

# Culture Without Context



The Newsletter of the Illicit Antiquities Research Centre

Issue 9, Autumn 2001

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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.** *Anti-looting poster from Virginia, USA.*

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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

**O**n 2 November 2001 the *Convention on the Protection of the Underwater Cultural Heritage* was adopted by the plenary session of the 31st General Conference of UNESCO. It will enter into force three months after it has been ratified by at least twenty States. The Convention aims to secure protection of underwater cultural heritage, which is defined as: '... all traces of human existence having a cultural, historical or archaeological character which have been partially or totally underwater, periodically or continuously, for at least 100 years ...'. Thus although this latest UNESCO Convention (which has been in preparation for four years) gained its initial impetus from concerns raised by the commercially-motivated plunder of shipwrecks, it is designed to protect submerged settlements and other cultural landscapes as well. It makes provision for the protection of heritage in both territorial and international waters.

News of the convention is available at:

<<http://www.unesco.org/opi/eng/unescopress/2001/01-118e.shtml>>

The text of the convention is at:

<[http://www.unesco.org/culture/laws/underwater/html\\_eng/conven2.shtml](http://www.unesco.org/culture/laws/underwater/html_eng/conven2.shtml)>



In their article this issue on the expanding Internet market Chippindale and Gill draw attention to (amongst other things) the sale of material in Jerusalem (pp. 9–10). The looting of archaeological sites in Israel and neighbouring countries is a growing problem, and yet despite this many antiquities appear on the market with a valid Israeli export licence. But the situation is not all that it might seem. The official website of the Israel Antiquities Authority has this to say about it:

The demand for antiquities as objects of artistic and historic value, has given rise to illicit excavations at archaeological sites.

Dealing in antiquities is permitted by law. The Israel Antiquities Authority issues licenses to deal in antiquities and export antiquities, in accord with conditions set in the Antiquities Law and its regulations.

Licensed archaeological excavations employ qualified, trained, and experienced archaeologists working on behalf of recognized academic or research institutions. All antiquities uncovered in excavations are, by law, the property of the State of Israel, at least since the 1978 Antiquities Law was passed. Therefore, licensed excavations are not a source of goods for antiquities dealers. The contradictory situation that exists is that in spite of the fact that dealing in antiquities is legal, the source for dealers' wares must clearly be illegal excavations as only a smaller proportion of antiquities arrive in the marketplace as a result of theft from museums and legal excavations. In plain terms, the source of many antiquities is robbery!

(<<http://www.israntique.org.il/eng/news.html>>, accessed 16 November 2001)

Clearly, there is a loophole in Israeli law which allows the legal export of antiquities obtained through unlicensed (illegal) excavation. This is where ethics and the law part company. It may well be legal to buy antiquities with an Israeli export licence, but can it be justified given their obviously suspect source?



In the last issue of *CWC* we noted that John Eskenazi had been travelling and unavailable for comment when the *New York Times* (18 April 2001) tried to contact him about a stone bodhisattva his company had sold to the Miho Museum. He was on his travels again in November when the *New York Times* (5 November 2001) once more attempted to contact him about the provenance of a Gandharan head which he had offered for sale in New York at the International Asian Art Fair in March 2001. The *Times* article also revealed that the director of the Pacific Asia Museum in Pasadena, California, had turned down an offer of fragments of the Begram ivories made by a London antiquities dealer, but once again the name of the dealer was not revealed. In asking for an open market we stand accused in some quarters of being 'extreme'; nevertheless, we continue to believe that a fully transparent market would go a long way towards stamping out the trade in illicit antiquities.



In the state of Virginia the term 'time crime' has been coined to describe the 'criminal offences relating to thefts of and vandalism to historic resources'. In this issue (pp. 24–30) Robert Hicks describes a training pro-



gramme of the same name which aims to alert law enforcement officers to the problem and mobilize an effective response. The most recent seminar took place in Richmond from 30 July to 3 August 2001 when the Federal Bureau of Investigation in conjunction with the Commonwealth of Virginia's Departments of Criminal Justice Services and Historic Resources held an Archaeological Law Enforcement Class. Over the five days participants attended day school and were assigned reading for the evenings. Topics included the nature of archaeological crime, its

investigation (including practical exercises), statutes and regulations available for the prosecution of archaeological criminals, and the preparation of cases for presentation in court. The 48 participants included FBI agents, archaeologists, customs officers, park rangers and other federal and state agents. This programme is now well-established and successful, and provides a model that could usefully be emulated both throughout the United States and in Europe.

NEIL BRODIE

## On-line auctions: a new venue for the antiquities market

CHRISTOPHER CHIPPINDALE &  
DAVID W.J. GILL

For a century the market in antiquities has had three main venues: public auctions, sales from dealers whose stock may be publicly announced or displayed by one means or another, and private transactions. The Internet has now provided a fourth venue, in the web auctions that have become an established market-place, and where antiquities are a standard and even a conspicuous class of objects. What is the market in antiquities on the web? What form does it take? How does it resemble and differ from the established marketing forums, especially from the conventional auction, since the web markets declare themselves to be on-line auctions rather than on-line dealers?

In any commercial transaction, participants want reassurance on three fronts:

1. Exactly what is the object being sold, in what condition, and is it what it purports to be? Conventional physical auction sales, which for fine and expensive antiquities in London and New York have for many years been dominated by Sotheby's and Christie's, provide the object itself for inspection; and assurance is given that the auction-house as intermediary will deal with fatal difficulties (e.g. if the object is

a fake) — even though the seller is commonly anonymous so the buyer does not know who they have bought from.

2. Does the seller actually own it with 'clean title', so the buyer will indeed then possess it? Again, the purchaser can hope to rely on the auction-house to deal with these issues.
3. Will the purchaser pay and will the seller be paid? Once again, the auction-house looks after this, usually by the simple tactic of not handing the purchase over until it has been paid for irrevocably.

Dealers address the same issues in similar ways, and — like the auction-houses — provide the comfort of their reputation and of membership of trade associations.

The Internet, famously unstructured, has to deal with these issues as e-commerce finds its steadier place after the e-boom and then e-bust of 2000/2001. E-commerce is working well for commodities like airline tickets, where the purchaser easily understands what they are buying without needing to see anything. Antiquities are harder, since so much depends on the exact details, and these being fairly described. How does the buyer know if the seller is who they present themselves to be? And the seller the buyer?

This article sketches the present state of two on-line outfits that sell antiquities. Interested readers will get a good idea also by spending half-an-hour on-line with them at [www.ebay.com](http://www.ebay.com) and [www.sothebys.com](http://www.sothebys.com). They are described and their offerings analyzed in rather different ways, following the different ways they operate and the different kinds of information they offer about



each lot, and because it is instructive to compare sothebys.com with the established practices of its parent physical auction-houses.

### eBay: antiquities in the world's yard-sale ([www.ebay.com](http://www.ebay.com))

eBay, 'The World's Online Marketplace', is a giant of a site where one might hope to find whatever ordinary or extraordinary kind of object one might want, or not want, to acquire. Its 30 categories include 'Antiques' (on 11 November 2001, 118,722 items) and 'Collectibles' (1,445,036 items). Within the 'Antiques' category itself are 17 further categories, one of them 'Antiquities'. On 11 November 2001, 4237 items were offered on 85 pages within 'Antiquities' (on 13 October 2001, it had been 3929 antiquities on 79 pages). There are also 'Coins' (113,983 items), 'Jewelry, Gems and Watches' (361,557 items) and 'Pottery & Glass' (295,381 items) as categories where antiquities might lurk. With over 6.6 million (!) individual items offered (plus the unstated number in the 'Mature Content' category and those on the separate eBay Motors site), antiquities are a minute portion of what eBay sells.

Each lot has a single brief entry on the page, with (usually) a little image, a few words of description, the current highest bid, the number of bids made, and the exact date and time when the auction for that item closes, up to ten days ahead of when it was listed. If you click on the item, you are taken to a page with a fuller description and large photograph(s). You can work through the pages, or search in any or all categories. A search for 'Roman' within 'Antiquities' produces 481 items. A search for 'Gandhara' in all categories produces two books and 'an ancient Gandhara sculpture' in the category 'Southeast Asian' within the category 'Asian Antiques' within the category 'Antiques' (so not within 'Antiquities'). This item 1484338485 is being sold from Briarwood, New York, and has yet to receive a bid. 'nadeemkayani', its seller, declares: 'This piece is from Sawat Valley and it weights 30 lbs and 22 inches tall and 7 inches wide. It is in great condition.'<sup>1</sup> There is a set of 5 photographs of it presented in a single large JPEG (this is not on the eBay site but at <http://www.bollywoodjam.com/multipicstatue.jpg>, on a site otherwise about 'Bollywood' Indian movies) (Fig. 1).



Figure 1. Photograph of 'an ancient Gandhara sculpture' offered on eBay.

eBay does not closely supervise what is offered,<sup>2</sup> stating 'These items are not verified by eBay; caveat emptor'. Clicking on 'caveat emptor' takes you to a page explaining how eBay works, 'At eBay, trading with confidence is the key to successful transactions.'

On a 13 October page in 'Antiquities' taken at hazard, page 44, there are 50 lots, of which 35 are not antiquities but antiques or not even that: '4 PIECES OF DOMINICAN AMBER WITH INSECTS £20.00', 'Antique Plate Master Simpson by Arthur Denis \$12.00', 'cigarette case from the 1940's ???? \$9.99', also a 1995 Chevrolet Corvette sports car<sup>3</sup> \$14,600. All pages are different, but this strikes us as pretty typical of the many we have browsed.

The 15 lots which are or might be antiquities are:

- Egypt Multiple Scarab, Glyphs, 13–17 Dyn \$200.00
- FINE PRE-COL NAYARIT WOMAN FIGURE- AUTHENTIC \$99.99
- Anasazi/Mimbres Classic Pottery ID Set RARE \$24.95
- Anasazi/Tularosa Black/White Pottery ID Set \$16.05
- 2 Ancient Egyptian Eye of Horus



- |                                               |            |
|-----------------------------------------------|------------|
| Amulets NR                                    | \$20.00    |
| • Anasazi/Puerco Black On Red Pottery ID Set  | \$14.95    |
| • Roman Bronze Coin, Probus, 276–282AD NR     | \$20.50    |
| • ROMAN BRONZE KNEE BROOCH                    | GBP14.99   |
| • ROMAN OIL LAMP,NICE. (NR)                   | \$16.50    |
| • MEDIEVAL: 13th CENTURY HUNTING ARROWHEAD    | GBP19.00   |
| • POINTE DE FLECHE BRONZE CHINOISE DYN. HAN   | FRF 180.00 |
| • MEDIEVAL: KNIGHTS' BELT FITTINGS' (AA)      | GBP 9.99   |
| • Ancient Egypt zodiac nice Egyptian ART      | \$9.99     |
| • God Osires Offering holy water EGYPTIAN ART | \$9.99     |
| • Wedding Thermonies of Ancient Egypt Papyrus | \$5.99     |

How does eBay deal with the three issues: exactly what is the object being sold?; does the seller actually own it?; will the purchaser pay?

For '*what is the object?*', the entry offers a description and photograph(s). The photographs, within the limits of Internet standard, strike us as remarkably good. Even though digital cameras are now cheap and easy to use, and transferring the image onto a web-page also straightforward, the time and effort involved seems to us very high for an object that may be worth as little as \$5.99. At current currency conversions these 15 lots total just \$527, and average only \$35. As a page with image(s) is created for every lot offered, can either sellers or eBay make enough for the commerce to be worthwhile? On 11 November, for example, item 1484227951 is a 'HUGE Cypriot 1000BC painted Handled Amphora', for which the first and only bid of \$100 has not reached the reserve; its page has two large and crisp photographs each of 480 × 640 pixels (Fig. 2). It is described as:

A monumental Cypriot amphoric form handled storage vessel, uniquely painted in geometric form motif, with absolutely great presence and stature standing 20 INCHES HIGH, and 16 inches handle to handle. This piece is just great is all I can say, SEE the jpg close-ups of the ancient surface wear on the painted decoration. GUARANTEED to be authentic, and at least 2500 years old. This am-



**Figure 2.** Photograph of 'HUGE Cypriot 1000BC painted Handled Amphora' offered on eBay.

phoric form beauty has the typical geometric style of painting in ceramic decoration of this period in Mediterranean Cypriot history. Very Rare as a large intact piece.

**Condition:** Appears to be completely intact and unbroken, with the typical surface wear, and some minor lip mouth chippage.

For '*does the seller actually own it?*', eBay offers support to encourage a trust in the seller which also supports confidence as regards '*what is the object?*'. Nearly all vendors have sold on eBay before, and the site provides cross-references to other items the same vendor has currently for sale. The HUGE Cypriot Amphora is offered by 'Vianova'; a link from it takes you to another page where Vianova's profile is proven to be good: 44 previous transactions are all reported in positive terms (e.g. 'Praise : honorable man, well packaged, would buy from again, thanks Vic AAAAAA++++++'; 'Praise: great item, great seller, easy transaction, thanks!'), with no neutrals and no negatives.<sup>4</sup> Another link takes you from the amphora to all Vianova's current items for sale, 46 which range from 'Early 19thc Huge Hunters Boar Head Tankard' (\$255) to 'German



MAX KAHRER 1917 Klosterneuberg Summer' (\$1025). In this way, you can see what the seller deals in, and what previous customers think of their experiences. Profiles are overwhelmingly positive.

Browsing eBay is free and available to anyone on the Internet. To sell, buy or contact others via eBay by e-mail requires registration, for which there is no charge but for which you must provide an e-mail address (and credit-card details as proof of identity if your e-mail address is with one of the 'anonymous' services like hotmail.com). In registering with eBay, you accept a user agreement which includes: 'eBay cannot and does not control the quality, safety, legality or accuracy of any item listed or any item description. Trading over the Internet has certain inherent risks; I understand these risks exist even if I take advantage of various tools offered by eBay in order to minimize the risk of fraud'; and 'I will not provide fraudulent information and I am solely responsible for any information I provide to eBay. I will comply with all laws applicable to my activities on the web site and with this Agreement. I will not sell any prohibited, illegal or infringing items on eBay.' No means is evident as to how these requirements are to be enforced.

There is no charge to browse, bid on, or buy items at eBay. There are fees to list and sell items. To list an item with a reserve over \$200 costs \$3.30, with additional charges between 10 cents and \$99.95 for special features such as photographs, bold type or special prominence to draw attention to your item. There is a further final value fee if the item is sold; it is 5 per cent of the sale price if that is less than \$25, reducing to 2.5 per cent for the portion between \$25 and \$1000, and 1.25 per cent for the portion over \$1000.

As a registered member of the eBay community one of us asked 'Vianova' by e-mail an obvious question about the pot: 'I know that a lot of ancient objects are said to be illegally excavated and illicitly exported from their country of origin. How can I be sure this pot was legitimately exported from Cyprus?' A 'Vic Showell' promptly replied:

The pot is on ebay. If you have a problem with it, email them. It has been in North America for a very long time, far before any laws or whatever mumbo jumbo you are trying to lay on me demanding who

and what and where I am and export laws to be concerned about. I just sold all kinds of pre-Columbian on ebay, with no questions asked. I got them from an estate sale lady, who got them from a collection, that got them from who knows where 50 years ago ... I legitimately bought the 'pot' as you call it, ... it is an amphora.

'nadeemkayani', seller of the Gandhara statue, is a new eBay user without either other items currently for sale or any previous transactions in their profile. One of us asked them by e-mail, 'I know that a lot of ancient objects are said to be illegally excavated and illicitly exported from their country of origin, especially Gandharan objects. What is the country of origin of this item? How can I be sure it was legitimately exported?' A 'Nadeem' promptly replied: 'I am not sure how to answer the question, I am selling this item for another friend. If you win the item all I can tell you is that the item will be sent to you and get there.'

As regards '*will the purchaser pay?*', or other ways in which the transaction may go awry, eBay has clear advice for the seller and will itself intervene under its 'Non-Paying-Bidder/Final Value Fee Credit Request Program'. Buyer and seller should be in direct contact within 3 business days of the listing's close. The seller should send a 'payment reminder' to the buyer after 3 days but not past 30 days. Then, if still unpaid, the seller should file a 'non-payment bidder alert' with eBay after seven days but not past 45 days of your listing's close. eBay then reminds the buyer of their obligations. If that fails, then the seller can ask eBay for a credit in respect of the sale commission due to eBay. The defaulting buyer receives warnings from eBay for their first and second offences; under a 'three strikes and you're out' rule, the third offence leads to an indefinite suspension, a suspension of a user's privilege to use the eBay site for more than 60 days with no definite reinstatement date. eBay states: 'Users who have been indefinitely suspended may not register with eBay during the suspension, nor may they use eBay's site in any way. Failure to abide by this restriction will lead to referral for criminal prosecution with the United States Attorney's Office for the Northern District of California.' With millions of registered users of eBay, one wonders if a suspended user might be tempted to re-register under a different e-mail address.



Other general auction sites, like its smaller rival QXL ([www.qxl.com](http://www.qxl.com)), operate much like eBay.

We are struck by the huge volume of business eBay does (or, strictly, the huge volume of business would-be sellers hope to do). There are more than 6 million items offered on an average day which, with a closing date of a maximum 10 days after opening for each item, means upwards of 600,000 new items offered every day.<sup>5</sup> This may explain why both the insertion fees and the commission on a successful sale is low.

On 19 July 2001, eBay reported a second-quarter turnover of \$180.9 million, an increase of 84 per cent over the previous year, and profit of \$24.6 million; 98.7 million auctions had taken place during the quarter, and eBay had 34.1 million registered users. Its share price on 9 November 2001 was \$56.95. In contrast, London-quoted QXL reported a first-quarter trading loss on 31 August 2001 of £8.5 (\$12.3) million on sales of £1.6 (\$2.3) million (that is, losses over five times its income). Its shares rallied to 6.25 pence, having been at £8 at the height of the e-commerce bubble and collapsing to under 1 per cent of the peak. eBay is expanding outside its original US base, and looks set to rule the world as the broad on-line market for everything, antiques included. Sotheby's (below) is not presently profitable, reporting on 13 November 2001 revenues for its first three quarters together of \$225 million and a net loss of \$41 million. Internet-related expenses were \$18.7 million, down from \$44 million the year before; the Internet-related loss seems to have been \$9 million, indicating Internet-related revenue of around \$10 million.

### **Sothebys.com: from the physical auction-room to the Internet**

Where eBay is a new venture of the electronic age, Sothebys.com is an extension into the electronic market-place of one of the old and dominant physical auction-houses. Sotheby's has had two separate Internet ventures. One, jointly with the Internet book-seller Amazon.com, was after a while folded into the other, sothebys.com.

The eBay opening page is a mass of colourful elements crammed into the screen, each intended to catch attention; sothebys.com is dif-

ferent in style, a cool and elegant design with, even, quite some white space (it is, also, much slower than eBay). From the opening page, you can go to catalogues of the physical auctions, future and past, which are electronic versions of the conventional printed catalogues, or to the electronic-only on-line operations within sothebys.com.

The sothebys.com section has 13 categories under on-line auctions, one of them 'Ancient and Ethnographic Art' (380 lots together on 14 November 2001) within which are 'Antiquities' (59 lots) and three other categories, 'African & Oceanic Art', 'American Indian Art' and 'Pre-Columbian Art', under which some American antiquities appear.<sup>6</sup>

Exactly what is the object being sold, in what condition, and is it what it purports to be? Here, the key asset is the Sotheby's name and reputation as a centre of expertise. These items are being sold through Sotheby's, and the seller is a Sotheby's Associate. There are detailed and lengthy conditions of sale<sup>7</sup> which parallel the lengthy conditions conventional in the printed catalogues of physical auctions. There is a specific provision to protect the buyer if the object turns out to be counterfeit, a deliberate modern forgery.

Does the seller actually own it with 'clean title', so the buyer will indeed then possess it? No specific statement is made in the conditions of sale; perhaps none is needed because, again, the status of Sotheby's Associate should provide reassurance.

As regards 'will the purchaser pay?', Sotheby's takes an active role. The buyer pays Sotheby's (rather than the Associate), and only when that payment has been completed will sothebys.com release the item and direct the seller to ship the item to the buyer. The conditions remind the buyer that making a bid is irrevocably to agree to buy if the bid is successful.

Browsing sothebys.com is free and available to anyone on the Internet. To buy or contact requires registration,<sup>8</sup> for which you must provide your real name, phone number, email address, credit-card details and other requested information.

The commission to sellers on sothebys.com, all of which are established Associates (above), is not stated on the site.<sup>9</sup> Buyers pay 15 per cent of the successful bid price up to \$15,000,

10 per cent of the balance above that figure.<sup>10</sup>

What kind of antiquities are sold on-line by sothebys.com, and how do they compare with what is offered at their physical auctions? Who by? What is their declared archaeological context and history? Of what value? To explore these issues, we analyzed what was offered for sale on sothebys.com in mid-2001, under the class of 'Antiquities'. On a series of dates between 11 May and 8 August we recorded some details of each lot offered, excluding those lots previously recorded and any lot which evidently had previously been offered under another lot number.<sup>11</sup> This totals 494 lots, of which 490 are antiquities.<sup>12</sup>

Fifteen of the lots will show the range,<sup>13</sup> with their estimates:

- ANCIENT EGYPTIAN BLACK  
STEATITE STRIDING RAM \$2500–3500
- Elegant Greek Black Skyphos  
(4th Century BC) \$600–800
- ANCIENT EGYPTIAN GREEN  
FAIENCE USHABTI OF HORU \$800–1200
- Lot of Two Luristan or Persian,  
Bronze Arrowheads, C. 800 BC \$400–550
- Roman Bronze and Enamelled  
Jewelry [7 items] \$900–1100
- Judaeen, Time of the Patriarchs,  
Lot of 5 Bronze Pins, C. 2200 BC \$500–750
- Judaea, Late Bronze Age Pottery  
Water Jug, C. 900 BC \$800–1000
- Egyptian Middle Kingdom Wooden  
Female Head (circa 2040–1640 BC) \$200–500
- Large Apulian Red Figure Bell  
Krater ca. 4th century BC; Attributed  
to the Circle of the Darius Painter,  
(possibly the Haifa Painter) \$18,000–20,000
- Greek Stemmed Kylix \$750–950
- Roman Engraved Gem Set in Ring,  
circa 1st-4th Century AD [ancient  
gem, modern ring] \$500–1000
- Roman glass Double-bodied  
Cosmetic Tube ca. 3rd century AD \$900–1500
- Greek Squat Lekythos, Geometric  
Period ca. 800-700 BC \$800–1000
- Large Ancient Egyptian Wooden  
Sarcophagus Panel  
XXIst Dynasty \$3000–4000
- ANCIENT GREEK BLACK-GLAZED  
LIP CUP, CIRCA 7TH/6TH  
CENTURY BC \$800–1200

## Characteristics of sothebys.com in relation to Sotheby's physical auctions

### Sellers

In their physical auction catalogues Sotheby's, and other auction-houses, are reticent about the names of sellers. For a few lots, the seller is exactly named. For most lots, the seller is unnamed or referred to in terms ('Property of a Lady', 'Property of a New York Collector') so general they are effectively unnamed. In a sample of 4201 lots offered in general antiquities auctions at Sotheby's New York over the past several years, 21 per cent of sellers were exactly named; 79 per cent were actually or effectively unnamed.<sup>14</sup> A long-standing characteristic of both New York and London physical auctions is that the dealers whose business is much of the market are never named when they are sellers.

Sotheby's on-line is quite different. For 12 lots, the seller is Sotheby's New York itself. For another 476 of the 490 lots (97 per cent) the seller is named. All of these are dealers, described as a 'Sothebys.com Associate', and in each lot a link is given to a page about the Associate, informing the browser about where the dealer is, and what kind of things they deal in. Generally there is a link to the dealer's own web-site. For only 2 lots is the vendor unnamed, with the lot reported simply as 'offered by a Sothebys.com Associate'. Table 1 shows the names of the sellers. Six account for 400 lots, 82 per cent of the total.

This pattern arises from the commercial structure of sothebys.com. Unlike eBay, it is not a public auction, through which anyone may offer something they wish to sell, but a collaborative venture under which only associates may sell. Associates gain access to sothebys.com under a commercial agreement by which the Associate undertakes to sell on the Internet only through sothebys.com.

### Archaeology

What are the find-spots of the objects? What are their archaeological contexts? For 92 per cent no indication of any kind is given (as against 97 per cent for the sample from Sotheby's physical auctions). For the 8 per cent for which an indication of find-spot is given, it is always general and imprecise — e.g. 'Probably from the Fayum', 'found in Judea', 'from Jerusalem', 'This rare and



**Table 1. Sellers on Sothebys.com, mid 2001.**

| Seller                         | Location                  | Web-site? | No. of lots offered |
|--------------------------------|---------------------------|-----------|---------------------|
| Adeon Gallery                  | Skokie (IL), USA          | no        | 2                   |
| Ancient World Arts Ltd         | Litchfield (CT), USA      | yes       | 6                   |
| Anthropos                      | Malibu (CA), USA          | yes       | 10                  |
| Arte Primitivo                 | New York (NY), USA        | yes       | 18                  |
| C J Martin Coins Ltd           | London N14, UK            | no        | 19                  |
| Chinalai Tribal Antiques       | Shoreham (NY)             | no        | 1                   |
| EAC Gallery                    | Roslyn Heights (NY), USA  | no        | 2                   |
| Fragments of Time              | Medfield (MA)             | yes       | 58                  |
| Harlan J. Berk, Ltd            | Chicago (IL), USA         | yes       | 2                   |
| Howard M. Nowes                | New York (NY), USA        | yes       | 49                  |
| Lindeau Gems                   | New York (NY), USA        | yes       | 1                   |
| Mark Goodstein                 | Staten Island (NY), USA   | no        | 60                  |
| Medusa-Art.com                 | Montreal, Quebec, Canada  | yes       | 9                   |
| Moorabool Antique Galleries    | Geelong (Vic.), Australia | yes       | 2                   |
| Paul Anavian                   | New York (NY)             | yes       | 89                  |
| Sands of Time Antiquities      | Houston (TX), USA         | yes       | 77                  |
| Sotheby's New York             | New York (NY)             | yes       | 12                  |
| Venus Galleries                | Jerusalem, Israel         | yes       | 61                  |
| Ye Olde Curiosity Shoppe       | South Orange (NJ), USA    | no        | 10                  |
| unnamed Sothebys.com Associate |                           |           | 2                   |
| <b>Total</b>                   |                           |           | <b>490</b>          |

attractive Lamp was found in Bethlehem' — rather than an archaeological context in the research sense.

### History

In respect of the history of the objects, when they were found and who previously owned them, sothebys.com is more forthcoming than are the physical auction catalogues. Just 3 per cent of items on sothebys.com first 'surface' when offered for auction with nothing at all said about their history, compared with the 69 per cent surfacing without any history at the physical auctions. For 49 per cent of items at sothebys.com, however, the history says little, as it so vague ('Property of a South-West Collection', 'Private Californian collection') or just confirms who the seller is ('Property of Venus Antiquities, Jerusalem' for an item being sold by 'Venus Galleries, Jerusalem, Israel'; 'Property from a New York dealer' for an item being sold by Mark Goodstein, Staten Island). For just one item of the sample of 490 is the history stated from or nearly from the ground: a 'Large Roman glass necklace' offered by Sands of Time Antiquities that was 'Excavated in Gazantep, Southern Turkey during the first half of the 20th century' (the same 0 per cent with history from the ground applies to the sample for the physical auctions). For 2 per cent a history is reported for the item back to a date before 1914

(compare 5 per cent in the physical auctions); for 12 per cent a history back to 1915–1944 (compare 3 per cent in the physical auctions); for 11 per cent a history back to 1945–1973 (compare 6 per cent in the physical auctions); for 3 per cent a history back to 1974–1986 (compare 5 per cent in the physical auctions); for 17 per cent a history back to a date since 1987 (compare 4 per cent in the physical auctions).

So more is said about history than is usual for physical auctions, but not of a kind actually to report what happened to the items and how they came to move out from beneath the ground and on to the market-place.

### Comparative material

Auction-houses sometimes mention comparative material, that is, similar items already known or published. Comparative material is mentioned for 11 per cent of items on sothebys.com, compared with 26 per cent at the physical auctions.

### Discussion

Neither eBay nor sothebys.com discloses the reserve on an item. eBay publishes the most recent bid and the bidding history; sothebys.com also publishes a high and low estimate of what a successful bid might be, as it does for physical auctions. This makes it possible to sketch the value of what is offered on sothebys.com: our 490 lots have a mean low estimate of \$1118 and a mean high of \$1652; the cheapest items have a low of \$100 and high of \$200; the most expensive item, an Apulian Red Figure bell krater has a low of \$18,000 and high of \$20,000; the median item has a low of \$800 and high of \$1000. These values set sothebys.com in the middle of the market, well below the physical auction rooms where estimates over \$100,000 are routine and

few items have estimates below \$1000, and well above eBay with its items going down to \$10 and below. As on eBay, sothebys.com allows a seller to fix a 'knock-out' price which, if offered, makes an immediate sale and the auction terminates; 31 per cent of items were available that way.

Are sothebys.com selling much of what they offer? There are bids for only 10 per cent of items when we have looked at them, and most of these are below, usually far below the low estimate. When we look, for example, there is not a single bid for any one of 76 lots of west Asian seals offered by Paul Anavian, New York. In that group of items most have 5 days to go before the auction closed. There may later be a last-minute flurry in the closing day or hours or even minutes, but from watching the site for a while we doubt that is the routine. And excluded from the 490 items we have logged are about 100 other items, in the same period, which appear to be the same object as had previously been offered now for sale again, after having failed to sell before. A certain portion of items failing to reach reserve and be sold is routine in auction-rooms, but the signs are that sothebys.com is not achieving as high a proportion of successful sales as is usual in physical auctions.

The range of items offered is typical of the lower end of the physical auction range, and also in light of the specialities of the not many — only 19 — Sotheby's Associates using sothebys.com in this period. The 61 items from Venus Galleries, Jerusalem, Israel (Authorized Antiquities Dealer License No. 144), for instance, are largely finds from Israel. Among the 58 items from Fragments of Time, Medfield (MA), are many items from the Diniacopoulos Collection, assembled 1910–1932 and 1954; it is, Fragments explains,

one of the most important Canadian antiquities collections of the 20th century. Fragments of Time, Inc. has been selected by the estate to assist with the disbursement of this collection. In cooperation with Sothebys.com, a few selected objects are being offered for on-line bidding. In addition, a full color catalogue featuring more than 100 objects from this collection is available on request at [WWW.FRAGMENTSOFTIME.COM](http://WWW.FRAGMENTSOFTIME.COM).

Other items from the same collection are at present appearing in the physical auctions of Sotheby's New York.

Set side by side, sothebys.com is a minnow alongside a giant; it is a specialized minnow, where eBay is unbounded.

Where sothebys.com may have 59 antiquities on-sale on any one day, eBay has of the order of 1300.<sup>15</sup> They are in different parts of the market, eBay at the bottom, sothebys.com in the middle (with Sotheby's physical auctions at the top). They operate in very different ways. sothebys.com is a tighter and more controlled operation: selling is restricted to its Associates; it takes more care — to judge from the descriptions for each lot — (or its sellers are induced to take more care) in describing lots; the financial transaction is conducted through sothebys.com. eBay is looser.

The charges are very different. At eBay, the seller has modest costs to insert the item, and then pays 5 per cent commission in respect of very cheap items up to \$25, then 2.5 per cent over \$25, 1.25 per cent over \$1000. The buyer is not charged. At sothebys.com the seller may also pay.<sup>16</sup> The buyer pays 15 per cent, then 10 per cent over \$15,000. If the charge to on-line sellers is much the same as it commonly is for physical auctions, then sothebys.com altogether takes up to 30 per cent or more, on the face of it more than 10 times what eBay receives for a transaction involving a \$999 dollar item. So sothebys.com needs to have very high prestige, and to be seen to provide a very superior place to sell it and to buy if it is to sustain itself in competition with eBay when its charges are so much greater.

Christie's, the other dominant player in the art auction-houses, has not created an electronic operation yet. Bonhams and Phillips, smaller players in London, merged in July 2001 under the ownership of the French luxury goods combine LVMH. With Sotheby's and Christie's embroiled in court cases in New York, where it has been proven they operated a cartel contrary to US anti-trust law, the stage is set for three auction combines to battle for the top of the market. They will have to move fast, and electronically well, if they are not to lose the bottom and the middle of it to the likes of eBay.

For those concerned with the other values of antiquities, these objects as precious evidence of other peoples at other times, a flourishing





**Figure 3.** Photograph of 'Gandhara Buddha Statue, Third Century AD' offered on *sothebys.com*.

electronic market is not a happy innovation. Auction-houses and their physical auctions promote the market in antiquities, which may be regretted, but they also have provided documentation and order. The catalogues are printed and provide a permanent record, even if the information is slight, of what was offered for sale. And the auction-houses provide a central and public place where all can know what is offered, and where the objects themselves are always physically present. The electronic market provides documentation only of a transient kind. One can (as we have in this study) look at an item offered on a page one minute, and then find just a minute later the page has vanished. We do not know if the on-line auction rooms archive their pages, or whether any other archive keeps them. And the objects are not physically produced, only referred to by photographs.

One encouraging sign was a direct statement in respect of illicit antiquities made to us by *sothebys.com*. When one of us asked *sothebys.com* about illicit antiquities, Scott Klarman of *sothebys.com* Customer Service rapidly and helpfully replied, 'It is both illegal and unlawful for any of our screened dealers to submit items that have been exported out of other countries illegally to post them to *Sothebys.com*.'<sup>17</sup> This is a good guarantee.<sup>18</sup>

Lindeau Gems, of New York, stands out from the routine sellers on *sothebys.com* for hav-

ing offered only one item, a 'Gandhara Buddha Statue, Third Century AD'. No archaeology or history is reported for it; its estimate is \$10,500 to \$14,000. Lindeau Gems, in its page as a *sothebys.com* Associate and its own web-site at [www.lindeau.com](http://www.lindeau.com), declares itself to be a specialist gem dealer in emeralds ('From the mines of Muzo and Chivor in Colombia' whence their emeralds have 'worked their way through perilous emerald trade to Lindeau'<sup>19</sup>), rubies ('Monghsu, is a gem mining area in Myanmar which sits in rebel territory. Guerrilla control of the area hasn't stopped the flow of rubies from mine to market. Most stones leave the country as contraband rough and enter Thailand at Mae-Sai, a rendezvous point between gem smugglers and dealers and sapphire'), and sapphires (from Sri Lanka, now 'the only steady producer of fine sapphires'). Lindeau's sole offering in antiquities is shown in four clear and large photographs, looking for all the world as if it has been recently hacked off its supporting surface (Fig. 3). Suppose one wanted to give the impression of an antiquity being offered that was looted. One might choose Gandharan, since Gandharan is notorious for the looters' interest in it. One might illustrate the piece as if recently hacked out of its sculptural setting. One might have it offered for sale by a company that does not normally deal in antiquities, but specializes in selling gems that are, as its own web-site declares, usually smuggled — and smuggled from the very region of the word where Gandharan antiquities come from! It is in respect of items like these that *sothebys.com*'s unambiguous statement, 'It is both illegal and unlawful for any of our screened dealers to submit items that have been exported out of other countries illegally to post them to *Sothebys.com*', will be material. (The tabulations of *sothebys.com* sales used in this article are to be found at [www.swan.ac.uk/classics/staff/dg/looting/](http://www.swan.ac.uk/classics/staff/dg/looting/) together with other material from our research.)

## Notes

1. Direct quotations from the sites and from e-mails are given here exactly as found or received. eBay does not correct spelling mistakes. Readers knowledgeable about site-names and technicalities will find them a bit haphazard as the sellers write them.
2. But nor does it permit the sale of everything it is legal to sell. After the terrorist attack on the World Trade Center, 11 September 2001, eBay banned sale of debris from the wreckage of the World Trade



Center and the Pentagon which was offered for sale immediately after the terror attacks. The first pieces of rubble, the London *Guardian* reported (13 September 2001), went on sale within an hour of the first plane crash: 'Many entries on the site call on fellow users to boycott items related to the attacks. "I am seeing this in happen in auction after auction, and it makes me sick! I applaud eBay for not allowing it to happen in many auctions by cancelling them. It seems that eBay is missing a few though," said one.' Staff at the company stepped in to remove the entries advertising the souvenirs.

*Culture Without Context* has previously reported on an alleged piece of ancient Egyptian pyramid offered for sale on eBay and the sale stopped after questions were asked about the item's authenticity and legality (see In The News *CWC* issue 5, p. 12)

3. eBay does not seem to organize what is put in which category.
4. A 'profile' reporting past customer experience with the seller is a common feature of sites selling over the Internet. See e.g. Amazon.com in respect of second-hand books sold through it, alongside the new books Amazon.com itself sells.
5. No wonder eBay was not able in policing its site to remove all souvenirs of the World Trade Center attack (previous note).
6. There are other categories, such as 'Ceramics & Glass' where antiquities could appear.
7. At <http://auction.sothebys.com/snN87a9c/conditions.html>. Also 'Terms of use' at [http://www.sothebys.com/about/as\\_terms.html](http://www.sothebys.com/about/as_terms.html).
8. Registration is permitted only by individuals or others resident in Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Ireland, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom and the United States.
9. The charge to sellers at Sotheby's London physical auctions is 15 per cent up to £2000 (\$2900), then 10 per cent up to £60,000 (\$87,000), 8 per cent thereafter, plus 1 per cent for insurance, plus a charge for any illustration in the catalogue.
10. The charge to buyers at Sotheby's New York physical auctions is 20 per cent up to \$15,000, then 15 per cent up to \$100,000, 10 per cent thereafter.
11. Sometimes an object offered was described in similar terms to a previous lot, but not so closely as to be evidently the same object. These are included as separate lots on the study. It is possible a few will be the same object, offered more than once, and therefore counted twice in our tabulation.
12. The other four, such as a Russian icon and a Mammoth Bone necklace, are excluded from our analysis.

13. The full tabulation is available on-line at <http://www.swan.ac.uk/classics/staff/dg/looting/cantiq.htm>. These 15 examples are not the first 15 in our tabulation, as often a dealer places several lots together which then make a single block in the listing, but numbers 5, 10, 15, etc., within it.
14. Sotheby's London is even more reticent than is Sotheby's New York about who the sellers are.
15. See above for the proportion of items in the eBay 'Antiquities' category which are actually are antiquities.
16. See above.
17. E-mail to Chippindale, 17 June 2001.
18. However, in a further e-mail, Mr Klarman quoted a clause in the sale conditions which appears to concern legal export from the country where the item currently is, rather than to any previous export of the item from its country of origin.
19. Quotations from pages of [www.lindeau.com](http://www.lindeau.com).

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CB2 3DZ  
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[cc43@cam.ac.uk](mailto:cc43@cam.ac.uk)

DAVID W.J. GILL  
Department of Classics and Ancient History  
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Singleton Park  
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## Thailand theft

In April this year seven stone antefixes from a Khmer temple at Si Sa Ket in northeast Thailand were stolen from the local museum. Five pieces were recovered by Thai police soon after but two are still missing, similar in design to the two smaller of the recovered pieces shown on the left of the photograph. Three thieves were arrested and the police are hunting for a further three. It is rumoured that the antefixes were stolen to fulfil a 5 million baht (\$20,000) advance order.



Four antefixes from Si Sa Ket recovered by Thai police.



# The mystery of the Persian mummy

BBC2, 9 p.m., Thursday 20 September 2001

JENNY DOOLE

A wide audience was exposed to the true nature of the illicit trade in antiquities when the BBC's flagship science series, *Horizon*, devoted its 20 September documentary to 'The Mystery of the Persian Mummy'. The hour-long programme, which described how a mummy, apparently of an ancient Persian princess, was offered for sale on the black market, confiscated, studied and eventually proven to be a modern fake (see *In The News CWC* issues 7 & 8), highlighted the very worst aspects of the illicit trade: gigantic amounts of cash changing hands, increasing incidence of fakes and means through which they can be insinuated into the system, targeted approaches to major museums, misuse of genuine knowledge and scholarship, waste of precious resources and time, and the gruesome and horrifying lengths to which traffickers are prepared to go.

On 19 October 2000, Dr Asma Ibrahim, then curator of the National Museum of Pakistan, was informed by police that an illicit antiquity — a mummy with gold crown, facemask and chestplate, lying in a carved wooden box — had been impounded in the northern city of Quetta near the Afghan border. It had been traced after being seen in a video seized from an Iranian suspect in Karachi. The suspect, Ali Aqbar, maintained that the mummy had been found after earthquake disturbance at a desert site. He was trying to sell it on the black art market. Prices quoted during the programme ranged from \$11 million to \$30 million.

Two strands of investigation were necessary: first, into the background of the mummified woman, in the hope of better understanding her archaeological context and place in history; second, into the criminal activities which had led to her body being illegally offered for sale as an illicit antiquity. These two strands quickly became entwined.

## The mummy

Archaeologists were initially wildly excited about the mummy. Her gold chestplate was inscribed



Dr Asma Ibrahim and Charles Milroy unwrapping the 'Persian mummy' (© *Horizon*, BBC).

with a cuneiform inscription which implied a Persian origin, yet no evidence of mummification was previously known outside of Egypt. This discovery seemed to indicate that ancient Persians may have copied mummification techniques and applied them to their own nobility — and judging from the richness of this burial, with its gold adornments and stone, possibly alabaster, outer coffin this was indeed a woman of considerable social status. The inscription described her as Rhodugune, daughter of the legendary Persian king Xerxes about whom little is known. Other clues seemed to back up this identification: rosette motifs decorating the mummy are familiar icons at Xerxes' royal palace in Persepolis, southern Iran; images of seven Cypress trees, the symbol for the ancient city of Hamadan, were seen as important since the city is known to have been of sacred importance to Xerxes; and depictions of the chief Zoroastrian deity Ahuramazda also suggested an intimate link with ancient Persian royalty.

Closer study of the cuneiform inscriptions raised the first doubts. Although some mistakes could easily have been made by illiterate stone masons or goldsmiths copying the texts, grammatical errors, specifically mistakes in applying genitive endings to words, were difficult to explain. Use of the name 'Rhodugune' — a later Greek translation of the princess' original Persian name 'Wardegauna' was impossible to explain and experts concluded that inscriptions were fake.

X-rays and CAT scans of the mummy to establish methods of mummification also led to the same conclusion. Although this was apparently a ritual mummification — internal organs removed, hands crossed over chest, bandages and



resin applied in the usual way — some discrepancies were noticed. Specifically, the heart (crucially required to remain in the body according to ancient Egyptian burial lore) was not present, the abdominal incision made to remove internal organs was not only too large but in the wrong place, and the brain had not been removed in the way perfected by ancient Egyptian mummifiers. Furthermore, delicate tendons and ligaments which would have decayed over centuries were clearly intact. The discovery of pencil marks applied to the wooden coffin during construction confirmed — along with the other clues — that the whole package was a recent fabrication. The implications were deeply disturbing and became more so when it emerged that the woman, who had been mummified in the previous two years or so, had died a violent death during which her neck was broken and her lower right spine damaged by a blunt blow. It was impossible to tell if her injuries were the result of a tragic accident (after which her body was quickly looted from its grave and sold), or something yet more sinister. The police opened a murder enquiry.

### **The criminal investigation**

To perpetrate a forgery of this kind would clearly involve a team of people (some of whom had a good, probably professional or scholarly, knowledge of archaeology and anatomy), money, forward planning, and resources. The operation had been carried out in a hot country where bodies decompose quickly, so on acquiring a body the criminal team must already have prepared a lab and mummification equipment: half a ton of drying chemicals (bicarbonate of soda, sodium chloride and table salt), surgical implements, resins and bandages. The raw materials for the burial assemblage — gold, wood for the coffin (later radiocarbon dated to 250 years of age), alabaster — must have been expensively acquired and crafted.

Oscar Muscarella, expert in Near Eastern forgeries based at the Metropolitan Museum of Art, who recognized a typical forgers' mistake on the wooden box (an ancient depiction of the god Ahuramazda, known from a rock carving, had been directly copied, but with no true understanding of its meaning the forger had missed essential elements) believed that this fake most

likely came from Iran, well-known as a major production centre for counterfeit antiquities. This made sense since, unknown to the Pakistani authorities, Muscarella had in 1999 been approached by an Iranian called Amanollah Riggi, who sent him four photographs of the mummy. In a follow-up phone call a few days later, Riggi explained that he was acting as a middleman, had been advised to approach Muscarella by a professor, and had access to an extraordinary discovery — the mummy — of which he had a video. In the apparent belief that the mummy was genuine, he offered it to the museum.

The police are now re-arresting and re-interrogating known witnesses in Quetta and middlemen, in the hope of shedding further light on both the forging operation and possible murder. The woman, whose face was reconstructed during the programme and is characteristic of inhabitants of the border region of Pakistan and Iran, remains unidentified but can at least now be buried in decent Muslim tradition.

### **Chilling conclusions**

Dr Ibrahim and the scientists investigating this sad history were clearly shocked and upset at the sordid lengths to which forgers had gone to create a fake antiquity. Charles Milroy, consultant pathologist said: 'It is a crime, whether or not it was a murder, it's immoral, it's unethical and it is illegal'. But should we be surprised that such gruesome depths are now being plumbed to feed demand for illicit antiquities, when astronomical sums are involved and dealing in unprovenanced antiquities is still regarded as acceptable in some quarters? Nor can we reassure ourselves with the fact that this was an isolated incident. Since then, two more so-called Persian mummies, ritually embalmed and adorned in the same way, have apparently surfaced on the international market for \$6 million. The BBC investigation concluded with the 'chilling possibility that hidden away in this wild border land is a mummy factory and the prospect of more victims'. We can only wonder how many of these terrible creations may have already been secretly sold to collectors and institutions less well-informed and less scrupulous than the ones seen during this eye-opening documentary.



## In the News

JENNY DOOLE

### Thefts in India

- A well-organized gang is believed to be plundering 2000-year-old archaeological sites in **Andhra Pradesh, India**. Reported thefts from the important, but remote, Buddhist stupa of **Chandavaram**, include:

- *9 October 2000*: **Two nine-foot long panels**, one decorated with a carving of the Bodhi tree, the other with the chaitra or Buddhist umbrella, were **ripped from a cement platform** at the site museum.
- *2 February 2001*: In a planned raid, robbers arrived in a tractor, tied up two watchmen and removed **three nine-foot pillars**, one with a representation of the Buddha as fire, from the remote site of **Gundlakamma**.
- *23 March 2001*: After two police constables guarding the museum left for lunch, two watchmen were injected with immobilizing sedatives allowing the gang to make away with **three more decorated pillars and a lotus medallion** in broad daylight.

Archaeologists have since decided to remove antiquities from the site to a more secure location in Chandavaram village, although worries have been expressed about possible damage to the important pieces due to lack of adequate storage conditions.

- Valuable antiquities from the ancient fort of **Timanpur, Karauli district, Rajasthan** have apparently been looted for several years, and transferred to **dealers in Delhi and Mathura** who are part of an international smuggling chain. From there they were sent out of the country, allegedly with the connivance of custom officials in Delhi. *The Daily Pioneer* (20 November 2001) reports that the operation was discovered when **a man was arrested with an 800-year-old ashtadhatu statue** of Surya,

weighing nearly 50 kg and stolen from the site six months ago. The newspaper goes on to highlight the **difficulties surrounding the investigation** of the theft, with obstructive involvement from some senior politicians and influential parties, and says that the police have a suspiciously poor record for recovering such artefacts, with only 8 confiscated in the last 40 years. **Looting and smuggling** of antiquities is apparently the **main source of income** for inhabitants of the six villages in the area, and has **increased markedly** during recent drought conditions. Activities are apparently divided between family and caste groups with a certain section of the community utilizing their digging skills, and others taking responsibility for paying middlemen.



### University thefts

On or around the night of 27 July 2001, **21 prehistoric Native American Indian vessels**, stone spear points, and replicas of painted pebbles (most from Caddo Indian sites in northeast Texas, some from southwestern USA) were **stolen from the Texas Archaeological Research Laboratory**. A reward of \$10,000 has been offered for information leading to the arrest and conviction of whoever stole the objects, all of which were marked in ink with site numbers and accession numbers. Further information, including photographs of many of the pottery pieces, is available on [www.utexas.edu/research/tarl/theft.html](http://www.utexas.edu/research/tarl/theft.html)





## Crisis in Crimea

*The Art Newspaper* (October 2001) reports an **escalation of looting and treasure-hunting of ancient Greek sites in the Crimea**, southern Ukraine as, since the fall of communism there nearly ten years ago, looters have become aware of massive demand for antiquities in the West. At the same time economic factors, such as increasing unemployment and low salaries, and also reduced policing have exacerbated the situation. Spectacular finds by archaeologists, like those of Dr Viktor Zinko in the city of Kerch, have increased international awareness of the historical riches of the area and whetted looters' appetites. Some facts emerging from the report include:

- looters responding to increased demand from private collections;
- grave sites being illegally dug at the Russian city of Krasnodar near Crimea;
- frequent reports of Ukrainian customs officials impounding illicit antiquities;
- antiquities smuggled from Kiev and Moscow to New York and London;
- Scythian gold found in southern Russia allegedly sold to an Englishman for about \$1000 per piece, but worth much more;
- a survey of respectable dealers in ancient Greek art of New York's Upper East Side which indicated that few Greek items from Crimea and Ukraine were on sale, though all galleries said they knew of channels through which they could get hold of such material.

Reviewing the situation in Kerch, Dr Zinko registers his despair over the destruction of ancient history, and emphasizes that proper development of the exciting sites archaeologists have excavated, rather than the present policy of backfilling, could **generate tourism and income** which would support the city and archaeological research.

## International conference

A four-day **international conference** entitled 'Illegal Traffic in Archaeological Artifacts:

Globalization of the Phenomenon' was hosted by the Cultural Heritage Ministry and the Carabinieri in **Rome, Italy** in June. Police and heritage officials from countries including Egypt, Tunisia, Cyprus, Guatemala, France and Italy as well as dealers and lawmakers from UK, US and other market countries were in attendance.

## Chinese arrests

**Seven farmers**, arrested in China, have confessed to **robbing nine Ming and Quing Dynasty tombs** in the suburbs of Beijing. **Ancient silver and jade artefacts** have been found in the robbers' temporary lodgings and police are investigating further.

## News from Angkor

Officials from **Apsara**, management authority for Angkor and the Siem Reap region of Cambodia say that although they still **lose something to looters every day**, their situation is better than elsewhere in the country. It is suggested that Apsara could be more effective if they had full authority for Angkor, without the involvement of the military.

## Discovery and loss of Gandharan cultural heritage

- Zainul Wahab, a PhD student claims to have discovered an important new **Gandharan site** in the **Lakkar area of Mohmand Agency**, on the Pakistani-Afghani border. Influential local Maliks and tribal elders have been requested by the government and Wahab to **prevent looting of the site** before it can be officially designated a major heritage area.
- Dr Ihsan Ali, speaking at a three-day workshop on Conservation and Museology at the University of Peshawar (May 2001), spoke



of the **desperate situation facing archaeology in northwestern Pakistan** where lack of funding and subsequent staff shortages make it difficult to curb widespread illegal excavations and conserve antiquities, even though the expertise is available. He highlighted his points with the example of an **ancient pot containing 10,000 rare bronze coins, looted** and found for sale in Lahore for just Rs10,000 (about £110). Only the pot was recovered.

- In the *Art Newspaper* (June 2001) Robert Kluyver of SPACH (Society for the Preservation of Afghanistan's Cultural Heritage) describes his visits to **antiquities dealers in Peshawar**, Pakistan when he was offered batches of well-made but **fake Gandharan material** and many real items, including boxes of seventeenth-century Bamiyan frescoes, Roman glassware, stucco Buddha heads and stone Buddhist bas-reliefs all from Afghanistan. He points out the irony of the fact that recently, in the light of the Taliban's edicts to destroy all 'idolatrous' images, these dealers in ancient material plundered from archaeological sites and museums have in some quarters been said to be saving Afghanistan's cultural heritage and goes on to speculate whether such images, especially those in Kabul Museum were in fact destroyed. If they were, insiders say it was not done in public and no traces of debris were seen in the museum. The first-century treasure of '**Bactrian gold**', possibly worth hundreds of millions of dollars and thought to have been hidden in the vaults of the National Bank in Kabul was said to have been offered by the Taliban to their sponsor Osama bin Laden as collateral.

## Schultz indictment

In July, **Frederick Schultz**, president of the Frederick Schultz Ancient Art gallery in New York, and former president of NADAOPA

(National Association of Dealers in Ancient, Oriental and Primitive Art), was **indicted in a Manhattan court** on charges of conspiracy for **allegedly trafficking in antiquities illegally removed from Egypt**. The indictment argues that Schultz purchased Egyptian antiquities from a '**Co-conspirator 1**' (according to *Art and Auction* magazine September/October 2001; widely believed to be convicted British antiquities smuggler Jonathan Tokeley-Parry: see In The News *CWC* issues 1, 4 & 6) who travelled to Egypt between 1990 and 1994 purchasing ancient artefacts from farmers and builders and illegally exporting them. It is argued that Schultz bought consignments allegedly knowing their origins and sold them claiming they had come from old collections such as the **Thomas Alcock collection**. Among the items allegedly obtained illegally were a **head of Amenhotep III**, which was sold for approximately \$1.2 million and a Sixth Dynasty limestone figure which offered for \$825,000. Supporters of Schultz claim that Tokeley-Parry (if it was he) misled the dealer into believing objects did come from old English collections. One possible avenue for the defence may be to **challenge the legal precedent** set in the 1977 case of *United States v. McClain* when the US Court of Appeals used Mexican rather than US law to define what constituted stolen archaeological property. If convicted of conspiracy Schultz faces a maximum sentence of five years in jail, and either \$250,000 in fines or twice the gross gain or loss resulting from the crime, whichever is greater.

## Italian developments

- August: A court in Enna, Sicily gave 80-year-old **Renzo Canavesi di Sagno** a **two-year jail sentence and L12.7 million fine** for his part in smuggling the so-called **Getty Goddess**. The 2500-year-old marble statue of Aphrodite was found by a pensioner (who was spared jail in return for helping investigators), stolen from Morgantina in 1970



and transported to London via Switzerland, where it was bought for £7.5 million from an unnamed dealer by the J Paul Getty Museum of Malibu. In the 1980s Canavesi di Sagno received £290,000 for arranging shipment to the dealer in Switzerland. Only the statue's feet, hands and face are now considered genuine, her **bust and legs are fakes** believed to have been commissioned by looters from a Roman forger in 1972 to increase the value of the piece. The statue was returned to Italy in 1999.

- The **Carabinieri** recently **retrieved a Roman statue of Diana from the US** after a seven-year international investigation.
- In July, **29 people** (including housewives, bank tellers and labourers) were **arrested** under suspicion of **smuggling bronze statues, ancient coins and artefacts** worth £13.2 million.

## Television award

In September the Swedish Television documentary '**On the Trail of the Tomb Robbers**' (See *CWC* issue 7 but note that the programme was shown on Channel 2, not Channel 10) was awarded the prestigious **Prix d'Italia** television award in a competition open to contributions from European countries. **The jury unanimously chose the programme**, entered under the title 'Heritage for Sale', because of the strength of its investigative journalism and importance of its subject matter, praising the strong narrative and clever irony with which its message was delivered.

## UNESCO underwater convention

On **2 November 2001** the Plenary session of the 31<sup>st</sup> General Conference adopted the **UNESCO Convention on the Protection of the Underwater Cultural Heritage** (see Edi-

torial, p. 3) by 87 affirmative votes. Four states voted against, 15 abstained, and the United States, an Observer, gave a statement of its views.

## Illicit antiquities in Greece

- Greek newspaper *Kathimerini* (6 September 2001) reports **growing concern that archaeological sites and museums in the country are vulnerable** to thieves owing to lack of security personnel and systems.
  - From 1987 to early 2001 the fraud squad and department responsible for illicit trade in antiquities reported **23,007 ancient artefacts impounded** from traders.
  - **Coins are easiest** to steal because they can be easily hidden, and 12,504 ancient Greek, 1697 Byzantine and 357 Roman coins are known to have illegally entered the antiquities markets, the majority originating from Macedonia.
  - **Appointment** of daytime guards for museums has been **frozen** since 1995 and of night guards since 1992.

It is hoped that planned injections of funds before the date of the 2004 Olympics in Athens may improve the situation.
- In July police confiscated a **marble statue of a bull** which had been looted from the **Vravona area**, near ancient Brauron, eastern Attica. **Three men were arrested** in a coffee shop in Markopoulo where they were allegedly waiting for a buyer.
- Between 13 August and 9 September 2001, **ancient objects** (including at least seven 17 cm tall marble statuettes of females and sphinxes hacked from a throne), were **stolen** from a **royal tomb in Vergina**, northern Greece. The fourth-century BC tomb of **Eurydice**, mother of King Philip and grandmother of Alexander the Great was excavated by Manolis Andronikos in the late 1970s, is not open to the public and is visited only by officials in the presence of



archaeologists, or by maintenance staff for a monthly humidity check. Evening shifts for 24-hour day guards had recently been abolished during the summer owing to staff shortage. There was no sign of a break-in, the theft being discovered during an official tour. **All the objects had been photographed** which it is hoped will make any potential sale more difficult.

- *October 2001*: In one of the richest seizures of illicit antiquities by Greek police in the last decade, **several hundred metal, terracotta and stone objects** ranging in date from seventh century BC to the Middle Ages were **found buried in the yard of a holiday house in Apsalos**, near Pella, central Macedonia, belonging to a 42-year-old record shop owner, and further objects impounded from his home in Thessaloniki. The man said the extraordinary collection (including bronze helmets, axes, spearheads, a fragmentary shield, jewellery, 1718 silver and copper-alloy coins, a probable forgery of a Cretan 'goddess' figurine, and 1000 pottery fragments) were the **product of 20 years of excavating and collecting**, and were mainly from Macedonia with some bought from foreign antiquities smugglers. Police are looking for accomplices.
- **Vassilis Zacharatos was charged with illegal possession of antiquities** on 17 October when seventeenth- to nineteenth-century AD icons were found in his Athens optician's shop. More icons, and silver and copper-alloy Classical, Byzantine and Egyptian coins were also found at his home.



## Agreements and returns

- A ceremony in Seattle, USA on **2 August** marked the **return of hundreds of pre-Columbian artefacts to the governments of Mexico, Peru and Panama**. The items were among a seizure of over 900 objects originally confiscated by Seattle US Cus-

toms special agents from **Frank Stegmeier** (see In The News *CWC* issue 7), who was charged under the National Stolen Property Act with transportation and sale of stolen items valued at more than \$5000. Stegmeier escaped, was returned to the US from Panama in 1998, and subsequently negotiated a **civil Settlement Agreement** with the governments of Mexico, Peru and Panama under which terms the material is being returned.

- In June, the US Customs Service announced the **recovery and return of archaeological material from El Salvador**, valued at \$100,000 and including pre-Columbian polychrome pottery which had been seized at point of entry in San Francisco. The return was the first to take place under the terms of the bilateral Memorandum of Understanding between the governments of USA and the Republic of El Salvador signed in 1995 and amended in 2000.
- Following **legal action in civil courts** in the UK begun in 1997 by the Iraqi Interests Section, an **agreement** has finally been reached regarding a **piece of relief looted from the Palace of Sennacherib, Nineveh** (see *CWC* issue 1). The alabaster carving had apparently been bought in good faith by **Sholom Moussaieff** from **Geneva dealer Nabil Asfar** (see In the News *CWC* issue 3), and was later recognized in London when Moussaieff applied for an export license to take it abroad. **Four other Sennacherib pieces** which had also been noticed on display in the palace on Kouyunjik in 1995 are **still missing**.
- A first-century BC **marble bust of Roman Empress Livia**, discovered in the possession of New York dealer **Robert Hecht** when it was offered for sale in 1995 has been **returned to Butrint, Albania**, the site from which it was excavated during Luigi Ugolini's excavations between 1928–31 (whose excavation area is now pitted with



looters holes). The bust was stolen from the site museum in the early 1990s (museum thefts were one symptom of the turbulent times which marked the overthrow of communism in Albania in 1991) and **smuggled through Greece or Switzerland** to the USA. After years of civil unrest, this return was finally organized by the Directors of the new International Centre for Albanian Archaeology with the help of the Albanian Embassy in the USA and Hecht and will remain at the Institute museum in Tirana, until Butrint museum is renovated. Some other objects looted from Butrint in the early 1990s, were later seized by Greek customs authorities and **await repatriation from Thessalonika** while at the site itself the **Butrint Foundation, with grants from the Miflin Trust, is organizing security patrols and developing educational programmes** emphasizing the importance of local archaeological resources in terms of tourism revenue and future economic development.

- The **British Museum** facilitated the return to Sudan of a **stolen ancient Egyptian statue** after Derek Welsby, assistant keeper in the Department of Ancient Egypt and Sudan was asked to appraise it by a Sudanese man describing himself as a medical doctor resident in the Midlands for six years. The carving in hard, black stone of Heqaemsasen, a seated mid fifteenth-century BC viceroy, is 20 inches high and believed to be worth about £10,000. It seemed unlikely that it had been exported legally, and the man — who claimed he had been asked to bring it to Europe for sale by a friend who had excavated it near Barkal — said he had got it through Khartoum airport by bribing customs officials and placing it in his wife's luggage so that he would not be caught in case of discovery. Welsby, left in temporary possession of the piece, identified it as having in fact been excavated by American archaeologists in 1916. It was **stolen from the new Khartoum National Museum, the Jebel Barkal in 1995**. Although arrested

by Scotland Yard, the man attempting to sell the item was later released due to lack of evidence.

- **July: Egyptian officials announced the return of a carved stone head**, possibly depicting Nineteenth Dynasty princess Merit or Queen Nefertiti, which had been **smuggled to Britain by Jonathan Tokeley-Parry** during the 1990s (see In The News *CWC* issues 1, 4 & 6). The piece was traced with help from Scotland Yard and Egypt continues to work with the FBI to recover other items from the US. Objects stolen by Tokeley-Parry are also believed to be in Switzerland.
- **August:** Following interventions by Dutch archaeologists, the **Metropolitan Museum of Art, New York returned to Egyptian authorities a 3300-year-old limestone engraving** of Pharaoh Seti I feeding a child, which had been stolen from a store room near the Pyramids about 60 years ago.



## Museum matters

- The *Fort Worth Star-Telegram* (17 August and 2 September 2001) and *Fort Worth Weekly* have been asking questions about a **white alabaster statuette** of a male figure carved in Sumerian style which was bought (but not displayed) by the **Kimbell Art Museum** in Fort Worth late last year for \$2.7 million, but subsequently **returned to the sellers (the Abutaam brothers of Phoenix Soho dealership in New York)** for an 'amicable' refund. There is confusion as to how and why this situation arose, which has resulted in the *Weekly* branding Timothy Potts, director of the Museum as 'secretive'. Potts went to considerable lengths to trace the provenance of the piece (which apparently stretched back to a connection with a European museum in the 1950s) before the purchase but it is alleged that the sale was rushed through (possibly to get a discount)



and problems arose afterwards — although whether these related to the origin or authenticity of the piece (or its provenance) is not known. Potts emphasized the inherent difficulties in authenticating ancient stone artefacts, and maintains that ‘the major consideration in this case was our assessment of what this object would contribute to the Kimbell’s collection compared to other outstanding acquisition opportunities that had come along since its purchase’. (It has not yet been made public what these acquisitions opportunities were.) Whatever the truth about this particular object the affair, as Andrew Marton, art critic of the *Star-Telegraph* points out, highlights both the ‘**highly secretive nature of the international art and antiquities market**’ and the current pressure on institutions, whether private or public, to set a good example.

- **Manus Brinkman**, Secretary General of ICOM (International Council of Museums) was also adamant in an interview with the *Art Newspaper* (September 2001) that **museums must set standards with regard to illicit traffic issues, and also raise awareness**. He cited the Nok terracottas purchased unethically by the Quai Branly collection and now on display in the Louvre (see In The News *CWC* issue 7) as a controversial example and discussed the **moral complexities of ‘saving’ looted material** smuggled out of war-torn Afghanistan.
- Melik Kaylan, writing for *Forbes.com* (18 July 2001), draws attention to the alleged history of a sixth-century BC **sarcophagus** made of terracotta, decorated in the style seen on artefacts from Clazomenae near modern Izmir, Turkey and now in the collection of the **J Paul Getty Museum**, Malibu. Kaylan argues that before its acquisition in 1997 by controversial former curator **Jiri Frel**, the object’s history is unknown (certainly the Getty Museum has not published any clues) and some believe it to be the result of the first episodes of illicit

digging at **Clazomenae** in the mid to late 1970s (the second coincided with official excavations from 1979 onwards). It is alleged that the piece was **smuggled through well-known routes via Munich**, largely controlled by the ‘Munich Mafia’ who are described as ‘a loose confederacy of Turkish smuggling groups’ in the city. Major names are mentioned as the alleged broker and restorer. The Getty Museum responded to the allegations, claiming there is no basis for questioning the provenance.



## Reports from Peru

- The **Gold Museum in Lima**, Peru closed in July following reports that **up to 85 per cent of objects** in its famous, largely unprovenanced collection, said to be amassed from burial sites and other excavations, **may be fake**. The daughter of founder Miguel Mujica de Perez-Palcio, said that the institution had already, during the last six months, **identified 2300 (10 per cent of the total) modern forgeries**. She added that unscrupulous sellers had taken advantage of her father’s old age and failing eyesight. A spokesman for Peru’s Consumer Protection Commission indicated that, if the claims were true, the **museum may not meet the necessary conditions** to be classed as a museum, and added that experts from the Catholic University, Lima are now studying the artefacts.
- In June **Aero Condor**, the Lima-based airline which provides most tourist flights over the Nazca Lines in southwestern Peru, was set to launch the **Nazca patrol**, a partnership with local police to track and catch tomb robbers using brand new ultra light aircraft. Tourism companies which make their livings from the Nazca remains are said to be increasingly worried about the effects of widespread archaeological looting on their livelihoods. Local Peruvian archaeologists and police have been trying, with



virtually no resources, to research and protect the area, but **looting has escalated in recent years** to such an extent that tomb robbers apparently do not even try to hide their activities. The *Washington Post* (20 May 2001) reports one incident when two thieves were seen ripping open a 2000-year-old Nazca tomb near Cahuachi in broad daylight and blames recession and record unemployment as one reason for the increase in illegal excavation.

- In May a c. 4500-year-old **skull was stolen** from Peruvian archaeological excavations of ruins near **Caral** 120 miles north of Lima.

### Smuggler's story

Speaking to *Newsweek* magazine (May 2001) in an article entitled 'Just out of jail: a smuggler's story', **Jonathan Tokeley-Parry** (see In the News *CWC* issues 1, 4, 6 & above) argues that his activities, which involved smuggling ancient artefacts out of Egypt disguised as cheap souvenirs, were **acts of preservation**. Using the example of the Elgin Marbles, he says that had done what he did a century ago, he would have been knighted. Now out of jail, Tokeley-Parry is apparently writing his memoirs and afterwards may return to work on an unfinished doctoral thesis on ethics.

### Tales from the USA

- David Pollack, archaeologist for the Kentucky Heritage Council, estimates that **90 per cent of the 15,000 known prehistoric sites** in the state have been **damaged by looters**.
- The scale of looting nationwide in the USA is such that the US Geological Survey is now **omitting archaeological sites** from new editions of topographical maps.

- **Modern technology**, such as radio-relayed infrared heat sensors, metal detectors and motion sensors are being used in **Mammoth Cave National Park and Big South Fork National Recreation Area**, Kentucky, to alert park officials when looters are in action.

- Brad McDougal, a federal criminal investigator staked out **Mammoth Cave**, in Western Kentucky during the summer and **caught a looter**. But in four hours digging it is estimated that the man destroyed 4000 years of stratigraphy.

- In July, Kentucky man **Sean Long was sentenced to two months of house arrest**, 18 months of probation and 100 hours of community service, having admitted to **trafficking in human remains of Native Americans**. He was arrested the morning after offering to sell three skulls, more than 2000 years old, to undercover FBI agents for \$900. The agents bought one and later confiscated the others along with about 50 grave goods. During the investigation Long talked of conducting **frequent excavations of Indian burial grounds**, and had even videoed a **1999 looting trip to Pilot Rock** although he pleaded guilty only to charges of selling the skulls. It was the first time federal prosecutors in Kentucky had used the Native American Graves Protection and Repatriation Act (NAGPRA) and only the fourth time the Act had been used in a criminal prosecution east of the Mississippi. The prosecution was welcomed by Preoria tribal chief John Froman, but condemned by Long's supporters who believe him to be the victim of a bad law and overzealous prosecutor. The skulls and grave objects will be reburied by Preoria tribespeople.

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## Time crime: protecting the past in the United States

ROBERT HICKS

Slack Farm in rural Union County, Kentucky, was known to contain beneath its ploughed soil an important Native American village, a community of wattle and daub houses that, between 1300 and 500 years ago at the confluence of the Wabash and Ohio rivers, supported acres of maize, beans, and squash throughout the floodplain. Although relic hunters visited the site, the Slack family, who had owned the farm for generations, prohibited relic hunting.

But succeeding owners did allow it. In the late 1980s, several men paid the new landowner \$10,000 (about £6500) to lease digging rights between planting seasons. The men sought Native American artefacts attractive enough to sell profitably and to obtain them they bulldozed the site. Their digging pushed aside centuries of a people's history — their tools, potsherds, hearths, and houses — while leaving modern debris, particularly soda and beer cans, among the artefacts. Significantly, the men disturbed or destroyed around 600 graves.<sup>1</sup> Aerial views of the bulldozed site, which aired on national television, showed a pockmarked landscape described by many as resembling a World War I battlefield.

Kentuckians were most disturbed by the desecration of graves but they were also disturbed

by the inability of Kentucky law to cope with the damage and theft. The men could only be charged under state law with 'desecration of a venerated object', a misdemeanour. Federal law, owing to the Archeological Resources Protection Act (ARPA), managed felony indictments through its interstate commerce provision (discussed below). This incident triggered a legislative change: as a result of Slack Farm, state law was amended to recognize grave desecration as a felony, a crime punishable by imprisonment in a state penitentiary. Each state has its own criminal laws which vary across the United States in the degree to which they protect the past. In recent years, however, the United States government has created laws that for the first time offer enforcement teeth to heritage protection.

### Who are the looters?

Relic-hunting has been and continues to be a vigorous pastime for some and a commercial enterprise for others. Interest in popular history has soared in the United States. Local history has become a do-it-yourself industry: people untrained in academic history search through local records to construct their genealogies. They collect rock albums, Victorian mourning jewellery, and salt and pepper shakers, thus creating a multi-million-dollar market for objects variously described as historic, antique, or merely nostalgic. The high prices attached to some artefacts on the commercial market inevitably invite criminality.



People who illegally hunt relics — the looters — display a range of motivations but a new class of entrepreneur has appeared, the investor. The investor has no particular interest in history but sees artefacts solely as commodities that can be bought and sold for a profit (Table 1). Law-enforcement authorities maintain that collecting and investing interests outside the United States, notably in Germany and Japan, have fuelled looting particularly for Native American artefacts. Germans and Japanese buy approximately \$20 million (£13 million) in Native American artefacts yearly; Civil War belt buckles fetch over \$10,000; a Native American pot from the southwest United States sells for \$400,000 (£270,000). 'If it's old, it can be sold.'<sup>2</sup> Internet auctions pose a new threat: millions of artefacts, some advertised as illegally obtained, sell daily, attesting to a burgeoning market. The local looter can sell to a world-wide audience.

In the United States, looting has afflicted all federal properties, particularly national parks and forests. Federal law enforcers, though, are handicapped in that they are spread thin. One officer in the national parks may patrol millions of acres. As a result, much looting goes undetected and unpunished. A recent handbook on criminal investigation states:

Archeological resources are nonrenewable: when they are looted or vandalized, the information they contain is lost forever. The looting of archeological sites in the United States is happening on a vast scale. Stated bluntly, part of our history has been, and continues to be, stolen.<sup>3</sup>

The nature of looting in the United States resembles that of many other countries. In some places, looting is an accepted multigenerational problem, a part of local culture. In other cases hobbyists, ignorant of the law, may trespass and loot unwittingly (Fig. 1). Professional looters, though, adopt countermeasures to avoid detection. They carefully plan their illegal excavations, studying archival or library materials and topographical maps. If the sites are remote, looters may reach them by horseback, all-terrain vehicles, or by foot.

Looters observe law enforcement patrol behaviour and may appear on sites when law enforcement presence is low or hampered: at night (with the full moon to illuminate digging),

**Table 1. Monetary value of artefacts.** The American Civil War figures compare the highest prices paid for the excavated artefacts in the listed categories for 1988 and 1995. (Source: various editions of Nancy Dearing Rossbacher (ed.), *The Civil War Collector's Price Guide*, Virginia, Orange.) The prices given for Native American artefacts represent the highest prices known to have been paid for the listed items. (Source: federal law-enforcement officials.)

#### Monetary values: artefacts

##### 1. Civil War artefacts (Highest known price paid per piece; all items are 'dug'.)

|                              | 1988   | 1995     |
|------------------------------|--------|----------|
| Plates and buckles           | \$2600 | \$13,500 |
| Canteens                     | \$2500 | \$4500   |
| Cap, cartridge, pistol boxes | \$1300 | \$9500   |
| Knives                       | \$450  | \$6000   |
| Revolvers                    | \$450  | \$45,000 |
| Bullets                      | \$130  | \$250+   |
| Buttons                      |        | \$4000   |

##### 2. Native American artefacts

|                        |           |
|------------------------|-----------|
| Pottery                | \$400,000 |
| Baskets                | \$180,000 |
| Carved stone objects   | \$15,000  |
| Rare or unusual points | \$10,000  |



**Figure 1. Members of the Reed Creek Archaeology Club illegally excavate the graves of Native Americans in Wythe County, Virginia (site designation 44WY25). Virginia requires either a court order or a state permit to disturb burials, neither of which the club possessed. The object of the excavation was to recover ornamental artefacts buried with the dead. A joint FBI-Virginia State Police investigation ended the amateur excavation which resulted in criminal convictions of three men. This photograph was confiscated from the looters. (Photo: Virginia Department of Historic Resources.)**

during inclement weather, or on holidays. To further avoid detection, looters may post lookouts or use watchdogs, employing radio scanners to track nearby law enforcers. They wear camou-



flage clothes and may camouflage their equipment by painting shovels or metal detectors black. More sophisticated looters carry with them not only shovels and metal detectors but also probing rods (to locate graves or artefacts by detecting changes in soil density) and sifting screens. Enforcement officers have caught some looters bearing false identification or forged permits or even wearing fake park ranger uniforms. Near or on the looted site, the thief may store tools, supplies, or contraband artefacts for later retrieval.

Once the looter finds artefacts, he or she may sell the items directly, through a dealer, or through an investor who has only a few clients. Importantly, though, law enforcement officers cannot presume that looters, by virtue of the kind of crime they commit, are benign hobbyists. Sometimes looters are armed and may fire at an officer.

### Applicable laws

Recent federal laws and a concomitant enforcement effort — taught to law enforcers, prosecutors, and archaeologists through the Archeological Resources Protection Program conducted by the Federal Law Enforcement Training Center (FLETC) in Georgia — have spurred investigations and prosecutions. Both the laws and the course recognize that officers, in protecting life and property, must protect our past as well.

While federal law has incriminated looting from federal or Native American properties almost since the beginning of the century, virtually no law enforcement took place until ARPA became law in 1979, later amended in 1988 to include sharper enforcement teeth due to obstacles encountered during prosecutions. The chief 1988 amendment for law enforcers was the reduction in the threshold commercial value ascribed to the artefacts plus the cost of site restoration and repair to enable a felony prosecution (as determined by a damage assessment conducted by an archaeologist). The 1988 amendments include the criminalization of *attempts* to destroy, damage, or remove protected resources, thus relieving officers of having to conduct surveillance while looters destroy a protected resource.<sup>4</sup> A general-intent law (meaning that the prosecution is not required to argue a specific intent to loot), ARPA prohibits people from excavating, damaging, defacing, altering, or

removing (or attempting these acts) archaeological resources from public or Native American lands without a permit.<sup>5</sup>

To be a protected resource under ARPA, looted objects must constitute evidence of past human existence, possess archaeological interest (not archaeological *significance*), and be over 100 years old. Objects, or resources, are broadly defined to include not only relics such as pottery, tools, or shipwrecks, but also rock art, skeletal remains, features of houses or other constructions, even vegetal remains or organic waste. Of particular interest to state and local law enforcement, however, is ARPA's commercial provision: no one may sell, purchase, exchange, transport (or offer to do the same) resources in violation of ARPA, any other federal law, or *any* state or local law. Looters who illegally dig up artefacts on private property without permission and cross state lines to traffic in them have therefore violated ARPA, thus transforming a local case into a federal one.

A recent case affirmed ARPA's jurisdiction over interstate trafficking in antiquities stolen in violation of state law, ARPA's most versatile provision. The defendants had collected relics on private property and then engaged in interstate commerce; the court decreed that 'there is no right to go upon another person's land, without his permission, to look for valuable objects buried in the land and take them if you find them'.<sup>6</sup>

ARPA contains other features attractive to law enforcers. Apart from criminal proceedings, ARPA permits a civil recourse through an administrative law judge.<sup>7</sup> Also, ARPA investigations yield forfeiture of assets: vehicles, equipment or tools, contraband, and clothing. Arizona judge Sherry Hutt has observed that as a result of almost a decade of prosecutions, ARPA 'is well ensconced in the legal landscape'.<sup>8</sup>

Another recent, significant federal law that bears on past resources is the Native American Graves Protection and Repatriation Act, or NAGPRA. Importantly for museums, holdings of Native American human remains must be inventoried and surveyed, in some cases the skeletons being repatriated to descendant Native Americans for reburial according to tribal custom. The same law, though, criminalizes illegal trafficking in Native American human remains or *any cultural items*.<sup>9</sup>



## Investigative methods

The nature of looting presents enforcement difficulties. Once unearthed, artefacts are very difficult to link to a looted site. Many protected resources, whether visible remains or underground and hidden, are found away from public view, some within thousands of acres of national forests or parks. The best enforcement opportunity involves catching looters in the act. Short of apprehension *in flagrante delicto*, officers cultivate informants or obtain confessions. Informants may indeed play a key role in developing intelligence. Nearby farmers, hikers or campers, even hunters may witness looting. If officers discover fresh digging or site damage, surveillance may be possible.

No law enforcement officer can afford to devote dozens of hours to tracking looters. Fortunately, officers are most likely to encounter offences when pursuing other violations. In one case, police officers searching a suspect's residence pursuant to a narcotics warrant photographed a collection of Native American relics later described as 'the most impressive collection of Indian artefacts in northern California'. A sheriff's deputy who had been an archaeologist saw the photos, recognized the significance of the relics, and further intelligence brought another warrant to seize the artefacts. The suspect had been convicted previously under ARPA and the court had ordered the suspect's return of looted artefacts. The photographed stash consisted of the best items from years of looting, hidden to prevent seizure by federal authorities.<sup>10</sup>

Officers must be able to identify and describe tools and equipment used by looters. Many tools, and the camouflaged clothing that some looters wear, are innocuous by themselves, but taken in context create a suspicion of criminality. 'It is from the totality of the circumstances that reasonable suspicion may rise to the level of probable cause,' the standard for arrest.<sup>11</sup>

Under ARPA protocol, officers process a looting scene as they would any other crime scene, although looting cases involve some unique procedures. First of all, officers must carefully document, measure, and photograph the scene. Second, officers should attend to soil samples as a laboratory analysis might reveal pieces of pottery or bone or even pollen which particularly matches

the evidence at the crime scene and perhaps to individual suspects (through analysis of dirt on their confiscated clothing). Third, officers should take casts of footprints and shovel impressions.

Analysis of impressions, coupled with the soil evidence, links both suspects and artefacts to a particular site. Federal cases require an archaeologist to assist by contributing a damage assessment, determining the costs significant to ARPA, and providing an exact description of what has been lost, recovered, damaged, or displaced. The case file should contain a statement from the appropriate issuing authority that no state or federal permit existed to allow the suspect to excavate, remove, displace, or destroy protected resources.

## Federal, state, and local cooperation

Despite federal successes, parallel anti-looting efforts at the state and local level have been irregular. States' laws protecting historic or archaeological resources vary and sometimes are not parallel to ARPA.<sup>12</sup> Nevertheless, many state initiatives have shown promise. In Florida, for instance, the state legislature mandated a two-hour curriculum in basic law enforcement academy classes on archaeological resources protection. In the spirit of ARPA, recently the Supreme Court of Indiana affirmed a lower court decision that applied Indiana's archaeological protection law to private property, where a man wished to dig Native American artefacts on his own property although the state required him to seek a permit to do so.<sup>13</sup>

In Virginia, for example, most historic or archaeological protection laws have specific applications not always comparable to federal interests. Virginia protects human burials wherever they are found on pain of a felony penalty. Misdemeanour penalties attach to other heritage laws. State permission, however, must be obtained for excavations on state-controlled property or on submerged resources in Virginia's waterways (Fig. 2). While Virginia law defines 'objects of antiquity' similar to ARPA's definition of archaeological resources, there are differences: objects of antiquity do not have to meet an age criterion (such as 100 years) to be protected and archaeologists are not required to help investigate crimes.





**Figure 2.** An officer with the Virginia Department of Game and Inland Fisheries took this photograph of looting in progress. Ernest N. Walker and Houston L. Crayton, later convicted of removing state-protected Civil War artefacts without permission, are shown illegally removing artefacts with a small boat converted for the purpose. (Photo: Virginia Department of Game and Inland Fisheries.)

Investigating looting imposes challenges on law enforcement officers. In Virginia, without an archaeologist's assistance, an officer would find it difficult to process a crime scene or present a case for prosecution, since an archaeologist is needed to describe what was disturbed, vandalized, or recovered and to assess a value on site damage or the recovered looted artefacts. Thus, a joint effort of the Virginia Department of Historic Resources and the Virginia Department of Criminal Justice Services produced a model policy on theft of historic resources (available on the Internet at <<http://www.dcjs.state.va.us/crimeprevention/sampledirectives/manual/2-38R.rtf>>) plus a training programme called 'Time Crime' that acquaints law enforcement officers with the looting problem, reviews applicable state and federal laws, and outlines an investigative protocol, modelled closely on federal procedures, honed through prosecutions. The training encourages officers to contact archaeologists to help conduct an investigation. A number of professional archaeologists throughout Virginia have volunteered to assist law enforcement officers with investigations and to testify in court. Virginia's example demonstrates that, despite differences between state and federal laws, investigative methods developed through cases in other states can be adapted and that anti-looting



**Figure 3.** Publicity surrounding the convictions of two men for violating the Archaeological Resources Protection Act in Petersburg, Virginia, frightened a looter into presenting a local funeral home with this box of human remains (a Civil War soldier who had been buried near the Cold Harbor battlefield) together with associated artefacts. The precise location of the original burial remains unknown. (Photo: Robert D. Hicks.)

laws that go unenforced owing to lack of knowledge can be revived provided local law enforcement officers receive tools and encouragement.

Since the Virginia program began in 1995, many investigations have occurred as a result of the training, and far more consultations have taken place between law-enforcement officers and archaeologists. Virtually all of the consultations have involved the disposition of human remains. Skeletal material is inadvertently discovered through construction, and sometimes deliberately excavated through looting (Fig. 3). Native American graves are looted for burial goods; graves of fallen Civil War soldiers are pilfered for military uniform paraphernalia. The consultations have revealed ambiguities in the law but more often serve to instruct relic hunters and citizens. Abandoned or disused cemeteries are imperilled because of development and vandalism, and their disturbance or destruction can unexpectedly ignite community concern.

The Time Crime programme has evolved in unexpected directions. One historic site that features a summer school for middle school students of archaeology has incorporated a looting component in which students role-play investigators, crime-scene technicians, and even journalists. The role-play involves an enacted





**Figure 4.** Vandalism to and theft of archaeological resources goes largely unchecked in Virginia. Some local governments have promoted anti-looting messages and have passed local ordinances against it. (Photo: Fairfax County Park Authority.)

crime in progress featuring an illegal excavation for Civil War artefacts. Mimicking the practicum that teaches officers and archaeologists how to process a crime scene in the federal training course, the students must likewise interview the perpetrator, take notes, collect evidence, and make an arrest. Sometimes the time crime investigations themselves can involve the unexpected. An internal investigation in a state-run maximum security prison examined the possibility that a staff member had collected artefacts from the prison farm, which happened to be located in an archeologically rich area featuring a continuum of habitation from Palaeoindian to the arrival of Europeans.

To all prosecutors and law enforcement officers, however, anti-looting efforts mean more than skillful investigations: the public must be educated (Figs. 4 & 5). In many places, looting supplements income or serves people's hobbies. Two Arizona attorneys observed that in order to present their case they first had to justify the crime of looting.<sup>14</sup> One reformed looter understood the message: 'Don't dig — you destroy history when you do. And don't buy the stuff either ... Those



**Figure 5.** A prosecutorial tactic in archaeological resources theft cases has been to require, upon conviction, the looter to pay for a public-service advertisement in a newspaper of the locality where the crime occurred. This notice was posted following a looting conviction in Stafford County, Virginia. (Photo: Robert D. Hicks.)

bones down there — they're everybody's ancestors. I say let 'em rest in peace.'<sup>15</sup>

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## Notes

1. Harvey Arden, 1989. Who owns our past? *National Geographic* 175(3), 376–93. Also, see Brian Fagan, 1988. Black day at Slack Farm. *Archaeology* 41(4), 15–16, 73.
2. Tom Dunkel, 1992. A nation's heritage at risk. *Insight* February 17, 14.
3. Charles R. Swanson, Neil C. Chamelin & Leonard Territo, 1992. *Criminal Investigation*. 5th edition. New York (NY): McGraw-Hill, 60.
4. ARPA was carefully drawn to exclude hobbyists or collectors in that surface finds of arrowheads or coins, say, from protected federal or Indian lands are allowable without a permit.
5. ARPA is defined under 16 *United States Code* §470aa-470ll. The legislative history of the law and its current application are amply described in Sherry Hutt, Elwood W. Jones & Martin E. McAllister, 1992. *Archaeological Resource Protection*. Washington (DC): The Preservation Press.
6. *United States v. Gerber* 999 F.2d 1112 (7th Cir. 1993).
7. For further details of the ARPA civil procedure, see Sherry Hutt, 1994. The civil prosecution process of the Archaeological Resources Protection Act. *Technical Brief* No. 16, U.S. Department of the Interior, February.
8. Sherry Hutt, 1995. The Archaeological Resources Pro-



- tection Act. *The Federal Lawyer* October, 34.
9. 535 USC §3001.
  10. 1996. *Common Ground* 1(1), 8. (This journal was formerly *Federal Archeology* magazine.)
  11. Swanson, Chamelin & Territo, 1992. *Criminal Investigation*, 67.
  12. For a compendium of state statutes, see Carol L. Carnett, *A Survey of State Statutes Protecting Archeological Resources*, a special report of the *Preservation Law Reporter*; *Archeological Assistance Study* no. 3, August 1995 (published jointly by the National Trust for Historic Preservation and the U.S. Department of

- the Interior). To aid federal prosecutors — and state ones — the General Litigation and Legal Advice Section, Criminal Division, U.S. Department of Justice published the *Archeological Resources Protection Federal Prosecution Sourcebook*, a compendium of case law, statutes, briefs, and related material on ARPA cases.
13. Indiana's Historic Preservation and Archeology Act prevailed in *Whitacre v. State*, 629 N.E.2d (1994), affirmed 619 N.E.2d 605 (Ind. App. 1993).
  14. *Congressional Quarterly*, 40.
  15. Arden, 1989. Who owns our past?, 392.

## A holy cross and the necessity for international conventions

JOS VAN BEURDEN

In the midst of the majestic mountains of northern Ethiopia are eleven churches. They are a remarkable phenomenon — carved out of solid rock in the twelfth century AD by some forty thousand craftsmen. Eleven times, gigantic square caverns were hollowed out to create churches with the three interior spaces characteristic of all Ethiopian Orthodox buildings: a porch; an area where the believers receive communion; and the most holy place, accessible to priests and deacons only. The churches are interconnected by corridors, and the place where they were built is named after their patron-king: Lalibela. In the eight hundred years of their existence, the bare feet of millions of worshippers — singing, praying, sacrificing, hoping and despairing — have passed through the rock churches of Lalibela. On the numerous holy days ecclesiastical dignitaries, dressed in colourful robes walk around the buildings, and are joined by thousands of believers.

Since the introduction of Christianity to Ethiopia in the fourth century AD, numerous churches and monasteries have been built, their walls and ceilings often beautifully painted. Each has a range of ritual objects, sometimes made of silver or gold. Lalibela's major church is the Bet Medhane Alem, measuring 33.5 metres long, 23.5 metres wide and 11 metres high. It is the only church with an external colonnade on all four sides. It has now been covered by transparent



*Church of St George.*

sheeting to protect it from the detrimental effects of climate. The Bet Medhane Alem harbours one of Ethiopia's most precious valuables, the Afro Ayigebe, a heavy, sixty centimetre long and richly decorated cross. Its value is not only religious and historical, Ethiopians also ascribe to it a healing power. Two men permanently guard the cross.

On the night of 9 March 1997 one of the guards had gone home sick. His colleague, sheltering from the rain, had fallen asleep. Around midnight the inhabitants of the mountain town were abruptly woken by the sounds of a bell ringing, confused voices, and some shooting. Many ran to the church, where a priest had discovered that the door (which at that hour was always closed) stood open. He had run inside, to the place where the cross was kept, and discovered that it had disappeared. The shots heard were fired by the police, who arrested forty church officials.

For days the theft was front-page news in Ethiopia. As interrogations produced no results, the police were forced to release the forty prisoners, one of whom returned voluntarily shortly afterwards. His story was that there was a man in



Lalibela whose daughter had been ill for a long time and who had repeatedly urged this cleric to take the cross to his house, hoping for the recovery of his daughter. Finally the priest had given in. On 9 March he had hidden himself in the church and, as soon as he was sure that the guards' attention had wandered, had taken the valuable object. He had the daughter kiss the cross several times and blessed her ailing body. That is where his memory failed, as according to him the father had plied him with liquor and the next thing he knew was that he was back in the churchyard, without the cross.

The police held the cleric, and arrested and interrogated the father and brother of the girl. The pair claimed to have buried the cross in the backyard of their house, but police excavations recovered nothing. Ethiopia's most important cross was gone. Christians in Lalibela and across Ethiopia felt injured by the loss. 'The cross is part of us', said museum director Ahmed Zekaria in Addis Ababa. 'As long as it is not back, something is lacking.' He was scared that the commotion and publicity would drive the thief to desperate measures, that he would melt the cross down into an ingot of metal. 'In that case Ethiopia would have definitely lost part of its soul.'

Two years later, in June 1999, the continued efforts of the Ethiopian police were rewarded. They arrested some antique dealers, and after interrogation learned that the brother of the sick girl had smuggled the cross out of Lalibela. He had sold it for one thousand birr (around 115 US dollars) to an antique dealer in the neighbouring city of Desi. The latter had sold it for an unknown amount to an antique dealer in Addis Ababa, capital city of Ethiopia. This dealer had kept it hidden for a year, after which time a Belgian collector had purchased it for 25,000 US dollars.

It emerged that the Addis Ababa dealer had known the Belgian collector since 1994, but denied having sold the cross to him. The Ethiopian authorities investigated his bank statements and blocked an amount of 25,000 US dollars. They informed the Belgian authorities. When an international courier attempted to import a parcel addressed to the collector, it was intercepted by Customs officials at Brussels' Zaventem airport. However, even though the accompanying documents were not fully in order, they had to let it

go. Because of the absence of legal agreements between Belgium and Ethiopia they were unable to do anything.

The Ethiopian Embassy in Brussels engaged a Belgian lawyer, who advised against starting legal proceedings against the collector. Such proceedings would take years and it would be very difficult to prove bad faith on the part of the collector. Instead, the lawyer advised that an approach be made to try to convince the collector that the holy cross ought to go back to Ethiopia. A representative of the Embassy visited him, spoke about the soul and spirit of the cross, and finally the Belgian agreed to hand it over on the condition that his money would be returned.

The Ethiopian authorities agreed and in 2001 the cross was flown back to Addis Ababa. There, the Belgian ambassador invited Ethiopian experts and members of the Ethiopian Orthodox Church to inspect the cross. They confirmed that it was not a replica but the actual 800-year-old cross of Lalibela. Soon after, the Belgian envoy handed the precious object over to the Ethiopian government, in what he later informed the Foreign Affairs department in Brussels had been a *moment de grand émotion*.

The outcome of this case was rather unsatisfactory. The Belgian collector, who had visited Ethiopia several times earlier and was knowledgeable about Ethiopian artefacts, must have known about the theft of the holy cross and its value for Christians in the country. He may also have known that such a cross should never have left the country. Had both Belgium and Ethiopia signed the 1995 UNIDROIT *Convention on Stolen and Illegally Exported Cultural Objects*, the collector would have had to prove his good faith at the moment of purchasing, which would have been a difficult task. Now the collector has not only emerged unpunished, he even got his money back. Meanwhile, in Ethiopia seven people were sentenced to several years in jail.

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