COMMENTARY

This is not the way to deal

Our front-page story last month about the Association of Art Museum Directors’ new guidelines has provoked heated debate. Here leading experts give their divergent views

“We are leading the public down the path of willful ignorance”

ARTHUR Houghton

The newly issued guidelines of the Association of Art Museum Directors (AAMD) on the Acquisition of Archaeological Material and Ancient Art have all the attributes of a camel: famously compared to a horse made by a committee. They are the AAMD’s 50th iteration on the subject of acquisitions in the past 12 years, and they are surely not the last. The guidelines have evolved as panicily US museum directors responded to charges that collecting institutions abet looting by acquiring unprovenanced objects claimed by source countries against their collections, strident criticism by archaeologists, and the specter of aggressive intervention by federal agencies acting in support of foreign laws.

Even though the guidelines have been drafted by some of the most experienced and knowledgeable individuals in the profession, they are a disturbing puzzle, involving a peculiar preachiness (museums must comply with the law) and severity of tone that summons up the image of a thin-lipped schoolmistress with whitened knuckles clenching a yandstick to smash the wrists of malefactors.

The odious extends to the content. The guidelines suggest that the Unesco convention of 1970 has as a focus the preservation of archaeological and ancient art. This is a serious misunderstanding of what the convention actually states. Unesco deals principally with restrictions on trade that should apply to “important” cultural property whose export would constitute an “appreciable impoverishment” of the national cultural heritage. Unesco defines “cultural property” as items that are “specifically designated” by a state party as “important.” Unesco proposes a system in which antiquities markets are recognized and regulated, and in which dealers register objects and follow the rules of an export certification system established by the source country.

Beyond this evident misunderstanding, the guidelines do not account for situations in which multiple countries of possible discovery exist. They also use certain terms—“ancient,” “antique”—that have no commonly accepted meaning. As the guidelines’ authors certainly know, different countries define these terms differently. Depending on which source country is involved, either term could reach into the 17th century or later (China demanded that a friend bought in Beirut in the 1960s? The tens of thousands of Chinese works of art that have come to the US during the past 200 years with no more than a bill of landing? The countless number of Egyptian artefacts that flooded the US in the mid-19th century as Americans, crazed with a taste for the antique, bought them in bucketfuls? My grandmother’s Italian clock, which must be “ancient” since it looks so old? All of these are potentially ancient (very old? A little old?) objects under consideration for acquisition by the guidelines is truly enormous. The study (available at cpinst.org/home/issues/project-on-unprovenanced-ancient-objects-in-private-hands), which excludes objects under $1,000 in value, fragments and coins, indicates that somewhere between 68,000 and 112,000 objects of Greek, Roman or related origin already in the US could not be donated, shown to the public by our institutions, or conserved for the benefit of future generations. Extending the study to other cultures—pre-Colombian, Near Eastern, South Asian, East Asian—the number of significant objects now denied to museum acquisition almost certainly exceeds 1,000,000, and at a reasonable estimate may be double that.

The presumption, in short, is absurd. Worse, it does direct damage to the public interest. As their authors are fully aware, the 2008 guidelines were written with no attempt to halt looting, then there should be a balance between the restrictions on acquisition and the length of time an object can be shown to have been unprovenanced (or “orphaned” objects to the general public) to the general public. If the goal is to halt looting, then there should be a viable registration system that offers repose in exchange for transparency. Such a plan can be made to work, not only to showcase unprovenanced objects under consideration for acquisition, but also to impose an obligation for a claim to be made by a country within a reasonable time, and once that time has passed, to grant the object repose. If the goal is to halt looting, then there should be a viable registration system that offers repose in exchange for transparency. Such a plan can be made to work, not only to showcase unprovenanced objects under consideration for acquisition, but also to impose an obligation for a claim to be made by a country within a reasonable time, and once that time has passed, to grant the object repose. If the goal is to halt looting, then there should be a balance between the restrictions on acquisition and the length of time an object can be shown to have been unprovenanced (or “orphaned” objects to the general public), and that the US ban the import of cultural material antedating its 1912 evolution, the ensuing US-China agreement includes a threshold date of 250 years for certain types of art. What is intended? As a knowledgeable observer has pointed out, the 2008 guidelines were adopted in a state of near panic with the hope that they would exorcise collecting museums of the presumption that acquiring unprovenanced material provided, in the guidelines’ words, “a direct and material incentive to looting.”

The presumption falls apart on even cursory examination. Are all ancient (very old?) A little old?) objects without substantiating documentation really likely to provide an incentive to looting? The Palmyra head of willful ignorance. It is unknowable why our public institutions would adopt such a damaging course.

A viable registration system would go far toward removing the incentive to looting sites, while forcing source countries to stop finger-pointing at the US and take more effective steps to protect their own archaeological patrimony.

“Tuition for the Sotheby’s Institute MA is actually a market norm, not a pricey exception. For example, the total tuition for an MBA from Stanford University is $114,600”

DAVID C. Levy, LETTERS, P48

Antiquities seized in Pakistan in 2006, which were on route to Sharjah in the United Arab Emirates

The consequences of the association’s rulemaking are not pretty. A recent study suggests that the volume of material excluded from museum acquisition by the guidelines is truly
with the antiquities problem

"They represent a backsliding of AAMD’s ethical commitments"

RICHARD M. LEVENTHAL

Msueums are an integral part of cultural life in every city, large or small. Whether art museums, science museums, or history museums, these institutions teach us about the world, past and present. They are also repositories for many of the things we hold dear in our culture and in our lives. We expect museums to develop collections that enhance their core missions, to present these objects for the public, and to curate these objects in an appropriate way. But when museums in the US acquire antiquities with dubious provenance, they are at odds with these goals.

Many of the antiquities now available for acquisition and purchase come from the looting and hazardous looting of archaeological sites. This situation is hardly new. Over 40 years ago in 1970 UNESCO made an effort to address the problem of looted objects with the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It represented a consensus among the world’s countries that objects acquired for museum collections need to have a provenance. Only acquisitions with this information were understood to be in the general public’s interest. So why is this still an issue today? The primary difficulty has been that museums, particularly in the US, have been slow to recognize the shift in ethics regarding the collecting of ancient art. The 1970 UNESCO convention achieved little because many museums in wealthy countries simply did not take its standards seriously. Only in 2008 did the Association of Art Museum Directors (AAMD) agree to accept November 14, 1970—the date of the 1970 UNESCO convention’s adoption—as a cut-off. According to the AAMD’s 2008 guidelines, unprovenanced antiquities that came to light after this date ought not be purchased or acquired under normal circumstances. It was a clear statement of principle and came around to the moral position accepted by the international community.

In 2013 the AAMD re-evaluated these guidelines and opened a series of exceptions to the 1970 date. Under these revised standards, museum museums may now acquire objects with unknown or uncertain provenance so long as they have been offered by a donor under certain circumstances and prior to detailed provenance study. It represents a backsliding of AAMD’s earlier ethical commitments. There are many arguments as to why museums should not acquire unprovenanced antiquities. Many have pointed to the economics of the art trade, observing that the purchase of antiquities feeds into a supply and demand cycle and encourages looting. Others have noted that archaeologists lose valuable information about the past when it is looted from its original context through an unscientific exaction. There is an additional factor that should be emphasized: when museums acquire antiquities of dubious provenance, they undermine their status as moral institutions.

The impulse behind the 1970 convention was the recognition that a power imbalance between nations resulted in the transfer of the archaeological heritage found in one country to another country’s museums. While the solution was imperfect, the broader problem has been a tangible feeling of loss for people who want to use objects to express their history, identity and culture.

The desire for possession is hardly unusual, and it is for this reason that museums remain so vital to our civic life. In the US, our country owns and displays with great pride such objects as the Liberty Bell and the Spirit of St Louis. We display these artefacts to affirm the nature of our union and the history of our country. Antiquities found in Mexico, China or Italy similarly resonate with the people and cultures of those countries. All of us in the US, as global citizens, should respect the pride and identity of people and cultures around the world. The AAMD has often argued that its member organizations appreciate other peoples and identities and that they want to use museums to educate visitors about distant cultures by possessing an encyclopedic collection. We certainly agree with this educational imperative. But a museum collection speaks also to more than distant cultures in time and space.

Like museums, our cities and communities represent our individual and collective values. We support them through tax exemptions, philanthropy and ticket sales. Because they reflect our cultural commitments, we must insist that they act with integrity and in ways that represent our values. They need to become moral institutions.

Museums can take steps toward this goal by:
• affirming that they will not acquire unprovenanced archaeological material that came to light after November 14, 1970
• accepting the burden of proof when contemplating an acquisition by demonstrating conclusively that an artefact left its country of origin prior to November 14, 1970
• acquiring antiquities only when able to demonstrate that they had been exported from their country of origin before November 14, 1970
• developing future collections and exhibits through loans and research projects with foreign museums and governments.

The continuing acquisition of unprovenanced antiquities that may have been illegally excavated and shipped out of a country and into the US in contradiction of established laws and accepted international standards does not set a strong moral and ethical framework for museums. Such actions do not represent our values nor our communities. We must expect and demand more from our cultural institutions.

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A Hong Kong customs officer among a haul illegally exported from China

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