

## Getty revises its guidelines for acquiring antiquities—again

Artefacts must have left their countries of origin by 1970, the year of the Unesco Convention, or have proper export documentation to be considered for purchase

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The Getty Museum has adopted stricter guidelines governing future acquisition of antiquities. The announcement comes as the museum's former curator of antiquities, Marion True, remains on trial in Rome on charges of trafficking in looted antiquities (below), and amid ongoing negotiations with Italy and Greece concerning the restitution of objects in the Getty collection alleged to have been looted from those countries. Michael Brand, director of the Getty Museum, who developed the revised policy, says that the change "has no formal connection with our negotiations with Italy or Greece. It is not a negotiating point." "The acquisition policy clearly needed to be looked at closely," he says, explaining that he has been rethinking the issue since he arrived at the Getty in January. "The antiquities issues are taking up a lot of our time and thought, and the revised policy seemed a way of moving forward and making it very clear where we stand, and what we stand for," he says. The new standards—adopted in late October and posted on the Getty Trust's website—do not affect objects already in the collection, but pertain to future acquisitions by purchase, gift, bequest, exchange, or any other method.

The policy revision is the Getty's second in the past decade. In 1995, Ms True announced that the Getty Museum would acquire antiquities only from

“established, well-documented collections” that were published before that date. Shortly afterwards the museum acquired, through partial purchase and partial gift, the Greek and Roman antiquities assembled by Barbara and Lawrence Fleischman, many of which lack any known provenance. The Getty maintained that the acquisition complied with the new guidelines because the museum itself had recently published a catalogue of the collection. (Ms Fleischman resigned from the Getty board earlier this year when it was reported that she and her late husband had provided a loan to Ms True around the same time that the curator was spearheading the Getty’s \$20m purchase of their collection.) The Getty’s new policy revision pushes back the 1995 threshold by a quarter century, establishing 17 November 1970 as the point before which an artefact must be documented to have been in the United States or out of its country of origin. The date corresponds to the signing of the international Unesco convention on cultural property. According to the new guidelines, if an object left its country of origin after that 1970 date, there must be “documentation or substantial evidence” that it was legally exported and imported into the US. Mr Brand says that “documentation” could consist of official export or import permits or publication in a collection or exhibition catalogue.

There are loopholes, but the Getty’s new policy incorporates safeguards that have long been called for by archaeologists and other critics of the market in unprovenanced antiquities. Perhaps the most significant and sweeping provision is that “no object will be acquired that, to the knowledge of the museum, has been stolen, removed in contravention of treaties and international conventions of which the United States is a signatory, illegally exported from its country of origin or the country where it was last legally owned, or illegally imported into the United States.” Museum leaders including Philippe de Montebello, director of the Metropolitan Museum of Art, argue that museums have a responsibility to obtain, preserve, study, and present to the public unprovenanced objects that might otherwise wind up in private hands. Archaeologists believe that by doing so, museums fuel the market that drives looting and leads to the loss of valuable contextual evidence at the find site.

Museums acknowledge the value of such information, yet the Association of

Art Museum Directors, which represents some 175 museums in North America, has guidelines that condone member institutions' acquiring objects of significant aesthetic interest even if they lack known provenance. US museums—and museums in Europe and Asia—have long resisted the argument that they must abide by the patrimony laws of foreign nations, but US courts have recently accepted the validity of those laws. The Getty, in refusing to acquire objects known to contravene international treaties and other nations' laws, and in shifting the threshold back to 1970, has moved closer to the archaeologists' camp, which in combination with international political initiatives—such as the Italians' pursuit of looted patrimony—has gradually altered the climate for the antiquities market. The Getty has also said that all provenance information will be made available to the public upon written request, unless “in the opinion of the museum director and the Getty Trust's office of general counsel, specific circumstances dictate otherwise”.

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