

**Law** (<https://news.artnet.com/art-world/art-law>)

## A Hedge Fund Titan Triumphs Over the Nation of Turkey in the Legal Fight Over a Multimillion-Dollar Ancient ‘Stargazer’ Idol

The judge determined that financier Michael Steinhardt is the idol's rightful owner.

**Eileen Kinsella** (<https://news.artnet.com/about/eileen-kinsella-22>), September 8, 2021



Kiliya-type Anatolian marble female idol Ancient Anatolian Guennol Stargazer statue, which dates back to the third millennium BC, is seen at Christies in New York on April 28, 2017. (Photo by Volkan Furuncu/Anadolu Agency/Getty Images)

A federal judge has ended a years-long legal saga concerning the ownership of an antiquity known as the “Guennol Stargazer,” which originated in what is now Turkey but ended up in private hands in the United States.

An emphatic 25-page ruling issued by District Judge Alison Nathan on September 7 ends Turkey's quest to reclaim the sculpture. Nathan determined that the prominent antiquities collector and hedge-fund founder Michael Steinhardt is the rightful owner of the object, which for years was on view at the Metropolitan Museum of Art in New York.

ADVERTISING

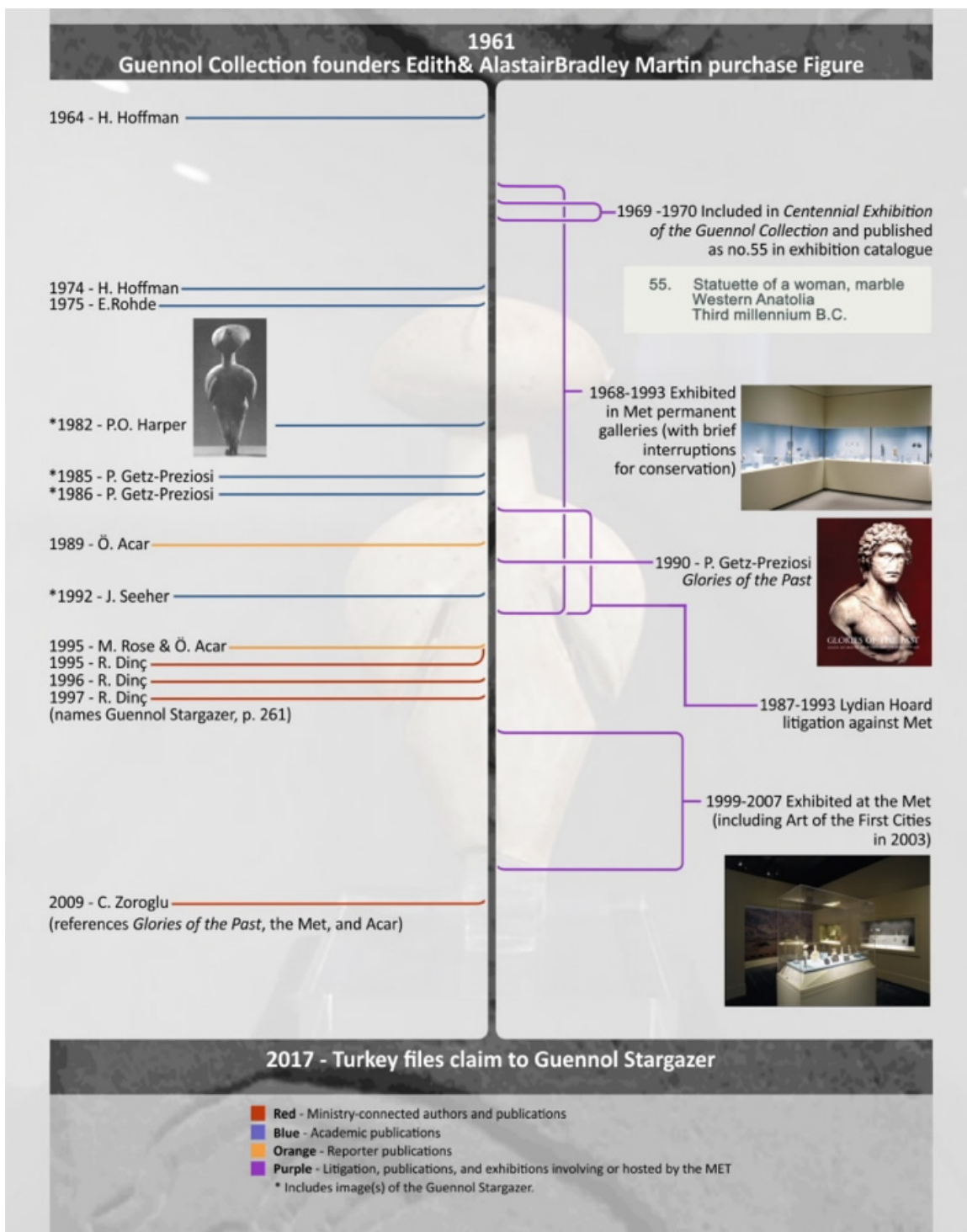


The case stretches back to 2017, when Steinhardt consigned the sculpture to Christie's for sale. That's when Turkish authorities claimed they first became aware of the object, which they contended was illegally excavated. (At Christie's, it sold for \$14.5 million before the buyer reneged, [citing the lawsuit \(https://news.artnet.com/art-world/federal-judge-says-christies-must-id-buyer-of-14-5m-turkish-idol-1036742\)](https://news.artnet.com/art-world/federal-judge-says-christies-must-id-buyer-of-14-5m-turkish-idol-1036742).)

Before long, Turkey began aggressively pursuing a variety of legal avenues to reclaim the sculpture, including suing Christie's. Each individual in the provenance chain, Turkey argued, "knew or should have known at that time that the idol had been looted from Turkey." Christie's and Steinhardt both countersued, claiming Turkey had wrongfully interfered with their business dealings.

In her recent ruling, Judge Nathan concluded that Turkey's attempts amount to too little, too late. The country "did not meet its burden of proof in establishing ownership of the idol"—and, she added, "even if Turkey had established ownership, the trial record readily establishes that Turkey slept on its rights, which bars recovery."

Attorneys of Steinhardt, Christies, and the Republic of Turkey did not immediately respond to a request for comment.



A pictorial timeline illustrating the location of the Stargazer, between 1961–2017

To determine exactly who owned the idol, the court conducted an eight-day bench trial in April, which prompted Nathan’s most recent ruling. The judge did not disagree with Turkey that the object was “likely manufactured in the middle or late 5th millennium B.C.E., between 4800 and 4100 B.C.E, in Kulaksizlar, which is located in modern-day Turkey’s Manisa Province.” But, she wrote, “where the idol traveled to after its manufacture is more of a mystery.” Specifically, it is impossible to prove that the idol was exported after 1906, which would have given Turkey the right to reclaim it.

The idol emerged in New York in 1961, when J.J. Klejman, an art dealer, sold it to New York collectors Alastair and Edith Martin. The Martins owned the Idol for the next 22 years, and it formed a part of their famous “Guennol Collection.”

It passed through their heirs to the Merrin Gallery, where Steinhardt and his wife, Judy, acquired it in 1993.

At trial, Steinhardt “testified credibly about the circumstances surrounding his acquisition of the Idol,” Nathan wrote.

In the end, the judge determined, Turkey ought to have realized the idol’s whereabouts in the United States long before Steinhardt sought to sell it in 2017. The idol “was widely discussed in the literature starting in the 1960s, and it was in near-constant display at the Metropolitan Museum of Art for decades.” Furthermore, she noted, the idol was discussed in Turkish publications as early as the 1980s and early 1990s.

Follow *Artnet News* (<https://www.facebook.com/artnet>) on Facebook:

Like 382K

*Want to stay ahead of the art world? Subscribe to our newsletter to get the breaking news, eye-opening interviews, and incisive critical takes that drive the conversation forward.*

*(<http://link.artnet.com/join/522/newscta&hash=8e9534fb495110baf97a368037111816>)*

SHARE



Related Articles

Law (<https://news.artnet.com/art-world/art-law>)

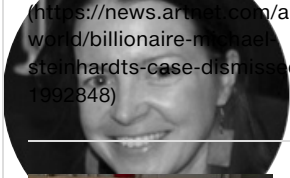


Article Dismisses Collector Michael Steinhardt's Lawsuit Against Hirschl and Adler Gallery Over a \$12 Million Portrait

(<https://news.artnet.com/art-world/billionaire-michael-steinhardts-case-dismissed-1992848>)

By **Eileen Kinsella** (<https://news.artnet.com/about/eileen-kinsella-22>), Jul 27, 2021

(<https://news.artnet.com/art-world/billionaire-michael-steinhardts-case-dismissed-1992848>)



**Eileen Kinsella**

Senior Market Editor

(<https://news.artnet.com/about/eileen-kinsella-22>)



(<https://news.artnet.com/art-world/art-law>)

Law (<https://news.artnet.com/art-world/art-law>)

American Authorities Have Returned 10 Looted Antiquities Worth a Combined \$1.2 Million Back to India

(<https://news.artnet.com/art-world/us-government-returns-seized-artifacts-india-1903220>)

By **Eileen Kinsella** (<https://news.artnet.com/about/eileen-kinsella-22>), Aug 20, 2020



(<https://news.artnet.com/art-world/us-government-returns-seized-artifacts-india-1903220>)

(<https://news.artnet.com/art-world/art-law>)

Law (<https://news.artnet.com/art-world/art-law>)

Christie's and Hedge-Fund Titan Move to Quash Turkey's Lawsuit Over 'Stargazer' Idol

(<https://news.artnet.com/art-world/christies-collector-michael-steinhardt-seek-dismissal-turkeys-lawsuit-1065404>)

By **Eileen Kinsella** (<https://news.artnet.com/about/eileen-kinsella-22>), Aug 30, 2017



(<https://news.artnet.com/art-world/christies-collector-michael-steinhardt-seek-dismissal-turkeys-lawsuit-1065404>)

SIGN UP TO OUR DAILY NEWSLETTER

The best of Artnet News in your inbox

Enter your email

SUBSCRIBE

Artnet (<http://www.artnet.com>) Artnet Auctions (<https://www.artnet.com/auctions/>)

Advertise (<http://www.artnet.com/advertising/>)

Press Releases (<http://www.artnet.com/about/press-releases.aspx>)

Terms (<http://www.artnet.com/about/terms-and-conditions-of-use>)

Privacy (<http://www.artnet.com/about/privacy-formal.asp>)

Cookies (<http://www.artnet.com/about/privacy-formal.asp#Cookies>)

About (<https://news.artnet.com/about>)

artnet Magazine Archive: English (US) (<http://www.artnet.com/magazineus/frontpage.asp>)

Deutsch (<http://www.artnet.de/magazine/>)

Francais (<http://www.artnet.fr/magazine/frontpage.asp>)



(<http://www.artnet.com>) (<http://www.artnet.com/auctions/>) (<http://www.artnet.com/advertising/>) (<http://www.artnet.com/about/press-releases.aspx>) (<http://www.artnet.com/about/terms-and-conditions-of-use>) (<http://www.artnet.com/about/privacy-formal.asp>) (<http://www.artnet.com/about/privacy-formal.asp#Cookies>) (<https://news.artnet.com/about>) (<http://www.artnet.com/magazineus/frontpage.asp>) (<http://www.artnet.de/magazine/>) (<http://www.artnet.fr/magazine/frontpage.asp>)

©2021 Artnet Worldwide Corporation. All Rights Reserved.

# Anatolia's Controversial 'Guennol Stargazer' Figurine Will Not Return to Its Homeland

Published September 10th, 2021 - 07:56 GMT



5000 year old Guennol Stargazer (Twitter)

## Highlights

"Turkey failed to contact the Met seeking more information about the origins of the idol-



a relatively low bar, all things considered, and one that Turkey should reasonably have surpassed," she added.

---

**A judge in New York ruled the country had acted too late to stake a claim on a statuette that was put on auction by Christie's in 2017, despite it being smuggled out of Anatolia decades earlier.**

The "Guennol Stargazer", a controversial figurine from Anatolia, will not be returning to its homeland, a US judge ruled on September 7, 2021. The 6,000-year-old marble idol, Turkey contends, was illegally removed from the country and should be repatriated.

The Guennol Stargazer, so-called because the figurine has a slight tilt of its head towards the heavens, was "probably created between 4800 and 4100 BCE in what is now Turkey's Manisa Province," the *New York Times* notes.

"The Guennol Stargazer was a part of the Guennol collection, which was formed by prominent art collectors Alastair Bradley Martin and his wife, Edith," Christie's writes in an introduction to the icon.

"'Guennol' is the Welsh word for 'Martin', and the choice of Welsh is an allusion to the place where the couple spent their honeymoon. The Stargazer was acquired by the current owner, a New York private collector, from the Merrin Gallery in August 1993," Christie's explains.

The private collector mentioned on Christie's site is Michael Steinhardt, hedge fund billionaire, who would put the item back on sale after 24 years.

Steinhardt and his wife paid \$1.5 million for the idol in 1993. "The idol fetched \$14.5 million at Christie's auction, but the unidentified telephone buyer walked away. Christie's still possesses the idol," according to *Reuters*.



The Art Newspaper 

@TheArtNewspaper



A New York judge has ruled that Turkey cannot recover the “Guennol Stargazer,” a marble figure created more than 6,000 years ago that has been previously displayed at the Metropolitan Museum of Art



Stargazer idol will not be returned to Turkey, New York federal judge r...  
The court found there is not enough evidence that the work was taken out of the country after 1906

[theartnewspaper.com](https://theartnewspaper.com)

2:34 PM · Sep 8, 2021



 17  3  Share this Tweet

According to the *Antiquities Coalition*, while the anonymous bidder backed away from buying the idol for fear that their identity be revealed, “the Stargazer was nonetheless purchased for \$12.7 million.”

US District Judge Alison Nathan in Manhattan said Turkey “inexcusably slept” on its rights by suing too late -- not until April 2017, just before Christie’s put the idol up for auction. She said the country should have known about the idol’s whereabouts decades earlier.



# Irregularities



“Although the Idol was undoubtedly manufactured in what is now modern-day Turkey, the Court cannot conclude based on the trial record that it was excavated from Turkey after 1906,” she wrote.

If Turkey had provided enough evidence to prove the 22.9 cm figurine was excavated from Anatolia after 1906, it would have made Turkey the rightful owner under that year’s Ottoman Decree, according to the judge.



**DAILY SABAH** 

@DailySabah



US judge deals a blow to Turkey's efforts in retrieving the Guennol Stargazer, a marble idol that was smuggled out of the country decades ago and put up for auction in the United States



US court blocks Turkish effort to retrieve smuggled artifact

Guennol Stargazer, a small statuette will not return to its ancient home, Turkey, as a court in the United States rejected Turkish authorities' bi...

[dailysabah.com](https://dailysabah.com)

3:34 AM · Sep 8, 2021



3



Share this Tweet

“The 1906 decree declared for the first time that all antiquities found in or on public or private lands were state property and could not be taken out of country,” Sibel Ozel from Marmara University’s Law Faculty writes in the *International Journal of Legal Information*, Volume 38 Issue 2 Summer 2010 . “Since the decree did not apply retrospectively, antiquities already in private hands in accordance with the pre-1906 decree remained private property.”

Nathan also dismissed Turkey's claim that Steinhardt, who placed the item on sale at Christie's, ignored "red flags" about the idol's provenance.

Christie's places the Guennol Stargazer in the Chalcolithic period, between 3000 and 2200 BC, and says it is "considered to be one of the most impressive of its type known to exist." Christie's also refers to its exhibition history, "having been on loan at The Metropolitan Museum of Art at various periods from 1966 to 2007."

Ironically, it was the fact that it was on display at the Metropolitan Museum that both distinguished the idol and worked against Turkey's claims: "The Met is a major public institution [and] did not hide that the idol was part of the Guennol Collection," Nathan wrote.

"Turkey failed to contact the Met seeking more information about the origins of the idol- a relatively low bar, all things considered, and one that Turkey should reasonably have surpassed," she added.

The *Daily Sabah* reports that the Metropolitan Museum "had returned a set of artifacts known as the Lydian Hoard, to Turkey [in 1993], after admitting that they knew the items were smuggled from Turkey when they purchased them."

The case was allowed to proceed to a bench trial after the defendants' motion to dismiss Turkey's claim was rejected, and the country's motion for summary judgement against the auction house's counterclaims was granted, according to the Antiquities Coalition: "This landmark ruling [on September 30, 2019] established a legal precedent that prominently and publicly displaying a work of art for great lengths of time does not bar claims for recovery."

Yet while the trial was allowed to proceed, the evidence that Turkey put forward was not enough for the country to win the case against the defendants Christie's and Steinhardt, the judge, who ruled after a non-jury trial

of eight days in April, in September. (The case had been postponed for a year due to the pandemic, the *New York Times* notes.)

The Guennol Stargazer is “among a family of marble statuettes that were prevalent in ancient ages in Anatolia,” *Daily Sabah* reports. Similar ‘stargazers’ are already on display in Turkish museums, the first of which was “discovered in the Kiliya settlement on the Gelibolu Peninsula in western Turkey,” the newspaper writes.

*This article has been adapted from its original source.*

Via SyndiGate.info



Copyright © 2021 TRT World

---

## Disputed statuette, the Guennol Stargazer, lost to Turkey, US court says

1 DAY AGO

SHARE



A judge in New York ruled the country had acted too late to stake a claim on a statuette that was put on auction by Christie's in 2017, despite it being smuggled out of Anatolia decades earlier.



An Anatolian marble female idol of Kiliya type. Chalcolithic period, c. 3000-2200 BC. 22.9 cm high. This lot was offered in Exceptional Sale on 28 April 2017, at Christie's in New York. ( Courtesy of Christie's )

The "Guennol Stargazer", a controversial figurine from Anatolia, will not be returning to its homeland, a US judge ruled on September 7, 2021. The 6,000-year-old marble idol, Turkey contends, was illegally removed from the country and should be repatriated.

The Guennol Stargazer, so-called because the figurine has a slight tilt of its head towards the heavens, was “probably created between 4800 and 4100 BCE in what is now Turkey’s Manisa Province,” the *New York Times* [notes](#).

“The Guennol Stargazer was a part of the Guennol collection, which was formed by prominent art collectors Alastair Bradley Martin and his wife, Edith,” Christie’s [writes](#) in an introduction to the icon.

“‘Guennol’ is the Welsh word for ‘Martin’, and the choice of Welsh is an allusion to the place where the couple spent their honeymoon. The Stargazer was acquired by the current owner, a New York private collector, from the Merrin Gallery in August 1993,” Christie’s explains.

The private collector mentioned on Christie’s site is Michael Steinhardt, hedge fund billionaire, who would put the item back on sale after 24 years. Steinhardt and his wife paid \$1.5 million for the idol in 1993. “The idol fetched \$14.5 million at Christie’s auction, but the unidentified telephone buyer walked away. Christie’s still possesses the idol,” according to *Reuters*.

[According to](#) the *Antiquities Coalition*, while the anonymous bidder backed away from buying the idol for fear that their identity be revealed, “the Stargazer was nonetheless purchased for \$12.7 million.”

US District Judge Alison Nathan in Manhattan said Turkey “inexcusably slept” on its rights by suing too late — not until April 2017, just before Christie’s put the idol up for auction. She said the country should have known about the idol’s whereabouts decades earlier.

“Although the Idol was undoubtedly manufactured in what is now modern-day Turkey, the Court cannot conclude based on the trial record that it was excavated from Turkey after 1906,” she wrote.



If Turkey had provided enough evidence to prove the 22.9 cm figurine was excavated from Anatolia after 1906, it would have made Turkey the rightful owner under that year's Ottoman Decree, according to the judge.

"The 1906 decree declared for the first time that all antiquities found in or on public or private lands were state property and could not be taken out of country," Sibel Ozel from Marmara University's Law Faculty [writes](#) in the *International Journal of Legal Information*, Volume 38 Issue 2 Summer 2010 . "Since the decree did not apply retrospectively, antiquities already in private hands in accordance with the pre-1906 decree remained private property."

Nathan also dismissed Turkey's claim that Steinhardt, who placed the item on sale at Christie's, ignored "red flags" about the idol's provenance.



Stargazer, statuette of a woman, about 3,000 BC, photographed at the Cleveland Museum of Art.()

Christie's places the Guennol Stargazer in the Chalcolithic period, between 3000 and 2200 BC, and says it is "considered to be one of the most impressive of its type known to exist." Christie's also refers

to its exhibition history, "having been on loan at The Metropolitan Museum of Art at various periods from 1966 to 2007."

Ironically, it was the fact that it was on display at the Metropolitan Museum that both distinguished the idol and worked against Turkey's claims: "The Met is a major public institution [and] did not hide that the idol was part of the Guennol Collection," Nathan wrote.

"Turkey failed to contact the Met seeking more information about the origins of the idol- a relatively low bar, all things considered, and one that Turkey should reasonably have surpassed," she added.

The *Daily Sabah* reports that the Metropolitan Museum "had returned a set of artifacts known as the Lydian Hoard, to Turkey [in 1993], after admitting that they knew the items were smuggled from Turkey when they purchased them."

The case was allowed to proceed to a bench trial after the defendants' motion to dismiss Turkey's claim was rejected, and the country's motion for summary judgement against the auction house's counterclaims was granted, according to the Antiquities Coalition: "This landmark ruling [on September 30, 2019] established a legal precedent that prominently and publicly displaying a work of art for great lengths of time does not bar claims for recovery."

Yet while the trial was allowed to proceed, the evidence that Turkey put forward was not enough for the country to win the case against the defendants Christie's and Steinhardt, the judge, who ruled after a non-jury trial of eight days in April, in September. (The case had been postponed for a year due to the pandemic, the *New York Times* notes.)

The Guennol Stargazer is "among a family of marble statuettes that were prevalent in ancient ages in Anatolia," *Daily Sabah* reports. Similar 'stargazers' are already on display in Turkish museums, the first of which was "discovered in the Kiliya settlement on the Gelibolu

Peninsula in western Turkey," the newspaper writes.

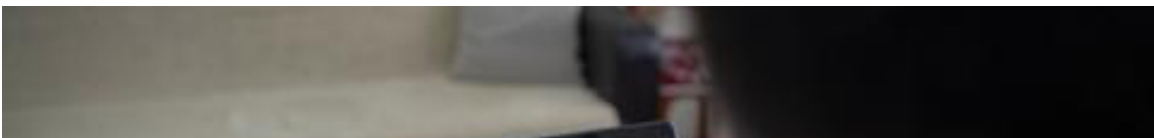
## Related



Communist mayor elected in Turkey's Tunceli city



Jeff Koons 'Rabbit' goes for record \$91.1M for a living artist





Turkish artist goes viral with stark misery-comfort images



Turkey relocates historical hamam



Part owner of Marvin Gaye song sues Ed Sheeran for \$100M

## Popular



'Little more than swimming heads': new marine fossil discovered in Canada

Britney Spears' father files to end conservatorship over her life, estate

Marvel's 'Shang-Chi' crushes Labour Day weekend at box office with \$90M



The fifth edition of Artweeks@Akaretler set to begin in Istanbul

**TRT**WORLD

TRT World

Where to Watch

Corporate

## Legal



## Federal court rules Turkey cannot recover ancient idol from hedge fund billionaire

**M. Tyler Gillett | U. Pittsburgh School of Law, US**

SEPTEMBER 9, 2021 12:18:27 AM

The US District Court for the Southern District of New York ruled on Tuesday that Turkey **cannot reclaim possession** of the “Guennol Stargazer,” a 6,000-year-old marble idol owned by hedge fund billionaire Michael Steinhardt.

While Judge Alison Nathan agreed with experts that the idol was originally manufactured in the region of Anatolia between 4800 and 4100 BC in what is now modern-day Turkey’s Manisa



Province, she rejected the Turkish government's view that the idol could not have been traded to a region outside of present-day Turkey. The ultimate provenance of the idol is unknown; it first turned up in New York in 1961 when it was sold by a dealer to art collectors. Prior to that date, "There is no other direct evidence establishing even an approximate find spot and date or linking the Idol's excavation or discovery to anyone in particular."

The idol was purchased by Steinhardt in 1993 and has been in his possession since then. In 2017, Steinhardt contracted with **Christie's** to auction the idol and an auction was in fact held with a winning bid of \$12.7 million. However, the buyer never took possession and the idol remains with Christie's today. There is also a lengthy history of public display of the idol in the Metropolitan Museum of Art since the 1960s, as well as a number of academic and other publications related to the idol, some of which had direct ties to Turkey.

While the Turkish government can prove that the idol was manufactured there, the idol's lack of provenance meant that the government could not prove that the idol was excavated from Turkey after 1906—both of which are prerequisites to finding ownership under the law. Additionally, the judge found that Turkey "slept on its rights" by not initiating suit sooner. Thus, recovery is barred under the doctrine of laches. In particular, Judge Nathan noted that "Turkey failed to take *any* steps to even *inquire* as to the origins of the Idol, how it made its way to New York, and whether it had any potential claim."





# Myanmar Coup Coverage

## SUBSCRIBE TO JURIST

Email Address

SUBSCRIBE



## LATEST NEWS



Afghanistan dispatches: 'overall morale in Kabul has dropped significantly and a state of uncertainty and despair has taken over'



Florida judge blocks governor's attempt to ban masks in schools

---



Australia Indigenous leaders file UN complaint over proposed heritage bill

---



Federal appeals court allows Indiana abortion restrictions to take effect

---



TikTok faces €6B lawsuit in Netherlands court

---

## LATEST COMMENTARY



RBG "I Told You So" Re: Roe v. Wade  
by Michael J. Kelly

---



Law and Strategy after Afghanistan: The United States, Israel and Iran  
by Louis Rene Beres

---

Autonomous Vehicles, COVID Vaccines & The Narrative of Exceptions  
by William H. Widen

---



Uttar Pradesh Population (Control, Stabilization and Welfare) Bill, 2021: A Critical Analysis  
by Sanjica Kumar and Vedica Nigam

---

## LATEST TWEETS

---

## THIS DAY @ LAW

### Sewing machine patented

On September 10, 1846, United States patent number 3640 was awarded to Elias Howe for his sewing machine. In 1854, Howe brought legal action against Isaac Singer, because he alleged Singer's machine infringed upon the patent. Howe won the case and was awarded royalties from the Singer sewing machines. [Learn more](#) about Elias Howe from the University of Rochester.

---

### Last French execution by guillotine

On September 10, 1977, Hamida Djandoubi, a Tunisian immigrant convicted of murder, became the last person executed by guillotine in France.

The French death penalty was formally abolished by President Francois Mitterand in 1981. [Learn more](#) about the history of the [guillotine](#).

[More This Day @ Law... ▶](#)

---

# JURIST

HOME

ATTRIBUTIONS

DISCLAIMER

PRIVACY POLICY

CONTACT US



## *Judge Rejects Turkey's Claim That Ancient Sculpture Was Looted.*

The marble figure had been displayed publicly for decades in New York before the Turkish government sued for its return.

By Colin Moynihan

Sept. 7, 2021, 8:25 p.m. ET

The marble idol, a smooth figure about nine inches high with its head tilted slightly upward, was exhibited for more than two decades in the Metropolitan Museum of Art.

It was probably created between 4800 and 4100 B.C.E in what is now Turkey's Manisa Province. For years, its presence in New York appeared to draw little objection from its country of origin.

But that changed in 2017 when the idol, known as the Guennol Stargazer, was listed for sale by Christie's. That year the Turkish government sued the auction house and the work's owner, Michael Steinhardt. Citing the 1906 Ottoman Decree, which asserts broad ownership of antiquities found in Turkey, the government said the idol had been wrongfully removed from its territory and should be returned.

On Tuesday, Judge Alison J. Nathan of Federal District Court in Manhattan issued a written decision, citing evidence presented during a bench trial in April and ruling against Turkey.

"Although the Idol was undoubtedly manufactured in what is now modern-day Turkey, the Court cannot conclude based on the trial record that it was excavated from Turkey after 1906," she wrote, adding that even if Turkey had established ownership it had "slept on its rights" and taken too long to make a claim.

In her decision Judge Nathan said the stargazer was notable for its "size and near-mint condition" and that it was "among the most exceptional examples" of its sort in existence.

There seemed to be scant question that the stargazer had originated in Anatolia, but Judge Nathan wrote that "where the Idol traveled to after its manufacture is more of a mystery," adding that such items were probably traded or exchanged.

Turkey argued that there was no evidence that such idols had traveled beyond Anatolia and that the stargazer could be inferred to have been excavated there. But Judge Nathan wrote that there was "insufficient evidence" to support that view.

Although it may be impossible to trace the idol's path over thousands of years, records show that it surfaced in New York in 1961 when the court-tennis star and collector Alastair B. Martin and his wife, Edith Martin, bought it from the art dealer J.J. Klejman.

(It was later transferred to a corporation under the control of Alastair Martin's son, Robin Martin; to an art gallery; and then to Mr. Steinhardt.)

How Mr. Klejman came across the idol is also a mystery, Judge Nathan wrote.

"There is no evidence in the record to establish where he first encountered the Idol, how the Idol came to be in his possession, or when and how he brought the Idol to the United States," she added.

Turkey, seeking to bolster its case that the idol had been looted, wrote in its court papers that the Met's former director, Thomas Hoving, once referred to Mr. Klejman as being among his "favorite dealer-smugglers."

Judge Nathan countered that “Hoving’s memoir does not reveal much about Klejman’s specific trading practices” and placed more emphasis on the idol’s visibility after arriving in New York.

It was exhibited in the Met’s permanent galleries from 1968 through 1993, Judge Nathan wrote, with very few interruptions. She added that it had also been widely discussed in various writings starting in the 1960s and was mentioned in Turkish publications by academics with connections to the Ministry of Culture.

The public display of the work, along with its publication history, gave Turkish officials the opportunity to make a claim of ownership, Judge Nathan wrote. She suggested that the fact that Turkey did not make a claim on the idol before it was sold to Mr. Steinhardt could have led him to conclude that its ownership was uncontested.

“Had Turkey pursued its potential claim or inquired as to the provenance of the Idol prior to 1993,” she wrote. “It is quite possible that Steinhardt would have never purchased the Idol.”



UPDATED 8 SEPTEMBER, 2021 - 22:57 ASHLEY COWIE

## Prehistoric Guennol Stargazer Idol to Stay in USA, Court Rules

After eight steamy days in a U.S. court, it was ruled that a 6,000-year-old artifact will stay in the country. A Manhattan judge firmly rejected Turkish antiquities authorities' claim for the return of the ancient Guennol Stargazer idol statue. Known as both the finest and largest of only 15 intact Kiliya type Anatolian marble female idols ever discovered, the ancient ritual figure was created in the Chalcolithic period, between 3000 and 2200 BC, in ancient Anatolia (northwestern Turkey). A prolonged legal battle between the Republic of Turkey and **Christie's Auction House** has now determined the destiny of the famed "Guennol Stargazer." It will remain the property of the hedge fund manager who last purchased it and can be legally resold.





*Two views of the Guennol Stargazer idol statue from ancient Anatolia, which was likely looted and illegally exported from Turkey in the 1960s. ( [Christies](#) )*

### **Turkey's Guennol Stargazer: Another Looted Antiquities Tale**

In 1993, the Guennol Stargazer was purchased for \$1.5 million by the controversial billionaire hedge fund manager and collector, Michael Steinhardt. Then, in 2017 the idol fetched \$14.5 million in a Christie's auction, but the buyer didn't close the deal and Christie's still possesses the idol on behalf of the billionaire. A report in [The Antiquities Coalition](#) says Steinhardt has been involved "in several high-profile cases for purchasing [looted antiquities](#) ." He even told Forbes personally that his method of procuring antiquaries was "a little bit dangerous, but that 's what makes it exciting."

## Chopped Up Egyptian Mummy Body Parts Found Stuffed in a Speaker En Route to Belgium 4,000-Year-Old Unlooted Tomb Complete with Mummy and Grave Goods Discovered in Egypt

Many specialists suspect this rare figure was **illegally smuggled** out of Turkey in the early 1960s. Nevertheless, this was not proven in court and the Guennol Stargazer “will not” be returned to Turkey. It will remain in the hands of Christie's and the hedge fund billionaire, Michael Steinhardt. What then is so special about this artifact that has caused all the courtroom drama?

*Another Kiliya type female idol from ancient Anatolia, which is in the possession of a German auction house or a private collector if it was sold. ( **Hermann Historica GmbH** )*

### All This “Fuss” Really Is Justified

Originating in **ancient Anatolia** in western Turkey, such artifacts are known as “Kiliya type” figures after the ancient atelier or studio where they were made (in a field in Kulaksızlar’s Balıkburnu, not far from Akhisar, Turkey). The term “stargazer” comes from the obvious backward tilt of the figure’s head and the small bulging eyes aimed upwards at the sky.

Representing a **goddess of abundance** from the **Chalcolithic period** in ancient Anatolia, the earliest discovered figure dates to the late 5th millennium BC. The latest example, the fragment of a head found during digs at **ancient Troy** (Hisarlik in present-day Turkey), was dated to 2300-2200 BC.

**Reuters** explains that on September 7, 2021, Manhattan District Judge Alison Nathan said, “Turkey inexcusably slept on its rights by not suing until April 2017.” The nine-inch (22.9 cm) high figurine was displayed at New York’s **Metropolitan Museum of Art** from 1968 to 1993, and from 1999 to 2007.

Nathan said The Met is a major public institution and that “it did not hide” that the idol was part of the Guennol Collection. In conclusion, the court ruled that Turkey had “failed to contact the Met seeking more information about the origins of the idol.” This was described as a ‘relatively low bar’, and the judge said, “all things considered, one [a

bar] that Turkey should reasonably have surpassed.”

*In 2017, Turkey’s Culture Minister Nabi Avci said: “We’ve taken steps in order to stop the sale of this work of art and inform the possible recipient that this ... was abducted from Turkey.” But in the end the American courts ruled that Turkey was too late and that the Guennol Stargazer female idol statue should remain the property of its owner and thus may be resold by Christies auction house in New York City. ( [Anadolu Agency](#) )*

## **Saving The Stargazer From A Vacuum**

What this all means is that Turkey did nothing about the idol until a huge financial tag was associated with it in 2017. The court said Turkish antiquities authorities “should have known of the idol's whereabouts decades earlier.” U.S. judge Nathan also said Turkey had failed to demonstrate that the artifact had definitely been **illegally excavated** in Turkey in the 1960s. The court also rejected Turkey's suggestion that Steinhardt “ignored red flags about the idol's provenance.”

## **Looted Iraqi Antiquities Can Finally Return Home After Simple Identification by British Museum Massive Stash of Illegal Artifacts and 1000s of Human Bones Recovered From Indiana Man’s Basement Collection**

So far only 15 Kiliya type Anatolian marble female idols have been found in perfect or near-perfect condition. Christies says there are many instances of incomplete examples, suggesting the sculptures were “ritually killed” at the time of their burial.

It will never be known how the Guennol Stargazer avoided being smashed in some prehistoric ceremony, but we can be confident that it will remain, safely, in the US. The stargazer will forever more gaze towards the sky, and it will not get sucked into the Turkish archaeological vacuum, that only seems **to value artifacts** with a high cash price.

*Top image: The Guennol Stargazer idol statue, which was smuggled out of Turkey.*

*Source: [Christies](#)*

By Ashley Cowie

## Stargazer idol will not be returned to Turkey, New York federal judge rules

The court found there is not enough evidence that the work was taken out of the country after 1906

WALLACE LUDEL

8th September 2021 17:12 BST



The Guennol Stargazer was created in what is now Turkey's Manisa Province more than 6,000 years ago

A New York judge has ruled that Turkey could not recover the "Guennol Stargazer," a roughly nine-inch marble figure created in what is now Turkey's Manisa Province more than 6,000 years ago.

The idol, which is owned by hedge fund billionaire Michael Steinhardt, was on display at the Metropolitan Museum of Art from 1968 to 1993 and again from 1999 to 2007, before it went up for auction at Christie's in 2017, prompting the Turkish Government to sue both the auction house and Steinhardt in hopes of repatriation. Turkey cited a 1906 Ottoman Decree which [declares](#) that antiquities found in the country are state property, a rule that could have deemed the idol as wrongfully removed.

“Although the Idol was undoubtedly manufactured in what is now modern-day Turkey, the Court cannot conclude based on the trial record that it was excavated from Turkey after 1906,” Judge Alison J. Nathan of Federal District Court in Manhattan said a written decision on Tuesday, citing “insufficient evidence” and adding that Turkey had “slept on its rights” by waiting so long to make a claim.

According to [Christie's](#), this is one of only about 15 complete or nearly complete stargazer idols in existence, although a number of fragments of the figures have been found. Most of the complete figures (including the Guennol Stargazer) were once broken across the neck, a detail that, according to the auction house, suggests “that the sculptures were ritually ‘killed’ at the time of burial.” An anonymous buyer purchased the work for \$14.4m at the 2017 auction, but they ultimately walked away from the deal after Turkey filed its lawsuit.

Knowledge of the idol's [provenance](#) appears to date back only to 1961, when the tennis star Alastair B. Martin and his wife, Edith Martin, bought it from the New York-based art dealer J.J. Klejman. It was then transferred to a corporation controlled by Alastair's son Robin Martin, then to a gallery, then to Steinhardt, who purchased it in 1993 for \$1.5m. It is unknown how Klejman first acquired the figure, but there have been no indications that it was through illicit means. “There is no evidence in the record to establish where he first encountered the Idol, how the Idol came to be in his possession, or when and how he brought the Idol to the United States,” Judge Nathan wrote.

Turkey, however, pointed out that in a memoir published by the former Met director Thomas Hoving, Klejman was referred to as a “dealer-smuggler”. The judge noted this in her statement, arguing that the mention in the book “does not reveal much about Klejman's specific trading practices” and adding that the idol's hyper-visibility, with decades of display at the Met and frequent mentions in publications dating as far back as the 1960s, including writings connected to the Turkish Ministry of Culture, gave the government

ample time to make a claim for ownership.

Judge Nathan argued that Turkey's decision not to make such a claim led Steinhardt to believe he bought it legitimately. "Had Turkey pursued its potential claim or inquired as to the provenance of the Idol prior to 1993, it is quite possible that Steinhardt would have never purchased the Idol," the judge wrote.

[More News](#)



The Guennol Stargazer

# The Stargazer Judgment - Some key lessons

Published on September 9, 2021



**Martin Wilson**

Chief General Counsel at Phillips

4 articles

+ Follow

The US District Court has just handed down judgment in the Stargazer case (*Republic of Turkey v Christies Inc and Others*), in which the Republic of Turkey sought a declaration that it was the owner of an Anatolian marble idol made in 3,000 BC known as the “Stargazer. The Stargazer had been offered for sale at auction by Christie’s in 2017 and sold for US\$12.7 million, but the legal ownership claim by Turkey had led to the sale having to be cancelled. Four years, and a whole lot of legal fees later, the District Court has rejected Turkey’s claim on the basis that it did not meet the burden of proof in establishing its ownership claim and that, even if it had met that burden, the claim would have failed as Turkey had not acted promptly - and had slept on



its rights. It is in my view a landmark case which offers some helpful signposts on how the Courts in the US approach cultural property restitution cases, and also some guidance for museums, collectors and countries seeking restitution of cultural property.

### ***1. Restitution claims are governed by legal principles***

It is sometimes assumed that, because of the complex ethical, political and historical issues which surround them, cultural restitution claims are not subject to the same evidential requirements and rules of justice which apply to other claims or at least that these rules should be applied less rigidly. This ruling illustrates that this will not be the approach where the parties bring their dispute before the US Courts. It confirms that in common with any ordinary civil ownership dispute, a party claiming restitution must, if it hopes to prevail in a US court of law, be able to satisfy the evidential burden of proving the facts necessary to establish ownership in accordance with the requirements of the law.

### ***2. There is no presumption of wrongdoing or illegality***

It is not uncommon for the parties on either side of the debate in cultural property restitution cases to assume bad faith and wrongdoing. The Turkish government followed a line of argument which is commonly used in cultural restitution cases – that an antiquity outside of its country of origin without evidence of how it came to leave that country should be treated by collectors as a red flag and that there is a presumption of illegal export or excavation which arises in such

circumstances. There was also an argument advanced that those who had owned the Stargazer in recent times had closed their eyes to the possibility of illicit origin and therefore had “unclean hands”. As an alternative, Turkey argued that even good faith purchasers have a duty to carry out extensive due diligence before making a purchase. The Court rejected this. It was satisfied that an antiquity was capable of leaving its country of origin in licit as well as illicit circumstances. It also found that the owner of the idol had acquired it in good faith, and that in any event a private collector was not required to exercise the same levels of due diligence as a dealer when acquiring an antiquity.

### ***3. The Burden of proof lies with the claimant***

The Court made it clear that in the absence of evidence of illegality the burden of proving ownership fell squarely upon the country claiming restitution – and that satisfying this burden was a requirement for success. “Turkey bears the burden of proof of establishing by a preponderance of evidence that it has an ownership claim to the Idol”. It is also clear from the judgment that this can only be achieved where the claimant is able to identify and provide evidence of the particular circumstances in which the object which is the subject of the claim was found and left its country of origin. In this case Turkey had to demonstrate that this particular Idol had left Turkey after 1906. The Court concluded that Turkey had failed to satisfy that burden. In practice this will prove to be a high bar for claimants in future cases, particularly where decades, hundreds or even thousands of years may since have passed.

#### ***4. The global trade in art is as ancient as the artworks themselves***

A fascinating aspect of this case was the argument over the extent to which ancient artworks such as the Stargazer were traded across borders. Just as the trade in art is a global business today, so too was the trade in art in ancient times. The Court accepted the defendants' argument that trade in and exchange of artworks such as the Stargazer was common, both at the time they were being made and subsequently. Art has always been traded. It found that the Stargazer could well have left its country of origin in licit circumstances and long before Turkish cultural property protection laws were brought in in 1906.

#### ***5. Limitation periods apply in restitution cases***

The Court found that the Turkish government had “slept on its rights” and had been guilty of “inexcusable delay” in asserting its rights over the Stargazer. Its existence and whereabouts were very publicly advertised over many decades when it was exhibited at the Metropolitan museum in New York between 1968 and 1993. It was only when the Stargazer was offered for sale by Christie's in 2017 that the Turkish government chose to act. The Court found that the Turkish Government either did know or should have known about the Stargazer long before 2017 and any claim was therefore time-barred under the equitable doctrine of laches. It is of course tempting to dismiss limitation periods as a technical defence. However, the reality is that limitation periods are an important and equitable element of almost all systems of justice which are necessary in order to prevent injustices.

The take-away for those involved in restitution claims is that to bring a successful claim claimants must act promptly and any failure to do so will be fatal to the claim. At a practical level is difficult to see how, in future, any cultural property restitution claim can be successful where the object has, as in this case, been exhibited in a museum and written about over a long period of time.

## ***6. Turkey's 1906 cultural patrimony law does confer ownership rights***

It was not all bad news for Turkey. The judgment recognised that had the Turkish Government been able to demonstrate that the Stargazer had left Turkey after 1906, the 1906 Turkish Cultural Patrimony law would have conferred title in the Stargazer upon Turkey – and the US Court would have recognised its ownership rights. This may be useful to Turkey in future restitution claims.

## ***7. Pick your battles***

The wisdom of the decision of the Turkish government to pursue this particular case is in my view questionable. The outcome is certainly unhelpful to Turkey and to other countries seeking restitution of cultural property. While it has led to the unwinding of the 2017 sale of the Stargazer it has, in the process, established some uncomfortable legal precedents for advocates of cultural property restitution. In hindsight the Turkish Government may regret that it chose to take such a public stand over a work which had been in the public domain for so long and for which there turned out to be no evidence of illegal

excavation or export. It may have been wiser to save the challenge for a more obviously meritorious case.

## ***8. There are better ways to resolve cultural property disputes***

While the judgment does not say so, the outcome of the Stargazer case highlights the shortcomings of the debate over cultural property being expressed as a question of “ownership”. This is an exceptionally beautiful artwork of great educational and historical importance - and as such it deserves better than this. In my view effort should be made, and should have been made in this case, to find mediated solutions which aim to share the historical, educational and artistic joy of such objects as widely as possible. Solutions need to be found to address the need for artworks of critical cultural importance to be on display permanently or temporarily in their country of origin. Many countries have been denuded of important examples of their ancient culture, often in tragic circumstances, and affirmative action needs to be taken to seek to correct that. That however is not inconsistent with objects also being exhibited in museums throughout the world or forming part of private collections. Collectors, museums and governments should work together, rather than battling it out in the Courts, to find shared solutions for the common good.

Report this

---

Published by



**Martin Wilson**






Chief General Counsel at Phillips  
Published • 2h

4 articles

+ Follow

My personal take on the legal ramifications of the recent Stargazer Judgment.

[#Stargazer](#) [#artlaw](#) [#restitution](#) [#culturalproperty](#)

 Like  Comment  Share   12 · 3 comments


### Reactions



### 3 Comments


Most relevant ▾

 **Martin Wilson** · 2nd  
Chief General Counsel at Phillips 44m ...

Thanks Bill !

Like | Reply

 **James McAndrew** · 3rd+  
Senior Customs, Cultural Property & International Trade Compliance Specialist 16m ...

I appreciate the conciliatory tone and intention of this article. Unfortunately most restitution claims are for items less expensive than this and the legal costs to defend arbitrary and nefarious claims by "alleged" source countries are astronomical.

[...see more](#)

Like | Reply  
[Load more comments](#)



**Martin Wilson**

Chief General Counsel at Phillips

[+ Follow](#)

More from Martin Wilson



## **Non-Resale Clauses in Art Sales**

Martin Wilson on LinkedIn



## **Art Market Transactions: Who KYCs Who ?**

Martin Wilson on LinkedIn



## **10 Tips on becoming an Art Lawyer**

Martin Wilson on LinkedIn





Messaging



Print

## Turkey cannot recover ancient 'Stargazer' idol from Christie's, US judge rules



According to Christie's, the 22.9-cm idol dates from 3000 to 2200 BC and is one of the finest and largest preserved Anatolian marble female idols of Kiliya type. Named for the slight upward tilt of its head as if toward the heavens, it was excavated from Turkey after 1906. (Screenshot)

🕒 Sep. 08, 2021 | 05:22 PM

👤 Jonathan Stempel | Reuters

NEW YORK: A US judge has ruled that Turkey cannot recover a 6,000-year-old marble idol known as the "Guennol Stargazer" from Christie's and the hedge fund billionaire Michael Steinhardt.

US District Judge Alison Nathan in Manhattan said Turkey "inexcusably slept" on its rights by not suing until April 2017, just before Christie's put the idol up for auction, though it should have known of the idol's whereabouts decades earlier.

She said Turkey also did not prove that the 22.9 cm figurine, named for the slight upward tilt of its head as if toward the heavens, was excavated from Turkey after 1906, making the country its rightful owner under that year's Ottoman Decree.

Nathan also rejected Turkey's suggestion that Steinhardt, a prominent art collector, ignored "red flags" about the idol's provenance.

The decision is a setback to Turkey's legal efforts in the United States to reclaim antiquities it believes were looted.

Nathan ruled after an eight-day non-jury civil trial in April. Turkey's U.S.-based lawyers did not immediately respond to requests for comment. Lawyers for Christie's and Steinhardt did not immediately respond to similar requests.

According to Christie's, the idol dates from 3000 to 2200 BC and is one of the finest and largest preserved Anatolian marble female idols of Kiliya type.

Steinhardt and his wife paid \$1.5 million for the idol in 1993. It fetched \$14.5 million at Christie's auction, but the unidentified telephone buyer walked away. Christie's still possesses the idol.

Nathan noted that the idol had been discussed in several publications over the years,

and displayed at New York's Metropolitan Museum of Art from 1968 to 1993 and again from 1999 to 2007.

"The Met is a major public institution did not hide that the idol was part of the Guennol Collection," Nathan wrote. "Turkey failed to contact the Met seeking more information about the origins of the idol – a relatively low bar, all things considered, and one that Turkey should reasonably have surpassed."

---

Copyrights 2021, The Daily Star - All Rights Reserved  
08/09/2021

---

September 7, 2021  
2:05 PM EDT  
Last Updated 3 days ago

Litigation

# Turkey cannot recover ancient 'Stargazer' idol from Christie's, Steinhardt -U.S. judge

2 minute read

By Jonathan Stempel



A sign is pictured outside Christie's auction house in Geneva, Switzerland, December 15, 2016. REUTERS/Denis Balibouse

NEW YORK, Sept 7 (Reuters) - A U.S. judge ruled on Tuesday that Turkey cannot recover a 6,000-year-old marble idol known as the "Guennol Stargazer" from Christie's and the hedge fund billionaire Michael Steinhardt.

U.S. District Judge Alison Nathan in Manhattan said Turkey "inexcusably slept" on its rights by not

## Latest in Legal

United States  
**Judge blocks enforcement of Florida's 'anti-riot' law**



Technology  
**EXCLUSIVE Wide-ranging SolarWinds probe sparks fear in Corporate America**



United States  
**Attacking anti-vaccine movement, Biden mandates widespread COVID shots, tests**



Business  
**JPMorgan slashes price target for troubled China property giant Evergrande**



suing until April 2017, just before Christie's put the idol up for auction, though it should have known of the idol's whereabouts decades earlier.

She said Turkey also did not prove that the nine-

inch (22.9 cm) figurine, named for the slight upward tilt of its head as if toward the heavens, was excavated from Turkey after 1906, making the country its rightful owner under that year's Ottoman Decree.

Nathan also rejected Turkey's suggestion that Steinhardt, a prominent art collector, ignored "red flags" about the idol's provenance.

The decision is a setback to Turkey's legal efforts in the United States to reclaim antiquities it believes were looted.

Nathan ruled after an eight-day non-jury civil trial in April.

Turkey's U.S.-based lawyers did not immediately respond to requests for comment. Lawyers for Christie's and Steinhardt did not immediately respond to similar requests.

According to Christie's, the idol dates from 3000 to 2200 BC and is one of the finest and largest preserved Anatolian marble female idols of Kiliya type. <https://www.christies.com/features/The-Guennol-Stargazer-8195-3.aspx>

Steinhardt and his wife paid \$1.5 million for the idol in 1993. The idol fetched \$14.5 million at Christie's auction, but the unidentified telephone buyer walked away. Christie's still possesses the idol.

Nathan noted that the idol had been discussed in several publications over the years, and displayed at New York's Metropolitan Museum of Art from 1968 to 1993 and again from 1999 to 2007.

"The Met is a major public institution [and] did not hide that the idol was part of the Guennol

Collection," Nathan wrote.

"Turkey failed to contact the Met seeking more information about the origins of the idol- a relatively low bar, all things considered, and one that Turkey should reasonably have surpassed," she added.

The case is Republic of Turkey v Christie's Inc et al, U.S. District Court, Southern District of New York, No. 17-03086.

Reporting by Jonathan Stempel in New York; Editing by Dan Grebler



### Sign up for The Daily Docket

Subscribe for our daily curated newsletter to receive the latest Reuters legal news and headlines delivered to your inbox.

[Sign up](#)

## More from Reuters

## Sponsored Content

dianomi



Act now to earn up to a \$1,500 cash bonus with required activities.

Sponsored by CITIGOLD® CASH BONUS



7 Major Retirement Planning Mistakes to Avoid

Sponsored by smartasset



A Savvy Financial Plan

Sponsored by Charles Schwab



Spend \$500 And Pocket \$200 With This Card

Sponsored by CompareCredit

## Industry Insight

People Moves

**Pillsbury taps Newsom aide, Quinn Emanuel alum**

Industry Insight

**Legal employers should make financial wellness**

Industry Insight

**U.S. official faults El Salvador plan to fire all**

Industry Insight

**Compelling Need: What legal tech should be on your**

to lead appellate practice

September 9, 2021

part of employees' well-being benefits

September 9, 2021

over-60 judges

September 2, 2021

radar?

September 2, 2021

## Sponsored Content

**dianomi**



Latest

Home

Browse

World

Business

Legal

Markets

Breakingviews

Technology

Investigations

Lifestyle

Media

Videos

Pictures

Graphics

About Reuters

About Reuters

Careers

Reuters News Agency

Brand Attribution Guidelines

Reuters Leadership

Reuters Fact Check

Reuters Diversity Report

Stay Informed

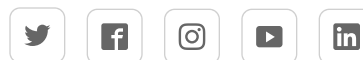
Download the App

Newsletters

### Information you can trust

Reuters, the news and media division of Thomson Reuters, is the world's largest multimedia news provider, reaching billions of people worldwide every day. Reuters provides business, financial, national and international news to professionals via desktop terminals, the world's media organizations, industry events and directly to consumers.

### Follow Us



### Thomson Reuters Products

#### Westlaw

Build the strongest argument relying on authoritative content, attorney-editor expertise, and industry defining technology.

#### Onesource

The most comprehensive solution to manage all your complex and ever-expanding tax and compliance needs.

#### Checkpoint

The industry leader for online information for tax, accounting and finance professionals.

### Refinitiv Products

#### Eikon

Information, analytics and exclusive news on financial markets - delivered in an intuitive desktop and mobile interface.

#### Refinitiv Data Platform

Access to real-time, reference and non-real time data in the cloud to power your enterprise.

[Advertise With Us](#) [Advertising Guidelines](#)

[Cookies](#) [Terms of Use](#) [Privacy](#) [Corrections](#) [Site Feedback](#)

All quotes delayed a minimum of 15 minutes. See here for a complete list of exchanges and delays.

© 2021 Reuters. All rights reserved

# US court blocks Turkish effort to retrieve smuggled artifact



[A museum staff member shows a "stargazer" statuette similar to the one smuggled to the United States, in Izmir, western Turkey, May 14, 2021. \(AA Photo\)](#)

by Daily Sabah with Reuters

Sep 08, 2021 9:07 am

Guennol Stargazer, a small statuette will not return to its ancient home, Turkey, as a court in the United States rejected Turkish authorities' bid to retrieve the artifact believed to be smuggled out of the country decades ago.

A U.S. judge ruled Tuesday that Turkey cannot recover the 6,000-year-old marble idol known from Christie's auction house and the hedge fund billionaire Michael Steinhardt.

U.S. District Judge Alison Nathan in Manhattan said Turkey "inexcusably slept" on its rights by not suing until April 2017, just before Christie's put the



idol up for auction, though it should have known of the idol's whereabouts decades earlier. She said Turkey also did not prove that the 9-inch (22.9-centimeter) figurine, named for the slight upward tilt of its head as if toward the heavens, was excavated from Turkey after 1906, making the country its rightful owner under that year's Ottoman Decree. Nathan also rejected Turkey's suggestion that Steinhardt, a prominent art collector, ignored "red flags" about the idol's provenance.

The decision is a setback to Turkey's legal efforts in the United States to reclaim antiquities that were looted from the country. Nathan ruled after an eight-day nonjury civil trial in April.

According to Christie's, the idol dates from 3,000 to 2,200 B.C. and is one of the finest and largest preserved Anatolian marble female idols of the Kiliya type. Steinhardt and his wife paid \$1.5 million for the idol in 1993. The idol fetched \$14.5 million at the Christie's auction, but the unidentified telephone buyer walked away.

Christie's still possesses the idol. Nathan noted that the idol had been discussed in several publications over the years, and displayed at New York's Metropolitan Museum of Art from 1968 to 1993 and again from 1999 to 2007.

"The Met is a major public institution did not hide that the idol was part of the Guennol Collection," Nathan wrote. "Turkey failed to contact the Met seeking more information about the origins of the idol – a relatively low bar, all things considered, and one that Turkey should reasonably have surpassed," she added. In 1993, the museum had returned a set of artifacts known as the [Lydian Hoard](#), to Turkey, after admitting that they knew the items were smuggled from Turkey when they purchased them.

Turkish officials have not commented on the ruling yet but in earlier trials, lawyers for the country had expressed that the idol had "dubious origins" and Steinhardt ignored Turkey's property laws. The Turkish side had also

pledged to present comprehensive scientific evidence that the idol definitely belonged to Turkey and was taken out of the country while the 1906 decree was still in force.

The country has stepped up its efforts to retrieve artifacts smuggled abroad in recent years. In the past decade, it has managed to bring back 2,712 [artifacts](#), from small statues to sarcophagi.

The artifact Turkey sought to recover is among a family of marble statuettes that were prevalent in ancient ages in Anatolia. Similar "stargazers" are already on display in Turkish museums. Statuettes are dated to the Middle and Late Chalcolithic periods and experts believe they were traded in southwestern and northwestern Anatolia in the period they were crafted. The first "stargazer" was discovered in the Kiliya settlement on the Gelibolu Peninsula in western Turkey.

**Last Update: Sep 08, 2021 10:13 am**