From earliest times, art and cultural property have been treated, and prized as “the spoils of war.” In just the past century, civilization has witnessed massive theft and destruction of art and cultural property during armed conflicts, ranging from the systematic looting of the artwork of entire nations by the Nazis during WWII, to the deliberate eradication of Buddhist temples and monasteries in Cambodia by the Khmer Rouge, to the recent pillaging of an entire national museum. Unfortunately, the legal efforts to protect art and cultural property during such armed conflicts have not kept pace. This section will explore the ever-changing ethical issues surrounding the acquisition of art by museums and collectors, who now often go beyond the law to embrace new ethical codes of collecting. What duty does a museum have to ensure that it is not acquiring stolen property? When must property that is discovered to be stolen be returned to its rightful owner or to its country of origin? Is it ethical for a private collector to purchase a masterpiece, and deny the public access to it? Taking advantage of resources in Siena itself, such as the city Paintings Gallery, the Cathedral Museum, and the Archaeological Museum, this section will look at how and why art was and is acquired by museums and collectors in Italy and abroad. We will look in particular at collecting policies and ethical codes of American museums such as the Metropolitan Museum of Art and the J. Paul Getty Museum, and their at-times controversial acquisition of Italian works by seminal figures in Sienese painting such as Duccio. Reflecting on issues of ownership, culture, and identity as faced by museums, we will also examine works of Etruscan art at the center of recent repatriation efforts by Italy, and also address the Elgin or Parthenon Marbles controversy.

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This section will address the recourses to the theft and smuggling of stolen art or looted antiquities, with estimated annual losses as high as $6 billion, according to the FBI Art Crime Team. Particular emphasis will be given to the problem of archaeological site looting. Among the specific topics covered are: the domestic implementation of the 1970 UNESCO Convention among market nations; the prosecution for dealing in stolen art and antiquities; and criminal forfeiture. Finally, we will discuss the particular problems faced by auction houses and purchasers. Case studies, including the looting of the Iraq Museum and of archaeological sites in Iraq, will be used throughout the course to illustrate these legal principles.

This program provides the only opportunity in the world to study in depth the relationship between international law and art itself, as both physical and intellectual property. Its merit is that it looks to the most basic premise of all: that there can be no preservation of artistic excellence if there is no protection of art itself. While it is all well and good to speak about the production and dissemination of art, there would be no art or artists without their protection. While the program is designed primarily for law students, graduate students in other disciplines, such as art, art history, archeology, and anthropology are encouraged to attend. These students bring additional depth to the program, as their insights and perspectives come from a completely different thought process than the legal one. As can be seen from the course descriptions and faculty biographies sections, the program brings together not only international legal scholars, but also scholars with expertise in art and archeology in order to give students in the program a multi-dimensional understanding of the subject matter. This combination of students and faculty members from many different fields removes barriers from the classroom and allows for an interchange of both ideas and opportunities.