

An Early International Moment for Antiquities Restitution and Panic at the Louvre

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In the mid-1930s, a group of archaeology, museum, and legal experts broached the topic of an international convention to codify archaeological norms and practices. Even the restitution of excavated and exported antiquities came briefly to the table.¹ Both ideas set off panic at the Louvre as its curators imagined how such policies might impair France's most famous museum. Above all, the proposition scared Louvre leaders because of where it originated: the League of Nations, specifically League member-states whose politicians, archaeologists, and civil servants saw in the new institution the opportunity to claim new rights.²

This early and brief restitution movement—so brief, in fact, that calling it a restitution moment or restitution possibility is perhaps more fitting—grew out of broader debates in the interwar era about the changing practices of archaeology within a political landscape affected by World War I. Especially in the post-Ottoman Middle East, where Great Britain and France had created and begun to administer League of Nations mandates in Palestine, Transjordan, Iraq, Syria, and Lebanon, foreign excavators applying for dig permits could operate under a basic guarantee of taking home a portion of artifacts each year.³ The two decades after 1919 were thus marked by foreign “big digs” in a Middle East in flux, with more than one excavator referring to the period at the time as “a golden age of archaeology.”⁴ Egypt, though not a League mandate, also remained a favored location for foreign excavators and curators. Britain's Foreign Office in London and its High Commission in Cairo worked especially hard to convince foreign teams that excavation was still possible (and fruitful) in Egypt despite new politics ushered in by the 1919 Egyptian Revolution and the end of the British Protectorate.⁵

¹ See Camille Labadie on the non-retroactivity norm in “Decolonizing collections: A legal perspective on the restitution of cultural artifacts,” *ICOFOM Study Series* 49, no. 2 (2021): 132-146.

² On these dynamics more broadly see Erez Manela, *The Wilsonian Moment: Self Determination and the International Origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007), and Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford: Oxford University Press, 2015).

³ Billie Melman, *Empires of Antiquities: Modernity and the Rediscovery of the Ancient Near East, 1914-1950* (Oxford: Oxford University Press, 2020), see esp. chapter 1.

⁴ Peter Magee, “The Foundations of Antiquities Departments,” in *Companion to the Archaeology of the Near East*, ed. D.T. Potts (Malden, MA: Wiley-Blackwell, 2012), 76.

⁵ James F. Goode, *Negotiating the Past: Archaeology, Nationalism, and Diplomacy in the Middle East, 1919-1941* (Austin: University of Texas Press, 2007), see esp. chapter 5.

These assurances were nevertheless tested by the new politics. A first salvo came in Egypt in 1922-1923, after the excavation directed by British archaeologist Howard Carter breached Tomb KV62 in Egypt's Valley of the Kings. Hundreds of Egyptian laborers worked their way through the buried walls and blocked doorways from November 1922 until February 1923, when the main object of KV62, the boy-king Tutankhamen, was finally found in the inner sanctum.⁶ Carter, along with his patron the Earl of Carnarvon and British media, whipped up a frenzy back in Europe thanks to sensational photographs and storytelling about the find.⁷ Hopes ran high in the British press that a share of objects would return with Carter to Britain. Those hopes, however, were matched by deepening political will within the Wafd Party, which became dominant in Egyptian politics in the 1920s, to retain such artifacts.⁸ Despite the objections of British officials, Carter, and Carnarvon, the contents of King Tutankhamen were to stay put in Egypt.

These "conflicted antiquities," to use Elliott Colla's term, have generated a deep scholarly literature, surely in part because the struggles over them so emblematically captured and heightened larger political conflicts. Colla's *Conflicted Antiquities* (2007), for example, explores the history of Egyptology, Egyptomania, and modern Egyptians to argue for archaeology as a critical agent in the intellectual, cultural, and political formation of Egyptian nationalism.⁹ Nadia Abu El-Haj, Magnús Bernhardsson, and Clémentine Gutron have written similar studies of different political contexts (Palestine and Israel, Iraq, and Tunisia, respectively).¹⁰ James Goode's *Negotiating the Past*, which tracks a set of post-1919 diplomatic disputes over antiquities found in and/or taken from Turkey, Egypt, Iran, and Iraq, makes the additional point that nationalist movements and decolonial states watched and learned from each other's struggles to retain antiquities.¹¹ There is basic scholarly consensus, then, that negotiations over archaeology were constitutive of the decolonial nationalist movements that followed World War I, as well as European reactions to those movements.

But, given that so many of these same struggles played out during the first high point of twentieth-century experimentation in international governance, what of internationalism? The past twenty years have been marked by renewed historical interest in the hydra-headed work of

⁶ Donald M. Reid, *Whose Pharaohs? Archaeology, Museums and Egyptian National Identity from Napoleon to World War I* (Berkeley: University of California Press, 2002), 293.

⁷ For a contemporaneous report, see Arthur S. Draper, "A Mummy in Modern Politics," *Outlook*, 2 April 1924, 552.

⁸ Elliott Colla, *Conflicted Antiquities: Egyptology, Egyptomania, Egyptian Modernity* (Durham and London: Duke University Press, 2007), 191. See esp. chapter 4.

⁹ Colla, *Conflicted Antiquities*, 11.

¹⁰ Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society* (Chicago: University of Chicago Press, 2001); Magnús Bernhardsson, *Reclaiming a Plundered Past: Archaeology and Nation Building in Modern Iraq* (Austin: University of Texas Press, 2005); and Clémentine Gutron, *L'archéologie en Tunisie (XIX^e-XX^e siècles). Jeux généalogiques sur l'Antiquité* (Paris: Karthala, 2010).

¹¹ James Goode, *Negotiating the Past*, 3.

the League of Nations that emerged in the wake of World War I.¹² How can we leave out the League when its initiatives crucially shaped the interwar colonial and decolonial politics of archaeology, antiquities, and restitution?¹³ And what can the League's own attempts to intervene reveal about the longer-lived efforts of UNESCO, the post-1945 United Nations agency most associated with mediating artifacts and antiquities disputes?¹⁴

This article picks up this thread to examine how the interwar League of Nations (almost) became an arbiter of antiquities in a way that certain imperial powers came to see as an existential threat. France is profiled here, but a similar story could be told for Britain. For it was not only the future of finding, trading, and owning antiquities that was being reconsidered on an international scale but also the prospect of *restituting* antiquities. First "internationalized," albeit briefly, as a possibility via the League, the principle of restitution—especially retroactive restitution—implied litigating the imperial past and remedying a history of power differentials and exploitation.¹⁵ But curators whose museums had most benefited from those differentials, notably France and Great Britain, did not stand down but rather defended their archaeological record and right to antiquities. To argue their case, they also used the League of Nations' new instruments. Making much of this possible, in short, were the new international politics of the post-World War I era.

The legacy of this moment for museums and archaeology was mainly the creation of a new forum for debating technical practice, ethics, and rights, as the international framework envisioned by countries like Egypt never moved past the talking stage. And yet, this 1930s case foretells what would come to characterize decades of later debates about postcolonial restitution. In the 1930s, French curators voiced varied rationales to explain their opposition to restitution, which ranged from privately expressed anxieties for their departments to more public objections that the League was sowing nationalist divisions. Ironically, it would be the League's own ideal of *technical expertise*—the ideal that professionalism might supersede politics—which arguably best served French curators. Was the Louvre not filled with safely conserved objects? Did it not make sense to keep them far from countries beset by ongoing spoliation? (Never mind that Europeans and Americans largely powered that market.) These were points that shifted the focus from nation-states' rights or the wrongs of imperialism to the purported best practice of artifact care. European museums during the decolonial era of the 1940s-1970s would make similar claims

¹² A historiographical turn remarked upon and accelerated by Susan Pedersen's influential review essay, "Back to the League of Nations," *American Historical Review* 112, no. 4 (Oct. 2007): 1091-1117.

¹³ See Melman, *Empires of Antiquities*, chapter 1; and Ana Filipa Vrdoljak, *International Law, Museums, and the Return of Cultural Objects* (Cambridge: Cambridge University Press, 2008), see chapter 3.

¹⁴ On UNESCO's League lineage, see Lynn Meskell's *A Future in Ruins: UNESCO, World Heritage, and the Dream of Peace* (Oxford: Oxford University Press, 2020), 7-10.

¹⁵ Bianca Gaudenzi and Astrid Swenson note the "international" restitution of annexed artwork that followed Napoleon's defeat in 1815, though that process appears to have resulted mainly from British edict rather than international agreement. See Gaudenzi and Swenson, "Looted Art and Restitution in the Twentieth Century: Towards a Global Perspective," *The Journal of Contemporary History* 52, no. 3 (July 2017): 499.

of superior expertise to parry restitution demands.¹⁶ But the argument first “went international” in the 1930s and French museums were key beneficiaries.

A “Problem of Excavations,” the International Museums Office & New States

In 1922, the same year that King Tutankhamen’s tomb came to light, the newly formed International Commission of Intellectual Cooperation, a League of Nations body, submitted a report to headquarters in Geneva. The Commission, led by the French philosopher Henri Bergson, warned that “too many objects of the highest value remain buried under the earth and are prone to being destroyed or disappearing one by one, even being embezzled by ignorant speculators.”¹⁷ The situation was dubbed the “problem of excavations” by both the Commission and League civil servants, as well as by foreign archaeologists and curators eyeing the post-Ottoman Middle East. Bergson’s Commission adopted a resolution recommending “a vast collaboration... of mutual aid efficacious to international relations,” with the request that no government deny access to a foreign team’s request to excavate, in part to further fairness and in part to save ancient objects from destruction and disappearance. New League institutions would help facilitate this effort, among them the International Museums Office.

From its founding in 1926, the International Museums Office pursued multiple forms of “vast collaboration”: international conferences, manuals, treaties, and more.¹⁸ Headed by a young Greek diplomat named Euripide Foundoukidis and housed in Paris’s Palais Royal, with operational funding coming mainly from the French government, the Office focused on art, archaeology, and ethnology, producing a quarterly journal called *Mouseion* to which notable names frequently contributed.¹⁹ Above all, the Office under Foundoukidis self-identified as part of the League universe. It was one of multiple “technical bodies” created by the League to build international cooperation within a specific sector or on a specific issue.²⁰

The Museums Office pursued international cooperation in its namesake museums sector, of course, but also in many cognate fields, including archaeology.²¹ That meant a spate of articles

¹⁶ See Sarah Van Beurden, “The Art of (Re)possession: Heritage and the Cultural Politics of Congo’s Decolonization,” *The Journal of African History* 56, no. 1 (March 2015): 150-151.

¹⁷ Charles de Visscher, “La Conférence internationale des fouilles (Cairo, 9-15 mars 1937) et l’oeuvre de l’Office international des musées,” *Revue de droit international et de législation comparée* 18 (1937): 701.

¹⁸ See Annamaria Ducci’s analysis of the Office’s work in “Europe and the Artistic Patrimony of the Interwar Period: The International Institute of Intellectual Cooperation at the League of Nations,” in *Europe in Crisis: Intellectuals and the European Idea, 1917-1956*, eds. Mark Hewitson and Matthew D’Auria (New York: Berghahn, 2012), 235-238.

¹⁹ Contributors ranged from the director of Berlin’s State Museums and curators at the Kunsthistorisches Museum of Vienna to lab technicians at the British Museum.

²⁰ Pedersen, “Back to the League of Nations,” 32.

²¹ On the Office’s place within the larger initiative to facilitate cooperation among intellectuals, see Jean-Jacques Renoliet, *L’Unesco oubliée: La Société des nations et la coopération intellectuelle, 1919-1946* (Paris: Publications de la Sorbonne, 1999); and Marie Caillot, “La Revue *Mouseion* (1927-1946): Les musées

in *Mouseion* in the early 1930s on new excavation techniques as well as preservation methods. The head of Italy's National Archaeological Museum of Naples wrote in 1932, for example, of how conservators were using chemicals to slow physical deterioration at ancient Pompeii and Herculaneum.²² The Museums Office made clear in editorials in *Mouseion*, and through a major conference in Athens in 1931 on the preservation of historical monuments, that it aimed to use its new institutional capacities to bolster technical developments within both archaeology and the museums that housed, preserved, and interpreted archaeology's artifacts.²³

Impetus for such reforms, however, did not result only from internal disciplinary commitments to best practice. An "awakening of national conscience," a phrase used by Office adviser and international law expert Charles de Visscher, also triggered much of the Office's activity.²⁴ While Greeks, Ottomans, and Italians had attempted to ban antiquities' exportation in the nineteenth century, the movement gained new force at the end of World War I.²⁵ Italy, which had criminalized the permanent exportation of public-owned antiquities in 1909, raised the rate of exportation tax in 1923 on antiquities sold by private owners, making it less appealing to sell antiquities abroad.²⁶ This move by Mussolini's Italy came at the same time as Egypt's semi-independence in 1922 and Turkey's independence in 1923, with the new states calling for international reforms to protect their national interests from the liberties taken by foreign excavations, the clandestine digs that unfettered foreign demand prompted, and the resulting pattern of illicit exportation of antiquities. For the International Museums Office, the "problem of excavations" clearly had more than one side to consider.

Indeed, if the Office's purview was actually quite capacious, its archaeology initiatives generated particularly high levels of engagement because the sector drew in so many invested parties, many of them new sovereign states like Egypt or states with revolutionary regimes like post-1922 Italy. Both states sought to enforce national authority through archaeology by making use of antiquities to shape national narratives about the past but also by making national laws to designate the archaeological subsoil as intrinsically national property.²⁷ The states rimming the Mediterranean - like Italy, Greece, Egypt, and Turkey - had extra reason to want to assert their archaeological rights: they were the most historically trafficked by foreign travelers and

et la coopération culturelle internationale" (PhD diss., École Nationale des Chartes, 2011), esp. chapter 1 on "Esprit de Genève."

²² Amadeo Maiuri, "La technique de la restauration dans les nouvelles fouilles d'Herculanum," *Mouseion* 19, no. 3 (1932): 34.

²³ Studies of these disciplinary developments often tilt towards a whiggish interpretation. For example, see Eve Gran-Aymerich's *Naissance de l'archéologie moderne, 1798-1945* (Paris: CNRS Editions, 1998).

²⁴ De Visscher, "La Conférence internationale des fouilles," 703.

²⁵ Eds. Zainab Bahrani, Zeynep Celik, Edhem Eldem, *Scramble for the Past: A Story of Archaeology in the Ottoman Empire, 1753-1914* (Istanbul: SALT, 2011), 14-16.

²⁶ "Le régime douanier des objets d'art en Italie," *Mouseion*, 39-40 (1937): 241.

²⁷ Morag Kersel, "The Changing Legal Landscape for Middle Eastern Archaeology in the Colonial Era, 1800-1930," in *Pioneers to the Past: American Archaeologists in the Middle East, 1919-1920*, ed. Geoff Emberling (Chicago: The Oriental Institute of the University of Chicago, 2010): 85-90.

excavators, going back more than a century to Napoleon's plundering of the Italian states and Lord Elgin's extraction of the Parthenon marbles to the more recent dubious maneuvers by German Egyptologist Gustave Borchardt at ancient Amarna in 1912.

Mediterranean countries' governments and professionals thus engaged with the League's new International Museums Office immediately. Italy's director of fine art and chief inspector of fine art joined the Office's board of directors and ad hoc committees from 1927.²⁸ In 1930, Greece's director of antiquities, Konstantinos Kourouniotis, used the International Museums Office's journal, *Mouseion*, to spread news of increased entry fees aimed primarily at foreign visitors in Greek state-owned museums and monuments sites.²⁹ That same year, the Greek government began discussions with the International Museums Office about hosting an international conference in 1931 on technical and legal enforcement of historical monuments preservation.³⁰ In 1933, Italy's chief inspector of fine arts informed the International Museums Office of his country's plan to map, track, and publish annually in *Mouseion* every excavation undertaken in the country alongside note of "the Association or Institute in charge...as well as the Museums to which was confided the conservation of the discovered objects."³¹ It was at once a way of publicly valuing foreign interest in the country while also asserting Italian vigilance.

The new assertiveness of Italians and Greeks on behalf of their national collections, historic monuments, and archaeological dominions were matched by French, German, and American archaeologists who invoked "internationalism" to argue for liberal acquisition rights and privately fretted that "nationalist agitation in the East," namely Egypt, Iraq, and Syria, would halt access there altogether.³² There was a "problem of excavations"—on that, everyone could agree—with the scope of the "problem" ranging from debates over access, to property rights, to illegal excavations. The next logical question was if international mediation might help. By the mid-1930s the International Museums Office took on the charge. The question of restitution would soon come to dominate that effort, at once the center and the sticking point of archaeological international cooperation.

Agenda(s) at the International Conference on Excavations in 1937

In late 1936, Jules Destrée, the Belgian president of the International Museums Office, announced an upcoming international conference. Egypt's government would host and the Office would organize the agenda and participants. The meeting was set to take place in Cairo in 1937.

²⁸ Italians remained on the board until late 1937, when Italy left the League.

²⁹ "Muséographie Générale," *Mouseion* 10, no. 1 (1930), 59.

³⁰ "La protection et la conservation des Monuments d'art et d'histoire," *Mouseion* 15, no. 3 (1931), 94-95.

³¹ Francesco Pellati, "Relevés topographiques des champs de fouilles," *Mouseion* 23-24, no. 3-4 (1933), 161-162.

³² Letter, James Henry Breasted to René Dussaud, 16 October 1928. Archives de l'Institut de France/Archives des Inscriptions et Belles-Lettres/René Dussaud Correspondance Générale/Breasted (K60).

It became known as the International Conference on Excavations, and it had a split agenda from the start. “Technique” nominally led the agenda—little surprise given the International Museums Office’s *raison d’être* as a League technical body. Archaeologists and curators affiliated with the Office accepted that focus, knowing the Office’s mission, and appreciated the need for it. Multiple delegates to the conference had themselves contributed essays to *Mouseion* about the importance of technical cooperation. Belgium’s delegate Jean Capart, who was curator at the Musée du Cinquantième in Brussels, for example, had written emphatically in 1932 of the “necessity of international” expertise in the successful rescue of the temples of Philae from Nile River flooding.³³

“International” technical expertise most often meant *western* European or American expertise, however, and that pattern increasingly attracted skeptics. Antonios Keramopolous, a University of Athens archaeologist, had made such a point in *Mouseion* in 1933. Noting the scores of razed hills and abandoned pits that dotted the Greek landscape, he described them as the debris left by foreign excavators in their “impatience to obtain sensational results for their archaeological patrons.” The situation, he wrote, was “[i]rreconcilable with the necessities of methodical work.”³⁴ Keramopolous had called for the International Museums Office to facilitate international legal frameworks to enforce technical standards, and that idea became the undercurrent of the 1937 Cairo Conference. On the table in Cairo was not just discussion of best practice on technique but also legal mechanisms meant to standardize and enforce technique.³⁵ These were the agendas when on 8 March 1937 some sixty delegates representing over twenty countries met for the conference’s week of papers, debates, and drafting at the Egyptian Geographic Society in central Cairo.³⁶ Presentations over the week included the use of aviation to minimize invasive prospecting, public education campaigns to train citizens to respect ancient colonnades, and the prevention of illegal excavations and illicit exportation, with international legal enforcement becoming an especially contested instrument.

There was also the question of restitution. The Egyptian hosts especially pressed the case for an international framework that might commit nations to *return* antiquities if they were determined to have been illegally excavated and/or illegally exported.³⁷ This idea, in fact, had

³³ Jean Capart, “La conservation des Monuments et la nécessité d’une collaboration internationale - L'exemple de Philae,” *Mouseion* 19, 3 (1932): 141-47.

³⁴ A.D. Keramopolous, “Le régime des fouilles. Nécessité d’une réglementation internationale,” *Mouseion* 21-22, no. 1-2 (1933): 75-76.

³⁵ There were two legal approaches: (1) an international legal convention and (2) an articulation of “best practice” for nations to adopt (ideally) into their own national laws on archaeological technique and museum policy.

³⁶ The list of attendees was included in two key documents issued by the conference: the “Final Act” statement of principles, which the International Museums Office disseminated to member-state governments from 1937; and a manual on archaeology, the *Manuel de la technique des fouilles archéologiques*, which the Office published in 1939.

³⁷ Seven delegates represented Egypt at the conference, including the Egyptian intellectual and nationalist, Ahmed Lutfi el-Sayed Pasha (rector of the University of Cairo), Ali Ibrahim Pasha (vice rector of the University of Cairo), Dr. Selim Hassan (deputy director of the Egyptian Antiquities Service), as

hovered at the margins of the Cairo conference ever since 1935 when King Fuad I's emissary at the Egyptian embassy in Brussels had first approached Jules Destrée about holding the conference. In May 1936, the Egyptian government had even made it known to the International Museums Office that Cairo would not be willing to host unless restitution was put on the agenda, writing: "The Minister of Public Instruction requires this question of capital importance be included, that is, extensive discussion [be on the agenda] of the measures that must be taken for the *revendication* and *restitution* of antiquities taken illegally out of their countries of origin."³⁸

The ultimatum worked, with the item making the agenda and coming up for discussion on the last two days of the 1937 meeting in Cairo. Debate went deep into the final night, only ending at 1:30am on March 15 and effectively closing the League's Conference on Excavations. The conference's senior French delegate, Louvre curator emeritus of Near Eastern antiquities René Dussaud, wrote an account of the evening's debate for Henri Verne, head of French National Museums, on 18 March 1937. "In the last days [of the conference], a veritable trap was laid down by the Italian jurist, [Ugo] Aloisi, president of the Court of Appeals of Italy," Dussaud wrote, calling Aloisi "a hunchbacked aggressive character" and a "childish totalitarian."³⁹ The discussion had grown "heated," he relayed, promising Verne: "When I return to Paris, I will put myself at your disposition, as well as those of the curators, to explain the proposed measures."⁴⁰

Panic (and Antiquities Politics) at the Louvre

Louvre curators came to see March 1937 as an existential threat. French archives reveal a response marked by politicized outrage, professional angst, and high-level counterplotting. France's René Dussaud became a key conduit for that response. He had retired in December 1936 as head of Near Eastern antiquities at the Louvre, widely revered by his peers. As curator emeritus, Dussaud had been selected to go to Cairo in spring 1937 as France's senior delegate to the Conference on Excavations. Joining him was Jean Charbonneaux, deputy curator of the Roman and Greek antiquities department at the Louvre. Dussaud left for Cairo feeling confident. In a letter sent to Verne just before leaving, he had predicted that the conference's main result would be, "legislation that the League will recommend to newly sovereign States, which will permit those governments to push back against certain [nationalist] strains."⁴¹ Dussaud, in other

well as a representative of the Ministry of Public Instruction and the French director of the Egyptian Antiquities Service, Étienne Drioton.

³⁸ Letter, Legation of King of Egypt in Brussels to E. Foundoukidis, 12 May 1936. UNESCO Archives/OIM Sub-Fonds/Box 378/File XIV.71. In the same file, see letters sent 23 May and 29 May 1936 by the Egyptian Legation.

³⁹ Letter, René Dussaud to Henri Verne, 18 March 1937. French National Archives at Pierrefitte (AN)/Fonds des Musées Nationaux/Séries Q33/Conférence internationale des fouilles, 1937/Sub-dos: Commentaires Françaises.

⁴⁰ Ibid.

⁴¹ Letter, René Dussaud to Monsieur le Président du Conseil des Musées Nationaux (Henri Verne), 6 February 1937. AN/Fonds des Musées Nationaux/O/Folder Dussaud 030-301.

words, had optimistic expectations for the Conference as an instrument to *help* curators and antiquities service directors in Cairo, Ankara, Baghdad, Damascus, and Beirut block calls growing within the governments they served to limit foreign excavations and exportation, legal or illegal.

Dussaud was wrong, though he did not yet know it. His journey began with the comforts typical for a Louvre curator: passage on the *Champollion* express, the liner's name an homage to the 19th-century French orientalist who had worked to decode Egyptian hieroglyphs. Pharaonic designs dotted the ship's public lounges, with sculptures of high priestesses standing sentinel near the elevators. Once the conference began in Cairo, though, Dussaud sent fretful news back to his Louvre colleagues almost immediately. "[T]he news of our work here will not be agreeable to you," he warned Charles Boreux, head of the Louvre's Egyptian wing.⁴² Dussaud described the emergence of what he called a "coalition of all the Eastern countries." He reported that the Egyptian delegates had demanded a total ban on museums purchasing antiquities, calling it "exorbitant." "Their stance is ridiculous," Dussaud wrote, "going so far as to [call] for restitution."

In the months after the conference ended, France's curators at the Louvre watched with mounting concern as the League's General Assembly voted on 30 September 1937 to endorse the Cairo Conference's work. This was a symbolic show of support, as the conference had not generated an international convention but rather a document called the "Final Act" (or "Cairo Act"), a sort of declaration of principles.⁴³ The General Assembly's action nevertheless triggered a memorandum sent by National Museums director Verne to the French cabinet, pleading for help.⁴⁴ It is a remarkable memo, worth quoting at length:

The support given by the Assembly of the League of Nations to the Final Act of the Cairo Conference arouses in French archaeological circles, and especially among the Curators of the National Museums, a feeling of astonishment and deep regret.... It would have been desirable for competent Administrations to be put in a position to pronounce [their positions] after a dutifully considered study on the delicate problems which cannot be definitively resolved by the rather hasty conclusions of a congress ... It was also regrettable to see the League of Nations endorse a trend that is not very consistent with the principles of true international collaboration. Indeed, the proposed principles [in the Cairo Act] are based unilaterally on the interests of nations whose present fittingly glorifies the memory of an illustrious past, while seeming to neglect the interests and the scientific services of the nations [that played key roles] in the revelation of that past ...

⁴² Letter, René Dussaud to Charles Boreux, 13 March 1937. AN/ Musées Nationaux/Q33/Conférence internationale des fouilles, 1937.

⁴³ AN/ Musées Nationaux/Q33/Conférence internationale des fouilles, 1937/Acte final et conclusion de la Conférence Internationale des Fouilles (1938).

⁴⁴ It is unclear which precise ministry, or ministries, the memo was sent to. The document appears in NA/Musées Nationaux/Séries Q33/Conférence internationale des fouilles, 1937, in a sub-folder entitled "Observations présentées par la Direction des Musées Nationaux."

Verne concluded by asking “the [French] Government to kindly express to the Secretary General of the League of Nations its astonishment that a text as unofficial as that which summarizes the wishes of a Congress, has received from the Assembly of the League of Nations an approval which, without giving it the scope of an international legal act, nevertheless confers on it the high value of a moral recommendation.” More practically, he requested that the process effectively be restarted so that “the nations that initiate excavations” could consider “the terms of the Final Act of the Cairo Conference [and] make suggestions and formulate positive counterproposals.”⁴⁵

Verne’s desire to discredit certain voices at the Cairo Conference and the General Assembly’s support for them ultimately prevailed. It is critical here to emphasize that the Cairo Act approved in Geneva had not even been that revolutionary.⁴⁶ Composed of forty points, the Act comprised five sections: Principles of Internal Legislation, Regulation of Excavations and International Collaboration, Repression of Clandestine Excavations, Guiding Principles for Administrative Organization of Services, and the Organization of International Documentation.⁴⁷ The Act that the General Assembly approved in September 1937 was mostly the same text drafted at Cairo, but some provisions had been diluted. For example, instead of an intergovernmental accord to mediate cases of museums holding alleged illicit antiquities, the draft endorsed the proposition that museums police themselves. The Italian jurist Ugo Aloisi, with whom the revised draft was shared in June 1937, objected to the change, writing: “I do not think the difficulties of achieving an international accord are insurmountable. No government will want to give the impression of harboring stolen objects.”⁴⁸ Euripide Foundoukidis, who was overseeing the Cairo Act as secretary-general of the Museums Office, kept the edit anyways, his correspondence with Aloisi conveying that pressure was coming from unnamed people and states hostile to the idea of an intergovernmental pact.⁴⁹ Among these people was almost surely Henri Verne of French National Museums.

What did Verne and French National Museums leadership oppose in the Cairo Act, even as Foundoukidis attenuated its recommendations to their liking? Key insights can be found from late 1937 into 1938 after Foundoukidis circulated the Act to individual governments to review. Verne led the vetting process for the French, and the archives of the French National Museums show Louvre curators devoting significant time to compiling myriad objections to the Act.⁵⁰

⁴⁵ AN/Musées Nationaux/ Q33/Conférence internationale des fouilles, 1937.

⁴⁶ Acte Final de la Conférence Internationale des Fouilles. Observations Préliminaires,” *Mouseion* 45-46, no. 1-2 (1939): 217.

⁴⁷ The Act was reprinted in *Mouseion* 45-46, no. 1-2 (1939) and is also available online at the UNESCO Archives online database” “Access to Memory” (AtoM), accessed 4 April 2023, <https://atom.archives.unesco.org/>.

⁴⁸ Letter, Ugo Aloisi to E. Foundoukidis, 16 June 1937. UNESCO Archives/OIM Sub-Fonds/Box 378/File XIV.71

⁴⁹ Letter, Foundoukidis to Aloisi, 20 May 1937. UNESCO Archives/OIM Sub-Fonds/Box 378/File XIV.71.

⁵⁰ As evident from letters and memos dated March 1937 through July 1938, collected in AN/Fonds des Musées Nationaux/Séries Q33/Conférence internationale des fouilles, Cairo 1937.

“Considerable emotion” was erupting over the Act within the French archaeological and museums sector, Verne told France’s minister of fine arts in December 1937, perhaps to explain why so much time was being spent on it. Writing Verne in February 1938, the Louvre’s Egyptology curator Charles Boreux palpably seethed. He had numerous issues, among them the notion that museums might have to restitute antiquities.⁵¹ “All this is detestable,” Boreux fumed. “I hope I will not see, God willing, the enactment of these ‘ukases.’”⁵² The best case scenario for him was that, “it will, in the end, turn against them,” meaning Egyptian nationalists like Dr. Selim Hassan, deputy director of Egypt’s Antiquities Service and Cairo Conference attendee.⁵³ Boreux wished ill on the International Museums Office as well, denouncing the “preponderance” of power that the Cairo Act seemed ready to invest in it.⁵⁴

There is a deep irony in Charles Boreux’s curse upon the Cairo Act but especially his curse upon the Museums Office because throughout 1938 Henri Verne was working hard on a revision of the Cairo Act from *within* the Museum Office’s board of directors. He was joined on the project by his similarly powerful board counterparts from Britain and Holland, who led the Victoria & Albert Museum and the Rijksmuseum, respectively.⁵⁵ In spring 1938, Verne recorded letters, proposals, notes, and suggestions from French curators as he prepared the reinterpretation. (Boreux’s February 1938 letter was solicited for Verne’s work). These behind-the-scenes revisions kept the Cairo Act out of the headlines in 1938, especially as international tensions dominated, and by 1939, all of the International Museums Office’s initiatives began to break down, the Cairo Act included, as national governments and international organizations focused on the threat of war.

Nevertheless, a summer 1939 headline in the French news magazine, *Marianne*, provides some insight into interpretations and impacts of the Cairo Act as it looked at the end of the 1930s—the end of this particular restitution moment. Titled “Conquêtes pacifiques,” the 16 August 1939 article reported the emergence of an exciting development from the International Museums Office: *Le Manuel de la technique des fouilles archéologiques*, “a veritable guidebook for

⁵¹ Letter, Charles Boreux to Henri Verne, 6 February 1938. AN/Fonds des Musées Nationaux/Séries Q33/ Conférence internationale des fouilles, Cairo 1937.

⁵² “Ukases” appears in Boreux’s original text. If tongue-in-cheek, the reference captures both French curators’ sense of entitlement to antiquities and their outrage that a counterbalancing force against it was in formation.

⁵³ Letter, Charles Boreux to Henri Verne, 6 February 1938. AN/Fonds des Musées Nationaux/Séries Q33/ Conférence internationale des fouilles, Cairo 1937. For more on Hassan, see Donald M. Reid, *Contesting Antiquity in Egypt: Archaeologies, Museums, and the Struggle for Identities from World War I to Nasser* (Cairo: The American University in Cairo Press, 2019), ch. 9.

⁵⁴ A letter from Dussaud to Verne, 5 February 1938, for example, critiqued the “Office of Intellectual Cooperation” for stifling the “moderate voices” at the table, as well as the evident new role of the “lawyers” at the conference, who “took charge when in fact they should have been working to our specifications.” Musées Nationaux/Séries Q33/Conférence internationale des fouilles, 1937.

⁵⁵ Letter from Verne to the French Director-General of Fine Arts, 22 December 1937. AN/Fonds des Musées Nationaux/Séries Q33/Conférence internationale des fouilles, 1937.

excavation technique,” the paper called it, touting its origins at the Cairo Conference in 1937.⁵⁶ The *Manuel*, which was published in early 1939, included the full text of the Cairo Act as an appendix. Both the *Manual*'s section on technique and the appended Cairo Act did, in fact, endorse certain excavation reforms called for by Greek, Egyptian, and Iraqi commentators in the 1930s. But both the *Manuel* and the Cairo Act also did little to advance the restitution moment of 1937 and instead undercut it by reframing the problem of excavations altogether. We now turn to that reframing by way of a conclusion.

Conclusion: The Ideal of Technical Expertise

The Cairo Act as it appeared in the 1939 *Manuel* called it “the duty of each Government to take all steps in their respective domains to prevent clandestine excavations and the [illegal] export of objects” in the first place.⁵⁷ The manual also had much advice on related matters: how countries could use technical skill, public education campaigns, and domestic legislation to prevent unlawful local digging and trafficking. For antiquities that did end up across the ocean, the Cairo Act in the appendix leaned heavily on voluntary virtue within the sector, meaning museums would be trusted to do their own business independent of government mediation.⁵⁸ Restitution *was* thus possible to imagine, but museums (and not national governments or an international convention) would be in charge. *Retroactive* restitution of the kind briefly floated in 1937 went wholly unmentioned.

These outcomes of the restitution moment of the 1930s reveal a few important lessons that French national museums—the Louvre, in this case—took away. Internationalism, for one, was unpredictable, even in sectors the French state felt well-positioned to steer.⁵⁹ Subsidized by France, headquartered in Paris, and closely associated with French National Museums’ director Henri Verne, the International Museums Office had been seen by French archaeologists and curators as a French asset from the 1920s. Yet in the mid-1930s that confidence had faltered as the Museums Office opened up to multiple voices in the sector. French curators briefly came to fear, even “detest” *pace* Boreux, the new internationalism.

At the same time, the multifaceted internationalism of the International Museums Office eventually swung the French way again as it embraced technical expertise as a solution to both

⁵⁶ “Conquêtes pacifiques,” *Marianne*, 16 August 1939, 11. UNESCO Archives/OIM Sub-Fonds/Box 14/File 73. The *Manuel de la technique des fouilles* was organized by the apparently indefatigable Foundoukidis. It came out spring 1939 and was also published in *Mouseion*'s final 1939 issue as well.

⁵⁷ “Acte Final de la Conférence Internationale des Fouilles: Article 14,” *Mouseion* 45-46, no. 1-2 (1939): 226.

⁵⁸ Melman, *Empires of Antiquities*, 55-56.

⁵⁹ On these dynamics of internationalism, see “The Reluctant Internationalists” website, Birkbeck University, accessed May 5, 2023. <http://www7.bbk.ac.uk/reluctantinternationalists/>, which focused on health and medicine.

“the problem of excavations” and the possibility of restitution.⁶⁰ The ideal of League technical bodies like the International Museums Office, after all, was a vision of expertise operating above politics.⁶¹ The reality was an International Museums Office that choked off political claims in the sector by elevating technique as a superior value and assessing technique on unequal grounds implicitly biased against non-Western petitioners. It helped codify an unofficial (and prejudicial) principle: if *you* “lost” the artifacts, *you* were to blame.⁶²

In 1937-1939, that principle was just beginning to acquire the power it would wield in later decades as it became a key argument invoked by European museums and governments to defer restitution requests, many from decolonizing and postcolonial states. The drawn-out obstructionism of multiple European governments to Nigeria’s request for the Benin Bronzes is perhaps the most famous case in recent years, and as Bénédicte Savoy reminds in *Afrikas Kampf um seine Kunst Geschichte einer postkolonialen Niederlage* (2021), it comes after an earlier restitution campaign by multiple African states was slowly thwarted in the 1970s.⁶³ Among the many anti-restitutionist arguments made then were two specious claims: that colonial powers had actually “saved” the artifacts in the first place from Africans’ “unsuitable” stewardship, and that their present-day return was unwise because new African nation-states were allegedly unready to meet UNESCO’s 1970s technical standards. “Nearly every conversation today about restitution of cultural property to Africa,” Savoy would write in 2021, “already happened forty years ago.”⁶⁴

Savoy’s book, available in English translation as *Africa’s Struggle for its Art*, is a call for vigilance and forward-thinking for the future, not hopelessness. But it also inspires thinking about even earlier cases, including the 1930s “restitution moment” traced here. *Did nearly every conversation today about restitution, to paraphrase Savoy, already happen [eighty] years ago?* It is an interesting thought experiment. It is also not quite right, given the specificities of context. The particular African context matters for Savoy’s study. So, too, do the particularities of the League’s restitution moment in the 1930s and the specific nations involved. Each potential restitution moment - and opposition to it - is unique. At the same time, there remain obvious commonalities across time and space. One pattern is the anti-restitutionist’s refrain that reliably conjures both

⁶⁰ One of the best introductions to these technical bodies’ place in the cosmology of the League of Nations’ institutions remains Pedersen, “Back to the League of Nations,” 1108-1109.

⁶¹ This “de-politicizing” dimension of international technical work under the League anticipates post-WWII international development work’s dependence on technical specialists, as analyzed by James Ferguson in the influential *The Anti-Politics Machine: Development, Depoliticization, and Bureaucratic Power in Lesotho* (Cambridge: Cambridge University Press, 1990).

⁶² Melman, *Empires of Antiquities*, 55-56.

⁶³ Bénédicte Savoy, *Afrikas Kampf um seine Kunst Geschichte einer postkolonialen Niederlage* (München: C.H. Beck, 2021), and translated as *Africa’s Struggle for Its Art: History of a Postcolonial Defeat*, trans. Susanne Meyer-Abich (Princeton: Princeton University Press, 2022).

⁶⁴ Quoted from Savoy’s 2022 translated version, *Africa’s Struggle for Its Art*, 139. Savoy’s book draws from the research she co-conducted with Senegalese scholar, Felwine Sarr, at the request of the French government, their work resulting in 2018’s *Rapport sur la restitution du patrimoine culturel africain. Vers une nouvelle éthique relationnelle*, Ministère de la Culture, rapport no. 2018-16), accessed 2 February 2023, <https://www.vie-publique.fr/rapport/38563-la-restitution-du-patrimoine-culturel-africain>.

the alleged superiority of international technical expertise and the specter of mass restitution hollowing out European museums. Neither the ideal of apolitical international technique nor the eventuality of eviscerated museums bears out in reality. But we see both ideas beginning to take shape in 1937.

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