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## Case 13 Archaeological objects – Italy and Boston Museum of Fine Arts

*Italy/Italie – Boston Museum of Fine Arts – Archaeological object/objet archéologique – Post 1970 restitution claims/demandes de restitution post 1970 – Negotiation/négociation – Settlement agreement/accord transactionnel – Procedural issue/limites procédurales – Illicit excavation/fouille illicite – Illicit exportation/exportation illicite – Conditional restitution/Restitution sous condition – Cultural cooperation/coopération culturelle – Loan/prêt*

*Between 1971 and 1999, the Boston Museum of Fine Arts acquired a number of ancient archaeological objects. Italy suspected that such antiquities had been excavated clandestinely in Italian territory and illegally exported. The trials against art dealers, such as Giacomo Medici, and the former curator of the J. Paul Getty Museum, Marion True, provided the evidence that gave some leverage to the Italian Government to negotiate a restitution agreement with the Boston museum, which was concluded on September 2006.*

*I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources.*

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## I. Chronology

### Post 1970 restitution claims

- **Between the 1971 and the 1999**, the Boston Museum of Fine Arts (Boston MFA) acquired several ancient archaeological objects from a number of different dealers and galleries. In particular, a number of these antiquities were acquired from the American dealer Robert Hecht. He was indicted in 2005 by the Public Prosecutor Office of the Tribunal of Rome, together with Marion True, the former curator of the J. Paul Getty Museum, on charges of dealing in illegally excavated works of art.<sup>1</sup>
- The archaeological objects acquired by the Boston MFA included the statue of Vibia Sabina, Adrian Emperor's wife, originally situated in Tivoli, in Hadrian's Villa.<sup>2</sup> This statue was acquired in 1979 from the Swiss dealer Fritz Bürki, with Mr. Hecht as an intermediary. "The portrait of Sabina was claimed to have come from 'an aristocratic family collection in Bavaria' which has the ring of the anonymous histories so often seen in sale catalogs 'Property of a Gentleman'. Given that the piece appears in the Medici Polaroid archive (see below), this *history* for Sabina is demonstrably false".<sup>3</sup>
- On **13 September 1995**, the Italian and Swiss Police raided the warehousing facility of Giacomo Medici at the **Geneva Free Port**. Investigators discovered evidence demonstrating that Giacomo Medici, an Italian art-dealer, was in a close relationship with well-known *tombaroli*, art-dealers and museums.<sup>4</sup> **Medici's warehouse** contained vases, statues, bronzes, frescoes, mosaics and thousands of photographs and documents. In particular, the photographs, mainly Polaroid, have been defined as "the clinching piece of evidence"<sup>5</sup> to identify the objects claimed by Italy and to prove the illicit origin of a number of antiquities that were situated in museums around the world. Some of the photographs regarded the statue of Sabina encrusted with dirt. Polaroids of two Apulian pots, an amphora and a loutrophoros, were also seized.
- The raid in the Medici warehouse brought the discovery of the so-called Medici conspiracy, a network of people that went from the *tombaroli*, through Giacomo Medici and Robert Hecht, to collectors and museums. The trial of Giacomo Medici and the one against Marion True and Robert E. Hecht Jr. in Rome "is allowing the Italian authorities to identify antiquities that have been removed from their archaeological contexts by illicit digging".<sup>6</sup>

<sup>1</sup> David Gill and Christopher Chippindale, "From Boston to Rome: Reflections on Returning Antiquities." *International Journal of Cultural Property* 13 (2006): 313.

<sup>2</sup> Elisabetta Povoledo, "Boston Museum Returns 13 Ancient Works to Italy," *The New York Times*, September 29, 2006, accessed August 19, 2011, <http://www.nytimes.com/2006/09/29/arts/design/29mfa.html>.

<sup>3</sup> Gill and Chippindale, "From Boston to Rome," 314.

<sup>4</sup> Peter Watson and Cecilia Todeschini, *The Medici Conspiracy: The Illicit Journey of Looted Antiquities, from Italy's Tomb Raiders to the World's Greatest Museums* (New York: Public Affairs, 2006), 20-22. See also David Gill and Christopher Chippindale, "From Malibu to Rome: Further Developments on the Return of Antiquities," *International Journal of Cultural Property* 14 (2007): 206.

<sup>5</sup> Gill and Chippindale, "From Boston to Rome," 312.

<sup>6</sup> *Ibid.*, 311.

- **2006:** Negotiations between the Italian Ministry of Culture and the Boston MFA began: two meetings took place in Rome in **May and July 2006**.
- **September 2006:** An agreement was signed.

## II. Dispute Resolution Process

### Negotiation – Settlement agreement

- Given the documentation found in Medici warehouse and the evidences emerging in the cases of Hecht and True,<sup>7</sup> the position of the Boston MFA in the negotiation was a weak one. This is probably the main reason why the agreement was reached after few months of negotiation.<sup>8</sup>

## III. Legal Issues

### Procedural issue – Illicit excavation – Illicit exportation

- The lack of evidence and documentation regarding the clandestine origin of the artefacts in the collection of the Boston MFA prevented Italy from bringing a suit against the museum.

## IV. Adopted Solution

### Conditional restitution – Cultural cooperation – Loan

- 13 archaeological objects were returned to Italy. These included painted vases and the statue of Sabina, the wife of the second-century Emperor Hadrian.<sup>9</sup>
- In exchange for the returned antiquities, Italy granted loans to the Boston MFA.
- The Boston MFA was willing to exchange information with respect to future acquisitions of Italian antiquities.<sup>10</sup>

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<sup>7</sup> For other potential connexion with art dealers involved in criminal procedure, see Elisabetta Povoledo, “Boston Museum Returns 13 Ancient Works to Italy,” *The New York Times*, September 29, 2006, accessed August 19, 2011, <http://www.nytimes.com/2006/09/29/arts/design/29mfa.html>.

<sup>8</sup> Confirmed by the museum himself, less precisely of course, see Elisabetta Povoledo, *ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

## V. Comment

- This agreement is similar to the accord signed by Italy and the Metropolitan Museum of Art (MET). Both provided for the return of the claimed objects and the commitment of the Italian Government to lend “significant works”. However, while the MET refused to accept the clause indicating that the museum should inform Italy in the case of any future acquisitions, loans or donations of objects that could have Italian origin, the Boston MFA agreed to that.
- The Boston MFA’s position during negotiation has been praised as being “open and honest”. “They thought more about cultural projects than property”, said Maurizio Fiorilli, the Italian government’s chief negotiator.<sup>11</sup> While this can be due to a sincere willingness to collaborate, the indictment of Marion True may have played a role in pushing the museum to collaborate.
- Following this case, the Boston MFA’s website included a section on the provenance of archaeological objects.

## VI. Sources

### a. Bibliography

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### b. Document

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### c. Media

- Bozonnet, Jean-Jacques. “La ‘victoire’ de l’Italie contre quatre grands musées américains.” *Le Monde*, December 18, 2007.
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- Museum of Fine Arts, Boston and the Italian Ministry of Culture Joint Statement, “Museum of Fine Arts, Boston and Italian Ministry of Culture Sign Agreement Marking New Era of Cultural Exchange.” September 28, 2006.

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<sup>11</sup> Ibid.