

Stolen Antiquities

Should museums return relics to their country of origin?

An ancient vase at New York's Metropolitan Museum of Art is fueling an intensifying ethical and legal debate about some of the world's most celebrated works of art. Two years ago, Italian authorities produced evidence the ancient vessel had been smuggled from Italy and demanded its return. Such prized artifacts have raised thorny questions about the ownership of cultural treasures in private collections and museums around the world. The controversy — and attendant criminal trials of alleged smugglers — is also shedding new light on the secretive world of antiquities collecting — a realm populated by tomb robbers, wealthy connoisseurs and aggressive dealers and curators. Some experts estimate that up to \$4 billion worth of precious art is being illegally traded. Whatever their worth, ancient artworks are priceless to Italy, Egypt and other nations increasingly using cultural artifacts to exert political leverage and stoke national pride.



A looter holds an ancient urn from the Isan Bakhriat archaeological site in Iraq. Since Saddam Hussein's fall, looters have stripped unguarded archaeological digs throughout the country.

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Stolen Antiquities

BY ADRIEL BETTELHEIM AND RACHEL ADAMS

THE ISSUES

Before 2005, few people other than art historians and antiquities buffs knew much about the Euphronios Krater. The 2,500-year-old Greek vase, named for the artisan who adorned it with detailed scenes from the Trojan War, sat under glass in a room filled with other ancient Greek objects in New York's Metropolitan Museum of Art. To some visiting school groups, tourists and day-trippers, it merited little more than a passing glance.

But within the art world, the krater was both venerated as a priceless relic and tainted by a shady past. Collectors and archaeologists long suspected it had been plundered from Italian soil, then trafficked through a shadowy international network of dealers to New York. The museum helped stoke these suspicions by refusing to address its provenance.

The matter remained off the public's radar until Italian officials launched an effort to catalog prized pieces of art they believed had been stolen and repatriate them as national treasures. Two years ago, they produced evidence gleaned from a smuggling case that proved the krater had been removed from a tomb north of Rome and smuggled out of the country in 1971. They demanded its return, threatening to block the Metropolitan from borrowing from Italy's vast collections for future exhibits until it complied. Faced with an unexpected public relations crisis and potentially serious hurdles to mounting new shows, the museum agreed to return the krater and 20 other objects suspected of being stolen. In return, Italy pledged long-term loans of art and



AP Photo/Bebeto Matthews

The famed Euphronios Krater, a priceless Greek vase at New York's Metropolitan Museum of Art, is going back to Italy. The museum agreed to return the 6th-century B.C. painted vessel and other looted artifacts in exchange for loans of other artworks. Several prominent museums are under pressure to repatriate artworks with questionable provenance.

future cooperation on archaeological digs and other cultural ventures.

The krater confrontation and several others involving other prominent museums have spawned an intensifying ethical debate about looted art and under what circumstances source countries can assert ownership of objects that have ended up in museums in other countries. The cases also are shedding new light on the insular world of antiquities collecting — a realm populated by tomb robbers, wily dealers and wealthy connoisseurs in which ownership at times can be frustratingly difficult to establish.¹

No one knows how much of the world's art is acquired under questionable circumstances. Some dealers estimate that from \$2 billion to \$4 billion worth of precious art is being illegally

traded at any given time, but in 1999 the prestigious Christie's and Sotheby's auction houses reported that only about \$80 million to \$90 million worth of antiquities — whether looted or legitimately acquired — were in circulation. Regardless of the amount, the pieces in question are incalculably valuable to nations that increasingly use cultural artifacts to exert political leverage and stoke national pride, such as Italy, Egypt, Greece and Turkey.

Often the countries are operating on murky legal precedent. While international treaties such as the UNESCO convention of 1970 prohibit the theft of cultural property, it is difficult to establish patrimony on never-before-seen objects taken from their original location centuries ago and buried elsewhere. * Moreover, the governments making the claims all came into existence over the past 200 years and in many cases cannot

prove that they legitimately "owned" the objects in the first place. To recover artworks, governments also typically have to demonstrate a suspect object is "culturally significant" — a vague criterion, especially when the disputed objects may be shards of pottery or an unremarkable ancient Greek vase.

"If you pile up enough circumstantial evidence, you've eventually got something that's beyond reasonable

* The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Properties was drafted under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in response to concern about artifact looting in Mexico and Peru.

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Coveted Relics in the Spotlight

Here are some of the noteworthy relics — many of them prized exhibits in prominent museums — whose provenance has come under scrutiny, or which have become the object of sensitive custody disputes.



AFP/Getty Images/Gabriel Bouys

Bronze Statue of a Victorious Youth

The almost-life-size figure of a Greek athlete wearing a victory wreath dates from between the 4th and 2nd centuries B.C. and was recovered in 1964 by fishermen off the Adriatic coast. After changing hands several times, it was purchased for the Getty museum for \$3.9 million and has been publicly displayed since 1978. Italy is demanding its return, citing the nation's ties to Greek culture.



AP Photo/Rebeto Matthews

Euphronios Krater

The ornate vase, decorated with scenes from the Trojan War, was purchased by New York's Metropolitan Museum of Art for roughly \$1 million in 1972. The museum in early 2006 agreed to return the prized exhibit to Italy in exchange for art loans after Italian authorities presented evidence that it had been stolen from tombs north of Rome.



Getty Images/Mario Tama

Cuneiform Tablets

Mesopotamian tablets from around 3000 B.C. containing the first known writing system became hot items in antiquities markets after the first Gulf War, in 1991. The American Schools of Oriental Research estimates about 150,000 tablets are being smuggled out of Iraq each year and that tens of thousands more partially preserved ones are being thrown away because they fetch a lower price on the market.



BWP Media/Getty Images/Graham Barclay

Elgin Marbles

The famed collection of marble friezes and sculptures was removed from the Parthenon in Athens by Thomas Bruce, 7th Earl of Elgin, in 1806 by arrangement with occupying Turks and taken to England. They represent more than half of the remaining sculptural decoration on the building. Greece claims the relics, now in the British Museum in London, should be returned on moral grounds.



Menil Foundation/Paul Hester

Byzantine Frescoes

A complete set of 13th-century frescoes from the dome and an apse of a Greek Orthodox church in the Turkish-occupied section of Cyprus were stolen in the 1980s. When the relics came on the market, Houston's Menil Foundation, with the approval of the Church of Cyprus, purchased them and funded a two-year restoration. They will remain on display in Texas until the political conflict in Cyprus is resolved.



Museo Antropologico del Banco Central

Jama Coaque Figures and Tumaco-Tolita Masks

Clay figures and vessels and metal masks from Ecuador and Colombia have become enormously sought after, sparking countless tomb robberies.



French Customs/Francis Roche

Ancient Malian Relics

More than 600 bracelets, ax beads, flint stones and stone rings were confiscated in January at Paris' Charles de Gaulle Airport after having been shipped in nine parcels from the Malian capital of Bamako to private collectors. The artifacts are believed to have been taken from archaeological sites on the edge of the Sabara Desert.

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doubt,” Metropolitan Museum Director Philippe de Montebello said soon after agreeing to turn over the disputed pieces. “Between 1970 and 2006 . . . a great number of very substantial objects of great merit have found their way into collections and onto the market. Archaeologists say we should not buy them. Then what should be done with them? Condemn them to oblivion? Or bring them into the public domain and to the attention of possible claimant nations?”²

Despite the uncertainty, or perhaps because of it, museums increasingly have been bending to international pressure to re-examine their acquisitions and return some suspect items whose provenance can't be determined. The J. Paul Getty Museum in Los Angeles signed an agreement with Greece in February to return a fourth-century B.C. gold wreath and a sixth-century B.C. marble statue of a young woman that were determined to have been trafficked. Last September, the museum returned two ancient stone sculptures after authorities in Athens mounted a campaign to recover stolen Greek antiquities held in museums and private collections abroad. The Getty also returned 26 objects that Italy identified as stolen as part of ongoing negotiations with authorities in Rome.³

Egypt similarly is demanding that museums return thousands of illegally traded artifacts, including a bust of the ancient pyramid builder Ankhaf in Boston's Museum of Fine Arts and a pharaonic mask in the St. Louis Art Museum. And

Italy is assembling a catalog of about 100 ancient treasures in Japanese museums and asking the Japanese Cultural Affairs Agency to cooperate in recovering them. Italian officials also have approached the noted private collector Shelby White about returning some 20 objects it contends were pilfered from Italian soil, though they have not accused the New York collector, who built the collection with her late husband, of committing any crime.⁴

The recovery efforts were prompted largely by a 1995 raid of four warehouses in Geneva, Switzerland, during which police seized a large cache of artifacts allegedly smuggled from Italy.



Donny George, director of research at Iraq's ministry of antiquities, displays recovered artifacts that were looted from the Iraqi national museum in Baghdad at the start of the Iraq War in March 2003. The rare Sumarian statue dates from around 2700 B.C. U.S. troops aided in the recovery of many objects.

Italy's national police estimated the warehouses contained some 10,000 pieces valued at 50 billion lire, or about \$35 million. The warehouses were connected to a Swiss company called Editions Services, whom police traced to Giacomo Medici, an Italian art dealer convicted in 2004 of running a smuggling network that trafficked in Greek, Roman and Etruscan art. Central to the conviction was extensive correspondence and

sales records between Medici and fellow dealers in London and New York, including series of photos of individual pieces from the point when they were taken out of the ground to when they were restored and put on the market. Italian authorities used evidence uncovered in the raid to later indict American antiques dealer Robert Hecht Jr. and Marion True, a former antiquities curator at the Getty museum, of conspiring to export stolen antiquities from Italy.

The information gave Italy the necessary clout to confront museums like the Metropolitan about other tainted pieces of art. But authorities in Rome decided to use a carrot-and-stick approach by offering the museum loans of art from their national collections as a sweetener to avoid drawn-out court battles or disputes about circumstantial evidence. The approach has proven particularly useful for big U.S. museums, which rely on borrowed foreign art to mount blockbuster exhibits.

“There has been a real change in the last year or so in how the Italians deal with the antiquities issue,” said Malcolm Bell III, an archaeologist who has worked extensively in Sicily. “They have become very creative.”⁵

But experts say the negotiating tactics have not stanchd the flow of stolen antiquities to private collections, which often are shielded by confidentiality agreements that dealers strike with their customers. Groups such as the International Council of Museums have reported rampant looting of pre-Colombian relics from tombs and archaeological digs in Mexico, Belize, Guatemala, Ecuador and Honduras. There also is mounting concern about a flood of antiquities

AP Photo/Alexander Zemlianichenko

originating from war-torn Iraq and Afghanistan being peddled to collectors in the West, Japan and in Persian Gulf states. Iraq's National Museum in Baghdad was looted following the U.S. military invasion in 2003. American military advisers say antiquities smuggling is helping fund the insurgency, pointing to a series of 2005 raids in the northwestern part of the country that turned up weapons, ammunition, compasses and more than two-dozen artifacts plundered from the National Museum.

Though 102 nations have ratified the 1970 UNESCO convention, which obligates them to prevent the illicit import, export or transfer of cultural property, it is practically impossible to inspect even a small fraction of the goods shipped around the world. Smugglers can easily circumvent spot checks by falsifying documents that indicate contraband came from an existing collection or by simply faking labels attesting to an item's authenticity. Thus, say experts, a robust black market will continue to thrive, interrupted only by periodic crackdowns by police, customs agents and international police organizations like Interpol.

"The same people who argue for agreements like UNESCO say the illicit trade in antiquities has increased exponentially," said James Cuno, president and director of the Art Institute of Chicago. "Actually, the trade has gone elsewhere than to museums. Museums are collecting far fewer objects of antiquity than ever before. But private collectors are not."⁶

As art dealers, curators, archaeologists and collectors size up the antiquities trade and evaluate what steps to take next, here are some questions they are asking:

Should stolen cultural property be repatriated?

The intensifying outcry about looted antiquities is forcing museum curators to evaluate decades worth of acquisitions and, in some cases, address claims from nations that were not the

original source of the material. Adding to the difficulty is the fact that the legal framework for dealing with claims originates from a 37-year-old international agreement that doesn't spell out precise remedies unless a piece can be proved to have been stolen.

"It's never really alright to have stolen property in one's possession," says Gary Vikan, director of Baltimore's Walters Art Museum, a century-old institution whose vast collection includes ancient Egyptian, Greek and Roman artifacts. "But there's a large gray area in this. And right now, the museum community is finding itself in a very dynamic moment, moving forward from the UNESCO convention and re-evaluating. It seems we're not yet at the far side of that moment."

Formulated in Paris in 1970, the convention set forth international guidelines for preventing the illegal transport, export and import of cultural property; 192 countries have pledged membership to date, and 102 nations have ratified the treaty. The pact encourages collaborative efforts, for example by urging signatory nations to honor each other's claims, prevent the importation of items stolen from a museum or from archaeological digs or unguarded "heritage sites" and use law enforcement to crack down on trafficking activities.

In 1983, the United States became the first major art market to join the convention, followed in 2002 by Japan — a nation particularly rich in ancient objects — and Britain; in 2003 Denmark, Sweden and Switzerland signed on. Switzerland has long been a prime center for the illegal art trade.

During the mid-to-late 20th century, source countries like Greece, Egypt and Italy did not aggressively prosecute antiquities theft and even allowed the bulldozing of some ancient graves and other sites to make way for development. The past 25 years, however, have seen a crackdown. Egypt passed an antiquities law in 1983 — the same year the United States ratified the UNESCO

convention — which mandated that any artifact found in the country after that date was deemed the property of the Egyptian state. And more recently, in 2002, Greece's Ministry of Culture enacted a comprehensive five-year plan for archaeological research in the country designed, in part, to stem the illicit pillaging and exporting of art objects. It calls for strict monitoring of project details, site parameters, estimated excavation time and so forth.

But even with the UNESCO regulations and other laws in place, the problem of how to identify, define and manage illegally collected items remains an often-convoluted question. "There are a number of different issues involved in this larger issue, and the institutions currently embroiled in repatriation battles are very interested in these," says James Steward, director of the University of Michigan Museum of Art.

"First of all," he continues, "we need to define what we mean by 'stolen' objects. What standards apply? What standards do we attach, for instance, to countries whose borders or regimes have changed since items were discovered? And what of items without a clear paper trail? At the same time, these questions cannot be an excuse to have objects on display that shouldn't be."

Many in the art world are concerned that the current publicity surrounding stolen relics is hastening calls for rigid standards that favor source countries, as well as tough new cultural-property laws that might require more consent. Curators and scholars worry about a "slippery slope" that will encourage nations to pursue aggressive claims, even if they aren't on sound legal footing, and might force wealthy Western collections to part with prized pieces to avoid protracted litigation.

"Larger institutions have the most at stake in this," says Steward, "because they have the most objects with the highest value. And advocates of repatriation can often come on too strongly — should we, for example, return all Greek objects

to Greece? Black-and-white decision-making doesn't always make sense." On the other hand, he says, he has witnessed "embarrassing" behavior by museum and gallery operators.

"To think that the mechanism by which an object left its home country can be wholly overlooked or is somehow irrelevant, is wrong," he says. "The means of import always needs to be considered. We can't just not pay attention to this."

Some scholars contend the answer lies in codifying common-sense ground rules, for example using the 1970 date of the UNESCO agreement as the statute of limitations for source-country claims.

"We need to draw a line, arbitrary as that line may be, and say that all artifacts that have come from countries after a certain date are illegal," says Richard Leventhal, a curator in the American Section of the University of Pennsylvania Museum of Archaeology and Anthropology. "If the 1970 date is used, then we have a starting point from which to identify 'proper' and 'improper' artifacts in collections. Things that have come out of a country after 1970 should and must be returned. This is a straight question of legality and illegality. Museums are obligated to return stolen items, just as you and I would be obligated to return a diamond necklace that we had innocently bought but later found out was stolen property."

Much of the museum community would like to see a more open, discursive atmosphere replace the bitter, often accusatory tone between source countries and museums. At the same time, they say it's important for institutions to carefully research the histories of items in their collections and police themselves.

"The museum realm is struggling right now about how to deal with its past and its future," says the Walters' Vikan. The repatriation debates may end up triggering "a collective awareness of what is appropriate behavior when it comes to art," he adds. "Objects contain ideas, and to restrict these ideas is not ethical-

ly sound. Both countries of origin and museums are responsible for protecting and using these objects properly."

Steward agrees. "Artifacts can provide an entrance into culture that other forms of discourse cannot," he says. "In dealing with them, everyone involved — dealers, collectors, museums big or small, public or private — needs to adhere to a higher standard and not let anything trump ethics. We're seeing a sea change now in publicizing these issues, but there's much to be done; we're not at the crest of the wave yet, so to speak."

Are international laws to combat art theft working?

From 1988 to 2005, Massachusetts lawyer Robert Mardirosian ferried seven paintings — including a still life by Paul Cezanne — around the United States and Europe, alternately trying to sell them, establish legal ownership of them and claim finder's fees for recovering them. Working with lawyers in Monaco, England and Switzerland, he repeatedly evaded customs inspectors and export controls and exploited the confidentiality agreements common in the art world to approach dealers and collectors about the works, which had been stolen by a former client.

Mardirosian — who occasionally moved the paintings between Monaco, a Swiss bank safe and a friend's attic in Massachusetts — only came to the attention of authorities in 1999, after he tried to get insurance for the Cezanne for possible auction sale. Mardirosian was outed by the Art Loss Register — a London firm that tracks stolen art — which convinced Mardirosian to return the painting to its rightful owner, who later sold it for nearly \$30 million.

But Mardirosian continued to traffic other pieces. The end only came when his friend grew tired of keeping stolen works in his attic and went to the police, who arrested Mardirosian in March as he got off a Paris-to-Boston flight.⁷

Art experts say Mardirosian's case illustrates the spotty safeguards that exist

to combat the illegal art and antiquities trade. Even in the climate of heightened security since the Sept. 11, 2001, terrorist attacks in the United States, it is impossible for governments to inspect most of the millions of goods shipped around the world. The governments also do not vigorously enforce one another's national property laws or export controls. Thus, if its paperwork appears in order, a never-before-seen antiquity that arrives at a port of entry halfway around the world will not be automatically returned to its country of origin or even be impounded.

Moreover, lawyers, art dealers and other players working on behalf of collectors and institutions routinely shield the identities of their clients, making it much more difficult to trace the whereabouts and provenance of objects. That leaves international agreements as the primary tool to halt illegal trade in cultural property.*

The UNESCO convention is the most important pact for addressing such trafficking. Nations that sign on to the treaty must prevent their museums from acquiring illegally exported cultural relics, prohibit the importation of stolen art and recover and return stolen property when requested. A 1995 follow-on agreement — the Convention on Stolen or Illegally Exported Cultural Objects — says anyone possessing a stolen object must return it, putting the onus on museums and collectors to check that goods came to the market legally.

Those two agreements are credited with imposing a new layer of accountability on curators and other cultural officials and fostering exchanges between some of the most prominent art nations. It also has inspired efforts at ad hoc policing; archaeologists, for example, have used publications such as the *Journal of Field Archaeology* to issue "Market Alerts" that tip each

* Cultural property includes monuments, historic buildings, antiquities more than a century old, ethnographic material, minerals or fossils.



AP Photos/Sandro Pace (both)

From Boston to Italy

Malcolm Rogers, director of Boston's Museum of Fine Arts, announces the return of a statue of the Roman Empress Vibia Sabina and other artworks to Rome last September; Italian Culture Minister Francesco Rutelli looks on (top). The repatriated works include elaborately decorated urns (bottom). Italian authorities contended the pieces had been stolen.

other to thefts from excavation sites. And the United States in 1983 agreed to impose some restrictions on the importation of archaeological and ethnological materials, as long as the state requesting the items can prove its "cultural patrimony" is being jeopardized

by theft, and that it has instituted some safeguards.⁸

"Bit by bit, various museums, countries and groups have begun to see the light, if you will, and to restrain their appetites for looted objects since the UNESCO agreement was passed," said

Elizabeth C. Stone, an anthropologist at the State University of New York at Stony Brook who has studied ancient Mesopotamia and has helped Iraqi universities rebuild their antiquities departments. "The Germans, for example, have a very good relationship with Italy now, exchanging objects. You wouldn't buy a house or a car that somebody hasn't given you a legitimate title to. It should be the same with antiquities."⁹

Stone hopes the international agreements will prompt governments to enter into more voluntary arrangements to exchange art. For example, a Middle Eastern museum might trade some Sumerian statuary to a European collection for a second-tier Impressionist painting.

But others in legal and art circles maintain the agreements have limited use in halting the flow of antiquities because they do not mandate the return or seizure of suspicious art, except items documented as stolen. Nor do they address artworks stolen before the pact was created, in 1970. Countries and collectors victimized by theft, these experts say, will probably have to rely on litigation to recover precious objects.

Concern is growing because interest in antiquities has surged over the past 30 years, fueled by a booming stock market and the interest generated by major exhibitions. The collection of artifacts from King Tutankhamen's tomb, which toured the United States in the late 1970s, drew an estimated 8 million visitors. The Internet has expanded selling opportunities by creating a market outside of traditional auction houses.

Experts say that as antiquities have become commodities, well-heeled institutional and private buyers have grown more concerned about protecting the value and condition of their investments than in preserving a nation's cultural heritage. In 2000, the trade journal *Art Newspaper* reported that seven antiquities dealers had a collective clientele of more than 200 private collectors — each of whom spends more than \$50,000 a year on relics.

“We have no statistics on the extent of looting in the past or the present, but the indicators are not encouraging,” said Karen D. Vitelli, an anthropologist at Indiana University and an authority on cultural theft. “From Cambodia to Mali, from the highlands of Peru to southern Indiana, from the Three Gorges in China to the graveyards of New Orleans, not to mention the ocean floor and all of Italy, media accounts report almost daily on massive looting and destruction.”¹⁰

Archaeologists — some of the most vocal critics of the current market — say wealthy collectors and museums stoke the demand for precious objects without regard for national and indigenous rights and the need for cultural preservation. A study in the *American Journal of Archaeology* analyzed the history of some 1,300 objects published in the catalogs of museum exhibitions of classical antiquities during the 1990s and found that nearly 75 percent had surfaced without documented provenance; most probably had been looted since 1974.

Collectors say the culprits often are local citizens who enter unattended dig sites and can double or triple their annual incomes selling just a handful of pieces for a few hundred dollars. The theft is made easier by the fact that most sites aren’t guarded and frequently are left unattended by archaeological teams for months at a time.

However, groups such as the Ancient Coin Collectors Guild, based in Gainesville, Mo., say archaeologists are claiming the moral high ground in calling for restoration of antiquities in order to curry favor with officials in source countries — officials who can grant or deny permission for future archaeological excavations.

“Why don’t all those American and Western European archaeologists, who are such vehement defenders of ancient sites in the source countries, try to get those ineffective laws changed, rather than just attacking collectors, museums and dealers in their own countries?” the coin collectors group

asked in 2005 testimony before the House Ways and Means Committee during debate on a broader trade bill.¹¹ (See “*At Issue*,” p. 329.)

Academics suggest a variety of entrepreneurial solutions to stop the flow, including opening portions of archaeological digs for commercial use or encouraging governments to compensate private citizens who find relics before the items can be sold. Britain has one such system, in which discoverers of antiquities are allowed to take title to the objects after notifying the government. The state rewards prompt reporting and preservation of a site’s archaeological context.¹²

Bernard Frischer, director of the University of Virginia’s Institute for Advanced Technology in the Humanities, believes if ownership were distinguished from possession it would fortify international cooperation. In other words, wealthy Western museums could sponsor excavations in return for being allowed to borrow and exhibit a percentage of the finds on a rotating basis, indefinitely. But the countries of origin would continue to own the objects.

“The beneficiaries . . . would not only be source countries like Italy or Mexico, which have long been at the mercy of the black market in antiquities, or museums like the Getty that have had to pay outrageously high prices for works torn from their context and, not infrequently, of doubtful authenticity,” Frischer has written. “The general public, students and scholars would benefit even more. Excavation is the lifeblood of archaeology, and despite almost two centuries of scientific archaeology around the world, much more remains to be discovered than has already been found.”¹³

Should cultural institutions be more forthcoming about how collections are obtained?

For more than a quarter-century, the Denver Art Museum boasted an extremely rare carved wooden lintel of a sixth-

century Mayan ruler in its collection of pre-Columbian art. The museum acquired the carving in Guatemala in 1973, before much international attention was focused on antiquities smuggling in the region, and before officials there had controls on the export of such pieces. Once museum curators established that the piece came from the Classic-period site of El Zotz, in the northern part of the country, they saw little reason to question who had owned the piece in the intervening years.

However, in the mid-1990s, after smuggling became a much-discussed concern in the art world, curators began re-examining the provenance of their prize catch. With the help of Guatemalan archaeologists, the officials established that the piece — one of fewer than a dozen such artifacts known to exist — had been stolen from a pyramid in the site’s main plaza in the mid-1960s. The museum took the unusual step of voluntarily returning the lintel to Guatemala, concluding, in the words of Director Lewis Sharp, that “it was simply the right thing to do.”¹⁴

But his gesture remains more an exception than the rule among Western museums and major private collections. Unless faced with hard evidence that works were plundered and official claims for restitution, museums have generally resisted calls to return stolen antiquities or evaluate how they were acquired.

Italy’s recent efforts to recover stolen art are prompting a reassessment of this stance as museums face unanticipated pressure to address concerns about their purchases. (See *sidebar*, p. 324.) Directors viewed themselves as cultural risk-takers and bought objects of questionable origin as long as there was no proof they had been illegally excavated or trafficked on the black market. This view held that suspect objects were better off located in established museum collections and available for scholarly study and public viewing than being squirreled away in private collections.

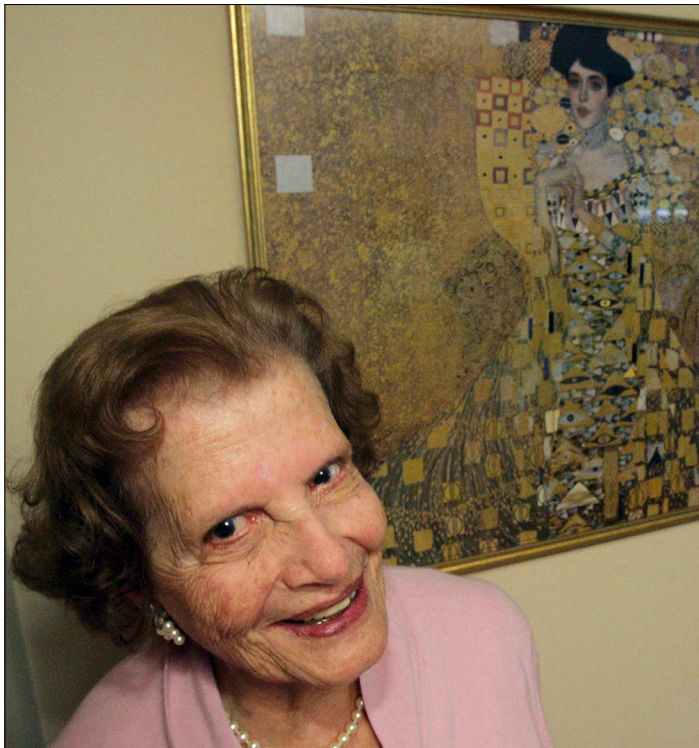
STOLEN ANTIQUITIES

Cuno of the Art Institute of Chicago said changing the criteria for researching provenance runs too much of a risk of condemning some objects to oblivion. "What about the Dead Sea Scrolls?" he asked during a forum held at the New School in New York after the Metropolitan Museum returned the Italian pieces. "We don't know where they were found. Some Bedouin showed up with them. Should people have said, 'Nope, sorry, we can't touch them?' That's the choice museums now are told to make."

Attitudes have nonetheless shifted since the 1990s, when museums and private collections began addressing the sensitive subject of art stolen from victims of the Holo-

caust and confronting claims by some survivors or victims' families. Art Loss Register estimates that at least 50,000 works, most belonging to Jewish families, were confiscated by Nazi or Soviet troops and auctioned off between 1933 and 1945. One such work, expressionist painter Gustav Klimt's famous 1907 portrait "Adele Bloch-Bauer I," was stolen by the Nazis and for 60 years was a prime attraction of Vienna's Belvedere Palace before it was returned in early 2006 to the 90-year-old niece of the portrait's subject.¹⁵

U.S. museum directors and curators convened a 1998 conference in Washington during which they drew up guidelines for handling claims against Nazi-confiscated art. Many institutions began lengthy examinations of their permanent collections, looking for gaps in provenance between 1930 and



Gustav Klimt's famous 1907 portrait "Adele Bloch-Bauer I" was stolen by the Nazis and for 60 years was a prime attraction of Vienna's Belvedere Palace before a lawsuit forced its return in 2006 to Maria Altmann of Los Angeles, above, a niece of the portrait's subject. The Nazi-Era Provenance Internet Portal lists 25,000 objects that "may" have circulated on the art market in Europe during the Nazi regime.

AP Photo/Reed Saxon

1945.¹⁶ Some, like the Kimbell Art Museum in Fort Worth, Texas, posted provenance histories on their Web sites. And the American Association of Museums in 2003 set up the Nazi-Era Provenance Internet Portal, on which more than 150 institutions have documented some 25,000 objects that "may" have circulated on the art market in Europe during World War II.¹⁷

Some museums in Europe also are acknowledging uncomfortable questions about their collections. The acclaimed Royal Museum for Central Africa in Tervuren, Belgium, mounted a major exhibition in 2000 that detailed how many of its pieces were acquired through a century's worth of colonial exploitation in the former Belgian Congo. But there remains marked resistance to returning archaeological objects that are many centuries old, chiefly because cu-

rators believe acquiescing to foreign nations' demands or any resulting public pressure will encourage even bolder requests for objects like the "Elgin Marbles," which were taken from the Parthenon in Greece more than 200 years ago and now reside in London's British Museum.

In late March, the Vatican was reported to have decided to keep fragments of the Parthenon on display in the Vatican Museums, rebuffing a longstanding request from Greece to return the artifacts — consisting of 17 figures and 56 panels — to their homeland. Vatican sources told the Italian press returning the so-called "Parthenon Marbles" would create a precedent that destabilizes the world's museum system.¹⁸

Courts may gradually be shifting more of a legal burden for securing ownership to the institutions. In one prominent 2002 case, New York art dealer Frederick Schultz was convicted in U.S. District Court of trafficking the looted sculpture of a pharaoh's head after the judge instructed the jury to consider Schultz's failure to aggressively investigate the background of the piece. The ruling was upheld on appeal. "What in the 1980s was called adventurous is today being called criminal," said Maxwell Anderson, former head of the American Association of Museum Directors.¹⁹

The association issued new guidelines in 2004 recommending greater documentation of ancient pieces. But it simultaneously allowed member institutions an out to continue buying undocumented antiquities in instances where the institutions can cite the objects' "rarity, importance and aesthetic merit." By those standards, the Denver

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Chronology

Ancient Times

Plundering armies loot art from defeated cities, use it to fund military operations and expand their empires.

265 B.C.

Romans overpower the Etruscan city of Velesna and plunder all of its bronze statues, votive offerings and other precious objects. Many statues are melted down to make coins to support the war effort against Carthage.

70 A.D.

Roman army plunders Jerusalem, crushing a Jewish revolt; spoils of war are used to build Rome's Coliseum.

997-1030

Persian ruler Mahmud of Ghazni amasses wealth by raiding Indian temples and removing diamonds, idols, jewelry and currency.

1700s-1900s

World powers strip possessions from their colonies, send priceless relics back home. Criminals take stolen art for ransom.

1801

Lord Elgin, British ambassador to the Ottoman Empire, receives permission from occupying Turks to pry marble friezes off the Parthenon and take them to England.

1802-1815

Napoleon's conquests bring thousands of priceless pieces to France from Egypt, Italy, Germany and elsewhere.

1843

German Professor Richard Lepsius ships 60 barge-loads of antiquities from Egypt to Berlin. Aided by Frenchman Francois Champollion, he deciphers hieroglyphics.

1876

Thomas Gainsborough's celebrated portrait of Georgiana, Duchess of Devonshire, is stolen and held for 15,000 pounds in gold.

1880

Auguste Mariette, an antiquities buyer for the Louvre in Paris, safeguards archaeological treasures being taken from Egypt and uses those works and others to launch the forerunner of the Cairo Museum.

1897

British troops take ivory and bronze artworks from altars and palaces in the African nation of Benin.

20th Century

World community begins to address antiquities trafficking. Auction prices for art surge, making theft a lucrative business.

1932

Greece passes antiquities law declaring all relics are property of the state.

1939

Italy prohibits the removal of antiquities from the country without government permission.

1970

United Nations' UNESCO agency adopts international protocol for prohibiting and preventing the illegal import, export or transfer of cultural property.

1995

Police find thousands of photographs and artifacts in Geneva warehouse linked to Italian antiquities dealer Giacomo Medici; he is later convicted for trafficking in looted relics. . . . Relic hunter Earl K. Shumway is sentenced under the Archaeological Resources Protection Act to five years in prison — the longest sentence for such a crime — for looting Indian graves in Utah.

1996

Britain passes the Treasure Act, a modification of a centuries-old practice that allows individuals who discover relics to gain title to them after notifying the government. The act has incentives for prompt reporting and preserving archaeological context.

2000s *Some nations launch aggressive efforts to repatriate looted art.*

2005

Using evidence uncovered in the 1995 Geneva raid, Italian authorities charge former J. Paul Getty Museum antiquities curator Marion True with conspiracy to traffic in illicit Greek, Roman and Etruscan antiquities — the first time a foreign government targets a U.S. museum official.

2006

New York's Metropolitan Museum of Art agrees to turn over to Italy several disputed objects in its collections, including its showpiece Greek vase, the Euphronios Krater, in exchange for archaeological loans from Italian collections.

Italy Clamps Down on Artifacts Smuggling

Policy triggered by trial of Getty curator

Italian officials capped an ongoing art-smuggling investigation in January by charging up to 50 people with selling at least 2,000 Sicilian archaeological treasures on the black market.

For several years, police said, the smugglers unearthed and sold statues, coins and vases — several dating to the pre-Roman era — to buyers in Germany, Britain, Spain, Switzerland and the United States. Many of the alleged smugglers, the surprised investigators discovered, were Sicilian art collectors, academics and antiquities experts.

The ring surfaced amid a contentious, ongoing examination of ethical conduct within the art world. News of the Italian smuggling arrests was quickly followed by the seizure in Paris of more than 650 ancient stone artifacts smuggled from Mali for distribution to galleries. And in February Spanish officials charged underwater treasure hunters with selling 300,000 illegally obtained artifacts, including Phoenician pottery and pieces of Roman mosaics found off the Capri coast.

But Italy has become ground zero in the international cultural-property debate. In addition to the Sicilian arrests, there is the sensational trial in Rome of Marion True, a former curator of the J. Paul Getty Museum in Los Angeles. She is charged with conspiring to import stolen Italian antiquities, including a rare, 2,400-year-old limestone and marble Aphrodite statue that the museum purchased in 1988 for \$18 million. In addition to charging True — who asserts her innocence — Italy's Ministry of Culture wants the Getty to return the statue and 40 other items, signaling a shift toward greater efforts to protect cultural artifacts.

Italy's stepped-up measures are a belated reaction to rather spotty controls on the black market in Italian antiquities. During the 1970s and '80s, when much of the art in question was removed from archaeological sites, Italy was notoriously lax in documenting, tracking and policing the origin and whereabouts of its artifacts. Some blame the sheer volume of Italy's antiquities — according to UNESCO, 60 percent of the world's ancient art has been discovered there — for the country's failure to establish a legal market for the many items that won't fit in its already-filled museums and galleries.

An antiquities law passed in 1939 — during Benito Mussolini's fascist regime — declared all excavated relics were the property of the state and prohibited from leaving Italy except

on a loaned basis. But the law does not pertain to artifacts discovered before 1939, leaving their status somewhat nebulous.

The discovery-date question has arisen in the Getty case because the Swiss art collector from whom the museum secured the disputed statue claimed family ownership of the piece since 1939 — a date viewed as suspiciously convenient. Moreover, when the statue first arrived at the Getty nearly 20 years ago, the paper trail detailing its provenance was largely nonexistent.

The acrimonious interaction between the Getty and the Italian Ministry of Culture has helped compel the ministry to establish a more aggressive cultural-property policy. It has outlined a multifaceted repatriation campaign that would include criminal investigations and prosecutions, a heightened focus on museums and private collectors and a ramped-up public relations campaign.

Meanwhile, Italy is talking repatriation with two other prominent American museums. In late 2006, both New York's Metropolitan Museum of Art and Boston's Museum of Fine Arts (MFA) relinquished caches of dubiously garnered antiquities. Italian Minister of Culture Francesco Rutelli described the MFA repatriation as “a fundamental moment in reciprocal cooperation and enhancement of the cultural patrimony of humanity.” Yet more recently, citing the Getty controversy, Italian officials have indicated they might place a “cultural embargo” on the MFA, a move that could prohibit it from conducting research in or borrowing art objects from Italy.¹

For now, dealings between the Getty and Italy remain at a standstill, and the trial of True — who faces up to 10 years in prison if convicted — is continuing.

Meanwhile, the Getty has promised to assemble a panel of antiquities experts in May to determine whether the Aphrodite should be repatriated. Its selection of University of Virginia historian Malcolm Bell III — a vocal critic of aggressive collecting practices — has struck many in the art world as a bold, even-handed move.

If the Getty does return the statue, it presumably would transfer full title to Italy, since the museum's initial offer of joint ownership was rejected.

¹ Jason Felch and Ralph Frammolino, “Getty Risks ‘Embargo,’ Italy Warns,” *Los Angeles Times*, Nov. 11, 2006, p. B1.

Continued from p. 322

museum's 1973 purchase of the sixth-century Guatemalan lintel would remain ethically acceptable.

Many experts believe loan-exchange agreements such as the Metropolitan Museum's with Italy will become the standard for reconciling museums' ap-

petites for new acquisitions with nation's claims of cultural ownership. But museum directors say there will be continued resistance to some recovery efforts due to the inability to prove ownership.

“When something is proved to be stolen, people are happy to give it

back,” said Vishakha N. Desai, a past director of the Asia Society in New York and former president of the museum directors association. “But when it's a general claim that if you have any object from this place, it must be stolen, that's when it's difficult for institutions.”²⁰ ■

BACKGROUND

Ancient Thievery

For centuries, art theft was primarily motivated by power and the desire to possess widely coveted objects. When Romans overpowered the Etruscan city of Velzna in 20 B.C., they made off with all of its precious artwork, including 2,000 bronze statues that were melted down to make coins to fund Rome's war effort against Carthage. Scholars believe the Coliseum in Rome was similarly built with war spoils acquired from the sacking of the Jewish temple in Jerusalem in 79 A.D.

Invasions and colonization also helped influential individuals acquire priceless works; Lord Elgin, the British ambassador to the Ottomans, received permission from occupying Turks in 1801 to pry 5th-century B.C. marble friezes off the Parthenon and bring them to England, where they have become one of the most prominent displays in the British Museum.²¹

The notion of making money off stolen treasures did not become a big part of the art trade until 1876, when a thief named Adam Worth filched English painter Thomas Gainsborough's portrait of Georgiana, Duchess of Devonshire, which had just sold at auction for 10,000 guineas — then the highest price ever paid for a picture. Worth carried the painting for the next 25 years in a trunk with a false bottom, periodically sending small strips of the painting with ransom notes to the dealers who sold it, demanding 15,000 pounds in gold. Eventually, through the work of pioneering detective William Pinkerton, the work was returned for a small sum when Worth's death was imminent.

Art thefts intensified in the late 1950s and early '60s, as the auction prices of paintings began to surge and thieves discovered it was relatively easy to



AP Photo/Pier Paolo Cito



Getty Images/David McNew

Trouble for True, and Getty, Too

Marion True (top), former antiquities curator of the J. Paul Getty Museum in Los Angeles, is on trial in Rome on charges she knowingly purchased stolen artifacts for the museum, including an \$18 million statue of Aphrodite. The museum (bottom) has returned a number of artifacts to their source countries after they were found to have been trafficked by smugglers, including a 4th-century B.C. gold wreath from Greece and 26 stone objects from Italy.

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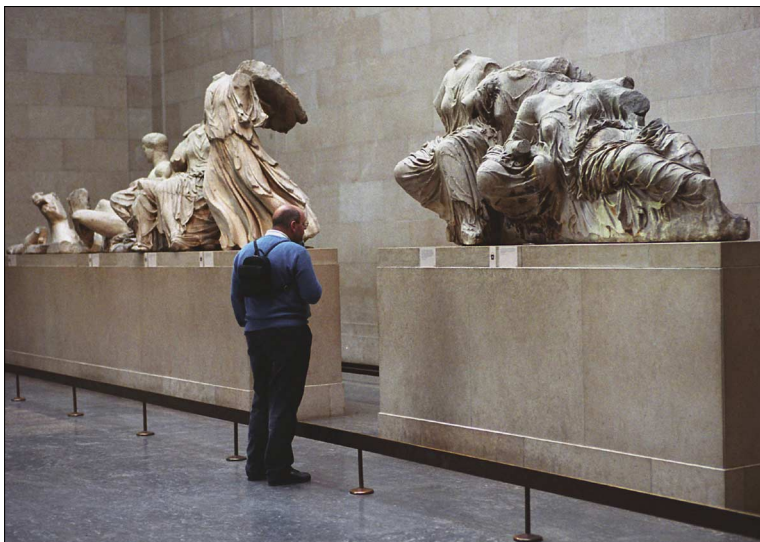
overcome security at museums and private homes. In many instances, thieves simply took works in order to recover the official reward offered by insurance companies: 10 percent of the insured value. Other heists deposited priceless art on the global black market, and many have not yet been recovered. One of the most brazen took place in 1990, when two men overpowered guards at the Isabella Stewart Gardner Museum in Boston and removed 12 paintings collectively valued at more than \$100 million, including Vermeer's "The Concert," Rembrandt's "The Storm on the Seas of Galilee" and five paintings by Degas. The crime remains unsolved.

Interpol now ranks art theft as the fourth-biggest international criminal racket, after drugs, money laundering and weapons trafficking. Curators and law enforcement officials estimate that about 5 percent of the art in circulation has been stolen or laundered at some point in its history, and that only about one of every 12 stolen pieces has ever been recovered.

Easy Pickings

Law enforcement officials in the United States and abroad report that it's easy for thieves to raid established archaeological excavations, which frequently are left unguarded by academic teams for months at a time. More ambitious thieves, such as Italy's so-called "tombaroli," or tomb

raiders, often make their own discoveries by combing the countryside, focusing on sites like art-rich Etruscan tombs. Once recovered, artifacts can be trafficked by fabricating documents, for example, by representing that the imported piece belonged to an established collection. One common ruse is to make labels look old by dipping them in tea, then baking them in an oven.²²



Greece continues to press the British Museum to return the celebrated "Elgin Marbles" — marble sculptures and friezes taken from the Parthenon in Athens almost 200 years ago by the Earl of Elgin.

Unlike other illicit activities, art theft carries an aura of glamour, excitement and sophistication, no doubt fostered by romanticized depictions such as the Indiana Jones character in "Raiders of the Lost Ark" or the best-selling video game "Lara Croft, Tomb Raider." In truth, experts say the entire enterprise relies on the complicity of dealers, collectors, academics and other seemingly respectable members of society. Matthew Bogdanos, an assistant district attorney in New York who as a Marine reservist helped recover plundered art in Iraq, says many of these individuals "engage in self-deception of the highest order."

"Before anyone, collector or museum, pays for a stolen antiquity, it must

first be authenticated as genuine, for a price, by an expert curator, dealer or professor," Bogdanos wrote in *Thieves of Baghdad*, a 2005 book about his experiences in Baghdad after the 2003 U.S. invasion of Iraq. "The price, surprisingly, is not always money. Sometimes it is access to an item that no one else has ever seen or critically examined before. In some cases, it is the ability to publish a new finding that attracts the scholar, and for some, the allure appears to be overwhelming."

Bogdanos goes on to describe socially connected dealers on New York's Madison Avenue or London's Bond Street who provide vital connections between smugglers and collectors and believe they are, at worst, engaged in a benign criminal activity when, in fact, they could be helping to finance the drug trade or international terrorism.

Dealers willing to discuss the art trade and stolen objects tend to bristle at the notion they are engaged in any conspiracy, contending that the close-knit world of antiquities requires discretion and asking just enough of the right questions. "Of course, I bought from Giacomo [Medici], why shouldn't I have?" asked Hecht, the 87-year-old American dealer who went on trial in Italy for selling objects linked to the 1995 Swiss police raid and Italian smuggler Medici. "If I see a piece in Geneva, even if it's in the hands of Giacomo Medici, I don't know it's stolen. All I know is that Greek vases were made in Greece or made in Athens."²³

Prosecutors in source countries scoff at such explanations, saying it is plainly apparent that the dirt on many

BWP Media/Getty Images/Graham Barclay

objects and the lack of clear provenance mean they were removed illegally. "If you live in Italy, like Mr. Hecht had, you knew these things," said Maurizio Fiorilli, a lawyer for the Italian government. "And because he was a connoisseur, his responsibility is even greater, intellectually."²⁴

Despite such moral arguments, art experts and criminologists report trafficking remains a lucrative business, especially in poorer nations where the typical citizen earns the equivalent of \$1,000 or less in wages annually. The art galleries along the Chao Phraya River in Bangkok, Thailand, for instance, peddle decapitated heads and sawed-off carvings from the ancient Khmer temple complex of Angkor Wat in Cambodia. Local dealers and collectors in Peru lament the fact that about 90 percent of all valuable pre-Columbian art once found in the ground has been removed from the country.²⁵

Plundering is not limited to the Third World, however. U.S. authorities report rampant looting of Native American gravesites in the Southwestern U.S., particularly in a corridor in Utah stretching from the Arches National Park and Moab in the north to the Navajo Reservation near the Arizona border. The Bureau of Land Management (BLM) and other federal agencies have sought to prosecute individuals under the 1979 Archaeological Resources Protection Act for disturbing archaeological sites and other acts, such as stripping burial blankets from human remains. But enforcement remains spotty because there are an estimated 20,000 archaeological sites on BLM land — some so remote they are reachable only by helicopter or by using high-tech rock-climbing equipment.²⁶

Though many experts are distressed by the extent of the trafficking, they take consolation in the fact that artworks must re-enter the legitimate market to regain their full value. The most effective way to reduce theft and trafficking is for the art trade to

police itself instead of relying on a patchwork of international laws and spotty enforcement, they say.

"Illicit transactions can be minimized by publicizing stolen and illegally exported artworks and by buyers investigating the origin of all pieces they consider for purchase," said Simon Mackenzie, a criminologist at Keele University in Great Britain. "Preventing objects from being stolen is tough, but recapturing them should, in theory, be easy."²⁷ ■

CURRENT SITUATION

Paying the Piper

Ongoing efforts to repatriate stolen antiquities and the trial in Rome of former Getty museum curator True have raised global awareness of art smuggling and intensified efforts to better manage cultural treasures. They also have revealed that many parties are to blame for the illegal flow of ancient relics.

True was head antiquities curator at the Getty from 1986 to 2005, when the museum developed a reputation for being a particularly aggressive acquirer of ancient works. Italy has demanded the return of at least 46 pieces purchased during True's tenure, and as of March 2007 the Getty had agreed to send back 26 with suspicious backgrounds. But negotiations on the other works have stalemated, largely over a Greek bronze statue of a youth, stolen by ancient Romans and found in the Adriatic Sea by a fisherman in 1964.

During her conspiracy trial in Rome in January, True's lawyers produced a letter she wrote to her superiors last

year, which suggested she knowingly bought illicit Greek and Roman artifacts but that her bosses were fully aware of the risks of collecting antiquities and approved her decisions anyway. She blamed the \$9 billion Getty Trust, which funds the museum, for not defending her against the charges and allowing prosecutors to "place squarely on my shoulders the blame for all American collecting institutions and the illicit market."²⁸

Her contentions about widespread complicity in the art world were echoed by testimony from Pietro Casasanta, a convicted art looter, who recounted five decades of raiding archaeological treasures and capitalizing on a free-for-all environment that allowed smugglers and dealers to collaborate in spiriting antiquities out of the country. Casasanta said black-market dealing was tolerated for decades and personally took credit for saving art from construction sites around Rome that would have been bulldozed for development projects. "I saved thousands of artifacts that would have been ground into cement," Casasanta said. "It's a shame they don't make me a senator for life."²⁹ He described how he would assign ownership and value to a piece by selling it to himself at international auctions, using intermediaries or dummy corporations.

"From one day to the next we went from art experts to criminals," Casasanta said, referring to the Italian government's recent crackdown.

The prosecutor leading Italy's investigation of True dismissed notions she was a bit player, charging the ex-Getty curator knowingly participated in art trafficking and did not turn away from dubious purchases. "She didn't pop out of nowhere," Paolo Ferri said at the trial, but was continuing a long-established practice. True continues to deny the central charge that she was involved in a criminal conspiracy.

The attention-grabbing nature of the case and the international disputes

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over suspect art have led museums and collections like the Getty to clarify their ethics guidelines, in some cases stipulating they will not acquire what was stolen or illegally imported into the United States and promising to try to establish the legal status of any objects they are thinking about buying.

Increasingly, political pressure from source countries is influencing how museums plan exhibits and loan prize pieces. In February, the Louvre in Paris withdrew a request to the Cleveland Museum of Art to borrow an ancient Greek bronze, “Apollo the Lizard Slayer,” for an exhibit after the Greek government threatened a formal protest. The Cleveland museum bought the piece in 2003 from Hicham and Ali Aboutaam, Lebanese brothers who operate a gallery in Geneva, despite knowing it had a dubious ownership history.³⁰

Confrontations

The debate over cultural treasures has manifested itself in a variety of ways. For example, prominent figures from Italy’s art world mobilized in March to block the government from loaning Leonardo da Vinci’s early painting “Annunciation” for a show at Japan’s National Museum in Tokyo. Opponents of the loan claimed it would expose the masterpiece to risk and belittle its significance by using it in a commercial event.³¹

But some current confrontations test the applicability of international agree-



The Metropolitan Museum of Art in New York is re-examining its collection and returning pieces to their source countries if their provenance can't be determined. The J. Paul Getty Museum in Los Angeles and other prominent museums are following suit.

AFP/Getty Images/Doug Kanter

ments such as the 1970 UNESCO convention. The biggest question surrounds Italy’s claim to the “Bronze Statue of a Victorious Youth” at the Getty museum. The life-size figure of an athlete wearing a victory wreath was made in Greece between the 4th and 2nd centuries B.C., possibly by Alexander the Great’s court sculptor. It was taken from Greece in Roman times in a ship believed lost at sea. In 1964, fishermen recovered the barnacle-encrusted object off the Italian coast and sold it, after which it changed hands several times.³²

In 1966, Italy charged and convicted the then-owners with concealing stolen property under the country’s 1939 antiquities law, but an appeals court overturned the rulings because prosecutors couldn’t establish the statue came from Italian waters and could not prove it was of “artistic and archaeological interest.” The Getty Trust acquired the bronze in 1977 for \$3.95 million. In 2006, Italy demanded its return, citing the 1970 UNESCO convention and asserting an ethical claim for repatriation based on Italy’s ancient connection to Greek culture. The Getty, despite returning more than two-dozen objects to Italy, has steadfastly refused. The UNESCO convention’s applicability in the

case is murky because the pact doesn’t mandate that objects be returned unless it can be proved they were stolen.

The Getty, in fact, might be subtly pushing back against aggressive claims of this nature. In March, museum officials announced they would form a study panel to investigate a statue of the Greek goddess Aphrodite in the museum’s collection known as the “Cult Statue of a Goddess.” The statue, whose origins are unknown, is one of 26 objects Italy insisted be

repatriated and that the museum has agreed to return, but some observers suspect if experts can show the statue originated in another nation, the Getty will reverse its position.

“The Getty’s message to Italy seems clear: If you aren’t willing to negotiate on these objects, we will look at them ourselves and determine where they should belong,” said Derek Fincham, creator of the Web site “Illicit Cultural Property.”

Meanwhile, in an effort to head off potential trouble for their clients, some prominent art dealers have begun to document the past ownership of prized antiquities they are offering. The brothers Aboutaam, in Geneva, expect prices of antiquities with a solid ownership history to surge at auction in the new, skittish climate. One such piece, an Egyptian alabaster jar from about 600 B.C., sold for \$8,910 in 1973 and was acquired by the brothers at a 2004 auction for \$224,000. The Aboutaams say it could fetch \$400,000 today.³³

But while caution may be the byword in some art circles, illegal trafficking continues. French customs officials at Charles de Gaulle airport in January seized more than 650 ancient

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At Issue:

Are collectors to blame for the illicit trade in antiquities?



ROGER ATWOOD
AUTHOR, STEALING HISTORY: TOMB RAIDERS, SMUGGLERS, AND THE LOOTING OF THE ANCIENT WORLD
CONTRIBUTING EDITOR, ARCHAEOLOGY

WRITTEN FOR *CQ RESEARCHER*, APRIL 2007

there is nothing wrong per se with collecting. For thousands of years, collecting has offered pleasure and connoisseurship for people who love art. But antiquities collecting is a different matter. Nearly every piece of ancient art on the market today has been looted. Don't believe the apologists who will tell you that antiquities are simply "found" by lucky villagers. These pieces are ripped out of the ground by commercial grave robbers using shovels, picks, metal detectors, backhoes or bulldozers and who know what the market wants and work hard to supply it. And by purchasing such pieces, collectors are contributing to the pillage and to the loss of knowledge of the ancient world. It may not always be illegal to buy looted antiquities — although it often is, depending on the country of origin and the year in which the piece entered the United States.

When ancient sites are excavated by trained archaeologists, we gain knowledge about the societies who built them: how people lived, how they worshipped, how they raised their children. When sites are looted, all that knowledge is lost. Looters dig or blast their way into graves to look for a few phenomenally valuable objects and trash everything else they find.

I've seen looters at work in Peru and Iraq, and they don't loot for fun. They loot for money, which they gain by selling those objects to middlemen, who smuggle them to dealers, collectors and — most scandalously of all — museums in buyer countries like the United States. Wrenched out of context and circulating through the market like lost luggage, those objects tell us little or nothing about the civilizations that left them.

Because of better communications, global air and sea links and metal-detecting technology, antiquities can be stolen from ancient sites and reach buyers with a speed unimaginable a generation ago. Look at galleries in New York or London and you'll see what I mean: pieces from Cambodia, Mali, Turkey, among many other countries. Thanks to globalization, never have there been so many artifacts from so many places on the market at one time. The illicit antiquities trade is agile, streamlined and customer-focused, and it is swallowing up the physical remains of whole civilizations.

So what should collectors do? My advice: Don't buy antiquities. If you must, make sure they were out of the ground before 1970, the date of the UNESCO treaty to combat the illicit antiquities trade.



WAYNE G. SAYLES
SECRETARY, ANCIENT COIN COLLECTORS GUILD

FROM TESTIMONY BEFORE HOUSE WAYS AND MEANS COMMITTEE, SEPT. 2, 2005

trying to argue in favor of collecting . . . is very difficult because radical archaeologists have done a very good job of occupying the moral high ground. To them, and to the vocal supporters of the UNESCO accord of 1970, virtually all private ownership of cultural objects is an anathema. . . . Yet there are a lot of facts that . . . confuse the issue.

For example, why is it that the looting problem in England is so much less drastic than in other areas of the world? The answer probably is that the essential fairness of the British system makes it very likely that honest finders will report anything they discover because they know they will be treated properly. If the state lays claim to what they have found, they get a very fair reward. . . .

Villagers are not stupid: If they feel that their own government is cheating them . . . they will refuse to turn in the things they find. Is this the fault of collectors? . . .

But why don't all those American and Western European archaeologists, who are such vehement defenders of ancient sites in the source countries, try to get those ineffective laws changed, rather than just attacking collectors, museums and dealers in their own countries? The simple reason is that it is against their interest. . . .

Any foreign archaeologist who wants to excavate a site or study museum material in a source country has to get an official permit from that country's ministry of culture. . . . One absolutely sure way of not getting a permit is . . . suggesting that the country's laws ought to be changed because they don't work and are counterproductive. . . .

The most extraordinary comment . . . is that the artifacts being looted are "priceless treasures of inestimable value," not only for the cultural heritage of the country involved but on the market as well. . . .

Well, as we know, all these arguments have not been very successful, simply because their logic was absurd to begin with. . . . So what did our radicals do? They made a 180-degree turn and now claim that all ancient objects are inestimable, priceless treasures of supreme value for the cultural heritage of the country in which they are found. . . .

Unfortunately, this strategy seems to be working . . . with collectors being reviled as the major cause of looting. . . .

The radical archaeologists have managed to claim the moral high ground in the debate over the trade in coins and antiquities. It is about time we push them off it.

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Continued from p. 328

relics smuggled from Mali, including ax heads, flint stones and stone rings. The objects — some dating from the Stone Age — had been shipped in nine parcels with paperwork describing them as handcrafted objects and were believed headed to private U.S. collectors, according to the BBC. French officials made two similar discoveries of archaeological objects from Niger in 2004 and 2005.

Also in January, Russian cultural officials seized a cache of Byzantine-era items thought to have been stolen from a museum in Ankara, Turkey, more than four decades ago. The objects, including an ornamental gold bracelet, a silver cross and a silver box for holding a saint's remains, were offered by a U.S. art dealer to St. Petersburg's Hermitage Museum and Moscow's Kremlin Museums. They are believed to have belonged to private collectors in England and Austria.

Russia, aware of the sensitive nature of such finds, invited the Turkish government to prove its cultural-ownership rights while urging the items' current owners to produce evidence of legitimate ownership.³⁴

Battleground USA

While the most aggressive efforts to recover looted art are originating in Europe and the Middle East,

the notion of cultural patrimony is also prompting unexpected battles over art ownership in the United States, including local efforts to block the sale of some cherished pieces.

In 2006, Philadelphia's art community mobilized after learning that the board of Thomas Jefferson University had decided to sell Thomas Eakins'



Mayor John F. Street announces on Dec. 21, 2006, that Thomas Eakins' "The Gross Clinic" will remain in Philadelphia. "It belongs in Philadelphia just as much as the Liberty Bell and our sports teams," he said. Philadelphians raised enough money to prevent the sale after learning Thomas Jefferson University planned to sell the painting for \$68 million. The graphic depiction of a surgeon demonstrating a procedure is considered a 19th-century American masterpiece and had been displayed at the medical school since 1878.

AP Photo/Matt Rourke

"The Gross Clinic" to Alice Walton, a member of the family that founded Wal-Mart Stores, for \$68 million. The graphic depiction of a physician demonstrating a surgical procedure in an operating theater is widely regarded as one of the greatest 19th-century American paintings and had been displayed at the school since 1878.³⁵

The board's move was widely interpreted as a surreptitious effort to sell off a city treasure, painted by a native son. The Philadelphia Museum of Art launched a campaign to keep

the painting in the city, aided by municipal officials, who threatened to invoke a clause in the city's historic-preservation code protecting "historic objects." Taken aback by the protests, the university responded by giving the city 45 days to match Walton's bid. Thousands of individuals contributed a combined \$30 million, and Wachovia Bank agreed to lend the difference, keeping the painting within city limits.

Another cultural row broke out in early 2007 over Fisk University's intention to sell two well-known paintings in its collection, Georgia O'Keeffe's "Radiator Building" and Marsden Hartley's "Painting No. 3." The historically black college in Nashville said the sale was prompted by its dwindling endowment and noted that proceeds — expected to exceed \$10 million — would be used for capital improvements.

However, city officials protested that the school's administrators were depriving students and the community of seeing art they view as

their own and imposed a 30-day freeze on the sale. O'Keeffe's estate also objected on the grounds the sale would violate terms of the artist's bequest. Implicit in both arguments was the knowledge that O'Keeffe donated both paintings in 1949, long before the civil rights struggle, intent on demonstrating that every community should have access to great art.

In the end, the school worked out a deal to sell "Radiator Building" to the Georgia O'Keeffe Museum in Santa Fe, N.M., for \$7 million and sell Hartley's work on the open market.³⁶ ■

OUTLOOK

Maintaining Public Access

The Philadelphia and Nashville incidents did not set any lasting legal precedents. Nonetheless, art-watchers suspect they could provide a model for other grass-roots movements in the future, especially if rising auction prices prompt more cash-strapped universities and museums to sell prized pieces.

A new test may be underway in Buffalo, N.Y., where the Albright-Knox Art Gallery is getting rid of — deaccessioning — more than 170 paintings, sculptures and decorative objects, including a life-size sculpture of the Hindu god Shiva from the 10th or 11th century, because the works fall outside of the museum's core collection of modern and contemporary works. It plans to sell the pieces at auction in June.

Some commentators wonder whether U.S. cities might try to establish registries of definitively “local works” whose sale could be regulated, following models established in Italy and England, or, at a minimum, maintain pressure on curators to at least ensure that cherished pieces be kept in public view.

“After Sotheby's June auction, [works from the Albright-Knox gallery] could easily disappear from public view, into a Park Avenue apartment, a dacha outside Moscow or another private destination,” *Los Angeles Times* critic Christopher Knight wrote in January. “The Albright-Knox, unlike Jefferson University, did not try to place the treasure[s] in one of the handful of American art museums that actively collect antiquities, where continuing public access would be assured.”³⁷

Other observers embrace the view that art should be distributed in a way that benefits everybody, but they are skeptical about claims of cultural stewardship, which they see as a mis-

guided manifestation of “political correctness.”³⁸

Kwame Anthony Appiah, a professor of philosophy at Princeton University's Center for Human Values, notes that efforts to stop the flow of precious objects from poor African nations like Mali have done little to help the people there develop a broad cultural experience. He favors striking collaborative agreements between governments and Western museums that would facilitate trading art with an eye toward delivering the maximum benefit.

“One thing Mali is not short of is Malian art,” Appiah said. “But if you care about the aesthetic experience of Malians, you'll be more concerned to see how to get them some . . . second-rate Impressionists [paintings].”

Confronting these concerns might require making a distinction between possession of art and stewardship, and encouraging museums and collections to view themselves as temporary keepers of cultural icons, conserving them for contemporary society, then letting them go when conditions merit.

“Art, of course, is transient,” observes *New York Times* cultural critic Holland

Cotter. “Ask the people of Cambodia, Guatemala and Nigeria; ask the archaeologists who are staring at miles of empty holes in Iraq and at the museum with a suddenly empty vitrine. The reality is, no one owns the Earth or what comes out of it. The Earth owns us, and will have us back in its time.” ■

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About the Authors



Adriel Bettelheim, regulatory editor at *CQ Weekly*, previously covered telecommunications, science and technology for the magazine. He also has been Washington correspondent for *The Denver Post*, a business reporter for the *Syracuse Herald-Journal* and a member of the *CQ Researcher* team that won the Society of Professional Journalists Award for Excellence for a 10-part series on health care. He is author of *Aging in America A to Z* (CQ Press, 2001). He graduated from Case Western Reserve University with a bachelor's degree in chemistry.



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FOR MORE INFORMATION

American Association of Museums, 1575 I St., N.W., Suite 400, Washington, DC 20005; (202) 289-1818; www.aam-us.org. An institution representing 3,000 museums and collections that helps develop standards for the American museum community. Has drafted a code of ethics to address archaeological finds and illegally acquired antiquities.

Archaeological Institute of America, 656 Beacon St., 6th floor, Boston, MA 02215; (617) 353-6550; www.archaeological.org. North America's oldest and largest archaeological organization is a leading voice for preserving the world's archaeological resources and protecting cultural heritage; publishes the award-winning *Archaeology* magazine.

The Art Loss Register, 63-66 Hatton Garden, First Floor, London EC1N 8LE, England; 44(0)20 7841 5780; www.artloss.com. Established in 1991, the world's largest private database of lost and stolen art, antiquities and collectibles operates a due-diligence service to sellers, publicizes suspicions of illegitimate ownership and operates a recovery service.

Italian Ministry of Cultural Activities and Heritage, Via del Collegio Romano 27, 00186 Rome, Italy; 003906 67231; www.beniculturali.it. Has taken the lead in the country's campaign for the repatriation of looted antiquities.

J. Paul Getty Trust, 1200 Getty Center Dr., Los Angeles, CA 90049; (310) 440-7300; www.getty.edu. An international cultural and philanthropic foundation that oversees the J. Paul Getty Museum and is at the center of some of the most heated efforts to address disputed antiquities.

Metropolitan Museum of Art, 1000 Fifth Ave., New York, NY; (212) 879-550; www.metmuseum.org. The first large Western museum to strike a deal with Italy to return disputed artifacts has one of the world's leading collections of Greek and Roman antiquities.

United Nations Educational, Scientific and Cultural Organization, 7 Place de Fontenoy, 75352 Paris, France; 33(0) 1 45 68 10 00; www.unesco.org. Promotes international dialogue in education, natural sciences, humanities and cultural preservation. The UNESCO convention of 1970 is the primary international agreement for addressing illicit trafficking in antiquities.

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