

## Impact case study (REF3)

<b>Institution:</b> King's College London		
<b>Unit of Assessment:</b> 29 Classics		
<b>Title of case study:</b> The Return of a Wandering Guard		
<b>Period when the underpinning research was undertaken:</b> November 2005–2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Dr Lindsay Allen	Lecturer in Greek & Near Eastern History	From 15 September 2005 to present
<b>Period when the claimed impact occurred:</b> 2017–2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		

### 1. Summary of the impact

On 4 September 2018, a bas-relief fragment depicting an Achaemenid guard, illicitly taken from Persepolis in 1936, was returned by the District Attorney of New York (DANY) to the Iranian government. This is the primary impact of Allen's innovative research into the modern removal of architectural fragments from the site of Persepolis, which provided the catalyst and evidence for the legal proceedings. This landmark event, the first repatriation of an antiquity stolen from Persepolis, was hailed with popular acclaim in Iran. Amplified by media coverage of the case and repatriation, Allen's research has had two ripple impacts: first, new curatorial interest in museums worldwide in scrutinising the provenance of their Achaemenid artefacts; second, an impetus for Iranian cultural heritage management to document both looted and surviving Persepolitan fragments.

### 2. Underpinning research

Allen's research, which prompted and enabled repatriation of this antiquity, has developed over the last decade from earlier roots. In 2005, in her book *The Persian Empire: A History* [1], Allen had already illustrated, using historic photographs, how the modern market for Iranian antiquities developed alongside archaeological exploration of Persepolis. In publications from 2013 and 2016 [2,4], Allen piloted a novel historiographical approach to the study of elements dispersed from the site, which revealed that removals typically left scattered but rich documentary traces in institutional and private archives, many not previously identified or exploited. Her 2013 studies [2,3] demonstrated how colonial systems allowed 19th-century visitors to transport masonry home from Iran, while her 2016 paper [4] – a chapter in a book about Arthur Upham Pope – exposed the active role the influential scholar played in the dispersal of artefacts looted from Persepolis in the 1930s to western museums. Reviewing this volume, David Roxburgh highlighted Allen's paper as one laying the groundwork for helping us identify "*persistent legacies in the formation and construction of a field*" (*Bulletin of the School of Oriental and African Studies*, 81 [2018], 364). One striking proof of the specific value of Allen's new approach was her 2013 identification of a Persian fragment in the Victoria and Albert Museum as Persepolitan [3].

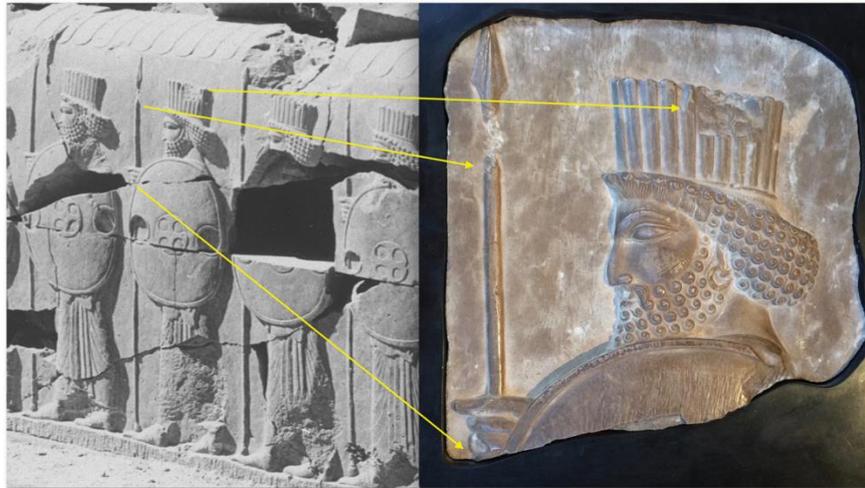
These discoveries spurred Allen to pioneer a global survey of individual pieces dispersed from Persepolis, and she has pursued painstaking archival research from Rome to Mumbai to track down evidence for removals. These research expeditions have been supported by, among others, King's College London, the Soudavar Memorial Foundation and the Iran Heritage Foundation. So far, she has identified 160 items held by 50 public collections. One research finding – surprising to some museums, and of key significance for the issue of repatriation – is that over half of these pieces were removed in the 20th century rather than in the 19th. Indeed, many were taken shortly before the November 1930 law that restricted the export of antiquities from Iran, and a few even after the start of the official excavations at Persepolis in 1931. When completed and published together, these researches will provide a foundational study of an important site's modern history. Meanwhile, Allen has previewed some of her discoveries on her blog <https://persepolitan.org> and in draft catalogue entries made available to the institutions that hold these objects.

The most spectacular result of Allen's new methodology and collaborative groundwork comes from her investigations, between 2014 and 2017, of an ex-museum fragment, billed as 'Relief of

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a Persian Guard from Persepolis', which re-emerged on the art market in 2016. Allen recognised that the excavation records at the Oriental Institute Museum at the University of Chicago showed the fragment, and a neighbouring piece now in Toronto, still *in situ* in early 1936 [Figure 1]; she cross-referenced this with the excavators' letters of March 1936 reporting the theft of the sculptures to the Iranian authorities. Since the removal occurred after the introduction of Iran's internationally recognised cultural patrimony law (November 1930), her research provided proof that the Persian Guard was stolen property. For now, details of her findings are available only in the confidential report she provided for the DANY [5].

Figure 1: Allen's initial comparison between the 1936 photograph and the fragment



### 3. References to the research

\* indicates peer-reviewed.

- \*1. Allen, L. (November 2005). *The Persian Empire: A History*. London: British Museum Press.
- \*2. Allen, L. (2013). 'Come then ye classic Thieves of each degree': the social context of the Persepolis Diaspora in the early nineteenth century. *Iran*, 51, 207–234. DOI:10.1080/05786967.2013.11834730.
- \*3. Allen, L. (2013). From silence: a Persepolis relief in the Victoria and Albert Museum, *V&A Online Journal* 5. <http://www.vam.ac.uk/content/journals/research-journal/issue-no.-5-2013/from-silence-a-persepolis-relief-in-the-victoria-and-albert-museum/>.
- \*4. Allen, L. (2016). 'The Greatest Enterprise': Arthur Upham Pope, Persepolis and Achaemenid antiquities. In Y. Kadoi (Ed.), *Arthur Upham Pope and A New Survey of Persian Art* (pp.127–169). Leiden, Boston: Brill. DOI:10.1163/9789004309906\_008.
5. 'On the "Relief of a Persian Guard from Persepolis" on sale in Europe and North America 2016 to 2017' (confidential report by L. Allen for the DANY, 14 October 2017).

### 4. Details of the impact

The impact of Allen's research consists primarily of a precedent-setting repatriation, and two secondary impacts affecting curatorial practice worldwide and heritage practices in Iran.

#### Primary impact: The return of the wandering guard

The guard's history provides essential context to the impact of Allen's research. This fragment of a guardsman, showing his head and one hand, and a neighbouring fragment, currently in Toronto, belong to one of the bas-relief ranks of soldiers and subjects which defined the approaches to and staircases of the palaces of the Persian kings at Persepolis. Widely revered as a significant monument throughout Iranian history (known as Chilminar or Takht-e Jamshid), the major excavations by the Oriental Institute of the University of Chicago in the 1930s recast Persepolis as the quintessential site of the Achaemenid empire (c550–330 BCE).

The guard, taken from Persepolis in 1936, disappeared from view for 15 years. He re-emerged for sale (along with his neighbour) in New York in 1950 and was acquired for the Montreal Museum of Fine Arts by its then Director. When the relief was stolen in September 2011, the museum claimed on its insurance; on the guard's recovery in 2014, the museum declined to return the

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money and instead 'deaccessioned' the object. Two British dealers, who did not investigate the object's full history before buying, acquired the guard. They marketed him in Europe for some months, then in autumn 2017 advertised him, with a guide price of USD1.2 million, at the European Fine Art Fair in Manhattan.

On 14 October 2017, Allen supplied a confidential report, via the legal specialist Leila Aminedolleh, to the Assistant District Attorney of New York, Matthew Bogdanos [A.1 pp.50–1, paras 146–7]. This presented the research in which Allen proved that the fragment of the palace guard (and his colleague in Toronto) had been looted in 1936 [5] [H p.370]. This report alerted Bogdanos to the illicit status of the relief and prompted him to take action; DANY researchers worked with Allen in investigating the case. Archaeologists based at the Parsa-Pasargad Research Foundation confirmed Allen's findings on site, and Iran's Deputy Minister of Cultural Heritage provided an affidavit of Iran's ownership of the piece [A.1 p.51 para.148,A.3,A.4]. Allen's evidence and the affidavit enabled the DANY to obtain a seizure order, allowing it to take custody of the fragment on 27 October [A.1 p.52]. The DANY filed an expanded court motion on 24 May 2018, drawing on documentation identified by Allen and provided by the Oriental Institute of the University of Chicago [A.1]. On 23 July 2018, a judge ruled that the guard should be returned to Iran; and on 4 September, the DANY handed him over to Iran's representative at the United Nations, who arranged his return to Iran [B.1 to B.3].

Figure 2: The President of Iran, Hassan Rouhani with the guard on his return from the UN. The caption retells the history of the fragment as researched by Allen.

[@hrouhani  
Instagram  
account, 28  
September  
2018]



The primary impact was therefore the first ever return of an object looted from Persepolis to its home, and the resonance of this precedent both within and outside Iran. The guard accompanied President Rouhani back from the 73rd United Nations General Assembly [Figure 2], was displayed at his press conference in Tehran on 28 September 2018 and generated national excitement. On 7 October, a sole-object exhibition of the guard, using the images taken from Allen's research proving its theft, opened to great fanfare at the National Museum of Iran, and was visited over 22 days by 11,333 people. An exhibition of creative 'reproductions' of the relief by schoolchildren followed [D.1 to D.4]. In subsequent months, the guard was also displayed in Mashhad, Bandar Abbas and at the Milad Tower in Tehran [D.5], and became the 'brand' image for the 1398 Nowruz (2019 New Year) celebrations at Persepolis [D.6].

It is too early to assess the impact of this case on the market, but it represents a major turnaround since the failure of a 2005–2007 legal challenge to the sale of a similar fragment in London [B.4]. In the 20 years before 2007, seven Persepolitan fragments had been publicly sold, of which three had no pre-1931 history; in the following decade, six fragments came to the market, none with a pre-1931 history [B.5]. The 2018 success was due to three factors: first, New York State law has no defence of purchase of stolen items in good faith; second, the Assistant District

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Attorney Matthew Bogdanos, after his experiences in occupied Iraq, has been proactive in policing the antiquities trade; third, and most decisive, was the incontrovertible evidence – lacking in the 2005–2007 case – for illicit removal of the fragment in 1936, which Allen was able to provide from her pioneering archival research. The legal proceedings have generated international media coverage and debate [C]. The independent lobbying group The Antiquities Coalition summarised the key lessons of this case as being: 1) the use of archival documentation to prove looting; 2) the scope of due diligence required for the market to work ethically; and 3) the precedent set for the return of looted fragments to a specific site [I].

#### Secondary impact 1: International curatorial practice

The guard's case has highlighted the need for all 'host' museums to scrutinise the origin of their Persepolitan fragments. The impact of Allen's global research continues to expand [2,5], as she provides collections with the means to reflect on the legal title to the fragments they hold, document the circumstances of their acquisition and improve understanding and public explanation of their relation to the original site [G.1 to G.3]. The Royal Ontario Museum, Toronto, holder of the adjacent fragment of the repatriated guard, is undertaking an internal consultation about its status; in 2019, the piece was removed from display [G.4]. The Boston Museum of Fine Arts in December 2018 introduced provenance information from Allen in their catalogue listings for their three reliefs from Persepolis [G.5.i]. Such information supports curators' efforts to develop new ways of presenting their objects alongside their history. *"This is incredible – thank you! ... so helpful as we reconstruct the lives of each of our collection objects"* (Ainsley Cameron, Curator of South Asian Art, Islamic Art and Antiquities at the Cincinnati Art Museum) is a reaction echoed by the Dayton Art Institute and the Princeton, Worcester and Seattle Art Museums [G.5.ii–vi].

Allen's research stimulates and supports thoroughness and transparency in museum practice, and, in the words of Claire Madge, the museum consultant and blogger, is *"a gift to future generations of Persepolis researchers"* both within and beyond museums [G.3]. Allen's mapping of fragments against site photographs has enabled museums to recognise connections between pieces held in different collections, thereby enriching their presentation and public understanding. Two Persepolitan fragments now in California – at the Los Angeles County Museum of Art (LACMA) and the Legion of Honor, San Francisco – were originally neighbours in the palace of Xerxes, a finding on which Renée Dreyfuss, the Curator in Charge of Ancient Art, invited Allen to present a public talk [G.5.vii]. One figure in Yale, Allen has shown, originally backed onto two in Dumbarton Oaks, Washington DC [G.5.viii]. Susanne Ebbinghaus, the George M.A. Hanfmann Curator of Ancient Art and Head, Division of Asian and Mediterranean Art at Harvard Art Museums, commented on such new links, *"those of us with responsibility for Persepolis fragments are enormously grateful not only for your extensive research but for your openness in sharing your findings as you make them. This allows us to fill in critical gaps in our knowledge ... and to begin developing creative ways in which to convey this information to our visitors"* [G.5.ix–x].

At the Victoria and Albert Museum in London, Allen was the first to identify Persepolis as the source of the museum's two Achaemenid fragments, one of which will be displayed for the first time in over a century in the museum's postponed 2020 Epic Iran exhibition [3]; the former Iran Heritage Foundation Curator at the museum, Moya Carey, said: *"Your research ... has been of significant impact to my position as curator ... without our cooperative research energy, a Persepolis fragment would be lying unidentified in the V&A's [sculpture store]"* [G.5.xi].

#### Secondary impact 2: Site management in Iran

The Director of the Iranian Cultural Heritage Organisation (ICHTO) announced in February 2019 that the organisation is taking steps to 'recapture' two similar relief fragments [F.1]. This is a striking policy change, given that since 2007 the ICHTO had not found opportunities to challenge, let alone recover, such pieces. The return of the wandering guard has demonstrated the connection between documenting historic looting and effective site management. A Shiraz University team has since audited and catalogued all previously unregistered architectural fragments in storage at Persepolis to enhance their safeguarding; this activity complements and underpins Allen's census of fragments outside Iran [F.2, F.3]. Allen continues to make her research results available to colleagues in the ICHTO and at Persepolis.

Allen's role in supporting the repatriation and building the knowledge base to support site management was recognised and detailed by the Iranian television station Ofogh TV, which commissioned a multi-part documentary about cultural heritage and crime, aired from December

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2019 to February 2020. The culminating episode was on Persepolis and featured Allen recounting her research into thefts from the site and the consequent return of the wandering guard [E]. Commenting on Allen's research into the 1936 theft, the voiceover says, "*We can clearly see that Takht-e Jamshid failed to be protected, and that artefacts from this important ancient site were repeatedly stolen*" [E05:58]. The documentary contrasts the 2017–18 repatriation with the failure of a decade earlier: "*We can categorically say that [this case] has reached a desired result: the bas-relief guard's head is currently in the homeland*" [E30:48]. It also links the need to recover the detailed history Allen is revealing directly to the site's future: "*Takht-e Jamshid, the archaeological masterpiece of Iran ... has thousands of wounds on its body, wounds that have been inflicted on its body by foreign excavators and their colonial contracts, and robbers and smugglers for their own benefits ... now, the danger from foreigners does not exist as before, however, the danger of forgetting the extensive looting of the past, and lack of legal redress, is serious*" [E 36:33].

### 5. Sources to corroborate the impact

**A. Legal impact:** 1. Motion to turnover, 24 May 2018; 2. *New York Times*, 29 October 2017; 3. DANY invitation to supply affidavit, 20 October 2017; 4. Allen's report checked at Persepolis, 21 October 2017.

**B. Legal outcome:** 1. ARCA blog, 25 July 2018; 2. *New York Times*, 23 July 2018; 3. Turnover order, 23 July 2018; 4. Case note: Achaemenid Limestone Relief – Iran v. Berend, Art-Law Centre, University of Geneva, January 2012; 5. 'Relief with a Persian Archer' artefact sold by Phoenix Ancient Art, 2014–15.

**C. Media reception:** 1. *Antiques Trade Gazette*, 11 August 2017; 2. *Illicit Cultural Property*, 30 October 2017; 3. Committee for Cultural Policy blog, 20 November 2017; 4. Archaeologik blog, 13 September 2017; 5. *The Art Newspaper*, 28 September 2017; 6. *Toronto Star*, 3 December 2017; 7. Center for Art Law, 3 May 2018.

**D. Impact in Iran** (press and exhibition): 1. *Kayhan Life*, 31 October 2018; 2. Mehr News, 5 September 2018; 3. Instagram post compilation: Hamid Baeidinejad's account, 28 September 2018; 4. National Museum of Iran Instagram account, 7 October 2018, 31 October 2018, 4 November 2018; 5. IRNA press photographs selection (i. Mashhad; ii. Bandar Abbas; iii. Milad Tower); 6. Nowruz in Persepolis, March 2019, events leaflet and signage.

**E. Impact in Iran** (TV documentary): *Anjor-ha-ye khan-eman* (Bricks of My Home) on Ofogh TV; translation summary and transcribed excerpts in Persian.

**F. Impact in Iran** (cultural heritage management): 1. *Tehran Times*, 2 February 2019; 2. *Tehran Times*, 22 September 2020; 3. *Tehran Times*, 22 November 2020; 4. Fragment audit in progress, May 2019 (photograph).

**G. Impact on curatorial practice:** 1. Tracking the Lion and Bull of Persepolis, *Oriental Institute Notes and News*, Spring 2020; 2. *University of Chicago News*, 24 October 2019; 3. Chasing fragments of Persepolis, *Tincture of Museum* blog, May 2017; 4. Royal Ontario Museum, 2013 collection database listing; 5. (i–xi) Compiled brief curatorial case studies and email responses, plus Harvard Art Museums, 'Looking Ahead: The Galleries Refreshed' [video], 16 October 2020, <https://vimeo.com/480876856>.

**H. Impact on market 1:** Amineddoleh, L. (2020), Politicizing of cultural heritage, *North Carolina Journal of International Law*, 45, Spring.

**I. Impact on market 2:** Antiquities Coalition, The Pilfered Persian [online essay], 14 May 2020, <https://www.arcgis.com/apps/Cascade/index.html?appid=174a275a142242558f76ba1c25c8753>.