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Department of Art History

Bachelor of Arts in Art History

U.S. Museums and the Illicit Antiquities Trade

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Abstract

A study of the case surrounding the Euphronios Krater, a sixth century BCE Greek vase, that spans more than thirty years provides a glimpse into the sometimes unethical and even illegal dealings conducted by museums, private collectors, and art dealers. The story follows the sudden appearance of this priceless artifact in the Metropolitan Museum of Art's collection in the early 1970's. While many people were excited about the museum's latest acquisition, others were highly suspicious of the vase's origins. Subsequent investigations both by American news outlets and Italian authorities uncovered evidence that the museum's story of how it came into possession of the artifact was far from the truth. What does the case of the Euphronios Krater say about the importance of museum transparency, provenance, and the current state of the illicit antiquities trade? This story and similar cases prompt a closer look into the links between museum acquisition practices and the illicit antiquities trade. By better understanding the importance of provenance and the damaging effects of looting, the need for museum transparency becomes more evident. To better protect cultural patrimony and mitigate the negative effects of the illicit antiquities trade, several laws, conventions, guidelines, and international agreements have been introduced over the years. However, as time has passed, it is becoming clear that much more still needs to be done to protect cultural objects, archeological sites, and human history on a global scale.

Dedication

This paper is dedicated to by my beloved parents. To my dear mother, Joyce, from whom I get my love of the arts. To my vivacious father, Bruce, from whom I get my fascination with criminology.

Acknowledgements

I was originally introduced to the case of the Euphronios Krater in Professor Crispin Corrado's Art Crime course. This course, and a trip to visit the necropoli in Cerveteri, was a very eye-opening experience that introduced me to a side of the art world that I never realized was so extensive, complex, and problematic.

I would also like to thank Avv. Francesco Lezzi for helping me access and interpret the Italian and European Union laws referenced in this paper.

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1. Introduction

Museums serve important roles within their local communities, with many prominent ones being travel destinations for people from all around the world. These institutions are centers of education, depositories for a wide variety of interesting and important objects, research facilities, as well as excellent places to casually spend one's free time. People who visit these institutions to learn from and admire their various collections do not tend to associate them with organized crime or any kind of illicit trade. Unfortunately, even the world of art has a dark side that is not well known about by the general public. People continue to debate the ethics of maintaining certain long-established collections intact because of their origins. However, many more people do not realize how many museums, collectors, and dealers to this day still have ties to the illicit antiquities trade.

Popular Hollywood films about unscrupulous treasure hunters, elaborate museums heists, and the occasional sensational news headline are all the general public would associate with art crime, however the reality is far more serious. A more than thirty-year long case surrounding an ancient Greek vase unveils the hidden side of collecting and the antiquities trade. The exploration of this story reveals the true scale of the damaging effects of looting, the diverse forms of art crime, as well as the lengths some will go to in order to satisfy greed and acquire the most desirable pieces for their collections. Even though several different organizations are working to mitigate the problem, more still needs to be done to protect the world's art and antiquities. What does the case of the Euphronios Krater say about the importance of museum transparency, provenance, and the current state of the illicit antiquities trade?

The Metropolitan Museum of Art vs Italy

In the fall of 1972, Thomas Hoving, the director of the Metropolitan Museum of Art (Met) from 1967 to 1977, along with Dietrich von Bothmer, the curator of Greek and Roman art at the museum, appeared on NBC's *Today Show* and proudly unveiled the museum's latest addition to its already impressive collection, the Euphronios Krater. The sudden appearance on the global art scene of such an impressive ancient artifact set the public's curiosity and imagination abuzz. Although Hoving and the Metropolitan Museum were showered with praise from other scholars and the media, not all the chatter surrounding the event was positive.

Immediately after the show aired, some began to raise questions and concerns about the legitimacy of the museum's acquisition based on the somewhat evasive answers Hoving had given during the interview. The director refused to reveal the names of the previous owner and the dealer who had facilitated the purchase or provide any other details about the prominent museum's exciting new acquisition, with the explanation that the museum hoped to do further business with these individuals¹. The quality of the vase, the fact that it was fully restored, had been painted and signed by one of the most renowned ancient Greek painters as well as the potter Euxitheos, and yet had somehow remained unknown to the rest of the world for decades seemed highly improbable.² It would be very unusual for a work of this caliber to be completely undocumented, even if it were part of a private collection. One of the show's hosts, Frank McGee questioned Hoving and von Bothmer about why the museum had chosen not to consult with other experts in the field. Dietrich von Bothmer dismissed the question by responding that all he needed to do was simply look at it to know that it was indeed authentic. Hoving then

¹ Meyer, Karl E., *The Plundered Past; the Traffic in Art Treasures.*, 302.

² "Euphronios Krater and Other Archaeological Objects – Italy and Metropolitan Museum of Art — Centre Du Droit de l'art."

explained that von Bothmer had over forty years of experience and had trained under Sir John Beazley, a leading expert in ancient Greek pottery.

At the start of the show, McGee mentioned that the Metropolitan Museum had purchased the krater for \$1 million plus \$300,000 in ancient coins. Adjusted for inflation, that is more than \$6 million today. The public, who had recently taken an interest in the acquisitions made by collectors, museums, and foundations specifically due to the recent increase in prices, was drawn to the story by the incredible price tag.³ Co-host Barbara Walters inquired as to the krater's origins and wondered why Greece would allow such a special piece of antiquity to leave the country. Hoving explained that it was not at all uncommon to find Greek pottery from this era in a variety of countries far from Greece because these items were made for export. He then added that this particular vase had come from Switzerland.

As suspicions continued to mount, in early 1973 the New York Times decided to launch its own investigation into the matter. The newspaper began publishing articles speculating about the vase's potentially illicit origins, casting further doubt on the Metropolitan Museum's official explanation of how it came into possession of it.⁴ According to the museum, the Acquisitions Committee of the Board of Trustees was presented with a proposal to acquire the Euphronios Krater by von Bothmer. The curator explained that, in his opinion, the artifact would be an excellent addition to the museum's collection. Hoving supported von Bothmer and agreed with his notion that the vase would elevate the entire collection. The director went on to report that a Switzerland-based dealer by the name of Robert Hecht was acting on behalf of the Lebanese owner of the vase, Dikran Sarrafian. Hoving and von Bothmer presented two letters as proof that

³ Hawkins, Ashton, "The Euphronios Krater at the Metropolitan Museum: A Question of Provenance.", 1163.

⁴ "Euphronios Krater and Other Archaeological Objects – Italy and Metropolitan Museum of Art — Centre Du Droit de l'art."

the Sarrafian family had owned the artifact for over fifty years. This was deemed as sufficient evidence of the vase's provenance by the committee and the purchase was made the very next day.⁵

The New York Times' findings did not support the official story given by the Metropolitan Museum about the acquisition of the krater. The newspaper published several articles in which it alleged the ancient vase had not been a family heirloom of the Sarrafian family. Rather, it was likely illegally excavated from a necropolis in a location once known as Caere, roughly 50 km north of Rome, Italy. This area was home to the ancient Etruscans and is known today as Cerveteri.⁶ In his article for the New York Times, Nicholas Gage reported on the speculation that in 1971 a group of *tombaroli*, or Italian tomb robbers, had looted the artifact from an Etruscan necropolis, then smuggled it into Switzerland. "Mr. Hecht's story is disputed by several European scholars and dealers who say that they have knowledge of its discovery. They all agree that the vase is genuine, but say it was found north of Rome in 1971 by bootleg excavators, was sold to Mr. Hecht and was later smuggled out of Italy."⁷

Other news and media outlets also began to suggest the museum's official story was nothing more than a cover for the clandestine dealings between Hoving, Hecht, and Sarrafian.⁸ All the commotion being made over these troubling reports full of serious allegations against the museum soon caught the attention of the Italian authorities. Italy's cultural heritage division of the Carabinieri police force, the *Tutela Patrimonio Culturale* (TPC), began to investigate the claims made against the museum. Now the Metropolitan Museum would have to do more than fend off accusations from the media, they would also have to prove their innocence to the Italian

⁵ Hawkins, Ashton, "The Euphronios Krater at the Metropolitan Museum: A Question of Provenance.", 1165.

⁶ "Caere | Ancient City, Italy."

⁷ Gage, Nicholas, "How the Metropolitan Acquired 'The Finest Greek Vase There Is.'", 1.

⁸ Hawkins, Ashton, "The Euphronios Krater at the Metropolitan Museum: A Question of Provenance.":1166.

authorities. In another article for the New York Times, Gage reported that as of February 20, 1973, the date the article was published, Italy was already several weeks along on two separate investigations into the museum's acquisition of the vase and the truth behind the institution's relationship with Robert Hecht.⁹

Initially, the Metropolitan Museum stated it would cooperate with the investigation as they had nothing to hide, however their reluctance to actually do so became evident as time passed. In fact, several years would pass and the investigation would hit various impasses, including false leads and the museum's delayed responses to official requests. This made it impossible for the TPC to collect enough solid evidence to bring formal charges against any of the parties involved or even make a legitimate claim for the restitution of the vase.¹⁰

In a serendipitous turn of events, a fatal car crash in August of 1995 involving a suspect the Carabinieri had been watching for seemingly unrelated reasons led to the discovery of some incriminating photos, which were found at the scene. This was enough to warrant a search of the suspect's house. The single most important item found during the search was a simple piece of notebook paper that would blow open several cases the Italian police had been investigating.¹¹ On this sheet of paper was a roughly drawn chart, later referred to as the organigram, which detailed the flow of looted artifacts from the *tombatori*, to the smugglers, dealers, and even the collectors and museums, with the names of the people working at each level of the organization. Robert Hecht's name was written in large letters at the very top.

Despite this incredible discovery, the Italian authorities were still unable to produce any evidence that a crime had been committed in relation to the krater. From the point of view of the

⁹ Gage, Nicholas, "2 Inquiries Begun.", 69.

¹⁰ "Euphronios Krater and Other Archaeological Objects – Italy and Metropolitan Museum of Art — Centre Du Droit de l'art."

¹¹ Felch, Jason and Ammolino, Ralph, *Chasing Aphrodite.*, 145.

U.S. government, Robert Hecht had filed the all the necessary paperwork to officially declare the krater to U.S. customs when he imported it from Switzerland, therefore no laws had been broken. According to the U.S. Customs and Border Protection’s list of Prohibited and Restricted Items, cultural artifacts must be accompanied by documentation such as export permits and receipts, and Hecht was able to fulfill these requirements.¹² Despite all the indications to the contrary, the seemingly legitimate suspicions about the Metropolitan Museum, as well as the fact that Robert Hecht was clearly involved in a large criminal operation, it appeared as if the museum would somehow be able to claim the rightful ownership of the Euphronios Krater.

Beyond the Metropolitan

In 2006, under the new director Philippe de Montebello, the Metropolitan Museum signed an agreement with the Italian authorities.¹³ After a dispute that lasted more than thirty years, the Euphronios Krater would finally be returning to Italy. The agreement, which was not an admission of guilt on behalf of the Met, was intended to mark the beginning of a mutually beneficially relationship between the museum and Italy. The U.S.-Italy Bilateral Agreement is comprised of four articles and went into effect in 2001. It was amended three times, with the most recent being in 2016 when two notes and two additional articles were added. For the return of the krater, and six other works, Italy would periodically loan the Met other antiquities of equal importance.

In 2005, J. Paul Getty Museum curator Marion True and Robert Hecht were indicted by Italian authorities on charges of conspiracy to commit trafficking in illicit artifacts. The

¹² “Prohibited and Restricted Items | U.S. Customs and Border Protection.”; last updated July 2019.

¹³ “STATEMENT BY THE METROPOLITAN MUSEUM OF ART ON ITS AGREEMENT WITH ITALIAN MINISTRY OF CULTURE | The Metropolitan Museum of Art.”

organigram, which placed Hecht at the head of an elaborate artifact trafficking ring, and a raid on a warehouse in Switzerland tied their cases to Italian art dealer Giacomo Medici. Exactly ten years prior, Italian and Swiss agents discovered the location of Medici's Geneva storage facility where he had been stockpiling looted antiquities. There he had created a makeshift showroom for hosting prospective buyers, made himself an office for conducting business, and created detailed logbooks filled with notes and polaroids of objects from various archeological sites throughout Italy.¹⁴ It is speculated that Medici is actually the one who sold the Euphronios Krater to Hecht after buying it from some *tombaroli* and smuggling it into Switzerland.¹⁵

In 2008, the krater was welcomed back in a ceremony held in Rome by Italian officials. The krater was added to the "*Nostoi*" exhibition at the Palazzo del Quirinale. "*Nostoi*" is a Homeric reference and a fitting title because it refers to the homecoming of triumphant Greek warriors. This was indeed an important victory for Italy because every artifact in the exhibition was a piece of Italian cultural patrimony that had finally been returned by various museums and private collectors. Some of the artifacts had even come from the Shelby White and Barbara and Lawrence Fleishman collections. Today, the famous vase can be viewed on display at the National Archeological Museum of Cerveteri.

While the statute of limitations eventually ran out on the charges brought against True and Hecht, Medici instead was sentenced in 2005 to ten years in prison and ordered to pay a €10 million fine.¹⁶ In the end, he served only eight years. From 2005 to 2010, more than 100 objects were returned to Italy and Greece by American museums, some of which were included in the "*Nostoi*" exhibition. Other than the Met and the Getty, these museums included the Princeton

¹⁴ Felch, Jason and Ammolino, Ralph, *Chasing Aphrodite.*, 146.

¹⁵ Brodie, Neil, "Giacomo Medici."

¹⁶ Felch, Jason and Borghese, Livia, "Italy, Getty End Rift."

University Art Museum, Boston's Museum of Fine Arts, and the Cleveland Museum of Art. Even more objects were returned to these countries during this same period by dealers, collectors, and other European and Japanese Museums.¹⁷

The Euphronios Krater

Painted in the sixth century BCE, the Euphronios Krater, also referred to as the Sarpedon Krater, is one of the most well-known works by the ancient Greek artist Euphronios. This calyx krater would have been a highly prized luxury possession and a status symbol even during ancient times and would have been proudly displayed, and likely used during banquets by its original Etruscan owners. As a way to honor esteemed guests, they may have been served a mixture of water and wine from the krater. The large vessel features a frieze that wraps around its entire circumference. On side A, there is a scene from Homer's *Illiad* in which the slain Sarpedon, son of Zeus, is being carried off the battlefield and out of reach from his enemies, who wish to further dishonor his body.¹⁸ Hermes, the messenger god, stands at the center and just behind the body as he directs the scene. Hypnos, the god of sleep, lifts the legs of Sarpedon, while his twin, the god of death, hoists the fallen warrior by his shoulders. Two soldiers stand at attention and look on, one on either side of the trio of gods carrying out the orders of Zeus.¹⁹ On side B, young Athenian soldiers are shown in various stages of preparation for battle, putting on armor and collecting their shields and weapons.

The krater stands on a narrow base and immediately expands into a wide belly with a large open lip, giving the vessel a slight "v" shape. The entire vase is supported by a slightly

¹⁷ Felch, Jason and Ammolino, Ralph, *Chasing Aphrodite*.: 306.

¹⁸ Nagy, Gregory, "The Death of Sarpedon and the Question of Homeric Uniqueness.": 131.

¹⁹ Neils, "The 'Unheroic' Corpse.": 216.

flattened round foot and two handles are located near the lower section of the body. As is the main characteristic of attic red-figure pottery, the entire vase is black and decorated with terracotta-red figures and designs. The depictions of gods and soldiers fill the majority of the space on both sides.

A continuous palm frond-like leaf pattern framed on top and bottom by a thick red line runs the entire circumference of the lip of the vase. Covering almost the entire belly of the vase and stretching the entire width of the two handles is the scene of the removal of Sarpedon's body. Directly at the center, behind the corpse, stands the figure of Hermes, frozen mid-step as he directs the two lesser gods, Hypnos and Thanatos. Dressed as a warrior, with a *chlamys* or mantle draped over his shoulders, Hermes appears to be walking toward Thanatos while twisting back and gesturing toward Hypnos. His right arm is raised, the characteristic staff is clutched in his left hand and held to his chest. His face, in profile, features a full black beard, moustache, and thick black hair with a few loose ringlets falling across the neck and left shoulder. Hermes has also donned his iconic winged helmet and winged shoes.

Hypnos is bent over the legs of the dead Sarpedon, his eyes fixed on his task. He wears full armor, including shin guards and a full-faced helmet with a large crest is propped on top of his head. Similar to Hermes, he has a full black beard, moustache, and thick wavy hair that hangs down from underneath the large helmet. The wings attached to the top of his shoulders are incredibly detailed, with every single individual feather drawn in. The feathers are extremely small, with larger black tipped feathers along the edge of the wings. Directly opposite Hypnos stands Thanatos, hunched over the head of Sarpedon, but with his gaze fixed on his twin. The two gods are almost identical, save a few details. The top which Thanatos wears is patterned or

perhaps textured, while that of Hypnos is solid. Thanatos' hair is more similar to that of Sarpedon than to his twin, with thinner more delicate looking locks.

The slain hero is stretched out horizontally and is upturned as he is being lifted to allow the viewer to exam him in detail. His head, on the viewer's right, drops down in a perfect profile, with his long black locks of hair tucked behind his right ear and held in place by a thin head tie. His hands drag along the ground with the right arm draped across his chest. Every muscle is outlined with a delicate, sinuous black line, making it seem as if the muscles are tensed and still very much alive. However, the three gaping wounds from which blood gushes forth profusely make it clear that that this is not the case; one in the right thigh, another in the lower abdomen, and a final one in the heart.

At the edge of the scene on either side a soldier stands at attention. They are dressed in full armor, each carry a large shield and a spear, and have the same crested helmets propped on the top of their heads. The artist, Euphronios, also took the time to label each character within the scene, as well as sign his own name. Between the handles on side A, there is an elaborate pattern which features two different types of plant leaves that alternate and are connected by loosely woven threads of filigree. A thin red line both separates this detail from the figures and acts as a ground line for the action taking place just above. The entire scene is framed on the sides by vertical leaf and filigree details that separate sides A and B, placed just above each of the two handles.

Side B of the krater features five Athenian warriors in various stages of preparation for battle. Beginning from the left, a fully dressed young man fastens his sheathed short sword across his body. The figure is facing to the viewer's right, the head is in profile, while the body is slightly opened toward the viewer as the figure hunches and pulls the strap over his head and

right shoulder. The cropped black hair is held in place by a head tie and he has no facial hair. The second figure is nude except for the shin guards he is in the middle of fastening. Also facing to the right, the left leg is propped up on a sort of footrest and the figure is in full profile as he bends over and places his armor. Like the first figure, the short hair is held by a string-like head tie and the face is clean shaven. The third figure, located almost in the very center of the scene, has completed his preparations. The majority of the body is hidden behind a circular shield decorated with a black crab placed in the center. He wears shin guards, holds a spear at a slight angle, and has a full-faced helmet propped on top of his head. The warrior faces left as he watches the others and waits. Directly behind him is a fourth figure also carrying a spear and a shield. Even though he too wears a helmet and shin guards, he only has a sash tied around his hips, rather than the shirt and skirt the others are wearing. This figure rests his shield against the ground and kneels slightly as he bows toward the fifth and final figure. This last warrior surely must be in charge because he is the only one of the group with a beard and moustache and stands taller than the others in this scene. He faces left and his body is covered by the large shield held in his left arm. This shield is decorated with a black scorpion, and he is likely fully dressed because the hem of his skirt can be seen hanging just below the bottom of the shield.

The Euphronios Krater is an excellent example of the quality of Greek craftsmanship, both for pottery makers and the painters who decorated them. The highly detailed vessel is not only aesthetically pleasing, it also played a role in the celebration and spreading of Greek and Mediterranean culture. As well as displaying proud Athenian warriors, people would have also recognized the scene from the well-known epic poem. Each one of the figures are beautifully drawn in such painstaking detail that it entrances the viewer and keeps the eyes hungrily roving over the two scenes again and again.

2. Provenience and Provenance

When studying an artifact, one must closely observe and examine the object itself. To get a more thorough understanding of the object, it is incredibly useful to have information that cannot always be revealed simply by looking at the object, such as the identity of the original owner, the purpose of the object, and the provenience, or in other words, the find site. This is why the process of an archeological excavation is such a slow and highly detail-oriented process. The soil is carefully removed layer by layer, and the contents are closely inspected and documented. The items found can sometimes be dated depending on how deep they were buried and where in relation to one another they were found. The site location can also reveal who the maker or owner of the object may have been or what the object may have been used for, especially if the dig is taking place in the ruins of a residence, workshop, or temple, for example.

When artifacts are removed from the ground without any sort of photographic or written record being created to document the finds, this wealth of invaluable information can be lost forever. Documentation on an artifact's archeological provenience can demonstrate that the object was excavated legally. Having this information can also allow for researches to return to the original site to continue their investigations and make important links between objects that were found in the same or nearby dig sites. In her article "Looted Antiquities, Art Museums and Restitution in the United States", Laetitia La Follette addresses the issues surrounding the topic of provenience. La Follette is specifically discussing the looting of ancient coins, however her points are applicable to the illegal excavation of any artifact. "When properly excavated, they

can provide detailed information about ancient trade, economy, politics, settlements, movements of peoples, topography, and other topics.”²⁰

Provenance and its Importance

An artwork or artifact’s provenance is the record of previous owners of that object. This is highly important in establishing the legitimacy of current ownership or valid title, meaning the legal documentation of one’s rights to the object. This record also makes it possible to see how the artifact moved as it changed hands over time. For example, official documentation showing that an heir to an estate sold a family heirloom to a dealer, who then sold it to an institution would explain how an 18th century work of art could suddenly move from a private residence in England to a museum collection in California. Without documentation tracing the changing of hands between rightful owners of this hypothetical work of art, it would be difficult, and potentially impossible, for the museum to later demonstrate that it had valid title to the work, should that be called into question.

When an artifact appears in a collection without a record of its provenience or provenance, it can be very challenging to understand the history of that object or even to ascertain if it was legally removed from its place of origin. Study and observation, the development of new techniques and tools, or just a fresh pair of eyes can yield new information about the object itself. However, once the contextual information is lost, it is highly unlikely that it will ever be recovered.

²⁰ La Follette, Laetitia, “Looted Antiquities, Art Museums and Restitution in the United States since 1970.”, 681.

What the Loss of Provenance Means

Unfortunately, it is not always common practice for the average museum visitor to question where an object is from beyond the country of origin or ask why when such details have not been provided. Many people would assume that once an artifact is part of a collection, especially if that collection is held by a prestigious collector or institution, that there would not be any cause for concern. La Follette briefly touched on the lack of public knowledge, an important factor in the issues surrounding provenance. “This aspect is still poorly understood by the general public: the loss of stratified context inflicts irremediable damage on the understanding of the past. Once the context and stratigraphy are lost, the information they contained can almost never be recovered.”²¹

The failure to provide as complete a provenance history as possible on a museum label or official records may not always indicate that the object has illicit origins, or that the institution acquired it through nefarious means. Many famous collections were assembled decades, if not centuries ago, when the world functioned in a different manner. This, however, does not negate the fact that certain outdated ideas and schools of thought have had lasting negative consequences for the communities and countries from which these priceless objects were taken. Many source countries, such as Greece, China, Nigeria, and Kenya continue to call for the repatriation of artifacts taken from their soil long ago.

Despite these modern-day issues caused by outdated and illegal acquisition practices, some collectors, dealers, and institutions have not completely changed the way they operate. The push to acquire and build ever more impressive collections with the most interesting, rare, and valuable specimens and artifacts has driven many collectors to turn a blind eye to the illicit

²¹ La Follette, Laetitia., 681.

origins of the objects they purchase. In 2015 *Artnet News*, and online art news magazine, reported on Honolulu Museum of Art's lawsuit against art collector Joel Alexander Greene over several artifacts that Greene had offered to donate to the museum. After Homeland Security seized seven artifacts linked to the case being brought against former art dealer Subhash Kapoor, the museum began to reevaluate its previous business dealings with Greene. Honolulu Museum discovered that Greene had failed to furnish the required paperwork, which led the museum to believe that several objects been illegally obtained by Greene.²² The National Gallery of Australia, Toledo Museum of Art, and Honolulu Museum of Art all returned millions of dollars' worth of looted art to India after Subhash Kapoor was extradited to stand trial. Kapoor was charged with organizing a smuggling ring to supply the business he ran out of New York.²³

By not demanding that provenance information be provided, it makes it even easier for institutions to either avoid implementing more thorough acquisition policies themselves or end up in jeopardous situations with dealers and collectors. Fortunately, in recent years there has been a push for change and more transparency. La Follette points out that U.S. museums have begun placing more importance on provenance as awareness about the illicit trade in antiquities increases, thanks in part to the work of grassroots organizations such as Saving Antiquities For Everyone (SAFE). SAFE was founded in 2003 as a response to the U.S.' failure to stop the looting of the Iraq Museum.²⁴ The U.S. government has also begun to implement more policies that are in harmony with the 1970 UNESCO Convention.²⁵ However, the question of what to do with the uncountable number of objects that have forever been separated from the details of their original context still remains.

²² "Honolulu Museum of Art Sues Art Donor."

²³ "Honolulu Museum Returns Subhash Kapoor Loot."

²⁴ Samuel, "It's Disturbingly Easy to Buy Iraq's Archeological Treasures."

²⁵ La Follette, Laetitia, "Looted Antiquities, Art Museums and Restitution in the United States since 1970.", 670.

The Future of Unprovenanced Art and Artifacts

There are many scholars who feel that unprovenanced artifacts already in the possession of a museum should not only stay within those collections, but also continue to be displayed. It would be impossible to retroactively compile provenance information for every object. As stated previously, many artifacts were collected long before modern or systematic archeological techniques were developed. Poor initial recordkeeping, the loss of old records, or even the complete lack of records means that contextual information can never be discovered for many objects that were found during official expeditions as well. Additionally, many private collectors who found or purchased artifacts that they later sold or gifted to museums or other institutions have done so without providing substantial documentation for the artifacts. One of the most infamous examples of this was the 1996 acquisition of the Fleishman Collection by the Getty Museum. The majority of this 300-piece collection was partially purchased by the museum, while the remainder of it was donated. This incredibly large multimillion-dollar acquisition came under scrutiny because of the lack of substantial documentation for the artifacts and the obvious loophole in the Getty's acquisition policy at the time.

According to a 1996 article from *Archaeology*, a magazine published by the Archaeological Institute of America, the Getty's policy only required that artifacts have adequate provenance documentation that predated 1995. Nothing in reference to an artifact's provenance or proof that it was removed from legally from its country of origin was required. The problem was that almost a third of the collection lacked any sort of provenance, while the rest had previously belonged to various other collections. This meant that there was no proof that these objects had been legally removed from their places of origin. Two exhibitions, one at the Cleveland Museum of Art and one at the Getty Museum, in addition to the publication of an

official catalogue for the collection by the Getty, in effect created the provenance documentation that the Getty later used to legitimize the acquisition.²⁶

James Cuno is a member of the Association of Art Museum Directors, an art historian, curator, and the current president and CEO of the J. Paul Getty Trust. He is also the author of *Who owns Antiquity?: museums and the battle over our ancient heritage* and *Whose Culture?: the promise of museums and the debate over antiquities*. Cuno is one of the many scholars who believes that unprovenanced artifacts should remain in museum collections. In his book, *Who owns Antiquity?*, he discusses the ongoing issues surrounding unprovenanced antiquities, restitution requests, as well as the disagreements museums and archeologists are having on what to do with these objects and the problems caused by the illicit antiquities trade. Cuno acknowledges that nobody should be purchasing illicit artifacts because lack of demand is only way to stop the illicit trade and thus protect archeological sites from looters. He also states that this responsibility to discourage the importation of illicit antiquities falls heavily on the wealthier market countries, or countries that tend to do most of the collecting. Source countries, or artifact rich countries that mostly provide objects, tend to be too poor and under-equipped to properly police their borders, and the vast number of known and potential archeological sites within these countries are too numerous to adequately safeguard. However, this does not take into consideration the artifacts that have already long been part of established collections.

As previously stated, many of the most prestigious museum collections were created long before modern patrimony laws and international conventions, like the 1970 UNESCO Convention, were put into effect. It is often impossible to ever know exactly where an object truly originated from, and in Cuno's opinion that invalidates many restitution claims. He used the

²⁶ "Getty Gets Fleischman Collection - Archaeology Magazine Archive."

example of a sculpture that is likely from ancient Rome. If Italy were to lay claim to that object, it would be incredibly difficult to prove that it was illegally removed from what is modern day Italy before the implementation of their patrimony laws if there is no corroborating evidence, an eye witness, or a confession, especially considering how vast the Roman Empire once was.²⁷ He feels that too many museums simply return the artifacts without a proper investigation first taking place, and that often in the court of public opinion the museum is found guilty of possessing stolen property. He also argues that it is nationalistic pride rather than a genuine desire to protect local cultural heritage that prompts many restitution claims. He believes that governments want to use these objects for political purposes, not to protect and preserve them for posterity.

Cuno believes that museums have every right to hold on to these objects and maintain their collections intact until sufficient evidence is produced corroborating the claims of the alleged country of origin.²⁸ In the meantime, unprovenanced objects should continue to be displayed and appreciated for their aesthetic and educational qualities. Even though the contextual aspect has been lost, he feels that these objects are still beneficial to society. While unprovenanced artifacts still hold a great deal of value and most cannot just simply be returned to their place of origin, many scholars still disagree with Cuno.

Museum professionals and archeologists often disagree on the issues surrounding unprovenanced artifacts, as many archeologists tend to side with source countries on the matter. Laetitia La Follette quotes criminologist K. Polk's response to those who think as James Cuno does. Polk feels that the focus is being placed on objects and that similar arguments, "...would be more persuasive if the same authors were as concerned for actual and concrete ways of

²⁷ Bennett, Julian, *Trajan: Optimus Princeps.*, 111; The Roman Empire reached 1,900,000 square miles at its peak.

²⁸ Cuno, James B., *Who Owns Antiquity? : Museums and the Battle Over Our Ancient Heritage.*, 2.

contributing to the protection of context.”²⁹ Susannah Rutherglen, in her review of Cuno’s *Who owns Antiquity?*, asserts that he has oversimplified the discord between tribal nation-states and museums because many of these institutions came into existence by means of war plunder, colonialism, and exploitation.³⁰

Cuno also feels that encyclopedic museums should be opened all around the world, not just in wealthy market countries, thereby providing millions more people opportunities to enjoy the benefits of access to these institutions. While this would be ideal, Rutherglen considers this idea highly implausible because there are many countries that are unlikely to become stable and wealthy enough to open and maintain such institutions in the foreseeable future. Not only are there the costs in building and maintaining a suitable facility, there is also the need for well-trained individuals to run the museum. She then points out that Cuno does not really address the issue of money. The fact is that many collecting countries are able to attract more tourists looking to see artifacts excavated from poorer source countries, and thereby reap more economic benefits.³¹

3. Laws, Conventions, and Agreements

As more source countries have gained independence and come into the modern age, there has been an increase in the demands for the repatriation of antiquities. This has focused greater attention on acquisition practices as more modern ways of thought and the consideration of

²⁹ La Follette, Laetitia, “Looted Antiquities, Art Museums and Restitution in the United States since 1970.”, 683.

³⁰ Rutherglen, Susannah, “Repatriating Art: A Museum Director Examines the Controversy over Whether Nations Own Their Cultural Artifacts.”, 151.

³¹ Ibid.

ethics have influenced the world of art and archaeology. Naturally, this has dramatically changed and even slowed the flow of artifacts from archeological sites into museum and private collections as restrictions have been placed on the buying, selling, and exporting of cultural objects. Unfortunately, as more scrutiny was put on acquisition practices, some institutions and collectors tried to find ways around the regulations which would allow them to keep collecting as freely as they had before. In many cases, this meant sourcing from dealers with ties to the illicit antiquities trade.

As a way to both stifle the illegal antiquities trade and protect individual countries as well as global citizens from the loss of patrimony, or cultural property, and the legacy of human history a series of national and international laws, legal agreements, and official guidelines on museum ethics have been put into place. This paper will provide an overview of Italy's 1939 Protection of Artistic Patrimony Law, the 1970 UNESCO Convention, the 1995 UNIDROIT Convention, the International Council of Museums' Code of Ethics, the Association of Art Museum Directors' Code of Ethics, and the American Alliance of Museums' Code of Ethics.

The 1939 Protection of Artistic Patrimony Law

As the partnership between fascist Italian leaders and Nazi Germany developed, the drive for both governments to collect and confiscate valuable art for nationalistic and personal gain progressed.³² It became increasingly important for the leaders of these governments to show their power and sophistication through architecture, impressive state-owned art collections, the building of private collections, and the gifting of priceless works to one another. As the

³² Coccolo, "Law No. 1089 of 1 June 1939. The Origin and Consequences of Italian Legislation on the Protection of the National Cultural Heritage in the 20th Century.", 197.

persecution of Italy's Jewish population and citizens of enemy countries who held residence in Italy escalated, more and more of their valuable belongings were confiscated.³³

On June 1, 1939, under the direction of Giuseppe Bottai of the Fascist Ministry of National Education and Benito Mussolini, Italy enacted a new law, "No. 1089 Concerning the Protection of Objects of Artistic and Historic Interest".³⁴ Under this law, everything located within Italian soil belongs to the state. Any unauthorized excavation, or anything found in the process of digging after 1902 and not reported to the proper authorities, is considered theft.³⁵ Furthermore, it is also illegal to export anything of historical cultural significance outside of Italy without the proper license. *The Ministero per i beni e le attività culturali e per i turismo* (MiBACT) is the institution which issues the necessary licenses for the import or export of objects of artistic and/or historical interest. There is a chapter of MiBACT located in each Italian region known as the *Soprintendenza Archeologia, Belle Arte e Paessaggio* where interested parties are to file for their license. MiBACT issues a specific license for the temporary export of objects of artistic and/or historical interest more than 70 years old being transported outside of Italy. If the object(s) is also leaving the European Union, an additional license is required. A different type of license is required for any object of artistic and/or historical interest less than 70 years old and of which the creator is still living. Special licenses are also issued for short-term loans of objects, traveling exhibitions, as well as objects being imported into Italy temporarily.³⁶

From a contemporary standpoint, this law appears to serve as a way for the Italian state to retain and conserve its cultural and artistic heritage. However, Francesca Cocolo, author of "Law No. 1089 of June 1 1939. The Origin and Consequences of Italian Legislation on the

³³ Cocolo., 200-1.

³⁴ Cocolo., 195.

³⁵ Urice, Stephen K. and Merryman, John Henry, *Law, Ethics, and the Visual Arts.*, 171.

³⁶ "Ufficio Esportazioni."

Protection of the National Cultural Heritage in the 20th Century”, points out that upon closer inspection it becomes clear that the law originally served to create legal ground for authorities to confiscate valuable works of art from the people who were trying to flee the country as socio-political tensions rose.³⁷

...Bottai issued Law 1089 so as to tailor the art market to political interests and loyalties, its provisions were nonetheless misapplied in order to justify a drastic restriction on the transfer of cultural property belonging to persecuted individuals. Ironically, the only exception to these strict border controls were given to those pieces claimed by the Nazis, State-and public-owned artworks included.

Coccolo also discussed how, ironically, the way in which the misappropriation of the Law 1089 has made it incredibly difficult, if not impossible, for Italy to request the return of cultural objects removed from Italy prior to 1943. The fact that Italian authorities ignored the stipulations of the law when selling works to Germany would be considered collusion. As for cultural objects removed after 1943, the Peace treaty between Italy and the Allies allowed Italy to claim anything the Nazi’s took during their attack on the country.

In 2004, the “1939 Protection of Artistic Patrimony Law” was amended and became “*Decreto Legislativo 29 ottobre 1999 n.490*”. Five years later, the law was amended a third time, becoming “*Decreto Legislativo 22 gennaio 2004 n.42 (Codice dei beni culturali e del paesaggio)*”.³⁸ Currently, this law protects the artistic, cultural, archaeological, anthropological, archival, bibliographical and historical patrimony of Italy. Not only do artifacts and monuments fall under this law, but also the natural landscape itself (in specific zones) as a way to maintain, among other things, the aesthetic value of the land. The law also mandates that Italian cultural heritage must be maintained, developed, and accessible to the public.

³⁷ Coccolo, “Law No. 1089 of 1 June 1939. The Origin and Consequences of Italian Legislation on the Protection of the National Cultural Heritage in the 20th Century.”, 206.

³⁸ “One LEGALE.”

As for artifacts uncovered in Italian soil or waters, the state will pay up to 1/3 of the value as compensation for anything turned over to authorities as long as the artifacts were not discovered during any illegal activities.³⁹ If the Italian state decides that privately owned cultural objects of any type are either being poorly maintained or would be more beneficial if made public, the state reserves the right to confiscate the property or work. However, the owner will be compensated in full. The illegal removal of cultural property from Italy is regulated both under this 2004 law and the European Union under the “Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation”.⁴⁰ Directive 2014/60/EU has been amended twice before, in 1996 and 2001, and now contains 22 articles detailing the protections Member States of the European Union have against the illegal removal of objects they have deemed culturally significant.

The 1970 UNESCO Convention

From October 12 to November 14, 1970, the sixteenth session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) was held in Paris, France. During the previous decade, there had been a notable increase in thefts from both museums and archeological sites. These illicit items were being placed on the black market and offered to institutions and private collectors alike.⁴¹ As a way to try to mitigate the growing problem of looted and stolen art and artifacts, UNESCO organized the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural

³⁹ “One LEGALE.”

⁴⁰ Ibid.

⁴¹ “1970 Convention | United Nations Educational, Scientific and Cultural Organization.”

Property. The Convention came into effect on April 24, 1972 and was ratified by the United States that same year.

According to UNESCO.org, the convention is comprised of 26 articles which address and require action to be taken on Preventative Measures, Restitution Provisions, and an International Cooperation Framework. Article 1 begins with the clarification of the term ‘cultural property’. It is defined as “...property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:”.⁴² The fifteen categories, labeled “a” through “k” with “g” having four subsections, refer to objects ranging from plant and animal specimens, property related to military history, rare manuscripts and publications, postage stamps, paintings, antique furniture, products of archaeological excavations, and antiquities more than one hundred years old, just to name a few.

The Preventative Measures participating States Parties are required to take are summarized as “inventories, export certificates, monitoring trade, imposition of penal or administrative sanctions, information and education campaigns, etc.”⁴³ This means that participating parties are expected to put into place and maintain strict controls over the documentation and location of their cultural property, as well as the furnishing of related information, training, and learning opportunities.

The restitution provisions are in reference to Article (b) (ii) and specify that restitution claims are to be respected among participating States Parties and innocent purchasers are to be compensated by the requesting States.⁴⁴ Article 13 provides appropriate guidelines on how

⁴² “1970 Convention | United Nations Educational, Scientific and Cultural Organization.”

⁴³ Ibid.

⁴⁴ Ibid.

interested parties should proceed. In short, when one party makes an official claim and asks for the restitution of its cultural property, the other party is required to acknowledge and address the matter according to the guidelines of the Convention. If, for example, the object in question was smuggled out of its country of origin and then sold to an individual or private institution unaware of the object's illicit status, the country of origin is required to compensate the innocent party for their loss.

Lastly, the international cooperation framework is intended to “strengthen cooperation among and between States Parties”. A convention is an agreement between states that tends to be more informal than a treaty. In order for the Convention to function properly, participants must recognize that they have the same end goal and must be willing to work together. Not only does this mean protecting cultural property within one's own borders, but also coming to the aid of fellow participating countries. Should a conflict arise which would threaten the cultural patrimony of a State Party, they may request assistance. Article 9 allows for “undertakings such as a call for export, import, and international commerce controls”. This would require other parties to aid in the protection of and/or implement controls for the detection of illicit cultural patrimony originating from said country.

The 1995 UNIDROIT Convention

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was adopted on the 24th of June 1995. This international treaty is supplemental to the 1970 UNESCO Convention and meant to combat the illicit antiquities trade by further addressing proper protocol for buyers of art and artifacts.

The Convention is divided into five chapters and twenty-one articles. The first chapter, *Scope of Application and Definition*, explains that the Convention is applicable to international

claims on stolen cultural objects. Article 2 defines what is meant by the term “cultural objects”:
“For the purposes of this Convention, cultural objects are those which, on religious or secular grounds are of importance for archaeology, prehistory, history, literature, art or science and belong to one of the categories listed in the Annex of the Convention.”⁴⁵

In the second chapter, *Restitution of Stolen Cultural Objects*, point one of Article 3 states, “The possessor of a cultural object which has been stolen shall return it.”⁴⁶ The article then goes on to define “stolen” as anything that was unlawfully excavated and/or taken from its location. The statute of limitations for a cultural object to be considered stolen is fifty years from the date of the theft. Any claims for restitution must be made within three years of the claimant realizing that the object has been stolen. Points five and six state that there is an exception for Contracting States that have placed a minimum of a 75-year time limit on a claim, however this must be declared at the time of signing or the ratification of the Convention. Article 4 makes a provision, just as was included in the 1970 UNESCO Convention, for innocent parties who came into possession of stolen cultural property unaware of the illicit origins to be compensated upon the return of the object. The possessor must be able to prove that they took all possible necessary steps to try and ensure the object had not been stolen or illegally exported in order for them to be eligible to receive compensation.

The rest of the Convention details the processes by which Contracting States are required to make or withdraw claims and take legal action through local courts or authorities. The Convention is intended to provide further support to parties trying to reclaim their stolen cultural property, as well as encourage buyers to do their due diligence before making a purchase. The aim is to discourage anyone from knowingly collecting illicit objects because legally binding

⁴⁵ “UNIDROIT - Cultural Property - 1995 Convention.”

⁴⁶ Ibid.

agreements such as this should make it more difficult for them to wrongfully claim rightful ownership.⁴⁷

The Association of Art Museum Directors

Founded in 1916, and later incorporated in 1969, the Association of Art Museum Directors (AAMD) began with just twelve American Museums. It is now one of the most influential organizations for museums and museum professionals, and is dedicated to developing leadership, supporting museum directors, and promoting good practices within museums. The AAMD adopted its code of ethics in 1966 and has amended it six times, with the most recent being in 2011.⁴⁸

The code of ethics first addresses the organizations expectations for its member museum directors.⁴⁹ The position of museum director is a very important one, and anyone holding this position is to perform their duties with integrity and adherence to the highest ethical standards. The director shall refrain from engaging in any activities that would create a conflict of interest for the museum, they must conduct themselves in an exemplary manner for the other museum staff, and take the lead in the museum's adoption and implementation of a code of ethics among all museum employees and volunteers.

Museums directors ensure that any personal collecting of art does not interfere with the interests of their museum. They may not use their position to influence others for personal or financial gain, charge for authentication services, or accept gifts from artists without the approval of the museum's governing body. It is also expressly forbidden for a museum director to sell off

⁴⁷ "UNIDROIT - Cultural Property - 1995 Convention."

⁴⁸ "Association of Art Museum Directors."

⁴⁹ <https://aamd.org/about/code-of-ethics>.

accessioned works in order to make other acquisitions, or acquire anything that has been stolen, removed in a manner that violates international laws and/or conventions, or breaks U.S. import laws. Any breaches will result in disciplinary action and could lead to suspension or even expulsion from the AAMD. Failure to adhere to the code of ethics could result in sanctions being brought against the organization.

The second half of the code of ethics provides a list of four values and five principles the AAMD promotes within the organization and among its members. The values are Commitment to Mission, Professional Practice, Professional Support, and The Public Trust.

The Public Trust: AAMD's members hold their collections in public trust. Commensurate with this responsibility and recognizing their accountability to their institutional missions, their trustees, and their communities, AAMD's members perform their professional duties with honesty, integrity, and transparency.

The five principles are as follows: Artistic Excellence, Education, Artistic Expression, Diversity, Outreach & Community Service. These principles are aimed at making art museums welcoming and engaging spaces for learning and the enjoyment of art.⁵⁰

The American Alliance of Museums

Established in 1906, the American Alliance of Museums (AAM), originally called the American Association of Museums, has supported and developed procedural guidelines for museum staff and volunteers. With more than 33,000 museums located within the United States which specialize in a very wide array of subject matters, ranging from historical landmarks to fine art and natural sciences, the AAM faces an interesting challenge when defining ethical practices and procedures for all museums to follow.⁵¹ On their website, AAM-US.org, their

⁵⁰ "Association of Art Museum Directors."

⁵¹ "Ethics, Standards, and Professional Practices – American Alliance of Museums."

guidelines for “Ethics, Standards, and Professional Practices” are provided: “Ethics, standards, and professional practices address issues important to the museum field’s success in preserving the world’s natural and cultural heritage, educating audiences, and enhancing communities; they are codified in policies, procedures, and plans by individual museums; and then are carried out in day-to-day behaviors, decisions, and actions by museum professionals.”⁵²

The code of ethics was adopted in 1993 and last amended in 2000 by the AAM’s board of directors. All museums are expected to follow the code of ethics as they apply to their specific organization and can also be expanded upon as needed. The Code of Ethics begins with an explanation of what the AAM believes are the primary duties and obligations for any museum to adhere to, such as the stewardship of the world’s cultural and natural common wealth, the duty to educate and deepen human understanding, and to provide a very important public service. Governance, Collections, and Programs are also defined within the guidelines.

The Governance subheading addresses the running of the museum in a manner that upholds both the institution’s as well as the public’s interests by responsibly managing both human and financial resources, enhancing collections, improving programs, and serving the local community. The Collections subheading emphasizes the fact that how a museum manages its collections defines its ethical standard:⁵³

The distinctive character of museum ethics derives from the ownership, care and use of objects, specimens, and living collections representing the world’s natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility and responsible disposal.

⁵² “Ethics, Standards, and Professional Practices – American Alliance of Museums.”

⁵³ Ibid.

The AAM specifies that collections must be “lawfully held” and be accompanied by documentation. Additionally, acquisitions, as well as sale and loans, must be carried out in a manner that does not involve the illicit art trade. Lastly, the AAM requires all ownership disputes be acknowledged and handled in an open and dignified manner.

The International Council of Museums

The International Council of Museums (ICOM), founded in 1946, is a non-governmental organization dedicated to setting ethical guidelines for its member museums and museum professionals. With members from 138 different countries, ICOM is the only organization of its kind. ICOM has stated five main missions: establish standards of excellence, lead a diplomatic forum, develop a professional network, lead a global think tank, and carry out international missions. The organization says it is, “committed to the research, conservation, continuation and communication to the society of the world’s natural and cultural heritage, present and future, tangible and intangible.”

ICOM’s Committees have developed a set of standards for best practices in several areas including collections and accompanying documentation, personnel, security, descriptions and terminology, and acquisition policies.⁵⁴ They also participate in ongoing efforts to protect antiquities through projects like Object ID and the 2015 UNESCO Recommendation concerning museums.⁵⁵ The Ethics Committee compiled the ICOM Code of Ethics for Museums, a Checklist on ethics of cultural property ownership, and the ICOM Code of Ethics for Natural History Museums. This paper will focus on the Code of Ethics for Museums, which was originally adopted in 1986 and then revised in 2004.

⁵⁴ “ICOM Official Website.”

⁵⁵ “Object ID: An International Standard for Describing Art.”

The ICOM Code of Ethics for Museums is intended to set base guidelines for standards of good practice for all participating museums and museum personnel. The document is divided into eight sections:⁵⁶

- I. Museums preserve, interpret and promote the natural and cultural inheritance of humanity.*
- II. Museums that maintain collections hold them in trust for the benefit of society and its development.*
- III. Museums hold primary evidence for establishing and furthering knowledge.*
- IV. Museums provide opportunities for the appreciation, understanding and management of the natural and cultural heritage.*
- V. Museums hold resources that provide opportunities for other public services and benefits.*
- VI. Museums work in close collaboration with the communities from which their collections originate as well as those they serve.*
- VII. Museums operate in a legal manner.*
- VIII. Museums operate in a professional manner.*

Under the second point, *Museums that maintain collections hold them in trust for the benefit of society and its development*, is the subsection ‘Acquiring collections’. The guidelines specify that the governing body of the museum should create a collection policy which is also supposed to address the handling of items that will not be formally documented and included in the museum’s collection. The policy should also prohibit the acquisition of an object, whether that be by gift, loan, purchase, etc., which does not meet the museum’s requirements for proof of valid title. It is also specified that legal ownership is not necessarily equivalent to valid title.

Provenance research and due diligence are also a requirement. The museum is expected to “establish the full history of the item since discovery or production” before moving forward

⁵⁶ International Council of Museums, *ICOM Code of Ethics for Museums*.

with the acquisition, whether or not the object is coming from another institution or was even already located within the same country as the acquiring museum. Museums are also expressly prohibited from bringing anything into their collections which has illicit origins and/or was removed from its location without the proper authorization. “Museums should not acquire objects where there is reasonable cause to believe their recovery involved unauthorized or unscientific fieldwork, or international destruction or damage of monuments, archaeological or geological sites, or of species and natural habitats.”⁵⁷

The acquisitions guidelines also address topics such as culturally sensitive material, protected biological or geological specimens, and living or working collections. Two very important points of interest are the sections 2.9 Acquisition Outside Collections Policy and 2.11 Repositories of Last Resort. The first provides the proper protocol to be taken in the event a museum wishes to acquire an object that falls outside of the official policy guidelines. It states that the governing body should consult other professionals, consider the opinions of all interested parties, as well as the importance of the object itself in relation to the interests of other museums that collect similar items. However, the policy regarding valid title still stands, thus prohibiting the acquisition if these requirements are not met. Subsection 2.11 allows for museums to be authorized as holding facilities for unprovenanced and/or illicit objects originating from the local territory. This is intended to provide protection and proper storage and handling of objects, and not to formally include them in the museum’s collection.

The sixth point, *Museums work in close collaboration with the communities from which their collections originate as well as those they serve*, encourages museums to develop open and mutually beneficial partnerships with various communities. Such efforts could give museums

⁵⁷ International Council of Museums.

new opportunities to cultivate a positive relationship with source countries, as well as give these countries access to the cultural heritage they have lost. Subsections 6.2 Return of Cultural Property and 6.3 Restitution of Cultural Property urge museums to act responsibly, professionally, and follow proper protocol when handling restitution cases. This means taking the first step in initiating the process in some cases, and acknowledging the evidence provided by the party making the claim. The ICOM Code of Ethics also prohibits the acquiring of cultural objects from occupied territories as a way to help further safeguard the patrimony of countries or peoples who are not in a position to do so themselves.

While some of these laws and regulations were put into effect before or even around the time the Met came into possession of the Euphronios Krater, many were developed and revised in more recent years. Although more attention is being given to the legal and ethical issues surrounding the collecting of antiquities, there is still a lot of room for improvement.

Organizations, such as UNESCO and the AAMD, which issue the rules and guidelines are not responsible for the monitoring of individual institutions and adhering to these rules is voluntary. Even the laws such as Italy's *Decreto Legislativo 22 gennaio 2004 n.42* cannot automatically be enforced in other countries. It is up to each country to decide whether to respect the law of another, and in the United States the government will not open an investigation if no U.S. laws have been broken during the importation of cultural property. It is up to other countries or private parties to make claims and provide the evidence that a crime has taken place. This is why it is so important for collectors and museums to be more transparent and practice due diligence.

4. Theft, Looting and the Illicit Art Trade

The history of collecting artifacts has long been plagued by theft, looting, colonization, greed, and those who wish to profit from the illicit trade in antiquities. Some famous examples of collections that were created as a result of war-time looting, colonization, and taking advantage of occupied territories include the original Napoleonic collection at the Louvre, several objects at the British Museum, and Nazis plunder.⁵⁸ According to Lucia Inglesias Kuntz's article, "Tracking Down Looted Art", the rate at which art and artifacts are looted or stolen rivals that of the illicit arms and drugs trades.⁵⁹

Kuntz likened the difficulty in recovering stolen works to that of a person who had their car stolen but is unable to provide the police with the pertinent identifying information such as plate and registration numbers, the make and model, or even a photo. Under these circumstances, if the police ever located a car similar to what was described, they would likely have no way of being sure that it was actually the vehicle in question. The same kind of confusion and difficulty plagues law enforcement officials who are trying to track down and recover stolen art and artifacts. Often investigators do not have documentation detailing identifying information or even a photograph of the object, as is the case with many works that were looted by the Nazis, making it incredibly difficult to search for missing works. In some cases, it is just the words of the heirs of the now deceased original owners of works of art stolen by the Nazis that officials have to work with.⁶⁰

⁵⁸ For more on Nazi looted art, please refer to "The Faustian Bargain: the art world in Nazi Germany".

⁵⁹ Kuntz, L. I., "Tracking Down Looted Art."

⁶⁰ Graefe, Emily A., "The Conflicint Obligations of Museums Possessing Nazi-Looted Art."

Kuntz also notes that art theft and artifact looting is a worldwide problem. We may tend to associate the idea of looting and art theft more with artifact rich locations in places such as South America, Asia, and Africa, however archaeological sites and museums in France, Russia, Germany, and North America have also reported the theft of thousands of objects. This global problem is a combination of the lack of funding, poor or non-existent security, inadequate legislation and enforcement, and above all the increasing demand for illicit artifacts. More recently, UNESCO turned its attention toward working to protect shipwrecks from looting as well. However, progress has been very slow and so much more still needs to be done. Kuntz suggested that more willingness for intergovernmental agreements could be the breakthrough we need.

In her article for *Crime, Law and Social Change: An Interdisciplinary Journal*, Blythe Bowman Proulx provides a brief overview of the complexity of art crime by first dispelling popular misconceptions and then providing examples of several different angles from which the topic of art crime can be approached.⁶¹ Proulx begins by pointing out that most people imagine Hollywood blockbusters with elaborate schemes featuring beautiful and intriguing thieves and detectives playing a game of cat and mouse. They also assume thieves are in it for the love of art and the thrill of a high-risk operation. However, the reality is that all kinds of people from different walks of life and with different sized wallets are involved in art crime, and the main driving force behind their actions tends to be greed. Furthermore, museum heists are far less common than illicit export, art fraud and tax evasion, forgery, smuggling, and vandalism, to name a few. The article quotes Bob Wittman, a retired FBI Art Crime Team Special Agent, saying, "...art theft is rarely about the love of art or the cleverness of the crime, and the thief is

⁶¹ Proulx, Blythe Bowman, "Editor's Introduction: The Art Crime Prism.", 111.

rarely the Hollywood caricature.... The art thieves I met in my career ran the gamut- rich, poor, smart, foolish, attractive, grotesque. Yet nearly all of them had one thing in common: brute greed. They stole for money, not beauty”.⁶² Proulx discusses the concept of viewing art crime as a prism because it “ is also multifaceted, multidimensional, [and a] value-laden concept which on its face does not reflect the spectrum of conduct it in fact encompasses.”⁶³ The article also mentions a variety of issues other scholars have written on, such as fraud in the Australian Aboriginal art market, illicit Cambodian antiquities appearing in Sotheby’s auction catalogues, and the looting of archeological sites within the United States.⁶⁴ Art crime is a global problem that appears in many different forms and involves people from an assortment of backgrounds. Therefore, continued scholarship, increased awareness, and an equally diverse set of solutions are necessary in order to bring it under control.

Historical Examples with Modern Repercussions

An early example of the still ongoing problem of looting during war and times of conflict is that of Napoléon Bonaparté, the French military leader who played a key role in the French Revolution and later became the emperor of France. During his military campaigns, Napoléon amassed an extensive collection of plundered art. He renamed the Louvre the Musée Napoléon and filled it with the spoils of war from Italy, Spain, Germany, and Belgium to name a few. The men who participated in these campaigns were not only soldiers, but also scholars, antiquarians, and savants tasked with the specific duty of seeking out the finest works of art and most precious

⁶² Proulx, Blythe Bowman., 111-12.

⁶³ Proulx, Blythe Bowman., 112.

⁶⁴ Ibid.

antiquities to bring back to France.⁶⁵ After the fall of Napoléon, however, many of the looted works were returned to their countries of origin.⁶⁶

The British Empire has had over 100 colonies around the globe and today still has fourteen foreign territories. British museums are filled with art and antiquities from these various countries that were taken during the time of British control. Many countries, including Nigeria, Egypt, and China, have called for the return of artifacts they feel should have never left their soil.⁶⁷ One of the most notable ongoing cases of a call for the repatriation of cultural objects is that of the Parthenon Marbles. The British Museum holds roughly half of the frieze which originally decorated the façade of the Parthenon in Athens, Greece. While in this specific instance, the British had not colonized Greece, they were allied with the Ottoman Empire, which had been ruling Greece for about four hundred years.

In 1801, the Seventh Earl of Elgin and British Ambassador to the Ottoman Empire took up his post in Constantinople. Originally, Elgin, an ancient Greek art enthusiast, intended to only collect drawings, measurements, and plaster casts of the ancient temple. Elgin was able to take advantage of his position and Britain's relationship with the Ottoman Turks, and acquire the marbles while Greece was unable to have a say in the matter. The plan soon changed and his men instead, with permission from the local Ottoman authorities, proceeded to dismantle sections of the Parthenon in order to remove segments of the marble frieze, metopes, and sculptural figures from the triangular pediment.⁶⁸

⁶⁵ "The Fruits of War."

⁶⁶ Watson, F.J.B., "Trophy of Conquest: The Musée Napoléon and the Creation of the Louvre by Ceceil Gould.", 374.

⁶⁷ Selvin and Selvin, "Human Rights Lawyer Blasts British Museum for Displaying 'Pilfered Cultural Property,' Urges Repatriation of Stolen Objects."

⁶⁸ Fitz Gibbon, Kate, "The Elgin Marbles.", 109-111.

From 1802 to 1806 Elgin suffered several serious personal and professional setbacks, and he viewed the marbles as his last opportunity to regain his honor and clear his debt. Though, once he was finally able to return to Britain, his plan ultimately failed. Some of Elgin's own countrymen began to challenge the legitimacy of his claim to the marbles. There were debates in Parliament over whether the artifacts should be held in trust, kept for their protection or outright returned to Greece. In the end, Parliament agreed to purchase the marbles from Elgin and place them in the British Museum, where they have been since 1816. Elgin's misfortune continued as the profit he made was not enough to rescue him from later dying in both social and financial ruin.⁶⁹

In 1982, Melina Mercouri, the Greek Minister of Culture, called for the return of the Parthenon Marbles. The British government refused to be involved in the matter and stated that the decision was that of the British Museum's trustees. The museum refused the return the artifacts on the grounds that it was the institution's first and foremost duty to the public to protect the marbles, however it would be willing to place other Greek artifacts on a long-term loan. Since then, a heated debate has continued with strong arguments coming from both sides, including the legitimacy of the original authorization for the removal of the marbles, the museum's ability to properly care for the marbles after an incident involving art dealer Lord Duveen, and the potential risks involved in the transportation of the ancient sculptures all the way from Britain back to Greece.⁷⁰ As the debate continues, the world watches closely, because the potential results would have reverberating effects throughout the art world, providing grounds for certain decisions regarding similar cases.

⁶⁹ Fitz Gibbon, Kate.:113-119.

⁷⁰ For further information on Lord Duveen, please refer to this article:
https://www.researchgate.net/publication/229797043_Working_hard_at_giving_it_away_Lord_Duveen_the_British_Museum_and_the_Elgin_marbles

Plundered Art in the Modern Age

An article by Neil Brodie for the journal *Archaeology* explores the question of why more action has not been taken to prevent looting and the illicit trade of antiquities during times of war.⁷¹ At the start of the Gulf War and throughout the 1990's in Iraq several museums were looted, and their contents immediately began to appear on the international market. In the late 90's through the early 2000's Jordanian border officials seized thousands of objects that were being smuggled out of Iraq, and the Iraqis themselves were able to stop some 5,000 more pieces before they left the country.⁷² Brodie points out that all this destruction and looting was being done with complete disregard for the U.N. sanctions.⁷³ The Iraq Department of Antiquities was severely under-equipped and unable to even properly document the artifacts, patrol threatened archeological sites, or protect Iraq's patrimony in any capacity. The same thing has happened in countries like Cambodia, Kabul, Somalia, Lebanon, and Afghanistan during times of war and political upheaval.

Brodie suggests several possible solutions for Iraq to try and preserve what artifacts it has left, although he admits that as challenging as that is, actually trying to recover what has been stolen and already exported is going to be incredibly difficult. He proposes the controversial idea of compensating the otherwise innocent people, who stole these valuables out of desperation, for the return of museum collections because they are not actually in the business of looting and selling on the black market. However, Brodie acknowledges that this would be very tricky and could possibly trigger further looting. More needs to be done on an international level to recover

⁷¹ This article was written in 2003.

⁷² Brodie, Neil, "Spoils of War-the Plundering of Iraq's Cultural Institutions Demonstrates Yet Again How Warfare Fuels the International Trade in Looted Antiquities."

⁷³ "S/RES/2347 (2017) Condemns the unlawful destruction of cultural heritage, including the destruction of religious sites and artefacts, and the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites, notably by terrorist groups."

Iraq's cultural patrimony, like training customs officials to be able to recognize suspicious shipments and know which procedures to follow when an illicit artifact is found. The problem is that the effort needs to start at home and the Iraqi government, and others in a similar position, need to demonstrate that they are making an effort to get their cultural patrimony under control before countries like the U.S. or the U.K. will step in to provide any sort of assistance.

Another modern-day example of looting is the first-hand experience of reporter Joshua Hammer. Investigating the state of the illicit art trade in Mali in 2009, Hammer begins by explaining how easy it was for him to find a dealer.⁷⁴ His guide brought him to a man who runs multiple businesses including a hotel, an artists' workshop, and selling looted artifacts. The man offered Hammer various works, one at least 700 years old, and each for sale for thousands of dollars. They were artifacts belonging to the ancient Dogon people, and had either been stolen from the ancient burial sites or possibly from one of the many artifact-filled earthen mounds. Hammer explains that the Mali people, even those of Dogon descent have become increasingly willing to sell off their own patrimony out of desperation due to poverty and the demand from foreign collectors willing to pay thousands for a single work. Additionally, many of the Dogon people are now Muslims or Christians, and these artifacts that would have held religious value for them no longer do. In fact, a gold-inlaid wooden door of a mosque that dated back centuries was stolen during the effort made to try and save it from being looted. Even though Mali signed the 1970 UNESCO Convention, the problem has only gotten worse over time. French customs agents have recovered thousands upon thousands, and even truckloads of Malian artifacts over the years. Plus, it seems as if the success of some legal excavations has only helped to drive up the demand for Malian artifacts after the finds were published. Many international collectors

⁷⁴ Hammer, Joshua, "Looting Mali."

have deemed artifacts from Mali as being of the highest quality in all of Africa. Many involved in the buying and selling of Dogon artifacts try to claim that this business is bringing money to the poor and needy, but in reality, it is just damaging Mali further.

A similar report was made by David Matsuda after he decided to follow a Mayan *huaquero*, or grave robber, into the jungle during one of his excursions to observe him at work.⁷⁵ Matsuda was led to the ruins of a dwelling that had collapsed in on itself long ago. He watched as the *huaquero* probed the mound, very similarly to the way Italian *tombaroli* do, in search for anything of value. He eventually began digging and found an object he referred to as a *semilla*, or seed. When asked why, he explained that the artifact, similarly to a *semilla*, was a gift from the ancestors. Among many indigenous groups in Latin America, the *semilla* is highly sacred. Matsuda highlights the similarities between *semillas* and artifacts by pointing out that both are planted or buried and later harvested or dug up. The lines between the two have become blurred as many indigenous people feel that it is their right to possess these artifacts because they were left behind for them by their ancestors. This puts a very different perspective on their looting activities because while outsiders would consider this intentionally criminal conduct and label *huaqueros* as thieves, the fact that they approach this activity as a way of collecting their inheritance should give us pause.

Another point Matsuda makes is the comparison between looting and subsistence. Just as actual seeds are planted to later be harvested and the hunter-gatherer way of life is the traditional method of survival, one can begin to see the way in which this definition has been broadened to include looting. It is not a surprise that many indigenous peoples still trying to hold on to their traditional way of life need to do more than just farm and hunt in order to survive in these

⁷⁵ Matsuda, David, "Looted Artifacts. Seeds of Change in Latin America.", 222.

modern times. Looting has also become a way to generate income as they are continually more marginalized, and their ancestral lands are encroached upon or outright destroyed.

The Iraqi civilians, the Mali people, and the *huaqueros* all have something very important in common: they loot their own cultural patrimony, not out of a desire to commit criminal acts, but out of a desperate need to make a living. On the surface, it is easy to paint a negative image of the type of person who illegally excavates archeological sites, destroying them in the process, and then sells off whatever they find. While there are many who have other options, but still choose to commit criminal acts, it is important to remember that is not the case for everyone. This is why it is necessary to consider each situation individually and try to create solutions that are sensitive to particular circumstances. At times education, new opportunities, and understanding are more appropriate than criminal prosecution.

A Viable Solution for the Future

Author Melik Kaylan did not report on the sensational case of Marion True simply because it was such a big scandal, but rather because he is genuinely interested in the related issues addressed in his 2005 article for *The Wall Street Journal*.⁷⁶ Kaylan briefly mentions being hospitalized for reporting on an organized looting ring who retaliated against him and seeing ancient sites in his homeland in Turkey destroyed by treasure hunters. This first-hand account is so important because Kaylan takes a strong personal interest in putting an end to the illicit art trade not because he is a professional in the art world or a law enforcement agent who specializes in art crime, but because he sees how it is destroying his native country's artistic and cultural patrimony.

⁷⁶ Kaylan, Melik, "A Civilized Solution to Looted Art.", D15.

The beginning of the article opens up with Marion True's indictment by the Italian police for knowingly participating in the trafficking of looted artifacts. Kaylan noted that this marked a massive turning point in the way museums and private collectors would be acquiring works in the future. The days of amassing a collection by any means possible and not expecting provenance to ever be an issue are gone. Increasingly source countries began to speak up and demand that their cultural patrimony be respected and returned to them by the countries who took objects unlawfully. The problem is that too many of these countries do not have the means to properly care for, display, or protect these precious objects. Kaylan suggested that more museums and western institutions should step up and begin negotiations with these artifact rich countries.

He cites the Guggenheim Bilbao project and recommended that other museums, especially the Getty, follow this example. The Guggenheim Museum Bilbao is the result of a partnership between the Solomon R. Guggenheim Foundation and the Basque Institution. The museum is part of a network of museums that all share access to the Guggenheim permanent collection.⁷⁷ If rich institutions offered to train professionals and invest in or build proper facilities to safely house these treasures, then the development of such a strong relationship would guarantee that the museum would have an endless supply of antiquities to display in all its locations. An agreement such as this would be highly beneficial to all parties and a very forward-thinking way to solve some of the serious issues surrounding provenance, acquisitions, and negotiations between artifact rich and market countries. This is also an excellent solution for the lack of access to museum collections for so many people in their home countries, allowing them the same opportunities as citizens from wealthier market countries.

⁷⁷ "Introduction | Guggenheim Bilbao."

5. Conclusion

Captivating headlines in the media, like the ones surrounding the case of the Euphronios krater, are often the public's only glimpse into the corrupt side of the art world. However, the disappointing reality is that art crime in all its forms is an ongoing global issue. That is why it is so important to continue to educate the public about the illicit antiquities trade and the ongoing controversy surrounding restitution claims. While updated laws and improved acquisition practices have created a lot of change for the better, progress has been slow. Teaching and encouraging the public to ask questions and expect to be provided with as much background information as possible about the objects they visit museums to see will help push these institutions to change their policies and become more transparent in their practices.

A combination of the development of new international partnerships and a deeper understanding of the negative repercussions of collecting stolen and looted antiquities will help discourage people from supporting the illicit art trade, whether that means demanding more transparency from museums, learning to ask the proper questions when collecting, or even not participating in illegal excavations themselves. By encouraging wealthy institutions to invest in artifact rich countries, exciting new relationships can be forged. Adequate facilities can be built, job opportunities and proper training can be provided, and people in underprivileged communities can enjoy the benefits of visiting museums. This would also help to protect the local cultural patrimony by giving the institutions ready access to archeological sites and driving down the demand for looted antiquities.

There are more solutions to the problems created by art crime and the illicit antiquities trade that laws and regulations alone do not cover. The very people who work in or with

museums need to continue to hold one another accountable, while also practicing some humility and generosity by being more willing to negotiate with foreign countries and disadvantaged communities. Seeking mutually beneficial partnerships with those to whom the objects they wish to collect belong will allow museums to keep collecting while also protecting cultural patrimony and human history.

Image: Euphronios Krater
Red-figure calyx krater (side A)
c. 515 BCE



Photo credit: Maisha Lezzi, 2019

Bibliography

- Artnet News. "Honolulu Museum of Art Sues Art Donor," August 10, 2015.
<https://news.artnet.com/art-world/honolulu-museum-suing-over-donation-323817>.
- Artnet News. "Honolulu Museum of Art Sues Art Donor," August 10, 2015.
<https://news.artnet.com/art-world/honolulu-museum-suing-over-donation-323817>.
- Artnet News. "Honolulu Museum Returns Subhash Kapoor Loot," April 2, 2015.
<https://news.artnet.com/art-world/honolulu-museum-returns-subhash-kapoor-loot-284487>.
- The Art Newspaper. "The Fruits of War: How Napoleon's Looted Art Found Its Way Home." Accessed April 11, 2020. <http://www.theartnewspaper.com/feature/the-fruits-of-war-how-napoleon-s-looted-art-found-its-way-home>.
- Association of Art Museum Directors. "Association of Art Museum Directors." Accessed March 26, 2020. <https://aamd.org>.
- Association of Art Museum Directors. "Mission." Accessed March 26, 2020.
<https://aamd.org/about/mission>.
- Bennett, Julian. *Trajan: Optimus Princeps*. 2nd ed. Bloomington: Indiana University Press, 2001.
<http://search.ebscohost.com.jcu.idm.oclc.org/login.aspx?direct=true&db=nlebk&AN=97979&site=ehost-live>.
- Brodie, Neil. "Giacomo Medici." Research consortium. Trafficking Culture, April 10, 2015.
<https://traffickingculture.org/encyclopedia/case-studies/giacomo-medici/>.
- . "Spoils of War—the Plundering of Iraq's Cultural Institutions Demonstrates Yet Again How Warfare Fuels the International Trade in Looted Antiquities." *Archeology* 56, no. 4 (2003): 16.
- Encyclopedia Britannica. "Caere | Ancient City, Italy." Accessed May 4, 2020.
<https://www.britannica.com/place/Caere>.
- Coccolo, Francesca. "Law No. 1089 of 1 June 1939. The Origin and Consequences of Italian Legislation on the Protection of the National Cultural Heritage in the 20th Century." In *Cultural Heritage Scenarios 2015-2017*, edited by Pinton, Simona and Zagato, Lauso, 1st ed., 195–210. Sapere l'Europa, Sapere d'Europa 4. Venezia: Edizioni Ca' Foscari-Digital Publishing, 2017.
https://www.researchgate.net/publication/301349755_Law_No_1089_of_1_June_1939_The_origin_and_consequences_of_Italian_legislation_on_the_protection_of_the_national_cultural_heritage_in_the_20th_century.

- “1970 Convention | United Nations Educational, Scientific and Cultural Organization.” Accessed February 18, 2020. <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/>.
- “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.” Accessed February 18, 2020. http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.
- Cuno, James B. *Who Owns Antiquity? : Museums and the Battle Over Our Ancient Heritage*. Princeton, N.J. : Princeton University Press., 2011.
- . *Whose Culture? : The Promise of Museums and the Debate Over Antiquities*. Princeton : Princeton University Press., 2012.
- Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast), Pub. L. No. 32014L0060, OJ L 159 (2014). <http://data.europa.eu/eli/dir/2014/60/oj/eng>.
- “Ethics, Standards, and Professional Practices – American Alliance of Museums.” Accessed March 8, 2020. <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/>.
- Arthemis Art-Law Centre University of Geneva. “Euphronios Krater and Other Archaeological Objects – Italy and Metropolitan Museum of Art — Centre Du Droit de l’art.” Accessed February 11, 2020. <https://plone.unige.ch/art-adr/cases-affaires/euphronios-krater-and-other-archaeological-objects-2013-italy-and-metropolitan-museum-of-art>.
- “Euphronios, Sarpedon Krater – Smarthistory.” Accessed January 25, 2020. <https://smarthistory.org/euphronios-krater/>.
- “Euphronios (Sarpedon) Krater « Trafficking Culture.” Accessed February 11, 2020. <https://traffickingculture.org/encyclopedia/case-studies/euphronios-sarpedon-krater/>.
- Felch, Jason, and Ammolino, Ralph. *Chasing Aphrodite*. New York: Houghton Mifflin Harcourt, 2011.
- Felch, Jason, and Borghese, Livia. “Italy, Getty End Rift.” News. Los Angeles Times, September 26, 2007. <https://www.latimes.com/archives/la-xpm-2007-sep-26-et-getty26-story.html>.
- Fitz Gibbon, Kate. “The Elgin Marbles.” In *Who Owns the Past?: Cultural Policy, Cultural Property, and the Law*, 109–19. Rutgers Series on the Public Life of the Arts. New Brunswick: Rutgers Univ. Press, 2005.
- Gage, Nicholas. “2 Inquiries Begun.” *The New York Times*, February 20, 1973, sec. Archives. <https://www.nytimes.com/1973/02/20/archives/2-inquiries-begun-italy-is-investigating-source-of-vase-theory.html>.

- . “How the Metropolitan Acquired ‘The Finest Greek Vase There Is.’” *The New York Times*, February 19, 1973. The New York Times Archives.
- “Getty Gets Fleischman Collection - Archaeology Magazine Archive.” Accessed March 8, 2020. <https://archive.archaeology.org/9609/newsbriefs/getty.html>.
- Gill, David W. J. “Exhibition Review: Nostoi, Rome, Palazzo Del Quirinale, 2007.” Accessed April 24, 2020. https://www.academia.edu/878630/Exhibition_review_Nostoi_Rome_Palazzo_del_Quirinale_2007.
- Graefe, Emily A. “The Conflicint Obligations of Museums Possessing Nazi-Looted Art.” *Boston College Review* 51, no. 2 (2010).
- Guggenheim Bilbao. “Guggenheim Bilbao Museum. Come in and Plan Your Visit.” Accessed April 23, 2020. <https://www.guggenheim-bilbao.eus/en>.
- Hamilakis, Yannis. “Stories from Exile: Fragments from the Cultural Biography of the Parthenon (or ‘Elgin’) Marbles.” *World Archaeology* 31, no. 2 (1999): 303–20.
- Hammer, Joshua. “Looting Mali.” *Smithsonian* 40, no. 8 (2009): 32–41.
- Hawkins, Ashton. “The Euphronios Krater at the Metropolitan Museum: A Question of Provenance.” *Hastings Law Journal* 27, no. 5 (1976): 1163–81.
- ICOM. “ICOM Official Website.” Accessed March 12, 2020. <https://icom.museum/en/>.
- International Council of Museums. *ICOM Code of Ethics for Museums*. Paris: ICOM, 2017. <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>.
- “Introduction | Guggenheim Bilbao.” Accessed April 23, 2020. <http://www.guggenheim-bilbao-corp.eus/en/bilbao-guggenheim/introduction-and-history/>.
- “Italy Hails Return of Ancient Vase from New York.” *Reuters*, January 18, 2008. <https://www.reuters.com/article/us-italy-art-krater-idUSL1881034620080118>.
- Kaylan, Melik. “A Civilized Solution to Looted Art.” *The Wall Street Journal-Eastern Edition* 246, no. 129 (2005).
- Kuntz, L. I. “Tracking Down Looted Art.” *UNESCO Courier* 52, no. 3 (March 1999): 40–42.
- La Follette, Laetitia. “Looted Antiquities, Art Museums and Restitution in the United States since 1970.” *Journal of Contemporary History* 52, no. 3 (2016): 670–87. <https://doi.org/10.1177/0022009416641198>.
- Matsuda, David. “Looted Artifacts. Seeds of Change in Latin America.” *Anthropos* 89, no. 1/3 (1994): 222–24.

- Meyer, Karl E. *The Plundered Past; the Traffic in Art Treasures*. Rev. ed. Pelican Books. Harmondsworth: Penguin, 1977.
- Nagy, Gregory. “The Death of Sarpedon and the Question of Homeric Uniqueness.” In *Greek Mythology and Poetics*, 122–42. Ithaca; London: Cornell University Press, 1990. www.jstor.org/stable/10.7591/j.ctv5rf0mc.10.
- Neils, Jenifer. “The ‘Unheroic’ Corpse:: Re-Reading the Sarpedon Krater.” In *Athenian Potters and Painters Volume II*, edited by John H. Oakley and Olga Palagia, 212–19. Oxbow Books, 2009. <https://www.jstor.org/stable/j.ctt1cfr7pd.25>.
- “Object ID: An International Standard for Describing Art.” Accessed March 12, 2020. <http://archives.icom.museum/object-id/>.
- “One LEGALE.” Legal database. Accessed April 17, 2020. <https://onelegale.wolterskluwer.it/>.
- “Prohibited and Restricted Items | U.S. Customs and Border Protection.” Accessed May 3, 2020. <https://www.cbp.gov/travel/us-citizens/know-before-you-go/prohibited-and-restricted-items>.
- Proulx, Blythe Bowman. “Editor’s Introduction: The Art Crime Prism.” *Crime, Law and Social Change: An Interdisciplinary Journal* 56, no. 2 (2011): 111–13. <https://doi.org/10.1007/s10611-011-9315-4>.
- Rutherglen, Susannah. “Repatriating Art: A Museum Director Examines the Controversy over Whether Nations Own Their Cultural Artifacts.” *The American Scholar* 77, no. 3 (2008): 149–52.
- Samuel, Sigal. “It’s Disturbingly Easy to Buy Iraq’s Archeological Treasures.” *The Atlantic*, March 19, 2018. <https://www.theatlantic.com/international/archive/2018/03/iraq-war-archeology-invasion/555200/>.
- Selvin, Claire, and Claire Selvin. “Human Rights Lawyer Blasts British Museum for Displaying ‘Pilfered Cultural Property,’ Urges Repatriation of Stolen Objects.” *ARTnews.Com* (blog), November 5, 2019. <https://www.artnews.com/art-news/news/british-museum-repatriation-debate-13512/>.
- “S/RES/2347 (2017) | United Nations Security Council.” Accessed April 23, 2020. <https://www.un.org/securitycouncil/s/res/2347-%282017%29>.
- “STATEMENT BY THE METROPOLITAN MUSEUM OF ART ON ITS AGREEMENT WITH ITALIAN MINISTRY OF CULTURE | The Metropolitan Museum of Art.” Accessed April 17, 2020. <https://www.metmuseum.org/press/news/2006/statement-by-the-metropolitan-museum-of-art-on-its-agreement-with-italian-ministry-of-culture>.

Soprintendenza Speciale Archeologia Belle Arti e Paesaggio di Roma. “Ufficio Esportazioni.” Accessed April 24, 2020. https://www.soprintendenzaspecialeroma.it/schede/ufficio-esportazioni_3063/.

“UNIDROIT - Cultural Property - 1995 Convention.” Accessed March 26, 2020. <https://www.unidroit.org/instruments/cultural-property/1995-convention>.

“UNIDROIT - News and Events.” Accessed March 30, 2019. <https://www.unidroit.org/>.

Urice, Stephen K., and Merryman, John Henry. *Law, Ethics, and the Visual Arts*. 5th ed. Kluwer Law International, 2007.

“U.S.-Italy Cultural Property Agreement | Bureau of Educational and Cultural Affairs.” Accessed April 22, 2020. <https://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements/italy/us-italy>.

Watson, F.J.B. “Trophy of Conquest: The Musée Napoléon and the Creation of the Louvre by Ceceil Gould.” *Journal of the Royal Society of Arts* 113, no. 5105 (1965): 373–74.