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The Global Traffic in Looted Cultural Objects

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Summary and Keywords

The looting, trafficking, and illicit sale of cultural objects is a form of transnational crime with significant social and legal dimensions that call into question competing ideas of ownership and value, as well as how we define organized crime, white collar crime, and crimes of the powerful. The looting of cultural objects from archaeological and heritage sites is inherently destructive and is almost always illegal. However, through a complex smuggling chain which depends on lack of import/export regulation standardization in transit and opaque business practices at market, stolen cultural objects are able to be passed onto the international market in large quantities and at little risk to market actors.

Keywords: illicit antiquities, looting, trafficking, white collar crime, organized crime, crimes of the powerful, cultural property, antiquities trade

Background: Harms

The looting, trafficking, and illicit sale of antiquities involves a series of crimes, all of which cause material and social harm to stakeholders along all points of the smuggling chain. It is a "big picture" issue in that it pits the idea of a collective human past, a heritage of all humankind, which everyone has a right to access against the Western tenets of private property and individual responsibility. The traffic in looted cultural objects, then, is harmful, and those harms are both material and profound.

Because of the seemingly benign nature of antiquities, the global traffic in looted cultural objects is at times dismissed as a victimless crime (Bowman Proulx, 2011A; Mackenzie, 2006, 2011B). The harmful aspects of illicit traffic in other commodities such as arms, drugs, or people are more immediately apparent. Yet antiquities trafficking is destructive physically and socially, with harms that stretch beyond immediate property loss and undermine the very tenets of individual and collective culture and identity. This section will explore some of these harms.

Antiquities and Context

Archaeological investigation and interpretation is focused on artifact *context*: how they are situated in relation to other artifacts, manmade features such as floors and walls, and the soil strata deposited around them. A careful study of artifact context allows the reconstruction of events in the past and is the basis of all of our archaeological knowledge of antiquity. When an artifact is excavated, its physical context is destroyed, and only a trained archaeologist is able to accurately record context during this process for later analysis. Once the context is gone, it cannot be reconstructed if it has not been properly documented.

When an antiquity is looted, its context is not recorded, and thus it is lost (Brodie & Renfrew, 2005; Elia, 1997). Any potential the piece had to reveal information about humanity's past is reduced almost to nothing. It becomes orphaned in space and time. Even if the antiquity is subsequently recovered and returned to its place of origin, its context cannot be recovered. Furthermore, the process of looting, meaning unprofessional and unsystematic digging, can destroy the context of the whole archaeological site and may impede archaeologists' ability to interpret even unlooted antiquities from that location.

While this could be cast as a direct challenge to the profession of archaeology, if we approach heritage and culture as human rights, such destruction of context deprives everyone and thus harms everyone. The looting of an archaeological site, then, prevents everyone from gaining a better understanding our collective origins.

Identity and Sovereignty

The illicit trafficking of looted antiquities is driven by market demand in the developed world for the cultural property of the developing world, with some rare exceptions. The willingness of individuals to engage in this market, then, represents their willingness to violate the ownership laws and customs of other nations and states. The laws of developing world antiquities source countries are approached as less serious than those of developed world market countries. Indeed, it is common for those who engage in the antiquities market to assert that local laws in source countries are wrong or unjust, and thus should be ignored (Mackenzie, 2006, 2007; Mackenzie & Yates, 2016). This public contempt for and violation of state or national law by elite individuals and otherwise-respected cultural institutions evidences a deep disrespect for source country sovereignty. It challenges the legitimacy of these countries in a public way, forcing source countries to adopt an antagonistic stance to assert their right to respect and complicating international relations.

On an even more localized level, the theft of cultural objects and their subsequent re-emergence in white, Western collections and museum spaces disrupt the cultural and social structures of source country communities. Theft in general breeds feelings of insecurity (e.g., Yates, 2014). In the case of theft of cultural property, which is intimately tied to group and individual identity, that insecurity may be profound. Beyond the impression that local authorities and security are not able to protect communities from theft of property, the loss of a cultural object may be equated with the loss of how a community defines itself; the theft of a community's core. A statue taken from a temple to feed art market demand is approached legally as property theft, but it may be experienced as the kidnapping or death of a living god and the devastation of a community's fortunes and prosperity.

Poverty vs. Power

In most cases, antiquities source countries are developing and antiquities market countries are developed. Looted antiquities flow from poor locations to rich ones and this represents a critical financial imbalance between markets in source that overlies a parallel power imbalance. Potential looters, living in poverty with few legitimate economic streams, may find they have little choice but to engage in the illicit antiquities trade at the very lowest

level. Individuals who dig for antiquities because of their position of extreme poverty have been termed "subsistence looters." It is very likely that these individuals engage in other subsistence economies, including illicit ones, as well, and the criminalization of their actions has been questioned, at least from a punishment standpoint.

Research has shown that "subsistence looters" are paid a miniscule fraction of the final market sale price for antiquities: in many cases less than 2% (Brodie, Doole, & Watson, 2000). Yet by engaging in openly criminal activity at the most obviously illegal end of the illicit antiquities chain, they shoulder most of the risk of being detected, not to mention the physical risk of injury and death due to cave-ins and other accidents while digging. Furthermore, after the initial low payment for looted objects, "subsistence looters" and their communities lose their cultural heritage to richer, more powerful actors, almost certainly forever.

In other words, the illicit antiquities trade reinforces, exploits, and increases global inequality via a supply model in which the very poor take the most risk for the least gain.

Colonialism and Neoliberalism

The illicit trade in antiquities and the market for antiquities in general can be evaluated as both neocolonial and neoliberal, particularly in relation to the harmful effects of each, which are clarified via Indigenous and non-Western critique. Our modern antiquities market has its foundations in the European colonial period, where Europeans were either defined as the rightful inheritors of the glories of the past, particularly for Greek, Roman, and West Asian cultures, or they were cast as the higher race, able to take whatever they wanted from more "primitive" peoples, often out of an interest in maintaining ideas of "savagery" and ideals of white, Western culture. The antiquities market, illicit or otherwise, sees Indigenous objects removed from their cultural context and redefined by non-Indigenous actors and without Indigenous consent, thus maintaining the colonial relationship of control and subjugation.

This neocolonial control/subjection relationship within the antiquities market can also be seen as strongly neoliberal, as it depends on the Western assertion that cultural objects are private property that can be bought and sold and entirely rejects ideas of collective ownership or non-transferability of heritage. The antiquities market functions under the premise that those with money should be able to buy the objects they want irrespective of local cultural norms. This accounts for an extreme market aversion to any sort of regulation and the argument that antiquities buyers will police themselves if the market is left to function without regulatory oversight. Not only does this neoliberal model reject outright the cultural definitions of heritage, property, or ownership of the groups whose antiquities are being looted and sold, but there is little evidence that market actors ever autoregulate.

Conflict

There is a significant amount of evidence that links the looting of archaeological sites and the subsequent trafficking of antiquities to conflict in a broad sense and armed conflict in particular (Hardy, 2015A). Research into the mechanisms that fuel artifact looting during and after directly after conflict have focused primarily on late-20th- and early-21st-century conflicts in North Africa and West Asia, particularly Iraq and Afghanistan (Rothfield, 2008; Stone & Farchakh Bajjaly, 2008). While willful and open destruction of ancient monuments during wartime has been linked to ideas of conquest and subjugation, the looting of antiquities is rarely an act of spectacle, as public documentation of an antiquity's status as "looted" significantly reduces its market value.

Several empirical studies of antiquities looting and trafficking during conflict associate the practice to profound financial insecurity combined with a breakdown in rule of law (e.g., Brodie, 2006). As normal income streams are disrupted and as heritage sites lose the protection of government-sponsored security, people may turn to antiquities looting as one of a number of subsistence strategies. While it is possible that new antiquities trafficking networks are forged during conflict, it is logical to assume that most "conflict antiquities" flow, at least in part, through pre-established non-conflict antiquities smuggling channels.

For example, in a 2016 analysis of satellite imagery of Egyptian archaeological sites taken from 2002 until 2013 found that an increase in archaeological site looting originally connected to unrest following the 2011 revolution, actually began in 2009 when Egypt was hit hard by the global financial crisis (Parcak, Gathings, Childs, Mumford, & Cline, 2016). Thus, it may be useful to consider major increases in antiquities looting to exist in a causal relationship with economic failure rather than simply to conflict, a model that better reflects recorded patterns of post-conflict- and non-conflict-related antiquities trafficking.

The Illicit Cultural Object Trafficking Chain

Source

Most antiquities source countries tend to be in the poorer parts of the developing world. As such, the looting of antiquities is seen as having strong ties to poverty, insecurity, and corruption at all levels of public life. Looting, then, is cast as a response to a lack of positive economic choices, a lack of effective policing, and deficiencies in existing regulations.

The exact motivations of individual looters vary greatly by location and personal context, as do their degrees of specialty when it comes to looting, and their connections to further links on the smuggling chain. In many cases it has been shown that looters are "locals" who engage in the activity occasionally at times of pressure, such as certain periods of the agricultural cycle, or while engaging in other economic activities which bring them near to archaeological sites. In other situations, looters have been shown to be specialists, engaging in targeted digging of archaeological sites and taking on an identity as such, for example the *tombaroli* of Italy and the *huaqueros* of Peru (Alva, 2001; Chippindale & Gill, 2000; Van Velzen, 1996; Yates, 2015A). In still other cases, looters appear to be forced into looting via threats of violence (e.g., Mackenzie & Davis, 2014). Finally, in still other cases, looters have been shown to be general criminals for hire, contracted by someone higher up the chain to steal specific antiquities (Hardy, 2015B). In most cases the looters are aware that they are breaking the law.

It should be noted that not all looters are poor and archaeological sites in the developed world are under considerable risk of theft and damage. In such locations as the American Southwest and throughout the United Kingdom, so-called "amateur archaeology," namely pot or arrowhead hunting or metal detecting, has been approached as a legitimate hobby. In certain situations, these activities are legal, yet their non-specialist and destructive nature has been heavily criticized by archaeologists and preservationists. That said, numerous studies and high-profile arrests show that despite there being a legal pathway to this kind of "looting," many hobbyists choose to engage in criminal acts as well, for example by digging on protected land or failing to report their finds in accordance with the law.

A similar situation can be seen in the so-called "commercial salvage" of very old shipwrecks. While many would denounce any such activity at a sensitive underwater heritage site to be harmful to the archaeological record and, thus, equivalent to looting, there are legal pathways for it. However, illegal looting and sale of items from underwater sites remains an issue.

Protection and policing of archaeological sites at source is often problematic (Brodie, 2015; Yates, 2015ʙ). The sheer number of known archaeological sites in any given country, hundreds of thousands at the least in most cases, makes round-the-clock security impossible. Furthermore, known archaeological sites represent only a portion of archaeological sites that exist. Even if in-person security were possible for all known archaeological sites, there would still be no way to protect archaeological sites that have yet to be found. In many locations, looters have located significant archaeological remains long before archaeologists have. Furthermore, many archaeological sites are remote, an extreme example of this being the previously mentioned Spanish shipwrecks resting on the sea bed under meters of water. Others are in deep jungles, inaccessible mountain areas, deserts, or just far away from electricity, water, and the other necessities of guards or security cameras.

Even in situations where policing is possible at or near archaeological sites, we encounter the typical developing world problems of underfunded police forces and corruption. Antiquities theft is often classed as significantly less serious than other crimes, and it is understandable that policing units in poor countries find they have few resources for investigations into heritage matters. Furthermore, in some locations, antiquities looting and trafficking have been tied to the actions of the military, police, customs, or other official bodies: they are paid to look the other way or are active participants in looting and trafficking. Corruption is a common theme in most antiquities smuggling stories.

In such a situation where looters are motivated by extreme poverty and authorities lack either the ability or the motivation to prevent antiquities-related crime, it is not surprising that legislative and regulatory attempts to prevent the looting of antiquities fail at both the local and the international level.

Many antiquities source countries, particularly those in the developing world, have strong heritage protection laws which declare all antiquities to be property of the state or its citizens collectively, and allow very limited or no private ownership (for regional examples, see Gutchen, 1982; Shapiro, 1995; Yates, 2011). Often the looting, sale, or export of antiquities in these countries is illegal and such actions carry heavy penalties in the forms of fines and prison sentences; in some countries, such as Bolivia, theft of antiquities or other heritage items is automatically considered to be aggravated. Thus, legislators in these countries take heritage protection seriously in theory, but such legislation is aspirational and unenforceable due again to police underfunding, corruption, and judicial stagnation.

In a similar vein, government regulatory control also fails due to developing world funding shortfalls. While government statues may mandate that ministries of culture keep inventories of heritage assets in public and private collections, license and inspect potential illicit antiquities dealerships, or conduct spot checks of archaeological sites for looting, such mandates are usually unfunded. It is simply impossible to pay for the time and expertise required for such measures.

Despite this, much of our international regulatory framework for the prevention of antiquities trafficking is focused on source countries. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the primary international mechanism for regulating the movement of cultural objects, emphasizes site protection and local capacity building as the first and primary line of

defense against smuggling (Brodie, 2015). In other words, source countries are meant to shoulder most of the financial and policing burden to protect themselves from an outside threat originating in market countries. There is very little evidence that international regulatory focus on source countries is effective in either protecting archaeological sites or disrupting antiquities smuggling networks.

Transit

During the transit phase of the trafficking chain, antiquities can follow any number of paths to the market. While some trafficking networks are quite complicated, recent research has shown that in some cases there are relatively few transit steps between source and market.

The movement of illicit antiquities from source to market is facilitated by structural failures in our international regulatory regime characterized by a lack of standardization. Some ports are significantly more insecure than others, due to some combination of relaxed import or export regulation, poor oversight, or corruption. Illicit antiquities are often routed through these transit ports by traffickers who are well aware of the benefits of using these ports. As antiquities move through, they may avoid further inspection, pass out of statutes of limitation for recovery, and gain additional import/export paperwork.

Paperwork for antiquities, in itself, is problematic and subject to much manipulation during the transit phase. Unlike the permitting regime set out by CITES for the export and import of floral and faunal items, there is no international standard for antiquities export or import permitting. It is extremely difficult for customs officials in either transit or market ports to determine if paperwork accompanying a shipment of antiquities is valid, relevant, or authentic. Fake and improperly used export paperwork abounds.

Furthermore, it is common for antiquities traffickers to improperly declare antiquities shipments as other, more mundane items on customs paperwork. In numerous cases, antiquities have been declared as modern "handicrafts" or tourist items; even in the case of inspection during transit, customs officials may believe the paperwork. Very few customs officials in any country have the proper training to determine if an object is an authentic antiquity or a well-made fake. Other shipments of antiquities have been labeled as "stone garden furniture," "wooden furniture," and so on. Incidentally, it is not uncommon for antiquities traffickers to be charged with making false customs declarations when more serious charges are too difficult or costly to press due to legal differences between source, transit, and market countries.

Attempts to police the trafficking stage are limited by many of the same issues as the policing of other illicit commodities. In general, transnational and cross-jurisdictional policing is poor. There is no formal vector through which information about antiquities smuggling can be shared among police and customs in different countries. Cross-border investigations are often mired in red tape and bureaucracy; they lack the immediacy that is often needed for such cases. Although Interpol maintains a database of stolen works of art, this proves an extremely ineffective tool for looted antiquities as there are no preexisting records of looted antiquities before they are looted and, thus, nothing to put on a stolen art database. Interpol does maintain a very small unit devoted to cultural property crime, but it has no investigative or coordinative capacity; they maintain the stolen art database and, at times, connect local police forces to each other. All investigation of antiquities trafficking, then, is done by local police. There is no international policing or monitoring body involved.

Weak regulation, lack of standardization, and provincial policing, then, are all consciously manipulated by antiquities trafficking networks and, particularly, key individuals who are able to transition antiquities from the

darker underworld, e.g., ripped from a tomb by the extremely poor and transported by hardened criminals, to the elite spheres of high-end dealers, wealthy collectors, and museums. These individuals have been termed "Janus figures" because like the two-faced Roman god of transitions, they see both sides of the antiquities smuggling chain (Mackenzie & Davis, 2014). They know what they receive is looted, often with exact details of the theft, and they know that the pieces will be moved into the hands of the moneyed elite. In many cases, these "Janus figures" exist in both worlds, hobnobbing with art world and underworld figures alike. As such, they serve as linchpins in the smuggling network. They are the necessary interface between high and low; without their ability to "clean" looted antiquities, the antiquities will never make it onto the market.

"Cleansing" of antiquities during transit, then, is of paramount importance. Janus figures, who, again, often have a sophisticated understanding of ancient art, of the needs of the elite, of the various regulatory loopholes, and of the structure of lower-level criminal antiquities theft, are often able to concoct "false provenances," ownership, and transit stories for the objects in their hands. Such false provenances will be discussed further in the next section.

Market

Criminality and regulatory failure on the market end of the cultural property trafficking chain are primarily due to traditional business models that both value and maintain an extreme lack of transparency. Opaque dealings are a core component of the entire art market, with antiquities sales being no exception.

Starting in the 18th century, the fine art and antiquities market grew around the shifting finances of the ultra-wealthy, who demanded considerable privacy about both how they spent their fortunes and when their fortunes were depleted enough for them to sell off the family treasures. This created a tradition of art flowing from anonymous sellers to anonymous buyers through the intermediary of the art dealer. Even in the case of so-called "public" auctions, the identity of both sellers and buyers are rarely disclosed. To this day, antiquities are listed at auction as being "property of an anonymous Swiss collector" and sold to "an anonymous bidder." Buyers' identities are made public only by their own choice, if they apply for permits to export the pieces they bought (in jurisdictions where that is relevant), or if the auction house or dealer is served with a court order. An increase in online antiquities sales since the late 1990s, particularly for low- to mid-priced items, represents market anonymity at its extreme.

Without a public check on the transfer history of antiquities on the market, illicit, illegal, and looted antiquities can be passed on as legitimate via false or absent provenances, and those constructing false provenances face little risk of detection. False provenances, then, serve to legitimize a particular antiquity to the satisfaction of the buyer, allowing them to plausibly deny that they knew that their purchase was trafficked.

In the construction of false provenances, intermediaries, dealers, and collectors use the illicit origins of looted antiquities to their own advantage. Because there are no preexisting records for freshly looted artifacts, it is nearly impossible to challenge false provenances in court. It is impossible to prove without a shadow of a doubt that a looted antiquity left its country of origin after relevant legislation was enacted on evidence of the antiquity alone. Convictions for the trafficking of specific antiquities or court-ordered returns of cultural property are usually the result either of seized photographs of the objects during looting or transit or of individuals within trafficking networks serving as informants. For the overwhelming majority of trafficked antiquities, particularly the smaller and lower-value pieces, such evidence does not exist.

Because of weak regulation of the market which allowed continued lack of transparency, policing of the antiquities market is extremely difficult. Criminals on the market end of the antiquities trafficking chain make the most profit from the trade and are least likely to be detected, prosecuted, or convicted. As with other white collar criminals, collectors, dealers, and museums who buy looted antiquities operate in an elite sphere; they are respected by the general public and their actions are not usually assumed to be criminal.

Furthermore, market actors heavily promote the idea of self-regulation of the antiquities market: the idea that the market will police itself. The assertion is that elite buyers, faced with the risk of losing their investment or going to jail, will cease to buy dodgy artifacts from dodgy dealers. This traditional neoliberal economic model fails as a regulator of the antiquities market for two reasons. The first is the previously stated lack of risk involved in buying illicit antiquities. High-end buyers are rarely caught and even more rarely face any punishment for their actions. Beyond personal ethical concerns, there is no motivation for a collector to not buy a looted artifact. Second, the antiquities market's primary concern is not artifact legality, but rather artifact authenticity (Yates, 2015c). While a fake artifact is valueless, a looted artifact still retains the desirable quality of age. The antiquities market is plagued by fakes and has been for at least over a century. Most antiquities market autoregulation, then, is focused on weeding out dealers of fakes, not dealers of real but illicit artifacts. Furthermore, an artifact that comes with either photographs of it at an archaeological site in situ or a convincing looting story may actually have a slightly increased value on the market: a looted antiquity is an authentic antiquity.

It is clear that market demand for antiquities drives the entire trafficking chain. With large amounts of money available to them and while taking very few personal risks, buyers and dealers invest in the returns of devastating looting at the source. The market is the least regulated and most lucrative space that illicit antiquities pass through. Attempts to regulate the market have been largely unsuccessful due to the relative power imbalance between the receivers of these stolen goods and those that have experienced their loss.

Antiquities Trafficking as Crime

Historically, this field has been dominated by the work of archaeologists and heritage professionals who were often functioning as either activists or conservationists. Increasingly, however, the illicit trafficking of looted cultural objects has been investigated with frameworks adapted from core criminology. It is possible to characterize aspects of the illicit trafficking of cultural objects as within the definitions of particular types of crime.

As Organized Crime

The international market in illicit antiquities is "a criminal market organized into a structure of relations between thieves, smugglers, facilitators, sellers, and buyers of illicit commodities" and thus conforms to many definitions of organized crime (Mackenzie, 2011a, p. 69). Yet a considerable amount of scholarly discussion of the issue of organized crime in the illicit antiquities trade has focused not on the particulars of this organized network but, rather, if the trafficking of cultural goods represents traditional organized crime or not. Disciplinary debate over the term "organized crime," coupled with a focus on "mafia-style" organization, may impede important discussion about the structure of antiquities trafficking networks (Dietzler, 2013).

There is little doubt at a policy level that the global traffic in looted cultural goods represents organized crime. The illicit antiquities market was listed as an example of "transnational organized crime" by the UN Convention on

Transnational Organized Crime and has been incorporated into UNODC discussions as such (Mackenzie, 2011ʙ, p. 135). As can be seen through the structure of trafficking chain and the market, there are ample opportunities for organized criminals to participate in the trade.

The organized crime aspect of the illicit trafficking and trade in antiquities is usually conceived of as occupying the "transit" phase of the chain with organized criminals seen as movers and intermediaries. While this may be an accurate assumption in some cases, in other situations looting itself is carried out in a systematic and top-down organized way and in other cases market actors are active and even knowing participants in the organized transit of the illicit antiquities they consume.

Examples

During research conducted on-site into ancient statue trafficking networks in Cambodia, Mackenzie and Davies identified what they call an "organized crime channel" through which these looted antiquities flow out of the country and on to the market (Mackenzie & Davis, 2014). This early-stage trafficking pathway was characterized by a network of local gangsters who organized the looting of statues, bought pieces from regional brokers and moved them to the Thai border, and organized receivers on the other side of the border to move the antiquities to Bangkok. The individuals, who had no military affiliations, thus controlled the regional statue looting network via long-term agreements with each other as well as local power gained through participation in other regional illicit networks.

In 1995 the Italian Carabinieri seized what turned out to be an organizational chart for a massive transnational antiquities smuggling network drawn by antiquities dealer Pasquale Camera (Brodie, 2012ᴀ). This so-called "organigram" placed American antiquities dealer Robert Hecht at the center of the chart, with two different chains of other dealers and on-the-ground Italian antiquities looters below him. The two chains were orchestrated by antiquities intermediaries Gianfranco Becchina and Giacomo Medici, both of whom were convicted on charges related to antiquities smuggling. Members of these two trafficking chains referred to themselves as being in a *cordata*, mountaineers roped together (Brodie, 2012ᴀ; Watson & Todeschini, 2007, p. 79). On the other end, Hecht is drawn as connected to prominent antiquities collectors. In this case, then, the structure of the network was organized in a top-down manner, and the members of the organization were clear about their affiliation with the network as well as who was above and below them in the hierarchy.

In 2005, New York–based antiquities dealer Subhash Kapoor travelled to Chennai, India, and hired a man named Sanjivi Ashokan to organize the looting of ancient temples in the state of Tamil Nadu. Via connections made through a local art thief, Ashokan hired a group of prior criminals with a background in idol theft who stole a number of important statues from rural or shut temples, including eight major pieces taken in three break-ins from a temple in the village of Udaiyarpalayam in 2006. Under Kapoor's direction, Ashokan filed false customs declaration paperwork and routed the pieces via Hong Kong and London before their arrival in New York. At various points Ashokan transmitted photographs of the idols immediately after their theft for Kapoor's approval. Kapoor then absorbed the idols into his business, creating a false provenance history for them with the aid of his associates, and sold the largest of the pieces to the National Gallery of Australia in 2008 for $5.6 million dollars as previously discussed.

As White Collar Crime

White collar crime is as difficult to define as organized crime, in many respects, but most definitions share many of the same characteristics. If white collar crime is considered to be crime committed by elite offenders who capitalize on their high socioeconomic status to violate the law, the market end of the antiquities trafficking chain is a clear candidate.

Examples

From 1986 until 2005, Marion True served as Curator of Antiquities at the J. Paul Getty Museum in Los Angeles, California. During her time in this elite position at one of the world's wealthiest museums, she acquired numerous antiquities for the collection, a number of which were considered dubious even at the time of sale. Although she was instrumental in the development of the Getty's guidelines against the acquisition of unprovenanced antiquities, first in 1987, later updated in 1995, her subsequent purchasing of various pieces of unprovenanced classical art places her motivations in question (Brodie, 2012в). Indeed, following the 1995 revision of policy, True was given a $400,000 loan to buy a house on a Greek island by a pair of antiquities dealers who were subsequently implicated in smuggling. To pay back this loan she borrowed money from wealthy collectors whose unprovenanced antiquities she had decided to accept on behalf of the Getty. True was ultimately fired from the Getty in 2005 for these personal loans. In the same year Italy charged her with receiving stolen antiquities and conspiring with a convicted antiquities smuggler, the previously discussed Giacomo Medici. Her trial was abandoned without a verdict in 2010 when the statues of limitations expired.

In 2015 Jonathan Markell of Silk Roads Gallery in Los Angeles was sentenced to 18 months in prison for perpetrating a tax fraud scheme centered on his access to trafficked Thai antiquities and status as an antiquities dealer. Taking advantage of the tax deductions for charitable "in-kind donations" to museums, Markell and his associates would supply "buyers" with Thai antiquities, inflated appraisals, and connect "buyers" with a museum that wanted the piece. The buyers would then instantly donate the artifact. The appraisals were made by a friendly valuer or Markell himself, but were signed with the name of a Bangkok-based ceramics curator who met U.S. government expertise requirements; her signatures may have been forged. Thus, a museum would receive an artifact they wanted free of charge, the buyer-turned-donor (who never intended to own the artifact) would receive a tax deduction, and Markell would make their normal profits from the artifact sale. The scheme was exposed following a federal investigation in 2008 with such institutions as the Los Angeles County Museum of Art, The Pacific Asia Museum, The Bowers Museum, and the Mingei International Museum, all shown to be on the receiving end of the antiquities, essentially facilitating the fraud (Yates, 2016).

As Crimes of the Powerful

Actions that can be characterized as "crimes of the powerful" can be seen during all phases of the trafficking of cultural objects, particularly in the form of high-level corruption. Because the collecting of antiquities is an elite activity which attracts people with money and power, some individuals in a position of power have leveraged their influence to facilitate the build-up of their own collections. In other cases, influential individuals have been attracted to the trade not from an interest in the ancient past, but because of the potential for profit and the relatively low risk of being caught or punished (Mackenzie, 2011в). In both of these situations, the power-holder is able to commit obvious antiquities-related crimes often quite openly without fear of prosecution. They act beyond the law, so to speak, with their power both creating the opportunity for them to commit a crime and shielding them from most consequences.

Examples

In 2014 Lieutenant General Pongpat Chayapan, the former head of Thailand's Central Investigation Bureau, was arrested on and admitted to a number of corruption charges. A significant number of looted Southeast Asian antiquities were recovered from Chayapan's properties, tens of thousands of objects according to some reports and supported by photographs, as well as animal skins, ivory, and other illicit goods. A number of objects seized from Chayapan are assumed to have been smuggled into Thailand from Cambodia, raising questions as to the ex-official's facilitation of the Cambodia-to-Thailand antiquities smuggling networks identified by Mackenzie and Davis (Davis & Mackenzie, 2015; Mackenzie & Davis, 2014). Because Chayapan's considerable power and influence clearly facilitated the looting and trafficking of antiquities and because, as the head of the county's Central Investigation Bureau, he had the ability to prevent his own crimes from being investigated, the "crimes of the powerful" moniker applies.

In 1997, Francisco Iglesias, then the Consul General of Panama to the United States, carried a backflap, a large piece of ancient Peruvian ceremonial gold armor, stolen from the site of Sipán into the United States via his diplomatic pouch (Alva, 2001; FBI, N.D.). Although the smuggling of the piece was organized by two U.S. citizens based out of Miami, Iglesias was present for all later stages of the smuggling, even providing a diplomatic-plated car to transport the artifact to be sold people who turned out to be undercover FBI agents (Wittman, 2011). Due to his diplomatic status, Iglesias was not arrested by the FBI during the sting, although a warrant was later obtained for his arrest, which remains open. He subsequently fled the United States for Panama and at the time of writing has not faced charges relating to this smuggling incident.

Moshe Dayan, the famous eyepatch-wearing war hero, served as Israel's Minister of Foreign Affairs (1977–1979), Minister of Defense (1967–1974), and Minister of Agriculture (1959–1964), among other powerful offices. He was also an antiquities collector who leveraged his position to grow his own collection of Israeli antiquities. Dayan was able to use Israeli Defense Force equipment and personnel to illegally loot Israeli archaeological sites to bolster his own collections (Kletter, 2003). He was even severely injured in a landslide while looting at tomb at Azur near Tel Aviv in 1968. Kletter (2003) characterizes Dayan's collecting practices as a "well-known secret in Israel" and that even when he was caught and questioned for these illegal actions, Dayan admitted no fault. When archaeology offices attempted to file criminal complaints against Dayan, they were told by police that charges could not be filed against him unless those making the complaint applied in writing to the presidency of Israel's parliament to have Dayan's immunity rescinded. Dayan agreed to waive his immunity, but charges were still not pressed and he was caught looting in the same location twice more in the same year. Police and other officials described the idea of pressing any charges against a war hero and cabinet minister as "awkward."

While Chayapan, Iglesias, and Dayan represent a corruption extreme, there are numerous recorded antiquities trafficking cases where corruption on the part of powerful individuals or groups has facilitated the movement of looted objects or, in some cases, the weakening of anti-looting or anti-trafficking regulation.

Review of the Literature

Although the looting of archaeological sites had been problematic for some time, archaeologist and art historian Clemency Coggins' 1969 paper in *Art Journal* has been hailed as a clarion call for further regulation of and research into the global trade in looted cultural property (Coggins, 1969). With the exception of notable work by

legal scholars (see below), from that point until the early 2000s, research into this topic was primarily conducted by archaeologists. Within this sphere Elia (1997), Renfrew (2000), and Chippindale and Gill (2000) are seen as providing the foundation for illicit antiquities research, particularly in relation to concepts of market deception and loss of archaeological context. With the establishment of the Illicit Antiquities Research Centre at Cambridge, Neil Brodie has emerged as the leading archaeological voice within this research field, in relation not only to the global functioning of the trade and market, but to specific regional and object cases (Brodie, Doole, & Watson, 2000; Brodie, Doole, & Renfrew, 2001; Brodie & Tubb, 2002, etc.).

A particularly important contribution to this field from archaeology has been ethnographic fieldwork into the functioning and motivations of looters of cultural property (e.g., Matsuda, 1998; Paredes Maury, 1999; Van Velzen, 1996) and research into the social reality of looters, particularly focusing on the idea of substance looting (e.g., Heath, 1973; Hollowell, 2006; Lange, 1976; Matsuda, 1998, 2005; Staley, 1993).

Legal research has been particularly influential in this field, particularly with regards to the market end of the trafficking chain. Over the course of his career, John Henry Merryman set the tone for all legal discussion of the trade with well-reasoned evaluations that often favored collectors and the market (e.g., Merryman, 1992). Patty Gerstenblith, who is both a legal scholar and an archaeologist, is also a significant legal commentator on this topic (e.g., Gerstenblith, 2007). Norman Palmer, too, has produced significant legal works which both focus on antiquities and incorporate them into greater debates within the world of art law (e.g., Palmer, 1993). In terms of regulatory research, particularly in relation to the 1970 UNESCO convention, Lyndel Prott and Paul O'Keefe have produced relevant evaluations of this core document (e.g., O'Keefe, 1997, 2000; O'Keefe & Prott, 1989). Other researchers have adopted a critical view of the UNESCO convention and other international regulatory mechanisms, focusing on location-specific failures to undercover larger weaknesses in policy (e.g., Brodie, 2015; Yates, 2015B).

Within the criminological sphere, the work of Mackenzie (e.g., 2006, 2007, 2011A, 2011B), Mackenzie and Davis (2014), Mackenzie and Yates (2016), Mackenzie and Green (2008), Chappell and Polk (2011), Bowman Proulx (2008, 2011A, 2011B), and Brodie and Bowman Proulx (2014) have been particularly influential in moving the discussion of antiquities looting, trafficking, and sale out of archaeology and heritage spheres and incorporating it into wider sociological and regulatory discourses. Work by Hardy (e.g., 2015A, 2015B) continues to progress the understanding of antiquities trafficking within the context of modern armed conflict.

This, in turn, has allowed various aspects of the global traffic in looted cultural objects to be evaluated as organized crime (e.g., Alderman, 2012; Bowman Proulx, 2011B; Campbell, 2013; Chappell & Polk, 2011; Dietzler, 2013; Lane, Bromley, Hicks, & Mahoney, 2008; Mackenzie, 2011A; McCalister, 2005; Polk, 2000; Tijhuis, 2006), as white collar crime (e.g., Bowman, 2008; Brodie & Bowman, 2014; Brodie, Dietzler, & Mackenzie, 2013; Chappell & Polk, 2011; Mackenzie, 2007, 2011B; Mackenzie & Green, 2008; Polk, 2000), and as crimes of the powerful (e.g., Mackenzie, 2011B).

Links to Digital Materials

Anonymous Swiss Collector.

The Antiquities Coalition.

ArThemis, Art-Law Centre, University of Geneva.

Association for Research into Crimes against Art.

Chasing Aphrodite.

Conflict Antiquities.

Institute of Art & Law.

International Council of Museums Observatory Illicit Traffic.

The Lawyers' Committee for Cultural Heritage Preservation.

Museum Security Network.

Saving Antiquities for Everyone.

Stolen Gods.

Trafficking Culture Project.

UK National Committee of the Blue Shield.

UNESCO Illicit Trafficking of Cultural Property.

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