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Edited by

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The Power of the Press

The Effects of Press Releases and Popular Magazines on the Antiquities Trade

MORAG M. KERSEL

In December of 2007, *Time* magazine published an article by journalist Maria Baugh, entitled “Antiquities: The Hottest Investment.” This article appeared just days after the New York office of Sotheby’s auction house sold the Guennol Lioness for a record-shattering U.S. \$57.2 million. Declaring that although “the sculpture is just three and a half inches tall and looks like a female body-builder with a lion’s head,” there was no question that “the 1948 purchase of the Guennol Lioness by Alistair Bradley Martin was a brilliant investment” (Baugh 2007). Antiquities and art appear to be the next hot investment, yielding up to a 10-percent return and esthetically more appealing in your curio cabinet than a stock certificate, which may or may not be worth the paper it’s printed on. When Baugh asked whether the “average Joe” could actually afford to participate in the market, experts in the dealer community hastened to assure that buying antiquities is not just sport for the very rich.

The good news is that it is possible for the individual investor to buy antiquities—and for a surprisingly moderate amount. For under U.S. \$10,000 a year one could acquire two to four quality pieces with good provenance (object history, which includes a history of ownership) that you could expect would not only hold their value but actually appreciate in value,

blogged John Ambrose (2007), director of the antiquities shop *Fragments of Time*.

Responses to the report in *Time* magazine came from both sides of the debate over the trade in archaeological artifacts. Predictably, the archaeological community was outraged over what they considered to be a flippant disregard for the importance of archaeological context and the commodification of antiquities. In a letter to the editor of *Time*, Claire

Smith (2007), president of the World Archaeological Congress (WAC) stated: “many of our members . . . read this article with utter disbelief.” She continued: “It is difficult to describe or imagine the degree of destruction that takes place in order to find one small object worthy of the antiquities market.” WAC asked *Time* magazine to run stories to counter the damage done by this article—which they have thus far chosen not to do.

A year later in the December 2008 Antiquities Auction at Sotheby’s in New York, lot 27, a Cycladic figurine of the Spedos variety, sold for U.S. \$1,022,500, reinforcing the trope of art as the next big investment, even during a recession. Recently, while conducting ethnographic research on the trade in antiquities, I was stunned to come into contact with the anonymous purchaser of the Cycladic figurine. When I asked about the piece and the motivations behind its acquisition, the collector remarked that it was a “safe investment,” one that could later be sold at a greater profit when the economy bounced back. And, like the Guennol Lioness, the Cycladic figurine has a pristine provenance, adding to the increased investment potential and assurance of authenticity. “Better than the stock market at the moment, and there are no Bernie Madoffs¹ in the mix,” stated the buyer.

In March of 2009 at the annual European Fine Art Foundation (TEFAF) Art and Antiquities fair in the Netherlands, the volume of sales in the Classical Antiquities and Egyptian Works of Art section was high, with a large number of purchases made at less than U.S. \$70,000²—lending support to the notion of the purchasing power of the “average Joe.” At TEFAF, long-time antiquities dealers Jerome Eisenberg, Rupert Wace, and James Ede all reported stronger than expected sales of classical antiquities. Market analysts attributed the strength in sales in spite of the shaky economy to the “Yves Saint Laurent effect.” Prior to the sale at Christie’s auction house of the collection of recently deceased fashion designer Yves Saint Laurent, an in-depth feature article appeared in the pages of *Vanity Fair* (Collins 2009). The article served as a de facto auction catalog, for images depicted Yves Saint Laurent and his partner Pierre Bergé among the belongings to be auctioned off later that year. The weakened economy notwithstanding, the Yves Saint Laurent sale at Christie’s Paris auction house earned a record breaking US \$507 million—a record for a single-owner collection (Gleadell 2009). The question on the minds of market analysts was whether this sale revived confidence in the antiquities market or whether the sale was a one-off phenomenon of celebrity. Like the TEFAF, the Yves Saint Laurent collection was a virtual cabinet of curiosities appealing to all types of

1. Bernard Madoff, former financier, was convicted of defrauding thousands of investors out of billions of dollars in a ponzi scheme.

2. See the *Artdaily.org* review of the TEFAF fair (Artdaily.org 2009).

collectors; and both venues defied all market expectations, suggesting that antiquities are “safer” than an IRA or the stock market, given the current economic climate. The antiquities market might be touted as a sure thing and a safe investment; but without knowing the exact archaeological find spot (the provenience), can the investor ever be certain that the artifact being purchased is real?

Missing from these popular articles on the benefits of investing in the antiquities market are considerations of the damage done to the ancient landscape as a result of looting in search of saleable items; the value of a particular piece to historians and archaeologists is as much in its context as in the object itself. Research amply illustrates the connection between the demand for archaeological material and the looting of archaeological sites to meet growing demand (see Fincham 2009 for further discussion). There is a finite supply of material, but with articles such as the piece in *Time Magazine* promoting antiquities as available to all pocket books and glossy cover stories on the fashionable collections of celebrities providing a pastiche of credibility to the antiquities market, there are an increasing number of investors interested in owning ancient art.

The question for investors is what, if anything, scientific context contributes to the monetary value of an object. At a recent panel on Heritage Issues and the Middle East hosted by the Boston University Art Law Society and The Lawyers’ Committee for Cultural Heritage Preservation, Jane Levine, compliance officer for Sotheby’s, stated that solid provenance was definitely adding value to the purchase price of antiquities (Levine 2009). The comment was in response to a question regarding the purchase price and provenance of the Guennol Lioness. The Sotheby’s catalog entry describes the Guennol Lioness as “said to have been found at a site near Baghdad,” but we will never know for certain. Nor will we know of any associated artifacts and structures found with or near this artifact. Was it from a funerary context, a domestic context, or a cultic context? Was it buried alongside a child, a woman, or a dog? Was it found inside a pot or in the foundation of a building? The trade claims that this piece has an impeccable provenance because it has been in private collections since 1931 and on display and “accessible” to the public in the Brooklyn Museum since 1949. But now that a private collector has acquired the piece, will it ever be accessible again for the enjoyment of the international community?

The preceding examples attest to the impact of the press—more specifically, popular magazines—on the trade in antiquities. Equally as influential are the policy statements and press releases of professional organizations and their representatives. In June of 2008, the Association of Art Museum Directors (AAMD) released the findings of their “2008 Report of the AAMD Subcommittee on the Acquisition of Archaeological Materials and Ancient Art” (AAMD 2008). The new report goes

beyond earlier efforts by formally recognizing the United Nations Educational, Cultural, and Scientific Organization (UNESCO)'s 1970 "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property" (UNESCO 1970) as a threshold date for the acquisition of archaeological material. The report *encourages* members not to acquire material that cannot be proven to have been outside the country of origin before 1970 or that does not have proof of legal exportation after 1970. The AAMD will dedicate a section of its Web site to the on-line publication of museum acquisitions of ancient material. Their goal is to make the information "readily and publicly accessible" (AAMD 2008). Their aim is increased transparency in the marketplace—no acquisitions without legal proof of exportation and a database of all acquisitions.

While the new AAMD recommendations for its member museums are to be commended, this statement in its report is troubling: "The AAMD affirms the value of licit markets for the controlled sale of ancient art and archaeological materials as an effective means of preventing looting" (AAMD 2008). The AAMD is expressing its support for a legal market in antiquities as a way to prevent the illegal excavation of sites, providing their imprimatur for a controlled sale of antiquities. The topic of my Ph.D. dissertation (Kersel 2006b), *A License to Sell: The Legal Trade in Antiquities in Israel*, was the licit market for antiquities in Israel (legally sanctioned by the Israeli government) and whether the legal market had any effect on archaeological looting. My study concluded that the legal availability of archaeological material has led to continued looting in Israel, Jordan, and the Palestinian Territories (Kersel 2006b)—the ever-increasing demand due to tourism or as investments has led to a need for more artifacts in the market, which has led to increased looting. Numerous studies based on examples from all over the world (Al Hamdani 2008; Kersel 2006a; Kersel, Luke, and Roosevelt 2008; Luke and Henderson 2006; Roosevelt and Luke 2006; Yahya 2008) have illustrated the causal relationship between the demand for archaeological material and the looting of archaeological sites, but this fact is often overlooked in the debate over "who owns the past" and is not addressed in the recent report of the AAMD.

Rather than simply criticize or vilify collectors (and by collectors I include low-end tourists and high-end connoisseurs, as well as museums and educational institutions), I intend to demonstrate that those who support a position of free-trade in antiquities, regardless of the damage to the archaeological landscape, are waging a much more successful public relations campaign in the media than those in the realm of archaeology.

Recently, the debate in antiquities has been reduced to nationalist and so-called internationalist positions—pitting those who believe in the uninhibited movement of archaeological material against those

who would like to retain it within the borders of the nation in which it was originally found (for further discussion, see Bauer 2008). The term *cultural internationalist*, first proposed by Stanford lawyer John Henry Merryman (1986), is actually a misnomer, as this view of cultural property is not really internationalist and should more appropriately be termed a free-market approach. The term *internationalist* conjures up positive connotations, providing access to all. Rather than being internationalist in approach, the free-market position, in this context, advocates for the unfettered movement of cultural material in the marketplace—those who can afford to purchase the artifacts are allowed access. The international exchange of free-market goods is primarily a flow of objects from less-developed nations to collectors, generally with access to capital. The exchange is usually financial, not intellectual. Perhaps recognizing that the term *cultural internationalist* was passé, or needed rebranding, this position has now taken on the moniker *cosmopolitanism*, with very influential academics and museum professionals (such as James Cuno, president and CEO of the J. Paul Getty Trust, and Princeton intellectual Kwame Anthony Appiah) leading the debate.

For the purposes of the cultural internationalists, the cosmopolitanism of Appiah (2006) is a dynamic concept in which we all have obligations that are based on a respect of other customs and beliefs that have meaning and value. The cosmopolitan argument used in the antiquities trade is that if exposure to art is valuable to a society, then we should want everyone to experience it, echoing the internationalist mantra “art as ambassador” first introduced by Paul Bator (1982) and embodying the free market stance.

Nationalists are primarily comprised of archaeologically rich nations and those, including some archaeologists, who emphasize a relationship between cultural objects and national identity, culture, and history.

A third position, one that is often conflated with the nationalist group and typically held by anthropologists, archaeologists, and ethnographers, places primary emphasis on the contextual information associated with cultural objects, highlighting the acquisition of information about the human past through relationships and proper scientific documentation. As Patty Gerstenblith (2001: 221) argues, “today, ever more sophisticated scientific techniques, as well as interdisciplinary methods of analysis are available and routinely used in the reconstruction of past civilizations.” Anthropologist Richard Handler (1992) forcefully maintains that to have meaning objects must be surrounded by other objects, by words, or by human activity. The question of archaeological context is often overlooked by the dealing and collecting communities and is elided in popular magazine articles and press releases encouraging the legal trade in antiquities. The issue of archaeological context is something that the lay public (often consumers of archaeological material) are unaware of or see as insignificant.

Not only is there no discussion of the causal relationship between the demand for archaeological artifacts and the looting of sites, but there is also an active denial from the internationalist/cosmopolitanist camp. Cuno (2006: 29) has stated: "when an antiquity is offered to a museum for acquisition, the looting, if indeed there was any, has already occurred. . . . Museums are havens for objects that are already, and for whatever reason, alienated from their original context. Museums do not alienate objects." The AAMD press release encouraging the use of a legal market for acquiring artifacts rejects the characterization of looted antiquities as stolen property. Their position is that, once artifacts reach the market, they are already long divorced from their past and should be available for consumption. In fact, museums are giving these "orphans" a good home. Gerstenblith (2007: 187) deconstructs the cosmopolitanist position to "if the trade in looted artifacts were no longer criminalized, then the black market would largely disappear." Yet evidence indicates that the looting of sites continues whether there is a legal market or an illegal underground black market (Kersel 2006b). The real issue here is the harm caused by the trade (legal or illegal) in undocumented artifacts.

One of the research questions I asked respondents³ while conducting interviews for my doctoral research concerned the relationship between the demand for artifacts and the looting of archaeological sites—as well as thefts from museums and private collections. The question was whether there existed any correlation between them. More than 70 percent of the total respondents (66 out of 94) declared that there was a causal relationship: the demand for archaeological artifacts in the marketplace results in the looting of archaeological sites.

Four of the six stakeholder responses (archaeologists, government employees, miscellaneous, and dealers) supported the position that a legal market does not act as a deterrent to looting, and some asserted that the market may and does actually stimulate looting. The museum professional group is evenly divided over the issue. The only set of stakeholders who supported the hypothesis that a legal trade will diminish looting (the assertion of those who support a free-market in antiquities) was the collecting community, which is an interesting comment on their ability to avoid discussions involving the origins of the artifacts they are considering for purchase.

Although 46 percent of the dealers interviewed felt that there was no relationship between looting and the sale of archaeological material, 54

3. Over the course of 14 months I interviewed various individuals with an expressed interest in the legal trade in antiquities. The interviewees included dealers, collectors, archaeologists, government employees, museum professionals and a miscellaneous group, which included architects and conservators. See Kersel 2006b for a full description of the methodology.

Table 1. Stakeholder Group Positions on the Link between Demand and Looting

<i>Stakeholder Group</i>	<i>Yes</i>	<i>No</i>	<i>Total</i>
Archaeologists	95%	5%	100%
Collectors	33%	67%	100%
Dealers	54%	46%	100%
Government Employees	100%	0%	100%
Miscellaneous	60%	40%	100%
Museum Professionals	50%	50%	100%

percent fully admitted to a connection between the two spheres of the economy. Consider these comments of dealers:

If a tourist comes into my store and wants a figurine from the Iron II period and I don't have one I ask some of my fellow shop owners. If they don't have one I call my "middleman" in Hebron to ask if he has any in his storeroom. Within days I have one in my shop. I don't ask too many questions, but I do ask for the location of the find because lots of tourists want to know the name of the archaeological site that the figurine came from (Dealer 19).

and:

I get the catalogues from the major auction houses and I check eBay and I monitor what is selling. Right now inscriptions are hot, anything with an inscription is a good seller but I don't have many pieces. I am always on the lookout for inscriptions; I make sure that my contacts in the territories know that I can easily move inscriptions (Dealer 27).

Testimony from archaeologists and government employees as well as dealers clearly illustrates the link between consumer demand for archaeological material and the looting of archaeological sites. The legal market for antiquities in Israel does not diminish looting and may in fact contribute to greater mining of archaeological sites for saleable items.

Traditionally, when engaging with the trade in looted artifacts, most legal and/or protective measures are directed at looters, who are considered the source of the problem. The reasons for this are manifold. The identification of culprits in the fight against the looting of sites is much easier than identifying a nameless purchaser on eBay or at an auction house. Excavating without a permit is illegal in most countries, while the purchasing of archaeological material with dubious provenance (ownership history) or provenience (known archaeological find spot) is not illegal per se, however ethically suspect it is. Protecting borders

against the import and export of archaeological material is easier than developing social programs aimed at reducing consumer predilection. Curbing demand enters the tricky terrain of social policy, values, and education, while curbing supply relies on the use of force, coercion, and law enforcement (Naím 2005). Local and national governments have enforced laws, arrested illegal excavators, and fined middlemen; but consumers go unpunished and sometimes are unaware of the crime, which they are abetting. A redirection of efforts is required if any headway is to be made in the cessation of looting (see Kersel 2008 for further discussion).

The presence of looted artifacts in the marketplace is predicated on the willingness of consumers to purchase unprovenanced artifacts, turning a blind eye to the thorny question of archaeological find spot and object history. Euphemisms such as “from the collection of Swiss gentleman” or “a family heirloom” litter the pages of auction catalogs and are endemic to eBay and other Internet sites. Purchasers of artifacts should be asking more questions and should be held accountable when they don’t. If the AAMD supports a legal trade as a solution to looting, then they should mandate that their members ask the sticky questions surrounding ownership history and archaeological find spot.

Those in the archaeological community are not blameless in the fight against purchasing artifacts with suspect backgrounds. A stronger case should be made in the popular press regarding the connection between supply (looting) and demand (collecting) or about the importance of archaeological context (Fincham 2009). Most visitors to museums, art galleries, and heritage sites see artifacts that are decontextualized and divorced from their find spot, and yet they can still admire them and learn something about them as *objets d’art*. Scholars publish in obscure journals and scholarly volumes to secure jobs, grants, and tenure; but these sources are often inaccessible to the readers of *Time*, *Vanity Fair*, or *Archaeology*. Funding agencies do not support investigations into market analyses of the trade in antiquities—it is not “hard science” or excavation. It is difficult to conduct this type of research with no institutional support. If we scholars used the popular press and media in the ways the dealer and collector community does, perhaps we would have greater impact on changing the way the acquiring public thinks about the social lives of the artifacts they are buying.

A recent popular article in *Archaeology* magazine linking the looting of archaeological sites to methamphetamine addicts, who “loot sites for artifacts they can sell or trade for more drugs” (Patel 2009: 45), went a long way to dispelling the sanitized notion of the “antiquities road show” piece found in your grandmother’s attic. As Justin Jennings and Adrienne Rand (2008: 29) argue, “social marketing—the use of marketing principles and techniques to advance social ideas, causes and/or behaviors—is the necessary next step in the fight against illicit antiqui-

ties." By employing the negative associations of phenomena such as drugs, marketing can change consumer tastes. This type of initiative—negative associations, such as between smoking and cancer—has been demonstrably successful in anti-smoking campaigns. This behavior modification is the result of advocacy campaigns focused on social persuasion rather than criminal sanctions.

The purchase of antiquities may be a good, safe investment; but what's missing from the investment equation is recognition of the effects of demand for archaeological artifacts on the archaeological record—demand for artifacts can lead to the destruction of archaeological sites due to unauthorized, unscientific, and unsupervised excavations. The Guennol Lioness and the Spedos Cycladic figurine are now in the hands of private collectors who may or may not choose to exhibit or allow public access to these extraordinary artifacts. If one of the basic tenets of the art-as-ambassador position is access for all, isn't supporting a legal trade where objects routinely disappear from the public realm into the private sphere the antithesis of cosmopolitanism?

Antiquities remain an investment opportunity available to all—the Internet profoundly changed the collecting of archaeological material, and recent market results attest to the lure of the artifact. An active, dynamic market characterized by legal and illegal asymmetries, unequal power among the stakeholders, and secrecy has the propensity to leave the consumer in an uninformed and unfavorable situation—buying unprovenanced artifacts. A system with greater lucidity and oversight, coupled with an advocacy program aimed at presenting incontrovertible evidence connecting archaeological site destruction from looting with consumer demand, could go a long way to ameliorate this inauspicious predicament. We in the archaeological community need to be more active in countering the personal benefits of owning antiquities. We need to wage our own campaigns against the collecting of unprovenanced archaeological material in the pages of popular magazines as well as in our professional organizations. We must present the complete picture of the consequences of regarding antiquities as hot investments.

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