

Of the roughly 1,000 years of history behind the Portland Art Museum's new piece of South Asian sculpture, only 9 can be accounted for. When the eleventh-century stone stela of Ganesha, an elephant-headed god, went on sale last fall, museum curators didn't know where it had been before 2000, which raised questions about whether it had been looted. But while the Association of Art Museum Directors (AAMD) guidelines on collecting antiquities state that museums generally should not acquire works under such circumstances, they do allow museums to make an "informed judgment" to proceed regardless.

Although the Portland staff couldn't prove that the Ganesha had not been looted, their research suggested that bringing it to Oregon "would not in any way detract from the cultural heritage" of South Asia, says Maribeth Graybill, curator of Asian art. After purchasing the sculpture, staff followed the guidelines, posting a photo and the information they had about the work on the new AAMD Object Registry Web site. As of press time, no more details about it have come to light, and it remains in Portland.

The acquisition of the sculpture illustrates the problems in the ongoing dispute over whether museums should collect works with a murky past. The AAMD was praised for stating in its guidelines, revised last June, that museums "normally" should not acquire a work without proof that it was "outside its country of probable modern discovery" before 1970—the year a UNESCO convention banning the illicit trafficking of cultural property was adopted—or legally exported from the country afterward.

But critics call the "informed judgment" option a loophole. The Ganesha "demonstrates the real risk here: that museums will acquire objects and feel that they have satisfied their conscience by posting them on the Web site," says Patty Gerstenblith, professor at DePaul

A Loophole for Loot?

Critics are calling on
museums to override an
exception to the new rules
on collecting antiquities

BY JOELLE SELIGSON



▲ The Portland Art Museum's new Ganesha: Where was it before 2000?

University College of Law in Chicago and founding president of the Lawyers' Committee for Cultural Heritage Preservation. "It's more of a way of allowing museums to proceed with what may be questionable acquisitions than facilitating restitution."

The AAMD had previously recommended that antiquities without a clear provenance going back ten years should not be acquired, a rolling rule the association came to see as "too lax," says Maxwell Anderson, director and CEO of the Indianapolis Museum of Art, who helped revise the guidelines. "That's why it was substituted in effect with a bright line"—a clearly defined rule.

It's a bright line with gray areas. The year 1970 is in some ways an arbitrary date; the United States, for example, didn't adhere to the UNESCO convention until 1983. Before last year's revision, "some museums were using 1983, some were saying ten years; most were holding their breath not knowing what to do," Anderson told *ARTnews*.

The Metropolitan Museum of Art, for one, abided by the ten-year rule until November, when it revised its policies to match the AAMD's. Some have urged the Met to employ even stricter standards, like those adopted by the J. Paul Getty Museum, which pledged never to acquire works without clear provenances back to 1970.

But Met spokesman Harold Holzer argues that collecting objects without long, clear provenances can facilitate their restitution. "If a public institution acquires orphaned works, they can be studied and researched," he says. "Bringing them into the open improves the likelihood that they will be properly identified and ultimately repatriated."

For now, the Ganesha remains the only object listed on the Object Registry. Anderson says this is because museums simply aren't obtaining works with unclear backgrounds. "It's a very strong signal that museums are proceeding with extreme caution when it comes to acquiring ancient art," he says. ■

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