

Editorial

On 3 August, Judge James E. Noland, United States District Court, Southern District of Indiana, Indianapolis Division, delivered his 86-page judgement in Cause No. IP 89-304-C, *Autocephalous Greek-Orthodox Church of Cyprus and The Republic of Cyprus, Plaintiffs v. Goldberg & Feldman Fine Arts, Inc. and Peg Goldberg, Defendants*. Judge Noland found for the Plaintiffs, and awarded them the property in dispute, four 6th-century Byzantine mosaics removed from the church of the Panagia Kanakaria, at Lythrankomi in northern Cyprus. The ruling has been appealed and is not yet a precedent to have influence, but it deserves to become a landmark case in the protection of sites from looters.

The mosaics in the apse of Kanakaria church date to about AD 530; they survived the Iconoclasts and 14 centuries of wear and tear to the extent, at their restoration in 1959–67, of Jesus, one Archangel and nine apostles. These were published by *Dumbarton Oaks* in 1977.* Since the Turkish invasion of 1974, Lythrankomi has been in the zone controlled by the Turkish Republic of Northern Cyprus; the parish priest fled to the south in 1976. By late 1979 the mosaics had been forcibly removed, and the Cyprus Department of Antiquities was looking for them and other antiquities looted from the north. Frescoes and fragments of mosaic were tracked down to one Aydin Dekman in 1983–4 and recovered.

Ms Goldberg, a dealer in 19th- and 20th-century art, entered the story on 31 June 1988. She flew to Amsterdam in pursuit of a Modigliani, but developed doubts 'about being able to prove the authenticity of the painting'. That was the end of the Modigliani. Her contact mentioned the mosaics; she saw photographs and 'fell in love with them'. She heard that the seller was 'an archaeologist from Turkey' who had 'found' the mosaics in the rubble of an 'extinct' church, and one of the circle she was dealing with reported having seen documents

that indicated the mosaics to be legitimate exports. She agreed to buy the mosaics for \$1,080,000, with half the profits from any resale to be divided among her collaborators. On 5 July she saw the actual mosaics in the free-port area of the airport at Geneva (where another Modigliani was rumoured to be at large). She borrowed \$1,224,000 from Merchants National Bank in Indianapolis, which was delivered as \$100 bills in two 'carrying bags' on 7 July. The bank did not know the price paid by Goldberg was \$1,080,000. Goldberg did not know that only \$350,000 of what she paid would go to the seller, with most of it divided between those 'friends' of her who were to benefit from her resale. Ms Goldberg and the mosaics went home to Indianapolis on 8 July, where the planned resale surplus was further divided. But before there could be a surplus someone had to buy them. The asking price, later much publicized, became \$20,000,000, or 57 times what the seller had received. The Getty Museum, known the art-world over as an institution with loads of money, was contacted indirectly, and a New York dealer was offered yet another cut if a Getty sale went through. This was a mistake, as the Getty does not collect Byzantine art; worse, its Dr Marion True [sic], handling the matter, told Dr Vassos Karageorghis, the energetic director of antiquities for Cyprus, of the approach. The mosaics were tracked down to Indianapolis, and the Cyprus Church and government opened legal proceedings.

The judge dismissed technical arguments regarding the lapse of time between the looting and Ms Goldberg's adventure, and concerning diversity jurisdiction (to which *Erie Railroad Co. v. Tompkins* (1938) and *Klaxon Co. v. Stentor Elec. Mfg. Co.* (1941) are relevant).

On the real issue, 'Were they stolen?', the judge determined: 'the right to ownership and possession of the mosaics rests with the plaintiff Church of Cyprus' and 'the mosaics were unlawfully detained or taken from the rightful possession of the Church of Cyprus'. Under Indiana law, a thief obtains no title or right to possession of stolen items and can pass no title or right on to a subsequent purchaser. The

* A.H.S. Megaw & E.J.W. Hawkins, *The Church of the Panagia Kanakaria at Lythrankomi in Cyprus: its mosaics and frescoes* (Washington (DC): *Dumbarton Oaks*, 1977).



Wall of a looted church in northern Cyprus, photographed by Robin Cormack during his study-tour. The rough squares on the wall mark the large area where a complete Last Judgement has been removed, patch by patch, leaving only two fragments in the upper part of the wall. More paintings have gone from the column on the right, and some from that on the left. (Reproduced with the permission of the Council of Europe.)

mosaics were stolen, so 'the defendants are in wrongful possession of the mosaics'. Alternatively, under Swiss law, a purchaser establishes good faith by taking reasonable care to ascertain the seller's capacity to deliver legitimate title; the judge, with some brisk description of the goings-on, found, 'Goldberg did not purchase the mosaics in good faith.'

Students of dealing in illicit antiquities will have learned some lessons from the Goldberg affair: do not deal in areas you do not know with middlemen you do not know; do not deal in things already famous in their field and identifiable in origin; do not ring up the Getty; do not ask too much. The \$20 million was and is an astounding figure, quite out of line with the standing of Byzantine art by relation to the late Impressionists whose work is disappearing up a spiral of telephone number values. A relevant benchmark is provided by the 1987 auction of an apostle mosaic from the church of Torcello, in the Venice lagoon. The figure was removed over a century ago (a lapse of time that now

gives legal title under all jurisdictions), and ended up in a church in Wales. The sale had everything going for it: good title; fine work from a fine period (besides which the Kanakaria pieces are provincial and early); in good condition (where the Kanakaria figures were recently re-set, badly and flat instead of curved); the romantic connection with Venice, coming from Ruskin's favourite church. And Sotheby's pulled out the stops, a special fuss, a special exhibition, a special poster. The Torcello apostle made £250,000.

At the end of September, word came of another dodgy set of European antiquities in the United States, a collection of Romano-British bronze statuettes for sale at the Ariadne Galleries in New York that include an inlaid cheetah, a statue of Vulcan, face-masks and heads, and seem to be temple furnishings of the 1st or 2nd centuries AD. They are said by some to come from Icklingham, Suffolk, a known and scheduled site whose owner, John Browning, has been fighting off illegal treasure-hunters for

nearly a decade. Where the Kanakaria mosaics are of known provenance, it is impossible to prove that portable objects like this group have come from any one site, since their very existence was unknown until they were dug up. A spokesman for the British Office of Arts and Libraries said, 'We will ask the Foreign Office to take up the case . . . if there is enough strong evidence to support Mr Browning's claim.' Short of a whistle-blower among the looters confessing his sins, it is hard to see 'strong evidence' being produced, unless the public fuss alone makes these goodies unmarketable.

☞ Plaintiff in the Goldberg case, alongside the Church, was the Government of Cyprus (further lesson: do not mess with Cypriot politics!). The Cypriot government is concerned for antiquities in the north, which has been controlled by a 'Turkish Republic of northern Cyprus' for 15 years now, for their own sake as historical relics of Cyprus, and for their religious and cultural value; many of the treasures are, like the Kanakaria mosaics, in or part of Orthodox churches, expressions of the faith of Greek, Christian Cypriots. Others, like the classical city of Salamis, are of archaeological value, but do not carry the same cultural emotions. (Among these other monuments of Cyprus, I am surprised to find, are fine big Crusader churches, in French Gothic style, that later were turned into mosques.) And expressions of this legitimate concern are themselves part of the process of political warfare in the international community by which the Cyprus conflict is now continued. The 'Turkish Republic', which is recognized as a government only by Turkey, applied for and was denied right to join the Goldberg case as another Plaintiff alongside the Church and the Cyprus government.

Reports from northern Cyprus over the years have talked of much damage and looting, as the Kanakaria case confirms in a celebrated instance. It has been contended that the damage has been less a matter of carelessness in time of emergency when pressing imperatives take command, or arising from a simple failure to police, but a systematic erosion, tolerated or encouraged by Turkish Moslems, of the Christian places that mean so much to the Orthodox faithful. Conversely, Turkish Cypriots see the Greek Cypriots as working to re-create Byzantine domination over the island.

As member of a Council of Europe team, Robin Cormack, Lecturer in Byzantine Art at the Courtauld Institute in London, made a swift study-tour of Cyprus, north and south, in the summer to assess the state and safety of the island's antiquities. His expert study, prefaced by a background report, was published by the Council in July.* The reports make a sad read. Much has certainly been lost, as our photograph here illustrates. There are bitter stories – from both sides: the Turks, for instance, point to the main mosque of Paphos, in the south, entirely erased in favour of a road junction and car park.

Dr Cormack saw the ruin that was the Kanakaria mosaic, of course, and other wrecks, for example the church at the Monastery of Antiphonitis, which in 1974 contained important wall-paintings of the 12th and 15th centuries:

Up to 1974, this was a beautiful church, one of the most impressive ensembles of Orthodox painting in the north.

It is a sad relic of its former state. The removal of sections of the wall paintings is systematic but crude. The exquisite angels in the apse have been hacked about in an attempt to remove the faces. The damage is serious. Other squares of the 12th[-century] painting have been removed. Most of the 15th-century panel of the Tree of Jesse has been removed in squares; and so has most of the Last Judgement (each of these panels covered an area of about 20 sq. ft). Other panels are removed in part. The cloths used in the process of *strappato* have been left on the walls in places as if the thieves were stopped in the process of removal or simply abandoned the task.

The wall-paintings in the north church at St Chrysostomos, 'probably the highest quality work of its period both in Cyprus and in the Byzantine world as a whole', are in part exposed, visible and in a fair state. In part, they have been whitewashed over. The whitewash flakes off easily; it may be removable without damage. And some individual figures have been pasted over with patterned paper; where a little of the paper was hanging off, the figure underneath seemed undamaged. The site is currently protected from looters by the resident presence

* *Information report on the cultural heritage of Cyprus presented by the Committee on Culture and Education, Council of Europe Parliamentary Assembly, 6 July 1989, Doc. 6079; by the General Rapporteur on the architectural heritage, Ymenus van der Werff, and incorporating a report by the Consultant expert, Robin Cormack.*

of the army; officers use the monastery cells as sleeping quarters.

Clearly, many nasty things were done to northern Cypriot monuments, evidently linked to the international market in illegally exported art – opportunist raids in the unsettled period following 1974, and a more organized looting of selected places around 1980. Those many calamities of the recent past aside (and Greek Cypriots do not easily set them aside), Dr Cormack saw real possibilities, as well as needs for improvement. One example of what has been saved – and how – indicates some of the complications: two more apostles from the Kanakaria mosaic, now as separate panels, have been acquired by the Archbishop Macarios museum in South Cyprus. Like those that went to Indianapolis, these had been re-set as flat surfaces, rather than curved as they were in the church apse. Cormack comments, ‘they may be a signal for the future that there is an available market there [in the south] for looted items from the north’.

While the Cyprus government has an Antiquities Department of the highest reputation, the north has lost its source of expertise and depends entirely on Turkey; this isolation from international advice and funding makes it hard for its Turkish Cypriot administration to carry out its expressed wish to protect its historic monuments. It has produced a list of 121 cases, in the period 1974 to June 1989, where persons have been accused of theft or possession of antiquities, as indications of its good faith in these matters.

What makes the Council of Europe’s initiative special, and the reason it deserves success, is that the interests of art and archaeology are being put first. The administrations, north and south, entertained the study-group, which was not blocked by the political abyss that divides the island. May its report and recommendations receive the same tolerance.

☪ Morale and state funding, in real terms, for the British national museums continue to sink together – so much that their chairmen wrote a joint letter of outraged despair to the Minister for Arts and Libraries in the summer; it was leaked to the press, so do not expect it to have visible good effect.

Do they order things differently in France, where art and history are supposed to count for

more? There is the dazzling new 19th-century art collection in the old Gare d’Orsay, and the Louvre is being re-made. I went to have a look.

Paris remains a delight to visit. The last of the old Metro trains have gone, the rattling, swaying ones that ran on line 11 with Art Deco details and doors you could open *between* stations, but the station names are as extraordinary as ever, and the smell of the Paris Metro remains the finest of all underground railway system smells.* There are still station name-plates as curly Art Nouveau metal cut-outs. More to the point, the public transport shows every sign of vigorous care and investment. The French language, despite all official efforts, continues to retreat. The graffiti artists, who know about style, give themselves English tags; the fanciest on the RER line into the Gare du Nord signs himself, with an elegant play on words, ‘MALICIOUS DAMAGE’.

Central to the British museum debate is charging for admission, since entrance to the British national museums has traditionally been free. The National Maritime Museum, the Natural History Museum and the Science Museum now charge, and the Victoria & Albert Museum has ‘voluntary charges’. The first thing, therefore, to be said about the main French museums is that they all charge; it is FF25 at the Louvre, children free, and that is the figure you expect – whether at the new science park at La Villette or at the old Musée des Antiquités out at St-Germain-en-Laye in the Paris suburbs.† The charges seem reasonable to me; free children stop the cost rising for a family; no one grumbles; they do not seem to discourage the crowds. The queue for the Louvre main entrance, before 9 on an August weekday, stretches across the courtyard, through the arch and out of sight. No problem: you simply have to go to the side-entrance, along the Seine quay, which not a single tourist seems to know.

The main Louvre collections are much the same, and the room with the Mona Lisa still the

* A league *below* all competition in my nose’s estimation is the New York subway, whose sweat-sweet smell of stale decay outranks all others.

† The Pompidou arts centre at the Beaubourg does not charge as such for admission, but many activities there, and entry to the national collection of modern art upstairs, bear their own charges.



☪ The summer of 1989, hot and dry in Britain after a warm dry winter, was a vintage year for air photography, especially for parch-marks in the grasslands of the western counties: there will be a review of new finds in the next issue.

More in the public eye has been a bumper collection of 'crop circles', areas where standing corn has been bent over and flattened by an unknown force. Here is one from Wiltshire, in the field immediately to the north of Silbury Hill, which Paul Devereux and I spotted from the top of the prehistoric mound on an August morning. His photograph shows it to be typical in its size and in its neat shape as an extremely good circle. In each circle the stalks of corn seem to have been bent over at ground level, all in the same direction, as if by a spiralling wind. Often there are outliers, here four little circles arranged in a trapezoidal shape whose converging sides – the photograph shows – are aimed at the heart of Silbury Hill. (Also visible, as parallel lines, are the wheel-marks left by a tractor that had sprayed the crop.)

Over the last few years, there have been many circles, usually occurring singly and in farmed crops but also this year a group of 96 (96!) in heather (heather!), near Llantwit Major, Wales. Many are illustrated in a handsome book by Pat Delgado & Colin Andrews, *Circular evidence* (London: Bloomsbury, 1989; £14.95). What creates the crop circles? Natural causes – fungus infections in crops on the model of fairy rings, or miniature

tornadoes? Flying saucers – the central circle marked by the round body of the craft, the outliers by the pads on its legs? Unmanned military helicopters – the military are said to have been seen to visit circle sites? Hoaxers – the members of some Young Farmers' Clubs seem remarkably adept at making circles when they are asked tactfully to make one?

Devereux and I, exploring this group of circles, noticed the clear tracks trod through the wheat that joined the circles to each other and to the field edge; there was the mark of a post at the centre of the largest. We thought it to be a hoax until we found that the tracks and post-mark had been made by Terence Meaden, the leading scientific researcher into the subject, when he had earlier gone to examine the Silbury circle. Meaden's own book, *The circles effect and its mysteries* (London: Artetech, 1989; £11.95), identifies their cause as the impact on the ground of a fast-moving body of partially ionized air. Its spiralling vortex presses the stems over, without snapping them or leaving any other trace.

Yet if the circles have this, or any other natural origin, why were they not noticed by air photographers before the last few years? It cannot be because they were looked at and not seen, for the crop circles also seem to be absent from the air photographs in the archives. Have those laws of physics which govern ionized air recently been changed?

most crowded. As well as the obvious masterpieces, like the Winged Victory and the Egyptian statues, there are any number of pictures and antiquities worth several glances; a favourite is the big oil of the *Pont du Gard* by Hubert Robert (1733–1808), in the corridor just outside the Leonardo. The main fear is museum disease, afflicting eyes, feet and concentration; it will be easier to catch when the last civil servants are evicted from the third of the Louvre palace they occupy, and their domain becomes yet more gallery, mostly devoted to decorative arts.

Where all has changed is underground, in the main Louvre courtyard. I.M. Pei's design, already celebrated, is visible above the palace courtyard as one large and three small pyramids, in glass and metal, surrounded by water. The entrance is in the largest, which takes you down two storeys into an immense open area, lit by the pyramids. The prospect is breathtaking, especially when you look up through the pyramids to the decorated walls and mansard roofs of the palace itself. On a mezzanine floor are cafés, on the lower floor a very large and good bookshop, with separate postcard shop. The vision echoes Pei's earlier, and successful, extension to the National Gallery in Washington, with its underground entrance from the old building. Here you buy your entrance ticket and then walk, still two floors underground, into the solid archaeology – among the great bastions of Charles V's stronghold, as illustrated in the *Très Riches Heures du Duc de Berry*. The moat and the base of the walls, with curved towers in fine ashlar, were covered when the later palace was built at a higher ground level and have only now been explored and revealed. This is the first time I have seen monumental medieval architecture displayed underground (the foundations of York Minster aside), and it confirms my hunch, mentioned in the last editorial, that underground really is the place to show archaeological sites to best dramatic advantage. After exploring the underground Louvre, you surface at the old ground-floor levels in the conventional galleries.

I had only one reservation about how the Louvre now operates. The whole central chamber – with its relief to mind and body of bookshops, seats and coffee – is on the street side of the ticket barrier; once you go to reach

their sanctuary, you are out for good, unless you pay again. Could the direction please provide for passes out, so you can return refreshed to explore yet another dozen galleries?

The Pei entrance, opened this year, marks stage one in the re-making of the Louvre, with several more to come. The site was ready, when I visited, for another archaeological excavation further down the courtyard, towards the Tuileries. The contrast between post-modernist pyramids and their setting in a *belle époque* courtyard has been much commented on, but it is hard to see how any style – other than a timid pastiche – would match the old building and, my companion remarked, 'In a way the pyramids are the same style.'

Entrance charges, on the evidence of the Louvre, are beside the main point. The Louvre does charge. It also benefits from a government which recognizes that a museum which is one of the glories of European culture needs to be confident of state support, both moral and financial, as well as generating its own income from a well-managed commercial aspect to its life.

Government largesse, though, is not evenly spread. The Louvre falls under President Mitterand's grand programme of public monuments, of which the most visible is the great square 'arch' at La Défense, in line with the Arc de Triomphe; like the Pei pyramids, it sits well with the old monument of such a different style. The national museum of antiquities at St-Germain evidently does not come into the grand design, and a visit there can make the heart sink. It is a fine building, a good *château* with transplanted megalithic chamber-tombs in the moat. But the displays are from another era, rank on rank of cases with rank on rank of artefacts, labelled by provenance and culture. There are signs here and there of special effort, and a display of part of Lascaux reconstructed is a novelty; for the most part, this national museum remains in a by-gone age. Tricks help: in room forty-something, you can fix your eyes on a case at random, then on an object at random, and go to look fixedly at it. It is exquisite, a Merovingian decorated buckle with a finely crafted and beguiling design, but somehow made the less by a case-full of neighbours, not quite identical. St-Germain is useful for the professional specialist; it really is good to be able to see several hundred artefacts from the major phases of

the French Bronze Age all together, to study the characteristics and the minutiae of difference. But the venture does not really belong with museums as their future seems today: the tourists queue for the Louvre, and the professional specialist goes to St-Germain alone.

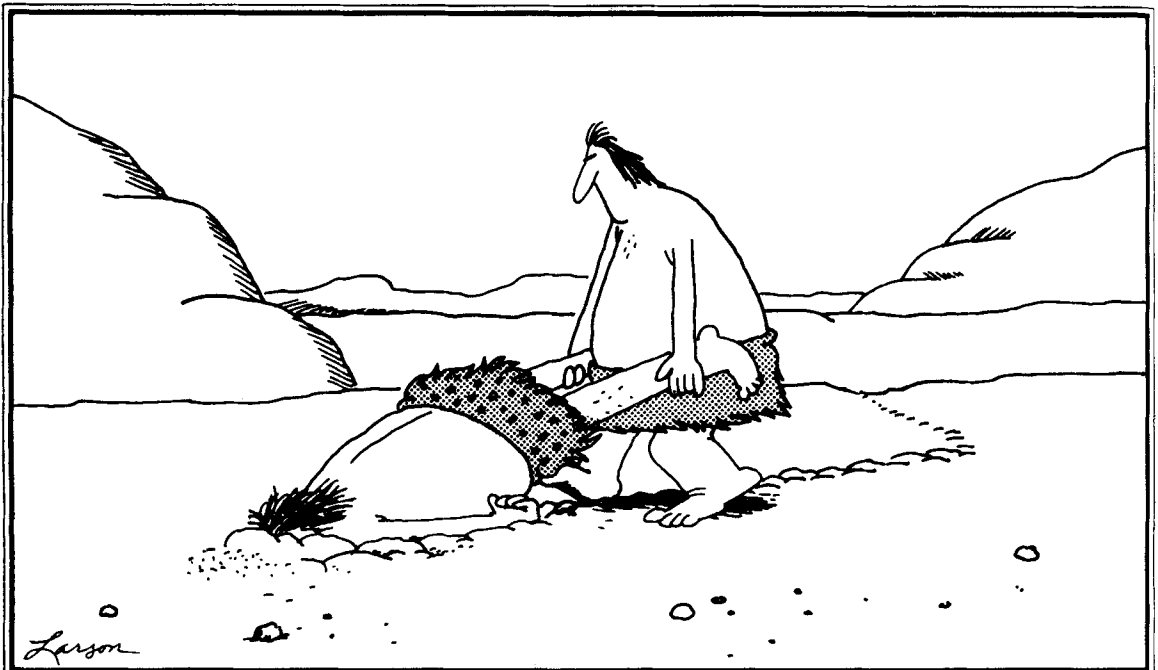
U My grandfather fought in a war between western European powers; my father fought in a war between western European powers; I do not expect to fight in one; and my children find it hard to grasp how such a civil war between neighbours could ever have come about. It is that kind of change that makes me a convinced European, despite the dottinesses of the European Economic Community, with its feather-bedded staff, its worship of agri-business, its eccentric passion for a Euro-uniformity in all kinds of little matters, and its devotion to horrid acronyms. (The fine, and historic, names of the European national currencies are to yield to a single thing called an 'ecu', as if by analogy to 'emu'.) That is why I went out to vote in the European elections in June, and why I wished to vote for a party that was credible and pro-European. No such party was on offer: Mrs

Thatcher's Conservatives are having a vendetta with Brussels; the Labour opposition has wobbled about Europe for years; and the British centre parties have collapsed into a confusion. Since the alternative of some truly absurd candidate was not available in Cambridge, I voted Green, as a gesture which might help the poor woman candidate save her deposit. Her campaign vehicle had been a well-used bicycle, plastered with stickers, itself nearing re-cycle.

The day after, I was as surprised as anyone that my Green lady had done rather well. The Greens came second in some constituencies and took 14% of the British national vote, far ahead of either British centre party and the highest Green showing in Europe. Green Euro-policies, of which I knew nothing when I voted for them, turn out to be an odd lot; as a father of four, I would find myself soon for the cut under their policy of population reduction.

The Greens are already established in West Germany (and of all places in the world, also in Tasmania, whose state government is a green-red coalition), and they are now making an impact across Europe. In a Europe whose trees are dying and whose rivers are filthy, the Greens

THE FAR SIDE in ANTIQUITY



"Barrow"—precursor to the game of "wheelbarrow"

stand for other values than a purely economic community devoted to enriching yet further the rich in its common market.

Among the gentler things they stand for is a respect for the landscape with its living creatures and its history. Yet the old divorce between culture and nature, between human history and natural history sets British archaeo-

logy aside, in its institutions and in some of its attitudes, from the natural historians and, now, perhaps from a growing Green lobby. We print opposite, with special pleasure, a request for the reconciliation of that old divorce from Tom Greeves of Common Ground.

CHRISTOPHER CHIPPINDALE