

To: President's Cultural Property Advisory Committee

From: Marc F. Wilson, Director/CEO, Nelson-Atkins Museum of Art, Kansas City, Missouri

Subject: Testimony in response to the request from The People's Republic of China for U.S. import restrictions on Chinese cultural property

Thank you very much for allowing me to appear before you on behalf of the Nelson-Atkins Museum of Art and the Association of Art Museum Directors. I would like to offer points of analysis as you consider the above request. What surely is not at issue is the right of any nation to protect its cultural heritage and to manage how it is to be deployed domestically and how it might be shared with the peoples of other nations in the interest of mutual understanding, which is one of the pillars of international harmony in a world shrinking almost month to month. The importance of this issue may be of far greater consequence than is commonly be imagined. If not handled well, the people of the United States and the institutions entrusted with helping our people understand our international neighbors will be cutoff from the best means and avenues to understand and appreciate of others. One need only invoke memory of the total embargo on the importation of Chinese goods, including antiques and works of art that was enacted during the McCarthy era after the establishment of The People's Republic of China. Our museums, which are the principal avenues of adult learning in our nation, suffered irreparable harm and the understanding and appreciation of the Chinese people suffered. The former has never been recouped, while the latter has taken a very long time to make up. This is not a good situation for our nation and its people when learning to deal with the world's next great superpower.

First, a word about myself and my credentials. I have been fortunate to have studied with many of the greatest of our American scholars in Chinese art history. At Yale University these included K.C. Chang in ancient Chinese archaeology, and Arthur Wright and Jonathan Spence in history, and Nelson Wu and Aschwin Lippe in Chinese art history. I learned Chinese with the support of our federal government's National Defense Foreign Language program, whose name speaks volumes about strategic needs. I have also been mentored by several other greats in our country: Sherman E. Lee and Wai-kam Ho at the Cleveland Museum of Art, and the greatest of them all, Laurence Sickman, my predecessor at the Nelson-Atkins Museum of Art, and author of the classic Pelican series volume, *The Art and Architecture of China*.

Of note is the fact that I was officially employed for two years in 1969 and 1970 as a civil servant in the government of the Republic of China (Taiwan). I was attached to the Department of Calligraphy and Painting of the National Palace Museum, which is the world's largest collection of Chinese art. In addition to translating eight major publications on Chinese art, I assisted the museum in modernizing and professionalizing its exhibitions and publications. I also served as the Director's extemporaneous translator. I feel very privileged to say that I was selected to serve as the secretary to Yeh Kung-ch'ao, former Ambassador to the United States and United Nations.

In addition to lecturing in Chinese and doing television programs in Chinese I have also recorded in Chinese programs for the Voice of America for broadcast to the people of mainland China. I hope that in some way these broadcasts helped the people of China understand better the people of our country at a time when our understanding of one another was severely hampered.

My relationship with members of the cultural offices of the Chinese government and with staff members of China's museums began during those years of difficulty, first in 1974 and 1975 when I served as the American specialist curator for the first "ice-breaking" blockbuster exhibition from China, *The Chinese Exhibition: The Exhibition of Archaeological Finds of the People's Republic of China*. Since then I have maintained very close relations with successive generations of staff at these Chinese institution, including those nominally cited as originating this request. I was an

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invited guest of the Chinese government in 1977 and toured numerous museums and cultural sites at a time when internal politics were still very scary.

The Nelson-Atkins Museum of Art is among the foremost generators of exhibitions and publications about Chinese art and culture. *Eight Dynasties of Chinese Painting; The Century of Tung Ch'i-ch'ang*; and *Golden Age of Chinese Archaeology* are among the most important. Recently my museum published with Yale University Press the definitive work on Chinese archaeology of the last fifty years. This work is encyclopedic and is the grand summation in any language of what has been accomplished in the field on Chinese archaeology in modern times. This has been ten years in the making and represents an investment of one million dollars. Few museums anywhere in world would make such a commitment to understanding ancient China through the fruits of archaeology.

The word pillage is a strong word, connoting indiscriminate destruction. To those of us who have dedicated our lives to the preservation and exposition of the best of mankind's artistic achievement, the idea of wanton, indiscriminate destruction of archaeological sites and cultural monuments evokes horror. I fully respect and support China's right to preserve its cultural heritage and I also believe that the behavior of our museums must not undermine sincere efforts on the part of the Chinese to stop whatever illegal pillaging of archaeological sites threatens its ability to manage its cultural heritage.

It must be pointed out that many of the categories of materials for which the Chinese government seeks import restrictions have not come down to us today through forms of archaeological preservation. Archaeological provenance applies to virtually all products of material culture from neolithic times through the Tang Dynasty (618-906), with the exception of Buddhist sculpture in stone and bronze, much of which has survived above ground in abandoned religious sites often used by local peasants for animal husbandry needs. The balance of the list, including especially paintings, calligraphies, high-fired porcelains, decorative metal utensils, sculpture, jewelry, costumes, textiles, lacquer wares, carvings in bone, horn, ivory and jade and items made of wood and bamboo, including furniture, have been preserved through normal collecting and heritage practices above ground. For the past one-thousand years many of these categories have been produced by Chinese manufactories and artisans to satisfy a prosperous international trade. Porcelain wares, whether decorated or plain monochrome, were shipped to foreign markets in large cargo vessels, each capable of carrying tens of thousands of pieces. Because they have been prized, these wares survived as heirlooms in such far flung markets as Indonesia and Holland.

At various times in the past, the Chinese themselves have shown disregard for segments of their heritage often wiping out major parts of their cultural heritage or have simply sold items which they did not esteem to foreigners who found interest in them.

Implicit in China's resort to article 9 of the UNESCO convention of 1970 is the contention that the international art market provides a major impetus to those who would pillage archaeological sites in search of capital goods to satisfy a voracious demand. There has been a steady international demand for goods that likely have an archaeological origin. Having observed the international market for thirty years as a potential buyer of items of importance, I have not found items of capital importance making their way to international market centers in any alarming number. In the last decade, for example, I have seen not more than ten items of likely archaeological provenance that I would deem of capital importance and in one case only would I deem the object better than anything of its kind held in Chinese government collections. In the balance of the cases, Chinese government collections hold comparable or superior examples many times over. The great bulk of the trade, moreover, is made up of minor items, seldom of a caliber suitable for

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museums of any kind and very often heavily restored. In short, even at the upper end of the trade, the number of items of capital importance amounts to no more than a handful.

How have the art market and the art world, including dealers and museums, behaved when a work can be shown to have been stolen from a site or repository? In every instance of which I am aware, and I believe that is all of them, the work has been returned promptly to Chinese authorities. This has happened recently with two tenth century sculptures from a very important tomb. The carved slabs were for sale in New York, one through a private dealer and one through a well-known auction house. Both slabs were returned to China without question or hesitation by the parties involved. There are other such examples, not many, but some. When the art market or museums have learned of such a theft, the honorable and right thing has been done.

As one thinks about art markets as stimuli for illegal depredation of archaeological sites, it is critical to acknowledge that the international market for high-end items has been shrinking while the domestic market in China has been heating up to a red-hot state. Time was when our country had many more collectors, and museums, actively acquiring Chinese works of art of all kinds, especially works of great importance. Most of those were not of archaeological provenance or if so, not of recent archaeological provenance. The U. S. embargo on all Chinese goods enacted after the establishment in 1949 of the People's Republic of China meant that nothing of recent archaeological provenance could enter our country. Besides, between 1949 and the late 1970's nothing of any consequence or inconsequence in the way of antiquities or art got out of China's borders. This demonstrates clearly that the Chinese can stop trade should they wish. But as one reconsiders illegal archaeological work, we must be mindful that grave robbing to recover items of intrinsic value (precious metals and stones) or of cultural/artistic value (ancient bronze vessels and jades) has been going on in China for over 2,000 years. China's first great historian, Sima Qian (145-86 b.c.e.) complains of grave robbers looting tombs of ancient grandees in search of precious items, among them ancient ritual vessels. Throughout history internal, domestic demand in China has fueled grave robbers looking for marketable items. Interestingly enough, many items placed in ancient Chinese tombs with the deceased were not thought to be collectable. Still today the Chinese have little interest in collecting items made specifically for burial, such as clay tomb figurines that are so popular with buyers in the occident.

There can be no doubt that the domestic Chinese market is fueling the demand for artistic works. In addition, how has China's new found wealth impacted its position in the international art market? Two or three decades ago, European, American and Japanese buyers commanded the top tiers in the international markets for Chinese works of art. The clear trend of the past decade shows decreasing market share by non-Chinese buyers and increasing share from Chinese buyers both public and private. Chinese government institutions, such as the Shanghai Museum or the Palace Museum, Beijing, are not at all disadvantaged in the international market for Chinese goods. China's major museums are able to muster mighty sums, greater certainly than American or European museums, to acquire Chinese works when they wish. Last year, 2004, the Shanghai Museum paid over one-million U.S. dollars at an auction in New York for a calligraphy by the great Yuan Dynasty artist Zhao Mengfu (1254-1322). That museum has been very active in the international art market acquiring through agents from auction houses and private dealers around the world. The Palace Museum, Beijing, has been similarly active but at a lesser scale. The Red Army's fine Poly Museum has been very active acquiring from all sources within both international and domestic markets. In addition we have witnessed an explosion of private buyers who must have unlimited supplies of funding because they vie with one another in bravado bidding to set new records.

The financial prowess of the Chinese in the international markets for Chinese art and goods of material culture has resulted in the reversal of the flow of items for sale. Rather than a one-way flow out of China, we now see a flow from old sources in America, Europe and Japan back to China for sale in newly re-established domestic art markets, which boast growing auction firms conducting multi-million dollar sales in China's larger cities. I am aware of important Chinese

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works of art that were in collections in our country for a very long time returning to China entering collections there or selling at public auction because better prices can be obtained. While one can hardly begrudge the Chinese the return of an important work, there can also be no doubt that in the future we will see it as a loss to our own cultural heritage.

Several factors must be taken into account when trying to assess the Chinese internal capabilities to stop the looting of archeological sites in the first place and then at the borders of the nation in the control of exports. China maintains the world's largest archeological apparatus. There is an archaeological bureau in every county of the nation. The personnel of these bureaus work hand in hand with local police to assure that discoveries are reported immediately and that sites are protected. No other nation in the world has so large or capable a network.

Nor may it be said that the Chinese lack the police or customs bureaucracy to control export and even the internal transport of goods. We have seen ample evidence that Chinese central authority is able to crack down on something that displeases it and to do so as thoroughly and as effectively as it wishes in order to achieve its goals. Can the Chinese control and stop trade in items of real importance to them? The answer is, yes. Evidence of that may be found in the fact that we have not seen one single important painting or calligraphy come out of China since 1949, while paintings and calligraphies of real importance have gone back to China. Why? Because above all else, the Chinese still attach highest value to painting and calligraphy and much less to Buddhist sculpture, decorative jades, and furniture or bronze vessels without inscriptions. China's old, traditional preferences and prejudices that confer degrees of value are still very much alive and at work today.

If the Chinese can control illegal traffic in cultural and artistic property, why don't they? Because it has become very profitable for many private and government entities well connected to political power. As China's domestic market has mushroomed so has the money made from it. Those having a stake past and present have powerful connections. This is not to say that all of this involves corruption, but there is widespread lack of accountability to the letter of the law.

The request from the Chinese regrettably suffers from contradiction borne of current practice. It is quite legal for a foreigner to purchase and export antiques more than 250 years old from government authorities from sites to be flooded by the Yangtze River dam project. Three years ago, friends from federal and provincial cultural bureaus helped my museum locate historic houses that my museum could purchase for disassembly and removal to Kansas City. Warehouses in Fujian Province are full of antique chairs and tables waiting to be shipped and exported legally to foreign markets. These entities are usually a partnership between private individuals and government-backed business extensions.

Finally, there is some current background activity that must be taken into account in considering the Chinese request. The growing domestic market in China is mushrooming, even exploding. It will get bigger and so will the stakes. Those who can control it stand to profit mightily. For example, China has announced that it plans to build three-thousand (3000) new museums by the year 2011. Can they do it? Yes. Do they have the goods? Yes, in government storerooms. After all, if one Han Dynasty (206 b.c.e.-220 c.e.) tomb contains forty-thousand (40,000) identical or nearly identical equestrian warrior figurines, what is the difference if a few are sent to new museums and some find their way abroad? That is the thinking. But just as the Chinese look forward to developing their domestic auction network to handle a burgeoning demand for art, we see signs of the same sorts of monopolistic control that we have seen elsewhere. Exceptionally restrictive requirements seem likely to be imposed on foreign firms. I am also aware that there is growing demand from those who control or have large interests in China's internal art market to allow categories to be sold that here-to-fore have been restricted, such as bronze vessels and ancient jades that surely have recent archeological provenance. Given the power of those involved it is likely that restrictions will be eased. If potentially competitive markets can be

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eliminated, the internal Chinese market will become less competitive at a time when demand is rising.

What could the United States do in a truly altruistic vein to help ease illegal pilfering and looting of archaeological sites, weather induced by internal Chinese market demand or international market demand? We must encourage the Chinese to adopt a system similar to that established by the Japanese that ranks critically important works. The highest level, "national treasure," simply cannot be exported, period. The next level down, "important cultural property," may not be exported unless an exception is made under rare circumstances upon application to the Bunkacho. Art works under contract for sale for export must get an export license from the Bunkacho. If the item is deemed to be important to the preservation of national heritage then it is retained and purchased by a Japanese museum or by the Japanese government itself. But, the Japanese take a liberal view and understand well the importance of having works of fine quality and importance represent the highest artistic achievements of their civilization in foreign metropolises. China must be encouraged to adopt a similar strategy, one that befits a rising super power, rather than a struggling third world nation.

In the meanwhile, we must remind ourselves that China among all civilizations has the worst record of preserving its cultural and artistic heritage. And, we must also be wary of allowing well intentioned conventions and people of goodwill from becoming pawns in a power struggle between central and regional authority in China.