Polaroids from the Medici Dossier: Continued Sightings on the Market

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Abstract

The series of returned antiquities to Italy have been a reminder of the role of Giacomo Medici in the movement of antiquities to North American public and private collections. A dossier of images was seized during a series of raids on premises in the Geneva Freeport linked to Medici. Such images have made it possible for the Italian authorities to make identifications with recently surfaced antiquities. In spite of the publicity some involved with the trade of antiquities continue to offer recently-surfaced objects that can be traced back to Medici and his consignments to the London market.

Keywords: art crime, Giacomo Medici, trade of antiquities, returned antiquities.

The Medici Dossier

The 1995 raids on the Geneva Freeport premises of Giacomo Medici have had a profound impact on the collecting of and dealing in antiquities (Watson 1997; Watson and Todeschini 2006, 20; Silver 2009). The set of Polaroids seized during the raids ("the Medici Dossier") has allowed objects that had passed through the hands of Medici to be identified. Fractured, salt-encrusted, and mud-covered objects were shown as they appeared to have emerged from the ground and before they passed into the hands of expert conservators who prepared them for sale. The unravelling of the story has become known as the "Medici Conspiracy" (Watson and Todeschini 2006). The photographic evidence has brought about the voluntary return of objects from a range of prominent North American museums: Boston's Museum of Fine Art, the Cleveland Museum of Art, the J. Paul Getty Museum, New York's Metropolitan Museum of Art, and the Princeton University Art Museum (Gill and Chippindale 2006; Gill and Chippindale 2007; Gill 2009b; Gill 2010c; see also Godart and De Caro 2007). To these may be added a selection of objects from the Royal-Athena Galleries in New York, and items from the Shelby White (and the late Leon Levy) collection (Gill 2010c).

A further aspect of the Medici conspiracy was the release of documentary evidence relating to consignments made to Sotheby's in London by Medici through his Swiss agents, Christian Boursaud and later Editions Services (Watson 1997; see also Gill 1997). These lists show that large numbers of antiquities were being supplied to the London market through the 1980s and early 1990s. It is striking how many of the returned objects emerged in this way. For example, three pieces returned from Boston (an Attic bell-krater, an Apulian loutrophoros, and a Lucanian nestoris) surfaced in 1982, 1984, and 1995 (Gill and Chippindale 2006; Gill and Chippindale 2008); the Attic amphora returned from the MMA surfaced in 1982 (inv. 1985.11.5; see Gill 2010a, 5-6); the Attic red-figured column-krater from the Royal-Athena Galleries surfaced in 1987 (Gill 2010c, 107 no. 3); two Attic black-figured neck-amphoras, one from the Royal-Athena Galleries and the other from the Shelby White collection, appeared at the same sale in 1985 (Gill 2010a , 4). Some of these sales had been discussed in detail. The July 1985 sale contained "104 unprovenanced antiquities" consigned by Christian Boursaud, and the December 1987 sale, consisting of 360 lots, contained 101 lots consigned by Editions Service (Watson 1997, 117, 120). The collecting histories of the pieces prior to their acquisition by Medici are undeclared.

In spite of the major publicity surrounding the returns from North American collections, and their display in high profile exhibitions in Rome and Athens (Godart and De Caro 2007; Volpe 2009; see Gill 2009a), some dealers seem to have been unaware of the issues. The October 2008 London sale of the Graham Geddes collection of antiquities at Bonhams was severely disrupted (Gill 2009c, 83-84; Gill 2010a, 4-5). The Italian authorities made claims on a number of key items; at least seven had first surfaced at Sotheby's between 1984 and 1989. The antiquities section at Bonhams could have been alerted to potential problems if they had observed that the name "Geddes" appeared next to a South Italian (Lucanian) krater, sold at Sotheby's in London that appears to have had links with Medici (Watson 1997, opp. 120; see also Gill 2009c, 84).

Yet, the following year, a Corinthian krater was seized just before the June 2009 sale at Christie's Rockefeller Plaza, New York; it had passed through Sotheby's in 1985 (Gill 2010a, 4). Two further pieces, an Attic pelike and an Apulian situla that were sold in the June 2009 Christie's sale, were seized later in the year (Gill 2010b, 83). These two pieces had apparently passed through the Summa Gallery in Beverley Hills (see McNall 2003; Nørskov 2002, 270).

Such activities would perhaps make dealers, especially Bonhams in London and Christie's in New York, wary of objects that were potentially associated with Medici.

The Medici Dossier and Bonhams

The April 2010 sale at Bonhams contained a Roman statue of a youth (lot 137). The statue had originally surfaced at Sotheby's in London in December 1986 (lot 287). This particular Sotheby's sale appears to mark the transition to consignments by Editions Service (and apparently ultimately from Giacomo Medici) (Watson 1997, 120). Indeed two of the pieces withdrawn from the Bonhams October 2008 sale were also from this auction (Gill 2010a, 4-5): an Apulian oinochoe (lot 15; Sotheby's London, December 8, 1986, lot 185); and an Apulian bell-krater (lot 28; Sotheby's London, December 8, 1986, lot 188). A search of the Medici Dossier found an image of a Roman marble statue marked clearly "lotto 287." Apart from restorations to the right ankle the image in the Polaroid seems to be strikingly similar to the one illustrated in the Bonhams catalogue. Why should an image of a pre-restoration Roman statue appear in the Medici Dossier? Did the staff at Bonhams contact the Italian authorities, given that the statue had surfaced in the December 1986 sale, one that had been linked to Medici and that had given the auction-house problems only 18 months before? Such contact would form part of a natural and rigorous due diligence process.

There is one further complication. Did the statue appear on the Art Loss Register (ALR) database? It is commonplace for dealers and auction houses to consult the ALR prior to a sale. The staff of the ALR will check pieces that have been recorded and reported as stolen. However it is a database

that will not contain images of recently-surfaced antiquities as, to state the (frequently overlooked) obvious, cameras were not available when the objects were deposited in their archaeological contexts a couple of millennia ago. Thus items that have been stolen from a recorded public or private collection have the potential to be in the ALR database, but objects removed illicitly from the ground will not normally be there. Even so, there are indications that part of the Medici Dossier has been placed on the ALR database.

It seems that members of staff at Bonhams were possibly aware of the Medici connection. Chris Martin, the chairman of the Antiquities Dealers Association (ADA) (Bonhams is a member), commented specifically on the Roman statue (email, Chris Martin to Theo Toebosch, 27 April 2010):

> I understand that Bonhams checked with ALR and that the marble piece was clear, it seems however, that some five or so years ago the piece was on the art loss register and that it was the subject of a court case in Spain where the Spanish court ruled against the Italians and that it was the (sic.) legally the property of the current vendor. The ALR and the carabinieri were instructed to remove the piece from their websites. I have not seen the paperwork to confirm this but, legally this would be a very difficult to position to attack on the grounds of this EU court ruling. I feel, based on the information received, that Bonhams have acted in good faith by withdrawing the lot and have made due diligence checks.

As a result of this comment from the ADA, Christopher A. Marinello, General Counsel to the ALR London, confirmed, "William Webber informs me that the item is still listed on the ALR database as in dispute and the ALR has not been asked to remove it." (email to DG, 28 April 2010) A subsequent discussion with William Webber in the ALR London office confirmed that the statue was on the ALR database, that the objects in the sale had been checked against the ALR database, and that the check would have indicated the Medici link (telephone conversation, 28 April 2010). If Webber is correct (and there is no reason to doubt him), then it would suggest that the staff of Bonhams were aware of the Medici connection but decided to offer the statue anyway. Yet, if they were so confident that the vendor had legal title, why did they decide to withdraw the piece from auction? Why not issue a press statement giving the details of the ownership?

More recently, Julian Roup, the head of PR and Marketing at Bonhams, claimed, "not a single item mentioned in your recent articles has appeared on any of the stolen art databases, namely the Interpol database, the Metropolitan Police database or indeed any of the databases checked by the Art Loss Register." (letter, to DG, 5 July 2010) Such a statement seems to contradict the information from the ALR, and the comment from ADA that was perhaps informed by Bonhams. Indeed, it seems that the Carabinieri had made images available to those in the antiquities market so that they identify objects shown in the Polaroids.

There is a fundamental issue at stake here. Why does the Roman statue in a pre-restored state appear in the Medici Dossier? What was its collecting history prior to passing into Medici's hands? Where was it found?

Bonhams is a member of the ADA. The ADA's Code of Conduct states (www.theada.co.uk, accessed on 12 July 2010; rechecked 15 March 2011):

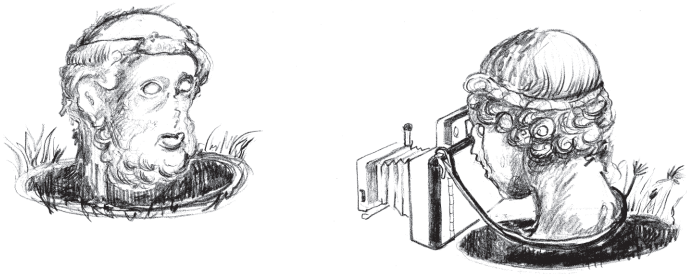
> I undertake not to purchase or sell objects until I have established, to the best of my ability, that such objects were not stolen from excavations, architectural monuments, public institutions, or private property.

If Bonhams were aware of the Medici link and the reported Spanish legal case, had the staff established, to the best of their ability, that the Roman statue had not been "stolen from excavations"? The issue for the ADA is not about ownership but the protection of the archaeological record.

The Roman statue was not the only controversial object to be offered by Bonhams in the April 2010 sale. There were also three Roman limestone funerary busts (lots 399–401). All three had been "acquired on the London art market in 1998" and were "accompanied by a French export licence." The three had formerly been offered at the April 29, 2009, sale at Bonhams but had remained unsold; they were part of a group of six acquired in London in 1998 and accompanied by "a French passport" (lots 48–53). The statues, in fact, featured in the Schinoussa archive. These images were seized in April 2006, at a villa associated with London dealer Robin Symes and his partner Christos Michaelides (Zirganos and Howden 2006; Nikolas Zirganos, 'Operation Eclipse,' in Watson and Todeschini 2007, 306–24; see also Watson 2006). Zirganos and Howden report that the Schinoussa Archive contained important images:

> These images are said to include scores of ancient works, looted from Greece and sold to wealthy private collectors or major museums. The items were photographed while in the possession of crooked dealers and circulated to potential buyers, typically, before being sold through Swiss auction houses which operate outside EU laws on trafficking in stolen goods. Mr Diotis will now spearhead the effort to trace the pictured items, said

to include priceless statues, vases, ornate wreaths, and sculpted reliefs.



Double Exposure
Bill Lyle

The Schinoussa images of the Roman limestone busts show them still encrusted with dirt. One was photographed in a fragmentary condition; the statue had been restored prior to being offered at auction. It thus seems likely that the six items were purchased on the London market from Robin Symes in 1998. The numeration of the photographs indicates that they were taken in 1994 (nos. 94/134, 94/135, 94/136, 94/137 and 94/140). Why did Symes have images of these busts still showing the dirt? It would suggest that they had not been residing in an undocumented private collection for some decades.

The handling of these items by Bonhams has attracted severe criticism from Lord Renfrew of Kaimsthorn. In the wake of the Geddes affair he made a speech in the House of Lords (Hansard, 26 October 2009):

> Bonhams the auctioneers withdrew from its London antiquities sale at the request of the Italian Government some 10 antiquities, among them items formerly owned by the now sadly notorious dealer Mr Robin Symes. I understand that the Italian authorities had already made representations to the Home Office about several warehouses in London containing antiquities formerly in his ownership—many of them, it is alleged, illegally excavated in Italy.
>
> What is an auctioneer in this country doing, selling antiquities without a documented provenance? It is scandalous that this practice continues, and to put an end to it is one purpose of this amendment. There are serious matters here, which demand government attention.

Renfrew was also invited to comment on the items appearing in the Polaroid images in April 2010, and stated that "such sales are maintaining London's reputation as a clearing house for looted antiquities." (Alberge 2010b)

The Medici Dossier and Christie's New York

In 2009, three antiquities were seized from the premises of Christie's in New York by agents of the U.S. Immigration and Customs Enforcement (ICE). The first was a Corinthian column-krater that was due to be auctioned in the June sale. It had first surfaced at Sotheby's London in 1985 and is reported to have been consigned by Medici. Later in the year two pieces that had been auctioned were seized: an Attic pelike attributed to the Aegisthus painter (lot 120) and an Apulian situla (lot 132). Both had surfaced through the Summa Galleries in Los Angeles, one in 1977 and the other in the mid-1980s. Sung-Hee Park, a spokesperson for Christie's commented, "the transparency of the public auction system combined with the efforts from the U.S. ICE and foreign governments, in this matter, led to the identification of two stolen artefacts" (email, to DG, 4 November 2009).

Subsequent to this, Max Bernheimer, head of Christie's Ancient Art and Antiquities department, was interviewed for *Apollo* in April 2010 (Harris 2010). Harris commented on "the negative aspects of the antiquities trade – the looting of sites, the funding of the international trade in drugs and weapons, the proliferation of restitution claims and the continuing appearance of sophisticated fakes." He wanted those involved in the trade to make their position clear: "Dealers are at pains to point out the entirely legitimate trade in objects that have been neither looted nor smuggled and which are in as much demand as ever." Bernheimer noted "the critical break-off date for the sale of antiquities is 1983, the year that Egypt declared its country's antiquities to be property of the state and their sale abroad unlawful." He emphasized, "private collectors and museum curators alike will often cultivate relationships with established and trustworthy dealers who not only have the best access to rare works but are often better suited to negotiating the auction room pitfalls associated with this market." Thus it appeared that Christie's was accepting the need for adopting benchmark dates for when objects surfaced in order to avoid potentially damaging publicity.

Three of the pieces offered in the June 10, 2010, Christie's sale at Rockefeller Plaza (sale 2323) seemed to be close to items featured in the Medici Dossier. The Roman marble torso of a youth (lot 139) was particular distinctive, and the catalogue entry noted that the youth is "holding a cockerel in his left arm, his hand at the bird's left wing, its trail feathers curving along the contours of the boy's hip." The piece, with an estimated value of $20,000 to $30,000, was "the property of a Massachusetts private collector". The original catalogue entry traced the statue's history from an anonymous sale at Christie's in London (11 June 1997, lot 116) to another

anonymous sale at the Rockefeller Plaza (10 December 2004, lot 576). A check of the collecting history in the 2004 online catalogue showed that the statue had originally surfaced in an anonymous sale at Sotheby's London (9-10 July 1992, lot 527). No explanation was provided about this striking omission, though the information was subsequently added to the entry of the 2010 catalogue. This raises the question about the identity of the person who consigned the statue to Sotheby's in 1992.

The second piece was an Apulian rhyton in the form of a goat's head (lot 104). The rhyton, with an estimate of $25,000 to $35,000, was the property of an anonymous American private collection. It had originally surfaced at Sotheby's New York on 8 June 1994 (lot 189). It is unclear who consigned it to the 1994 sale, or its full collecting history prior to 1994. The appearance of Apulian pottery on the market in the 1980s and 1990s has long been a matter of concern (Elia 2001).

The third piece was a Canosan terracotta figure (lot 112). The third century BCE female figure is shown leaning against a herm. The figure, with an estimate of $6,000 to $8,000, was the property of an anonymous owner ("another property"). It is significant that the figure had first surfaced at Sotheby's In London on July 9-10, 1984 (lot 551), and had then passed into an anonymous English private collection. The Polaroid image bears a sticker with "551."

Concerns about the three pieces were raised by Theo Toebosch in the Amsterdam press (*NRC Handelsblad* 15 May 2010). Toebosch contacted the press office at Christie's and was told, "We do not sell works that we have reason to believe are stolen." The spokesperson also stated that Christie's adheres strictly to all local and international laws relating to cultural property.

Shortly afterwards an extended interview with Bernheimer was released on the Christie's website (24 May 2010) and hyperlinked to objects that were listed in the June 2010 sale. The move was presumably intended to reassure potential buyers. The interview asked specifically:

> **In recent years, the issue of repatriation has garnered attention as institutions like the Metropolitan Museum of Art and the Getty Museum have returned artifacts to their source countries. Where does the issue stand today, and what impact does this have on your collectors?**
>
> Provenance has always been important, and in light of recent repatriation issues, it has become paramount. In a way these issues have helped the auction business because of the transparency of our operations; buyers can have complete confidence when buying at auction. Everything we do is published, and source countries have the opportunity to review our catalogues long before the date of sale.

At this point Bernheimer already knew that questions were being asked about the collecting histories (or "provenance": see Gill 2010a) of three of the pieces. Although the online catalogue allowed possible identifications to be made with the Medici Dossier it seems that Bernheimer was unwilling to accept the photographic evidence.

Shortly thereafter, Paolo Ferri, the Italian State Prosecutor, commented on the three pieces due to be auctioned at Christie's (Alberge 2010a):

> Paolo Ferri, a Rome prosecutor who specializes in art theft cases, is seeking to recover the objects. He described the Christie's sale as "very unethical," adding: "We want to repatriate those objects." He said he had been aware of the sale since the catalogue was published some weeks ago and was pursuing his efforts to repatriate the objects through diplomatic and international police channels.

(The phrase "adding: 'We want to repatriate those objects'" was subsequently edited out of later versions of the report.) The report was explicit, quoting Ferri, "Christie's knows they are selling objects that appeared in the Medici archive." A spokesperson for Christie's provided a response:

> With respect to these particular lots, Christie's has not been notified of a title claim by any government authority, nor are these lots identified as problematic by the Art Loss Register or Interpol. As an added measure, Christie's has undertaken its own research into this matter and has found no evidence to support the need to withdraw these lots. Unless and until Christie's receives a title claim, we plan to proceed with the sale of these lots."

The presence or absence of images in the ALR database was again seen as significant, though, interestingly, Christie's only said that the lots had not been "identified as problematic." Are the images in the ALR database? Does the ALR consider images from the Medici Dossier to be unproblematic? Does Christie's consider the appearance of objects in the Medici Dossier as unproblematic? It would also be interesting to know the nature of Christie's own additional research relating to these three pieces once concerns had been raised. Did they contact Giacomo Medici and ask him if he had handled the pieces? Did they contact the Italian authorities to see if the images were indeed in the Medici Dossier? Or does it mean that Christie's took legal advice and decided to proceed?

This is particularly interesting given that only the previous year a Christie's spokesperson used the word "stolen" when commenting on the seized antiquities that had featured in the Medici Dossier. It also suggests, in the light of the comment made to Toebosch, that Christie's did not consider ex-Medici pieces to be "stolen." There appears to be contradictory thinking.

Christie's continued with the sale. The youth with a cockerel sold for $20,000, less than the $22,705 it had achieved in 2004. The Canosan terracotta sold for $7,500 and the Apulian rhyton appears to have been unsold.

Conclusion

The four objects that surfaced at Bonhams and Christie's appear to be similar to images shown in Polaroids from the Medici Dossier; and three further items are similar to items in the Schinoussa Archive. But is this just the tip of the iceberg? It seems likely that less than 1% of the objects in the Medici Dossier have been identified and returned to Italy. Other items may well be linked to other countries such as Greece, Turkey, Lebanon, and Syria. Moreover there are still objects to be identified from the Schinoussa Archive and the Becchina Stache.

Some items featured in the Polaroids have been recognized. For example, it seems that an Attic volute-krater in the Minneapolis Institute of Art also appears to register in the Medici Dossier (Padgett 1983–86 [1991]; Padgett 1984; Gill 2009c, 85). In the pictures it is covered in mud and salt deposits prior to cleaning. The krater was sold to the museum by Robin Symes, and images of the pot also appear in the Schinoussa Archive. Objects in Copenhagen have also been linked to this same network (Christiansen 2008). As recently as January 2011, it was revealed that a New York dealer was selling 16 items that could apparently be identified from the Medici, Becchina, and Schinoussa archives (Isman 2011).

What action does the market need to take? It seems that auctionhouses and dealers need to be suspicious of objects that surfaced at Sotheby's in London (and perhaps also New York) during the 1980s and early 1990s. Part of the due diligence process should be to check with the Italian authorities. Second, there needs to be more transparency over the process of selling. Anonymity ("anonymous North American private collector"; "Belgian gentleman") is perceived as masking the true owners. Are dealers sometimes presented as "private collectors"? Third, collecting histories need to be researched rigorously. It is well known that some dealers have fabricated such histories and it is important to look for authenticated and documented evidence. Fourth, should dealers seek to adopt 1970 as a benchmark? This would link their trade with the position adopted by the Association of Art Museum Directors (AAMD) in North America, and keep in step with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Until such action is taken, it is likely that ex-Medici pieces will continue to surface on the market and undermine the confidence of potential buyers.

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