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Introduction

Susan Benton Bruning and Michael A. Adler

Ownership of “the past”—a concept inspiring age-old struggles to possess and control ancient objects—is an essential theme in understanding our global cultural heritage. Beyond ownership, however, lies the need for stewardship: the responsibility of owners, possessors, and others interested in ancient objects to serve as custodians for the benefit of present and future generations.

Clashes over the control and ownership of antiquities abound. The government of Peru challenged Yale University’s claim of right to possess objects taken from Machu Picchu, the government of Italy has relentlessly sought the return of objects from major museums and private collectors alike, and many Native American tribes have worked tirelessly to recover important ceremonial and burial objects taken from their lands. In the middle of this roiling debate over who has the right to collect and display antiquities, a group of scholars convened to discuss differing perspectives on the ethics of antiquities collecting. This volume is one outgrowth of our dialogue.

Actually, participants in “The Future of the Past” conference met twice. Supported by funding from the Cary M. Maguire Center for Ethics and Public Responsibility and the SMU-in-Taos program we met first in Taos, New Mexico, for a closed working conference. We reconvened at SMU’s main campus in Dallas, Texas, for a public symposium focusing on the ethical dilemmas surrounding the control of ancient objects. Participants included art dealers, collectors, museum directors and

curators, representatives of source nations, archaeologists, art historians, legal scholars, and ethicists.

Make no mistake; this was not a group of people who all saw eye to eye. But one of our goals was to provide a context within which open and perhaps contentious dialogue could unfold. Honest and intense disagreement and debate may be one of the best ways to advance arguments beyond simple ownership disputes in an effort to tackle the complicated question of what truly constitutes stewardship of antiquities.

History is full of stories about conquering armies carrying off cultural icons as the spoils of war and looters destroying priceless artifacts in the process of digging for items to sell on the black market. The Nazi regime turned thievery into a third front in World War II, with both the regime itself and its top officials helping themselves to artwork displayed in museum galleries and private living rooms throughout Europe. The international traffic in looted and outright stolen property remained so active over the next three decades that by 1970 the United Nations Educational, Scientific and Cultural Organization (UNESCO) developed an agreement prohibiting the illicit import, export, and sale of cultural properties across borders. More than one hundred nations are now signatories to that convention.

Before the UNESCO agreement, a valuable artifact's documented provenance—its biography from discovery to current ownership—was often fuzzy or nonexistent, often because it had been looted from an unknown archaeological site. Unknown provenance was not considered a significant problem; lack of documentation essentially erased problematic histories of objects being traded on the open market.

Full provenance, which shines a spotlight on the status of an owner's title to an object, might reveal information linking it to a source nation, which in turn might request the object's return on a claim that it was illicitly obtained or exported. As items pass from hand to hand, sometimes over many years, the process of transferring without regard to provenance creates a kind of institutional or market-based amnesia that, intentionally or unintentionally, fosters continued looting and commercial trafficking in ancient objects.

In practice, the worldwide trade in antiquities benefited from the convoluted notion that an item's assumed worth would not be compromised by having limited knowledge of its true provenance. That simply does not hold sway anymore. What has happened in the past thirty years, in part due to a handful of high-profile cases, is that people who are spending massive amounts of money to obtain unique pieces of the past are increasingly leery of that "amnesia." The international community has started to peer more intensely into the dimly lit histories of well-known antiquities, questioning pedigree, provenance, and ownership as never before.

In the same period of time, countries that were the original homes to these spectacular artifacts have watched as the art and antiquities markets put higher and higher price tags on their cultural icons. It is basic supply and demand. When people see their national artifacts being sold in another nation for millions of dollars, they

rightly feel cheated. Nations such as Italy and Greece are increasingly demanding that museums, dealers, and collectors return their antiquities to home soil.

In the current equation, mistrust and resentment among differing groups of stakeholders unfortunately predominate. Museums and collectors are circling the wagons, trying to safeguard what they have by scrutinizing the provenance of their collection pieces and reconsidering their acquisition strategies. But even museum curators and collectors are finding less and less common ground. Common assumptions are that museum curators insist the public should have access to antiquities and that museums are best at providing access. Private collectors counter that the vast majority of museum collections are stored in basements where no one ever sees them.

Understandably, it is difficult to get art dealers and gallery owners to join the current public debate. They are tired of being portrayed as villains who traffic in stolen property, particularly when they may be dealing with artifacts that have documented provenance and clear title.

One of the primary foundations upon which our participants' dialogues were built was how to breach the disciplinary and institutional barriers that forestall open dialogue among the various stakeholders. For example, many practicing archaeologists follow a code of ethics that directs us to steer clear of people or businesses trafficking in illicit materials. The Society for American Archaeology's (SAA) Principles of Archaeological Ethics arguably dissuade us from involving all the stakeholders in discussions about this complicated world in which antiquities are bought, sold, donated, and curated. It requires that members refrain from any activity that increases the market for archaeological materials or the market value of individual artifacts, on the assumption that increased demand leads to the continued destruction of archaeological sites. This means that we cannot provide monetary valuations for artifacts or other items. Within American archaeology, professional interactions with antiquities dealers are often seen as sleeping with the enemy. Even asking dealers to collaborate in an antiquities conference like ours might be perceived as legitimizing their profession, indirectly supporting the continued looting of the world's vanishing archaeological legacy. As noble as the SAA ethics code's intentions may be and as much as we should always abide by our profession's ethics, conference attendees agreed that this standoff has to end.

Speaking from the archaeological perspective, we believe that archaeologists need to be active brokers in this debate. We are seen by governments and the public as the experts who should be setting the debate's moral and ethical tone. We clearly do not have the financial authority to force the issue. Although there is much arm waving, we are avoiding the fact that we can have an influence. Those who refuse to engage in uncomfortable dialogue remain absent from the ethical gray areas, ceding opportunities to influence the debate.

Archaeologists, universities, and museums have some skeletons in their closets that need to be cleared out to better clarify the antiquities debate. There is a

broadening storage crisis in the United States and elsewhere: We simply do not have the necessary space in our museums and academic facilities to be effective stewards of the growing body of our material past. This can serve as one potential baseline for how best to take care of historical objects. There are private collectors who believe they are being ethically responsible and doing a better job of preservation than scholars and institutions. In some cases, it is hard to argue with that.

These shared dilemmas across disciplines, occupations, and national histories are among many pressing issues that we sought to hash out during our meetings. Our collective answer has to be to continue the dialogue with all stakeholders in the antiquities debate, not to turn a blind eye to the opinions of those with conflicting perspectives about appropriate ownership and stewardship of cultural objects. We also need to support opportunities for expanding creative means for stewardship of cultural materials both within and outside the museum community. We have a responsibility to act by example.

Though there were clearly differences of opinion at the meetings, no one supported unrestrained looting and destruction of our collective heritage. Although our dialogue was uncomfortable at times, there was a baseline agreement that what remains in the ground should not be ripped from the earth simply for profit. We face difficult questions, including whether professional codes of ethics for archaeologists, art dealers, and museums are creating too many obstructions to the dialogue that must occur if we are to provide some future for our human past.

Consider the following questions as you explore the diverse perspectives discussed in this volume:

1. Who are the legitimate stakeholders in the world of antiquities collecting?
2. Are institutional collectors (museums, archives) the most appropriate stewards of all culturally significant resources/objects?
3. Do purchases of culturally significant resources/objects by the private collector have a different effect on supply and demand in these materials than do purchases by the institutional collector?
4. What do you see as the primary forces that encourage the looting and destruction of archaeological/historical sites? Do these differ by region?
5. Do culturally significant resources/objects themselves have “rights” that should be protected (such as rights of preservation, prevention of modification/destruction, possession/control by a culturally associated group)?
6. How appropriate are current legislative and policy initiatives addressing the control and possession of culturally significant objects?
7. What changes or additions to legislation, policy initiatives, or ethical guidelines, if any, would more effectively address the interests of all legitimate stakeholders?
8. Can a licit trade in antiquities exist concurrently with effective policies against an illicit trade?

The discovery and collection of antiquities will continue. It is hoped that this volume provides a meaningful and productive opportunity to explore new and more effective mechanisms for sharing our interests in objects from the past.

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Each of the authors in this volume brings a customized perspective to the complex questions raised by the international trade in antiquities. In particular, the two commentaries at the end of this volume provide strong individual opinions that contrast sharply in perspective. The late Donny George Youkhanna, former director of the Baghdad Museum, argued strongly throughout the conference against a commercial trade in antiquities: “Cultural properties are valuable and should not be owned and traded by one person for commercial purposes. These things are the property of all mankind and a part of human rights, to be seen, studied, and appreciated by everyone” (Youkhanna, chapter 9, this volume). Conversely, Torkom Demirjian, antiquities dealer, asserts a challenging tone as one who supports an ongoing trade in antiquities in an era where many dealers hesitate to speak their minds about the subject: “There is never an open debate about the best way in which to fairly implement the current laws in source and market countries or change those laws that are not working” (Demirjian, chapter 8, this volume). Both commentators are strident in opinion, but encapsulate the emotional reactions that surround the commercial trade of objects from the past. Antiquities are an essential part of personal appreciation of the past. Some believe these objects should be widely available for sale and ownership; others decry ownership and privatization of antiquities.

The planners of the conference from which this book emanates sought to include more voices of antiquities dealers and collectors, but it became very clear that the current market trends against supporting a trade in unprovenanced antiquities have had a chilling effect on participation in public discussions by those whose opinions clash with such trends. A number of dealers and collectors invited to participate stated outright that they believed they would not have a fair opportunity to be heard and that they did not wish to be vilified at a public conference or after speaking their minds in print as part of this publication. Mr. Demirjian’s participation is appreciated, and although his commentary is blunt and provocative, we believe that all of us who are engaged in the issue of the antiquities trade need to listen to each other and try to understand the diversity of views that exist, like them or not. It is our obligation to listen as well as our right to speak. These debates will only be productive if all sides have an opportunity to voice their opinions as part of the collective effort to structure policies and practices that effect the future destinies of objects of antiquity.