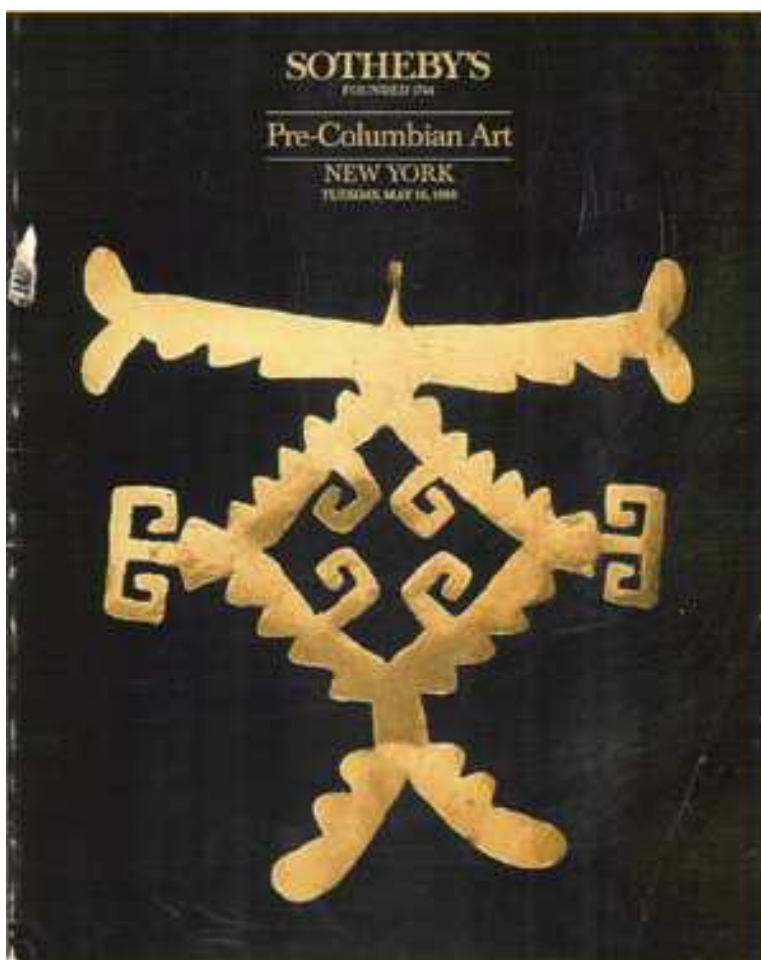


# South America on the Block:

The changing face of Pre-Columbian antiquities auctions in response to international law



A dissertation submitted for the degree of Master of Philosophy

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**Declaration**

This dissertation is submitted for the degree of Master of Philosophy.

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration except where specifically indicated in the text.

This dissertation does not exceed the 15,000 word limit of the Archaeological Degree Committee.

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## **1. Introduction**

This dissertation explores the divisive and complicated issue of modern antiquities auctions. Through an in depth exploration of Sotheby's auction catalogues, this study will expose for the first time the recent trends in the public sale of South American antiquities. This dissertation is an answer to a challenge. In their 2000 and 2001 studies of Classical antiquities catalogues, Chippindale and Gill called on the archaeological community to quantify antiquities auction data for classes of artefacts that were beyond the scope of their study. Only by doing so, they asserted, will we ever understand the particulars of the antiquities market and thus be able to devise effective means of discouraging looting, smuggling, and the purchase of unprovenanced antiquities.

This study does deviate from all those conducted before it. Unlike in previous studies, the under-explored aspect of money will play a key roll in this analysis: a first for the research of antiquities auction catalogues. The unexpected availability of sale price data for all of the catalogues in this study has made this possible. In this dissertation, the particulars of the South American antiquities market will be gauged using a number of methods and the price buyers are willing to pay for artefacts will be determined. As the price antiquities fetch on the market is directly related to the rate at which a country's heritage will be looted, I feel that market value and demand should play an important roll in further quantitative antiquities catalogue and auction analyses.

Through the creation of a database compiled from 19 years of data from Sotheby's South American antiquities auctions, this study will address the complicated issues of provenience and authenticity of lots presented in the catalogues. Taking things a step further, the issue of demand will be explored and market trends will be discussed in light of the various international agreements and public scandals that shook the art world from 1986 until 2005. This study fills a significant geographic gap in our knowledge of the international antiquities market and should be considered a springboard into further analysis of the trade in South America's material past. Though assumed to be highly collectable and notorious for fetching high prices on the international market, little is actually known about the demand for South American antiquities. The endemic nature of the looting of South America indicates that this project is both timely and necessary.

## 2. Background Information

### 2.1 Ancient South America in the Modern World

South America is a diverse landmass. The geographical contrasts of the snow capped Andes Mountains, the desolate coastal deserts, the rolling grassland of the Pampas, and the dark mystery of the Amazon rain forest in many ways mirror the cultural contrasts of the continent. The archaeological history of South America spans tens of thousands of years from the meagre remains of the first peoples of the New World to the advanced Inca Empire that was halted in its prime by the Spanish invasion. For whatever reason, the level of technical sophistication that would later appeal to the modern international art market only developed in the north western region of the continent in the areas that would become modern Peru, Bolivia, Ecuador, Colombia as well as parts of Chile and Argentina. The well known civilisations of this area were based in Peru and Bolivia and their sphere of influence was not contained within any modern political boundary. Thus, objects made by the Peru based Inca can be found in Chile, Bolivia, Ecuador, and even Colombia and Argentina.



Figure 2.1: Colombian gold ceremonial pectoral (Gold Museum, Bogota)

To the delight of the conquering Spanish, the north western quadrant of South America is rich in precious metals. The ceremonial regalia and body ornamentation of many of the cultures from this region were crafted out of the region's abundant gold and silver and the craftspeople of these areas developed distinctive and masterful

metal working techniques that greatly appeal to modern aesthetic sensibilities (Stone-Miller 1995: 158 - 159).



Figure 2.2: Embroidered textile of the Paracas culture (Museum of Fine Arts Boston)

The availability of cotton and camelid wool in north western South America encouraged the cultures of this region to become master textile makers. These cultures wove and embroidered their colourful mythology into equally colourful mantles, ponchos, and shirts. Their dead were often mummified, wrapped in multiple textile layers, and placed in dry caves or desert environments preserving the beautiful textiles in pristine condition. The patterns employed by South American cultures in their textile crafts are highly appealing to the modern eye.



Figure 2.3: Nazca stirrup spouted vessel (Hearst Museum, Berkeley)

Also of note are the distinctive and beautiful ceramics of the region. Elaborately painted Nazca polychromes and playfully erotic Moche moulded vessels are only two of the many types of South American pottery styles that appeal to a modern public. Though these vessels were most likely well-used during the lives of their original owners, the pots are classified as grave goods and were buried along with their owners to supply food and drink for eternity (Donnan 2003: 10).

While South America's archaeological past is rich, its present is cripplingly poor. Bolivia, for example, was once the seat of the mighty Tiwanaku Empire which stretched into modern Peru, Chile and Argentina. Now the landlocked nation is the least developed of all South American countries and is the third least developed nation in the Western Hemisphere according to the United Nations Human Development Index. Political unrest, racial oppression, natural disasters, and a boom/bust cycle of natural resource demand have resulted in widespread unemployment and poverty.

## **2.2 The Western Demand for the Developing World's Past**

The large scale trafficking of South American antiquities began in the 1950s to meet growing international demand (Alva 2001: 89). Previously South American ancient art was dismissed as either "primitive" or as ethnographic curios and travel souvenirs. In the 1960s demand for South American antiquities ballooned and the looting of north western South America became systematic, endemic, and devastating. Despite the illegality of removing these ancient objects from their country of origin, Pre-Columbian art was commonly considered an "open area" for acquisitions (Coggins 1969:94). By the late 1970s, demand for Pre-Columbian art became so strong that the market in these antiquities was publicly legitimised through the establishment of an exclusive bi-annual Sotheby's auction. Once a safe haven for the gentry to unload family treasures, Sotheby's had become the middleman in the selling of cultural treasures that developing nations were too poor to protect.

Sotheby's began its bi-annual sales of Pre-Columbian antiquates in 1978 in New York City where they sold South American artefacts along with objects from Mesoamerican cultures (Gilgan 2001:78). Prior to this, South American antiquities were offered at various other auctions, but the creation of a sale for only Pre-



Columbian objects signalled that the ancient art of the Americas had discarded the “primitive” moniker and entered the mainstream of western collecting.

### **2.3 Illicit Traffic in South American Antiquities**

The traffic in South American antiquities is multi-tiered and entangled in politics, poverty, and organised crime. On the lowest level, poverty stricken campesinos<sup>1</sup> sell the bits and pieces of the past that they come across while farming or building. Certain campesinos may progress to purposeful digging at local archaeological sites. In Peru alone over 100,000 sites have been documented and only one third of the country has been surveyed (Toner 2004:17). Many sites are remote and most are not protected in any way. Those who actively seek out archaeological sites to plunder are known as huaqueros because archaeological sites in South America are commonly called huacas<sup>2</sup>. The vessels and other artefacts obtained from illegal digging are known as huacos (Howell 1996: 48).

The motivation for illegal digging is poverty. The practice of grave robbing in South America is as old as the graves themselves, but the destruction of archaeological sites did not become endemic until a market for the huacos developed in the monetarily wealthy countries of Europe and North America. The prospect of making up to 200 USD, significantly higher than the average monthly wage in most of South America, for the sale of an ancient vessel often overrides the fear of the law and the revenge of the huacas which are traditionally believe to be cursed (Schávelzon 2002:231). Looting is dangerous work. Huaqueros often die in cave-ins or through improper use of dynamite. Squabbles between rival huaqueros and the organised crime networks within which they are the lowest rung as well as run-ins with law enforcement lead to more deaths (Kirkpatrick 1992: 43; Toner 2004: 13). South Americans often feel that the material remains of the past are gifts from their ancestors and archaeological sites are their only hope to strike it rich (Kirkpatrick 1992: 140; Toner 2004: 17).

If indigenous people who are in poverty wish to sell the remains of their ancestors in the hope of making a better life for themselves, what right does anyone have to stop them? The answer to this question goes far beyond simply asserting that

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<sup>1</sup> Subsistence farmers, usually indigenous; often translated as “peasant” but without the negative connotation of the English word

<sup>2</sup> From the Quechua term “wak’a” meaning a something that is sacred or revered

the act of looting is illegal. The entire system of South American antiquities trafficking benefits the wealthy and takes advantage of the desperation of the poor. The same vessel that a poor Peruvian farmer and part time huaqueros may sell for 100 USD or less in Lima will be sold by the middleman to an American dealer for upwards of 2,000 USD and may eventually fetch price of at least 8,000 USD from a wealthy collector. Thus the people who take the most risk in the enterprise and need money the most see very little of the object's market value (Alva 2001:93; Schávelzon 2002:231).

Another issue that must be taken into account when evaluating the moral and ethical issues involved in what has been termed subsistence looting is that not everyone in a particular community loots. Whether it is out of fear of the law and ancient spirits or out of a sense of morality and love of the past, not every poor campesino is a huaquero. When a huaquero loots an archaeological site and sells his or her finds, only that one huaquero sees any profit and improvement in their life. The rest of the community loses a bit of their heritage and, perhaps, a chance at a sustainable income. Tourism, particularly archaeological tourism, is South America's fastest growing industry. Tourists want to discover the lost cities of the Andes and will pay to eat and sleep in the communities near archaeological sites. This steady influx of income is spread, at least on some level, to the entire community and can be maintained and expanded upon for an extended period of time (Coggins 1969: 94; Watson 1999: 1). Once an archaeological site is completely looted and destroyed, not only has the income from the sale of antiquities ended but the potential for community-run, sustainable archaeological tourism has been destroyed.

## **2.4 The Law**

Although the ethical and social issues surrounding the looting and trafficking of illicit South American antiquities are numerous, it cannot be stressed enough that laws are being broken. At this point the "good faith buyer" no longer exists within the South American antiquities trade. In the United States particularly, the risks involved in the purchase of South American artefacts are well known, and the illegality of these objects has become common knowledge due to a series of high profile scandals that have captured public attention.

In 1929 the country of Peru declared that all Pre-Columbian material that was not already in private ownership, even undiscovered objects still in the ground are the property of the nation (Government of Peru 1929). This law was expanded upon and effectively implemented in 1933. The other artefact-rich countries of South America followed suit and in all countries it is both illegal to excavate archaeological sites without governmental permission and to export artefacts without a permit. Such permits are usually only issued for museum loans or for scientific purposes and the country of origin retains ownership of the artefacts. Thus, only objects that can be shown to have left their respective South American nation before cultural patrimony laws went into effect are truly “legal” antiquities in the eyes of their countries of origin.

Once an artefact leaves the country in which it has been illegally excavated, the importing nation is often under no obligation to enforce another country’s law. In general, what is illegal in Peru or Ecuador is not necessarily illegal in the United States, the United Kingdom, or Switzerland, and the foreign nation need not devote time and manpower to crimes committed in other countries unless mandated by their own law to do so.

In the United States a strict line is drawn between export law and ownership law. While the US Customs service will not enforce foreign export/import regulations that do not violate American law, the sovereign right of a nation to define the concept of ownership is protected (Kaye 1998:80). For example, if an antiquity was illegally excavated in Peru in 1980 and brought into the United States, the Government of Peru may sue for the return of the object in a US court by claiming to be the object’s legal owner under the letter of Peruvian law. The artefact, essentially, is stolen property in the eyes of the US legal system and according to US law one cannot purchase a stolen object, not even in good faith. The burden of proof, however, is on the claimant and thus in this situation the government of Peru must prove that the artefact in question came from their soil and was exported after the date that the Peruvian government laid claim to all antiquities. This is a nearly impossible task for freshly excavated objects routed through Europe bearing falsified tags reading “Acquired by the present owner’s great grandfather, 1887” (Chippindale & Gill 2000:473).

The United States became a party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

Ownership of Cultural Property and in 1983 Public Law 97-446 (Convention on the Cultural Property Implementation Act or CPIA) allowed for the implementation of Articles 9 and 7(b) of the Convention. This action provided a means by which the US Government could impose import restrictions on classes of antiquities originating outside of the United States with the intention of minimising the archaeological and ethnographic loss of illicit looting while allowing a licit and documented trade in antiquities to flourish.

Under this act, the Government of the United States may issue an emergency decree banning the import of all objects of a certain type if the case is made that the objects are in immediate danger and are being imported into the United States. This action is often the precursor to the US and the foreign nation entering into a bilateral or multilateral agreement constituting a complete import ban on undocumented archaeological and ethnographic materials renewable every 5 years. In effect, no material subject to an emergency ban or bilateral agreement may be imported into the United States without certification that the exportation of the object did not violate the laws of the country of origin (Kaye 1998:85).

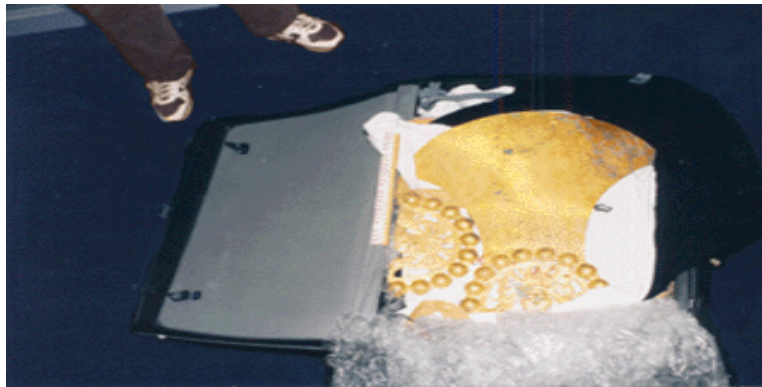


Figure 2.4: Gold backflap from Sipán, estimated at 1.6 million USD, being sold to an undercover FBI agent in a hotel in Philadelphia, (U.S. Customs Service)

The relative ease of creating a false and legitimising past for South American antiquities to facilitate sale in the United States became a growing concern in the late 1980s. The demand for the holy textiles of the modern Coroma culture (some of which are of Pre-Columbian origin) prompted widespread local theft in Bolivia and created a vocal class of citizen who felt their culture was being pulled out from under them (see Lobo 1991 for complete details). In Peru the now famous looting of Huaca

Rajada, known to the world as Sipán, and the relatively immediate appearance of the material from this site in the United States prompted lawsuits and essentially forced the United States Government's hand (see Kirkpatrick 1992; Watson 1999; Alva 2001; Toner 2004 for full accounts of the looting of Sipán and its aftermath).

The first emergency ban on the importation of a class of South American antiquities came in 1989 with restrictions placed on the movement of Coroma textiles. This should have come as no shock to the dealers, auctioneers, and buyers of South American antiquities. Since the implementation of the UNESCO Convention in 1983, they had six years to clean up their business practice and create safeguards to ensure that they only deal in legal antiquities (Kaye 1998:91). In 1990 Peru successfully obtained emergency import restrictions on artefacts from the site of Sipán. This ban was expanded upon in 1997 when the governments of Peru and the United States entered into a bilateral agreement barring the import of all Pre-Columbian archaeological material and Colonial ethnographic objects. This agreement, known as a Memorandum of Understanding or a MOU, was extended in 2002 and thus will be effective until 2007 (Government of the United States 1997). Bolivia entered into a similar bilateral agreement with the United States and since 2001 the import of Pre-Columbian archaeological, Colonial, and Republican ethnological material into the United States has been illegal (Government of the United States 2001). It should be noted that in early 2006 the Republic of Colombia successfully lobbied the United States Government for an MOU banning the illegal import of Pre-Columbian archaeological artefacts and ecclesiastical ethnological materials (Government of the United States 2006).

## **2.5 Sotheby's and the Public Auction**

With the 1744 sale of a select collection of rare and valuable books, the auction house later to be known as Sotheby's was founded (Herrmann 1980:3). Since its humble beginnings selling the lost fortunes of eighteenth century London elite, Sotheby's has bloomed into a multinational auctioneering empire. With more than one hundred local Sotheby's offices around the world and a multitude of auctions, from antiquities to wine, netting profits in the millions, no one would disagree that this once modest firm is a key player in the auction world. Simply the name "Sotheby's" implies an air of sophistication (Lacey 1998: 164). The name tastes of money. After all, it is only in the auction house where one can take in the spectacle of

the world's most wealthy battling each other to spend exorbitant sums of money on items that they do not really need (Hogrefe 1986: 13).

Much of Sotheby's business practice is based on 18th and 19th century desires for secrecy. In the early days of Sotheby's, public auction was one of the few ways that floundering and financially troubled gentry could raise capital. Auction houses served as a third party who could anonymously sell the family jewels using euphemistic phrases such as "property of a lady." This allowed the owner to keep up the appearance of prosperity. The buyer of an object was also able to remain anonymous, and thus not face the shame of prospering at another's misfortune (Lacey 1998: 29). During a Sotheby's auction, bidders are able to bid by a sign that only the auctioneer can see (and in modern times, bid by phone or by proxy) and thus keep their identity secret. Although modern day auctions can be likened to the stock market where buying and selling is an exercise in speculation and investment, the air of secrecy surrounding the ownership and purchasing of lots remains. This, it will be shown, had its advantages to Sotheby's as they entered the legally dangerous world of selling antiquities.

Auctions serve an important purpose in the art world. Art, almost by definition, has no intrinsic value, its worth being determined by public demand. Traditionally it is the price fetched at auction that determines an art object's value (Ashenfelter and Grady 2002: 1). The auction is a public arena where the demand for a good responds to the supply in a documented and traceable manner (Chippindale & Gill 2000: 464). In the case of Sotheby's a catalogue is issued prior to the auction. Subscribers and interested parties are invited to review the objects to be sold beforehand with the aid of colour photographs and detailed descriptions. These descriptions include a price estimate based on expert opinion, a physical description of the object, and shreds of details concerning past ownership, country of origin, publication, and display history. The limited provenance and provenience information provided with objects reflects the opaque privacy policies previously mentioned. It is well known that a properly provenanced and provenienced object will fetch more at auction (Chippindale & Gill 2000:467), yet the level of detail provided reflects the seller's level of comfort and how "safe" it is to provide said detail.

Following the distribution of the catalogue, an auction is conducted at one of Sotheby's auction houses. Each lot (which may consist of one object or a group of

objects) is put on display and, in order of their assigned lot number, the public is invited to bid for ownership. The lot is sold to the highest bidder provided that the bidder exceeded the secret reserve price which is the lowest price the seller is willing to take for the lot. Sotheby's charges a buyer's premium on all lots sold and a price list organised by lot number is sent out to all catalogue subscribers documenting the total price paid for each lot. This price list, combined with the original catalogue, represents a powerful tool in the study of the buying and selling trends for any particular class of art (Ashenfelter and Graddy 2002:39).

It is the purpose of this study to investigate how the market in South American antiquities reacted to the various international agreements, legal proceedings, scandals and other important events that occurred between 1986 and 2005. In a sense this is being done to see whether the negative publicity and new legal risks in collecting Pre-Columbian antiquities affected the habits of buyers and sellers. Through an in-depth analysis of all South American antiquities sales conducted at Sotheby's New York during this time period I will attempt to quantify the normally qualitative art market and put a price on the misty world of South American antiquities speculation. I will also explore the makeup of the catalogues themselves and discuss the possible motivations for major shifts in the presentation of the antiquities. The first step in this process was the creation on an exhaustive database comprised of information from 19 years of public auctions.

### **3. Methodology**

Following in the footsteps of such quantitative studies of antiquities auctions as Chippindale (2000) and Gilgan (2001), it was decided that the creation of a comprehensive database would allow for the most exhaustive analysis of South American auction data. In this way the qualitative aspects of an auction catalogue can be quantified and compared, and the overall trends within the catalogue data can be noted. The 19 years between 1986 and 2005 were chosen because of the availability of all Sotheby's Pre-Columbian auction catalogues for those dates. This time period spans two important eras for the legality of Pre-Columbian objects sold within the United States, as it wasn't until 1990 that the first CPIA restriction on a class of South American ancient objects was implemented. Only auctions taking place in New York were analysed in hopes of correlating auction data with these antiquities import agreements. New York is the primary venue for Sotheby's auctions of South American artefacts.

#### **3.1 The Catalogue Database**

Thirty-nine antiquities auctions in those 19 years were found to contain South American antiquities. Twenty one categories of information were identified within the catalogue and duly recorded in the database. Through this process the data accumulated from the catalogues was made both searchable and comparable. In this section I will discuss the parameters of each data category and the reasoning behind its inclusion in the database.

##### *Auction House, Date, Year, and Sale Number*

These categories were recorded for identification purposes. Creating a notation of the auction house at which the particular sale took place will allow for the possibility of expanding this database in the future to include auctions from other houses. Sale number was included as the number is unique to a particular auction and may aid in artefact tracking in the future. Although Sotheby's only offered one Pre-Columbian antiquities auction on any single day, they did hold other auctions on these days. In the event that one of the other auctions had a lot containing South American antiquities, recording of the auction number would allow for quick differentiation.



### *Name of Sale*

Each Sotheby's sale is given a simple and descriptive sale name. Usually the same name is used over a long period of time and alterations of this name often reflect changes in public perception of the objects being sold or changes within Sotheby's itself. For example, as will be discussed in detail, the change from using the name "Pre-Columbian Art" to "Art of Africa, Oceania, and Americas" corresponded to a significant decrease in the number of objects offered for sale and to a reduction in the number of sales including South American antiquities. Also seen were a limited number of single owner sales where all objects in a catalogue were the property of one prominent collector. The collector's name would make up part of the sale's title. These estate sales were not limited to South American antiquities yet only those artefacts were recorded for the purposes of this study.

### *Lot Number*

This number is assigned by Sotheby's and serves to identify an object or group of objects appearing on the block. Catalogues are formatted with objects presented in numerical lot order and the lots are auctioned off in this order (Ashenfelter and Graddy 2002: 7). The price for which an object is sold is arranged by lot number on a price list. The lot number of each object was recorded for identification purposes as Sotheby's lot numbers are often presented as part of an object's history. The Sotheby's catalogue is seen as a valid publication and when the antiquities are offered for sale again, Sotheby's legitimises the object by noting appearances in past catalogues.

### *Price Range*

This high/low range is a valuation of the object by Sotheby's experts. It is, essentially, the market value of the antiquity based on previous public sale (Ashenfelter and Graddy 2002: 27). Although this information was not used in this analysis, it may be valuable in the future to compare the price range of these objects to the actual price the objects fetched at auction in an effort to explore over and under valuation of antiquities.

### *Price Sold For*

This is the price an individual lot fetched at auction. The prices recorded include a fee on the closing price that Sotheby's charges all buyers. This fee, known as a buyer's premium, increased over the sample time period of this study. Presumably the buyer takes this fee into account while bidding and is willing to pay the buyer's premium for the lot in addition to what they bid (Ashenfelter and Graddy 2002: 26), thus the varying charges were not subtracted for the sake of this study. The database, however, is versatile enough that the sale prices minus the buyer's premiums could easily be calculated. The "sold for" price, once adjusted for inflation, is the key to tracking the market value of South American antiquities and is, perhaps, the most important piece of data gleaned from these catalogues.

### *Type of Object*

For the purpose of tracking individual objects and for following the trends in the classes of artefacts sold at auction, an object type was assigned to each lot. This identification is based on form and function and is greatly simplified. Terms such as "vessel", "figure", "nose ornament", and "necklace" were used to describe a piece. Groups of differing objects offered as one lot were recorded as "various". This category helps in artefact identification and allows for the easy isolation and analysis of subsets of particular artefact types. This category may be used to determine which artefact types are most represented and most desired on the market. The sudden appearance of a number of previously unseen or rare objects may indicate that a significant looting incident had just taken place.

### *Description*

This category is purely qualitative and consists of a one line description of the lot based on both the photograph supplied in the catalogue as well as the written description of the artefact(s) that Sotheby's provides. If multiple objects were offered in one lot, this category records how many of the objects were presented. This category serves to give form to a lot and to aid in tracking an object's history of re-sale. It is hoped that this category may help explain why a particular lot fetched more than other lots of the same type in that the description will note if an antiquity is exceptionally fine or rare or, conversely, if the piece has been damaged or contains modern additions.

### *Material*

Much like “Type of Object”, the material category records what an object is made of in order to allow the easy isolation of specific subsets of lots for analysis. Terms such as “ceramic”, “wool”<sup>1</sup> and “gold” were used. Groups of differing objects offered as one lot were recorded as “various”. Lots whose material was unclear were marked as “unknown”. Composite objects were recorded as having multiple materials with the dominant material noted first.

### *Culture*

Sotheby's provides a source culture for nearly every South American antiquity lot that it offers. South America's rich heritage included many different cultures and one often needs expertise to pinpoint the exact civilisation an artefact came from. The cultural terms used in the catalogues were the ones recorded in this database, though these terms do not usually reflect the archaeological and preferred spellings of the cultures in question. I often felt that Sotheby's assigned a culture to an object incorrectly but, as it is difficult to be certain that the information supplied is false, again the cultural term used in the catalogue was recorded despite my own misgivings. This category serves to track the popularity and the frequency of appearance of objects from these different cultures. It allows for the easy isolation of a cultural subset for analysis. The sudden appearance en masse of objects from a particular culture may represent a significant looting event within South America. Objects with no specific culture listed were classified as “unknown”.

### *Dates*

This value, set by Sotheby's, is the proposed date range within which the object was created. With time spans of over 500 years in some cases, the dates assigned are not very accurate and do not reflect any scientific dating method such as C14 dating or thermoluminescence. They often do not even reflect the commonly agreed upon time spans of particular cultures as agreed upon by archaeologists, rather they seem to indicate the use of older, outdated ideas of South American archaeology.

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<sup>1</sup> Refers exclusively to camelid wool; Sotheby's rarely distinguishes between llama, alpaca, and vicuña

This information was recorded for future use, though it was not employed by the current analysis.

#### *Country Listed and Country Assumed*

In some cases Sotheby's includes a country of origin in their catalogues. This is often in the form of a section heading or is included within the description of a lot. The category "Country Listed" records the country that Sotheby's presented the lot as being from. "Country Assumed" was created because I encountered many lots that had no country listed but most likely came from a particular country as well as lots that were listed as being from one country and were most likely from another. Thus, Country Assumed is a subjective category and is based upon my own experience with South American objects. Because of this, the category of Country Assumed was used only in exceptional cases. The Country Assumed category also allows for the tracking of levels of deception within the auction catalogues. For example, in one catalogue a number of lots were listed as coming from "Peru/Chile" casting a cloud of doubt on which came from where.

These two categories were included in an effort to uncover a regional pattern of both the antiquities that were available and the popularity of antiquities from individual countries. The inclusion of these categories also allows for the isolation of objects from particular countries for analysis in relation to both local law and country-specific international law.

#### *General Location and Archaeological Site*

In previous studies of the auction of antiquities the lack of information about the find spots of antiquities has been shown to be endemic (see Chippindale & Gill 2000 for Classical antiquities and Gilgan 2001 for Maya antiquities). It seems an obvious observation to note that everything comes from somewhere and, if an object was removed from the ground legally, there should be some information as to where it originated. A lack of context, however, renders the object essentially useless for archaeological study and at times implies illegal excavation.

The category "General Location" records non-specific data as to where a lot came from as supplied by the auction catalogue rather than from my own observation. Often, in South American auctions, this consists of the name of the valley from which the lot may have come but does not mention a specific site. Non specific terms such

as “North Coast”, “Highlands”, and “South Coast” are used. The category of “Archaeological Site” was used to record the archaeological site of origin supplied by Sotheby's and is usually in the form of a site name. Ideally another category should exist for objects with archaeological find spots or excavation details (i.e. “Tomb 1, Sipán, Lambayeque Valley, Peru”) but as not a single lot description contained that level of information, the category was omitted.

### *Provenance*

This category refers to information supplied by Sotheby's as to the former owners of a lot. This may consist of a name, a dealer, or at times a statement as to how long an object has been in the hands of the current owner's family. In some cases a year is attached to this information implying that the object was in the possession of the named owner by that date. This serves as a pseudo terminus ante quem for when the object left its country of origin though usually no further details concerning the acquisition are supplied. It should be noted that the term “provenience”, archaeologically speaking, usually refers to the archaeological context of an object, while “provenance” refers to history of ownership (see Renfrew 2000 for a more detailed explanation of these two terms in relation to antiquities).

### *Exhibition and Literature*

If an object has appeared in a gallery exhibit or in a publication, Sotheby's often provides this information under the heading of Exhibition and Literature. These, at times, are supplied along with a date of publication or showing and, again, they represent a terminus ante quem for when the object left the country of origin. As exhibitions and literature are matters of public record, the date supplied in this category can be considered more trustworthy than the word of an anonymous owner (such as in the Provenance category). At times Sotheby's offers the publication details of comparable objects in public collections or in literature. This information was not recorded.

### *Property*

In italicised print above each lot Sotheby's offers information as to who owns a particular lot being sold. The vast majority of the information offered is deliberately vague, continuing the auction tradition of anonymous sellers. Statements such as

“Property of a European Private Collection” or “Property of Various Owners” are the norm. Some objects, however, are supplied with an actual owner whether it is a museum or the name of a private collector. This category was recorded in order both to track the “big names” in the selling of South American antiquities and to look at patterns of presentation of objects; essentially to see how many objects had an ownership history supplied.

Two separate Excel spread sheets were created for each auction: one for objects listed or assumed to have come from Bolivia and Peru and one for objects from other South American countries, mostly consisting of Colombian and Ecuadorian objects. This was done both because Bolivia and Peruvian objects are within the author's field of expertise, and because Bolivia and Peru obtained import restrictions on Pre-Columbian objects from the United States Government within the time period of the sample. The separation has allowed easier analysis of these two countries as a subset of South America as a whole. The analysis of these databases served as an interesting window into the often obscure world of the sale and collection of South American antiquities.

## 4. Results

### 4.1 Number of Lots Offered and Sold

In the 39 auctions containing South American antiquities that took place at Sotheby's New York between the years of 1986 and 2005, 3677 lots were offered for sale. Objects from Bolivia and Peru accounted for 2258 of the total and 1419 lots were composed of objects from other South American countries. Of the total lots offered, 2798 lots were sold, and 1684 of those were from Bolivia and Peru and 1114 were from other South American countries.

The 2798 lots that sold at auction fetched a total of 15,766,610 USD in sale price including Sotheby's buyers' premium. When this "sold for" price is adjusted for inflation to 2005 values, a total of 20,436,056 USD was paid for all 2798 lots. Bolivian and Peruvian objects fetched 9,204,000 USD (11,773,660 USD adjusted for inflation) and objects from other South American countries fetched 6,562,610 USD (8,662,396 USD adjusted for inflation) both including the buyers premium.

The total number of lots offered for sale peaked in 1994 with 222 South American lots offered. This year was also the high point for Bolivian and Peruvian pieces with a total of 155 lots offered. The total number of lots from other South American countries remained relatively stable and peaked in 1997 at 124 objects offered for sale. Beginning in 1998, the number of lots offered for sale declined in both categories. This decline became particularly sharp after the year 2000 and by the year 2005 only 27 objects from all of South America were offered for sale.

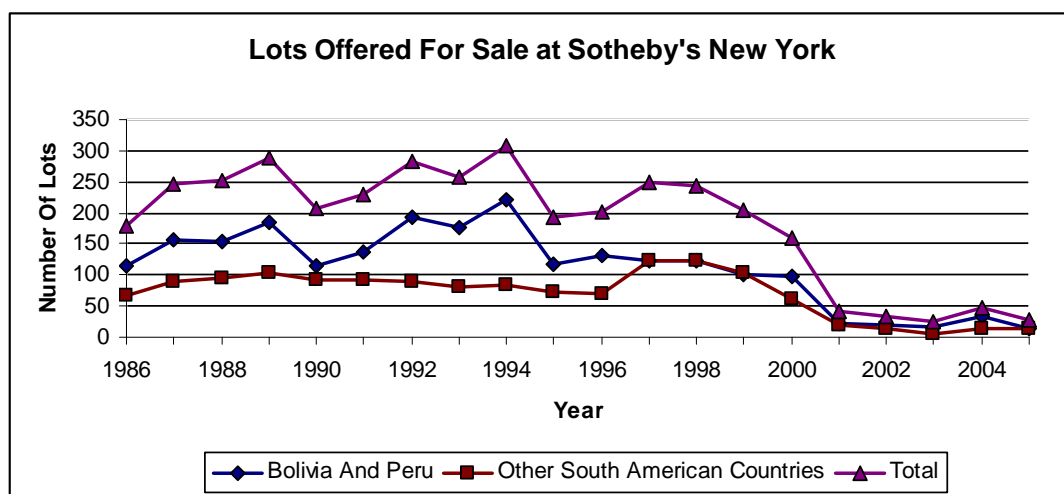


Figure 4.1: Number of South American lots offered at Sotheby's New York by year

The total number of South American lots sold (as opposed to the number of lots offered) at auction peaked in 1994 with 233 objects sold, with 1992 at a very close second with 232 objects sold. The number of Bolivian and Peruvian lots sold peaked in 1994 with 155 objects sold. The number of lots sold from other South American countries reached its peak in 1997 with 99 objects sold. As was seen in the total number of lots offered, the total number of lots sold began to decline in 1998 and the decline sharpened in 1999 stabilising in 2001 to only a fraction of its peak. The year 2005 represented the lowest number of lots sold at auction with only 18 South American artefact lots fetching a price at auction. This decline, it will be shown, appears to correlate with the decline in the number of objects offered rather than an ebb in demand for South American antiquities.

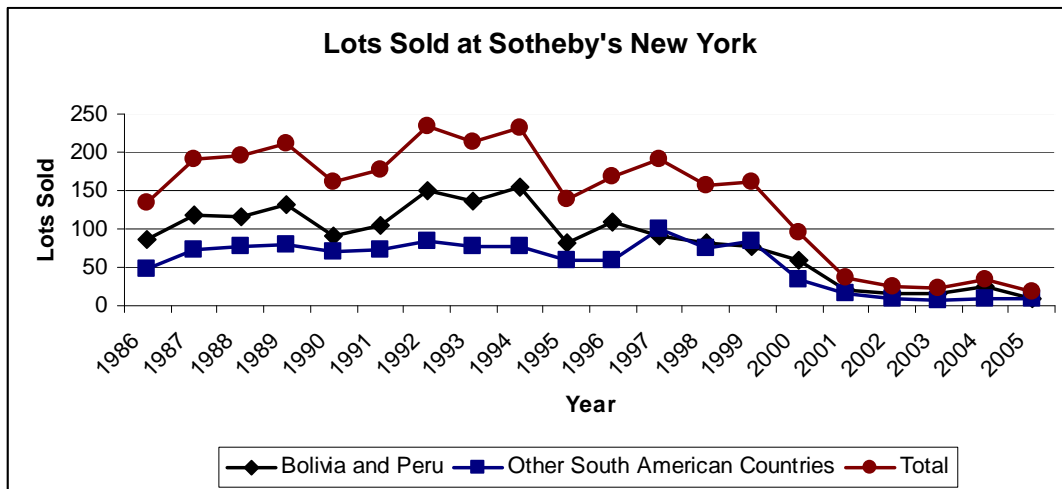


Figure 4.2: Number of South American antiquities lots sold at Sotheby's New York by year

#### 4.2 Total "Sold For" Price and Price Averages

The total "Sold For" price was calculated by adding the total price (including the buyers premium and adjusted for inflation to 2005 values) of each lot offered in a particular year. This value should be seen as the total amount spent by buyers of South American antiquities each year. The total amount spent by buyers of all South American antiquities peaked in 1997 with 2,560,207 USD changing hands. The amount spent on Bolivian and Peruvian lots also peaked in 1997 with 1,227,543 USD spent as did the amount spent on lots from other South American countries with 1,332,664 USD spent. The amount spent at auction each year began to decline in 1999 along with the decline in the number of objects offered at auction, though as will



be seen, this decline is not as significant as it seems, as the few objects that were offered and sold during these years fetched high prices.

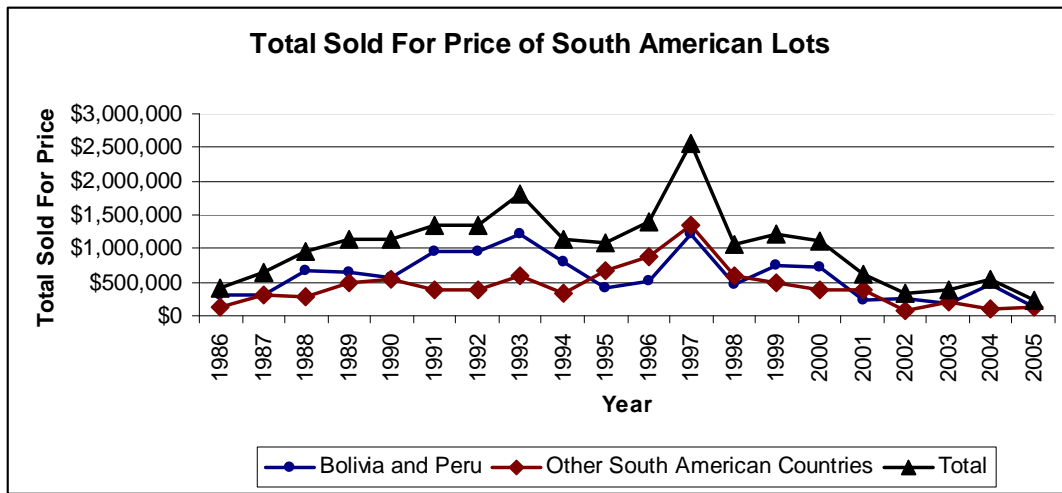


Figure 4.3: Total price fetched at Sotheby's New York for South American antiquities by year

Although near the end of the sample time period the number of lots offered and sold at auction declined, the price paid per lot slightly increased. The average price per lot sold was found by dividing the total amount paid for the lots (adjusted for inflation to 2005 prices for the purpose of comparability) by the total number of lots that actually sold (as opposed to the number of lots offered). This value should be seen as the average amount that a buyer was willing to pay for a South American antiquity at the time of sale. Computing this figure allows one to compare the results of auctions that had relatively few lots offered for sale to auctions that had many lots on the block in effect equalising the fluctuations in the number of lots offered per year.

The average price per lot sold for Bolivian and Peruvian antiquities peaked at 17,511.92 USD in 2004 and for other South American countries at 29,372.43 USD in 2003. The average price per lot sold for all South American lots peaked at 10,578.81 USD in 2001 right at the time that number of objects offered for sale and objects sold experienced a sharp decline. Thus, although the number of South American objects that Sotheby's offered for sale had declined, the amount that buyers were willing to pay for South American objects slightly increased.

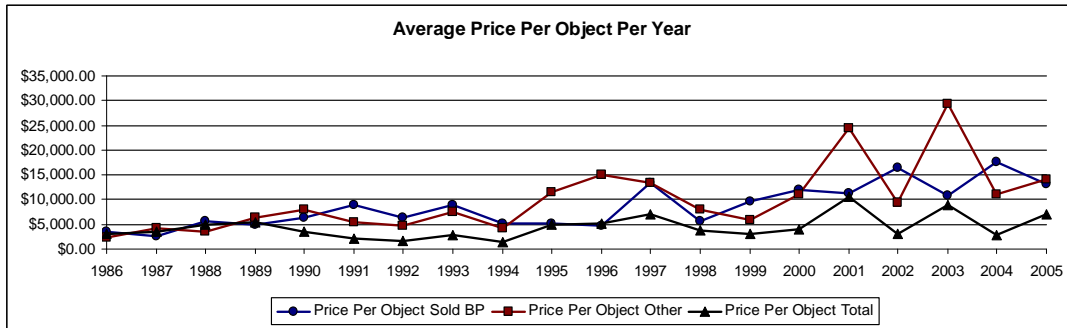


Figure 4.4: Average price paid by Sotheby's New York buyers for South American antiquities per year (adjusted for inflation to 2005)

### 4.3 Provenience

With regards to provenience (that is, the artefact's geographical origin rather than its ownership history) the values recorded in the auction catalogue database were divided into four categories: lots with archaeological find spots, lots with an archaeological site of origin listed, lots with some indication as to what region they came from, and lots with no indication as to their origin beyond the country listed. If an object had both an archaeological site and region listed, the lot was included in the "archaeological site" total as that category is considered to be more specific. An object that has been legally excavated, exported, and imported should have the highest degree of provenience information attached to it. Illegal and illicit objects, however tend to lack provenience due to the paucity of information recorded by looters and the desire of middlemen, dealers, and perhaps even Sotheby's to cover their trail.

Not a single South American lot offered for sale at Sotheby's from 1986 to 2005 had an archaeological find spot attached to it. A total of 122 lots had an archaeological site of origin recorded in the auction catalogues making up 3% of the total lots offered. Bolivian and Peruvian lots accounted for 111 of the total and lots from other South American countries made up the remaining 11 lots with archaeological sites supplied. A total of 541 lots had a general region offered within the auction catalogue which corresponds to 15% of the total lots offered. Bolivian and Peruvian items account for 352 of these lots and the remaining 189 were designated as coming from other South American countries. As Chippindale and Gill noted in their 2000 study of classical antiquities catalogues, one should consider the numbers referring to the provenience of an object as being high estimates. There is no proof that any of the locations mentioned by Sotheby's are truly where the objects came

from. A shocking 3014 lots, 82% of the total lots offered, lacked any provenience information whatsoever. Bolivian and Peruvian lots account for 1795 of these and lots from other South American counties make up the remaining 1219 unprovenienced lots.

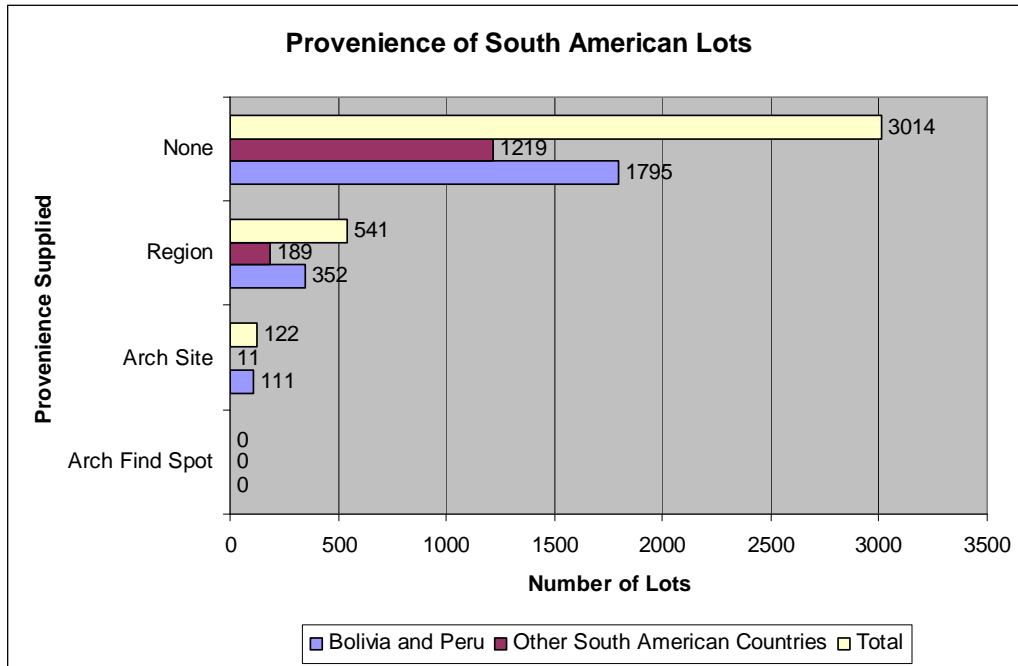


Figure 4.5: Provenience information provided by Sotheby’s New York for South American antiquities lots offered from 1986 until 2005

#### 4.4 Surfacing Date

Using an adapted version of the model developed by Chippindale and Gill in their 2000 study of Classical antiquities, the earliest possible date that an object surfaced on the international market was recorded for each lot offered. Essentially, one can assume that the artefact had been removed from the ground and its country of origin by at least this date. The surfacing date was gleaned from information supplied by Sotheby’s regarding ownership, publication, and exhibition history. For Bolivian and Peruvian lots differing levels of legality were assigned based on the national and international laws that have come into effect. When the date of surfacing was an appearance in a publication or in a legitimate museum, the surfacing date was noted as verifiable. Dates offered on the word of the seller or Sotheby’s were recorded as debateable as the dates are not verifiable and may not be correct.

Designations are as follows, the higher the number, the less legitimate the object:

- 1: Lots with surfacing dates before Peru's 1929 patrimony law
- 2: Lots with surfacing dates between 1929 and 1971 and thus before the UNESCO convention
- 3: Lots with surfacing dates between 1972 and 1983 and thus after UNESCO but before CIPA
- 4: Lots with surfacing dates between 1984 and 1989 and thus after CIPA but before emergency restrictions on a class of antiquities
- 5: Lots with surfacing dates after 1989 and thus during the era of emergency restrictions and MOUs
- 6: Lots with an ownership history but no date offered
- 7: Lots surfaced on the occasion of this sale; no date or ownership history
- 8: Lots with ambiguous and obscured dates or ownership histories

A staggering 83% of Bolivian and Peruvian objects surfaced on the occasion of their sale at Sotheby's, meaning that the overwhelming majority of objects are offered with no proof as to their legal existence in the United States. Only 4 of the 2258 Bolivian and Peruvian lots offered from 1986 until 2005 were said to have surfaced before 1929 and thus before Peru's patrimony laws came into effect. Only one of these four, a Moche vessel deaccessioned from the Pitt-Rivers Museum in 1898, has a verifiable surfacing date. Thus it can be said that one object out of the 2258 Bolivian and Peruvian objects offered was legal and saleable in every respect. Only 7% of the lots offered had a verifiable surfacing date at all and 90% of objects offered for sale had no surfacing date attached to them.

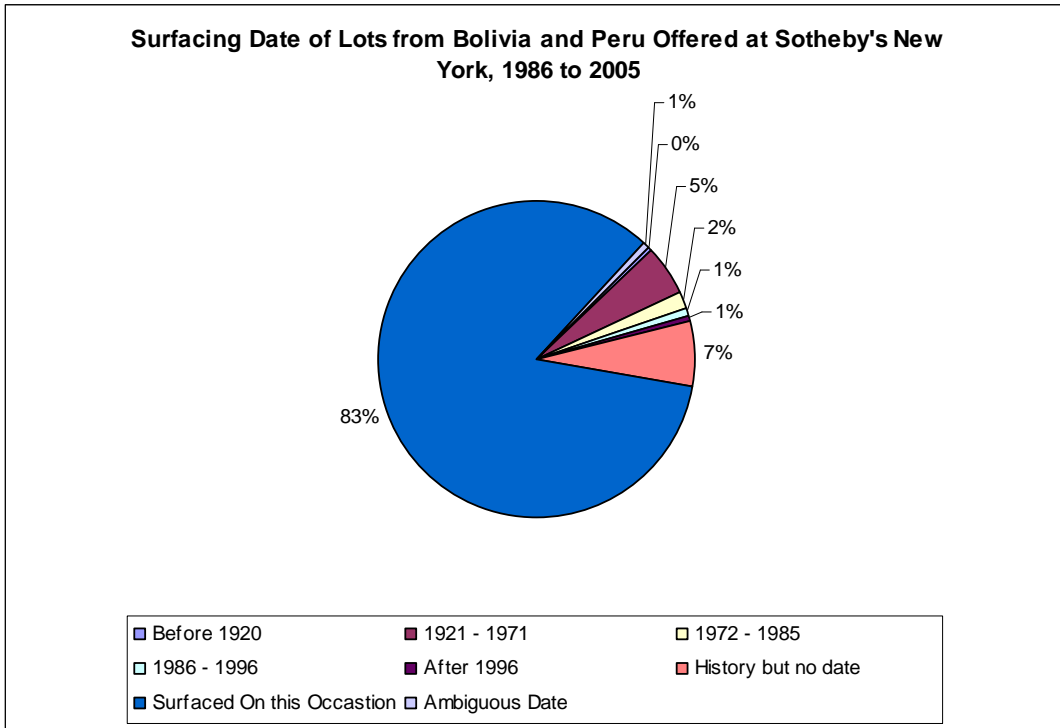


Figure 4.7: Surfacing date of South American Antiquities lots from Bolivia and Peru Offered at Sotheby's New York from 1986 to 2005

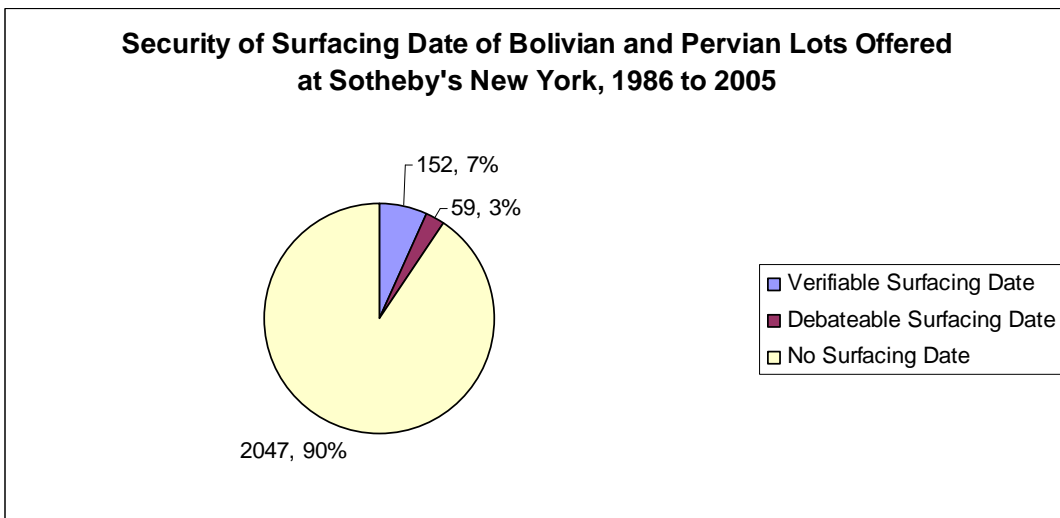


Figure 4.8: Level of security of the surfacing dates offered for Bolivian and Peruvian antiquities lots by Sotheby's New York from 1986 to 2005 with number of lots indicated

Although raw, the numbers presented in this section reveal detailed information as to the behaviour of the market for South American antiquities over a span of time. When this information is interpreted and considered in relation to events within South America, the United States and Sotheby's itself, compelling questions and conclusions come to light.

## 5. Discussion

Once the South American auction database was created, much information could be extrapolated from the numerical data. In this section I will discuss certain patterns identified in the auction catalogues and offer possible explanations for these trends. Supply and demand will be explored, as well as the possible effects of international agreements and international scandal. The important areas of provenience and object history will also be discussed. So much information is contained within this database that it is hoped that future scholars will find other applications not addressed in the present study.

### 5.1 Origins and Appearance on the Market



Figure 5.1: A Moche portrait vessel depicting a distinctive blind man (Allen Memorial Art Museum, Oberlin College) and a portrait vessel whose visage is seen on multiple pots (Art Institute of Chicago)

To an archaeologist, an artefact has no worth if it has no provenience. When the exact context in which an object was found is unknown, the artefact can be considered an orphan and can not expand upon our knowledge of the past (Chippindale and Gill 2000: 504). If an antiquity is unprovenienced it is impossible to tell who made it, when they made it, what they used it for, and how they discarded it. Essentially, any link that the object had to its place in a past society is severed, the potential for scholarship is annihilated, and the artefact is reduced in status to a pretty but useless art piece. For example, let us examine a familiar class of antiquity: the

Moche<sup>1</sup> vessel. A particular subclass of Moche vessel realistically depict individual men and are so detailed that they include scars, blind eyes, hare lips, and other distinctive features. Many of these portrait vessels depict the same men over and over and some seem to show these same individuals at different stages of life. Yet despite this high level of detail, we still know very little about the most important aspects of these vessels. How were these vessels used? Were they used only where the individual depicted lived or where they traded as a sort of memento for an ambassadorial visit to another polity? Were they buried with the individual depicted and if so, would depictions of all stages of his life be present in the burials? Were they grave goods or were they used for ceremonies, parties, or everyday use? Did everyone drink from a vessel with their face on it? Context and proper provenience could answer all of these questions and more, yet 95% of Moche portrait vessels lack provenience and exist in private and museum collections (Donnan 2003: 10). The meagre 5% recovered by archaeologists are just not numerous enough to represent a statistically viable sample. Thus, instead of revealing information about an intriguing ancient culture to the curious public, the majority of known Moche portrait vessels are forced to peer from shelves, sentenced to an eternity of anonymity.

The level of provenience data offered by Sotheby's about the origins of South American antiquities auctioned between 1986 and 2005 is deceptive and inadequate. In most of the catalogues the lots are presented under headings that give some indication of a country of origin. Usually these headings are "Peru", "Ecuador", and "Colombia". In some cases the combined heading "Ecuador/Colombia" was seen and in one case "Peru/Chile" was used. In limited cases headings mentioning other South American countries were present but for the most part objects originating from other nations were included in one of the previously mentioned sections. These titles are misleading as they appear to represent stylistic distinction rather than an actual indication as to country of origin. If an artefact originated in Bolivia, Chile, or Ecuador but was in the style of a culture normally associated with Peru, the lot was listed under the Peru heading and no indication as to the actual country of origin was offered. This may represent a conscious blurring of the origin of an lot to make it more difficult for an individual country to lay claim to it, or it may simply represent a lack of interest in anything beyond the aesthetic qualities of the object.

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<sup>1</sup> Listed in earlier catalogues as "Mochica", though "Moche" is the favoured name for this culture





Figure 5.2: The extent of the Tiwanaku and Wari Empires

The general inaccuracy of this designation can be seen when looking at objects from the Tiwanaku<sup>1</sup> culture. This culture was based in Bolivia at a massive ceremonial capital also named Tiwanaku. The Tiwanaku Empire extended into southern Peru as well as northern Chile and Argentina, yet it is most likely that a Tiwanaku style artefact would have been found in Bolivia, yet not a single Tiwanaku lot was presented as being from this nation. Instead, every Tiwanaku lot was listed under the heading “Peru”. If these Tiwanaku objects actually do originate in Peru, this would mean that the very finest objects of the culture were found in great numbers in a backwater portion of their empire which would significantly alter current ideas concerning the makeup of the Tiwanaku state. The questionable assignment of origin countries provided by Sotheby’s prevents us from enhancing our understanding of this culture. I suspect the objects in question did come from Bolivia, but the mere presence of such uncertainty is unsettling.

Every lot offered for sale during this time period was presented with a notation as to the culture that probably produced the object(s). As was documented by Chippindale and Gill in their 2000 study of Classical antiquities in catalogues, cultural terms were presented by Sotheby’s as a sort of pseudo provenience. It seems that the

<sup>1</sup> Represented in the catalogues by the outdated Spanish name “Tiahuanaco”

name of a culture often takes the place of an actual geographic find spot and listing the culture satisfies whatever obligation Sotheby's feels it has to provide origin information to buyers. This practice is highly problematic. As previously noted, many South American cultures were actually vast empires that extended beyond the borders of the modern political states of the continent. Their trading influence extended even farther and an object in the style of a particular culture could turn up any number of places. Even if the object was uncovered in the country most commonly associated with a particular culture it could have come from any one of the archaeological sites assigned to that culture. It is worth noting the similarity of certain cultures' artistic styles. For example, many objects from the previously mentioned Tiwanaku culture could easily be confused with objects produced by the contemporaneous Wari<sup>1</sup> civilisation. In fact, Tiwanaku may have controlled Wari at various times (or vice versa) thus it is nearly impossible to assign certain types of artefacts to one or the other without knowing the exact archaeological find spot. Without a precise provenience, Sotheby's experts must have relied only on stylistic grounds to assign a culture to many of the lots offered. Because of this, the culture listed may be completely unrelated to where an object actually came from and cannot be considered to be equivalent to offering actual provenience.



Figure 5.3 One of the Sipán necklaces seized at Sotheby's and returned to Peru (Derek Farthing, U.S. Customs Service)

An example of a particularly deceptive aspect of the use of a cultural term as a pseudo provenience can be seen in the auction catalogue for Sotheby's sale number 6625 held on November 15, 1994. Prior to the auction, the government of Peru notified Sotheby's that three objects presented in the catalogue appeared to be from the site of Sipán and thus were subject to the Emergency Import restrictions placed on

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<sup>1</sup> Represented in the catalogues by the outdated Spanish name "Huari"

objects from that site. Sotheby's refused to remove the objects from the sale and two were sold. All three pieces were subsequently seized by the US Customs service from Sotheby's warehouses and subsequently returned to Peru (Rose 1996). Two of the objects were listed as being "Mochica", the slightly inaccurate term that Sotheby's once used for the Moche civilisation: the civilisation commonly associated with Sipán. Lot 7, however, was a hollow gold bead in the shape of a human head valued at 4,000 to 6,000 USD. This piece was listed as being "Late Chavin", the Chavin being an early culture most commonly associated with Peru's central coast. It is not well known that the Chavin had an early presence at Sipán and the bead did, indeed, come from the restricted site and was determined to be illegally in the United States. Using only the term "Chavin" to indicate the artefact's origin, would make most potential buyers feel that they were bidding on an object that came from the central coast of Peru. The practice of omitting everything but cultural terms could be applied to all Chavin era objects from Sipán to hide their illegality. On an archaeological level, this would alter perceptions about the size and strengths of the Chavin empire as well as the functions of the intriguing site of Sipán over time. Again, the uncertainty inherent in this aspect of the artefact history offered is unsettling and the potential to mask illegal behaviour through lack of detail is dangerous.

With regards to actual provenience information offered by Sotheby's, 82% of South American antiquities lots offered between 1986 and 2005 lacked any information as to geographic origin other than the often dubious country of origin headings. Regional information was offered for 15% of the objects offered for sale during this time period. This consisted of either a mention of a particular river valley or, more commonly, terms such as "North Coast" or "Highlands". It should be stressed that there is no reason to believe that the region assigned to a lot is based on anything but assumption and hearsay. Not a single lot's description offered any sort of documentation to support Sotheby's regional claims. In fact, it may be that the culture assigned by Sotheby's may be extending itself into the category of region and thus providing a pseudo provenience again. Some of the cultures of South America are commonly known as "North Coast" cultures (such as the Moche) or "Highland" cultures (such the Tiwanaku) despite the fact that objects from these cultures could be found just about anywhere. Even if an object actually came from the region assigned to it, these regions are vast and, again, straddle modern political boundaries. A "North Coast" object may actually be from Ecuador's southern coastline, a "South

Coast” object may actually be from Chile’s northern coast, and an object labelled “Highland” could be from nearly any South American country all of which have highlands. The assignment of an object to a particular valley is equally as inaccurate. For example, the Lambayeque Valley region, commonly associated with the Moche and Chimú civilisations, is around 14,200 square kilometres in area and contains thousands of archaeological sites. An object from the Lambayeque valley could come from any one of those sites.

Mentioning a region may also serve to obscure an illegal object’s origin by calling into doubt which country it actually came from or by implying that the piece could have come from any site in an area. This means of obscuring is particularly important when one remembers that the first US emergency import restriction obtained by Peru only banned the import of objects from the site of Sipán. Thus, if an object in the Sipán style was auctioned at Sotheby’s, the vague but correct moniker of “Lambayeque Valley” could be assigned to the object and Sotheby’s could argue that the object, though coming from the same valley as restricted Sipán objects, actually came from a nearby but different site. Clearly the regional information offered by Sotheby’s is insufficient for the assignment of proper provenience, and can serve to mask illegal sales.

Only 3% of South American antiquities lots offered by Sotheby’s New York from 1986 to 2005 were presented with an archaeological site associated with them. Not a single one of these lots was presented with any supplemental information as to why it was thought that the object originated at the site listed. It may be that the site name was assigned by an expert because of the general style of an object and, indeed, several times phrases such as “Paracas Necropolis style” were used. The experts at Sotheby’s may have also taken sellers on their word and presented lots as being from wherever they were said to be from. Thus no object presented as being from an archaeological site in these catalogues can be securely tied to any site whatsoever based on the information provided. I feel that at times a familiar and even probable provenience was assigned to lots to increase desirability. If an object was said to be from the site of Cerro Uhle, the familiar name of famed early archaeologist Max Uhle was then associated with the piece thereby making it desirable (and perhaps shrouding it in a false sense of legitimacy based on association with a professional from a bygone era). If an object was said to be from Pachacamac, potential buyers who had visited this popular site only 30 minutes outside of Lima would be interested. Bidders

who came across the familiar names of Sican or Batón Grande in the auction catalogue might be enticed to buy the object because the sites are considered noteworthy and collectable. Not a single lot was assigned to a small, obscure, or relatively unknown archaeological site, though it is at these sites that major discoveries tend to be made by both archaeologists and looters. Sipán, for example, was considered a minor and comparably insignificant site until gold artefacts began to pour out of it (Kirkpatrick 1992: 27). It seems that these obscure names do not increase the value of South American antiquities at Sotheby's and thus are not recorded. Even worse, objects from sites thought to be minor by archaeologists may be assigned a more desirable site name by Sotheby's or by a dealer to obscure an object's true origins, thus preventing experts from locating and stopping the looting of a potentially important site.

No lot was presented with an archaeological find spot. If an object was legitimately excavated than a find spot of some sort would have been recorded. If an archaeologist removed the antiquity from the ground, even during the early 20th century, some information would exist. If the object was legally excavated after national patrimony laws went into effect in the country of origin, an export permit would exist along with archaeological information as to where at a particular site the object was recovered. No information of this sort was encountered in any of the 39 catalogues studied. A common but implausible argument is that all of the lots offered for sale are part of some greater corpus of South American material that was collected by a seemingly endless stream of explorers that hit the continent in the 19th century (Chippindale et. al. 2001: 26). Also suggested is that objects that appear on the market were removed from South America during the Spanish conquest and miraculously gathered dust instead of being melted down into valuable gold bars in the centuries before South American antiquities became valuable art objects. Aside from the few objects of this sort in the possession of the Spanish Monarchy, this notion exists outside the realm of possibility in most cases.

## **5.2 Authenticity**

The faking of antiquities is, no doubt, a highly profitable enterprise provided that the forged objects are completely believable. Indeed, the high prices that antiquities fetch at auction seem to invite fakes. While assessing the authenticity of a

particular lot offered in an auction catalogue is notoriously difficult, some patterns were noticed among the South American antiquities lots that warrant comment.

Authenticity, though difficult to define, is an important concept in archaeology. An object made 2000 years ago by a specific culture and used for a specific function is considered valid while an object made 2 years ago to look like an ancient object is not. Both are “real” in the sense that they have actual physical form, but only the ancient one can be used to study the past. A modern version of the object, when masquerading as an ancient artefact, will only serve to confuse our study of ancient humanity. Interestingly enough, though collectors of antiquities often claim they are drawn to the artistic qualities of an ancient object and that the beauty of the object in itself warrants illegal excavation as well as public display (White 1998: 172), objects made in modern times that perfectly mimic antiquities in composition and form are considered to be of much lesser value than objects with ancient origins. An ancient Moche pot may sell for thousands of dollars but a modern pot masterfully made in the ancient Moche style by a talented and creative Peruvian artist will only fetch a price in the low hundreds, calling attention to the hypocrisy of justifying collection on the grounds of form alone. This encourages potentially talented South American artisans to loot archaeological sites rather than create their own artistic work. They may also be inspired to pass modern objects off as ancient ones, thus making more money by relinquishing all credit for their work.

At auction, age is usually considered a must. It is thought that bidders will not buy objects that are suspected to be modern and Sotheby's faces extreme buyer backlash if a fake slips through their experts' fingers and is purchased by an unsuspecting bidder (see Watson 1997: 206 - 208). Interestingly enough, Sotheby's provides a distinction for suspicious objects in their Pre-Columbian catalogues. It is stated that the inclusion of the word “style” or the absence of an expert assigned date range indicate that, in the opinion of Sotheby's, the lot being offered is “not of ancient origin”. Only three South American lots were presented as being “in the style of” an ancient culture and all three sold at auction. Either age related authenticity is not as necessary as one might think, or the buyers of these possible artefacts believed that they were authentic and thus purchased the pieces at bargain prices. It would be particularly interesting to study the purchase of “in the style of” objects across various classes of antiquities to better gauge buyer opinion on this matter. It should be noted that, in my opinion, several lots offered at Sotheby's appeared to be modern forgeries

were offered as ancient. While many archaeologists feel that some of the objects that they see in catalogues are modern forgeries, it is nearly impossible to make an informed judgement based on a photograph.

The authenticity of South American objects offered at Sotheby's can be questioned in another sense. Although an object may be ancient in origin, its current form may be modern. This is particularly common in the abundant ancient South American jewellery lots offered and sold by Sotheby's during the time period in question. In most South American soils, the organic cordage that once retained the form of necklaces and other body ornamentation does not preserve. An archaeologist is often able to reconstruct the pattern of a beaded necklace based on how the elements of the ornament were deposited in the ground as the cord disintegrated, but a huaquero is unlikely to record such detail. Instead, jewellery is likely to arrive in the United States or Europe as a disarticulated mass of beads (see Kirkpatrick 1992 for details about the shipping of South American antiquities) to be re-strung by dealers in a way that is pleasing to modern sensibilities. It is apparent in the catalogues that in many cases beads from a variety of different pieces are strung onto one necklace. At times, items such as nose rings were strung as necklace pendants in a manner that would no doubt be comical to the piece's original owner. Despite the fact that the elements of the piece are ancient, its form is fully modern and any patterning that may have contributed to our understanding of ancient iconography and perhaps even religious belief is lost. This does not appear to be a problem at Sotheby's auctions and jewellery of modern form but ancient elements sells for exorbitant sums.



Figure 5.4: The peanut necklace worn by "El Señor de Sipán" (Antonio Gutierrez)

To illustrate the amount of information that is being lost by this practice, one need only turn again to the famous site of Sipán. The archaeological excavations that followed the initial looting of Sipán uncovered an extremely rich Moche burial. The individual in the burial was dubbed “El Señor de Sipán”, and his jewellery and body ornaments were recorded in situ by trained archaeologists, thus their true form is known. The lord was wearing a double stranded necklace composed of larger-than-life peanuts. Half of the peanuts were gold and half were silver (Kirkpatrick 1992: 136). Had these beads turned up on the international market (as similar ones did) it is likely that they would have been either restrung with the gold and silver peanuts alternating or they would have been separated into two necklaces, one of each metal. In truth, however, the left half of the necklace was composed entirely of silver peanuts while the right was entirely of gold peanuts. Although this arrangement would probably be unpopular with modern jewellery wearers, the pattern may relate to Moche religious belief as the necklaces were clearly ceremonial. Had El Señor de Sipán’s burial been looted before the arrival of archaeologists this particular Moche aesthetic choice and its potential meanings would have gone unrecorded and a wealthy western buyer would own an ancient but unauthentic peanut necklace.

In a sense, it is not Sotheby’s experts’ fault if they reassemble an ancient object inaccurately or if they let a fake slide through. If an object is unique, there is no way to know what it would have looked like when it was in use, unless, of course, it was excavated properly by a trained archaeologist (Chippindale et. al. 2001: 4). No matter how educated a guess is, it is still a guess and very little information can be gleaned from the reassembled South American jewellery items that have been offered at Sotheby’s. Each disarticulated collection of beads is a testament to potential information that has been lost. The sliding authenticity scale apparent in South American antiquities auctions at Sotheby’s infects all lots offered with an air of doubt rendering most of them completely unusable for academic purposes.

### **5.3 The Demand for South American Antiquities**

In 2001 the prominent Peruvian archaeologist Dr. Walter Alva predicted that scandals and international agreements would reduce the international demand for South American antiquities (Alva 2001: 94). This seems like a logical conclusion to draw from the increasingly perilous legal ground that the collection of



unprovenanced South American antiquities inhabits. With the help of this auction catalogue database I was able to test this assumption and see whether the public demand for the material remains of South America's past has truly diminished.

Because of the possibility that figures gleaned from the catalogues may be unusually high due to "booms" in a particular class of antiquity<sup>1</sup>, Moche vessels were selected to serve as a control. Being exclusively ceramic, they are immune to the wild price fluctuations associated with precious metals. The vessels are of high artistic quality and are considered to be very collectable. Moche vessels are almost exclusively limited to an area of Peru only 550 km long and 50 km wide on the north coast (Donnan 2004:4). Nearly all Moche vessels come from graves and the majority of pieces in private and museum collections were looted and their provenience is unknown (Donnan 2004:10). Thus Moche vessels can be considered the archetype of a South American antiquity as they are in constant demand and are constantly looted. In the following analyses, Moche ceramic data will be treated as a control to compare with which to complete database data to.

From the years of 1986 until 2000 the number of South American antiquities offered by Sotheby's was relatively stable and at least 159 lots (and usually quite a few more) were put on the block every year (Figure 5.5). Unlike in Gilgan's study of Maya antiquities offered at these same auctions, there appears to be no decrease in the number of South American antiquities offered in the early 1990s (Gilgan 2001: 80). In fact, while Gilgan found 1992 to be the year in which the fewest Maya antiquities were offered, it was the year that the greatest number of South American antiquities were made available for sale. Thus, instead of ascribing the low Maya numbers of 1992 to the implementation of an emergency import ban on a class of Maya artefact, I speculate that an influx of fine South American antiquities were made available for sale that year and that they took up most of the available space in the one day Pre-Columbian antiquities auction. This would seem to explain the increase in Maya antiquities offered in subsequent years. That the auction is a public spectacle and much of the particulars of how an object is presented in a catalogue or how much it sells for on the block is dependent on the other objects being sold. We, as researchers, cannot fully extract one class of antiquity from an auction catalogue

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<sup>1</sup> It has been theorised that the presence of a particularly valuable group of objects, Colombian gold for example, will inflate the average price paid per object at an auction. This would make comparing that auction data's to other auctions difficult. (Ashenfelter and Graddy 2002:9).

without taking the other objects being sold into account or we run the risk of making inaccurate conclusions.

In 2001 the number of Pre-Columbian lots offered plunged to the lower end of the double digits with no more than 47 South American antiquities lots offered during each of the next 5 years. This drop corresponds to the elimination of Sotheby's bi-annual "Pre-Columbian Art" sale and the incorporation of South American Antiquities into the annual "Art of Africa, Oceania, and the Americas" sale. Moche vessels follow a similar pattern. Though the number of vessel lots offered for sale fluctuated more in the 1980s and 1990s than did the overall number of lots offered, the same drop in number of Moche vessel lots offered can be seen in mid 2000 and 2001.

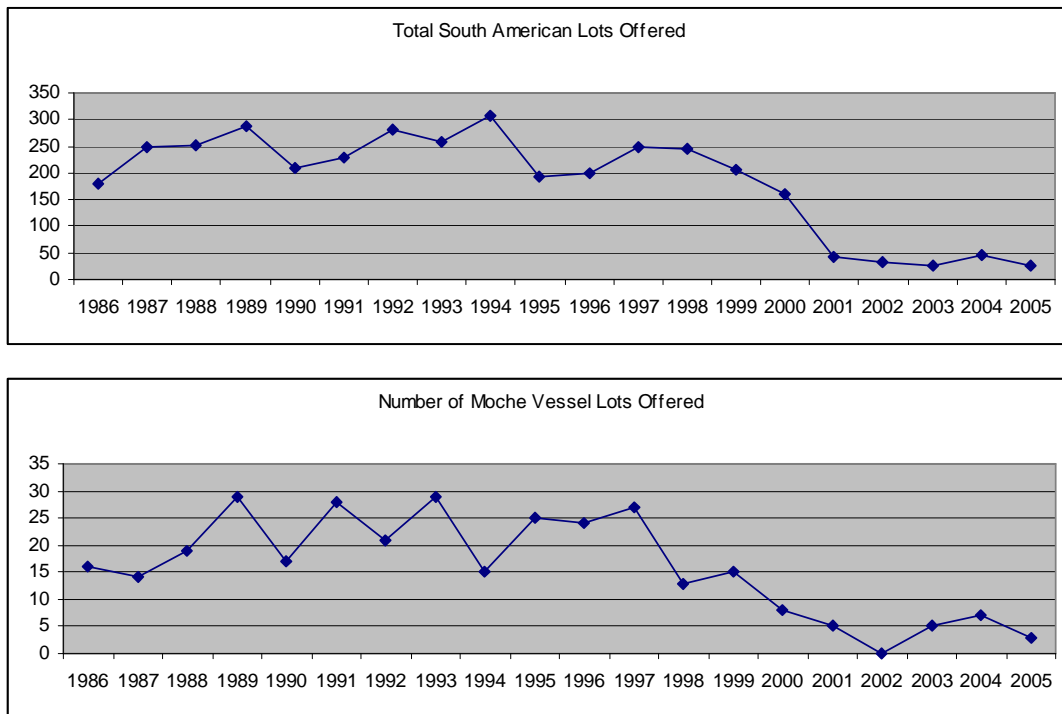


Figure 5.5: The number of South American antiquities lots offered each year from 1986 until 2005 at Sotheby's New York as compared to the number of Moche vessel lots offered at Sotheby's New York over the same period. A dramatic drop can be seen starting around the year 2000.

This dramatic drop in the number of South American objects offered is telling. One way to look at the decrease is to see it in relation to import restrictions placed on South American antiquities by the United States. In 1997, the year of Peru's MOU, a

steady decline began in the number of South American lots offered. This decline was severely sharpened in 2001, the year that Bolivia obtained an MOU. When Peru's MOU was renewed in 2002 the numbers remained low. This may be the result of the MOUs serving their purpose meaning that the supply of South American antiquities had been reduced to a trickle. It is more likely that the reduction of the number of lots offered reflects the danger of open trading in South American objects. As of August 8th, 2006 the Pre-Columbian art division of <http://www.sothebys.com> proclaims:

*“...currently we are focusing on presenting pieces in New York through private sales; selected pieces and collections will also be included in the May auctions combined with African, Oceanic and American Indian art, titled Art of Africa, Oceania and the Americas.”*

Thus Sotheby's, a public auction house, has moved underground to secure the sale of Pre-Columbian antiquities. No doubt this new focus on private sale corresponds to the drop in the number of South American antiquities offered for public sale and, perhaps, to the import restrictions on various classes of both South and Central American artefacts. Sotheby's has effectively reduced their liability by leaving no public record of their possibly legally risky sales.

When the number of lots offered is compared to the number of lots that are actually sold, more information as to the demand for a class of antiquities is revealed (Figure 5.6). A significant difference in the number of objects sold versus the number offered in a particular year may indicate a drop in the demand for a class of object. An example of this can be seen in Sotheby's fine art sales in the early 1990s after the 1980s art buying boom. Unlike in previous years where most lots would sell, a significantly larger proportion of fine arts lots remained unsold at the end of the auction signalling a decline in public demand (Mason 2004: 87).

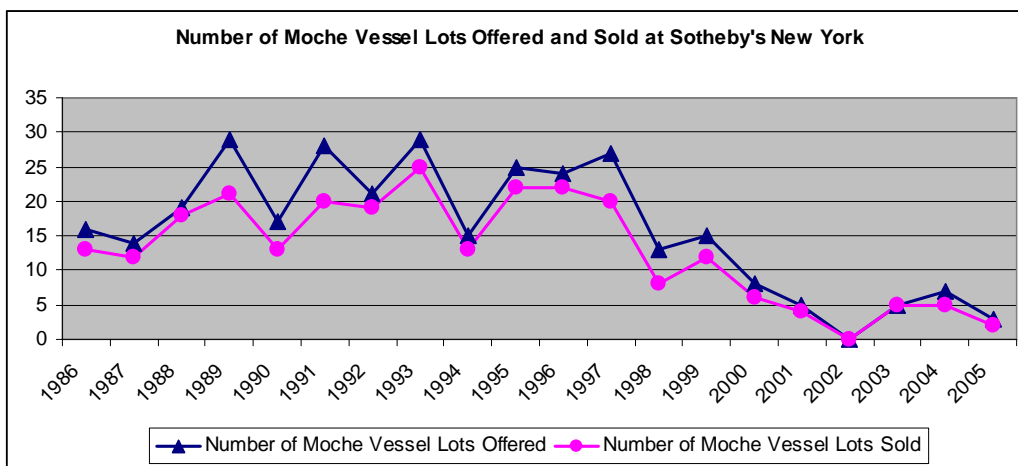
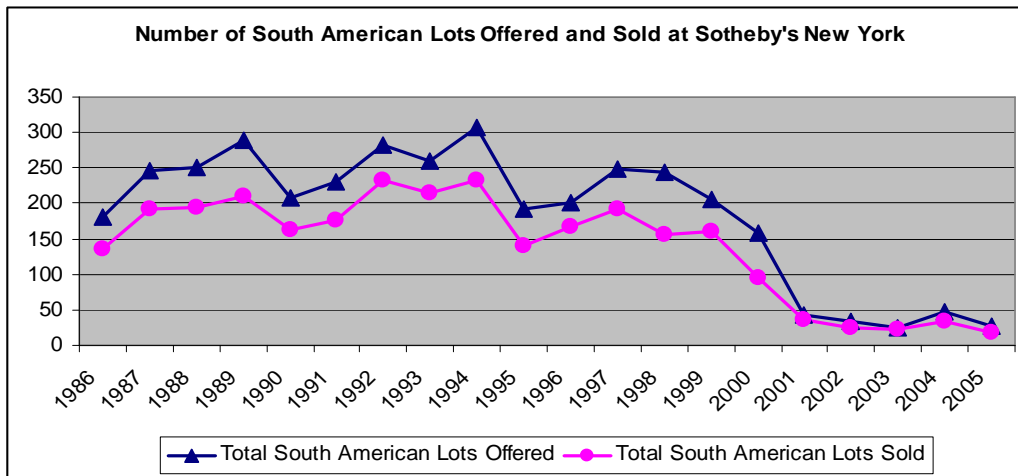


Figure 5.6: The number of South American antiquity and Moche vessel lots offered compared to the number of lots sold at Sotheby's New York, 1986 to 2005

No disparity between the number of lots offered and the number of lots sold was detected in Sotheby's South American antiquities auctions from 1986 till 2005. It appears that the number of South American antiquities that sold at auction was directly proportional to the number of objects offered. This same pattern is seen when one looks at the number of Moche vessels offered compared to the number sold. Thus, on the most basic level, there seems to have been no decline in the demand for South American antiquities, only a decline in the amount Sotheby's chose to offer.

Another way to gauge the demand for a class of antiquity to look at the average amount of money paid per lot sold per year. As previously mentioned, the fluctuating buyer's premium of Sotheby's sales was not subtracted from the total price for the purpose of gauging demand as this additional charge is part of the amount that a consumer is willing to pay for the lot in question. A decrease in the price paid per

lot indicates an unwillingness of consumers to buy a particular class of antiquity which results in a reduction in the amount that the consumer is willing to pay.

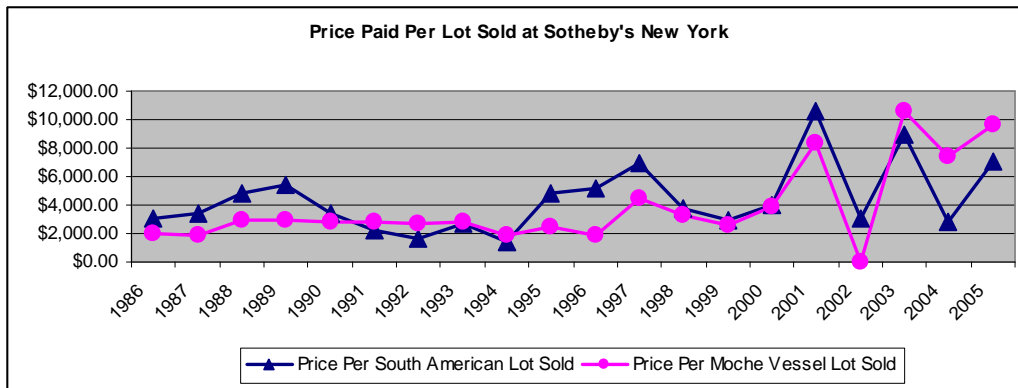


Figure 5.7: Average price paid per South American antiquity and Moche Vessel lot sold at Sotheby's New York from 1986 to 2005 (including buyer's premium and adjusted for inflation to 2005)

Logic would dictate that if the drop in the number of South American antiquity lots offered for sale by Sotheby's around 2001 was the result in drop in demand for the objects, a decrease in the amount buyers were willing to pay for South American antiquities would be seen prior to and perhaps even after the reduction of lots offered. In reality, the amount paid for South American objects remained remarkably stable until 2001 when the price paid per lot peaked. In the 5 years following 2000 the price paid per object fluctuated wildly between unprecedented high prices and prices close to the 19 year average. The average price paid per year for Moche vessels followed this same pattern. It is likely that the wild fluctuations present after the year 2000 relate to the limited number of objects sold: if only 40 objects were offered and half of them are particularly fine, the average price per object sold will be inflated. The equivalent increase in the price paid per Moche vessel in the control group, however, may actually indicate an increase in public demand for South American antiquities outside of the "boom" effect that could be attributed to, say, a particularly large number of gold objects offered at a small sale (Ashenfelter and Graddy 2002:9).

Thus, contrary to Alva's prediction, there appears to be no decrease in the demand for South American antiquities. Buyers of South American ancient art have been consistently willing to buy the same proportion of the lots offered by Sotheby's each year. They are also willing to pay at least the same amount per lot each year

with several recent years seeing a significant increase in the amount buyers are willing to pay per lot. Where there is demand and money, there is supply. The willingness of US buyers to purchase unprovenanced South American antiquities for increasing sums alludes to the existence of a large undocumented trade in these objects. Sotheby's themselves has moved underground and prefers to sell South American antiquities privately thus reducing their risk of being found to violate of the various applicable import restrictions and international agreements.

#### **5.4 Scandal and the Reaction of the Antiquities Market**

It is clear that the market for antiquities does not exist in a vacuum. Thus, like the market of any commodity, the particulars of the trade in South American antiquities responds to outside forces beyond aspects of supply and demand. Buyers want South American antiquities and huaqueros dig up a deceptively abundant supply of them. If supply and demand were the only factors one need consider, there would be no excuse for the drop in the number of objects offered by Sotheby's at auction as it is clear that neither supply<sup>1</sup> nor demand (as discussed previously) have slowed. Why, then, has Sotheby's taken a step back with regards to the sale of South American antiquities?

A hopeful possibility is that the bilateral agreements that the US has signed with South American countries work. When it was clear the agreements were here to stay (that is when Bolivia became the second country with an agreement and Peru's was renewed) Sotheby's faithfully and knowingly cleaned up its act out of care for the cultural patrimony of the developing world or out of fear for their own hide due to the possibility of litigation. However, to simplify the situation in this way is both inaccurate and short-sighted. It removes this particular class of object from all other objects types sold at Sotheby's, and assumes that antiquities are something more than what they actually are in the eyes of the art world. To Sotheby's, antiquities are art objects just like impressionist paintings and 17th century furniture. They are commodities that are bought and sold and the particulars of their sale are governed not only by government and legal restrictions, but on internal issues within the Sotheby's company.

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<sup>1</sup> Judging from the ongoing pillage of South America's past as documented by nearly all archaeologists working on the continent, myself included, and documented in Toner 2004

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During the 1980s, the art market was an extremely profitable enterprise and Sotheby's experienced many record high sales. During this period, the number of South American antiquities sold at Sotheby's rose steadily. Although the art market collapsed in the early 90s, it does not appear that a lack of interest in South American antiquities contributed to the record low profits experienced by Sotheby's in 1992. In fact, 1992 was one of the most profitable years for the sale of South American antiquities. However in 1994 the amount of South American antiquities sold at Sotheby's began to drop along with the rest of the art market and with Sotheby's profits. This, incidentally, was the year that three South American objects were seized from Sotheby's warehouse in New York and returned to Peru.

In 1995 the management of Sotheby's entered into a secret price fixing scheme with its archrival, Christies (see Mason 2004 for a complete account of the price fixing scheme). This scheme energised the profits of both auction houses and the number of South American antiquities sold by Sotheby's increased moderately, though a small decline was seen in beginning in 1997. This decline may have been in response to the MOU that was successfully obtained by the government of Peru or it may have been part of the public response to the exposure of Sotheby's smuggling operations by reporter Peter Watson and the subsequent end of antiquities auctions in London. As this decline was relatively small, it does not appear to represent much profit loss on the part of Sotheby's. In 1999 the price fixing scandal was exposed and the number of South American antiquities lots offered and sold at Sotheby's began to tumble. The number of lots sold was still proportional to the number of lots offered but it is apparent that Sotheby's was beginning to limit the number of South American antiquities it puts on the block.

In 2000 both the president and CEO of Sotheby's resigned amid scandal, and the former CEO, Dede Brooks pleaded guilty to a US antitrust violation. In 2001 former president Alfred Taubman was convicted of price fixing in violation of US antitrust laws. In 2000, the number of South American antiquities offered for sale at Sotheby's plummeted and by 2001 Sotheby's put forward only a fraction of the number of South American antiquities that it offered in the decades prior, a trend which continues into the early 2000s. As previously mentioned, it is clear that the scaling back of the number of South American antiquities that Sotheby's offered for public sale was intentional and apparently not related to any decrease in demand. It may be that the company, already in deep legal trouble, could not afford to continue



to offer a class of object that presented as much legal risk as South American antiquities. The introduction of Bolivia's MOU in 2001 and the renewal of Peru's MOU in 2002 may have been factors in this decision but as no significant sales response was recorded for all previous import restrictions, one must assume that the price fixing scandal and subsequent company overhaul were the driving force of the reduction of public South American antiquities sales at Sotheby's.

By 2006 Sotheby's was recording record high profits once again. It seems that the general economic downturn of both the USA and Europe in the early 2000s has had little effect on the ultra-rich buyers who are attracted to the auction house. The current CEO of Sotheby's, Robert Ruprecht, has stated "We made a conscious decision to enhance profitability by concentrating on key high-end and middle-market opportunities" (Sandler and West 2006: 1). It is clear that the South American objects still offered at public auction at Sotheby's fall into the category of "high-end", and it can be seen that the sale of these objects was never unprofitable. Indeed, the assertion by Sotheby's Pre-Columbian department that they can and do sell objects privately, leaving no public record of the sale, indicates that Sotheby's does not believe that South American antiquities present them with loss. Rather it seems very likely that the hostile environment created by the MOUs coupled with internal issues and scandal have forced the sale of South American antiquities underground, even at Sotheby's. The auction house, already fragile from public scandal, cannot afford the public relations nightmare that would inevitably surround an international issue involving South American antiquities.

## 6. Conclusion

It would be easy to dismiss the South American antiquities auction situation as dire. As an archaeologist I am biased and looking at these catalogues was a painful experience. South American antiquities are not commodities like paintings: created for sale or public trade. They are not found objects that, by the nursery school rule of “finder’s keepers”, are wards of the finder to dispose of as they see fit. Legally, South American antiquities are the property of the people of South America. They are the icons of a glorious past and are seen by many as inspiration for a glorious future, thus instilling a sense of cultural pride in the poverty-stricken and oppressed. Personally, I cannot help but see the looting and sale of South American antiquities as evidence that the continent is being sacked yet again by western conquistadors who are destroying the past for the sake of money. Despite my biases I believe I have identified overarching issues within the market for South American antiquities.

During the course of this project it has become painfully clear that, due to several factors, the objects presented in the Sotheby’s catalogues are unable to expand our knowledge of the past. The lack of context information renders the artefacts unusable for academic study and the air of doubt that surrounds the provenience information that is supplied only complicates the already obscure information about the object’s past. Some might argue that a piece that is divorced from its context can still yield information about the iconography and craft making techniques of a certain culture, but almost any South American antiquity offered by Sotheby’s may be a modern forgery. As none of the artefacts encountered during the course of this study were excavated with their context recorded, one cannot assume they are of ancient origin and thus any conclusions drawn about their iconographic and technical qualities would be highly questionable. Thus it can be concluded that the trade in these unprovenienced and most likely illegal or illicit South American antiquities has actively prevented the public from becoming aware of the details of ancient cultures that could have been gleaned from the objects had they been properly excavated.

Due to the implementation of several forceful import bans, collecting unprovenienced South American antiquities is currently legally dangerous. The number of high profile seizures signals that the bans are no idle threat. Despite this, the demand for the artefacts has not decreased. In fact, there is some evidence for an increase in the amount that buyers are willing to pay for South American

objects which may indicate a greater demand. Despite the apparent profitability of the South American antiquities market, Sotheby's reduced the number of artefacts they offered to a trickle in 2001, choosing to broker undocumented private sales. This cutback seems to be a result of the various scandals that hit the company at the time. Although the international agreements that came into effect may have been a factor in this cut back, they were most likely not the only factor. The tendency for archaeologists to see antiquities as outside of the normal art market and the internal issues of the auction house may result in researchers missing key information as to why changes occur in the market. The isolation of only one antiquities class sold a larger auction as seen in previous studies of this sort is problematic as well. A mysterious decrease in the number of Maya objects sold in a particular years as documented by Gilgen in 2001, appears to not relate to import restrictions as suggested, rather to an increase in the number of South American objects sold at the same auction. We cannot continue to divorce the lots from their auction and full catalogues must be reviewed by researchers for meaningful conclusions to be drawn.

I do not wish to outright accuse Sotheby's of anything illegal. I have merely highlighted ways that Sotheby's, through opaque business practices and vague information, could have been deceptive in their dealing of South American Antiquities. It cannot be forgotten that Sotheby's does have a long history of deception and illegal practice (see Watson 1997 for art and antiquities smuggling, Rose 1996 for the sale of banned antiquities, and Mason 2004 for anti trust violations). I believe that Sotheby's have earn their notoriety. Their sale of South American antiquities could be clean, but it is not. It could be transparent, but it is not. They could sell only properly provenienced objects and objects with clear ownership histories, but they do not.

I also do not wish to condemn the legal trade in antiquities. Though I, personally, do not understand why anyone would want to own an unprovenienced antiquity when one can easily visit museums or participate in archaeological digs to commune with the ancients, I acquiesce to current legislation. If an antiquity legally left its country of origin, legally entered its country of sale, and is sold publicly I feel that interested parties should be allowed to buy. There are a limited number of antiquities that were collected long ago and are now gathering dust in attics. It seems cliché to say so, but they do turn up in old family collections. In a sense, public auctions have been a blessing when it comes to the study of the antiquities market.

Catalogues show what has surfaced, what people wish to buy, and what they will pay for it. The movement towards private and undocumented sales as uncovered in this study is truly frightening. It appears that we may no longer have the invaluable resource of auction catalogues to gauge what is truly going on in the South American antiquities market. A new strategy must be developed to track these objects and root out illegal practice before the market descends deeper into the dark recesses of back door deals and international crime.

A number of issues remain unresolved and, in a sense, this preliminary study of the particulars of South American antiquities auctions has raised more questions than it has answered. Clearly the Sotheby's South American antiquities auctions that still occur should be tracked in the future for any indication of a change in the patterns detected by this study. Research should extend, if possible, to private dealers and online auctions as there is evidence that a significant trade in moderate quality South American antiquities exists within these realms. The particulars of Sotheby's private sales of South American antiquities should be investigated as they represent a significant deviation from the ideals of an open and transparent market. Museum acquisition records should be consulted to see if patterns on the supply end do, indeed, match patterns on the demand end of the antiquities market. Perhaps most importantly, more similar studies of classes of antiquities sold at auction should be completed so that a more detailed understanding of the demand for artefacts emerges. The creation of this database is a step in the right direction, but I hope to address the wider concerns uncovered by this study in future research.

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