

Antiquities Collecting and the Looting of Archaeological Sites

Marina Papa Sokal
22 July 2006

[To be published in the Proceedings of the 2nd Annual Ename International Colloquium, “Who Owns the Past? Heritage Rights and Responsibilities in a Multicultural World”, held at Ghent, Belgium, 22–25 March 2006.]

A fur-clad, perfectly coiffed woman walks into a gallery of ancient art on Madison Avenue in New York, accompanied by her interior decorator. She is looking for something a little special to furnish her country house. The decorator points to a first-century A.D. Roman funerary urn, richly carved with bas-relief sculpture. The woman is unsure what she would do with what she calls “a child grave”, but the decorator enthusiastically explains that if a hole were drilled through the bottom to insert a light, and a glass top added, the Roman cinerarium could be turned into a magnificent and very original coffee table. Clearly enticed by the idea, the woman buys it for a substantial sum of money.

What has become of this important archaeological artifact? No one knows (except presumably the purchaser), just as no one knows where this urn came from in the first place. Had the woman bothered to inquire about its provenance, she would most likely have been told that it came from “an old European collection”. No documentation would have been provided to support such a claim, nor would the woman have asked for it. This is, sadly, a true story that I witnessed myself about twelve years ago.

In this paper I would like to draw attention to one crucial aspect of the illicit trade in antiquities, namely the direct connection between antiquities collecting and the looting of archaeological sites. Along the way, I wish to disentangle a number of confusions that have long marred this debate:

- 1) miscasting the controversy as a dichotomy between “nationalist” and “internationalist” approaches to the protection of cultural heritage. The key issue is not whether all archaeological material should be kept in its country of origin; it is how to safeguard archaeological sites from looting and pillage.
- 2) failing to stress the crucial difference between museums and public institutions on the one hand and private collectors on the other.
- 3) failing to taking proper account of the differences between antiquities and other classes of art.

- 4) the indiscriminate use of the word “market” to denote very different types of transaction.

Before addressing these confusions, however, let me say what in my view is the central issue.

Whenever we archaeologists speak to the general public, it is important for us to stress that the purpose of archaeology is not just to recover pretty objects from the ground; it is to reconstruct the history of the human past. Indeed, some of the most useful information for archaeologists comes from items that have no monetary or aesthetic value at all: pottery shards, pieces of charcoal, human and animal bones, even seeds and pollen. Through the scientific study of a site, we can learn what people ate, what type of houses they lived in, which diseases they died from. We can learn about their social organization, their religious beliefs and rituals, and patterns of trade and migration.

All the information that could be obtained by scientific excavation is irreparably destroyed every time an archaeological site is plundered. At best we are left with a few objects, beautiful but silent.

We are all aware of the tragedy of the looting of the Iraq Museum in April 2003; but what is even more disastrous is the ongoing pillage of major archaeological sites all over Iraq. In my oral presentation at the conference, I showed aerial photographs taken by the Italian Carabinieri of a number of archaeological sites in southern Iraq — among them Umma, Um Al-Agarib and Shmed — which show a devastating trail of destruction. In each photo one can clearly see thousands of holes, several metres deep, reflecting tens of thousands of man-hours of labor on the part of hundreds of well-organized looters. Why would anyone invest so much time and effort? Obviously because there is a lucrative market for looted archaeological objects. And the major source of demand in this market is from private collectors in the rich countries.

In the past two decades, the looting of the human past has become a large-scale industry. Archaeological sites not only in Iraq but also in Egypt, Peru, Guatemala, Mexico, Italy, China, Cambodia, Mali and many other countries are being stripped clean to feed the world market in antiquities. As journalist Roger Atwood (2004) documents in his recent book *Stealing History*, looters are well-organized and increasingly well-informed about the tastes of collectors in rich countries. The pillage of archaeological sites, no less than the drug trade, is driven by demand from the market.¹

Unfortunately, many collectors — and even some museums — have taken a “don’t ask, don’t tell” approach to their purchases. A study by British archaeologists Christopher Chipindale and David Gill (1999) found that 75 percent of antiquities in a sample of major private and museum collections have no documented provenance. Even more shockingly, an exhaustive analysis carried out by Ricardo Elia (2001) on Apulian red-figure vases documents ‘a virtual flooding of the international market [in the 1980s] with previously undocumented Apulian vases, as well as robust collecting, both by museums and especially by private collectors’ (Elia 2001: 148–149).²

With these facts clearly in mind, we can now turn our attention to some of the confusions that plague this debate.

One frequent misunderstanding arises from illegitimately linking two quite distinct issues: the debate between “nationalist” and “internationalist” approaches to cultural heritage,

and the debate concerning the private collecting of antiquities. For instance, in a recent article in the *International Journal of Cultural Property*, Professor John Merryman has deplored what he sees as the ‘excessive source nation retention of cultural property’ (2005: 30) and has advocated a ‘cultural property internationalism’ that includes a large role for private collectors and dealers. Some of Merryman’s criticisms of overly retentive legislation and practice are perfectly valid; but his conclusions concerning private collecting are a *non sequitur*. Merryman has attempted to wrap his defense of private collecting in the mantle of internationalism, but the conflation of these two questions is illegitimate. Internationalists can perfectly well oppose private collecting, just as nationalists can support it.³

The nationalist-internationalist debate can be summarized briefly as follows: “nationalists” tend to stress the rights of the country of origin in safeguarding cultural property, including the right to prohibit export, while “internationalists” tend to stress the claims of humanity as a whole and to seek a wide circulation of cultural objects. Of course, many intermediate positions are also possible.

Personally I would consider myself a “moderate internationalist”. I should make clear, at the outset, that I am talking exclusively about antiquities and not addressing other classes of cultural property.

Movement of cultural objects, including archaeological artifacts, is undoubtedly a positive and highly desirable state of affairs. In the preamble of the 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property, we read that ‘the circulation of cultural property, when regulated by legal, scientific and technical conditions calculated to prevent illicit trading in and damage to such property, is a powerful means of promoting mutual understanding and appreciation among nations’.⁴ Moreover, especially when it comes to archaeological materials, it is often difficult to attribute “ownership” to one particular country. Modern state borders virtually never coincide with those of ancient civilisations. In addition, because of trade within the ancient world, objects may be found in archaeological sites far from their place of origin. In purely conceptual terms, why should an Attic vase found in an Etruscan tomb at Cerveteri or Vulci be considered the “property” of Italy, rather than, say, Greece?

In practical terms, however, in order to guarantee protection and care of archaeological artifacts, there must be a state power capable of exercising its jurisdiction over them. I would rather want to view antiquities as part of ‘the common cultural heritage of mankind’ (UNESCO 1976: II.2), and the modern state in whose territory they are found as ‘morally responsible to the international community as a whole for [their] safeguarding’ (UNESCO 1978).⁵ And not just morally, I would hope, but legally as well. In the fine words of Anthony Appiah (2006), governments should think of themselves as ‘trustees for humanity’.⁶ In exercising this trusteeship, governments should implement laws aimed at protecting the cultural heritage situated within their borders for the benefit of *all* people — not just their own citizens — and collaborate with other countries to ensure their circulation and accessibility. In particular, for antiquities, we need laws that protect not just what is already known, but also all that is still to be discovered.

The need for preservation and access leads me to my second point, namely, the distinction between private collectors on the one hand and museums and other public institutions on the other. Private collecting, by definition, does not serve the interest of the general public.

Museums' role, by contrast, is principally to educate the public and to serve as repositories of our shared historic and artistic patrimony. In this perspective, they are the most natural and fitting institutions to serve the internationalist ideal. Ultimately, it isn't really relevant whether a find from Pompei (especially if it is a duplicate) ends up in a museum in Naples, Italy or in Naples, Florida, as long as the integrity of its context is maintained and the object is kept in the public domain.

Accessibility is indeed a key issue. Both scholars and lay people in different parts of the world should be given the opportunity to enjoy and share the knowledge of the 'the common cultural heritage of mankind'. Also, archaeological materials, possibly more than any other historical documents, often need to be re-examined and re-evaluated, for instance in the light of new dating techniques being developed, or for comparative or quantitative studies when new materials are discovered in the course of more recent excavations. Guaranteeing adequate access to private collections would be very difficult, if not impossible; indeed, in many countries it would require radical changes in the laws regulating private property.

Bearing this in mind, museums have the responsibility to lead the way in setting the ethical standards in the art world. They should all adopt strict codes of ethics and careful acquisition policies, and where these are already in place, commit themselves to strengthen the often-too-vague guidelines and observe them consistently.

Unfortunately, however, since public funding is often inadequate, especially in the United States, many museums are highly dependent on private sponsorship, much of which comes from collectors. This often creates inevitable, but in many cases detrimental, alliances. For instance, museum curators sometimes advise collectors on purchases — even of unprovenanced material — with an eye toward possible future acquisitions of private collections on behalf of the museum.

My third point concerns the fundamental difference between antiquities and other types of art, be it medieval art, old masters, modern art, or art by living artists. Of course, all art by non-living artists is a non-renewable resource; but for no other kind of artwork is context so important as for antiquities. The historic (as opposed to merely aesthetic) value of any ancient artifact resides principally in its relation to its original context: Was it found in a house, a workshop, or a grave? The grave of a male or a female, an aristocrat or a commoner? Conversely, when a site is looted in order to recover a few objects which may have some aesthetic (and hence monetary) value — such as a painted vase, a statue or a mosaic — much other information that site may have yielded is lost. Whenever the stratigraphic order of the archaeological layers or the exact position of various finds are disturbed, all sorts of analysis become impossible: for instance, accurate dating, precise spatial distribution, and many types of statistical and quantitative studies.

Moreover, for each valuable (i.e., marketable) object recovered by looters, many more sites are destroyed in the process. As Elia (2001: 151) has shown in his ground-breaking study of the corpus of Apulian vases, 'several thousand, even tens of thousands, of ancient tombs must have been plundered to obtain the more than 13,600 Apulian red-figure vases that exist throughout the world and were recovered in a non-archaeological manner'.

A fourth confusion arises from the promiscuous use of the word "market" to denote a wide variety of transactions — between different types of buyers and sellers — that need to be analyzed separately. For instance, Merryman (2005: 29) rightly criticizes those (un-

named) archaeologists who oppose all sales of antiquities, even between museums and governmental institutions, and approve only of loans or exchanges.⁷ Merryman agrees that museum-to-museum exchanges of duplicate objects ‘are a valuable tool of museum collections management’, but he correctly observes that they are ‘a form of barter, with all of barter’s considerable limitations’ (Merryman 2005: 23). Suppose, for instance, that the national museum of Mali has some duplicate Djenné-jeno terra-cotta objects or Bankoni-style statues that it is willing to offer to a museum in another country: are loan and exchange the only legitimate options? Perhaps a museum in Kansas would like to enlarge its collection of ancient African art but has no duplicate objects of interest to the Mali museum; and perhaps, conversely, a museum in Greece has artifacts of interest to Mali but no desire to build a collection of African antiquities. Shouldn’t the Mali museum be permitted to *sell* its duplicate artifacts to the museum in Kansas and then to *buy* pieces from the museum in Greece? Or for that matter, to sell objects to the museum in Kansas and then use the money to sponsor new excavations, to renovate the museum facilities, or to improve staff salaries? Indeed, doesn’t the Malian government have the right to decide that the proceeds from the sale of duplicate antiquities are more urgently needed by the Health Ministry than by the museum?⁸

Nor is the problem limited to museums in the developing world. Museum storerooms in Italy, Greece and many other art-rich countries are overflowing with ancient artifacts that, in some cases, have not yet been catalogued or studied, for lack of personnel and funds.⁹ Might it not be sensible for a museum in Colorado, wishing to build an antiquities collection, to help finance the cataloguing of that material, and in return to get some of those objects as either outright purchase or long-term loan, once the cataloguing is finished?¹⁰

In fact, though Merryman does not notice it, the 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property explicitly recognizes sale as a legitimate means of inter-institutional transfer of cultural property. Indeed, immediately after pointing out the limitations of barter, Merryman quotes the 1976 UNESCO Recommendation:

“International exchange” shall be taken to mean any transfer of ownership, use or custody of cultural property between States or cultural institutions in different countries — whether it takes the form of the loan, deposit, sale or donation of such property — carried out under such conditions as may be agreed between the parties concerned.
(UNESCO 1976: I.1)

but in his zeal to criticize UNESCO he fails to notice the word ‘sale’.

But none of this provides any reason to support a *private* market in antiquities, or *private* collecting, as Merryman would like. Indeed, his arguments in favor of the private market are both brief and lame: he simply lauds

the historic roles of collectors and dealers in supporting artists and promoting their work; in building private collections that ultimately enrich museums; and in pioneering the collection of objects that eventually are recognized for their cultural importance.
(Merryman 2005: 24)

The first argument is irrelevant to antiquities. As for the second, we have already seen that many objects in private collections have no provenance, thus vastly reducing their scholarly

value; also, private collections reflect the interests and tastes of their owner, which may or may not correspond to museum curators' judgment of the public interest. Moreover, as noted before, museums' reliance on donations from collectors can create undesirable situations of dependency. As for Merryman's third argument, collectors may on occasion be scholarly pioneers, but collecting can also be detrimental to scholarship by fuelling looting of newly discovered or newly popular categories of materials and by stimulating the production and dissemination of fakes. This has been the case, for instance, of Cycladic sculptures and Malian terracottas.¹¹

Nevertheless, one might ask: If it is legitimate for a museum to sell its duplicate objects to another museum, once they have been catalogued and studied, mightn't it also be legitimate to sell some of its minor pieces — say, Roman oil lamps, which exist in the tens of thousands — to private collectors? Mightn't there be some limited scope for private collecting, and a licit private market, in antiquities that have been scientifically excavated and catalogued but are no longer needed in museums? My answer to all these questions is no! It simply would not work. I very much doubt that private collectors, especially the richest ones, would be satisfied with minor or recycled objects. There would always be demand for new and important pieces. After all, most countries already have laws regulating the licit market and criminalizing unauthorized excavations; yet looting still continues on a large scale. I believe that as long as there exists a private market in archaeological artifacts, there will be an incentive for looting and plunder.

In an ideal world, I would like to see the complete disappearance of a private market in archaeological artifacts; but this is probably a utopian vision, or, more optimistically, a distant possibility. A more realistic goal would be national and international legislation demanding that each object have a documented provenance back to a specified cutoff date, and making the rebuttable presumption that objects without such documentation are illicit. However, we are at present very far from getting this kind of legislation in any of the major art-importing countries. It is therefore urgent to consider, simultaneously, measures that would reduce the total global demand for purchase of antiquities: first, by greatly reducing the appeal of private collecting, through campaigns aimed at raising public awareness about the problem of pillage; and second, by giving museums and educational institutions wider access to antiquities through means other than purchase on the private market. Among these are long-term loans, widely travelling exhibitions, and strictly controlled museum-to-museum sales or exchanges of duplicate objects (Papa Sokal 2006).

Moreover, having eliminated the competitiveness of the open market which drives up prices, some of the vast resources currently invested by major museums in the purchase of antiquities could be effectively channeled instead into sponsoring new research and excavations, conservation projects, educational and training programs for local populations in art-rich regions, construction of on-site museums, and the development of responsible cultural tourism — all in order to help create, at least in part, a sustainable economy and real expertise for local peoples out of their cultural resources, while preserving their historical heritage.

To conclude, it seems to me that long-term task for all of us must be to sensitize both citizens and politicians to the immense loss to our historical patrimony that is being caused by the illicit trade in antiquities. With such an awareness, it should be possible to devise

effective measures to protect the world's cultural heritage, and to make that heritage widely available to people around the world in a safe and democratic way.¹²

Acknowledgments

I wish to thank the Ename Center for Public Archaeology and Heritage Presentation and its Director Neil Silberman for having organized a superb conference. Special thanks go also to Claudia Liuzza for the competence and graciousness with which she and her colleagues ensured the smooth running of the conference and for all the helpful assistance they provided to the contributors.

My greatest gratitude, as always, goes to my husband Alan Sokal, for his support, many enlightening conversations and real contributions to some of the ideas contained in this paper. Obviously, all mistakes are entirely mine.

Finally, I wish to dedicate this paper to my daughter Serena, the greatest joy of my life.

Notes

1. See in particular the case studies collected in Brodie *et al.* 2001; and see also Schmidt and McIntosh 1996 and Papa Sokal 2005.
2. More precisely, Elia (2001: 148) found that 'while almost two centuries of collecting [Apulian vases] up to 1980 produced some 9347 vases, the thirteen years following 1980 have produced 4284 new vases. Equally revealing is where these new vases are found: whereas at the beginning of 1980 museums accounted for 74 per cent of all Apulian vases, private collectors 17 per cent, and the market 9 per cent, the figures for the newly appearing material have dramatically shifted. Of the 4284 vases appearing in 1980–92, only 25 per cent were in museums, while 31 per cent were in private collections and a staggering 44 per cent were on the market'. Elia adds that 'Since the only possible source of genuine, new Apulian pottery is looted archaeological sites in Puglia, the updated vase lists published by Trendall and Cambitoglou in effect provide documentary evidence of massive looting of archaeological sites in Puglia in recent years.' (2001: 149)
3. See also Prott 2005 for cogent criticisms of many of Merryman's arguments.
4. Likewise, the preamble of 1970 UNESCO Convention states that 'the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations'. (UNESCO 1970)
5. In the 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property, we read:

Bearing in mind that all cultural property forms part of the common cultural heritage of mankind and that every State has a responsibility in this respect, not only towards its own nationals, but also towards the international community as a whole, Member States should adopt ... measures to develop the circulation of

cultural property among cultural institutions in different counties in co-operation with regional and local authorities as may be required. (UNESCO 1976: II.2)

Likewise, the preamble of the 1978 UNESCO Recommendation for the Protection of Movable Cultural Property stresses that ‘every State is therefore morally responsible to the international community as a whole for its safeguarding’ (UNESCO 1978).

6. Let me stress that I do not agree with some other views expressed by Appiah in this article, such as his apparent support for private collecting of antiquities.
7. ‘Archaeologists do not actively oppose the barter or loan of antiquities by governments and museums. They do, however, oppose international trade.’ (Merryman 2005: 29)
8. A similar point is made by Appiah (2006).
9. For instance, the preamble of 1976 UNESCO Recommendation concerning the International Exchange of Cultural Property observes that ‘many cultural institutions, whatever their financial resources, possess several identical or similar specimens of cultural objects of indisputable quality and origin which are amply documented, and ... some of these items ... would be welcomed as valuable accessions by institutions in other countries’ (UNESCO 1976).
10. I wish to thank Alan Sokal for many excellent conversations and useful suggestions on these issues.
11. See Gill and Chippindale 1993; Marthari 2001: 161; He 2001; Brent 1996: 67; McIntosh and McIntosh 1986: 57.
12. I wish to draw the reader’s attention to a recently created grassroots, membership-based organization, SAFE/Saving Antiquities for Everyone. SAFE is a group of professionals and scholars dedicated to raising public awareness about the importance of preserving cultural heritage worldwide. Their website contains much useful information and can be found at www.savingantiquities.org.

Bibliography

- Appiah, Kwame Anthony. 2006. Whose culture is it? *New York Review of Books*, vol. 53, no. 2 (February 9, 2006).
- Atwood, Roger. 2004. *Stealing History: Tomb Raiders, Smugglers, and the Looting of the Ancient World*. New York: St. Martin’s Press.
- Brent, Michel. 1996. A view inside the illicit trade in African antiquities. In Schmidt and McIntosh 1996, pp. 63–78.
- Brodie, Neil, Doole, Jennifer and Renfrew, Colin, eds. 2001. *Trade in Illicit Antiquities: The Destruction of the World’s Archaeological Heritage*. Cambridge, England: McDonald Institute for Archaeological Research.
- Chippindale, Christopher and Gill, David W. J. 2000. Material consequences of contemporary Classical collecting. *American Journal of Archaeology* **104**(3): 463–512.

Elia, Ricardo. 2001. Analysis of the looting, selling and collecting of Apulian red-figure vases: A quantitative approach. In Brodie *et al.* 2001, pp. 145–153.

Gill, David W. J. and Chippindale, Christopher. 1993. Material and intellectual consequences of esteem for Cycladic figures. *American Journal of Archaeology* **97**(4): 601–660.

He, Shuzhong. 2001. Illicit excavation in contemporary China. In Brodie *et al.* 2001, pp. 19–24.

Marthari, Marisa. 2001. Altering information from the past: Illegal excavations in Greece and the case of the Early Bronze Age Cyclades. In Brodie *et al.* 2001, pp. 161–172.

McIntosh, Roderick J. and McIntosh, Susan K. 1986. Dilettantism and plunder: Dimensions of the illicit traffic in ancient Malian art. *Museum* (UNESCO) **149**: 49–57.

Merryman, John Henry. 2005. Cultural property internationalism. *International Journal of Cultural Property* **12**: 11–39.

Papa Sokal, Marina L. 2005. The plundering of archaeological sites in Italy. In *Papers in Italian Archaeology VI: Communities and Settlements from the Neolithic to the Early Medieval Period*, edited by P.A.J. Attema, Albert Nijboer and Andrea Zifferero, vol. 1???, pp. ???–???. Oxford, England: Archaeopress.

Papa Sokal, Marina L. 2006. The U.S. legal response to the protection of the world cultural heritage. In *Archaeology, Cultural Heritage, and the Antiquities Trade*, edited by Neil Brodie, Morag M. Kersel, Christina Luke and Kathryn Walker Tubb, pp. ???–???. Gainesville: University of Florida Press.

Prott, Lyndel V. 2005. The international movement of cultural objects. *International Journal of Cultural Property* **12**: 225–248.

Schmidt, Peter R. and McIntosh, Roderick J., eds. 1996. *Plundering Africa's Past*. Bloomington: Indiana University Press.

UNESCO. 1970. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. 14 November 1970. Available on-line at www.unesco.org.

UNESCO. 1976. Recommendation concerning the International Exchange of Cultural Property. 26 November 1976. Available on-line at www.unesco.org.

UNESCO. 1978. Recommendation for the Protection of Movable Cultural Property. 28 November 1978. Available on-line at www.unesco.org.