

# Museum Ethics and Looted Art

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In 2008, The Metropolitan Museum of Art gave to the Country of Italy, a *krater*, which had originally been bought by that museum for \$1.2 million in 1972. Since 2005, the Getty Museum in Los Angeles has given artifacts that were purchased for approximately \$100 million to Italy. In an ongoing dispute, the Greek government has demanded that the Elgin marbles originally taken from the facade of the Parthenon be returned to Athens. What is the common thread in these cases? Did these museums act out of the goodness of their hearts? What is going on?

The looting of all types of artwork is not a new phenomenon. In 70 BC, Cicero prosecuted the Roman Governor of the Naples area, Gaius Verres, for plundering temples, private homes and public monuments in Sicily. However, the rate of the destruction of ancient sites began to escalate in the 18<sup>th</sup> Century with the beginning of the Grand Tour of Europe entered into by young aristocrats. The exposure to the culture of first Italy, and later of Spain and Egypt wetted the appetite of these young wealthy men to collect the paintings and sculpture that they saw there.

Collections of the artifacts of ancient civilizations became a status symbol reflected in the massive collection of Thomas Bruce, 7<sup>th</sup> Earl of Elgin, with his acquisition of 300 Tons of sculpture from the frieze of the Parthenon. The Earl had received permission to take the marble frieze by a *firmin* from the Ottoman Sultan. A *firmin* is a permit granted by the sultan often in exchange for bribes. He sold the sculptures to the British Government which put them on display in London in 1816. This exhibition generated a great deal of controversy and was the genesis for the British Museum.

At about the same time, in Paris, the Royal Palace of the Louvre was being turned into a great museum starting with the remains of the royal collection which had been started by King Francis I in the 16<sup>th</sup> century. Many of the treasures from Flanders, Northern Germany and the Netherlands, were acquired as part of military operations during the 30 years war and the Wars of the Spanish and Austrian Succession. The Museum was originally named the Museum of the Revolution and was founded in 1793. Later Napoleon Bonaparte acquired many more works from both this region, Egypt and Italy as part of his military campaigns. His method was to tie a peace treaty to ceding works of art to the Louvre.

These two great museums are the start of the rise of the encyclopedic museum. A museum which displays works from many different cultures. The stated goal of these museums is to spread an appreciation of other cultures and to foster global understanding. Some people have come to view these collections as a product of colonialism as many of the items were taken as part of imperial expansion. On the plus side the rise of the great museums also fostered the rise of scientific archeology and pioneered advances in conservation and care of artifacts. Many of these museums were the product of wealthy collectors who poured the riches earned through commerce and industry into acquiring art and constructing great buildings to house it.

The end of World War II, spurred the rise of the regional museum. These smaller museums, a result of post war prosperity, came to the market to build collections of their own. This rise in demand for art works of all kinds fostered the increase in the number of tomb robbers, the middle men and high priced dealers who brought these stolen objects to buyers both large and small. This increase in unauthorized

excavations did tremendous damage to archeological sites and the knowledge that could be gained by studying the artifacts in situ.

In the 1960s, archeologically rich countries such as Egypt, Italy, Turkey and Greece developed a new appreciation for their antiquities and began to restrict legal exportation of ancient artifacts. This slowed the flow of legally excavated items but made illegal excavations that much more profitable as prices escalated exponentially.

In 1970, the United Nations Education, Scientific and Cultural Organization, UNESCO, issued a convention that was eventually signed by most member countries. This convention was titled, "Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Cultural Property. The date set was 1970 and prohibited member countries from participating in the illicit antiquities trade. Thus any antiquity imported after 1969 had to have excavated prior to that date. Some countries had established laws that were even stricter than this. For example, France had enacted a law in 1907 restricting the export of art works after that date. In order to export a painting, sculpture or antique from France after 1907, the buyer would have to get permission from the French Minister of Culture. The United States signed the UNESCO agreement in 1974 and committed to honor the 1970 date.

In July 2007, The Association of Art Museum Directors came out with new guidelines for the acquisition of antiquities. It states that "AAMD members normally should not acquire a work unless research substantiates that the work was outside its country of probable modern discovery before 1970."

Much of this activity is in direct reaction to the scandals that had developed around the collections at the J. Paul Getty Museum in Los Angeles and the conviction of art dealer Giacomo Medici by an Italian Court on charges of selling looted artifacts. Medici was at the center of several cases of dubious acquisitions by the Getty, the Metropolitan Museum of Art and other major museums and collectors. He had an extensive network of tomb robbers, who would smuggle looted items out of Italy to Switzerland. Medici had a warehouse in the Free Port at the Zurich airport, where the items were cleaned, restored and displayed to potential buyers. He also marketed items through several high end art dealers in London and New York. His network was broken when police found photos in the trunk of the car that had been in an accident of some of the most famous works that Medici had sold showing the artifacts resting on newspapers and with dirt still attached. The driver of the car was killed in the accident and was found to be one of the middlemen who acquired the looted antiquities and sold them to Medici.

Several museums purchased collection items from Medici and his collaborators. Each item came with a false story about its origins, which should have been easily disproved. In American law, a seller can never pass clear title to items that have been stolen anytime in their history. This is difficult to prove for items from antiquity, but a long chain of history for a piece (what curators refer to as provenance) is usually considered adequate. The code napoleon, which is the basis for French and Swiss law, allows a good faith buyer to obtain clear title if the buyer has exercised due diligence in researching the source for the acquisition.

To this point, it seems that the issue is clear. However, the following examples should allow some less obvious matters to become apparent.

The first example is the Euphronios *krater*, one of only a handful of Greek pottery pieces that can be

traced to a specific artist. It was created around 515 BC in Greece and decorated by famed artist Euphronios. A *krater* is a large vessel that was used to mix the heavy wine of the era with water before being served. This particular *krater* is approximately 18 inches tall and 22 inches in diameter. It holds about 12 gallons of liquid. When the Metropolitan Museum acquired this vessel, the curators were told by the seller Robert Hecht that it had come from a Lebanese family who had owned it since 1920. This so called provenance was accepted at face value with little further investigation. The vessel was damaged and needed conservation, which the Metropolitan Museum of Art provided before placing the item on display with much fanfare. Thomas Hoving, the director of the Met, had negotiated the sale from Hecht, an American antiquities dealer who worked in London. It was shown by the Italian courts that Hecht had purchased the item from Giacomo Medici. In 2007, Italy placed a claim on the *krater* asserting that it had been illegally excavated in 1972 from an archeological site in Cerveteri, an area that was populated by the Etruscan people. Years later, Hoving confessed that at the time the *krater* was purchased by the Met, he was quite sure it had been looted from the Etruscan area of Italy. An investigation into the Lebanese family story easily showed that they were small time rug-dealers, with neither interest in Greek pottery nor any expertise in that area.

In 2008, the *krater* was returned to Italy, where it is on display at the Archeological Museum of Cerveteri. Beside the ethical issues raised by the purchase of this item, Italy used the threat of not allowing the Metropolitan Museum to borrow any artwork from Italy for its changing exhibits. This had become one of the strategies used by art rich countries to ensure compliance with their claims for repatriation of items that have been exported illegally. Besides Italy, Greece, Turkey and Egypt have used this strategy.

One issue here is the large investment that the Metropolitan Museum made in the conservation of this artifact. It was easily shown to have been looted, but the Met did not engage in any investigation in its provenance. Even so, should any weight given to the Museum's investment in the piece?

In response to this and other cases of artwork with dubious provenance, Museums developed their own guidelines for the acceptance of collection items whether for purchase, gift or long-term loan. Gary Viskind, past director of the Walters Gallery of Art in Baltimore, created the Walters policy in three points:

First, exercising due diligence, a rigorous examination of the origin and the documentation for the piece. Second, transparency, promptly publishing the acquisition of any new items both on the museum's website and on the Association of Art Museum Directors registry. And third, good faith engagement, a prompt, open response to any plausible claims.

The second example is perhaps the most famous case, the Elgin Marbles. On display at the British Museum since 1816, they are viewed by millions of people every year. However, even when they were first displayed, there was an outburst of criticism within the British community. This is perhaps best seen in Byron's poem, "Childe Harold's Pilgrimage". The marbles are shown with artifacts from multiple civilizations including Persia, Rome, Mesopotamia, India and Turkey and are intended to display the relationship between these cultures and that of Ancient Greece.

Greece won its independence from the Ottoman Empire in 1832 and began a program to restore and repatriate its antiquities. The Greek Government immediately questioned the legality of the *firmin* used to remove the sculptures and take them to Britain. The British contend that the marbles were legally obtained and want to keep them. The British Museum probably has a legal right to keep the marbles but do they have a moral right to them?

Greek Minister of culture in the 1970s, Melina Mercouri, declared that possession of the marbles would make Greeks feel more Greek. That they are a point of national pride and belong only in Greece. Nationalism has become an argument in many of the repatriation discussions. Several sources question the logic in this argument. At the time the marbles were sculpted, there was no Greece only a selection of city states. The entire idea of a Greek culture would have been foreign to the ancient Greeks. Is it appropriate to impose national borders on an area where either none or different ones existed in the past? Does a culture belong to only one group of people? This implies that identity is particular and exclusive. Greek culture spread over much of the ancient world; does it only belong to current Greek residents? The Euphronios *krater* provides another issue. It was made in Athens, buried in Etruria, purchased in London and housed in New York. Where does it belong?

In recent years, the Greek Government has built a new Acropolis Museum with plans to display the marbles there, where they can be seen along with a panoramic view of the Parthenon. Author, Tiffany Jenkins, has stated that she would hate to see the marbles leave London, where they are viewed by millions in cultural context but would also love to see them on site in Athens.

The final question is “can looting be a good thing”? This seems like a no brainer but consider the situation in Mosul, Iraq. The biblical city of Nineveh lies across the Tigris from Mosul and is being systematically destroyed by the Islamic State. The cultural treasures of the Assyrians were being destroyed, because they were product of infidels. Recognizing that well organized and documented archeological excavations would be preferable, at least the illegal excavations are saving some of these treasures. The problem will be retrieving these items when the war is over. The last great gates of Nineveh were reduced to rubble just this last spring.

Just days ago, an article was published by the Assyrian International News Agency, about two ancient Syriac Orthodox texts that a Muslim family in Mosul had hidden for three years to prevent their destruction by the Islamic State. After the liberation of Mosul, the family, who risked their lives protecting the manuscripts, returned them to the Chaldean community. But they asked for anonymity due to the possible presence of Islamic State sleeper cells that might take revenge. The manuscripts were found near the ruins of the monastery of St. Michael by a man looking for wood to cook with. He recognized the script and hid them at home to protect the documents for his Christian neighbors. They are now in the care of Father Paulos Mekko, who is keeping them until they can be returned to their original owners.

In a way, it is sad to think that one of the best places to see Middle Eastern art is in the Louvre. However, the items are well cared for and are seen by millions of people every year. Is it better for artifacts to be available for study for millions or in a dusty, underfunded museum or church in a place where very few can see them?

In conclusion, I think that each of these examples offers different issues that we need to address. The Euphronios *krater* is clearly a case of an item that was stolen and the Metropolitan Museum of Art did not do enough to ascertain its origin and legitimacy. Therefore, I believe that the money invested in the conservation of this piece is a case where the Met gambled and lost.

The Elgin marbles are a more complicated issue. For much of the time that the British Museum has had the marbles, Greece was politically unstable. As such the marbles were far safer in London. It is great to see the exhibit as it is now with all the various cultures of the era together. However, this could be

done without having this display. If this had been the only high quality Greek sculpture in the British Museum, I might think differently but with Greece in a more stable position, it is probably time for the marbles to go to the Acropolis Museum. I believe that there is a difference between a legal right and a moral imperative and this is a case where the moral case can be made in the Greek favor.

Lastly, there is no solution to the problem of cultural material in a war zone. The case of the Allied Armies in World War II and the “Monuments Men” is a great example of what can be done. However, in the case of the Islamic State, the art is slated for destruction not hoarding. In this case, I think that thoughtful removal of at risk items with the goal of returning the material to its original site at a safer time is the best solution.

This subject raises many questions, not all of which are easily answered. I hope that I have been able to articulate some of the issues for your consideration.

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