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**Researching the structure of the illicit antiquities trade**

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**Introduction**

A variety of methods have been used to investigate the global trade in illicit antiquities. This chapter will review the main types of methodology used by researchers in this field, and set out some of the findings of each. Using case study examples of specific projects, we will consider the various types of research that have been conducted in this field to date and the current state of knowledge about the relationship between the illicit and the licit sides of the market. We will conclude with a look to the future to make recommendations about productive avenues of research for those who may wish to pursue this kind of enquiry.

The antiquities market is a ‘grey market’. This term denotes a mixing in the supply chain of licit and illicit artefacts (Mackenzie and Yates 2017). The latter arise from illegal digging or the removal of objects from above-ground heritage sites in antiquities source countries. These products of looting and theft are often then introduced into the public marketplace, passed off as legitimate through auction sales, or direct approaches of antiquities trafficking intermediaries to dealers or collectors. A tradition of opaque business practices, and the historical lack of focus on forensic provenance documentation and investigation in the market has made it easy for unethical actors to perform this process of inserting illegally obtained and/or unlawfully exported antiquities into the regular supply chain. However, the potential for proper provenance research to aid in the reduction of the illicit trade in antiquities is clear: popular media sources are now regularly covering major provenance research-informed busts of well-known dealers and collectors, and repatriations of significant trafficked cultural objects from dealers, collectors, auction houses, and museums now frequently occur.

The mechanisms for achieving this process of infiltrating, or perhaps we could better describe it as ‘polluting’, the antiquities market with ‘black market goods’ is what, in the metaphor, turns the market grey (Mackenzie and Yates 2017). Anyone in the business of dealing in ancient art and who is required to do provenance research as part of the trade should be aware of the mechanisms that facilitate this process of market penetration by illicit goods. Among the many tricks include:

* Using the anonymity of the auction mechanism to place and buy back one’s own looted artefacts, in order to create an apparent chain of public transactions that can later be referred to as evidence of a secure provenance
* Fraudulent customs declarations for antiquities at point of export or import , e.g. declaring antiquities as ‘handicrafts’ with a much depreciated value to facilitate entry into a destination market, only later to sell them on that market as high end ancient rarities.
* Developing a respected public face in the art world as a significant collector and/or dealer, to establish relationships of trust with private and institutional buyers, while abusing that trust by passing looted antiquities or fakes in to the market.
* Dealers using competitive business practices and client confidentiality as an excuse for not revealing the details of their sources of antiquities.
* Creating fake export papers to make antiquities appear legally sellable
* Collaborating with professional and academic experts to authenticate and ‘historicise’ objects, thus lending a status and credibility to the antiquities and to one’s business as a commercial trader.

**Methods for researching the illicit trade, and a snapshot of current knowledge**

Research on the illicit antiquities market that has been conducted to date provides us with a framework for considering the overall structure of the market: we can split the market into two parts for analysis, the first being the source end, represented by the initial act of looting or theft and initial trafficking, and the second being the market end, represented by later trafficking and sale, often within an open and elite context. At the point where objects move from source to market there is an interface which may be considered to be an independent middle phase, generally referred to as ‘transit’. For this chapter, however, we will simply use a two-stage distinction, with the source phase including ‘early stage’ transit into international flows of illicit goods, and then the receiving end of the chain of supply, the market phase, including the later stage transit that is necessary to more the illicit object into the destination market and transform them into consumable commodities..

There has been a considerable amount of prior research on each of these two market phases. As with other social scientific research, the methods of study have been either (a) statistical or (b) investigative interview-based or ethnographic (‘on-the-ground’) approaches (Brodie et al. 2013). We will briefly look at each of these types of research in turn.

*Source statistics*

Statistical studies of the source phase have tried to estimate the amount of looting in various regions around the world, and to quantify the level of damage that is caused by the illicit trade in an attempt to quantify the societal harm that results from this activity. Archaeologists have produced estimates of the number, or sometimes percentage, of sites looted in a given region, and recently as Google Earth and other platforms have made satellite imagery and aerial photography readily available in clearly identifiable timelines, there has been a growth in the use of remote sensing and photo analysis to document sites that are actively being looted and identify those that are at risk. Examples of survey-based looting quantification studies can be found in Gutchen’s early fieldwork in Central America which found evidence of looting at 59% of all Maya sites in Belize (Gutchen 1983), and the archaeological site surveys conducted by Roosevelt and Luke which found that out of 397 Iron Age burial sites in Western Turkey, 357 showed evidence of looting (Roosevelt and Luke 2006). Examples of the use of satellite technology to perform these studies includes work on Jordan and Peru (Contreras and Brodie 2010a, b; Contreras 2010), Syria (Casana and Panahipour 2014), Iraq (Stone 2008), and Egypt (Parcak et al. 2016).

*Market statistics*

Statistical studies of the market have reviewed the amount of provenance information that is available for antiquities offered for sale in international fora. Studies of auction catalogues and the provenance information published during the display of large collections have been the backbone of this line of research. For example, using this method, Gill and Chippindale have shown that 90% of the Cycladic figurines known to the market had insecure or no provenances (Gill and Chippindale 1993), and in a review of several large collections of Classical antiquities they observed that the vast majority of the objects had no archaeological provenance and had surfaced on the market after 1973 (Chippindale and Gill 2000). Studies of auction catalogues have developed beyond early observations of the well-known obfuscations and vagaries in provenance write-ups (‘property of a Swiss collector’), to more recently show that while the quality of provenance information on the public market is improving, the situation remains far from ideal and poorly provenanced antiquities still make up the majority of those offered for sale (Brodie 2014a). Some researchers have suggested that geographical identifiers are suppressed or manipulated when provenance is presented in auction catalogues: for example, a neighbouring country or a general term for a broad region may be used to obscure the antiquity's origins, and obfuscate the legal red flags associated with objects coming from places known to be experiencing high levels of looting (e.g. Gilgan 2001; Yates 2006). Recent research has overturned the presumption that objects with more secure provenance sell for more money, and the corresponding suggestion from the market lobby that regulation is not required since the normal operations of the market preferring objects with good provenance will work to exclude illicit goods over time by rewarding clearly legal objects with higher prices must be rejected (Brodie 2014b).

There is also other documentary research into the market end of the antiquities supply chain which is statistical in the sense of working towards producing networked analyses of the nodes and chains in the overall model, but which is based on what has been termed ‘forensic archaeology’. This method is most closely associated with the work of Christos Tsirogiannis (2013), who features in the present volume. In essence it is a dedicated and wide-ranging approach to constructing provenance histories for objects, using a variety of data sources including archives of antiquities dealers' photos that have been confiscated by the police in raids, as well as acquisition and sales records, auction catalogues, and other open source information (Tsirogiannis 2015). It is resource intensive, but effective, and Tsirogiannis argues it should be a reasonable standard for diligent provenance researchers to be able to achieve as antiquities consumers should be prepared to spend enough time researching the histories of the movements of artefacts into and through the market to ensure their purchases are legitimate.

*Source ethnographies*

Ethnographic studies of the source phase have made the important contribution of adding a local human perspective to the antiquities trafficking problems identified in the statistical work mentioned previously. In several of these anthropologically-informed research projects, the motives and practices of looters have been more expansively and inductively understood, providing a significantly more nuanced understanding of the act of archaeological looting, complicating and, in some cases, directly contradicting the general stereotype of looters as common opportunistic criminals. Some research has explored the idea of ‘subsistence looting’ in terms of a culture of exploiting cultural heritage for a living where other economic options are not readily available (Staley 1993; Matsuda 1998, 2005; Paredes Maury 1996; van Velzen 1996). Other versions of the ‘looting for a living’ story have been less benign, as blanket assertions of looting for subsistence or necessity have been argued to be a misrepresentation of more deliberately exploitative practices, often involving gangs of ‘labourers’ engaged in what is essentially an organized looting enterprise at source, albeit sometimes loosely organized (Farchakh Bajjaly 2008b; Mackenzie and Davis 2014a; Farchakh Bajjaly 2008a).

Our own contribution to this type of research has recently been in Southeast Asia (Mackenzie) and Latin America (Yates). With colleague Tess Davis (featured in this volume), who is now the executive director of the Antiquities Coalition in Washington DC, Mackenzie worked with local informants in Cambodia to produce a study of a trafficking network that had been operating there for several decades (Mackenzie and Davis 2014b). We found that teams of local looters, organized by a regional ‘broker’ had been working to systematically remove Khmer statues and other objects from the unguarded temple complexes in their region, transporting them to middle-men based in a large town near the border. These intermediaries would illegally move the Cambodian statues over the border into Thailand with the help of a receiver on the Thai side who would then transport the items to Bangkok where they would be bought by established dealers. From there the antiquities could move freely into the international market, to be sold to museums, collectors, or other dealers since Thailand exercised only limited control over the export of cultural objects.

This research shows that international trafficking networks in illicit antiquities do not necessarily have to be complex or contain a great many ‘nodes’: looted statues could be sold into the international market with relatively few steps in the chain of supply from the original looters to the final collector. Those antiquities collectors and dealers who bought from dealers in Bangkok on the basis of trust and unsubstantiated reassurances of good provenance would have at best been taking a big risk, and at worst been complicit in the criminal side of the trade. For example, recently allegations of faked provenances for Cambodian and other South Asian antiquities have been made in the prosecution of the New York dealer Nancy Weiner. In the Complaint in that case the deponent, a Special Agent with the Department of Homeland Security Investigations, refers to emails held in evidence in which a dealer based in London and Bangkok told Weiner he was giving antiquities to a scholar in exchange for false letters of provenance the scholar would create (Easter 2016: 4). The Complaint alleges that Weiner was, with her co-conspirators, trafficking illicit antiquities for decades. The case is said to involve ‘a laundering process that included restoration services to hide damage from illegal excavations, straw purchases at auction houses to create sham ownership histories, and the creation of false provenance to predate international laws of patrimony prohibiting the exportation of looted antiquities’ (Easter 2016: 2).

In fieldwork in Bolivia, Belize, and Mexico conducted from 2013 to 2015, we found that early stage looting and trafficking of antiquities formed only a small part of a mosaic of illicit or grey market activities conducted by people facing a number of economic and social pressures (Yates 2015a, b). Along the Belize, Guatemala, and Mexico border regions, we found little evidence that antiquities looting and trafficking were undertaken by narcotics traffickers in the region who are more interested in establishing legitimate-seeming businesses through which they can launder money, such as cattle ranching (Yates 2014). However, their presence has a knock-down effect: demand for legitimate cattle ranching land pushes low-income farmers off their land and into national preserves which they illicitly clear for subsistence farming. During this deforestation, they inevitably encounter Maya archaeological sites which they may choose to loot and sell to established local intermediaries. Indeed, antiquities form only one of many forest products that may be illicitly exploited by locals during the course of their day-to-day life with such restricted goods as endangered animals, protected plants such as orchids, and rare hardwoods being illicitly harvested alongside antiquities in response to local need and international demand. The picture that emerges from our Latin American fieldwork at the source end of the market, then, is neither one of looters as stereotyped opportunistic criminals nor of people passively looting to stave off starvation. Rather, motivations for looting are personal and complex, and it represents one of many licit and illicit coping strategies employed by people living in countries with limited access to the development opportunities that would render such activity unnecessary.

*Market interview and observation studies*

Interview studies of the market phase have produced a detailed picture of an antiquities market in denial. This denial ranges from, at one end of the scale, the knowing participation in the criminal marketplace where the ‘denial’ at play is of the importance of the destruction caused, to at the other end, assumptions of legality where they are not warranted in which the ‘denial’ is of the possible illicit status of the object purchased (Mackenzie 2007). For many antiquities dealers, the ethical trends in the market have slowly rendered their normal business practices problematic. This tension between old routines and new ethical imperatives has manifested in a formulaic type of market discourse that underpins an attempt to reduce the dissonance between what one is doing and what the social meaning of those actions might be. To put it in stark terms in order to make the point clear, collecting antiquities is supposed to elevate, rather than diminish, the social and cultural status of the individual engaged in the practice, bringing with it associations of education, aestheticism, wealth, and curiosity, rather than commercial entrepreneurialism that sails far too close to grubby profiteering and crime.

As such, the narrative features of the antiquities market have been a rich source of study for researchers, who have been interested in charting the relationship between what people say, what they do, and how they reconcile obvious disparities between the two. For example, dealers tell stories about ‘chance finds’, in which farmers unintentionally turn up antiquities while tending their fields and, because they are worried about official intervention, consider destroying them. In this story, the market saves the artefacts by attaching a monetary value to them which is too much for the chance finder to ignore (Mackenzie 2005). Many opinions from the trading community can be summarized as ‘I don’t approve of looting, but…’ with the narrative that follows providing a predictable set of well-worn justifications for why this apparently bad thing, the trafficking and sale of looted antiquities, may be the grit in a system which is actually overall a public good. Such narratives include: it trickles finance back to impoverished locals; it generates international public access to view, study, and appreciate objects which would otherwise be denied; that antiquities function as ‘cultural ambassadors’ in this process, raising awareness of the cultures that produced them; that modern day political and national structures do not always align with the historical cultural arguments for ‘ownership’ of or ‘interest in’ the objects; and so on (Cuno 2008, 2014; Merryman 1986, 1988, 2005). Many of these tropes are simply not true, and have been shown by research to be wrong, such as where it has been estimated that less than 1% of the final sale price of antiquities filters back to looters (Brodie 1998). It is the high-end boutiques and the international dealers who are getting rich from this illicit market, not the source communities.

Other market-end studies have discussed regulation, and the prospects for controlling markets through licensing or other systematic legal controls. Many of these propositions suffer from the same problems as faked provenance, however, for example where Kersel has studied the regulated antiquities market in Israel and found that paper inventory documents were amenable to being used several times over to launder freshly looted artefacts through sales of items that could not be easily distinguished from what was described on government issued certificates (Kersel 2006).

**Future recommendations for research into the illicit market and questions of provenance**

There are many research ‘black holes’ in the overall systems of supply that constitute the contemporary grey market in antiquities. As research studies have moved from investigations of the situation in source countries towards in-depth studies of market-end practices, there has been an increasing sense that the transit mechanisms and actors which join these two ends of the supply chain together have been neglected in research terms. In some respects this is an understandable effect of the processes of academia which has more difficulty conceptualizing and achieving funding for research projects into the nebulous interstices of international global trade than it does in working on the more static and available populations at the source and market ends of the chain. Lately this void has begun to be filled, but it is early days and more research is needed. Equally, questions of how the antiquities market operates and what the current global pressure-points are in terms of looting should not be ignored, since these are both constantly evolving situations that are based on current events and thus are issues which require monitoring by interested researchers.

Perhaps the most challenging questions for provenance researchers working with antiquities will be around questions of liability: the law in various jurisdictions is evolving to require title investigations that involve more and better due diligence. The more academic research like that covered in this chapter paints an incontrovertible and ever more detailed picture of massive looting and the routine infiltration of illicit objects into the market, the harder it will become for traders and their advisers to neglect due diligence, as half-hearted provenance research will clearly be increasingly out of step with the ethical and legal implications of the current state of empirical research knowledge about looting, trafficking, crime, and the antiquities market.

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