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# Implementation of New Guidelines For Museums' Provenance Research

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# Implementation of New Guidelines For Museums' Provenance Research

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**Keywords** provenance, research, museum studies, cultural heritage, law, conventions

**Abstract** This article explores the issues of current provenance guidelines and aims to develop a new set of guidelines for procuring provenance that can be used across all types of media in museums' collections. Provenance can be defined as the history of ownership that is integral to learning important information about an object. It also allows museums and scholars to learn more about an object's history, such as where it came from, whom it belonged to, its uses, and even its symbolic meaning. However, the current guidelines for establishing provenance outlined by the American Alliance of Museums are not sufficient to address all types of media. Additionally, this paper discusses the consequences of unknown provenance and the need for objects, specifically antiquities, to have a detailed provenance. A missing or incomplete provenance is usually a good indicator that the object in question was stolen. By studying the current guidelines and conventions on provenance, I have created a short manual to instruct the research of provenance of objects of all types of media. My hope is that the set of guidelines outlined here will encourage professional associations such as the American Alliance of Museums to implement similar guidelines for both amateur and professionals to use with any type of media.

**About the Author** Taylor Mordy is a recent graduate from the master's program in Museum Studies at the University of San Francisco in California. Taylor has written extensively on the subject of cultural heritage issues including provenance and Nazi-era stolen art. She received her bachelors of arts in Archaeology and Classical Studies at Boston University where she became passionate about the world of antiquities, including the illicit art market.

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*[It's] like working a jigsaw puzzle, except that you have to first find the pieces before you can start putting them together. — James Mordy, in an interview with the author*

## Introduction

Provenance is often defined as the history of ownership that is integral to learning important information about an object. In general, finding provenance of objects for which the history is unknown can be very difficult. This article investigates the process of discovering the provenance of objects that have been accessioned into museum collections in the United States in order to provide a preliminary list of steps for finding an object's origins., based on in-depth research and first-hand experiences of both in-house researchers and independent scholars.

Provenance provides important information such as the society the object belonged to, how the object was used, and for what purpose. Materials without provenance in museums have consequences in the art world and leave a dangerous gap in the archaeological record by preventing scholars from learning about the object or culture it belonged to. For example, the discovery of looted objects with obscure paper trails hinders museums from confronting past negligent collecting practices, making amends to communities that have been violated, and preventing potentially damaging legal consequences.

The process of discovering provenance tends to vary based on the type and age of the object. One unique example is Nazi-era art. This type of art necessitates a vastly different process of finding provenance, as the objects were stolen and transported all over Europe to secret locations during the Second World War. Similarly, another point of interest is material that was looted from archaeological sites. Many of the records in the aforementioned two examples are obscure, difficult to access, and require a great deal of energy and focus to uncover and piece together. In other circumstances, provenance can be easier to ascertain due to more complete and accessible records.

This article proposes a broad action plan to aid individuals in finding the origins and histories of objects of interest. The information presented in this article was drawn from written sources and interviews with researchers who have offered their professional expertise of using archives and other sources of information to uncover provenance. In order to gain information about the process of researching and uncovering the stories behind looted material and to recognize the difficulty of knowing the provenance of artworks, this article utilizes information from popular studies like *The Medici Conspiracy* by Peter Watson, *The Lost Museum* by Hector Feliciano, and others that have highlighted the issues of lost provenance and unethical collecting practices to large audiences of readers. This article is an answer to the rising interest in and demand for accountability when it comes to museum acquisitions.

## Background

Recently, progress has been made toward establishing complete provenance for objects in museums, auction houses, and other collections. Provenance is especially relevant in

regards to looted objects. Looting is a large global problem, specifically in areas of poverty, insecurity, and vulnerability. Source countries (i.e., where the antiquities come from) usually have a lower socioeconomic status than buyer countries. One example of looters in lower socioeconomic source countries are called “subsistence diggers”: individuals who have no other economic means besides looting. Corruption and negligence lead facilitators at borders to look the other way when antiquities are transported both out of the country of origin and into destination markets. For example, in *The Medici Conspiracy*, Peter Watson details how Giacomo Medici and his vast criminal network exploited the corruption and negligence of border officials and museum directors to illegally move antiquities out of Italy, through Switzerland’s Freeport, and into the world’s largest museums, such as the Metropolitan Museum of Art (the Met) in New York, the Getty in L.A., and the Museum of Fine Arts (MFA) in Boston, among other museums and auction houses.

Collecting antiquities has its origins in the 17th and 18th centuries with European aristocrats on the Grand Tour, where wealthy collectors would travel around Europe and collect antiquities. This was seen as a sign of wealth and status, emulating Napoleon’s conquests and collecting. David Gill, a professor of antiquities at Swansea University in Wales, argues that “the passionate desire to collect ‘ancient art’ by wealthy individuals creates a market and thus provides an incentive for” looters.<sup>1</sup> The illicit art market operates off of supply and demand, as Ricardo Elia, professor of archaeology at Boston University, states:

*collectors are the real looters [...] Collectors cause looting by creating a market demand for antiquities. Looting, in turn, causes forgeries [...] These two problems— looting and forgery— fundamentally corrupt the integrity of the field of ancient art history [...] Without the money, and their demand, there would be no market.*<sup>2</sup>

However, none of this would be possible without dealers, individuals who participate “in both illicit transit and elite markets for antiquities, and serving as a transformative node at a particularly sensitive point in the antiquities trafficking chain [... and] play a key role in laundering illegal, illicit, and unprovenanced pieces for the market”.<sup>3</sup> Dealers specialize in trading illicit antiquities to private collectors who believe they are buying from a reputable source. Additionally, dealers influence the illicit art market by being direct educators of client taste.<sup>4</sup> Simon Mackenzie, a criminologist professor at Victoria University of Wellington, argues, “destination market actors justify or normalize their participation through narratives of denial and neutralization, offering what often purports to be a moral defense of lawbreaking”.<sup>5</sup> Until the late 1990s, dealers were very secretive around provenance, for two reasons: protecting client confidentiality and preventing their competition from discovering where the objects came from. When asked for provenance, dealers would use these weak excuses to prevent clients from realizing that the objects were looted.

The most important policy regarding looted objects is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.<sup>6</sup> The major contribution of this convention is the prohibition of exporting cultural objects out of their countries of origin. Beginning in the late 1990s and continuing today, there have been stricter policies and laws on looted material entering the art market,

however looting is still a widespread global issue. In the late 1990s and early 2000s, clients began to realize the importance of provenance and started paying higher prices for legitimately authenticated objects. They also started to boycott objects without reputable provenance. In doing so, they created an auto-regulation of the art market. This was true not only for antiquities, but also for artwork that was looted during World War II. Dealers started to purposefully buy antiquities with an established provenance and began releasing provenance information to showcase their credibility. To strengthen the legitimate art market, the Association of Art Museum Directors (AAMD) in 2008, implemented a policy that prohibited acquisitions of objects that existed outside of their countries of origin after 1970.<sup>7</sup> This new policy sparked repatriation claims, civil lawsuits, and customs seizure. At the same time, art museums felt pressure to return looted Nazi-era objects to the heirs of the victims from whom it was stolen, a process that has been slow and uneven, though World War II ended over 70 years ago. The change in the art market raised questions of the validity of collecting antiquities, specifically whether or not antiquities should be a part of the open art market. Victoria Reed, Sadler Curator for Provenance at the Museum of Fine Arts in Boston, shared during an interview that around that time and into the present many curators at the MFA had taken the initiative to publish provenance on wall labels and the website.<sup>8</sup> Additionally, the Met is paving the way for more transparency around provenance through research, classes and seminars, and publications.

This article outlines steps that can be taken for more efficient and accurate provenance research in order to give credibility to art and tell us more about the object and society during the time it was created and collected in, focusing on antiquities and World War II-era art. The key opportunities for museums are to publish provenance on their website and include it on wall labels, settle disputes over Nazi-era art and antiquities, and educate visitors on how quickly art can change hands, especially in times of societal turbulence. Today, the museum world is becoming more transparent with the provenance of their acquisitions. This forces organizations and individuals to be transparent and truthful in telling the story behind where the seller found the object. However, the policies in place are more like guidelines and there are several loopholes. It takes enterprising individuals like Hector Feliciano, author of *The Lost Museum* and investigator of Nazi-stolen art, and Peter Watson to investigate research into illicit transactions. Museums need to take up the challenge of being transparent with where their acquisitions are coming from and establishing provenance for objects with complex pasts, as well as making accessible more archives and sources that can help uncover unclear transactions.

## Action Plan

### Action 1: Examine the Object

When examining an object, it is important to note the details, such as the type of object, its condition, size, materials, and if possible, the time period or location in which it was most likely created. According to Katie Cunningham, who researched the provenance of a costume at the Museum of Performance and Design in San Francisco in 2018, it is imperative to examine the object first. She tried to follow the American Alliance of Museum's guidelines for provenance research, but found them to be limited because they only focus on looted Nazi-era works and paintings.<sup>9</sup> The guidelines did not address 3D objects such as

the costume Katie was researching.<sup>10</sup> In examining this costume, Katie determined that it was hand painted and hand-sewn, most likely by Russell Hartley, founder of the San Francisco Ballet. Katie argued, “the object is the root of it all [...] if I didn’t make notes early that parts of the costume seem to be hand painted, [...] that would not have led me to the [...] provenance. So the devil’s in the details”.<sup>11</sup>

Victoria Reed, provenance liaison at the MFA, also emphasizes that examining the object beforehand is imperative to starting provenance research. She shared that, “if there’s any marks or labels on the work of art itself, that is critical because it’s firmly linked to the object”.<sup>12</sup>

## **Action 2: Look at Museum Sources**

Both Katie Cunningham and Victoria Reed agree it is imperative to start with what you know regarding an object, rather than speculation.<sup>13</sup> The first step in museum collections is to look at the files the museum already has on the object, including condition reports, accession records, and other related documents. Katie started by looking at the condition report, which she believes should be one of the first sources looked at in searching for provenance. She stated that the condition report is integral to provenance research because it details how the object was cared for, how it was handled, and how it has been prepared.<sup>14</sup> The Museum of Performance and Design had archives that Katie was able to access, but due to its smaller size, the records were not digitized. Combing through the archives, Katie was able to find the paper donor files and discovered that the previous owner was an authority on traditional staging ballets and involved in several early San Francisco Ballet productions.<sup>15</sup>

Victoria Reed researches the provenance of museum objects, and acknowledges that she has access to certain resources not accessible to others.<sup>16</sup> For Victoria, it is typically a matter of working backwards. She argues that it is imperative for researchers to “understand whether there’s an artist’s name attached, what its condition is, has it changed in appearance over time, has the attribution changed...[y]ou have to know what you are looking for and you have to have some kind of specific information to go on”.<sup>17</sup> With museum collections, there are usually ledgers that have been digitized and records of what the object is and where the museum bought it.

Looking at the receipt of purchase from the museum, another researcher, Stephanie Brown, discovered a painting that had questionable provenance. Brown was hired as a contract curator in 2015 by the Haggin Museum in Stockton, California through Gallagher and Associates, a national exhibition design firm, to track down the provenance of a suspected painting by Paul Gauguin. It had been bought in 1929 and the family who started the museum had owned it from 1929–1939, before the painting was placed in the museum. This is important because the verified 1929 date means that the painting was not stolen during World War II. The painting was attributed to Gauguin, but experts had believed he did not paint it. This is significant because Gauguin is an important 19th century painter and the painting’s attribution to him raises its value, both financially and educationally. It would give the museum an opportunity to market associated Gauguin paraphernalia and attract more visitors.

### **Action 3: Start a timeline**

One of the most important pieces of determining a provenance history is timelines. Data points are needed to create a timeline, and each data point allows the researcher to start with a known fact about the object, such as where it was located at the time or who owned it, then use that information for further investigation. Using readily accessible resources such as museum documents, researchers can create a preliminary timeline to add to in the future.

For example, Katie Cunningham created a timeline for Russell Hartley, the founder of San Francisco Ballet and looked at where the costume came from and whom it was credited to. Katie discovered that the costume was not credited to Hartley, but he was transitioning from working behind the scenes into costume and set design at the time. By creating a timeline, Katie was able to cross-examine the data from the costume and Hartley, and discovered when he may have worked on the costume and when production happened.<sup>18</sup>

Timelines are also integral to discovering if works of art were looted during World War II. Regarding *Flowers and Fruit* by Gauguin, Stephanie Brown was relieved to see that it was not looted by the Nazis, as it was in the United States before the war. Therefore, she avoided any legal issues surrounding many other works of art that were looted by the Nazis.

Timelines are especially important in genealogical research for building family trees. Genealogical research is similar to museum object research as it is imperative to start with the information known about a person. For example, if you know a person's age at a particular time, then you can backtrack and find the year of birth, which then leads to discovering more about that person and their family tree.<sup>19</sup> James Mordy, a published genealogist, starts with "written brackets for each 2nd or 3rd generation branch of the family, with basic info."<sup>20</sup> He makes a folder or notebook for each branch. He then identifies where information was missing. He considers where and how he might obtain the missing information before he begins his search.<sup>21</sup> Making a timeline to ascertain provenance should follow similar steps.

Both genealogy and provenance research have much in common with detective work: looking at what is in front of you, surmising what is missing, and figuring out what resources you have access to in order to piece the puzzle together are all imperative steps. When it is difficult to track an object, sometimes it is easier to track the owners instead. There is often more information available in genealogical research than provenance information, and by discovering information about the owner and their locations or origins, the object's history is can be more readily understood.

### **Action 4: Use Primary Sources**

The most useful next step is finding and utilizing primary sources. Information from primary sources, including records and photographs, are the most reliable. With the information discovered from these sources, add data points to the timeline.



Victoria Reed relies on primary sources the most because it is reliable document-based research.<sup>22</sup> Examples of sources she uses are financial documents, receipts, invoices, dealers' stock books, sale catalogues, and exhibition catalogues.<sup>23</sup> According to Victoria, museums have to dig deep, especially when it comes to researching art that may have been looted. Researchers must establish a concrete timeline to determine where the object was, who owned it, and the financial and historical circumstances of these individuals.<sup>24</sup> This type of research tends to take longer and uses more resources to answer the important questions.

One primary source Stephanie Brown looked at regarding the painting *Flowers and Fruit*, was the Gauguin catalogue raisonné, a legitimate catalogue that was created by scholars and was a "comprehensive list of everything an artist had ever painted"; these catalogues were based on "research [...] on dealer's records, on the artist records, if they had them on family records, if they had them on sale, auction catalogues."<sup>25</sup> In the 1964 catalogue raisonné, Stephanie Brown found research by a father and son in Paris who were art dealers, which confirmed that the *Flowers and Fruit* was an authentic Gauguin.<sup>26</sup> These dealers were considered experts on Gauguin and were familiar with his art. However, the catalogue stated that the painting had been lost. Following this discovery, the Haggin Museum sent the painting to a Gauguin expert in Canada to ascertain whether or not this painting truly was a Gauguin. This expert determined it was not authentic. The museum decided to take the painting off the wall, but Stephanie continued to investigate. She sent the painting to the reincarnation of the catalogue raisonné in New York City called the Wildenstein Plattner Institute. The Wildenstein Plattner Institute also concluded that the *Flowers and Fruit* was not a Gauguin. Other primary sources Stephanie looked at were birth and death certificates, marriage records, railroad maps, and contemporary almanacs that had addresses allowing her to cross-examine.<sup>27</sup> In looking at all these types of primary sources, Stephanie was able to piece together a timeline of the painting and where Gauguin was at the same time. Although she could not definitely conclude that Gauguin was the artist, she was able to create an accurate and useful timeline of the painting's history.

According to James Mordy, the best sources for creating genealogy timelines are county and local records.<sup>28</sup> He also uses census, library, family, digital records, and newspaper records as they give detailed information on local marriages, births, deaths, and obituaries.<sup>29</sup> Additionally, obituaries can often have information on that person's birth, immigration, jobs, and other family members. Immigration records are very informative as they can provide a country of origin. As a prior member of Navy Intelligence, he often uses military records when researching his own genealogy, as his family has a long history in the military tracing back to the Revolutionary War.

### **Action 5: Refer to Secondary Sources**

Referencing secondary sources provides additional information, although this information is slightly less reliable than that derived from primary sources. Stephanie Brown discovered a substantial amount of information in secondary sources that suggests the painting *Flowers and Fruit* was created by Gauguin, despite what experts claimed. This information suggested that Gauguin had given the painting to his housekeeper because he could not afford rent and was leaving for Brittany, France.<sup>30</sup>

It is important to note that researchers have to be careful with secondary sources, as the true provenance can become convoluted. Victoria Reed stressed the importance of primary sources, but conceded that often there is a need for secondary sources. She emphasized that it is very important not to take information from secondary sources at face value, but instead, attempt to gain additional information by hunting for more evidence.<sup>31</sup> Typical secondary sources Victoria might consider are people's anecdotes and memories.<sup>32</sup> They help create the picture and give a starting point for further investigation, but primary sources offer more definitive and trustworthy information about an object.

### **Action 6: Look Up Legal Claims and/or Affirm Provenance Information**

By the time an object reaches Victoria Reed's desk, it has been determined to be authentic. However, she can have doubts about the age of an object and about false documentation. False documentation is an issue with antiquities and archaeological material because of the rising need for a paper trail in order to sell it. Victoria mentioned that false paperwork is relatively rare, although she has come across it in her career.<sup>33</sup> The Museum of Fine Arts has restituted a number of objects in the past and Victoria uses each case as a learning experience. She asks, "What can we learn from this? What can we do differently moving forward?"<sup>34</sup> Regarding antiquities, the Museum of Fine Arts turns down objects that either have unverified paperwork or that simply don't have in-depth paperwork. A major part of acquiring new objects, especially antiquities, is being diligent in affirming provenance documentation and investigating suspicious documentation.

### **Action 7: Publish**

After the research is complete and an object's provenance has been certified, museums and auction houses should publish all information using wall text next to the item and/or on their website. This helps keep departments accountable and provides information for the public. Katie Cunningham hopes to use her experience researching the provenance of the costume to send the information to the American Alliance of Museums in order to update the guidelines.<sup>35</sup> She also wanted to create a provenance panel for one of the conferences. Similarly, Stephanie Brown created a blog detailing her process of tracking down the provenance of *Flowers and Fruit*.<sup>36</sup> Her goal is to write a book after she concludes working as a professor. Victoria Reed has seen, over the last twenty years, how institutions have responded to issues of provenance as it has expanded "from just being an issue of Holocaust-era assets from the 90s to antiquities and archaeological material" and that "now we really see that every aspect of the art world needs to be paying attention to legal ownership issues to ethical ownership issues."<sup>37</sup> Additionally, it is imperative that institutions think carefully about how they interpret, discuss, and display provenance in galleries and websites.<sup>38</sup> Victoria believes that museums and institutions are "becoming increasingly diligent with every passing year".<sup>39</sup> Regarding the Museum of Fine Arts, Victoria added that all of the provenance research is on the website and the museum is beginning to incorporate wall labels dedicated to provenance histories as well. Victoria noted that as of recently, more curators are making the conscious decision to publish provenance information on wall text and to be more transparent.

## Conclusion

This article details the steps that can be taken to properly investigate provenance including the process, pitfalls, and best sources. This new set of guidelines for provenance research can be implemented for both amateur and professional researchers. By investigating the process of discovering provenance of objects that have been accessioned into museum collections in the US, this set of guidelines provides a preliminary list of steps based on in depth research and other's first-hand experiences in conducting provenance research. It is my hope that the American Alliance of Museums updates their guidelines in order to include a set of steps for finding provenance of all types of media. I also discuss the danger of having unprovenanced material in museum and private collections. These objects are a danger to the archaeological record as they prevent scholars from learning about the object and the society it came from. In the last decade or so, museums have taken steps to be transparent about where they acquire their objects.

The discovery of looted objects, for example, helps museums confront past collecting practices and make amends to communities that have been violated, and get in front of potentially damaging legal consequences before they occur. By using popular studies like *The Medici Conspiracy* by Peter Watson, *The Lost Museum* by Hector Feliciano, among others, I show how this issue of unprovenanced material has been brought to light to a large audience of readers. These stories are riveting but there are also deep ethical and legal implications to understanding how and why the objects were obtained as well as their authenticity. The detective work involved is similar to that of amateur genealogists: a lot of trial and error, but also a systematic process for piecing together a lost history. Victoria Reed, a contracted researcher like Stephanie Brown, and a genealogical researcher like James Mordy, show that there are many ways to approach provenance research, but perhaps the most important it to leave no stone unturned, especially when it comes to art that may have been looted. It is important that this project succeed in outlining broad steps that can be taken to better provenance research because it can lend credibility to art. My hope is for museums to publish provenance on their website and add it to wall labels, settle disputes over Nazi-era art and antiquities, and educate visitors on how quickly art changes hands, especially in times of civil unrest.

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## Notes

<sup>1</sup> David Gill, "The Market for Ancient Art", *Key Concepts in Public Archaeology* (2017): 188.

<sup>2</sup> Peter Watson and Cecelia Todeschini, *The Medici Conspiracy* (New York: PublicAffairs, 2006), Ch. 9.

<sup>3</sup> Simon Mackenzie et al., *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities* (New York: Routledge, 2020), 33.

<sup>4</sup> *Ibid.*, p.34.

<sup>5</sup> Mackenzie et al., 60.

<sup>6</sup> "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970". Approved 14 Nov 1970, Paris.

<sup>7</sup> "AAMD Policy on Deaccessioning". Amended Oct 2015.

<sup>8</sup> Victoria Reed, interview conducted by author. June 22, 2020.

<sup>9</sup> "Unlawful Appropriation of Objects During the Nazi Era". Last modified Apr 2001.

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<sup>10</sup> Kate Cunningham, interview conducted by author. May 28, 2020.

<sup>11</sup> Ibid.

<sup>12</sup> Reed, interview.

<sup>13</sup> Reed, interview.; Cunningham, interview.

<sup>14</sup> Cunningham, interview.

<sup>15</sup> Ibid.

<sup>16</sup> Reed, interview.

<sup>17</sup> Ibid.

<sup>18</sup> Cunningham, interview.

<sup>19</sup> James Mordy, interview conducted by author, May 2020.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Reed, interview.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Stephanie Brown, interview conducted by author. May 27, 2020.

<sup>26</sup> Brown, interview.

<sup>27</sup> Ibid.

<sup>28</sup> Mordy, interview.

<sup>29</sup> Ibid.

<sup>30</sup> Brown, interview.

<sup>31</sup> Reed, interview.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Cunningham, interview.

<sup>36</sup> Brown, interview.

<sup>37</sup> Reed, interview.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

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