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Smoke and Mirrors

Neil Brodie

All parties with an interest of one sort or another in the antiquities trade agree that it causes a certain amount of damage to the world's archaeological heritage. Unfortunately, they cannot agree just how serious that damage is. Proponents of the trade argue that most archaeological material appearing on the market is from old collections or has been found by chance, and that therefore the damage caused is minimal. Trade sceptics counter that most material is not from old collections at all, but has in fact been recently looted from archaeological sites. It would seem a sensible proposition to sit all parties down around a table and ask them to establish the nature and scale of the problem, to decide whether the problem is severe enough to require ameliorating intervention, and, if so, to agree regulative, fiscal, administrative and ethical policies that would protect archaeological sites from illegal excavation, facilitate a legitimate antiquities trade, guarantee the survival of chance finds, and allow private individuals and museums the freedom to build up their archaeological collections. It is a seductive proposition that promises a productive compromise, but unfortunately it is one that I consider to be illusory, and in what follows I will set out my reasons for thinking that way. I consider what conditions are necessary for an open public debate over the antiquities trade to proceed, and make explicit my implicit premise that such conditions do not currently exist. I show that the fundamental problem is lack of transparency — it is extremely difficult to obtain any reliable information about how the antiquities trade actually operates. A secondary but related problem is lack of trust — statements of fact made by the trade community are usually made without any evidential support and so can rarely be verified, and in consequence are not usually trusted.

The size of the antiquities trade

When journalists ask me about the antiquities trade the first thing they want to know is how much it is worth in financial terms. Yet it is surprising given

the amount that has been written about the trade in recent years that nobody seems to know the answer to that question. And the answer is more than just a lure to attract public attention: the monetary value of the trade is an important statistic because it might stand as a proxy indicator of material volume. So even if it is not known what proportion of material appearing on the international market is of illegal or destructive origin, a high total volume is presumed more likely to reflect severe destruction at source than a low volume, and vice versa. Yet although various estimates of monetary value float around in the literature, some as high (and as unbelievable) as £4 billion annually, there is no agreement as to what the true figure might be.

In 2000, for the Museums Association/ICOM-UK sponsored report Stealing History, I set out to estimate as best I could the annual value of the antiquities trade in Britain. I looked at auction house sales and Government trade and export statistics and came up with a minimum annual figure of £50 million (Brodie et al. 2000, 23-4). However, in reality, this was little more than a wild guess, and I was more impressed by the huge and apparently inexplicable discrepancies that I found in the Government statistics than by the reliability of my estimate. Dealers, or their representative organizations, have access to more accurate financial information than do outsiders like myself, and should in theory be able to produce more reliable accounts. But it is far from clear and certainly not demonstrable that their alternative estimates are any more credible than my own. The standard figure offered is that the worldwide annual turnover in Mediterranean antiquities is something in the region of £200-300 million (ADA 2000, 56; Eisenberg 1995, 217), with the London trade perhaps accounting for something like 10 per cent of that total, or £20-30 million (ADA 2000, 56, 58). If this latter figure is rather arbitrarily trebled to take account of the markets in African and Asian antiquities, it falls broadly in line with my figure of £50 million, which at first sight looks to be encouraging until it is remembered that I take mine to be largely a guess and very much a minimum.

The trade figures quoted above, produced by associations like the Antiquities Dealers Association (ADA), are not usually open to any kind of independent verification, though occasionally some assessment of their accuracy can be made from documents produced in court. For example, one single dealer of Mediterranean antiquities — Robin Symes — was discovered to be in possession of 29 warehouses full of material worth something like, by his own estimate, £125 million (Watson in press), yet it seems hardly credible that one dealer should account for half the worldwide trade in Mediterranean

antiquities as reported by the ADA. That is not to say that the ADA is acting in bad faith. The ADA may believe its statistics to be reliable, but can it trust all of its members and especially non-members to submit accurate information? Symes maintained false accounts and on at least two occasions publicly declared the price of sold objects to be something like a third of their true sales price (Watson 2004, 21). Of course, if Symes lied about prices he might also have lied about the value of his stock. Was it really £125 million, or was it nearer £375 million, or perhaps only £40 million? When the ADA state that the worldwide trade in Mediterranean antiquities is worth £200-300 million and the London trade £20-30 million, how does Robin Symes' £40 million or perhaps £375 million figure? His warehouses were in Switzerland, London and New York, so is his business included in the international or in the British estimate? And unless it should be thought that Robin Symes was a particularly disreputable or marginal dealer, it should be remembered that he was a donor to major museums such as the Boston Museum of Fine Art (Robinson 1998) and acted as an agent for New York's Metropolitan Museum of Art (von Bothmer, quoted in Nørskov 2002, 330).

Government figures are no more reassuring. In 2002 the British government's Department for Culture, Media and Sport convened the Ministerial Advisory Panel on Illicit Trade (ITAP) to consider the international trade in art and antiquities and what regulation might be necessary. London dealer and then Chairman of the ADA James Ede, a member of ITAP, reported in an article appropriately titled 'Myth, reality, and the illicit art market' that:

The UK governmental panel on illicit art trade has calculated, after careful research, that the legitimate trade in classical antiquities in Great Britain amounts to £15–20 million per annum, the world-wide trade perhaps £100 million. (Ede 2001, 52)

This statement is not quite correct. ITAP's report actually confessed that, 'Since the activity in question is clandestine, we cannot hope to provide a precise estimate of the commercial value of the illicit trade,' (ITAP 2000, 11), and the figures quoted by Ede were not derived from 'careful research', but from David Kusin and Company, who in turn, it is noted, based them on data from auction houses and dealers (ITAP 2000, 41). Thus the figures presented by Ede as government research are no more reliable than those obtained from the dealers themselves, simply because they were obtained from the dealers themselves!

Sceptics do not believe figures that assign a low monetary value and thus low material volume to the trade because such figures do not seem to be in

4 Neil Brodie

accord with what is seen on the ground. It does not seem likely that the products of widespread and in many cases large-scale archaeological looting should not make a large impact on the international market. But there is a further and more basic reason why these figures are not trusted, which is that they are self-serving. When trade associations such as the ADA suggest that in financial terms the trade is quite small, it encourages the belief that the problem of illegal excavation is a minor one and that public intervention or regulation is not justified. Thus their minimal estimates seem purposely designed to discourage public interference in their business practices. Self-serving evidence of this kind may not necessarily be incorrect, though in most walks of life it is viewed with suspicion (MacNeil 2000, 60), and it is a problem the trade community must face before its statistics will be taken seriously.

Reliable statistics about the size and shape of the antiquities trade are a necessary prerequisite for any informed debate about the trade's impact upon archaeological heritage. While dealers are not obliged, nor are they disposed — understandably — to open their accounts for inspection by curious archaeologists, it is hard to see how there can be any progress without something along these lines happening, particularly given the perhaps unfortunate coincidence between their unverifiable trade figures and their business interests. Perhaps an agreement could be reached whereby some suitably sceptical individuals could be shown the accounting that forms the basis of trade estimates and allowed to comment on what it represents, while agreeing not to make public any detailed figures or other commercially sensitive information.

The source of traded antiquities

A second contentious problem concerns the source of traded antiquities. Several studies of exhibition and auction catalogues have shown that most recently assembled collections are composed largely of antiquities with no verifiable provenance, and that most material appearing for sale on the market likewise has no provenance.

Christopher Chippindale and David Gill (2000) examined the catalogues of seven collections or exhibitions. Three were private collections of classical antiquities, two were exhibitions that combined material from museum and private sources (one of Etruscan and one of Central Asian material), one was an exhibition of material from various sources, and one was a museum collection. In total they registered 1396 objects, of which only 10.4 per cent had a named findspot and only 25 per cent had any indication of findspot

(Chippindale and Gill 2000, 472). Furthermore, they showed that 1039 objects (74 per cent of the total) had not been seen before 1974, and that 530 (38 per cent of the total) had not been seen before their appearance in the publication under study (Chippindale and Gill 2000, 477). They went on with their student Emily Salter to examine 20 catalogues from the major London auction houses, 10 each from Christie's and Sotheby's, covering the period 1958–98 at intervals of 10 years (Chippindale *et al.* 2001). In all they tabulated 2051 lots, but only about 12 per cent had any information about their history prior to the catalogue entry (Chippindale *et al.* 2001, 18–20). Chippindale and Gill concluded from their studies that it was unlikely that all these previously unknown objects would be coming from old established collections (Chippindale *et al.* 2001, 27). The clear implication is that they must be fakes or have been first obtained through illegal excavation.

As part of a larger history of the collecting of painted Greek vases (Geometric-Hellenistic periods), Vinnie Nørskov used catalogues of important dealers and auction houses to analyse the market in such material over the period 1954-98 (Nørskov 2002, 251-92). Altogether, she registered 18,398 vases, and noted an upward trend in the number of vases offered for sale annually, which peaked during the 1980s and declined thereafter (Nørskov 2002, 257). Until the 1990s, an average of 80-90 per cent of vases were sold without any details of ownership history, but during the 1990s that proportion decreased to between 50-60 per cent (Nørskov 2002, 259-60). Until the late 1960s, the market was dominated by Greek vases, but then the number of South Italian red-figure vases started to grow steadily, particularly in sales held at Christie's and Sotheby's, until they came to dominate the market, accounting for about 30 per cent of all vases offered. Nørskov also noted that the correct identification of Apulian vases was greatly facilitated by the publication of Dale Trendall and Alexander Cambitoglou's exhaustive scholarly catalogues of such material that appeared in 1978 and 1983, so that the apparent increase in numbers of Apulian vases reaching the market in the 1980s might have reflected improved attribution rather than a true increase in supply. This surmise is probably correct as the apparent increase in Apulian ware was matched by a corresponding decrease in the numbers of vases with the more general attribution of South Italian (Nørskov 2002, 266).

Ricardo Elia (2001) also studied the market in South Italian red-figure vases, particularly Apulian, by reference to vases offered for sale at Sotheby's auction houses in London and New York over the period 1965–98. Like Nørskov, he recorded the rising supply of South Italian vases in the late 1960s,

6 Neil Brodie

followed by the apparent increase of Apulian vases in the early 1980s. Altogether he noted that 1886 Apulian vases had been offered for sale during the period under study, but that only 15 per cent had any indication of ownership history. Elia also examined the published corpus of Trendall and Cambitoglou, which contained details of all vases known to them up to 1992. Of the total 13,631 vases they had recorded, 9347 (69 per cent) were known to them by 1979, while the remaining 4284 came to their attention during the period 1980–92. Of this latter group, 1885 (31 per cent of the total) appeared first on the market, and so it is highly improbable that they were derived from old collections, otherwise they would have been noticed previously (Elia 2001, 148). Again, the obvious conclusion to be drawn from the large numbers of previously unknown vases appearing the market is that they were recently looted (Elia 2001, 150–1).

Malcolm Bell examined the 1982 catalogue of an exhibition of South Italian vases that had visited three US museums and found that 54 per cent had first been mentioned post-1971 (Bell 2002, 197). A similar picture emerged from a study of museum holdings. A 1995 catalogue of San Antonio Museum of Fine Art (also included in Chippindale and Gill's 2000 study) indicated that not one of its 27 South Italian vases had been documented before 1970 (Bell 2002, 198). The San Antonio Museum was only established in 1981, and so not surprisingly the situation was much better at the Boston Museum of Fine Arts, one of the United States' oldest museums, established in 1870. There 120 out of 150 South Italian ceramics had a provenance stretching back to before 1970, although interestingly, according to Bell, among the 30 latecomers were some of the most important pieces of South Italian ware in the MFA's collection (Bell 2002, 198), which again hangs a question mark over their origin.

Elizabeth Gilgan (2001) extended the scope of market studies to include Central America, but found that the picture was not much different. She tabulated sales of Maya material in Sotheby's catalogues from 1971 to 1999 and recorded 3300 objects, most offered during the 1980s and 1990s. None of the objects recorded had any indication of archaeological findspot, while about 36 per cent had some information about region (which might be a modern political or administrative area (e.g., Belize or Petén) or geographical (e.g. Lowlands or Pacific Coast). 1853 objects (56 per cent) had no indication of provenance whatsoever (Gilgan 2001, 80).

I have reviewed this literature about provenance at some length to make the point that over the past decade the archaeological community has taken great pains and with no insider knowledge to establish its case from the study of published sources that are generally accessible to everybody. It contrasts with what follows, where I record the trade community's response, which has been unsystematic and unverifiable.

The trade community does not agree that absence of published provenance is proof that an object has been looted, and point out that provenances are often known but not revealed because of a vendor's request for confidentiality, or because of the commercial requirement to keep a source secret. The trade community also maintains that most truly unprovenanced objects that reach the market have been found by chance in jurisdictions that claim state ownership of, or a preemptive state interest in, archaeological heritage. In such circumstances it becomes easier to sell finds on the black market than to submit them to the inefficient bureaucracy and perhaps for the inequitable reward of the state regulatory system. Not surprisingly, information about findspot and ownership history is lost in the process. But while these arguments are reasonable, not to say comforting, they are hardly ever supported by any documentary evidence or reliable testimony which might allow their validity to be assessed.

Occasionally a dealer will refer to a particular instance that supports his or her position, presumably with the implication that it has a broader applicability. So, for example, Ede has claimed that in 1999 he 'purchased over a dozen South Italian Greek vases located in the UK since the 1840s, but not recorded anywhere' (Ede 2000, 24). Now a sceptic might ask how he can know that the vases had been in the United Kingdom since the 1840s when they are not recorded anywhere, but putting that doubt to one side for a moment, and accepting that the statement is true, it is still not possible to evaluate its general relevance. To do that, it would be necessary to know, on average, how many South Italian vases Ede buys in a year, and what proportion of these vases can be shown to have a good provenance of the type he puts forward as exemplary. Without that further contextualising information, the statement by itself can have no bearing on the debate.

In similar vein, New York and London based dealer Jerome Eisenberg has written that during the 1950s and 1960s he bought many thousands of antiquities in Egypt, all legally (Eisenberg 1997, 20). No doubt he did, but again the statement is not properly contextualised. What he fails to reveal is that Egypt was unusual in allowing the sale and export of archaeological objects up to 1983. Eisenberg has also in the past bought some Greek pieces that turned out to have been stolen from Corinth Museum (Axarlis 2001). Yet Eisenberg's inadvertent purchase of some stolen pieces is as irrelevant to the

argument as are his Egyptian acquisitions. The fact that some unprovenanced pieces have arrived on the market through legitimate channels while others have not is not disputed; the trick is to establish the relative proportions.

These one-off statements by Ede and Eisenberg have added nothing to the debate. It remains the case that no verifiable and quantifiable account of the source of unprovenanced antiquities has yet been produced. But the dealers' credibility as accurate reporters of the trade is lessened by statements that are not always consistent, and again seem designed to further their own interests. For example, when seeking to undermine Elia's claim that most Apulian vases in collections outside Italy have been looted or smuggled, Eisenberg reported that such vases can in fact be licensed for export (Eisenberg 2000, 26). On the other hand, when arguing that the trade is over-regulated, Ede suggests that it is 'almost impossible' in Italy to obtain export licenses (Ede 2001, 52). Clearly, the facts are being differently reported according to the aims of the argument. Archaeologists do not buy and sell antiquities, and so are in no position to evaluate the relative merit of these two conflicting claims, but the inconsistency does arouse their suspicions about motive.

The factual claims of dealers are devalued further on the odd occasion that the market histories of unprovenanced pieces have been revealed, when they are shown not to be from old collections, nor to be chance finds, but in fact to have been looted. For example, during the 1980s and early 1990s some of Sotheby's London staff were implicated in the sale of looted antiquities from Italy and India. Among other things, it was revealed that over the three years 1984–86 a single Italian dealer consigned through Swiss intermediaries 248 illegally-obtained antiquities, with more following in 1987 and 1988. A large number were Apulian vases, thus confirming Elia's suspicions that were noted above (Watson 1997, 185–7). Gill and Chippindale suggest that they:

know of *no* recent instance where a surfacing object or group of objects proves — when the fuller story later comes to light — to have been recycled from old collections. (Chippindale *et al.* 2001, 26; authors' italics)

Thus we cannot trust dealers to be reliable and unbiased reporters of the trade. Their statements are not always consistent and cannot usually be corroborated, and even when their reliability can be checked against independent evidence it is found to be questionable at best. It is not reasonable that their testimony should be accorded equal weight in any debate with the well-documented and quantifiable studies of provenance that have now been produced by several archaeologists.

The role of museums

Dealers are not the only potential source of information about the antiquities trade. Museums with a philosophy of collecting and display that privileges the concept of art need to maintain good relations with dealers and collectors almost as part of their mission. A good quality programme of acquisitions depends upon the expert advice and active collaboration of dealers, and many exhibitions and publications are enhanced or even made possible by access to private collections. Not surprisingly, museum staff are reluctant to communicate information that they have obtained from dealers and collectors in confidence while engaged upon such collaborations, or about their relations with the trade more generally. Thus sometimes they will obstruct enquiries into the provenance of objects in their collections, or about any commercial arrangements or donation agreements that have accompanied their acquisitions. Chippindale and Gill, for example, have referred to the 'silence' that met their enquiries about the identity of the owner of the mysterious 'AIC' collection (Chippindale and Gill 2000, 483, note 124), and I have likewise found departments of several museums in Britain, Australia and the United States to be reluctant communicators about the sources of objects in their possession. For the United States, Clemency Coggins has spoken of the information kept by art museums about their acquisitions and, more generally, about objects on the market that is kept hidden 'behind a façade of selectively available public information' (Coggins 1998, 436). Coggins was proved right in 2005 when the Los Angeles Times gained access to internal documents of the J. Paul Getty Museum. These documents revealed that since at least 1985 staff of the Museum's antiquities department had known that three of its principal suppliers were trading in antiquities that had probably been looted, and yet had failed to make this information public and had even continued to acquire antiquities from these suspect sources, about 82 pieces in total (Felch and Frammolino 2005).

Another good example of the unhelpful position that museum staff can sometimes adopt is to be found in the ITAP report, where it was noted that Elia's work on Apulian vases referred to above had been contested by 'a noted expert, in written comments to the panel' (ITAP 2000: 49, note 23). The noted expert in question was Keeper of the British Museum's Department of Greek and Roman Antiquities, but his written comments on Elia's work were not made public in the ITAP report, nor have they been made public since, and he no longer has a copy that might be made public now (pers. comm.). Yet it seems to me that if there is information that potentially refutes Elia's work,

10 Neil Brodie

normal academic protocol would suggest that it should either be released into the public domain for critical review or else excluded from consideration. Present day standards of academic and indeed public debate developed during the eighteenth century when it was accepted that the factual accuracy of a statement should only be judged from critical examination of the statement itself for signs of inconsistency and of any independent evidence marshalled in its support. Appeals to the authority of 'noted experts' were discredited, as such authority was realised to be fallible and thus inherently unreliable. The ITAP note calls Elia's work into question while denying him the right to reply, and another opportunity for open and constructive debate has been lost.

While I can sympathise with dealers who are unwilling to talk openly about their business affairs, I find it far more difficult to accept that museums have a right to withhold information that might have a critical bearing on the subject. To be fair, I might be overstating the case: some, perhaps most, museum departments do allow access to their acquisition records, but the nagging suspicion persists that they are helpful when there is nothing to hide, and obtuse when there is something. The International Council of Museums (ICOM) has recognized this problem and recently changed its ethical position to encourage more transparency. Article 7.3 (Confidentiality) of its 2002 Code of Ethics stated that, 'Members of the museum profession must protect confidential information obtained in the course of their work, including the source of material owned by or loaned to the museum ...' (ICOM 2002, 20). This article was replaced in the 2004 Code of Ethics by Article 8.6 (Confidentiality), which states only that 'Members of the museum profession must protect confidential information obtained during their work' (ICOM 2004, 16). The ethical requirement to keep secret the source of acquisitions or loans has been dropped. Unfortunately, in Britain, even under the Freedom of Information Act that came into force in January 2005, museums are still under no legal obligation to release information on acquisitions that might have been provided in confidence or that might be commercially sensitive (Bailey 2005).

The nature of the trade

Discussions or analyses of the antiquities trade are structured by reference to certain socially- or discursively-constructed institutions or categories: the museum, the collector, the dealer, the auction house and, most of all, the antiquity. Unfortunately, this discursive convention ultimately acts to obscure that which it intends to reveal — the nature of the trade. Individual agents are

rendered anonymous and their actions and interactions are hidden behind discussions of institutional policies and professional practice. But the 'trade' is not constituted by categories or institutions; it arises out of social networks that transact information, material, money and prestige. Until these indistinct networks of interaction are rendered more transparent and amenable to investigation, the complex exchanges that they enable will remain hidden, and it will be difficult to design, evaluate or enforce appropriate regulatory responses, whether voluntary or statutory, or even to decide whether such responses are necessary.

The type of research into the historical and social contexts of collecting, including museum collecting, that is necessary to expose these networks is now well-established, but very little has been published that is relevant to museum collecting in the late twentieth century, and even less that is meaningful in terms of archaeological collecting over the same period. This fact is made obvious by the chronological range of papers published in the Journal of the History of Collections. This journal was first published in 1989, and since then has maintained a high and consistent standard, but its papers have contained very little about recent collecting, and even less about recent archaeological collecting (Figures 1 and 2). The main focus of research has been on the seventeenth through to nineteenth centuries. While this period of focus might simply reflect an Enlightenment-inspired interest in origins, it might also result from a systematic bias introduced into research by the selective availability and accessibility of museum records. Long-archived records may be considered less politically or professionally sensitive than those that are still active, or those that relate to current communities of practice, and so it has become easier, though arguably less socially relevant, to conduct research into what is truly historical rather than contemporary practice.

Conclusion

In the introduction to this paper I claimed that the conditions necessary for an open public debate over the antiquities trade do not currently exist. I hope to have shown it is because antiquities dealers are biased reporters whose testimony cannot be trusted to be objective, and because some museum staff are withholding what might be useful information about their relevant practice. I have also considered what conditions might be necessary for such a debate to proceed. The first condition is quite clearly that verifiable evidence relating to the size of the trade and the source of unprovenanced antiquities

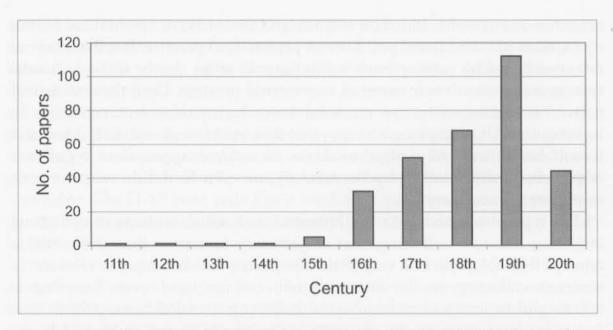


Figure 1: Chronological range of papers published in *Journal of the History of Collections*. (Some papers cover more than one century, and have been scored accordingly.)

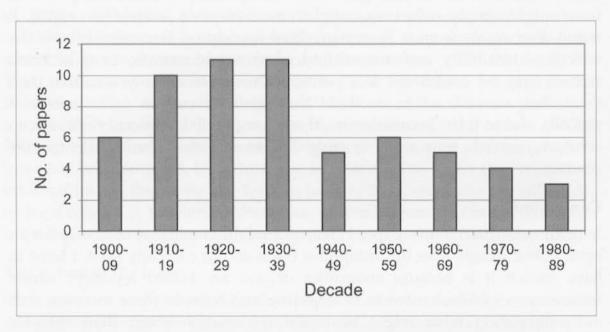


Figure 2: Chronological range of papers concerning twentieth-century collections published in *Journal of the History of Collections*. (Some papers cover more than one decade, and have been scored accordingly.)

must be made available. The second condition is a better understanding of how the trade is constituted, and this will require a sociology of contemporary antiquities collecting, which does not currently exist. Until these conditions are met, there can be no meaningful gathering around a table for debate over policy options. It will be a waste of time, but that perhaps is the point. Continual uninformed and inconclusive debates provide a good pretext for inaction and help to maintain the status quo. They are good news for those who benefit from the trade in illegally acquired antiquities, but bad news for those who seek to eradicate it. The archaeological community has been bringing information to the table for more than a decade now, but has been met by obfuscation and evasion. Until the trade community decides to reciprocate and participate in debate on equal terms, it is hard to see why its representatives should be included.

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