

US museum directors debate antiquities provenance dilemma

Should museums acquire objects without provenance, which may have been looted? Yes, say several panelists

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New York. To buy, or not to buy antiquities that do not have a provenance—that was the question considered at an international symposium in New York last month organised by the Association of Art Museum Directors (AAMD).

The conference brought together museum directors, archaeologists, and cultural property lawyers, before an audience of several hundred at the New York Public Library. Timothy Potts, the director of the Kimbell Museum and an archaeologist by training, moderated a group that included Philippe de Montebello, the Metropolitan Museum's director, James Cuno, the director of the Art Institute of Chicago, Neil MacGregor, the director of the British Museum in London, Jane Waldbaum, the president of the Archaeological Institute of America (AIA), as well as other archaeologists and cultural property lawyers.

“No one denies that the black market fuels looting,” said Mr Potts. “That’s why there’s a dilemma: you buy and you incentivise the market and looting; you don’t and you forfeit the object and knowledge about it.”

“Refusal to acquire benefits no-one,” said Mr de Montebello. “There is a loss of knowledge when an object is looted,” he acknowledged, “but we should not compound it by not preserving the piece.” He disagreed with UK and German museum directors who “disappointingly have chosen to reject all

objects not documented before 1970”, the date of the Unesco convention on cultural property. He said he subscribed to the AAMD’s guidelines that allow museums to acquire any objects documented to have been out of their source country for ten years or more.

“Museums think they are sanitising themselves by making information about the [unprovenanced] objects available. They’re not,” said cultural property lawyer Patty Gerstenblith, who works with AIA. She argued that greater transparency is needed about the provenance of objects acquired by museums.

The panelists agreed that looting is not rampant in countries in which the government compensates finders for the market value of objects uncovered. Mr MacGregor described the UK’s system, in which the government evaluates finds and compensates finders (see p5). “There is no reason a comparable system could not be established in any European state,” he said.

Most source countries cannot afford to buy back their heritage and instead institute blanket patrimony laws intended to stem illegal export. Mr Cuno denounced such “retentionist” policies, and Princeton University philosophy professor Kwame Anthony Appiah said “the mad proliferation of rules” will make it impossible to create any new encyclopedic museums, for example in Africa.

Mr de Montebello scoffed at restrictions on publication of research on unprovenanced antiquities. AIA defends the practice on the grounds that to publish is to increase the objects’ value and to abet the black market. “Can you really trust the intellectual probity of one who lets politics trump their intellectual curiosity?” he asked. Mr de Montebello’s position was seconded by a number of archaeologists, including cuneiform expert David Owen who called the practice “censorship”.

“To end the black market will take time and an international, well coordinated effort,” said Mr de Montebello, but the conference did not posit what sort of agency could promote controlled excavations and help stem looting at its source. “We have to put more money into site preservation,” concluded Mr Potts, adding, “It’s no good to stop looting at the demand end.”

Mr de Montebello ended on an aggressive note. “If there is so much looting, where is the stuff?” he asked, noting that US acquisitions of antiquities have declined drastically in recent years. “Go to the Emirates, Asia, Scandinavia,” he told the audience members. “Let’s go after the real targets.”

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