

The Conflict about the Restitution of Art Works: A Solomonic Proposal

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Abstract The deep-seated conflict and controversial debate about the restitution of art is in need of other approaches than the established ones. One side argues that these art works have been looted and belongs to the countries where they originated. Therefore, they must be restituted. The other side argues that some of these art works were bought on a market and were not stolen. Moreover, the art works were well conserved in the Western museums and would otherwise no longer exist. Despite many discussions, the conflict seems to be intractable and has also reached the political sphere. We propose an unorthodox way to mitigate the current conflict and to enable more people to consume culture. The new potential of identically replicating originals is combined with random choice. As the large majority of cultural works of arts are the object of observation, only replication is thought to be well suited to fulfill this requirement. However, we acknowledge the limitations of our proposal with respect to human remains and works of art that are put into use in a cultural context from which it was appropriated.

Recently, the discussion about how to treat works of art from formerly colonial countries and now presented in Western museums has much intensified. A recent example are the Benin bronzes proudly displayed in various Western museums. There are two strongly opposing positions. One side argues that these art works have been looted and belongs to the countries where they originated (Hicks, 2020). Therefore, they must be restituted. The other side argues that some of these art works were bought on a market and were not stolen (Petropoulos, 2017). This side further stresses that the art works were well conserved in the Western museums and would otherwise no longer exist (Saltzman, 2021). Despite many discussions, the conflict seems to be intractable and has also reached the political sphere (Paquette, 2020).

Such a conflict is a core topic in economics and, particularly, in the economics of art and culture. It refers to a situation of scarcity, which forces actors to take a decision. The standard approach takes

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supply as given. In contrast, our unorthodox, and maybe slightly provocative, proposal takes the supply as augmentable due to major progress in photogrammetry or laser scanning techniques. This digital progress makes it possible to create precise reproductions of cultural goods, thus mitigating the underlying scarcity constraint. Our proposal may help to solve the allocational conflict and allows both sides to be satisfied.

Another central concern is to enable more people to gain access to cultural goods. Our proposal requires that cultural goods are identically replicated, which results in increased supply. Furthermore, it should further fuel technological advancements in this regard. The touring exhibition of Tutankhamun is a well-suited example. It consists exclusively of replications and enables many visitors to experience the tomb and its artefacts. About 8 million visitors have visited this exhibition which suggests that these replicas are attractive and accepted.

From a traditional and conventional perspective, the intrinsic value of works of art is tied to an original. Since perfect replications today are indeed feasible, it is open why a replication should not have intrinsic value. This holds in particular if the differentiation between an original and a replication can only be determined by physical or chemical procedures as it is, e.g., common with canvas art pieces. However, we acknowledge that our proposal is not a universal solution as there are instances such as human remains that are not suited to be replicated.

The suggested procedure here advanced consists of three steps:

Step 1: The art works in question are identically reproduced. Based on modern digital technology, this is possible (Wong & Quintero, 2019).

Step 2: The original and the replica are placed next to each other without indicating which is which.

Step 3: Using a strict random mechanism, it is decided which of the two parties (the representatives of the original location of the art work and of the Western museums in which they are now shown) may freely choose which of the two exhibits they want to have; without using forensically based chemistry and physics methods.

As the winner of the random choice can choose without any restriction between the two art works, that party must be satisfied. The non-winning party getting the other piece is also satisfied because the replica is identical. Moreover, as this procedure is undertaken for all art works in question, the random procedure guarantees that each party will have an equal chance to choose. If the procedure proposed is followed, the conflict that now appears to be impossible to solve in a satisfactory way disappears, and both parties are satisfied. It may be called a Solomonic judgement and outcome.

Our proposal can be expected to be put into doubt. It may be questioned whether it is really possible to produce identical replicas. But this argument can be rejected based on much empirical evidence (Grüner et al., 2019; Wong & Quintero, 2019). Recently, an alternative for ivory was

developed that is deceptively genuine and has many Ivory-characteristic features. It is also applicable to cultural heritage reproduction (Rath et al., 2021). For observational purposes, the material integrity of replications is irrelevant. However, if the works of art are put into use, which is rarely the case, our proposal is not applicable yet. Since the restitution of works of art is dealt with by government representatives, they will be preserved and exhibited in an institutional setting such as a museum. A more fundamental issue is the lack of proper equipment and missing state of the art museums in many developing countries, mainly due to severely limited financial resources.

Our proposal certainly has its limitations. For instance, when it comes to human remains, the perceptions of various religious and cultural groups are too different from applying a single solution. In our opinion, there should not be any doubt that human remains important in a cultural context should be restituted from the place from which they originate.

Another prominent field for replications is prehistoric art, as found in Lascaux or the Chauvet cave, France, Altamira, Spain. Here, most tourists describe their experience as predominantly positive (Hughes et al., 2021), and in the case of the replicated Chauvet cave, over 90 percent of tourists perceived the respective cultural heritage as an authentic experience (Duval et al., 2019). In line are the findings from Hughes et al. (2021), which support the acceptance of tourists concerning the authenticity of four cave replications. Grüner et al. (2019) investigated the perception of originals and reproduced works of art and found no effect of genuineness. The participants rated the reproductions not statistically different to the originals concerning different emotional dimensions and confirmed the results of preceding investigations (Brieber et al., 2015). Locher et al. (2001) stated that only art-trained people rated genuine artworks reliably different from reproductions. However, Grüner et al. (2019) suppose that this difference between trained and laypeople is likely to disappear with the improvement in the quality of reproductions.

Today there are even whole museums presenting replicas only. A prominent example is the Vermeer Centrum Delft attracting a large number of visitors (Delft, 2019). There are even works of art in digital form with no distinction between the original and a copy. An example is «Everydays – The First 5000 Days», which was sold by Christie's in March 2021 for \$69.3 million.¹

The random mechanism securing equal advantages to both sides may be rejected because the parties concerned are unfamiliar with it and is new in this context. The beneficial effects of using random mechanisms in history and today can weaken the opposing view (Buchstein, 2009; Sintomer, 2014). Finally, all those actors who have an interest in the conflict as such will reject our proposal. This may be for political reasons or because they benefit from the conflict because their unique scholarly expertise is sought. Moreover, both print and social media are more interested in headlines referring to a conflict than in an efficient solution, a prominent aspect of the attention economy (Hendricks & Vestergaard, 2019; Wei & Wan, 2017).

According to our political economist's perspective, museums as institutions do not have preferences and intrinsic reasons to act in a certain way. Instead, the actors such as the director, individual

members of the board or administrators are taken to have individual preferences influencing the decision-making process. No proposal to overcome a deep-seated conflict is without problems. Nevertheless, it may be helpful for society to approach it with a new procedure.

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CONFLICT OF INTERESTS

The authors declare that they have no conflict of interests.

DATA AVAILABILITY STATEMENT

All data are available in the main text or the supplementary materials.

END

NOTE

1. For the purpose of the art market, this work of art is protected by Blockchain technology, but in principle, identical copies can be produced by the owner at no cost.

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