

Cosmopolitan heritage in an age of cultural nationalism

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Introduction

Heritage, and cultural matters in general, appear to be of increasing amounts of importance in modern times. Our modern notion of (tangible) heritage was developed in the nineteenth century and was closely aligned with the rise of nationalism.¹ While nationalism and heritage are still almost one and the same for many, heritage has gained much more uses. The most important of these, I think, is the way heritage is increasingly being used by various actors in connection with the general search for 'identity' that is so common in modern times. When different claims to the same piece of heritage are made by people belonging to different identities, this can create a conflict. While this conflict may appear to be primarily concerned with the contested piece of heritage, it is actually the conflicting identities and their underlying ethical, political, and cultural values (as well as economic interests at times) that are most important in such disputes. In such conflicts there are usually also groups who claim the piece of heritage belongs to all humankind. The political and ethical views behind this international perspective can be called cosmopolitanism.

This essay will examine how the cosmopolitan view of the repatriation issue described above fits within (modern) debates about cosmopolitanism and what kind of solutions to this problem a cosmopolitan mindset could offer. Due to space limitations the discussion will be confined to tangible, movable pieces of 'art' such as small sculptures, tapestries, clothing and paintings. First, I will describe the issue of repatriation more in depth. Then I will try to come to some definition of what exactly cosmopolitanism is, by examining contemporary debates. Finally, solutions to the repatriation issue that are proposed by cosmopolitan thinkers will be critically examined.

Repatriation

Before engaging directly with the cosmopolitan vision(s), a more in depth discussion of repatriation needs to take place. During the (high) European colonial era many works of art were looted and bought from colonial territories and spheres of influence by Western powers. These initiatives were often legitimized by framing European conquests as acts of a benevolent civilizing process of the 'uncivilized' world.² However, this situation was not limited to colonial nations, such as in the case of large scale European acquisition of Greek art in the nineteenth century.³ More recent stolen art is also facing claims for return, perhaps most notably from the descendants of Jewish Holocaust victims. In addition to the mass murder of approximately six million Jews, the agents of Nazi Germany also confiscated property, including art, on a massive scale from what they saw as 'undesirables'. In

¹ L. Smith, *uses of heritage* (New York 2006), 17-18.

² *Ibidem*, 89-90.

³ E. Yalouri, *The Acropolis: global fame, local claim* (2001), 82-83.

the case of art this was not just about confiscating wealth, but also about both safeguarding 'Germanic art' that had ended up in Jewish hands and erasing art that was deemed Jewish, modernist or internationalist.⁴

While theft is generally considered an amoral way to acquire objects, there exists increasing awareness in modern scholarship of trades that took place in conditions of unequal power positions. (Rhetorical) force might have been applied to persuade people to accept a trade or superior knowledge of the relative value of the traded objects could have given Western traders major advantages. Some groups also claim that the purchased art belonged to sacred rituals and therefore could not have been legitimately sold in the first place.⁵ Many actors within these nations are calling for the return of 'their' artworks: repatriation. Varying interests could exist (together) when calls for repatriation are made. These could be political since evoking the return of national heritage can be politically advantageous for political actors. They could also be economic, since artworks often have great absolute value that is likely to increase over time as well as good income potential, most notably from tourism. However, these factors do not adequately explain why a large popular movement calling for repatriation can come into existence. These large groups do not necessarily profit from the political and economic capital that artworks can generate. Perhaps the desire for finding one's identity by having direct access to one's own heritage could prove explanatory here.

John Merryman writes how the repatriation described above is a form of cultural nationalism. This is because the art is considered to be part of a given nation state as "national cultural heritage", and only belongs to individuals or local territories secondarily. This is sharply contrasted by the view of cultural internationalism which states that art is: "as components of a common human nature, whatever their places of origin or present location, independent of property rights or national jurisdiction".⁶ According to Merryman the Western powers took an internationalist stance on cultural property in the 1954 'Convention for the Protection of Cultural Property in the Event of Armed Conflict'. This convention had strong roots in the massive art theft that the Germans undertook during the second world war. However, it was the first widely accepted decision that affirmed international responsibility for artworks in peacetime as well. The reason for this lay in the belief of: "the cosmopolitan notion of a general interest in cultural property ("the cultural heritage of all mankind"), apart from any national interest."⁷ From the 1960s onward, however, the tide began to swing in favour of cultural nationalism. This was most strongly affirmed in the 1970 UNESCO convention. The aim of the convention was to combat the illegal smuggling of art, but behind this were important aspects of cultural nationalist ideology, just as

⁴ A. Glass, 'Return to sender: on the politics of cultural property and the proper address of art', *Journal of material culture* 9-2 (2004) 115-139, 123-124.

⁵ Ibidem, 124-125.

⁶ J.H. Merryman, 'Two Ways of Thinking About Cultural Property', *The American Journal of International Law* 80-4 (1986) 831-853, 831-832.

⁷ Ibidem, 835-837, 841.

the 1954 convention had strong internationalist ideological aims behind its preservational claims.

Importantly, while 58 nations were members of UNESCO 1970 in 1986, 56 of these were nations that had great amounts of 'national' art (supply nations), while only two (the US and Switzerland) were nations with a great demand for foreign art (market nations). UNESCO 1970 therefore showed a conflict of interest between supply nations who want to safeguard their art through cultural nationalism and market nations who refuse to commit themselves to these aims. While the prevention of illegal art theft is also important for internationalists, since stolen art deprives humanity of valuable historical and archaeological information, the solution found in UNESCO 1970 relies strongly on the importance of the nation state and the idea of national cultural heritage.⁸ Merryman observes how: "in the 1970s and 1980s, the dialogue of cultural property has become one-sided" in favor of cultural nationalism.⁹ Presently, there is no significant indication that since then the tide has turned back to cultural internationalism. On the issue of repatriation, cultural nationalism offers a simple solution: the object needs to return to the nation to which the object culturally 'belongs'. However, Merryman notes that when an internationalist or cosmopolitan view is used this "question becomes much more complex and interesting".¹⁰ In order to do this we must first shed some light on what exactly a cosmopolitan view entails.

Cosmopolitanism

The origins of cosmopolitanism are often claimed to be found in the (somewhat mythological) account of Diogenes of Sinope who - after having been exiled from Sinope - renounced his loyalty to any particular city state and declared himself "a citizen of the world" (cosmopolites).¹¹ Because of this, cosmopolitanism is very much concerned with rejecting loyalty to a particular group and instead acknowledging some degree of responsibility to the entire (known) world. Although this basic premise clearly provides a good basis for an utter rejection of almost any kind of nationalism, it is nevertheless also inherently vague. Because of this, modern philosophy and political science yield a wide range of opinions about what cosmopolitanism entails. This part will attempt to describe the views of some of these scholars.

In political science/philosophy a more developed cosmopolitan worldview is often seen as a political sub-ideology of multiculturalism. This is because both multiculturalism and cosmopolitanism are concerned with coming to terms in a positive way with the increasingly heterogeneous lives of modern (Western) society. The importance of identity is crucial to multicultural ideology. Without a strong cultural framework to provide a clear identity in place people will have trouble coming to terms with their own existence, multiculturalists believe. In its extreme form,

⁸ Ibidem, 843-844

⁹ Ibidem, 850.

¹⁰ Ibidem,

¹¹ R. Dobbin, *The Cynic Philosophers: from Diogenes to Julian* (2012), 7.

multiculturalism begins to look like Herder's culturalist philosophy, which was, ironically, also highly influential for nationalist thinkers. Because identity, for multiculturalists, is always communal, it directly opposes liberal individualism. Nevertheless, during the 1980's and 1990's many liberals started to accept these communal tendencies, because they came to believe in the importance of culture. This development gave rise to the more moderate liberal multiculturalism as opposed to the more dogmatic and communal pluralist multiculturalism.¹²

Philosopher Jeremy Waldron's cosmopolitanism begins by rejecting a communitarianism where people would need to be immersed "in the secure framework of a single culture to which, in some deep sense, they belong".¹³ He does not reject that human communities are important to human flourishing, but he seeks to change our idea of small homogeneous human communities. In fact, most modern humans are dependent in some way on most other societies and groups.¹⁴ Aside from the economic connection between most humans, Waldron also insists that 'cultures' are not absolute entities. Through migration, intercultural transmission of ideas and intersocietal trade, cultures were and are constantly interacting with each other.¹⁵ This idea fits in an older historiographical tradition where the idea of fixed cultures eventually uniting themselves in nation states is challenged. Most notably, Benedict Anderson has written about how national communities are imagined. This is most fundamentally so, because all members of a nation can never know each other personally.¹⁶ Notice that this argument can also be applied to other large identity groups such as religions or (sub) cultures. The nation state was according to Anderson an invention that usually took place in the nineteenth century and in the case of colonized nations somewhat later.¹⁷ Eric Hobsbawm describes how these nineteenth century nation states tried to legitimize their own existence by inventing traditions that were supposed to show that the young nation was in fact very ancient. Because of this "'Traditions' which appear or claim to be old are often quite recent in origin and sometimes invented".¹⁸ A Waldronian cosmopolitan concurs with these ideas and will try to fully immerse himself in what all of humankind has to offer: "The cosmopolitan may live all his life in one city and maintain the same citizenship throughout. But he refuses to think of himself as *defined* by his location or his ancestry or his citizenship or his language".¹⁹ When one is living in a multicultural

¹² A. Heywood, *political ideologies: an introduction* (London 2021), 134-135, 226, 231.

¹³ J. Waldron, 'What is cosmopolitan?', *The journal of political philosophy* 8-2 (2000) 227-243, 228.

¹⁴ J. Waldron, 'Minority Cultures and the Cosmopolitan Alternative', *University of Michigan journal of law reform* 25-3 (1992) 751-793, 763.

¹⁵ J. Waldron, 'Teaching cosmopolitan right', in: K, McDonough and W, Feinberg, *Citizenship and Education in Liberal-Democratic Societies: Teaching for Cosmopolitan Values and Collective Identities* (New York 2003), 34.

¹⁶ B. Anderson, *Imagined communities: reflections on the origin and Spread of nationalism* (London 1983, 2006), 6.

¹⁷ *Ibidem*, 81, 139-140.

¹⁸ E. Hobsbawm, 'introduction: inventing traditions', in: E, Hobsbawm and T, Ranger, *The invention of tradition* (Cambridge 1983, 2013), 1, 6-7.

¹⁹ Waldron, *minority cultures*, 754, 762.

city, this means exploring all the different cultures in a given society and enjoying what they have to offer.

Cosmopolitanism is not just a political ideology. Like how nationalism implies a duty to all members of the nation, cosmopolitanism implies a duty as world citizens to all fellow inhabitants of the earth. In this way cosmopolitanism also has a lot to say about ethical philosophy and our duty to other human beings, regardless of where they are and what kind of cultural beliefs they have. The philosopher Anthony Kwame Appiah has written extensively on cosmopolitan ethics and argues that since all people are humans with generally similar basic needs the ways in which our views can be fundamentally opposed to each other are limited. In fact, there are many ways in which people can come to understand one another. For example, many songs and (folklore) stories share similar (ethical) themes like love and struggle across widely 'different' cultures and regions. Through these similarities we can converse and debate with each other. These debates can be critical and interesting, since "if we cannot learn from one another what it is right to think and feel and do, then conversation between us will be pointless".²⁰ I think Appiah's central argument is that cosmopolitans draw a middle line between universalists and cultural relativists. While universalists think everyone should logically accept some superior way of life, cultural relativists think the superior way of life is different for every 'culture'. Therefore, most relativists think that cultures had better leave each other alone while tolerating each other's lives. Appiah's cosmopolitanism rejects this and instead emphasises that different people keep having conversations with each other. However, this will not - like universalists think - lead to some optimal solution for everyone. Since people differ from each other they might not come to an agreement at all, but the point is not to necessarily agree with each other but to better understand each other.²¹ In addition to this, Appiah thinks cosmopolitans also have universal moral obligations to all world citizens, although he does acknowledge the (practical) legitimacy of the nation state. Therefore, we should try to ensure that all citizens have their basic needs (food, water, shelter, education, etc) fulfilled. However, he rejects the utilitarianism view, today most prominently argued by Peter Singer, that our duties to all people are equal. Appiah thinks it is still acceptable to put one's obligations to family, friends, identity and nation state before "the poor [living] far away". This is because it is still morally acceptable to create a life worth living for yourself, in addition to worrying about world problems.²²

Cosmopolitanism and (the return of) stolen art

As described above, Merryman showed that while cultural nationalists would think art should be repatriated to the nation state to which it 'belongs', internationalists (or cosmopolitans) think that art belongs to 'the world'. Can this vague view provide a

²⁰ A.K. Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York 2006), 22, 31-32, 78.

²¹ *Ibidem*, 51.

²² *Ibidem*, 130-132.

practical alternative to the vision of the cultural nationalists? Merryman himself showed support for the internationalist view and could bring us closer to a solution. For him the cosmopolitan response could be to take the art where it may best be studied.²³ This could be especially important for older artworks whose history still has to be studied or who could be used to illuminate certain historical events. In addition, (fragile) artworks should perhaps go to the country that is best able to preserve them. Merryman names the example of Peru where artworks are sometimes damaged or destroyed due to mismanagement, but cultural nationalists still prefer them to be destroyed over being 'lost' to another country. Finally, Merryman notes that some supply countries 'hoard' art and don't properly display most of it. In this way much art can't be enjoyed because it is stored away in a supply country. Merryman even names an example of countries keeping duplicates of the same artwork.²⁴ Of course, all these things mean that artworks would usually stay where they are; in market countries who often acquired the art through dubious means. Since these countries are usually richer, they can better preserve and study the artworks. Since they are market countries they are also less likely to have a large supply of art and their wealthy citizens are more likely to have the time and money to come and visit the museums where the art is stored. However, if we have moral obligations to all world citizens, do we not also have an obligation to share this world art with the rest of the world, perhaps especially if the art originated from a particular territory?

Appiah is - like Merryman - highly critical of the cultural nationalist undertones of the 1970 UNESCO convention, instead he prefers the message of the 1954 'Convention for the Protection of Cultural Property in the Event of Armed Conflict'. He describes how UNESCO 1970 and some other anti-smuggling initiatives are advancing the idea of cultural patrimony. Like cultural nationalism the idea of cultural patrimony is that if you 'belong' to a given culture, you are also a co-owner of the art 'belonging' to that culture. If you do not belong to the culture you have no say of the art since it does not belong to you. Appiah thinks 'culture' is a vague term and that because of its vagueness you can't use it to neatly divide people between insiders and outsiders. This comes close to Waldron's argument about the constant change and overlap of cultures and Anderson's and Hobsbawm's claims about nineteenth century cultural inventions and imaginations. Appiah uses Norwegian heritage as an example. According to cultural patrimony all Norwegian art should be within Norwegian borders. However, the state of Norway only exists since 1905. Since nations and fixed cultures are fairly recent inventions they can make no claim to the actual ancient art that they see as fixed national possessions. Even if a state has no moral right to art found on it's territory, Appiah thinks it is just that if art is dug up within Norwegian borders, Norway should take care of the art. However, the art would not be the cultural patrimony of Norway, instead Norway would keep the art safe as "as trustees for humanity". The key difference, between these two is that "is

²³ Merryman, *Two ways of thinking about art*, 846.

²⁴ *Ibidem*, 846-848.

the value of the cultural property to *people* and not to *peoples* that matters. It isn't peoples who experience and value art; it's individual men and women.²⁵

Appiah is also concerned about smuggling and he thinks that if restrictions on art sale were loosened, art could be sold legally between countries without losing valuable historical information. He thinks supply countries should allow the sale of art in order to finance the protection of the existing collections and acquire foreign art.²⁶ Appiah does not think repatriation is never a good thing, however he doesn't think it is a repatriation to return stolen art, due to the reasons described above. When it is clear who the art belonged to it is sometimes justified to return it to the human descendants of the owners. Appiah is a bit vague on this point. For while he is glad *some* art was returned in the past, he doesn't want all art to be returned since this will impoverish the cosmopolitan museums of market nations and "because we haven't the remotest chance of getting it" anyway. There seems to be an odd mix of ethical and practical arguments concerning this point, and this makes it hard to see what Appiah's exact stance on repatriation is. A final important contribution from Appiah is that it is important to make art available to as many people as possible. In the modern age this can be done through the internet by encouraging museums to digitise artworks so all world citizens can enjoy it.²⁷ While repatriation is not a moral duty for Appiah, the digitalisation of art in order to share it with all citizens could very well be considered a duty. This would mean museums would have to prioritise making art available to all through the internet over trying to encourage people to (physically) visit by only making the art available on museum grounds (and thus making more money from tickets).

Conclusion

While repatriation of (historical) stolen artworks seems to be a straightforward solution through the frame of reference of cultural nationalism, cultural internationalism or cosmopolitanism seems to propose different solutions. Since for cosmopolitans, art belongs to all, specific nations can not make moral claims to artworks based on 'identity' and the concept of cultural patrimony is denied. Instead, several solutions are possible. First, the art should be where it can be best preserved so future generations can also enjoy it. Second, if the art can yield important results for scholars it should be located where it can best be studied. Third, the same kind of artworks should not all be kept in one place. Especially if there are duplicates they should be divided across the world so many people can enjoy them. Fourth, when new art is found it can be kept by the country where it was found, but it should also be freely traded with other countries, especially if the country needs money to maintain its existing artworks. While for Appiah, repatriation is possible if ownership can be traced to a person and not a nation, this repatriation should not be at the

²⁵ Appiah, *a world of strangers*, 96-98.

²⁶ *Ibidem*, 100-101.

²⁷ *Ibidem*, 106-109.

expense of maintaining diverse cosmopolitan museums. All these solutions will generally be in favour of keeping stolen artworks in Western museums. Our duties to all world citizens could be contrary to this conclusion, since people in poorer countries should also be able to enjoy cosmopolitan art, even if these countries have no moral right to 'their' cultural heritage. One final solution that can begin to address this problem is to make all art available through the internet, although this is likely not to provide the same enjoyment as seeing the art physically. Future research could expand on this question as well as expand the question itself by including larger heritage like architecture and intangible heritage. Looking at intangible heritage through a cosmopolitan lens could be especially interesting given the recent attention for cultural appropriation.

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