

The Illicit Traffic in Asian Antiquities

Christine Alder, Department of Criminology
University of Melbourne

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Introduction

The purpose of this paper is to examine the market in plundered Asian antiquities as one of many illegal markets, deriving from criminological analysis ideas about how this traffic might be controlled. In recent years there has been considerable attention given to the study of illegal markets generally, especially those of international reach. While the analysis that follows will show that the traffic in plundered archaeological material shares many features with markets such as those involved with illicit drugs, there are unique features to the trade in antiquities that are important when attention shifts to the question of public policy. While there may be an important role for deterrence policies, especially in the markets of the destination countries, as is true in most criminal markets it may be that strategies of persuasion and education ultimately would have much greater impact on the problem.

The Trade in Asian Antiquities as an Illicit Market

A starting point in the analysis is to underscore the observation that the trade in antiquities shares many characteristics with other forms of illicit traffic such as that involved with prohibited drugs. A first feature these share is that they *function as markets* where there is an interaction between the demand for material exerted in one location, and the supply of that material provided by another. Those close to the destruction of cultural sites have long recognised the market character of the trade in antiquities (Elia, 1991, Kaiser, 1991; 1993), and have observed that there are critical dynamics that operate from demand countries onto the countries that provide the source of much of the looted goods:

The forces behind the increase in looting are several, but at their core lie the same economic factors that are the engine of site destruction worldwide. Looting is in every instance a response to the skyrocketing demand for antiquities by moneyed consumers in the developed world...Belize's economy...holds virtually no hope of providing a realistic level of support for the battle against illegal excavation. Furthermore, the beleaguered economy offers less employment for its people than is needed...the search for other sources of income inevitably leads many into the looting game already being played by some recent immigrants to the country. (Pendergast, 1991: 89 -90)

Murphy, for one, in commenting on the trade in antiquities in China has provided a clear description of this trade as a market activity:

In large part, the problem of the illicit traffic in cultural property results from economics: demand exceeds supply in markets states, and supply exceeds demand in source states. (Murphy, 1995: 155)

We will see as the analysis unfolds that there are a number of complexities here that need to be recognised, including the observation that at times countries of supply can also serve as centres of demand (for example, the trade in Native American artefacts within the United States), and that changes in supply can create new forms of demand (as when new forms of material emerge on the market at serve to create a "fad" effect). Nonetheless, the focus on this behaviour as an example of market activity serves to emphasize the specific pulls and pushes that are exerted between sources of supply and locations of demand.

A second characteristic that these markets share is their *illicit character*. The antiquities market is emphatically an illegal market. Specifically, attempts to prohibit the flow of antiquities have involved the development of laws on the part of source countries who have attempted to stem the loss of their cultural heritage. In some cases these laws go back hundreds of years (Greenfield, 1996, Blake, 1998), and throughout the twentieth century many countries moved to develop laws to restrict the flow of cultural material out of the country, including even countries ordinarily seen as consumers of art and antiquities, such as France and the United Kingdom. These laws tend to take two forms: (1) a weak form which involves a restriction on the export of material; and (2) a strong form which defines cultural material as property of the state, and its unlawful removal as theft (Kaye, 1996, 1998). An important difference between these approaches resides in the traditional unwillingness of such market countries as the Great Britain or the United States to enforce export regulations of other countries, whereas they will act to recover cultural property which has been defined as stolen.

A further feature of these markets is that *they are international* in character, with most (but not all) of the traffic involving the flow from supply countries (often poor) to wealthy market states. The specific patterns of this traffic will vary by the nature of the objects, the countries of origin and by time. Material from China, for example, flows outward from China into both wealthy Asian countries as well as the traditional market centres of London and New York. Pre-Columbian artefacts, in contrast, flow primarily from Latin America onto markets in both Europe and the United States. With changes that take place over time these patterns may change, as in the case of material from Latin America which used to flow heavily into the United States, but which because of laws enacted by the U.S. seems now to be flowing somewhat more than before toward Europe.

Since the traffic is international, and since it is illicit, it follows that complex *smuggling networks evolve* in order to handle the traffic in the material. This creates the further possibility of the emergence of organised criminal activity since if there is a need for movement of material on a regular and systematic basis, this is best satisfied if a stable organisation is created to provide the necessary smuggling services. In turn, there may be the evolution of generic smuggling activities which move different forms of illicit goods, creating a convergence of illegal market activity (drugs and antiquities, for example).

Illicit traffic in antiquities also creates *political corruption*, since large scale extraction and smuggling operations are only feasible when cooperation of public officials (regulators, police and customs) is obtained. While one-off smuggling operations might be successful because of some combination of luck and skill, continuous operations, especially those involving large objects that are often part of the antiquities trade, involve high levels of risk of detection unless protection is assured through corruption of the political process.

As is the case with illegal drugs, while one can speak of a general "antiquities market," in actual fact there are *a number of diverse and differentiated sub-markets* with different material, produced in diverse locations, resulting in different geographic patterns of movement of material. Just like the differences observed between, for examples, cocaine and heroin, so there is a distinct pattern, say, for the Moche objects from South America in contrast with the Khmer objects flowing out of South East Asia.

Some Unique Features of the Trade in Antiquities

While these comparisons demonstrate that there is much that the traffic in antiquities shares with markets of other illegal goods, there are some unique features to the trade in cultural heritage material. For one, however illicit the movement of antiquities may be at the source end of the market, *in the market states the sale of material is quite legal*. This is not a market, like that involving illicit drugs, where the purchase by the ultimate consumer has to be conducted in hidden alleyways or covert premises. Anyone with the money can purchase a range of antiquities in a variety of different public locations, and there is no threat of arrest or detention by the police.

Further, a reasonable share of *the goods is sold at exceptionally high prices*, often in elegant locations. In London, some of the better known premises are found along Old and New Bond Street, Clifford Street, or Jermyn Street (among others), while in Singapore a stunning selection of material can be found in the shops in the shopping arcade within the historic Raffles Hotel. Although, of course, humbler artefacts can be found as well, in the area of Portobello Road or in Grays Market in London, for example, or in the Tanglin Shopping Centre in Singapore.

Where the prices are high, it follows that *the clientele are often the economic and social elite*. The well-known collectors, especially, are not simply well off financially, but among the leading figures in the community. For some, the public visibility that is part of top level collecting is obviously one of the important features of the trade, as when whole collections in a museum will bear the collector's name.

A final distinctive feature of the trade in antiquities is the important *role played in the market by the transition ports*. If goods are to be sold legally in such market countries as Great Britain, Sweden or the United States, they must be imported with legitimate export documents. As such, it is necessary in most cases for the material to pass through a location which on the one hand has an open policy regarding border access of material such as antiquities (that policy may be an informal one not to enforce import restrictions, of course), while on the other has the legal capacity to export that same material to the rest of the world. In Asia, the major examples of such ports are Hong Kong, Macau and Singapore, these coming closest to the ideal model of transit ports, since the status of these as free ports means that once the goods are in the hands of a merchant there, there are few limits on where the goods might be sent. There are other locations in Asia from which material is shipped, including Bangkok, Kuala Lumpur and Taipei. Historically in Europe, Switzerland has served this function.

It is in these locations, in other words, where the transition from illicit to licit takes place. Once in these venues, from that point on in the market chain the activity, including the shipping, negotiations through customs, wholesaling and retail functions, can all be done openly and legally. Often there is an attempt to provide some beginnings of provenance in these locations, as when the goods flow into an auction house in London or New York with the by now well known, but discredited description "from the collection of a Swiss gentleman." It also is common in the antiquities trade that the major venues in these transition ports serve both retail and wholesale functions. Some of the elite shops in Hong Kong, for example, sell directly to collectors (and tourists, of course) in Hong Kong or other parts of Asia, while also selling onward to the dealers in locations such as New York and London.

The Question of the Directions for Public Policy

The Protection of Context

For the criminologist, it is these defining characteristics of the market for illicit antiquities that shape the options available to public policy makers. A starting point for any discussion of policy in antiquities is to clarify the goals involved in reducing the flow of illicit material. No easy agreement can be reached here because of the many constituencies involved in the debate (archaeologists, dealers, collectors, museums, comparative scholars, national and international political figures), and their different concerns (for a discussion, see O'Keefe, 1997: 6-9). Nonetheless for purposes of the present analysis, it would appear important that a primary emphasis be placed upon the protection of cultural heritage sites, what the archaeologists refer to as "context". The issue here is that often laws and regulations which have a direct impact on the antiquities market are focused on objects, and the legality of their movement on the market or across borders. While this at times may be necessary as a matter of law, because it is only when objects become visible in the market that there is recognition that plunder of a site has taken place, once the plunder has occurred, and the objects are removed, the context has been destroyed regardless of the prospects for the recovery of any particular object. Put another way, while it may be necessary for legal purposes to focus at times on cultural objects, we should not lose sight of the fact that what is ultimately important is the protection of the context from which any objects are derived.

The Acceptance of Legitimate Market in Properly Provenanced Cultural Objects

At the same time, it also has to be recognized that there will continue to be a trade in cultural material regardless of new steps taken to protect cultural heritage sites and objects. A major factor here is that there has been for centuries trade in cultural objects, and as a result there exists an enormous amount of material in collections and the hands of collectors which will flow on and off the market whatever the steps that might be taken to prevent the movement of newly excavated material. Further, there are a number of aesthetic and scholarly reasons for there to be a flow of cultural material, as was recognised in a recent report in Great Britain:

We further accept that there is a substantial public benefit in a vigorous and honourable market in cultural objects. Aside from its general contribution to the economy, the market is a touchstone of much of our law and practice on cultural property. Many public committees require knowledge of the state of the market in cultural objects in order to operate. Their terms of reference assume both the existence and the desirability of a market. (Department for Culture, Media and Sport, 2000, p. 10)

This assumption recognises on the one hand that there are positive reasons for maintaining a healthy and legal market in cultural heritage objects (including those advanced by scholars interested in comparative analysis in archaeology and fine arts), while at the same time there are dangers in attempting to close off areas of legitimate trade since an important consequence might be to create an even more problematic underground market (O'Keefe, 1997, Murphy, 1995).

The Futility of Source Nation Prohibition Where Demand Remains High

One lesson that is available from criminological analysis of international illicit markets is that where demand remains at high levels in economically rich nations, it is naïve to assume that much can be gained by prohibitive legislation in source countries, especially countries whose citizens are locked in poverty. Recent writing in the drugs area, with the exception of official government documents, provides a strident chorus regarding the failure of attempts, especially by the USA, to reduce the flow of illicit drugs by means of policies to reduce the flow of illicit drugs

based on policies or interventions which focus on source nations. With regard to drug policies aimed at the supplying countries, Stevenson as observed:

For 70 years, the international community, spurred by the USA, has used diplomacy and financial and military assistance to persuade producer countries to control drug production. Despite this effort, supply -side policies have made no discernible impact on the global availability of drugs. (Stevenson, 1994: 33)

Similarly, in his commentary on the “drug war debacle”, Rosenberger (1996) argues that US drug policy is fundamentally flawed in its emphasis on supply -side policies, and that despite the massive eradication and interdiction operations of that government coca is more widely grown than it was ten years ago, and there is a similar story with respect to opium and the global availability of heroin. No simple conclusion can be offered than the advanced by Stevenson (1992: 34): “Supply-side policies are fundamentally flawed since as long as drug profits are sufficiently high, some people will risk any legal penalty for trafficking” Similarly, another observer concluded that:

“Source country programs, whether they be crop eradication, crop substitution or refinery destruction, hold negligible prospect for reducing American cocaine consumption in the long-run” (Reuter, 1994: 217”

After reviewing the status of drug control efforts of nine countries, including such producing nations as Peru, Columbia, Thailand and Burma, Tullis (1995), after asserting that “...supply -reduction strategies to reduce consumption have not worked as intended and probably cannot be made to work” (p. 127) went on to list some of the unintended consequences observed in many of these countries, including a delegitimizing of the state, and aggravated and endemic violence, among others (p. 208). Johns similarly has claimed:

One would think that if the government were sincerely concerned with reducing, if not stopping, the use of dangerous drugs, it would have learned from past mistakes and pursued a different strategy. The criminalization and enforcement strategies that characterized the prohibition era and now characterize the War on Drugs era have never been effective in stopping the manufacture, use, and trafficking of illegal substances. In addition, criminalization and enforcement have brought about additional social costs (corruption, deflection of police resources, increased illegal profits, criminal justice system overloads, secondary crime, etc.) (Johns, 1992: 1 -2)

There are a number of possibly less visible, and in some cases dangerous, consequences of a heavy handed approach at supply reduction when the demand remains high and thus the possibilities for realizing large profits. Stares (1996), for example, has pointed what illicit operators are forced to consider are: the adoption of strategies to reduce exposure, the development of loose hierarchical structures for conducting business (no flow up and down as in a legal enterprise), physical intimidation and bribery to assure the flow of goods, and the absence of government enforced safety standards for the goods and for the workers who produce and move the goods.

The conclusion that echoes through the vast array of research and commentary on contemporary drug policy is clear: as long as demand in the developed countries remains high (and thus the business of the trafficking in illicit drugs remains profitable), it will be close to impossible to have much impact on the “drug problem” by means of policies which focus exclusively on attempting to restrict the supply of drugs, especially through interventions in source countries.

Even when the policy of source reduction is temporarily effective, this is likely to be followed by displacement of the supply to other regions (Guillermoprieto, 2000: 36)

The demonstrated consequences for interventions in poorer source countries found in the drug trade are not lost on observers of the antiquities market. Murphy has commented, for example that:

The art world knows that embargo legislation in developing source nations does not prevent export; it only ensures that the traffic goes underground. (Murphy, 1995 :155)

Almost twenty years ago, another analyst argued:

I start with the pessimistic premise that, so long as there is a world market for beautiful objects, a substantial amount of looting will persist no matter what regulatory system is installed, because total prevention would entail unacceptable costs. (Bator, 1982:49)

The lengthy and detailed history of prohibition aimed at source nations, when demand continues in the developed nations, suggests, as Bator concluded, that there is little positive that will come from attempts to approach the problem of the illicit traffic in antiquities by punitive laws, no matter how draconian, aimed primarily at eradicating supply. This is not to argue that these countries should not press forward with laws and regulations aimed at preserving their cultural heritage (since the content of these laws often sets the parameters of what can be accomplished in the major market states). Rather, the intent here is to establish firmly the principle that such laws in source nations are unable to reach to market forces which drive the trade, forces which are located firmly within the pulls exerted by demand. In fact, as long as the trade in antiquities may be conducted openly in the auction houses and dealer's galleries in the market centres, not only will the flow of material out of the poorer source nations continue, there is likely to be the additional social costs that result from the creation of organised criminal activity to carry out the organisation of the supply of material and its smuggling across borders, including the disastrous effects of corruption of the political process in the source environments.

The Potential Role of Deterrence in Demand Nations

At first glance, the pessimistic assessment of the record of prohibition in source environments might seem to apply to the flow of illicit goods in demand environments as well. There is little question of the unsuccessful record of the attempts by the United States to control the consumption of alcohol within that country in the Prohibition Era, and there is no more success found in the attempts in recent decades to control a variety of illicit drugs by residents of the United States and many other of the developed countries as well.

There are, however, specific features of the antiquities trade that suggest there may be a place for the deterrent effect of the criminal law in destination countries within the control strategies to be considered. While the attempts to control the flow of illicit drugs in both source and destination countries has been a well documented failure, at the same time there have been situations where the effectiveness of deterrence approaches can be demonstrated (the effects of random breath testing on drink driving, for example). From these examples of where deterrence "works," aspects of the trade in antiquities in market countries can be identified which might justify consideration of deterrence as one feature of control strategies.

For one, both existing and proposed legal options are appropriately severe. For example, in the leading cases in the United States, individuals have found that objects which at times cost millions of dollars have been seized and returned to their rightful owner (or have been returned as

a result of negotiation prompted by legal proceedings). It will be noted that the notion of deterrence here includes not only the threat of the imposition of the criminal law (the common element of deterrence theorizing), but in addition civil sanctions such as seizure by customs officials or loss of the material as a result of a suit seeking recovery of stolen objects. As is common in the interplay of criminal and civil sanctions, the greatest threat may be posed by civil action where the results of litigation may be the total loss of assets, the value of these being well in excess of the fines available for many offences (there is here, of course, the additional factor that the burden of proof is lighter in civil cases). For example, in one case an antiquities dealer in Canada as a result of proceedings arising out of allegations regarding a large number of indigenous textiles and weavings originally from Bolivia on the one hand had a fine imposed of \$10,000 but on the other hand suffered the loss of large amounts of cultural material when these were declared seized and forfeit (O'Keefe, forthcoming).

In addition, the individuals involved tend to be of exceptionally high status for whom the risks of civil and criminal legal action are especially powerful. These are individuals with much to lose, and the hint of scandal itself can serve as a powerful threat. At times the motivation for collecting may include the social status that derives from being seen as a major figure in the art world, a status that is hardly enhanced by the taint of legal action resulting from that collecting. The stain may weigh especially heavy if the criminal and/or civil proceedings allege active engagement in the murky and dirty world of smuggling and international corruption.

Lurking in this discussion, and in the analysis of deterrence approaches generally, is the question of how likely the sanctions might be. Here the matter is shaped in large part by the highly visible, public character of the antiquities market as it is played out in the major sales centres. Auctions are public events, well attended and often with considerable media coverage. The material on offer is displayed (by dealers as well as auction houses) in colourful catalogues that provide extensive description of the material being sold. It is precisely this visibility that makes possible actions against illicit material, as illustrated in the seizure in March 2000 of an object being auctioned by Christie's that had earlier been stolen from a tomb in China (Barnes, 2000). One of the important considerations in arguing for the maintenance of an open, legitimate and vigorous trade in antiquities is that it creates the possibility of identifying illicit objects when they appear on the market. Another example of the consequences of the public character of this market which became an international incident was the identification by China of a major stolen object held in the collection of the Miho Museum in Japan (Eckholm and Sims, 2000).

Recognising the Limits of the Law: Role of Social Persuasion

While the legal framework that has evolved for addressing the problem of the illicit traffic in cultural material provides both the necessary boundaries for criminal justice procedures and an important symbolic statement of the ethical standards nations wish to impose on this traffic, it is important to acknowledge the limits to what can be achieved through the legal process alone. The lessons of history are clear that where the demand for illicit goods remains, the traffic will continue. That is, whether at the source or demand end of the market, the major consequence of criminal laws where demand remains high is to create an illegal market, and where the criminal laws exist for both source and demand, what will be created is market chain which is illicit from beginning to end, as is found currently in the traffic in illicit drugs. Once driven underground, a whole new set of problems emerge for those engaged in the control exercise.

There is impressionistic evidence that to some degree this has happened already with the trade in small jade objects that originate in China. These objects, because of their size and value, are relatively easy to move across national boundaries. There is, further, an enthusiastic and wealthy, if quite small, set of potential consumers who are quite willing to keep the trade out of general

public and regulatory view. Once pushed underground, it will not be an easy task to bring it back into the wider public and regulatory view.

There are, however, other specific features of the trade in antiquities that argue for the limits of legal approaches. For example, there may in a way be a false sense of achievement that results from the notable successes that have occurred in recent years. As important symbolically as cases such as the recovery of the material by China from both Christie's in New York, and the Miho Museum in Japan noted in early 2000, these notable cases occurred at the same time that catalogues of auction houses and major dealers in market centres (such as London & New York) and the transition ports (such as Hong Kong & Singapore) suggest that there are huge volumes of unprovenanced (and in all probability smuggled) material from China being sold openly on the antiquities market, with little hope that China might ever recover this material.

The mesh of the regulatory net, in other words, is set large, and the objects it trolls up are likely to be only the major pieces of great value. The catalogues and shelves in antiquities shops indicate that there is an enormous amount of smaller objects, bronzes from the Shang and Zhou periods or ceramic materials from the Han and Tang periods, for examples, that are apparently able to move freely out of China and are not likely to be focus of regulatory sanction, either at source, in transit, or at destination. While some of the presence of this material can be explained by the fact that it has flowed into London where heritage laws have not yet begun to bite, even in the United States where there exists reciprocal agreements with China (hence the seizure of the material and Christie's) that theoretically make action possible, that action is not likely with the numerous small items on offer. Partly this is because the laws require that for China to take action it has to be able to demonstrate and verify that the item has been previously inventoried as being in China (Kaye, 1996, 1998), but equally it is an issue of the inability of a small number of regulators at present to cope with the sheer volume of smaller items that is flowing onto the market (some items as well, of course, have been in the market for many years and thus are not subject to seizure).

This suggests that caution should be exercised in the simple assumption that criminal sanctions will "fix" the problem. Attention needs to be paid explicitly to the matter of moral persuasion aimed at convincing potential consumers of the damage to their heritage that results from their purchase of unprovenanced antiquities.

A philosophical foundation for approaching this aspect of the problem can be found in the writings on the regulation of white-collar crime in the many works of John Braithwaite. In his view, the important task of regulators is not to "punish" wrong doers, but to persuade potential offenders to comply with proper codes, regulations and laws. To achieve this, Braithwaite (1993) proposes a pyramid model of sanctions for regulators that places the greatest emphasis, and effort, on such activities as training, education and negotiation (ie, "persuasion") at the bottom of the pyramid. As one moves up the scale of seriousness the imposition of criminal sanctions can be considered for a small number of cases where the crimes are particularly notable, with the top of the pyramid being reserved for exceptional penalties for the most extreme violations. While the model was designed for situations involving government regulators in situations of potential corporate misconduct (for example, matters dealing with occupational health and safety), for the present purpose it calls attention to the importance of social persuasion as a tactic in regulation.

In the words of Renfrew (2000: 44) as we look at the recent trends in terms of the traffic in unprovenanced antiquities, "...it is important to recognise that we live in a time of evolving moralities." The question then becomes how it is possible to maximise the movement to a new moral view of this trade. Fortunately, there are models of successful evolution of attitudes and

behaviours that demonstrate the value of the kind of approach suggested by Braithwaite. For one example, there has been a dramatic shift in the attitudes toward, and use of, tobacco in countries such as Australia and the United States. Cigarette smoking, for example, certainly has not been eliminated, but there has been a demonstrable decline in smoking, and its associated problems. This has been achieved primarily through a major shift in the view of the general public about the use of tobacco, a shift that has occurred primarily as a result of campaigns of those with constituent interests in the reduction of smoking. As a part of these campaigns, there is a symbolic as well as a procedural role for laws which limit smoking behaviour, but it is moral persuasion and education, and not the threat of criminal sanctions, that appears to have accounted for most of the shift which has taken place.

The market model argues emphatically the simple proposition that the illicit trade in antiquities depends upon the willingness of consumers to purchase unprovenanced antiquities. The tomb robber digging up the Han Dynasty terracotta objects in the Shanxi Province of China would have no motivation for doing so if it were not for the fact that it produces income, precisely because at some later point along the chain, in places like Hong Kong, London or New York, collectors are willing to pay large sums of money for the objects which are dug out of the ground. If collectors refused to buy unprovenanced goods, and if the wider public could be made to understand the costs to human knowledge of the destruction of context, the trade in unprovenanced goods would wither, and the destruction cease.

Accomplishing this end is a massive task of ethical persuasion. Its achievement requires that those involved consist of more than a few archaeologists and national lawmakers. Renfrew has argued persuasively that this is something which

... cannot be accomplished by professional archaeologists alone... I believe that only by a significant change in public opinion we can hope that there will still, in the future, be the opportunity of learning more about our shared human past from that heritage of material culture which remains." (Renfrew, 2000: 47)

O'Keefe (1997) has argued that to achieve such a change in public opinion it will be necessary to establish an agenda of "education and publicity" which is aimed at the education of professionals (such as those in law enforcement), education of local populations in source nations, education of the general public and the targeting of education for special groups such as metal detectorists where they are responsible for destruction of cultural heritage (as in the Great Britain). There are, in short, numerous constituencies which need to be mobilised, many of them at present being relatively ignorant of the dimensions of the cultural plunder problem, and the irrevocable loss such destruction entails.

Conclusions

It has been almost thirty years since Meyer (1973) published one of the first major works documenting the tragedy of "our plundered past." Unfortunately, in the intervening years the problem cannot be said to have improved. In fact, it is demonstrably worse, especially in terms of the flow of material from Asia and South East Asia in recent years. There are, however, some positive signs. In the past, some of the largest public museums would have to be numbered among the worse of the offenders, but that situation is changing. Not only have museums generally through ICOM expressed their collective position against acquisition of unprovenanced archaeological material, such venerable institutions as the Ashmolean, the British Museum and the Metropolitan Museum in New York have established, or are in the process of establishing, firm guidelines regarding plundered cultural material. More countries are adopting the 1970

UNESCO Convention which will establish the possibility of legal action regarding looted objects, as was seen in the recent seizure of the Chinese object by US Customs at the request of the Chinese Government. That seizure would not have been conceivable when Meyer's book was published in 1973.

The market model examined here identifies unambiguously the source of the problem of the destruction of cultural sites. The plunder occurs because of demand exerted by collectors able and willing to pay large prices for looted cultural objects. Reducing the plunder requires a clear understanding of what can and cannot be achieved through various forms of intervention. Certainly, the weight of criminological evidence, and evidence from the antiquities market itself, argues that controls aimed at prohibiting the flow of material in source countries, as long as demand in market states remains high, have not worked in the past, and will not work in the present or future.

This means that the focus of strategy and intervention must be at the demand end of the market. One obvious solution for dealing with demand, and one that appeals to many archaeologists, is simply to prohibit any private traffic in cultural material at all. The most direct way to stop the traffic in looted cultural material would be to stop any traffic in any cultural objects. Without demand, supply would wither away.

As neat as such a suggestion might be in terms of its logic, its achievement in the short and medium term is not feasible. There is a vast amount of cultural material, much of it quite unprovenanced, which is currently in private hands and which may have been "in the market" for years, decades, or even longer. There are Chinese paintings, for example, of "gentlemen enjoying antiquities" which go back literally centuries. The proposed laws and regulations which would provide the legal base for the restriction of the movement of plundered archaeological objects would by definition have a fixed time period from which they become operative. In Great Britain, for an example, it will only become possible to take action on material at a date after the proposed steps are taken, and even then any action, such as seizure of material, may only be possible if both Great Britain and the source nation have signed the relevant treaties.

There are, more importantly, major arguments that can be advanced which urge that rather than closing off the legitimate market, that market should be expanded and exploited precisely to further the restriction of the demand for illicit material. O'Keefe, for one, has argued:

It is wishful thinking to expect, in the immediate future, the demand for antiquities either to fall off of its own accord or for measures taken now to immediately limit demand. Satisfying demand in the short term would give time for measures to operate to lessen or redirect it in the long-term...In the short term, demand might be satisfied by increasing the flow of objects onto the market. (O'Keefe, 1997: 1)

In his analysis of the trade out of China, Murphy argues toward the same objective, but from a different premise. He argues against what he calls the "hoarding mentality" which is found in many source countries, especially as one of the major results is the creation of a hidden, black market for cultural objects:

...there is a worthy and respected body of opinion, based on the economics and realities of the international art market, that the source states, by attempting to implement embargo regimes, are doing nothing more than exacerbating the problem of the illicit outflow of cultural property. The developing states typically have little or no real domestic market, and their museums have limited resources with which to acquire

artifacts held privately. The absence of a developed licit market in effect ensures the existence of a highly developed illicit market... In the end, export controls only add costs --social and otherwise---to the inevitable exports. (Murphy, 1995: 154-155)

The thrust of this argument is that in the face of continued high demand, attempts to prohibit the flow of material out of a source country will inevitably result in the creation of a hidden market. This adds further social costs (above the uncontrolled flow of cultural material) in terms of the consequences of corruption and the generation of organised forms of criminal activity which, as the US experience has shown, migrate readily to other forms of crime, especially where the "market" skills of smuggling and the movement of illicit goods apply.

There is a third argument that can be advanced to be considered by source nations. The generation and control of a legitimate market in antiquities can provide needed examples for those in the market of "good practice" in terms of the forms of provenance that ought to be demanded of cultural material circulating in the market place. Examples of such material in the current market place can be found in sales of materials from some of the recently excavated underwater sites. While it is the current accepted position that in general shipwrecks either ought to be preserved *in situ* (the preferred option) or at least recovered in a way that the cultural heritage is preserved (as in the *Mary Rose* or *Wasa* examples), in some cases, as in the *Hoi An* hoard, for specific reasons the country involved may decide to bring in marine archaeologists and salvage experts to carry out the excavation. A huge number of ceramic objects were recovered in the *Hoi An* case, and an agreement had been reached that items of greatest significance would be retained by Vietnam (and a further 10% of the objects were retained for distribution to museums throughout the country), with the rest entering the antiquities market by means of an auction conducted by one of the leading international auction houses. Recognising for a moment that this form of commercial exploitation of a cultural resource is contentious, it is nonetheless clear that when these objects circulate in the market they do so with complete archaeological provenance: their origins are known, the dig spot has been identified, the material has been extracted in the process of an archaeological dig led by university archaeologists (in this case connected with a research unit of Oxford University), and their provenance from that time forward can be known. In sharp contrast, review of catalogues of both auction houses and private dealers will show that, whatever the interpretation one puts on it, the current practice of the antiquities trade is to not provide adequate information regarding the provenance of material which is on offer. Current research by the author demonstrates that Asian and South East Asian objects, including ceramic objects comparable to those found in the *Hoi An* hoard, offered for auction by leading auction houses, or for sale by leading dealers, *never* have full archaeological provenance, and almost half are sold with no provenance provided at all.

To conclude, if nothing else the overlay of criminological analysis onto the illicit trade in antiquities should alert observers to the inherent difficulties in addressing problems of illegal markets. Two messages should be clear. One, illegal markets are driven, fundamentally, by demand, and any public policy initiative must address demand as a paramount issue. Two, no matter how good the intentions, attempts to restrict supply alone will not only prove ineffective, but they are likely to result in exceptionally harmful side effects in terms of the corruption of political and criminal justice processes. Accepting the premise that there is an urgent need to save cultural heritage contexts, since this cannot in the short term be accomplished by closing off supply, attention instead must be directed to changing the patterns of consumption so that dealers do not sell, and consumers do not buy, archaeological material which is not properly and fully provenanced. A mesh of criminal laws, civil regulation, museum and trade codes of practice, and trade association codes of ethics, needs to evolve that not only assures that plundered material will not go on the market, but ultimately that consumers are educated regarding the consequences

of their purchase of illicit material. While historically much of this struggle has been left to the archaeologists and to a few concerned political figures in source nations, it is time that a much wider constituency is mobilised in the struggle to "stop this awful business."

Christine Alder, Associate Professor of Criminology and Associate Dean for Research of the Faculty of Arts, University of Melbourne
<c.alder@criminology.unimelb.edu.au >

* Paper written by Christine Alder and Kenneth Polk

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