

Part I
CASE STUDIES



Chapter 2

The Antiquities Trade: Four Case Studies

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Introduction

Antiquities are generally held to comprise individual objects or parts of larger objects or structures that were made in ancient times (antiquity). Examples might include ceramic or metal vessels, statues or parts of statues, or broken off pieces of architecture. Although the term ‘antiquities’ is in general usage, and seems to enjoy some consensus of understanding, there is no agreed date-threshold for separating antiquities from ‘non-antiquities’, and so it should be born in mind that the term is subject to a certain fluidity of meaning. Since at least the eighteenth century, antiquities have been taken from archaeological sites, monuments and museums and traded internationally. Over time, as the material damage caused by the looting of antiquities came to be recognized, proliferating national and international laws placed the antiquities trade under progressively stronger statutory regulation, so that increasingly it has been made illegal. Nevertheless, this regulation has not succeeded in controlling or reducing the trade, and since the 1950s the material volume and monetary value of the trade have risen at an alarming rate. And while traditionally, the antiquities trade has been in the hands of specialist dealers, the increasing availability of illicit antiquities on the open market has opened opportunities for more routine criminal involvement and profit.

This chapter examines by way of four case studies various harmful manifestations of the antiquities trade. First, it recounts the tale of the now famous Euphronios krater, bought by the Metropolitan Museum of Art in 1972 for \$1 million, and explains how the looting and trade of antiquities like the Euphronios

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krater can damage archaeological heritage, thereby weakening or compromising historical scholarship. Not all traded antiquities are as valuable as the Euphronios krater, nor are they important enough to be named individually, but the second case study, examining archaeological site looting in Jordan, shows how the trade of less valuable antiquities can still be profitable, and how their extraction can still cause enormous damage. The third case study moves away from questions of archaeological damage and historical scholarship, and considers how antiquities might be exploited by more commonplace episodes of financial crime, in this case the possible misuse of material donations to Californian museums for tax fraud. Finally, following and elaborating upon the problem of fraud, the fourth case study introduces the subject of fake antiquities by way of a description of the so-called Persian Mummy, discovered in Pakistan in 2000, and the further challenges to historical scholarship that they pose.

The Euphronios (Sarpedon) Krater

The Euphronios (Sarpedon) krater is a red-figure calyx krater made in Athens *circa* 515 BC, 46 cm high and 55 cm in diameter, signed by Euxitheos as potter and Euphronios as painter. It is decorated on the front with a scene depicting the death during the Trojan War of Sarpedon, who is attended by Hypnos and Thanatos with the god Hermes looking on. On the reverse are three Athenian youths arming themselves for battle. The krater was bought by the Metropolitan Museum of Art in 1972 for the then record-breaking price of \$1 million, and is now thought to have been excavated illegally in Italy in 1971. In 2006, the Metropolitan restored ownership of the krater to Italy.

The krater is generally believed to have been discovered in December 1971 by tombaroli digging illegally in the ancient Etruscan cemetery of Cerveteri, in Italy.¹ They are said to have sold the krater to Italian dealer Giacomo Medici for something in the region of \$88,000, with Medici, in turn, arranging for the krater to be smuggled into Switzerland, where he sold it to US dealer Robert Hecht for \$350,000.² In February 1972, Hecht alerted the Metropolitan Museum to the existence of the krater, and in August 1972, after some haggling, the Metropolitan, under the directorship of Thomas Hoving, agreed to buy the krater from Hecht for \$1 million.³ The krater arrived in the United States on 31 August 1972.

Hecht claimed to be acting on ten percent commission as agent for the krater's owner, whom he identified as Lebanese collector and dealer Dikran Sarrafian.⁴

1 Vernon Silver, *The Lost Chalice* (HarperCollins 2009) 287-90.

2 *Ibid.*, 37-52, 287-90.

3 Thomas Hoving, 'Super art gems of New York City: "Hot Pot" part II – Unexpectedly, the money source opens up' (*artnet.com*, 2001) <www.artnet.com/magazine/features/hoving/hoving7-2-01.asp> accessed 19 July 2012.

4 *Ibid.*

Hecht supplied two documents of provenance in support of his claim. First was a letter dated 10 July 1971, written by Sarrafian to Hecht, in which Sarrafian declared that he would deliver the vase to Hecht in expectation of a final sale price of \$1 million. Second was another letter from Sarrafian to Hecht, dated 9 September 1972, stating that Sarrafian's father had obtained the krater in 1920 in London and that because it was in fragments it had been sent [to Switzerland] for restoration, three years before the writing of the letter.⁵

On 12 November 1972, the *New York Times* announced the Euphronios (Sarpedon) krater's acquisition with a cover story for its Sunday magazine.⁶ The price and provenance of the krater were both withheld, with the Metropolitan claiming that it was maintaining secrecy in order to protect a potential source of future acquisitions.⁷ On 19 February 1973, however, a more critical account of the krater's provenance was published,⁸ heralding a series of articles that questioned the museum's account and suggesting instead that the krater had been excavated illegally at Cerveteri in late 1971. The names of Hecht and Sarrafian leaked out and the \$1 million price tag was revealed.⁹

The new and potentially damaging allegations of illicit provenance caused the Metropolitan to send lawyers to visit Sarrafian in Beirut.¹⁰ They obtained documents from Sarrafian confirming that he had received payment for the krater including one dated to 19 October 1972 recording his receipt of \$909,000 in Swiss francs. They also obtained testimony from a clerk who had seen the vessel in fragments with Sarrafian in Beirut in the early 1960s. The Metropolitan's legal team also collected affidavits from Bürki, confirming that he had received a fragmentary krater from Sarrafian in August 1971, and a photographer in Basel who had seen the fragments in September 1971.¹¹ This accumulated evidence was made public in June 1973, and seemed to confirm

5 Thomas Hoving, *Making the Mummies Dance: Inside the Metropolitan Museum of Art* (Simon and Schuster 1993) 319; Thomas Hoving, 'Super art gems of New York City: The "Hot Pot" III – The shit hits the fan' (*artnet.com* 2001) <www.artnet.com/magazine/features/hoving/hoving7-5-01.asp> accessed 19 July 2012.

6 James Mellow, 'A new (6th Century B.C.) Greek vase for New York' *New York Times Magazine* (New York, 12 November 1972) 42, 43, 114-16.

7 Nicholas Gage, 'Farmhand tells of finding Met's vase in Italian tomb' *New York Times* (New York, 25 February 1973).

8 Nicholas Gage, 'How the Metropolitan acquired "the finest Greek vase there is"' *New York Times* (New York, 19 February 1973).

9 Gage (n 7).

10 Thomas Hoving, 'Super art gems of New York City: The "Hot Pot" V – Utterly unexpected good news' (*artnet.com* 2001) <www.artnet.com/magazine/features/hoving/hoving7-13-01.asp> accessed 19 July 2012.

11 Nicholas Gage, 'Dillon stands by vase' *New York Times* (New York, 27 June 1973); Thomas Hoving, *Making the Mummies Dance: Inside the Metropolitan Museum of Art*. (Simon and Schuster 1993) 333; Hoving (n 10).

that the krater was in Switzerland before the suggested December 1971 date of illegal excavation, as well as refute allegations of illicit provenance.¹²

In July 1973, Hoving received from art collector Muriel Newman a copy of a letter she had sent to Sarraffian stating that she had seen a fragmentary Euphronios vessel with him in Beirut in 1964. Newman subsequently signed an affidavit confirming this statement.¹³

By the end of 1973, therefore, the question of provenance seemed settled in favour of the Hecht/Metropolitan account of Sarraffian's ownership, and thus legitimate provenance. Matters rested there until the Italian Carabinieri began investigating Giacomo Medici and Robert Hecht in the 1990s. In September 1995, they raided Medici's Geneva storerooms, recovering 3,800 whole or fragmentary antiquities, more than 4,000 photographs of looted antiquities in various stages of restoration, and thousands of documents relating to his business. Among the photographs were two, taken in May 1987, one showing Medici standing next to the Euphronios (Sarpedon) krater on display in the Metropolitan, the second showing Hecht in a similar pose.¹⁴ On 16 February 2001, the Carabinieri raided Hecht's apartment in Paris. They recovered a handwritten 'memoir' of Hecht's, setting out an autobiographical account of his life in the antiquities trade. It contains two accounts of the Sarpedon Euphronios: the first admitting to the fact that Hecht had bought the krater from Medici and that it had been excavated illegally in 1971; the second reiterating the Sarraffian provenance as provided to the Metropolitan. Finally, in June 2001, Marion True of the J. Paul Getty Museum informed Italian investigators in a sworn deposition that Dietrich van Bothmer, curator at the Metropolitan at the time of the krater's acquisition, had pointed out to her on an aerial photograph the location of the looted tomb from which the krater was allegedly taken, though von Bothmer subsequently denied this allegation.¹⁵

On 3 February 2006, the Metropolitan reached an agreement with Italy about the return of twenty objects, including the Euphronios (Sarpedon) krater, which Italian investigators had shown to have passed through the hands of Medici and to have been illegally exported (that is, stolen) from Italy. Although for the Euphronios (Sarpedon) krater the evidence for illegal excavation and trade was still largely circumstantial, the Metropolitan's director Philippe de Montebello clearly thought it was convincing when he was quoted as saying that it was 'highly probable' that the vessel had been stolen from an Etruscan

12 Gage (n 11).

13 Thomas Hoving, *Making the Mummies Dance: Inside the Metropolitan Museum of Art* (Simon and Schuster 1993) 335-6; Hoving (n 10).

14 Peter Watson, and Cecilia Todeschini, *The Medici Conspiracy* (2nd edn, Public Affairs 2007) 107.

15 Jason Felch and Ralph Frammolino, *Chasing Aphrodite: The Hunt for Looted Antiquities at the World's Richest Museum* (Houghton Mifflin Harcourt 2011) 209 211; Watson and Todeschini (n 14) 206-7.

tomb.¹⁶ The krater arrived back in Italy on 18 January 2008, where it was put on display with other returned objects at the exhibition *Nostoi: Capolavori Ritrovati*, before being curated permanently at the Villa Giulia in Rome.¹⁷

Hoving has written since leaving the Metropolitan in 1977 that for a long time in private he had harboured doubts about the krater's Sarrafian provenance, largely because, in various statements, Sarrafian had referred to the krater as comprising a hatbox of fragments and implying that it was incomplete.¹⁸ The krater bought by the Metropolitan, though fragmented, was complete, and was considered by Hoving to be too large, even in fragments, to have fit into a hatbox. By 1993, Hoving had come to believe that there were in fact two Euphronios kraters: the Sarpedon one that had been illegally excavated in 1971 and subsequently acquired by the Metropolitan, and a second less-well-preserved one that had been in the possession of Sarrafian as claimed and documented, but that had subsequently turned up the collection of Nelson Bunker Hunt.¹⁹ Hecht had simply taken the provenance and documentation from the Sarrafian/Bunker Hunt krater and attached it to the illegally-excavated and better-preserved Sarpedon krater bought by the Metropolitan. Sarrafian had been killed in a car crash in 1977,²⁰ and so was unavailable for further comment. When challenged by Hoving about a possible switch, Hecht himself was ambivalent.²¹ The Bunker Hunt krater, however, was bought by Leon Levy and Shelby White in 1990, and returned to Italy in 2010 when evidence emerged that it too had been illegally excavated.²² Thus if Sarrafian had indeed possessed a Euphronios krater, as the evidence collected by the Metropolitan suggests, then it would have constituted a third example of the artist's work, though its identity and whereabouts remain unknown.

The now well-documented case of the Euphronios krater has much to reveal about the operation of the antiquities trade, and about its harmful effects on historical scholarship. First, as regards the trade itself, the krater started life as a stolen object in Italy, its country of origin. Unauthorized excavation of antiquities has been a criminal offence in Italy since 1939.²³ After transportation

16 Randy Kennedy and Hugh Eakin, 'Met agrees tentatively to return vase in '08' *New York Times* (New York, 4 February 2006).

17 Elisabetta Povoledo, 'Ancient vase comes home to a hero's welcome' *New York Times* (New York, 19 January 2008).

18 Gage (n 7); Gage (n 11); Hoving (n 10); Thomas Hoving, 'Super art gems of New York City: The "Hot Pot" VI – The old switcheroo' (*artnet.com* 2001) <www.artnet.com/magazine/features/hoving/hoving7-16-01.asp> accessed 19 July 2012.

19 Thomas Hoving, *Making the Mummies Dance: Inside the Metropolitan Museum of Art*. (Simon and Schuster 1993) 338-9; Hoving (n 18).

20 Hoving (n 10).

21 Hoving (n 18).

22 Elisabetta Povoledo, 'Repatriated art in Rome', *New York Times* (New York, 29 March 2008).

23 Giovanni Pastore, 'The looting of archaeological sites in Italy', in Neil Brodie, Jenny Doole and Colin Renfrew (eds), *Trade in Illicit Antiquities: The Destruction of*

to Switzerland, a so-called transit country, its legal identity was altered or laundered by the attachment of false documents of provenance, or ownership history, providing the appearance of an object that had been out of Italy since at least the 1920s and probably earlier, which would facilitate its onward trade. It is likely too that from then on customs forms accompanying the krater would have listed Switzerland as its country of origin, and not, as would have been correct, Italy. Once safely out of Italy, and with new documents of provenance disguising its illicit trade, the krater became a legitimate acquisition for the Metropolitan Museum, in its destination country of the USA. The routing of material through transit countries to provide the appearance and perhaps after a sufficient period of time even the substance of legitimacy in destination countries is a characteristic feature of the antiquities trade, a feature that distinguishes it from most other transnational criminal trades, such as drugs trafficking, for example, which tend to be illegal from source through destination.²⁴ A possible parallel to the object laundering that characterizes the antiquities trade might be found in the trafficking of blood diamonds.²⁵

Where the Euphronios (Sarpedon) krater might have been exceptional was in the production of a false provenance that was able to withstand reasonably serious scrutiny by the Metropolitan Museum once the *New York Times* had embarrassed the museum with its allegations of looting and smuggling. Most antiquities appearing for sale outside their countries of origin are sold with only minimal or even no provenance. They are mixed in with licit antiquities similarly being sold without provenance as ‘unprovenanced antiquities’, a category destined if not designed to obstruct law enforcement and to frustrate any attempts by law-abiding collectors or collecting institutions to confine their acquisitions to objects that are demonstrably licit. Collectors and institutions are forced instead to choose whether to believe that all unprovenanced antiquities are illicit, unless proven otherwise, or that they are all licit, unless proven otherwise. Many if not most have in the past chosen the latter assumption, falling back in their defence on the criminal law (and inappropriate in this context) principle of ‘innocent until proven guilty’.²⁶

the World's Archaeological Heritage (McDonald Institute for Archaeological Research 2001) 155.

24 Simon Mackenzie and Penny Green, ‘Introduction: A context for the engagement of criminology and archaeology’ in Simon Mackenzie and Penny Green (eds), *Criminology and Archaeology: Studies in Looted Antiquities* (Hart 2009) 4; Ken Polk, ‘Whither criminology in the study of the traffic in illicit antiquities?’ in S. Mackenzie and P. Green (eds), *Criminology and Archaeology: Studies in Looted Antiquities* (Hart 2009) 14-17.

25 Edgar Tjihuis, ‘The trafficking problem: A criminological perspective’ in Stefano Manacorda and Duncan Chappell (eds), *Crime in the Art and Antiquities World* (Springer 2011), 88.

26 James Ede, ‘The antiquities trade: towards a more balanced view’ in Kathryn Walker Tubb (ed), *Antiquities: Trade or Betrayed* (Archetype 1995) 211.

The facts that

1. the legal appearances of antiquities change according to their associated documentation and their point in the trading chain;
2. dealers like Hecht might simultaneously be doing business with smugglers like Medici and respected cultural institutions like the Metropolitan Museum; and
3. licit and illicit antiquities become inseparable as unprovenanced antiquities;

have caused criminologists to characterize the antiquities trade as a ‘gray trade’ or ‘gray market’.²⁷ This characterization seems particularly appropriate for the destination market, and has implications for policies aimed at regulating or reducing demand.

The commercial agents and institutions that constitute the antiquities trade like to distinguish between a legal and an illegal trade, and object strongly to the idea that the trade should be viewed as singular undifferentiated ‘gray’ entity. One dealer, for example, has written that the ‘attempt to unify the whole trade has as much validity as grouping back street abortionists with the consultants at Guys Hospital’.²⁸ The legal trade, dealers suggest, is in material that was excavated decades or even centuries ago, and that has been in collections ever since. The illegal trade, by contrast, the trade in illegally excavated and exported antiquities, is in the hands of a few rogue dealers, the few bad apples that are tainting the contents and reputation of the larger trade barrel.²⁹ Public policy, dealers suggest, should be aimed at extracting the bad apples, thereby leaving legitimate dealers to conduct their business free from outside interference, for the good of themselves and their customers, and more generally for the cultural and economic benefit of the trading country. Yet even dealers who propound this vision of the trade have on occasion been caught holding material that was originally stolen,³⁰ showing that the sharp distinction between licit and illicit that they like to draw is not warranted. The separation of licit and illicit trades should be a primary goal of public policy, not its assumed point of departure. Once a

27 Simon Mackenzie, ‘The market as criminal and criminals in the market: Reducing opportunities for organized crime in the international antiquities market’ in Stefano Manacorda and Duncan Chappell (eds), *Crime in the Art and Antiquities World* (Springer 2011) 71-3.

28 Ede (n 26) 211.

29 Jerome Eisenberg, ‘Ethics and the antiquity trade’ in Kathryn Walker Tubb (ed), *Antiquities: Trade or Betrayed* (Archetype 1995) 216.

30 Neil Brodie, ‘Smoke and mirrors, in *Who Owns Objects?*’ in Eleanor Robson, Luke Treadwell and Chris Gosden (eds), *The Ethics and Politics of Collecting Cultural Artefacts* (Oxbow 2006) 7-8.

recognizably illicit market is isolated it will be easier to tackle by a combination of law enforcement and moral rejection.

The case of the Euphronios (Sarpedon) krater also illustrates the damage that the looting of archaeological sites causes to historical scholarship. Attic red-figure pottery was made in Athens from about 530 BC to 360 BC. Large quantities were exported to the Etruscan city states of central Italy, where it was used as tableware at banquets and ultimately deposited in graves alongside the dead.³¹ Because of their preservation in Etruscan tombs, most whole vases are found in Italy, and not, as might be expected, in Greece. They started to be excavated in large numbers during the nineteenth century, when many private and public collections of Attic pottery were assembled.³² Unfortunately, because of the rudimentary state of excavation methodology at the time, there are few surviving records of the excavation contexts – records of where the vases were found and what was found accompanying them. Contextual information of this sort is vital for interpreting the value, function and symbolism of the pottery in ancient Etruscan society, and thus for the study of Etruscan society more generally. In view of the scientific shortcomings of early excavations, then, it is particularly regrettable that the many tombs containing Attic pottery that have been discovered since the development of a more mature archaeological methodology have been excavated by looters, so that again no contextual information has been recorded. The tomb in which the Euphronios (Sarpedon) krater is thought to have been found is believed from the later testimony of eye-witnesses to have contained statues of a winged sphinx and a panther, and ‘all manner of painted ceramic vessels’,³³ though as the people present at the robbing of the tomb were attending to what might have been saleable material, their testimony contains no account nor memory of any unsaleable or perishable material that might also have been present – material that is now lost to scholarship.³⁴ Italian archaeologists did in fact excavate the tomb in 1974, but by that time there was nothing left for them to find.³⁵

Hoving described the Euphronios (Sarpedon) krater as ‘... a work that would force the history of Greek art to be rewritten’,³⁶ and it is a fact that since the time of their rediscovery in the eighteenth century, the artistic worth of Attic vases has been and continues to be highly regarded. Their well-executed scenes of mythological, ritual and everyday life are seen to have prefigured the Renaissance ‘discovery’ of mimesis, and the practice of celebrated painters such as Euphronios of signing their products suggests to modern scholars that ancient society held visual art and individual artists in high regard. The presence of Attic vases alongside ancient

31 Nigel Spivey, ‘Greek vases in Etruria’ in Tom Rasmussen and Nigel Spivey (eds), *Looking at Greek Vases* (Cambridge University Press 1991).

32 Brian Sparkes, *The Red and the Black* (Routledge 1996) 34-63.

33 Silver (n 1) 42.

34 *Ibid.*, 48.

35 *Ibid.*, 111-16.

36 Hoving (n 19) 318.

sculpture and European paintings in the collections of the nineteenth-century royal and early-twentieth-century capitalist nobilities³⁷ also shows how after rediscovery it was received as a luxury commodity, encouraging a view among scholars that as highly-regarded artworks they would have fulfilled a similar social role of luxury good in ancient Greece and Etruria.³⁸

It is now recognized, however, that to some extent at least, the modern high regard for Attic pottery might be colouring perceptions of its past importance. It is worth remembering, for example, that in 1972 the Euphronios (Sarpedon) krater was worth more than an equivalent gold vessel,³⁹ whereas in ancient Athens, and presumably in ancient Etruria too, such equivalence would have been unthinkable. The price of ceramic vessels would have been only a small fraction of that of gold vessels.⁴⁰ Furthermore, if, as has been argued, pottery was made in imitation of precious metal vessels, their artistic originality might have been less obvious and the social status of their painters lower than previously thought, despite their practice of signingwork.⁴¹ Given these counter-arguments, the assumption that Attic red-figure pottery might have functioned as a luxury good in antiquity is now regarded with some suspicion, and given the seeming importance of pottery for Athens as an export commodity, scholarly doubts and debates over the value of the pottery inevitably confound broader studies of the ancient economy.⁴² Thus the full and correct historical interpretation of an antiquity such as the Euphronios (Sarpedon) krater depends to a greater or lesser extent upon the context of its discovery, but in the absence of any such contextual information, not only is its interpretation likely to be flawed, it is more likely to be led astray by the subjectivity of the scholar.

Early Bronze Age Sites of Jordan

The case of the Euphronios krater is notorious on account of what appeared at the time to be an exorbitant purchase price paid by a prestigious institution in the major commercial and cultural hub of New York. Objects like the Euphronios krater populate the public imagining of the antiquities trade, which is conceived as an affair of precious ‘treasures’ and extravagant deals, with their attendant

37 Vinnie Nørskov, *Greek Vases in New Contexts* (Aarhus University Press 2002) 58-71; Michael Vickers and David Gill, *Artful Crafts: Ancient Greek Silverware and Pottery* (Clarendon Press 1994) 1-32.

38 Vickers and Gill (n 37) 2-4.

39 In 1991, the collector Michael Steinhardt paid \$1.2 million for a gold bowl or phiale discovered in Sicily and made sometime between 323 BC to 146 BC. When corrected for inflation, by 1991 the \$1 million paid for the Euphronios krater, which is just over twice as large as the phiale, would have been worth \$3.3 million.

40 Vickers and Gill (n 37) 85-88.

41 Ibid., 105-190.

42 Sparkes (n 32) 144-5, 164-6.

risk of celebrity hubris. It is a conceptualization that owes much to the fictional worlds of Indiana Jones and Thomas Crown, and encourages the erroneous belief that the goals of ameliorating policy or regulation should be to prevent the theft and secure the recovery of ancient ‘masterpieces’. It comes as no surprise then to find that policy responses to the trade sometime seem to offer better protection to ‘treasures’ and the property rights of their dispossessed owners than they do to what appear at first glance to be more mundane objects of no particular artistic or monetary value. Article 2.5 of the British Museum’s acquisitions policy, for example, makes a distinction between objects of major and minor importance:

The Museum will normally only acquire those archaeological and heritage objects that have documentation to show a legal history back to November 14th 1970 (the date of the UNESCO Convention) and this policy will apply to all objects of major importance. The Museum recognises, however, that in practice many minor items are not accompanied by detailed documentary history or proof of origin and reserves the right for the Museum’s curators to use their best judgement as to whether such objects should be recommended for acquisition.⁴³

As the case of the Euphronios krater shows, the monetary value of an object is no guarantee of its good provenance, and there is no reason why the documented provenance of ‘minor items’ should be inherently inferior to that of major items. What Article 2.5 does reveal, in fact, is that the British Museum applies a less stringent test of provenance to the acquisition of minor items, perhaps born out of a belief that the degree of archaeological damage caused by looting correlates in a positive fashion to the importance of the object, or perhaps more simply because of a (probably realistic) fear that the risk of scandal and public embarrassment is more acute for acquired major items that are subsequently found to be illicit in some way. The British Museum takes its definition of ‘minor items’ from the UK government’s *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material*, which has the following to say:

‘Minor items’ are not easy to define comprehensively, since most categories of material, from manuscripts and coins to porcelain and Greek vases, necessarily include both minor and major items. Nor is it appropriate to use financial value as the main criterion, since items which are very cheap and which may seem insignificant can have major archaeological and cultural significance. However, they share the following characteristics:

- may be of common types, or may be items of which multiple examples were made and have survived.

43 Policy on Acquisitions (British Museum 2007) <www.britishmuseum.org/pdf/Acquisitions.pdf> accessed 6 September 2012.

- are usually made of relatively cheap or plentifully available materials
- are often (but not always) small in physical size
- may lack conventional beauty or other appeal
- tend to be (but are not always) of relatively low monetary value.⁴⁴

Thresholding antiquities according to their perceived importance is also a feature of some laws. Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods, for example, is intended to control the export of antiquities, artworks and other cultural objects from the European Union by a system of export licensing. Paragraph 2, however, states that:

However, without prejudice to paragraph 4, the Member State which is competent in accordance with the two indents in the first subparagraph may not require export licences for the cultural goods specified in the first and second indents of category A1 of the Annex where they are of limited archaeological or scientific interest, and provided that they are not the direct product of excavations, finds and archaeological sites within a Member State, and that their presence on the market is lawful.⁴⁵

The objects referred to in the first and second indents of the Annex are archaeological objects more than 100 years old which are the products of excavations and finds on land or underwater, or of archaeological sites.

The exclusions allowed by Paragraph 2 of the EEC Regulation suggest a third reason for discriminating against ‘minor items’. It might simply be a misguided though well-intentioned attempt to maximize the effectiveness of what scarce law enforcement resources are available to combat the trade by deciding a hierarchy of object importance or interest. Presumably, the hope is that by focusing regulatory protection on ‘more important’ objects, the problem will be diminished. However, as explained for the Euphronios krater, the main problem caused by the looting of antiquities is not the act of theft itself, but the harm to scholarship caused by the destructive circumstances of the theft. There is no guarantee, and indeed it is highly unlikely, that the damage caused by looting of ‘minor items’ will be related to the monetary value, artistic importance or archaeological significance of the objects themselves. This point is easily demonstrated by a brief discussion of the looting of Early Bronze Age (EBA) cemetery sites of Jordan.

Archaeological research on the ground and remote survey by means of satellite imagery have characterized the severe looting of EBA cemetery sites in

44 *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material* (Department for Culture, Media and Sport, 2005) 10. <www.culture.gov.uk/images/publications/Combating_Illicit_Trade05.pdf> accessed 7 September 2012.

45 Council Regulation (EC) 3911/92 on the export of cultural goods [1993] para 2.

west-central Jordan from the mid 1990s through into the 2000s.⁴⁶ For one site in particular, Bâb edh-Dhrâ', the combination of information derived from the different methodologies has proved particularly illuminating, both in terms of assessing the scale of the archaeological damage caused by looting, and estimating the monetary profit made from the sale of what are, by the DCMS definition at least and probably any other definition, minor objects.

The cemetery at Bâb edh-Dhrâ' was in use throughout the EBA, but the most numerous and commonly excavated tomb is the EB IA shaft tomb. Sixty of these shaft tombs were excavated officially between 1965 and 1981, and are in the process of being published.⁴⁷ Each tomb was likely to contain several interments, usually accompanied by some small, undecorated ceramic vessels (jugs, cups, bowls and the like), with maximum dimensions between 10 to 18 cm. On the London market in the late 1990s, these pots were selling for prices in the range £70 to £175, depending upon size – so not Euphronios prices by any stretch of the imagination. In 2007, examination of a Google Earth image of Bâb edh-Dhrâ' showed that the total area looted was 74,377 sq. m., an area encompassing between 600 and 670 tombs, which could have contained in total between 9,000 and 28,000 pots.⁴⁸ At late 1990s prices, assuming a mean price of £122 for each pot, the sale of the Bâb edh-Dhrâ' pottery on the London market would have realized something between £1 and £3.4 million.⁴⁹ Thus although not one of these 'minor items' of pottery was monetarily valuable in itself, in aggregate, their total resale value would have presented an enticing prospect for the unscrupulous dealer. And whereas the looting of the Euphronios krater occasioned the loss and destruction of the contents of only a single tomb, the Jordanian pottery was acquired from hundreds of tombs, which between them would have contained thousands of burials – nothing less in fact than an ancient population. The destruction was made worse, if that is possible, by the arid environment of Bâb edh-Dhrâ' which

46 Ghazi Bisheh, 'One damn illicit excavation after another: the destruction of the archaeological heritage of Jordan', in Neil Brodie, Jenny Doole and Colin Renfrew (eds), *Trade in Illicit Antiquities: The Destruction of the World's Archaeological Heritage* (McDonald Institute for Archaeological Research 2001); Daniel Contreras and Neil Brodie, 'The utility of publicly-available satellite imagery for investigating looting of archaeological sites in Jordan' (2010) 35 *Journal of Field Archaeology* 101-14; Konstantinos Politis, 'Dealing with the dealers and tomb robbers: the realities of the archaeology of the Ghor es-Safi in Jordan' in Neil Brodie and Kathryn Walker Tubb (eds), *Illicit Antiquities: The Theft of Culture and the Extinction of Archaeology* (Routledge 2002).

47 Donald Ortner and Bruno Frohlich, *The Early Bronze Age I Tombs and Burials of Bab edh-Dhra'*, Jordan (Altamira 2008); Thomas Schaub and Walter Rast, *Bab edh-Dhra': Excavations in the Cemetery Directed by Paul W. Lapp (1965-67)* (Eisenbrauns 1989).

48 Contreras and Brodie (n 46) 109.

49 Neil Brodie and Daniel Contreras, 'The economics of the looted archaeological site of Bâb edh-Dhrâ': a view from Google Earth' in Paula Lazrus and Alex Barker (eds), *All The Kings Horses: Looting, Antiquities Trafficking and the Integrity of the Archaeological Record* (Society for American Archaeology 2012) 22.

favours the preservation of perishable materials such as textiles and other organic objects, which usually do not survive in archaeological sites. The loss to historical scholarship caused by the looting of Bâb edh-Dhrâ' and its neighbouring EBA cemeteries is incalculable.

Museum Donations and Tax Fraud

The cases so far considered have shown how the antiquities trade converts archaeological artifacts into expensive artworks or more modestly priced collectables, at the cost of damaged or destroyed archaeological sites and compromised historical scholarship. The harm does not stop there, however. The fact that unprovenanced antiquities have no verifiable evidence of previous ownership renders them particularly vulnerable to fraudulent transaction. The following two case studies explore this broader area of criminality by examining in turn the suspected use of antiquities for tax fraud, and the ease with which antiquities can be faked and passed onto the market as genuine.

In January 2008, US federal agents raided the premises of two antiquities dealers and four museums in California, on suspicion of theft and conspiracy to commit tax fraud.⁵⁰ The dealers were Robert Olson and the husband and wife partnership of Jonathan and Cari Markell. The museums were the Los Angeles County Museum of Art (LACMA), the Bowers Museum, the Pacific Asia Museum (PAM) and the Mingei International Museum. The raids were the culmination of an investigation that had commenced in April 2003, and were justified by evidence collected by an undercover agent, posing as 'Tom Hoyt', said to be an IT specialist interested in purchasing antiquities and donating them to museums in return for a tax deduction. Federal agents also seized 16 international cargo shipments destined for Olson. The investigation focused on transactions of antiquities believed to have been illegally excavated and exported from Ban Chiang and associated archaeological sites in Thailand.

Olson, 79 years old at the time of the 2008 raids, was proprietor of Bobbyo Imports, and clearly considered himself to be a 'wholesaler', importing antiquities to be sold to collectors or to other dealers.⁵¹ The affidavit issued against Olson alleged that he had purchased, received and sold Thai antiquities in violation of California and federal criminal laws, and that he had engaged in a conspiracy to assist others in preparing false tax returns. Olson claimed to have started importing Thai antiquities after a meeting in 1979 with Armand Labbé,⁵² curator at the Bowers Museum, who could arrange for any material imported by Olson

50 Jason Felch, '4 Southland museums raided in looting probe', *Los Angeles Times* (Los Angeles 24 January 2008).

51 Search warrant affidavit, *United States v 18624 Del Rio Place*, 08-0090M (Central District of California 18 January 2008).

52 Labbé died in 2005.

to be exhibited. Olson is quoted as saying that after a major exhibition of his material at the Bowers in 1985, he paid \$24,000 of his own money to print a catalogue,⁵³ and that in consequence of bringing his material to the attention of a larger audience, the market ‘exploded’.⁵⁴ Olson started importing ‘hundreds and hundreds of pieces’ of Ban Chiang pottery, with sales to museum curators and collectors, and to the Markells. Olsen claimed to sell the Markells antiquities and also to help them import. A shipment intercepted by ICE in 2003 was addressed jointly to Olson and the Markells.⁵⁵ Markell himself stated that he had started dealing in Thai material in 1988, at first through Olson.⁵⁶

US federal law allows tax deductions for tangible, non-monetary donations to non-profit organizations, including museums.⁵⁷ The donor is permitted to claim a deduction equal to the fair market value of the donated material. The federal investigation into Olson and the Markells alleged that they were enabling customers to evade tax by supplying them with antiquities intended for charitable donation to museums, and providing them at the same time with an appraisal of fair market value far in excess of cost price. Thus Olson and the Markells would profit from the sale of looted and smuggled antiquities, the customer would benefit financially by claiming a deduction equal to an inflated appraised value while paying only cost, and the museums would acquire new material for their collections free of charge. The undercover agent ‘Tom Hoyt’ made eight separate purchases of antiquities on different occasions (Tables 2.1 and 2.2), with Olson and J. Markell supplying both material and appraisal and arranging introductions to relevant museum staff. At first, Olson used another California dealer (Joel Malter) as appraiser, but after Malter stopped, he approached Susan Lerer, who was said by Olson to be Labbé’s girlfriend.⁵⁸ Markell prepared his own appraisals of material he supplied himself, but validated them with an electronic copy of the signature of Roxanna Brown, curator of Bangkok University’s Southeast Asian Ceramics Museum. ‘Hoyt’ also ascertained that Markell had prepared donations for the Los Angeles County Museum of Art in the name of his brother-in-law Allan Schore, and for at least one other named client. In January 2013, Olson was indicted on charges of conspiracy and trafficking in stolen goods.⁵⁹

53 Armand Labbé, *Ban Chiang: Art and Prehistory of Northeast Thailand* (Bowers Museum 1985).

54 Jason Felch, ‘Little glamour surrounds alleged smuggler’ *Los Angeles Times* (Los Angeles 31 January 2008).

55 Search warrant affidavit, *United States v Los Angeles County Museum of Art*, 08-0100M (Central District of California 18 January 2008).

56 Ibid.

57 Erin Thompson, ‘The relationship between tax deductions and the market for unprovenanced antiquities’ (2010) 33 *Columbia Journal of Law and the Arts* 241-265.

58 Search warrant affidavit, *United States v 18624 Del Rio Place*, 08-0090M (Central District of California 18 January 2008).

59 Jason Felch, ‘Stolen-artifacts case has cost much, yielded little, critics say’, *Los Angeles Times* (Los Angeles 18 May 2013).

Table 2.1 Donations to museums made by ‘Tom Hoyt’ of material purchased from Robert Olson

<i>Date</i>	<i>Purchase price (\$)</i>	<i>Appraised value (\$)</i>	<i>Appraiser</i>	<i>Museum</i>
Dec 2003	12,000	44,700	Malter	Bowers
Mar 2004				Bowers
Dec 2005	6000	18,775	Lerer	PAM

Table 2.2 Donations to museums made by ‘Tom Hoyt’ of material purchased from Jonathan and Cari Markell. Purchase price includes cost of material and appraisal fee paid to Markell

<i>Date</i>	<i>Purchase price (\$)</i>	<i>Appraised value (\$)</i>	<i>Appraiser</i>	<i>Museum</i>
Mar 2006	1,500	4,990	J. Markell	PAM
Jun 2006	1,500	4,985	J. Markell	Mingei
3rd quarter 2006	1,350	4,900	J. Markell	Mingei
4th quarter 2006	1,500	4,850	J. Markell	Berkeley
Mar 2007	1,500	4,915	J. Markell	Mingei
Sep 2007	1,500	6,000	J. Markell	Mingei

It was estimated that for a maximum rate taxpayer in 2008, the saving on a typical \$5000 donation would have been \$700.⁶⁰ Most donations comprised more than one object, and the objects themselves were usually of low monetary value and seemingly of limited artistic interest. Again, like the Jordanian EBA pottery, the bronze and stone weapons and tools from Ban Chiang sourced through Olsen and Markell that are now illustrated in museum collections’ databases are a far cry in both market value and artistic merit from the Euphronios krater. Again, though, the scale of the archaeological damage caused by their looting can only be guessed at.

The role of the museums in this affair deserves more than a little attention. Most published criticism has centred upon the apparent readiness of the museums concerned to acquire material of dubious provenance. Yet by the early 2000s, due in no small part to scandals such as the one generated by the acquisition of the Euphronios krater, museums and their professional associations had

⁶⁰ Matthew Wald, ‘Tax scheme is blamed for damage to artifacts’ *New York Times* (New York 4 February 2008).

developed ethical guidelines for museum acquisitions of antiquities, with the express purpose of preventing the large scale acquisition of looted or smuggled material. The British Museum's code is one example, as previously discussed. At the time of the investigation into the Californian museums, the relevant ethical guidance as regards art museum acquisitions in the United States was contained in the June 2004 Association of Art Museum Directors (AAMD) guidelines regarding archeological material and ancient art, which required that: 'Objects which have not been out of their probable country of modern discovery for at least the preceding 10 years should not be acquired'.⁶¹ Yet, with the apparent exception of LACMA,⁶² the museums concerned seemed to have ignored that recommendation, which raises questions about museum attitudes to ethical guidance more generally, and about the inclination, duty and ability of museum associations to enforce that guidance in particular. But the AAMD acquisition guidelines had nothing to say about the possible abuse of gifting arrangements for tax fraud, even though a large percentage of museum acquisitions are through donation or bequest.

Figure 2.1 shows the importance of gift acquisitions for three of the museums concerned, which have on-line catalogues of their collections that are open to searching. The histogram shows clearly that virtually all acquisitions of antiquities from prehistoric Thailand were donated. The museums between them made hardly any purchases of material during the periods in question. The histogram also shows that more than half of all gifts were sourced through Markell. Thus on the face of it, the dependence of museums on material donations for building their collections renders them vulnerable to entanglement, knowingly or not, with conspiracies intending to commit tax fraud. One way for museums to protect themselves from involvement in tax frauds would be for them to adopt voluntarily a stronger appraisal process than is currently acquired under US law. For example, most donations identified during the investigation were of material worth less than \$5000. For donations worth more than \$5000, US law requires a detailed appraisal including information about provenance and reasons for appraisal.⁶³ The voluntary adoption by museums of this stronger standard of appraisal would augment the regular due diligence process recommended in the revised AAMD (2008)⁶⁴ and other museum association guidelines, and adhere to the spirit if not the letter of ethical codes.

61 Report on acquisition of archaeological materials and ancient art (Association of Art Museum Directors 2004).

62 Search warrant affidavit, *United States v Los Angeles County Museum of Art*, 08-0100M (Central District of California 18 January 2008).

63 Publication 561: Determining the Value of Donated Property (Internal Revenue Service 2007).

64 Report of the AAMD task force on the acquisition of archaeological materials and ancient art (revised 2008) (Association of Art Museum Directors 2008).

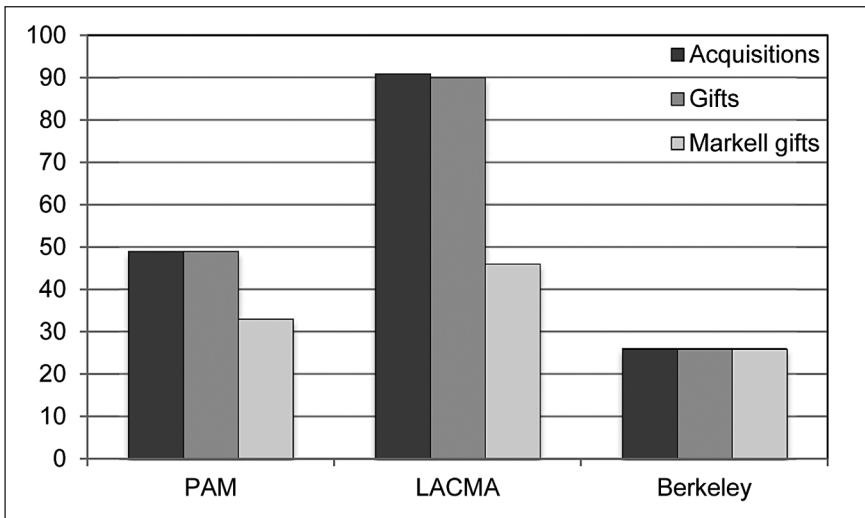


Figure 2.1 Acquisitions of objects from Thailand dating to before 500 AD by three museums (PAM 1980-2002; LACMA 1974-2005; Berkeley 1991-2007)

Persian Mummy (Persian Princess)

In March 2000, Amanollah Riggi of New Jersey sent Oscar Muscarella of New York's Metropolitan Museum four Polaroid photographs of what appeared to be a mummy, together with a translation of a cuneiform inscription that could be seen on the mummy's gold breastplate. Riggi claimed to be acting on behalf of a Pakistani acquaintance, and said that the mummy was available for purchase. The translation, prepared by a 'cuneiform expert at a major American university',⁶⁵ identified the mummy as the daughter of the fifth-century BC Achaemenid Persian King Xerxes. Muscarella soon discovered, however, that he had been supplied with only a part of the expert's full translation and report, which in its entirety judged the inscription to be fake. In any case, Muscarella was skeptical of the mummy's authenticity because of his own doubts about the iconography of carving visible on its wooden sarcophagus, and did not pursue the matter any further.

A few months later, in October 2000, Pakistani police in Karachi arrested one Ali Akbar on suspicion of selling a mummy, along with tribal leader Wali Mohammad Reeki of Quetta, who was in possession of it. This mummy was later found to be the one featured in the photographs seen by Muscarella. Both

⁶⁵ K.M. Romey and M. Rose, 'Saga of the Persian Princess' 54 *Archaeology* January/February 2001, 24-25; 'The mystery of the Persian Mummy' (BBC 20 September 2001) <www.bbc.co.uk/science/horizon/2001/persianmummy.shtml> accessed 17 July 2012.

men were charged with contravening Pakistan's Antiquity Act. Reeki claimed to have received the mummy from an Iranian named Sharif Shah Bakhi, who since the accusation has never been located. The mummy was taken to the National Museum of Pakistan in Karachi, where at a preliminary press conference it was presented as the mummified remains of a Persian princess dating to about 600 BC. In the wake of the press conference, a debate broke out between Iran and Pakistan over the rightful ownership of what was seen to be an unparalleled archaeological find. No royal burials had ever been found in the vicinity of Xerxes' capital Persepolis, in present day Iran, and given that Egypt was part of Xerxes' empire the practice of mummification was not totally out of the question.⁶⁶

The mummy itself was subjected to an exhaustive investigation led by Asma Ibrahim of the National Museum of Pakistan.⁶⁷ The embalmed body was lying on a reed mat with a stone cover, and had been placed inside a carved wooden sarcophagus. It was decorated with a gold mask and crown, and bore an inscribed gold breastplate declaring 'I am the daughter of the great King Xerxes ... I am Rhodugune'. But as the investigation progressed, doubts about the authenticity of the mummy began to accumulate. Although the sarcophagus was carved with royal symbols, closer examination revealed lead pencil marks that had been made to guide the carving. A CT scan of the body showed that the internal organs, including the heart, lungs and brain, had been removed prior to embalming, which was counter to Egyptian practice. There were grammatical errors on the breastplate's inscription, and, crucially, the inscriber had used the later Greek version of the princess's name Rhodugune, instead of the Persian Wardegauna. Finally, radiocarbon dates of the reed mat showed it to be only fifty years old at most.

With the mummy's accoutrements shown to be fake, attention shifted to the body itself, which was that of an adult woman. The CT scan showed that the body had a fractured spine, caused by a blow with a blunt instrument, but an autopsy determined the probable cause of death to have been a broken neck. Radiocarbon dates suggested a date of death around 1996. The autopsy could not show whether the woman's neck had been broken deliberately or not, but Pakistani police launched a murder investigation. As of 2008, no progress had been made with the case.⁶⁸ Meanwhile, it was rumoured that two related mummies were being offered for sale on the international market.

66 Kristin Romey and Mark Rose, 'Saga of the Persian Princess' 54 *Archaeology* January/February 2001, 24-25; 'The mystery of the Persian Mummy' (BBC 20 September 2001) <www.bbc.co.uk/science/horizon/2001/persianmummy.shtml> accessed 17 July 2012.

67 'The mystery of the Persian Mummy' (BBC 20 September 2001) <www.bbc.co.uk/science/horizon/2001/persianmummy.shtml> accessed 17 July 2012.

68 Abbas Naqvi, 'Fake "mummy" still awaits burial' (*BBC News* 24 February 2008) <http://news.bbc.co.uk/1/hi/world/south_asia/7206526.stm> accessed 17 July 2012.

On 20 December 2001, the BBC science series *Horizon* screened a TV documentary on the mummy.⁶⁹ The programme drew attention to the resources and organization that must have supported the fabrication of the mummy: a person with knowledge of anatomy and embalming techniques, a cabinet maker, a stone carver, a goldsmith, and someone with a rudimentary knowledge of cuneiform. There would need to have been a facility to conduct mummification, which in itself would have taken half a ton of drying chemicals. The act of mummification must have taken place within 24 hours of the woman's death. Oscar Muscarella suggested it had most probably taken place in Iran.⁷⁰

Fakes are the 'double whammy' of the antiquities trade. They are produced with the intention to defraud an innocent purchaser, but at the same time they undermine historical scholarship by reducing confidence in the material remains of the past. At first sight, the resources and organization supporting the manufacture of the Persian Mummy might appear to be unusual, but police investigations of other faking operations have revealed similar organizational efforts. The difference is that the effort is expended on producing a larger number of less valuable pieces. In February 2012, for example, it was reported that Italian police had arrested several people on suspicion of faking antiquities, including an archaeologist, an antiquities dealer and a ceramics expert, who between them most probably possessed the artistic and technical expertise necessary to produce convincing fakes, but also a nurse, who could arrange for fake ceramic pieces to be X-rayed in a hospital so as to fool authenticity tests based on thermoluminescence dating. One victim of the gang is said to have spent €1 million on its worthless products, while a police raid on the premises of one of the accused recovered 3,000 allegedly fake pieces.⁷¹

Some faking operations are organizationally less complex, sometimes coming down to the work of an unusually gifted individual. Brigido Lara, for example, by his own admission, is believed to have produced 40,000 objects purporting to be from various Mexican Precolumbian cultures before his arrest in 1974.⁷² In 2006, the artworld looked on in disbelief when police arrested the 82-year-old George Greenhalgh, his 81-year-old wife Olive and their 45-year-old son Sean on charges relating to faking antiquities and other artworks.

69 'The mystery of the Persian Mummy' (BBC 20 September 2001) <www.bbc.co.uk/science/horizon/2001/persianmummy.shtml> accessed 17 July 2012.

70 Ibid.

71 Tina Lepri and Ermanno Rivetti, 'Police raid criminal gang suspected of faking antiquities' (*Art Newspaper* February 2012) <<http://www.theartnewspaper.com/articles/Police-raid-criminal-gang-suspected-of-faking-antiquities/25583>> accessed 6 September 2012.

72 Nancy Kelker and Karen Bruhns, *Faking Ancient Mesoamerica* (Left Coast Press 2010) 66-71; Jesse Lerner, 'Brigido Lara, post-pre-Colombian ceramicist' (*Spring* 2001) *Cabinet Magazine* <<http://cabinetmagazine.org/issues/2/brigadolara.php>> accessed 6 September 2012.

Sean was said to have ‘knocked them up’ in the family’s garden shed at their unprepossessing home in Bolton, England.⁷³ Nevertheless, Sean Greenhalgh’s fakes were good enough to fool experts for nearly 18 years, during which time they are thought to have earned the family at least £850,000.⁷⁴ His most celebrated piece was the 52 cm-tall headless alabaster torso of the so-called Amarna Princess, said to date from fourteenth-century BC Egypt, perhaps representing a daughter of Pharaoh Akhenaten and his queen Nefertiti. It had taken Sean Greenhalgh three weeks to make, and was then authenticated by the British Museum and sold through Christie’s London to Bolton Museum for £500,000, with funding obtained from the UK’s National Art Collections Fund and National Heritage Memorial Fund. It came complete with fake provenance, attesting to its sale at auction in 1892.⁷⁵ The Greenhalghs were convicted in 2008.⁷⁶

Fake provenances and forged documents of provenance are a common accompaniment of fake artifacts, seen for example in the case of the so-called Getty Kouros, a 2 m-high marble statue bought by the J. Paul Getty Museum in 1985 for \$9.5 million. The statue’s provenance comprised several letters that contained mention of it, but that were subsequently shown to be counterfeit. Consequently, the authenticity of the statue also fell under suspicion, and has never since been decided in a satisfactory manner.⁷⁷

The owners of the Persian Mummy were unsuccessful in their attempt to sell it to the Metropolitan Museum, but as the Amarna Princess and Getty Kouros show, museums are not immune to the possibility of acquiring fakes. One study of ancient Near Eastern antiquities in major museums has provided a long catalogue of possibly fake objects held in their collections.⁷⁸ Museum collections of Precolumbian antiquities from Central and South America are also thought to be badly compromised by fakes.⁷⁹ Fake antiquities add another layer of uncertainty to any historical research that is based partly or wholly on unprovenanced material. As already described for the Euphronios krater, the absence of contextual information both hinders the correct sociocultural interpretation of an object and weakens the constraints on any interpretations

73 “‘Artful Codger’ spared jail over counterfeit art’ *Guardian* (London 28 January 2008).

74 Ibid.

75 Martin Bailey, ‘How the entire British art world was duped by a fake Egyptian statue’ *Art Newspaper* (London May 2006) 4.

76 “‘Artful Codger’ spared jail over counterfeit art’ *Guardian* (London 28 January 2008).

77 Thomas Hoving, *False Impressions: The Hunt for Big Time Art Fakes* (Andre Deutsch 1996); Kenneth Lapatin, ‘Proof? The case of the Getty Kouros’ (2000) 20 *Source: Notes in the History of Art* 43-53.

78 Oscar White Muscarella, *The Lie Became Great. The Forgery of Near Eastern Cultures* (Styx 2000).

79 Karen Bruhns and Nancy Kelker *Faking the Ancient Andes* (Left Coast Press 2010); Kelker and Bruhns (n 72).

that may be unduly influenced by the subjectivity of the researcher. These threats to historical scholarship ramify when it cannot even be known for certain that the objects under study are genuine. But uncertainties over the authenticity of antiquities held in museum and other collections add one further and perhaps even more insidious threat to historical scholarship. Expert knowledge as regards the stylistic and technical characteristics of a particular class of antiquities is indispensable for their study and interpretation, and is only acquired through a long and close familiarity with the material in question. It forms the basis for the practice of connoisseurship, which is important for, among other things, distinguishing the genuine article from the fake. It is for this reason that museums assemble study collections, which comprise large numbers of whole and fragmentary objects representing the range of stylistic, technical and material variation typically displayed for individual classes of objects. If these collections are infiltrated by unidentified fakes, their reliability is compromised, and any knowledge obtained through studying or handling them is similarly rendered unreliable. A vicious circle sets in as the knowledge required to distinguish genuine artifacts from fake becomes less dependable, and it becomes easier for fakes to enter the market and collections.

Conclusion

This chapter has presented by means of four case studies an overview of the problems and issues surrounding the antiquities trade, which confound historical scholarship and offer opportunities for criminal involvement and profit. For these reasons, the trade is considered harmful and is subject to national and international regulation. The chapter has mentioned regulatory frameworks in passing, but has not considered them in any critical detail. There is an ongoing debate over the relative merits of strong or weak statutory regulation, and a parallel debate over the effectiveness of implemented regulation, particularly that of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which remains the most widely applied international instrument in this context. Implemented regulation is often vitiated by poor enforcement, possibly because the antiquities trade is not seen to be a political priority and in consequence policing is under-resourced. Alternative, non-regulatory options of trade control have hardly been explored, and although, as this chapter has demonstrated, ethical restraint on the part of museums and collectors cannot be relied upon, one positive development is the establishment of cooperative agreements between museums and source countries aimed at meeting the demand for antiquities by loan exhibitions. Recent introductions to these debates and developments can be found in Cuno,⁸⁰ Manacorda

80 James Cuno (ed), *Whose Culture? The Promise of Museums and the Debate Over Antiquities* (Princeton University Press 2009).

and Chappell,⁸¹ Nafziger and Nicgorski,⁸² and in chapters in this present volume. The interested reader should enquire further there.

Acknowledgements

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81 Stefano Manacorda and Duncan Chappell (eds), *Crime in the Art and Antiquities World* (Springer 2011).

82 James Nafziger and Ann Nicgorski (eds), *Cultural Heritage Issues: The Legacy of Conquest, Colonization, and Commerce* (Martinus Nijhoff 2009).