

PROVENANCE FACTORS FOR ANTIQUITIES ACQUISITIONS

ROBIN SHORT MYREN

Recent museum scandals involving improper acquisition of antiquities have garnered significant publicity, but they have not necessarily generated clear standards for future acquisitions. This paper uses three case histories, each involving ancient Greek vases, to compare provenance and to describe acceptable provenance documentation. These museum acquisition examples are compared to the standards propounded by museum associations and those dictated by international treaties. The comparison reveals a mismatch between proposed standards and the actual practices in two of the three cases. The report encourages curators and collectors to demand specific provenance data from those who deal in antiquities.

In selecting antiquities, buyers have a choice. They can choose to focus exclusively on the aesthetic and economic benefits of their acquisitions, or they can add ethical criteria to their considerations. This paper argues strongly for the latter. It considers three specific case histories to illustrate factors affecting provenance. The first involves the acquisition of the Euphronios Krater by the Metropolitan Museum of Art in New York (the “Met”). The second involves the acquisition of the Syriskos Krater by the J. Paul Getty Museum (the “Getty”). The third involves a Greek krater known as the François Vase, which was acquired by the Uffizi Gallery in Florence in the nineteenth century. These cases are then compared to current museum and legal standards for the acquisition of antiquities.

As used herein, “origin” means the original source of an artifact (i.e., where it was first created), whereas “provenance” means the archaeological record of the artifact from the time it was unearthed or discovered anew. Provenance refers particularly to where that artifact was found, what it was found with, and what its find spot reveals about the history of that artifact. It also includes the “chain of custody” of an artifact from the time it was discovered to the present.

THREE VASES FOR COMPARISON

The François Vase

The François Vase was created in the Athens ceramics quarter around 570 B.C. Its origins are fairly certain because it was signed by the potter (it says “Ergotimos made me”) and the painter (it says “Kleitias painted me”) (Mazuoli 2008). Its decorations fit within the style of pottery known as “Black Attic Figure” (Boardman 1974:33-34). This is because it uses the natural color of the terra-cotta as a background color, and the figures painted on the François Vase are primarily black, with some details in red and white.

The François Vase is a beautiful *volute krater* – a wine-mixing bowl with high handles terminating in a wheel-like scroll at the top of the vase (Barber 1914:62). The François Vase is large (66 cm in height and 57 cm in diameter) and would have been used to mix water and wine (Lissarrague 2001:14). It is best known in art history for its detailed paintings, which decorate seven bands around it and include some 200 separate figures, mostly depicting Greek mythological figures (Beazley 1986:24).

According to Lissarrague (2001:12), it was “introduced in Etruria as an object of prestige to decorate the dwelling, and then the tomb, of a local aristocrat.” Its provenance is that it was unearthed by the Florentine archaeologist Alessandro François in 1844 in a fifth-century B.C. Etruscan cemetery in the area near Chiusi, Italy (Bosi and Favi 1997). The vase is named after the archaeologist. At the time of discovery, the François Vase was in hundreds of sherds, and it took another year for François to find more (but not all) of the missing pieces (Maetzke et al. 1981).

Table 1. François Vase provenance factors.

1.	The finder was a “professional” archaeologist.
2.	The finder was a local person excavating in his own region with a permit.
3.	The finder took notes concerning the context in which the artifact was found.
4.	The discovery was immediately published.
5.	The purchaser was a public figure.
6.	The purchaser paid due consideration to the finder (it was not stolen).
7.	The artifact was immediately added to a museum with public access.
8.	The artifact was cared for and restored by museum professionals.
9.	There is no period of time since its sale that the artifact has been out of the possession and control of a public institution.
10.	At the time of its importation from Greece to Etruria, there were no international treaties prohibiting such importation, so whoever brought the François Vase from Athens to Etruria was not barred from doing so and held valid title to the François Vase by the standards at that time.
11.	The François Vase has not been exported out of Italy since its discovery.

The François Vase was purchased by the Grand Duke of Tuscany, Leopold II, on August 30, 1845 for 500 sequins (Lissarrague 2001:10). Although the François Vase was already over 2,000 years old when he found it, François clearly believed that the sherds were his personal property, to be sold or otherwise disposed of as he wished. Likewise, when Leopold II purchased the François Vase sherds, they became his personal property to do with as he wished. Fortunately, his wishes were for the François Vase to be added to his family’s collection housed at the Uffizi. Although the collection was open to the public, at that time the Uffizi remained in private ownership (Uffizi Gallery 2008). Later, the François Vase was transferred to the National Archaeological Museum in Florence (NAMF), where it is housed today (NAMF 2010).

Because the history of Leopold II’s acquisition of the François Vase and its possession by the Uffizi and NAMF since 1845 are well documented, the provenance of the François Vase is exemplary. What specifically does the above history offer by way of an example of a well-established provenance? Table 1 summarizes this provenance. Thanks to these provenance factors, there is little chance that the François Vase’s ownership by NAMF would be challenged today.

The Euphronios Krater

The Euphronios Krater is a complete calyx krater dating from ca. 510 B.C., decorated with scenes from Homer’s Iliad and painted by a master Greek vase painter, Euphronios. There have been several excellent journalistic studies concerning the provenance of the Euphronios Krater (AIA 2006; Kimmelman 2009; Watson and Todeschini 2006). Much of what follows relies on those analyses. The Met purchased the Euphronios Krater in 1972 from Robert E. Hecht, Jr., a New York- and Paris-based antiquities dealer, for \$1 million (Kimmelman 2009). At the time, the Met’s director was Thomas Hoving. Hoving’s memoirs indicate that Hecht had represented that he was negotiating on behalf of an Armenian man living in Lebanon whose father had acquired the vase in 1920 (AIA 2006). However, as soon as the krater appeared in public, a furor arose as to its actual provenance.

Investigations by the *New York Times* and the Italian police, known as the *carabinieri*, led to allegations that the Euphronios Krater was, in fact, looted from the Etruscan tombs at Cerveteri in Italy in 1971 (AIA 2006). Hecht was barred from Italy for 10 years in connection with this scandal, but the Italian government was unable to prove the theft specifically. Some testimony corroborating the Lebanese provenance had been offered, but it may have been falsified (AIA 2006).

Long after this initial investigation concluded, the *carabinieri* seized extensive information concerning the illicit trade in antiquities from its raid on the Swiss warehouse of Giacomo Medici in 1995 (SCA Proceedings, Volume 24 (2010)

(Watson and Todeschini 2006). The Medici information led to a raid on Hecht's Paris apartment in 2001, which yielded a journal of Hecht's dealings (the "Hecht Journal"). According to the Hecht Journal, which Hecht describes as partially fictionalized, the Euphronios Krater was not purchased from a Lebanese family, but from Medici (AIA 2006). Medici has denied any involvement with the Euphronios Krater but was convicted of trafficking in antiquities looted by tomb raiders (AIA 2006).

The Italian government renewed its repatriation request for the Euphronios Krater, claiming that it had been illegally excavated and was stolen property in accordance with Italian law. Negotiations with Hoving's successor, Philippe de Montebello, ensued.

A key document that assisted the Italian investigation was an "organigram," which identified Hecht as the top figure in an organized crime scheme that connected tomb raiders to Hecht and Hecht to museums in France and the U.S. (Watson and Todeschini 2006:336). This document was then corroborated by painstaking analysis by archaeologists and art historians to tie the items seized from Medici to communications between Medici, Hecht, and the Met and/or Getty (Watson and Todeschini 2006).

On February 3, 2006, the *New York Times* reported a settlement between the Met and Italy had been reached (Kennedy 2006). Under the agreement, the Met escaped liability for acquiring objects that had been looted but acknowledged Italy's rightful ownership of the Euphronios Krater (Kennedy 2006). Title to the krater was transferred in January 2008 (Bonn-Muller 2008:24) and the Met announced that Italy was loaning it three "spectacular vases" for four years to replace the return of the Euphronios Krater (Metropolitan Museum of Art 2008). On the same day as the loan of the "spectacular vases" was announced, de Montebello announced his retirement as director of the Met (Metropolitan Museum of Art 2008).

The arrival of the Euphronios Krater back in Italy was seen as a major victory for Italy because the Met had refused to return it for over 30 years. In addition, a senior Italian official commented, "Alone on exhibit [the Euphronios Krater] is aesthetically beautiful, but alongside other materials from a burial site it becomes something more. It's like reading just one page of a book. You will never experience the same pleasure derived from reading the entire novel" (Kennedy 2006).

The Syriskos Krater

A remarkably similar story emerges concerning the Syriskos Krater purchased by the J. Paul Getty Museum. The Syriskos Krater is a red-figure krater signed by the painter Syriskos and dated to around 490 B.C. The Getty, guided by its then antiquities curator, Dr. Marion True, purchased the krater from Lawrence and Barbara Fleischman in 1992 (AIA 2006). The Italian government has since traced this krater to the antiquities dealers, Robin Symes and Giacomo Medici (AIA 2006). Another piece of this krater was purchased from a restorer who also sold items on behalf of Hecht (AIA 2006).

At the time the krater was purchased, the Getty policy was supposed to conform to the UNESCO Convention. The Getty interpreted the UNESCO Convention as meaning that an artifact could be acquired unless it could be proved to be illegitimate. Artifacts being considered for acquisition would be checked against the International Foundation for Art Research (IFAR) database of stolen art, but that check would not indicate if an item had been illegally excavated. Then in 1995, the Getty revised its policy to "allow the acquisition only of pieces that had been published before that date – those having what the Getty described as a 'well documented provenance'" (AIA 2006). But seven months later, the Getty announced that it was acquiring the Fleischman collection, said to be worth between \$60 and \$80 million. Two-thirds of the Fleischman collection had been published in a catalog that accompanied the exhibition of the collection at the Getty and the Cleveland Museum of Art in 1994 (AIA 2006). In short, the Getty used its own catalog to provide the "documented provenance" needed to satisfy its acquisitions policy (AIA 2006). But others have complained that more than 85 percent of the collection had no provenance at all (AIA 2006).

Then Italy filed a request for the return of a kylix (drinking cup) owned by the Getty (the Euphronios-Onesimos Kylix) after an Italian scholar had presented evidence that it had been taken illegally from a tomb in Cerveteri. “True conducted a review of the Euphronios-Onesimos kylix and concluded that it should be returned to Italy” (AIA 2006). It may be that True made this accommodation to forestall an indictment of her; but, if so, her cooperation did not yield the desired outcome, in part because other pieces of this Euphronios-Onesimos kylix had also apparently been uncovered in Medici’s possession. In February, 1999, True personally returned the Euphronios-Onesimos kylix to Italy together with two other artifacts that were found to have been looted (AIA 2006).

In 2000, the Italian prosecutor Paolo Ferri named True as a suspect and later took her deposition. Meanwhile, Getty museum director Deborah Gibbon began negotiating with Italian officials for repatriation of certain suspect artifacts, including the Syriskos Krater. In 2005, Ferri brought formal criminal charges against True. The gist of the Italian claims are that True “conspired with Hecht and Medici to supply the Getty with artifacts that had been illegally unearthed and exported from Italy, and that she used the Fleischmans’ collection to ‘launder’ antiquities, giving them a clean bill of provenience before bringing them to the museum” (AIA 2006). Subsequently, True resigned after allegedly taking a loan from the Fleischmans (AIA 2006). In 2006, Barbara Fleischman resigned as a trustee of the Getty Trust.

On August 1, 2007, the Getty announced it would return 40 artifacts allegedly stolen from Italy (Povoledo 2007). The Syriskos Krater was among the items returned to Italy in late 2007 (Gill 2007). Also in 2007, the Getty adopted a new acquisitions policy requiring conformity with the UNESCO Convention (Kennedy 2007). Meanwhile, the trial in Italy of Hecht and True continues (Povoledo 2009).

Comparison of Provenance Factors

What do the foregoing case studies teach us? In all three cases, antiquities created in Greece have turned up in Etruscan tombs and were eventually discovered and sold (or given) to museums. In the case of the François Vase, the discovery and accessioning occurred in the nineteenth century and the artifact did not leave Italy. In the case of the Euphronios and Syriskos kraters, the items appear to have been looted in the 1970s and then sold to dealers who then sold them to the Met and the Getty respectively. One cannot simply accept the views of journalists such as Peter Watson, Cecelia Todeschini, or Andrew Slayman as the “truth.” However, since these items have been “voluntarily” returned to Italy by the Getty and the Met, the analysis below assumes that the Italian government’s view of provenance is the “Accepted Provenance” of the Euphronios Krater and the Syriskos Krater.

Given this Accepted Provenance, and because of Italian laws concerning antiquities, the items uncovered in the 1970s belonged to the state, and it would have been impossible for them to be sold by anyone other than the state itself to the Met or the Getty. As such, the Getty and the Met were in receipt of stolen goods for which they could not gain valid legal title. The Italians essentially “won” their claims that these items were stolen goods. Table 2 compares these three artifacts on the basis of some critical provenance factors. The more question marks that appear in Table 2, the more suspect is the artifact’s provenance.

EVOLVING STANDARDS AMONG MUSEUM ASSOCIATIONS

Today, a museum’s collection practices are considerably more complicated than they were in the past. There are generally regulations (permits) governing excavations that impact the legality of artifacts discovered through excavation. In addition, in the U.S., there are laws concerning appropriate business practices for museums as holders of the public trust that establish the basis for preferential tax treatment. Moreover, there are new ethical standards concerning cultural property (Gerstenblith 2003). Added to these concerns, there are museum associations that have promulgated codes of ethics and new concepts of

Table 2. Comparison of provenance factors.

	FRANÇOIS VASE (NAMF)	EUPHRONIOS KRATER (MET)*	SYRISKOS KRATER (GETTY)*
Was the finder a “professional” archaeologist?	Y	?	?
Was the finder a local person excavating in his own region?	Y	?	?
Did the Finder excavate in accordance with local laws at the time of discovery?	Y	?	?
Did the finder take notes concerning the context in which the artifact was found?	Y	?	?
Was the discovery immediately published?	Y	N	N
Was the initial purchaser a public figure?	Y	N	N
Did the purchaser pay due consideration to the finder?	Y	?	?
Was the artifact immediately added to a museum with public access?	Y	N	N
Was there a period of time when the artifact has been out of the possession and control of a public institution?	N	Y	Y
Was the artifact imported from another country?	Y	Y	Y
A. from Greece?	N	?	?
B. from Italy?	--	--	--
Was the importation consistent with laws at the time of importation?	Y	Y	Y
A. from Greece?	n/a	?	?
B. from Italy?	--	--	--

* Based on the “Accepted Provenance.”

Y = yes; N = no; ? = unknown

public disclosure that were unheard of in earlier times. At least three major museum associations have codes of ethics worth discussing here.

ICOM

The International Council of Museums (ICOM) is especially interesting because it represents many nations, including both importers and exporters of antiquities. The ICOM “Code of Ethics for Museums” (ICOM 2004) includes principles for accessions. ICOM recommends that acquisition policies be written and published (ICOM 2004:Sec. 2.1). ICOM further recommends that:

Every effort must be made before acquisition to ensure that any object or specimen offered for purchase, gift, loan, bequest, or exchange has not been illegally obtained in or exported from, its country of origin or any intermediate country in which it might have been owned legally (including the museum’s own country). Due diligence in this regard should establish the full history of the item from discovery or production [ICOM 2004:Sec. 2.3].

An earlier 1970 ICOM report on the Ethics of Acquisition stated that “there must be full, clear and satisfactory documentation in relation to the origin of any object to be acquired” (ICOM 1970).

AAMD

A second museum association of interest is the Association of Art Museum Directors (“AAMD”), which represents approximately 167 of the major U.S. museums (AAMD 2008). In 2004, AAMD issued a report concerning the acquisition of archaeological materials and ancient art (AAMD 2004). This report recommends, inter alia, that museums: 1) rigorously research the provenance of potential acquisitions; 2) promptly publish an image of the work and provenance information, once it has been acquired; and 3)

should not acquire works illicitly imported/exported or illegally excavated prior to 1970 per the terms of the November 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property (the “UNESCO Convention”) (AAMD 2004) In cases where provenance of an object is incomplete, museums are cautioned to use their professional judgment in determining whether to proceed with the acquisition.

One article discounts the AAMD report, suggesting that the AAMD “has yet to adopt a meaningful policy on acquisitions of antiquities” (Bagley and Gerstenblith 2008).

AAM

The third major museum association to be discussed here is the American Association of Museums (“AAM”). AAM was formed in 1906 and represents a wide variety of American museums (3,000), museum professionals (15,000), and corporate members (300) (AAM 2008b). AAM published its first ethics standards, a “Code of Ethics for Museum Workers,” in 1925 and has published many subsequent standards (AAM 2008b). In July 2008, AAM adopted its “Standards Regarding Archaeological Material and Ancient Art” (“AAM Standards”). In presenting the AAM Standards to the public, AAM’s President, Ford W. Bell, stated:

The American people rely on museums to preserve and interpret the world’s cultural heritage. In recent years, however, the public has come to expect that museums, through their collecting activities, do not contribute to the illicit trade in cultural property. Abiding by these standards will ensure that museums are acting legally, ethically and morally [AAM 2008a].

The AAM Standards require that museums should: 1) rigorously research the provenance of an object prior to acquisition; 2) make a concerted effort to obtain accurate written documentation with respect to the history of the object, including export and import documents; and 3) require sellers, donors, and their representatives to provide all available information and documentation (AAM 2008c). The AAM Standards show a clear recognition of the growing importance of laws governing improper acquisitions. They also reserve considerable judgment concerning acquisition issues to their individual members.

Marie Malaro (1994:17-18) notes that, at the very least, a trustee’s duties of care, loyalty, and obedience require the following:

1) That trustees establish policy for the organization in an informed manner – policy designed to further the mission of the organization; 2) That trustees use due diligence in exercising oversight with regard to policy implementation; 3) That trustees avoid conflict of interest situations by following prudent disclosure procedures; and 4) That trustees perform their duties honestly, in good faith, and with a reasonable amount of diligence and care.

If one believes the Accepted Provenance, the above guidelines and standards represent idealized collection situations that do not appear to have been followed by the Met in its acquisition of the Euphronios Krater or by the Getty in its acquisition of the Syriskos Krater.

EVOLVING INTERNATIONAL LEGAL STANDARDS AND DIFFERENT PERSPECTIVES ON CULTURAL PROPERTY

The Fight for Cultural Property

This section considers what is meant by the term “cultural property.” The different understandings of this term strongly influence one’s views on antiquities acquisitions in general.

One of the most difficult aspects presented by this topic is the fact that there are many different understandings of the terms “cultural property,” “cultural heritage,” “cultural patrimony,” and “archaeological heritage.” Often, a quick search through a legal dictionary can resolve such definitional dilemmas – but not here. The fact that there are so many distinct understandings of these terms is precisely why this analysis must stretch the reader’s patience and focus on which terms are being used and why.

There are numerous international treaties that relate to potential international cultural property claims involving antiquities like the three vases described in the case histories above. Only four treaties are included here, due to considerations of length. For each, an excerpt of its definition of “cultural property” is provided.

Hague Convention (formally known as the Convention on the Protection of Cultural Property in the Event of Armed Conflict and Protocols of 1954):

Art. 1 “Cultural property” shall cover, irrespective of origin or ownership: (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest...[Hague Convention 1954].

UNESCO Convention (formally known as the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970):

Art. 1 ...The term "cultural property" means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories: a. Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest; b. Property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance; c. Products of archaeological excavations (including regular and clandestine) or of archaeological discoveries...[UNESCO 1970].

World Heritage Convention (formally known as the Convention Concerning the Protection of the World Cultural and Natural Heritage of 1972):

Art. 1 [T]he following shall be considered as "cultural heritage":...monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view...[UNESCO 1972].

UNESCO Intangible Cultural Heritage Convention (formally known as the Convention for the Safeguarding of the Intangible Cultural Heritage 2003):

Article 2 – For the purposes of this Convention 1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that

communities, groups and, in some cases, individuals recognize as part of their cultural heritage...[UNESCO 2003].

These treaties, spanning from 1954 to 2003, include inconsistent definitions of cultural property and reveal evolving concepts thereof. The Hague Convention as a whole is concerned with the protection of cultural property in times of armed conflict. This convention is understood as an outgrowth of World War II and the harm to cultural property from that war. Etruscan vases, such as those described above, would be protected thereunder as objects of archaeological interest. The Hague Convention's protections are irrespective of where the vases came from or who owns them.

The UNESCO Convention came into force in 1970, but many of the antiquity "market countries," such as the U.S., Japan, and Switzerland, did not accept it until the 1980s or later (United States Government 1983). By then, the focus was more on trade than on armed conflicts, as by that time there was a much more sophisticated trade in cultural property around the globe than in the 1950s. The UNESCO Convention as a whole is focused on preventing destruction of cultural property due to looting and/or the illicit trade of antiquities. Ancient Greek vases would fit within its definition of cultural property. A nation state could "claim" such vases as its cultural property on the basis of "importance" to its archaeology or history or, alternatively, on the bases of fact that the vases are of "importance" to its art or history.

Made just two years after the UNESCO Convention, the World Heritage Convention of 1972 has a radically different perspective on cultural property. It focuses not on specific objects of cultural property, such as vases, but rather on protection of the sources of such objects, be they archaeological sites or ancient monuments. Indeed, the convention does not even use the term "cultural property," preferring to focus on "works of man" that are of "outstanding universal value." In other words, this convention takes a longer perspective on cultural property. It focuses less on national or private ownership and more on the shared heritage of humankind.

This emphasis on heritage was taken to an even more abstract level in the UNESCO Intangible Cultural Heritage Convention in 2003. In that convention, there is a clear distinction drawn between concepts of cultural heritage and the variety of forms in which such concepts are "manifested." Also, rights are provided not only to nation states but also to "communities," a term which is not defined in the treaty.

The evolution of this treaty language discloses that the international legal concepts of cultural property have changed over the years, and that has affected which items "deserve" protection and which items are legal to acquire. This supports the conclusion that no particular provenance is "bad" per se; it is only "bad" based on the evolving concepts of ethical trade in antiquities in place at a given period of time. Undoubtedly, there are items which museums feel free to add to their collections today, and which would be completely legal under today's treaty law, which will be considered highly inappropriate for collection in years to come.

Alternative Perspectives on Cultural Property

This review of international treaty definitions should demonstrate not only that the term "cultural property" is subject to varying definitions, but also that these definitions bespeak different values placed on cultural property. Sherry Hutt makes a comparative assessment of cultural property law theory and suggests several categories for these different values. (Hutt 2004:17)

One such theory is a "Property Law Perspective" which focuses on who is the rightful owner and who has the power to transfer that ownership (Hutt 2004:23). Under this theory, title to cultural property rests on documentation of "provenance," defined by Atwood (2004:312) as "the precise place where an artifact is found and a description of its three-dimensional surroundings; more generally, the history of the location in physical space of an object once removed from its context, and its chain of ownership." This

property law view is not uncommon among attorneys and judges (Sax 1999; Tsang 2007). It seems likely that his theory prevailed in the case of the Euphronios Krater.

Other people look at property from a “Moralist Perspective” (Hutt 2004:19). That is, the focus would be on rectifying past injustices. If one were to argue that the François Vase was unjustly obtained through the conquest of Athens by force, then the current possession of the François Vase might be suspect and there might be a basis for claiming that the François Vase should be returned to its country of origin. However, given the length of time that the François Vase has been in Italy (found in a tomb dated to the fifth century B.C.), it is unlikely that this type of argument would be successful (Bosi and Favi 1997).

However farfetched a moralist claim might seem, such anticolonial perspectives are gaining momentum in general. It is this type of Moralist Perspective that underlies NAGPRA repatriation claims under U.S. law (Mihe-suah 2000). It is also the perspective that underlies the return of items acquired illegally under the Nazi regime. This perspective is also reflected in the language of the World Heritage Convention and the UNESCO Intangible Cultural Heritage Convention.

Other people look at cultural property from an “Internationalist Perspective” (Hutt 2004:21). That is, such an artifact would be seen as the “property of mankind” and, as such, should be retained by the parties most able to care for and preserve that artifact for future generations (Merryman 1986; King 1989:199). Strangely, those in support of this view include both those who believe art should reside in public museums, and certain private collectors. One such collector of pre-Columbian art justified his collection on the basis that “in most Third World countries governments change regularly, and with them the chiefs and staffs of departments, such as anthropology and archaeology, which are appointed politically. Often those in charge of precious national patrimony have let it be destroyed through graft, avarice, or indifference” (Griffin 1989:103). Likewise, many curators in the U.S., Britain, Germany, and France argue that their museums offer the apex of protection for antiquities and, therefore, should be the institutions to house such ancient items (e.g., Mead 2007:55).

Another concept of cultural property is based on national sovereignty and is called the “Nationalist Perspective.” This perspective defers greatly to rights of states to act freely within their borders (Hutt 2004:22; United States Government 2008). The UNESCO Convention and UNIDROIT Convention of 1995 both adopt a Nationalist Perspective (UNIDROIT 1995). That is, items belong to the country of origin. Neither the UNESCO Convention nor the UNIDROIT Convention defines the term “country of origin,” but other indications in these texts suggest that the drafters assume that cultural property recovered from an archaeological site is necessarily already in its country of origin. While this may often be the case, it is not so in the case of the François Vase. Under the laws of many countries that adopt a Nationalist Perspective, including Greece and Italy, artifacts recovered from archaeological excavations (be they legal or looted) are automatically deemed the property of the state (AIA 2002). However, that vesting of ownership may or may not correspond to the cultural/artistic traditions symbolized by the artifacts.

Cultural property can also be viewed from a “Scientific Theory Perspective” (Hutt 2004:27). That is, artifacts should be viewed in terms of the information they can provide. Such information is seen as a fundamental benefit to mankind. Thus, for example, Colin Renfrew (2006:19-20) encourages others to view cultural property not just as chattels, but as information about the past. This view gives special privileges of access and interpretation to scientists as being, allegedly, the best-trained to tease information out of such objects.

Cultural property could be viewed from a “Market Theory Perspective” (Hutt 2004:29). Under this view, free trade and the open flow of objects is imperative. The rarer the object, the more it will be valued.

In addition to the above perspectives of cultural property, there are differences between traditional Native Americans and non-tribal people (and possibly indigenous peoples in other countries as

well), which one might call an “Indigenous Perspective.” Tessie Naranjo states, “Traditional Native Americans see an essential relationship between humans and the objects they create. A pot is not just a pot. In our community, the pots we create are seen as vital, breathing entities that must be respected as all other living beings” (Messenger 1989:257). Many of the debates in the United States under NAGPRA are at their core a feud over the differences between Indigenous Perspectives and Property Law Perspectives (Miheuah 2000). However, there are also potential disagreements among indigenous groups as to how to treat artifacts (compare Hollowell 2006:135 regarding St. Lawrence Island Yupik perspectives and Riding In 2000 regarding Pawnee perspectives).

Recognizing that there are multiple views of cultural property is tantamount to identifying the stakeholders involved (Skeates 2000).

CONCLUSIONS

While museum associations are becoming more and more aware of the importance of provenance, few offer specifics by which to judge solid or suspect provenance documentation. Significant discretion is left to museum curators in judging the provenance offered by dealers. Likewise, international treaty law can be highly variable with respect to how cultural property is defined and protected. By contrast, this report has suggested specific provenance factors for the evaluation of potential acquisitions. The provenance factors described in Table 2 illuminate what solid provenance looks like (i.e., that of the François Vase), compared to the suspect provenance of the Euphronios Krater and the Syriskos Krater. By knowing which factors are critical to an artifact’s provenance, one can begin to understand why the accessioning of artifacts with similarly suspect provenance is a problem. Such items may be in violation of domestic and international laws and/or museum ethics codes. They may also create a greater demand, and thus higher prices, for looted antiquities. In addition, the removal of the items may deny the source country artifacts important to their heritage. Thus, in considering the acquisition of antiquities, careful attention to detailed provenance documentation is highly recommended.

REFERENCES CITED

AAM (American Association of Museums)

- 2008a AAM Announces New Standards on Cultural Property. Electronic document, <http://www.aam-us.org/>, accessed September 25, 2008.
- 2008b About AAM. Electronic document, <http://www.aam-us.org/aboutaam>, accessed January 25, 2008.
- 2008c Standards Regarding Archaeological Material and Ancient Art. Electronic document, <http://www.aam-us.org>, accessed July 7, 2008.

AAMD (Association of Art Museum Directors)

- 2004 The AAMD Report on Acquisition of Archaeological Materials and Ancient Art. Electronic document, <http://www.aamd.org/papershttp://www.aamd.org/papers/>, accessed April 25, 2008.
- 2008 Organization Website. Electronic document, <http://www.aamd.org>, accessed April 22, 2008.

AIA (Archaeological Institute of America)

- 2002 International Antiquities Law since 1900. Electronic document, <http://www.archaeology.org/online/features/schultz/intllaw.html>, accessed February 5, 2008.
- 2006 The Trial in Rome. Electronic document, <http://www.archaeology.org/online/features/italytrial/index.html>, accessed February 19, 2008.

Atwood, Roger

- 2004 *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World*. St. Martin’s Griffin, New York.

- Bagley, Robert and Patty Gerstenblith
 2008 Museums Taxed by New Allegations. Electronic document, <http://www.archaeology.org/online/features/camuseums>, accessed February 5, 2008.
- Barber, Edwin Atlee
 1914 *The Ceramic Collectors' Glossary*. Da Capo Press, New York.
- Beazley, J. D.
 1986 *Development of Attic Black Figure*. Revised ed. University of California Press, Berkeley.
- Boardman, John
 1974 *Athenian Black Figure Vases*. Thames & Hudson, London.
- Bonn-Muller, Eti
 2008 Museums Return Looted Artifacts. *Archaeology* Jan./Feb. 2008:24.
- Bosi, Enrico, and Fabrizio Favi
 1997 *The François at Querceto: A Century of History*. Lito Terrazzi, Florence.
- Gerstenblith, Patty
 2003 Acquisition and Deacquisition of Museum Collections and the Fiduciary Obligations of Museums to the Public. *Cardozo Journal of International and Comparative Law* 11:409.
- Gill, David
 2007 Marion True: Some Preliminary Thoughts on the New Yorker Interview. Electronic document, <http://lootingmatters.blogspot.com/2007/12/marion-true-some-preliminary-thoughts.html>, accessed April 25, 2008.
- Griffin, Gillett G.
 1989 Collecting Pre-Columbian Art. In *Ethics of Collecting Cultural Property*, edited by Phyllis Mauch Messenger, pp. 103-117. University of New Mexico Press, Albuquerque.
- Hague Convention
 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict and Protocols. 249 U.N.T.S. 240. Electronic document, <http://www.savingantiquities.org/heritagetreaties.php#Hague>, accessed May 2, 2008.
- Hollowell, Julie.
 2006 When Artifacts are Commodities. In *Archaeological Ethics*, edited by Karen D. Vitelli and Chip Colwell-Chanthaphonh, pp.135-148. Alta Mira Press, Lanham, Maryland.
- Hutt, Sherry.
 2004 Cultural Property Law Theory: A Comparative Assessment of Contemporary Thought. In *Legal Perspectives on Cultural Resources*, edited by Jennifer R. Richman and Marion P. Forsyth, pp. 17-37. Alta Mira Press, Lanham, Maryland.
- ICOM (International Council of Museums)
 1970 Ethics of Acquisition. Electronic document, <http://icom.museum/acquisition.html>, accessed April 21, 2008.
 2004 Code of Ethics for Museums. Electronic document, <http://icom.museum/ethics.html>, accessed April 21, 2008.
- Kennedy, Andy
 2006 Met Sending Vase to Italy, Ending 30-Year Dispute. *New York Times* February 3; New York.
 2007 Collecting Antiquities, Cautiously, at the Getty. *New York Times* June 26; New York.
- Kimmelman, Michael
 2009 Stolen Beauty: A Greek Urn's Underworld. *New York Times* 8 July 8. New York.

- King, Jaime L.
 1989 Cultural Property and National Sovereignty. In *Ethics of Collecting Cultural Property*, edited by Phyllis Mauch Messenger, pp. 199-209. University of New Mexico Press, Albuquerque.
- Lissarrague, François
 2001 *Greek Vases: The Athenians and Their Images*. Translated by Kim Allen. Riverside Book, New York.
- Maetzke, Guglielmo, Mauro Cristofani, Maria Grazia Marzi, Renzo Giachetti, and Marco Bini
 1981 Materiali per servire alla Storia del Vaso François. *Bolletino d'Arte* 62(1), Serie Speciale. Istituto Poligrafico e Zecca dello Stato, Rome.
- Malaro, Marie C.
 1994 *Museum Governance: Mission Ethics Policy*. Smithsonian Institution Press, Washington, D.C.
- Mazzuoli, Giacomo
 2008 The Vase of François Ergotimos and Kleitias. Electronic document, http://www.canino.info/inserti/monografie/etruschi/vari/vaso_francois/index.htm, accessed April 22, 2008.
- Mead, Rebecca
 2007 Den of Antiquity: The Met Defends its Treasures. *New Yorker* April 2, 2007:52-61.
- Merryman, John H.
 1986 Two Ways of Thinking about Cultural Property. *American Journal of International Law* 80:831-853.
- Messenger, Phyllis Mauch (editor)
 1989 *The Ethics of Collecting Cultural Property*. University of New Mexico Press, Albuquerque.
- Metropolitan Museum of Art
 2008 Three Spectacular Vases Lent by Italy to Metropolitan Museum for Four Years to Replace Euphronios Krater. Electronic document, <http://www.metmuseum.org>, accessed April 18, 2008.
- Mihesuah, Devon A.
 2000 *Repatriation Reader: Who Owns American Indian Remains?* University of Nebraska Press, Lincoln.
- NAMF (National Archaeological Museum of Florence)
 2010 Museum Website. Electronic document, http://firenzemusei.it/00_english/archeologico/index.html, accessed May 8, 2010.
- Povoledo, Elisabetta
 2007 Getty Agrees to Return 40 Antiquities to Italy. *New York Times* 2 August. New York.
 2009 Trial Resumes for Former Curator. *New York Times* 23 January. New York.
- Renfrew, Colin
 2006 *Loot, Legitimacy and Ownership*. Gerald Duckworth, London.
- Riding In, James
 2000 Repatriation: A Pawnee's Perspective. In *Repatriation Reader: Who Owns American Indian Remains?*, edited by Devon A. Mihesuah, pp. 106-120, University of Nebraska Press, Lincoln.
- Sax, Joseph L.
 1999 *Playing Darts with a Rembrandt: Public and Private Rights in Cultural Treasures*. University of Michigan Press, Ann Arbor.

Skeates, Robin

2000 *Debating the Archaeological Heritage*. Gerald Duckworth, London.

Tsang, Louise

2007 Legal Protection of Cultural Property: A Selective Resource Guide. Electronic document, <http://www.llrx.com/features/culturalproperty.htm>, accessed December 12, 2007.

Uffizi Gallery

2008 Uffizi Gallery History. Electronic document, <http://www.polomuseale.firenze.it/english/musei/uffizi>, accessed April 12, 2008.

UNESCO

1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. 823 U.N.T.S. 231. Electronic document, <http://exchanges.state.gov/culprop/unesco01.html>, accessed May 2, 2008.

1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. 1037 U.N.T.S. 151. Electronic document, <http://whc.unesco.org/en/conventiontext>, accessed May 2, 2008.

2003 Convention for the Safeguarding of the Intangible Cultural Heritage. (Awaiting formal ratification.) Electronic document, <http://www.unesco.org/culture/ich/index.php?pg=00022>, accessed May 5, 2008.

UNIDROIT

1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. 34 I.L.M. 1322. Electronic document, <http://www.savingantiquities.org/heritagetreaties.php#Hague>, accessed May 2, 2008.

United States Government

1983 Convention on Cultural Property Implementation Act. Public Law 97-446 implementing the UNESCO Convention. 19 USC 2601 et seq., Electronic document, <http://dosfan.lib.uic.edu/usia/E-USIA/education/culprop/backgrnd1.html>, accessed May 1, 2008.

2008 International Cultural Property Protection Website. Electronic document, <http://exchanges.state.gov/culprop/index.html>, accessed May 2, 2008.

Watson, Peter, and Cecelia Todeschini

2006 *The Medici Conspiracy: The Illicit Journey of Looted Antiques, from Italy's Tomb Raiders to the World's Greatest Museums*. BBC PublicAffairs, New York.