

*Tarnished Silver:*  
*The Treatment of the Sevso Treasure and Other Unprovenanced Antiquities*

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*Tarnished Silver: The Treatment of the Sevso Treasure and Other Unprovenanced Antiquities*

The Sevso Treasure is arguably one of the world's most unique and exquisite examples of Roman craftsmanship to date; yet its uncertain, tarnished history has prevented scholarship from realizing the collection's full potential. Since its appearance on the art market in 1990, the Treasure's provenance has been called into question and considerable doubt has been cast onto its supposed origins. Though three different nations have purported to be the collection's country of origin and claimed cultural patrimony, none has been successful in proving itself the rightful owner and victim of illicit exportation. The result is an exceptional collection resigned to the basement of a London auction house – cast out with a label of “orphaned antiquities” – ineligible for purchase, acquisition, study or scholarly and aesthetic appreciation by interested audiences.

“Orphaned,” or unprovenanced, antiquities like the Sevso Treasure are most often presumed to have been excavated illegally and circulated through the black market, sacrificing valuable scholarship with the loss of context. In response to this rampant looting, interested parties- archaeologists, museums and collectors, and source nations- have established their own rules and guidelines for determining the licit nature of an object's provenance; guidelines that, in turn, have influenced the fate of those objects without a clear history. Utilizing the case of the Sevso Treasure as a basis for argument, the purpose of this research is twofold: to outline and analyze the arguments regarding the prevention of looting and also to argue in favor of the trade, publication and exhibition of unprovenanced objects pending due diligence practices.

### *The Sevso Treasure: An Exquisite Mystery*

Before venturing into a case overwhelmed by confusing litigation and varied claims, it is critical to understand the significance of the collection in question. The Sevso Treasure is a collection of fourteen pieces of fine silver, believed to date from 350-450 AD, and a large copper cauldron that is thought to have held the other pieces while in storage. While there are fourteen objects on record, the Treasure is thought to have contained as many as thirty pieces of exquisite Roman silver.<sup>1</sup> The silver serving vessels are heavily decorated with scenes of boar hunts as well as various mythological imagery. The Treasure takes its name from a dedication inscribed on a 22-pound hunting plate, the largest in the collection, which reads in Latin, “May these, O Sevso, yours for many ages be, small vessels fit to serve your offspring worthily.”<sup>2</sup> Experts believe that Sevso was a Roman general, and that these pieces, unmatched by any other surviving silversmithing from that era, could only have come from one ancient workshop capable of such craftsmanship, located in Thessaloniki, Greece.<sup>3</sup> The cauldron measures about three feet in diameter and one foot deep, while the larger plates are approximately the size of hubcaps and the various pitchers (*ewers*) are equivalent to the size of two-liter soda bottles. All together, the treasure weighs about 180 pounds and is estimated to be worth nearly \$200 million.<sup>4</sup>

### *An Unprovenanced and Controversial Treasure*

The known history of the Sevso Treasure began in the early 1980s, when Spencer Compton, the seventh Marquess of Northampton, was recruited by a consortium, “Art

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<sup>1</sup> Landesman, Peter. “The Curse of the Sevso Silver.” November 2001. Online. p. 1-2.

<sup>2</sup> Riding, Alan. “14 Roman Treasures, on View and Debated.” October 25, 2006. Online. p. 1.

<sup>3</sup> Landesman, Peter. “The Curse of the Sevso Silver.” November 2001. Online. p. 3.

<sup>4</sup> Bolouri, Yvonne. “Saviour of the Lost Ark.” Online. p. 3.

Consultancy,” to invest in the acquisition of the treasure, which he was told had been recently unearthed in Lebanon. The consortium, headed by Peter Wilson, a former chairman of Sotheby’s in London, had already purchased two pieces of the silver but were in need of greater funding to continue the acquisition. Northampton was informed that valid exportation licenses from Lebanon existed for the treasure, and his former trusts and estates solicitor assured him that his original investment would be tripled when he sold the entire collection.<sup>5</sup> The Marquess would later tell police that he did not have much business sense or knowledge of the art market, and that he did not doubt what he was being told about the Treasure’s origins.<sup>6</sup> It was with this sense of faith in the experts and advisors around him that Northampton opted to invest.

By 1984, Northampton and Art Consultancy had acquired ten pieces of the Sevso Treasure and began negotiating a sale with the Getty Museum in Los Angeles, California. Recognizing Lebanon as a source country with strict exportation laws, the museum retained an attorney to confirm the validity of the collection’s export licenses. Upon investigating the documents, the lawyer, Arthur Houghton III, found discrepancies between them and thus declared the licenses to be falsified. He alerted the Getty of the problem and urged them to abandon the deal, which they eventually did. This came as quite a shock to Northampton, who had been confident in the invoices and other documentation that accompanied his purchases. He had even questioned the consortium’s Vienna-based dealers, Halim Korban and his partner Anton Kalec, about the Treasure’s origins, both of whom had insisted that it was discovered in Lebanon.<sup>7</sup> He had never had

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<sup>5</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. “The Trial of the Sevso Treasure.” 2005. p. 84.

<sup>6</sup> Landesman, Peter. “The Curse of the Sevso Silver.” November 2001. Online. p. 6.

<sup>7</sup> Landesman, Peter. “The Curse of the Sevso Silver.” November 2001. Online. p. 2.

reason to doubt his colleagues to this point, but now Northampton was looking to bring the entire operation to a halt. What's worse, Peter Wilson had passed away earlier that same year, leaving Northampton to fend for himself in a business he knew little about.<sup>8</sup>

If the consortium and their dealers wished to continue their investment, they knew they would need to rectify the previous mistakes made with the collection's exportation documents. Northampton's estates solicitor, Peter Mimpriss, recommended Ramiz Rizk, a Lebanese businessman and former client, as a candidate to approach Lebanese authorities and attempt to resolve the issue. The consortium and Rizk agreed, and the businessman traveled to Lebanon accompanied by Phillip Wilson, son of the late Peter Wilson and newest contributor to the consortium. The two supposedly met with Lebanese government representatives and a National Museum official, who authorized new export licenses for the collection. Relieved of the crisis and confident again in the consortium's venture, Northampton proceeded to invest in the final four pieces of silver to complete the Treasure.

In early 1990, the Marquess was prepared to sell the exceptional Treasure. He consigned it to Sotheby's in London for private sale or auction, and the collection was transferred to New York to announce the upcoming sale. Before the auction was advertised; however, Sotheby's notified the twenty-nine countries whose territory had once made up the Roman Empire to notify them of the impending sale of the Sevso Treasure. This was a matter of due diligence, practically expected of professionals in the art world, and also a careful measure by Sotheby's to protect their own interests.<sup>9</sup> Almost immediately, an indignant Lebanon filed suit with New York State, claiming to be the

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<sup>8</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. "The Trial of the Sevso Treasure." 2005. p. 84.

<sup>9</sup> Landesman, Peter. "The Curse of the Sevso Silver." November 2001. Online. p. 7.

collection's country of origin and the victim of illicit exportation of cultural patrimony. Lebanon's declaration was soon joined by near identical claims from Croatia and Hungary, the former enraged by the scant publication of the treasure up to that point and the latter insisting that the Treasure was found on their soil and was perhaps even the cause of a soldier's murder. Despite the nature of the competing claims, New York permitted an injunction, which prevented Sotheby's from removing the Treasure from the state, pending resolution. Whether Northampton was ready or not, trial in New York became inevitable.<sup>10</sup>

Each of the prosecuting nations spent the next three years conducting investigations to gather evidence in support of their claims of cultural patrimony. However, little hard evidence actually existed about the Treasure and its provenance, and all three countries soon ran into problems with their sources and witnesses. In fact Lebanon, the original claimant, discovered that it had nothing to base its argument on outside of marketing materials and statements made by the sellers that the Treasure had been found in the country, a sentiment that had been shared by Northampton. With such an ill-founded case, Lebanon eventually abandoned its claim in the summer of 1993, on the evening before the trial commenced.

Croatia based its investigation entirely on statements made in one article, which ran in a 1990 edition of *The Independent*, a London newspaper. In the article, the author claimed to have received a tip from a confidential source, asserting that the Treasure had been uncovered in the 1970s near an old military camp in what was Yugoslavia, but was

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<sup>10</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. "The Trial of the Sevso Treasure." 2005. p. 85.

near present day Pula, Croatia.<sup>11</sup> Ms. Vesna Grardi-Jurkic, a Pula museum director, contacted the article's author and then filed a complaint with the local prosecutor's office, insisting that the Treasure's Croatian origins had been established. She made the same assertions at a press conference and Croatia's claim was born. However, it was not long before Croatian authorities had exhausted leads to support their claim, coming up empty handed. In December 1990, just the beginning months of the investigation, the Pula prosecutor's office issued a report stating that while "a great deal of work is now being done... it has not been revealed where and by whom the objects... where found, and when and by what channels they were removed from our country."<sup>12</sup>

In the meantime, Hungary's investigation was not shaping up much better. The country claimed that a twenty-two year old Hungarian soldier named Jozsef Sumegh had discovered the treasure in 1978 during a routine excavation in a rock quarry at Polgardi. He removed the treasure, perhaps containing more than the known fourteen pieces, to his two-room family home, which he shared with his parents and two siblings. Hungary purported that Sumegh then buried the treasure in a nearby wine cellar prior to leaving to fulfill his national-service requirement.<sup>13</sup> It was here that Sumegh was found hanged in 1980, then classified as a tragic suicide. However, a decade later and following circulating publications regarding the unclear provenance of the Treasure, Sumegh's father informed authorities that his son had been a collector of metals and asked them to investigate the death as a possible homicide. Authorities formulated a connection between the deceased soldier and the Treasure based on a circular indentation in the floor

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<sup>11</sup> Lenzer, Nina R. The Illicit International Trade In Cultural Property. 1995. p. 469.

<sup>12</sup> Kurzweil, Harvey, Leo V. Gajion and Ludovic De Walden. "The Trial of the Sevso Treasure." 2005. p. 85-86.

<sup>13</sup> Landesman, Peter. "The Curse of the Sevso Silver." November 2001. Online. p. 2.

of the cellar where the man had died, claiming that it was likely where the copper cauldron had been concealed. At the same time, Dr. Mihalay Nagy, a curator at the Hungarian National Museum in Budapest, asserted a historical connection between Hungary and the collection. Citing the word “Pelso,” imprinted on one of the Treasure’s plates, as an ancient name for Hungary’s Lake Balaton, Nagy was sure that the commissioner of the collection had resided in Hungary those 1,500 years before.<sup>14</sup> In all, both Croatia and Hungary were building cases grounded in questionable eyewitness statements, unreliable sources, and weak historical references.

### *The Case of the Sevso Treasure*

As the trial of the Sevso Treasure commenced in September of 1993, New York State Supreme Court Justice Beatrice Shainswit outlined the manner in which each of the prosecuting nations would present their cases: eyewitness testimony to having seen the Treasure within the nation in question, art historical testimony to present any historical connection between the collection and the nation, and soil samples submitted by each country to purport that their nation’s soil was consistent with that recovered from the Treasure itself. Ultimately, the judge precluded both nations from submitting some of their scientific evidence for the jury’s review, noting that Croatia had not been diligent with their selection of a final soil sample. As for Hungary, the current owner of the wine cellar reported that a wine vat that sat there for many years had created the circular indentation in the floor. Further, authorities could not produce any eyewitness to the Treasure being held in the wine cellar, making the samples from that location invalid.

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<sup>14</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. “The Trial of the Sevso Treasure.” 2005. p. 86-87.

Despite earlier admissions that evidence could not be found to support its claim to the Treasure, Croatia opened its proceedings with supposed eyewitness testimony from two individuals. The first, a retired Pula police officer named Anton Cvek, testified that he had been on duty at a military camp called Barbariga in the early 1960s and had seen pieces of the Sevso Treasure still in the Croatian ground, as they were being excavated. He went on to say that he had seen other silver pieces from the collection at a house in the same camp that day. In 1990, nearly three decades after these supposed events took place, Cvek reported that he saw pictures of the Treasure in *Arena* magazine and recognized the pieces from his experience in Barbariga.

On-cross examination, Northampton's defense team submitted the written and sworn video statements Cvek had given to the Croatian authorities in 1990, obtained through pre-trial discovery. In these statements, Cvek used broad, vague terminology to describe the silver he had seen thirty years before, but admitted that he could not be certain that those were, in fact, pieces from the collection in question. Further, in his video statement, Cvek imitated the size of the serving vessels he had witnessed using his hands. As the defense pointed out, the real Sevso pieces are significantly larger than those described by the retired officer, forcing him to admit that he had only seen a collection similar to the Sevso Treasure.<sup>15</sup>

Croatia's second eyewitness faced a similar demise on the stand. Ivan Kauric, another retired police officer, claimed to have been with Cvek in Barbariga and witness to the same events. However, the defense pointed out that when asked about the incident by Croatian authorities on three occasions in the early 1990s, Kauric repeatedly stated

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<sup>15</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. "The Trial of the Sevso Treasure." 2005. p. 88.

that he had no knowledge of any silver treasure. He even denied it when approached by Cvek himself. To justify his change of story, Kauric claimed to have been afraid of the police officers who questioned him in the early 1990s, a story that held little weight coming from a former member of the police force. Pressed further, Kauric then explained that he had not been in a position in which he had to tell the truth, before stating that he had not been interviewed by the appropriate parties in Croatia. Northampton's defense concluded their questioning by asking the witness if he now felt compelled to tell the truth in the Supreme Court of New York.

In all, Croatia's case depended wholeheartedly on the testimony of two elderly retirees, one of whom could not get his story straight and the other who could only attest to seeing similar pieces to those before him at trial, pieces he described as being half the size of those that made up the real Sevso Treasure. Even the Croatian authorities themselves questioned Cvek's story, stating that "on the basis of everything presented above, we conclude that archaeological sites similar to those mentioned by Cvek... are not likely."<sup>16</sup>

When it was Hungary's turn to take the floor, the prosecution presented a similar, but longer, parade of supposed eyewitnesses, claiming to have seen or been in contact with the Treasure within Hungarian borders. The first, a stonemason called Istvan Strasser, said that he saw many of the pieces displayed in the Sumegh family home on an occasion between 1978 and 1979. When interviewed by the Hungarian authorities, Strasser identified the Sevso Cosmetic Casket as one of the pieces he had seen in the home, and drew an impressive picture of the piece. However, the defense submitted a

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<sup>16</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. "The Trial of the Sevso Treasure." 2005. p. 88-89.

replica of the piece the witness had drawn based on the dimensions he provided. Just as with Croatia's witness, Strasser's version was far smaller than the real piece from the collection, eventually leading to his admittance that the authorities has shown him pictures of the treasure during his interview.

Hungary's next witness, Jozsef Harmat, testified that he recalled seeing the copper cauldron in the Sumegh home because he had considered purchasing it from Sumegh, identifying the cauldron before him at trial as the one he had seen. The defense poked holes in this testimony with an expert witness, Dr. Anna Bennett, who had performed extensive conservation on the cauldron in the late 1980s, ten years after Harmat claimed to have seen the object. Dr. Bennett pointed out that, based on the significant alterations that were made to the cauldron to preserve it, the doctored piece in the courtroom that Hungary's witness claimed to have considered for purchase simply did not exist at that time.

The Hungarian prosecution's remaining eyewitnesses were met with similar blockades from the defense, from the gypsy who claimed to have bought and sold certain pieces of the treasure at a time when those same pieces were known to have already been purchased by Northampton's consortium to the school teacher who could not accurately describe the shapes of the vessels he claimed to have witnessed in the Sumegh home, let alone their actual size. What was most telling about Hungary's case, however, were the witnesses that they chose not to call to the stand. Several of Sumegh's family members were still alive at the time of the trial, including his younger stepbrother, who had lived in the two-room house in which the witnesses purportedly saw pieces of the silver hoard. Nevertheless, each living member of the family had given a sworn statement that they

new nothing of the Treasure, no more than they had seen it in their home. Therefore, in order to even consider the testimony of Hungary's eyewitnesses, the jury had to presume that Sumegh could have concealed almost 180 pounds of Roman silver in his home without any of his four family members noticing.<sup>17</sup>

When the trial concluded, the jury did not take long to return with their decision. After three years of investigation and a seven-week trial, the jury found that neither Croatia nor Hungary had adequately proven themselves as the Treasure's country of origin, and therefore unanimously found in favor of Lord Northampton.<sup>18</sup> To this day, Hungary continues to stress its claim to the treasure, though no new evidence in support of that claim has been reported.

#### *No Provenance, No Solution*

While at first glance the trial appears to have been a victory for Northampton, in reality his problems had just begun. The Marquess had never intended to keep the Treasure, it was always meant to be just an investment and an opportunity to turn a profit.<sup>19</sup> However, the trial and controversy surrounding the Sevso Treasure's origins had made it virtually untouchable—no individual or institution was willing to risk purchasing such a controversial collection. In fact, even the question of whether to display the Treasure was met with controversy; as some professionals, like the McDonald Institute for Archaeological Research's director, Lord Colin Renfrew, stated that “to do so would be unethical... an affront to public decency.”<sup>20</sup> Without another option in sight,

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<sup>17</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. “The Trial of the Sevso Treasure.” 2005. p. 90-91.

<sup>18</sup> Kurzweil, Harvey, Leo V. Gagon and Ludovic De Walden. “The Trial of the Sevso Treasure.” 2005. p. 92.

<sup>19</sup> Landesman, Peter. “The Curse of the Sevso Silver.” November 2001. Online. p. 6.

<sup>20</sup> Fincham, Derek. “Sevso Treasure on Private Display.” October 25, 2006. Online.

Northampton brought the Treasure back to London and placed it in Bonhams auction house, where it has remained in the basement, virtually unseen, for nearly two decades. On only one brief occasion have the pieces been displayed, in the fall of 2006, in hopes of a sale that has yet to occur.

The case study of the Sevso Treasure lends itself to a significant debate that has taken over the art world— what is to be done with orphaned antiquities? When an object lacks the appropriate provenance to validate claims of ownership, who is held responsible for that object? Lastly, just because an object lacks provenance and context, is it deemed totally without merit? Robert Brooks, chairman of Bonhams, said very plainly, “there is the question of what happens to objects when their early provenance is unknown. Do important objects get locked away forever, or are they exhibited and studied?”<sup>21</sup>

According to a 2008 study by the Cultural Policy Research Institute, there are between 67,500 and 111,900 unprovenanced, orphaned antiquities in the United States. These objects are prevented from being acquisitioned into museums and other cultural institutions for public display due to regulations instituted by organizations like the AIA and AAMD, urging its members to refrain from contributing to the unethical practice of giving value to such objects.<sup>22</sup> But these urgings do not offer a solution to the problem of the ever-growing count of unprovenanced antiquities both in the United States and abroad. Through analysis of the three distinct points of view dominating the debate over proper treatment of orphaned antiquities, those of the establishment archaeologists, the source nations, and the museums and private collectors; it is possible to pinpoint discrepancies in the arguments and offer a different point of view, leading to a solution to

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<sup>21</sup> Riding, Alan. “14 Roman Treasures, on View and Debated.” October 25, 2006. Online.

<sup>22</sup> “Project on Unprovenanced Ancient Objects in Private US Hands.” November 10, 2009. Online.

the antiquities problem that will best serve the orphaned objects and the art world as a whole.

### *The Establishment Archaeologists*

First, establishment archaeologists, specifically the Archaeological Institute of America (AIA) and the American Schools of Oriental Research (ASTOR) are of the opinion that the current influx of unprovenanced objects is the result of mass looting of archaeological sites in an effort to supply the art market's insatiable demand for antiquities. They argue that this market exists, in turn, due to private collectors' willingness to pay handsomely for and museums' decisions to display such unprovenanced objects, in spite of their being without context and proper documentation. The AIA's formal opinion of the heart of the disagreement between itself and museums and collectors can be summarized in the following statement:

*"The disagreement between museums and private collectors and AIA is about looting of archaeological sites and the incentive that the market in undocumented antiquities gives to that looting. The most important element to the scientific study of historic and cultural materials from the past is the organized gathering of data done by archaeologists. This establishes the context of the object being studied... when a site is looted we lose the context—the ability to learn from the past... museums and private collectors occasionally acquire and display objects that do not have a specific provenance... it is likely that most of these are the product of recent site looting, and their acquisition encourages further looting... archaeologists believe most undocumented antiquities are the product of recent site looting and therefore museums should not acquire them."<sup>23</sup>*

The establishment archaeologists' suggestion that a vast majority of the antiquities circulating on the art market today are unprovenanced is well qualified. Studies have shown that upwards of eighty-five percent of antiquities are first documented in auction catalogs.<sup>24</sup> They argue that because these objects lack a known findspot and other elements of context, they cannot broaden our basis of knowledge of

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<sup>23</sup> "Frequently Asked Questions." Archaeological Institute of America: Site Preservation. Online.

<sup>24</sup> Chippindale, C. and D.W.J. Gill. "Material Consequences of Contemporary Classical Collecting." 2000. p. 481.

the culture they are derived from, and therefore serve no purpose to scholarship.<sup>25</sup> In other words, without proper context, the antiquities cannot teach us anything we do not already know. Further, archaeologists fear that the acceptance of unprovenanced antiquities as having a place in scholarship will only serve to confuse which objects are authentic and which are likely falsified.<sup>26</sup> In all, it seems that establishment archaeologists find little, if any, value in unprovenanced objects, and therefore encourage others in their field and the art world at large to avoid dealings with them. In fact, AIA guidelines stipulate that its members shall not publish, authenticate or exhibit unprovenanced antitiquities.<sup>27</sup> To do so would increase the objects' commercial value and therefore, in the AIA's opinion, encourage looters to continue their illegal ventures and result in a further loss of the context so crucial to archaeology. It is for these reasons that establishment archaeologists have taken a stand against the collection and acquisition of unprovenanced antiquities by private collectors and museums– to do so will only perpetuate the looting cycle. John Henry Merryman summarizes the archaeologists' position in a simple statement, “collectors are the real looters.”<sup>28</sup>

While the opinions of the establishment archaeologists are well evidenced and their concern for the integrity of the field and its scholarship is commendable, their urging for complete abandonment of unprovenanced objects seems a bit excessive. Further, their argument still does not offer a solution for those unprovenanced objects that cannot be claimed by any particular individual or nation. In all, the archaeologists' use of

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<sup>25</sup> Chippindale, C. and D.W.J. Gill. “Material Consequences of Contemporary Classical Collecting.” 2000. p. 504-505.

<sup>26</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 5.

<sup>27</sup> Frequently Asked Questions.” Archaeological Institute of America: Site Preservation. Online.

<sup>28</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 3.

museums and collectors as scapegoats for the issue of orphaned antiquities does little towards alleviating the problem for the future.

### *The Source Nations*

Source nations can be defined as those that contain rich material history of past cultures. The soils of these countries are rich in archaeological sites that can teach us much about our collective pasts. In an interest in protecting and preserving their cultural patrimony, source nations are responsible for defining what will constitute “illicit trade in antiquities” and establishing exportation laws accordingly. For the most part, these nations recognize that most discoveries are chance finds rather than a result of deliberate looting. As such, some nations, such as Great Britain and Japan, have opted to offer their citizens a fair price for the objects they uncover, quickly addressing the matter and issuing payment under an appropriate statute of limitations. If the state chooses not to purchase an object, the finder is welcomed to place it on the art market. Such a system encourages openness about the object’s findspot and other context, both providing scholars an opportunity to better understand the antiquity’s significance while also increasing its commercial value.<sup>29</sup>

On the other hand, the majority of source nations, including Italy, Greece and Turkey, have adopted a sort of “catch all” policy that classifies nearly every type of antiquity as cultural patrimony, making it ineligible for exportation. Further, these nations seldom offer the objects’ finders a fair price for their finds, if any compensation at all. The intention of these regulations is to both preserve the nation’s cultural patrimony and also to alleviate the looting issue by making it even harder to transport illegally acquired objects out of the country. As a sign of support for these source countries’ efforts, the

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<sup>29</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 11.

United States has signed a number of bilateral agreements with Mesoamerican, South American, European, and Asian countries under the Cultural Property Implementation Act (CPIA), significantly reducing the flow of illegally exported antiquities into this country.<sup>30</sup>

The standpoint of source nations in the debate surrounding unprovenanced antiquities is deliberately self-serving and insufficient in the effort to prevent looting. While their overarching laws might make it more difficult for other countries to acquire objects from that nation, the country's own citizens have no incentive to report their finds and instead turn to the black market. These nations nourish what they are supposed to suppress.<sup>31</sup>

#### *The Museums and Private Collectors*

The final, and most unique, position in the debate over the treatment of unprovenanced objects is that of the museum and private collector. This sector recognizes that there is a natural human appetite for antiquities. It is in our nature to want to experience and possess them as the cultural heritage of mankind. It is for this reason that collectors collect and museums exist, to preserve a common heritage and disseminate knowledge of that heritage to a wider audience. In order to do this, objects become the main focal points for the stories these institutions aim to tell. Further, museums and collectors in the United States recognize that the American art system is collector-driven— it depends wholeheartedly on the ability to purchase and accept gifts of new objects. In fact, most American museums were founded and endowed by collectors and continue to depend on financial and object donations by collectors and other private institutions.

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<sup>30</sup> “International Antiquities Law Since 1990.” April 22, 2002. Online.

<sup>31</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 12.

Therefore, while this field agrees that provenance is essential to fully appreciate an antiquity and that context can only add to the object's total worth, they also recognize that the market supply of provenanced antiquities is simply inadequate to meet the demand of museums and collectors in this country.<sup>32</sup>

Should museums and collectors then be prevented from acquiring orphaned antiquities, those without a rightful owner, which might serve a purpose in their collections? Is this party responsible for this epidemic of rampant looting as the establishment archaeologists paint it to be? Perhaps there is a different way of looking at this issue that could, in turn, provide a more plausible method for dealing with unprovenanced antiquities.

#### *The Real Culprit Behind Looting*

In addressing the issue of looting in source nations, all three parties must first accept that the demand for antiquities exists and will be met in one fashion or another; the actions, laws and guidelines of each party can only influence the manner in which this is accomplished. Specifically, the source nations themselves are responsible for deciding how objects of cultural patrimony are handled within their borders, it is not the duty of collecting individuals and institutions. In other words, collectors and museums are not to blame for rampant looting and smuggling. Rather, it is the excessive restrictions on trade and export imposed by source nations that has forced the antiquities market underground. These overprotective, selfish policies have turned their own citizens against them, encouraging them to keep quiet about their finds and trade in secret. It is for this reason that so many unprovenanced objects circulate through the art market, accompanied by little more than scanty export licenses or bills of sale, if anything at all. The result is a

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<sup>32</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 9-10.

further loss of scholarship and overall depreciation of the object's significance. Rather than pointing a finger of blame towards collecting institutions, the art world should encourage source nations to rethink their exportation policies to better regulate trade and alleviate the looting of their cultural patrimony.<sup>33</sup>

Research suggests that preventing looting is possible through the encouragement of a licit market for antiquities. Source nations could facilitate this vision through a variety of different actions. First, they might consider revising their “catch all” legislation, which governs the exportation and trade of cultural patrimony, to allow certain categories of antiquities to enter the market freely. Encouraging the licit trade of some objects would no doubt help to alleviate some of the market's demand for antiquities. Source nations could also institute policies similar to those employed by Great Britain and Japan, as previously discussed, to offer finders a fair price for the antiquities they find and thus encourage a dialogue about the objects' findspots and contexts. Finally, source nations should permit duplicate objects to enter the licit market. While archaeologists might argue that it is often difficult to distinguish an original object among a collection of duplicates, this inconvenience does not outweigh the significance these pieces could add to a museum's collection, at least much more so than being resigned to a storage shelf along with dozens of others just like it. In all, if source nations are proactive in efforts to change their policies concerning the trade and exportation of antiquities, with the support of establishment archaeologists and collecting institutions alike, great strides towards a licit market could be made, loosening the grip on cultural patrimony in favor of disseminating knowledge about culture shared by all mankind.<sup>34</sup>

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<sup>33</sup> Bator, Paul M. “An Essay on the International Trade in Art.” p. 275.

<sup>34</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 13-15.

*Unprovenanced Antiquities- Are they fair game?*

Archaeologists believe that an object without provenance and context offers no new scholarship, and that the purchase, trade, exhibition and publication of these objects will only encourage further looting and destruction of archaeological sites. This way of thinking presumes that all unprovenanced antiquities were looted, and are therefore dirty and unworthy of a role in scholarship. To assume that an undocumented object was stolen, and therefore untouchable, goes against our universal belief system, a sort of inversion of “innocent until proven guilty,” and fosters an oppressive *probatio diabolica*—requiring proof of the impossible.<sup>35</sup> Instead, museums and collectors find value in unprovenanced objects because the objects can contribute to their collections in a variety of ways, whether by filling a gap in the collection or serving as an example of great craftsmanship, despite a lack of context. Each of the three parties concerned with the debate over the treatment of unprovenanced antiquities would agree that the most favorable solution is to return objects to their rightful owner. But in cases where an owner cannot be determined, it is more prudent to extrapolate the valuable information an antiquity can offer to scholarship than to resign it to an indefinite future in storage. In all, unprovenanced antiquities should be handled according to a process of due diligence— if an individual or institution takes the appropriate steps to research an antiquity’s origins and attempts to establish a plausible provenance, and yet no claimant can step forward, then the orphaned object is eligible for acquisition and may find a new, permanent home in a museum or private collection.

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<sup>35</sup> Merryman, John Henry. Thinking About the Sevso Treasure. March 12, 2008. p. 17.

### *The Future of the Sevso Treasure*

This argument for the acquisition of unprovenanced antiquities should be applied in the case of the Sevso Treasure. As one of the most exceptional examples of Roman craftsmanship unearthed to date, it is essential that this collection be made available to scholars and the public for further study and appreciation. Therefore, the Marquess of Northampton should offer the collection to an appropriate museum, where it can be cared for and exhibited to the public for further dissemination of scholarship and appreciation of antiquities. That museum, in turn, shall be responsible for practicing due diligence by making the collection's blurred past known and continuing the efforts to learn its provenance, which will at the very least add further value to the collection through publication, exhibition and study. Of course, if a rightful owner is discovered, the museum should act in good faith to repatriate the Sevso Treasure to its country of origin. In all, the Sevso Treasure presents an opportunity for the art world to set an example of responsible treatment of orphaned antiquities. The practice of due diligence should be rewarded with the opportunity to acquire orphaned antiquities that would otherwise remain unappreciated and insignificant; while the cooperative efforts of establishment archaeologists, source nations, and museums and collectors work to redirect the art world towards the creation of a licit market. When thinking about the possibilities for unprovenanced antiquities, the words of Lord Northampton, the man who knows so little of the art world, come to mind:

*“Eventually I hope somebody or some institution will buy it, and it will go on permanent display so that people can enjoy and appreciate its exquisite beauty.”<sup>36</sup>*

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<sup>36</sup> Riding, Alan. “14 Roman Treasures, on View and Debated.” October 25, 2006. Online.

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