

# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 18, Spring 2006

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The Illicit Antiquities Research Centre is a project of the McDonald Institute for Archaeological Research.



## Illicit Antiquities Research Centre

The Illicit Antiquities Research Centre (IARC) was established in May 1996, under the auspices of the McDonald Institute for Archaeological Research in Cambridge, England, and it commenced operations in October 1997. Its purpose is to monitor and report upon the damage caused to cultural heritage by the international trade in illicit antiquities (i.e. antiquities which have been stolen or clandestinely excavated and illegally exported). The enormous increase in the volume of this trade over the past twenty years has caused the large-scale plundering of archaeological sites and museums around the world. The IARC will raise public awareness of the problems caused by this trade and seek appropriate national and international legislation, codes of conduct and other conventions to place restraint upon it.

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**Front cover.** *Headless apsara, temple of Preah Khan, Angkor temple complex (see p. 5).*

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Correspondence relating to all aspects of the legal and illegal trade in antiquities is welcome; we will make an effort to print reasonable, non-libellous letters. No unsigned letters will be printed, but names will be withheld upon request.

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## Editorial

In May 2006 the Biblical Archaeology Society (BAS) issued a statement said to have been drafted by Harvard's Professor Lawrence E. Stager concerning the academic publication of unprovenanced archaeological artefacts (available at: <http://www.biblicalarchaeology.org/bswbOOunprovenancedstatement.html>; see also H. Eakin, 'Must looted artefacts be ignored?', *New York Times*, 2 May 2006). By June the statement had attracted more than 100 signatures. The statement seems to have been triggered by the recent debate over publication of cuneiform tablets (see A. Lawler, 'Looted tablets pose scholar's dilemma', *Science* 309, 2005, 869), and most of the signatories have an interest in inscribed materials. It is aimed at the Archaeological Institute of America (AIA) and the American Schools of Oriental Research (ASOR). Both bodies oppose the first publication of objects that do not have either a legitimate provenance or a documented provenance stretching back to 1973. Their argument is that as many unprovenanced objects have been looted, publication 'legitimizes' them and helps sustain the market, thus stimulating further looting.

The BAS statement notes that its signatories are opposed to archaeological looting, though it makes a number of unwarranted assertions, including 'The opposition to the publication of unprovenanced antiquities is supposedly based on the view that their publication encourages looting. Yet it is almost universally recognized that this prohibition on publication has had little or no effect on looting'. As usual, no references are provided to substantiate the 'universal recognition', and in fact what research has been undertaken suggests the opposite (N. Brodie, 'The circumstances and consequences of the British Library's 1994 acquisition of some Kharosthi manuscript fragments', *Culture Without Context* 17 (2005), 5–12).

The statement's main point is that 'The sweeping exclusion of unprovenanced material from scholarly consideration results only in a loss to scholars, to scholarship and ultimately to the public'. The statement also argues that 'The questions we deal with here are quite apart from the issues currently engaging the media and the public re-

garding patrimony laws and repatriation. These issues are complex and separate from the issues we are concerned with here. On the repatriation issues, we express no view'. Thus the issues of scholarly access and criminal trade are kept separate. This view is not accepted by the AIA and ASOR, who base their policy on what they see to be a clear relationship between publication and looting. But, ignoring the larger economic context, and restricting consideration to material that has already been looted, the statement's position does have a certain validity. There are two separate questions. First, the material in question is probably stolen property. What should happen to it? Second, the material in question might impart important historical knowledge. Should it be studied? Luckily, the answers to both these questions are not hard to find. First, as stolen property, the material should be returned to its rightful owner. Second, once it is in the hands of its rightful owner, it should be made available for study and publication. The threat of restitution would deter the trade of such material and thus break the economic link that distresses the AIA and ASOR. The legitimate study and publication of the material would assuage the concerns of the scholars who have signed the statement. It is a pity the statement does not endorse this straightforward solution.

There is another issue, though, which the statement does not address. Scholars often know a great deal about the trade history of the material they study, but choose not to publicize what they know and are reluctant to investigate that history any further. This failure to research and publish provenance has potentially serious consequences for countries such as Iraq and Afghanistan where there are continuing allegations that profits from the illegal trade go to fund arms' purchases. By failing to push for what might be called 'full' publication of the material concerned, the statement seems to judge the right to study the products of criminal trade as more important than the right to study the criminal trade itself. How this position is in the public interest is something not made clear.



It is sometimes argued in favour of the antiquities trade that artefacts are better cared for in European and North American museums



than in museums of their countries of origin. The Heritage Health Index published in December 2005 reported on the state of material stored in US institutions (<http://www.heritagepreservation.org/HHI/index.html>). For art, archaeological and historic objects it reported that between 13–48 per cent are in unknown condition, and that between 14–36 per cent are in need of attention.

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## The Getty Aphrodite: a reply

MALCOLM BELL, III

I have discovered very belatedly that in issue 11 (autumn, 2002) of *Culture Without Context*, Deborah Gribbon, then Director of the J. Paul Getty Museum, attributes to me statements about the so-called ‘Getty Aphrodite’ that I did not make. I am writing now to correct her account. In the summer of 1988 when the Getty Museum was considering the purchase of the sculpture, Marion True telephoned me in Sicily to ask if I knew anything about the work, which a market rumour had attributed to Morgantina. I did not say, as Dr Gribbon writes, that there is no limestone sculpture from Morgantina, or that there is no acrolithic sculpture from the site; both statements would be patently false. At the time I was actually studying a limestone sculpture of the

later third century BC, of which head, hands, and feet were inserted in marble; and we knew of the clandestine discovery a decade earlier of marble acroliths. What I told Marion True is that there is no evidence at Morgantina of limestone sculpture in the second half of the fifth century BC when the Getty statue was carved, a period, moreover, when Morgantina was small and not particularly prosperous. I suggested that the sculpture was more likely to come from a major centre like Taranto. To my knowledge nothing has surfaced since 1988 to indicate that the sculpture was found at Morgantina. It may come from the site, but if so some evidence is needed to make the case. The Getty sculpture remains in any case a remarkable work that cries out for identification of its religious, cultural, and architectural context.

MALCOLM BELL, III  
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## Supply and demand: a glimpse into the traffic of illicit Khmer antiquities

TERRESSA DAVIS

### Background

As a tangible witness to the past, archaeology provides invaluable information about human history. But to some collectors and dealers of antiquities, it is viewed only as a source of economic or cultural capital — an attitude that has commercialized archaeology, creating a demand for artefacts that is spurring a worldwide epidemic of looting at ancient sites. At this very moment, looters around the world are reducing countless sites to rubble in their search for

buried treasures. No corner of the world is left untouched.

The archaeology of few countries is more threatened than that of the small Southeast Asian nation of Cambodia, where throughout their centuries-long rule, the ancient Khmer built thousands of stone temples for their different gods. Some, like Angkor Wat, rival the Egyptian pyramids in scale, while today, others are all but invisible, lost to the jungle. These temples have immense historic and religious significance to the Cambodian people, and since they attract millions of tourists to the country each year, are one of Cambodia’s most important economic resources. They are also among its most delicate, and despite having survived centuries of war and abandonment, they may in the end be destroyed by their own popularity.



Many temples have already been badly damaged, and the destruction continues at an unprecedented rate: entire temples are reduced to rubble as looters sever prized statues and reliefs, destroying unwanted artefacts in the process (Figs. 1–3). The situation is clearly dismal, but largely unquantified. It is, after all, impossible to track the rate of artefacts leaving the country, owing to both the covert nature of the traffic and the large number of thefts that go unreported.

It may be, however, possible to judge the number of artefacts that have already left the country by gauging how many have reached their final destination — the art market. An analysis of the art market presents a glimpse into the extent of the traffic in Cambodian antiquities — providing much-needed data on the number and type of artefacts available for sale. Such information reveals more than just what artefacts are available on the market: it offers clues as to where they are coming from.

### The role of Sotheby's

The physical reach and economic consequence of the international trade in art is extensive, though it currently lacks the governmental regulation required for many businesses of a similar size. It ranges widely in scale, from individual, specialized dealers to large, international auction houses. Only the latter, however, regularly publish their sales in catalogues, thereby providing a tangible record of the market. These catalogues usually provide the following information for each piece: a detailed physical description, including the height, material, and current condition; the culture and country of origin; the presumed age; the estimated price; and sometimes the provenance.

The catalogues of Sotheby's auction house — unsurpassed in terms of size and reputation — provide an excellent starting place for examining the wider market in Khmer art. Though founded in London, and now based in New York, Sotheby's has a sizeable presence in Asia, with several offices in the region. It also has a long established interest in Khmer art. Khmer artefacts



**Figure 1.** *Isolated until recently by land mines and poor roads, the tenth-century Khmer capital of Koh Ker is one of the most heavily looted sites in Cambodia. (Photograph Terressa Davis.)*



**Figure 2.** *Headless apsara, temple of Preah Khan, Angkor temple complex. (Photograph Terressa Davis.)*

were traditionally sold in Sotheby's general antiquities auctions until 1988, when regular sales of South and Southeast Asian art began. Owing to a growing demand, several such auctions now take place annually around the world, most of which are published in Sotheby's catalogues





**Figure 3.** Every apsara at the temple of Phnom Banan, NW Cambodia, has been decapitated. (Photograph Terressa Davis.)

*Indian and Southeast Asian Art.*<sup>1</sup> To date, over thirty sales have been held in New York City alone, with many more around the world. All of these sales have included at least some pieces of Khmer art.

Between 1988 and 2005, approximately 348 Khmer artefacts were auctioned at Sotheby's Indian and Southeast Asian Art sales in New York. Almost all of these objects were sculpture of some sort — either statues in the round or reliefs. Approximately 59 per cent were made from sandstone, 36 per cent from bronze, and the rest from various other materials. The stone artefacts were offered for higher prices (\$18,600 to \$27,600) than the bronzes (\$7500 to \$10,900), but this is probably due more to their larger average size, than to their material.

While a few pieces dated as early as the sixth century, and others as late as the sixteenth, over half were from the twelfth century, with most of the remainder dating to the centuries immediately before or after. This was the height of the Angkorian period, so it is not surprising that stylistically nearly half of the artefacts auctioned belonged to either the Angkor Wat or the later Angkor Thom schools.

80 per cent of these objects had no listed provenance. While generally defined as 'place of origin', in the art world provenance refers to a piece's ownership history. Pieces with a provenance — those known to have been published, exhibited, or to have come from collections al-

ready in existence — are usually more valuable than those without. Thus, if an auction house does not advertise an artefact's provenance, it is usually for one of three reasons — the provenance is legal but the consignor does not want it known, the provenance is known but somehow incriminating, or the provenance really is not known. Either of the last two reasons suggests that some of the objects, at some point in their histories, could have been illegally acquired.

Knowing what types of object are available on the art market and most popular with collectors should aid the Cambodian authorities in protecting their country's

archaeological sites, by revealing which sites are most at risk. The authorities also need to know the source of material on the market. It is said by auction houses to come from existing collections, but claimed by archaeologists to be derived from looting. It is problematical to verify either position irrefutably. But while direct evidence is lacking, circumstantial evidence is available in abundance.

### **Trends in the market and what they might mean**

The fluctuations in the annual number of Khmer objects auctioned by Sotheby's, for example, is one such piece of circumstantial evidence (Fig. 4). At the beginning of the period in question, the late 1980s, few artefacts were available for sale. But then the number of artefacts climbed each year, tripling in 1990, and reaching a maximum of 42 in 1991. The number remained high until 1994, after which it began to drop. The number peaked again in 1998, but this was a result of Sotheby's acquiring the substantial collection of Samuel and Natasha Eilenberg, which provided 29 of the 41 Khmer artefacts sold that year. Since this collection dated back to the 1950s and 60s, its sale did not reflect the market trends of the 1990s, so for the purposes of this study, when the 1998 data exclude the Eilenberg collection, they continue the general decline started in 1993.

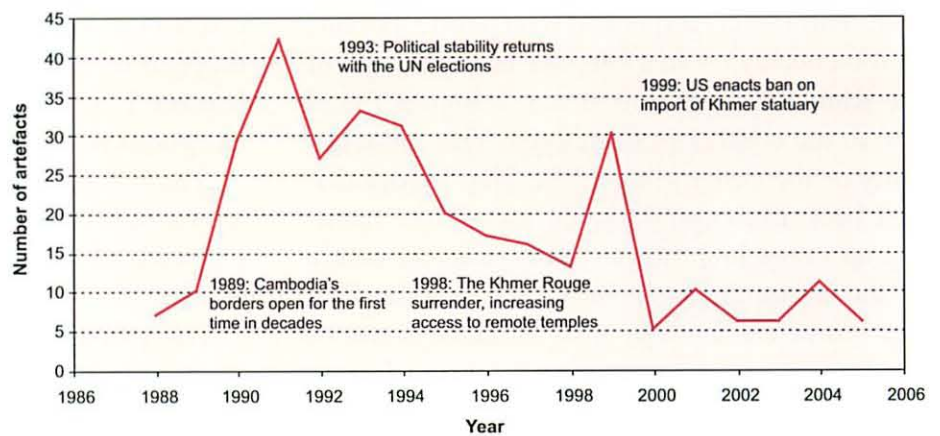
Though regaining strength in 1999, the annual number of auctioned artefacts sharply fell to an



all-time low in 2000. Despite a gradual increase in subsequent years, by 2004, Sotheby's was auctioning fewer than the small number of artefacts it auctioned in 1988.

It could be argued that these fluctuations represent the changing demand for Khmer art — that when Sotheby's first began its Indian and Southeast Asian Art auctions demand was naturally low, but grew throughout the early 1990s because of Cambodia's increasing newsworthiness, and then tapered off when the country faded from the headlines. This argument, however, is belied by numerous other indications that the market for Khmer art has steadily grown over the period in question. During that time, the annual number of foreign tourists to Cambodia increased from practically zero to millions, and numerous museums across the world built — or added to — extensive collections of Khmer art. In consequence, millions of people are being exposed to Khmer art each year, and it is only natural to assume that this increased exposure translates into increased demand. Also, art collectors are beginning to turn away from the standard 'art' of the Classical world, and to the more exotic artefacts of Asia and Latin America. Owing to all this, it is more likely that the popularity for Khmer art is at an all-time high, than a low, although this popularity is not reflected in the auction record.

If the trends seen in the auction data do not reflect the demand for Khmer art, it is only natural to presume they reflect the supply. If this supply originates in existing collections of Khmer art, as the trade affirms, it would seem likely that there would be a steady decline in the number of Khmer artefacts for sale each year, since no new pieces would be entering the market. This is not the case — the supply instead rises and falls, seemingly randomly. If the Sotheby's supply, however, has a recent origin in Cambodia, these fluctuations are not so random after all. In fact, the most notable fluctuations — the increased number of artefacts available after 1989, the drop after 1993, the peak in 1999, and the subsequent drop — can be linked to several events that would be expected to affect



**Figure 4.** Annual number of Khmer artefacts sold at Sotheby's New York auctions. (This chart does not include the Eilenberg Collection sold in 1998.)

the number of artefacts leaving Cambodia and entering the United States.

Cambodia spent the last half of the 1970s and the major part of the 1980s in near complete seclusion from the world. The self-imposed isolation demanded by the communist Khmer Rouge, who took control of the country in April 1975, was continued, albeit to a lesser extent, by the Vietnamese, who ousted the Khmer Rouge in 1979. The Vietnamese occupation of Cambodia lasted a decade, ending only when Hanoi bowed to international pressure and withdrew its troops in 1989.

The sudden exit of the Vietnamese left a power vacuum in Cambodia — the country was divided into several political factions, each with its own army. The Khmer Rouge army remained a major threat, still occupying the jungles near the Thai border. It wasted no time in using the Vietnamese withdrawal to its advantage, beginning immediate offensives to regain lost territory. Cambodia was in chaos, and open to the world for the first time in decades — an ideal breeding ground for illegal activity. Arms dealing, drug trafficking, and antiquities smuggling skyrocketed. It is no wonder then, that following 1989, a greater number of Khmer artefacts passed through Sotheby's — for the first time in decades, it was relatively easy for them to leave Cambodia.

This situation continued through into the early 1990s. With the completion of UN-sponsored elections in 1993, however, some stability began to return, allowing the Cambodian government to secure the temples at Angkor. Gradually, the number of artefacts making their way onto the market appears to have decreased.

This decline continued until 1998, then in 1999 sales suddenly increased by some 230 per



cent. This rise corresponded with political events in the country — in 1998, the last remnants of the Khmer Rouge surrendered, bringing a final end to the conflict in Cambodia. This unlocked parts of the country along the Thai border that had been inaccessible since the 1970s, opening up smuggling routes to Bangkok, the centre of the antiquities trade in Southeast Asia. This newly-opened territory also included some of the country's greatest temple complexes. It is no wonder that Sotheby's sales peaked in 1999.

Cambodia enacted clear laws criminalizing both looting and the export of antiquities following the 1993 elections, but enforcing such laws is practically impossible, and they appear to have had no effect on the number of artefacts leaving the country. The Cambodian government, believing the United States to be the final destination of much looted Khmer material, requested an emergency ban under the terms of the 1970 UNESCO Convention on the import of 'stone sculpture and architectural elements from Cambodia unless ... accompanied by an export permit'. The United States granted this ban in 1999. Apparently, it was effective — the number of Khmer artefacts

offered for sale at Sotheby's New York after 1999 dropped by more than 80 per cent. The import ban was renewed in 2003 and extended to other categories of archaeological material.

These data are certainly not irrefutable, but are suggestive, and they suggest an illegal origin for much of the material that is offered for sale at auction.

If anything, these data also show that the fight against the looting has to be taken to those countries where the art is sold. Cambodia's own laws protecting its antiquities had little effect on the amount of material entering the art market, but the 1999 United States law appears to have made a significant impact. Looting is a demand-driven crime, and only by stifling this demand can the world hope to protect its ancient sites.

#### Note

1. Occasionally entitled *Indian, Himalayan and Southeast Asian Art*.

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## A disputed cuirass: Italy versus the Netherlands' National Museum of Antiquities in Leiden

JOS VAN BEURDEN

About one year before Italy began its trial of an antiquities dealer and a curator of the J.P. Getty Museum, and also started pushing some US top museums to return a number of tainted antiquities, the country lost a court case about a similarly tainted object in the Netherlands. A Dutch judge ruled that the National Museum of Antiquities (NMA) in Leiden had done nothing wrong in purchasing some ancient armour. Yet nobody is really happy with the outcome.

At the 1997 TEFAF, the prestigious art fair in the Dutch city of Maastricht organized annually by the European Fine Art Foundation, a curator of the NMA discovered an object which would be a welcome addition to the museum's collection. In the stand of a well-known Swiss antiquities dealer, there was some ancient bronze armour comprising a cuirass, a helmet, fragments of a belt and two leggings. The NMA collected money and purchased the cuirass in early 1998.

In 2000, the Italian authorities demanded in a criminal procedure that the NMA should return the cuirass to Italy. The NMA supplied what information it had on the cuirass to the Italian authorities, but that did not bring the two parties any closer to one another. In 2002, Italy started a procedure against the NMA on the basis of European Directive 93/7, which provides for the return of a cultural object that has left the territory



of a member-state unlawfully. According to the Italian Carabinieri, the cuirass had come from a clandestine excavation; the Carabinieri even knew the name of the place and that it had been exported illegally.

On 9 June 2004, a court in the Dutch city of The Hague decided the evidence offered by the Italians was far too meagre and rejected their claim. The Italian case had been based on a note of 9 October 1999 made by two sergeants of the operational section of the Carabinieri, which had been in touch with a 'confidential source'. The note said 'it seems that some years ago in the illicit trade a complete cuirass ... surfaced. According to him, the cuirass was taken up by an important dealer in archaeological objects in Puglia ... The important armour seems to have been purchased by a museum abroad'. Based upon further investigations in Switzerland and the Netherlands, Italy concluded that it was this cuirass that had been purchased by the NMA.

The Italians know the Swiss dealer quite well. The Carabinieri had in the past questioned him about other objects, but they had never been able to prove their suspicion that he is not always careful enough about the provenance of objects, and that every now and then he is involved in the 'laundering' of objects with a dubious provenance.

The Italians also knew that the NMA had been criticized by Professor Colin Renfrew, then Director of the McDonald Institute for Archaeological Research at the University of Cambridge, UK, for exhibiting a selection of unprovenanced antiquities from the collection of the Miho Museum in Japan. Some media had questioned this exhibition as well.

For these reasons, the Italians did not want to show the report of their investigation to the NMA, not even after repeated requests. The NMA stated that after the acquisition its conservation expert had not found any evidence that might allow the place of excavation to be deduced. In law, the NMA had not done anything wrong.

Colonel Dr Fernando Musella, head of the operational section of the art crime squad of the Carabinieri, whom I recently met during a congress on art crime in Rotterdam, complained that the Dutch judge 'had insufficient understanding of the illicit trade in art and antiquities'. Dr Musella was pointing to the problem that much

smuggled art from Italy is laundered in Switzerland and that it is extraordinarily difficult, and particularly so in the case of archaeological objects, to prove that they have been stolen and smuggled. Moreover, most of the earth adhering to the cuirass had been removed.

Equally, the NMA was not amused with the attitude of the Italians, who according to the head of the museum's collection management, Steph Scholten, 'did everything with a lot of fuss and display of power. They tried to criminalise the NMA'. At the same time Scholten could 'well imagine the dilemmas and frustrations of the Italians. With hindsight maybe that purchase was naïve.'

The NMA thought that the Carabinieri, who visit TEFAF most years, would have seen the cuirass and was surprised that the Italians did not take any action at the time of the fair in 1997. When the NMA began to think about purchasing the object, it asked the Swiss dealer for further information about the object, and checked the data base of the Carabinieri. It did not, however, directly contact the Italians. 'With the standards of 2005 one can say that information could have had more substance' says Scholten,

and now we also know more about the role of Switzerland in the illicit trade. In the National Museum of Antiquities one had been thinking for a long time that the illicit trade was something of shady back rooms and not something of prominent traders in prominent places. Now I understand that things happen even at the TEFAF which should not be allowed as far as provenance is concerned.

With the decision of the Dutch judge the case between Italy and the NMA seems to be over. But while this might be true from a legal point of view, the same cannot be said from the perspective of museum ethics. The NMA reproaches the Italians, and Scholten says that 'with their power display and doing everything through lawyers' they have shut the door on a dialogue. In 1998 the NMA knew less about the illicit trade than it does now. Their assumption 'that the museum had been willing to help the Italians in their investigation' was not really picked up in Rome. At the end of 2004 the Italians once more demanded the return of the cuirass, but again, without result.

The Dutch court case must have served as a warm-up for the actions that followed against



museums, dealers and collectors in the USA, and possibly other countries too. The Italians will no longer have to complain that judges do not fully understand their cases and museums such as the NMA will be more prudent in the future. Apparently, the cuirass was of less cultural and

historical importance than the pieces claimed from major US museums.

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## In the News

JENNY DOOLE

### UK

- Archaeologists and metal detectorists worked together on an Anglo-Saxon site at Burdale, Yorkshire, in order to improve relations and promote mutual understanding. The site was selected for the experiment by staff at the University of York as it had already been attacked by 'nighthawks' metal detecting illegally under cover of darkness ('We're watching the detectors to preserve past', *Yorkshire Post*, 30 May 2006).
- A code of conduct, agreed after months of negotiation between metal detectorists and archaeologists, was launched at the British Museum in May (see 'Archaeologists and amateurs agree pact', *Guardian*, 2 May 2006). Under the terms of the code, an estimated 180,000 metal detectorists will agree to work only the top layer of disturbed soil (like ploughed fields), operate with the land owner's permission, report all finds, and call experts in the event of seeing anything significant.
- Pretty much everyone in Britain was caught out by an Amarna-style Egyptian alabaster statue bought by Bolton Council in 2003 for the Bolton Museum and Art Gallery. The piece was authenticated by the British Museum and came with documentation to show that it had been sold by auction in Britain in the nineteenth century. Most of the £440,000 purchase price was obtained

from the National Heritage Memorial Fund and the National Art Collections Fund (NACF). It featured in the NACF's 2004 'Saved' exhibition of pieces bought with the help of NACF funds and was published in *Burlington* and the Egypt Exploration Society's *Bulletin*. It turned out, however, to be fake, and in March two men were arrested in Bolton on suspicion of forgery and several objects were seized. The house of one of the accused was said to resemble a workshop, containing marble and tools for working stone (J. Malvern, 'The ancient Egypt statue from Bolton', *The Times*, 27 March 2006; M. Bailey, 'How the entire British art world was duped by a fake Egyptian statue', *Art Newspaper*, May 2006).



### Zimbabwe and Kenya

- The *Herald* newspaper in Zimbabwe reported that more than 1500 artefacts of archaeological and ethnographic interest have disappeared from the Zimbabwe Museum of Human Sciences. Interpol are helping with investigations into their whereabouts amid rumours of illicit export and involvement of senior staff (see 'Precious artefacts vanish from Zim museum', Independent Online, 1 June 2006).
- Senior curator of the National Museums of Kenya, Abdalla Ali Allausy, has set up a working group to identify the location of cultural material smuggled out of the country in the late 1970s and early 1980s, with the intention of securing its return. He added that the National Museums are



working with other government authorities to ensure that cultural material and antiquities do not leave the country with tourists.

## Egypt

- Controversy erupted in March 2006 when the head of Egypt's Supreme Council of Antiquities, Dr Zahi Hawass, claimed that a nineteenth-dynasty mask in the St Louis Art Museum had been stolen from a warehouse in Saqqara in the 1980s (J.E. Kaufman, 'This mask belongs to Egypt', *Art Newspaper*, March 2006). Dutch experts claimed that the mask had been excavated sometime between 1951–5, published in 1957, and stolen sometime after 1985. St Louis director Brent Benjamin replied that the museum bought the mask in 1998 for \$499,000 from Phoenix Ancient Art, co-owned by the brothers Ali and Hicham Aboutaam, and that Phoenix claimed the mask had indeed been excavated in the 1951–2 season, but that an unidentified Swiss person had seen it on the market in Brussels in 1952. Zahi Hawass denied that this would have been possible. On 11 May the St Louis Museum issued a statement asking Zahi Hawass to provide documentation that would substantiate his claim (J.E. Kaufman, "'This mask is ours' says St Louis Art Museum', *Art Newspaper*, June 2006). Hawass responded with a register entry recording the mask's presence in Egypt in 1959, but Benjamin was not satisfied.
- *June 2006*: An ancient Egyptian offering vessel, made of alabaster and shaped like a bird, was removed from sale at Christie's New York after concerns were raised by the Metropolitan Museum of Art that it may have been improperly exported from Egypt. The appropriate authorities were contacted.

## Libya

- A report by the Supervision Authority in Libya describes thefts of historical artefacts as 'widespread' (see R. Jawad, 'Libya fears for its stolen heritage', BBC News, 28 April 2006, at <http://news.bbc.co.uk/1/hi/world/africa/4951770.stm>).
  - According to official figures, 90 ancient artefacts have been stolen in Libya since 1988, but heritage professionals say the figure is much higher as material is stolen through clandestine excavations and from previously unknown sites uncovered during seismic surveys by oil companies.
  - Most of the thefts are from museums and sites where the officials are older, untrained and underpaid — like Shahat in the south, Sabratha near Tripoli, and Abikamash in the east.
  - The ministries of justice and public security are criticized for their lack of effort in finding the perpetrators.
  - According to Guima Anag, chairman of the department of archaeology, heritage professionals are hamstrung by lack of money and excessive bureaucracy — which means that their systems are 'outdated, weak, inefficient, understaffed, under-funded and under-developed'.
  - The return of items stolen from the museum of Sabratha, which were confiscated in 2003 at the Egyptian border, has been delayed because the Libyan authorities have been unable to provide documentation proving they were from the Sabratha collection. They remain in the museum of Alexandria.
  - The culture ministry says other artefacts stolen from Libya have been discovered in Egypt and talks on their repatriation are ongoing.
  - The culture ministry says it is building fences round archaeological sites, installing surveillance equipment, and has asked the General People's Congress to pass strict laws regarding artefact theft.



## Yemen and Syria

- The Yemen Ministry of Tourism has developed a new 'strategic plan' to protect the country's cultural heritage. Amongst other measures, national borders will be monitored more closely to prevent smuggling (see 'New plan for protecting antiquities in Yemen', *Yemen Observer*, 26 March 2006).
- *May, Yemen*: Military police in the Al-Awad district of Ibb province recovered ancient Humari and Sasanni period artefacts from smugglers. The operation involved a criminal gang trying to sell the objects to a US-based Yemeni ('New archaeological discoveries in Marib, smugglers caught', *Yemen Observer*, 3 May 2006).
- *June*: 76 archaeological items that had been smuggled from Syria to Lebanon in 2001 were returned according to a cultural agreement between the two governments under the terms of the 1970 UNESCO Convention. The objects had been found in the Baalbek area of Telya and the Kesrouan area of Ghadir and Haret Sakhr following the arrest of Lebanese and Syrian smugglers. They included sections of column, sculptures from various periods and smaller architectural pieces.



## Iran

- Police in Bafgh, Yazd province, seized a 20-cm-high, soapstone goblet decorated with carved lions, scorpions and wolves. The artefact had been stolen from Jiroft (see 'Stolen ancient goblet of Jiroft found in Yazd', Cultural Heritage News Centre, 29 April 2006; also see 'In the news', *CWC*, Issue 15 (2004), 8–9; 'In the news', *CWC*, Issue 16 (2005), 13). Experts hope that the discovery will provide valuable comparative evidence to bolster Iran's international legal claims for the return of other items

they believe to have been smuggled from Jiroft, which are currently in museums and galleries around the world.

- *April 2006*: The Iron Age cemetery of Pardis Tepe near Varamin (southern Tehran Province), which was the site of excavations by archaeologists from the University of Tehran and the UK Universities of Leicester and Bradford, has been destroyed by looters. Graves have been ransacked and fragments of human bone left scattered over the site. Police have been investigating the looting (see 'Smugglers destroy Iron Age cemetery south of Tehran', Mehrnews.com, 28 April 2006).
- Eleven rare artefacts were confiscated by authorities in Tehran in April. The Cultural Heritage and Tourism Organization of Ilam Province, from where the objects were stolen, has written to the cultural heritage police requesting their return. The objects, including metal items like decorated arrows, a golden cup and an extremely rare silver mask, believed to be 2800 years old, were looted from the village of Darreh Shahr. Officials say the objects will be conserved, studied, then sent for display to a museum (see 'Stolen artifacts to return to Ilam', *Persian Journal*, 19 April 2006).



## India

*Newkerala.com* ('200 idols seized, antique dealer nabbed', 28 April 2006), reports:

- *April 2006*: Customs officers confiscated 25 ancient idols at a container depot in Sabarmati, allegedly booked in as a consignment of household goods by a Belgian national who had left for France. Police believe the city of Ahmedabad has for years been the base for a gang smuggling antiques brought from Gujarat and Rajasthan.
- *April 2006*: Police in Gujarat seized more than 200 ancient marble and sandstone



idols, the largest four feet tall, from an industrial store owned by Ismail Memon. Some were allegedly stolen from Jain temples. Memon was arrested for interrogation, and a complaint lodged against him and two others (believed to be Thai) under the 1972 Antiquities and Art Treasures Act.

- There were reports from Kutch of idols and statues being looted from damaged temples and Jain shrines following the earthquake in 2001.
- Following the discovery in May 2006 that hundreds of antiquities were missing from the storeroom of the Patna Museum (which houses Buddhist and Chinese artefacts), security is being stepped up. The pieces were kept in two dilapidated rooms at the back of the museum (see 'Night patrolling to be introduced on Patna Museum', *Times of India*, 15 June 2006).



## USA

- Pennsylvania University professor of archaeology, Brian Rose, has been working with US Central Command to set up a lecture programme at military bases demonstrating to Marines operating in Iraq and Afghanistan how best to treat archaeological material.
- Dartmouth University classics professor, Roger Ulrich, is also starting work developing training materials to help troops preserve cultural heritage in Iraq and Afghanistan. The research, funded by the Defense Department, will see a group of student researchers produce guidelines for cultural resource management (see 'Prof. to train soldiers to preserve sites', *The Dartmouth*, 26 April 2006).
- On 21 February 2006, the Italian Ministry of Culture and the Metropolitan Museum of Art signed an agreement whereby the Metropolitan will cede title to Italy of 21 antiquities in its possession, and Italy will reciprocate by offering on loan objects of equal significance. The Metropolitan denies any knowledge of illegal provenance for any of the objects concerned. They include the Euphronios krater and the so-called Morgantina treasure, a 15-piece set of Hellenistic silver. A Metropolitan press release describing the agreement is available at [http://www.metmuseum.org/press\\_room/recent.asp?type=2](http://www.metmuseum.org/press_room/recent.asp?type=2). The Euphronios krater will remain at the Met until 2008, and the Morgantina silver will stay until 2010. The *Boston Globe* reported that the Italian government had offered the Boston Museum of Fine Arts a similar deal (G. Edgers & S. Pinto, 'Italians extend art offer to MFA', 17 June 2006).
- *March* (see 'Artifacts trafficker pleads guilty', *Honolulu Star Bulletin*, 25 March 2006): In the first case to be prosecuted under NAGPRA (the federal Native American Graves Protection and Repatriation Act of 1990) in Hawaii, Daniel W. Taylor pled guilty to conspiring to traffic in Native Hawaiian cultural items. Previously, co-defendant John Carta had been charged with trying to profit from selling the objects. Some of the items were from the J.S. Emerson Collection that had been acquired by the Bishop Museum in 1880 and repatriated under NAGPRA to the Native Hawaiian group Hui Malama I Na Kupuna O Hawaii Nei in 1997. Hui Malama then reburied them in the Kanupa cave. The prosecution claims that on 17 June 2004, Taylor and Carta broke into the sealed cave and stole 157 artefacts, most of which have now been recovered with Taylor's help. Also on 17 June, Taylor tried to sell a necklace for \$40,000 and offered a kupee bracelet in an Internet auction for \$5600. On 26 June, an ancient kapa was sold to a tourist for \$150, and a fisherman's bowl to a collector for \$2083 on 11 July. When collectors noticed Emerson collection numbers on items offered by Taylor they alerted



the authorities. Possible state charges may follow because of the large number of items stolen, and investigators say they are now following leads on other similar cases.

- Controversial collector Shelby White has donated \$200 million to fund a new Institute for Study of the Ancient World at New York University (see New York University News, 3 April 2006; *Science* 311, 31, March 2006; *Science Now*, 28 March 2006; *The Harvard Crimson*, 6 April 2006). The donation, made through the Levy Foundation, sparked criticism from students and some staff, concerned that the Institute's aims and autonomy, and the University's reputation, may be damaged by the connection with White's antiquities collection. She will serve as the Institute's chairwoman of the board and, according to NYU Provost David McLaughlin, may be given a permanent position on the faculty's appointment committee. Professor Randall White resigned from the existing Center for Ancient Studies in protest over the donation and its implications. McLaughlin said that White's collection was a separate issue from the gift.

The Levy Foundation also funds a programme based at Harvard University supporting archaeological publication, but several US institutions, including Bryn Mawr College, the University of Pennsylvania and the University of Cincinnati, Ohio, have policies which explicitly advise against accepting fund from the Foundation.

- *June 2006*: Vandals who broke a window at the Canal Museum in Middletown, Ohio, made away with two stone axes and a tomahawk.
- The convictions of two men, John Ligon of Reno and Carroll Mizell, who were found guilty of theft of two petroglyphs from government land in Arizona (see 'In the news', *CWC* Issue 14 (2004), 9), have been overturned by the appeals court in San Francisco, which said the government had

failed to prove the artefacts were worth at least \$1000, or that the thieves knew they were breaking the law. The situation highlights the difficulties of affixing monetary value to clearly important archaeological artefacts, and, according to lawyers and archaeologists fighting the case, the ruling as it currently stands 'effectively provides a license to steal' ('Archaeologists, courts debate artifacts' value', *Contra Costa Times*, 18 June 2006)

- Established collections of Native American artefacts are increasingly a target for thieves, according to the *Christian Science Monitor* (26 April 2006), which reports that such items are seen on sale in Europe in ever increasing numbers.
  - In 2005, more than 2500 ancient shell necklaces, stone points, bones, and stone tools, comprising nearly half of the collection at the Wolf Creek Indian Village in Bastian, Virginia, were stolen. None have been recovered.
  - In March 2006, the Antique Tribal Art Dealers Association reported thefts of dozens of artefacts from a private home in Fort Morgan, Colorado and a museum in Jackson, Wyoming.



## Cambodia

- Following an anonymous call on 9 May to Heritage Watch's 'Heritage Hotline' (set up in August 2005 to facilitate reporting of looting or archaeological discoveries), the Cambodian temple of Preah Khan, where nearly every carving has been hacked from the walls, was saved from further destruction. Heritage Watch contacted the Ministry of Culture following the call, which warned that powerful officials had mobilized a team of armed thieves to go in search of statues missed by earlier looters and metal-detect valuable bronzes. It emerged that 30 such men had been involved, but they left the temple alone when provincial authorities,



including police and military personnel arrived. The temple, in Preah Vihear province, is unguarded and therefore vulnerable.

- Dougald O'Reilly of Heritage Watch estimates that at the current rate of looting most of Cambodia's pre-Angkorian sites will be completely destroyed within three years.



## Greece

- According to Greek police figures, 90 people were arrested on charges of antiquities smuggling in 2004, compared with 89 in 2005. More than 2800 objects were seized in the greater Athens area in 2004, and over 800 in 2005 (see 'Greece facing 'explosive' situation with illegal digs', *Kathimerini*, 29 March 2006).
- According to Public Order Ministry figures, 60 illegal sales of antiquities were reported in 2004, compared with 75 in 2005.
- Greek police announced their largest ever discovery of illegal antiquities, on 13 April at a villa on the tiny Aegean island of Schinoussa, south of Naxos. (see A. Carassava, 'Illegal antiquities cache prompts Greek inquiry', *New York Times*, 19 April 2006; CBS Arts, 18 April 2006; *Kathimerini*, 15 April 2006). According to archaeologists inventorying the collection, it contains 280 items dating to many periods and from around the Mediterranean, some hidden and some openly used as decorations. A 30-metre-square chapel had been built on the six-acre site, constructed of ancient architectural fragments from various eras. Other items were a headless Roman statue of Aphrodite, a carved marble sarcophagus, three marble busts and two granite sphinxes. The villa belongs to Dimitra Papadimitriou of the wealthy shipping family, but is reported to have been owned previously by London dealer Robin Symes and his business partner, the late Christos Michailidis, Papadimitriou's brother (see P. Watson, 'The fall of Robin Symes', *CWC* Issue 15 (2004), 20–22). Police officers had previously raided a villa owned by the Papadimitriou family in Athens on 12 April.

Further investigations at the Schinoussa villa revealed what might have been a workshop for producing copies ('New clues unearthed in complex antiquities case', *Kathimerini.com*, 19 April 2006).

Greek media immediately began to speculate about a link with Greek items in the J. Paul Getty Museum, Los Angeles. Culture Minister Giorgos Voulgarakis said there was no evidence for this, but seals and packaging found on the island could be signs of commercial trafficking. Documentation found during the raid also indicated that many of the items had been purchased at Sotheby's or Christie's between 2001 and 2005, although none had been declared on entry into Greece.
- In late April, Constantinos Grispos, former mayor of Schinoussa and caretaker of the Papadimitriou villa, was arrested after four ancient amphorae were found at his home. He said he had retrieved them from the sea himself, and they are believed to be unconnected with the earlier antiquities haul.
- In March, 60 antiquities were seized during raids on two homes on the nearby island of Paros, one of which belongs to Marion True, former curator of the Getty. True claims the 29 antiquities were already in the villa in 1995 when she bought it. The Greek authorities expressed their intention to press charges against True (A. Carassava, 'Greek officials planning to bring charges against ex-curator', *New York Times*, 5 May 2006).
- Police in the United Kingdom confiscated several antiquities in the possession of a London dealer on the request of Greek authorities. A team of Greek archaeologists will travel to London to investigate their



provenance and possible illegal removal from Greece.

- While in London, Greek police also discussed the implications of the massive seizure of antiquities on the island of Schinoussa. They fear that publicity surrounding the case may cause dealers to sell on illegal items quickly, and believe that as the Schinoussa find may be part of a much bigger case it could lead to further breakthroughs. Greek police are also currently in close contact with their Italian counterparts.

- *June*: the United Kingdom will return to Greece a rare Roman coin, depicting Brutus, which had been in the possession of the UK-based Classical Numismatic Group. It was handed over to the Greek Embassy in London following an operation by British customs at Stansted airport. Two Greek men leaving Britain after a single day's visit were stopped and discovered to be carrying a large sum of money, which had been received in payment for the coin. The Greek government claimed the coin back under the terms of the EU Directive on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State. Eric McFadden, senior director of the Classical Numismatic Group, said he had bought the coin from two men in good faith, although one had been associated with the late Nino Savoca, who was known to deal in illicit antiquities. McFadden told the *Times* (see D. Alberge, 'Swoop by customs returns Brutus to scene of the crime', 15 June 2006): 'One does not refuse to deal with someone because he has a slightly dodgy background'.

- The new director of the J. Paul Getty Museum in Los Angeles has recommended to museum trustees the return to Greece of four artefacts — a gold funerary wreath (acquired for the museum in 1993 and a centrepiece of the collections), a stone torso, a tombstone and a votive relief. The

museum has not admitted any wrongdoing while the Greek government claim the pieces were illegally excavated.

- A 60-year-old shop owner in Iraklion, Crete, was arrested in June after antiquities, including an ancient funeral tablet, two vases, 27 ancient coins and six icons, were found in his possession. At present, there is no indication that the case is connected to international smuggling.



## Italy

- Rachel Sanderson of Reuters ('Getty trial spotlights Italy tomb raiders', 12 December 2005) interviewed Italian archaeologist Francesco Racano who works at Arpi, a Hellenistic and Roman cemetery in south Italy. He told how he arrives at work at 8 am in time to see the tombaroli leaving, and they return at 4 pm when he departs. As many as eight four-person gangs, armed with metal spikes, wire and metal detectors, might be working at any one time. Racano reported one failed night-time theft at Arpi when an attempt to lift a stone column with a crane failed and smashed the column. Previously robbed tombs are now being reopened by tombaroli and stripped of their frescoes. He also said that on one occasion local farmers had informed the police, but their crops had been burnt in a successful attempt at intimidation.
- In January, the United States and Italy extended for a further five-year period the Memorandum of Understanding that imposes US import restrictions on archaeological material representing the Pre-Classical, Classical and Imperial Roman periods of Italy.
- In April, New York police handed over a head from a first-century AD stone statue of Dionysus to New York's Italian consulate. The head had been severed from its torso in 1983 and passed through a Japanese



museum before being offered for sale at Christie's in December 2002. It was recognized and Christie's contacted the police.

- In June, journalists were shown an Etruscan tomb near Veio, north of Rome, believed to be the oldest known frescoed burial chamber in Europe and dating back to at least the seventh century BC. An Italian man arrested as part of the police operation against the 'Mozart' smuggling ring (see 'In the news', *CWC* Issue 17 (2005), 17), but who is now working with the authorities, revealed it to archaeologists in May. The frescoes depict roaring lions and migratory birds, and have for the first time provided archaeologists with information on decorative techniques described in ancient texts. Archaeologists also discovered various objects overlooked by looters because of a partial ceiling collapse, including decorated Greek vases, a sword and metal spits, a two-wheeled bronze chariot and brooches, a spindle, and other objects which may have belonged to a female buried in the chamber (E. Povoledo, 'Accused tomb robber leads police to ancient tomb in Italy', *New York Times*, 17 June 2006).
- Peter Watson, co-author of the *Medici Conspiracy*, told *Archaeology* magazine in a June interview that archaeologists in Italy believe looting is down by half since the Medici network has been broken.



## Robert Hecht and the J. Paul Getty Museum

The Rome trial of Robert Hecht and Marion True (see 'In the news', *CWC* Issue 17 (2005), 12–15) resumed on 16 December when the prosecution witness Maurizio Pellegrini, an expert on the analysis of documents, discussed correspondence in which True had thanked Medici for providing details of provenance about three Protocorinthian jugs. Pellegrini claimed that Medici's access to this informa-

tion shows him to have been in contact with tombaroli, and that True must have known it (E. Povoledo, 'Tempers heat up at trial in Italy on antiquities', *New York Times*, 17 December 2005).

The trial continued on 29 March 2006. A note said to be written by Robin Symes was shown to the court stating that the fourth-century BC Greek statue of Aphrodite acquired by the J. Paul Getty Museum in 1988 from Symes probably came from southern Italy or Sicily (see 'Aphrodite', *CWC* Issue 11 (2002), 24–6). Another hand-written note, this one from Italian Renzo Canavesi, claims that he sold the Aphrodite to Symes for \$400,000 and that his family had first acquired the piece in 1939.

On 7 April 2006, the prosecution alleged a conspiracy between Symes, Medici, Hecht, the Sicilian antiquities dealer Gianfranco Becchina and the New York and Geneva based dealers Ali and Hicham Aboutaam (F.C. Gattinara, 'Evidence of Getty Venus's illicit origin shown to court', *Art Newspaper*, May 2006). On 26 April the prosecution further alleged that Becchina had sold antiquities smuggled out of Italy to the Merrin Gallery of New York (A. David, Associated Press, 26 April 2006).

On 31 May 2006, the prosecution presented photographs of two marble griffins lying in the boot of a car partly wrapped in newspaper. The griffins are now in the Getty. The prosecution alleged that the Getty bought the pieces from Maurice Tempelsman in 1985 for \$6,486,004, with Robin Symes acting as intermediary (E. Povoledo, 'Photographs of Getty griffins in car trunk shown at Rome trial', *New York Times*, 1 June 2006).

On 18 June 2006, the *Los Angeles Times* claimed that an internal review carried out by the Getty has established that 350 Classical artefacts were bought from dealers under suspicion or convicted of trading in stolen artefacts (J. Felch & R. Frammolino, 'Getty's list of doubts multiplies'). This figure is in addition to the previously identified 52 pieces (see 'In the news', *CWC*, Issue 17 (2005), 13). When approached by the *Times*, the Getty declined to comment.



On 22 June 2006, the Getty announced that it had agreed with Italian authorities to return 'a number of very significant pieces' to Italy, though no details were released (T. Wilkinson, J. Felch & R. Frammolino, 'Tentative agreement reached to return some Getty art to Italy', *Los Angeles Times*, 22 June 2006).

## Israel

Overshadowed by judicial events in Rome, in Jerusalem the trial of Oded Golan, Robert Deutsch and Rafi Brown continued (see 'In the news', *CWC* Issue 16, (2005), 14), where they stand charged with faking a series of historically significant artefacts. Charges against two other people were dropped. In May, key prosecution witness Shlomo Moussaieff, who is a leading collector of West Asian antiquities, took the stand. He described buying several pieces from the accused that the prosecution allege to be fake, or to have been elaborated with fake inscriptions to increase their value. Moussaieff himself believes the objects are all genuine (M. Kalman, 'Trial sheds light on shadowy antiquities world', *Boston Globe*, 16 May 2006).

## France

France's new ethnographic Musée du Quai Branly opened in June 2006 in Paris (<http://www.quaibranly.fr/index.php?id=1>). It houses 267,417 ethnographic objects; 236,509 are from the Musée de l'Homme, 22,740 from the Musée national des arts d'Afrique et d'Océanie, and an additional 8168 objects have been acquired since 1998. According to continents, 97,372 objects are from the Americas, 70,205 from Africa, 54,041 from Asia, and 28,911 from Oceania. Only 3500 objects are on display, but the museum has set a new standard of public access by providing an on-line catalogue of its collections, including

— unusually — information about donors and provenance, that will form a primary resource for research into the history of ethnographic collecting.

## Bulgaria

- According to the *Middle East Times* ('Looter-smugglers ravaging Bulgaria's cultural history', 5 April 2006), treasure hunting in Bulgaria has escalated rapidly since the fall of communism and ensuing economic hardship.
  - Looting has become a profession around the village of Archar in northwestern Bulgaria (the ancient Roman site of Ratsiaria) where 99 per cent of the population are unemployed.
  - Treasure hunting reached feverish levels there in 2000. Bulldozers worked the area at night, and two people were killed under piles of earth that they were sifting for treasures.
  - The area around Archar now resembles 'the surface of the Moon'.
  - Around 3000 cases have been lodged against looters at the Vidin regional court, but there have been few convictions because of slow and ineffective legal processes.
  - According to Bozhidar Dimitrov, director of the National Historical Museum in Sofia, two-thirds of 15,000 fourth-century BC to third-century AD burial mounds in Bulgaria have now been plundered.
  - When caught in possession of artefacts, looters simply say they are on their way to the museum.
  - Ancient coins and jewellery worth \$1.5 million were stolen from the Veliko Tarnovo museum in February and have probably now been smuggled abroad.
  - Dimitrov believes that the 1969 antiquities law needs updating as it does not regulate private collections (since at the



time everything belonged to the state) and that new police powers to deal with treasure-hunting are necessary.

- Polina Slavcheva and Boryana Dzhambazova investigated treasure-hunting in Bulgaria for an article in the *Sofia Echo* ('Reading room: opening the lid on Bulgaria's cultural treasure trove', 3 April 2006) which revealed that:

- More than 200,000 treasure-hunters, driven by the hope of monetary gain, are 'working' on about 1000 archaeological sites in Bulgaria, with few monuments and sites left untouched.
- Politicians have moved the law in favour of private collectors and legalized collections in the past six years.
- The recent theft of artefacts from the Veliko Turnovo Museums has led to public debate over the future and protection of Bulgarian heritage.
- The Prosecutor-General has ordered an investigation into the collections of Vassil 'The Skull' Bozhkov and Dimitar Ivanov.
- Public opinion seems to agree with a report from the Italian Balkan research centre, which concluded that Bulgarian collections amassed from the 1990s are sourced directly from illicit excavations and are allegedly used for money laundering.
- A 2005 law now offers patrons of the arts tax, interest, customs and other benefits as well as a listing on the Culture Ministry's Internet site.
- Protection of cultural heritage has been underfunded since the fall of communism, leading to examples of looting like that at Muglitz where two tombs were ransacked by thieves, while five Thracian royal tombs near Kazanluk were looted because of delayed, or lack of, action by the Ministry of Culture.
- An expert at the National Institute for the Protection of Cultural Monuments told *Sega* newspaper in 2005 that looters sell artefacts to dealers who then make

a 2000 per cent mark up.

- Archaeologists are frustrated because, unlike them, looters work all year round, do not have to wait for research funding, operate in large teams, with six, eight or 10 people 'working' at a time, covering sites with holes from 20 cm to 8 m in diameter.
  - Smilian Todorov, cultural anthropologist at the Southwestern University in Blagoevgrad, says he has given up distinguishing between looters, collectors and archaeologists. The separation between the groups is blurred, with collectors like Ivanov having shown his collection and paying rent to the National Archaeological Museum, and Bozhkov openly admitting he buys recently looted material, but arguing that he is saving Bulgaria's culture.
  - But Todorov points out that looters, often driven by poverty, avoid damaging archaeological excavations and sometimes sprinkle holy water over graves they have despoiled.
  - A *Rousse* newspaper reported that a treasure hunter's defense in court was his and his wife's unemployment combined with the need to support their baby.
- On 24 June the Sofia News Agency reported that police raids in the northern town of Knezha recovered 4000 Roman and Byzantine coins and an assortment of other artefacts.



## Romania

An article in the *Sunday Herald* ('Raiders of the lost art', 25 June 2006) reports that, in Romania, looting gangs using modern technology such as metal detectors are damaging archaeology as they search for the legendary treasure of King Decebalus, hidden in AD 106 and never found by the Romans.



- The damage to archaeology in the region is escalating, and Dacian expert Jerome Carcopino says the quest has led to a flood of illegally excavated Dacian gold on the international black market.
- Archaeologist Mihai Castian has compiled a map of looting in the area. He believed that treasure-hunters are now concentrating on the village of Cetatua, Hunedoara county, having previously attacked Cucuiș, particularly the castle of Colniș, Glăjarie, Golu and the castle of Sibiel.
- 33 recent illegal excavations have been recorded on archaeological sites in Hunedoara county.
- The trial of six alleged smugglers in Deva, Transylvania, has shed some light on the scale of plunder. Authorities claim they had links to international dealers such as an Austrian from Linz, codenamed 'Mozart' (See 'In the news', *CWC*, Issue 17 (2005), 17).
- Since 1990, more than 20,000 Dacian coins have been smuggled out of Romania and sold on the art market for more than €20 million. A further 7845 gold coins, and 190 smuggled golden artefacts have been returned.
- The accused have become virtually untouchable by law, allegedly protected at high levels by politicians and the secret service, who are now being sub-poenaed to give evidence.



## Turkey

- *May (Turkish Daily News, 15 May 2006):* The Culture and Tourism Ministry released a list of hundreds of cultural artefacts stolen from museums, collectors and archaeological sites in the country. The objects ranged from prehistoric to Ottoman era items,

and the largest category was handwritten books.

- Following an anonymous tip off to a government official in Usak, western Turkey, it was discovered that objects from the Croesus Treasure (also known as the Lydian Hoard, and previously displayed by the Metropolitan Museum of Art as the East Greek Treasure) had been replaced by fakes. The Croesus Treasure had been returned to Turkey in 1993 following a lengthy and expensive court case with the Metropolitan, at which time Turkish museum curator Kazim Akbiyikoglu was hailed a hero. Akbiyikoglu is now under arrest, along with six others, for the alleged theft of several items, including the centrepiece gold brooch, which is shaped like a winged seahorse.

Akbiyikoglu has responded that one piece was already missing when the material arrived in Usak from the Ankara Anatolian Civilisations Museum in 1996, and that the substitute of a fake for the seahorse brooch could have happened at the Metropolitan ('Museum head: the 'treasures of Croesus' were incomplete when I got them', *Hurriyet.com.tr*, 13 June 2006). The case has galvanized the culture ministry to investigate and inventory museums and it appears several others have suffered losses.

- In June, Ali Yigit, manager of a museum store at Kahramanmaraş in south-central Turkey was arrested when it emerged that 545 ancient coins in the collections had been swapped for fakes.
- The case has also bolstered the arguments of collectors and dealers that the safest place for valuable antiquities is richer countries, and that theft alone is not sufficient reason for their repatriation (see 'Were Turkey's stolen treasures and inside job?', *Time*, 14 June 2006).





## Guatemala

June 2006: Archaeologists and officials were surprised and delighted when a Maya carved stone box that had been looted from a cave shrine was anonymously returned in a box to the Ministry of Culture. An unsigned note, apparently from a private buyer, indicated that it had been purchased in good faith, and only later was it learned to have been stolen following a high-profile enquiry and publicity campaign launched when the theft was noticed in April. Archaeologist Brent Woodfill believes pressure from the campaign was risky, because such publicity often causes stolen objects to disappear for years, but may in this case have contributed to the swift return (see 'Priceless Maya stone vessel looted in Guatemala', *National Geographic News*, 5 May 2006; 'Looted Maya treasure returned anonymously', *National Geographic News*, 9 June 2006).

## The market

Quoted in the *New York Sun* (14 April 2006) Hicham Aboutaam of Phoenix Ancient Art says:

- The company sells on average 50 pieces annually at prices ranging from \$5000 to \$5 million, although he would not divulge how much it makes per year.
- His recent run in with the law after being found guilty of wrongly completing US Customs documentation when importing an Iranian silver rhyton (see 'In the news', *CWC*, Issue 14 (2004), 12), was a 'wake-up call' and has not affected business with 2005 being a record year for sales.
- Fewer objects are being traded because of problems providing documentation, but those rare pieces with good verifiable provenance are fetching ever higher prices.

- Some long-term collectors have withdrawn from the antiquities market because of recent controversies, but newcomers have joined hoping for increased returns because of the risks.

## Ethical debate

Lawrence E. Stager, an archaeologist at Harvard University (and board member of the Shelby White-Leon Levy Program for Archaeological Publications), has drafted a statement against publishing restrictions on inscribed objects, which has been posted on the website of the *Biblical Archaeology Review*. By May, it had been signed by more than 100 scholars from the United States and Europe. The statement argues that publication guidelines preventing scholars publishing unprovenanced antiquities are causing them to 'close their eyes to important information' and censoring knowledge, and that such restrictions are 'scare tactics'. (see H. Eakin, 'Archaeologists debate whether to ignore the past of relics', *New York Times*, 2 May 2006).

Representatives of the associations who issued the publications guidelines, the Archaeological Institute of America (AIA) and the American Schools of Oriental Research (ASOR), argued that they had been misrepresented and that the rules are more flexible than Stager's statement implies. Recently ASOR adopted a special policy allowing publication of unprovenanced cuneiform texts from Iraq with the prior approval of the Iraqi State Board of Antiquities. The AIA recently revised their policies to allow their journal to publish unprovenanced antiquities when such publication was highlighting looting issues.

## China

- At New York's Asia week in March there was a panel discussion of China's cur-



rent application to the USA for an import embargo to be placed on Chinese artefacts under the terms of the Cultural Property Implementation Act. Concern was expressed by the New York trade community that the growing antiquities market inside China itself would limit the effectiveness of any US action (C. Picard, 'Dealers lobby against US embargo on Chinese imports', *Art Newspaper*, May 2006).

- *Chinaview* ('Tomb robbers hit 1/3 of archaeological sites', 11 May 2006) reports on the escalating destruction of archaeological sites in China:
  - Of 25 archaeological sites nominated to be the Top Ten Archaeological Discoveries of 2005, archaeologists said 10 had been damaged and looted in the past two years.
  - Song Jianzhong, deputy director of the Archaeological Institute of Shanxi Province, described the situation of the 3000-year-old Western Zhou Dynasty tombs in Jiangxian County.
    - Archaeologists rushed to the site on hearing of tomb robbing.
    - They carried out rescue excavations on 191 tombs. An estimated 100 of the possible 300 tombs at the site remain unexcavated.
    - 11 had been looted.
    - In one, tomb robbers had left a bronze artefact wrapped in newspaper.
    - Nine looters holes in the tomb led archaeologists to speculate that three or four groups of thieves may have been active there in the past two years.
    - Lin Liugen, director of excavations of tombs in Jiangsu Province, said the interior structure of tombs has been ruined, and many artefacts stolen.
  - Archaeologist Zhang Zhongpei blames people's ignorance and corruption.
  - Shan Jixiang, director of the State Administration of Culture Heritage, has suggested that a special police task force is set up to protect cultural heritage.
  - A survey 20 years ago indicated that

there were more than 400,000 archaeological sites in China, but it is estimated that a third have now been destroyed by human activities. Archaeologists would like to see the study updated to assess the present situation.



## Raising awareness

A multi-media, travelling exhibition about illicit trade of antiquities in Greece, Cyprus and the world, is to be displayed at four European archaeological museums (in Athens, Nicosia, Corinth and Nemea). The exhibit, organized by Anemon, the Illicit Antiquities Research Centre, the Cyprus Department of Antiquities, the 37th Ephorate of Antiquities (Corinth) and the University of the Aegean, with the support of the Culture 2000 programme of the European Union, includes multi-media touch-screen displays, interactive games and video screenings, and is designed to reach a diverse audience. It will be supported by educational activities and a press campaign. For further information visit [www.anemon.gr](http://www.anemon.gr).



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## US art museum accessions

NEIL BRODIE

In February 2006, the Association of Art Museum Directors (AAMD) released a statement concerning the effect of US art museum purchases on the antiquities trade. Entitled 'Survey shows museum antiquities purchases are less than 10% of global trade', the statement was reporting on the results of a survey of AAMD members' acquisitions practices regarding antiquities. The AAMD did not release the actual text of the survey, its statistics, nor its raw data, so it is not possible to interrogate the claims made in the statement with any degree of rigour. Nevertheless, the findings reported were:

- the members of the AAMD spent, in aggregate, an average of \$7 million per year on antiquities acquisitions over the last five years;
- of the AAMD's 169 members, 53 actively collect antiquities;
- of these 53 members, 87 per cent have a collections policy specifically addressing the responsible acquisition of antiquities;
- 66 per cent of these members' policies draw on the guidelines AAMD approved in 2004 for the acquisition of antiquities and archaeological material; an additional 17 per cent are in the process of revising their policies to incorporate AAMD's guidelines;
- over the past five years, 98 per cent of the antiquities purchased by member museums have complete, post-1970 provenance (the year of the UNESCO Convention Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property);

- of all acquisitions of antiquities — gifts and purchases combined — 86 per cent have complete, post-1970 provenance information; and

- over the last five years, eight museums report having settled an ownership claim concerning one or more objects on their antiquities collections.

Commenting on these findings, the president of the AAMD and director of Newark Museum, Mary Sweeney Price, claimed that 'The results of this survey clearly show that the forces driving the antiquities trade lie outside of the American art museum community'. Her claim, if true, is clearly an important one. Many researchers, myself included, have argued that for the past fifty years US art museums have been the primary cause of the trade in illicit antiquities. If it is not true, or if it is no longer the case, then strategies for ameliorating the damaging effects of the trade must clearly focus elsewhere. The question is then, how reliable are the findings on which Mary Sweeney Price bases her claim?

A first problem is a terminological one. There is no definition of what categories of objects the survey or its respondents considered to be antiquities. It would be useful to know, for example, whether ancient objects from south and east Asia and Africa were included. If the survey was restricted to the products of ancient civilizations of the Mediterranean, West Asia and the Americas, its general validity might be seriously compromised. There are also specific criticisms that can be aimed at several of the statement's individual findings.

*The members of the AAMD spent, in aggregate, an average of \$7 million per year on antiquities acquisitions over the last five years.*

No one has ever suggested that museum purchases alone drive the market. The impact of museums



derives from total acquisitions, including gifts and bequests as well as purchases. In April 2006, for example, an *Art Newspaper* survey of US museums listed as many significant antiquities acquired by gift as by purchase (Stoilas 2006). Another important point is that museum standards of acquisition provide a moral example, which private collectors might emulate. If all museums refused to acquire unprovenanced pieces, many private collectors would follow suit. Thus the criticism of art museums is that the material and moral consequences of their acquisitions practices together do exert a significant and perhaps primary effect on the market, no matter what their direct purchasing power.

*Of the AAMD's 169 members, 53 actively collect antiquities.*

The AAMD membership includes Mexican and Canadian museums. In fact, the AAMD has 157 US members, of which at least 66 have antiquities collections (with antiquities defined broadly to include Asian and African objects). There are also another dozen or so antiquities collecting museums that are not members of the AAMD, though it is probably fair to say that all the major collecting museums are members. It is not clear what the AAMD considers to constitute active collecting. It might mean that antiquities are acquired actively through purchase, or passively through donation. On the other hand, it might mean that non-active collectors are not seeking to expand their antiquities collections by any means whatsoever.

*Of these 53 members, 87 per cent have a collections policy specifically addressing the responsible acquisition of antiquities; 66 per cent of these members' policies draw on the guidelines AAMD approved in 2004 for the acquisition of antiquities and archaeological material; an additional 17 per cent are in the process of revising their policies to incorporate AAMD's guidelines.*

This finding implies that a collections policy based on the AAMD guidelines is a responsible one. Unfortunately, although the AAMD obviously intends its guidelines to frame what it considers to be 'responsible' collecting policy, not everyone agrees. Article E, 'Incomplete Provenance', of the guidelines suggests that an

acceptable provenance is one that demonstrates an object to have been out of its country of origin for more than ten years. Outside the US art museum community, this ten-year provenance rule would not be considered acceptable. There is a broad measure of agreement that an acceptable provenance should stretch back to before 1970, the date of adoption by UNESCO of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

*Over the past five years, 98 per cent of the antiquities purchased by member museums have complete, post-1970 provenance (the year of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property); of all acquisitions of antiquities — gifts and purchases combined — 86 per cent have complete, post-1970 provenance information.*

This finding would appear to reveal that most AAMD members have disregarded the AAMD ten-year recommendation and are in fact adhering to the more stringent '1970 rule', as outlined above. If the evidential base of this statement is independently verified, it will constitute a clear 'not guilty' verdict on the part of the art museums when faced by allegations that they are responsible for the trade in illicit antiquities.

There is a dearth of information available about the antiquities trade, or about the relationships between the trade and museums. The AAMD is to be commended for taking the time to collate information on this subject, and should release it forthwith into the public domain. In the meantime, it is worth noting that the proprietors of Phoenix Ancient Art, one of New York's leading antiquities outlets, think that sales to museums make up about half their business, and that museums continue to buy 'top pieces', which they define as 'million dollar works' (Berman 2006).

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## Book reviews

**A review of *Going, Going, Gone: Regulating the Market in Illicit Antiquities* by Simon Mackenzie** (2005. Leicester: Institute of Art and Law; ISBN 1-903987-07-5).

PATTY GERSTENBLITH

Many observers of the antiquities trade view the year 2005 as marking a watershed. Former Getty museum curator Marion True went on trial in Italy along with the dealer Robert Hecht for conspiring to deal in antiquities stolen from Italy. Italian authorities named several American museums, and a few located elsewhere, as possessing antiquities stolen from Italy. This activity culminated in February 2006 with the announcement that the Metropolitan Museum of Art would return to Italy the famed Euphronios krater, the Hellenistic silver (reported to be from the site of Morgantina in Sicily), and several ancient vases. While openly acknowledging only past improprieties, the Metropolitan's director, Philippe de Montebello, tacitly admitted Italy's rightful claim to the antiquities excavated in its soil and the wrongfulness of acquiring undocumented antiquities. While these developments were many years in the making, since they were based on evidence discovered in 1995 by Swiss authorities when they raided a warehouse in Geneva belonging to the Italian dealer, Giacomo Medici, to the casual observer it would appear that these actions represent a sudden spurt in successful law enforcement by the countries of origin and a rapid change in the landscape of antiquities acquisitions. Finally, Professor Malcolm Bell (2006) commented on Simon Mackenzie's book as 'a revealing analysis of the inner workings of the market. The publication of Mackenzie's book is another milestone in this watershed year'. It is rare that the publication of a book is considered a milestone, yet the accumulated evidence that it presents, which is built on and should be viewed in context with several other empirical studies of the workings of the antiquities market, may well constitute an essential ingredient in the progress that was made this past year.

Simon Mackenzie's book, *Going, Going, Gone: Regulating the Market in Illicit Antiquities*, is a valuable study based on empirical evidence of the illegal trade in antiquities. This trade is the

motivating force behind much of the looting of archaeological sites which occurs throughout the world and the concomitant loss of context and damage to the historical and cultural record. Mackenzie's work thus fits within a growing corpus of empirical studies of the operation of the antiquities market, and it is worth first situating Mackenzie's study within the growing body of literature that examines the antiquities trade and its role in archaeological looting. We can also at this point identify the first two phases of market studies and now a transition to a third phase. The first phase of such studies began with quantitative evaluations of the auction market, epitomized by the work of Christopher Chippindale and David Gill (Gill & Chippindale 1993; Chippindale & Gill 2000), Ricardo Elia (2001), Elizabeth Gilgan (2001) and Neil Brodie (2006).

This initial phase was followed by a series of ethnographic studies of the looting of sites and the pathway of looted artefacts to the market in Peru (Atwood 2004), Iraq (Farchakh 2004; 2005), and Turkey (Roosevelt & Luke 2006). These ethnographies of looting shed considerable light on the reasons why looting occurs and how it has changed over the years. While low-level, endemic looting of sites seems to have occurred in many parts of the world for a long time, it was limited in scope and, in some places, it contained a para-religious element. More recently, looting has taken on much larger proportions and has been transformed into a full-scale commercial operation fostered by middlemen who offer large sums to those who bring choice objects or who keep looters on retainer (Watson & Todeschini 2006, 292). These studies demonstrate that the character of looting has changed dramatically and is now much more clearly market demand-driven than it was in the past.

As useful as these ethnographic studies are, they are based largely on the anecdotal experiences of the authors. Mackenzie's work introduces a third phase of studies, combining a rigorous methodology, in-depth interviews with market participants, and theoretical models based on the operation of other criminal markets. Mackenzie is able to do this because of his sound knowledge of criminology and the law, which he brings to his study of the antiquities trade. As such, his book adds considerably to our understanding of how the antiquities market functions and fits it within the context of other criminal markets.<sup>1</sup>



Mackenzie's book has two themes. The first is a study of the conduct and motivations of the participants in the antiquities market based on interviews with dealers, lawyers who represent dealers, collectors, and museum professionals, as well as a few archaeologists, in London, New York, Switzerland, Australia and Thailand. The second theme is a study of the law as it applies to this and other illegal markets. The book's ultimate success in melding these two themes depends on Mackenzie's ability to formulate new paradigms for approaching the illegal conduct of the antiquities market.

The book opens with three introductory chapters. The first offers an overview of the problem of looting of archaeological sites, drawing on several case studies and the market research of Elia and of Chippindale and Gill. It details some specific examples of looting from Thailand, the appearance of Thai artefacts in the United States, and the use of Thailand as a transit market for artefacts looted from Cambodia and Myanmar. The third of the introductory chapters gives an overview of the legal system crafted to deal with the problem of looting focusing on the domestic laws of an archaeologically rich nation (Thailand) that are intended to prevent looting, the international legal instruments, and the domestic regimes of three market countries, the United States, the United Kingdom and Australia. This chapter is of particular value to those who are interested in this problem but are without detailed legal knowledge of these laws and international conventions. Mackenzie (rightly) concludes that these legal constraints are not adequate to deter the market in looted antiquities.

The second chapter looks at the structure of the antiquities market and introduces the methods by which market participants do business. Market participants indulge in a significant amount of denial about what they do. Many recognize that there are looted/stolen artefacts and unethical dealers, but they all profess that they themselves do not engage in any shady practices and conduct their business in an ethical manner. Because the market, particularly for expensive, high-end artefacts, is restricted to a relatively small circle of dealers and buyers, an individual confronted with illegality will not report anything to law enforcement authorities. Market participants delude themselves into thinking that they are legally protected by dealing only

with those they know and trust and by engaging in transparently ridiculous ruses.

This chapter also offers an introduction to the market's response to the problem of unprovenanced antiquities. To justify their dealing in antiquities without clear provenance, participants offer four main excuses: the desire to protect the seller by not asking too many questions; the desire to maintain a competitive edge against other dealers; the fiction that many of the antiquities on the market are the result of chance finds and the accompanying rationalization that this excuses sales that may be illegal; and the notion that lack of provenance information does not mean that an artefact is looted. Buyers fall into three categories of attitudes toward the lack of provenance: one group says they will buy only if they have documented provenance (however, Mackenzie's interview sample included none in this category); one group engages in the fiction that undocumented antiquities are chance finds and this makes their acquisition legitimate (although they fail to explain why); a third group does not seem to care about provenance. This rationalization — that the source of unprovenanced antiquities is chance finds — is the newest mantra used by museum professionals and others to justify their collecting practices. However, this idea ignores the fact that chance finds are generally not in sufficiently good condition to make it into the international antiquities market. True chance finds are found near the surface and will be fragmentary, scattered and weathered. It therefore is not credible that most antiquities on the market are chance finds. In fact, one collector went so far as to classify any objects found by digging not carried out by an archaeologist as chance finds!

Chapter 4 turns to a comparative analysis of two other illegal markets — that in drugs and that in endangered species. The most interesting conclusion here is the similarity between antiquities and endangered species, but the trade in endangered species is subject to a much greater degree of regulation. Mackenzie finds the Australian system of requiring an export license from the country of origin before an import license is granted particularly instructive. It is difficult to understand why many countries, including the United States, regulate trade in endangered species much more closely and successfully than they regulate the trade in antiquities, despite the similar policies underlying both systems of regulation.



Legal controls on the trade in drugs are much more severe and also more successful. Mackenzie attributes this, in large measure, to laws that criminalize possession and therefore empower local police forces, rather than relying only on import controls enforced at the border. However, Mackenzie also observes a crucial distinction: the negative effects of the illegal drug trade are largely felt in the market countries, thereby providing incentive for those countries to enact and enforce legal controls while also providing financial inducements to the source countries to restrict the production of illegal drugs. On the other hand, the negative effects of the illegal antiquities trade are largely felt in the countries of origin — about which the market countries (and their publics) do not seem to care sufficiently to enact effective market controls or to assist in reduction of looting by fostering alternative sustainable economic development in the countries of origin. Mackenzie concludes this chapter by analyzing market participants as white-collar criminals. Particular forms of deterrents are effective for white-collar criminals because they decide whether to engage in criminal conduct based on a rational cost/risk-benefit analysis and loss of social bonds, status, prestige, and employment serves as a serious deterrent to criminal behaviour. The closest parallel is between art dealers and insider traders, because both are primarily motivated by the desire for profit. Insider trading is particularly susceptible to deterrence through a proper regulatory climate in which the risk of detection and punishment is sufficiently certain that it shifts the risk/benefit calculation.

The fifth and sixth chapters return to interviews with market participants. These interviews offer extensive primary source material for an understanding of the workings of this market in the words of the participants who describe their own conduct and that of their peers. Mackenzie explains their self-justification and rationalization of criminal conduct through processes known from other forms of white-collar crime. In the first process, neutralization, market participants justify their conduct in terms of the purported benefits they bestow by rescuing cultural objects for the good of all humanity. They also believe they are the only people who truly appreciate the beauty and aesthetic value of ancient art. In the second process, blaming the victim, market participants blame and

find fault with others, primarily archaeologists and the 'source' countries.

Because the conduct of white-collar criminals is heavily influenced by a risk/benefit analysis, Mackenzie explains their decision making process as based on three forms of 'balance sheets': the practical, the moral and the social balance sheets. On the practical balance sheet, the risk of detection and punishment in the illegal market is considered small, thus providing incentive to engage in illegal conduct. Particularly because the criminal law is built on the requirement of proving that a defendant had the necessary criminal intent or knowledge, the likelihood of a successful prosecution is relatively small. Therefore, the cost to the market trader is low in terms of both risk of detection and risk of incarceration or serious financial loss.<sup>2</sup>

On the moral balance sheet, antiquities dealers use the methods of self-justification previously discussed to conclude that their actions are not inherently wrong. This self-delusion is assisted because most antiquities on the market do not have provenance; some have a legitimate background, but most do not. However, the market participant can rationalize that the particular object he or she is contemplating buying is one of the legitimate ones or is a chance find, which most market participants identify as legitimate. On the social balance sheet, the actor views his or her actions in terms of society as a whole, rather than a specific victim (who has become invisible through the loss of empathy). The actor then determines that he or she is entitled to engage in this conduct because of something that 'society' owes him or her. Mackenzie concludes that the goal of a legal system should be to increase the risk of detection and punishment, increase empathy for others, and reduce the feeling of entitlement, thereby moving participation in the antiquities market into the liability columns of the three balance sheets. Based on these analyses, he then offers a new solution to the problem of the international trade in looted antiquities.

In his final chapter, Mackenzie turns to proposing an alternative legal structure modelled on a pyramid. The bottom of the pyramid consists of broader self-regulation by the market and the top of the pyramid consists of clearer legal prohibition with the consequence of higher risk of criminal conviction and more severe punishment. The essence of Mackenzie's proposal is that nations



should adopt a legal rubric based on the registration of all antiquities that are currently held in collections (whether museums, private collections or dealer and auction house inventory). All antiquities currently in collections could be freely registered and this would, admittedly, launder title to these objects, regardless of whether they were obtained legitimately or not. However, for any antiquity to be registered after this system was enacted, the owner would have to demonstrate clear legitimate title and excavation history.

Mackenzie's suggestion has much merit in that the presumption concerning undocumented antiquities needs to change. The only way to address the problem of looting is to discourage (if not prohibit) the market in antiquities that do not have a clear legitimate background. Even the trade-off of legitimating antiquities currently in collections might be worthwhile, if we could thereby assure that all antiquities looted in the future would become unsaleable and the legal consequences to those who trade in such antiquities would be sure, swift and severe. However, before such a system could be seriously considered, we must recognize the difficulties in creating a foolproof registration system. Can antiquities (other than the few major pieces) be sufficiently identified in a registry so that recently looted artefacts could not be switched for others that were previously known and registered? Could we assure, even with modern technology, that no new artefacts would enter the market system?

I tend to doubt that this system would be workable and foolproof. Kersel's study of the registration system of antiquities in Israel demonstrates the difficulties in enforcing such a system<sup>3</sup>. It requires the devotion of government and law enforcement resources as well as the voluntary cooperation of dealers — elements that are clearly not present in the Israeli system. There is no reason to believe that any other system could be better administered. Thus, while Mackenzie brings much needed attention and analysis to the problem, in the end his solution is likely to prove as unworkable as the current legal system. The only change that would work, or at least improve the current situation, would be a reversal of the burden of proof — that is, for a dealer to trade or a museum or private collector to buy antiquities, a solid provenance history that goes back to some mutually-agreed date (such as 1970) or the date of

enactment of a particular country's national ownership law must be offered. As Mackenzie states at the outset, 'Just as justice must not only be done but be seen to be done, so antiquities must not only be licitly excavated and traded, but must be seen to be licitly excavated and traded' (p. 21).

Despite these difficulties with Mackenzie's proposal, the book makes a significant contribution to our understanding of the interplay between the law and the market in antiquities. The insight it offers into how market participants think and operate and the self-justifications they utilize are fascinating. For this reason, Mackenzie's book is well worth reading for anyone interested in trying to reduce market demand for archaeological artefacts and thereby aiding in deterring the looting of archaeological sites.

## Notes

1. Also fitting into the genre of this third phase is a doctoral dissertation recently completed by Morag M. Kersel, *License to Sell: The Legal Trade of Antiquities in Israel* (2006, University of Cambridge). Kersel studied the market for antiquities in Israel utilizing interviews with all those concerned with the antiquities market (dealers, collectors, archaeologists and government officials). This market presents an interesting combination of legal and illegal elements.
2. In the United States, for example, much of the regulation of the antiquities market is achieved through civil rather than criminal law. The United States' implementation of the 1970 UNESCO Convention through the Convention on Cultural Property Implementation Act of 1983 (CPIA), 19 U.S.C. §§ 2601–13, functions by prohibiting importation into the United States of antiquities that belong to certain designated categories of artefacts and cultural objects that had been stolen from a documented collection in a public institution. However, the only consequence for violating the CPIA, even for an intentional violation, is the forfeiture of the artefacts in question. The importer loses little financially and bears no risk of criminal prosecution, even if detected. The CPIA therefore provides little disincentive to the importation of looted artefacts.
3. See *supra* note 1.

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**A review of *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World* by Roger Atwood** (2004. New York: St Martin's Press; ISBN 0-312-32406-5).

GORDON B. LOBAY

It is now widely accepted that the looting of archaeological sites is prolific, occurring on a global scale with severe consequences for our knowledge of the human past. Unfortunately, what is less widely accepted is an effective manner in which to contend with the problem. In his new book *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World*, Roger Atwood reports on the situation in Peru, highlighting some of the people, situations and qualities that have affected how this nation now manages its

cultural heritage. His goal is to demonstrate how Peru 'brings together within its borders all the characteristics of the antiquities trade' (p. 14). His large amount of qualitative data is gathered from looters, middlemen and antiquities dealers in Peru, as well as dealers, collectors and law enforcement officials in the United States. He hopes that the example of looting in Peru 'will serve as a kind of case history for other peoples' (p. 14), and help to illustrate the possibility of a better future with reduced destruction of the archaeological record. He also relates the remarkable story of the renowned Peruvian archaeologist Walter Alva, who has worked tirelessly to change attitudes towards looting in both Peru and abroad.

The book is organized into three parts; preceding part one is an introductory chapter entitled 'Looters in the Temple' that is intended to demonstrate the problem of looting to the general reader. Atwood accomplishes this task by relating his first-hand experiences at the ancient site of Isin, in southern Iraq, one month after the fall of Saddam Hussein in 2003. His account of events in Iraq during this tenuous time provides the perfect atmosphere within which to demonstrate the consequences of looting, anywhere in the world. The author then discusses several consequences in Peru. He explains that 'when those sites are ransacked by looters, all that knowledge is lost. All we are left with are random objects that may be beautiful or valuable but which tell us very little about the people who made them' (p. 9). The author goes on to say that he has met many collectors who demonstrate their genuine 'love, appreciation, and sincere connoisseurship for the antiquities they own' (p. 9), but by purchasing unprovenanced objects 'they are contributing to the destruction and depriving themselves and all of us the full breadth of understanding that might be gained if the pieces had been properly excavated' (pp. 9–10). Such straightforward explanations about the importance of gaining 'all' possible knowledge from an archaeological site, the damage that looting causes, and how purchasing unprovenanced antiquities contributes to the problem, are all fundamental points to make to the general public and Atwood accomplishes this eloquently.

Part one of the book takes the reader on a journey through Peru to meet a group of looters, led by a young man known only as 'Robin', that Atwood accompanies on a looting expedition. The reader



learns the importance of the qualitative data gathered by Atwood as he demonstrates an intimate knowledge of how these particular people operate, and how they perceive of their own actions, even their superstitions (p. 20). During a bus trip on their way to loot a site, it became evident just how in touch the looters are with current trends in the market. When asked what types of objects they normally look for, the answer was 'We don't look for ceramics anymore because they are hard to sell, except for the best pieces ... But we don't get many orders for ceramics, I guess because too much of it entered the market at once ... What people want these days is textiles... So we look for textiles' (p. 22). Atwood subsequently notes that this evaluation of market activity at the time was almost identical to what he had been told from dealers and collectors in America (p. 22).

The next chapter introduces another group of protagonists, the Bernal brothers and their colleagues who found the famous Moche gold back-flap in Tomb One of Huaca Rajada at Sipán (Alva 2001). Atwood explains how their family has a long tradition of looting as a weekend diversion or activity between harvests (p. 38); however, he explains that

the Bernal brothers were a new kind of looter. They didn't care about *pagos* [paying a shaman to eradicate curses from tombs] or incantation or shamans. Once they found a tomb, they cared only about getting the priciest stuff out, selling it to their dealers as quickly as possible, and dumping the rest (brackets mine, p. 39).

This implies that both 'Robin', his colleagues, and the Bernal brothers completely understood the demand side of the industry in market countries. Through his experiences with these groups, Atwood gained a vast amount of detailed information about how and why they began and continue to engage in these activities. He later includes a comment by Walter Alva who says that even though 'poverty, rural isolation, and lack of opportunities in legal industries contributed to destruction of ancient sites ... Looting was also the product of Peruvians' lack of pride in their past' (p. 53). It is also interesting to learn how looting has changed in recent times with better transportation, technology, and communication that place buyers and dealers closer to the source (pp. 12, 28, 31).

Part two of the book begins with a chapter that digresses from the discussion of Peru to discuss the problem of looting in other parts of the world,

its history, and some of the current legislative countermeasures (primarily US). A rather lengthy discussion of the familiar story of Lord Elgin and the Parthenon Marbles ensues, to make an interesting point about how Elgin's sale of the Marbles to the British nation 'began a long tradition of collectors getting the state to finance, directly or indirectly, their plunder of antiquities' (p. 141). He then argues one of the most important points of the entire book, that 'in the United States today, tax laws perform much the same function by allowing collectors to donate looted goods to museums in exchange for a deduction' (p. 141). The short discussion of US tax law that follows on pages 141, 142 and 157 illustrates how it affects the inflow of artefacts to US museums; in part three of the book he suggests a way of stopping this apparent loophole.

Part two continues by elaborating on the looting of Sipán and tracking the famous Moche gold back-flap on its route from the looters to middlemen, dealer, and then its trip to the USA, where FBI agents were already attempting to infiltrate this criminal network, and reveals how a Panamanian Consul General became involved in smuggling the back-flap into the USA. FBI agents managed to help retrieve yet more loot from Sipán, this time from a museum in Albuquerque, New Mexico. Atwood does a masterful job weaving all of these fascinating stories together, demonstrating how objects move from source to market nations, and relating how law enforcement in America is attempting to expose and eliminate the smuggling of illegal objects into the USA.

Part three begins with a description of how locals in Úcupe, another Peruvian community with problems of looting similar to those at Sipán, are using vigilance to protect their sites, which is similar to the model suggested by Alva for Sipán (p. 232). Then Atwood briefly returns to Iraq to make the point that the international community, including government, police, cultural institutions and dealers, cooperated quickly to track down objects stolen during the looting of the National Museum in Baghdad (p. 242). His point it seems is that the international community should come together to help deal with looting everywhere. On a more critical note related to Iraq, Atwood later states in the Epilogue that the entire Cultural Property Advisory Committee (CPAC) 'resigned *en masse*' (p. 268) in protest over the lack of action by the



US government to protect the National Museum, when in fact only the chairperson, Martin Sullivan, and two other members, Richard Lanier and Gary Vikan, had done so (BBC 2003).

Atwood provides 11 recommendations, primarily focused on what the USA can do to reduce looting in source countries. Two of the recommendations are undeniably innovative. The first, and pertaining to US tax relief on donated art, is for

the creation of a committee within the Inland Revenue Service to assess the provenance status of antiquities in cases when collectors want to donate artefacts to museums to gain tax advantages. The goal is to stop the laundering of looted antiquities through the tax process (p. 245).

The second is to create

legislation to require taxpayer-supported museums to disclose publicly the provenance of all future acquisitions or risk losing federal funds. To protect confidentiality, the name of the last owner of the piece and the price paid (if the museum purchased it) need not be disclosed (p. 247).

These are positive and realistic suggestions that would indeed make a difference in preventing illegal objects from entering private and public collections in the USA. The last chapter, 'Coming Home', ties up the loose ends by concluding the bitter-sweet story of Walter Alva and the repatriation of the back-flap to Peru where it was displayed with the Lord of Sipán in the Royal Tombs of Sipán Museum.

Despite its informative content and insightful commentary, the presentation of this book is somewhat mystifying. The title suggests an investigation of looting on a global scale; however, what Atwood primarily sets out to do is tell the story of Peru and how attitudes there have changed because of the looting of Sipán (p. 9). Discussion regarding looting in other parts of the world seems to be tacked on in order to provide a global reach for the book, rather than allowing it to centre on Peru. Indeed the title of the book and the photograph of a vandalized Cambodian relief on its cover imply that it is about looting on a global scale; however, this is lost at times as discussion always gravitates towards Peru.

There is a significant element of blame placed on Western museums and institutions (pp. 209, 240, 241). One such instance is his statement that 'We face the destruction of ancient sites around the world not because of some inexorable rule

of human nature, but because private and public institutions have let them be destroyed' (p. 241). Though, in certain cases, this might be true, such sweeping generalizations help only to polarize the problem. There were some obvious parallels between this book and the 1997 exposé by Peter Watson, *Sotheby's: Inside Story*. Like Watson, Atwood presents his data in a very compelling manner, which makes for a very exciting read. However, Atwood criticizes archaeologists for 'querulous indignation' (p. 240), and yet he contributes in a similar manner with highly emotive, sensationalist, and at times argumentative language throughout the book. It did seem as though he was using this type of language to relate most effectively the consequences of looting to a popular audience. The destruction caused by looting is widely discussed in media, legal and academic circles, what is necessary at present is to find a way to move the issue to the forefront of the political agenda in every country. Therefore, presenting such superior qualitative data in a more objective manner (rather than in an adventure-based style) would be more useful. Atwood does achieve his goal of displaying the links between looters in Peru and the trade in the USA; in general he does demonstrate a brighter future with reduced looting through his examples from Peru. Unfortunately, many of his 11 recommendations about how to accomplish this mammoth task are unrealistic if one considers how they would be implemented on a global scale. He does, however, achieve something unique in his discussion of US tax laws, in recounting his experiences in Peru, and in the way that he relates the consequences of looting.

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