



Twenty-First Century Papers:
On-Line Working Papers from the
Center for 21st Century Studies
University of Wisconsin–Milwaukee

Past Knowing Future Knowledge:
Archaeology and Museums in the 21st Century

A Symposium Transcript

Twenty-First Century Papers: On-line Working Papers from the Center for 21st Century Studies * <http://www.21st.uwm.edu> *ISSN 1545-6161 *University of Wisconsin - Milwaukee * P.O. Box 413 * Milwaukee, WI 53201 * 414.229.4141 (voice) * 414.229.5964 (fax) * ctr21cs@uwm.edu

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**Past Knowing Future Knowledge:
Archaeology and Museums in the 21st Century**

**A symposium at the Center for 21st Century Studies,
University of Wisconsin-Milwaukee**

Daniel J. Sherman (History and Center Director, UWM) and
Jane Waldbaum (Art History Emerita, UWM)
organizers

Carla Antonaccio (Classical Studies, Duke University),
Susanne Ebbinghaus (Harvard Art Museums),
Geoff Emberling (Oriental Institute Museum, University of Chicago),
Virginia Fields (Los Angeles County Museum of Art),
Patty Gerstenblith (Law, DePaul University)
speakers

Friday, October 12, 2007; 1:30-4pm

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Number 10
October 2008

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Symposium Transcription: Session 1

Daniel Sherman:

“Good afternoon, I’m Daniel Sherman, professor of History and director of the Center for 21st Century Studies, and it is my great pleasure to welcome you to the Center symposium Past Knowing, Future Knowledge: Museums and Archaeology in the 21st Century, cosponsored by the Archaeological Institute of America-Milwaukee Society. The title of this event incorporates the title of the Center’s research theme for 2007-09, ‘Past Knowing,’ which we understand in multiple senses, not only in the chronological past but also past in the sense of beyond, that is, phenomena such as faith or exaltation that many people consider to be outside knowledge. We’re also concerned with the relationship of disciplines and institutions of knowledge to their own pasts and to each other. Today’s symposium addresses a topic that resonates with multiple aspects of this theme. If many scholars in the humanities are familiar with the concept of “the archaeology of knowledge,” a leitmotif of Michel Foucault’s work and the title of one of his books, then the knowledge of archaeology is also crucial to our understanding of the past even if, or perhaps because, archaeology itself has multiple locations within the academy and museums. The strong position that archaeologists have taken against the looting of sites, the illicit trade in antiquities, and practices complicit in these activities, is rooted in their professional commitment to the careful, patient and conscientious reconstruction of the past. Though few museum professionals would deny the value of the knowledge produced by archaeologists, some, notably the directors of some major art

museums in this country, believe that the experience that museum display of objects offers is in some sense “past knowing.” They see this experience, that is, as an aesthetic pleasure rooted in “the eye,” the connoisseur’s eye they seek to embody, as well as to train, as much as or more than in the mind.

The idea that art museums can and should provide visitors the opportunity for a quasi-spiritual transformation is not new; indeed it goes back to public museums in the eighteenth century. As critical scholarship on museums has pointed out, this position, however sincerely held, often serves to conceal the larger stakes of what museums do, including their engagement with and indeed their constitutive role in developing numerous fields of knowledge. For if museums have been associated throughout their history with celebrated acts of pillage, for example of the Benin bronzes at the end of the nineteenth century—I think even the British Museum, which houses most of them, would not claim they were legally acquired—and with the supposedly impartial forces of the marketplace, museums have always sponsored and continue to sponsor important archaeological excavations exemplifying high scientific standards. It is because museums and archaeology, collecting, and the marketplace are intimate parts in each others’ past knowing that nothing about their relationship is inevitable. And it’s in that spirit that Jane Waldbaum, professor emerita of Art History at UWM and immediate past president of the AIA, organized this symposium with me. Not only because these questions have become central to twenty-first century studies, but because we believed they would benefit from the kind of engaged scholarly dialogue that the Center seeks to promote. I would also add that without Jane’s deep knowledge of this area, a symposium of this kind

would have been impossible. As I turn the proceedings over to her, I want to express my deep gratitude to her for her willingness to help bring it about.”

Jane Waldbaum:

“Thank you, Dan. Dan Sherman, Director of the Center for 21st Century Studies has introduced the program to you and explained the theme of “Past Knowing.” I’m here to represent the Archaeological Institute of America, in my capacity as past president of the national organization and long-standing member of the Milwaukee chapter, which is one of 104 local chapters representing over eighty-five hundred members throughout North America and in Europe. The AIA is the oldest and largest archaeological organization in North America, founded in 1879. It has since then served in a unique capacity as both a professional organization for archaeologists and as an educational organization for the general public interested in archaeology. The topic of archaeology and museums may seem like an odd fit for a symposium organized and convened by the Center for 21st Century Studies, and the AIA and the Center for 21st Century Studies may seem like something of an odd couple. But, in fact the issues to be raised in this symposium are both timely and critical to the contemporary art world.

The looting of archaeological sites and museums has been much in the public eye since the looting of the Iraq Museum in Baghdad in 2003. The illicit trade in undocumented archaeological objects, many the products of recent looting; the rights and responsibilities of museums that collect and display antiquities; the rights of the public to enjoy and learn from antiquities, are all being hotly debated. In addition, the ongoing disputes between prominent museums such as the Metropolitan Museum of Art in New

York, the Getty Museum in Malibu, the Museum of Fine Arts in Boston, the Yale Art Museum and others, and the governments of source countries, such as Italy, Greece, Egypt, and Peru, have led to the sensational and widely publicized agreements by these museums to return certain ancient artifacts to source countries that claim their cultural property had been acquired illegally in the past. All these and other related issues have brought the question of the proper disposition of both legally and illegally excavated antiquities to public attention and made this a good time to explore it with our panel of distinguished speakers. I'm particularly delighted to be asked to co-chair this event that will explore the relationship among museums, archaeologists, and archaeology in today's world.

From its earliest existence, the AIA has advocated on behalf of the preservation of archaeological sites and against the looting of sites and traffic in antiquities that lack provenance or information about their find spots and their original context. The organization's engagement with these issues goes back over a hundred years to its support of the passage of the American Antiquities Act of 1906, and since then the AIA was one of the first organizations to endorse in 1970 the (then) draft UNESCO convention on the means of prohibiting and preventing the illicit import, export, and transport of cultural property, calling on its members, museums, and universities to refrain from purchasing and accepting donations of antiquities exported from their countries of origin in contravention to the terms of the UNESCO draft convention. This was followed in 1973 by another AIA resolution on the acquisition of antiquities by museums. This resolution called on museums to refuse to acquire through purchase, gift or bequest, cultural property exported subsequent to December 30 1973, the date of the

resolution, in violation of the laws obtaining in the countries of origin. That same resolution also called on governing bodies, directors, and curators of museums, in determining the propriety of acquiring cultural property, to support and be guided by the policies of the UNESCO convention. It also expressed the hope that nations will release for acquisition, long term loan, or exchange, cultural property of significance for the advancement of knowledge and the benefit of all peoples. More recently, in 2006, in response to new guidelines issued by the Association of Art Museum Directors (AAMD) on the acquisition of archaeological artifacts and ancient artworks, the AIA issued a statement pointing out some of the shortcomings of the AAMD document and proposed its own set of principles for future acquisitions or loans of antiquities by American museums. These include the adoption of written and published acquisition policies by museums, the adoption of a specific date before which an antiquity must have been known if it is to be acquired without proof of legitimate export from its country of origin, refusal to acquire artifacts likely to have been looted, and the exercise of due diligence, or extra care, by a museum in determining whether an antiquity being considered for acquisition by a museum possesses legitimate documentation that meets its acquisition standards. Although AIA has always recognized that museums play a crucial role in educating the public about antiquity, the AIA's repeated calls for museums to uphold the highest standards in the acquisitions of antiquities has led to misunderstanding between some museum officials, particularly of the large so-called "universal museums," and the archaeological community.

The panel we have convened here today has in part the task of exploring whether or not archaeologists and museums are irrevocably divided, or whether in fact there is

common ground between museums and archaeologists. Our panel of distinguished speakers includes professional archaeologists working in different parts of the world and museum professionals representing both university museums and major public collections. Several play a dual role, wear two hats, working as both archaeologists and museum professionals, and one is a law professor working on issues of cultural property law. I will introduce them all now in the order in which they will present their remarks. Each will speak for fifteen minutes. There will be a short coffee or tea break after their formal presentations, and after this the speakers will first address among themselves the problems and issues raised by their presentations and then we will open the floor to questions and discussion from the audience.

Our first speaker today is **Carla Antonaccio**, who is professor and chair of the Department of Classical Studies at Duke University. Since 1990 she has been co-director of the Morgantina excavations in Sicily. She has also excavated in Cyprus and Greece and her MA and PhD in Classical Archaeology are from Princeton University. Our second speaker is **Susanne Ebbinghaus**, George M.A. Hanfmann Curator of Ancient Art at the Harvard Art Museums and lecturer on classics at Harvard University. She holds a DPhil and MPhil in Classical Archaeology from Oxford University; she has participated in excavations at Sardis and Gordion in Turkey, the sanctuary of Hera in Samos in Greece and also in Libya. **Geoff Emberling** has been director of the Oriental Institute Museum at the University of Chicago since 2004. He has a PhD in Anthropology from the University of Michigan and has served as a lecturer at the University of Copenhagen and as an assistant curator in the department of Near Eastern art at the Metropolitan Museum of Art. He directed excavations at Tell Brak in northeastern Syria from 1998 to

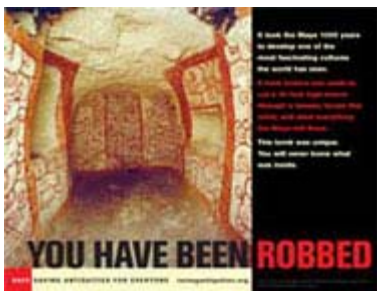
2004, and last year he directed a season of salvage excavation in the northern Sudan or ancient Nubia. Our fourth speaker is **Virginia Fields**. She is senior curator, Art of the Ancient Americas, Department of Latin American Art, at the Los Angeles County Museum of Art (LACMA). She has organized several important exhibitions on pre-Columbian Mayan art. She is a Senior Fellow in pre-Columbian studies at Dumbarton Oaks in Washington, D.C., and she has participated in excavations in Belize, El Salvador, and California. She holds a PhD in Latin American Studies from the University of Texas at Austin. Finally, last but certainly not least, **Patty Gerstenblith** is professor of law at DePaul University in Chicago and director of its program in Cultural Heritage Law. She is founding President of the Lawyers Committee on Cultural Heritage Preservation, and from 2000-03 she served as Public Representative on the President's Cultural Properties Advisory Committee in the U.S. Department of State. She has also served as the Co-Chair of the American Bar Association's International Cultural Property Committee from 2002-06 and was Editor-in-Chief of the *International Journal of Cultural Property*. She currently chairs the AIA's Cultural Heritage Policy Committee. She received her J.D. from Northwestern University and she also has a PhD in Art History and Anthropology from Harvard University. All of our speakers have published widely in their fields of expertise.”

Carla Antonaccio:

“Thank you, Jane and I want to thank both Jane and my old friend Dan for organizing this event and inviting me to this gathering, my first visit to Milwaukee. For this colloquium, we panelists were asked to contemplate how we can know the past, what

kinds of knowledge of the past are lost through pillage and illegal trafficking in antiquities, and what kinds of arguments we can make for presenting, preserving and protecting knowledge of the past and in what venues or situations. That's the general set of concerns we were asked to contemplate. As a field archaeologist such issues are at the core of my training, my interests, and my activities and have been my entire professional life. At the same time, though, the organizers asked us to consider what they politely characterize as some "tensions" inherent in an appreciation of the timeless beauty of objects on the one hand and the contextual knowledge of the past that is the pursuit of archaeologists in particular. Further, they've asked us to consider just what value context has and what are our responsibilities as professionals to present different kinds of knowledge and different kinds of contexts, and we're supposed to do this in fifteen minutes (laughter).

So, my perspective and presence here with you today is predicated on my practice and experience as a field archaeologist. A field archaeologist today who is worthy of the



name is always firmly in the contextual camp. For us context is everything, because it alone can answer the questions we ask. Here is a polemical slide ('You Have Been Robbed') taken from the website called Saving Antiquities for Everyone (SAFE), which invites us all to endorse the claims of context, because we are all robbed, all deprived of something when the specific local context is denied. Obviously this invitation is issued here because not everyone agrees with this premise, that we are all robbed when a particular site is robbed. I make this claim because while archaeologists work directly with objects and frequently refer to their formal

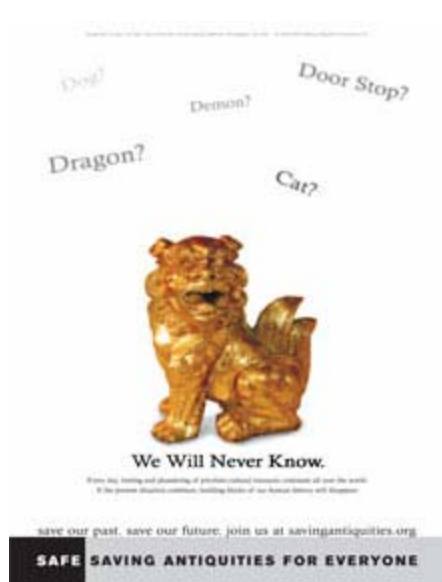
qualities to understand them and the societies that produced them, field archaeologists are in actuality to my mind historians (not so much aestheticians) who are trying to understand and construct a narrative or in some cases several narratives about the past. There is no way to do any of that without context.



Another manifesto from SAFE draws on the analogy of doing archaeology, and its destruction of archaeological context whether through excavation or looting, as destroying the pages of a book as we proceed. It is the common analogy that compares archaeology to reading and writing the past like a book, and could also be applied to looting as it is here. While archaeologists are susceptible, of course, to the aesthetic qualities of some of our finds, our responsibility to everything we uncover is to understand its place and trajectory in the temporal and spatial matrixes within which we operate.

But these, I would argue, include the present. This insistence on context can embrace or encompass other values. The insistence on context offers those interested in the beauty, aesthetics, formal qualities, or value of an object the opportunity to appreciate objects for their qualities as objects, however valued in the present. I would count among such individuals the public, collectors, investors, some curators, and scholars, including archaeologists. The pursuit of objects divorced from their context, however, can cut off a more complete or even a merely different understanding. Context notoriously encompasses everything an archaeologist finds, ideally treating a masterpiece of Greek vase painting and a local cooking pot as informative and valuable, whatever the market might say about their desirability. But, even if we restrict ourselves to understanding the

outstanding qualities of objects, such as their material, their workmanship, their rarity, and yes, their beauty, top-ranked but decontextualized objects do not even tell us their own story nor reveal their full value, not even to museums or collectors. Here SAFE



weighs in again, this time with a representative artifact. What is it? A dragon, a cat, a door stop? ‘We will never know’ it says without its context.

So I am fully supportive of efforts to end the trade in illegal antiquities and challenge the interests that drive it. I have to be. To illustrate both why this is a good thing and in deference to honesty, frankly, I will introduce some problems that repatriation raises

in the matrix of the present. I will do this by using a few examples from Morgantina, a site I’ve been involved with in central Sicily, as Jane mentioned, a site that was continuously occupied from about 1000 BCE to the first century of the modern period. I’ve been part of the collaborative project of excavation, research, and publication since 1990. Now, Morgantina has been in the news of late, thanks in part to the efforts of my University of Virginia colleague and collaborator, Dr. Malcolm Bell, who for twenty-five years has worked to recontextualize objects that left the site illegally, and, as many of you know and as Jane alluded to, wound up in the collections of the Metropolitan Museum of Art in New York, the Getty in Malibu, and also in private hands. With the conclusion of a series of agreements, most recently with the Getty, everything I’m going to mention in the next few minutes is going back to Italy in the coming years. (Other agreements have sent things back to Greece). The returns of objects to Morgantina will begin as soon as

the winter of 2008. For those of us who are responsible in our various ways for the site, this is reason to celebrate. There is satisfaction in restoring these objects to the places that yielded them in the first place and to establishing that they do in fact come from Morgantina and are part of its narrative. Yet, I'd be remiss if I did not also mention the significant challenges confronting the source countries—and not just Italy—which are succeeding in recovering what is usually referred to as their cultural patrimony.

So let me just go through a few examples; some of these may be familiar to you and some of you many never have seen before. There are three objects, or sets of objects, that come from Morgantina that will be going back to Italy. All of them were acquired by their current holders in the 1980s and have been with their institutions in some cases since the early 80s. This [slide] set of gilded silver objects, which has been at the Met, has been demonstrated as coming from this site through a series of investigations, which in all cases have included judicial investigations, archaeological excavations, and on-the-ground informants. This has led to the construction of the case that's been made to all of the owners, and it has been accepted on all levels, except in the case of the Met I'd have to say somewhat grudgingly, that these objects do in fact come from the source countries. If you do a search on the Met's website, however, you will not get any hits on Morgantina, I have to tell you. These objects, this collection of gilded silver, were acquired by the Met in two batches in the 80s, and it is going back. It comes from this house—excavated in the 1990's by Malcolm Bell and the University of Virginia team—which was indicated as its find spot by local informants, and this [slide] is the display at the Met in 2006. These objects had not actually all been displayed together for quite some time, if perhaps not ever, and then they went on exhibit together in the old display at the

Met just before the new galleries opened. They had a new label, which gave it a new acquisition number, 2006, and noted that these are lent by the Republic of Italy (a direct result of an agreement with the Met and the government to return the objects). Notice it says 'Greek, Italian, or Sicilian, 3rd century BC.' In the new display just opened, the objects actually have been put together in a case and context has been added back in, with the inclusion of various objects that date to the same period and perhaps of a similar kind of origin in the case with the Morgantina material. A big placard on the wall is a kind of a counter manifesto to the actual agreement that was signed; it sort of says 'well, we are giving them back but we are disputing that they really came from where we agreed that they came from.' This is part of the Met's resistance to the importance of excavation, but it's interesting that they have to estimate a date and origin and re-create a context precisely because they acquired them without certain provenance.

So that's one notorious group of objects; these [slide] are a lesser known set of sculptures, called acroliths. These are just the heads, hands, and feet of sculptures from the 6th century BC that were probably cult statues. Also from Morgantina, from a sanctuary on the slopes at the edge of the site [slide] these were also spirited out of the country. When the Italian authorities excavated in this area, they came up with evidence to indicate there was a sanctuary here, you can see the walls here, this is a close up of the area, and this is an archaic necropolis right next door. So the finds are from within the boundaries of the site but not the fenced and policed part of the site, unfortunately. These are the ones that are going back in 2008, and they have been in private hands up till now. They are very rare objects, and their cultic and cultural context is uniquely important.

The third object that's been associated with Morgantina and has been pretty notorious is the one in the Getty, the so-called *Getty Aphrodite*, and I'll have more to say about her in just a second. I think everyone will agree that this [slide] is from Sicily, but, I would be dishonest if I didn't say that the find spot is not actually secure. It's also probably not Aphrodite, but it is a cult statue. So, these are successful examples of recovered objects, according to field archaeologists, but at the same time, tragedies in that most of what was associated with them was lost. In the time I have left, I want to confront some complex aspects of these legal and moral victories

Antiquities in the present have many kinds of value to the countries to which they return, depending on whether the receptors are politicians, scholars, local populations, or the public. We can be gratified by the admissions by major institutions and powerful and wealthy individuals that important antiquities even come from the places that originated them. Yet, repatriation is not without its problems. Some of you may have heard about the telethon recently to raise three and a half million euros on Italian television. The Minister of Culture, Francesco Rutelli, told viewers that the forty-one UNESCO designated sites in his country had a shortfall of 400 million euros every year out of the 700 million required annually for their protection and maintenance. To encourage the Italian public to take care of its own past by anteing up out of their own pockets, Mr. Rutelli displayed some of the objects that Italy has recovered from the Getty. (Last weekend in Charlottesville, Mac Bell told me that the Morgantina acroliths would join their California expatriate siblings on public display at the Quirinale [presidential palace] in Rome when they return in 2008). This event, the telethon, is pointing at some very important problems frequently raised by critics of repatriation, (that is) the ability of the

veying parties to care for antiquities and to provide access to the public and scholars, both to objects and to the sites that are their contexts. These [slide] are the new galleries at the Met. The local museum in the town of Aidone, Sicily, near Morgantina, cannot compete with the splendor and resources of the Met, whose new Greek and Roman galleries, seen here, or the Getty, while the Morgantina Museum will see only a tiny fraction of the visitors that throng both of these places. The political and cultural importance of the objects recovered is manifested in their display in the metropolitan capital of Rome, coupled with Rutelli's appeal to his countrymen not to let the French outdo them in committing their euros to their own heritage. Yet, in the present there is no question that all of the Morgantina material will return to Aidone. While major collections exist in Rome or Athens or other major regional cities, local museums house some of the most important objects in their home countries. These local museums are the focus of local pride and identity and a source of income from tourism, both domestic and foreign. At the same time, it is a major challenge to staff, protect, and adequately equip local museums. This [slide] is the old display in the Aidone Museum in 2005 before a recent rehab. This local museum stores fifty years of excavated material and underwent a three-year renovation, reopening last spring. But, even with this investment and with the prospect of the return of objects—that everyone of whatever perspective agrees is of the utmost importance—the museum will be hard pressed to accommodate the arrival of, not one, not two, but three major objects or groups of objects. Then there is the problem of maintaining and protecting the vast site itself. Also, in recent years the regional government invested in renewing the road to the site, restoring the ancient theater and providing new fences and modern signage. Yet, as is typical throughout archaeologically

rich countries all over the world, only a small part of Morgantina is fenced and well protected, and looting continues, though not at the pace that it did in the 80s, when all of the objects I've shown you here left the site.

I have no clear prescriptions to offer. I would not want to see major museums in the US or other countries completely emptied of their contents, since these institutions are valuable cultural institutions wherever they are. I endorse the use of agreements, such as those crafted by American museums and the Italian government, to provide exchanges and loans for objects, and accords that make the export of undocumented artifacts illegal. I would not want to be understood to say that the objects are better off where they've been in recent years, and the outrageous defilement of sites in order to produce these objects is argument enough to shut down the market. But, at the same time, so-called source countries must do more to address the serious resource issues, if repatriation is to be indisputably the right thing. Thank you."

Susanne Ebbinghaus

"I would like to start my remarks with a brief quote from an interview with Richard Starr, excavator of Nuzi, since the episode he describes goes right to the heart of our topic and introduces some thorny questions. Starr directed excavations at the ancient site of Nuzi in Iraq from 1929 to 1931 on behalf of the Iraqi Department of Antiquities, the Baghdad School of the American Schools of Oriental Research, the Semitic Fogg Art and Peabody Museums of Harvard University and the University of Pennsylvania Museum. Many of the several thousand cuneiform tablets from the site are kept at the Semitic Museum, while the Fogg Art Museum's share included objects deemed to be

works of art, such as the well-known glazed terracotta lions and wall painting fragments. These objects were studied last year by our Mellon intern, Adam Aja, who has devised a website that will emphasize their archaeological context on an interactive map.

Adam drew my attention to the *Starry Night* video, a 1989 amateur video interview with Starr, initiated and kept by Harvard's Semitic Museum. In it, Starr describes the problems surrounding the disposal of finds at the end of the last season and the ultimately drastic decision that he adopted. I quote: 'The amount of material that we found at Nuzi, actual material, was just staggering. We got to the point where—it was not cost productive to send things home anymore. After all, you've got half a dozen of these; you don't want a couple of dozen more. Baghdad had its fill and we did something that was—it really sounds horrible, but as—at the end of the last season we took stuff up on the roof and threw it down and smashed it... We didn't want it to get into the hands of the antique dealers. I tried hard to interest both the Fogg and the Semitic to accept this surplus and to distribute it to small museums throughout the country, but I couldn't—I couldn't raise any interest in it. So, the stuff just went begging.'

This episode might seem to provide ammunition for those who would maintain that private collecting may in fact come to the rescue of antiquities in a less-than-perfect world, when every other mechanism of protection fails. That is until one remembers Starr's motivation for destroying the finds was his wish not to give further encouragement to antiquities dealers. In fact, the excavations at Nuzi were initially prompted by the activities of looters on the site, providing the first indication of rich cuneiform archives that Nuzi was to yield.

The destruction of finds from Nuzi is an unfortunate episode coming at the end of a successful archaeological expedition that would be followed by an exemplary publication. This notwithstanding, I would argue that the destruction of the finds was the destruction of future knowledge: first-hand knowledge of the material remains of ancient Nuzi that could have benefited archaeologists and museum visitors for decades to come and knowledge of past know-how, that is of the technologies employed by ancient Mesopotamian craftsmen, which could have been revealed with modern analytical tools. The increasing potential of the application of scientific methods to the examination of archaeological materials might have been less obvious in 1931, but should be kept in mind by every archaeologist active today.

Now, in the case of Nuzi the loss of knowledge is relatively minor considering a good portion of the finds are available, that is, the objects kept in the US. I don't actually know what happened to the objects that remained in Baghdad. The modest number of comparatively unspectacular finds that are not cuneiform tablets has provided the material foundation for several important scientific studies ever since their arrival at Harvard and to the present day. These include studies devoted to understanding and treating the corroded surfaces of archaeological bronzes, the use of brass in ancient Mesopotamia, early glass-working technologies, and the composition and deterioration of glazes. Beyond a general idea of the relevant object's place in history, archaeological context has been of little importance to these studies. Drawing attention to the find spots of the Nuzi artifacts as a source of historical information was, however, the main driving force in the creation of the Nuzi website.

So, why does the Nuzi episode leave behind such an unpleasant taste? Several of the issues it touches upon seem eerily relevant today, some seventy-six years later. One cannot help but feel unsatisfied with the outcome. We all know that the past is a limited resource, a huge puzzle to which every tiny fragment might potentially hold an important key. Helping to preserve and understand a part of Mesopotamian history was the aim of all the institutions and individuals that were involved in the Nuzi expedition, but in this instance, they failed. What I find somewhat tragic is that I would not know where to lay the blame.

With the looters? Looters loot. They are just doing their job, as it were, and often because they lack a better one.

With the American museums? Surely one cannot blame the responsible museum administrators for not wanting to spend precious funding on shipping crates full of broken artifacts from an only moderately significant city, ruled by the obscure Hurrians, halfway around the world in the midst of the Great Depression.

Just as an aside, this sentiment leads to a larger nexus of problems raised by the once common practice of *partage*, the distribution of excavation finds among local as well as sponsoring institutions. There have been calls recently to revive this practice, which has a certain appeal, but also brings with it a whole range of responsibilities that shouldn't be taken on lightheartedly. My own experience is far too limited in this regard, because in the greater Boston area it was actually the Museum of Fine Arts that was the main recipient of materials from various archaeological expeditions. The Fogg Art Museum did, however, receive its share of mosaics from Antioch including some

spectacular examples, which it ended up transferring to co-sponsoring institutions, giving them away for lack of space and also funds to restore and install them.

So then, does the blame lie with the Iraq Museum and the relevant institutions in Baghdad? I am not particularly familiar with the situation in Iraq in 1931, five years after the death of Gertrude Bell, the first Director of Antiquities. Generally speaking, however, I do not find it surprising that a state should be in a position where it is unable or unwilling to take care of the archaeological heritage—or every last bit of the archaeological heritage—that lies buried within its territory. The sheer richness of remains may overwhelm local resources, humanitarian concerns may be more pressing than the preservation of dead civilizations, and political and other agendas may lead to disregard for, or even active obliteration of, certain chapters of the past. Preservation is not cheap and politics makes a fickle (and certainly never disinterested) partner in the protection of the past.

What about the excavator? Starr did his job, and considering the times, he did it pretty well—from his point of view, the finds had been recorded as was customary, and their approximate find spots had been noted. He had gathered the information that would be needed for the final report and presumably was satisfied that he could answer the main questions the expedition had set out to resolve. So then, who is to blame? The dealers and middle men, or the people who ultimately would have bought the objects from Nuzi had they not been smashed?

Jumping ahead to present times, drying up the market for unprovenanced antiquities is one of the current measures against looting. Is it working? To a certain extent, definitely—but it has also turned objects with a pedigree into a hot commodity

and an investment opportunity. As an example I'm just reminding you of the bronze Artemis with Stag that was sold at Sotheby's this June for 28.6 million dollars. Stakes are high, creating, one suspects, strong incentives to enhance or even invent sought-after provenance information.

The high prices mean that most museums will only be able to make second-rate acquisitions and that certain masterpieces may at least temporarily disappear from public view, a situation that prevails for other arts. But should antiquities be treated like art from later periods? In the highly unlikely event that someone offered me several million dollars to acquire, say, a Sumerian statuette from an old collection, should I consider this kind of trophy hunt part of the museum's mission? Could not funds like this be used in a more effective fashion to help promote the study of ancient art and to preserve the past?

At the same time, responsible curators are expected to stay away from objects that cannot be traced back to at least 1970, the date of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which, for lack of better alternatives, is widely accepted as a cut-off date. While some rule of this kind is needed to discredit the trade in looted antiquities, its application across the board also constitutes a significant loss of knowledge. It may mean, for instance, that a museum has to reject objects that have been on loan to it for some thirty or thirty-five years. Many such objects, especially if multiples and/or of low commercial value, may actually be "innocent," in the sense that they have been around for many decades, but were simply never considered sufficiently important to leave behind a paper trail. Other objects may indeed be more recent plunder. What damage would be done if museums were given the choice to accept such objects as gifts, and as

gifts only, with the additional proviso that these would be returned immediately, should their true origin be established?

This last point is not motivated by some kind of greed for a larger collection. Instead, it grows out of a strong concern for the large number of orphaned objects currently floating around the antiquities market, coupled with the firm belief in the value—not commercial, not purely aesthetic, but intellectual (in the sense that it has the potential to create knowledge)—of such objects, including unprovenanced ones. This is what museums do: they deal with the tangible remains of the past. They create knowledge by conserving, studying, analyzing, displaying, publishing, interpreting, and reinterpreting objects. This is especially obvious in the case of university museums, where creating knowledge is something that happens every day in the teaching practice.

Returning to the Nuzi question, what broke down in 1931 was the cooperation between excavator and museums. In my opinion, it is this kind of cooperation that will ultimately help to resolve some of our present dilemmas. Obviously, museums need to subscribe to the preservation rather than the plundering of ancient sites and to the importance of the archaeological context. Archaeologists, in their turn, should be more aware of the inadvertent side affects of their work: put drastically, this means holes in the ground, fragile architectural remains exposed to the elements, piles of artifacts in need of long-term conservation and specialized storage. This is where museums could provide valuable assistance.

As an example of a successful joint effort, I want to mention “In the Sign of the Golden Griffin,” an exhibition organized earlier this year by the German Archaeological Institute and the Museum of Prehistory in Berlin. At the center of the exhibition were the

gold finds from the Arzhan II Kurgan in Tuva, excavated by a team from the German Archaeological Institute from 2000 to 2004. The large exhibition allowed the museum to introduce to the public an extraordinarily rich array of finds from a fascinating culture. It allowed the archaeologists to make a case for their work and to show German taxpayers how some of their money was used. It also gave a boost to local archaeological initiatives in places like Tuva, Mongolia, Kazakhstan, and the Ukraine, which lent many of the objects on display.

As a museum curator trained as an archaeologist, this is what I would like to see happen in the future. I would also hope that museum staff, especially, but not only of university museums, would be more regularly involved in archaeological expeditions abroad, helping with the study of finds and helping local institutions (those local museums that Carla has mentioned) with conservation, storage, and display. Innovative ways of sharing the finds could be considered. The main goal should be effective educational outreach both in the countries of origin and in the US, demonstrating the importance of knowing the past, with the ultimate aim of making people feel more invested in their past, thereby discouraging looting and securing future knowledge. Thank you.”

Geoff Emberling:

I wanted to offer some comments based on my personal experience having been a curator in the Metropolitan Museum, sort of the temple of the aesthetic you could say, and more recently being director of the Oriental Museum, a museum with a strongly archaeological and historical perspective. I want to contrast, based on my personal

experience doing curatorial work in those museums, two different models for museums with archaeological holdings. I would characterize these perhaps as an object-based approach and knowledge-based approach. We've heard this distinction referred to a number of times already today; art museums valuing connoisseurship and the aesthetic qualities of objects, while history or archaeological museums value historical, cultural and archaeological context.

This distinction is, in some significant ways, overdrawn, and arguments over the issues involved have become so extreme as to be unproductive. Curators in art museums certainly know about the historical and cultural background of the pieces they display and archaeological museums can certainly display objects of great beauty, and can display them in ways that enhance their visual impact. So, there is more overlap in museum practice than this distinction might otherwise suggest. I think it is clear to all of us that the power of objects to enrich us comes from their aesthetic qualities as well as their historical context. Dismissing either one of these properties, beauty or context, impoverishes our understanding, polarizes debate, and distorts values.

Let me illustrate what archaeological context does for the understanding of an object that is normally considered to be beautiful. This [slide] is a type of statue from early Mesopotamia that many of you may have seen. I'm going to distinguish between the kind of knowledge we have of these pieces just from the objects themselves, as opposed to the greater knowledge we gain through understanding their archaeological context.

The statue shows a standing man with large eyes clasping his hands together. The gesture, as we know from texts, reflects either prayer or greeting—the statue is either greeting another person, or it's greeting a god, in which case it's a gesture of prayer.

Many of these statues are inscribed with cuneiform script. We can date the cuneiform script so we know they were made around 2500 BC. We know they were made in Mesopotamia; some of the inscriptions are in the Akkadian language, some are in the Sumerian language. The inscriptions name the person depicted by the statue, so we know what kinds of people are represented. They are kings, members of the royal family; they can be temple personnel, singers, priests. In short, they are the elite of early Mesopotamian society.

In traditional art historical perspectives on these pieces, they have been seen as first steps in the attempt to represent the human form in three dimensions. That is, they are inserted into a unilinear model that progresses toward the naturalism of classical art and they are seen to be lacking in many formal aspects. Obviously this is not a realistic depiction of a human being; there are many distortions, from the width of the arm, the size of the eyes, the size of the nose and the list goes on. From this aesthetic point of view, they are an imperfect attempt to represent the human form. What more do we know about these statues from their archaeological context? They are found in temples like this one. There is an altar in the back and a series of clay column bases that would have separated the cult statue of the god, which would have sat on the altar, from the remainder of the small temple space. On the right, you see a cache of three of these statues found in situ, buried in the floor in a little niche to the right of the altar—buried within the very fabric of the temple. Now that we know that these are individuals whose

statues are found in temples, we learn that they are in fact not just greeting someone, they are worshippers, and this is what they are generally called in the literature, a fact that comes from their archaeological context.

We know something about cult statues of Mesopotamian gods even though no indisputable cult statue from Mesopotamia has ever been found. We have written descriptions of them that suggest they were composite statues made of varied materials. We also know that rituals were performed when the statues were installed in a temple to bring the spirit of the god into the statue. That explains why we haven't found any of these statues: the images themselves were extraordinarily powerful —because the god inhabited the cult statue.

In a similar way, in some very real sense the essence of the individual that is named in the inscription also was thought to reside in the statue. So, this kind of understanding literally brings these statues to life by situating them in their ancient cultural context.

We also know from text that the temples were considered semantically the house of the god. The statue, once it enters the ground of the temple, like all temple furnishings as we know from archaeological excavation, was the property of the god's household. Once it entered the temple it could never leave. Such was the thinking as we know from finds of this kind, in which hoards of temple property were buried within the successive layers of the temple, as the temple was rebuilt. The idea that not only is this a powerful image because it embodies the spirit of the individual, but also because it was literally the property of the god that had to be kept within the space of the temple, adds considerably to our understanding of the power of the image. Presumably, the statue was buried within

the sacred ground of the temple at the death of the individual and the renovation of the temple.

That's one example of the many that one could cite about the importance of archaeological context. It's an odd fact that this divide between art and context persists, when we have numerous examples that show that context undoubtedly enriches our understanding of ancient art, of archaeological objects. I argue that it persists because these different models—object-based and knowledge-based—inform every aspect of museum practice in ways that aren't necessarily immediately obvious. This includes acquisition, display, and the kinds of research that goes on in these institutions. Perhaps least discussed of all are relationships with donors: what kinds of donors a museum attracts, how a museum maintains the interest of donors, and so that's obviously a fundamental issue.

As an archaeologist, I arrived at the Metropolitan Museum not realizing how different this object-based approach was from my own training. It was apparent even during my job interview; the Met's director, Philippe de Montebello, made it clear that the Metropolitan was an acquiring museum and he asked me about my position on the acquisition of objects.

There was a reason for him to raise that issue with a Mesopotamian archaeologist. Within the Ancient Near East department, there is a wonderful, outspoken curator, Oscar Muscarella, who has been criticizing the Metropolitan's acquisition policies since the 1970s. The Met tried to fire him, but he had tenure in the museum. There was a court case and ultimately it was found that they had to continue to employ him. They abolished tenure after the court case was settled. So, from this Ancient Near East department where

I worked as an assistant curator, the directors had experienced a number of problems on precisely this issue.

While I was at the Met in the late '90s, we did acquire a number of pieces. I was asked to do the research on pieces when they came back to the department and to write acquisition documents. Many of the concerns of archaeologists about acquisition of objects on the art market were indeed played out in these acquisitions. From my point of view, there was a nominal investigation of the true provenance of objects. In some cases, we simply accepted the dealers' statements about the provenance of objects.

Other speakers have mentioned the potential that active purchase of antiquities has to stimulate further looting of archaeological sites. During this time, the late '90s there was a lot of looting going on in Iraq and we did see dealers coming through the department with pieces that were very clearly and heartbreakingly looted from Iraq and I'm glad to say that we did not acquire any of them.

Another area of archaeological concern is that when you buy antiquities on the market, you have no certainty of their provenance, you have no certainty of their date or even their authenticity. I was surprised at the level of debate within the department about the authenticity of major pieces on display within the museum itself. In some cases it is impossible to be certain about the authenticity of purchased antiquities. There were resulting issues about how to display and label these pieces for the public.

This object-based approach also naturally affects display. My inclination was to evoke archaeological and historical context. There are a range of perspectives on display on view in the Met, varying from department to department. But certainly one common

view, which you can see if you go to the new Roman Galleries, is to display objects in isolation, no maps, no images, relatively minimal text.

On this question, we did reach some level of compromise in the Ancient Near East department. Some displays there, including a case focused on the Inanna Temple at Nippur, were contextual.

As far as research goes, part of my enculturation at the Met was learning to become what people in the museum called an 'object person.' A fundamental part of that training in the first few months that I was there, was to write descriptions of works of art, so training me to thereby value the aesthetic properties of the objects as well as to write descriptions of them. It was, and remains, an extremely useful perspective.

I have to talk a little bit about donors and conclude very briefly by talking about the Oriental Institute experience. All museums need donors, of course. The Met attracts friends and donors who are collectors. The Met can offer to collectors scholarly knowledge about potential acquisitions and scholarly knowledge about their collections. It's freely given. Of course the Met can also exhibit a donor's collection, with the result that the value of that collection is increased, because it has displayed at a prominent institution like the Metropolitan Museum. This cycle, in which donors are brought in based in part on their interest in collecting, is built into the operating budget of the museum.

That is a snapshot of an object-based approach; I'm now going to very quickly sketch what I am calling a knowledge-based approach. The Oriental Institute does not actively acquire objects, and for pieces that are offered as donations, we stick closely to the 1970 date of the UNESCO Convention. Since we're not built on the idea that we're

an object-based museum, there's no pressure for us to accept pieces if there is any suspicion that they were illegally exported from their country of origin.

Oriental Institute Museum displays are often contextual with maps, photographs, drawings and text in close proximity to the objects. This [slide] is a photograph showing a very fragmentary rare Neo-Hittite royal sculpture. It was smashed into bits by invading Assyrian armies and probably wouldn't be on display at all in the Met, but in fact it is extremely evocative. We put a backdrop of the archaeological context in which they were found and numerous illustrations of the reconstruction of what the piece might have originally looked like.

The Oriental Institute is a research institute. Research is fundamental to what we do and it is also the way we attract supporters to the Institute. We get people who are interested not because they collect and because we might then be able to advise them on their collections. We get people who are interested in research, and we have a very active group of donors, which makes for an extremely lively intellectual environment, as well as a successful fundraising one.

In conclusion, I would argue based on my experience, that acquisition of pieces without context is not necessary for archaeological museums, and that an inclusive knowledge-based model represents our best chance for a vital and dynamic museum future.

Virginia Fields:

“Excuse me, there was no printer down in Guatemala that I had access to. My notes are on my laptop here, but many of my concerns, what I was planning to focus on, were touched on by Susanne.

I am in a large county museum, encyclopedic in nature, and so for me this idea of education about the ancient past is really what motivates the kinds of exhibitions I develop and present, but I can't resist telling my Metropolitan story since the door has been opened to that. (laughs) The last exhibition I worked on, a thematically organized investigation of the origin of divine kingship among the ancient Maya, was presented under the title 'Lords of Creation: The Origins of Sacred Maya Kingship.' When it appeared at the Met, Philippe de Montebello was concerned that no one would come and see an exhibition with that title, so it was renamed 'Treasures of Sacred Maya Kings.' So, it went from perhaps a knowledge-based, thematically-driven exhibition to a treasure show. But that's okay, because I have learned that although I was trained as an archaeologist and worked as an archaeologist, I've come to have a greater appreciation for presentations that focus to some extent on aesthetic qualities, because I think that the Pre-Columbian world is foreign enough to the general public that there has to be some way to hook the viewer, the general audience viewer, and if someone is drawn to look at something because of some aesthetic quality, whether a sculpture, a painting, or what not and to learn a bit more about it. I guess I've gone over the dark side or something like that, from archaeology, by joining the staff of an art museum.

Public knowledge and perception is what I wanted to talk about today, because the Pre-Columbian world is a little more difficult for the general viewer to understand. Most people do have some general knowledge of the ancient classical world, but when it

comes to Mesoamerica or South America, generally the only ideas people have is that the Aztec engaged in blood sacrifice and things like that. So, it's hard to create a new perception. Part of that is based on the terminology that we use to present artworks from this world and also the great amount of literature by people like [Erich] Von Daniken, which doesn't help the situation. I was reminded of one of my favorite phone calls in recent years at LACMA, when someone called me up to say he was reading about the Temple of Inscriptions at Palenque, and he had a question about the sarcophagus lid, which is a unique, extraordinarily beautiful, twelve foot-long limestone carving showing an ancient king from the late seventh century, Hanab Pakal, ascending to the realm of the ancestors. He is dressed in the guise of his patron deities; the great skeletal maw of the underworld is wrapped around his body. This man wanted to know what was behind the exhaust manifold in this representation. I was totally floored by this question because I don't know that much about engines. Then I realized also, that as I was trying to explain to him what was actually portrayed, it was easier for him to grasp the idea that space aliens had created this artwork, or these pyramids, and that he could understand exhaust manifolds, but he really couldn't understand the Maya underworld. So, it's really a difficulty to make what we do accessible to a general audience, but I also think it is incredibly important that museums are at this nexus between academe and the greater public, and we really need to be able to work in this capacity to be able to translate the knowledge that is coming from academic fields, from research, from the objects, from the excavations, and make it in some way important to a general audience, or we're going to be speaking to increasingly smaller audiences of simply our colleagues.

I'm going to skip over much of what I had planned to speak on, simply because it has already been touched on so well, but one aspect of what we have been doing recently in working with various countries in Latin America to organize exhibitions, is this idea of reciprocity that Susanne already brought up, of how we can help museums or cultural institutions in these countries of origin to maintain and preserve their collections and also the ability to present them. Because really, in Los Angeles, which is more than fifty percent Spanish-speaking, we have an obligation to present such works not only to our Spanish speaking audience, but to the larger city and county as well, because it does provide this sort of ability to have a better understanding. In Mexico also, we have pristine civilizations, we have New World philosophies that drive the creation of the objects, and it is very important that people can engage in the deeper motivation driving the creation of such works, the intellectual, the aesthetic, whatever reasons motivated the creation of these things.

I think all of this started in the 1980s when I worked up in northern California with a large collection of baskets and ceremonial regalia created by the local Yurok, Hupa, and Karuk peoples who lived up there. Baskets may not be considered fine art in the great art museums of the US, but they are when you take the time to consider the generations of knowledge that go into the technology, the designs, the techniques of creating these very elegant forms and what they embody to the maker and to the situation in which they are made and used. It is through objects that we really can access the material, intellectual, and spiritual universe of these artists from different locations.

We are lucky in the Maya world that the Maya also created extensive texts, and we can read in the words of the ancient Mayan scribes the histories of ruling dynasties of

these cities. Previously, some of our archaeological colleagues considered these political propaganda, because they really only preferred the truth of the object in the ground. It sort of creates this larger environment in which to understand these richer, deeper levels of meaning, because I think when we are talking about the ancient world, so much is lost to those of us who may not be fully fluent in the language of the artists, both the spoken and written language and the artistic vocabulary. With the Maya, again in public perception, we have to counter the effects of such things as *Apocalypto* and things like that where these very simplistic models of the natural simple life of the village farmers are contrasted with the evil bloodthirsty city folk down the road, you know, the sorts of ideas that people find easy to grasp. I think it was after all *Braveheart* in the Yucatan; the story line was so similar. The museum has to become some kind of town square where we can present the counter, and more nuanced, view of the ancient world. I guess the next issue we're dealing with is the Maya prediction of the end of the world in 2012, but luckily we will have a few years to work that one out. Again, I would just like to stress that the important role that museums can serve is illuminating the past and not just reducing the object to its importance and its contextual location, but to stress the aesthetic qualities of these creations, which, I find to be an important way to engage our audiences. Thank you."

Patty Gerstenblith:

"First I want to thank the conference organizers again for inviting me to participate in what has already been a very interesting program and I will try not to repeat

comments that have been made earlier. Rather, I may reemphasize or bring back to our attention some comments that have already been made.

As has already been stated, the museum, at least as we think of it today, the universal or encyclopedic museum, has its origins in the eighteenth century. Archaeology, which has developed as both a humanistic and scientific discipline, also can trace its origins to that time period. Of course it has continued to develop, particularly as additional scientific techniques have become available, all the way up to today. The ability of archaeologists to recover information about the past to help us understand the past has increased at the same time. In the post WWII period of prosperity, this led to an eventual clash between the desire of collectors and museums to acquire artifacts as quickly as possible, as opposed to archaeology, which is a very slow and painstaking process. Of course, the more that one can get out of the excavation in terms of additional knowledge through careful processes, the more that is lost through the looting of sites to provide objects for the market. This clash, this tension that has already been referred to, has increased as connoisseurship and art historical analysis has become only one methodology that is used to understand the past. Whereas art historical analyses used to be the paramount if not the only method used to understand the past, today it is but one method amongst many for helping us understand the past.

I want to refer to three points that have been used to justify the acquisition of what I'm going to call undocumented antiquities. What I mean by that is antiquities that do not have a documented history, either back to the ground, or back to some mutually agreed upon date which is generally now accepted to be 1970 as you have already heard. The first question that is raised, is there looting and, if there is looting what motivates it, and

is it connected with acquisitions of undocumented artifacts? An example of that statement was made by James Cuno, who is the director of the Art Institute in Chicago. Dr. Cuno wrote, 'When an antiquity is offered to a museum for acquisition, the looting, if indeed there was any, has already occurred. Museums are havens for objects that are, for whatever reason, already alienated from their original context, museums do not alienate objects.' I think that his statement relates to a notion that is fairly popular in some circles, which is that most undocumented artifacts are the products of what's called 'chance finds.' People are out digging up the fields, building buildings, and they happen to find objects. I believe most archaeologists would disagree with that, because they would say that objects that are found near the surface are usually not in the kind of condition that they are going to be bought by an art museum. But looting is itself a very large business, it occurs throughout the world and in many sites, and I'm going to give you just a couple of examples.

One here [slide], this is a site from Peru. You can see an architectural structure and all around it you will see all these little dark holes. These were burials of skeletons; the human remains were buried in textiles which are very popular in the United States and the human remains were taken out of the burials and simply left strewn around the site so that the textiles could be retrieved and sold in the United States. This [slide] is a site in Turkey. This is a mound, an artificial mound and simply a whole chunk has been taken out of it, I don't think that is accidental or chance finds. Another site in Turkey [slide], again this was a mound with a bulldozer that has dug straight through it. This [slide] is the United States. People talk about countries of origin not putting the money into trying to protect their sites adequately, yet sites in the United States are also subject

to looting. These happen to be two fellows caught in the act in a cave in Utah looting a Native American site. Of course, last but not least, Iraq, [slide] where the sites in the Southern part of Iraq have been looted over the last several years on a massive scale. You can see the difference between a properly excavated area, you see the nice square and rectangle areas excavated by archaeologists and then all around down here going all the way off into the distance, these are all looters pits. These are looters working at a site in southern Iraq, hundreds of them. This [slide] is another site, also in Iraq, and again you can see these are all pits being dug in under, they are honeycombed at this point and a close-up of some looters waving to the American military helicopter overhead. What I hope this shows is that looting is big business, it's not accidental in most cases and it is motivated by financial gain. Of course that financial gain comes by trading artifacts up the line, from the ground to the middlemen to buyers in Europe, the United States, Japan, and various parts of the world, including certainly museums or collectors that ultimately donate to museums. So, the question is, whether reducing the demand for undocumented artifacts through both ethical and legal means will lead to a reduced incentive to loot the sites in the first place?

My second point is that, again, museums look back to the eighteenth century enlightenment for their inspiration as places of knowledge, places where knowledge is acquired and gained. Of course looting destroys knowledge. Philip de Montebello, who has already been referred to several times, said at the time of the agreement or shortly after the agreement between the Metropolitan Museum and Italy when the Euphronios krater was returned as part of the agreement that Carla referred to, whereby the Moragantina pieces are returning: 'it continues to be my view and not my view alone,

that the information that is lost when an object is looted, is a fraction of the information that an object can provide. Ninety-eight percent of everything we know about antiquity, we know from objects that were not out of digs. How much more would you learn from knowing which particular hole in supposedly Cerveteri it [the vase] came out of; everything is on the vase.' Well, I don't know how much I have to convince you otherwise; obviously this is an unusual vase in that these characters depicted here are labeled, so we do know a great deal about this vase, more than we might in some other cases. But, there is a great deal we don't know about it, including what else might have been found with it? Where was it buried? Was it buried in a grave? What else was buried with the person? Was it a male or female it was buried with? Was it a warrior buried in the grave, as the death of the warrior Sarpedon is depicted on the vase itself? Several other Euphronios vases surfaced on the market around the same time, these are relatively rare. Were they found together, and so on?

Susanne made an interesting comment. She talked about the way in which the market for antiquities is what I call, an open market, in which new pieces can enter the market and that, of course, is made possible by the acceptance of undocumented artifacts. If everybody only bought things known as of 1970, new things couldn't enter the market. Now, acceptance of undocumented artifacts leads to other problems, such as questions of authenticity. This [slide] of course is the Getty Kouros, over which many trees have been killed in papers published trying to determine if it is authentic or not. As far as I know there is no scientific test that can conclusively prove that an ancient stone sculpture at least is authentic. This is another example, the ossuary of James, or supposedly of James. This [slide] is a burial box from about the first century AD, found supposedly in the area

of Jerusalem, with an inscription on it that identifies it as *James the son of Joseph the brother of Jesus* in translation. There is a lot of debate as to authenticity here. Probably the most commonly accepted view on this, and you're welcome to disagree with me, is that most people think the box itself is authentic but that the inscription that would make it special was added in recent times.

The pomegranate [slide] that was purchased by the Israel Museum a few years ago, thinking that it was an authentic remnant of the first temple period, is now widely accepted to be a fake including by the museum itself. And of course, Cycladic figurines, [slide] ninety percent of which, until recently, were known only from the market, some of them thought to be fakes, and it is in general difficult to tell what their function was. As you see these are from the mid-third millennium BC from the Aegean region and they have pointed toes. In antiquity, they wouldn't have had Plexiglas stands to put them on. We don't know what they were for, we don't know where they were found, we don't know which are authentic, which are not, and we don't know their purpose. One thing we know is that they probably didn't stand up, but, other than that we don't know. Now, there is a recent excavation being conducted by Colin Renfrew, which may help to explain many of these unanswered questions. It is the acceptance of these types of objects that opens these questions that then cannot be answered.

The third point that I want to raise is what's called the rescue narrative. Museums often say, and I should say there are museums and there are museums obviously, but, some museums, the major art-acquiring museums, often use as a justification that they are rescuing an object. Of course this goes back to the time when Lord Elgin first acquired the Parthenon sculptures; he was rescuing them from the French, as well as mid-

twentieth century air pollution in Athens. In any case there is this rescue notion and I will refer again to Mr. de Montebello who said, 'as archaeologists have said, these unprovenanced artifacts are orphans, as their parentage through the absence of their find spot is lost, but would these same archaeologists abandon a shivering orphaned child on a cold rainy day in the street or would they look for an orphanage? We museums are the orphanage of these objects.' I understand there is a sense of trying to bring them in and it's better for them to be in the public domain than in the private domain, but, if you keep in the notion that acquisition fuels the market, and you may or may not agree with that, the problem is not the object in front of you that is being offered to you, but whether the funds used to buy that particular object are going to encourage the orphaning of more objects in the future. The market itself also does not preserve objects. It often ends up destroying them. In the time I have, I will give you two examples.

One, this [slide] is a relief from the palace of Nineveh, which is in northern Iraq from the eighth century BC. These are wall sculptures; they were documented in 1989 by Professor John Russell just before the first Gulf War. Keep an eye on this fellow over here, he's got this big sort of earring. A couple of years later, Professor Russell was shown this [slide], which was the relief chiseled off the wall, reshaped in fact to make it more marketable, and he was asked whether it was legitimate to sell. He said yes it's authentic, but not legitimate to sell. It has now disappeared and we don't know where it is. There were about ten or twelve reliefs he was shown portions of in the mid 1990's. The lure of the market encouraged people to chisel them off the wall and ultimately for them to disappear. I'll give you one more example, a well-known case because it was a legal case, of mosaics from a site in northern Cyprus, the Kanakaria Church. I don't have

time to go into all the details, but these [slide] are pre-iconoclastic Byzantine mosaics that were in the apse of the church and they were documented by Dumbarton Oaks in the 1960s. They were removed in the late 1970s. This is still the Dumbarton Oaks publication and you can see a row of apostles. There were four archangels in the corners; this is the Christ child sitting on the knee, he is actually on the ceiling, of his mother. This is the detail of the Christ child in the Dumbarton Oaks publication. In the late 1970s again it was chiseled off the wall. They were taken to Germany, sold to a dealer in Indianapolis, who tried to sell them to the Getty unsuccessfully. Cyprus did recover them but when the dealer decided she wanted to sell them, because they came off the curved wall of the church, she thought they'd be more saleable if they were flattened. She had the *tesserae* reset to be flatter and glued back in. So they are now back in Cyprus but in rather a sorry state.

Now just to conclude, obviously museums are changing and some are changing faster than others. The American Association of Museums (AAM), which is the largest association of museums in the United States, does not have a policy on the acquisition of antiquities. The AAMD, to which Jane referred earlier, put out a policy in 2004, I'll just mention three problems with it. One, it allows what is called a ten year rolling limit, which is, if an object is known to have been out of the county of origin for ten years, all someone has to do is hold it for ten years, and it becomes legitimated. Second, the policy says museums should not acquire artifacts from official excavations. I don't have any problems with that obviously, but, most looted artifacts come from sites that are not official excavations. Third, the policy says that even in the absence of documentation to prove whether the acquisition complies with the guidelines, the museum may proceed

with the acquisition if the antiquity's rarity or its important aesthetic value makes it a singular and material contribution, which, I suppose is a big enough exception to drive what most major art acquiring museums would want to buy through it. Now, there is a lot of discussion behind the scenes and maybe this is something we can talk about in our discussion as to whether any of these policies are going to be amended.

I should just mention that at the time the AMD guidelines were coming out in 2004, on the right [slide] you see a bronze sculpture acquired by the Cleveland Museum, which has a provenance, I don't have time to describe it to you, but, I think it's one that many would find to be a rather dubious description. It was found on an East German estate and considered to be a yard ornament and sold to somebody that the owner didn't remember who it was, bought by the museum through a dealer, who had his own legal problems, and they've not said who the dealer itself got it from.

Now, I would contrast that with the sculpture on the left [slide]. It's a Roman sculpture of Eireini, a goddess, that was loaned to the Boston Museum of Fine Arts by Italy, in exchange for the objects that were returned as part of a similar agreement as the agreement with the Met. I guess that's the question I'll leave you with. Will the future be different from the past? Will acquisitions like the Cleveland bronze go forward, where we don't know the date, we don't know where it's from, we don't know if it's authentic. All the same questions come up as we've talked about already. Or, is the future going to be what we see on the left, which are well provenanced, very beautiful pieces coming to the United States as the product of collaboration and cooperation and exchange? Will our successors be sitting here in thirty years having the same debate, or will the future be different? Thank you!"

Symposium Transcription: Session 2

Jane Waldbaum:

“In the next section of our program we will have discussion among the speakers and then at about quarter to four we will open the floor to discussion with all of you.”

Dan Sherman:

“I thought I’d just start off the proceedings with a question for Susanne. In the scenario you described, the hypothetical case in which museums are allowed to accept unprovenanced objects as gifts with the proviso that these objects would be returned to their source countries if their origins are established, who would be responsible for that proviso? Would the museum also be responsible for carrying out research to try and determine the provenance? This also relates to the due diligence clause in the ICOM code of ethics, which, as Patty observed, is notably absent from the AAM code of ethics.”

Susanne Ebbinghaus:

“Let me first say that this was really a minor point I wanted to make, a point that is separate from the larger issues of collaboration of archaeologists and museums. It’s really looking ahead to the future, it’s looking ahead to a period when archaeologists would trust museums again. It implies a certain amount of trust that museums are doing

the right thing, which hasn't always happened recently, and it concerns not so much spectacular pieces such as the Sicilian statue of a goddess or the Morgantina silver, but it really concerns materials such as small bronzes and small vessels, which often are given on loan to museums by collectors. In that way they can serve a good purpose; they are there for instruction. I'm speaking from the perspective of a university museum curator; I see these pieces used in everyday teaching—inspiring people to study archaeology, among other things. At least you can make the lack of provenance an issue to discuss. So it is these pieces that I wonder about. I actually wonder what happens to them when they are rejected by a museum. For example, there is the case of a bronze that has been on loan to us for many years, and we're now faced with just letting it go because I cannot determine where it comes from. It has left no paper trail, it's probably not important enough to have been documented. Now, our museum would be an obvious place—because we focus on the study of ancient bronzes—where people would come to see the piece; it would actually get studied. Something good might come out of it. What good will come out of it if we put it back on the market? It would probably disappear. So, it's in these cases that I think a better solution ought to be found. Similar concerns have actually informed some policies and inspired some debate, in Britain especially. There, the Department for Culture, the Museums Council, and museums such as the British Museum have introduced special provisions for minor objects, by which they mean multiple objects, which are likely not to have produced a documented collection history and for which they recommend special rules of due diligence in the acquisitions process. The number of objects floating around on the antiquities market is of concern, especially these big collections that were formed in the 70's and 80's, as slowly their owners are

dying. The question is, what happens to this material? The belief is that the object has lost its informative value by having lost its context, but it can still produce a lot of information. This needs to be thought about, but, I think that it is a minor issue in the debate on preventing future looting. More important in this regard is the question of due diligence. We are about to flesh out our own acquisitions policy. Harvard has a cut-off date of 1971, which is when Harvard “ratified” the UNESCO Convention. But as we are looking at our own acquisitions policy and looking for examples of procedures of due diligence that are written out somewhere, it is really rare to find that. In fact, British museums are more elaborate in this regard. So, I think the principles are good and fine, but—and this falls squarely on the museums, perhaps with some input from archaeologists—we need to come up with workable solutions and really spell out more specifically how this is supposed to work in actual practice.”

Jane Waldbaum:

“Thank you Susanne. I actually have a question that is related to what you just talked about and that is, one of the things the AIA has called for in its recent statement on museum policies, was a written acquisitions policy, published preferably on a museum’s website. Museums would adopt their own internal rules and regulations, preferably a cut-off date, when they could or could not acquire things, and so on. Then make that accessible to the public, to donors, to the board, to their staff, to everybody. Now, a lot of museums have in fact acquisitions policies, but they are not easy to find. I once taught a class on ‘Ethics in Museums, Archaeology, and the Art Market,’ and I gave as an assignment to the students, go find museums’ acquisitions policies. They had a hard time,

they could only come up with a few. The British Museum puts theirs on their website. Even museums that we would consider to have enlightened policies don't make them easy to find. I just address this to anyone who works in a museum."

Virginia Fields:

"We do have a very well defined form that you complete when you are filling out paperwork for an acquisition. For example, in my field, and I'm sure it's very different for my South Asian colleagues or Asian colleagues in different departments, what I have to do is also investigate the laws in each of the different countries in the area that I cover. So, Mexico's laws are different from Peruvian laws or Ecuadorian laws or something like that, so it makes it difficult to create a blanket policy. It depends on the object. For example, there are different laws for monumental sculpture as opposed to portable objects. So, it makes it difficult to make up a policy that would apply even to the countries that I cover let alone all the countries of the world that our museum covers, an encyclopedic institution. So, provenance information is required and each curator in a sense has to comply with the respective laws of the countries they are dealing with."

Daniel Sherman:

"So, that is the LACMA policy, in other words there is no particular cut off date; it's based on the laws of the..."

Virginia Fields:

“Well it has become that way only because of situations that have arisen in the past years, where it’s not just the UNESCO legislation or something like that, but also the whole idea of receiving stolen goods under which someone might be prosecuted. You have to investigate what are the laws of the country of origin.”

Daniel Sherman:

“Doesn’t this assume that you know where exactly the object came from...
Patty?”

Patty Gerstenblith:

“Sorry to interrupt you. You can have a policy, though, that says: we will not buy anything that didn’t leave the country of origin after the date of its national ownership law. So, just because the date of a country’s national ownership law may be different (from another’s) doesn’t mean you can’t have an articulated, well written public policy that states that. I guess that’s the question, because now it is unclear. I don’t mean to pick on your museum. What is the LACMA museum policy in regards to national ownership laws? For instance, the AAMD policy may have referred to national ownership laws, but it’s not a clear statement that something will not be taken in violation of a national ownership law. So there is a big difference there and I appreciate how complex it is to find out all the different dates there are for countries, but there still could be a policy.”

Virginia Fields:

“All of this actually came about when we hired someone to investigate paintings that were acquired during the World War II period, and the slow recognition that, oh yeah there are these other sorts of issues that have to do with ownership and so forth. It’s hard to move an enormous institution too quickly. I think at least we are tip-toeing in the right direction, hopefully.”

Geoff Emberling:

“I can speak for the Oriental Institute Museum, which is a small museum that doesn’t acquire very much. We have a very clear written acquisitions policy and now we’ll post it.

Jane Waldbaum:

“Susanne, could you comment on that too?”

Susanne Ebbinghaus:

“Yes. I’m beginning to think that there ought to be more dialogue between the museums, and museums should take up the call of the AIA and do that, but I think it is a long and difficult process, not least because the situations of individual museums vary. Various points Geoff has made illustrate this. Each museum has different aims, but there ought to be more debate on that.”

Carla Antonaccio:

“I think that one thing I was thinking as we were going through our presentations is the different missions of many of the museums we are dealing with. The museum I work out of in Sicily really has as its entire mission the housing and presentation of the collection of the artifacts from this one site, and there is nothing else in there that doesn’t pertain to that. So, it’s not like a miniature universal museum, it’s not even a regional museum. It was created in 1984 after the excavation had been in the field for almost 30 years not only to hold the material that was in the process of being studied—in fragments and not ‘museum quality’—but also to make it available to the public, which was a distinctly a local public. Many of the visitors to Morgantina are not foreign—they are local people from Sicily. If you look at the guest book they are from the surrounding towns in many cases, or they’re from elsewhere in Europe and increasingly from outside the European community. A lot of the people that are coming are not from the United States, although with the notoriety of some of the recent cases, you see more people coming from New York or other places in the States. So, it is a kind of laboratory as well as an educational institution, but, with a very particular kind of mission. That is very different from a true research institution. We have a teaching museum at Duke University, for example, and it’s a hybrid of these two and there’s a tension we haven’t really explored much. But, with respect to the Metropolitan that we all beat up on, I have to say with full disclosure, I grew up in Westchester County New York. I went to the Met when it was free and when nobody at all went into vase galleries because they were dull and just packed with vases—but I wouldn’t be an archaeologist if it weren’t for the Metropolitan Museum of Art. So, these things do have value, these institutions, but I think that a museum like Duke’s is frankly on the make (although not in the area of

antiquities). They want to make important acquisitions, they want to own things that Duke has title to, but they also want to educate students and put them in contact directly with objects and works of art. We have a tension there between these two kinds of mandates that may not exist in some of the smaller museums. At a place like the Met they want to do it all, you know, they are kind of like imperialists on the market, they want the best stuff, they want to be a universal museum, and they also want to educate the public, and they want to involve themselves in professional matters. I think the kinds of issues that come up are not necessarily the same for all museums, even though the problem of looting underlies a lot of what we are talking about.”

Susanne Ebbinghaus:

“Actually that reminds me of a comment I would really like to make. I think that several museums are sort of stuck between wanting to fulfill their mission and wanting to do the right thing. And by that I really mean small museums. I think we are in a period of transition, and we have to develop feasible alternatives. We have to develop ways in which small museums, especially university museums, can actually display and house for a while interesting artifacts with which to fulfill their education and teaching missions. Several years ago a German colleague did a survey of German university museums, which he has posted online. He asked them about collecting. It turned out that while most of them weren’t actually collecting or would never have the funds to acquire any major objects, they really felt the need to have a few artifacts there to teach with. For that, they essentially depended on the local donors, private collectors, who had not been paying much attention to where their objects actually came from. These were the people who

were offering help to the small museums that were then of course accepting the collections. So you have the situation of small museums in Germany sitting in part on what may be problematic objects, but they say: what shall we do, this is all we have? I think, sadly in many cases, it is the same for universities that are leading archaeological missions abroad. There can really be a clash between one half of the department excavating and the other curating. I am familiar with cases where there have been attempts to bring material from the excavation to the museum, but essentially that has not been possible because collaboration with the local administration in relevant country proved difficult. There need to be more alternatives. We need to develop larger alternative programs that make it possible for small museums to educate people about ancient art and not default to: oh yes, a nice private collector will give us his or her objects, then we'll put them on display.”

Geoff Emberling:

“Even the Met has alternatives and we were talking about this earlier. They have a long term loan program in the Ancient Near East Department, for which they have borrowed material from Israel that has now been on display for almost ten years. There is no reason why such programs couldn't be adopted much more widely than they are.”

Carla Antonaccio:

“That's what Patty mentioned: part of the agreement that convinced the Met to give the Morgantina material and other objects back is that they are getting loans of objects that are of equal importance and aesthetic interest. So there is a kind of exchange

that's taking place. Not everything goes back at once, there have been agreements built in that not everything will stay in place for a period of time so that everybody gets to say goodbye and welcome new things in. I think we all agree on this, that one way in which some of these problems can be addressed on the scale of large objects or important objects are these kinds of loans."

Daniel Sherman:

"I think that's true but I wanted to ask Virginia to talk a little bit about your collaboration with museums in Latin America. You as well as Carla raised the point that there are larger resource issues. This has been a great panel, but I wish we could have had an Africanist. Because it's easier with African Art—and, also with the ancient Near East, certainly with Iraq at the moment—to make the argument that it is safer for these objects to be in the West. So, the question becomes—this has been a problem with objects from Mali—who is going to provide security for the museum in Mali. It's not just a question of the looting of sites: a lot of the Nok artifacts on the market were actually stolen from the Nigerian National Museum. So, I'm interested to hear about what LACMA is doing when it gets into questions of the resources that would have to be devoted to providing security, climate control, really everything for Third World countries. Are museums going to be asking their donors to do that, rather than support your own programs?"

Virginia Fields:

"I can start with the more recent and more specific and try to work my way backward. At LACMA we have a large collection of what is the New World's version of

Cycladic sculpture, known as Mezcala stone sculpture, very abstract, reportedly very early. Much of it appeared in the early 20th century. In the 1940s, when a highway was built from Mexico City to Acapulco it went right through this area and all of a sudden numerous objects appeared, and there are thousands of these things in collections in the US and Europe. Again, abstract figural forms, mostly temple models and so forth. We have more than four hundred from a woman who lived in Cuernavaca in the 1950s and who collected widely in Mexico, sort of the whole span, Olmec to Aztec. She just packed this stuff up and brought it home to Santa Barbara when she left Mexico in the late 1950s because you could do that. It has been very difficult to work with this collection because there is so little archaeologically provenanced material. However, at the heart of the Aztec capital, Tenochtitlan—excavations at this site of the major temple there, the Templo Mayor—they've uncovered quite a few examples of this style of sculpture. I'm now working with two investigators there who have conducted hundreds of replicative experiments working with stone tools on stone surfaces not just in carving, incising, but what were the tools used in polishing and abrading surfaces and so forth and so on. To the point where they can distinguish exactly which place these objects came from, because what they're discovering is that there are choices of materials and techniques on the part of specific towns and cities which the artists choose to use. So, by working with them and having them examine our collection, doing the visual analysis, taking polymer samples and looking at them microscopically, they can distinguish what tools were used in the creation of these things, including metal saws that leave their own distinctive mark. This is part of what I call the enduring tradition of Mezcala sculpture, because there are still artists who live in this region where they came from, still producing these things and

some of them are quite beautiful sculptures, they just don't have much age to them. The point is, in Mexico there are around 180 examples of excavated Mezcala style sculptures, we have 400. I've seen thousands in other collections across the US and Europe. So, a lot of it is part of the enduring tradition. What we're doing is aiming to create a small sort of didactic exhibit on lapidary technology of small scale sculpture, not just with this particular style, but with other stone objects from jadeite to serpentine, basalt, obsidian and so forth. I was able to do that because of our long-term relationship with the institutions in Mexico based on the exhibitions I've organized. I've gotten a better feeling for the kind of reciprocity these institutions were interested in gaining. They really don't want, for example, our pre-Columbian art, there is tons of it in Mexico and it's still being excavated. They are interested in having exchanges of exhibitions, for example of Impressionist painting, because they have a sophisticated museum-going public as well. So that's one level of reciprocity. The other level is providing materials, training, and so forth for staff of some of these small regional or larger institutions. So, it has been really great for both of us to learn from our colleagues there, to provide resources they need to protect, conserve, and display the collections in their own museums. I hope that it is a direction we continue to develop. We've also developed this kind of relationship with institutions in Guatemala along the same lines, and I'll keep heading south in future projects."

Geoff Emberling:

"The interest of what you could call host countries, varies pretty dramatically, I think. To varying degrees in different countries, archaeological remains play into

sentiments of nationalism. I've often heard from antiquities officials in Syria, the idea that people should come to Syria to learn about Syria's past. We can all make our own judgment about whether that is a wise stance for them to take, but it's an official, stated position. So, there are lots of opportunities to explore different collaborative relationships I think."

Virgina Fields:

"I think that's the point, it is collaboration, it's not, you know, oh we want your stuff for one year and oh thank you very much or something like that. So, it's working together to determine what the mutual needs are and what each can provide the other."

Geoff Emberling:

"I just wanted to respond Dan, to your comment about whether museums could get donors to invest in some way in exchanges instead of giving money for objects to be purchased, which is seen as a kind of permanent thing. We've seen recently that objects purchased on the antiquities market are in no sense permanent acquisitions. So, that needs to be put out there, that permanence can be elusive. Even at the Oriental Institute, most of our major pieces were excavated under legal agreements with the governments of the time, but it's not out of the question that we will get requests to send things back."

Daniel Sherman:

"Wasn't there a case involving Iran recently?"

Geoff Emberling:

“Yes, but that was a very different kind of a case. It’s an ongoing lawsuit, so I won’t comment in a lot of detail about it, but it is a case in which the plaintiffs launched a suit against the government of Iran claiming damages for their support of a Hamas bombing. So, a judgment was entered and the plaintiffs were empowered to look for property of the government of Iran in the United States. At the Oriental Institute, they focused on a group of cuneiform tablets from the Persian capital of Persepolis, that were excavated by the Oriental Institute seventy-five years ago, but were here on study loan.”

Patty Gerstenblith:

“Actually a corollary to that is that now when things come on loan, you can get what is called immunity from seizure, but these loans were made before that was possible. So, that experience, what you’re going through right now, is, I think and I hope, unique.”

Jane Waldbaum:

“One of the issues we’ve raised here is just how do you dry up the market for undocumented antiquities, for looted antiquities? We’ve addressed that to some degree by having codes of ethics or acquisitions policies and so on, but obviously that doesn’t plug all the holes or even most of them. Are there any other ideas? I mean, how can you make it like fur coats where it just becomes unfashionable to collect these things, where people decide it’s not worth it anymore. Are we at that stage? Are we near that stage? Is there some way to get there?”

Carla Antonaccio:

“There will always be people who will buy fur coats.”

Jane Waldbaum:

“Yes, but not as many as there used to be.”

Carla Antonaccio:

“Not as many as there used to be. But I think it’s always going to be imperfect.”

Geoff Emberling:

“And there is always the problem... Iraq is one example that a lot of us have made reference to. There are always going to be situations that are well beyond the ability of a market to control....”

Jane Waldbaum:

“...Afghanistan, Afghanistan is worse.”

Geoff Emberling:

“...Well I don’t know about that.”

Jane Waldbaum:

“Well Iraq is ‘worse’ because it’s gotten a lot less press. Iraq is the poster child for all of this. What’s been going on in Afghanistan is just as bad, if not worse and a lot more people don’t know about it. I can show you slides of looted sites in Afghanistan that look just like the Iraq ones, just full of potholes and not much else and proud looters just sitting there to have their pictures taken. It’s just less well known here. In the same way we kind of left Afghanistan to go to Iraq to fight the war, I think the plight of Afghanistan’s antiquities has also been left behind.”

Patty Gerstenblith:

“You’re absolutely right, but I think that we can think about the recipe for looting, particularly large scale looting. One of the prime ingredients is lack of political stability, lack of political order, lack of law enforcement as well as poverty. The incentive usually comes from poverty, the incentive on the ground for looters, and Iraq and Afghanistan are sort of the perfect storm coming together. If you can’t provide security for people, you’re going to get killed walking down the street because you’re just walking down the street, you’re not going to be able to protect your archaeological sites either. It’s a big problem and I think it’s never going to be perfect, like there are always going to be people who want fur coats. But it’s a combination of law and law enforcement in the market countries that will never get everything but a few high profile examples might catch people’s attention because they don’t want to end up in jail. You’ve got the ethics codes, you’ve got public education and then you’ve got what you have to do in the source country, at the source, and that includes education. It’s making people understand and feel connected to their past. I don’t know if the museum at Morgantina has changed local perception.

You said the site was excavated for thirty years before the museum was created and then at that point the local people probably thought, oh here come the Americans and they're doing their thing and maybe the archaeologists are actually looters themselves, which happens in some cases. As opposed to, this is what we are actually doing, this is why we do it carefully, this is why it matters and this is how you can relate to your past through this. Obviously the resource question, when the United States has an agreement with a foreign country that restricts import, depending again on the country, like the agreement with Italy, there is a lot more to these agreements than import restrictions. The agreement with Italy asked Italy to extend the period of time in which artifacts could be on loan. It went from six months, which is what it was in 1999 or so, now up to four years and of course we hope it will be longer. With El Salvador, it was that we wanted them to rebuild their National Museum, which had been destroyed by a hurricane and they did it within the five years before the agreement came up for renewal. In many of the Central and South American countries, the US actually provides assistance from museum security to site security to training of customs officials, so we do more than just restrict the import. We encourage loans and then we also try to provide expertise and funding at the source that will hopefully make a difference.”

Carla Antonaccio:

“I'd just like to add also that, in the Italian agreement there is not only a provision for long term loans of Italian materials to US museums, but also the offer of various kinds of research projects, including excavations. I believe the Metropolitan Museum was offered an excavation to direct. So, these are big carrots and they have had distinguished

history in the early part of the 20th century. It's not all bad, one has to take advantage of the opportunities and figure out ways to deal with the accompanying red tape, but, there is a lot more there than simply the exchange of artifacts.”

Virginia Fields:

“I can speak briefly to a point that you raised. In Belize in ancient times, there were many Maya sites and what the director of the Institute of Archaeology does, is go into the small towns around Belize to do this kind of training with the people to say ‘look if you take it out of the ground and sell it, it’s gone. But if you invested in maintaining this site—and there has been a concerted effort to develop ecotourism in Belize and that kind of thing—this is like a long term investment that you can maintain for generations and have this economic aspect to it.’ So, it’s along those lines that you described.”

Daniel Sherman:

“I think it’s that time that we open things up for questions and comments from the audience.

AUDIENCE QUESTIONS:

Victoria Federer: (Audience Member)

“I’m Dr. Victoria Federer, the oldest psychiatrist in this room, I think, and I would like to ask two questions. A simple one of Dr. Emberling, I think I’m speaking for half

the room here. What was your answer to Philippe de Montebello when he asked you, you may excuse yourself?”

Geoff Emberling: (Panelist)

“No, I have to say as a young scholar, I was trying to find the line that both allowed me to keep my dignity intact and allowed me to be employed and so I said truthfully that it was a complex issue. I found in the course of my three years at the Met, I was never asked to do something that I was not comfortable with, fortunately.”

Victoria Federer: (Audience Member)

“I’m from Belgium and I was often a visitor to Tervuren, which is one of the most magnificent museums of Congolese art and I just wondered if perhaps Professor Sherman, I don’t know if you are particularly interested in the art of Africa because you brought it up. The Congo is not a very good place nowadays to preserve anything, but on the other hand you could say the Belgians really looted it.”

Daniel Sherman:

“Yes you could, and a lot of people have. I think it’s important to note that the museum in Tervuren has in the past, well less than a decade, beginning in 2000-01, organized several exhibitions relating to both Belgium’s colonial past and to the way in which their own collections were developed. I saw one of those exhibitions in 2005, one that got a lot of publicity, on the colonial past. I thought that they did a really good job of accounting for their collections and linking them to the very complex and tragic

dimensions of the Congo, including the period of the Belgian Empire, or Belgian colonial rule. They were not the first museum to do this. The so-called Tropical Museum in Amsterdam, which is a cognate institution where most of the collections are from Indonesia, did it much earlier, but they are certainly not the last, and the French unfortunately are moving in the opposite direction. The new Musée du Quai Branly which opened last year, combines both the ethnographic holdings of the Musée de l'Homme and the collections of the Musée des Arts d'Afrique et d'Océanie which were acquired—and I've worked extensively in their archives—almost entirely on the market, and the market was very active in the 1960s after that museum was founded. Their approach has been one of really intense aestheticization: the context is there on the wall labels, but it is so dark you can't read it. This is an important question for museums, not just what their current policies are, but their responsibility to explain to the public how their collections were acquired and what they are doing, if not necessarily to repatriate the object, at least to assist the countries of origin in presenting their culture to their own citizens and people who visit those countries.”

Sandra Braman: (UWM Department of Communication)

“I'm Sandra Braman, I do research on the legal aspects of the arts industries' cultural policies, and I've just recently been doing work on the impact of international treaties on the art world, so everything you're talking about is very familiar. The one person you are missing actually on the panel, in addition to an Africologist, would be an economist. There have been two mentions already of tourism. That was the largest industry in the world until the national security concerns slowed it down a little bit, but I

think that it will become more and more important, moving people—not moving the objects. But, my two questions are, one about the response to the legal research on the provenance question that came up, and one on the policy tools going forward, techniques going forward. There has been a proposal I think twice, once by the US and once by an international source—in addition to a general rule about national ownership laws that’s been referred to—that actually every country should have to make an inventory of every single object that would qualify as an element of cultural heritage before it would fall under that rubric. Of course that would be an impossible thing to do. None of you have mentioned this, so I assume that’s not a proposal that’s come forward. But I’d be interested in your feedback. The second question is, after the decade’s long conversation between Italy and Ethiopia over returning the obelisks, one of the proposals was not that the exchange be for artwork, but that Italy would keep the obelisks which might be damaged in the transport and instead build a hospital in Ethiopia. I’m wondering if you’re expecting more kinds of those proposals and potentially agreements coming forward.”

Patty Gerstenblith: (Panelist)

“I guess I’ll just reply to one point you made, the idea about the database, that the countries would have to list everything. That can work in theory—you’re right it has not really been talked about much—but it doesn’t work for archaeological artifacts. The artifacts we’re talking about that are looted are unknown until after they are looted and taken out of the country and then they appear somewhere in a market country.”

Sandra Braman:

“I would argue it doesn’t work in any circumstance.”

Patty Gerstenblith: (Panelist)

“Okay, there are now art databases, like the Art Loss Register in London. I don’t think any museum and even most private collectors—if you’re talking about something above about \$5,000—are going to buy anything without checking the Art Loss Register. It doesn’t work even for traditional fine art, for example art looted during the Holocaust, some of which is registered retroactively, but much of which has not been registered. Holding people in other countries outside of Western Europe, the United States, to that kind of standard, it’s very difficult. The move toward the databases actually was fostered by the insurance companies. In fact the Art Loss Registry was largely funded by Lloyds of London, etc. Certainly from a legal point of view I’ve been opposed to that. There have been some suggestions that if an art work is stolen you have to register it within a certain amount of time or you don’t get it back, that sort of thing, but none of that has ever been given any legal effect. Now, Germany, which has just ratified the 1970 UNESCO Convention, will be a party as of January 1. It has enacted implementing legislation but I don’t entirely understand how it’s going to work. For a work of art not to be imported, it has to be listed by the country of origin before, so they’re going to look to this listing. Except for archaeological artifacts, there is a one year grace period. The object can be listed within one year after the attempted import into Germany. It seems to me that it is going to be totally unworkable, but, I leave it to the Germans to work it out, if anybody can figure it out.”

Virginia Fields:

“This is a related but ‘the other side of the coin’ kind of thing: in Guatemala one of the former Ministers of Culture, I guess she was there in the early ‘90s, wrote to archaeologists, both Guatemalan and non-Guatemalan who work in Guatemala, to say ‘what do you think are the most important objects we have in our Museo Nacional?’ She received this list from these various scholars and immediately imposed this regulation that none of them could ever leave the country, so she created this no loan policy for these treasures that are really so central to Guatemala’s ancient past, like a no fly zone with these things.”

Carla Antonaccio: (Panelist)

“I’m not a lawyer, I’m not an economist, I’m none of those things, but one of the issues that is looming in all of these discussions is the status of these things as cultural patrimony, that they are in some sense the possession of modern nation-state and almost an extension of their territory. So if the Ethiopians for example wanted to exchange this for some greater good, professionals might be horrified, but it is up to them to decide if their patrimony is fungible in this way. But I don’t think it works both ways. If this is something they both wanted, they could suggest it. But, it’s one of the complicating factors in the whole discussion of the antiquities market that we haven’t really touched on, that many of the artifacts didn’t observe any of the boundaries that we are observing in the present. In the case of the Getty, both Italy and Greece were actors because the looted objects didn’t have a clear provenance because these things circulated in the past. Especially Greek pottery, the Euphronios vase would be a good example of that. It’s a

Greek object but Italy has got it, why? Why didn't the Greeks get it? Because, it was found on what is now modern Italian soil, and the cultures that imported it, the Etruscans, don't exist anymore. So that's another complicating factor in all of this and the framework we have of the patrimony that observes national boundaries is really just what we have to deal with. It is not a perfect system. Maybe Patty would like to talk about this."

Patty Gerstenblith:

"Just quickly, because it is a question of law, it's not a cultural question, and there are many areas where the law doesn't work terribly well and that happens in Central America and South America and certainly with the Romans, where ancient cultures cut across many modern countries and you have to figure out which modern country it came from in order to send it back. But, it's a legal construct, not a cultural or historical construct, so we're stuck with the legal system for good or bad."

Susanne Ebbinghaus: (Panelist)

"I would like to comment on that as well. I think we need to distinguish the obligation of a modern nation state to protect the archaeological heritage found on its territory on the one hand, and on the other hand, the ownership right to the archaeological material, which seems to go hand in hand with the obligation to protect it. But in reality these are two separate things. I'm bringing this up in this context because of your story of exchanging obelisks for hospitals. I'm always very skeptical when politics get involved—but archaeology is intrinsically entangled with politics. In a way there should be an

exchange-in-kind, where Italy would keep the obelisks but would do something for the protection of cultural property and archaeological sites in Ethiopia in return. That brings me to a larger question, an option that has, of course, largely been raised by antiquities dealers for obvious reasons, but one that I've increasingly heard archaeologists voice as a possible solution to a number of problems. We have countries that have many, many archaeological finds, and often not the resources to deal with so many of them. On the other hand, we have countries like the US where museums as well as private collectors would like to acquire such objects. Should states such as Italy, or Greece, or Turkey, or countries in South America, have an official trade in archaeological objects? Should they actually sell recorded objects from archaeological excavations? Might that not be a way to dry up the market as well? I'm just throwing this out here as an option that has been raised and I'd be interested to hear your reactions."

Jane Waldbaum: (Moderator)

"I'd just like to make a brief comment on that and get back to the audience. Part of the problem there is, this has often been proposed, why not just sell the duplicates. Well, there are not a lot of duplicates that are also museum quality. When you think of a duplicate from an archaeological site you're thinking of oil lamps, pot shards, ordinary cooking pots where you might have forty thousand of them. But the Euphronios vase is a unique object and these are the sorts of things the country of origin would like to keep, other museums would like to buy or be given, collectors would like to buy, and so on. So, I don't think that might stem the tide in certain ways, and I say nothing about the research value of some of those duplicates that then go on the market and get lost to future

scholars that have new questions to ask of it. But, rather the real market, the high end market, is going to be for unique objects, those super-valuable objects in monetary terms or highly aesthetic qualities and so on, and those I don't think any country is going to willingly relinquish. That's my opinion."

Eduardo Douglas: (UWM Department of Art History)

I'm a faculty member in Art History and I have a question fairly philosophical for all of you, about the nature of cultural patrimony and its status as property. I was inspired to think by the mention of Afghanistan. Here you have a nation where there were the Bamiyan Buddhas. The Afghans themselves destroyed them. Who has the right to do that? Do we as outsiders have the right to intervene because cultural patrimony has special status that is supranational, or do we have to sit back? Or the case such as Mexico with the great National Anthropology Museum where the central government takes what it wants from whatever site, then sends it to the capital to put in this big show, and leaves these sites with nothing. Who has the right to do that, and is there something about the character, nature, whatever you want to call it, of cultural patrimony that allows let's say the US to go into Afghanistan and say 'don't blow up these Buddhas. They are in your country, they were made by your ancestors perhaps, but you can't touch that.'"

Patty Gerstenblith: (Panelist)

"Obviously the Bamiyan Buddhas raises a difficult question. If you look at it as ownership then they are owned by the country. So far as I know there is no country that is willing to send its troops to fight to protect cultural property. We are lucky if we get our

troops fighting not to contribute to the destruction. So at the time of the Bamiyan thing, UNESCO tried very hard to send in and to work out an agreement, there was funding from someone in Switzerland, there were proposals to block the Buddhas from view, to build a wall in front of them so they wouldn't be visible, because the image was offending. The bottom line is the Taliban were not interested, they talked for a while but they wanted to make a political issue out of it and they did. They actually got more response out of the world community over destroying the Bamiyan Buddhas than over how they oppressed their own people in various brutal ways. So, I think we have to be careful about assuming that it would be practical that we would send in a military force to protect cultural objects, as I said, I don't think that is going to happen. Under international law, some responsibility is imposed on a country to protect its cultural property during war time. For example with Iraq, there was a responsibility of the Iraq Museum to protect the museum to the extent it was able to; it didn't have the troops to do it any longer. But, if it is an internal matter there is no violation of international law, so it is purely internal, domestic.”

Eduardo Douglas:

“So a county can destroy its own cultural heritage?”

Patty Gerstenblith:

“Legally? Unless it is violating its own law, unfortunately the answer is yes. I mean, morally? Of course that's a different question. I'll let someone else answer the moral questions.”

Virginia Fields:

“You brought up that easy question of who owns the past!”

Eduardo Douglas:

“With the case of Egypt, who owns the Pharonic past? Do the Arab people who came in after the 7th Century and have no direct connection to that past?”

Virginia Fields:

“What I find a complicated feature having to do with acquiring world heritage designation and all that entails is that it does not always work to the benefit of the local community that might be the place of whatever cultural resource has been designated. I’m just thinking specifically of Copan, because the site of Copan, which is a beautiful ancient Maya site, is managed primarily by people who live in Copan. When they wanted to move forward with constructing an airstrip to make access easier—through whatever happened with UNESCO administration—they were not permitted to build something in their own town that they thought would be a benefit to them economically. So, it’s a very complicated issue, who owns these sites, these objects.”

Alice Kehoe: (Audience Member)

“I’m Alice Kehoe, I’m an archaeologist. At a South American Archaeology meeting a couple of years ago a Mexican Archaeologist, Diana Zaragoza, gave an interesting paper in which she argued that the nineteenth and especially twentieth century

artists who have created some of the greatest fakes—and she was specifically referring to west Mexico and the Olmec—that they should be recognized for the quality of the art that they produced. In other words, bring out, open up identification of fakes by rewarding honesty with recognition and creating a market for some very fine nineteenth and twentieth century productions in the style of such and such, and such and such. This gets into the question of capital, both capital investment in the sense of money, and capital investment in the sense of social capital, the reputations of scholars. That gets you into the problem that if some of the great fakes in terms of artistic quality were to be revealed as relatively recent and not pre-Columbian, it would greatly affect the assets in dollars of the holding institutions as well as greatly challenge the reputations of some very well respected scholars some of whom are still alive and earning salaries. So you get into the economic challenge of recognizing the possible devaluation of both assets and scholarly reputations. There is another angle that I've particularly been interested in and involved with, namely when an authenticated artifact is rejected because it is insisted that it is a fake. The Kensington Rune Stone, which is an inscribed stone tablet found in northwestern Minnesota in 1898 by a farmer, which says that a party of Norse were there in northwestern Minnesota in 1362 on an acquiring expedition, presumably to get furs. I've looked into the historical possibilities and they seem rather good, but the real point is that the carving of the inscription on the stone was examined in 1909 by one of the most highly qualified and experienced geologists of the time, Newton Winchell, and then reauthenticated by a highly credentialed forensic petrographer seven years ago. In spite of that, Bill Fitzhugh, curator at the Smithsonian, has refused to look at the data and has insisted on publishing that it's a fake after this information was presented by the forensic

petrographer, and continues to send a letter out from the Smithsonian to the public upon inquiry that it is a fake. That's what I'm talking about investment in scholarly reputation. The Smithsonian should acquire this very significant historical artifact although it is now being housed in Alexandria Minnesota by the local people...."

Jane Waldbaum: (Moderator)

"Okay we have a three minute limit on questions, so does anyone want to address that?"

Carla Antonaccio:

"This kind of gets back to something that was said in the beginning by Dan about one's eye and about forensic investigations, you know, techniques that can be applied to different kinds of artifacts. Fakes have been located in Aegean art for example, recently, and people are making a career of this ever since we figured out that Heinrich Schliemann was a liar. You know, of running around and querying things found at Knossos by Arthur Evens, and the so-called mask of Agamemnon has been claimed to be either a fake or to have been altered. So this is an ongoing dialogue that is not unhealthy. I don't know anything about the Kensington Rune Stone, except what I read in sixth grade, so I'm not prepared to pronounce on that, but I think this is part of the debate that one should have, right? Real scholars shouldn't be afraid of people coming up and challenging them; whatever the truth is, it has to come out."

Virginia Fields: (Panelist)

“I can speak a little more to West Mexico and things like that. I actually don’t often use the word fake unless it’s a deliberate attempt on the part of a seller or donor to give us something that is clearly twentieth century. I don’t like the word fake only because I prefer the term I used earlier, ‘enduring tradition.’ It’s almost as if to be authentic it had to have been created in some sort of past that didn’t have interference from... the colonizers, by more recent history, by whatever. The truth is, there are still these wonderful artists still working in these media, ceramic, stone and so forth and so I think it is a little more complicated when saying this is not authentic because it wasn’t made before 1492 or something like that, in the Americas. We have to create a new label for this sort of enduring tradition that involves its own sort of creativity if you will, the use of new tools, or styles, or whatever. So, we need some post-Columbian analysis on some of these objects.”

Derek Counts: (UWM Department of Art History)

“I’m Derek Counts and I’m a field archaeologist in the Department of Art History here at UWM. I had a question I think it could probably go with any of you. One tension that I think hasn’t been drawn out; you all have an archaeology background, you all talk very well, none of you is going to sit up there and tell me I shouldn’t go out and dig things in the correct context and shouldn’t publish my material. None of you are willingly going to buy things from bad people in the art market. What I would like some of you to address—and I think about the Met almost more than anything, and some of you have experience with the Met, but Muscarella, what he always says is that he blames the trustees because you know... these people we always hear about, they answer to the

trustees and the trustees are sometimes in the middle of all of this and they are demanding action. They are the ones who often have the desire for objects; some of them are collectors as we've said before. Even at Duke University, I suspect Carla is probably answering to someone. As part of that museum you are probably answering to someone like the trustees of the University or something like this. So there is always this body that is usually not an archaeologist, not even a museum professional, and I was wondering what kind of tension you see internally in a museum between a curator at Harvard, at Chicago, in LA or whatever, and the trustees who are sort of directing your work? I assume you are all answering to them and not even to directors of museums. Those of you who are directors you're probably answering to someone above?"

Virginia Fields:

"Trustees don't direct our work. I don't think they do in general, they are a governing body that is supposed to support us financially and so forth and create these bylaws by which we live, but they don't direct our work."

Geoff Emberling:

"I can't really comment on how the Met trustees operate. I know a number of them are active collectors; I haven't been privy to any of those meetings. At Chicago, the board of the Oriental Institute is actually the faculty, so they are scholars and they are the only ones we answer to. Maybe we are an unusual case; there is no conflict there."

Susanne Ebbinghaus: (Panelist)

“I think you may have found lots of museum people here with unusual museums; we don’t have trustees either. There is also a distinction to be made between museums collecting antiquities and those mainly collecting arts of later periods. This distinction applies to all the different areas that Geoff has mentioned, even down to display strategies, but it also concerns acquisitions. At art museums in general there is some pressure to make acquisitions because building collections is what museums do. That is something to keep in mind; it could put curators of Greek and Roman art, or ancient art in general, in slightly difficult positions at their museums—with or without trustees. Then there is what has been discussed in the context of the Oriental Institute Museum, the question of donors. Of course, most institutions rely very heavily on donors or sponsors. Naturally, many of the people who would be willing to support archaeological or other kinds of research in our fields have been collecting on the side. I know of collectors who’ve actually, through the recent debate, changed their collecting habits, who for a number of reasons will now only collect objects that have a good collection history. Again, we are at a crossroads. Things are changing, but there is a need from the side of museums and archaeologists to propose new and valid projects, and I think one can then find sponsors for these, as well. An exhibition that we just opened a few weeks ago, featuring reconstructions of how ancient sculpture was painted, is an example of an exhibition that ties into recent archaeological research. It is not displaying any spectacular ancient objects but rather painted plaster casts, and we had no problem finding sponsors for that. So, I think it is really a matter of putting valid projects out there, approaching people, including collectors with a real interest in the past, and convincing them to help.”

Elizabeth Fox: (UWM Undergraduate)

“My name is Liz Fox a student in Art History here. I’m sorry if this question is a little overly simplistic, but, I’m wondering for those of you who are involved in museum administration, what happens when your museums are offered items that you suspect to be looted? What is your procedure for dealing with that, and what happens to those items that have been rejected?”

Virginia Fields:

“With LACMA it is the decision of the individual curator to accept or reject an object. So, as I say, there are these different legal and other standards by which the different departments operate. We don’t know what happens to them if they get rejected. It is sort of out of our control.”

Elizabeth Fox:

“If these things are offered to you do you report them to any kind of authority?”

Virginia Fields:

“No, but I scare a lot of people (laughs). I do field a lot of calls just because I’m in a county position and someone will call and say, ‘I just returned from Mexico and bought this little figure on the market and I’m sure its Maya because you have one just like it...’ or something like that. So, 98% of the time I know it will be a 20th Century creation but I just say that oh did you know it is against the law to bring this kind of thing

in and then all of a sudden they are very reserved and don't want to show it to me because they think I will turn them in. I haven't done that because as I say, 98% of what I look at isn't ancient anyway."

Carla Antonaccio: (Panelist)

"I can just give you one concrete example. The Morgantina acroliths, just the heads that I showed you, were offered to the Getty. They appeared out of nowhere, they were offered to the Getty. The Getty suspected something was off with them and they were on display briefly and that's how we came to know they were out there and matched them up with stories we were hearing. They went off display and next we heard they were in private hands. So, frequently when a dealer has something, they'll keep offering it, eventually somebody will acquire it. The story these days is the Japanese will buy just about anything. Certain private collectors who don't have any qualms, you can basically fence almost anything. There are even examples of things that are stolen-to-order, we hear. In the case of the Morgantina material, we were able to track it down and now it's going back, but I can't really comment further on this right now."

Susanne Ebbinghaus: (Panelist)

"Essentially, when we are offered something we do extensive research, which takes up a lot of time, and I think that is what inspires my frustration. With very small objects you can spend years trying to find out where they actually came from. What will happen is that they will go back onto the market and in most cases they will disappear. The market shifts. I don't think it's even Japan these days, it's the Arab states where big-

time collecting has started. There ought to be a way for museums to take in objects that are unlikely to have been freshly looted and that would otherwise completely disappear, making sure that nobody profits financially from this transaction.”

Geoff Emberling: (Panelist)

“It’s a complicated question. You could imagine if you had a regular practice of welcoming dealers and then you called the police on one, that would dry up your knowledge of the market in a big hurry. I and my colleagues at the Met were seeing stuff that was fresh from Iraq and thinking that we didn’t have the power to stop it ourselves, other than by not purchasing it. We didn’t ever call the police. I think it’s not a practical alternative, but there are other moments at which you face this sort of line between being a museum person and a criminal investigator. With the very best intentions it can be difficult to draw that line.”

Elizabeth Fox:

“Do you think the lack of response is contributing to the black market just as much as buying the item would?”

Geoff Emberling: (Panelist)

“No, that’s not to say we don’t inform them. I had a representative of a prominent Chicago family come and show me a silver bull inlaid with lapis. It was quite a stunning piece and she was contemplating buying it. I told her that this is almost certainly a looted piece, purchasing it is illegal and so on. So, you can say those kinds of things and I think

anybody with an interest in not promoting looting does, but taking the next step and informing law enforcement is a very different kind of proposition.”

Patty Gerstenblith: (Panelist)

“Can I just make one comment, I know of at least one case, and I know of others, where the British Museum did in fact turn things in. There is a very prominent case with the conviction of an American dealer, Fred Schultz. He was the head of the National Association of Dealers Association in Ancient, Oriental and Primitive Art, and his coconspirator brought a piece into the British Museum to have it looked at. The person there had been involved in the excavation, or at least knew the piece from Egypt, blew the whistle, contacted Scotland Yard, the British guy was convicted and then the American guy with the evidence. There was a case very recently with the Met. Christie’s, I think it was Christie’s, was offering for sale an Egyptian piece and it was a curator at the Met who had excavated it. It came in saying that it had been out for however many years, and this guy said, wait a minute, I dug it up like ten years ago. That didn’t lead to a prosecution, but the piece was seized by the US government and returned to Egypt. So, actually I think there is more cooperation with law enforcement.”

Geoff Emberling: (Panelist)

“Well in those kinds of cases where you have very specific knowledge, naturally you would, but that almost never happens.”

Sandra Braman:

“Isn’t there a danger of being contributory if you don’t report it?”

Geoff Emberling:

“When there is no definitive provenance for the piece, the criminality is an open question”

Patty Gerstenblith:

“Right, there is a difference between knowing the piece and knowing it was stolen and where it came from, as opposed to not knowing and just assuming, because the assumption is not going to be legal.”

Daniel Sherman:

“Okay, we’re past the end of our time, but we have two hands up I’m going to suggest that we take both of those questions, make them as concise as possible and I just wanted to say that, immediately following these two questions and the quick responses to them, you are all cordially invited to a reception at the Center on the ninth floor of this building, where there will be properly acquired refreshments of various kinds” (laughter).

Jessica Deitler: (UWM Student)

“My name is Jessica Deitler and I’m a student here at UWM as well, and I’m interested in learning whether any of you know whether dealers are required to be registered? And if they are not should they be? Are their activities monitored in any way and if they were, do you think it would curb activities of this nature?”

Patty Gerstenblith: (Panelist)

“They are not monitored beyond just these other general legal questions. There is nothing that requires dealers, at least not in federal law, to be registered or to keep inventories or anything like that.”

(Anonymous Audience Member)

“Forgive me if this sounds a bit idealistic, but it’s kind of a two part question. The first one is more legal, and the second part would be more for the rest of you. Is there any way as part of that international cooperation for the sort of trading of the artifacts for display in other countries, that you can say that any signing country is waiving its objection to extradition for anybody that is caught having an artifact that is proven to be looted in their private collection? And secondarily to that, could the museum handle the sudden deluge of donations from the Congo, or Iraq, or another place where private collectors who are dubious in their technique would not want to go to prison?”

Patty Gerstenblith: (Panelist)

“International conventions, I mean, a country ratifies it and then in many cases including, particularly when the US ratified the 1970 convention, we had to pass a special law that implements it. Its relevance is only to the extent of our implementing legislation and there is no criminal penalty whatsoever. There are criminal laws that may apply like the National Stolen Property Act, that is a US law, [which] if you violate you can go to prison in the United States. But extradition is a whole other matter, and it’s a matter of

treaties, separate treaties between countries. I sincerely doubt the US would ever extradite anyone for property crime, which is basically what this is considered to be.”

(Same Audience Member)

“One good way to go after illicit trade is to get rid of the buyers, and clearly they are not afraid to go to prison in the United States, maybe going to prison in the Congo would be more of a deterrent!” (Laughter)

Patty Gerstenblith: (Panelist)

“You can hypothesize.... I mean the reality is, it’s hard enough to get what we already have. There is a constant attempt to amend the National Stolen Property Act to exclude archaeological artifacts as stolen property. I agree with you.”

Geoff Emberling: (Panelist)

“Often the issue is knowing the original provenance. An example is the stela of Hammurabi, which of course was set up in Babylon, what is now Iraq, but in antiquity was looted and excavated in Iran. That immediately just calls in to question that there is a clear path of extradition for objects or perpetrators back to a nation, a host nation, the imperfect nation-state system that we are dealing with.”

Daniel Sherman:

“Well, I want to thank all of our panelists and thank the audience for your questions and contributions, and please join us upstairs.” (Applause)

