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Illicit Antiquities Trade

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TOPICAL OUTLINE OF ARTICLES

DIRECTORY OF CONTRIBUTORS

MAPS

INDEX

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- Martin Hall and Stephen W. Silliman, pp. 128–146, 2006.
- Butler, Beverley. "Heritage and the Present Past." In *Handbook of Material Culture*, edited by Christopher Tilley, Webb Keane, Susanne Kuchler, Michael Rowlands, and Patricia Spyer, pp. 463–479, 2006.
- Epperson, Terrence. "A Separate House for the Christian Slaves, One for the Negro Slaves: The Archaeology of Race and Identity in the late 17th-Century Virginia." In *Race, Material Culture, and the Archaeology of Identity*, edited by Charles E. Orser, Jr., pp. 71–87, 2001.
- Leone, Mark P. "Interpreting Ideology in Historical Archaeology: Using the Rules of Perspective in the William Paca Garden in Annapolis, Maryland." In *Ideology, Representation and Power in Prehistory*, edited by Daniel Miller and Christopher Tilley, pp. 25–36, 1984.
- Mayne, Alan. "On the Edges of History: Reflections on Historical Archaeology." *The American Historical Review* 113 (2008): 93–118.
- McGuire, Randall H. "Marxism and Capitalism in Historical Archaeology." In *The Cambridge Companion to Historical Archaeology*, edited by Dan Hicks and Mary C. Beaudry, pp. 123–142, 2006.
- Miller, Daniel, and Christopher Tilley. "Ideology, Power and Prehistory, An Introduction." In *Ideology, Representation and Power in Prehistory*, edited by Daniel Miller and Christopher Tilley, pp. 1–16, 1984.
- Orser, Charles E. Jr., "Negotiating our 'Familiar Pasts'." In *The Familiar Past? Archaeologies of Later Historical Britain*, edited by Sarah Tarlow and Susie West, pp. 273–285, 1999.
- Palus, Matthew M., Mark P. Leone, and Matthew D. Cochran. "Critical Archaeology: Politics Past and Present." In *Historical Archaeology*, edited by Martin Hall and Stephen W. Silliman, pp. 85–104, 2006.
- Tilley, Christopher. "Objectification." In *Handbook of Material Culture*, edited by Christopher Tilley, Webb Keane, Susanne Kuchler, Michael Rowlands, and Patricia Spyer, pp. 60–73, 2006.
- Wood, Margaret C. "Moving Towards Transformative Democratic Action Through Archaeology." *International Journal of Historical Archaeology* 6, no. 3 (2002): 187–198.

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ILLICIT ANTIQUITIES TRADE

Every day, in countries all over the globe, illegally excavated or stolen artifacts are legitimately sold in

the marketplace. Passing through a series of looters, middlemen, sellers, and buyers, artifacts go from illegal to legal, sometimes commanding record-breaking prices as in the case of the Guennol Lioness, which sold in 2007 at a Sotheby's auction for US\$57.2 million. Due to the many illegal elements in the trade, it is almost impossible to assess accurately its financial scope and breadth, but it is estimated to be just behind drug smuggling and weapons sales in the global sales arena. As the demand for antiquities increases, so do the illicit means to acquire them, either by the plundering of archaeological sites or by thefts from museums and cultural institutions.

New material continues to enter the market despite the fact that most archaeologically rich countries have enacted national ownership laws prohibiting the clandestine excavation of sites and the illegal export of archaeological material. The typical pathway of trade is from the less-developed world, rich in archaeological artifacts (Egypt, Mali, countries in central and South America, for example) to the more developed nations like the United States, Japan, the United Kingdom, and other European nations. Traditionally a unidirectional network, trade is not limited to international exchanges and can occur within the borders of a single nation, such as in the United States or Israel.

In the late 1960s and early 1970s, Clemency Coggin brought the plight of illegal excavation and the destruction of Guatemalan cultural heritage to the global forefront in a series of articles about damaged Mayan stelae, parts of which were appearing in the Western art market. This raised public awareness coincided with the enactment of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property of November 14, 1970. The problem of the illicit trade in antiquities—and the strong incentive for pillage of archaeological sites that it creates—was addressed at the international level by the adoption of this 1970 UNESCO Convention. The Convention encourages each country to protect its own cultural patrimony as well as to join in an international effort to assist other nations in

stopping the illicit traffic. As of 2011, over 120 countries were party to the Convention, including some of the major art market nations, like the United Kingdom, the United States, and Switzerland. Adherents to the Convention agree to recognize the import and export regulations of other countries that are also party to the UNESCO Convention, or they may enact their own implementing legislation, as in the case of nations like the United States and Switzerland.

The 1983 Cultural Property Implementation Act (CPIA)—the United States' implementing legislation for the UNESCO Convention—consists of a series of bilateral agreements (memoranda of understanding) with countries that have provable ongoing looting and illegal exportation of archaeological and ethnographic material to the United States (as of July 2011, the United States had such Memoranda with Bolivia, Cambodia, China, Colombia, Cyprus, El Salvador, Greece, Guatemala, Honduras, Iraq, Italy, Mali, Nicaragua, Peru, and two pending requests from Belize and Bulgaria). Noted cultural property lawyer Patty Gerstenblith has argued that import restrictions under the CPIA are necessary to discourage looting, while critics of regulation of the market for archaeological materials assert that international and national legislative efforts do little or nothing to stem looting of sites and the theft from museums, but instead increase the illegal elements, creating a black market for artifacts.

While international and national legislation focuses mainly on the import and export of archaeological material and museum and site protection, what is missing from most analyses of the illicit antiquities trade is an examination of the demand side of the market. "Demand" includes not only individuals, but also educational institutions and museums. Since the enactment of the UNESCO Convention, museums in market nations have been subject to more regulation from laws and codes of ethics.

There has been increasing pressure on museums to tighten their acquisition and loan policies, and many museums will no longer purchase objects without documentation establishing a legitimate ownership history. Recently, the American Association of

Museum Directors (AAMD) released a report recommending that its member museums embrace a middle ground that shows greater respect for archaeologically rich countries' interests and increases cooperation and understanding between those nations and museums. The June 2008 report went beyond earlier efforts by formally recognizing the 1970 UNESCO Convention as a threshold date for the acquisition of archaeological material. The report encouraged members not to acquire material that cannot be proven to have been outside the country of origin before 1970, or that does not have proof of legal exportation after 1970. The AAMD has a dedicated section of its website to the online publication of museum acquisitions of ancient material. Their goal is to make the information about potentially illegal material readily and publicly accessible. The aim is increased transparency in the marketplace—no acquisitions without legal proof of exportation, and a database of all acquisitions. Given the recent high-profile repatriations of archaeological materials by museums like the Getty Museum and archaeologically rich nations, museums appear to be likelier to return objects on ethical grounds, even when there may be no legal basis to demand repatriation.

Although the connection between the demand for archaeological objects and the looting of sites and theft from museums has been demonstrated repeatedly, collectors (individuals and institutions) often turn a blind eye to questions of archaeological find-spot. In July of 2011, after over twenty years of ongoing dispute, the Museum of Fine Arts in Boston announced its intent to reunite a bust of the demigod Hercules with its lower half at the Antalya Museum in Turkey. The bust, purchased on the antiquities market and on loan to the museum by collectors Leon Levy and Shelby White, has been at the center of a repatriation controversy since the early 1980s. In announcing the repatriation, the museum declared that it is only recently that the Turkish government had presented irrefutable evidence that the piece had been looted. The bottom half was excavated in 1983, providing unquestionable archaeological evidence; but perhaps threats by Turkey to deny future excavations and loans of

material from its museums were the catalyst needed to prompt this reunification of Hercules.

The disastrous effects of war on the protection of cultural resources are evident in the aftermath of the 2003 invasion of Iraq by Coalition forces. Reports of looting at the cultural institutions and at archaeological sites and subsequent border interdictions in Jordan and the United States in which Iraqi archaeological material was confiscated demonstrates that the demand for archaeological material and the resultant looting to supply that demand are ongoing despite the local, national, and international laws and conventions in place. In China, regardless of increasing efforts to combat the illegal traffic in cultural artifacts, thieves have consistently targeted tombs, resulting in the loss of their cultural heritage. Unfortunately, in many countries throughout the world, looted artifacts are available to those willing to pay the right price. In places like Israel, the United Kingdom, the United States, and Thailand, selling, importing, and exporting antiquities is legal, provided artifacts are accompanied by legitimate export licenses. But the line between illegal and legal artifact is often blurred through the counterfeiting of import-export licenses, bribery of legal officials, and buyers willing to avoid sticky questions about the original archaeological provenance and object pedigree.

The acquisition of antiquities by illicit means invariably results in the irretrievable loss of information critical to the understanding of both the artifacts in question and the culture that produced them. Accordingly, scholars must not only condemn the illicit commerce in antiquities but refrain from assisting those acquiring antiquities without proper provenance or export permits, in order to enhance either the market value or the perceived importance of the objects in question.

[See also Cultural Resource Management; Global Issues; Destruction of the Past; Education in Archaeology; Popular Education; Ethics of Archaeology; Ethics of Collecting; Looting; Museums and Collecting.]

BIBLIOGRAPHY

- Association of Art Museum Directors. *New Report on Acquisition of Archaeological Materials and Ancient Art*. AAMD Press Release, June 4, 2008, issued by Association of Art Museum Directors. <http://www.aamd.org/newsroom/documents/2008ReportAndRelease.pdf>.
- Bauer, Alexander. "New Ways About Thinking About Cultural Property: A Critical Appraisal of the Antiquities Trade Debates." *Fordham International Law Journal* 31 (2008): 690-724.
- Brodie, Neil J., Morag M. Kersel, Christina Luke, and Kathryn Walker Tubb, eds. *Archaeology, Cultural Heritage, and the Antiquities Trade*, 2006.
- Cuno, James. *Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage*, 2008.
- Felch, Jason, and Ralph Frammolino. *Chasing Aphrodite. The Hunt for Looted Antiquities at the World's Richest Museums*, 2011.
- Gerstenblith, Patty. "Controlling the International Market in Antiquities: Reducing the Harm, Preserving the Past." *Chicago Journal of International Law* 8, no. 1 (2007): 169-194.
- Messenger, Phyllis Mauch, ed. *The Ethics of Collecting Cultural Property: Whose Culture? Whose Property?* 1989.
- Tijhuis, Edgar. *Transnational Crime and the Interface Between Legal and Illegal Factors: The Case of the Illicit Art and Antiquities Trade*, 2006.
- Watson, Peter, and Cecilia Todeschini. *The Medici Conspiracy: The Illicit Journey of Looted Antiquities—From Italy's Tomb Raiders to the World's Greatest Museums*, 2006.
- Waxman, Sharon. *Loot: The Battle Over Stolen Treasures of the Ancient World*, 2008.

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IMMERSIVE 3D APPLICATIONS

Immersive 3D applications are virtual reality systems able to provide a three-dimensional embodiment of users and a high level of immersive engagement and interaction. The level of immersivity is achieved by stereo projection and by the inclusiveness in the virtual environment. The final goal is a deeper engagement of users in the interaction with data and 3D models; at phenomenological level, this kind of experience can be defined as "hyper-real," more real than real, because the level of immersivity develops a deep and realistic