

Vulnerable by Design: Theft and Finnish Architecture

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This paper examines the apparently growing phenomenon of architectural and design theft in Finland. Finnish design is world-renowned, with key architects and designers, not least the iconic modernist Alvar Aalto, achieving recognition and admiration on a global level. Many key modernist buildings within Finland are protected by various laws, as are, in some cases, their internal fixtures, and objects of design over fifty years of age of which a limited series has been produced legally require an export licence. However, in recent years the demand overseas for vintage Nordic design seems to have led to architectural theft and illegal exportation. Vulnerable objects range from easy-to-remove door handles through to entire sets of railings, meaning that original furniture in public buildings is no longer safe. This paper discusses the possible causes for this phenomenon, examines the legal protection available for key design, and suggests possible measures for increasing protection of this twentieth-century cultural heritage. A number of significant and recent case studies, particularly centring on the work of Alvar Aalto, are drawn upon to illustrate the situation.

KEYWORDS architectural theft, art market, built environment, Finland, heritage crime, listed buildings, illegal export, design, Alvar Aalto

Introduction

Heritage crimes are increasingly becoming an area of interest for both researchers and practitioners.¹ Crimes affecting heritage can range from looting of archaeological sites through to vandalism at protected monuments and structures. Among these crimes, architectural theft is of particular concern. Reviews of meetings convened in the 1990s² show that awareness of architectural theft is not particularly new. One well-documented example of repeat offences of architectural theft, particularly in England, is that of theft of lead from churches.³ Furthermore, the illegal export of cultural objects, of all ages, is an ongoing problem which has been identified in numerous settings, from the looting and smuggling of artefacts from unprotected archaeological sites, through to museum thefts and subsequent sale of the stolen objects, often in

different countries, and often on a massive scale and in spite of many disincentives designed to curtail the market.⁴

Crime can affect heritage in diverse ways and in diverse settings. There are the large-scale, transnational problems, such as the global trafficking of cultural objects, which is somewhat different to crimes such as anti-social behaviour in a conservation area or graffiti on a listed building. Much of the large-scale trafficking of cultural objects, which has been described as a ‘unique transnational criminal phenomenon’, may involve elements of organized crime in the broadest sense of the term,⁵ whereas anti-social behaviour may be a far more localized issue with quite different perpetrators. An example of trafficking and its impact on heritage might be the immense damage to West African cultural heritage being caused by first world demand for cultural objects such as Nok and Djenné terracottas, acknowledged by scholars as facilitating illicit trade. In spite of the connection to illegal looting and smuggling, not to mention the proliferation of fakes onto the market, these objects are still openly sold, often with little regard given to the archaeological damage being caused.⁶ Similarly, investigations pertaining to archaeological resources in Italy have uncovered what are often highly organized criminal networks dedicated to the transit of financially valuable objects from the ground in Italy to the international art market, often involving high-end dealers and internationally regarded auction houses and museums.⁷ Stories, and evidence, of looting from other parts of the world also abound, often being exacerbated by infrastructural instabilities in the aftermath of political regime changes.⁸

These sorts of instances, quite rightly, have attracted attention and extensive research incorporating contributions from disciplines such as archaeology, journalism, law, and criminology. However, other parts of the world would seem to experience heritage crimes involving theft and driven by market demand as well, but to a much lesser extent. To focus exclusively on the regions experiencing the highest number of crimes such as theft and looting or unauthorized excavation runs the risk of ignoring completely what, in scale at least, are lesser activities. These crimes may have a slighter impact in terms of damage to the historic environment or the financial returns for the perpetrators, but they nonetheless *do* have a detrimental effect on the historic environment. The setting for the issue examined by this paper is Finland, a country frequently missing from debates around the illicit trade in cultural objects. I aim to present a previously under-discussed issue pertaining to twentieth-century architecture and design in Finland within the context of the illegal export of cultural property, more broadly, and the importance of twentieth-century architecture and design to Finnish culture, in light of the legal tools available.

From what little is known about the scale and nature of illegal export of Finnish design, those involved are unlikely to be connected to an organized or semi-organized trafficking network. However, the problem is instead indicative of apathy towards or even ignorance of the existing legislation by exporters, and a lack of resources for those agencies charged with enforcement. Interviews with representatives of the Finnish Border Guard indicated that profiling — itself a common technique for selecting people to check at the border for smuggled items without resorting to exhaustive but time-consuming checking of all passengers⁹ — was employed by them to target smugglers of people, alcohol, or tobacco, but would be unlikely to fit the imagined profiles

of people who might smuggle cultural objects. Those individuals, consequently, were unlikely to be stopped and checked.¹⁰ This paper is timely in light of renewed interest and focus on crimes affecting our built heritage at the global, regional, and local levels.

Finnish cultural heritage and the position of design

The physical remains of the past, from archaeological material through to objects of fine art, in Finland as in other countries, have at different times faced different threats. These have ranged from deliberate destruction through to theft for personal possession or to sell on for profit. The region of Karelia, much of which is currently part of the Russian Federation, is historically culturally significant to Finnish ethnic identity, with folk poets in the region contributing heavily to the collation of the *Kalevala* national epic.¹¹ The Grand Duchy of Finland was part of the Russian Empire until 1917, having in the past also been under Swedish control. In the Winter War of 1939–40, while Karelia was still largely Finnish territory, Soviet-led destruction of museums, collections, and other heritage assets in the region reflected the not-uncommon practices of cultural destruction in times of conflict.¹² More recently, initiatives have been suggested which aim to allow both Finnish and Russian communities to explore their ‘shared history’ through the remaining museums and collections in the region.¹³ One example of this is the restoration of the Aalto Library in Vyborg, Russia (formerly called Viipuri), involving input from both Russians and Finns.¹⁴

With regard to the role that Finland may have or have had for facilitating transnational illicit trade, archaeologists currently working in former Soviet states have indicated in conversations with me they believe that Finland was a transit nation during the Soviet period for cultural objects leaving the Soviet Union and going to the West. Other authors have talked about the role of ‘diplomatic bags’ in facilitating this traffic out of the Soviet Union,¹⁵ with one even suggesting that Finnish diplomats were involved in this practice.¹⁶ In comparison, little is discussed regarding the, admittedly smaller-scale, illegal removal of cultural property from Finland itself. Looting from archaeological sites within Finland is rare compared with many countries, although evidence of illicit excavation in the search for saleable material from World War II has been noted in parts of Lapland.¹⁷ Other thefts affecting cultural heritage seem to have been equally sporadic, for example, the theft in 2010 of an Orthodox icon from the Uspenski Cathedral in Helsinki,¹⁸ which in 2011 was found still in Finland and recovered for restoration.¹⁹

Objects of design are popular with collectors the world over. Lindemann explains that:

‘Design’ is the catchword for the furniture that best represents our recent history and cultural legacy. Indeed, there are separate and, at times, intersecting fields of design that can lead to confusion. There is car design, watch design, interior design and architecture [... and ...] twentieth-century furniture.²⁰

For the purposes of this paper, the main focus is on architecture, but also on furniture as it occurs as part of the original fabric of a building.

Finland, like the Nordic region as a whole, is well known for its contribution to the field of design. In 2012 Helsinki was named the World Design Capital.²¹ In addition, the Design Museum in Helsinki curates an extensive collection of design objects across several locations,²² and also cooperates with the National Board of Antiquities (NBA) in monitoring the export of design objects.

The work of highly influential individuals such as Alvar Aalto (1898–1976) has been regarded as contextual to the conditions within Finland as a country where ‘innovative design has been [...] widely accepted as the basis for public culture’.²³ Furthermore, from the outset, design has been recognized as a key tool for assisting innovation in Finnish industry as well as being a major economic export in its own right:²⁴ ‘its international success can be attributed to [...] strong government sponsorship, supportive craft societies, and the shrewd use of international fairs as promotional vehicles’.²⁵ A 2005 report commissioned by the Ministries of Education, Foreign Affairs, and Trade and Industry identified design, including architecture and industrial design, as key cultural export sectors,²⁶ and understandably the focus economically is on the encouragement of demand abroad for the work of Finnish artists, designers, architects, and other cultural sector workers.²⁷

Legal frameworks

Article 1 of the 1970 United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property states that cultural property ‘means property which, on religious or secular grounds, is specifically designated by each state as being of importance for archaeology, prehistory, history, literature, art, or science’, divided into a number of categories.²⁸ Each state that signs or accedes to the 1970 UNESCO Convention has the ability to define for itself what it views as its cultural heritage.²⁹ Finland is also a state party to a number of other international and regional conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (as of 1999) and the 1985 European Convention for the Protection of the Architectural Heritage (as of 1990).

Finland regulates export of cultural objects that it has deemed important to the national heritage through a licensing system. It is not a ‘retentionist’ state in the sense of trying to block the export and sale of any cultural patrimony, in the way that some key ‘source’ nations legislate to try to end any trade at all.³⁰ Rather, it allows, in most cases, the export of cultural property, with a number of classes of object requiring permission for export through the mechanism of licensing. Under section 4 of the Act on Restrictions to the Export of Cultural Objects (155/1999), a range of categories, including ‘works of art and original or comparable products of industrial art and art handicraft of which a limited series has been produced — more than 50 years old’, ‘buildings or parts of buildings — more than 100 years old’, and ‘objects, related to national history and prominent persons — irrespective of their age’,³¹ require application for an export licence in order to be taken out of the country. In the wider Nordic region, only Finland and Norway would appear to protect certain categories of design specifically under their respective legislation on export of cultural property, despite Danish and Swedish design also receiving international recognition. Section 7

of the Act (155/1999) lists the considerations to be taken into account in deciding whether an export licence should be granted. These are:

- is the object rare or is there a danger that it will become rare
- is the object particularly representative from the standpoint of national cultural heritage
- is the object essentially connected to a valuable cultural environment
- is the object connected to prominent persons or events from the standpoint of national history, or
- is there some other special reason for not permitting the export of the object?³²

In addition, a licence is always granted under the guidance of this section if the object is within the household effects of a person emigrating, is part of the inheritance of a person living abroad, or the object is leaving Finland for a limited period (maximum of two years) and will be returning.³³ These three possible circumstances, while ensuring a licence will be granted, do not in themselves remove the requirement to apply for an export licence in the first place.

The architectural heritage of Finland is considered to include both the exterior and interior of a building or structure.³⁴ Culturally significant buildings are protected by the Act on the Protection of Buildings (60/1985, amended 1153/1993 and 498/2010).³⁵ Under this Act, the ‘fixed interior’ is also protected, which, in the case of listed buildings such as Finlandia Hall (see below), means that fixtures and fittings are also protected as part of the historic building.

Market trends: What is the global demand for Finnish and Nordic design?

Design in the broadest sense is becoming increasingly popular with collectors the world over, perhaps exemplified by the publication in 2010 of a collection of accounts from major dealers and ‘deep’ collectors of design.³⁶ For Finland, a country that has contributed so significantly to design, an upsurge in collector interest has been noticed, especially for objects from Finland’s design ‘heyday’ of the 1950s and 1960s. A recent news article noted of the export restrictions placed upon design from this period: ‘However, many Finns are unaware of this — and many foreign collectors don’t care’.³⁷

Jonas Forth, a blogger and design enthusiast based in Finland, has noted with some concern the apparent growth in export of vintage design, and wondered what its impact will be in the longer term:

In Finland there was an expressed desire for Finnish design to conquer the world and claim a place in homes all around the world. An honourable thought at the time, as well as now when Finnish design is yet again reliving a modern heyday. But what will coming generations have to say about the that [*sic.*] which was once easily sold and which can never be gotten back.³⁸

Auctioneers who I interviewed in Finland all indicated the popularity of classic Finnish design with buyers within Finland itself but also internationally. One auction expert in Helsinki suggested that the move within the art market towards contemporary forms of art more generally was influenced by the perceived risk posed by buying fakes if dealing in, or collecting, older artworks:

Why should we bother, as there's always this danger and fear of it being faked [...] there's so much art around the world. So focus on something else. And the world has, has tilted towards, really focusing on contemporary. Anything contemporary.³⁹

Against this apparent increase in demand, it is perhaps unsurprising that not only have Finland's heritage authorities become more aware of the possible negative impact posed by allowing removal, unchecked, of what are distinct and sometimes unique objects, but also more opportunists might be willing to break the law, knowingly and unknowingly, in light of the potential for significant profits abroad.

Examples

It is noteworthy that, of the sixteen temporary export prohibitions issued by the NBA in 2011 and 2012, six were issued for objects designed by Alvar Aalto, some of which are discussed in more detail below. Reasons for blocking their export included that the objects in some cases were connected to a valuable cultural environment (such as the interior of a listed building), or they were at risk of becoming very rare.⁴⁰ The following examples indicate the range of objects which are seemingly vulnerable.

Erottaja Pavilion Rail Support

The Erottaja Pavilion is located in Helsinki, on Erottajankatu close to the city's Esplanadi. It was designed by Alvar Aalto in 1951–52, following on from an initial design for an entrance structure to an emergency shelter, which Aalto entered into a competition in 1941.⁴¹ Over the years it has served as an entrance to a bomb shelter, entrance to public toilets, a kiosk, and in the present time it is the entrance to an underground car park. Ownership of the structure resides with the City of Helsinki. In 2005–06 it was noticed that, possibly following a collision involving a car, snow plough, or other vehicle, one of the rail supports around the exterior of the structure had come away from the pavilion, and had in fact disappeared by the time the damage was discovered (Figure 1).⁴² Little more was known about the whereabouts of the missing rail support, or some of the stone cladding that had also come away, for some time, and a replacement support was constructed and added to the pavilion (Figure 2).⁴³

In 2012, four pieces attributed to Alvar Aalto appeared in an auction at Christie's auction house in London. These lots were apparently from the same consignor, a dealer based in western Finland. Two of the lots, described in the catalogue as a 'Senna Chair, circa 1929' and an 'Architectural Presentation Piece, circa 1973',⁴⁴ aroused suspicion, initially because the chair appeared, to Aalto specialists, to be on the wrong base and thus inauthentic. An export licence request was sent to the NBA prior to the objects leaving Finland, but they were exported while the licence process was still ongoing and so before official permission had been given.⁴⁵ The request was for the 'presentation piece' — a metal architectural feature attached to a piece of stone — which, it was claimed (and stated in the description in the Christie's catalogue), was presented to the original owner in 1973 due to their involvement in the development of the Sähköotalo electricity building in Helsinki.⁴⁶ The piece of stone to which it was attached was not the original stone piece from the pavilion, but a larger stone, the addition of which might have been intended to make the rail support



FIGURE 1 Photograph taken in June 2011 of Erottaja Pavilion, showing, to the left, where the rail support had disappeared.

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look more like an artistic sculpture. Staff at the Alvar Aalto Museum reported later that, when the two components were unscrewed, there was still some wet glue in the stone's drilling holes, further indicating that the addition was very recent.⁴⁷ In addition to these two pieces, a further two lots from the same consignor, also pieces by Aalto, were included in the export licence request. The NBA noted at the time that, while the export licence was issued retrospectively, because the objects were already in London they had in fact left Finland unlawfully.⁴⁸

Further research by staff at the Alvar Aalto Museum showed the 'presentation piece' to be almost certainly the missing rail support from the Erottaja Pavilion, hence dating from the 1950s rather than the 1970s.⁴⁹ Requesting an export licence at all seemed curious, since if it was from the 1970s it would not be of an age to require a licence automatically, remembering that limited products of industrial art are covered if aged over fifty years (within which classification the piece would require a licence), and parts of buildings over one hundred years (within which classification the rail support would have a less clear status). However, even if viewed as being part of a building, rather than a 'presentation piece' (as it was depicted in the auction catalogue), the relevant law allows the NBA to block export licensing on objects connected to prominent persons 'irrespective of age'.⁵⁰ Furthermore, requesting a licence once the object had already left Finland is also highly irregular, since it would be



FIGURE 2 Photograph taken in March 2013 of the replacement rail support in place at the Erottaja Pavilion.

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illegal to remove it without an export licence if it was indeed deemed to require one. In the end, a temporary export prohibition was issued (and the object repatriated) under Act 115/1999, section 7, subsections 3 and 5. At the time of writing, the rail support, which Christie's returned with no hesitation once contacted by Finnish authorities, is being kept and conserved at the Alvar Aalto Museum, while a police investigation is still underway.

Finlandia Hall

Also in 2012, three objects — a table top, a ceiling light, and a wall light — were sold privately, along with other items, to a collector in Switzerland. The cargo was stopped at the Finnish border and, upon consultation, the three objects received temporary export prohibitions from the NBA. This was due to the suspicion that they had been unlawfully removed from Finlandia Hall, a famous listed building in Helsinki also designed by Alvar Aalto. The NBA felt that the explanation given as to how the vendor had come to have in his possession items from the interior of a listed building demonstrated the use of a false provenience:

NBA1: Well there is a story, but I don't know if it's true or not. The seller, who is an antique dealer, says that he bought it from, from a [.]

NBA2: Electrician.

NBA1: Who had been working in Finlandia Hall, and an accident had happened and the table top had been broken.

NBA3: And the table's actually, they are fixed to the floor, so.

NBA1: Yeah. So then the insurance company compensated the table top, but actually the copyright of these table tops is in the Alvar Aalto Museum, and they knew nothing about this, and the electrician said that, that's how he got the table top, because Finlandia [...]

ST: The broken one?

NBA1: Yes, and Finlandia got the new one. And it's not a very likely thing to happen. So, and even though he had, if he had broken the table top, he wouldn't have been the legal owner of it afterwards. So there's something very strange going on. But we informed the City of Helsinki, who owns the building, and now it's up to them if they want to press charges and start a new investigation in this.⁵¹

The pieces were placed under a temporary export prohibition, which, as NBA staff explained, in practice actually is most often a permanent prohibition from getting an export licence. This was justified under Act 115/1999, section 7, subsections 3 and 5; in other words, the three objects — the table top, ceiling light, and wall light — were essentially connected to a valuable cultural environment (Finlandia Hall) and other special reasons applied.

Railings designed by Aalto were also taken from the outside of Finlandia Hall in July⁵² and August⁵³ 2012. Speculation from many, including apparently the police, was that the railings were stolen for their scrap metal value, rather than due to their connection to a listed building making them desirable in their own right, even though this would have increased the market value of the railings beyond their scrap value.

Disappearing door handles

One informant suggested that the theft of architectural features connected to key individuals such as Aalto extended to the frequent (and apparently easy) removal of door handles from buildings such as the Otaniemi Campus of Aalto University (Figure 3) and the Vuokenniska church in Imatra. One suggestion given for this theft, aside from simple opportunism, was that such objects automatically fetch a higher price once they are taken abroad.⁵⁴

Vintage design furniture, which is commonplace in Finnish public buildings, can be equally vulnerable for the same reason. One informant who was interviewed — an antiques dealer — told me an anecdotal story (unrecorded) of a friend who had stolen an original 1930s Alvar Aalto stool made by Aalto's company, Artek, from a leisure centre. Apparently they had unscrewed the component parts and placed them into their rucksack, subsequently selling the stool to a collector abroad. In some cases, such as at the Paimio Sanatorium in Turku, preventative measures have been introduced to protect the furniture from theft:

[...] they have put some chains or something but of course it looks horrible with a chain from [...] a chair. To attach it to a wall with a chain it looks, it looks quite funny. But they have done that in the Paimio case because there were, I think one, some fifteen years ago or something, they told me, told me there that there were some of those stolen, and one of those was found from a field, field just a kilometre from there, and the other they don't remember if they got it back or not.⁵⁵



FIGURE 3 Photograph taken in the building of the Architecture Department, Aalto University, Otaniemi Campus, showing where a door handle has been removed.

© Alvar Aalto Museum

The iconic Paimio chair (Figure 4) is one of Alvar Aalto's most instantly recognizable designs. Since it was originally created specifically for Paimio Sanatorium, in order to allow the tuberculosis patients to sit in a position that facilitated easier respiration,⁵⁶ it is perhaps understandable that a determined collector might wish to own an original Paimio chair from the environment for which it was intended.

Conclusions

Certainly it is not the case that all cultural property should be blocked from leaving countries. Policy enforcers in Finland involved with export licensing of cultural objects are aware of this and, in fact, are actively keen for examples of Finnish creativity to move abroad and be seen by a wider audience:

Then it's been a small difference nowadays. I mean, we have thought about that we don't have to keep everything in Finland, you know, because it's also a good thing to have a really good, let's say, quality fine art going abroad. It's like, you know, an image of Finland going abroad. They can see that, oh, this the fine art from Finland. So, I mean, the borders are getting looser, like, that we want, we want to export, so, this Finnish art. Not just keep it here, because everybody can't come here to look at this fine art.⁵⁷

As discussed above, the export of Finnish design is itself regarded as a significant aspect of the Finnish economy, as well as a means of promoting Finnish culture and accomplishments to an international market. There are plenty of contemporary versions of classic designs available through companies such as Iitala and Artek, but it is the original versions that collectors seem to seek. Many objects that seem commonplace within Finnish households are suddenly rare and collectible when they reach the international market. The increased overseas demand which, as noted



FIGURE 4 Photograph of a Paimio chair (1931).
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above, has been noticed by those working in the trade within Finland, also has led to frustration at the requirement to apply for export licences in order to sell to foreign collectors. One auctioneer noted in interview that certain types of furniture could fetch upwards of five times what it would sell for within Finland. Two auctioneers noted in interview:

Auctioneer 1: [...] it's also very important that the museums in London and other places have also the Finnish, Finnish fine things. It's not very good to Finnish design if we only keep everything here in museums, no you can't buy it.

Auctioneer 2: Although we must have an example in Finland.

Auctioneer 1: Yes, but we must have an example in Finland. If it is the only one, and very important, then we take it.⁵⁸

This statement, from the perspective of auctioneers involved in selling contemporary design to an international clientele, reflects the view of the Ateneum (National Gallery of Finland) staff interviewed about making sure that examples of Finnish creativity can be seen in other countries, while also acknowledging the importance of protecting rare or unique work.

The illegal export of restricted objects of design from Finland, whether furniture, architectural, or ornamental, is not comparable in scale to the harrowing looting of archaeological sites in some parts of the world, nor is the opportunity for scientific recording of sites not previously investigated lost through the removal of design pieces. However, the rates of illegal export of pieces of design may be higher than

realized, due to the unlikelihood of perpetrators being intercepted at a border crossing. The theft of architectural pieces also may seem low level compared to thefts at some categories of buildings in other countries, with the persistent theft of lead from UK churches providing an obvious example of architectural theft reaching epidemic levels. However, again, under-reporting may be at play (for example, while it is known that door handles, as discussed above, have consistently disappeared, many may just have been replaced without any noting or recording of the original theft), and the fact that listed and famous buildings in large cities like Helsinki have been targeted is worrisome to say the least. As Raila Kataja of the NBA commented in a news report in June 2013: 'We have far less material culture that can be exported than, say, Italy. Each item that is taken abroad without a permit illegally impoverishes our national cultural heritage'.⁵⁹

It may be that, if greater note is not taken of the problem of illegal export of stolen or restricted iconic design in Finland, what once seemed a prevalent, even ubiquitous, resource could reach the point of being seriously endangered in the way that pristine archaeological sites are disappearing in other parts of the world. At that stage too, export could be further restricted, at least for those who aim to follow the law, by refusing permission on the grounds that the object is at risk of becoming rare under Act 155/1999, section 7, subsection 1. The larger problem, not just for Finland but for all countries experiencing illegal export of cultural objects, is identifying and stopping those individuals who move objects without an export licence, whether they are intentionally breaking the law or acting out of ignorance of it.

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