

Trading places

It is vital to stop the trade in looted antiquities, but some of the regulation of the antiquities trade has had unintended consequences for US museums. It's time to breathe new life into a moribund system

By Gary Vikan

The antiquities-collecting ecosystem that created the Metropolitan Museum of Art and scores of other encyclopaedic museums is all but dead. This ecosystem is one that leads back from these great museums to great collectors such as J.P. Morgan, Henry Walters, and many others, who, over decades, assembled spectacular collections that they eventually gifted to the public. When Henry Walters died in 1931 his collection of 22,000 works, from Egyptian antiquities to Fabergé, was bequeathed to Baltimore City for 'the benefit of the public'. The Walters Art Gallery (now the Walters Art Museum, of which I was the director), opened three years later. Such collectors, in turn, depended on a handful of established dealers whom they trusted, and with whom they formed what was, in effect, art-buying partnerships. Henry Walters' spectacular collection of illuminated medieval manuscripts, for example, came to America by way of the Parisian book dealer Léon Gruel, who kept a shop on the rue Saint-Honoré, where Walters was a frequent visitor.

In those days, collectors benefitted enormously from a flourishing legal export trade in antiquities. Walters' renowned Imperial Roman sarcophagi came to America from a private collector in Rome in 1902, with full oversight by the Italian government. But there was also plenty of loot to be had... Walters' well-known collection of Byzantine silver, which he acquired from a collector in Paris in 1929, had been illegally excavated in northern Syria 20 years earlier: the Ottoman authorities swooped in too late, and were able to



hold back only two pieces that are now in the Archaeological Museum in Istanbul.

Since the heyday of private American collectors buying antiquities in massive quantities, much has changed. The legal export trade has all but vanished; the last licensed dealer in Egypt was shut down more than a generation ago. Over the years, nearly all antiquities-rich countries have passed 'wealth in the ground' laws that have nationalise virtually all 'old things', including antiquities yet to be dug up. No matter what their historical importance or potential market value, these objects are now the property of the state and can be transferred only with the permission of the state in question. Finally in 1970, UNESCO adopted the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The United States was not only the first major antiquities-importing nation to sign on to the 1970 UNESCO Convention; it was the first to pass implementation legislation to give the Convention legal effect. The Cultural Property Implementation Act of 1983 created the President's Cultural Property Advisory Committee, to entertain requests from foreign nations that we, in concert with other antiquities-buying countries, stop the importation of broad categories of antiquities that previously had been flowing unhindered into the US.

Despite these new rules, looted antiquities continued to make their way into American collections and museums, encouraged in part by the acquisition guidelines followed by the

Association of Art Museum Directors, whose membership numbered fewer than 200, but included all of our country's major antiquities-collecting museums. For years, the AAMD required of its members that they only 'not knowingly' acquire or accept as gifts works of art that had been exported from their country of origin in violation of national laws. This put a premium on ignorance of the truth, and invited museum directors not to ask those difficult questions for which they did not want to hear the answers. The result was a 'Wild West' atmosphere in which museums bought antiquities, in a period when the Euphrosyne Krater entered the Met, in 1972, and the Morgantina Aphrodite entered the Getty, in 1988. Both spectacular works have since been sent back to Italy, thanks in large measure to intense international pressure.

A final, decisive blow to America's antiquities-collecting ecosystem came in 2008 with the rewrite of the AAMD's acquisition guidelines, which now includes this critical passage: 'AAMD members normally should not acquire a work unless research substantiates that the work was outside the country of probable modern discovery before 1970.'

Each of these steps to impede the trade in looted antiquities – and thus to preserve the integrity of archaeological sites and to maintain the authority of state ownership over national cultural assets – is laudable. **But their cumulative effect has been to destroy the system** that created America's great museums: from dealers to collectors to museums and for the benefit of the American public.

For me, the clearest evidence that the old system is dead is that antiquities that are *not* coming out of war-ravaged Syria. Virtually nothing of any monetary or cultural significance is now on the US art market from that troubled region. I contrast this with the bustling trade in war loot that I encountered as a young curator in the '80s, when vast numbers of important pieces of Byzantine art – including icons, frescoes, and even church mosaics – were pouring westward in the wake of the 1974 Turkish invasion of northern Cyprus. Whole church interiors were then being offered by well-known dealers to established private and museum buyers.

In those days, it seemed that we were all eager to buy works that we knew, on some level, were recently ripped from the fabric of the Christian Orthodox communities of northern Cyprus. We asked few tough questions, and often relied on the disingenuous expediency of requesting academics and government officials to endorse our actions, knowing that they could not identify precisely where the work in question had come from, or exactly how it had made its way out of the country.

In the 1980s, we smoked in bars and restaurants, and even in our museum offices, and when Philip Morris sponsored 'The Age of Sultan Suleyman the Magnificent' at the National Gallery, and passed out free packs of cigarettes, we turned the air of the East Wing blue with our smoke. The relationship between external changes in the rules and the social pressure to conform to new norms is always hard to define, and so it is with the



Image Credits

trading of antiquities: what was acceptable 30 years ago is no longer acceptable...

America's de facto exit from the looters' game does not mean that the looting of antiquities is over. There are many other buyers in other countries, who are guided by different sets of rules and different values – and each of the antiquities-rich countries has its own internal market. So looting will go on without us. What this does mean, though, is that it's time for our great public museums to reboot under a new set of rules, if we want to see them prosper and grow, especially in parts of the US that did not benefit from the cultural philanthropy of the last century. We are an immigrant nation and we all have a shared interest in the preservation of ancient culture; and we should all value the controlled, legal movement of cultural property as we value the free movement of people, literature, and ideas. I lived for a year in Romania under the brutal Communist dictator, Nicolae Ceaușescu, and learned first-hand what life is like when borders are closed.

Our challenge is to create a new culture of collecting, which will be sustained by the vast number of antiquities already within borders of the United States. There are two categories of such works, which both require basic policy changes in order for their value to be realised in the public interest. The first is comprised of the hundreds of thousands of 'orphan' antiquities, which have been privately assembled by American dealers and collectors over the last 40 years or so. I call them orphans because, even if they arrived in the US before 1970, they likely lack full documentation, which was then generally

not thought to be very important, as many transactions were consummated with cash and a handshake. Since the adoption of the new AAMD guidelines, which require a paper trail back to 1970, these works are out of bounds to museums and thus to the public – as are all post-1970 orphan antiquities, even if they are fully documented, and even if there is no evidence that the country of origin is interested in having them back. Unless we find a solution, these collections are likely soon to be sold and dispersed, in many cases to foreign buyers. The American public, of course, will be the loser.

How do we unfreeze the pipeline? The solution, I believe, lies in a comprehensive Internet database with images of all orphan works along with all information known about their history. Aggressively marketed to their countries of likely origin, with adequate protection of privacy, this would be where potential claimants could find large numbers of searchable antiquities in the hands of American collectors and dealers, and make whatever legitimate claims they might have for restitution. But inevitably, as time goes by and when no claims are made on the vast majority of posted works, there will be a marked thawing of that channel connecting collectors to museums to the public – a de facto 'repose' of title borne of transparency. The orphans will, in effect, be granted an amnesty. Some pieces will be traded to other dealers and collectors, but most, I'm convinced, will eventually find their way into museums.

The other category of antiquities inside US borders that is effectively frozen out of the trade is that unseen by the public, in

museum storage. The 1902 purchase by Henry Walters included, besides the sarcophagi, more than 1700 additional works, many of which are in storage at the Walters and never to be exhibited. These storage dwellers have been photographed and conserved, and many have been studied by curators at the Walters. But what they represent to the museum, and thus to the public, is an ongoing expense. True, there are accepted guidelines for deaccessioning these second- and third-tier antiquities, but the protocol is complex and immensely time-consuming. This means there is little incentive for museum directors to clear out their storage.

AAMD guidelines should be revised, and incentives found for getting these works swiftly to public auctions, so that they can re-enter the marketplace of dealers and collectors, and eventually find their home in other museums, where they will be prized and exhibited. Our encyclopaedic museums must shake off their culture of hoarding, so that when they sell from storage they will be seen to be offering value to the public.

The net result of these changes in policies as they relate to orphans and to the reacquisition of storeroom collections would be to build a robust environment in America for the legal, regulated trade in antiquities and, ultimately, to serve our museum collections and the public. **A**

From 1994 to 2013, Gary Vikan was director of the Walters Art Museum, Baltimore. His memoir, *Sacred and Stolen: Confessions of a Museum Director*, is published by SelectBooks.

