

Irreconcilable differences? Problems with Unprovenanced Antiquities

Reply to Boardman, Brodie, Elia and Kaye

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I am extremely grateful to the respondents to my paper for their thoughtful comments which expand on the issues and extend the debate. Professor Boardman's contribution is particularly welcome in that it serves to demonstrate just how polarised the issue of unprovenanced antiquities remains, effectively adding to recent remarks made by Picón and de Montebello quoted in my paper. Regrettably, the Metropolitan Museum declined to contribute a response.

Since John Boardman, Ricardo Elia and Lawrence Kaye have all chosen to address the role of the conservator in this context, and since I am an archaeological conservator, I have decided to focus much of my rejoinder in this area.

Boardman makes it plain that he considers "a conservator who refuses to *save* an unprovenanced or even an illicitly acquired object [to be] a disgrace to his/her profession" (my emphasis). This raises a number of interesting points.

Firstly, objects that have survived for centuries in the ground have reached an equilibrium with their burial environment so that the deterioration processes have all but stopped. When these objects are excavated and thrust into a new environment – one that fluctuates and is oxygen-rich, for example, the processes of deterioration are re-activated and damage can be severe. In other words, it is recently excavated objects that are in need of the greatest care and attention, and if such artefacts are unprovenanced, it is safe to assume that they have been clandestinely excavated. Therefore, most unprovenanced objects that are in need of *saving* will not have been part of an old collection.

Secondly, it is also true that objects that survive the shock of introduction to a new environment without immediate attention are likely to be robust enough to survive, given packaging to maintain them in an appropriate environment. This information is widely accessible, and thus, the lack of involvement of a conservator need not signal loss of the artefact. Clandestine excavation is the destructive agent and the loss of fragile material is part of the looting procedure.

Thirdly, handling stolen objects is a criminal offence as stipulated in the Theft Act of 1968 in this country and in the National Stolen Property Act in the United States. Engaging with suspect material may also lead to civil actions. Brodie's focus on the social harm that is done by the trade in antiquities is critical here and the insights he brings to this question are acutely perceptive. For the conservator, the medical analogy

equating objects with patients, referred to by Boardman, has its limits, as Elia makes plain.

The “Policy Statement of the Institute of Archaeology, London Regarding the Illicit Trade in Antiquities”, states that: “Work must not be undertaken (except on behalf of the police, courts or government of origin) on objects where there is insufficient information to establish a licit provenance or where the material is known to be illicit”. An Ethics Panel is available for consultation and to advise in difficult or unclear situations. The position is clear although provision has been made to explore complex cases.

As regards Elia’s concern about unprovenanced antiquities and University College London, a distinction needs to be made between the Institute of Archaeology as UCL’s archaeology department and UCL as a whole. The policy statement has only ever applied to the Institute of Archaeology alone, hence my regret at suppression of the recent report concerning the 650 incantation bowls to which I refer in my paper. Brodie’s interrogation of this affair is enormously important.

The Institute of Archaeology Services Division policy of 1990 stated that “a prospective client must demonstrate the history of any object tendered for examination or treatment [...] the information provided may be checked with specialists in the archaeology or ethnology of the area of origin, with police authorities, departments of antiquities and with international agencies combating the illegal trade in antiquities”. Interestingly, no unprovenanced artefacts were consigned to the Institute once these stipulations were in place.

It is worth reiterating that there are huge numbers of provenanced artefacts needing conservation. It is my contention that it is this material that should be prioritised. See, for example, a report published on the state of America’s collections published in December 2005, which concluded that “immediate action is needed to prevent the loss of 190 million artefacts that are in need of conservation treatment” (Anon 2005). Kaye is correct in stating that not all unprovenanced objects are the product of recent looting but he also points out just how difficult it can be to distinguish between the legitimate and the looted. He cites the example of the partnership of Frederick Schultz and Jonathan Tokeley-Parry. Tokeley-Parry was a self-taught restorer with no affiliations to the United Kingdom Institute of Conservation, the professional body for conservators at the time, and who created the Thomas Alcock collection complete with repairs consonant with work of the 1920s. This is simply a recent example of a practice referred to by Prott and O’Keefe in their 1983 publication which states “that ‘restorers’ are sometimes used to camouflage stolen goods” (Prott and O’Keefe 1983: 80). This criminal behaviour is rightly proscribed by professional conservation associations. It should be noted that, were the trade to be transparent, then it might be possible not to regard all unprovenanced objects as suspicious.

Nevertheless Kaye’s suggestion that guidelines should be drafted to clarify the legal and ethical framework that should inform conservation practice is an excellent one. Although I believe that a blanket refusal to treat most unprovenanced material is needed

to avoid creating a dodge behind which the less scrupulous might hide, I do agree that such guidelines would be of great value in that their widespread dissemination by professional conservation bodies would ensure far greater understanding among conservators.

Elia's forthright contribution is hard-hitting and to the point. The picture he paints is bleak. Some consolation may be derived from the following account. At the 35th Annual General Meeting of the American Institute for Conservation in April 2007, I circulated a questionnaire that posed five blunt questions concerning the preparedness of those attending the Objects Session Archaeological Discussion Group to work on looted, stolen and illegally exported objects. I also asked whether conservators should respect national patrimony laws and national regulations concerning the exportation of cultural property. Of the 34 respondents, 27 were opposed to treating such material. Only three of the 34 felt that conservators should treat such material. The remaining four felt that the questions were too black and white and wanted to give a more nuanced reply, more in line with Kaye's approach. Clearly, the sample size is small but indicates that concern about these issues exists in the profession and paradigm shifts are developing as a result.

A deep sense of unease currently pervades the Institute as a result of the suppression of the report of the committee of enquiry into the incantation bowls. Brodie's elucidation of this affair is thus particularly welcome and constitutes a much needed exploration of the implications of this action.

References

- Anon. 2005. *A Public Trust at Risk: the Heritage Health Index Report on the State of America's Collections* [<http://www.heritage-preservation.org/hhi/>] [accessed 30 November 2007].
- Protz, L. and O'Keefe, P. 1983. *National Legal Control of Illicit Traffic in Cultural Property*. Paris: UNESCO.