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Beni culturali e sistema penale

DIRITTO | RICERCHE

Atti del Convegno

Prevenzione e contrasto dei reati contro il patrimonio culturale.
La dimensione nazionale ed internazionale

Prevention and Fight against Illicit Trafficking in Cultural Property.
The National and International Dimension

Milano, 16 gennaio 2013
Università Cattolica del Sacro Cuore

V&P VITA E PENSIERO



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INDICE

Introduzione <i>di Stefano Manacorda e Arianna Visconti</i>	IX
SALUTI INTRODUTTIVI	
Lorenzo Ornaghi	XIII
Mariano Mossa	XVII
Livia Pomodoro	XXI
Gabrio Forti	XXV
CITLALIN CASTAÑEDA DE LA MORA	
The Work of the United Nations Office on Drugs and Crime in the Area of Illicit Trafficking in Cultural Property	3
NEIL BRODIE - JESSICA DIETZLER - SIMON MACKENZIE	
Trafficking in Cultural Objects: an Empirical Overview	19
PAOLO CARPENTIERI	
La tutela penale dei beni culturali in Italia e le prospettive di riforma: i profili sostanziali	31
GIOVANNI MELILLO	
La cooperazione giudiziaria internazionale nei reati contro il patrimonio culturale	55
TULLIO SCOVAZZI	
La dimensione internazionale della tutela. Principi etici e norme giuridiche in materia di restituzione dei beni culturali	69
MARC-ANDRÉ RENOLD	
International Tools: Return, Restitution and Beyond	127

ARIANNA VISCONTI	
Le prospettive internazionali di tutela penale: strategie sanzionatorie e politico-criminali	139
STEFANO MANACORDA	
Conclusioni	161
Ringraziamenti	169
Gli Autori	171



Convegno di studi

**PREVENZIONE E CONTRASTO DEI REATI CONTRO IL PATRIMONIO CULTURALE.
 LA DIMENSIONE NAZIONALE ED INTERNAZIONALE**

Milano, 16 gennaio 2013
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I SESSIONE

Presiede

ADOLFO CERETTI, Professore ordinario di Criminologia, Università degli Studi di Milano Bicocca

INTRODUZIONE

- **UNODC and Illicit Trafficking in Cultural Property**
 CITILALIN CASTANEDA DE LA MORA, Associate Legal Officer, Conference Support Section Organized Crime and Illicit Trafficking Branch, Division for Treaty Affairs, United Nations Office on Drugs and Crime-UNODC
- **Il traffico illecito contro il patrimonio culturale: un'analisi empirica**
 SIMON MACKENZIE, Professore di Criminologia, Diritto e Società, Università di Glasgow
- **La tutela penale dei beni culturali in Italia: uno sguardo d'insieme**
 VITTORIO MANES, Professore associato di Diritto penale, Università del Salento; Corte costituzionale - Servizio studi

- **Le prospettive di riforma della legislazione italiana per la tutela penale dei beni culturali**
 PAOLO CARPENTIERI, Capo Ufficio Legislativo, Ministero per i Beni e le Attività Culturali
- **La cooperazione giudiziaria internazionale nei reati contro il patrimonio culturale**
- **Giovanni MELILLO, Procuratore aggiunto presso il Tribunale di Napoli**

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II SESSIONE

Presiede

GABRIEL FORTI, Professore ordinario di Diritto penale e Criminologia, Università Cattolica del Sacro Cuore

- **La dimensione internazionale della tutela dei beni culturali: il ruolo dell'UNESCO**
 TULLIO SCOVAZZI, Professore ordinario di Diritto internazionale, Università degli Studi di Milano Bicocca
- **Strumenti internazionali: ritorno e restituzione dei beni culturali**
 MARC ANDRÉ RENOLD, Professore associato di Diritto dell'arte e dei beni culturali; Direttore del Centro di Diritto dell'arte, Università di Ginevra
- **Le prospettive internazionali di tutela penale: i progetti delle Nazioni Unite sul traffico dei beni culturali**
 ROSARIO AITALA, Consigliere del Ministro Aree di Crisi e Criminalità Internazionale, Ministero degli Affari Esteri
- **Le prospettive internazionali di tutela penale: strategie sanzionatorie e politico-criminali**
 ARIANNA VISCONTI, Ricerchatore di Diritto penale, Università Cattolica del Sacro Cuore

DIBATTITO

CONCLUSIONI

STEFANO MANACORDA, Professore straordinario di Diritto penale, Seconda Università di Napoli; Collège de France; Vice Presidente e Direttore ISPAC

Osservatorio "Giordano Dell'Amore"
 sui rapporti tra diritto ed economia

NEIL BRODIE - JESSICA DIETZLER - SIMON MACKENZIE*

Trafficking in Cultural Objects: an Empirical Overview

ABSTRACT

This paper reviews a selection of the main empirical studies in the field of the international illicit trade in cultural objects. For the purpose of analysis it divides the available literature into qualitative or quantitative studies, and whether the main object of study is the market or the supply end of the trading chain. The main object of the paper is to draw together much of the existing evidence on the illicit trade, for ease of reference by researchers in the field. We do not review individual studies in depth here, but readers should find the references useful if they want to follow up any of the research in more depth.

1. Evidence of the Illicit Trade in Cultural Objects

Research into the illicit trade in cultural objects has utilised quantitative (i.e. statistical) and qualitative (i.e. interpretive) methods, and can be divided heuristically into studies which examine the looting of archaeological and cultural sites and the theft of cultural artefacts at source, and those which look at the trade and consumption of looted and stolen artefacts – in other words, at the illicit market. So we can visualise the evidence produced by research into the illicit trade as a matrix, with one dimension distinguishing between qualitative or quantitative methods, and the second dimension separating source from market. We have sorted the major empirical studies according to this system of classification. We will work our way through the evidence produced by these studies, using the analytical framework presented here, beginning with quantitative investigations of looting and theft, followed by efforts to quantify some problematical aspects of the market, particularly the incidence of

* Trafficking Culture, www.traffickingculture.org, Scottish Centre for Crime and Justice Research, University of Glasgow. This chapter uses and updates the information in N. BRODIE, *Uncovering the Antiquities Market*, in R. SKEATES - C. McDAVID - J. CARMAN (eds.), *The Oxford Handbook of Public Archaeology*, Oxford University Press, Oxford 2012, pp. 230-252. The Trafficking Culture project is funded by the European Research Council.

provenance, before going on to discuss the different types of qualitative research that contextualise and help us understand the cultures and practices that shape the quantitative evidence, both at source and in the market.

2. *Quantitative Studies of Looting and Theft at Source*

The majority of quantitative source studies have been concerned to measure the damage caused by looting to archaeological sites, so we will start there. Some scholars have attempted to quantify the incidence and severity of looting from extant records of archaeological sites combined with personal site visits. In 1983, for example, data obtained from previously conducted surveys and directed site visits indicated that 59% of all Maya sites in Belize showed evidence of looting¹. In 2000, it was reported that 14% of all known sites in Andalusia, Spain had been visited by looters². Official Honduran statistics showed that by the early 2000s approximately 60% of 507 sites in the central Ulúa Valley had been damaged to a greater or lesser extent by looting³.

Increasingly, harm to sites caused by looting is being identified and recorded during systematic descriptions of a region's archaeological heritage, with information obtained either by pedestrian or remote survey. Pedestrian survey involves a team of archaeologists walking across a landscape in a structured way, observing the surface of the ground for archaeological remains, that can then be systematically described. A 1994 survey of the Charsadda area in Pakistan found that about half of 75 Buddhist sacred sites had been badly damaged or destroyed by looting⁴. In Mali, a survey of the Djenné area conducted between 1989 and 1992 found that 375 of the 834 sites discovered had been looted, and when 83 of the sites were revisited in 1996 the number looted had in-

¹ M. GUTCHEN, *The Destruction of Archaeological Resources in Belize, Central America*, "Journal of Field Archaeology", 1983, 10, p. 223.

² S. FERNANDEZ CACHO - L. GARCÍA SANJUÁN, *Site Looting and Illicit Trade of Archaeological Objects in Andalusia, Spain*, "Culture Without Context", 7 (2000), p. 19.

³ C. LUKE - J.S. HENDERSON, *The Ulúa Valley, Honduras, and a Market Analysis for its Antiquities*, in N. BRODIE - M.M. KERSEL - C. LUKE - K.W. TUBB (eds.), *Archaeology, Cultural Heritage, and the Antiquities Trade*, University Press of Florida, Gainesville 2006, pp. 155-156, figure 7.4.

⁴ I. ALI - R. CONINGHAM, *Recording and Preserving Gandhara's Cultural Heritage*, "Culture Without Context", 1998, 3, p. 27.

creased from 16 to 49⁵. Another survey by the same team in 2002 found that 42 of 81 sites recorded in the region of Malian Dia had been damaged⁶. A 2001 survey of Iron Age burial sites in Western Turkey discovered that 357 out of the 397 sites inspected had been looted – 52 had been totally demolished⁷. A follow-up survey of 116 of these sites found that 111 had been looted⁸.

Pedestrian surveys are expensive and time-consuming, and hardly ever repeated. Thus even if evidence of looting is recorded, it remains very much a ‘snapshot’ in time, and cannot be used to assess longer-term changes in the extent, frequency or intensity of looting. There is therefore an increasing turn towards the use of aerial and particularly satellite images which in theory can add chronological depth to assessments. Probably the first systematic use of satellite imagery to quantify looting was by Elizabeth Stone⁹ after the 2003 Coalition invasion of Iraq. She was able to demonstrate the extent and severity of looting, make some observations about its development through time, and highlight the targeting of sites of certain archaeological cultures for saleable materials. Other satellite studies have also focused on Iraq¹⁰. In the past, the high cost of satellite images restricted their use, but Daniel Contreras and Neil Brodie have shown how the high-resolution images that are increasingly being made available on Google Earth are ideally suited to assessing the incidence of looting through time on a

⁵ C. PANELLA - A. SCHMIDT - J. POLET - R. BEUDAUX, *Le contexte du pillage*, in R. BEUDAUX - J. POLET - K. SANOGO - A. SCHMIDT (eds.), *Recherches archéologiques à Dia dans le Delta intérieur du Niger (Mali): bilan des saisons de fouilles 1998-2003*, CNWS, Leiden 2005, p. 18, table 3.2.

⁶ *Ibidem*.

⁷ C.H. ROOSEVELT - C. LUKE, *Looting Lydia. The Destruction of an Archaeological Landscape in Western Turkey*, in BRODIE - KERSEL - LUKE - TUBB (eds.), *Archaeology, Cultural Heritage, and the Antiquities Trade*, p. 179.

⁸ C.H. ROOSEVELT - C. LUKE, *Mysterious Shepherds and Hidden Treasures: the Culture of Looting in Lydia, Western Turkey*, “Journal of Field Archaeology”, 2006, 31, p. 193.

⁹ E.C. STONE, *Patterns of Looting in Southern Iraq*, “Antiquity”, 2008, 82, pp. 125-138; E.C. STONE, *Archaeological Site Looting: the Destruction of Cultural Heritage in Southern Iraq*, in G. EMBERLING - K. HANSON (eds.), *Catastrophe! The Looting and Destruction of Iraq’s Past*, Oriental Institute Museum, Chicago 2008, pp. 65-80.

¹⁰ K. HANSON, *Ancient Artefacts and Modern Conflict: a Case Study of Looting and Instability in Iraq*, in P.G. STONE (ed.), *Cultural Heritage, Ethics and the Military*, Boydell, Woodbridge 2011, pp. 113-128; C. HRITZ, *Remote Sensing of Cultural Heritage in Iraq: a Case Study of Isin*, “TAARII Newsletter”, 2008, 3 (1), pp. 1-8.

regional and even a national scale, with case studies in Jordan¹¹ and Peru¹².

Regional survey data have also been used to estimate the monetary value of looted archaeological sites. Thus Rose and Burke¹³ counted 570 robbed tombs in 6 Late Roman-Byzantine cemeteries in the north Jordanian region of Irbid-Ramtha, and using information from local informants about prices they estimated material looted from the tombs would have earned the looters between \$13,000 to \$24,000 per cemetery¹⁴. With 745 Roman-Byzantine cemeteries in the region, total income could have been in the order of \$10-18 million¹⁵. A somewhat lower estimate of \$8000 per cemetery was suggested by Brodie and Contreras¹⁶ after a satellite survey of Early Bronze Age cemeteries in the Karak area of west Jordan.

In 2008, Blythe Bowman Proulx opened another area of quantitative research at source when she canvassed the opinions and perceptions of archaeologists through a structured questionnaire. She reasoned that archaeological fieldwork would provide archaeologists with first-hand experience of the damage caused by looting and perhaps even of the looting itself, and that they should in consequence be reliable sources of information. 79% of 2358 respondents reported having direct experience with looting in the field and 98% of them thought antiquities were looted and trafficked in the countries they worked in¹⁷. Looting was found not to be a problem confined to poor countries; in fact, in the United States the survey suggested that looting was under-reported in the literature and that it was associated and

¹¹ D.A. CONTRERAS - N. BRODIE, *Quantifying Destruction: an Evaluation of the Utility of Publicly-Available Satellite Imagery for Investigating Looting of Archaeological Sites in Jordan*, "Journal of Field Archaeology", 2010, 35, pp. 101-14.

¹² D.A. CONTRERAS, *Huaqueros and Remote Sensing Imagery: Assessing Looting Damage in the Virú Valley, Peru*, "Antiquity", 2010, 84, pp. 544-55.

¹³ J.C. ROSE - D.L. BURKE, *Making Money from Buried Treasure*, "Culture Without Context", 2004, 14, pp. 4-5.

¹⁴ *Ibi*, p. 8.

¹⁵ *Ibidem*.

¹⁶ N. BRODIE - D. CONTRERAS, *The Economics of the Looted Archaeological Site of Bâb edh-Dhrâ': a View from Google Earth*, in P.K. LAZRUS - A.W. BARKER (eds.), *All The Kings Horses: Looting, Antiquities Trafficking and the Integrity of the Archaeological Record*, Society for American Archaeology, Washington DC 2012, p. 23.

¹⁷ B.B. PROULX, *Drugs, Arms, and Arrowheads: Theft from Archaeological Sites and the Dangers of Fieldwork*, "Journal of Contemporary Criminal Justice", 2011, 27, pp. 505-506; ID., *Archaeological Site Looting in "Glocal" Perspective: Nature, Scope and Frequency*, "American Journal of Archaeology", 2013, 117, pp. 118-121.

sometimes deeply intertwined with the illegal trade and production of methamphetamines¹⁸. Other notable perceptions of the archaeologists surveyed were that efforts to curb trafficking at source were not working¹⁹; and that there was little first-hand evidence of the involvement of organised crime groups or terrorists in site looting²⁰.

3. *Quantitative Studies of the Market*

Most quantitative studies of the market have focussed on quantifying the incidence and quality of provenance information provided in auction sales catalogues, museum accession records and exhibition catalogues. Provenance is the documented history of ownership of an object, and the presumption of these studies is that a short provenance stretching back only a few decades to an owner outside the object's country of origin is an indication that the piece was originally looted.

David Gill and Christopher Chippindale were the first people to illustrate the utility of exhibition catalogues for this purpose by examining the scholarly and exhibition literature relating to Greek Early Bronze Age Cycladic figurines. They demonstrated that 90% of the then known corpus of approximately 1600 figurines had only limited provenance information and could not usually be securely tied to an archaeological findspot²¹. Most had only appeared in collections after 1960²². They went on to argue that most of these figurines must have been obtained through looting, and estimated that their discovery and removal would have involved the destruction of something like 11,000 graves²³. The authors followed up their 1993 paper with a more wide-ranging study utilising seven catalogues of material from private and museum collections. Out of 1396 objects tabulated, 1039 were not known before 1973, and only 29 had a documented archaeologi-

¹⁸ PROULX, *Drugs, Arms, and Arrowheads: Theft from Archaeological Sites and the Dangers of Fieldwork*, pp. 508-511.

¹⁹ B.A. BOWMAN, *Transnational Crimes Against Culture: Looting at Archaeological Sites and the Grey Market in Antiquities*, Ph.D. Dissertation, University of Nebraska, Omaha 2008, p. 228.

²⁰ B.B. PROULX, *Organized Criminal Involvement in the Illicit Antiquities Trade*, "Trends in Organized Crime", 2011, 14, pp. 1-29.

²¹ D.W.J. GILL - C. CHIPPINDALE, *Material and Intellectual Consequences of Esteem for Cycladic Figures*, "American Journal of Archaeology", 1993, 97, pp. 624, 629.

²² *Ibi*, p. 616, table 6.

²³ *Ibi*, p. 625.

cal findspot²⁴ – the inference being that the overwhelming majority were “recent exports from countries of origin”²⁵. Other studies have replicated their results²⁶. Neil Brodie and Jenny Doole²⁷ used information derived from museum yearbooks and other published sources to examine US art museum collecting of Asian antiquities from the nineteenth century onwards, showing how the growth of the collections had been associated with the large scale destruction of archaeological sites and vandalism of historical monuments.

These studies of established collections are important because they draw attention to the large quantities of poorly provenanced and presumed looted artefacts that have been entering public and private collections since the 1960s, but also because they demonstrate the high quality of the material in question. The objects in these collections are not small and relatively insignificant pieces, they are often, in a very real sense, ‘museum quality’.

Chippindale and Gill²⁸ also touched upon the use of auction sale catalogues for investigating the market, but probably the most comprehensive use of auction catalogues for this purpose has been by Vinnie Nørskov²⁹. As part of her wide-ranging investigation into the market in decorated Greek pottery, in which she also utilised museum accession records, she tabulated 18,398 vessels offered for sale in the catalogues of the major US and UK auction houses during the period 1954 to 1998. She documented a steady increase in the number of vessels offered until the late 1980s, with a decline setting in during the 1990s. For most of the period in question, 80-90% of the vessels had no provenance, but the incidence of provenance began to increase in the 1990s, until 1996-98,

²⁴ C. CHIPPINDALE - D.W.J. GILL, *Material Consequences of Contemporary Classical Collecting*, “American Journal Archaeology”, 2000, 104, p. 481, table 7.

²⁵ *Ibi*, p. 472.

²⁶ D. GRAEPLER, *Fundort: unbekannt. Raubgrabungen zerstören das archäologische Erbe*, Walter Biering, Munich 1993; M. BELL, *Italian Antiquities in America*, “Art, Antiquity and Law”, 2002, 7, pp. 195-205; R.J. ELIA, *Analysis of the Looting, Selling, and Collecting of Apulian Red-Figure Vases: a Quantitative Approach*, in N. BRODIE - J. DOOLE - C. RENFREW (eds.), *Trade in Illicit Antiquities: the Destruction of the World’s Archaeological Heritage*, McDonald Institute, Cambridge 2001, pp. 145-154.

²⁷ N. BRODIE - J. DOOLE, *The Asian Art Affair: US Art Museum Collections of Asian Art and Archaeology*, in N. BRODIE - C. HILLS (eds.), *Material Engagements: Studies in Honour of Colin Renfrew*, McDonald Institute, Cambridge 2004, pp. 83-108.

²⁸ CHIPPINDALE - GILL, *Material Consequences of Contemporary Classical Collecting*, pp. 492-494.

²⁹ V. NØRSKOV, *Greek Vases in New Contexts*, Aarhus University Press, Aarhus 2002, pp. 256-270.

at the end of her study period, by which time the proportion of unprovenanced vessels had fallen to 50-60%³⁰. Similar findings to Nørskov's have been reported by other studies³¹.

Elizabeth Gilgan used auction catalogues to study the archaeological findspot of over 3,000 Maya artefacts. After the enactment of the 1991 emergency US import restrictions on Maya material from the Guatemalan administrative area of Pétén, Gilgan found that where before objects might have been described as originating in the Pétén, it instead became increasingly common after 1991 to use the geographical term 'Lowlands', that transcends national boundaries³². The implication would be that this was a deliberate attempt to confound the operation of the 1991 regulation. More recent studies have also attempted to use data taken from auction catalogues for Iraqi³³, Cambodian³⁴, and African³⁵ cultural objects to assess the impact of changing regulation on the market.

4. Qualitative Studies of Looting and Theft at Source

Because of the difficulties and often real physical dangers involved when investigating looting at source most qualitative research has

³⁰ *Ibi*, pp. 259-260, figure 74.

³¹ C. CHIPPINDALE - D.W.J. GILL - E. SALTER - C. HAMILTON, *Collecting the Classical World: First Steps in a Quantitative History*, "International Journal of Cultural Property", 2001, 10, pp. 1-31; ELIA, *Analysis of the Looting, Selling, and Collecting of Apulian Red-Figure Vases: a Quantitative Approach*, pp. 145-154; C. LUKE - J.S. HENDERSON, *The Ulúa Valley, Honduras, and a Market Analysis for its Antiquities*, in BRODIE - KERSEL - LUKE - TUBB (eds.), *Archaeology, Cultural Heritage, and the Antiquities Trade*, pp. 159-162; D. YATES, *South America on the Block: the Changing Face of Pre-Columbian Antiquities Auctions in Response to International Law*, M.Phil. Dissertation, University of Cambridge, 2006.

³² E. GILGAN, *Looting and the Market for Maya Objects: a Belizean Perspective*, in BRODIE - DOOLE - RENFREW (eds.), *Trade in Illicit Antiquities: the Destruction of the World's Archaeological Heritage*, pp. 81-83, table 9.6.

³³ N. BRODIE, *The Market Background to the April 2003 Plunder of the Iraq National Museum*, in P.G. STONE - J. FARCHAKH BAJJALY (eds.), *The Destruction of Cultural Heritage in Iraq*, Boydell Press, Woodbridge 2008, pp. 41-54; N. BRODIE, *Academic Involvement in the Market in Iraqi Antiquities*, in S. MANACORDA - D. CHAPPELL (eds.), *Crime in the Art and Antiquities World: Illegal Trafficking in Cultural Property*, Springer, New York 2011, pp. 117-134.

³⁴ T. DAVIS, *Supply and Demand: Exposing the Illicit Trade in Cambodian Antiquities Through a Study of Sotheby's Auction House*, "Crime, Law and Social Change", 2011, 56, pp. 155-174.

³⁵ E. NEMETH, *Art Sales as Cultural Intelligence: Analysis of the Auction Market for African Tribal Art*, "African Security", 2011, 4, pp. 127-144.

been conducted by means of personal observation and informal interview. Qualitative source studies are important because they identify the benefits and harms experienced by communities affected by looting, and their opinions, and they illuminate the socio-economic, cultural and political contexts of looting and of regulatory policies and practices.

After the Coalition invasion of Iraq in 2003, Joanne Farchakh Bajjaly³⁶ visited several sites in the south of the country that were being actively looted. She reported the presence there of looters who admitted to having left their families in order to camp on-site and dig for money. They appeared to be working in ‘gangs’, sometimes with armed guards, and she concluded that looting in Iraq would persist so long as the people were suffering from the deprivations of a depressed economy. This wasn’t the first observation of people looting for a living – in 1993 David Staley had already introduced the term subsistence digging to describe the activities of the inhabitants of St. Lawrence Island in the north Bering Sea. Staley argued that labels such as ‘looters’ criminalised people who would be better considered as victims of adverse political and economic circumstances, and deserving of sympathy and support rather than the obloquy and punitive sanction that is more often their lot³⁷. Julie Hollowell followed up Staley’s research on St Lawrence Island by investigating the legal archaeological antiquities market there, which had been established in 1971 when the island was taken into corporate ownership by its inhabitants, and found that it was generally profitable for the people doing the digging and that artefacts entering the market generally retained information about findspot³⁸. Nevertheless, the artefacts were being dug out unsystematically and without record, so from an archaeological perspective the islanders’ economic benefit is gained at the cost of lost archaeological and historical knowledge.

³⁶ J. FARCHAKH BAJJALY, *Will Mesopotamia Survive the War? The Continuous Destruction of Iraq’s Archaeological Sites*, in STONE - FARCHAKH BAJJALY (eds.), *The Destruction of Cultural Heritage in Iraq*, pp. 135-142; J. FARCHAKH BAJJALY, *Who are the Looters at Archaeological Sites in Iraq?*, in L. ROTHFIELD (ed.), *Antiquities Under Seige. Cultural Heritage Protection After the Iraq War*, AltaMira, Lanham 2008, pp. 49-56.

³⁷ D.P. STALEY, *St Lawrence Island’s Subsistence Diggers: a New Perspective on Human Effects on Archaeological Sites*, “Journal of Field Archaeology”, 1993, 20, pp. 347-355.

³⁸ J. HOLLOWELL, *St. Lawrence Island’s Legal Market in Archaeological Goods*, in BRODIE - KERSEL - LUKE - TUBB (eds.), *Archaeology, Cultural Heritage, and the Antiquities Trade*, pp. 120-121.

Other qualitative studies of looting at source include Belize³⁹, Sicily⁴⁰, Tuscany⁴¹, Guatemala⁴², Peru⁴³ and the United States⁴⁴. Sam Hardy placed more emphasis on the political context when he studied the divided communities of Cyprus and found that an illicit antiquities market only became established there after the onset of intercommunal and paramilitary conflict (from the early 1960s to the present)⁴⁵. Depressed economic conditions clearly play a central role when looting is conducted as a subsistence activity in most archaeologically-rich areas but there are exceptions; in some (usually more wealthy) countries with a strong tradition of private as opposed to public ownership the extraction and sale of antiquities from archaeological sites is not illegal, and for some groups – metal detectorists in the UK, for example – digging for ‘treasure’ is a hobby⁴⁶.

5. Qualitative Studies of the Market

At the demand end of the illicit trade, qualitative research has proceeded mainly by way of structured or semi-structured interviews of key players, such as dealers, lawyers, archaeologists and museum curators, supplemented by personal observation of relevant narratives and practices.

Morag Kersel examined the regulated antiquities market in Israel, with a view to assessing the claim that a legal market such as the one

³⁹ D. MATSUDA, *The Ethics of Archaeology, Subsistence Digging, and Artifact Looting in Latin America: Point, Muted Counterpoint*, “International Journal of Cultural Property”, 1998, 7, pp. 87-97.

⁴⁰ S. MIGLIORE, *Treasure Hunting and Pillaging in Sicily: Acquiring a Deviant Identity*, “Anthropologica”, 1991, 33, pp. 161-175.

⁴¹ D.T. VAN VELZEN, *The World of Tuscan Tomb Robbers: Living with the Local Community and the Ancestors*, “International Journal of Cultural Property”, 1996, 5, pp. 111-126.

⁴² S. PAREDES MAURY, *Surviving in the Rainforest; the Realities of Looting in the Rural Villages of El Petén, Guatemala*, 1998, available at <http://www.famsi.org/reports/95096/index.html>, accessed 15 January 2009.

⁴³ K.L. SMITH, *Looting and Politics of Archaeological Knowledge in Northern Peru*, “Ethnos”, 2005, 70, pp. 149-170.

⁴⁴ C. COLWELL-CHANTHAPHONH, *Those Obscure Objects of Desire*, “Journal of Contemporary Ethnography”, 2004, 33, pp. 571-601.

⁴⁵ S.A. HARDY, *Interrogating Archaeological Ethics in Conflict Zones: Cultural Heritage Work in Cyprus*, Ph.D. Dissertation, University of Sussex, 2011.

⁴⁶ S. THOMAS, *Archaeologists and Metal-detector Users in England and Wales: Past, Present and Future*, in R. SKEATES - C. McDAVID - J. CARMAN (eds.), *Oxford Handbook of Public Archaeology*, Oxford University Press, Oxford 2012, pp. 60-81.

in Israel would go some way towards satisfying demand, thus diminishing the size of the illicit market and mitigating the damage caused to archaeological sites. She found instead that the methods used for regulation and control offered useful opportunities for object laundering, thus exacerbating rather than ameliorating the problem⁴⁷.

Mackenzie's main empirical contribution has been in this area. Over the last ten years or so, he has been interviewing high-end dealers through a series of studies in market and transit locations such as New York, London, Hong Kong, Bangkok, Australia and Switzerland, as well as other key market personnel like museum buyers, police officers, and so on⁴⁸. These conversations with significant traders in the market have been quite revealing in terms of allowing us to consider the motivations, routines and moral outlooks of market participants, and in particular the structure of justifications which surrounds the purchase of looted artefacts, either knowingly or more often with a serious degree of suspicion about their illicit origins but not clear knowledge. This raises interesting psychological questions about the levels on which people can suppress or ignore troublesome knowledge, which in practice for the market is facilitated by the culture of secrecy or privacy that envelops the transmission of provenance details during a sale and purchase.

6. *Media Journalism*

Finally, there is the media, which through unusually informative newspaper and magazine articles, books, and television documentaries has had a significant impact on both academic and general public readership. Media investigations of the market are a form of qualitative research,

⁴⁷ M.M. KERSEL, *License to Sell: The Legal Trade of Antiquities in Israel*, Ph.D. Dissertation, University of Cambridge, 2006.

⁴⁸ S. MACKENZIE, *Going, Going, Gone: Regulating the Market in Illicit Antiquities*, Institute of Art and Law, Leicester 2005; Id., *Dig a Bit Deeper: Law, Regulation and the Illicit Antiquities Market*, "British Journal of Criminology", 2005, 45, pp. 249-268; Id., *Psychosocial Balance Sheets: Illicit Purchase Decisions in the Antiquities Market*, "Current Issues in Criminal Justice", 2006, 18 (2), pp. 221-240; Id., *Transnational Crime, Local Denial*, "Social Justice", 2007, 34 (2), pp. 111-24; S. MACKENZIE - P. GREEN (eds.), *Criminology and Archaeology: Studies in Looted Antiquities*, Hart, Oxford 2009; S. MACKENZIE, *Illicit Deals in Cultural Objects as Crimes of the Powerful*, "Crime, Law and Social Change", 2011, 56, pp. 133-153; Id., *The Market as Criminal and Criminals in the Market: Reducing Opportunities for Organised Crime in the International Antiquities Market*, in MANACORDA - CHAPPELL (eds.), *Crime in the Art and Antiquities World: Illegal Trafficking in Cultural Property*, pp. 69-85.

but they are discussed here separately under their own heading because they are by definition non-academic, and thus less constrained by the logistical, methodological and ethical considerations of academic research. They are also notable, perhaps in consequence, for exposing the wrongdoings of rich and powerful people and institutions, an outcome which has consistently eluded academic researchers, who paradoxically seem to find it easier to investigate looting in foreign countries than trading and collecting in their own countries.

There are many media outputs which could be mentioned here, but for brevity we will limit our discussion to a selection of the more important books and television programmes. Karl Meyer set the trend in 1973 when he wrote his path-breaking study cementing the idea that antiquities traffic should be considered as an integrated global market⁴⁹. More than two decades later, Peter Watson revealed the significant and knowledgeable exploitation of trafficking mechanisms by a major international auction house, thus establishing the incontrovertible link between the legitimate public face of the market and the illicit source of artefacts which feeds it. It exploded once and for all the argument that the illicit market was the creation of a few rogue dealers⁵⁰. Ongoing *Carabinieri* investigations into the trafficking out of Italy revealed by Watson were subsequently reported in detail by Watson and Todeschini⁵¹ and Fabio Isman⁵², and the Greek dimension by Andreas Apostolidis⁵³. With unparalleled access to evidence recovered during police investigations, these books described in great detail the structure and operation of a transnational criminal network that managed the trade of looted artefacts from their places of origin into the possession of prestigious museums and respectable private collectors. The information presented in these books was subsequently examined in detail by Gill and Chippindale⁵⁴. The illicit trade terminated in the museums of Europe, Japan and the United States, and the involvement of the J. Paul Getty Museum was explored by Jason Felch and Ralph Frammolino after they came into

⁴⁹ K. MEYER, *The Plundered Past*, Atheneum, New York 1973.

⁵⁰ P. WATSON, *Sotheby's: Inside Story*, Bloomsbury, London 1997.

⁵¹ P. WATSON - C. TODESCHINI, *The Medici Conspiracy*, Public Affairs, New York 2007.

⁵² F. ISMAN, *I predatori dell'arte perduta. Il saccheggio dell'archeologia in Italia*, Skira, Rome 2009.

⁵³ A. APOSTOLIDIS, *Archaiokapilia kai Emporio Archaiotiton*, Agra, Athens 2006.

⁵⁴ D.W.J. GILL - C. CHIPPINDALE, *From Boston to Rome: Reflections on Returning Antiquities*, "International Journal of Cultural Property", 2006, 13, pp. 311-31; D.W.J. GILL - C. CHIPPINDALE, *From Malibu to Rome: Further Developments on the Return of Antiquities*, "International Journal of Cultural Property", 2007, 14, pp. 205-240.

possession of a large quantity of internal Getty documents⁵⁵. In South America, the parallel looting and trade of artefacts from the archaeological site of Sipán and from Peru more generally have been described in books by Roger Atwood⁵⁶ and Sidney Kirkpatrick⁵⁷.

Investigative television documentaries include in 1990 *The African King*, produced by anthropologist Walter van Beek, which exposed in dramatic fashion the destruction wrought on Malian cultural heritage by the unprincipled operation of the ‘art market’, and highlighted for the first time the essential role of expert authenticators, often academic or museum personnel, in weeding out fakes and reassuring potential customers about the authenticity of antiquities offered for sale⁵⁸. The February 2000 documentary *On the Trail of Tomb Robbers*, based on the original research of archaeologist Staffan Lundén, again exposed the museum acquisition of looted antiquities, this time in Sweden. It triggered a public debate within Sweden and throughout Scandinavia more generally which culminated in the ratification of the 1970 UNESCO Convention by Sweden and Denmark in 2003, and Norway in 2007⁵⁹. The 2004 Norwegian Broadcasting Corporation (NRK) programme *The Manuscript Collector* investigated the ancient manuscript collection of a prominent Norwegian businessman and highlighted the degree of scholarly involvement in his activities, thereby extending the market’s constituency of professional beneficiaries to include librarians and university-based academics alongside museum curators⁶⁰. This theme was subsequently developed by Brodie⁶¹.

⁵⁵ J. FELCH - R. FRAMMOLINO, *Chasing Aphrodite: the Hunt for Looted Antiquities at the World's Richest Museum*, Houghton Mifflin Harcourt, New York 2011.

⁵⁶ R. ATWOOD, *Stealing History*, St. Martin’s Press, Boston 2004.

⁵⁷ S.D. KIRKPATRICK, *Lords of Sipán*, William Morrow, New York 1992.

⁵⁸ R.J. MCINTOSH, *Just Say Shame: Excising the Rot of Cultural Genocide*, in P.R. SCHMIDT - R.J. MCINTOSH (eds.), *Plundering Africa’s Past*, James Currey, London 1996, pp. 63-78.

⁵⁹ J. DOOLE, *TV Review: On the Trail of Tomb Robbers* (Channel 10, Sweden), “Culture Without Context”, 2000, 7, pp. 24-27; S. LUNDÉN, *The Scholar and the Market*, in H. KARLSON (ed.), *Swedish Archaeologists on Ethics*, Bricoleur, Lindome 2004, pp. 197-247; SVT, *TV programme: I gravplundrarnas spar* [On the Trail of the Tomb Robbers], Sveriges Television, Stockholm 2000.

⁶⁰ S. LUNDÉN, *TV review: NRK (Norway) Skriftsamleren* [The Manuscript Collector], “Culture Without Context”, 2005, 16, pp. 3-11; NRK, *TV programme: Skriftsamleren* [The Manuscript Collector], Norwegian Broadcasting Corporation, Oslo 2005.

⁶¹ N. BRODIE, *Consensual Relations? Academic Involvement in the Illegal Trade in Ancient Manuscripts*, in P. GREEN - S. MACKENZIE (eds.), *Criminology and Archaeology: Studies in Looted Antiquities* (Oñati International Series in Law and Society), Hart, Oxford 2009, pp. 41-58; N. BRODIE, *Congenial Bedfellows? The Academy and the Antiquities Trade*, “Journal of Contemporary Criminal Justice”, 2011, 27, pp. 411-440.