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Nekyia
“Museum Ethics and the Toledo Museum of Art”

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This article evaluates, in relation to the ethical guidelines of the AAMD (American Association of Museum Directors), a series of recent actions at the Toledo Museum of Art, Ohio, ranging from repatriations to deaccessions and responses to inquiries about tainted objects.

Repatriations to Italy and Germany (2011-2013)

On June 17, 2012, the United States Immigration and Customs Enforcement (ICE) announced that a rare Etruscan black-figure kalpis (two-handled vessel for carrying water), dated to 510 B.C., would be returned to Italy, since “it was smuggled out of Italy after an illegal excavation prior to 1981” (ICE 2012). The investigation determined that the kalpis had been sold by Giacomo Medici to Gianfranco and Ursula (Rosie) Becchina, all illicit antiquities dealers convicted for dealing in illicit antiquities. The Becchinas sold the vase to the Toledo Museum of Art, Ohio in 1982 with a fake collecting history (provenance), after providing falsified documentation (USA 2012, Brodie 2014). The late museum curator of ancient art and curator of special exhibitions for 26 years, Kurt Luckner, recommended the acquisition of the kalpis to the museum’s board of trustees, who approved the acquisition for \$90,000. At the time, the acquisition of the kalpis was considered an opportunity for Toledo because the Metropolitan Museum of Art in New York also wanted to acquire it (Lane 2012). In the documentation of the Becchina archive seized by the Swiss and Italian authorities in Switzerland in the early 2000s, Kurt Luckner’s name and the Toledo Museum of Art appears several times, discussing the possibility of acquiring other antiquities.

Three days later, on June 20, 2012, Tahree Lane reported on the case in *Toledo Blade*, an online newspaper, including various statements by the Toledo Museum of Art Director Brian Kennedy: “The right thing to do is to return this object;” “Today’s American curators would run from such “documentation,” but 30 years ago, museum staffs had different standards;” “The issue is that illicit markets are not supported anymore by U.S. museums. The aim is to choke the trade.” The *Toledo Blade* article also reported that Mr. Kennedy “developed a thick dossier doing his own research on the case,” and statements by the museum’s chief operating officer Carol Bintz (now retired) complaining that the ICE agents had not at first shared with the museum all the information they had. Reading between the lines of the article’s description of the museum’s negotiations with ICE, I find interesting its implication that the museum had the final say about the repatriation of the object (“By March, Immigration and Customs Enforcement had furnished additional evidence: Mr. Kennedy was satisfied and the museum board agreed to return the vessel”); in fact, ICE did have the right simply to execute a warrant for the seizure of the object. The article further noted “this case is the second time in the museum’s 111 years it has returned an unwittingly ill-gained object” and briefly described the repatriation of a Nereid Sweetmeat Stand to Dresden Museum, which had been stolen during World War II. The issue, however, is not the paucity of repatriations during the Toledo Museum’s history, but how many objects will be repatriated in

the next few years since the process started. The article ended with some interesting points: “Mr. Kennedy said no other museum objects are being considered for repatriation. He noted such cases raise questions: Should people be able to see Italian antiquities only in Italy? Should a one-of-a kind object in Toledo be returned to a country that has numerous similar objects? Should there be an end-date to repatriations? And should Immigration and Customs Enforcement be permitted to seize items from American museums [merely] for probable cause?” (Lane 2012). On the day of the publication of Lane’s article, the Toledo Museum of Art promoted the article on its Facebook page using the phrase, “Read Tahree Lane’s excellent article outlining the facts as we know them and stop by the Museum this summer to say your goodbyes.” On the same day, the Western Division of the Northern District of Ohio made publicly available all the legal details on the case by putting online the relevant file “USA v. One Etruscan Black-Figured Kalpis, Circa 510-500 BC, case No. 3:12-cv-1582” (USA, 2012).

The official ceremony to transfer the kalpis to the Italian state took place on June 25, 2013 in Toledo (ICE 2013). During the ceremony, the Toledo Museum of Art Director Brian Kennedy stated: “Today we transfer to law enforcement authorities a celebrated Etruscan kalpis because we have uncovered evidence that it has inadequate provenance” and “This is the first step toward this object being repatriated to Italy, where we understand it will be placed on public view in Rome.”

Deaccessions (2016-2017)

In 2016, the Toledo Museum of Art deaccessioned 68 antiquities from its collection, announcing that these antiquities were to be offered for auction through Christie’s in New York, during the antiquities auction scheduled for October 25, 2016 (Christie’s 2016). One day before the auction, the museum defended, in an “open letter” on its website, its decision to deaccession and auction the 68 antiquities. The following extracts from this statement strongly position the museum on the side of ethical guidelines for museums and a desire for the clear provenance of their objects (Toledo Museum of Art, 2016):

The funds realized from deaccessioning are used solely to improve TMA’s collection through the purchase of new art, in compliance with the Association of Art Museum Directors (AAMD) Professional Practices in Art Museums, the American Alliance of Museums (AAM) Code of Ethics (see the most recent update to AAM’s guidelines) and the International Council of Museums (ICOM) Code of Ethics.

From Oct. 19 to Oct. 26, the Toledo Museum of Art (TMA) is deaccessioning 68 objects from its antiquities collection through Christie’s auction house in New York. All information about these objects can be found online at Christie’s website. In response to inquiries concerning this sale, it is important to underscore TMA’s collecting philosophy as well as the Museum’s commitment to ensuring clear provenance of all of the objects in its collection. [...]

Quality has always been the outstanding attribute of our collection, and the objects being sold are not of the quality of our permanent display collection; have been on display rarely; have not been sought out by scholars; or have not been published in recent decades. In short, these objects were not working to fulfill our mission.

We take the stewardship and integrity of our collection seriously, from acquisition to deaccession, and maintain transparency about all of our professional practices. Preserving the world’s cultural heritage is of the utmost importance to collecting institutions. To that end, we publicly share our Collections Management Policy, as well as our commitment to ensuring clear provenance.

At the auction, the 68 antiquities were presented in two groups: the first group formed lots 1-25 of the total 164 lots presented in the saleroom. These 25 lots appeared in the Christie’s catalogue with a total estimation of \$262,000 – 379,000. Although lots 3 and 11 do not appear in Christie’s “results list” (a strong indication that they remained unsold), the remaining 23 antiquities were sold, fetching \$809,375 in total and

exceeding by far the predictions and expectations of the museum and the auction house. Three of these 25 lots (lots 6, 13 and 17) had no collecting history before 1970 (see UNESCO 1970), but all the rest were clearly provenanced, most of them from the beginning of the 20th century.

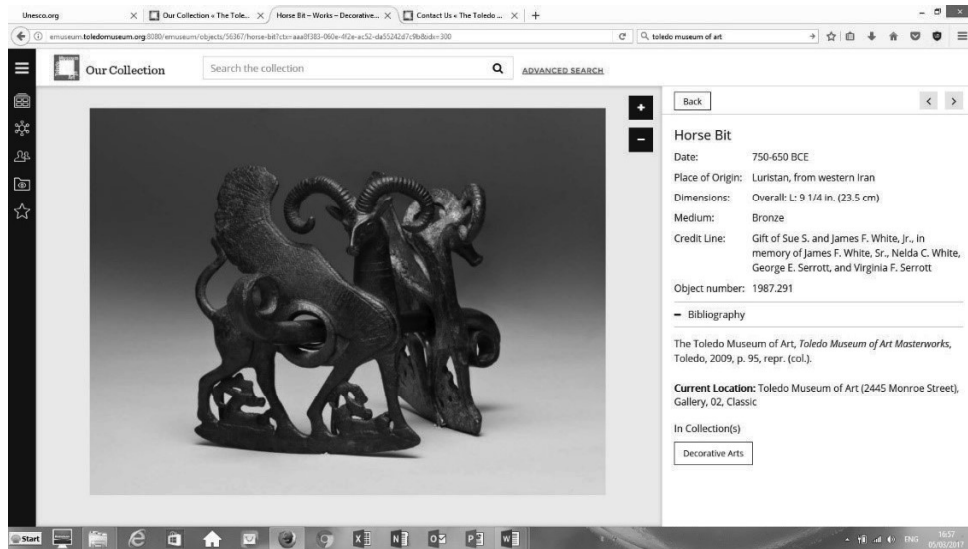
The second group (43 lots) were offered online, but were presented at the end of the same printed catalogue (as lots 1-43), after the presentation of the first 164 lots. No collecting history was given for any of these additional 43 antiquities, which were collectively estimated at \$151,000–\$223,000. In the event, they appear to have produced about \$400,000; although no “results list” could be found in the Christie’s website for this online auction, it has been reported that overall \$1.2 million was produced from the sale of most of the 68 deaccessioned antiquities (The Associated Press 2016). This sum must have included the standard premium charged by auction houses to buyers and sellers, since a reported \$970,000 seems to be the net amount generated for the museum (Gedert 2017). If these 43 antiquities had a similar collecting history to the first 25 lots, then it is reasonable to assume that nearly all the deaccessioned antiquities offered for sale in October 2016 had a clearly legitimate collecting history.

On April 5, 2017 it was reported that an additional group of 143 deaccessioned antiquities are being offered for sale by the Toledo Museum of Art (Gedert 2017). These antiquities were turned down by Christie’s on the basis that they were not “of high enough value to be sold through public auction”. The museum had then turned to the antiquities gallery Harlan J. Berk LTD in Chicago, to offer these antiquities at low prices (from minimum \$150 to maximum \$9,875), first to the members of the Association of Art Museum Directors and later to the – broader - American Alliance of Museums. To date, more than 40 antiquities have been already sold, and after the museum community is satisfied, any unsold objects will be offered to the public, expected to fetch about \$283,500 overall. Apart from 18 antiquities acquired in 1906 by museum founder Edward Drummond Libbey during a trip to Egypt, no other information has been made publicly available regarding the collecting history of any of the 143 newly deaccessioned antiquities. Since it has been reported that the museum’s antiquities collection holds about 1,500 objects, the 213 antiquities that have been deaccessioned in total, following “a two-year process of review of its antiquities collection by an art committee,” comprise about 15% of the total antiquities collection at the Toledo Museum of Art. Moreover, it seems that there will soon be even more objects offered for sale from the museum’s collections, since another collection is under evaluation for the possibility of deaccessioning, but no more information is given (Gedert 2017).

New Identifications

During research for my PhD (2009-2013) on the international illicit antiquities network focusing on the confiscated archive of the illicit antiquities dealers Robin Symes and Christos Michaelides, I identified from five images in this archive two antiquities at the Toledo Museum of Art. These antiquities were: a bronze horse bit in the form of two winged ibexes, from Luristan, Western Iran, dated 750-650 BC (Symes archive images nos. 1290-1291 and 1829, figs. 1-3 below) and a silver rhyton, cast and raised in sheet gilding, with a forepart of a zebu (humped cattle), from Persia, of the late Hellenistic period (200–100 BC, Symes archive images nos. 1862 and 1867, figs. 4-5 below). According to handwritten notes on the back of the five images, both antiquities were acquired by Symes and Michaelides in 1986.

The horse bit appears on the museum’s website with the accession number 1987.291, indicating that it was added to the museum’s antiquities collection in 1987. The only collecting history accompanying the horse bit at the time of its identification in 2009 was: “Gift of Sue S. and James F. White, Jr., in memory of James F. White, Sr., George E. Serrott, and Nelda C. White and in honor of Virginia F. Serrott.” At some point after 2009 the given collecting history was slightly altered to: “Gift of Sue S. and James F. White, Jr., in memory of James F. White, Sr., Nelda C. White, George E. Serrott and Virginia F. Serrott,” remaining thus until today (screenshot 1).



Screenshot 1: The horse bit and its collecting history, as they appear in the object's entry in the website of the Toledo Museum of Art.

In the “Bibliography” section the object appears to have been published only once, in 2009: “The Toledo Museum of Art, *Toledo Museum of Art Masterworks*, Toledo, 2009, p. 95, repr. (col.);” this means that the object was completely unknown to the academic community and the public before it was added to the museum’s collection. In one of the three Symes–Michaelides professional images (fig. no. 1), the horse bit is depicted unconserved, with green patina covering all sides of the object and soil encrustations still visible on some parts of the bit. In the other two images (figs. nos. 2-3), the horse bit appears conserved, the green patina removed from the front part of both the winged ibexes, but remaining at their back; a wooden base with small metal hooks was added, to support the horse bit after its conservation.



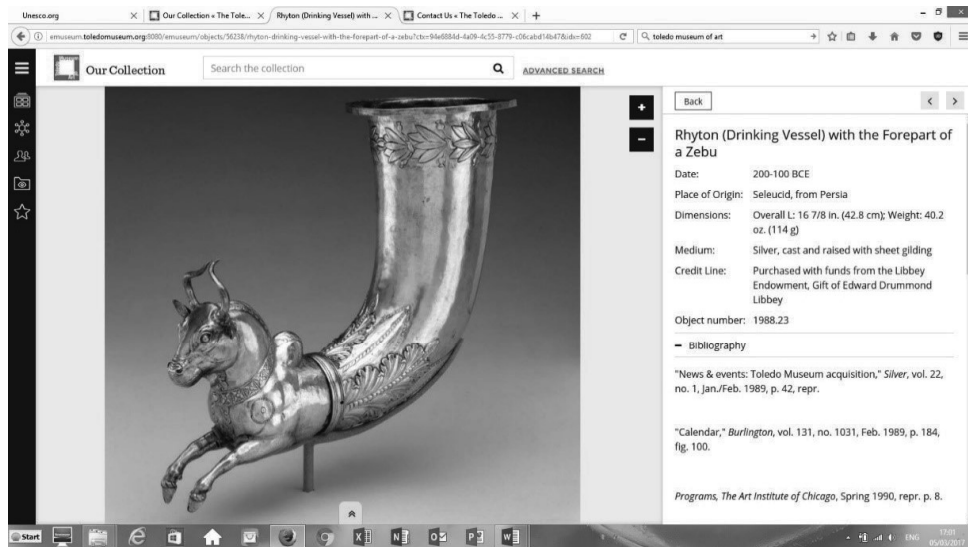
Fig. 1: The same horse bit, unconserved, from the confiscated Robin Symes – Christos Michaelides archive.



Figs. 2-3: Two images of the same horse bit, conserved, from the confiscated Robin Symes – Christos Michaelides archive.

In this state (minus the wooden base), the object is exhibited in gallery no. 02 and on the website of the museum. The fact that the bit appears both unconserved and conserved in the Symes-Michaelides images indicates that the object was given for conservation by Symes and Michaelides shortly after they acquired it in 1986. Since it had already become part of the Toledo Museum of Art collection by 1987, after its donation by Sue S. and James F. White, Jr., the Whites must have acquired it from Symes and Michaelides.

The rhyton appears on the museum's website with the accession number 1988.23, indicating that it was added to the museum's antiquities collection a year after the horse bit, in 1988. The only collecting history accompanying the rhyton since I identified it in 2009 has been: "Purchased with funds from the Libbey Endowment, Gift of Edward Drummond Libbey" (screenshot 2).



Screenshot 2: The rhyton and its collecting history, as they appear in the object's entry in the website of the Toledo Museum of Art.



Figs. 4-5: Two images of the same rhyton, from the confiscated Robin Symes – Christos Michaelides archive.

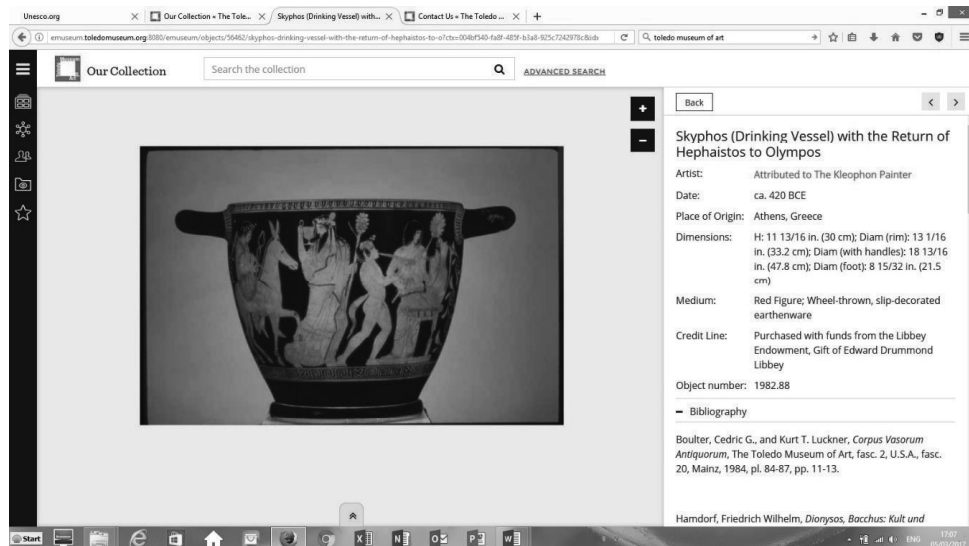
In the "Bibliography" section is evident that the object appeared in several publications; however, as in the case of the horse-bit, the rhyton was unknown to the academic community and the public before becoming part of the museum's collection, having its first appearance in a publication in January 1989. Both the Symes-Michaelides professional images (figs. nos. 4-5), depict the rhyton in the same fine state in which it is currently

exhibited, in the same gallery as the horse bit (no. 02) and on the museum's website (again minus the wooden base on which it appears in the Symes – Michaelides images, but with the same added metal support).

As in the case of the horse bit, at the time of the identification I did not know whether the museum had any additional information on the collecting history of the rhyton, regarding the involvement of Symes and Michaelides, that was not being made public. Although it would have been rational to assume that Symes and Michaelides sold the rhyton directly to the museum, without any additional evidence from the museum's files, this would have remained an assumption.

Having read the statement of the museum's director Brian Kennedy on the event of the repatriation of the kalpis to Italy ("Should there be an end-date to repatriations?"), I was suspicious as to why a museum director who had just returned an illicit antiquity to its rightful owner should implicitly favour an end-date to repatriations, especially since at the same time he stated that "no other museum objects are being considered for repatriation." Was the museum already afraid of the possible loss of other significant antiquities because of collecting histories tainted by the involvement of illicit dealers, as recorded in museum files?

Given that I had identified dozens of antiquities from the Medici, Becchina and Symes-Michaelides confiscated archives, offered for sale in Christie's during the last decade (e.g. Gill and Tsirogiannis 2011; Tsirogiannis 2013; Tsirogiannis 2015a-c; Tsirogiannis 2016a), the announcement of the collaboration between the Toledo Museum of Art and Christie's for the auction of the first 68 deaccessioned antiquities, prompted me to look again into the museum's antiquities collection. I made a further, more striking identification; an Attic red-figure skyphos depicting the return of Hephaistos to Olympos, dated to the last quarter of the fifth century BC and attributed to the Kleophon painter, is depicted in five regular-print images from the archive of Giacomo Medici. The vase appears on the museum's website (screenshot 3) with the accession number 1982.88, indicating that it was added to the museum's antiquities collection earlier than the horse bit and the rhyton, in 1982. The only collecting history accompanying the skyphos at the time of its identification in February 2017 was identical to that offered by the museum for the rhyton: "Purchased with funds from the Libbey Endowment, Gift of Edward Drummond Libbey."



Screenshot 3: The skyphos and its collecting history, as they appear in the object's entry on the website of the Toledo Museum of Art.



Figs. 6-7: Two images of the same skyphos, put together from several fragments, from the confiscated Medici archive.

In the “Bibliography” section is evident that the publications of this object too, although there are several of them, were all dated after the acquisition of the skyphos by the Toledo Museum of Art; as in the case of the horse bit and the rhyton, the skyphos was likewise unknown to the academic community and the public before becoming part of the museum’s collection, first appearing in a publication in 1984 (by Cedric Boulter and Kurt Luckner). All five Medici images depict the skyphos put together from several fragments, some of which bear soil encrustations, and with breaks quite visible, while chips of paint and tiny fragments are missing (e.g. fig. 7): in that condition, the vase is depicted on a cement bench, outside in a terrace, on a sunny day (fig. 6). The entry of the skyphos on the website of the Toledo Museum of Art has no report on the condition or conservation history of the vase, e.g., to explain that it was put together from different fragments. As in the cases of the horse bit and the rhyton, at the time of the identification it was unknown whether the museum had any additional information on the collecting history of the skyphos, regarding the involvement of Giacomo Medici, that was not being made public, since (as with the rhyton) the museum was not naming the person from whom the skyphos was acquired. Like the other two antiquities I identified, the skyphos is on exhibition in gallery no. 02 of the museum.

On March 5, 2017, I requested, through an online form in the Toledo Museum of Art, the full collecting history of the three antiquities identified. After a month-long exchange of emails, Dr. Adam Levine, Associate Director and Associate Curator of Ancient Art at the Toledo Museum of Art, let me know that:

In addition to the research, we aligned this with an ongoing project to share provenance information about objects across our collection (i.e., from areas other than ancient art). The information you want is now available on the provenance section of our website.

To my subsequent email on April 8, “regarding any other information in the files of the three objects, e.g. regarding conservation and transport history or other,” Dr. Levine replied: “We would share the relevant information, which we have on the webpage,” implying that there was no other available information in the files of the three antiquities. The information that now appeared on the museum’s website regarding the collecting history of the three antiquities was:

For the horse bit:

The Honorable Robert Erskine, London, n.d.-1986;
 (Robin Symes Limited, 1986/1987);
 Sue S. and James F. White, Jr., Toledo, 1987;
 Toledo Museum of Art (gift from the above), 1987-

For the rhyton:

Gallizadeh (an Iranian), Iran and later London, n.d.;
 Rabi Soleimani (purchased from the above), n.d.;

(Robin Symes Limited, London, n.d.-1988);
Toledo Museum of Art, 1988-
For the skyphos:
Private Swiss Collection, n.d.;
(Nicholas Koutoulakis, n.d.-1982);
Toledo Museum of Art (purchased from the above), 1982-

Accepting that the museum has no other information in the files of the three antiquities, it appears that the people who are mentioned as owners of the horse bit and the rhyton, before their acquisition by Robin Symes, were supplied as previous owners to the museum *by Robin Symes*. It is important, therefore, for the museum to find evidence that these two antiquities were in fact licit and owned by these people, before their acquisition by Robin Symes, one of the most infamous illicit antiquities dealers. I then enquired whether the files on the horse bit and the rhyton contain documented evidence verifying the previous ownership of these antiquities by Erskine and Gallizadeh-Rabi Soleimani, respectively. Dr. Levine replied:

In addition to the provenance provided, the curatorial research at the time did include independent inquiries about the provenance/ownership history. However, we do not have any documentation to share beyond what is implied by the listed provenance.

Regarding the skyphos, the collecting history seems to be clearer. The museum acquired the antiquity from Nicholas (or 'Nicolas', as he was known in the international antiquities market with the French version of his first name) Koutoulakis, a Greek illicit antiquities dealer, whose involvement in many cases of looted antiquities is widely recorded (e.g. Zirganos 2008:15-16, regarding the looted and smuggled archaic kore that Koutoulakis sold to Symes and Symes to the Getty, before its repatriation to Greece in 2007; or Krosney 2006:69, regarding a stolen Egyptian sarcophagus; and 2006:83-104, regarding Koutoulakis' involvement in the case of the looted Gospel of Judas). Furthermore, it appears from the photographic evidence included in the Medici archive that "Private Swiss Collection" was a "provenance" given to the Toledo Museum of Art by Koutoulakis, deliberately in such a vague way, in order to cover the true identity of the supplier of his skyphos, the convicted illicit antiquities dealer Giacomo Medici. The condition of the skyphos in the Medici images (put together from several fragments, with small ones missing), combined with the environment in which it is depicted (the sunny, cement terrace), appears to verify information given by the notorious illicit antiquities dealer Robert Hecht regarding the sources of the antiquities that Medici was trafficking (excerpt from Hecht's handwritten memoir in Watson and Todeschini 2007:167):

G[iacomo] M[edici] was more ambitious and having bought a second hand Fiat 500 for \$400, rose early each morning and toured the villages of Etruria visiting all the clandestine diggers. Each evening he returned with his booty [...]

The cooperation between Koutoulakis and Medici has been verified in several cases of illicit antiquities, e.g. the case of the Vibia Sabina statue (now returned to Italy from the Boston Museum of Fine Arts, after Hecht had sold it to the museum: see Silver 2010:110; Godart, De Caro and Gavrili 2008:190; on the probable origin of this object, however, see Tsirogiannis 2016b:410-418), or the case of the twenty red-figure plates by the Bryn Mawr Painter (also returned to Italy, after Medici attempted to sell them to the Getty museum, with Hecht acting as an agent, see Watson and Todeschini 2007: 95-98; Silver 2010:137-140).

Conclusion: Ethical Standards at the Toledo Museum of Art

The Toledo Museum of Art in Ohio has been involved in the acquisition of tainted (and most probably, illicit) antiquities trafficked by the most notorious figures of the international illicit antiquities network in the post-1970 UNESCO Convention period: Medici, Becchina, Symes-Michaelides, Nicholas Koutoulakis. The skyphos linked to Medici and Koutoulakis was acquired in the same year as the kalpis, linked to Medici and Becchina and now repatriated to Italy. After the return of the kalpis to Italy, the museum had the chance to act ethically and send images of all the antiquities in its collection to the Italian authorities to check if any of them were the products of trafficking; the recent identifications prove that the museum did not make such

a move, holding on to antiquities that are obviously unprovenanced and highly “toxic,” since the names that are included in their collecting history should have raised the alarm to the museum’s staff more than a decade ago. The Toledo Museum of Art, therefore, seems to follow the pattern that all the other American museums that returned illicit antiquities have established: they silently are holding on their tainted antiquities until (and if) someone identifies them, an attitude verified by Brian Kennedy’s statement at the time of the kalpis’ repatriation that “no other museum objects are being considered for repatriation.” As the case of the three recent identifications demonstrates, the museum understood that the background of these three antiquities might be illicit and instead of sending directly to the academic researcher the information requested, the museum put online part of what was requested, in a belated attempt to demonstrate its openness. Such openness is always welcome, but should have taken place years ago and on a much wider scale, not only in specific cases and when an academic is conducting provenance research. In short, we are far from the current ethical standards asserted by the Toledo Museum of Art Director, Brian Kennedy, just before the repatriation of the illicit kalpis (“Today’s American curators would run from such “documentation,” but 30 years ago, museum staffs had different standards;” “The issue is that illicit markets are not supported anymore by U.S. museums. The aim is to choke the trade”).

Kennedy himself, however, needs to be more careful, for in aiming to cooperate with Christie’s regarding the sale of the 213 deaccessioned antiquities (it was Christie’s who turned down the second group of 145 objects), the Toledo Museum is collaborating with the leading agent in the international antiquities market who has on numerous occasions during the last decade offered antiquities depicted in the confiscated archives of the same convicted illicit dealers who supplied Toledo with antiquities in the 1980s. Some of the antiquities identified in Christie’s have been already been proven illicit and have been returned to Italy (e.g. the Paucetian stamnos that appeared for auction in December 2011 in New York, linked to Gianfranco Becchina and repatriated in May 2015, see Tsirogiannis 2013 and Tsirogiannis 2015d; or the two Canosan volute kraters that appeared for auction in June 2012 again in New York, linked to Giacomo Medici and repatriated in September 2012, see Tsirogiannis 2015b). Therefore, the museum is holding on to unprovenanced, highly tainted and probably illicit antiquities, while deaccessioning mainly licit ones in a collaboration that does not prove the museum’s ethical character.

We recall that in the case of the illicit kalpis, the museum Director and Chief Operating Officer complained that full information was not made available to the museum. This article presents publicly all the evidence available about the horse bit, rhyton and skyphos, removing from the museum’s staff the possibility of complaint, and hoping that the museum will soon follow a path similar to that of the kalpis case (“By March, Immigration and Customs Enforcement had furnished additional evidence: Mr. Kennedy was satisfied and the museum board agreed to return the vessel;” “The right thing to do is to return this object”).

It is worth noting that the Toledo Museum of Art referred to the Association of Art Museum Directors (AAMD) Professional Practices in Art Museums, to justify the deaccessioning of the first 68 antiquities, adding:

We take the stewardship and integrity of our collection seriously, from acquisition to deaccession, and maintain transparency about all of our professional practices. Preserving the world’s cultural heritage is of the utmost importance to collecting institutions. To that end, we publicly share our Collections Management Policy (see here) as well as our commitment to ensuring clear provenance (see here).

Since the information recently published by the museum about the three identified objects does not constitute “clear provenance,” it is at least expected that the museum will follow the AAMD guidelines on the repatriation of antiquities (AAMD 2008, 6):

If a member museum, as a result of its continuing research, gains information that establishes another party’s right to ownership of a Work, the museum should bring this information to the attention of the party, and if the case warrants, initiate the return of the Work to that party, as has been done in the past. In the event that a third party brings to the attention of a member museum

information supporting the party's claim to a Work, the museum should respond promptly and responsibly and take whatever steps are necessary to address this claim, including, if warranted, returning the Work, as has been done in the past.¹

¹ I am grateful to Dr Adam Levine, Associate Director and Associate Curator of Ancient Art at the Toledo Museum of Art, for his help and cooperation.

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