

Museums in the Crosshairs

What We Have Done and What We Might Do

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The Euphronios (Sarpedon) krater is a red-figure calyx krater made in Athens circa 515 BCE, signed by Euxitheos as potter and Euphronios as painter. It was bought by the Metropolitan Museum of Art in 1972 for the then record-breaking price of \$1 million and is now thought to have been excavated illegally in Italy in 1971. In 2006, the Metropolitan restored ownership of the krater to Italy.



Edo peoples
Altar Portrait of an Oba, 18th century
Middle Period
Nigeria, Kingdom of Benin
Bronze
11 5/8 × 9 × 9 in. (29.5 × 22.9 × 22.9 cm)
V 9072 The Menil Collection

Museums have been in the news in recent months, and the news is not all good. Hartwig Fisher, the director of the British Museum resigned under pressure on August 25th when it became known that a 30-year senior curator had been fired for allegedly stealing more than 2,000 pieces of jewelry, semi-precious stones and glass. It seems that in addition to the theft, the professional museum community was also outraged that the British Museum had been inadequately tracking the museum's approximately 4.5 million objects. A couple of decades ago, that was more or less the norm for large museums. Now that digital documentation has been embraced and many museums – notably in the UK have been well funded to carry it out – this administrative shortfall was also considered cause for the director's resignation.

A little farther afield, but hardly less consequential, Jean-Luc Martinez, the former president and director of the Louvre, was charged with complicity in fraud in connection with trafficking of Egyptian antiquities one year after he stepped down from his position in 2021. He is still a person of interest in the French judiciary system.

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These two developments put into context an article published in the New York Times on June 6, 2023, by Robin Pogrebin entitled, “What Does It Take to Run a Museum, The Job Description Is Changing.” The thrust of her article:

“The new generation of museum directors must face a dizzying array of issues: overdue efforts to diversify collections, curators and leadership teams; labor negotiations as more staffs unionize; restitution claims as governments and law-enforcement officials step up demands for the return of looted art; internal unrest that has seen staff revolts at major institutions; greater scrutiny of board members and the sources of their wealth; and protests over social justice, climate change and other issues that have spread from the streets to the museums themselves.”

She didn't even mention the Sacklers and Purdue Pharma by name, so I guess that brew-ha-ha is old news by now. Today, the apparently placid, culturally privileged, and politically protected position once held by museums in this country and abroad is no longer. Increasingly, we in the art museum sector find ourselves to be fair game in the culture wars sweeping these modern times.

What happened? I'd start my focused chronology with the UNESCO Convention of 1970, the international agreement outlawing Import, Export and Transfer of Ownership of Cultural Property. An important book in 1994, *The Rape of Europa* published by Lynn H. Nicholas, became a call to arms about art looted by the Nazis. Meanwhile, in Italy, the Carabinieri's Col. Roberto Conforti's detective work from 1991 to 2002 as Commander of the Protection Unit for Artistic Heritage successfully unraveled the vicious network of grave robbers, dealers and collectors as chronicled in the riveting 2006 book, *The Medici Conspiracy* by Peter Watson and Cecilia Todeschini. (by the way, that concerns Giacomo Medici of the late 20th century, not the Florentine dynasty.)

Add to those milestones, seemingly ubiquitous press coverage about the danger to cultural heritage in Iraq, Syria, Cambodia, and elsewhere, all contributed to a heightened public awareness of the fragility of cultural heritage and artifacts. Some insiders raised their voices about the heretofore whispered vulnerable practices of a number of major collectors and the impact they were making on some large museums.

In this essay I am going to focus on the issues surrounding restitution and the intractable complexities this involves. Spoiler alert – don't expect the answer, but I will point to some possible if not provocative steps toward resolution on the topic.

I was very lucky to have started my museum career at the Museum of Fine Arts, Boston in 1980 and stayed there for 20 years. I had a front-row seat to changing attitudes and ethical standards about collecting antiquities. That experience only partially prepared me for understanding how those same challenges were handled at the Harvard University Art Museums when I worked there shortly thereafter. Later, during my tenure as a vice-president in the Art Institute of Chicago, I witnessed political intrigue and posturing associated with the opening of the only American showing of the spectacular exhibition, *Benin—Kings and Rituals: Court Arts from Nigeria*, which was presented in the summer of 2008.

The echoes of the previous swashbuckling museum era were still resounding in the halls of the MFA Boston during my time there. Perhaps not as infamous as the Metropolitan Museum of Art's Thomas

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Hoving, the esteemed and gentlemanly Perry Rathbone relinquished his 17 year-long directorship of the MFA in 1972, three years after he was accused of having smuggled a portrait attributed to Raphael out of Italy in violation of their cultural heritage protection laws. Tales of the good ol' days still constituted enjoyable coffee-clutch conversations but occasionally topics surfaced of suspicious acquisitions, questionable provenance, or restitution of much sought-after Japanese National Treasures. Those earlier lighthearted murmurings became increasingly muted and problematic as the close of the century drew near.

Let me pause for a moment with some historical context. In his seminal book, *Rethinking the Museum*, Stephen Weil referenced a report published in 1990 by the Institute of Museum Studies focused on the unprecedented growth of museums in America between 1950 and 1980. In those thirty years – or 1,566 weeks – about 2,500 museums opened their doors to the public! No longer was the world of art history the cloistered reserve of a privileged few, museums were becoming big business and many were aggressively pursuing their slice of the public's discretionary entertainment budget.

In that context, the Met's director, Thomas Hoving, brought the term "blockbuster" into museum parlance with exhibitions like King Tut, the Mona Lisa, and the controversial "Harlem on My Mind," to name but a few. He also dramatically increased the competition for spectacular international acquisitions, like the Euphronios Krater, the reunification of the medieval Ivory Cross and Corpus in 1971 and other headline grabbers...for which his reputation later acquired a particular patina. By Hoving's own boastful words, "My collecting style was pure piracy, and I got a reputation as a shark," quoted by Graham Bowley, in his NYT article of 12/13/22, "For U.S. Museums With Looted Art, the Indiana Jones Era Is Over."

I think we all know a fair amount about the topic of artworks that were looted by the Nazis before and during World War II. We can thank Robert M. Edsel's magnificent 2009 book, *The Monuments Men* for that and, to a lesser extent, the movie of the same title. In the press, we may have read about particularly notable cases such as the restitution of Gustav Klimt's *Portrait of Adele Bloch-Bauer*, to the heirs of its rightful owner. I think it is safe to say that there is a minimum of controversy surrounding the restitution of well-documented examples of thievery such as this so, I will move on to antiquities.

Graham Bowley reported in the NYT (9/17/23) about a disruption in a traveling exhibition of ancient Greek art which was assembled by an esteemed curator at the Museum of Fine Arts, St. Petersburg (formerly an employee of the Cleveland Museum of Art). The article centers on the Denver Art Museum's decision to postpone their showing of the exhibition due to concerns over provenance, and because of that, the organizing curator was subsequently dismissed from his position. This incident is a good example of the heightened awareness about provenance of antiquities.

Although no one claims that any of the 57 objects in this show were looted, most of them lacked any evidence they were outside of Greece prior to 1970, the year the UNESCO Convention designates as a kind of statute of limitations for this trade. Important to this story, the museum in Denver had recently felt the heat of public scrutiny when it had to return a number of objects to Cambodia that had gone through the hands of the now deceased and discredited dealer, Douglas A.J. Latchford. Of special interest to me, however, is the fact that the exhibition is from a larger

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collection belonging to Sol Rabin who holds the highly respectable position as chair of the Ancient Art Visiting Committee at the Harvard University Art Museums. Further, Rabin assembled his collection of up to about 700 objects with advice from the esteemed professor emeritus of Classical Art at Harvard, David G. Mitten. As such, it would seem unthinkable to many that anyone could disparage Mr. Rabin's collection, except for the recent obsession with provenance.

I use the word obsession advisedly, because I do believe some observers (especially certain journalists) are currently obsessed with the desire to possess incontrovertible evidence for transactions involving antiquities. Even knowing that fully documented provenance is frequently not possible, I will acknowledge sharing in some amount of that same obsession myself. Trust has been broken by some important individuals and institutions who should have been beyond reproach. Once broken, it is difficult to recoup and not at least wonder about the provenance of some recent acquisitions by major museums. One of the prime reasons, I think, people visit museums is to see and to bathe in the pure aura of authentic works of art. Because of some well publicized cases, however, I doubt if I myself will ever again be able to stroll through a gallery of antiquities without some degree of doubt, and I find that rather unsettling.

The assertion that some journalists show signs of this obsession is understandable since, after all, there is absolute proof of the nefarious history of "discovery," and pathways by which certain antiquities arrived in public galleries and private storerooms. Our knowledge of this dark story is best attributable to the great detective work of the Italian Carabinieri's Col. Roberto Conforti as detailed in *The Medici Conspiracy* by Peter Watson and Cecilia Todeschini. The book is both a real-life thriller as well as very sobering narrative of how trade in looted antiquities traversed all boundaries. The story is fascinating, long and complicated and I hardly have time to give even a brief recap, but I can certainly recommend it as terrific read.

For a glimpse of one of the schemes uncovered by Conforti, I refer the reader to yet another filing in the NYT dated 4/19/23 by Graham Bowley and Tom Mashberg: "The Kylix Marvel: Why Experts Distrust the Story of an Ancient Cup's Rebirth." Here's the teaser for the article:

"Over 16 years, multiple people gave or sold the Met museum pottery shards that surprisingly came from the same ancient drinking cup. The cup was rebuilt, a seeming marvel of scholarship and luck, as well as a window into a lost world. But last year, investigators seized the cup and declared it looted. Now some experts say the arrival of the shards was really a scheme by looters to mask the sale of a stolen antiquity.

The article proceeds to detail what it characterizes as an improbably lucky saga implicating the Metropolitan's esteemed former curator, Dietrich von Bothmer, and his purchases – and gifts accepted – from Giacomo Medici's ring of traffickers. That ring was sometimes fronted by Robert Hecht, Jr. whose exposé by Col. Conforti as a major player in the racket was also thoroughly documented. Hecht, by the way, was also the dealer of the Euphronios Krater, and his interactions with the esteemed curator, Marion True, of the J. Paul Getty Museum caused her to be held in Italy for trial on charges that ultimately were dismissed due to the statute of limitations. Hecht himself died before his own trial in Italy was brought to conclusion. Medici, however, was sentenced to 10 years in prison and fined 10 million Euros.

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Clearly, journalists who want to throw stones appear to have plenty of ammunition. Why, other than selling newspapers, one might ask are they so obsessed or inclined to do so, and what is the endgame? In a word or two – the Parthenon Marbles.

Arguably, it is the British Museum that is at the very center of the crosshairs. The BM is the epitome of the grand repositories of colonial treasure; everyone loves to hate it as much as they do, indeed, love it. The BM holds the Rosetta Stone, the “Elgin” Marbles, Crouching Venus, and so many other marvels, including, let us not forget, the finest assemblage of Benin Bronzes in the world. The Benin Bronzes – primarily cast copper alloy objects and carved ivories – were brutally plundered by British soldiers from the royal palace of the Oba, King of Benin, in the punitive expedition of 1897. This incident may well prove to be the most clearly identifiable smoking gun of the entire colonial era. And as such, the legitimacy of the restitution of these trophies may grease the already slippery slope that will ultimately result in the return of many other treasures, including the Parthenon Marbles. According to a recently published, magnificently researched book, *The Parthenon Marbles and International Law* – by Catharine Titi, 2023, there is a strong argument to be made for their restitution to Greece where, as you may know, a museum is already built and waiting to receive them.

Part of the British Museum’s defensive narrative asserts the role that Lord Elgin and, later, the museum played in the rescue, preservation, and safe keeping of the Parthenon Marbles. Catharine Titi does a pretty good job of eviscerating that self-serving myth and points out with handwritten letters to his wife that Lord Elgin was just as much as a shark as Thomas Hoving when it came to bringing back trophies. I very much recommend her book.

There are voices in many different countries demanding the return of Benin Bronzes to their homeland. To strengthen the argument using the same logic as the museum in Athens, the Nigerian government commissioned David Adjaye to build a museum to house them in Lagos. Unlike the BM’s continuing hesitation to return the Parthenon Marbles, holders of Benin artifacts from the countries of Germany and Ireland, and the universities of Cambridge and Aberdeen have all made plans to send them back to the modern states where the original cultures flourished. Just as these plans were about to be realized, however, President Buhari of Nigeria disrupted everything by a decree in March of 2023 that suddenly vested ownership with the person of the Oba instead of the country of Nigeria – a reversal done just two months before he left office. In so doing, he caused the restitution process to be put on pause and also gave credence to those who claim that preservation and safe keeping of the artifacts would be better served by staying in European hands.

Now that you have laboriously sprinted through a marathon of concerns starting with what happened and why it matters, I’ll pose the question, where does it stop? Is the inevitable outcome truly an existential question for museums as we know them? I would say that this is not a grave concern, but there are those who fear the worst.

Only five months into his presidency, Emmanuel Macron grabbed headlines in November of 2017, with a declaration saying that “Return of African Artifacts Is a Top Priority.” He was on a diplomatic tour of former French colonies in western Africa, when he made this strong statement to students in Ouagadougou, the capital of Burkina Faso, presumably to curry favor and to distinguish himself from his predecessors. Shortly thereafter, he tweeted: “African heritage cannot

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be a prisoner of European museums.” His speech and tweet understandably caused museum professionals in Paris great alarm and fear about what was to become of the collections they had spent their careers safeguarding. Fortunately, they soon came to realize that the holdings of many museums were so large that even if they were forced to return many objects, they would still have many more to display. And actually, in the years between 2017 and 2024, the French have not been particularly active in restitution of African cultural heritage; they have returned only a couple dozen objects.

Others, on the other hand, have heartily embraced the concept of restitution, despite all its challenges. The Germans have been especially active members of the Benin Dialogue Group since it was established there in 2007 – at about the same time the grand exhibition, *Benin—Kings and Rituals: Court Arts from Nigeria* was circulating. Its organizing curator, Dr. Barbara Plankensteiner, was apparently instrumental in initiating and nurturing the rapprochement in the Benin Dialogue Group from the beginning.

The Benin Dialogue Group may well be a model for others to emulate. It was brought together to discuss the inherited dilemma of looted art in a post-colonial world and to work toward equitable and creative solutions to the questions of physical and legal possession of cultural heritage objects. They have been making important progress towards developing a new normal.

Since an object can only occupy one physical space at any given moment, restitution poses actual irresolvable challenges in the final analysis. However, creative arrangements for sharing or exchanging loans can be regarded as acceptable in some circumstances. Such is the case in the loan arrangements made with Italy when the Met returned the Euphronios Krater and other similarly high-profile restitutions.

Other, less traditional creative solutions such as making exact copies by hand or using sophisticated technologies, such as 3-D printing, may similarly be deemed acceptable, and experiments have been initiated to test acceptance. Paving the way for cooperation along these lines, one might recall various successful copies for conservation concerns, such as the “Gates of Paradise” on the Baptistery in Florence, the originals of which were made in 1452 by Lorenzo Ghiberti and are now preserved and displayed to their advantage in the nearby Opera del Duomo Museum while exact copies hang on the Baptistery itself.

The dilemma of the Parthenon Marbles might logically be approached using this method if only all institutional parties could become willing to relinquish a bit of their “pride of ownership” concerns (and also their “bragging rights”). This might become more achievable in the future as reproduction technologies improve and if the ineffable aura of authenticity, previously praised (and also derided) were to become less central to the appreciation or enjoyment of cultural heritage objects as we move further into the 21st century. Indeed, now that we are apparently in the era of experiential entertainment, virtual reality, and augmented reality, large (younger) portions of the population increasingly acquire knowledge through the use of surrogates. This isn’t actually so new... earlier generations also learned about art through surrogates, calling them lantern slides, photographs, and books.

Venerating the original by making exact copies is in fact not all that unusual in some traditions, such as Japan, and as technologies rush forward, the value and impact of surrogates is being re-

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evaluated more and more frequently. The entire Otsuka Museum of Art in Tokushima, for example, was developed to display surrogates (nearly exact visual representations using 18-inch-wide ceramic strips) which enable visitors to enjoy Western masterpiece paintings since many Japanese may not be able to travel to see the originals. In 2014, I was a great privilege to be a participant in an international conference which was held there to discuss the efficacy and value of copies, reproductions, and surrogates. It certainly was an eye-opener – like walking through a 3-D version of Janson – and the papers were delivered in a replica of the Sistine Chapel!

With this in mind, the restitution pathway forward may not lie exclusively with traditional museums or artifact holders and their bedrock attitudes about the efficacy of original works of art. I make that surprising – nearly scandalous – statement knowing full well that, as a museum director, I am one of those old custodians who cling to the idea that there is some “magic,” for lack of a better word, to the experience of standing arm’s length from an authentic object that was worked over by some real live human artist years, or millennia ago. However, as I have observed museum visitors over the years, not to mention the revolutions in presentation technologies, one can certainly say that not everyone thinks that way any longer.

Attitude matters. This pertains to individuals as much as it does to cultural groups, and as much to original cultural heritage objects as it does to reproductions of them. Stepping outside of the “cult of the original” may soon be seen to have definite advantages on the murky political plains of restitution and cultural ownership. I think that improved mutual understanding and cooperation, especially if younger scholars and politicians are included in discussions about restitution, can be achieved by harnessing not only new technologies but also new attitudes about the importance and cultural “worth” of the original.

If, as in the case of cultural heritage, original objects serve to illustrate a cultural narrative, that same story may well be carried or activated by reproductions and surrogates. Acceptance of this new type of experience could be further enhanced by now common international collaborative efforts resulting in websites with comprehensive imagery and data about dispersed objects. Compare, for example, the websites for many genres – all the known Monets, Rembrandts, or Nazi looted objects – which also have become highly regarded resources for research, learning, and documentation (similar to their predecessors, catalogues raisonné).

The remarkable [Digital Benin](#) website may be the exemplar of the kind of international collaboration representing disputed or misappropriated cultural heritage artworks that furthers deep international understanding which is essential to achieve before beginning any discussion of restitution or sharing of objects. This extraordinary resource is an outgrowth of the Benin Dialogue Group and is hosted by MARKK, the museum of cultural history in Hamburg, Germany, where Dr. Barbara Plankensteiner became the director in 2020. The assembly of this resource has furthered cultural interaction and appreciation. I have no doubt that it will be seen to have been an essential step toward mutually beneficial and constructive exchange, and when restitution and relocation of cultural heritage objects happens, the cultural sensitivity so achieved will go a long way to healing historical wounds and improving understanding.

In the post-restitution era, museums may have had to return many original objects but considering the depth of their holdings in storage, this may not undermine their mission to display cultural heritage objects for their visitors. A greater good may be served by exhibiting some clearly

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identified surrogates, explaining the historical background, and updating the museums' role and goals in a de-colonialized future. Their directors may no longer have bragging rights that come with owning multiple marquee items – and that would certainly be a matter of attitude adjustment – but I am relatively certain they can manage that new reality.

Restitutions and relocations such as these would necessarily deny millions of Western museum visitors the opportunity to view the original – if misappropriated – treasures. Conversely, entire new populations could begin explorations of their original cultural patrimony in their own lands and, hopefully, forge new understandings about past and present international and cultural exchange. Western museums measuring themselves by traditional criteria would find themselves to be somewhat diminished, but it just might be worth revisiting those criteria and this new exhibition mode to address some of the historical inequities of the past and make for a more peaceable kingdom for us all.

Realistically, visitors do not stay away from the Met's Greek and Roman galleries because they no longer display the *Euphronios Krater*. Visitors still flock to the Getty Villa in Malibu even after the museum returned the large bronze, *Victorious Youth*, to Italy. And it is unthinkable that if *Winged Victory of Samothrace*, were returned to Greece, the Musée du Louvre would suffer significant diminution in admissions.

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