he would like to see certain Egyptian artifacts permanently returned to their "motherland," he immediately qualifies his desire: "...if this is impossible, I hope that the different museums will at least agree to exhibit the objects for a year at the Cairo Museum. Then our children and the Egyptians who cannot travel to see them will have a chance to see these magnificent pieces of art" (Hawass, *Secrets* 251). Furthermore, in an interview he gave to *Spiegel Online* following the re-opening of the Neues Museum in Berlin, Hawass claimed that, in an effort to maintain "long term cooperation" with Berlin, the SCA would be open to an exchange or loan system in which the Nefertiti bust would be returned to Egypt at least temporarily, while he also refuted as "embarrassing" the idea that Egypt would try to keep artifacts loaned back to the country (Windfuhr). Also, according to Hawass, his requests for information about Egyptian material culture in foreign collections or for repatriation are often ignored unless he takes drastic measures. In the case of the Neues, his initial requests for evidence of the legal acquisition of the bust were never answered by the museum, and Berlin refused a much earlier attempt to initiate an exchange program for the Nefertiti bust (Windfuhr). With the Louvre, the issue was that the museum failed to respond in reasonable time to Hawass' presentation of evidence that the reliefs had been removed from Egypt illegally and therefore should be repatriated (Hawass, "Press Release-Egypt").

It seems then that one possible way to accomplish cooperative repatriation discussions would be to open a dialogue between countries of origin and foreign collecting institutions in which the permanent return of an artifact is sacrificed to a revolving system of loans and exchanges. Indeed, the traveling of these priceless artifacts is the only way that many individuals beyond Egypt or beyond Paris, Berlin, and

London will ever be able to see them and fully understand why they spark such heated debates. Cuno further suggests that the practice of *partage*, in which archaeological teams divide excavated discoveries between the institution sponsoring the dig and the government of the country in which the dig takes place, could be re-instated, while new “encyclopedic museums,” displaying cultural property from all cultures, need to be established everywhere (Cuno xxxiii-xxxiv). Of course, for these systems of sharing and exchange to work, countries of origin and foreign collecting institutions must be willing to relinquish their pride and their claims of sole ownership over these items of cultural heritage; they must be willing and prepared to engage in a dialogue that foregoes winner/loser language and that places the protection, preservation, and enjoyment of these cultural heritage materials above the possession of them. This is not to suggest that all humanity “owns” these artifacts either. Rather, countries of origin, foreign collecting institutions, and their respective publics can share the responsibilities for caring for these cultural properties while simultaneously being able to benefit from the information and aesthetic enjoyment offered by these properties.

Finally, to end on an optimistic note, on October 26, 2009, the Metropolitan Museum of Art in New York announced the imminent repatriation of a fragment of the naos, or shrine, of Amenemhat I, an object the museum purchased from a private collector the year before with the sole intention of returning the item to Egypt (Hawass, “Press Release-Metropolitan”). Such an action by the Met demonstrates that repatriations can stem from an appreciation for international and inter-institutional cooperation rather than nationalistic or institutionally-interested motivations. Perhaps such freely offered repatriations can increase a sense of goodwill between countries of origin and foreign collecting institutions and subsequently pave the way for future cooperation and sharing of cultural properties.

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