Course Title: STOLEN ART  
Course Code: LAW 104  
Day/Time: Thursdays, April 16 – June 4, 2016; 7 pm - 8.50 pm  
Instructor: Stacey Jessiman

Summary Course Description: STOLEN ART delves into intriguing legal, ethical, political, cultural and economic questions about contested art across five subject areas: (1) the acquisition of art during The Age of Imperialism (from Roman times through WWII); (2) Holocaust-era art takings and the evolution in international legal and ethical responses to wartime looting; (3) compelling questions about Indigenous “Art” and removal of cultural material from indigenous communities by missionaries, anthropologists and others; (4) theft from Museums and Private Collectors; and (5) the Illicit Trade in Antiquities.

*Please see course page for full description and additional details.

Grade Options and Requirements:

- No Grade Requested (NGR)
  - This is the default option. No work will be required; no credit shall be received; no proof of attendance can be provided.
- Letter Grade (A, B, C, D, No Pass)
  - Attendance and Class Participation 30%
  - Group Presentation 10%
  - Take-home Final Exam 60%
- Credit/No Credit (CR/NC)
  - A passing grade (for "Credit") = a grade of 70% or higher in the categories above

*Please Note: Students taking the class for CR/NC or a Letter Grade must sign the roster on my desk when they arrive each week, and must be willing to do one group presentation and write a take-home exam. Students will not be allowed to elect to take the course for CR/NC or a Letter Grade at a later date if they have not signed the roster. If you require proof that you completed the course for any reason, you must choose either the CR/NC or Letter Grade option. Courses taken for NGR will not appear on official transcripts or grade reports.

Instructor Expectations: The best classes are those in which the students do most of the talking. I encourage you to prepare for class and participate actively in it. You should be ready to discuss subjects raised by the readings, both in response to questions posed by me and to issues raised by your classmates, and in small groups with your classmates.
We will take a 10-minute refreshments break each day at 7.50 pm, during which time you may consult your portable electronic devices (computers, tablets, smart phones etc), make phone calls, etc. Please show respect to your classmates and the instructor by refraining from using/looking at such devices during class time, except to take notes on laptop computers.

**Tentative Weekly Outline:**

**Weeks 1&2: The Age of Imperialism**

We begin our study of the removal and return, or not, of great works of art and antiquity with a brief discussion of the term “stolen art”, including what we mean by “art” and the naissance of international law on looting during the Age of Imperialism (i.e., the period from Roman times through WWII). We then look at the early 19th century removal by Lord Elgin of marble sculptures from the Parthenon temple in Athens and at Greece’s demands for their return by the British Museum. We also study the 1912 excavation and removal by German archaeologists of a 3,300 year-old bust of Queen Nefertiti, and Egypt’s restitution demands to the Egyptian Museum of Berlin. We will analyze the historical and political context of their removal and various legal, ethical and theoretical arguments for and against the restitution of these works. Be prepared for lively in-class debates!

**Weeks 3 & 4: The Holocaust**

During weeks 3 & 4, we continue our discussion of art theft and restitution by studying Nazi looting of art and antiquities during WWII, and its impact on international law governing wartime looting. We examine how US courts and international tribunals have responded to requests for return of Nazi-looted works and critically analyze defenses to restitution claims, such as statute of limitations. We also critically analyze, through various case studies, the international community’s respect for its commitment in two Declarations in 1998 and 2009 to expeditiously find “just and fair solutions” to restitution demands. Case studies will include the 8-year restitution dispute between Maria Altmann and Austria over six Gustav Klimt paintings (described in the recent film "Woman in Gold"), and the controversies surrounding the recently discovered trove of 1500 art works acquired by Nazi art dealer Hildebrandt Gurlitt. Finally, we will hear from guest Elizabeth Rynecki about her frustrations and victories in her quest to recover the lost works of her great-grandfather, Polish artist Moshe Rynecki, who vividly documented life in the Polish-Jewish community in the 1920s and 30s before perishing at Majdanek concentration camp.

**Week 5: Indigenous “Art”**

We devote week 5 of the course to examining compelling questions about the removal of cultural material from indigenous communities by missionaries, anthropologists and others, and about repatriation demands to museums and auction houses. We start by discussing what the terms "stolen" and “art” mean to Indigenous peoples. Then we compare the illicit
acquisitions of cultural material from Jewish and Native American peoples, as well as the international community’s responses to demands for provenance research and restitution of that material. As part of that discussion, we critically analyze the promise, limitations and enforcement of the 1990 *Native American Graves Protection and Repatriation Act* (NAGPRA) and the 2007 *United Nations Declaration on the Rights of Indigenous Peoples*, including the ongoing refusals by French auction houses, supported by French judicial and administrative tribunals, to halt contested sales of Hopi katsinam (sacred objects). We finish by discussing complex historical, legal, cultural and financial issues raised by negotiations between the Haisla people of British Columbia and the Swedish Museum of Ethnography over return of the G’psgolox totem pole.

**Week 6: Collectors and Museums**

Week 6 of our course tackles some fundamental art theft questions: Why do thieves steal? What can be done to help prevent art theft? Which legal system best allocates the risk of art theft -- the common law system, which tends to protect original owners, or the civil law system, which generally favors good faith purchasers? Why should we take measures to prevent theft and destruction of works of art and antiquity, and are there circumstances when we shouldn’t? How big is the art theft problem worldwide? We look at some famous thefts from museums and collectors, and then at existing resources to help find stolen art and what happens when it's found.

**Weeks 7 & 8: The Illicit Trade in Antiquities**

The final unit of the course, which takes place over two weeks, looks at thorny questions raised by the illicit trade in antiquities. We start by examining various legal and ethical frameworks governing illicit art trade, and the main players involved in debating and creating them. We then explore different ways of understanding the causes of looting of antiquities, including recent looting and destruction of objects and sites by ISIS in the Middle East, as well as optimal ways of preventing looting in various jurisdictions. We also debate the question of how museums should approach the acquisition of “orphaned” antiquities (i.e., with indefinite provenance) and how they should respond to restitution demands.