**Carleton University** 

COURSE:

TERM:

CLASS:

**INSTRUCTOR:** 

**Course Outline** 

LAWS 4601A - Transnational Law and Human Rights LAWS 3503 and LAWS 3602 **PREREQUISITES:** Fall 2010 Day & Time: Tuesday 2:35-5:25 Room: Students are advised to check Carleton Central for Room Assignment

Department of Law

| Contact: | Office Hrs: | D481 Loeb<br>Tuesday 10:00 AM -12:00 PM or by appointment<br>(613) 520 2600 out 8810 |
|----------|-------------|--|
|          |             | (613) 520-2600 ext. 8810   |
|          | Email:      | Please use the WebCT e-mail for this course  |

Dr. Betina Kuzmarov

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom\_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 15, 2010 for Fall exams and March 12, 2011 for Winter exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

#### **COURSE DESCRIPTION:**

This course focuses on one specific transnational human rights problem, the issue of cultural rights and cultural property. Studying cultural rights and cultural property gives the course a framework within which to ask questions that arise in transnational human rights problems more generally. To explain, this course asks questions such as: What is transnational law? How does it relate to human rights? Why should we protect the right to culture? How do we protect the right to culture? What is cultural property? As a result, this course will provide a good understanding of the complexity of cultural property issues and through this study gain an appreciation of transnational human rights problems more broadly. Students will also gain an understanding of how these problems relate to real world events and institutions.

#### **COURSE OBJECTIVES:**

By the end of the course students will have:

- 1. Knowledge of basic concepts of transnational protection of cultural rights/cultural property
- 2. Knowledge of the relationship between these basic principles and structures and the institutions of international law and domestic law
- 3. Ability to critically evaluate the principles and institutions of domestic law and international law
- 4. Ability to apply understanding of transnational protection cultural property to current events
- 5. Ability to understand how researchers approach transnational cultural property problems

#### **CLASS FORMAT:**

This class is taught in seminar format so that there is almost no "lecturing" in my class. This means that the success of each class depends on both you and me preparing for class. I will prepare questions/exercises/case studies to help guide the discussion of the materials. I will also provide specific skills exercises to help you with the material. However, I will rely on your participation to make this class a wonderful learning experience for us both. I would urge you to think of this course as a learning community where we will each gain from the experience proportionally to the effort we put in. This style of class requires you to read all the readings for each class, and simply coming to class does not mean you will receive participation marks. I'll discuss this further under evaluation but in this class participation includes: preparation, participation and contribution to the class environment.

#### TEXTS:

All the required readings for this course have been placed on reserve at the library (two copies of the readings are available there). To save on photocopying you can find many of the articles that have been assigned on the internet, and I have provided you with links for the background materials listed. However, the excerpts from books are not available online so you will have to photocopy those from the course reserves.

#### **EVALUATION:**

The evaluation for the course will be broken down as follows:

| <u>Evaluation</u>          | %    | Due Date                              |
|----------------------------|------|---------------------------------------|
|                            |      |                                       |
| Essay Topic                | 5%   | October 5, 2010                       |
| Bibliography               | 10%  | November 2, 2010                      |
| Presentation               | 20%  | November 23, 2010 – November 30, 2010 |
| Final Paper                | 45%  | December 6, 2010                      |
| <b>Class Participation</b> | 20%  | Ongoing                               |
| TOTAL                      | 100% |                                       |

#### Essay Topic:

The essay topic is a 250 word (maximum) summary of the topic you propose to research for your final paper. It is due on October 5. 2010. The readings for this course will suggest many possible topics for research. On top of this I am defining the scope of the essay for this seminar broadly so that you can focus on your own interests. To get you started I would consider any of the following general areas of research for your essay topic: 1. Transnational Law (conflict of laws, comparative law, pluralism, and implementation). 2. Cultural Rights (Including a focus on specific rights, specific rights problems -i.e. Children's rights, or theories of culture/cultural rights) and 3.Cultural property (theories of property/ownership, theories of culture, restitution, protection of cultural property, domestic/international law relating to cultural property). If you have any questions about a topic you are thinking about, please just e-mail/ask.

#### **Bibliography:**

The bibliography in this course is a 3 page (maximum) outline of sources for your research paper. It is due November 2, 2010. While it does not have to be your "final bibliography" it should demonstrate progress towards your final paper. It must include at least 2 books and 3 academic journal articles. These sources should be annotated. Annotation of a source means that in a short a paragraph about each source you should discuss: 1.What the source is about. 2. How the source relates to your research topic. 3. How you think the source will help you in your argument.

#### Presentation:

The presentation in this course is a 10 minute presentation of your research paper. It will take place on either November 23, 2010 or November 30, 2010. I hope to see some creative ways of presenting your papers, and this doesn't have to just be a classic "speech from the podium" summary.

#### Final Paper:

Your final paper is due on the last day of class, December 6, 2010. The easiest way to satisfy this evaluation is by writing a research paper in which you propose a topic (see above), plan and research the topic, and then present to me in a paper the results of that research. It should be a maximum of 20 pages (double spaced). However, if you have a really creative idea that you'd like to explore – a writing or multimedia project, let me know. My only requirement is that the project conveys to me your research and that it should be a big enough project to be equivalent to a 20 page paper.

#### Participation:

As I mentioned above, this class is a seminar format so there is almost no "lecturing" in my class. Therefore, the success of each class depends on both you and me preparing for class. This means that you must read all the readings for each class, and simply coming to class does not mean you will receive participation marks. Generally speaking participation includes: preparation, participation and contribution to the class environment. Specifically I ask each student to be responsible for one reading for the next class. Being responsible for the reading means that beyond just reading the assignment you become familiar with the reading in detail and are prepared to discuss it. If you are not present at one class please e-mail me so you can pick a reading for the next class.

I'll provide more details on each of these evaluations, including grading rubrics, in an assignment package that will be available online after the first class.

ALL the assignments must be handed in at the DROP BOX in the Law Department Office in Loeb C473 in accordance with DROP BOX policy. I will not accept assignments that are submitted electronically or to any other place other than the DROP BOX. Also please keep a copy of all assignments as a backup until your final grade is confirmed.

Please note that for written assignments marks may be deducted for spelling, grammar and style. Any late assignments will be penalized at a rate of 10% of your mark per day (including a weekend deduction)

Also, please note that all written work must be yours alone, and any ideas you include in your work which are not original to you should be properly referenced, otherwise this is plagiarism. I will explain further in class about what plagiarism is and what academic integrity means at Carleton but as a good first step you should familiarize yourself with the Department's policies on proper referencing and citation. Also, you should take a look at the University's academic integrity policy and the Library's web page on plagiarism.

To create a consistent and fair policy I grant extensions only in the circumstances approved by the Registrar's Office, and only for the period up to the due date. If you think you may require an extension please see me BEFORE the assignment is due and I will be able to consider your request. Also, I cannot accept assignments AFTER the assignment has been returned to students (approved extensions aside). If you have not submitted your assignment by the time it is returned you will not receive a grade, and, **this is important because ALL assignments must be completed to receive a passing grade in this course.** 

You should also note that standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that ALL GRADES (on specific assignments/exams and/or final grades) submitted by me may be subject to revision. No grades are final until they have been approved by the Dean. This means your grades posted on WebCT and recorded on your assignments/exams can change at any time until your final grade is approved by the Dean.

#### **COURSE HINTS:**

My goal for this course is provide you with the knowledge, skills (and enthusiasm) to allow you to achieve your best. So here are some tips for how to achieve this...

- 1. <u>Preparation</u>: Attendance and preparation are the best ways to succeed in this class. This means that you should expect to do your readings BEFORE class. I also (see WebCT below) post any slides I'll be using before each class to help you come prepared.
- 2. <u>Web CT</u>: Please sign up for a WebCT account. I use WebCT regularly. This course outline will be posted on WebCT as will the assignment sheets after they have been handed out. WebCT should be your first stop if you have any administrative questions since all the documents for the class (outline and assignments etc.) are posted there. Also, as mentioned, I post my slides on WebCT before each class so please feel free to print those off and bring them with you to class. Lastly, the e-mail on WebCT is the e-mail address to use to get in touch with me for this course.
- 3. <u>Questions</u>: If you are unsure please ask. I am here to answer your questions. That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. Also, there are many great services available on campus that can also provide you with advice, for example there is the Writing Tutorial Service, the Student Academic Success Centre and the Learning Commons. Please ask if you have any questions about any of these services.

- 4. <u>E-mail policy</u>: I'm always happy to answer e-mails. I check my e-mail regularly during business hours (9 to 5) on work days (Monday to Friday). I do not check my e-mail after 5 pm during the week or on weekends (and holidays). If you send an e-mail during a weekday (9-5) I try to reply to it that same day, after 5 pm I'll try to reply the next day. If you send an e-mail on the weekend you can expect a reply on Monday.
- 5. <u>How to address me</u>: I am pretty flexible on this and I don't mind Betina. If you don't like using first names, I am happy to answer to more formal titles, like Dr. Kuzmarov, in class and in e-mails.
- 7. <u>Contesting a grade</u>: If you think you have a reason to contest a grade on an assignment please follow this procedure. First, wait a week and think carefully about the reasons why you want to contest the grade you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Grades can be changed only for valid reasons. Second, contact me with your concerns by e-mail (it helps to set them out in writing). Third, at this time we'll make arrangements for you to provide me with the graded paper. Fourth, once I have had a chance to review your paper we'll arrange to meet to discuss your concerns. You should know that I am always happy to change grades for valid reasons, but requesting to have your grade reviewed can mean that YOUR GRADE MAY GO DOWN, so please keep that in mind.

#### **COURSE SYLLABUS:**

#### September 14: Introduction

- A. To the Course
- B. Case Study: The Portrait of Wally
- <u>Readings</u>: 1. Mary Chan, "Egon Schiele, The Leopold Collection Vienna" (1997) 26 MoMA 2, online at <u>www.jstor.com</u>.
  - 2. US v. Wally 99 CV 9940 (US District CT SD NY, 2010), online at http://scholar.google.ca.
  - "Vienna Museum to Pay \$19M for Nazi-Looted Work" CBC (21 July 2010) available online at <u>www.cbc.ca</u>.

### <u>September 21</u>: Introduction to Transnational Law: Or, where you start from all depends on where you stand

- A. What is Transnational Law?
- B. How Does Transnational Law Apply to Human Rights Problems?
- C. Case Study: The Collection of Baron Mor Herzog
- <u>Readings:</u> 1. S. Engle Merry, "Anthropology, Law and Transnational Processes" (1992) 21 Annual Review of Anthropology 357 available online at <u>www.jstor.com</u>.
  - 2. A de Mestral & E Fox Decent, "Rethinking the Relationship between International Law and Domestic Law" (2008) 53 McGill LH 573.
  - HH Koh, "How is International Human Rights Law Enforced" (Addison c. Harris Lecture, 1998) (1999) 74 Indiana LJ 1397.
  - The Website of the Herzog Heirs "Hungary on Trial" available online at < <u>http://www.hungarylootedart.com/</u> >
  - 5. "Family of Art Collector Sues Hungary Over Nazi Loot" *BBC News* (29 July 2010) available online at <u>www.bbc.co.uk/news/entertainment</u>.

### <u>September 28</u>: Introduction to the Human Right to Culture I: Or, why should we protect the right to culture?

- A. Why do we protect culture?
- B. Is there a Human Right to Culture?
- C. Case Study: Book Burning Germany 1933
- D. In Class Workshop Picking A Research Topic
- <u>Readings:</u> 1. J Lahiri, "My Two Lives; The Pulitizer Prize-Winning Writer Felt Intense Pressure to at one 'Loyal to the Old World and Fluent in the New' *Newsweek* 147:10 (6 March 2006) 143.
  - 2. S Hall "The Question of Cultural Identity" in S Hall et al (eds), *Modernity an Introduction to Modern Societies* (Cambridge: Blackwell, 1996)
  - 3. H Arendt, "The Crisis in Culture: Its Social and Its Political Significance" in H Arendt, Between Past and Future (New York: Viking, 1966) 197.
  - 4. "Book Burning" in Holocaust Encyclopedia, US Holocaust Memorial Museum, available online at <a href="http://www.ushmm.org/wlc/en/article.php?ModuleId=1000585">http://www.ushmm.org/wlc/en/article.php?ModuleId=1000585</a>.

#### October 5: Introduction to the Human Right to Culture II: Or, how do we protect the right to culture?

- A. How is the Right to Culture Protected Internationally?
- B. How is the Right to Culture Protected Domestically?
- C. How do these two types of protections Interact?
- D. Case Study: The Dead Sea Scrolls

#### \*ESSAY TOPICS ARE DUE TODAY

- <u>Readings:</u> 1. J Symonides, "Cultural Rights: A Neglected Category of Human Rights" in *Cultural Rights* (OXFORD: UNESCO/Blackwell, 1998)
  - 2. L Arbour, "Economic and Social Justice for Societies in Transition" (2007) 40 NYU JILP 1.
  - R O'Keefe, "The Right to Take Part in Cultural Life' Under Article 15 of the ICESCR" (1998) 47:4 ICLQ904.
  - 4. Oakland Ross, "Dead Sea Scrolls Stir Storm at the ROM" The Toronto Star (9 April 2009) available online at <a href="http://www.thestar.com/News/World/article/616059">http://www.thestar.com/News/World/article/616059</a>.

#### Background Documents:

- 1. Universal Declaration of Human Rights, 1948, Art. 27 available online at <u>http://www.un.org/en/documents/udhr/index.shtml</u>.
- 2. International Covenant on Economic, Social and Cultural Rights, 1966, Art. 15, available online at <u>http://www2.ohchr.org/english/law/cescr.htm</u>.
- 3. International Covenant on Civil and Political Rights, 1966, Art. 27, available online at <u>http://www2.ohchr.org/english/law/ccpr.htm</u>.
- 4. Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, Art 4, available online at <a href="http://whc.unesco.org/en/conventiontext/">http://whc.unesco.org/en/conventiontext/</a>.
- 5. Convention on the Elimination of All forms of Discrimination Against Women, 1979, Art 13, available online at <a href="http://www.un.org/womenwatch/daw/cedaw/">http://www.un.org/womenwatch/daw/cedaw/</a>.
- 6. Convention on the Rights of the Child, 1989, Art 30, <u>http://www2.ohchr.org/english/law/crc.htm</u>.
- 7. Convention on Biological Diversity, 1992, Art 8 (j), <u>http://www.cbd.int/convention/convention.shtml</u>.
- 8. UNGA Res A/47/49 1992, available online at <u>http://www1.umn.edu/humanrts/instree/d5drm.htm</u>.
- 9. Convention for the Safeguarding of Intangible Cultural Property, 2003, available online at http://portal.unesco.org/en/ev.php-URL\_ID=17716&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html.

- 10. UNESCO, Recommendation on the Participation of People at Large in Cultural Life and Their Contribution to It, 1976, available online at <a href="http://portal.unesco.org/en/ev.php-urllll:http://portal.unesco.org/en/ev.php-urllll:http://portal.unesco.org/en/ev.php-urllll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urlll:http://portal.unesco.org/en/ev.php-urll
- 11. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, UNGA Res A/47/135 available online at <a href="http://www2.ohchr.org/english/law/minorities.htm">http://www2.ohchr.org/english/law/minorities.htm</a>.
- 12. UNESCO, Universal Declaration on Cultural Diversity, 2001, available online at <a href="http://portal.unesco.org/culture/en/ev.php-urllubelectromy.culture/en/ev.php-urllube
- Convention on the Protection and Promotion of Diversity of Cultural Expressions, 2005, available online at <u>http://portal.unesco.org/culture/en/ev.php-</u> URL ID=11281&URL DO=DO TOPIC&URL SECTION=201.html.
- 14. The Canadian Charter of Rights and Freedoms, 1982, available online at <u>http://laws.justice.gc.ca/en/const/index.html</u>.
- 15. Canadian Human Rights Act, R.S. 1985 H-6, available online at <u>http://laws.justice.gc.ca/eng/H-6/page-</u>2.html#anchorbo-ga:l\_.

#### October 12: Introduction to the Protection of Cultural Property I: Or, what is cultural property anyway?

- A. Can culture be property?
- B. Why is culture treated as property?
- C. Case study: The Elgin Marbles
- D. In Class Workshop: Effective Research
- <u>Readings:</u> 1. JL Sax, "Introduction" in JL Sax, *Playing Darts with a Rembrandt: Public and Private Rights in Cultural Treasures* (Ann Arbor: University of Michigan Press, 1999
  - 2. Selection from P Gerstenblith, "Identity and Cultural Property: The Protection of Cultural Property in the United States" (1995) 75 BU L Rev 559
  - 3. D Lowenthal, *The Past is a Foreign Country* (London: Cambridge, 1985), Chapter 5
  - 4. K FitzGibbon, "The Elgin Marbles: A Summary" in K FitzGibbon (ed), Who *Owns the Past* (New Brunswick: Rutgers, 2005)

### <u>October 19</u>: Introduction to the Protection of Cultural Property II: Or, why protect cultural property in times of war?

- A. Why does international law protect culture during times of War?
- B. How does international law protect culture protected in times of War?
- C. Case Study: The Looting of Iraq (2003)

# Readings:1.E Nemeth, "The Artifacts of Wartime Art Crime: Evidence for a Model of the Evolving Clout<br/>of Cultural Property in Foreign Affairs" in N Charney (ed), Art and Crime: Exploring<br/>the Dark Side of the Art World (Santa Barbara: Praeger, 2009) 205.

- 2. R O'Keefe, Protection of Cultural Property in Armed Conflict (Cambridge: CUP, 2006) Prologue, Chapter 1
- 3. C Phuong, "The Protection of Iraqi Cultural Property" (2004) 53 ICLQ 985.
- 4. R Atwood, Stealing History (New York: St Martin's 2004), Introduction

#### **Background Documents:**

- Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (1907) available online at < http://www.icrc.org/ihl.nsf/intro/195?OpenDocument >
- 2. Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) available online at

http://portal.unesco.org/en/ev.php-URL\_ID=13637&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html its First Protocol 1(1954), Second Protocol (1999)

- 3. Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the IMT (1945) available online at <a href="http://www.icrc.org/ihl.nsf/TOPICS?OpenView">http://www.icrc.org/ihl.nsf/TOPICS?OpenView</a>
- 4. Trial of the Major War Criminals Before the International Military Tribunal For Germany, available online at the Avalon Project <u>http://avalon.law.yale.edu/subject\_menus/imtproc\_v2menu.asp</u>.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 available online at <u>http://www.icrc.org/ihl.nsf/CONVPRES?OpenView</u>.
- 6. Rome Statute of the International Criminal Court (1998) available online at <u>http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/</u>.

### <u>October 26</u>: Introduction to the Protection of Cultural Property III: Or, how is cultural property protected in times of peace? The International Law

- A. Why does international law protect culture in times of peace?
- B. How does international law you protect culture in times of peace?
- C. Case study: Bamiyan Buddhas?
- D. In Class Workshop: Building an Argument
- <u>Readings:</u> 1. JP Fishman, "Locating the International Interest in Intranational Cultural Property Disputes" (2010) 35 Yale J Int'l L 347
  - 2. JH Merryman, "Cultural Property Internationalism" (2005) 12 Int'l J of Cultural Property 11.
  - "Buddhas of Bamiyan: A Crime Against Culture" UNESCO, available online at <u>http://portal.unesco.org</u>.
  - 4. B Bearak, "Afghan Says Destruction of Buddhas is Complete" *New York Times* (21 March 2001) available online at <u>www.nytimes.com</u>.
  - 5. H Cotter, "Buddhas of Bamiyan: Keys to Asian History" New York Times (3 March 2001) available online at <u>www.nytimes.com</u>.

#### Background Documents:

- 1. Convention on the Means of Prohibiting the Elicit Import, Export and Transfer of Ownership of Cultural Property (1970) UNESCO, available online at
  - http://portal.unesco.org/en/ev.php-URL\_ID=13039&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html.
- 2. Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) UNESCO available online at <a href="http://whc.unesco.org/en/conventiontext">http://whc.unesco.org/en/conventiontext</a>.
- 3. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) available online at <u>www.Unidroit.org</u>.
- 4. UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage (2003) available online at
  - http://portal.unesco.org/en/ev.php-URL\_ID=17718&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html.
- 5. Convention on the Protection and Promotion of Diversity of Cultural Expressions, 2005, available online at

http://portal.unesco.org/culture/en/ev.php-URL\_ID=11281&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html

## <u>November 2</u>: Introduction to the Protection of Cultural Property IV: Or, how is cultural property protected in times of peace? The Domestic Law

- A. Why do states protect their cultural property in times of peace?
- B. How does a state protect its cultural property in times of peace?

C. Why do different countries take different approaches to the protection of their cultural property in times of peace?

D. Case Study: Polish Art Treasures in Canada during WWII

#### \* BIBLIOGRAPHIES ARE DUE TODAY

<u>Readings:</u> 1. JH Merryman, "The Nation and the Object" in J Cuno (ed), Whose Culture? The Promise of Museums and the Debate Over Antiquities (Princeton: Princeton University, 2009)183.

- 2. JH Merryman, "Two Ways of Thinking about Cultural Property" (1986) 80 AJIL 831.
- 3. RK Paterson, "Hitler and Picasso Searching for the "Degenerate" "(1999) 22 UBC L Rev 91.
- JG Epstein, "The Hazards of Common Law Adjudication" in K FitzGibbon, Who Owns the Past: Cultural Property and the Law (New Brunswick: Rutgers, 2005)
- 5. Excerpt from B Czegledi, *Crimes Against Art: International Art and Cultural Heritage Law* (Toronto: Thompson Reuters, 2010), Ch 3
- 6. SA Williams, "Polish Art Treasures in Canada, 1940-1960" (1977) Canadian YB Int'l Law 146.

### <u>November 9</u>: Introduction to the Protection of Cultural Property V: Or, how is cultural property protected in times of peace? The Players: The Market/ Museums/Dealers/Collectors

A. How is cultural property bought and sold?

- B. Why is the buying and selling of cultural property restricted?
- C. Case Study: The Max Stern Art Restitution Project
- D. In Class Workshop: Planning and Organizing a Paper
- <u>Readings</u>: 1. S Plattner, "A Most Ingenious Paradox: The Market for Contemporary Fine Art" (1998) 100 American Anthropologist 482.
  - 2. PM Bator, "An Essay on the International Trade in Art" (1982) 34 Stanford L Rev 275.
  - LV Prott, "The International Movement in Cultural Objects" (2005) 12 Int'l J of Cultural Property 225
  - 4. P Gerstenblith, " Controlling the International Market in Antiquities: Reducing the Harm, Preserving the Past" (2007) 8 Chicago J Int'l L 169.
  - 5. WL Boyd, "Museums as Centers of Controversy" (1999) 128 Daedalus 185.
  - 6. The Max Stern Art Restitution Project available online at <u>http://maxsternproject.concordia.ca/</u>

#### Background Documents:

- 1. American Association of Art Museum Directors Guidelines ("AAMD Guidelines" ) on various types of collecting, available online at <u>http://www.aamd.org/papers/</u>.
- 2. Washington Conference Principles on Nazi Confiscated Art available online at <u>http://www.lootedart.com/MG7QA043892</u>.
- 3. The Terezin Declaration available online at <u>http://www.eu2009.cz/en/news-and-documents/news/terezin-declaration-26304/</u>.
- 4. "A Matter of Justice: Recommendations of the Canadian Symposium of on Holocaust-era Cultural Property" available online at <u>http://www.museums.ca/media/Pdf/holocaustsymposium.pdf</u>.

### <u>November 16</u>: The Illicit Trade in Cultural Property: Or, Why can't we control the trade in cultural property?

- A. What is the illicit trade in cultural property?
- B. How does the illicit trade in cultural property emerge>
- C. Case Study: Peru
- D. In Class Workshop: Understanding Both Sides of a Debate/Counterargument
- <u>Readings:</u> 1. JH Merryman, "A Licit International Trade in Cultural Property" in K FitzGibbon, *Who Owns the Past: Cultural Policy, Cultural Property, and the Law* (New Brunswick, Rutgers, 2005) 269
  - 2. AJG Tijhuis, "Who is Stealing All Those Paintings?" in N Charney (ed), Art and Crime: Exploring the Dark Side of the Art World (Santa Barbara: Praeger, 2009) 41.
  - A Szopa, "Hoarding History: A Survey of Antiquity Looting and Black Market Trade" (2004) 13 U Miami Bus L Rev 55
  - 4. R Atwood, Stealing History (New York: St Martin's 2004) Ch 1, Ch 13.

#### <u>November 23</u>: Portrait of Wally II \*PRESENTATIONS WILL TAKE PLACE TODAY

<u>Readings:</u> Please review and bring readings from Week 1 to this class

#### <u>November 30</u>: Essay Q&A and Course Wrap Up \*PRESENTATIONS WILL TAKE PLACE TODAY

#### December 6: FINAL PAPERS ARE DUE TODAY