Trading in antiquities on eBay:

the changing face of the illicit trade in antiquities

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Abstract

The sale of ancient objects on eBay is presented to buyers as legitimate and ethical. However the antiquities trade is a grey market, where both licit and illicit objects are sold (Bowman, 2008). An unknown percentage of illicit antiquities have entered the market as a consequence of archaeological looting. However, antiquities are fungible by nature, meaning that it is very difficult for buyers to differentiate the licit from the illicit.

This thesis is based on the premise that the antiquities trade causes harm through the destruction of archaeological knowledge, and therefore there is a necessity to reduce the size of the market. Using Sutton's market reduction approach, the study sets out to collect empirical data on the market from eBay. The thesis considers three main research questions: First, is the current regulatory framework for the sale of antiquities adequate? Second, what is the scale and scope of the market on eBay for antiquities? Third, what are the routine features of the operation of this market?

The thesis adopts routine activity theory to investigate the structural elements of the antiquities market, outlining the actors involved in the market, the reasons why antiquities make 'suitable targets', and exploring the range of 'capable guardians' who may play a formal or informal role in the surveillance of this market. The data indicates eBay has expanded the size and reach of the antiquities trade, enabling amateurised actors to trade on a global scale. However, the online 'frame' (Goffman, 1969) of eBay auctions creates additional challenges through the separation of goods and actors and the fluidity of identity in cyberspace. The thesis ends with an examination of the distal and proximal nodes of governance in online environments and the ideological,

definitional, evidentiary, legislative and structural challenges to addressing the illicit

antiquities trade at the market end.

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PART ONE: SETTING THE SCENE

CHAPTER ONE: INTRODUCTION

This thesis considers the sale of ancient objects in a very modern venue. eBay, 'The World's Online Marketplace' is "probably the largest single outlet for cultural goods" the world has ever seen (Bland, 2007:3). On an average day over 50,000 antiquities and ancient coins are listed on eBay.com, and thousands more are listed on eBay's 37 sister sites around the world. The sale of these ancient objects is presented to buyers as legitimate and ethical. However the antiquities trade is a grey market, where both licit and illicit objects are sold (Bowman, 2008). The sale of cultural objects via the Internet has been recognised internationally as a "serious and growing problem" (Interpol et al., 2007) and Interpol has expressed 'alarm' over "the increase in the use of the Internet for the illegal trade in cultural objects" (Interpol, 2008).

There is a comprehensive body of evidence demonstrating that archaeological sites worldwide are being looted, and the ancient material obtained from these clandestine activities are entering the antiquities market in unprecedented numbers (Brodie et al., 2001, Chippindale and Gill, 2000, Chippindale et al., 2001). There is a growing recognition by criminologists and archaeologists that the looting of archaeological sites is being driven by demand from the market, and therefore efforts should be made to reduce the market for ancient goods (Tubb, 1995, Adler and Polk, 2002, Adler and Polk, 2005, Adler et al., 2009, Renfrew, 2000a, Brodie et al., 2001, Mackenzie, 2005b, Mackenzie, 2005a).

1.1 An introduction to the antiquities trade

The availability of antiquities

> *"Antiquities are history defaced, or some remnants of history which*
>
> *have casually escaped the shipwreck of time"*

(Francis Bacon 1605)

This thesis is concerned with the market for archaeological objects, otherwise known as antiquities.[1] In the antiquities collecting world objects can be roughly split into three categories of age: modern collectibles dating from the last century, antiques dating from the few centuries prior to that and antiquities covering all objects of prior human creation.[2] On eBay the antiquities category includes objects categorised by both their chronology and geography, from Neolithic axe heads to medieval coins, Roman jewellery to Pre-Columbian vases. So for the purposes of this dissertation, an antiquity refers to objects from earliest man up until approximately the eighteenth century. These objects have survived the passage of time mainly through burial in suitable soil conditions.

There is a legitimate market for the sale of some antiquities (Adler and Polk, 2002:40), however alongside these legal objects many illicit or inauthentic objects are also available for sale. Figure 1 illustrates the five main categories of object found within the antiquities market and their corresponding categorisation as licit/illicit.

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[1] 'Antiquity' is the term most commonly used to discuss the market for archaeological objects. However, this term is not universally accepted. Muscarella has objected to its use, suggesting that whilst dealers sell antiquities and buyers collect antiquities, archaeologists excavate 'artefacts' (Muscarella, 2000).

[2] Each jurisdiction has a different timeframe for what they would consider 'an antiquity', for example the United States has bilateral agreements with several other jurisdictions regarding the trade in antiquities. Their agreement with China covers material created from 75,000 BC to 907AD, however their bilateral agreement with Italy covers material created from the 9th century BC to 5th century AD.

Figure 1: Licit and illicit antiquities

'Illicit'	'Licit'
Looted or illegally exported from State of origin	Licit because of chronology of discovery
Stolen from museum or other collection	Licit because of geography of discovery
Fake antiquities	

- Firstly, there are antiquities which are considered licit because of the chronology of their discovery. The collecting of antiquities was once considered a completely ethical pastime, however as awareness of the harm caused by the looting of archaeological sites has grown, what was once considered acceptable collecting practice has gradually become prohibited (*see Section 4.1*). There has been a gradual and incremental shift in attitudes to the ethics and legalities of antiquities collecting and throughout the twentieth century the majority of States have enacted legislation protecting these objects. The sale of these antiquities is deemed to be legitimate as they were excavated at a time when their removal was considered legal. As we will discuss in *Section 3.1* the majority of source States developed laws protecting antiquities in the early twentieth century, either placing all ancient material in the ownership of the State meaning their removal is

considered theft, or prohibiting all export of ancient material (Adler and Polk, 2002:37). The first piece of International legislation dates back to 1970[3], which is commonly considered to be the cut off between antiquities which are considered legitimate and illegitimate (Brodie, 2006b).

- Secondly, there are antiquities which are considered licit because of the geography of their discovery. These antiquities are regarded as legitimate as they were found in a State where there is little or no prohibition on the removal of antiquities. The UK and Israel are both examples of countries where there is only a partial restriction on the sale of antiquities found within their borders.

- Thirdly, there are illicit antiquities.[4] The term 'illicit antiquities' is not a legal expression, but was coined by archaeologists wishing to differentiate these objects (Brodie, 2003:14). These objects are considered illicit either because of the manner of their discovery (they were looted from archaeological sites) or because they have been illegally exported from their State of origin (Tijhuis, 2006:123, Gerstenblith, 2004b:154). Therefore antiquities are considered illicit if their excavation or export breaks the *lex situs* of the State in which they were discovered (Massy, 2008:730). Mackenzie outlines that these objects should still be considered illicit if they are subsequently moved to another State as they "carry with them into the market an historical breach of a legal provision" (Mackenzie, 2005a:252).

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[3] UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (UNESCO 1970).

[4] The term 'Illicit' was first used in reference to antiquities by Coggins in her seminal work on the illicit trade (Coggins, 1969). In reference to the antiquities trade the term 'Illicit' is more appropriate than 'illegal'. The two terms originate from different etymologies. 'Illegal' originates from the Latin '*Lex'*, a statutory law, and 'Illicit' originates from the Latin '*licere'* to permit. 'Illegal markets' are always forbidden by law, whereas 'Illicit markets' are forbidden by law, rules or customs. Therefore an 'Illicit market' may be considered illegal in some jurisdictions, but merely disapproved of in others.

- Fourthly, there are antiquities which have been stolen from an existing museum or other collection. These objects are considered as a different category to looted antiquities, as they are likely to be inventoried and their theft reported to the authorities (Renfrew, 1995). As Gill and Chippindale explain:

> "most antiquities which are for sale have never been published, accessioned into a museum, or come to public scholarly attention. Who can report a Cycladic figure as stolen when it has been lying unseen in a grave for more than 4,000 years?" (Gill and Chippindale, 1993:623).

These details may be entered into a stolen art database, whereas the details of looted antiquities are unrecorded.

- Fifthly, there are Fake antiquities. Whilst these objects were not created in antiquity, they should be considered a category of fraud as they 'masquerade' as ancient objects (Mackenzie, 2005b:5).

Antiquities and Harm

Of primary importance to archaeologists is the relationship between the artefact and its surrounds, particularly its stratified context (Brodie, 2006a:52). Antiquities are:

> "taken illicitly from the ground, or from their place as an integral part of, or attachment to, a temple or other ancient structure" (Mackenzie, 2005a:251).

Treasure hunting is often referred to as the second oldest profession in the world (Jackson, 2008:59, Meyer, 1974:132). Indeed, tomb looting is the subject of one of the world's oldest legal texts, the Amhert Papyrus from Egypt dated to the twelfth century BC (Meyer, 1974:133). The process of looting is destructive; antiquities are removed from

their ancient context, resulting in damage to both object and context, and cause harm through the loss of archaeological knowledge. These illicit antiquities then 'surface' on the market with no provenance information. Attention was first drawn to the issue of archaeological looting in the late 1960s (Coggins, 1969, Coggins, 1972). Looting is described as "the wholesale destruction of the remains of a number of ancient civilisations and primitive cultures" (Coggins, 1972:263). There is a general consensus that what was once a low level activity has escalated into a "large-scale industry" (Papa Sokal, 2006:2). Neil Brodie has described the change:

> "For millennia, the tools of the tomb-robbing trade consisted of little more than simple digging implements and probing rods, but they have been joined over the past couple of decades by bulldozers and mechanical diggers, dynamite, metal detectors, power saws and drills, and underwater, propwash deflectors" (Brodie, 2003:14).

Technological advances now make it possible for looters to access previously unexplored areas; bulldozers, helicopters, all-terrain vehicles and submarines allow easy access into the desert, jungle and under-water territory (Brodie, 2003:14). The rate of the looting in some countries has become so endemic that archaeologists are predicting that there are now few undisturbed archaeological sites left, which has huge implications for scholarship. In 1974 Karl Meyer issued the following prediction, which appears in many countries to have been fulfilled:

> "For the first time in our history we face the novel prospect of a future without a past. Given the present tempo of destruction, by the end of the century all

unexplored major archaeological sites may be irrevocably disfigured or ravaged"

(Meyer, 1974:12).

Antiquities and Provenance

Just a small percentage of antiquities available in the market can be considered as either white or black goods (*see Figure 2*). 'White' antiquities are those which have verifiable provenance[5] information confirming that they have been legally acquired. At the other end of the spectrum are antiquities which are considered to be 'black' as they can be demonstrated as being 'looted' from a recent unauthorized excavation. The vast majority of antiquities for sale in the market, however, fall into a 'grey' category (Bowman, 2008:227-8).

Figure 2: The importance of provenance

Black	Grey	White
Evidence that antiquity is 'illict'	No provenance/evidence of origins of antiquity	Verifiable provenance demonstrating not illicit

[5] 'Provenance' is the term used by actors in the market to describe the ownership history of an antiquity. There are many levels of 'provenance' given to antiquities; however, this information is often vague and unverifiable. Brodie makes a distinction between provenance which can be corroborated through independent means and unverifiable statements (Brodie, 2006b). Archaeologists prefer the term 'Provenience', which refers specifically to the archaeological context where an antiquity was found. This is also sometimes referred to as the 'Findspot', which is the term I will use in this thesis to avoid confusion.

Chapter 1

The key to establishing the legality of antiquities is through its biography, or provenance. In purchasing an antiquity there is an expectation that the buyer will carry out 'Due diligence', a process in which questions are asked about the origins of the antiquity *(See Appendix 1 for further information)*. However, in the antiquities market it is the norm that provenance information is not supplied, therefore illicitly obtained antiquities are sold alongside licit objects (Prott, 2005:238). The percentage of illicit antiquities available in the market is unknown. Archaeologists have suggested that we should consider ancient objects as having illicit origins, unless there is evidence to the contrary (Coggins, 1995:62). Baron Renfrew argues that "the most simple principle is to treat unprovenanced antiquities as looted antiquities" (Renfrew, 2000b:37). These views are contested by supporters of the market, who are critical of any approach where antiquities are assumed 'guilty until proved innocent' (Merryman, 2005:30). Cuno argues that if an antiquity does not have provenance it does not mean that it is automatically looted (Cuno, 2001:94), and Ede suggests that the origins of antiquities may be obscured for legitimate reasons (Ede, 1998).

Statements from antiquities dealers confirm the low levels of provenance in the marketplace. For example, Torkom Demirjian owner of Ariadne Galleries, New York says that 98% of antiquities said to originate in old collections lack documentation (Page, 2009). Jerome Eisenberg, owner of Royal-Athena Galleries, New York has also stated that whilst he tried to purchase antiquities with documentation, just one third of his stock has provenance (Page, 2009). Dr Craddock, a scientist at the British Museum, stated in 2005 that "most antiquities on the market nowadays are either stolen or forged" (Jury, 2005).

The fungibility of antiquities

The difficulty is that antiquities themselves are fungible in nature. The term fungible means 'Indistinguishable from others of its kind' and was used by Henry in his account of the fencing of stolen goods (Henry,1976:75). Ditton also used the term in his examination of 'Fiddling' in a Bakery, noting that the fungibility of goods ensured that these offences had low visibility (Ditton, 1977:8). 'Fungible' objects have often been sought after in stolen goods markets as they cannot be easily identified (Hall, 1952.160). The lack of identifying features also enables them to be sold alongside legitimate objects (Klockars, 1975.82). Many illicit markets focus on objects which are fungible, for example, the markets for Tiger products, Ivory and Gold (See Moyle, 2009, Naylor, 1996, Khanna and Harford, 1996).

In the majority of cases an examination of an antiquity alone would not provide enough evidence to determine if it had been legally or illegally acquired (Gerstenblith, 2004b:139). First, it is often unknown how long antiquities have been available on the market, and therefore if they were discovered at a time when their extraction was considered legal. Second, it is often very difficult to ascertain which State antiquities were found in, as there is no correlation between the spread of ancient cultures and contemporary national borders (Cuno, 2008:20&91). Third, antiquities rarely contain signs they have been discovered by looting, nor is it possible to identify them as stolen goods. And finally, without any external information it can be a complex process to determine a realistic fake from an authentic antiquity. UNESCO succinctly summaries the difficulties faced by buyers:

"It is well known that the significance, provenance and authenticity of the cultural objects offered for sale on the Internet vary considerably. Some have historical, artistic or cultural value, others do not; their origin can be legal or illicit, and some are genuine, while others are forgeries (Interpol et al., 2007).

There is consensus in the criminological literature that the whole antiquities trade should be viewed as a 'grey' market (Bowman, 2008), as whilst the legal status of different antiquities vary due to procedural, geographical and temporal differences, their fungible nature ensure it is almost impossible to differentiate between licit and illicit objects.

Antiquities as 'suitable targets'

In the stolen goods literature, goods which are commonly targeted by thieves are referred to as 'hot products' or 'suitable targets'. These goods have several key attributes including that they are concealable, removable, available, valuable, enjoyable and disposable (CRAVED) (Clarke, 1999). Durney has argued that antiquities make suitable targets for looting as they have all of these attributes (Durney, 2011:440). However, as I will discuss in *Chapter 4*, the processes of the market obfuscate the illicit origins of antiquities, meaning that once these objects reach the final consumer, they have been transformed from 'hot' goods to products more akin to Sutton's description of 'cold goods' (Sutton, 1995:411).

The fungible nature of antiquities mean they are **concealable** at every stage through the market. Firstly they are concealed in their archaeological site; without excavation it is impossible to know what lies beneath the ground. In the case of looting there is no record of the discovery of an ancient object. Once it is extracted from the ground and moved to

another location any evidence of the initial theft is lost. Antiquities are often small, lightweight objects, and therefore are highly concealable during the movement stage from source to market States. As we have discussed above once in market States their fungible nature means they carry few signs of their illicit origins.

Antiquities reach the market in such high numbers as they are both ***removable*** and highly ***available***. The process of looting is relatively straight forward. No specialist knowledge or equipment is needed to dig an exploratory pit. Antiquities are often small, meaning many items can be carried by hand, and so they are easily transportable. In many source States archaeological sites are highly visible in their locality. Many archaeological sites are located on agricultural land, leading to many chance finds (Lane et al., 2008:246). There are an unknown number of archaeological sites in the world, but wherever there has been human habitation there will be archaeological remains. In many cases settlements have been continuously occupied for many centuries, with modern towns and cities being located on or near ancient sites. The development of archaeology has increased the visibility of these locations. With a rudimentary knowledge of archaeological principles it is often quite easy to read the signs on the landscape and see the remains of previous inhabitants. For example, ancient walls lying beneath the ground will prevent crops from growing to their full height or burial mounds will leave unnatural hillocks in otherwise level ground. With developing technologies these signs have become even easier to read; firstly through the development of aerial photography and more recently satellite technologies such as Google Earth. The widespread availability of metal detectors has made archaeological sites even more accessible.

Antiquities are also highly *valuable* to actors at every stage in the market. The looters, smugglers, middlemen and dealers all make profits within the trade. But as I will discuss in *Chapter 1* antiquities are sought by the market not just for their financial value, but also for other inherent cultural and symbolic values (Bourdieu, 1984, Bourdieu, 1990). They are purchased as collectibles and therefore are *enjoyable*. These last two criteria make antiquities highly *disposable*.

The demand for antiquities

The stolen goods literature suggests that the most 'suitable targets' are those most desired by consumers. These tend to be 'the latest thing' such as new electrical products (Sutton et al., 1998:x). These objects become desirable due to social processes such as changes in manufacture, advertisements and levels of ownership '(Sutton, 1995:400). Although antiquities can hardly be described as the 'latest thing', there are trends and fashions in antiquities collecting. The value(s) of antiquities are constructed by the social processes of archaeologists, scholars and the market (Conklin, 1994). It is these processes which give antiquities their meaning, which in turn has made them into suitable targets for looting. Archaeologists are often the first to bring antiquities to the attention of the world. Through excavation, publication and media reporting they publicise any important new finds. Museums further enhance the desirability of newly discovered antiquities through publication and exhibition (Bourget, 2002:372, Conklin, 1994:33, Schwartz, 2001:642). Their sale on the market further publicises antiquities as a desirable commodity.

Conklin suggests the high prices reached in the art market motivates a variety of art crimes including the looting of archaeological sites (Conklin, 1994:45, 158). 1972 is

identified as a tipping point in the antiquities market, when the New York Metropolitan Museum purchased the Euphronios Krater for a (at the time) record breaking $1 million. Peter Watson explains how this encouraged an increase in looting:

"When the tombaroli [tomb raiders] in Italy heard about the price, they just went crazy. Everyone realized that, properly presented, quality objects could fetch a fortune" (Grose, 2006).

Over the next twenty years, the value of antiquities rose dramatically. The J. Paul Getty Museum in Los Angeles was at the forefront of antiquities acquisitions during this period, paying $10.2 million in 1985 for three objects, including a marble statue of Apollo; a further $18 million in 1988 for a marble and limestone statue of Aphrodite, and $1.15 million for a Greek gold funerary wreath in 1993 (Grose, 2006). In 2007 a tiny Mesopotamian sculpture known as the Guennol Lioness sold for $57.1 million at Sotheby's New York (Page, 2009), breaking the previous records for both sculpture (a Picasso at $29 million) and an antiquity (a Roman bronze which reached $28 million) (Baugh, 2007). In 2007 a Time magazine article *Antiquities: The Hottest Investment* advised readers on the investment potential of antiquities. Annual price increases were reported at a historic 8 to 9% per annum, and Hicham Aboutaam, an antiquities dealer advised that these increases could only rise given the increasing interest in "art and antiquities as an investment". Rather cynically he also stressed that changes to import regulation meant that there was "now a finite number of legitimate objects circulating in the US" (Baugh, 2007).

In many parts of the world there is evidence that looters are highly aware of the demands of the market, from Museum catalogues being used in Guatemala by collectors outlining their 'wanted' list, to Sotheby's catalogues found in remote parts of China (Shuzhong, 2001:19, Valdés, 2006:98). The evidence indicates that looting increases when local people become aware that heritage is a saleable commodity. Rising prices for antiquities in western nations, and widely publicised 'record-breaking' antiquities sales at leading auction houses encourage the creation of more looting gangs (Valdés, 2006:94). 'Blockbuster' museum exhibitions have raised the profile of new types of antiquities, creating a surge of interest from collectors. Gado reports that an international exhibition of the art of Niger in the 1990s created a huge demand from collectors for more finds, leading to a "frenetic and systematic destruction" of archaeological sites by local people. Photocopies of the exhibition catalogue were widely circulated, in order to show what kind of objects would be popular with collectors. He describes it as a 'catastrophe' for historical knowledge, with 50-90% of archaeological sites in Niger being destroyed depending on the methods used by looters (Gado, 2001:58-9). In many countries it is the arrival of archaeologists themselves which bring attention to sites (Bourget, 2002:373). Abungu has described how the arrival of archaeologists in East Africa broke down local people's traditional fear of the dead, removing the protection that superstition had over grave sites leading to consequent looting (Abungu, 2001:37).

1.2 The antiquities trade as an illicit market

The antiquities trade is a unique example of a grey market, where both illicit and legitimately acquired objects are available for sale. In Schneider's view:

"The concept of 'market' entails an organised exchange of commodities between those who want them (demand) and those who have them (supply). It is the *relationship* between buyer and seller that determines *how* the exchange takes place" (Schneider, 2005:130).

Therefore a 'market' includes three key components: the actors involved, the objects at the heart of the sale, and the venue where actors and objects converge. Illicit markets have attracted the interest of a number of criminologists (Reuter, 1983, Arlacchi, 2001, Passas, 2002, Naylor, 2008). The criminological literature suggests that growth of illicit markets often originates from a demand for an illicit good (Arlacchi, 2001:7). Where an asymmetry occurs which creates a demand which outstrips supply (Passas, 2001) and the supply of the good is restricted due to 'regulation, taxation or prohibition' an illicit market will develop (Naylor, 2003:86). The antiquities trade is a primary example of such a market, as "demand exceeds supply in market States, and supply exceeds demand in source States" (Murphy, 1995:155).

Naylor divides illicit markets into markets for relative, fiscal or absolute contraband. The first two categories cover illicit markets where the objects themselves are legal, but the method of their sale is not, for example, the black market for steroids or cigarettes which are sold to evade the payment of taxation. Absolute contraband covers goods such as illicit drugs which are prohibited from being sold. The antiquities trade does not easily fall into this typology. It has more in common with stolen goods markets, in that the sale of such goods is legal, but a subset of items are considered illicit due to how they were acquired. Therefore there are questions about whether the antiquities trade should be

treated as a black market in relative contraband or a parallel market in absolute contraband (Naylor, 2003:86).

As a grey market, licit and illicit antiquities enter the market through the same channels. The global nature of the antiquities trade has always meant that numerous actors can be involved between the looting of an archaeological site and the final sale. Borodkin suggests the chain may involve looters, smugglers, intermediaries, auctioneers, dealers and purchasers, and that each of these actors 'insulates' the next from any incriminating knowledge about the origins of antiquities (Borodkin, 1995:385). These practices are mirrored in other illicit markets, where it is suggested that the illegality of products impacts on the way participants structure their relationships. Paramount is the need to restrict the flow of information about participation, therefore each actor is only party to necessary, limited information (Reuter, 1983:109, Steffensmeier, 1986:3).

Empirical research conducted on a range of trafficked goods, including drugs, humans and stolen vehicles has described the actors involved in these markets as loosely organised into small groups, which are reactive to market conditions (see Finckenauer, 2005:77 for further discussion). The relationship between each 'node' is competitive, rather than collusive, with the majority of interactions being arms-length buyer-seller relationships. Actors generally are only aware of their immediate suppliers, competitors and buyers, and have no knowledge of the overall extent and structure of the market as a whole (Paoli, 2002:67-8). Therefore by the time an illicitly acquired ancient object reach the dealer there may be little information about its origins.

There are a number of features of the antiquities market which sets the trade apart from many other illicit markets. Firstly, the trade encompasses a wide spectrum of actors, from

subsistence farmers in source States to the economic and cultural elite in market States (Meyer, 1974:156, Adler and Polk, 2002:39). Secondly, the settings involved in the sale of antiquities are far removed from the venues more commonly associated with illicit markets; antiquities are commonly sold in galleries in Mayfair and leading auction houses. Thirdly, as I outlined in the section above antiquities share few characteristics with 'hot products' which commonly are the target of property crime: some illicitly acquired antiquities sell for very large financial sums. In addition, antiquities have a wider range of cultural values than many commodities, meaning that the illicit market in these goods causes a wider range of harms to a very broad range of communities around the world. There is a presumption in international law that antiquities are deserving of worldwide protection. In this way the antiquities trade has some similarities with the illicit trades for wildlife and animal products, and natural resources such as precious metals and gemstones. However, whilst there have been successful campaigns to raise awareness of the necessity of protection in these areas, and legislation such as CITES has been developed to stall these illicit trades, the illicit antiquities trade has failed to capture the public imagination. Fourthly, involvement in the antiquities trade is less risky[6] than other illicit markets, due the fungibility of goods and the low priority given to the trade by law enforcement agencies (Chappell and Polk, 2011). Lastly the transnational nature of the trade means that antiquities are able to 'transform' from illicit to licit goods (*see section below).

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[6] The literature on illicit markets tends to assume high levels of risk on the behalf of actors, resulting in small and ephemeral enterprises due to the risks of arrest and seizure of assets (Reuter, 1983).

The relationship between the market for illicit antiquities and stolen goods markets

The antiquities trade has been described as:

> "a tightly organised business operation which is all the more efficient for being excellently camouflaged in the honest trade" (Burnham, 1975:37).

In a similar manner to the market for stolen goods, dealers act like a 'fence' selling both licit and illicit goods side by side, enabling the licit to mask the illegitimate (Steffensmeier, 1986:4, Klockars, 1975:14, Hall, 1952:157). In this way the business can 'sanitise' illicit goods (Sutton et al., 1998:35), as the reputation of the venue suggests that the sale is above board (Sutton, 1995:412). The sale of illicit antiquities is conceptually very similar to the sale of stolen goods. In the UK both of these property offences are dealt with under the Theft Act 1968. Antiquities have also more recently been dealt with under the Dealing in Cultural Objects (Offences) Act 2003; however the wording of this legislation is based directly on the Theft Act 1968.

The two markets share many similarities, including the impact of demand on supply, the invisible nature of dealing in these goods, and the lack of available data for research.[7] The stolen goods literature suggests that markets are driven by demand. The idea that the market is responsible for driving theft dates back to at least the 1700s, when Colquhoun suggested that "If there were no receivers there would be no thieves" (Colquhoun 1796). Sutton suggests that demand for goods often plays a key role in the identification of suitable targets and the motivation of offenders (Sutton, 1995:406) as a knowledge of the

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[7] See Schneider, 2008 for a detailed discussion of the similarities and differences between stolen goods markets and the trade for illegal wildlife. The antiquities trade also shares many of these features.

market "may affect decisions to begin stealing, to continue to steal, where to steal, and what to steal" (Sutton, 1995:400). Sutton has described the handling of stolen goods as a *precursor crime,* as he suggests that a knowledge of the market provides the motivation for theft (Sutton, 2004:135). Therefore it is argued that theft should be seen as a market-orientated offence, as consumer demand dictates the number and types of objects stolen (Freiberg, 1997:246).

It is widely acknowledged that researching stolen goods markets is challenging due to their hidden nature. In the case of receiving of stolen goods there is a scarcity of data due to the low visibility of the offence, the few reports made to police, and the limited number of prosecutions, as convictions are complex to obtain due to the lack of evidence of the offence after the event (Freiberg, 1997:248, Chappell and Walsh, 1974:492, Sutton, 2004:138, Schneider, 2005:131, Henry, 1978). Under the Theft Act it needs to be demonstrated that the purchaser either knew or believed the object to be stolen (Chappell and Walsh, 1974:489). Mere suspicion that an object is stolen is insufficient to secure a conviction (Sutton, 1995:412). Therefore little criminological research has been conducted on the role that receivers play in stolen goods markets (Freiberg, 1997:238). Chappell and Walsh suggest they have been overlooked as they are well integrated into the socio-economic structure and demonstrate no deviant character (Chappell and Walsh, 1974:486). Similarly there is little data available on the illicit antiquities market, due to the fungibility of objects and the lack of police data on the issue.

The transnational nature of the antiquities trade

The antiquities trade is global market, with antiquities moving from 'Source' to 'Market' States (Merryman, 1986).[8] The transnational nature of the market enables some antiquities to 'transform' from illicit to licit goods (Bowman, 2008:226, Adler and Polk, 2002). In order to elucidate this transformation Mackenzie has developed a typology of illicit markets based on the legal status of objects at three key stages of the market: at its source, during its transportation and its sale to the final consumer. He outlines that there are four types of illicit market: in the first, goods remain illicit throughout the market chain; in the second, goods are produced legitimately but become illicit due to the manner of their export, in the third, legitimately produced goods are illegally exported but return to the legitimate economy. The illicit antiquities trade falls into a fourth category; objects come from an illicit source, are transported illicitly, but they then can undergo a 'transformation', and enter the legitimate economy (Mackenzie, 2002b). It is precisely these features and transformations of the antiquities trade which have led to the description of it as "half illicit, half licit" (Polk, 2000). Whilst antiquities may be considered 'illicit' when they are removed from the ground, the structures of the market often ensure that once they reach the consumer they will be sold legally. The key to this transformation is the 'fungibility' of antiquities, meaning that illicit antiquities enter unnoticed into the legitimate market.

 The transnational nature of the trade means that it is often organised in nature. In 1994 the trade was identified as a form of transnational organised crime by the United Nations

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[8] This model is problematic, as some archaeologically rich countries are also centres of the sale of antiquities (Waxman, 2008: 285). Alternative terms, such as 'demand' nations have been suggested (Brodie, 2003:14).

Office on Drugs and Crime (Mueller, 2001:14). Therefore, the antiquities market is increasingly becoming the focus of international crime control policy, and has been the focus of a number of recent international meetings of Interpol, the European Commission and various United Nations agencies (Interpol, 2012, OMC Expert Working Group on the Mobility of Collections, 2010, Interpol, 2011, United Nations, 2010, Interpol, 2010, UNODC, 2009, Interpol, 2008) which have led to the recent publication of a range of guidelines on how the issue can be addressed through crime prevention and other criminal justice responses (UNODC, 2012). However, the antiquities trade poses considerable challenges to law enforcement due to the hidden nature of the trade, the fungibility of antiquities, the high levels of expertise required to demonstrate the illicit origins of goods and the lack of awareness amongst the general population of the harms posed by the sale of these goods. Currently the trade is viewed by participants as a "profitable, low-risk enterprise" (Margules, 1992:612), and actors "see antiquities as a less risky way of making a quick buck than other forms of criminal activity" (Sussman, 2006).

The categorisation of the illicit antiquities trade as a form of transnational organised crime has led to significant debate regarding the 'organised' nature of the trade. This discussion rests largely on definitional problems of transnational organised crime itself (see Felson and Kalaitzidis, 2005, Mueller, 2001: for further discussion), and whether 'organised' refers to the actors who take part, or the activities in which they are involved in (Paoli, 2002:51). As Finckenauer has identified, there is a disconnection between crime which is organised and organised crime (Finckenauer, 2005:76). Many claims are made

about the involvement of organised criminals in the illicit antiquities trade (See section 4.2). However in Mackenzie's view:

> "While there may be organised crime groups operating in the antiquities market, they are not a necessary component of that market, and even if they were removed we would still see the looting of objects and their transit to the market"(Mackenzie, 2009:59).

From his empirical research into the market, Mackenzie noted that he only came across "tangential and limited evidence" of the presence of organised criminal actors in the market (Mackenzie, 2009:48). He has argued that we should examine the 'market as criminal' rather than the 'criminals in the market', and suggests:

> "that the international market in illicit antiquities is to a not inconsiderable degree a criminal market, organised into a structure of relations between thieves, smugglers, facilitators, sellers and buyers of illicit commodities, and that the illicit part of the trade is therefore *in itself* (as a criminal market) an example of organised crime"(Mackenzie, 2009:41-2).

This view appears to be supported by some law enforcement representatives, for example General Nistri, Head of the specialized unit of the Italian Carabinieri dealing with crimes against antiquities writes:

> "It should however be specified that the term "organized" refers largely to networks whose task it is to handle the numerous changes of hand that take place from the time of the theft (or the clandestine excavation) to the time the objects reach the final users (major collectors, museums, art institutions, etc); while these

networks have coordinated activities and even use the same channels, this does not necessarily denote the involvement of traditional" criminal associations and even less so the presence of a 'mafia'" (Nistri, 2009:97).

1.3 The approach taken in this thesis

The literature

The study of an illicit market such as the antiquities trade necessitates a broad approach to both the literature used and the analysis undertaken. The looting of archaeological sites and the sale of these ancient objects has attracted the interest of a wide range of academics from different disciplines; particularly archaeological, criminological and legal scholars. These scholars have used a range of theoretical approaches and have created a rich and diverse literature relating to the illicit trade, and any study of this market compels the researcher to engage with this body of work. The insights gained from these academic works add depth to the analysis of the trade, however they also serve to illuminate the complexities of the debates surrounding questions of ownership and the protection of ancient culture. In the opening chapters of this research I have endeavoured to provide a synthesis of these literatures to locate the study within these wider discourses. However, within the restraints of the format of the thesis, this overview can only ever be partial.

The first archaeologist to draw attention to the harm caused by the antiquities trade was Clemency Coggins in her exposés of the market for looted Pre-Columbian artefacts (Coggins, 1969, Coggins, 1972). Archaeological scholars have compiled a range of empirical studies on the availability of unprovenanced antiquities in the market and the

harm caused to archaeological sites (Elia, 2001, Gilgan, 2001, Norskov, 2002, Chippindale and Gill, 2000, Chippindale et al., 2001, Gill and Chippindale, 1993, Gill and Chippindale, 2007, Gill and Chippindale, 2006). The ethics of antiquities collecting and the rights of ownership of such objects has also been the focus of considerable debate (Messenger, 1999, Merryman, 1998, Vitelli, 1996, Eisenburg, 1995, Cuno, 2008, Fitz Gibbon, 2005, amongst others).

John Conklin first brought the illicit antiquities trade to the attention of criminologists in his seminal work on the social organisation of Art Crime (Conklin, 1994). His work was influential on a group of Australian academics including Kenneth Polk, Christine Adler and Duncan Chappell who have published a number of works on the South East Asian market for antiquities (Adler and Polk, 2002, Adler and Polk, 2005, Adler et al., 2009). Simon Mackenzie is the criminologist who is most closely associated with research in this area. His research has focused on actors involved in the sale of antiquities, who he views as both white collar offenders and powerful individuals (Mackenzie, 2002c, Mackenzie, 2002a, Mackenzie, 2005a, Mackenzie, 2005b, Mackenzie, 2006, Mackenzie and Green, 2008, Mackenzie, 2009, Mackenzie and Green, 2009, Mackenzie, 2011). Other notable contributions have been made by Bowman/Proulx who has examined the illicit antiquities trade at the source end of the trade and Tijhuis who has focused on the interface between illicit and licit actors in the trade (Proulx, 2011b, Proulx, 2011c, Bowman, 2008, Tijhuis, 2006). The legal response to the trade has also attracted significant attention (O'Keefe, 1997a, Merryman, 2005, Merryman, 1989, Merryman, 1988, Merryman, 1986, Gerstenblith, 2004a, Prott, 2005, Hoffman, 2006).

The Focus of the research

As I outlined in *Section 1.2* there are three components to any 'market': the actors involved, the objects at the heart of the sale, and the venue where actors and objects converge. In researching an illicit market the researcher may choose to give prominence to any of these factors. In this thesis the primary focus is on the sale of antiquities in one venue, eBay. Previous studies of the antiquities trade have focused on the sale of antiquities in high end venues, leaving the sale of everyday ancient objects on the Internet underexplored. The sale of antiquities on the Internet has altered the way these goods are sold; participants in the sale are separated and anonymised, and the virtual nature of the sale has extended the geographic reach of the market. This thesis will explore the impact this new venue has had on the antiquities market, and investigate the additional challenges these changes present to those seeking to regulate the market.

The theoretical approach

Both the nature of this venue and the characteristics of the antiquities trade have impacted on the theoretical approach taken. eBay itself supplies a large range of data on the operation of the antiquities market which is often absent in studies of illicit markets. As a public 'venue' eBay provides a unique range of data on the operation of the antiquities trade: including data on the extent of the market (including the number of actors and antiquities available), the routine methods used by vendors to sell their antiquities, and the manner in which antiquities are presented to potential buyers. Therefore the nature of eBay itself dictates the theoretical and analytical approach.

The overall premise behind the study is the need for market reduction. Using Sutton's Market Reduction Approach, the study set out to collect empirical data on the market for antiquities on eBay. Whilst the focus of the study is on the sale of antiquities in one venue, the analysis also refers to the wider antiquities market in order to ground the study in the wider literature. As a 'grey' market, the research examines both licit and illicit aspects of the trade. Following previous studies of illicit markets the analysis takes a 'marketing' approach, focusing on the economic organisation of the market and using Routine activity theory to examine the organisation of the market. Focusing on eBay listings, the marketing approach leads to a concentration on the 'presentation' of goods and actors on eBay based on a Goffmanian analysis (Goffman, 1969).

Market reduction

This study is based on the premise that the antiquities trade constitutes a harm, as it causes the destruction of archaeological sites, and therefore there is a necessity to reduce the size of the market. The consensus of criminologists and archaeologists who have examined the issue of illicit antiquities is that the looting of archaeological sites is being driven by demand from the market, and therefore efforts to address the trade should be mainly focused on the sale of antiquities to the final consumer (Tubb, 1995, Adler and Polk, 2002, Adler and Polk, 2005, Adler et al., 2009, Renfrew, 2000a, Brodie et al., 2001, Mackenzie, 2005b, Mackenzie, 2005a). Previous criminological studies indicate that the motivation and behaviour of the final consumer is the key factor in understanding many illicit markets (Freiberg, 1997:251, Roselius and Benton, 1973:182), and efforts aimed at reducing illicit markets need to target consumers as well as suppliers (Albers-Miller, 1999, Sheley and Bailey, 1985).

Chapter 1

Mackenzie and Green have suggested that Sutton's Market Reduction Approach (MRA) could be adapted to address the illicit antiquities market (Mackenzie, 2009:56). The MRA was designed to address markets for stolen goods and is based on the premise that "reducing dealing in stolen goods will reduce motivation to steal" (Sutton et al., 2001:vii). The method addresses the market through two main strategies. Firstly, through methods which disrupt the market (increasing both the effort and risk of actors involved in the sale of these goods), and secondly, through approaches which change consumer behaviour and attitudes to the purchase of these goods (Schneider, 2005:131). Whilst this approach has not been tested in other types of illicit market, Schneider has proposed that it could be applied to more non-traditional markets including the illegal trade in wildlife (Schneider, 2008).

The MRA advocates the need for an empirical examination of the market in question, establishing the size and nature of the market (which goods are available), the routine features of the sale (including where and when the goods are sold, the methods used and which actors are involved), and the role of supply and demand in the marketplace. Once the demand for goods has been determined then this data allows for an analysis of how the market can be interrupted to reduce the flow of illicit goods (Sutton et al., 2001). Based on this approach, this thesis aims to firstly outline the scale and scope of the sale of antiquities within this venue. Secondly, it examines the routine operation of these sales, focusing on how antiquities are presented to potential buyers. The evidence collected from eBay provides data for an analysis of the feasibility of strategies aimed at reducing the market for antiquities on eBay.

A study of the whole market

This thesis examines the sale of illicit antiquities in one venue, eBay. However, whilst eBay is the location where supply meets demand, the sale of antiquities is only one part of the lifecycle of the antiquities trade, and therefore cannot be viewed in isolation. In order to understand the sale of antiquities on eBay we need to examine the whole market. In the illicit markets literature the 'market' is often considered to be the complete flow of goods from the initial theft, to the final consumer (Roselius and Benton, 1973:179). Any efforts at market reduction rely on an understanding of the totality of the life cycle of illicit goods (Schneider, 2008:278). Therefore approaches aimed at market reduction do not focus on specific incidences of theft or specific actors, but deal with the whole market, and the actors within it (Sutton et al., 1998:xii). Therefore this thesis will also consider the wider market in order understand the sale of objects in just one venue. It is important to note that the term 'market' is also commonly used to refer to the physical venues in which transactions occur. To avoid confusion, in this thesis I will refer to '***venues***' when discussing the location of the sale of antiquities, and the '***market***' when referring to the wider exchange of goods.

A study of a 'grey' market

As an example of a grey market this research will collect data on both the licit and illicit aspects of the trade. Many criminologists take the view that illicit markets should be viewed within the remit of 'enterprise' (Hobbs, 2001:555, Smith, 1980, Van Duyne, 1996, Naylor, 1997, Edwards and Gill, 2002, Reuter, 1985). Research on illicit markets indicate that there are few distinguishing features between the licit and illicit economies, as actors involved in illicit markets tend to imitate their legal counterparts and both economies

involve the same structures including buyers, sellers, wholesalers, retailers and importers (Arlacchi, 2001:8, Passas, 1999:xiii, Naylor, 1997:10, Reuter, 1985). Therefore Edwards and Gill have noted that any distinction between a licit and illicit trade is a 'false dichotomy', as actors involved in both activities are interdependent on each other (Edwards and Gill, 2002:208), with legitimate enterprises reaping the benefits from their interrelationship with the illegitimate (Ruggiero, 1998:127). Therefore an enterprise approach moves away from the view that criminal activity is conducted by 'others', as any actor is capable of involvement (Edwards and Gill, 2002:203). Many markets are conceptualised as a 'spectrum', with both licit and illicit activities occurring within a continuum (Edwards and Gill, 2002, Smith, 1980:358). Smith argues that often legitimate business is only separated from criminal enterprise by an arbitrary point, which fluctuates due to changing legislation. He suggests that as a consequence the only real difference between the two is the business environment (Smith, 1980:371).

A 'marketing' approach

It has become customary in the study of illicit markets to conceptualise markets in 'marketing terms' (Roselius and Benton, 1973, Schneider, 2005, Freiberg, 1997). Roselius and Benton define marketing as "the performance of business activities that direct the flow of goods and services from producer to consumer or user" (Roselius and Benton, 1973:178). As such a marketing approach gives more prominence to the economic organisation of the market, than the sociological or psychological motivations of actors involved in the market (Roselius and Benton, 1973:178). Previous research into property offences have adopted similar approaches. Like Naylor's examination of 'profit-driven

crimes' this research takes an economic approach, focusing on the 'what' and 'how' rather than a sociological approach based on 'who' and 'how' (Naylor, 2003:81).

Routine activity theory

The majority of criminological researchers have taken a structural approach, adopting Routine activity theory (Cohen and Felson, 1979) to describe the illicit antiquities trade (Conklin, 1994, Mackenzie, 2005b:233, Durney, 2011, Lane et al., 2008). John Conklin, the first criminologist to examine the market used Routine activity theory to examine the social organisation of the art world. He concluded that the structure of the art trade played a central role in both creating the motivation for art crime and preventing the detection of these offences (Conklin, 1994). Building on the concept of crime as opportunity (Mayhew et al., 1976), Routine activity theory is well suited to the study of illicit markets as it allows for a structural analysis of the key elements involved in the market. Routine activity theory originally proposed that "Most criminal acts require **convergence** in space and time of likely offenders, suitable targets and the absence of capable guardians against crime" (Cohen and Felson, 1979:588), however more recently McGuire has suggested that the theory is also suitable for an examination of remote property offences, including those which utilise the Internet (McGuire, 2007:128). Following previous approaches, this thesis also adopts Routine activity theory to explore the structural elements of the antiquities market, outlining the actors involved in the market (*see Chapter 4*), the reasons why antiquities make 'suitable targets' for such an illicit trade (*see Section 1.1),* and exploring the range of 'capable guardians' who may play a formal or informal role in the surveillance of this market (*see Chapters 3 & 9*).

The presentation of goods

Following on from the 'marketing approach', eBay itself is viewed as a form of marketing, and the analysis focuses on how antiquities are 'marketed' to the final consumer. Actors involved in the sale of antiquities choose to list their ancient objects on eBay as they are able to advertise their objects to a global marketplace. Therefore eBay listings are a form of advertising, and sellers make a series of decisions regarding how they chose to present both themselves and their objects. The construction of eBay listings is analysed as a 'performance' on the behalf of sellers (Goffman, 1969:19-22), with the analysis focusing on both the presentation of goods and the presentation of self to uncover the narratives used to establish the credibility of both the antiquities available and those selling them.

Actors in the antiquities trade

The only previous empirical criminological study of the antiquities trade was conducted by Mackenzie (Mackenzie, 2005b). Based on interviews with high end antiquities dealers, Mackenzie's approach centred on the sociology and psychology of actors involved in the trade, focusing on how dealers use techniques of neutralisation (Sykes and Matza, 1957) to justify their involvement in the sale of illicit antiquities. The 'marketing' approach used in this current study has meant that the motivations of actors involved in the antiquities market plays a much more peripheral role in the analysis. eBay, as a venue for research does not provide many opportunities for access to actors involved in the sale of antiquities, as they are anonymised and geographically dispersed. eBay does, however provide information on actors at a group level, allowing for a broader analysis of the types of actors involved in the sale of antiquities.

There are many definitions of regulation, but here I will provide Freiburg's:

> "A regulatory approach is one which looks at all the instruments of social policy, of which law is one (and of which criminal law is merely a sub-set) to bring about compliance with a social or legal norm"(Freiberg, 1997:242).

This approach to regulation is based on the premise that actors are rational in their behaviour (Chappell and Walsh, 1974:487), and it seeks to secure conformity with these norms without the necessity of detecting, processing and penalising violators (Freiberg, 1997:242). Many theories of regulation also view actors as moral agents, being driven by a sense of social responsibility (Fisse and Braithwaite, 1983). Thus the emphasis of regulation is to encourage actors to moderate their own behaviour, rather than taking action to compel them to do so.

Much of the theoretical background to this study is based on conceptions of rational choice. The organisation of illicit markets is often viewed as being largely determined by rational, economic forces (Reuter, 1983, Roselius and Benton, 1973). Routine activity theory is based on ideas of 'expected utility'; as such actors are expected to act to maximise their profits and minimise their losses (Cohen and Felson, 1979). Theories of market reduction are based on the premise that increasing risk will deter offenders from choosing to becoming involved in illicit markets (Sutton et al., 2001:vii). Previous criminological studies of the illicit antiquities trade have combined this rational choice perspective with theories of neutralisation (Conklin, 1994, Mackenzie, 2005b), two theoretical strands which are not commonly used in tandem. However, these studies have demonstrated how these two theoretical approaches can be incorporated to

provide a rich analysis of a 'grey' market where the boundaries between offenders and non-offenders are blurred.

This thesis takes forward this previous approach to the motivations of actors involved in the illicit antiquities trade examining the effect of neutralising discourses of actors on the regulation of the market. But it also examines an alternative perspective of the motivations of actors. In their study of enterprise crime, Edwards and Gill questioned the appropriateness of rational choice models of human agency, arguing that business entrepreneurs commonly fail to act rationally, leading to many business failures (Edwards and Gill, 2002:218). They suggest that entrepreneurs are often driven by routine and habitual preferences, prejudice and emotional attachments (Bourdieu, 1990). Taking these ideas forward, this study considers the literature on the psychology of collecting, and offers the view that actors involved in the market are often primarily motivated by passion and desire (Baudrillard, 1994:7, Benjamin, 1999a:61), rather than rationality (*see Chapter 4*).

A social harm approach

The question of harm is also a major theme which runs through this thesis. There is some support in the criminological community for shift in focus from the study of the activities of crime as defined in the criminal law (see Tappan, 1947) to a wider range of activities which are socially injurious or harmful (see Sutherland, 1949). For these 'zemiological' criminologists a study purely based on crime as defined by the criminal law is a "conceptual straightjacket" (Pemberton, 2008:70) as it restricts the academic discipline to the study of 'illegalities' rather than 'criminalities' (McGuire, 2007:35). It is argued that this restriction of the study of crimes as defined by criminal law has led to a "myopic view

of harm" (Pemberton, 2008:75), and has deflected attention away from some of the more serious harms faced by society (Hillyard and Tombs, 2008:8), with the consequence that criminology focuses on visible acts such as street crimes rather than the more hidden acts such as corporate offences (Henry and Lanier, 1998:613).

A focus on harm rather than crime has several advantages for the study of illicit markets like the antiquities trade, which have not been the focus of traditional criminological studies. Firstly, the grey nature the market raises questions about which parts of the trade which should be considered licit and which parts illicit. As a transnational market, antiquities move through different jurisdictions, and their legal status can be viewed differently at each stage. As I will outline in *Chapter 3* there is a significant disjuncture in how these objects are treated in source and market States. A focus on the harm caused by the trade circumvents some of these conceptual difficulties, as it can be argued that the whole market constitutes a harm because the licit aspects of the trade serve to obscure the illicit. Secondly, a social harm approach allows for the consideration of wider conceptions of victimisation. As I will outline in *Chapter 2*, the trade causes harm to communities rather than individuals at a local, national and international level. Thirdly, a social harm approach also enables an assessment of collective responsibility and allows for a wider discussion about the suitable policy responses to the harm in question (Hillyard and Tombs, 2008:17-18), a point to which I will return in *Chapter 9*.

1.4 Outline of Chapters

In chapter two I examine the harm caused by the illicit trade in antiquities. Adopting Baudrillard's system of objects (Baudrillard, 2005) the chapter starts with a discussion of the differences between antiquities and commodities which are more commonly the

focus of property offences. I suggest that the antiquities trade causes harm through the destruction of archaeological knowledge. As there is a public interest in the preservation of antiquities, the harm caused by this destruction is experienced by communities at a local, national and international level. This is followed by a discussion of the scale of harm caused by the looting of archaeological sites based on an analysis of archaeological reports, police responses and evidence from the market. The following section addresses the issue of the availability of fake antiquities in the market.

In chapter three I turn to the development of legislation at both national and international levels. Charting the development of international legislation, I note that international rhetoric has gradually shifted from the need for protection of archaeological sites to the necessity to control of the market in antiquities. I then assess the current legislative response to the trade, outlining the issues of lack of harmonisation of the terminology used, the gaps left between legal responses, and the influence of 'powerful' actors on the development of legislation. Lastly I turn the role of policing at the international and national levels. I conclude that the current legislative response is inadequate and currently actors consider the antiquities trade a low-risk enterprise.

Chapter four focuses on the ideological asymmetries in the antiquities trade. The chapter starts with an examination of the literature on looting; the evidence suggests that many looters are driven by economic necessity; however the majority of the profits of the trade are retained by the middlemen. The following section assesses the involvement of organised criminal actors in the movement of antiquities. As the evidence suggests that the market is driven by demand, the main focus of the chapter is the actors involved at the market end of the chain. These actors are not from groups commonly associated with

criminality, being drawn from the economic and social elite. I examine the motivation of buyers: outlining the philosophy of connoisseurship and the psychology of antiquities collecting. This is then followed with a section outlining the changing attitudes to the collecting of antiquities, outlining the role archaeologists have played in highlighting the harm caused to archaeological knowledge. The impact on public institutions forms the next section, with an outline of the development of ethical acquisitions policies. I then turn to private collecting, examining the views of actors in the market; outlining the tenets of 'internationalism' and the argument that the market ensures the preservation of antiquities. Returning to Mackenzie's analysis of the psychology and sociology of antiquities dealers, I outline how actors in the market use techniques of neutralisation to deny the harm caused by the trade.

In chapter five I outline the methodological approach taken in this research; charting the evolution of the research project and outlining the challenges posed by both the nature of the market studied and the venue chosen as the focus for the study. Each stage of data collection and analysis is mapped out, and the ethical considerations outlined.

In chapter six I turn to the sale of antiquities on eBay. I outline the additional challenges of this online venue, including the separation of goods and actors and the fluidity of identity in cyberspace. Using a Goffmanian approach, I outline how eBay overcomes some of these issues as the 'frame' for transactions (Goffman, 1969). Examining data collected from eBay I explore how eBay has expanded the size and reach of the antiquities trade, creating a globalised unlimited marketplace for the sale of these objects. Empirical data is provided on the scale and range of antiquities available; which concludes that whilst the market on eBay for antiquities is much larger than the traditional antiquities market, the

financial value of these goods is considerably lower. A typology of antiquities sellers is developed, concluding that the majority of sellers are amateurs, rather than professional antiquities dealers. The chapter ends with a discussion of the impact of the availability of these objects on the archaeological record.

Chapter seven focuses on how sellers present antiquities to buyers. I examine the anatomy of eBay, and how the structure and nature of eBay dictates the range of information presented to buyers. The construction of eBay listings is analysed as a 'performance' on the behalf of sellers (Goffman, 1969:19-22), overcoming the issues created by the spatial and temporal separation of objects and actors. Examining listings collected from eBay, I outline the way antiquities are presented in order to establish their authenticity and provenance, and the narratives which are used to appeal to buyers.

Chapter eight examines how eBay have addressed the sale of illicit antiquities. First, I outline eBay's general approach to objects which may be considered illegal or unethical. eBay insist they are just a 'venue' where eBayers can list their objects, and take no active role in the listing process. I investigate how eBay have responded to external pressures over the sale of certain categories of goods, and how monitoring systems have developed. Second, I turn to outline how eBay have dealt with calls for additional monitoring of the sale of antiquities, outlining the changes they have made to their sites and the partnerships they have formed with external agencies. Lastly I turn to the range of distal and proximal nodes of governance that influence behaviour on eBay. I outline that proximal modes of governance, particularly through eBay and its users have the most direct influence on the behaviour in this venue.

Chapter 1

In Chapter 9 I outline the challenges to addressing the antiquities trade. Adopting a thematic approach, the chapter outlines the ideological, definitional, evidentiary, legislative and structural challenges to addressing the trade at the market end.

CHAPTER TWO: ILLICIT ANTIQUITIES, CONTEXT AND HARM

The focus of this chapter is the harm caused by the trade in antiquities. The chapter starts with a discussion of the 'values' of antiquities based on Baudrillard's conception of the system of objects (Baudrillard, 2005). As 'non-functional' objects, antiquities often have greater 'symbolic capital' (Bourdieu, 1990:121) than other commodities, meaning that there is a significant public interest in antiquities. The harms caused by the trade, therefore, are not primarily against individuals, but communities at a regional, national and international level. The harms caused by the trade are explored, particularly concerning the impact of looting on archaeological knowledge. The second section considers the available evidence of the scale of the harm caused by the antiquities trade, outlining the available evidence from archaeological and media reports and research conducted on the antiquities market. This is followed by a discussion of the availability of fake antiquities, and the harms caused by their existence in the marketplace.

2.1 The harm caused by the antiquities trade

Antiquities and the *system of objects*

Whilst the sale of antiquities may be viewed as a property offence alongside handling stolen goods (*see Section 1.3*), there are significant differences between antiquities and commodities which make up the market for stolen goods. Baudrillard's conception of the 'system of objects' is a useful starting point for a discussion of the value of antiquities. Baudrillard describes how all objects have a place within either the 'functional' or 'non-

functional' system of objects (Baudrillard, 2005). Stolen goods, along with most commodities fall into the functional system. These objects can be described in economic terms as 'goods' or 'commodities' and their value is primarily explained in financial terms. In the main, these are mass produced objects, created primarily for their function in society, and they carry few wider social meanings. For example, a car, a table, a pair of shoes. Commodities tend to have very similar cultural biographies (Kopytoff, 1986); they are produced for a specific utility purpose, and once used, their initial value (both financially and culturally) is soon depleted, and they tend to be discarded.

In contrast, antiquities belong to a smaller group of 'non-functional' objects. In considering '*The Social life of things*' Appadurai suggests that objects are valued using different 'regimes of value' (Appadurai, 1986). Carman's book on '*Valuing ancient things'* argues that ancient objects have wider values, including their value to knowledge and their aesthetic value (Carman, 1996:32). They stand apart from the majority of objects sold in the marketplace, in that they were not created as commodities for the 21st century, but have much longer cultural biographies (Kopytoff, 1986). Their first biography was located in antiquity, and a second biography started when they were rediscovered in modernity. As such antiquities have a much wider significance to society than commodities, as they have the ability to inform us about our collective past.

They originally formed part of an ancient 'functional' system of objects. However their value within these ancient systems have been erased, and once the object is rediscovered they enter the contemporary 'non-functional' system of objects. Their longevity gives them rather more complicated biographies than most objects currently in circulation. Originally produced, used and discarded or buried by now extinct cultures these objects

are excavated and begin a new lifecycle in the modern world (Carman, 1996:26). The meanings associated with these objects in antiquity are often lost. Limited information is known surrounding the object's production (who was it made by? in what circumstances? for whom?), it's purchase (who bought it? on what occasion?), it's use (what context was it used in? was it associated with specific occasions?), it's ownership (was it passed down through the generations or resold?), it's status in an ancient hierarchy of objects (was it considered a prestigious object in antiquity?) and ultimately it's burial (was it discarded or purposefully interred?). These 'cultural biographies' (Kopytoff, 1986) supply objects like antiquities with their symbolic capital.

Like many objects, antiquities are 'reborn' once they enter the market (Smith, 1989:79). It is the modern fate of antiquities to be abstracted from their original function and to gain a 'subjective' status as part of a collection (Baudrillard, 1994:8). As such they enter the market and become part of a new system of objects (Baudrillard, 2005:92). Through classification by the dealer the individual object takes on a wider social meaning. It is no longer merely a vase or lamp but one worthy of collecting. Dealers provide antiquities with new cultural meanings. They are no longer referred to by their original names, but become 'pieces' or 'objects' (Baudrillard, 1994:8). They become part of a "cult of objects" (Conklin, 1994:44).

The harm caused by illicit markets in 'functional' objects tends to be extrinsic: the sale of stolen goods constitutes a loss to the original owner. In contrast, the illicit antiquities trade causes intrinsic harm against the object and the context in which it was found: it causes the loss of archaeological knowledge. In his work '*The plundered past*' Meyer suggests that archaeological sites can be best described as "time capsules" (Meyer,

1974:xiv). The systematic excavation of archaeological sites are "the source of an archaeologist's knowledge and understanding of the past" (Carman, 1996:27).

Of primary importance to archaeologists is the relationship between the artefact and its surrounds, particularly its stratified context (Brodie, 2006a:52). The context enables archaeologists to develop evidence of how people lived their lives; illuminating the hopes, ambitions and beliefs of the people who created them, instilling a sense of commonality between the present day and a point in history. Our knowledge about the majority of the history of mankind is dependent on archaeological data, as historical records only cover more recent periods of history (Carman, 1996:27). When archaeological sites are looted much of this information is lost. The process of looting is destructive; antiquities are removed from their resting place, resulting in damage to both object and context. Looted antiquities have a less complete biography as without context they are "archaeological orphans" (Marthari, 2001:161). Much of the knowledge which would have been gained through professional archaeological excavation is destroyed. Bator explains:

> "an antiquity without a provenance – even if perfectly preserved – is of limited historical significance; if we do not know where it came from, it can provide only limited scientific knowledge of the past" (Bator, 1982:301).

The public interest in antiquities

There is a public interest in antiquities (Merryman, 1989). As Carman has noted, there is 'no such thing as private archaeology' (Carman, 1996:3). Antiquities have significance to a wide range of people. Merryman has identified many groups who care about cultural property including museums and museum visitors, academics, antiquities dealers and

collectors (Merryman, 1989:343). There is an extensive literature on the rights of ownership of ancient objects, including Cuno's *'Who owns antiquity?'* Fitz Gibbon's *'Who owns the past?'* and Messenger's *'Whose Culture? Whose Property?'*(Cuno, 2008, Fitz Gibbon, 2005, Messenger, 1999). These works outline the complex and emotional debates involved in the ownership of ancient objects. Whilst some argue that there is a legitimate place for a market in antiquities, others view the commodification of antiquities with distaste. It is argued that a percentage of antiquities transgress the line between private and public property as cultural processes have deemed them worthy of public attention. These ancient objects can be understood as being 'otherworldly' or as belonging in the public domain:

> "a place above and beyond the reach of the individual and yet something in which the individual has a legitimate interest and rights" (Carman, 1996:25).

These antiquities can have great meaning or 'symbolic capital' (Bourdieu, 1990:121) and can be considered part of national cultural capital (Bourdieu, 1984) and the global cultural heritage. Such ancient objects are deemed to have such cultural or historical significance that they are considered 'cultural patrimony' and become 'sacred' to the wider community (Kopytoff, 1986:77). A percentage of antiquities have gained iconic status; with close associations with a group of people or a nation State. The death mask of Tutankhamen is unmistakably a symbol of Egypt, the Helmet from the excavations at Sutton Hoo of Britain, and the Parthenon will always conjure up images of Greece. However, these antiquities can also hold cultural significance on a global scale, transforming the way we view the past and our interrelationships with each other. For example, the discovery of Tutankhamen's tomb in 1922 did more than ignite the interest

of people around the world in the history of ancient Egypt, it created an 'Egyptmania' leading to a widespread impact on art, architecture, fashion, and literature (Brier, 2004).

This wider public interest in antiquities, combined with the public nature of the ownership of some ancient objects means that the victimology of the trade in antiquities is widespread, not affecting any one individual, but communities at a local, state and global level. The symbolic value of some antiquities creates both symbolic and financial benefits for groups with a controlling interest in them, therefore harm is caused to groups at a national, international and intra-national level (Watkins, 2005).

At a local or state level the looting of archaeological sites causes harm through the loss of archaeological heritage which may have attracted tourists and revenue (Merryman, 1989:355). In source States where archaeological sites have not been looted, the development of museums at archaeological sites have increased tourism levels significantly and bring in associated economic benefits (Brodie, 2003:17). For example, in the area around Sipan in Peru, an area which had previously attracted a handful of tourists, the discovery of the Moche tomb now attracts 40-70,000 tourists and an estimated $14 million a year (Watson, 1999:16). Of course, market States have also been able to benefit from the acquisition of antiquities from around the world. For example, the British museum attracts 6 million visitors annually, many of whom are international visitors, drawn by exhibits such as the controversial Parthenon marbles (Kersel, 2002:51). At an international level the victimology of antiquities crime is 'universal' (Adler and Polk, 2005:102) due to the harm caused through the destruction of archaeological sites and the knowledge locked within them. Therefore Colin Renfrew has described it as "a crime against humanity" (Sussman, 2006).

There are statements in International law of the universal benefits of antiquities, meaning they transcend the interests of individuals or nations (Margules, 1992:617). *(See Section 3.1 for further discussion).* For example, the preamble of *the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)* notes that cultural heritage is:

"increasingly threatened with destruction" and that the "deterioration or disappearance of any item of the cultural … heritage constitutes a harmful impoverishment of the heritage of all the nations of the world".

There is also a presumption that some categories of antiquity deserve International protection. The preamble of the *Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)* outlines that:

"damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world". And the "preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection".

Antiquities are a finite and non-renewable resource (Coggins, 1972:263). Mackenzie has suggested that the looting of archaeological sites can be considered as a crime against the environment (Mackenzie, 2006:1). The market is often compared to the illicit wildlife trade, which causes intrinsic harm to the survival of species (Warren, 1999, Chippindale et al., 2001). Like the environment there is a public interest in the protection and

preservation of these 'resources', which have an 'existence value' which far outweighs their economic value. As a recent report on metal detecting in the UK noted:

> "The real value of heritage is not primarily financial but lies in the information it can provide about our common history and origins, and this knowledge belongs to everyone" (Oxford Archaeology, 2009b:107).

Warren has proposed that antiquities should be viewed as a 'non-renewable resource' like environmentally endangered species, suggesting that debates should not revolve around the 'ownership' of these objects, but the focus should move to the collective responsibility for preservation (Warren, 1999:19). Chippindale et al have suggested that the analogy with endangered species is imperfect as living animals reproduce and inanimate vases do not (Chippindale et al., 2001:23).

Therefore the antiquities trade can be viewed as a social harm, falling into one of the four categories of social harm as defined by Hillyard et al; that of 'cultural safety'.[9] Social harm has also been conceptualised as a denial of human rights (Schwendinger and Schwendinger, 1970) and a disrespect for needs (Yar, 2012). The human right to culture is incorporated in article 27 of the Universal Declaration of Human Rights (1948): "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits".

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[9] Hillyard et al proposed four categories of social harm, covering physical harm, financial/economic harm, emotional/psychological harm and cultural safety (Hillyard et al., 2004:19-20).

2.2 The scale of harm caused by the illicit antiquities trade

The illicit antiquities market is part of the hidden figure of crime. Naylor has noted the difficulties in collating accurate data on the legitimate economy, and has stressed that these problems are multiplied when the market in question is hidden from view (Naylor, 1997:1). The antiquities trade is even more hidden than most markets[10], as the potential scale of the market (the number of unexcavated archaeological sites) is "unknowable" (Bator, 1982:290). The market is largely obscured from the general public as the fungibility of looted antiquities allows them to be sold alongside legally acquired antiquities, and the global forces of the market mean that looted antiquities are sold far from where they are obtained. In addition, victims of the trade are largely unaware of the occurrence of looting and subsequent sale in the market, and therefore offences are rarely reported to the authorities.

In most illicit markets data analysis would depend on police data or interviews with offenders (Schneider, 2005:131), however in the case of the illicit antiquities trade neither of these sources are available (Tijhuis, 2006:112). The trade in antiquities receives little attention from law enforcement agencies. It is often treated as a subcategory of art crime, and therefore is just one of many issues Art crime units have responsibility for. Conklin defines art crime as "criminally punishable acts that involve works of art", as such art crimes involve 'deceit, theft or damage' (Conklin, 1994:3). Therefore the sale of illicit antiquities is considered alongside a wide range of criminal acts involving works of art including forgery, fraud, theft, smuggling and vandalism. However, the conflation of

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[10] The scale of illegal markets is rarely known (see Reuter, 1983:3).

antiquities into this wider category of art crime is problematic. Firstly, as not all antiquities can be considered as 'art'. Secondly, as illicit antiquities tend to be unrecorded and therefore will fall outside of any policing database of stolen art. Thirdly, as the antiquities trade is unique in that the processes of the market transform previously illicit goods into licit ones (*see Section 1.3*). Proulx has proposed that antiquities crimes should be considered as part of a new category of offences, comprising 'crimes against culture' rather than 'art crime', defined as 'conduct which destroys or damages the tangible remains of human history' (Proulx, 2011a).

Therefore police statistics are not routinely collected on the illicit antiquities trade. Where antiquities are included in official statistics they are conflated into art or cultural property crimes (Proulx, 2011b:2). A recent survey on 'Nighthawking' was critical of the lack of Police statistics on the looting of archaeological sites. It was recommended that Police should view heritage crime as a distinct category of criminal activity, and collect statistics accordingly (Oxford Archaeology, 2009a:7). As currently there is:

> "a perception held by heritage professionals, some landowners, and some connected with law enforcement, that heritage crime is not taken seriously enough" (Oxford Archaeology, 2009b:17).

As a result, ACPO were reported to be considering a change to collect these statistics (Oxford Archaeology, 2009b:112). Attempts have been made to collate such statistics on an international basis, however these resulted in a very low rate of return.[11] The illicit movement of antiquities is not recorded in export data, though Fisman and Wei have

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[11] In 2009 the United Nations Survey on Crime Trends included a section on crimes against cultural property for the first time, however just 24 States returned data on this section (UNODC, 2112:10-11).

suggested that there may be some merit in examining the reporting gap between export and import records to determine the size of the illicit market (Fisman and Wei, 2007).

Therefore any attempt to estimate the scale of the illicit antiquities trade must rely on a number of sources not commonly used by criminologists: mainly archaeological reports and the media. However, it must be noted that these sources present a number of methodological difficulties, as the data presented were not collecting with any intention of providing an overview of the issue. Many archaeological reports are localised, often covering the scale of looting in just a region or a country. White has outlined the weaknesses of relying on media reports of the scale of harm to the environment, suggesting that the media often underreports both the incidence and seriousness of these events (White, 2008:106). Therefore the following section can only be indicative of the true scale of the illicit antiquities trade.

Archaeological reports

In the UK there have been two major surveys of illicit metal detecting or 'nighthawking'. The first, in 1995 found that it was a significant issue, with 188 Scheduled Ancient Monuments being targeted over a seven year period (Dobinson and Denison, 1995). A more extensive country-wide survey was published in 2009, illustrating the continued seriousness of the problem (Oxford Archaeology, 2009b). Between 1995 and 2008 240 sites were reported as being affected, of which 88 were Scheduled Ancient Monuments. The activity was reported to be most prevalent in the central and eastern counties

(Oxford Archaeology, 2009a:4). However, English Heritage indicated that this reported figure was likely to be just a fraction of the actual number of cases.[12]

Surveys from around the world indicate that the looting of archaeological sites is a widespread activity. For example, in Peru it is reported that all 200,000 archaeological sites in the country have been affected by looting. Aerial photographs show that more sites have been destroyed in past 50 years than the previous five centuries. Peruvian archaeologist, Walter Alva describes the looting as:

> "an activity which was, until recently, considered almost as apart of folk tradition or a national sport" (Alva, 2001:91).

In Guatemala it is reported that there is continuous looting in 85% of the country's recognised 5000 archaeological sites (Valdés, 2006:95). Surveys from Mali indicate that that in 1991 45% of archaeological sites had been damaged. This figure increased to 65% by 1996 (Bedaux, 2001:872). In Thailand site surveys in 1981 and 1990 of an area 100km around Ban Chiang found that:

> "virtually every site had been visited by professional looters, and many have been entirely destroyed" (Thosarat, 2001:8).

A survey in Northern Pakistan found that nearly half the monuments had been looted (Ali and Coningham, 2001). Nepal is a country which has also been systematically looted. Brinkman estimates that in the past 40 years more than half of the works of art created over 2000 years have been removed from the country (Brinkman, 2006:65). In Bulgaria, a country where looting was almost unheard of prior to 1989, estimates have been made

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[12] http://www.britarch.ac.uk/news/090216-nighthawking.

that as many as 80% of archaeological sites have been looted. It is reported that between 100,000 and 250,000 individuals are involved in active looting (Center for the Study of Democracy, 2007:179).

In recent years looting in Iraq has been of greatest concern to archaeologists, with large amounts of Iraqi antiquities appearing in the market during both Gulf Wars (Brodie, 2011:417). Looting of archaeological sites peaked in 2003, and estimates indicated that an area of 15.75km^2 had been intensively looted in Southern Iraq, an area much larger than has ever been professionally excavated (Stone, 2008). The scale of the looting is such that the whole country was placed on the World Monuments Fund 100 most endangered sites in 2006, the first time an entire country has been listed (Farrall and Sabbagh-Gergour, 2005). In 2008 an Iraqi official, Dr Bahaa Mayah claimed that 100,000 artefacts had been stolen from Iraq since the Invasion (Akbar, 2008).

Media reporting of Police responses to the illicit trade

Media reports are a rich source of information on recent police responses to the illicit trade. The following is an overview of media reports collected during the process of compiling this thesis. In 2007 Spanish police arrested 52 people involved in the looting of 300,000 artefacts from archaeological sites in Andalusia. Those involved were reported to be sending ancient rings and other small antiquities to collectors by the mail. Larger objects were smuggled to Portugal, and later flown to Belgium (Fuchs, 2007). In the same year Bulgarian police reported that they had seized 16,000 artefacts. Police had successfully raided lorries with special compartments for hiding antiquities destined for Germany (Moore, 2007).

In 2008 Canadian customs uncovered 21,000 coins and antiquities which had been illegally imported from Bulgaria. These were later returned by the authorities in 2011 (Anon, 2011). In the same year Spanish police seized more than 700 looted antiquities from South America from a couple who had reportedly been smuggling artefacts and selling them in European auction houses (Roberts, 2008). Also in 2008 Munich police seized a collection of 1100 Latin American antiquities reported to be worth $100 million. The objects had been exhibited in Spain in 1997, and after claims made by several countries that the antiquities had been looted, Spain had impounded the collection until provenance could be confirmed. However the collection mysteriously was later illegally exported to Germany (Anon, 2008b). In the same year it was reported that US customs officials at Newark Airport seized four FedEx boxes containing 669 antiquities stolen from Baghdad museum (Hunt-Grubbe, 2008). In 2009 the British Government reported the return of 3.4 tons of recently looted antiquities confiscated over 6 years at London Heathrow to Afghanistan. The haul included over 1500 antiquities (Peters, 2009). In 2010 Cypriot police broke up a smuggling ring which were trying to sell antiquities worth more than 11 million euros, in what was named the largest smuggling ring ever discovered in the country. Ten people were arrested (Anon, 2010).

Research into the antiquities market

A number of quantitative studies of the antiquities available on the market have been undertaken in the past two decades. These surveys demonstrate that not only do the vast majority of antiquities sold have no provenance information, but that this material is likely to have been discovered in recent times. These studies also suggest that due to the large numbers of objects entering the market it is likely that there is some involvement of

organised looters. A British team of archaeologists Christopher Chippendale and David Gill have been at the forefront of this research, undertaking studies on several aspects of the market.

Gill and Chippindale's first study *'Material and intellectual consequences of esteem for Cycladic figures'* published in 1993 focused on the known corpus of Cycladic figures, demonstrating that of the 1600 known objects; just 10% had any provenance information. A mere 143 objects had originated as part of a legitimate archaeological excavation, and evidence from such digs indicated that as many as 12,000 graves or 85% of the funerary record may have been looted in the Cyclades to produce the number of figures which had been available in the market. This has had considerable impact on the interpretation of Cycladic history. There is a general recognition that many of these figures are in fact modern fakes, and have significantly distorted what is known about the period. The authors also demonstrated that the majority of Cycladic figures displayed in museums lacked provenance information. They examined the catalogue of an exhibition of Cycladic art held at the Virginia Museum of Fine Arts in 1987, and found that none of the 92 figures on display had known provenance. A third of the Figures were "said to be" from a named Island. The curator of the exhibition suggested that many of the objects had been in European collections prior to entering the United States, but as the popularity of collecting Cycladic figures did not peak until the 1960s these objects are likely to have left Greece after the introduction of national protection laws covering cultural property (Gill and Chippindale, 1993).

Chippindale and Gill followed up their study of Cycladic antiquities, with a wider analysis of the *'Material Consequences of Contemporary Classical Collecting'* (2000). They

examined 1396 objects displayed in seven major classical antiquities exhibitions held around the world in the 1990s. The majority of these objects were held in private collections. Chippindale and Gill conducted a careful analysis of the catalogues examining information relating to findspot and ownership history. Although there were variations between the collections, overall 75% of the objects had no reported findspot. In addition, 74% had no ownership history prior to 1973 (and 38% of the objects had 'surfaced' for the first time in the exhibition). They also used the same methodology to assess the 1595 classical objects consigned to auction in 1997. They found almost "blanket silence" on the findspot of these items; and that 85% of the objects had 'surfaced' for the first time on the occasion of the auction (Chippindale and Gill, 2000).

As part of a wider synthesis of their studies of provenance in the ancient world, Chippindale at al collected data from Sotheby's and Christie's auctions held over a 40 year period from 1958 to 1998 for their study of *'Collecting the classical world: first steps in a quantitative history'* (2001). The sample included 2051 lots from 20 auctions. The study focused on three types of information provided about each object, its vendor, archaeology and history. The study found that 81% of objects were offered by unnamed vendors, over 95% of objects were offered without an indication of findspot, and over 88% of objects were listed without any indication of previous ownership (Chippindale et al., 2001).

In 2001 an American archaeologist, Ricardo Elia undertook a different approach to a quantitative study of provenance, examining the known corpus of Apulian vases. They make an interesting case study as previous research completed in 1979 by Trendall and Cambitoglou had resulted in a catalogue of the known corpus of Apulian vases at that

date. At that time a total of 9347 vases were documented. However the popularity of these vases on the market in the 1980s compelled the researchers to issue a supplementary catalogue in 1992 of all vases which had appeared on the market in the intervening 12 years. This catalogue detailed an additional 4284 vases or 31% of the corpus, none of which had been known prior to 1980. Elia's research indicated that despite Italy's strict export laws prohibiting the export of such property, just 40% of these vases remained in Italy. He also noted that the majority of Apulian vases found prior to 1979 were in public collections, but the majority of those discovered post 1980 were owned in private collections. Elia concluded that the majority of the vases were the result of illicit excavation. Just 5.5% of these vases had a recorded findspot, and further 4.7% gave a general location indicating the area the vase was found. From an analysis of archaeological reports from the region Elia surmised that tombaroli[13] would have to raid nine tombs for each vase found, resulting in a possible 38,000 looted tombs. The main venues for the sale of these vases were the auction houses Sotheby's and Christie's (Elia, 2001).

Other researchers have focused on catalogues of auction houses. Gilgan's study of *'Looting and the Market for Maya Objects: a Belizean Perspective'* examined 66 Sotheby's catalogues from 1971-1999 for Belizian artefacts for sale on the market. She describes how difficult it was to identify which objects originated in Belize. 56% of listings provided no information on findspot, and where information was provided it was in very general geographic terms (Gilgan, 2001). Norskov study of *'Greek Vases in New Contexts'* examined 596 auction catalogues from auctions held between 1954 and 1998 to compile

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[13] Tombaroli is the Italian term for looter.

an analysis of the sale of ancient Greek vases. He discovered a total of 18,431 vases, of which 80-90% had no provenance, suggesting they were recent finds (Norskov, 2002). Elkins study *'A Survey of the Material and Intellectual Consequences of Trading in Undocumented Ancient Coins'* examined the sale of 19,087 ancient coins in 2008 found that just 32 coins had a provenance dating prior to 1973 (Elkins, 2008:3). He outlined how 80% of ancient coins had been estimated to have been dug up in previous 30 years, but concludes that the figure is now likely to be higher (Elkins, 2008:2).

The evidence outlined in these studies of the antiquities market, combined with the media and archaeological reports outlined in the previous sections present a picture of the scale of the illicit antiquities trade. The evidence suggests that the looting of archaeological sites is a widespread activity, with significant levels of looting in some source States. In turn the evidence suggests that Police have uncovered significant shipments of antiquities, indicating the involvement of organised gangs in their movement. Lastly, the evidence from the market points to the increasing availability of certain types of ancient object, combined with a lack of provenance or information about the origin of these goods.

2.3 The issue of fake antiquities

The biographical gap left by the absence of provenance not only raises the possibility that the antiquity might have been looted, but that it might have been altered or indeed manufactured in very recent history with the intention of misleading the market about the true value and age of the object (Massy, 2008:731, Fay, 2011). As Conklin has noted:

"The secrecy of the illicit trade in antiquities allows grave-robbers, middlemen, and dealers to pass off fakes and forgeries with few repercussions" (Conklin, 1994:66).

Fakes are known to enter the supply chain along with authentic antiquities, and are transported together (Chippindale and Gill, 2000:495, Marthari, 2001:163). Therefore they enter the market through the same channels. It is common place for dealers to describe antiquities as 'authentic' without having to provide any evidence or reasoning behind this judgement. In the absence of provenance information purchasers have to place their trust in the sellers of these objects, relying on their reputation for expertise and scholarship (Massy, 2008:730).

The creation of a fake antiquity is not an offence in itself, but deceptively passing the object off as something which is it not is a type of fraud (Conklin, 1994:48). Conklin describes the buyers of fakes as "vulnerable victims" or "gullible buyers" (Conklin, 1994:84), and he suggests that they are victimized by an art world whose organisation enables this type of fraud to occur (Conklin, 1994:86).

Fake antiquities are also seen as being a response to demand from the market (Gill and Chippindale, 1993:616). Conklin suggests that fakes enter the market in large numbers when demand outstrips supply and when collectors purchase them indiscriminately (Conklin, 1994:50). Fakers are seen as being motivated by the desire to create profits (Conklin, 1994:65). Jones suggests that fakers follow contemporary fashions for collecting, identifying which objects are most 'coveted' and then creating the fakes which meet this perceived demand (Jones, 1994:94). In the case of Cycladic figures Gill and Chippindale have demonstrated that fakes entered the market at the peak of enthusiasm for

collecting in this area, and many of these fakes were of the most 'desirable types' (Gill and Chippindale, 1993:616).

It is unknown how many antiquities available in the marketplace are in fact modern productions. Despite the apparently high levels of fraudulent activity in the antiquities market, very few of these cases enter the criminal justice system. Conklin suggests that:

> "this is because fraud is a notoriously difficult crime to prove, requiring the prosecutor to show that the defendant intended to defraud the victim" (Conklin, 1994:116).

Estimates of the market for fake antiquities place the value at approximately £100-£300 million every year in UK, although Julian Radcliffe chairman of Art Loss Register suggested that the figure is close to £200m (Bennetto, 2006). Tests are available for some kinds of material to determine the age of an object. A thermoluminescence laboratory in Oxford reported that 40% of antiquities sent in for testing "are found to be of modern manufacture" (Watson and Todeschini, 2006:304).

The difficultly is that some fakes are very difficult to spot, enabling them to enter unnoticed into the antiquities market. Fake antiquities are objects which are not simple copies of originals, but are cleverly created in the style of ancient objects (Fine, 1983:76). Fakes can be sophisticated, and even experts in the field can disagree over the authenticity of an object, as fakes are created with the intention of 'seducing' the contemporary perceived wisdom about ancient material culture (Chippindale and Gill, 2000:494). Detection often requires considerable expertise, and cannot be ascertained from a catalogue description of photograph (Chippindale and Gill, 2000:494). Carlos

Picón, the curator of the Greek and Roman department at the Metropolitan Museum, New York explains how he decides if an antiquity is authentic. He says:

> "You can't prove it, but trust your eye, trust your dealer, trust your scholars, trust your museums" (Mead, 2007:58).

Many experts have been deceived by fake antiquities. Muscarella describes the reaction of museums to the issue of fakes as the 'forgery culture'. He suggests that many collections contain fake antiquities, but museum curators are less than willing to reveal the levels of fakes which have entered into collections (Muscarella, 2000). Sometimes these objects are only identified as fakes when perceptions about the stylistic norms of a period alter, and these objects are identified as lying outside of the typology of accepted objects (Jones, 1994:93). The most famous case is the Getty Kouros, purchased by the J. Paul Getty Museum in 1985 for $9 million. Discussions surrounding the authenticity of the piece have been raging for the last quarter of a century, with international symposiums and scientific analysis failing to produce a conclusive answer (Conklin, 1994:61-2). The case of the Kouros is unusual, as the Getty openly admitted there were doubts concerning the authenticity of the piece.

The Greenhalgh case is a particularly interesting example of the contemporary faking of ancient objects. Shaun Greenhalgh, along with his parents, created a vast array of fakes in his garden shed in Bolton, ranging from Assyrian reliefs to Egyptian statuettes. The family sold the antiquities on to museums, auctions houses and private buyers between 1989 to 2006 using fake provenances. It is estimated that the family faked 120 artworks, and earned around £1 million from the fraud. The most famous piece was the Amarna princess, which had been created by Shaun in less than three weeks. Letters were faked

'proving' the statue had been in the family for a hundred years. The family feigned

ignorance of the potential value of the piece, despite conducting significant research, and

the statuette was sold to Bolton museum for over £400,000. In 2007 Shaun was convicted

of conspiracy to defraud, and sentenced to 4 years and 8 months (Anon, 2007a, Kelly,

2007).

The presence of fakes in the market also constitute a further harm to archaeological

knowledge as they "falsify history, misrepresent the culture, distort the human record"

(Merryman, 1989:359). Merryman has labelled forgers as 'cultural vandals', arguing that

they impair our ability to understand the past (Merryman, 1989:360). To some extent our

interpretation of the past has always been marred by fake antiquities which have been

wrongly authenticated. However our knowledge of some ancient cultures has been highly

influenced by objects of uncertain provenance and indeed authenticity.

Looting in the Cyclades is just one example of the level of harm caused. As I outlined

above the significant levels of looting in this region have led to significant consequences

for archaeological research as:

> "archaeological contexts have been destroyed, the means of developing a reliable
>
> chronological sequence have been lost, regional variations in figure types have
>
> become blurred, and finally, the opportunity to understand the function of the
>
> figures has been missed" (Gill and Chippindale, 1993:601).

There were no known archaeologically discovered examples of many of the more popular

Cycladic figures, meaning that it is impossible to verify if any of these objects were

created in prehistory. The authors of the report conclude that this loss of context has

"lead to a distortion in the perceptions of Cycladic prehistory and society" (Gill and Chippindale, 1993:601). However, the view of fakes as a harm is not universal. Some have viewed the appearance of fakes in the market as a positive force. Meyer has suggested that their presence serves to 'make buyers wary' (Meyer, 1974:117), and he argues that:

> "the prevalence of fakes [is] the venereal disorder of the illicit art market – the punishment for excessive desire and bad judgement" (Meyer, 1974:108).

2.4 Summary

This chapter has focused on the harm caused by the trade in antiquities. The commodification of antiquities is an emotive subject, highlighting the importance placed in these objects by a wide range of groups and individuals. Antiquities have greater symbolic capital than the majority of commodities and the trade causes a number of harms to communities at a regional, state and international level, as the looting of archaeological sites deprives these groups of the symbolic and financial benefits derived from these objects. In addition, the looting of archaeological sites causes the destruction of archaeological knowledge, which causes universal harm as it deprives us of knowledge about our collective past. Antiquities are a finite and non-renewable resource, and once an antiquity has been removed from an archaeological site the knowledge contained in that site is destroyed.

The scale of the illicit antiquities trade is unknown, as the trade is largely obscured from the general population. The available evidence suggests that the looting of archaeological sites is widespread, and has been catastrophic in some locations. Where police have infiltrated the smuggling of ancient objects they have tended to uncover large scale

operations, with significant volumes of ancient objects involved. Studies of the market indicate that the volume of ancient objects available for sale has increased in recent years, and that these objects are commonly sold with no provenance, potentially indicating their illicit origins. The evidence also suggests that the lack of provenance in the marketplace has also enabled fake antiquities to enter the market in large numbers, constituting a further harm to archaeological knowledge.

There is a public interest in antiquities and there is a presumption in international law that they deserve protection. In the next chapter I turn to the development of legislation at both a national and international level, and examine how the issue is currently policed.

CHAPTER THREE: ANTIQUITIES LEGISLATION AND POLICING

In this chapter I turn to the legislative background to the antiquities trade. In the first section I consider the development of legislation designed to both protect archaeological sites and prevent the illicit trade in these ancient objects. I outline how the trade is in the early stages of criminalisation, with an ever changing political and legal landscape. Charting the maturity of legislation, I describe how international rhetoric on the issue is increasingly changing from the need for protection to the imperative for control, with the trade increasingly being discussed within the rhetoric of transnational organised crime. I examine the current legislative framework at both national and international levels, with particular reference to the UK. The second section outlines the process of due diligence. This is followed by an analysis of the current legislative approach, exploring issues of harmonisation, gaps and disjunctures, and the influence of 'powerful actors' in the development of legislation. Lastly I turn to the policing of the antiquities trade, with an examination of the resources devoted to the issue at an international and national level.

3.1 The development of legislation

The recognition that the looting of archaeological sites constitutes a social harm is a relatively new phenomenon, meaning that international pressure to address the issue is in its infancy. In the following section I will examine how legislation has developed to address the issue.

International rhetoric: from protection to control

As Mackenzie has noted the antiquities trade is in the "early stages of a slow move from non-criminal to criminal" (Mackenzie, 2005a:249). In the period before the Second World War the protection of archaeological sites was seen as a purely national issue. The thirty years after the war saw a growing discourse of the worldwide responsibility for the protection of environmental and cultural resources. The formation of the United Nations, particularly through its cultural agency UNESCO provided a forum where source States, many of whom were former colonies, were able to gain international cooperation to assist in the protection of individual archaeological sites (Prott, 2005:233). Amongst the results were Conventions establishing the system of World Heritage Sites, Protocols protecting sites of importance in times of warfare and rules concerning the illicit export of cultural objects.[14] Blake has outlined how these various Conventions reflected both the political and ideological concerns of their time, with the 1954 Convention focusing on reducing conflict, 1970 Convention aiming to rebalance the power between source and market States, and 1972 Convention driven by a concern for environmental issues (Blake, 2000:62). The concern for the protection of cultural objects must also be viewed as a part of a wider discourse about the concern for human rights and rights to self-determination in a post-colonial world. In 1948 *the Universal Declaration of Human Rights (1948)* enshrined the right to a cultural life.[15] More recently, *the United Nations Declaration on*

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[14] The Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), Convention Concerning the Protection of the World Cultural and Natural Heritage (1972).

[15] Article 27: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

the Rights of Indigenous Peoples, 2007 acknowledged the rights of indigenous peoples over their material culture.[16]

Once the principle of the international responsibility for the protection of heritage was firmly entrenched in international discourse, discussions have migrated from the necessity of protection to the need for control. Since the 1990s discussions have moved from the remit of UNESCO to the United Nations Office on Drugs and Crime (UNODC).[17] In 1994 the illicit trade in cultural objects was identified as one of 18 categories of transnational crime (Mueller, 2001:14). As a result international rhetoric in relation to the trade is becoming increasingly uncompromising; the movement of cultural objects is increasingly being viewed as a form of transnational organised crime, and current discussions call for the introduction of additional policing and increasingly strict sanctions for those involved in the trade.

To outline the introduction of legislation relating to antiquities, I will first describe the introduction of protective legislation of archaeological sites at the national level, and then secondly, discuss the development of international agreements.

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[16] Article 11:1 "Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."

[17] This should be seen as part of wider concerns at an international level in the 1990s about the increasing levels of cross-border crimes (Felson and Kalaitzidis, 2005:4-5).

The development of protective legislation in source States

The historic removal of antiquities occurred at a time when the free movement of these objects was uncontested and considered to be legal practice (Chippindale and Gill, 2000:485). Throughout the twentieth century, however, the majority of States have enacted legislation protecting their own cultural objects. Generally, legislation falls into what Adler and Polk have dubbed a 'weak' or 'strong' approach (Adler and Polk, 2002:37). Firstly there is a 'weak' form, where nation States have enacted a restriction on the export of antiquities. Secondly, there is a 'stronger' form of legislation, where "found-in-the-ground antiquities laws" have been enacted (Marks, 1998:117).[18] In these States, all antiquities found are considered property of the State, and therefore their removal from the ground without government knowledge is viewed as theft (Adler and Polk, 2002:37). The reliance on export restrictions alone is considered "weak" as a fundamental principle of international law is State sovereignty. Therefore there is no expectation that other States will enforce these export restrictions (Forrest, 2003:597). Meaning that whilst most States are keen to protect their own cultural objects, they are less enthusiastic about protecting the cultural objects of others (Brodie and Renfrew, 2005:347). The consequence is that it is often not an offence to import an antiquity which has been knowingly illegally exported from another State (Gerstenblith, 2004b:139). Therefore many market States have been unwilling to uphold claims by source States that their cultural objects have been illegally exported. Market States however have demonstrated more willingness to investigate claims of stolen goods imported into their State (Tijhuis, 2006:123, Adler and Polk, 2002:37). (*I will return to this point in Section 3.3 below*).

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[18] Egypt, Italy and Mexico all have enacted legislation vesting all cultural objects as property of the state.

The development of international legislation

Until the second half of the twentieth century the protection of archaeological sites was considered purely a national issue. However, after the Second World War the creation of the United Nations created a forum for source States who campaigned for assistance in the development of protective international legislation (Norskov, 2002:103-5). The first international Convention which specifically deals with the antiquities trade is UNESCO[19] 1970 (for an overview see O'Keefe, 2000, Prott, 1998).

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (UNESCO 1970)

This Convention deals with public rather than private cultural property, and is aimed to deal with international disputes between nation States (Merryman, 2005:24). 'Cultural property' as defined by the Convention are any objects relating to archaeology, prehistory, history, literature, art or science, which have been designated by the State as cultural property (Article 1). The Convention distinguishes between objects which have been illegally exported (Article 7a) and objects which have been stolen (Article 7b). Initially market states were reluctant to accede to the Convention, citing concerns over the wide definition of cultural property and the administrative burden it would cause. Whilst there has been a slow take up, the Convention now has 122 signatories.[20] Prott suggests that the recent increase of signatories is an indication of the growing recognition of the harm caused by the illicit trade (Prott, 2005:235).

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[19] Other UNESCO instruments which cover antiquities include: Convention on the Protection of Cultural Heritage in the Event of Armed Conflict (1954); Convention concerning the Protection of the World Cultural and National Heritage (1972); Convention on the Protection of Underwater Cultural Heritage (2001).

[20] The most recent signatory was Palestine in March 2012.

UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995 (UNIDROIT 1995)

Whilst UNESCO 1970 is primarily concerned with designated national cultural property, UNIDROIT 1995 was devised to also include objects held in private collections (Prott, 1998). It covers a similar range of objects but without the necessity for them to be designated by the State. It also explicitly outlines that where national laws prohibit the clandestine excavation of antiquities these should be considered stolen, a point which UNESCO 1970 remains silent on (Prott, 2000b). UNIDROIT 1995 enables private individuals to address the courts in their own countries or in the State where the object is located (Prott 1998:207). The legislation aimed to harmonise concepts such as 'good faith' in private law, and introduced a time limit for claims (of 50 years or 75 years in special cases); or within three years of knowledge of the location of the object. Like UNESCO 1970 the Convention is not retroactive. It currently has 32 signatories.[21] The UK is not a signatory to this Convention.

Other International instruments

There are also two other relevant United Nations treaties:

Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of the Peoples in the Form of Movable Property (1990)

The model Treaty was agreed at the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, with the intention of providing a draft model

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[21] The most recent signatory was Sweden in June 2011.

treaty for member States developing bilateral agreements with other member States to address the issue of crimes which infringe on cultural heritage.

The United Nations Convention against Transnational Organized Crime (2000) (known as the Palermo Convention)[22]

As I noted above, since the 1990s the antiquities trade has been viewed as a form of transnational organised crime. The trade has increasingly been linked by academics, police representatives and the media to other types of transnational crime, including drug-trafficking, arms dealing and the funding terrorism (Williams, 2001:61, Adler and Polk, 2002:37, Palmer, 1998:4, Bernick, 1998) (*see Section 4.2*). Statements linking the antiquities trade to other forms of transnational crime have become increasingly stringent. For example, in the view of the Director of United Nations Interregional Crime and Justice Research Institute:

> "the illicit antiquities trade funds war, oppression and terrorism directly, through its own profits, and indirectly, through its facilitation of drug smuggling and its laundering of money from drug smuggling, gun running and people trafficking" (Calvani, 2009:38).

Although not specifically aimed at the antiquities trade, the Palermo Convention is relevant as the illicit trade in art and cultural objects was identified by the United Nations in 1994 as one of eighteen categories of transnational crime. Transnational crime is defined by the UN as:

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[22] The Convention has 147 signatories.

"offences whose inception, prevention and/or direct or indirect effects involved more than one country" (Mueller, 2001:14).[23]

Therefore the trade in antiquities is considered on a legislative level alongside other transnational criminal activities such as the illicit trades in arms, drugs and humans. The Palermo Convention defines a criminal group as:

"a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit; "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure" (Article 2).

A United Nations conference on the Convention held in 2010 concluded that offences against cultural objects should be viewed as a serious crime, as defined in the Palermo Convention (United Nations, 2010:3), and that the Convention should be viewed as an effective tool for international cooperation in combating criminal offences against cultural objects (United Nations, 2010:2). Mackenzie has noted that this new focus on the antiquities trade as a form of transnational organised crime is an important development in terms of addressing the trade, as legislation aimed at addressing transnational organised crime have greater provisions for cross-border investigations and prosecutions (Mackenzie, 2011:135).

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[23] However, Mueller outlines that 'Transnational Organised Crime' is not a legal concept, but should be viewed as a social phenomenon (Mueller, 2001:13).

European Laws

There are also a number of European instruments relevant to the illicit antiquities trade, however there is not enough space to discuss these in detail:

- *European Convention on the Protection of the Archaeological Heritage (Revised); Valetta, 16.I.1992.*

- *European Convention on Offences relating to Cultural Property, Delphi, 1985*

- *COUNCIL DIRECTIVE 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State*

- *COUNCIL REGULATION (EC) No 116/2009 of 18 December 2008 on the export of cultural goods*

UK laws

The UK is both a source and market nation, with legislation designed to protect archaeological sites and prevent the sale of illicit antiquities.

Legislation designed to protect archaeological sites

In the UK there are several pieces of legislation which protect archaeological sites. The situation is very different in England and Wales as opposed to Scotland, so I will examine each case separately:

England and Wales

In England and Wales the *Ancient Monuments and Archaeological Areas Act, 1979* and the *National Heritage Act, 1983* outline the provision of protected areas. These include around 20,000 Scheduled Ancient Monuments and five cities which have been classified

as Areas of Archaeological Importance. In addition any archaeological sites within Sites of Special Scientific Interest (SSSI) are also protected. It is an offence to use a metal detector within these protected areas, or to remove any archaeological finds from them.[24] Metal detecting is legal in other areas with the permission of the landowner. However, under the *Treasure Act, 1996* if the find may be considered 'Treasure' then it must be reported to the local Coroner within 14 days.[25] If the Coroner determines that the Find constitutes 'Treasure' then the finder and the landowner are entitled to a reward based on the market value (should a museum wish to purchase it). The Portable Antiquities Scheme is run in parallel to the Treasure Act. Introduced in 1997 it is a voluntary scheme where finders of any archaeological Find are encouraged to report their Find to a local Finds Liaison Officer. All Finds are recorded on a database which can be accessed at www.finds.org.uk. Finders are able to keep ownership of their Find, once recorded. The scheme has led to a dramatic increase in the number of Finds reported to archaeologists.

There are restrictions in place on the export of cultural objects from England and Wales. Applications for a licence to export art and antiquities are managed by the Museums, Libraries and Archives Council. Between 2002 and 2006, around 10,000 licences were applied for annually (Oxford Archaeology, 2009b:88).

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[24] Under Section 42 of the Ancient Monuments and Archaeological Areas Act, 1979 the use of a metal detector on a Scheduled Ancient Monument without consent can result in a fine of up to £1000 and the removal of ancient material a fine of up to £10,000.

[25] Under the Act 'Treasure' includes:
- All coins from the same hoard. A hoard is defined as two or more coins, as long as they are at least 300 years old when found. If they contain less than 10% gold or silver there must be at least 10 in the hoard for it to qualify.
- Two or more prehistoric base metal objects in association with one another
- Any individual (non-coin) find that is at least 300 years old and contains at least 10% gold or silver.
- Associated finds: any object of any material found in the same place as (or which had previously been together with) another object which is deemed treasure.
- Objects substantially made from gold or silver but are less than 300 years old, that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown.

Scotland

Under the Scottish Law of *bona vacantia* all archaeological finds are viewed as belonging to the Crown rather than the finder or landowner. Finders of antiquities are required to report their find, which may be claimed by the Crown as Treasure Trove. Failure to report Finds is a criminal offence. Any antiquities deemed not to be Treasure trove are returned to the finder with a certificate indicating this fact.[26] Any export of archaeological material from Scotland requires a licence or written consent of the Queen's and Lord's Remembrancer (Oxford Archaeology, 2009b:9). The *Treasure Act 1996* does not apply in Scotland.

Legislation designed to prevent the sale of illicit antiquities

The Dealing in Cultural Objects (Offences) Act 2003

Prior to 2003 the sale of illicit antiquities was dealt with under the *Theft Act 1968*. Dealers of antiquities considered to be stolen in the UK or any other State could be dealt with under the provisions aimed at handlers of stolen goods. However, in the case of thefts in other States the legislation only extended to cases where the objects were sold on to a third party after they entered the UK (Chamberlain, 2002).[27] The first piece of legislation specifically designed to address illicit antiquities was introduced in England and Wales in 2003 when the UK also signed the UNESCO 1970 Convention. The *Dealing in Cultural Objects (Offences) Act 2003* introduced the new offence of *Dishonestly dealing in a*

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[26] http://www.treasuretrovescotland.co.uk/index.asp.
[27] For example, in 1999 Tokeley-Parry was convicted under the Theft Act 1968 for two counts of handing stolen Egyptian antiquities.

cultural object. The Act resolved the importation loophole present in the *Theft Act 1968*, and introduced a broader offence explicitly covering:

> "all unlawful excavation or removal of a cultural object where the circumstances of such excavation or removal would not necessarily amount to theft" (Chamberlain, 2002:232).

Under the Act the penalty for dealing in tainted cultural objects is imprisonment of up to 7 years and/or an unlimited fine. The Act does not extend to Scotland.

3.2 Due diligence

The main impact of the development of legislation in this area has been the increasing emphasis on the need for purchasers to carry out due diligence before acquiring an antiquity. Due diligence includes an examination of the object for signs of display or recent excavation; a consideration of likely place of origin, the seeking out of expert advice, a determination of if the object was lawfully exported to the UK, and an evaluation of the account provided by the seller (DCMS, 2005:8-9).

As the first international statement on the illicit trade, the UNESCO 1970 Convention has become an important milestone for due diligence in the antiquities trade. 1970 has become the key date in differentiating "acceptable from unacceptable provenance" (Brodie, 2006b). A report on due diligence compiled by the Department for Culture, Media and Sport explained:

> "The 1970 threshold is a clear, pragmatic and practicable watershed that is already widely understood and supported" (DCMS, 2005:4).

The distinction between objects which surfaced before and after 1970 is widely acknowledged (including by the Museums Association, British Museum, Council of British Archaeology, Archaeological Institute of America and the J. Paul Getty Museum).

The Museums, Libraries and Archives Council (MLA) established a website devoted to advice on collecting, buying and selling art, antiques and antiquities in 2006 (http://www.culturalpropertyadvice.gov.uk/). They advise that cultural property should only be acquired if it can be demonstrated that the object is "legally and ethically sound" (MLA, 2006a) *See Appendix 2.* They have also issued a checklist for due diligence for private buyers entitled "Buying with Confidence" (MLA, 2006d) *See Appendix 3.*[28] Advice includes:

- Reputational: check the seller's identity; buy from sellers who have professional trade membership; request a written invoice containing full details of the seller's identity and business address

- Provenance: Ask which country the object originated in, any documentation about its history

- Object: Ask for proof of authenticity; request a report outlining the condition of the object; ensure that the invoice details all details about the object

- Legal: check if the object is recorded as stolen; ask to see any export documentation; if there are any suspicions that a criminal offence has occurred buyers should contact the police or customs.

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[28] The Portable Antiquities Scheme have also produced similar advice on due diligence (*see Appendix 12*) Buyers are recommended to ask five key questions: Have you legal title to sell? Where was the object found? When was the object found? Was there a legal obligation to report the find? Has the object been recorded?

The MLA has also issued a list of acceptable evidence for due diligence, with the aim of assisting buyers decide if they have enough evidence to be able to buy a cultural object with confidence (MLA, 2006b). Acceptable evidence includes a copy of an export licence; publication prior to the introduction of antiquities legislation; a description of the object in writing (such as a publication, auction catalogue, will, inventory, excavation field notes, receipt of purchase, or family letter; photographic evidence. The guidance suggests that buyers should be "wary of a vast amount of documentation relating to an object".

The increasing importance on due diligence is reported to have had two effects on the antiquities trade: a reduction in the supply of provenance (White, 1998:172) (*see Section 4.5*), and an increase in the price of antiquities with verifiable provenance. Antiquities with proven provenance have achieved extraordinarily high prices at auctions in recent years. For example in 2008 at Christie's a limestone carving of a coiled snake from the late 3rd to mid-2nd millennium BC from the collection of a Swiss Egyptologist who died in 1946 sold for $338,500, 15 times the high estimate, and a fragmentary bas-relief from the same collection achieved 9 times the high estimate, at £182,000 (Melikian, 2008). Peter C. Marzio, director of the Museum of Fine Arts in Houston said "Provenance is what is driving prices up", referring to the record breaking sale at Sotheby's in 2007 of a 2000 year old bronze statue of Artemis with provenance dating from 1953 which sold for $28.6 million (Povoledo, 2007).

3.3 An Assessment of the legislative response

In the previous section I outlined how legislation has developed at both national and international levels over the last century. In this section I will assess the current legislative response to the trade in antiquities. First, I will explore the lack of harmonisation of the

terminology used in legislation, and how this enables the illicit trade. Second, I will outline the gaps left by the existing legislation, and how actors are able to take advantage of these disjunctures. Lastly, I will explore the role 'powerful actors' have played in the development of legislation.

Issues of terminology

The European Convention on the Protection of the Archaeological Heritage (1992) is the only international Convention which is designed only to deal with antiquities, as it specifically concerns the protection of archaeological sites across Europe. The remaining instruments are designed to deal with a much wider category of objects, referred to as Cultural Property, Cultural Heritage, Cultural Goods or Cultural Objects depending on the piece of legislation. These terms encompass a rather amorphous group of objects, of which antiquities are just a subcategory. 'Cultural property' was the first term used in international legislation concerning this type of object. UNESCO 1970 defines it as:

> "property which, on religious or secular grounds, is specifically designated by each
> State as being important to archaeology, prehistory, history, literature, art or
> science" (Article 1).

There are eleven categories that these objects might fall into, including collections of fauna and flora, archaeological objects, historical monuments, artistic works, rare manuscripts and archival collections. As Blake has outlined, the conception of 'culture' is incalculable, incorporating not only material outputs, but also rituals, symbols, behaviour, language, values, beliefs and ideologies (Blake, 2000:67). The adoption of such a broad definition in UNESCO 1970 was intended to ensure that each State was able to protect

what was important to them (Prott, 2005:227). However such a wide definition has been criticised as giving each source State "the power to define 'illicit' as it pleases" (Merryman, 1986:845). The reliance on each State to define which objects should be considered as cultural property creates a lack of harmonisation between States, and enables actors in the market to interpret the legislation in their own favour.

The subsumption of antiquities into a wider category of cultural objects in legislation creates a number of inherent difficulties. The eleven categories of cultural property as outlined by UNESCO 1970 share few homogeneous qualities. Offences which are committed against archaeological objects share very little in common with offences committed against rare manuscripts or flora. The legal issues surrounding archaeological objects are often quite different to other categories of cultural object; for example if an object is looted from an archaeological site there is no record of what was taken, whereas for a work of art like an Impressionist painting, there will be detailed descriptions or images of the missing item, and an identifiable victim (Renfrew, 1995). The treatment of antiquities as part of this wider group of heterogeneous cultural objects serves to confuse their legal position.

The use of the term 'property' has also been criticised due to its focus on 'ownership', which is felt to be inappropriate for objects which have communal significance (Brodie, 2003:13). The next wave of legislation favoured the term 'Cultural Heritage', in recognition of the concept of guardianship as opposed to ownership of cultural objects. However, this term also suffers the same inherent difficulties of a lack of agreed definition (Blake, 2000:62). The term also raises questions about which objects should be considered worthy of guardianship, as the identification of objects considered cultural

heritage is an active choice (Blake, 2000:68). More recent legislation has preferred the term 'Cultural Objects', which has been adopted in an effort to create a more neutral term, without any implicit support for either ownership or guardianship (Prott, 2005:226). UNIDROIT 1995 defines Cultural Objects as objects "of historical, architectural or archaeological interest" (Article 2). In England and Wales the Dealing in Cultural Objects (Offences) Act uses the term 'Cultural Object', however it takes a much narrower definition than the international instruments described above. It is defined as "objects of historical, architectural or archaeological interest" 2(1), which become 'tainted' if "the removal or extraction constitutes an offence" 2(2b). A person is defined as 'dealing' if they "acquire, disposes of, imports or exports" the object in question 3(1a).

The situation is further complicated by the specific wording of each piece of legislation. Some legal instruments state that all objects considered cultural property/heritage/objects are covered by the statute, but others restrict the group of objects further. At an international level, UNESCO 1954 covers "property of great importance to the cultural heritage of every people". Europe Council Regulation 2008 and Council Directive 1993 have clauses concerning the financial value of archaeological objects included in the regulations. In both cases this value is set at zero. However other pieces of legislation contain more restrictive clauses. UNESCO 1970 and UN 1990 refer to cultural property which is "specifically designated" by the State as being of importance, and Council Directive 1993 covers cultural objects classified by a member State as being "national treasures" under national legislation or administrative procedures". Many of these cultural objects may be described as 'Cultural patrimony', which whilst not a term

used in international legislation, is widely recognised as a smaller category of objects

which are specifically important to the culture of a nation.

This lack of clarity concerning which ancient objects should be considered as illicit has

enabled supporters of the market to justify their position that only a limited number of

antiquities should be considered out of bounds. As I will discuss in *Section 4.3* supporters

of the antiquities market would like to see the creation of a licit market for antiquities,

with restrictions placed on a narrow category of antiquities considered essential to

national patrimony (Cuno, 2008, Merryman, 2005). The views of market supporters have

been influential in the development of certain pieces of national legislation. For example

in the United States import restrictions only apply to 'significant' archaeological objects

which are considered to be in 'jeopardy' (Pearlstein, 2005:15, Cuno, 2001:86).[29] However,

even within United States policy there is a lack of harmonisation as the bilateral

agreement between the United States and Italy outlines a much broader definition of

ancient objects, covering all material created from the 9th century BC to the 5th century

AD.

Gaps in national legislation and the transformation of illicit antiquities

As I have outlined above there are numerous legislative approaches to the protection of

archaeological material and the control of the sale of these objects. The consequence is a

complex legal landscape and a lack of harmonisation between States. For example the

legal conceptions of 'property', 'ownership', 'good faith' and 'due diligence' vary from

jurisdiction to jurisdiction (Gerstenblith, 2004b:157). Similarly, the statute of limitation

differs across States, with no agreed timescale, or point at which the statute starts (the

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[29] The Cultural Property Implementation Act (1983).

original theft, when the theft is discovered, or when a claim for return is made) (Gerstenblith, 2004b:155). Pearlstein has outlined the difficulties faced by actors in the trade in finding translated copies of legislation from other States, and the paucity of reliable legal advice on these issues (Pearlstein, 2005:23). The database of National Cultural Heritage Laws maintained by UNESCO currently lists 2432 different laws worldwide, many of which include reference to antiquities.[30] Currently therefore it can be a difficult task for a buyer of antiquities to understand their obligations at a national and international level, as potentially they would need to be aware of the relevant legislation in their own State, the State the antiquity originated, and the State where the antiquity is advertised for sale (if different).

The main disjuncture which enables the illicit antiquities trade is the ability of the market to legally import antiquities which have been illegally exported in a different State. As others have noted the current absence of an internationally unified approach, combined with a lack of consensus on which aspects of the trade should be regulated have left significant gaps which can be exploited by actors in the trade (Mackenzie, 2005b, Adler and Polk, 2002). Passas and Goodwin's work has outlined how transnational gaps in legislation enable actors to move their activities to States where the act is viewed as harmful rather than illegal. They comment:

> "It is clear, however, that national laws cannot provide the sole basis on which to
> define crime, either for domestic or for international and comparative purposes"
> (Passas and Goodwin, 2004:16).

Actors in the antiquities market take advantage of:

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[30] http://www.unesco.org/culture/natlaws/.

"inconsistent domestic legislation and ineffectual international agreements contribute to the prevalence of art theft and the illegal import and export of cultural property" (Margules, 1992:374).

In this way, actors are able to take advantage of "the space between national legal systems" (Michalowski and Kramer, 1987:47) to ensure transactions are carried out in more favourable jurisdictions (Passas, 2001:31). Antiquities are sold:

"through countries with laws which conveniently legitimate the ultimate possessors, in a way reminiscent of money laundering" (Passas, 2001:36).

"The trade is a classic story of how international legal inconsistencies and global market launder black market goods" (Borodkin, 1995:406).

As I outlined in *Section 3.1* one of the unique aspects of the trade is that whilst the looting of antiquities is illegal in many States the sale of these antiquities has not been criminalised in most market States (Adler et al., 2009:132). Many source States have enacted legislation which prohibits the excavation and export of antiquities, but very few market States have legislated to prevent the import of these goods (Adler et al., 2009). In the majority of market States it is not an offence to import an antiquity which has been knowingly illegally exported from another State (Gerstenblith, 2004b:139). Anderson has noted that a lack of uniformity in national property laws are an art thieves greatest ally (Anderson, 2002:5). Market supporters have been outspoken in their defence of the rights of market States to import such objects (Bator, 1983, Pearlstein, 2005, Merryman, 1998). Merryman justifies this policy, arguing that such export is only considered illegal in national law, but as the trade is international in nature it should be judged on the merit of

international law (Merryman, 1995:28). The effect therefore of relying on a national legal response to the issue, is that States have designed legislation to protect antiquities originating within their borders, but few have enacted legislation relating to the treatment of antiquities originating in other States. The status quo enables illegally looted antiquities to be transformed into objects which are considered ethically dubious rather than illegal by the time they reach market States.

Several key "legal loopholes facilitate the illicit-licit status transformation" (Bowman, 2008:233). The nature of the trade allows antiquities go through portals, or a series of portals, which ensure the antiquities appear legitimate once they reach sale on the open market (Polk, 2000). The transformation from illicit to licit often occurs in transit ports, which provide a "mask of legitimacy" as previously looted artefacts gain export and import documentation (Mackenzie, 2005b:140, Adler and Polk, 2005:101). Illicit antiquities commonly are moved to civil law jurisdictions, where good faith purchasers are able to gain title to previously tainted goods (Gerstenblith, 2004b:154). These civil law jurisdictions, such as Switzerland, have become common transition ports for illicit antiquities. Once the change in legal status has occurred, the antiquities can be moved on to market States legally (Adler and Polk, 2002:39). However, as we discussed in *Section 1.3* the fungible nature of antiquities means this cleansing process is not always necessary, as illicitly acquired antiquities are able to enter the market and masquerade as antiquities which have been in circulation for many years. The complex movement of antiquities through a variety of States can also be motivated by a desire to obscure the illicit origins of the objects. Evidence from police investigations into an antiquities dealer, Giacomo Medici, demonstrated how dealers use a process of 'triangulation' to ensure

that buyers have no knowledge who the initial dealer is in the chain. Medici was found to use a variety of secondary dealers, mainly based in Switzerland, who would then sell the antiquity onto the final buyer (Watson and Todeschini, 2006:77).

In order to unpick the transformation of illicit antiquities Tijhuis has examined the 'interface' or "the manner in which legal and illegal actors collaborate or collide in transnational crimes" (Tijhuis, 2006:5). In describing this transformation he uses the analogy of a lock used in shipping. When the goods enter the lock they are illicit, but once the lock gate has closed the transformation or 'interface' between licit and illicit occurs. By the time the goods have exited the other side of the lock their transformation to licit has completed (Tijhuis, 2006:100). Tijhuis hypothesises that individuals, organisations and States can act as interfaces between the illicit and licit economies (Tijhuis, 2006:99). Actors in the market, particularly dealers play a key role in laundering previously illicit antiquities and presenting them to the public as legitimate goods (Tijhuis, 2006:36-37).

The influence of powerful actors and the development of legislation

Actors involved in the sale of antiquities have been identified by Mackenzie as 'powerful individuals' (Mackenzie, 2011), due to their personal wealth and esteem associated with the cultural capital of their profession (Mackenzie and Green, 2008:139) (*See section 4.3 for further discussion*). Adler and Polk have suggested that pro-market supporters have been in 'heated debates' regarding the signing of international agreements (Adler and Polk, 2005:101). Mackenzie and Green report that market supporters have been well represented in government discussions and their views have been influential in the development of legislation and regulation concerning the market (Mackenzie and Green, 2008:143). In the UK their lobbying has largely been successful as the art market is

considered economically important, responsible for the employment of 50,000 people (Browne and Valentin, 2005:97). In contrast, the voices of source States have been underrepresented in international debate. Prott has outlined how many international symposia on the issue have been weighted in favour of market States, as many source States have lacked the resources to ensure the attendance of their cultural property lawyers. He has concluded that a true dialogue will only be possible when these imbalances are addressed (Prott, 2000a).

Mackenzie has concluded that in England and Wales the influence of actors in the antiquities trade has led to the development of 'structurally flawed legislation' which fails to address the illicit antiquities trade (Mackenzie, 2005b:230). The *Dealing in Cultural Objects (Offences) Act 2003* was drafted based on the wording of the *Theft Act 1968*[31], incorporating the inherent weaknesses of the provisions of that Act. Under the 2003 Act a dealer can only be prosecuted if first the origin of the object, and the date on which it was found can be proved; and secondly if it can be demonstrated that the individual in question had "knowledge or belief" of the object's tainted status. As we have already discussed there is a rarely any record of antiquities in source States due to the clandestine nature of their discovery, meaning that it is rare that sufficient evidence would be available to meet the first criteria. The decision to use the evidentiary requirements of the Theft Act, rather than following a lower threshold such as 'reasonable suspicion' that the object is tainted makes any conviction even less likely (Mackenzie, 2005a:259).

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[31] Section 22(1) of the Theft Act reads: "A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges it to do so".

It is widely acknowledged that the wording of the Theft Act has restricted the number of convictions in cases of handling of stolen goods (Sutton, 2004:138, Freiberg, 1997:248). Unlike the antiquities market, in many of these cases evidence of the initial theft may be obtainable, but the problem lies in demonstrating that actors either knew or believed the object to be stolen (Chappell and Walsh, 1974:489). Mere suspicion is insufficient to secure a conviction (Sutton, 1995:412). Rather the level of belief should be a firm conviction or "…the sort of belief we would associate with a devout religious believer" (Williams, 1985:434). There have been calls for a revision of the Theft Act, as handlers play a central role in driving the market (Sutton, 2004:139, Chappell and Walsh, 1974:495). However, the Theft Act views the role of the buyer as a subsidiary figure to the thief, as the sale occurs after the initial theft (Williams, 1985:438). Williams has argued that the Theft Act is necessarily cautious, as it recognises that people must be allowed a margin of safety (Williams, 1985:435).

The Theft Act, therefore is directed at 'knowing buyers', who either 'knew or believed' the object to be stolen. Sutton has commented that the wording of the Theft Act in effect 'grants those who ask no questions immunity from prosecution' (Sutton, 1995:412). Mackenzie has suggested that by replicating the wording in the 2003 Act, the wrong message is sent to actors in the antiquities market, as the rational response to the introduction of the Act is to not to ask questions about the origins of objects they are purchasing (Mackenzie, 2009:46-7). Mackenzie, has described the 2003 Act as "a hollow law" due to the unlikelihood of successful prosecutions (Mackenzie, 2005a:253). His predictions appear to be correct as in 2005 it was reported that the Art and Antiques Unit at New Scotland Yard had "little intention on relying on the [2003] Act in the pursuit of

criminals" (Prescott, 2005:391), and in 2007 it was revealed in response to a parliamentary question by Lord Renfrew that there had been no prosecutions under the Act (HL Deb, 29 October 2007, c142W).

Whilst the legal response to those dealing in illicit antiquities is often severely limited due to the high levels of evidence required to secure a conviction, the case of Iraqi antiquities is the exception. One of the corollaries of the first gulf war was a complete ban in 1990 on the importation of all commodities originating in Iraq, including antiquities (UN resolution 661). A further resolution was passed in 2003 after the invasion of Iraq (UN resolution 1483). The looting of the museum of Baghdad had received significant media attention around the world, leading to worldwide discussion on the need to ensure the preservation of this material. In response the resolution included a paragraph specifically outlining the international community's responsibility to not allow the trade in these objects.[32] The consequence has been that law enforcement have had much stronger powers in relation to Iraqi material. As there is no legal way to import these items, they have been able to seize these goods and ensure their return to Iraq (Brodie, 2009).

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[32] "*Decides* that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and *calls upon* the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph" (Paragraph 7).

3.4 Policing of the antiquities trade

The effectiveness of legislation largely depends on the levels of resources devoted to policing an issue. In the following section I will provide an overview of the levels of policing at the international, national and private levels.

Policing at the International level

At an international level UNESCO has been the agency which has driven forward the issue of illicit antiquities. However they have no powers of policing the issue (Musitelli, 2002:325). International Conventions are often viewed as purely "norms, aspirations and guidelines" (Williams, 2001:62) and UNESO 1970 is no exception, with Mackenzie describing it as:

> "a notoriously weak statement of vague and largely unenforceable norms for the governance of the international movement of cultural property" (Mackenzie 2005a:253).

The effectiveness of such Conventions is limited by the number of signatories (Williams, 2001:62). Initially market States were reluctant to become signatories to UNESCO 1970 as it was seen as being too favourable to source States (Anderson, 2002:11), however more market States have acceded since the turn of the century. The effectiveness of such legislation is further weakened by the voluntary nature of signatories: States can choose to opt out of UNESCO when it is in their own interest to do so, as the United States did in 1984, only to return in 2003 when international support was required for the war on terror (Cuno, 2008:149-50).

At an international level Interpol also plays a central role in coordinating the policing of the international trade in illicit antiquities. It acts as a central point for police intelligence, compiling a database of known stolen works of art (UNODC, 2012:7). It also holds an international symposium on the illicit antiquities trade, bringing together experts every three years (Kind, 2009). However Interpol is only able to devote a few officers to this task. Within Europe the work of Interpol was supported by the work of Europol until 2007. Europol employed a cultural objects crime expert who developed a database of stolen cultural property and preparation of a manual on cultural objects crime in the EU, however this role ceased in that year and has not been renewed (Koush, 2011:24).

Policing at the national level

Policing in Source States

Whilst the majority of source States have enacted legislation protecting archaeological sites, in practice these laws often fail to act as a deterrent to potential looters. The sheer number of archaeological sites means that looters are often able to avoid any efforts at surveillance, and penalties for looting (if caught) are often low. In addition, the demand-supply asymmetries in the antiquities market mean that many looters are prepared to take the risk.

Many of the world's archaeologically rich countries lack the financial resources to enable them to allocate the resources required to ensure the protection of their archaeological sites or prevent the illicit export of this material (Adler and Polk, 2002:36, McAlister, 1995:25). For example, in Guatemala there are 5000 registered archaeological sites, but just 45 are under permanent surveillance (Valdés, 2006:95). The situation in Iraq

exemplifies the problem. In 2008 a new antiquities police force was created with the aim of recruiting 5000 officers, however it was reported that by 2010 the force had just 106 members. A lack of funds meant that the force did not even have a sufficient budget to purchase petrol to visit sites where looting had been reported. The majority of which have no guards or any other protective measures (Myers, 2010).

There are a few source States which are the exception. Italy, for example, created the *Comando Carabinieri Tutela Patrimonio Artistico* to investigate art crimes in 1969; by 1992 this police squad had 120 members (Conklin, 1994:277). The unit plays a role in monitoring archaeological sites, safety measures in museums and the sale of antiquities. It also maintains a database of illegally removed cultural artefacts named *Banca dati Leonardo* (Nistri, 2009, UNODC, 2012:8). Another example is Egypt where 400 antiquities police are employed (Lufkin, 2002:314).

Policing in Market States

As I outlined in *Section 1.1* the fungible nature of antiquities means that once an antiquity has been removed from its context, and it's State of origin it is very difficult to demonstrate that it has been illicitly acquired. A high level of expertise would be required to differentiate the illicit from the licit, and customs and law enforcement personnel often lack these skills. Further, the illicit antiquities trade has quite a low policing profile internationally. Prescott has noted that policing tends to prioritise 'victim' crimes over offences like the illicit antiquities trade which have a more 'diffuse effect' (Prescott, 2005:387). Other illicit markets, such as drugs and illicit wildlife are considered to be a more pressing matter for customs personnel. Once in the market, offences involving the sale of illicit antiquities are rarely reported to the police by the general public (Mackenzie,

2011:148). Police forces in market States tend to devote few police officers to the illicit antiquities market.

In the UK the Art and Antiquities Unit of the Metropolitan police was established in 1969. It is the only policing unit with a remit for dealing with 'Art Crime', however policing priorities mean that crimes involving fine art often take precedence over illicit antiquities. Attempts have been made to run training courses for officers from other police forces on art crime issues, however few officers have attended due to budgetary restraints (Oxford Archaeology, 2009b). At its height the Unit had 13 members. It was disbanded in 1983, only to be reformed in the late 1980s (Conklin, 1994:276). Currently, the Unit employs just four police officers, who amongst other tasks are responsible for maintaining the London Stolen Arts Database. In France, the ministry of Interior employs 30 officers with responsibility for art crime, who maintain a database of stolen art named TREIMA (Bernick, 1998:112). In the United States the FBI formed an Art Crime Team in 2004, which has 13 special agents and maintains the National Stolen Art File. It is reported that they have successfully recovered more than 2400 items of cultural objects valued at more than 142 million dollars (FBI, 2010).

Private policing

As I have noted above most Art Crime Units maintain their own databases of stolen art. There are also various privately run registers of stolen cultural objects, such as Trace and the Art Loss register[33], which can be used to educate buyers about the types of cultural objects often stolen or looted. In 1973 the international Foundation for Art Research began an archive of stolen art reports with the aim of making art theft less attractive to

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[33] (http://www.trace.co.uk/ http://www.artloss.com)

thieves (Durney, 2011:441). In 1990 this data was taken over by a private company, the Art Loss Register, which was formed as a central database for both the art market and the insurance industry. The database is open to anyone wishing to register their stolen works of art (O'Keefe, 1997b) or wish to list an object as a preventative measure. This database is commonly used by actors in the art market seeking to determine that objects have not been recorded as stolen.

Whilst these databases have a role to play in monitoring the market, it is important to note that they only extend to antiquities which have been reported stolen from existing collections. As I outlined in *Section 1.1* there is no record of looted antiquities as they are not inventoried and their removal is not reported to any authority (Renfrew, 1995). In fact, these databases play a role in legitimising antiquities which are not registered. Antiquities collectors like Shelby White report that in carrying out due diligence they check the Art Loss Register to see if the antiquity is recorded as stolen. The absence from the database is taken as a green light to purchase the antiquities (White, 1998:172). Therefore Prescott has argued that these databases provides actors in the market with "a classic white-collar criminal defence" (Prescott, 2005:384) as they can claim to have carried out due diligence.

A range of other organisations play a role in monitoring the antiquities trade. For example, the International Council of Museums (ICOM) have published a series of 'Red Lists' raising awareness in the market of antiquities from areas which have been subject to significant looting, focusing on areas such as Cambodia, Africa, Latin America.

3.5 Summary

There is a broad range of legislation aimed at protecting antiquities, however it is clear from this analysis that much of this legislation fails to deter actors from involvement in the illicit trade. The hidden nature of the illicit antiquities trade combined with the limited policing resources devoted to the issue means that very little of this activity is detected by law enforcement agencies. It is clear that there are significant asymmetries in legislation at an international level, creating gaps and disjunctures which actors are able to take advantage of. Therefore, unlike other illicit markets, the involvement in the illicit antiquities trade is considered by actors to be a low risk enterprise (Margules, 1992:612). Gerstenblith, a leading legal scholar in this area has concluded that there is ample empirical evidence that the current legislative response is inadequate, and legislation in this area is in need of reconsideration (Gerstenblith, 2004b:152). In Mackenzie's opinion, the existing antiquities laws appear to be "… creating problems rather than solving them", and that:

> "Ineffective prohibitions by source States combined with complex and hugely expensive civil mechanisms for recovery of looted artefacts, all amount to a system of legal governance which is demonstrably failing to stop the plunder" (Mackenzie, 2002, 160-161).

CHAPTER FOUR: IDEOLOGICAL ASYMMETRIES IN THE ANTIQUITIES TRADE

The illicit antiquities trade can be considered to be perpetuated by a number of criminogenic asymmetries, which are defined as "structural disjunctions, mismatches and inequalities in the spheres of politics, culture, the economy and law" (Passas, 2001:23). In previous chapters I have outlined a number of asymmetries inherent in the market, including those of supply and demand, the movement of antiquities from source to market nations (which often also incorporates political and economic inequalities), and the legislative asymmetries which have enabled the illicit antiquities trade to thrive. In this chapter I turn to ideological asymmetries, examining the views of actors involved in the trade at the looting, movement and sale of antiquities. In doing so I examine the alternative views of the antiquities trade; investigating the motivations of those involved in the market.

The antiquities trade is:

> "unique in the breadth of the social spectrum it comprehends, a spectrum extending from illiterate peasants to cultured and wealthy collectors" (Meyer, 1974:156).

Henry and Lainer's prism of crime provides a useful visual metaphor for describing the actors involved in the antiquities trade. The prism is constructed of two pyramids. The upper pyramid contains 'visible' crimes such as street crimes. The lower inverted pyramid 'invisible' crimes or 'suite crimes'. Often actors who commit offences in the upper pyramid are considered structurally powerless, whereas conversely those in the lower

pyramid are structurally powerful (Henry and Lanier, 1998:621-3, Lanier and Henry, 2010:43-57). Actors involved in the looting of archaeological sites can be considered to belong in the upper pyramid. In many States the looting of archaeological sites is considered an act of theft, and if caught the actor will be prosecuted. However, by the time that antiquities have been transported to market States those involved in the sale of antiquities are firmly located in the lower pyramid. These actors can be described as structurally powerful; collectors and dealers are often from the middle or upper classes and some are well connected to those in positions of power, and as I have discussed have had significant influence on the construction of legislation this area (Mackenzie, 2011).

The chapter starts with an examination of the literature on looting, which indicates that looting is often driven by economic necessity. The following section assesses the involvement of organised criminal actors in the movement of antiquities. The main focus of the chapter, however, is the actors involved at the sale end of the trade. I start with an examination of collecting as an ideology, examining the philosophy of 'connoisseurship' and the literature on the psychology of collecting. I then provide an overview of the changing ethical landscape of antiquities collecting, and the role played by archaeologists as moral entrepreneurs. The remainder of the chapter examines how both public institutions and private collectors have reacted to these changes, paying particular attention to the neutralising discourses developed by supporters of the market.

4.1 Actors involved in the looting of archaeological sites

There is a general recognition in the literature that much of the illicit excavation of archaeological sites is carried out by subsistence looters, who come across antiquities during farming or other exploitations of the land. Many source States are located in the

developing world, meaning that many looters are driven into the illicit activity by poverty and necessity. There have been a number of studies examining the stimulus for archaeological looting and the majority cite economic factors as the key motivation. Several studies have described 'subsistence digging', where agricultural workers turn to looting in winter months (Velzen, 1996:117, Matsuda, 1998:98, Pendergast, 1991:90). For these agricultural workers archaeological looting is seen as an alternative 'harvest' (Matsuda, 2005:262). In some countries it has been estimated that a large number of people are involved in looting on an ad hoc basic. For example, in Belize it has been suggested that as many as 50,000 people out of a population of just 250,000 gather artefacts, but just 1-3% of the population are engaged in this activity full time (Gilgan, 2001:77).

The literature also often cites dramatic political change, warfare or natural disaster as a catalyst for looting, for example in China the Reform and Opening Policy of 1978 (Shuzhong, 2001:19); in Russia the relaxation of travel restrictions after the fall of the Berlin Wall (Emetz and Golentzov, 1993); in Gandhara the absorption of States into Pakistan in 1969 (Ali and Coningham, 2001:26) and civil wars such as the conflict in Somalia, where the looting of the National Museum of Mogadishu led to further looting in neighbouring countries (Abungu, 2001:42). In Guatemala, an earthquake in 1976 which left many people desperate and destitute has been linked to an escalation in looting (Rostomian, 2002:275). David Matsuda interviewed 400 looters in central America and concluded most were refugees from civil violence and economic despair (Matsuda, 1998:91).

One country which has been particularly affected is Afghanistan, which has been heavily looted during various conflicts since 1979. Many of the antiquities are smuggled across the border to Pakistan, whilst the government and law enforcement agencies have other priorities (Peters, 2009). Palestine has also been afflicted, with reports indicating that looters are driven to the trade through a combination of restricted job opportunities and a demand for antiquities in Israel where a small coin will sell for $100 and a glass vase for $1000. In an interview, one looter, who had never found a more 'conventional' job described how he came to be involved in the trade:

> "After the occupation [in 1967], when we were boys, there wasn't anything to do or anything to eat. So all of the people went to dig in the archaeological sites. And I saw what they could find."

Despite being prohibited by Palestinian law, those caught looting often receive sentences of just a few weeks in jail (Lange, 2008).

The work itself can be incredibly dangerous, with a study of Italian Tombaroli describing men working at night by only candle light, digging deep shafts with the possibility of being bit by a viper, caught by the police or crushed in a collapsing tomb (Velzen, 1996:118). However, in some economies the chance of finding a pristine archaeological treasure is like 'hitting the jackpot' or winning the lottery, enabling the looter to establish themselves as a respectable businessman in their communities (Paredes Maury, 1999). In China there is a famous slogan:

> "If you want to become a rich man, you should go for excavation, you only need one night" (Shuzhong, 2001:19).

In some economies it is possible for looters to make small fortunes, for example it is reported that in Niger a landowner was able to sell 300 terracotta funerary statuettes he found for $6000, in a country where the GDP is $150 (Gado, 2001:59). And in Cyprus a looter was reported to have built a hotel on the results of just one find (Burnham, 1975:113). In some cases, 'professional' looters also are reported to hold a high status within their communities. Bibliographies of tombaroli in Italy describe a playboy lifestyle, with extravagances and generosities winning over the support of local people (Velzen, 1996:112-4).

Despite the high economic need of some looters, the profits of the market are retained higher up the chain. Brodie's research indicates that in all known cases over 98% of the final sales price is retained by middlemen (Brodie, 1998:8). In Central America a study has demonstrated that middlemen collude to keep prices paid to looters artificially low (Paredes Maury, 1999). In Thailand, looters pay landowners for the rights to excavate their land, at a rate of between £3-£30 per metre. The looter may make £6-£15 for each pot he finds, which will later sell in the United States for closer to $100 (or $500-3000 for larger pots) (Thosarat, 2001:13-14). In other parts of the world, Borodkin cites the example of a Turkish farmer who sold a statue to smugglers for $7000; traffickers were later apprehended trying to sell the statue for $850,000 (1995:378).

Further information on the earnings of looters was uncovered by a police investigation in Italy. During a raid they found that looter Giuseppe Evangelisti kept both photographic and financial records for all the antiquities he had discovered. In the four years between 1997 and 2002 he excavated 204 tombs and discovered 1764 objects, an average of one

tomb per week. Overall he earned $154,000 or $88 per antiquity, which roughly equates to just 10% of the auction price of these objects (Watson and Todeschini, 2006:266-8).

In some notable cases the initial and final sales prices of antiquities are known, for example the Euphronios Krater, which dealer Robert Hecht Jr sold to the New York Metropolitan Museum for $1 million was initially sold by the tombarolo[34] for $8800, and the Morgantina acroliths which were sold to New York businessman Maurice Templesman by dealer Robert Symes for $1 million were initially sold by the clandestini for £1100 (Brodie, 1998:7). Therefore the evidence demonstrates that looters are not the economic winners of the antiquities market. Brodie has concluded that they lose out twice, firstly through the artificially low sum they receive and secondly through the loss of long term economic benefits such artefacts may bring their communities (Brodie, 2003:18).

4.2 The role of middlemen in the antiquities trade

Claims are often made that organised criminal groups are involved in the organisation of looting and the movement of antiquities. However, as I outlined in *Section 1.2* these statements need to be understood within the broadest conceptions of 'organised crime'. In the literature it is proposed that the antiquities trade is particularly closely linked with the drugs trade, and suggestions are made that illicit antiquities are used as collateral to purchase drugs, smuggled alongside drugs, and used to launder the profits of drug trafficking (Tijhuis, 2006:139). Many archaeologically rich countries are often centres of drug production and Police have found looters to also be in possession of drugs and arms, and reports have been made of police corruption (Marthari, 2001:163, McCalister,

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[34] Tombarolo and Clandestini are Italian terms for 'Looters'.

2005:28, Gilgan, 2001:78, Paredes Maury, 1999:24). Looting occurs in many countries with strong associations with organised criminal groups. In Belize Matsuda describes a highly organised looting structure, with financiers, supervisors recruiting a consortium of looters with rights over specified areas (Matsuda, 2005). In relation to Sicily, Watson and Todeschini suggests that:

"the reality of life in Sicily is that the illicit excavation of potentially valuable antiquities cannot take place without at least the tacit permission of organized crime" (Watson and Todeschini, 2006:291).

It is also often suggested that illicit antiquities are used as a way of money laundering, as antiquities are less likely to be detected than other forms of movable wealth such as currency, diamonds or gold (Fidler, 2003:148, Bowman, 2008, Gerstenblith, 2004b:148). Criminal groups are said to be attracted to the trade due to the high profits which can be made. For example, the director of the United Nations Interregional Crime and Justice Research institute has stated:

"The drastic increase in the current market values of antiquities has precipitated an infiltration and monopoly of the black market by organized criminal syndicates. Plunder of ancient objects has become a thriving industry for these groups" (Calvani, 2009:35).

The head of the police unit in charge of antiquities crime in Bulgaria suggests that rich Bulgarians living in the US, Britain and Germany organise and finance the looting of archaeological sites in Bulgaria to generate an income of £4 billion a year for crime syndicates (Moore, 2007). The antiquities trade has also been reported to be associated

with the funding of terrorism. In 2006 Detective Constable Ian Lawson from the Metropolitan Police Arts and Antiquities Unit issued a statement that they had discovered a link between the sale of faked and looted artefacts from Iraq and funding for terrorism (Bennetto, 2006). Reports have also been made that Mohamed Atta attempted to sell Afghan artefacts in Germany to fund flying lessons in the US prior to the September 11 bombings (Ruiz, 2010, de la Torre, 2006, Fidler, 2003).

In regards to the looting in Iraq, Colonel Bogdanos concluded that an organised criminal network was responsible, and Vernon Rapley, the head of the Art and Antiques Unit of the Metropolitan Police, suggested that organised criminals were committing theft to order (Hunt-Grubbe, 2008). The looting was reported to:

> "exhibit levels of knowledge and sophistication indicative of involvement with organized crime" (McCalister, 2005:32).

Resources used by looting groups, such as heavy machinery, tanks and armoured personnel carriers are used as evidence of the involvement of criminal gangs (Emetz et al., 1994:208, McGirk and Howden, 2005, Conklin, 1994). Adler and Polk suggest that in Asia looters have access to heavy machinery supplied by corrupt law enforcement or customs officials (Adler and Polk, 2005:101). There are also reports from around the world of looters using violence and intimidation (Conklin, 1994:209, Dorfman, 1998, Proulx, 2011c). In Guatemala armed gangs of looters have threatened to kill archaeologists, and in 1995 two guards at an archaeological site were killed and their bodies hung from a tree (Valdés, 2006:95, Honan, 1995). In 1993 in Cambodia armed gangs attacked the Angkor conservation compound with grenades and rocket launchers,

killing one guard and escaping with eleven of the most valuable statues (Thosarat, 2001:13, McGirk and Howden, 2005, Brodie et al., 2000).

It is at the movement stage that antiquities become more explicitly linked to organised criminal groups in the literature, based on the presumption that the illegal export of goods necessitates access to smuggling networks and corruption of officials, and that antiquities use the same infrastructure as other illicit goods, including narcotics, people, arms and stolen vehicles (McCalister, 2005:26, Adler et al., 2009:125). This trafficking is reported to be enabled by the bribery of local officials and customs inspectors (Bator, 1982:292, Conklin, 1994:203). However, the involvement of organised criminal groups is often unnecessary as antiquities can be moved by more conventional means, as customs officers lack the specialist training required to differentiate between licit and illicit objects (Proulx, 2011b:21). Therefore there is very little risk to actors involved in the movement of these objects beyond the initial excavation and exportation. Internationally convictions for the smuggling of antiquities are rare (Adler and Polk, 2005, Mackenzie, 2005a:251).

As I outlined in *Chapter 1*, antiquities by their nature are small, portable and fungible, meaning that their movement can be easily organised. The empirical evidence suggests that smuggling methods and routes specific to the antiquities trade have been developed, with antiquities most likely to be moved by specialist actors (Adler and Polk, 2005:100). To prevent detection, smugglers have been known to cover antiquities in a modern material to look like recently produced souvenirs or broken up objects so that they appear to be of lower value (Conklin, 1994:204). Often, smugglers rely on the fact that only a small percentage of all containers and packages are opened by customs officers, and their attention is often directed at other illicit markets such as narcotics (Mackenzie,

2002b:2). Many antiquities are sufficiently small that one person can obtain a reasonable supply in one trip and carry them within their luggage (Adler et al., 2009:125-6). There have been reports of soldiers, diplomats and tourists carrying illicit antiquities in their luggage when travelling (Bator, 1982:292, Bailey, 2007, Brodie et al., 2000, Peters, 2009). Alternatively, illicit antiquities are simply placed in the domestic postal system (Mackenzie, 2005b:137), a method which is reported to be on the increase (Center for the Study of Democracy, 2007:186).[35]

Italian police have uncovered a number of networks involved in the movement of antiquities. In 1994 an organisational chart of those involved in the illicit looting and export of antiquities from Italy was discovered (Watson and Todeschini, 2006:16). It is a unique document, as it charts "the underground network's view of itself" (Watson and Todeschini, 2006:18). The chart names all actors involved, and demonstrated that there were two key routes for looted antiquities leaving Italy, one via a dealer named Medici and the other via a dealer named Becchina, both based in Switzerland (Watson and Todeschini, 2006:79). At the top of the chart was dealer Robert Hecht Jr with an arrow to "Paris and USA – Museums and collectors" indicting his role as the liaison with the market (Watson and Todeschini, 2006:17). Between 2003 and 2007 the Italian Police were involved in Operation Ghelas, which investigated an organised group involved in the trafficking of antiquities looted from Sicily and Spain. General Nistri, Head of the specialized unit of the Italian Carabinieri dealing with crimes against antiquities reports that:

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[35] Warchol's study of the illicit wildlife trade uncovered similar 'uncomplicated' smuggling methods, rather than a dependence on organised criminal networks (Warchol et al., 2003).

"The organization was founded on a rudimentary and at the same time complex structure in which every player performed specific tasks. Indeed, the association - which was modelled on the Mafia clans, despite not having their "technical" attributes - could rely on various trusted members of local groups in the areas of interest whose job was to organize and control the numerous phases of the illegal activity, including research, collection and distribution of relics, preparing them for sale, and making reproductions of pieces of highest value; assessing the value of the pieces, organizing their transfer to potential markets, and searching for buyers and contacts abroad, this latter job assigned to a very well-known local delinquent" (Nistri, 2009:99-100).

In 2011 Proulx conducted a worldwide survey of archaeologists to gauge the involvement of organised criminal groups in the looting of archaeological sites and movement of these objects. The survey indicated a disconnection between how archaeologists viewed the illicit trade globally and locally. At a global scale over 90% of respondents agreed that organised criminal groups were involved in looting and the transportation of antiquities, but when asked about their local experience, closer to 60% of archaeologists answered positively.[36] Proulx suggests that the "conventional wisdom about the structure and social organization of transnational trafficking" has filtered down to effect archaeologists views of the movement of antiquities, with the overwhelming majority (92%) assuming the involvement of organised criminal groups in the global transportation of looted goods (Proulx, 2011b:11,19). Qualitative responses indicated that archaeologists assumptions

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[36] Asked if organised criminal groups involved in looting at archaeological sites (globally 94% agreed, Locally 58% agreed; asked if organised criminal groups involved in transportation of looted goods (Globally 92% agreed, Locally 63% agreed) n=2358.

about the global trade in antiquities was affected by sensationalist media reports, common sense arguments about the need for organisation in the movement of antiquities and definitional uncertainties about the meaning of 'organised crime'. Proulx concluded that although much looting is organised in nature, the involvement of the traditional conception of organised criminal groups is the exception rather than the rule. She writes:

> "looting and trafficking can best be articulated as loosely-networked social interactions subject to broader market forces and incongruencies in the international legal landscape that facilitate the trade. Perhaps most importantly, the illicit antiquities market does not and should not need to be construed as a conventional organized criminal activity clouded by sensational stereotype in order to receive scholarly attention" (Proulx, 2011b:24).

Whilst it appears that there is some involvement of organised criminal groups in the illicit antiquities trade, many actors involved in the movement of antiquities have no connection to these groups. General Nistri has concluded that actors involved in the antiquities world:

> "even if they are not mafia-style in the traditional sense of the word – use operating methods very similar to these organized crime rackets and are developing multinational characteristics" (Nistri, 2009:106).

4.3 Actors involved in the sale of antiquities

In contrast to actors involved in the looting and movement of antiquities, actors involved in the market end of the trade have traditionally been drawn from the economic and social elite (Adler and Polk, 2002:39). They are often well educated, with considerable financial, cultural and political capital (Mackenzie, 2011:140). As such they have been identified by Mackenzie as 'powerful individuals' (Mackenzie, 2011) and have been influential in the development of legislation protecting the interests of the trade (*See Section 3.4).* It is difficult to differentiate between actors who are responsible for the sale of antiquities, and actors who purchase of antiquities, as there is considerable overlap between these groups. In the process of collecting, many actors in turn begin to sell antiquities and vice versa. Similarly, the line with scholarship is equally blurred, as all groups build up significant levels of knowledge in their collecting area (Schwartz, 2001:639). The development of an antiquities collection confers the collector with a reputation of cultural distinction:

> "Private collections of antiquities can be said to reflect the taste, sense of risk and adventure of the collector; setting that person apart as a "special breed" (de Montebello, 1990vii).

Senior members of Auction houses are reported to be selected from the alumni of Eton, membership of Gentleman's clubs in St James' is considered to be an almost compulsory aspect of these roles (Mason, 2005:92).

Dealers in the traditional antiquities market are a restricted group. The market has been visualised as a pyramid with a very small number of dealers specialising in high end

antiquities, and a higher number of traders selling the remainder of cultural objects (Mackenzie, 2005b:23). Mackenzie's interviews with dealers indicated that perhaps less than 100 dealers specialised in high end antiquities and serious collectors of high end antiquities ran to just several hundred people (Mackenzie, 2005b:24).[37]

The Connoisseur's view of antiquities

Thus far this thesis has focused on the archaeological perspective of the antiquities trade. There is, however, a counterview; that of connoisseurship. In the view of Gill and Chippindale there is an 'essential asymmetry' between these two perspectives, which is "calamitous to the archaeological interest" (Gill and Chippindale, 1993:658). As I outlined in *Chapter 1* the context in which antiquities are found is of primary importance to archaeologists (Brodie, 2006a:52). However, antiquities can be viewed through different 'regimes of value' (Appadurai, 1986) with some actors placing a higher importance on the aesthetic or financial value of ancient objects. Supporters of the antiquities market tend to favour a connoisseur's appreciation of the aesthetics of antiquities over the importance of archaeological context, and therefore the provenance of the object is not considered to be essential to the value of the antiquity.

Connoisseurship can be defined as "esteem for, and appreciation of, beautiful artefacts" (Gill and Chippindale, 1993:601). This approach owes much to academics such as Sir John Beazley (1885-1970) who studied ancient vases as works of art, comparing them in terms of stylistic and artistic merit, and attributing vases to known or unknown ancient artists, e.g. Euphronios, the Berlin painter (Jackson, 2008:62). In this way antiquities are valued

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[37] In 2008 it was estimated that there were around 20 large dealers in the UK and a further 100 small dealers dealing in antiquities in the UK (Mackenzie, 2011:138).

for their aesthetic qualities, and their historic merit is created in comparison to the known corpus of similar objects, rather than through their relationship to the context in which they were found. This approach enables connoisseurs to attribute antiquities to particular cultures or historic periods. Thus objects which were created in antiquity as utilitarian objects, are treated in modernity as works of art. Therefore for connoisseurs the value of antiquities is 'immanent' to the object (Chippindale et al., 2001:4), meaning that the knowledge of where the antiquity came from is interesting, but not an essential component of study (Gill and Chippindale, 1993:658). This has implications for the importance placed on due diligence processes, as actors who view collecting as a form of connoisseurship place less importance on the provenance of a particular object.

The psychology of antiquities collecting

Collecting is a universal human attribute and is an activity found in all cultures (Schwartz, 2001:633), dating back to at least prehistory (Belk, 1995b:22). In the United States it is estimated that 42.9 million households engage in some form of collecting (Apostolou, 2011). Collecting is not merely the acquisition of objects, but a selective, orderly process within definite boundaries (Belk et al., 1988:548). As such collecting can be defined as "the process of actively, selectively, and passionately acquiring and possessing things removed from ordinary use and perceived as part of a set of non-identical objects or experiences" (Belk, 1995b:67). Therefore it is a repetitive activity, with collectors seeking out many objects which fulfil the criteria of their collection. The process of collecting is understood as an expressive form of self-definition (Baekeland, 1981:46), as collectors devote so much of their time into defining and building up their collection that they invest part of themselves into it (Belk et al., 1988:551). Once defined as a 'collector', individuals

have to continue acquiring to maintain that status (Baekeland, 1981:51). Consequently, many collectors choose to alter the boundaries of their collection rather than stop collecting once their initial goals are fulfilled (Belk et al., 1988:549).

The literature stresses that the process of collecting is a passionate undertaking (Baudrillard, 1994:7, Benjamin, 1999a:61). It is often referred to as an 'obsession' or 'addiction' (Muensterberger, 1994:3). Collectors do not merely acquire objects for their collection, but develop a deep longing and desire for them (Belk, 1995b:73), with collections being viewed as almost sacred or religious in nature (Belk, 1995b:93). Many commentators use a hunting analogy to describe the excitement experienced by collectors during the process of acquiring new objects for their collection. For example, in Formanek's analysis:

> "one locates the prey, plans for the attack, acquires the prey in the presence of real or imagined competition for it, and feels elated. The prey becomes a trophy – a symbol of one's aggression and prowess" (Formanek, 1991:277).

This thrill of the chase is described as either a 'craving', 'seduction' or 'loss of control' on behalf of the collector (Belk et al., 1988:549), and is often compared to sexual desire (McIntosh and Schmeichel, 2004:89, Baekeland, 1981:51, Schwartz, 2001:636, Pearce, 1995:173). The successful acquisition of the object provides the collector with positive reinforcement, moving them closer to their ideal collecting self (McIntosh and Schmeichel, 2004:92).

Competition and the desire for admiration is central the psychology of collecting.

"The collector must be shrewder, quicker, more knowledgeable, more discerning, more diligent, or simply luckier than other collectors in order to be successful"(Belk, 1995b:69).

Belk suggests that collectibles are perfectly suited to be sold at auction, as the format encourages the competitive nature of collectors (Belk, 1995b:68). Through successfully acquiring objects for their collections collectors gain prestige and status within their collecting community.[38] Schwartz suggests that:

"The quality and rarity of our possessions is a sure sign of our quality and rarity as connoisseurs, as well as our strength and conquest over competitors for rare objects" (Schwartz, 2001:635).

Experienced collectors seek rarer and rarer objects, as the scarcer the object the higher the distinction for possessing it (McIntosh and Schmeichel, 2004:92). Collectors in defined collecting areas form themselves in to specialist collecting communities, where the value of their collection is recognised by others with similar interests. Groups develop their own subcultures, and share their 'subcultural capital' or knowledge with other group members (Belk, 1995b:93, Epley, 2006:159). Many collectors gain a sense of belonging from this kind of group membership (Formanek, 1991:332), and competition within the group can give some collectors a heightened status (Belk, 1995b:68). Experienced collectors also gain prestige through expert knowledge developed through research in their collecting field (Belk, 1995b:88). Through this kind of information gathering they are able to demonstrate their 'expert status' within the collecting community (McIntosh and

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[38] There is a considerable literature on collecting subcultures (see Formanek, 1999; McIntosh and Schmeichel, 2004; Epley, 2006).

Schmeichel, 2004:88). Each collection reflects the collectors appreciation of their collecting area and their judgement and taste (McIntosh and Schmeichel, 2004:92, Schwartz, 2001:635). Therefore collectors place a high importance on their expertise in their collecting area and are reported to feel 'devalued, false and worthless' if their judgement is called into question (Baekeland, 1981:56).

Whilst the collecting literature tends to focus on the desire of collectors for recognition within their collecting community, the process of collecting can also be motivated by a desire to gain status amongst the wider non-collecting community. The collecting of antiquities is associated with the social and economic elite, and possession of such a collection can be used as a symbol of status. Collecting is 'seen as meritorious pastime' (Danet and Katriel, 1994:34). Collectors... "envisage themselves playing the role of saviour of society by preserving all that is noble and good for future generations" (Belk, 1995a:486). Their collecting gives them a sense of purpose as their activity contributes to knowledge (Belk, 1995b:76). The ultimate legitimization for the collector is the acceptance of the collection by a museum (Belk et al., 1988:550). These themes are particularly pertinent in the case of antiquities collecting. Formanek suggests collectors are driven by a sense of continuity, and a desire to preserve the past for the future (Formanek, 1991: 333).

The UK Antiquities Dealers Association suggests that:

"The point about collecting antiquities is that they provide the opportunity to reach back across the centuries and actually handle the past to, if you like, feel a rapport with the original ancient owner".[39]

Nostalgia for the past is a theme repeated in much of the literature, for example, for Baudrillard antiquities "signify time", fulfilling collectors needs for witness, memory, nostalgia or escapism (Baudrillard, 2005:77-8); and Alexander the Great, one of the first recorded collectors of antiquities is reported to have been "moved by a nostalgia for the purity of an age that had gone by" (Eccles, 1968:33). Antiquities collecting is also reported to provoke an emotional response in collectors. For Muensterberger, owning an antiquity is a "powerful emotional experience" serving "as evidence of continuity and symbolic communication with a distant past" (Muensterberger, 1994:26). In addition, Marks suggests that such collecting is:

"life-enhancing and humanizing…It is a reach for knowledge, to know the past through its tangible remains" (Marks, 1998:127).

Collecting antiquities can also be motivated by escapism. Lowenthal suggests that people seek comfort in the past in order to escape present problems or fears of the future (Lowenthal, 1996:xiii).

These desires for nostalgia and a connection with the past mean that the authenticity of antiquities is of central importance to collectors. Baudrillard suggests that collecting in this arena fulfils "the nostalgia for origins and the obsession for authenticity" (Baudrillard, 2005:80). For Baudrillard:

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[39] http://www.theada.co.uk/collecting.htm.

"every antique is beautiful merely because it has survived, and thus become the
sign of an earlier life"(Baudrillard, 2005:88).

However, for Benjamin reproductions of objects do not have the same 'aura', having lost
"its presence in time and space" (Benjamin, 1999b:214). He writes:

"The authenticity of a thing is the essence of all that is transmissible from its
beginning, ranging from its substantive duration to its testimony to the history
which it has experienced" (Benjamin, 1999b:215).

Collecting as a 'moral enterprise'?

Just as the antiquities trade is in the early stages of criminalisation, it also is in a time of
ideological change. Concepts such as 'looting', 'due diligence' and 'provenance' are
relatively recent constructs. Mackenzie has outlined how the 'looting' of archaeological
sites can be described as a "cultural construction" (Mackenzie, 2005a:250). The process of
removing antiquities from the ground has changed little over the centuries. Historically,
the abundant archaeological heritage has been seen as an easily available resource from
which to create profit. An endless fascination with the past has driven people throughout
history to investigate what may lie beneath their feet. Until the nineteenth century the
methods of 'looters' and 'archaeologists' were almost indistinguishable (Gersteinblith,
2004:148). However, as archaeological practice became professionalised and the
importance of stratified context was discovered, tensions have developed. In the previous
chapter I outlined how source States have increasingly introduced protective laws which
only permit the professional excavation of archaeological sites. Therefore those who dig
in contravention of these laws are considered looters.

Similarly, the presumption of due diligence and the need for provenance are equally modern concerns. The collecting of antiquities was once considered a completely ethical pastime, however as awareness of the harm caused by the looting of archaeological sites has grown, what was once considered acceptable collecting practice has gradually become prohibited. The wholesale movement of cultural objects dates back to the eighteenth century, when empires were expanding and new archaeological finds were being made at an unprecedented rate. Antiquities collections were considered "prestigious emblems of the wealth, power, and taste of their owners" (Mayo, 2005:138). At its height, collecting trends focused on ancient cultures considered the 'origins of civilisation'. In this way as archaeological knowledge expanded, collectors followed; from Greece and Rome to Egypt and Mesopotamia; and more recently to Africa and South America. There is an inescapable interconnectivity between the growth of Empire and the movement of antiquities to Western nations. For example, as part of his campaigns, Napoleon removed large volumes of antiquities from Greece, Carthage and Rome to fill the rooms of the Louvre in Paris (Meyer, 1974:65). In 1796 Napoleon is reported to have claimed:

> "The Romans, once an uncultivated people, became civilised by transplanting to Rome the works of conquered Greece…The French Republic, by its strength and superiority of its enlightenment and its artists, is the only country in the world which can give a safe home to these masterpieces. All other Nations must come to borrow from our art" (Gerstenblith, 2004b:140).

Powerful nations competed to appropriate and bring back as much ancient material culture as possible. Museums in London, Berlin, Paris and Munich competed to become

the new centre of culture (Norskov, 2002:64-5). The newly formed National museums sent out representatives with military campaigns with the sole intention of building up their collections. These objects entered into the national patrimony; and helped create a mythology of Empire. The collecting of antiquities also grew in popularity in the private domain. With the educated upper classes undertaking 'a grand tour' of Europe for the first time, and returning home with antiquities as souvenirs of their travels. Collecting in this area continued as a popular pursuit of those who wished to be associated with high culture.

Until the 1960s antiquities collecting was generally considered an ethical pursuit, and the absence of provenance was the norm (Mackenzie, 2005b:33). It was not until members of the archaeological community brought attention to the harms caused by the trade that attitudes started to change. Actors involved in the sale of antiquities are the product of a "once noble line in colonial exploration" (Mackenzie, 2005a:250). Marks has outlined the changing perceptions of antiquities dealing. He suggests that before 1970 "dealing had been generally considered, if not a noble profession, at least a glamorous line of work", but that dealers are now viewed as "suspicious characters" (Marks, 1998:122). In the view of Bunker, the acceptance of connoisseurship has been replaced in recent years with an 'anti-collecting philosophy' (Bunker, 2005).

The first archaeologist to draw attention to the damage being done to archaeological sites was Clemency Coggins in her exposés of the market for looted Pre-Columbian artefacts (Coggins, 1969, Coggins, 1972). These were quickly followed with the publication of several popular books concerned with the looting of archaeological sites written by investigative journalists, such a Hamblin's 'Pots and Robbers' and Mayer's 'The Plundered

Past' (Hamblin, 1970, Meyer, 1974). Over the next two decades archaeologists reported evidence of looting from their excavations, but it was not until the 1990s that more comprehensive analysis of looting were published (as I outlined in *Section 1.3*).

Prominent archaeologists such as Baron Renfrew of Kaimsthorn became outspoken critics of the trade (Renfrew, 1993, Renfrew, 2000b). Renfrew established the Illicit Antiquities Research Centre in May 1996 at the University of Cambridge which for 10 years became a focus for the study of the issue. Neil Brodie, the research director, published widely on the issue of looted archaeological sites (Brodie et al., 2000, Brodie et al., 2001, Brodie and Tubb, 2002, Brodie, 2003, Brodie and Renfrew, 2005, Brodie et al., 2006). Two further archaeologists David Gill and Christopher Chippindale have spent several decades producing quantitative studies of the destruction (Gill and Chippindale, 1993, Gill, 1997, Chippindale and Gill, 2000, Chippindale et al., 2001, Gill and Chippindale, 2006, Gill and Chippindale, 2007) (*See Section 2.2*).

Several archaeologists have directly linked the practices of collectors, particularly through the purchasing of unprovenanced antiquities to the looting of archaeological sites. Renfrew has argued that "collectors are the real looters" (Renfrew, 1993) and that the only form of 'good collector' is an ex-collector (Renfrew, 2000a). He stated in 2004 that in his view:

> "the peasants who dig the objects out of the ground do so because there are
>
> people who pay good money for them, they are the innocent wrongdoers. The
>
> people who pay money for antiquities when they have no idea where they're from
>
> - they're the people I would blame. Curators, museum directors who willingly

purchase or accept as bequests material they know they have no provenance for,

they're the real villains, the real pushers who drive this trade" (Sussman, 2006).

These voices have been joined by some museum professionals. For example in the view

of Muscarella, antiquities collecting is inherently immoral and unethical. He argues that

"collecting antiquities is to archaeology as rape is to love" (Muscarella, 2000:13). The

campaigns supported by archaeologists, combined with the changing legal framework

have led to the development of due diligence processes in both public and private

collecting.

4.4 Public collectors: The impact on museum acquisitions

Acquisitions in the age of 'piracy'

Traditionally museum curators have had free reign over acquisitions. If they were offered

an antiquity which would benefit their collection, there rarely was any ethical or legal

consideration, the museum simply acquired it. Museum directors have been accused of

believing that:

> "obtaining art and building collections [is] more important than securing the
>
> legality of the object" (Bernick, 1998:99).

For example, in his biographies Thomas Hoving, the director of the Metropolitan museum

of Art between 1967 and 1977 describes purchasing illicit antiquities as he felt it "the

most basic duty of the Metropolitan was to seize such treasures" (Hoving, 1993:250). He

describes his collecting style as "piracy"; explaining that his address book contained the

details of "dealers and private collectors, smugglers and fixers, agents and runners…"
(Hoving, 1993:24).

The Euphronios krater was possibly the Metropolitan museum's most controversial
acquisition; and illuminates how western museums placed aesthetic value above legal or
ethical concerns. Purchased in 1972 from Robert Hecht Jr for a record breaking $1 million,
the vase soon attracted the attention of the press and the Italian authorities, both
claiming it had been looted in Italy in 1971. Officially the museum dismissed these ideas,
claiming publicly that the vase had been in the collection of a Lebanese dealer since 1920,
but admitting privately that the vase was likely to have been looted (Hoving, 2001b).
Hoving justifies the acquisition, due to its importance as a work of art, comparable to the
best Leonardo, Dűrer, Rembrandt or Picasso. He also expresses a belief that as the
UNESCO treaty had not officially come into force until later that year, there would be no
international recourse:

> "We had landed a work that I guessed would be the last monumental piece to
> come out of Italy, slipping in just underneath the crack in the door of the
> imminent UNESCO treaty, which would drastically limit future trade in antiquities"
> (Hoving, 2001a).

Hoving is not the only museum curator who demonstrated these attitudes. In 1988 the J.
Paul Getty Museum purchased a statue of Aphrodite from the dealer Robin Symes for $18
million, a new record high for an antiquity. Curator Marion True had told the Getty's
acquisition committee that the Aphrodite could become "the single greatest piece of
ancient art in our collection". The dealer, Robin Symes claimed that he had purchased the
statue from an unnamed collector in Switzerland. Internal Getty documents from the

time indicate that the museum were aware this was false. Meeting notes from 1987 quote the Chief Executive Harold Williams as saying "Symes a fence", "We know it's stolen", and asking "are we willing to buy stolen property for some higher aim?" (Felch and Frammolino, 2005).

The 'evolving moralities' in museum acquisition

The campaign by archaeologists has been mainly directed at the policies of museums regarding the acquisition of antiquities. As public institutions who are accountable to patrons and stakeholders, museums are seen as having an important role in establishing the ethical climate when it comes to collecting. As such their policies signal to the wider antiquities collecting community acceptable standards of due diligence (Brodie and Renfrew, 2005). Renfrew has accused museums who exhibit unprovenanced antiquities as being guilty of "academic laundering" (Renfrew, 2000b:35). Museum curators who exhibit unprovenanced antiquities are seen as being 'complicit' in the illicit trade, as the public display of illicit antiquities providing these objects with authenticity and respectability (Brodie and Renfrew, 2005:353). Gill and Chippindale outline the role the Virginia Museum of Fine Arts played in exhibiting Cycladic figures, 47% of which had surfaced after 1970:

> "There appearance in an exhibition such as this publicizes, celebrates and legitimates the pieces, to some extent making them authentic and respectable; rather than just 'from a private collection', they may now be said to have been 'exhibited at the Virginia Museum of Fine Arts'"(Gill and Chippindale, 1993:614).

Chapter 4

In reaction to pressure from the archaeological community and increased public attention museums have begun to develop stricter acquisitions policies (Brodie and Renfrew, 2005:345, Gill and Chippindale, 1993:633) and 'moralities are evolving' (Renfrew, 2000b:77-80). One museum curator notes:

> "The central question of recent debate is deceptively simple: how far back in time does the legitimate ownership history of an object outside its source country have to extend for its acquisition to be ethical?" (Potts, 2006:131-2).

In 1970 the University of Pennsylvania became the first museum to issue a declaration that it would no longer acquire unprovenanced antiquities. Other museums have gradually followed their lead. The J. Paul Getty Museum introduced an acquisitions policy in 1987, which required the museum to ask vendors for any available provenance and check with the State of origin if there was any proof of theft. This policy was updated in 1995 when acquisitions were restricted to antiquities which had been published in catalogues and scholarly journals before 1995 or had formed part of an established and well documented collection (Felch and Frammolino, 2005).

The British museum formalised an undertaking to no longer acquire illicit antiquities in 1998 (Renfrew, 2001). In 2005 the UK government issued guidelines for the first time on the acquisition of cultural material. They advised that museums should:

> "set high ethical standards for acquisitions and that they should avoid giving tacit support to the market in unprovenanced material through their acquisition activities" (DCMS, 2005:2).

Museums were advised only to acquire objects if they are certain "they have not been illegally excavated or illegally exported since 1970" (DCMS, 2005:4). In 2008 the Association of Art Museum Directors, which has 190 members worldwide adopted a new policy on acquisition, stating that museums "normally should not" acquire antiquities unless solid proof exists that the object had been exported from the State of origin prior to 1970, or was legally exported post 1970 (Kennedy, 2008).

The indisputable evidence

It had long been suspected that some of the world's leading museums were acquiring recently looted archaeological finds, however there was a lack of evidence to prove this was the case. Then in 1995 there was a major breakthrough when Italian police exposed a major antiquities smuggling ring. The investigation soon became International, and Swiss police raided the storerooms of an antiquities dealer, Giocomo Medici in the Freeport in Geneva (Felch and Frammolino, 2007). The police found 3800 antiquities along with a catalogue of more than 4000 polaroids of artefacts, and documentary evidence outlining his illicit antiquities operation (Watson and Todeschini, 2006:54). The photographs often feature the same antiquities in several states, first encrusted with dirt after illicit excavation, second during the restoration process, and lastly fully restored. On some occasions, a fourth photograph depicted Medici proudly standing next to the object in a display case in some of the world's leading museums (Watson and Todeschini, 2006:68). Critically for the investigation, the camera which Medici used was not in production until 1972, proving that the finds were made at least 33 years after the introduction of Italian law prohibiting looting (Watson and Todeschini, 2006:57). The photographic evidence provided the authorities with the evidence they needed to campaign for the return of

looted artefacts. It also highlighted the role auction houses had played in selling illicit antiquities. As a consequence of the enquiry Sotheby's in London stopped selling antiquities is 1997 (Watson and Todeschini, 2006:48).

In 2004 Giacomo Medici was convicted of dealing in stolen ancient artefacts and sentenced to a fine of $14 million and 10 years in prison, which was later reduced to 8 years on appeal. The first time that "this type of crime has been given such a high punishment" according to Paolo Ferri, the prosecutor (Boehm and Felch, 2009). In 2005 the prosecutions became international, when Robert Hecht Jr, a prominent antiquities dealer and Marion True, the Curator of Antiquities at the J. Paul Getty Museum in LA were charged by the Italians with conspiring to deal in looted Italian artefacts.

The arrest of Marion True sent shockwaves throughout the antiquities world. Marion True was once considered "the very model of the modern museum curator" (Grose, 2006). With a Harvard PhD she curated the antiquities department at the Getty for almost 20 years. She had publically denounced the trade in illicit antiquities, and had encouraged the museum to adopt a policy of only acquiring antiquities with provenance (Grose, 2006). The evidence heard at the trial was wide reaching, naming many leading antiquities collectors and museums, and their role in the "sophisticated method of laundering artifacts" through creating fake provenance for antiquities (Povoledo, 2007). The case against True was dropped after 5 years of hearings in 2010, after the statute of limitations ran out. The case against Robert Hecht Jr was dropped soon after (Povoledo, 2010).

The trial of Hecht and True brought international publicity to the issue of illicit antiquities, and sent a message to antiquities dealers, museum curators and collectors that Italy

would pursue cases where evidence permitted. Captain Massimiliano Quagliarella told the Los Angeles Times:

> "We want this case to be a big deterrent. It is important to stop the phenomenon of illegal excavations and illegal exportation by eliminating the demand, and thus eliminating the offer" (Popham, 2005).

The evidence from the Medici archive allowed the Italian authorities to start a campaign for the repatriation of antiquities which they had long suspected had been illicitly looted from Italian soil. The prime focus was the J. Paul Getty Museum in LA, which had been at the forefront of antiquities acquisitions in the latter part of the twentieth century, but had a reputation for "turning a blind eye to the problematic origins of high-priced antiquities" (Popham, 2005). Italy demanded the return of 46 antiquities, many of them key objects within the museum's collections. Many of the antiquities requested were identified by Italian police in the Medici photographs "in an unrestored state, some encrusted with dirt" (Felch and Frammolino, 2005, Watson and Todeschini, 2006:83). Marion True had been responsible for recommending 18 of these acquisitions, and whilst the museum initially resisted the requests, by 2007 had agreed to the return of 40 pieces, in return for extended loans of similar antiquities from Italy (Felch and Frammolino, 2007). Amongst the returned items was the famous status of Aphrodite, which had been looted from an archaeological site in Italy in 1986 (Felch and Frammolino, 2005).

The Italians also targeted other American museums, with the Metropolitan Museum in New York returning 21 pieces, the Cleveland Museum 13 antiquities, and the Museum of Fine Arts in Boston 13 antiquities (Page, 2009). Amongst these was the Euphronios vase

purchased by Thomas Hoving, which was found to have been looted from an Etruscan tomb.

These returns highlight the fact that it was:

> "nearly impossible to build up a collection of legitimately provenanced masterpieces in the closing decades of the twentieth century" (Gill and Chippindale, 2007:226).

In 2007 the Italians proudly exhibited the returned antiquities in an exhibition entitled "Nostoi: Returned Masterpieces" at the presidential Quirinal Palace in Rome. It was the climax of the ten year campaign by the Culture Ministry and Carabinieri to reclaim looted antiquities from foreign collections, and the exhibition featured 68 antiquities, which had until recently been amongst the key masterpieces of foreign museum collections (Delaney, 2007). The success of the Italians has encouraged other source States to pursue claims for repatriation, including Egypt, Greece, Guatemala, El Salvador, Peru, Turkey, China and Cambodia (Bennett, 2008, Grose, 2006).

4.5 Private collectors: the internationalist view of the trade

Whilst many (although not all)[40] public institutions have denounced the acquisitions policies of earlier times, private collectors and the market have taken quite a different

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[40] Several major museum collections are still prepared to purchase items without provenance, for example in 1995 Harvard's Arthur M Sackler Museum bought 182 Greek Vase fragments of uncertain provenance, despite their clear acquisitions policy. In addition, Museum directors such as Philippe de Montebello have indicated that they will continue to acquire antiquities of merit despite these restrictions, in a lecture in 2007 de Montebello is reported to have said while referring to a photo of a classical torso "Frankly, the refusal to acquire and thus bring into the public domain such a masterpiece simply as a matter of principle or ideology...is unacceptable." He warned that if such antiquities are not purchased by public museums their fate is to go into underground collections, never to be seen (Taylor, 2007).

approach. In response to the changing ethical and legal landscape antiquities dealers have not chosen to increase their levels of due diligence. Instead they have chosen to both reduce the levels of information they provide buyers regarding the provenance of antiquities and restrict the actors they do business with. In addition they have formed strong lobbying organisations to protect the interests of the trade.

The 'culture of ignorance'

McIntosh, has argued that there are 'good collectors', who are primarily motivated to collect based on a respect for another culture. They are driven by the knowledge imparted by the objects they collect rather than a desire for possession. A good collector insists on provenance, even for objects of outstanding beauty, and would take it upon themselves to join other like-minded collectors to self-police the market, and educate other collectors and politicians of the importance of only collecting legitimate objects (McIntosh et al., 1995:60). Collectors who remain silent about the looting issue are complicit (McIntosh et al., 1995:61). However as I have demonstrated in *Section 2.2* the majority of antiquities in the market are sold with no provenance information.

Mackenzie's research indicated that dealers acknowledge the widespread existence of looted antiquities in the market. However interviewees were reported to ask few questions about the origins of the objects they bought. Mackenzie describes a "culture of ignorance", where dealers operated a 'don't ask, don't tell' policy when it came to provenance (Mackenzie, 2009:47), therefore Mackenzie describes dealers as 'complicit actors' (Mackenzie, 2009:55). White reports that prior to contemporary concerns about the legality of antiquities dealers often revealed the origins of antiquities, even when they knew the antiquity had been looted (White, 1998:172). However, increasingly dealers are

reported to provide misleading provenance information to obscure any link between the object and its original location (Gilgan, 2001:78-83). Today questions about provenance are said to be met with "polite evasions" (Lane et al., 2008:253).

Mackenzie's research found that when there are suspicions regarding the provenance of objects, dealers prefer to take any information they are provided with at face value, rather than investigate further (Mackenzie, 2005a:255). On occasion, they also chose to protect themselves from any criminal investigation by requiring sellers to sign a document asserting good title (Mackenzie, 2005a:257). Mackenzie's findings are supported by evidence from the trial of Medici, who often signed statements that looted antiquities were "exclusively owned by me and of legitimate provenance" (Watson and Todeschini, 2006:76).[41] These practices are mirrored in the market for stolen goods. Sutton's research indicates that buyers of stolen goods also tend to ask set questions aimed at self-protection rather than establishing the origins of goods (Sutton et al., 1998:32). In 1796 Colquhoun made a distinction between 'innocent receivers' who have no reason to doubt that goods are licit and 'careless receivers' who asked no questions about the origins of goods (Sutton, 1995:408). Given the amount of publicity surrounding the illicit antiquities trade, antiquities dealers must be considered to fall into this second 'careless' category.

Mackenzie's research concluded that the antiquities market operates in a routine, unremarkable way. He found that dealers were of the opinion that as the antiquities

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[41] It appears that secrecy and the failure to ask questions is central to the antiquities trade. In 1974 Meyer described similar falsification of paperwork, which he described as a "routine business method" Meyer 1974:16,124).

market operated in the open, this equated with a lawful market (Mackenzie, 2009:45).

Therefore Mackenzie concluded that the "ties to underlying wrongdoing or immorality

have become effectively invisible" (Mackenzie, 2009:42). Mackenzie has suggested that

antiquities dealers should be viewed as white collar criminals, as whilst they claim to

break no laws in their own States, they "do *in fact* buy looted antiquities, and there is *in fact* a relationship between the purchase of looted antiquities in the market and the

destruction of context at source" (Mackenzie, 2005a:261).

Sutherland defined white-collar crime as "a crime committed by a person of respectability

and high status in the course of his occupation"(Sutherland, 1949:9). As such white collar

offending tends to relate to abuses of trust. In the case of the antiquities trade Mackenzie

suggests dealers abuse the trust placed in them by buyers to be socially, culturally and

environmentally responsible (Mackenzie, 2006:3). Mackenzie has outlined how

antiquities dealers fulfil the definition of white collar criminals; they are often of high

socio-economic status, and abuse the trust of collectors who place their faith in the

expertise and reputation of antiquities dealers. This view of dealers as white-collar

criminals has some support. For example, professor Elizabeth Stone has argued:

> "What happens with the illegal antiquities trade is no different from the illegal
>
> drug trade, except that the people who are receiving the stuff are not at the
>
> bottom of society; they are at the top" (Mead, 2007:58).

Mackenzie's research identified a range of other 'complicit actors' in the antiquities trade

who either fail to ask questions about the origins of suspicious antiquities or report their

concerns to others. These include the majority of hands antiquities pass through in

market States; customs officials[42], appraisers, dealers, museums and academics (Mackenzie, 2009:55). The role of the academic community has been examined by several researchers (Brodie, 2011, Brodie, 2009, Lunden, 2004). Lunden's study focused on the role scholars played in the illicit market, indicating that academics were willing to acquire, research and publish unprovenanced antiquities[43], and curate exhibitions containing unprovenanced objects (Lunden, 2004). Brodie found that some academics regularly studied unprovenanced material, even in contravention of an international ban on the sale of antiquities from Iraq (Brodie, 2009:72-3).[44] Despite indications that the antiquities were looted, these academics failed to report their suspicions to the authorities and failed to ask questions of the owners (Brodie, 2011:415, 423).

Restricted circles of dealing

Both dealers and auction houses prefer to undertake business with small circles of trusted business associates (Mackenzie, 2005b:26). Therefore participants have sought to reduce their dealings to 'reputable dealers'. Mackenzie demonstrated that dealers tended to view themselves as legitimate actors, and blamed the illegitimate aspects of the market on some 'bad apples' (Mackenzie, 2009:44)'.

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[42] In some cases customs officials have been found to be in the pay of the antiquities dealers. For example, Fiorella Cottier Angeli, a Swiss archaeologist employed by Swiss customs was on the payroll of Medici, providing him with false documentation allowing him to import and export recently looted antiquities (Watson and Todeshini, 2006:110).

[43] The studying of antiquities without provenance has become a controversial topic. Objects of key cultural and historical importance such as the Dead Sea Scrolls have no provenance, raising questions about the important data which may be lost if these objects are excluded from study. For an outline of the debate see (Kimmelman, 2006).

[44] Brodie found that a professor at Birmingham University had authenticated 32 out of 142 cylinder seals and 211 out of 332 cuneiform tablets on sale in 2008 in contravention of an international ban on the sale of antiquities from Iraq (Brodie, 2009: 72-3).

The formation of lobbying organisations

Antiquities dealers have formed strong lobbying organisations aimed at protecting the market. The International Association of Dealers in Ancient Art (IADAA) were formed 1993 as a lobby for actors involved in the sale of antiquities (Ede, 1998). Members agree to a code of ethics outlining that they undertake:

> "to the best of their ability to make their purchases in good faith" and "not to purchase or sell objects until they have established to the best of their ability that such objects were not stolen from excavations, architectural monuments, public institutions or private property"(Palmer, 1995).

Similarly members of the Antique Dealers Association (ADA) undertake "to use their best endeavours to ascertain that no piece sold has been acquired in any illegal or illicit way" (Palmer, 1995). In 1999 the Council for the Prevention of Art Theft (CoPAT) introduced codes of due diligence for art dealers and auctioneers. These codes require dealers to verifying the identity and address of new vendors and keeping a record of details; check stolen art databases; and report any suspicious activity to law enforcement (Prescott, 2005:392).

In 2000 the British Art Market Federation introduced the 'Principles of Conduct of the UK Art Market' outlining that:

> "members undertake not to purchase, sell or offer any item of property that they know has been stolen, illegally exported; or illegally excavated" (Prescott, 2005:392).

Members are also required to request in writing from the seller assurances of good title, consult a stolen art database if they have suspicions, and make themselves aware of anti-money laundering laws. Despite these ethical codes, dealers associations have been prominent in supporting dealers in court accused of smuggling ancient objects and falsifying documentation (Prott, 2005:237-8).

The role of neutralisation

Supporters of the market have been outspoken in their views that the trade is not harmful, but is a force for good. They have hit back at claims that they are responsible for looting. Rather they see themselves as 'heroes', rescuing archaeological objects for humanity (McIntosh, 2000:73). In the view of many actors involved in the sale of/or the collecting of antiquities the market for antiquities is a 'saviour', as it ensures the preservation of antiquities (Ortiz, 1998). Lawyers Paul Bator and John Henry Merryman; and Museum director James Cuno have been outspoken proponents of this 'internationalist position' (Bator, 1982, Merryman, 2005, Cuno, 2008). Mackenzie has identified a number of neutralising discourses utilised by supporters of the antiquities trade (Mackenzie, 2005b). Based on Sykes and Matza's five techniques of neutralisation Mackenzie found that that supporters of the market denied responsibility for the looting of archaeological sites, denied that the market caused injury, denied the existence of victims, condemned the condemners, and appealed to higher loyalties (Sykes and Matza, 1957).

First the market ***denies responsibility*** for the looting of archaeological sites (Mackenzie, 2005b:205). Market supporters argue that the market has always existed, and will continue to exist as long as there is demand. Therefore it is argued that the market is an

inevitability, and any attempt to prohibit antiquities simply creates a black market (Bator, 1982:317-8). Many of the neutralising discourses used by market supporters echo those used in the market for stolen goods (Klockars, 1975, Henry, 1976). Common justifications include claims that actors did not cause the looting of archaeological sites, and as the event has already occurred, if they do not purchase the object, someone else will (Meyer, 1974:78). These discourses also extend to museum professionals, for example Cuno suggests that as the looting has already occurred, museums can be 'havens' for objects already alienated from their contexts (Cuno, 2005:155).

Second, the market ***denies it causes injury***, suggesting that most ancient material available in the market have not been looted, but are the result of chance finds (Mackenzie, 2005b:53) and are often insignificant to archaeologists as they are duplicates (MacKenzie, 2005b:205). For example, Ede a prominent antiquities dealer claims that archaeologists are 'ignorant' in insisting that the majority of ancient material available in the market is looted. Instead he argues that this material has either been in circulation for a long time, or is a result of chance finds (Ede, 1998). In the case of ancient coins, it is argued that most are found away from archaeological sites and therefore their removal causes no archaeological harm. However, Tompa acknowledges that most collectible coins are found in hoards of up to 100,000 coins, a find which by itself would be considered of significance to archaeology (Tompa and Brose, 2005). Mackenzie notes:

> "The notion that most antiquities are discovered by chance rather than by deliberate searching helps antiquity buyers in the west to dissociate their act of buying from the destruction of context which accompanies the unlawful excavation of artefacts" (Mackenzie, 2005b:53).

Lowenthal further challenges the injury caused through arguing that it is a myth that antiquities are a non-renewable resource. He suggests that heritage is not a static or dwindling, as it is being found all the time (Lowenthal, 2005:395).

Third, the market **denies there is a victim** through the devaluing the rights of source States (Mackenzie, 2005b:205). Supporters of the market question if any modern State can claim patrimony over objects created by ancient cultures, contesting any link between the ancient and modern culture (Young, 2006). For example, Ortiz a prominent collector claims;

> "In an historical sense and over time there is no such thing as 'national patrimony – borders change, the geography of religions and populations change, and the ethos of the inhabitants change" (Ortiz, 1998:59).

'National history' is viewed as a creative mythology, bringing cohesion to hybrid populations brought together by changing geographic boundaries, under the delusion of common ancestry (Lowenthal, 2005:405).

It is argued that ancient cultures rarely coincide with modern geographic borders, and it is pure chance that an object is excavated within the boundaries of a modern nation State (Cuno, 2008:20&91). For Internationalists the movement of people over time means that all cultures are "dynamic, mongrel creations", meaning that universal claims of ownership should take the imperative over nationalistic claims in order to ensure preservation (Cuno, 2008:xxxvi). Politicians are accused of misappropriating antiquities in order to create mythologies of links to ancient cultures in order to bolster nationalistic feeling and to maintain their positions of power rather than through the desire to protect or preserve

their cultural objects (Merryman, 2005:29). National identities are forced onto ancient objects, which were created long before nation States existed (Cuno, 2008:124). In turn Nationalism is seen as affecting our interpretation of material culture; creating a false segregation of ancient cultures into modern spheres of influence and focusing study on the objects found in one nation State alone, rather than learning about wider cultures or encouraging cross cultural comparisons (Cuno, 2008:141).

Fourth, supporters of the market ***condemn the condemners***, undermining the claims of both archaeologists and source States (Mackenzie, 2005b:166, Conklin, 1994:11). Internationalists have accused the archaeologists who have been at the forefront of the campaign to change collecting practices of "Archaeological fundamentalism" (Merryman, 2005:30). They accuse these archaeologists of being 'militant', with many actors in the market viewing the debate as being driven by the desire of archaeologists to 'control' the interpretation of the past, rather than 'surrender' this control to non-specialists who value aesthetics over archaeological context (Kozloff, 2005). Archaeologists are accused of also causing the destruction of archaeological sites. In addition market supporters accuse archaeologists of failing to publish the results of these excavations (Ortiz, 1998:56). The retentive policies of source States are seen as unjustified when nations lack the resources to protect archaeological sites, preserve antiquities or display them to the public. Source States are accused of 'hoarding', and are accused of 'covetous neglect' (Merryman, 1986:846-7). It is suggested that retention actually places a 'burden' on source States to preserve, house and document antiquities, which they are unable to fulfil (Fitz Gibbon, 2005:293). Source States are also accused of allowing archaeological

destruction through allowing developments such as the Three Gorges Dam, which destroyed an estimated 1300 unexcavated archaeological sites (White, 1998:172).

Lastly, market supporters *appeal to higher loyalties*. Primarily, they use the law to justify their position, arguing that in purchasing looted antiquities they have committed no offence, as they have broken no laws in their own State of residence (Mackenzie, 2005b:149). As an interviewee responded in Meyer's book:

> "As long as US laws are not broken, it's all right. After all, these things are not appreciated in these countries. They're brought here and given a home. Now cultured people can see them" (Meyer, 1974:28).

Another dealer interviewed by Meyer suggested that dealing in illicit antiquities was the most 'innocent' form of law-breaking as:

> "these people need bread. They've got plenty of sex and too many people to feed. They really need food, shelter and money and their governments are not bringing it to them...they've got more of this stuff than they can handle" (Meyer, 1974:27).

Many internationalists take the view that laws in source States which do not support internationalist principles should not be enforced by other countries (Merryman, 1995:14). The Internationalist position argues that the ethical imperative of preservation is paramount, and is of higher importance than any legal considerations. The market is viewed as ensuring the survival of antiquities, as the demand from collectors in market States creates a value for antiquities, encouraging finders to locate avenues for selling them rather than destroying them (Ortiz, 1998:53). The Internationalist argument suggests that without the market, these 'finders' would often destroy the antiquity,

rather than report it to authorities (Ortiz, 1998:55). These rhetorics have been used by antiquities smugglers to justify their actions. For example Tokeley Parry argued that in removing antiquities from Egypt without permission he was not committing an act of theft, but 'an act of conservation' (Tokeley, 2006:320).

The creation of a licit market

Supporters of the market have been outspoken in their criticism of how source States have dealt with the issue of illicit antiquities. They suggest that source States do not do enough to protect archaeological sites (Fitz Gibbon, 2005:291), and that their legislation not only fails to protect antiquities, but the retention of antiquities actually is responsible for creating the black market (Bator, 1982:317-9, Cuno, 2008:xxxiii, Merryman, 1988). In Merryman's opinion:

> "If one set out to design a system that would discourage a licit market and encourage a black market, it would be difficult to improve on the present one" (Merryman, 2005:32).

Export bans are identified as the key motivator for the black market in cultural objects, guaranteeing objects are secretly excavated and smuggled out of their State of origin with the resulting loss of provenance (Merryman, 1995:20-1). These retentive laws are viewed as a failure; with commentators arguing that if they had any value there would have been a reduction in looting since their imposition (Cuno, 2008:127). Therefore it is argued that where governments are negligent, objects should be removed by the International community to ensure their preservation (Rostomian, 2002:293).

Central to the internationalist position is the imperative of creating a licit market for antiquities (Merryman, 1995, Bator, 1982). Whist they recognise the rights of source States to prevent the export of antiquities directly linked to cultural patrimony and where looting is threatening the extinction of a culture, they believe that everything else should be legally available in the marketplace (Merryman, 1995:29). Merryman makes a distinction between culturally movable objects such as modern paintings or objects relating to dead cultures, and culturally immovable objects such as monuments or ceremonial objects relating to living cultures (Merryman, 1995:22-4). In his view each State probably has no more than a dozen objects which can be considered of sufficient 'significance' to require their retention (Merryman, 1996:16). Cuno has proposed a different model based on the Japanese and British approach, focusing on restricting objects considered essential to national patrimony (Cuno, 2008:128). It is argued that the most effective route to counter the black market is for source States to establish authorised trading agencies, which would act as agents to sell objects considered 'surplus' to national requirements (Merryman, 1995:31). This 'surplus material' is seen as antiquities which have the least value to the State and therefore are more likely to be preserved in other countries (Bator, 1982:298).

A licit trade is seen as providing potential benefits to both market and source States (Bator, 1982). The key advantage for source States in the creation of a licit market is seen as the development of a much needed revenue stream, which could then be invested in museums and archaeological departments to ensure the preservation of key cultural objects (Coggins, 1969:94, Merryman, 1995:18). The compensation of chance finders and employment of looters to work along side archaeologists are recommended as possible

methods of averting further looting (Merryman, 1995:35&44). It is also suggested that a more liberal market might also encourage Market nations to invest in source States, offering much needed financial and technical assistance to heritage services (Merryman, 1995:42). In addition, a licit trade in antiquities would allow cultural objects to act as 'ambassadors', "stimulat[ing] interest in, understanding of, and sympathy and admiration for that country" and attracting the attention of scholars, students and tourists (Bator, 1982:306).

Many source States are sceptical of the arguments put forward for a licit trade, particularly as the conception that the market is a saviour is obscuring the role the market plays in perpetuating the illicit trade. The market continues to deal in unprovenanced antiquities for large profits, and evidence demonstrates that the looting of archaeological sites continues unabated (Prott, 2005:239). There are several objections to the proposal of a 'licit trade' in antiquities. Whilst source States may benefit financially from the sale of such objects, they would lose related economic benefits from heritage tourism due to the depletion of heritage capital. More importantly, several countries, including Egypt and Syria have tried and abandoned a system of licensed dealers authorised to sell certain categories of cultural objects due to widespread abuses of the system (Prott, 2005:234). A trade in 'surplus' archaeological material is also considered problematic, in that it might further legitimate the market, creating new opportunities to misrepresent illicit antiquities as legitimate objects. Questions have been asked about the existence of this 'surplus' material, and if these objects would satisfy the demands of the market. Stockpiles of antiquities may not exist in source States, and where they do these objects may not fulfil the demands of collectors and museums who seek new and important

pieces (Papa Sokal, 2006:6, Brodie, 2006a:62). The proposal that looters could be employed professionally alongside archaeologists in order to supply objects to the licit market has also been met with derision, demonstrating a lack of understanding of the principles and objectives of archaeology. Archaeological digs are not instigated with the sole purpose of finding treasure, instead large areas must be painstakingly excavated, and the result may be very few 'collectable' pieces (Brodie, 2006a:62).

4.6 Summary

The antiquities trade is a market of extremes, involving both actors who are structurally powerless and actors who are structurally powerful. Whilst the looting of archaeological sites is constructed as a crime in most States, the ultimate sale of these objects is often not considered to be an offence. Actors involved in the sale and purchase of antiquities have traditionally come from the social elite and collecting of such objects has been considered a meritorious pastime. However attitudes to the collecting of antiquities have changed considerably since the 1970s. Archaeologists have been at the forefront of the campaign to change perceptions of the trade; highlighting the harm caused to archaeological sites and raising awareness of collectors to the impact of their collecting practices. This campaign has led to significant changes in the public arena, with museums introducing stricter acquisitions policies. However the view that the market is responsible for the looting of archaeological sites is not shared by supporters of the market. Many actors in the market are of the opinion that the trade 'preserves' antiquities, through creating both financial value and an outlet for these goods. For many collectors the aesthetics of an antiquity outweigh the importance of context, and therefore many are willing to purchase unprovenanced antiquities.

Therefore debate surrounding antiquities is increasingly dichotomous between source States wishing to retain their cultural objects and archaeologists wishing to preserve archaeological context on one side, and market supporters and internationalists on the other. The consequence is a lack of consensus on almost every aspect of the trade. A primary example is the question of how large the market for antiquities is. Claims have been made by several academics that the value of the market is between $2-8 billion annually, ranking third in profitability behind the drugs and arms trades (Gerstenblith, 2004b:148, Palmer, 1998:4, Calvani, 2009:30). However, these analyses have been disputed by market supporters who argue that these figures are a 'myth' and are 'unsupportable and untrue' (Ede, 2006, Kimmelman, 2006, Marks, 1998, Fitz Gibbon, 2005). Instead antiquities dealers suggest that the UK trade in antiquities is less than £20 million turnover per year, and worldwide just £200-300 million (Gill and Chippindale, 2002:52). The dominance of the internationalist position in debate also tends to focus attention on the question of ownership and the perceived benefits of a licit market, and draws attention away from the harm caused by looting (Chippindale and Gill, 2000:505, Papa Sokal, 2006:1).

PART TWO: METHODOLOGY

CHAPTER FIVE: METHODOLOGY

5.1 The evolution of the research project

The origins of this project date back to long before I started researching this thesis. Clarke suggests that the selection of a research topic and intellectual approach is dependent on the personality of the researcher (Clarke, 1975:104). Many criminologists have chosen to explicitly outline their own personal biography and how this has impacted on their choice of research topic. For example, in his methodology, Hobbs suggests that it is crucial to outline his own biography as it explains both his motivation to undertake the research and the methodology he used (Hobbs, 1988:3). In qualitative research it is also illuminating to declare any personal interest in a subject, and any empathy one might have for those who are the focus of the study (Cassell, 1988:92).

In my own case my interest in the antiquities market stems from my love of classical history and the material remains of ancient cultures, and at times in my life I have considered both collecting and dealing in these objects, however I have chosen not to do so. My first degree was in Ancient History, which I later followed up with an MA in Heritage Management. During this time I undertook a placement with Michael Vickers, the Assistant Keeper of the Department of Antiquities at the Ashmolean museum in Oxford. I was enthralled by the environment and the proximity with ancient objects. Inspired by this experience I chose to focus my MA dissertation on how UK museums dealt with requests for the repatriation of cultural property.

In the summer of 2002 a job interview alerted me to the complexities of the ethics surrounding the trade in antiquities. I had applied for a position with a high end antiquities gallery in Mayfair specialising in Near Eastern antiquities. In the interview it became clear that many of the objects which went through the gallery had recently been found in Iraq and in the view of the dealer had been 'saved' from Saddam Hussein's regime by their removal. The interview veered into an interesting debate on the 'grey' aspects of the trade, and whilst I was unsuccessful in the interview it left a lasting impression on me. It was not until several years later when I was working as a research officer in the Centre for Criminology, Oxford, that I saw the potential for studying this market from the criminological perspective. In 2005 I became aware of Simon Mackenzie's research on the high end antiquities trade after reading his monograph on the issue (Mackenzie, 2005b), and in the following year I successfully applied to Keele to undertake a PhD, initially under his supervision. I was also fortunate to be awarded funding for the project, initially through the Research Institute for Law, Politics and Justice at Keele University, and subsequently through the ESRC.

As with many projects, this research has evolved from initial proposal to final thesis. My initial research proposal focused on European perspectives of the regulation of the market for illicit antiquities. This comparative study aimed to uncover the differing approaches to the issue across the European Union based on in-depth interviews with policy makers. However within the first year of my research the project altered in two key aspects. Firstly, as I became more familiar with the literature on illicit markets, the theoretical approach of market reduction became more central to my thesis. As I outlined in the introduction, the consensus of criminologists and archaeologists who had

examined the issue of illicit antiquities is that the looting of archaeological sites is being driven by demand from the market, and therefore efforts to address the trade should be mainly focused on the sale of antiquities to the final consumer (Tubb, 1995, Adler and Polk, 2002, Adler and Polk, 2005, Adler et al., 2009, Renfrew, 2000a, Brodie et al., 2001, Mackenzie, 2005b, Mackenzie, 2005a).

Market reduction theories advocated the need for an empirical examination of the market in question, establishing the size and nature of the market (which goods are available), the routine features of the sale (including where and when the goods are sold, the methods used and which actors are involved), and the role of supply and demand in the marketplace (Roselius and Benton, 1973, Sutton, 1995, Freiberg, 1997). Whilst this approach was developed in relation to stolen goods markets and it has not been tested in other types of illicit market, Schneider has proposed that it could be applied to more non-traditional markets including the illegal trade in wildlife (Schneider, 2008).

Secondly, the more I read about the illicit antiquities market the more it became apparent that there was an almost complete gap in the literature on the availability of antiquities online. As an avid eBayer I was personally aware of the large volume of ancient material available for sale on the site every day, and recognised that this was a subject worth exploring in its own right. In addition, my supervisory team had altered, and Majid Yar's expertise in cybercrime offered a new dimension to the study. eBay offered the potential for a site for data collection, enabling an empirical examination of the online market for antiquities through the lens of market reduction. The three research questions the study set out to answer were:

- Is the current regulatory framework for the sale of antiquities adequate?

- What is the scale and scope of the market on eBay for antiquities?

- What are the routine features of the operation of this market?

5.2 The challenges of researching the illicit market for antiquities

In the introduction to this thesis I outlined the range of previous research which has been conducted on the illicit market for antiquities. The issue has been approached from a range of disciplines, and a range of methodologies have been adopted, however all research into this subject faces the same three key challenges. The first challenge is the hidden nature of the illicit market. As I outlined in the introduction only a percentage of the market is illicit, and this is largely hidden within a legal market. Therefore the nature of the trade obscures the illicit aspects of the trade and hinders research. Much of the research which has been produced into the trade has therefore been anecdotal or localised in nature. Several archaeologists have developed a quantitative methodology to estimate the scale of the illicit market through the level of provenance information supplied in auction catalogues and collections, however whilst this measure may be indicative of the illicit origins of antiquities it is not definitive.

The second challenge is the lack of access to actors involved in the illicit trade. Research in most illicit markets depend on police data or interviews with offenders (Schneider, 2005:131), however actors in the illicit antiquities trade rarely come to the attention of the authorities. Research which has aimed to interview dealers about the illicit aspects of the trade have been met with significant reluctance (Green, 2007, Mackenzie, 2005b).

The third challenge is the interdisciplinary nature of research in this area. In *Chapter 1* I outlined the broad range of academics who have considered the illicit antiquities trade with archaeologists highlighting the harm caused by the market; criminologists investigating the organisation of the market and the actors involved; legal scholars debating the development of legislation, and a wide range of other academics concerned with the ethics of ownership of ancient objects. The focus of this study on an online venue further expands the range of literature to include texts on cyberspace and cybercrime. The range of the literatures which are relevant to the questions at the heart of this thesis have led to the consideration of a considerably broad range of works. Taking such a broad approach has been important, as it has enabled a synthesis of the relevant literature, locating the study in the wider discourses surrounding the ownership and the protection of ancient culture. Any attempts to take a narrower view of the literature would have produced a less rich account of the market and its challenges. The broadness of the approach, has however, created challenges for writing the thesis, ensuring that the discussion of the literature covers the essential themes, but does not become concerned with trivialities.

5.3 The challenges of research in the online environment

Focusing the research in the online environment creates both methodological benefits and challenges, which in turn have impacted on the research questions and how successfully they can be addressed. The benefits of using the Internet to carry out research has been widely recognised. It has been attractive to many researchers due to the large volumes of data which can be collected in a short time frame, the global access to participants and the low costs involved (Hewson et al., 2003:2, Mann and Stewart,

2004:17-19). However, eBay as a venue for data collection also offers significant challenges. Firstly, the ephemeral nature of the site means that the site is constantly changing and listings are only available online for a limited timeframe (the length of the auction and then a further 90 days). Therefore a permanent method of data collection is required, and rules need to be developed to ensure data is routinely collected in the same manner. Secondly, the nature of the site restricts the level of information available to researchers, a point to which I will return below.

The nature of eBay itself also dictates the range of methodologies which will be appropriate to the venue. Visitors to eBay experience the site in a number of different ways. The site is made up of individual auction listings, which are both visually appealing (through the inclusion of photographs and other backgrounds) and packed with textual data suitable for qualitative analysis. However, if categories of listings are considered as a group, then eBay provides a range of quantitative information on the volume and value of goods available. The site as whole is also a shopping experience, enabling users to access a whole range of additional information from user forums to eBay policies, and therefore a wider ethnographic approach is appropriate for considering the culture of the site. Therefore this research takes a mixed methods approach, combining qualitative, quantitative and ethnographic strands. The data on eBay falls into three main categories:

- data relating to the object for sale (title, description, photograph, listing price)

- data concerning the transaction (length of auction, number of bids, final price)

- data relating to the credibility of sellers (feedback, about me pages)

Therefore the data offers a range of information on the routine features of the market. eBay listings provide an insight into the claims made by sellers about the origins of the

antiquities they are offering for sale, however it is not possible to assess the veracity of these claims. A study of inauthentic works by Henry Moore on eBay attempted to assess such claims through the use of independent experts, however the volume of these goods were significantly smaller than this study (Gastwirth et al., 2011). eBay, however does not belong in isolation, and I soon discovered that the sale of antiquities on eBay was widely debated on third party websites. These discussions provided a range of expert and inexpert opinion on the issue, and provided an opportunity to challenge my own perceptions of the claims being made about the sale of these goods on eBay (I will return to a discussion of this data below).

A study based on eBay suffers the same methodological issues many previous studies have faced, in that there is very little direct access to actors involved in the trade. eBay data provides information on the credibility of sellers, and how actors chose to present themselves to potential buyers, however, eBay offers very little data on the identity of actors involved in the buying or selling of objects. They are represented by User IDs, and their location is generalised. Little is revealed about their motivation to buy or sell on eBay or their person experience of the trade. Further, the eBay user agreement rules restrict contact with other members creating a significant challenge for researchers (Gavish and Tucci, 2008:90). eBay rules restrict contact to other eBay members to five messages per day of 1000 characters, and unsolicited messages are a violation of the user agreement.

A further challenge of research on eBay is that the nature of the antiquities available for sale in this venue is conceptually quite different from the ancient material which have been the focus of previous studies of the market. Interest in the illicit market has been

largely driven by a concern for high end antiquities; ancient objects whose uniqueness sets them apart as important. The nature of eBay, however, attracts sellers who wish to dispose of ancient objects of considerably lower value. These commonplace, everyday ancient objects have not been the focus of previous studies, and this therefore raises a range of issues about the applicability of the findings of these studies to the online market. (This is a theme to which I will return in *Chapter 6*).

5.4 Data Collection and analytical approach

In this section I will outline my approach to data collection and analysis of each type of data collected.

Stage one: longitudinal sample

In order to examine the scale and scope of the market on eBay for antiquities a large sample of listings were collected from eBay. In March 2008 I undertook a pilot study to assess the feasibility of collecting this data, trialling several auction management software packages. Two eBay categories were selected where antiquities were most likely to be listed, 'Antiquities' and 'Ancient Coins'. The trial indicated that the program 'AuctionIntelligence' was most effective at collecting all relevant listings. The data collection for this study was completed over a four month period (September-December 2008), collecting every listing in these two categories. Data were collected on both the American and British versions of eBay. In total 215,641 auction listings were returned, illustrating the high volume nature of this trade.

Table 1: Longitudinal Sample: Data returned

	Sept	Oct	Nov	Dec	Total
Antiquities.com	16336	19387	20506	23329	79558
Antiquities.co.uk	6669	7528	7641	9637	31475
Coins.com	19491	22093	21760	23459	86803
Coins.co.uk	3910	3987	5422	4486	17805
Total	46406	52995	55329	60911	215641

* 1046 cases duplicates – some relisted some listed in two categories. But only 0.5% of total so left in.

A wide range of data were returned on each auction listing including:

- Listing identifiers (eBay listing number, title and subtitle, whether pictures were included in the listing)

- Seller information (seller name, feedback rating, feedback % positive, about me pages, if seller was considered a PowerSeller)

- Auction details (start date, end date, category listed in)

- Bidding details (first bid and end bid, Buy it Now price, If Buy it Now used, reserve price, if reserve price met, total bids, if the listing resulted in a sale)

- Listing terms (shipping, insurance, accepted payment methods)

The data were transferred to SPSS for analysis and were analysed to provide information on the size and value of the market on eBay for antiquities (*see Chapter 6*).

Stage two: detailed 'snapshot' sample

Additional data were collected for a subsample of listings to provide a more detailed "snapshot" of the availability of listings on eBay (*see Appendix 4*).[45] All listings ending on

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[45] 'Snapshot' surveys have been previously used as a methodology to uncover the availability of wildlife on the Internet (International Fund for Animal Welfare, 2008).

5th October 2008 were selected for further analysis. This dataset included 2704 listings, placed for sale by 347 sellers. Each of these listings were manually checked and additional information was collected including the full item description and photographs.

Table 2: Snapshot Sample: Data returned

Category	Number collected	Total	Category
Antiquities.co.uk	399	1329	Antiquities.co.uk
Antiquities.com	930		Antiquities.com
Coins.co.uk	194	1375	Coins.co.uk
Coins.com	1181		Coins.com
Totals	**2704**	**2704**	Totals

These data were analysed in SPSS and Excel. Further variables were created through analysis of the content of listings to establish the number of listings claimed to have been created in antiquity and the range of antiquities available, including the types of object, which cultures they came from, what materials they were created from (*see Chapter 6 for further details*). In addition, the data in this sample provided information on the presentation of antiquities to potential buyers (including the level of provenance and ownership history provided by sellers, statements made about guarantees and authenticity, and other sales techniques utilised) (*see Chapter 7 for further discussion*). During the analysis it became apparent that coin listings demonstrated considerable homogeneity, therefore more attention was paid to the antiquities listings. Out of 1329 antiquities listings collected, 520 were of obviously of more modern production (352 antiques, 41 reproductions, 51 deleted, 19 books, 30 jokes, 26 modern). A further 19 items were coins (but listed under antiquities). These listings were excluded from the sample, leaving 790 antiquities (59% of the whole sample).

Stage three: the seller sample

Data from the longitudinal sample were used to develop a typology of sellers in order to uncover more about their routine features (*see Chapter 6*). A further subsample was selected to investigate sellers involved in the antiquities market on eBay. Further data were collected on 200 of the sellers in the 5th October sample (58%) (*see Appendix 5*). This data included:

- Additional seller information (Location of seller, which countries posted to, length of eBay membership, any previous eBay user names)

- Additional information on the sellers reputation (Number of feedback comments, and qualitative data from neutral, negative and withdrawn feedback comments)

- In addition, each seller was contacted through the eBay messaging system asking for further information about their listing. The aim of this contact was to establish how much information is available to buyers about provenance and guarantees. The eBay 'Antiquities Buying Guide'[46] recommends that all potential purchasers research the provenance of items prior to purchase, and therefore this type of contact should be commonplace. In order to gain this information I posed as a potential buyer, rather than a researcher, asking them a question about their object based on the following sample message: *"Hi, I like the look of this item. Do you have any more information about its provenance? Many thanks."* Obviously this approach has ethical implications, which will be discussed in the ethics section below. This data collection was carried out from 1st November to 24th December,

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[46] http://pages.ebay.co.uk/buy/guides/antiquities.

at a rate of 5 messages per day (the maximum allowed by eBay). I received a

response rate of 172 (86%).

The data collected in this stage were analysed to provide information the presentation of

antiquities to potential buyers and the establishment of the credibility of actors involved

in the sale of antiquities (*see Chapter 7*). It also provided data on the global nature of the

sale of antiquities *(see Chapter 6).*The range of data collected necessitated a range of

analytical approaches.

Firstly, the feedback data collected were analysed using content analysis (Mayring, 2000),

following an approach utilised by Pavlou and Dimoka to uncover statements relating to

the credibility and benevolence of sellers (Pavlou and Dimoka, 2006). Secondly the

auction listings were analysed using discourse analysis. Several researchers have

previously considered the content of listings (International Fund for Animal Welfare,

2008, Robinson, 2006, Chippindale and Gill, 2001, Eaton, 2002). Auction listings can be

considered a type of advert, therefore Cook's work on the discourse of advertising has

been influential on the approach taken to the analysis of listings (Cook, 2001). I chose to

adopt discourse analysis as it allows for a holistic consideration of not only the textual

elements of the eBay listing, but also the context of the listing (eBay), the visual aspects

(pictures and other features), the paralanguage (choice to font, layout), participants (the

intentions and attitudes of sellers) and the function of listings (Cook, 2001:1-2). A similar

approach was used by White et al in their study of the persuasiveness of eBay listings

(White et al., 2007).

Following methodological advice on discourse analysis (Potter, 1996, Potter and

Wetherall, 1995, Potter and Wetherall, 1994, Gill, 1996, Bryman, 2001) I examined how

eBay sellers constructed their listings. Chippindale and Gill have suggested that in looking at eBay listings of antiquities buyers attempt to assess three main questions: 'Is the item what it purports to be; does the seller have clean title and is the seller credible' (Chippindale and Gill, 2001). Therefore I used these three themes as a starting point for investigating the constructive processes involved in the creation of an eBay listing, the methods used by sellers to create both the credibility of the object and themselves. Thus the construction of listings is viewed as a 'performance' on the behalf of sellers, with the choice of information provided constructing both versions of the objects and the sellers themselves (Goffman, 1969:19-22).

The data were organised by seller, to enable a consideration of the auction listing alongside the message from the seller and previous feedback comments. The coding process required immersion into the data with repeated reading of the data collected on each seller. Whilst I started the coding process with some preconceived themes, other themes emerged through the coding process, such as the concern for authenticity over provenance. In reading the data I sought out the commonality and variation between the different listings, identifying both commonly made statements and unusual features. I also noted the organisation of the construction of listings, including which statements were given precedence by sellers. Whilst the analysis largely depends on the how listings were constructed, I also considered the absence of information, particularly concerning the legal and ethical issues related to the trade in antiquities. Finally, I also noted claims made by sellers about their expertise and right to make the claims made in their listings.

Stage four: "ethnographic" data collection

In the process of collecting data for this research I have spent many unstructured hours observing the antiquities categories on eBay, and following the activities of some sellers of interest. This ethnographic observation has enabled me to develop an understanding of eBay culture, developing a 'thick description' (Geertz, 1973) of how eBay users interact and influence each other in this venue. There are a range of ethnographic or 'netnographic' approaches which have been developed specific to conducting research on the Internet (Kozinets, 2010, Wilson and Peterson, 2002), and several researchers have adopted an ethnographical approach to eBay. For example, in their investigation of the impact eBay had on collecting practices, Ellis and Haywood opted to spend a month viewing categories of interest and getting a feel for user practices (Ellis and Haywood, 2006a). During the data collection phase I recorded field notes outlining any observations I made about the antiquities categories on eBay.

I have also spent a significant amount of time on a forum relating to the sale of antiquities on eBay. Previous researchers of eBay have taken a similar methodological approach, for example, Robinson spent time on a forum to triangulate the data she collected from eBay (Robinson, 2006). Initially this was with a view to possibly undertake a survey of forum members on their views of the sale of antiquities on eBay, however it was decided that there was insufficient time to collect and analyse this data. Whilst this survey was not undertaken, I compiled a notebook of my observations of interactions on the forum, which have influenced my view of the sale of antiquities on eBay.

5.5 Research ethics

This research has necessitated deep ethical consideration. The antiquities trade is not an area of study where it is possible to remain impartial. As Becker's renowned article asked *'Whose side are we on'?* (Becker, 1967). All previous research in this area has been written with an ideological agenda. Consider the titles of some works in this area. Authors concerned by the looting of archaeological sites have included in their titles *'The plundered past'* (Meyer, 1974), *'The past in peril'* (Toner, 2002), and *'The destruction of the world's archaeological heritage*' (Brodie et al., 2001). In turn supporters of the market have responded with a range of almost militaristic titles. Take for example *'Possessed by the past: the heritage crusade and the spoils of history'* (Lowenthal, 1996) or *'Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage'* (Cuno, 2008). Criminologists too have taken a stance within the wider ideological debates surrounding heritage, broadly adopting the ideologies of archaeologists (Adler and Polk, 2002, Mackenzie, 2005b). My own background dictates that I am also drawn to a largely archaeological viewpoint, as I support the view that efforts should be taken to prevent the destruction of archaeological sites.

e-ethics

There is a considerable literature on the ethics of Internet research; however views on ethical approaches differ considerably between disciplines and individual researchers. In this first section I will aim to offer an overview of the main ethical issues posed by research conduction in online venues. This will be followed with a discussion of the ethical approach taken to each type of data collected in this study.

Chapter 5

The literature on the ethics of online research raises a number of ethical debates about the collection of and reporting of Internet data. In the literature there is "considerable anxiety about just how far existing tried and tested research methods are appropriate for technologically mediated interactions" (Hine, 2005:1). For example, can one call online research 'fieldwork'? Is the act of logging onto the Internet the equivalent to going' into the field' (DiMarco and DiMarco, 2002:164). In 'real world' research there has traditionally been polarity between the ethical expectations of research with people and with texts (Bassett and O'Riordan, 2002:239), with the former necessitating informed consent and the latter citation.

The Internet presents a challenge to this dichotomy, as Internet communication is often a hybrid between oral and written language (Mann and Stewart, 2004:182). Web-content is not directly comparable to either traditional forms of speech or text but has many unique features: it is intertextual through the presence of links, nonlinear, the reader is able to act as author by choosing which links to follow, it is multimedic, has global reach and is constantly changing (Mitra and Cohen, 1999). It also has developed its own range of expressive features, such as the use of capitals for shouting, and emoticons (Danet et al., 1997:2-7).

The focus of many online researchers has been 'online communities' leading to a presumption that data should be viewed as 'speech' and therefore subjects should be protected through informed consent and anonymity. Bassett and O'Riordan have questioned the perception that the Internet is purely a social domain, and argue researchers need to consider the 'textuality' of the Internet as a medium of publication (2002:234). This approach has been adopted by other researchers, such as Wakefield who

viewed webpages like a 'cultural text' (Wakefield, 2004:35). Viewing the Internet as 'text' raises the ethical principles of agency and authorship and implying the need for copyright and citation (Walther, 2002:207).

Dimarco and Dimarco have suggested that 'real world' research concepts such as informed consent and confidentiality might be unadaptable to the world of virtual research (DiMarco and DiMarco, 2002:164). Concerns have been raised about how 'informed' consent can be when participants are only known by their online identity, and the 'faceless' researcher can choose what information to reveal about their project (Mann and Stewart, 2004:58-9). The anonymity of data poses further challenges, when the majority of web content is searchable using Google (Eysenbach and Till, 2001:1105), and when actors have already anonymised themselves through the selection of usernames (Mann and Stewart, 2004:58).

Of central concern in the ethics literature is the blurred nature of the distinction between the public and private arenas of the Internet. There are divergent views on what constitutes a 'private' space on the Internet. Mann and Stewart propose a distinction between email and closed access forums and open access arenas (Mann and Stewart, 2004:46). However, questions remain about how researchers should deal with semi-private content on Internet, e.g. areas where anyone can join if they become a member (Langer and Beckman, 2005:194). Researchers are recommended to examine the ethical expectations of the venue through group norms, codes, target audience and FAQs to determine if it should be considered a private or public space (Eysenbach and Till, 2001:1104).

Some researchers have taken the view that although the majority of the Internet is publicly accessible, people often use it as a private space and therefore it can be considered unethical to use this content without permission (Barnes, 2004:203). It is argued that if users perceive their messages to be private, the use of this material by a researcher would be viewed as an invasion of privacy (Barnes, 2004:207) causing potential psychological harm from any subsequent research publications (King, 1996:120). Barnes proposes that researchers should distinguish between public and private areas of the Internet, with posts in public arenas requiring citation and those in private spaces requiring informed consent (Barnes, 2004:203). Some researchers have taken an even more extreme approach, choosing to only report findings if they have met the author of the post in person (Turkle, 1995). However, as Bell has noted this places the researcher in an asymmetric position, as most actors on the Internet do not meet face to face (Bell, 2001:197).

The view that parts of the Internet should be considered as private is not shared by all researchers. Walther has argued that the expectation of privacy is misplaced: "any person who uses publicly available communication systems on the Internet must be aware that these systems are, at their foundation and by definition, mechanisms for the storage, transmission, and retrieval of comments" (2002:207). Paccagnella takes this view further, insisting such messages are "public acts deliberately intended for public consumption" (Paccagnella, 1997). Many researchers have taken the view that all information on the Internet is in the public domain it can be reported in academic research without seeking the permission of the authors (Danet et al., 1997, Hewson et al., 2003:40, Boyd, 2002). Jones argues that once uploaded to the Internet authors have no control over who

accesses the information, and therefore they no control over how it is used (Jones, 1999:xiii). There is little consensus over the reporting of this data, some researchers insist that anonymity of the authors must be maintained (Hewson et al., 2003:40, Smith, 2004), however others take the view that as the author is happy for the content to be viewed by anyone on the Internet alongside their name, then it is ethically acceptable to report this in an academic study (Mann and Stewart, 2004:46).

The Association of Internet Researchers ethical guidelines published in 2002 go some way towards illuminating these issues, but stress that all research using the Internet is going to face issues of ethical plurality, and researchers must find their own ways to reconcile the divergent standards of 'real world' ethical codes. Best practice for ethical e-research include the careful consideration of the need for informed consent; the confidentiality of data transmission and storage; the permission of website owners and group moderators; the clear indication of any potential risks to subjects; enabling participants to ask questions and provide debriefing; and the anonymisation of all data (Colvin and Lanigan, 2005:38).

Approach taken to the data

Ethical approval was gained for this project in September 2008. There are three main types of data which have been collected for this study (eBay data, messages from eBay users and forum data), each of which raises their own ethical issues.

eBay data

There is little in the literature about the ethical difficulties inherent in using corporate websites for data collection. eBay send out a slightly mixed message about the right to

use their data for research purposes. On the one hand the eBay user agreement prohibits the harvesting of data from their site, but on the other they encourage the development of large scale data collection tools via their developer program[47] and provide certificates and awards to companies who provide marketing tools which harvest large amounts of data from eBay.[48] The harvesting of a large volume of eBay listings may be considered to pose an ethical dilemma as the auction management software used will have not only copied information from the eBay website but also used to the bandwidth of eBay's servers (Thelwall and Stuart, 2006). However, many corporations such as Google, Microsoft and Amazon routinely collect large volumes of data on individual's browsing and purchasing habits, which are often sold on to third parties (Barnes, 2004:209). This 'dataveillance' (Clarke, 1988) is conducted within a legal, rather than ethical framework ensuring that they comply with data protection regulation (Thelwall and Stuart, 2006).

Many previous research studies have collected and reported large amounts of data from eBay (Gregg and Scott, 2008, Pavlou and Dimoka, 2006, Resnick and Zeckhauser, 2001, Robinson, 2006, Robinson and Halle, 2002, Cameron and Galloway, 2005, Snijders and Zijdeman, 2004). These researchers did not report any attempts to request permission from eBay for the use of this data or the right to report the data in their findings. Similarly despite the eBay user agreement prohibiting the replication of information in listings, many of researchers have quoted directly from auction listings, and even reported User IDs in their published findings (Huxley and Finnegan, 2004, Hillis et al., 2006, Chippindale and Gill, 2001, Elkins, 2008).

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[47] http://developer.ebay.com
[48] e.g. www.terapeak.com

It is my opinion that eBay data is in the public domain, and therefore the collection and analysis of this data poses little ethical dilemma. As I outlined about the ethics literature suggests that 'textual' data deemed to be in the public domain should ideally be fully cited to the author. However, the eBay user agreement prohibits the reproduction of any content without the permission of eBay and the third party involved. As all eBay sellers are represented by eBay user IDs I have no knowledge of their true identity, and the eBay system denies me the opportunity to request their permission to cite them. Therefore where possible I have chosen to describe eBay listings and sellers on a group basis, combining several sellers with similar characteristics, as recommended by Barnes (Barnes, 2004:214). As the listings were collected in the 2008 they are no longer searchable through Google. Where text from listings is reproduced they are anonymised to the number of the listing.

eBay messages

A message was sent to 200 sellers requesting further information on their antiquities listed for sale. The purpose of this message was to uncover the full range of information normally supplied to buyers in making their decision to purchase an antiquity. In sending this message I chose not to reveal that I was researching the antiquities market, but posed as a potential buyer. The reason for this duplicity was that if I had revealed my identity and purpose it is highly unlikely that I would have uncovered the information I was seeking. The decision to use a covert approach was not taken lightly. All possible avenues for collecting the necessary data were discussed at length with supervisors and it was a collective opinion that a covert approach was the only possible way of collecting the necessary data. eBay's strict policies on unsolicited messages means that only

messages from buyers or sellers are permitted, with messages for any other purpose being regarded as spam. Several previous researchers have chosen to use the eBay messaging system as part of their methodology. Chippindale and Gill's study of the online market for antiquities opted to email sellers requesting further provenance information on the antiquities they listed (Chippindale and Gill, 2001:6). Researchers who have attempted to use the messaging system as a way of contacting potential participants (thus revealing their identity as a researcher) have been met with resistance. For example Ellis and Haywood contacted 80 eBay users, but just three responded (Ellis and Haywood, 2006a).

Covert research poses at ethical dilemma due to the lack of informed consent on behalf of subjects. Lee has outlined the three commonly held views of covert research methods: the absolutist, the sceptical and the pragmatic (Lee, 1993:143). Absolutists view the method as fatally compromised. They argue that covert methods are an invasion of privacy and a betrayal of trust, can cause harm to participants, compromises the researcher, brings social science into disrepute and spoils the field for other researchers (Punch, 1998:174, Punch, 1986, Homan, 1991, Bulmer, 1982, Erikson, 1967). In contrast pragmatists take a more utilitarian approach, considering covert methods if the knowledge gained from the research is important and there is no other method of collecting the data (Lee, 1993:143-52). Covert methods have been advocated in circumstances where groups do not wish to be researched, particularly powerful groups or where the subject of the research is sensitive (Punch, 1986, Douglas, 1976, Langer and Beckman, 2005). Covert approaches also overcome issues of 'reactivity' where subjects

alter their behaviour when they are aware they are being studied (Bulmer, 1982:111, Lee, 1993:143).

The ESRC Research Ethics Framework suggests covert research may be undertaken in the field of deviance "when it may provide unique forms of evidence or where overt observation might alter the phenomenon being studied" (2.1.4). Mackenzie has noted of the antiquities dealing community: "their main characteristic is its private nature and its reserve, and which has become rattled over recent years by academic and legal attacks on its way of doing business, the latter of which have resulted in the high-profile prosecutions of some of its members" (Mackenzie & Green 2007:5). Those who take a pragmatic approach to covert methods stress that harm can be minimised through the anomymisation of participants (Punch, 1986:41). Such an approach was adopted by Ditton in his covert observation of 'fiddling' in a Bakery. He argued such an approach was justified as it was the only way to uncover such 'hidden crime', but mitigated any harm through the anonymisation of subjects (Ditton, 1977:9). In reporting this data I maintain the anonymity of the subjects (although again, I only knew their eBay user name) and cite them in the text by a number assigned to them for the purposes of this research (*see Appendix 5*).

Forum data

I collected 'field notes' from my observation of a forum where the sale of antiquities on eBay was discussed. I took no active participation in this forum, instead choosing to remain a 'lurker'. The ethics of ethnographic research on online forums has been widely debated in the literature, and many researchers have expressed concern about the lack of informed consent in such an approach (Kozinets, 2010, Hine, 2000, Bell, 2001). However

many researchers have noted the advantages offered by the ability to 'lurk' in forums (DiMarco and DiMarco, 2002:165, Holt, 2010:468), and have found no ethical dilemma with lurking (Langer and Beckman, 2005). Pollock noted the advantage of "covert, invisible, non-participatory observation" in his criminological study of white supremacist and racial hatred (Pollock, 2009:2). In relation to this research I have taken the view that as a public forum the opinions expressed on the forum are in the public domain. The forum in question is open to any member of the public to join and describes itself on its home page as an "open forum". However following King's ethical guidelines for the reporting of Internet research I have chosen to anonymise the forum in question to ensure that it is unidentifiable (King, 1996).

5.6 Reflection

The focus of this research on an online venue for the sale of antiquities has created the need for a complex, mixed methods approach, bringing together strands of qualitative and quantitative data collection with ethnographic fieldwork. Whilst such an approach is unusual, it reflects the very nature of the research site itself. The online environment defies many of the traditional conceptions of fieldwork. It is simultaneously textual and conversational, just as the auction community is present, but similarly absent. Methodologies for Internet research are evolving to encompass these dichotomies.

PART THREE: EMPIRICAL DATA FROM EBAY

CHAPTER SIX: EBAY AS A VENUE FOR THE SALE OF ANTIQUITIES

Introduction

The first years of the twenty-first century have been a time of dramatic transition for the antiquities market. Traditionally antiquities have been sold in three main types of venue; auction houses, antiquities dealers and through private transactions between individual actors.[49] The advent of the Internet and particularly online auctions created a new kind of venue for the sale of antiquities (Chippindale and Gill, 2001:1). eBay, 'The World's Online Marketplace', is a global, economic, social and cultural phenomenon (Hillis et al., 2006:1). Launched under the name AuctionWeb in 1995 as a hobby by its creator Pierre Omidyar, eBay.com was incorporated in 1997, and eBay.co.uk its sister site was established in 1999. In less than two decades eBay has grown rapidly to become "probably the largest single outlet for cultural goods" the world has ever seen (Bland, 2007:3).

In this chapter I am going to explore how eBay has transformed the face of the antiquities market. First, I examine traditional and online venues as a 'frame' for transactions (Goffman, 1969), outlining how the features of the setting dictate the levels of information available to potential buyers, enabling them to contextualise the sale. Second, I locate the online antiquities trade in the cybercrime literature, outlining how the Internet has created new opportunities for the trade, particularly through creating a globalised marketplace. I outline the concerns which have been expressed about the sale

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[49] This is often referred to as the invisible market, and includes private transactions between collectors and private sales from auction houses or dealers) (Lobay, 2006:12). Meyer first proposed this invisible market in 1974 when he revealed that some dealers of Mayan art were 'unknown' to the public as they had no gallery and never advertised, selling only to a select clientele (Meyer, 1974:13).

of antiquities on eBay by archaeologists and international agencies. Third, I turn to an empirical analysis of the expansion of the market, examining data collected from eBay to illustrate the new opportunities created by this new venue. Fourth, I examine the data on actors involved in the sale and purchase of antiquities on eBay, and discuss the increasing amateurisation of the trade.

6.1 eBay as a 'frame' for transactions

The 'stage'

In Goffmanian terms the 'setting' for transactions are particularly important, as they provide buyers with a range of essential information to enable them to 'frame' interactions appropriately (Goffman, 1969). Purchasers of antiquities derive a wealth of information from the setting in which a transaction occurs, which in turn enables them to assess the credibility of both sellers and the object they have to offer. As I have outlined in previous chapters, the antiquities market is already beset with uncertainty and ambiguity about the quality and legality of ancient objects. The setting of traditional antiquities markets provided buyers with the 'frame' to overcome some of these uncertainties. These transactions most commonly involved the proximity of actors, with buyers travelling to the venue to view the antiquities in person.

The venues involved in the traditional sale of antiquities were designed to distil a sense of trust and authority. Smith describes how traditional auctions are public spectacles, steeped in tradition and ritual, staged in such a way to ensure a "privileged, world-apart atmosphere" (Smith, 1989:112), with auction houses located in the most affluent neighbourhoods, limousines lining up outside and plush and elegant surroundings.

Antiquities dealers tended to cluster in the vicinity, opening high end galleries in Mayfair and around 5th Avenue in New York. The formality of these settings, combined with the presentation of antiquities in researched and expensively produced catalogues created an aura of scholarship, expertise and assurance. Antiquities were available for inspection prior to purchase, allowing potential buyers the opportunity to assess for themselves if the information provided by the experts was a realistic assessment of the object (Smith, 1989:114). A triangulation of the information received from the setting, vendor and object would provide the buyer with a wide range of information on which he could base his purchase decision (see Ellis and Haywood, 2006a for a further discussion of the challenges of assessing provenance online).

eBay is commonly referred to as 'The World's Online Marketplace'. As a 'virtual' venue it is conceptually very different to the traditional venues for the sale of antiquities. eBay transactions can be said to occur in 'cyberspace', an 'imagined' space between the global network of computers which form the Internet (Bell, 2001:7). It is this virtual space which allows eBay Users to interact with each other. The online 'frame' is more restrictive than face to face interactions. Potential buyers have less information to contextualise the sale. They have little idea of the actual location of seller. eBay may provide them with an indication of the city or town[50], but this does not provide the same level of contextual information as a visit to an antiquities dealer's gallery. Therefore there no need for sellers to be located within a formal space such as an antiquities gallery, as the potential buyer is unaware if they are located in a physical shop or a spare bedroom. Nor is there any indication about the way in which antiquities are stored and displayed.

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[50] eBay provides the physical address if the seller is registered as a business.

Chapter 6

The 'performance'

For Goffman interactions between two or more people are viewed as a 'performance' where actors construct a 'front' through the information they choose to 'give' and the unintended information they also 'give off' (Goffman, 1969:2). Much of this unintended information derives from the setting of transactions, for example, if a buyer visited an antiquities dealers' shop they would be bombarded with information which would help them to contextualise both the seller and the object. First the buyer would gain an impression of the shop from the type of road it was on, the window display, the range of objects on show, the layout of the shop and the sales people or other browsers present. Further information would be 'given off' by the seller themselves, for example from the way the seller dressed, his presentation and demeanour and body language. A face to face transaction would allow the buyer to assess the expertise of the vendor, the veracity of the sales pitch and any questions concerning the provenance of an antiquity could be immediately resolved. The buyer would also be able to personally inspect the object, see how it is exhibited, closely examine it from all sides, smell it and even touch it, assessing its condition and historical accuracy.

The creation of an online market for the sale of antiquities creates a new 'frame' for the sale of ancient objects. Although Goffman's analysis concerns face to face transactions, many of the features which Goffman identifies are transferable to Internet transactions (Miller, 1995, Cheung, 2000, Walker, 2000). In eBay transactions actors are geographically separated from each other (Boyd, 2002:2), meaning that the 'performance' of the seller through the construction of an eBay listing is planned in advance. eBay listings are not a one off performance as conceptualised by Goffman, instead the interaction is

asynchronous, with a time lag between listing creation and the message imparted to any number of potential bidders visiting the listing page. They are not only an announcement that the object in the listing is for sale, but are carefully constructed texts designed to 'express' key information about both the object and the seller in order to 'impress' potential bidders. Thus eBay sellers construct the text of their listings with careful attention to how they wish themselves and the object to be perceived (the information they 'give'). Despite this attention to detail, eBay listings also 'give off' unintended information to potential buyers through their choice of language or grammar. The combination of these two kinds of 'sign' activity allow bidders to assess the veracity and trustworthiness of the seller and their listing (Goffman, 1969:2).

The identity of 'performers'

eBay sellers are represented by user IDs, which serve to 'mask' their identity (Danet et al., 1997). This unique descriptor, of 26 characters or less is chosen by sellers as their key designation. Sellers rarely reveal their name, nor do they disclose their age or gender, nationality or educational level. The majority of sellers, however, unintentionally 'give off' information about themselves through their choice of text, photos and layout (Miller, 1995). For example, their style, structure, vocabulary, linguistic mistakes, how they differ from the 'norm', or non-textual signs such as emoticons.

The issue of online identity has been the focus of much academic debate, as in the online environment actors can choose to have "fluid and multiple identities" (Hillis et al., 2006:5), creating the possibility for endless online personas in each venue (Walker, 2000:112, Bell, 2001:116-7, Snyder, 2001:252). Turkle's study on identity in the pioneering days of the Internet demonstrated how actors used the medium to construct

and reconstruct their presentation of self (Turkle, 1995:180), however the ephemeral and transient nature of the Internet leaves little evidence of these changes. Therefore the online environment enables eBay sellers a freer hand to 'construct' their performances, which serve to compound the uncertainties inherent in the sale of these goods. Some 'self-aware actors' can choose to construct what Goffman termed a 'false front'; knowingly creating a false impression and misrepresenting themselves (Goffman, 1969:51). Anyone with an email address and a debit card can create an eBay account, and it is possible to open many multiple accounts. Walton has outlined how eBay users use these multiple accounts to separate their buying activities from their selling activities in order to obscure their transactions (Walton, 2006:146). A survey carried out in 2001 indicated that 55% of eBay users had more than one ID, and 28% of these had three or more IDs.[51]

The role of the 'audience'

The public nature of auctions has been recognised as a central factor in legitimising the auction process. Auction events allowed all interested parties to congregate and sanction the transfer of ownership of objects (Smith, 1989:10). The presence of the auction community gave the event transparency; with objects available for inspection, all interested parties present, and the bidding process was overseen by everyone involved. Smith has outlined how these auctions were social processes, designed to encourage cohesion amongst participants. Communality was achieved by expected styles of dress and auction attire, the use of auction specific jargon, and the patter or chant of the auctioneer (Smith, 1989). This communality was important as auctions have a long history

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[51] (http://www.auctionbytes.com/usersurvey/usersurvey.html accessed 03/06/2009).

of legitimising the sale of objects for which there are uncertainties regarding ownership. In some of the earliest known auctions, Roman soldiers returning from campaigns around the Empire sold booty that had been acquired during battles. These auctions served to legitimate their right to dispose of objects to which they had questionable title (Smith, 1989:40).

However, whilst traditional auctions were very public events, the paradox is that the anonymity of those involved is central to the auction process. Through their role as principal, auction houses rarely reveal the identity of the vendor who consign objects to auction. There are many innocuous reasons for wanting to maintain anonymity when consigning objects to auction. For example, to hide the sale of the family silver or protect oneself from potential burglaries should ownership of an expensive art collection become general knowledge. However, through providing anonymity to consigners auction houses also protected those who were commonly known to have reputations for acquiring objects with dubious provenance or authenticity (Smith, 1989:37).

On eBay the 'audience' constitutes a very wide auction community, as all eBay auctions are public events, accessible to anyone with an Internet connection. The auction community play a role in monitoring auctions and ensuring that they comply with eBay rules (*see Section 8.2 for further discussion*). However these individuals are largely anonymous, as they are separated from the auction process.

6.2 The illicit antiquities trade and cybercrime

There is a growing literature on the crimes which occur on the Internet (Yar, 2006, Wall, 2007, Jewkes and Yar, 2010a). The term 'cybercrime' covers a diverse range of deviant behaviours which are conducted via computer technologies. Thomas and Loader define cybercrime as:

> "computer-mediated activities which are either illegal or considered illicit by certain parties and which can be conducted through global electronic networks" (Thomas and Loader, 2000:3).

As such, 'cybercrimes' encompass both activities which are considered to violate a criminal offence, or breach a wider norm or rule (Yar, 2006:9). The complexity of understanding deviance in cyberspace has led to a debate about whether cybercrimes should be viewed as a new category of crime or if the Internet should be viewed as new vehicle for traditional crimes (Capeller, 2001, Grabosky, 2001). Wall has categorised cybercrimes into three 'generations': in the first generation computers were used to assist with traditional forms of offending; in the section generation computers were used to expand the reach of traditional forms of offending, and in the third generation new types of offending were created through the development of computer technology (Wall, 2010:95-97). The illicit antiquities trade falls into this second category of offences: there was a well-established trade for illicit antiquities before the arrival of the Internet; however this new technology has enabled its expansion.

The Internet has been seen as creating new opportunities for offending (Newman and Clarke, 2003:3, Grabosky, 2001:248, Wall, 2007:43). Firstly, through expanding the

geographic reach of offending to enable actors to commit offences in other jurisdictions (Grabosky and Smith, 2001:19). This global reach enables actors to take advantage of transnational asymmetries, creating opportunities for illicit trades based on the exploitation of price differentials between jurisdictions (Wall, 2007:82). Secondly, the separation of actors creates the potential for multiple victimisations, with victims targeted in multiple locations either synchronously or a synchronously (Wall, 2007:39, Williams, 2010:467). In the case of the antiquities trade, the Internet has created new opportunities for actors involved in the sale of illicit antiquities, both expanding the reach of this market to a globalised audience and increasing the number of actors involved in the sale and purchase of these objects.

The Internet, however, also creates challenges for those seeking to detect, investigate and prosecute these offences (Grabosky and Smith, 2001:19), as criminal behaviours are obscured by the Internet (Freestone and Mitchell, 2004:121), and the trans-jurisdictional nature of offending challenges existing legal frameworks (Wall, 2007:162). Further, the anonymity of the Internet emboldens actors and engenders "feelings of invincibility, infallibility and acceptability" (Jewkes, 2010:525), allowing actors to hide behind a virtual identity to avoid detection (Snyder, 2001:252). Freestone and Mitchell have outlined how the anonymity of actors on the Internet plays a role in reducing the perceived illegality of unethical behaviours. They suggest that e-commerce sites "provide the aberrant consumer with a 'cloak' under which they can partially hide their identity and protect themselves from the scrutiny of both the law and society" (Freestone and Mitchell, 2004:127). These circumstances provide the perfect environment for those seeking to carry out illegal or unethical business practices (Nikitkov and Bay, 2008:236).

From thick to thin relationships

Relationships between actors in the traditional antiquities trade can be described as being 'thick', with actors choosing to carry out their business with a small circle of highly trusted associates (Mackenzie, 2005b:26) (see *Section 4.5)*. Repeat transactions between actors provided buyers with reputational data on which to make their purchase decision (Hardin, 2006:21-23), as trust between actors thickens or thins as a function of cumulative interaction (Kramer, 1999:575). Therefore actors in the market protected their interests by only dealing with those who they felt were 'reputable'. Mackenzie's research indicated that dealers felt this enabled them to avoid the 'bad apples' who dealt in illicit antiquities (Mackenzie, 2005b:26).

The expansion of Internet auctions means that it is rare for individuals to be involved in repeat dealings[52], therefore eBay buyers are required to "take a leap of faith and trust strangers" (Dewan and Hsu, 2001:2). As such, relationships can be conceptualised as 'thin', with many transactions involving individuals who have no previous group or network connections. Without these repeat transactions there is a greater temptation for sellers to misrepresent both themselves and the objects they list, and to provide poorer levels of customer service (Resnick et al., 2006:2). Therefore there are higher levels of uncertainty in Internet auctions as the majority of users are individuals with little transactional history and:

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[52] A study of 138,458 buyer-seller pairs on eBay demonstrated that just 17.9% involved repeat transactions (Resnick and Zeckhauser, 2001:9).

"the motivations of those we interact with can be inferred but never known directly and the quality of goods and services we are offered is often unknown or known only approximately" (Kollock, 1994:317).

The impact on the antiquities trade

The fears of archaeologists in the early days of e-commerce were that this new market would create even more demand and encourage further looting of archaeological sites (Lidington, 2002, Chippindale and Gill, 2001). It was also suggested that these new venues might "democratize" the market, creating a new marketplace for all the low value items found in archaeological sites which previously had been discarded by looters as there was not a market for them (Lidington, 2002:69; Stanish, 2009). Reports from around the world have indicated a range of looted artefacts have been identified on eBay over the years, including Bronze age axes from the UK, Thracian artefacts, Ban Chiang bowls, reliefs from Angkor Watt, Mummies and Cuneiform tablets from Iraq (Moore, 2007, Akbar, 2008, McDonald and Steele, 2008, McDonald, 2007, Anon, 2009, Anon, 2007b, Stroh, 2006).

Further concerns were raised that eBay would provide the perfect environment for the sale of inauthentic antiquities. The distance involved in the transaction, and the inability of buyers to be able to inspect objects means that forgeries can be of lower quality to fool buyers. A report into the antiquities trade in Bulgaria reports that online venues are preferred for the sale of forged antiquities (Center for the Study of Democracy, 2007:182).

Estimates have been made that as many as 95% of antiquities on eBay are inauthentic (Boehm, 2009, Stanish, 2009). The archaeologist Charles Stanish suggests that just 5% of

objects sold on eBay as antiquities are authentic. He feels another thirty per cent of objects are obvious fakes created for the tourist market. These objects are easily identifiable, mixing up iconography and ancient styles to create pieces attractive to modern day collectors. Stanish considers the remaining 65% to be more sophisticated fakes. Even as an expert Stanish says that he "would have to hold [them] in my hand to be able to make an informed decision" (Stanish, 2009).

Stanish concludes that despite his initial concerns, he has grown to love eBay as rather than encouraging people in source States to loot archaeological sites, eBay has actually created a new industry for former looters. Instead of carrying out unauthorized excavations they have found it more profitable to retrain as manufacturers of fake antiquities (Stanish, 2009). These workshops are reported to replicate the conditions of workshops in the ancient world and use the same materials and processes. Artisans adapt ancient styles and iconography to blend into the known corpus of material culture. There are also suggestions that they study auction catalogues and have archaeological reports to hand (Palmquist, 2009, Massy, 2008:730). Stanish reports that he has visited such workshops in Peru and Bolivia (Stanish, 2009). Similar reports have been made about workshops producing fake ancient coins in Bulgaria (Center for the Study of Democracy, 2007:180, Steiglitz, 2007:169-171).

Therefore eBay has been recognised as expanding the reach of the antiquities market, increasing the availability of both looted antiquities and inauthentic antiquities. The sale of antiquities on eBay has come to the attention to International agencies such as the United Nations. The director of the United Nations Interregional Crime and Justice

Research institute has described the sale of these goods on eBay as a "very serious and growing problem". He suggests:

"It is well known that the significance, provenance and authenticity of the cultural objects offered for sale on the Internet vary considerably. Some have historical, artistic or cultural value, others do not; their origin can be legal or illicit, and some are genuine, while others are forgeries"(Calvani, 2009:37).

6.3 The expansion of the market

The advent of the Internet as a venue for the sale of antiquities has vastly increased the size and scope of the market. In this section I will outline data collected from eBay on the extension of the market. The analysis will first discuss data related to the nature of eBay listings, including the length of auctions and the geographic reach of the market for antiquities on eBay. Secondly it will examine the volume, range and financial value of antiquities available. Thirdly, it will discuss the data available on actors involved in the sale of antiquities on eBay.

The transient nature of eBay listings

eBay has transformed what had been a seasonal antiquities market into an all year round market. Traditional auctions[53] tended to be 'events' in a social calendar, with specialist sales held several times a year. Auctions were timetabled to compete, with the three main auction houses often holding their auctions within the same week, essentially developing four distinct auction seasons for antiquities sales.[54] In designing eBay, Pierre Omidyar was highly influenced by the auction theorist Vickrey, and built on his ideas to circumvent the time constraints of traditional auctions (Steiglitz, 2007:30). Rather than following the 'going, going, gone' format of traditional 'English' auctions, eBay depends on a fixed time limit for its listings. Sellers choose the length of their auction (up to 10 days) and at the end of the time limit, the eBay proxy bidding system selects the winning bidder. The consequence is that buyers no longer have to wait for a seasonal auction event as eBay itself has become a never ending auction, with automated listings ending at all times of day, every day of the year. Transactions occur in a virtual space, 24 hours a day. The eBay model has successfully harnessed the advantages of the Internet, enabling transactions to transcend the traditional constraints of space and time (Giddens, 1990:6), vastly increasing the potential market for listed items. Table 3 below outlines the transient nature of antiquities listings on eBay, with objects being listed for a mean average of just 6.9 days.

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[53] Perhaps fittingly for a study of the market for antiquities, the auction process has its origins in the ancient world. The word 'auction' derives from the Latin for gradual increase. The earliest auctions are described in Herodotus in 450BC and concerned the sale of wives in Babylon.
[54] With London having sales in the spring and autumn, and New York in early summer and around Christmas.

Table 3: Days listed

	n	Minimum days	Maximum days	Mean	Std. Deviation
Antiquities.com	79558	0	33	6.4	3.7
Antiquities.co.uk	31475	0	90	7.9	8.5
Coins.com	86803	0	30	6.7	3.1
Coins.co.uk	17805	0	90	7.7	5.9
Total	215641	0	90	6.9	4.7

Through devising a system which circumvented the temporal and spatial limitations of traditional auctions, eBay vastly expanded the potential volume of antiquities which could be sold. Without the space limitations of traditional auction houses, eBay can 'display' any number of ancient objects simultaneously and virtually (Lidington, 2002:68). In 2001 Chippindale and Gill raised their concerns about the size of the online antiquities market. They reported that on the 11th November 2001 there were 4237 antiquities listed (Chippindale and Gill, 2001:2)[55], a volume of antiquities which previously would have appeared in auction houses over the course of a whole year (Lobay, 2006:17).[56] Seven years later, on the 11th November 2008 there were 4653 antiquities listed, with similar amounts listed every week of the year.

The globalisation of the market

Traditionally the sale of antiquities has been restricted both spatially and temporally. The principle foci were London and New York (Mackenzie, 2005b:24), where the major auction houses, Sotheby's, Christie's and Bonham's staged several antiquities auctions

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[55] Unfortunately Chippindale and Gill did not produce any figures on the value of the market in 2001 or any breakdown of the types of antiquities listed. Data collected for this study in 2008 indicated the majority of ancient material available on eBay is of low financial value (see section below on 'the value of antiquities on eBay').
[56] Lobay's research indicated that a total of 149,459 antiquities lots were sold over 36 years, an annual average of 4152 lots per year (Lobay, 2006).

per year. All three are located within streets of each other in the most prestigious locations of Mayfair, London and Midtown, New York. These auction houses acted as cultural hubs in each city, with antiquities dealers also operating in the vicinity, opening galleries in Mayfair, London and 5th Avenue, New York. Actors interested in purchasing antiquities were also required to travel to attend auctions or visit dealer's galleries, placing restrictions on the numbers who able to do so. Attendance at traditional auctions required the investment of both time and money on the behalf of buyers; therefore attendance at auctions tended to be restricted to serious buyers. The antiquities world was therefore 'closed' off from the general public, meaning that apart from press coverage of record-breaking auctions most transactions avoided public attention. Once in attendance, however, their access to antiquities was limited by the stock of the dealer or the number of antiquities consigned to auction, ensuring that building up a collection was often a lifetime's work.

In creating eBay, Pierre Omidyar expanded the reach of previously localised markets, creating the possibility of a global marketplace involving an unprecedented number of participants. By 2008 eBay had a presence in 39 markets worldwide, with 86.3 million users (eBay, 2008). For the first time there were no geographic limitations on the sale of antiquities: sellers could be located anywhere in the world.

Table 4 outlines data collected on the location of sellers of antiquities on eBay. Sellers in the 'snapshot' sample were located in 29 countries, with 45% in the USA and 31% being based in the UK (See Table 4). Source States are not well represented, with the majority falling into what would be typically classed as market States indicating that antiquities are not sold from their country of origin.

Table 4: Location of Sellers

Country	Frequency	%	Country	Frequency	%
Australia	1	.3	Lithuania	1	.3
Austria	4	1.2	Malta	1	.3
Belgium	1	.3	Missing	1	.3
Brazil	1	.3	Netherlands	6	1.7
Canada	10	2.9	Russia	1	.3
China	10	2.9	Singapore	1	.3
Denmark	2	.6	Slovenia	2	.6
Egypt	1	.3	Spain	1	.3
France	2	.6	Switzerland	1	.6
Germany	14	4.0	Thailand	2	.6
Hong Kong	2	.6	Turkey	1	.3
Hungary	2	.6	UAE	1	.3
Ireland	1	.3	UK	106	30.5
Israel	5	1.4	Ukraine	1	.3
Italy	4	1.2	USA	157	45.2
Lebanon	3	.9	**Total**	**347**	**100.0**

Table 5 below outlines the regional listing habits of eBay sellers. All of the antiquities sellers based in the United States chose to list solely on the American version of eBay, and 94% of UK sellers sold on the British site. Eighty-nine per cent of sellers from the rest of the world listed on the American site (*See Table 5*).

Table 5: Regional listing habits of eBay sellers

	Listed on eBay.com	Listed on both sites	Listed on eBay.co.uk	Total
UK Sellers	5 (4.7%)	1 (0.9%)	100 (94.3%)	106 (100%)
USA Sellers	157 (100%)	0 (0%)	0 (0%)	157 (100%)
Rest of the world Sellers	75 (89.3%)	3 (3.6%)	6 (7.1%	84 (100%)
UK Sellers	5 (4.7%)	1 (0.9%)	100 (94.3%)	106 (100%)
USA Sellers	157 (100%)	0 (0%)	0 (0%)	157 (100%)

It is important to note that whilst sellers may choose to list on the local version of eBay, both of these sites have a global audience. Buyers in the UK may search for and purchase antiquities from any eBay site based around the globe. Whilst all the sellers in this sample were willing to sell antiquities to buyers located within the UK, they placed restrictions on other parts of the world. Sixty-nine per cent of sellers stated that they would post objects worldwide, but others sellers refused to post antiquities to countries where antiquities laws were strictly enforced or post was commonly known to go missing (see Table 6). One seller outlined in their listing:

> "Please note that we DO NOT ship to countries that have a prohibition in accepting coins by post, since the risk for confiscating them if they are discovered, is too great. Thus we DO NOT ship to: INDIA, POLAND, KROATIA, HUNGURY, CHECH REPUBLIC, or any other country that has this prohibition. Also items sent to ITALY, RUSSIA, GREECE are sent at the buyer's risk and is advisable to be registered" (listing 199).

Table 6: Where antiquities sellers post to

Worldwide	North America	Europe	UK	Australia	South America	Asia	Japan
238 (69%)	81 (23%)	39 11%)	27 (8%)	26 (7%)	22 (6%)	20 (6%)	6 (2%)

* Some sellers post to more than one location.

The volume of antiquities available on eBay

There are a number of approaches to the measurement of markets. In his examination of the wider illicit antiquities market, Tijhuis questioned if researchers should focus on the volume of looting, the total value of looted antiquities or the number of antiquities available in the market (Tijhuis, 2006:138). In this thesis I will focus on this latter measure. Empirical studies of auction catalogues demonstrate how restrictive the traditional market for antiquities was. Lobay's research indicates that between 1970 and 2005 the three main auction houses held a total of 481 antiquities related sales; an average of just 13 auctions per year. The culmnative total of lots consigned in these auctions was 149,459, or an average of just 310 lots per auction (Lobay, 2006:17). In contrast, an abundance of antiquities are advertised for sale every day, with individual subcategories for objects from many ancient cultures. eBay's mission is:

> "to build the world's most efficient and abundant marketplace in which anyone, anywhere, can buy or sell practically anything" (eBay, 2002:2).

In 2007 eBay hosted 140 million listings each day, with sales of $1,900 per second, totalling $60 billion for the year (eBay, 2008). Almost every kind of good imaginable has been listed on this 'electronic bazaar' (Resnick et al., 2006:1).[57]

In the early days of Internet auctions archaeologists expressed concern that this new market would create even more demand and encourage further looting of archaeological sites (Lidington, 2002, Chippindale and Gill, 2001). Table 7 below outlines the number of listings in the antiquities categories on eBay over the 4 months of the data collection

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[57] Although as we will see in *Section 8.1* the sale of certain categories of objects has subsequently been prohibited by eBay.

period. During this time there were a total of 215,641 listings in the categories of interest

to this study.[58] The majority of listings were on the American version of the site (77%,

n=166,361), but the British site also attracted almost 50,000 listings (23%, n=49,280).

Listings were almost equally split between antiquities listings (51%, n=111,033) and coins

listings (49%, n=104,608). Therefore this market considerably larger than the traditional

antiquities market.

Table 7: Volume of antiquities listed on eBay

	Sept	Oct	Nov	Dec	Total
Antiquities.com	16336	19387	20506	23329	79558
Antiquities.co.uk	6669	7528	7641	9637	31475
Coins.com	19491	22093	21760	23459	86803
Coins.co.uk	3910	3987	5422	4486	17805
Total	46406	52995	55329	60911	215641

* 1046 cases are duplicates, as some listings were relisted or listed in multiple categories. As these duplicates were only 0.5% of the total they were not excluded from the sample.

eBay also supplies further data on the demand for antiquities through the percentage of

listings which resulted in a sale. Table 8 outlines the data collected on the percentage of

objects which resulted in a sale. Overall the data indicated that 119,804 listings (56% of

the total) resulted in a sale. The percentage of objects sold will be higher than this figure,

as sellers commonly relist objects which do not result in a sale on that occasion.

Unfortunately it was not possible from the data to calculate an accurate figure for these

consequent sales. Table 8 also outlines that there are wide variations between categories,

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[58] The number of listings is not the same as the number of objects. Some listings are for a 'lot' of multiple objects. In addition, if a listing did not result in a sale it may have been relisted during the 4 months of the data collection period.

with coins being more likely to result in a sale than antiquities (67% of all coins listed sold as opposed to 44% of all antiquities).

Table 8: Percentage listings sold

	n[59]	Sold	Percentage Sold
Antiquities.com	79558	33093	41.6%
Antiquities.co.uk	31475	16251	51.6%
Coins.com	86803	57365	66.1%
Coins.co.uk	17805	13095	73.6%
Total	215641	119804	55.6%

Therefore this raises questions about the type of ancient material available on eBay. How similar or different is this ancient material to objects which formed the traditional antiquities trade? What type of objects are represented, from which cultures do they originate and what type of materials are they made from? Equally important, what is the financial value of these objects? The volume of ancient objects available also raises questions about where these objects have come from. Does the increase in the availability of ancient objects reflect an increased looting of archaeological sites, or are these objects coming from other modern sources?

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[59] One outlier has been removed from the data. This listing was in the Antiquities.com category, where a "Very old mystic antique German magic rock or meteorite" received a bid of £620,000. This was an extreme outlier as the next highest bid in the data was for just £8804, therefore this listing was removed.

The range of antiquities available on eBay

The range and value of antiquities sold in the traditional antiquities market was dictated by the costs and physical limitations of traditional venues. The costs involved in transporting these pieces to the centre of the market, combined with the scholarly investment required in staging an auction event meant that only the best available examples of antiquities were included in auction sales. Considering the range and value of typical objects sold on eBay it is unlikely that these high end antiquities would be sold in this new venue. Data collected from eBay in the 'snapshot' survey allowed for an analysis of the types of antiquities listed, the ancient cultures they were said to originate from and the main material of their construction. The following analysis considers antiquities only, as the coin category was mostly heterogeneous, being mostly of Roman origin.

Table 9 outlines the wide range of ancient objects which are available on eBay.[60] Thirty eight per cent of these ancient objects (n=299) are made up of small items of jewellery, mainly brooches and rings. A further 23% (n=181) can be described as small domestic objects such as pottery vessels, lamps, dining items and personal objects such as buttons. Twenty two per cent of objects (n=172) can be categorised as weapons or tools, mainly axes and arrowheads. The remainder are made up of decorative objects such as amulets or statues and other objects.

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[60] The analysis includes listings in the antiquities categories only.

Table 9: Types of object listed

Type of object	n (%)
Jewellery items	**299 (37.8%)**
brooches and fibulas	85
rings and intaglios	83
necklaces and beads	37
pendants and medallions	24
Crosses	21
other including bracelets, buckles, earrings and decorative pins	49
Domestic items	**181 (22.9%)**
vessels, bowls, flasks and vases	42
Lamps and objects associated with domestic fires	28
pottery fragments and sherds	13
Dining items including spoons, knives, plates, jugs, cups, saucers	37
Personal items including combs, tweezers, buttons, textile fragments, belt strap ends	13
other including tiles, spindles, thimbles and keys	44
Weaponry/tools	**172 (21.8%)**
Axes	50
Arrowhead	46
Scrapers	14
spearheads	7
Chisels	7
other including blades, swords and daggers	48
Other decorative objects	**100 (12.7%)**
Amulets, ushabtis and scarabs	46
Statues and figurines	33
Others including votive offerings, tumbaga and steatite carved rolls	21
Other objects	**42 (5.3%)**
Total listings	**790**

Table 10 considers the ancient culture that the sellers claim the object to have originated in. The data indicates that the majority of these objects were said to have been made by the Romans (37%, n=310).[61] However, many other ancient cultures are represented, with 13% of objects originating in pre-history (n=113), 9% from Near Eastern cultures such as

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[61] The analysis includes listings in the antiquities category only. Ancient coins had a very wide circulation, making such an analysis less worthwhile. The majority of coins in the data were from the Roman Empire.

the Assyrians, or Persians, 8% from the Egyptians, 7% from British cultures, 6% from

Danish cultures and 5% from Pre-Columbian cultures.

Table 10: Culture of listings

Culture	n	%
Roman	310	36.9%
Prehistoric (Including Neolithic, Paleolithic, Mesolithic)	113	13.4%
Eastern (including Byzantine, Assyrian, Persian etc)	77	9.2%
Egyptian	68	8.1%
British (Including English, Saxon, Celtic, Tudor)	60	7.1%
Danish	53	6.3%
Precolumbian	44	5.2%
Medieval	36	4.3%
Chinese	19	2.3%
Greek	16	1.9%
Bronze age	16	1.9%
Viking	14	1.7%
Other	15	1.8%

* Listings can include reference to more than one culture.

Table 11 outlines the main material of the antiquities in the sample.[62] In line with the

domestic nature of many of the objects available, the materials used to produce many of

these objects are very common-place. The largest percentage of objects are made of

bronze (32%, n=252), with just 6% being created from more expensive metals such as

gold or silver (n=47). Twelve per cent of objects are manufactured from flint (n=94), and a

further 12% from pottery (n=91).

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[62] The analysis includes listings in the antiquities category only. The majority of coins in the data were bronze.

Table 11: Main material of antiquities listed

Material	n	%
Bronze	252	31.9
Flint	94	11.9
Pottery, terracotta, Clay and Faience	91	11.5
Silver or Gold	47	5.9
Glass	35	4.4
Iron	34	4.3
Stone	33	4.2
Other Metals	24	3.0
Precious stones	22	2.8
Other materials	45	5.7
material not stated	113	14.3
Total	790	100%

It is clear from browsing through the listings of ancient objects for sale that there is not just one antiquities market, but a series of smaller markets, each devoted to a particular category of ancient object. For example, some sellers specialise in selling ancient coins, others Pre-Columbian objects and others metal detecting finds. These markets appeal to different types of collectors, who may build their collection around one ancient culture, a geographic area, or a particular type of object. The idea that the antiquities market is made up of multiple subspecialties which may be limited by region, date, medium, or form is not a new observation (Adler and Polk, 2005:101, Coggins, 1995:65). However it is important in understanding the operation of this marketplace. Actors involved in the sale and purchase of antiquities tend to have specialisms, with each category of object developing their own selling 'culture'. For example, the market for ancient coins stands out as being more highly organised than the other antiquities markets, with a number of trade associations, well researched publications, and highly developed collecting terminology.

The value of antiquities available on eBay

Auctions provide a mechanism for determining price when the value, quality and origins of goods consigned are unknown (Smith, 1989:52). As such they provide the ideal vehicle for the sale of antiquities, as they "serve as rites of passage for objects shrouded in ambiguity and uncertainty" (Smith, 1989:x). Antiquities by their very nature are of indeterminate value. Like many collectibles their market price is created by judgements made about them in the exchange process, rather than being an inherent property of the object itself (Appadurai, 1986:3). Therefore it falls to the seller to construct a narrative of value and to give 'signs' of how much they consider the object to be worth. The primary indication is the starting price they assign to the auction. For example, if they list at a high value they are indicating that buyers should consider the object as valuable and authentic, but if they list at 99p then they are suggesting that buyers should take a risk and 'grab a bargain'.

Tables 12 and 13 examine the question of the financial value of antiquities available on eBay. Market value is commonly measured through an analysis of the total exchange value of goods sold in a given market, however the measurement of the financial value of a category of goods on eBay is more complex. The bidding process means that objects are often listed at a low price, but if they successfully result in a sale the end price will be considerably higher. Further confusing the issue, some sellers prefer a Buy It Now Price, which is often aspirational in value. Therefore the following figures must be viewed with some caution.

Table 12 considers the listing value of antiquities. The total listed value of all categories of antiquities was £12.2 million over the 4 months of data collection (which would

extrapolate to an annual value of £36.7 million). The mean listing price for all groups was

£56, however there is a wide variation between the categories, with objects listed on

Antiquities.com having a mean value of £71, and Coins.co.uk just £20.

Table 12: The value of the antiquities market on eBay (listing price)

	n[63]	Total value listed	Minimum GBP	Maximum GBP	Mean GBP	Std. Deviation
Antiquities.com	79533	£5,718,420.50	0	124000	71.90	1103.3
Antiquities.co.uk	31473	£1,306,798.81	0.01	57550	41.52	488.9
Coins.com	86803	£4,855,603.05	0	155000	55.94	862.3
Coins.co.uk	17805	£358,171.17	0	2500	20.12	92.6
Total	215614	£12,238,993.53	0	155000	56.76	885.6

* US dollars calculated into GBP at average exchange rate of 0.62. (Over 4 month period the highest exchange rate was 0.69 lowest 0.53.

Table 13 examines the financial value of listings which resulted in a sale (56% of all

listings, n=119804). The total value of sold listings over the four month period was £3.4

million (which we could extrapolate to an annual value of £10.3 million if we assume that

the other 8 months of the year performed similarly). However the mean sale price of all

objects is just under £29, with objects listed in the antiquities category on eBay.com

receiving a premium of around £12 more than any other category on average. However,

the Table also indicates that higher value antiquities are available on eBay.

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[63] Ten outliers have been removed from the data. These outliers were identified using Box Plots in SPSS. Excluded outliers included "a priceless invaluable medallion" listed at £3,100,000, "my mother in law" listed at £1,000,000 , "a vintage carved Tibet jade item" listed at £620,000 , "the Giant" listed at £358,980, and "a folder for documents" listed at £250,000.

Table 13: The value of the antiquities market on eBay (final sale price)

	n[64]	Total value sold listings	Minimum GBP	Maximum GBP	Mean GBP	Std. Deviation
Antiquities.com	33093	£1,277,700.40	0	8804	38.6	123.5
Antiquities.co.uk	16251	£434,755.06	0.01	5000	26.8	72.6
Coins.com	57365	£1,411,715.18	0	2554.4	24.6	58.8
Coins.co.uk	13095	£312,688.99	0.01	1900	23.9	50.5
Total	119804	£3,436,859.63	0	8804	28.7	83.1

* US dollars calculated into GBP at average exchange rate of 0.62. (Over 4 month period the highest exchange rate was 0.69 lowest 0.53.

Whilst these figures must be used with caution, it is clear that antiquities listed on eBay are mainly of low financial value. Traditional antiquities dealers and auction houses tended to be selective in the antiquities they sold, focusing on high value or rare antiquities, and many had a minimum price threshold of what they would allow to be consigned to auction (Lidington, 2002:69). A small number of low value antiquities were sold via general household auctions or by mail order[65], but the demand for these items was limited.

Therefore the data does indicate that eBay has played a role in 'democratizing' the availability of low value antiquities. Many of these objects are commonplace everyday ancient objects. This raises questions about how we should think about these objects. The debates surrounding the protection of antiquities are driven by objects which may be described as 'treasures' or 'masterpieces', and are often considered to have great symbolic and cultural meaning and may be considered cultural patrimony. However, as I

[64] One outlier has been removed from the data. This listing was in the Antiquities.com category, where a "Very old mystic antique German magic rock or meteorite" received a bid of £620,000. This was an extreme outlier as the next highest bid in the data was for just £8804, therefore this listing was removed.
[65] Steiglitz reports that prior to internet auctions many ancient coins were sold by mail order auctions based on sealed bids (Steiglitz, 2007:xiii).

outlined in *Section 3.3* there is a lack of clarity in the current legislative approach about which ancient objects fulfil the criteria of cultural property/heritage/goods/objects.

The difficulty is that the financial value of an ancient object is not an indicator of its total 'value' as antiquities can have greater non-financial significance (*see Chapter 2*). There is no set formula for establishing the 'significance' of an ancient object, as is demonstrated by DCMS's *Due diligence guidelines.*[66] As Papa Sokal has argued:

> "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" (Papa Sokal, 2006:2).

Therefore:

> "even an 'unimportant' antiquity can acquire great significance if it date associated material or if it is found far from its usual area of distribution" (Brodie et al., 2000:10).

The evidence suggests that the widespread availability of lower value antiquities may be causing even greater damage to archaeological sites as "sites are being stripped of every artefact to fuel bulk sale of potsherds" (Calvani, 2009:37). Lidington has noted that whilst many of these objects may appear "seemingly insignificant" their appearance on the market is a sign of increased exploitation of archaeological sites, as where once looters removed only high value objects they are now reported to 'vacuum' sites to completely

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[66] "Minor items are not easy to define comprehensibly, since most categories of material…necessarily include both minor and major items. Nor is it appropriate to use financial value as the main criterion, since items which are very cheap and which may seem insignificant can have major archaeological and cultural significance. However, they share the following characteristics: may be of common types, or may be items of which multiple examples were made and have survived. Are usually made of relatively cheap or plentifully available materials. Are often (but not always) small in physical size. May lack conventional beauty or other appeal. Tend to be (but are not always) of relatively low monetary value" (DCMS, 2005:10).

clear them of all artefacts (Lidington, 2002:68, 76). Whilst earlier forms of looting may have caused damage to archaeological context, this new 'vacuuming' of archaeological sites will cause the complete destruction of context.

Despite this, the availability of these lower value ancient objects is perceived to be less harmful. Many market supports insist that these objects cause no harm as they have no particular importance (for example see Ede, 1998). In relation to the illicit traffic in flora and fauna, Halstead has described a 'shifting moral differential' which applies to different commodities in the market, with a low level of moral sanction applied to more common species and a higher level of sanction to rarer and endangered species. He argues that this 'moral slippage' between the high and low levels of concern allows offenders to rationalise their activities as harmless, and makes it a difficult task to for the courts and wider community to acknowledge the importance of the issue (Halstead, 1992:3).

6.4 Actors involved in the sale of antiquities on eBay

Table 14 examines the relationship between the number of sellers and volume of listings. The data indicates that over a 4 month period 10,481 sellers were responsible for listing 215,641 objects. These sellers listed a mean average of 21 items; however there was a very large standard deviation, with some sellers listing as many as 4583 objects. The data indicates that a much larger number of individuals are involved in the sale of antiquities on eBay than in the traditional market, however the average number of listings indicates that the majority list only a handful of objects, suggesting that they are not professional sellers.

Table 14: Average listings per seller

	n	Minimum listings	Maximum listings	Mean listings	Std. Deviation
Sellers	10481	1	4583	20.6	116.6

To explore this relationship further a typology was developed based on the listing habits of sellers (see Table 15 below). The first category consisted of "one off sellers" who only listed one item in the four months of the data collection period. Forty three per cent of sellers fell into this first category (n=4545). The second category of sellers were considered "Amateurs" listing between 2 and 9 items, indicating that they have access to at least a small collection of antiquities. This group accounted for 37% of sellers (n=3911). In the third category were sellers considered "dealers". These sellers listed frequently, with between 10 and 99 listings over 4 months. The dealer category accounted for 15% of listings and the mean number of listings per seller was 31 (n=1580). The last category considered "High volume dealers", who listed over 100 items, indicating access to a wide number of ancient objects. This category included just 4% of sellers (n=445). The mean number of items listed for this group was 333 with the most prolific seller listing 4583 listings over the four month period. The data indicates that these high volume sellers have the greatest impact in the antiquities market on eBay. This group consists of just 4% of sellers, but they are responsible for 69% of listings and 71% of sales. Identification of these high volume sellers may assist those seeking to regulate the market.

Table 15: Typology of sellers

	"One-off seller" (1 listing)	"Amateur" (2-9 listings)	"Dealer" (10-99 listings)	"High volume dealer" (100+ listings)	Totals
% of sellers	43.4% (n=4545)	37.3% (n=3911)	15.1% (n=1580)	4.2% (n=445)	100% (n=10481)
% of all listings	2.1% (n=4545)	6.9% (n=14,417)	22.6% (n=48,669)	69% (n=148,010)	100% (n=214641)
% of all sold listings	2.1% (n=2518)	6.0% (n=7131)	21.3% (n=25,478)	71.0% (n=84,678)	100% (n=119805)

Table 16 examines the relationship between the type of seller and sales value on eBay. Over the four month period the "high volume dealers" accounted for sales of just over £2.1 million. The data indicates that this group sold an average of £4807 over the four months of data collection. These figures indicate that even in the High volume dealer category, very few sellers can be making a full time income from selling antiquities on eBay. However there is a high standard deviation, with one individual selling goods to the value of £87,026.

Table 16: Value of sales for each seller category

	Group income	n[67]	Minimum	Maximum	Mean	Std. Deviation
1	£132,228.26	2517	0	£8804.00	£52.53	257.53
2-9	£273,514.11	2826	0	£4152.45	£396.78	207.41
10-99	£896,783.10	1526	0.02	£13,136.37	£587.67	1061.10
100+	£2,134,334.16	444	6.2	£87,026.77	£4807.06	8392.27

* Including sold listings only

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[67] Outliers removed.

Amateurisation

The data indicates that eBay has enabled a large number of actors to become involved in the sale of antiquities. Therefore an inevitable consequence of the expansion of actors involved in the selling of antiquities is the move towards amateurisation. There are almost no barriers to selling in this market. There are no qualifications required to sell antiquities (Mackenzie, 2005b:25), as "dealers pick up their skills, and the ethics of the marketplace, as they work, as they buy and sell" (Marks, 1998:118). Selling on eBay requires little capital, no previous reputation or contacts, and sellers can learn significant amounts about selling from perusing other similar eBay listings.

These sellers may not have the same levels of expertise as dealers involved in the traditional antiquities trade. In addition, they may not have the same level of awareness about the legal and ethical issues surrounding the trade. A few dealers prominently advertise their professionalization through their memberships of dealers associations. However, the majority of sellers demonstrated no such association. In consequence, these sellers may not have much in common with the 'complicit' actors Mackenzie identified in the high end market (*see Section 4.5*).

The eBay system provides little information on the experience, knowledge or qualifications of sellers, making it difficult for bidders to assess if sellers are amateurs or professionals. Some sellers are identified as Powersellers indicating that they sell in large volumes and are considered to "consistently offer… excellent service and professionalism".[68] Just over a quarter of sellers in the seller sample (n=53) were classed as Powersellers by eBay. eBay also provides information on the length of eBay

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[68] (see http://pages.ebay.co.uk/services/buyandsell/powersellers.html).

membership. The 200 sellers in the seller sample had been eBay members for an average of 4 years and 21 days, with the newest member being signed up for just 3 months and the longest standing just under 9 years. Some of these sellers made efforts to stress their professional business through applying business branding to their listings, prominently including a company logo, which commonly combines their business name with an image from antiquity. They also include links to their own business website, or eBay store. Others stressed their reputation in the dealing and collecting world, and suggested they had many years experience of dealing in this area.

eBay reveals very little about the identity of antiquities sellers. They are represented by User IDs. Many sellers of antiquities choose names which made reference to their interest in ancient objects. For example, ancient cultures such as the Celts, Romans or Incas commonly appear in User IDs. Sellers were also keen to identify themselves which key figures from antiquity, appropriating the names of ancient rulers or deities, referring to Roman Emperors such as Nero and Tiberius, the Pharaohs from Egypt, or gods such as Helios and Zeus. Other sellers included references to ancient cities or places, such as the Seven Hills of Rome, or the Roman Colosseum. Sellers also make indirect references to antiquity, through choosing to Latinate their User ID through applying Latin declensions to non-Latin words. Some sellers chose names referring to venues more commonly associated with the higher end of the trade, including reference to 'galleries', 'collections' and 'museums'. They use phrases which differentiate the quality of the objects they are selling, including references to 'treasure', 'art' or 'relics', which are described as 'genuine' or 'original'. However, other sellers appear keener to associate themselves with the

excavation of objects, using terms such as 'digger', 'dirty', 'explore', 'hidden' and 'rusty', and referring to 'bazaars', 'emporiums' and 'back-streets'.

However, these eBay identities are not permanent, and many sellers chose to change their ID. Forty two per cent of sellers in the seller sample (n=200) chose to alter their User ID at least once (with some changing their ID several times).[69] Observation of the collectors forum indicated that sellers of antiquities routinely changed their User ID to move on from a negative reputation. Even a slight alteration in name made it difficult for collectors to track the activities of sellers. Messages on the collectors forum indicated that sellers of antiquities come from a wide range of social backgrounds, and often sold antiquities alongside other careers. Sellers were found to have alternative careers, including a lawyer, a gynaecologists, a hearing aid salesman, and an entrepreneur of BBQ sauce.

Two sellers of antiquities on eBay have come to the attention of the media and authorities. The first was a well-known antiquities dealer, named Angel Borisov, who used a variety of eBay User IDs. He has repeatedly come to the attention of police in relation to the smuggling of as many as 350,000 ancient coins from Bulgaria to the United States. He is reported to be well connected, as his brother was at one time the Prosecutor General of Bulgaria (Center for the Study of Democracy, 2007:186, Dietrich, 2002, Elkins, 2009). The second is a former gynaecologist from Cambridgeshire named Eftis Paraskeviades, who is a prolific seller in the antiquities category, listing many high value antiquities. He was banned from eBay for life in 2007 after a Sunday Times investigation into shill bidding, during which he admitted he did not know if the objects he sold were of ancient

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[69] 55 sellers changed their name once, 15 sellers changed their name twice, 10 sellers changed their name three times, 3 sellers changed their name four times and one seller changed his name 7 times.

or of modern production (Anon, 2007c, Anon, 2007d, Anon, 2007e). However, during the data collection for this thesis was continuing to sell under his son's eBay User ID.

6.5 Actors involved in the buying of antiquities

Unfortunately it is very difficult to gather data on buyers directly from eBay. However we can infer that the expansion of the market has also led to the amateurisation of buyers. eBay has expanded the reach of the previously geographically and socially restricted antiquities market to a much wider audience. This 'democratisation' of access to goods can be seen as a successor to classified newspapers such as 'loot' which widened access to second-hand markets in previous decades (Clarke, 1997:77). For the first time anyone with Internet access can browse through the antiquities listed on eBay, and the majority can register as bidders.[70] The level of investment required to purchase antiquities has also significantly dropped as buyers no longer need to travel to attend auctions. Inevitably this will lead to a wider pool of potential collectors, who also have lower levels of expertise, and consequently are unaware of the wider legal and ethical implications of collecting this material. These buyers are at a higher risk of being duped into purchasing antiquities which are inaccurately described or are inauthentic. In Stanish's opinion the low levels of experience of eBay buyers has been a primary motivators for fakers of antiquities (Palmquist, 2009).

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[70] A debit card is a requirement to registering on eBay.

6.6 Conclusion: Implications of the sale of antiquities on eBay on the archaeological record

eBay has "removed the shackles of the salesroom" (Lidington, 2002). It has vastly expanded the potential number of actors involved in the buying and selling of antiquities, and increased the volume of objects which can be traded. It also has created a globalised marketplace, disrupting previous patterns of the movement of antiquities.[71] This new, enlarged, global marketplace has significant implications for archaeological heritage, and its preservation. Antiquities are now more accessible and available than they have been at any other point in time (Lidington, 2002:67). Objects which would have taken a lifetime for a collector to locate are now available online 24 hours a day (Cohen, 2003:10), from the comfort of their own environment.

However, eBay as a 'frame' for transactions restricts the information supplied to buyers about both sellers and the ancient objects. Buyers have little information about the identity of sellers, and the 'thin' of the relationship between actors mean they have little information on the sellers reputation or experience. At the same time eBay has enabled a wider range of actors to become involved in the buying and selling of antiquities. Many of these actors appear to have less expertise than those in the traditional market, with implications for the availability of inauthentic antiquities and the reduced knowledge of the legal and ethical debates surrounding the trade.

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[71] Interpol have noted the increase in the use of domestic mail for the movement of antiquities: "internet sales had resulted in an increase in trafficking using mail services" (Interpol, 2008:19) "Noting the growth of the use of express-delivery companies for dispatching of cultural objects, which is mainly due to the trade in cultural objects over the internet" (Interpol, 2008).

CHAPTER SEVEN: THE PRESENTATION OF ANTIQUITIES ON EBAY

In chapter six I examined the sale of antiquities on eBay at a macro level, outlining how the venue had impacted on the sale of these objects. In this chapter I will focus the analysis on the micro, examining a small sample of eBay listings to elucidate how antiquities are presented to buyers on eBay. In order to uncover the common features of the sale of antiquities on eBay, this chapter will examine a sample of antiquities listed on eBay, which encapsulates both the range of ancient objects listed on the site, and the types of seller who decide to sell using this method. The analysis focuses on the Seller sample (*see Section 5.4*) which includes 200 eBay listings and corresponding messages from eBay sellers.

In the first section I examine eBay as a system of objects. I outline how eBay dictates the range and level of information provided in eBay listings, leading to considerable conformity between listings. However, as the content of eBay listings is supplied by eBay sellers, these listings pose the problems of information asymmetry. The second section examines how sellers present antiquities, developing narratives of authenticity and provenance to appeal to collectors.

7.1 eBay systems and structures

eBay as a 'system of objects'

As I discussed in *Chapter 6* the presentation of antiquities in traditional venues was a carefully controlled process. Attention was paid to the selection of antiquities for an auction to ensure that the auction was not flooded with low value or repetitive objects,

and the order of lots was designed to maintain the interest of bidders, with star lots being placed towards the beginning and end of the auction (Smith, 1989:122). In this way, each auction can be seen as a carefully 'curated' event. In order to understand this purposeful selection of objects, it is useful to return to Baudrillard's work on the *System of objects* (Baudrillard, 2005). Baudrillard outlines how marketers use these *systems* to send signs to consumers about the qualities and values of objects; the order of goods allows buyers to:

> "peruse them, inventory them and finally grasp them as a complete category" (Baudrillard, 1998:26).

From these 'systems' buyers are able to determine the significance of a particular object through its relationship to the objects surrounding it. An object's position in the hierarchical system is created by its divergence from the norm, with concepts such as taste and class determining low or high economic value. These hierarchies of objects allow consumers to discriminate between goods (Douglas and Isherwood, 1996:59,66). Thus the objects in a traditional auction can be viewed as their own system of objects: the meaning and value of one object is derived from a comparison to other objects in the same series.

In contrast, the listing of antiquities on eBay is ad hoc process. eBay determines the categories of objects, but has no control over which objects are listed. The eBay website organises goods into a number of categories and subcategories, and allows sellers to determine the most suitable location to list their object. Further, the buyer's experience of eBay is unique depending on the search criteria used; with each search resulting in a new range of objects. Buyers interested in a particular object may browse through the category investigating other similar objects, building up information on price, value and

condition. Alternatively, there is a search facility, allowing buyers to quickly identify the objects they are seeking. The eBay system is interactive, identifying objects which most closely relate to the needs and desires of buyers. eBay listings do not exist in isolation, rather they are 'intertextual', meaning that they contain multiple links to other webpages (Mitra and Cohen, 1999). Each listing contains a myriad of different links to other eBay pages, meaning that potential buyers may take any number of routes around the site, collating information which will affect their opinion of the object. Therefore objects are presented dynamically, with no control over the juxtaposition of various objects.

eBay, however offers a unique resource to buyers through the availability of market data. eBay is an 'informal consumption space' akin to classified adverts (Clarke, 1997:77). Consumption on eBay is a casual affair, as buyers visit the site not just to acquire objects, but also as a form of leisure and entertainment. eBay can be conceptualised as an extension of 'window shopping'. Baudrillard commented on the role of traditional window shopping:

> "It is this acculturation, this training, which takes place at every moment everywhere in the streets, on the walls and on the underground stations, on advertising hoardings and neon signs. Shop-windows thus beat out the rhythm of the social process of value: they are a continual adaptability test for everyone, a test of managed projection and integration" (Baudrillard, 1998:166).

Buyers can search through all similar listings, or completed listings for information on their area of interest, thus building up market knowledge on the availability and exchange value of a particular object. eBayers use the site reflexively, browsing through available objects building up knowledge on price and rarity, and developing their knowledge of the

scope of their collecting area (Lewis, 2008:159, Ellis and Haywood, 2006a:37, Ellis and Haywood, 2006b:47). Through this acculturation buyers are able to increase their levels of discernment, gaining knowledge which puts them 'in the know' (Ellis and Haywood, 2006a), increasing their potential to collect successfully in their area of interest. Therefore eBay has been compared to a stock market for objects (Cohen, 2003:172), or a "cultural barometer" of…what objects consumers want at any time".[72]
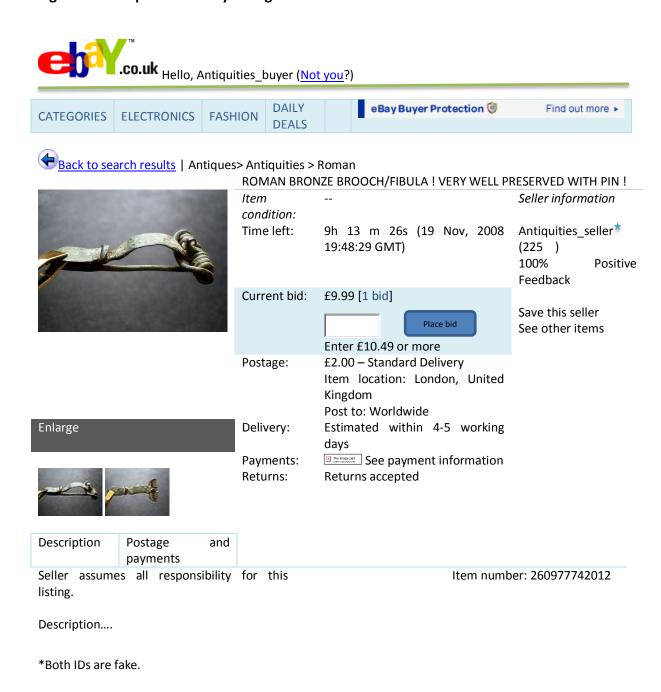
The 'Anatomy of eBay listings'[73]

The format of eBay dictates the levels of information available to buyers. Listings conform to a set formula, and buyers and sellers understand what is expected from the composition of listings. eBay is a highly structured context, with its own norms and conventions regarding the order and range of information provided about objects and sellers. eBay sellers are required to complete a structured form which standardises the information they provide. The listing process is interactive, with the eBay system proposing alternative information where it thinks appropriate. Thus the eBay system holds the hands of sellers through the listing process, encouraging them to produce listings that are similar to others in the same object category. The listing process decrees the range of information the seller can provide, the length of space allotted to each field of information, the number of photographs which can be uploaded (for an additional fee) and the location of information within listings.

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[72] http://news.ebay.com/about.cfm accessed 02/06/2009.
[73] (White et al., 2007) examined the 'anatomy of a listing' in connection to persuasive sales messages.

Figure 3: Example of an eBay listing

If we consider the anatomy of eBay listings, we find that all listings, whether they are

selling a single coin or a whole town comprise of four key elements:

Firstly, the textual information provided by sellers, including the title and subtitle and

item description. Analysis of the data collected for this study indicates that a typical eBay

listing in the antiquities category has a title consisting of 7 words, followed by a description of 169 words (*see Table 17).* The description provides the opportunity to outline the genuineness of the object and to establish the listers credibility and trustworthiness as a seller (White et al., 2007, Steiglitz, 2007:86).

Table 17: Listing features

	Average	Antiquities. co.uk	Antiquities.com	Coins.co.uk	Coin.com
Title	6.83	6.26	6.61	6.65	7.25
Description	168.94	95.9	119.1	151.02	235.96
Pictures	1.94	1.96	1.66	1.97	2.1

Secondly, there are the non-textual elements provided by the sellers, which include the photographs of objects, and their choice of layout, fonts and backgrounds to enhance their listing descriptions. Objects listed in the antiquities categories have an average of two photographs per listing (*See Table 17 above*). Research by White et al suggests that eBay listings which were accompanied by real photographs of objects are more persuasive than those which choose stock photos (White et al., 2007). Some of these non-textual features can play an important role in signalling information to buyers about the credibility of the statements made by sellers (see Cook, 2001:66 on the importance of paralanguage in advertising).

Thirdly, the eBay system provides information on the credibility of sellers, through the type of User ID chosen by the seller, their 'about me' page[74], their feedback (including number of feedback comments, percentage of positive feedback, feedback comments and feedback star colour), and their transactional history (current listings, previous transactions, shop or Powerseller status).

Fourthly, the system provides information about the individual listing, including the listing number, the category the object is listed in, the length of the auction, bidding data and information regarding postage and payment. Sellers have little influence over the information provided in the latter categories as it is collated by eBay over time, therefore the construction of the listing title, subtitle and description provide them with the only opportunity for self-presentation.

The conformity of listings

There is a significant conformity in the way that sellers construct their listings, both in the way they present their objects, and in the manner they present themselves to potential bidders. Sellers conform to the conventions of eBay as a selling platform, but they also construct listings which appeal to their respective collecting communities, using the accepted argot and providing information in a way which is appealing to antiquities collectors. This homogeneity in part can be accounted for by the nature of eBay. Despite being a platform used by millions of individuals, sellers are prone to imitate the listings of

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[74] 'About me' pages allow eBay sellers to reveal salient points about their identity from the 'offline world' (Ellis and Haywood, 2006b:29). They provide eBay users with the opportunity to introduce themselves, and outline their background and experience (Bunnell and Luecke, 2000:60).

more experienced and successful sellers, 'cutting and pasting' the elements of the listing which they feel are most successful.

Therefore eBay listings in the antiquities category follow very similar formats, presenting information about objects in the accepted manner: photographs all follow narrowly accepted conventions, provenance information conforms to narrowly defined narratives, phrases about authenticity and genuineness are formulaic, and sellers present themselves in a limited number of ways. The 'sameness' of listings makes it a difficult task for the uninitiated to decipher which objects are genuine and which fake, or to differentiate between objects of real value and those of constructed value. The chameleon like tendencies of sellers whom all appear similar also makes it very difficult for potential buyers to differentiate between sellers with genuine credibility, and those who are constructing a 'false front' with the aim of misrepresentation.

Information Asymmetries

In traditional auctions the employees of the auction house had the responsibility for ensuring that transactions conformed to the norms of the venue. The auction house acted as the principal in transactions, in return for a commission paid by both parties (Harvey and Meisel, 2006:29). In contrast, eBay takes a more hands off approach to the auction process. Representatives of eBay play no direct role in transactions on the site, insisting that they simply provide the venue where objects can be bought and sold (Cohen, 2003:92). They provide the website and technological infrastructure which enables the auction process to occur. eBay do not take on any direct responsibility for the objects, nor do they issue any judgements on their quality or authenticity (Bunnell and Luecke, 2000:77). Instead it is eBay users who take on the responsibility for most auction

functions, including listing, photographing, customer service, postage and packaging. eBay rhetoric, from user agreements to auction listings, stress *Caveat emptor* or 'Buyer beware', placing the responsibility for checking the accuracy of listings, along with the quality and authenticity of goods firmly with the buyer. eBay provides their users with the tools to help them assess if a listing is likely to be legitimate, and the responsibility is placed firmly on their shoulders to use them.

The quality of information supplied in traditional venues was of higher quality than supplied on eBay. In traditional auctions in-house experts inspected all consigned objects, undertaking provenance and historical research in order to provide reassurance of authenticity and estimation of value. These experts then provided standardised information about all consigned objects, with auction catalogues compiled in the house style, listing details of provenance and value estimates (Bywell and Oppenheim, 2001:265-6, Dewan and Hsu, 2001:4). In contrast, eBay dictates the structure of information provided in eBay listings, but has little control over the quality of this information. There is not the same expectation that individuals listing objects on eBay will have the same levels of knowledge or expertise about the antiquities they list, meaning that whilst these descriptions tend to be richer than those offered by auction houses (Dewan and Hsu, 2001:9), they are subjective and unverifiable (Eaton, 2002:1). Consequently, eBay listings pose a risk to buyers[75], as there is greater uncertainty regarding the quality of information supplied by sellers.

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[75] Perceived risk has been defined as "the consumer's perception of the uncertainty and the adverse consequences of buying a product" (Dowling and Staelin, 1994:119).

Economists often refer to this problem as 'asymmetric information' or the 'lemon problem'.[76] In his study of the social life of commodities, Appadurai outlined that for non-standard goods the reliability of information is always going to pose an issue. He states:

> "Whenever there are discontinuities in the knowledge that accompanies the movement of commodities, problems involving authenticity and expertise enter the picture" (Appadurai, 1986:44).

The difficulties inherent in establishing reliable information about an actors knowledge of a particular market is not a new phenomenon. For example, Geertz's describes the issue in length in his examination of the Moroccan Bazaar (Geertz et al., 1979). However, the issue is compounded by the spatial separation of actors on eBay, as buyers have less information to assess the credibility of sellers. In addition, asymmetric information poses additional problems for buyers in a market which is already beset with uncertainty and ambiguity about the quality and legality of ancient objects.

As we have established in earlier chapters the market for antiquities is made up of a combination of black antiquities (which have been recently looted), white antiquities (which have demonstrable provenance pre-dating the introduction of legislation), grey antiquities (for which there is insufficient information), and fake antiquities. However, as we demonstrated in *Section 1.1* the majority of antiquities sold in the market have no

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[76] The classic example of a market for commodities of uncertain quality is Akerlof's analysis of 'lemons' in the used car industry. Within this market sellers often have more information about the quality of the car in question, and buyers will only discover the true quality of the car possibly a few months after purchase. The risk involved in this kind of transaction restricts the amount a buyer is willing to pay for a used car, however this creates a social dilemma, as if buyers are only willing to pay low purchase prices for used cars then rationally car dealers will only supply lemons for a low price (Akerlof, 1970; Freiberg, 1997:247; Sutton, 1995:413).

verifiable provenance (Mackenzie, 2005a:253). The material consequence of this lack of provenance is doubt and uncertainty in the market (Chippindale and Gill, 2000:503).

eBay listings can be described as a moral hazard, as it is very difficult to distinguish listings which give an accurate assessment of the object from those that disingenuously misrepresent the true nature or value of an object. In addition, one cannot assess if the seller has access to all the relevant information about an object or is purposefully withholding information (Dasgupta, 1988:52). Listings may contain inaccuracies about the object, which may be due to the seller's ignorance about the true nature, history or value of the object, or descriptions may be deliberately deceptive.

In order to counter these information asymmetries, buyers of antiquities in online venues are recommended to undertake due diligence. The Museums, Libraries and Archives Council have also issued a checklist for buyers considering purchasing from online sources (MLA, 2006c). Buyers are recommended to firstly research the object (ask questions of the seller about the object's condition, origin, history and authenticity; compare the price; check to see if the object has been reported as stolen). They are also advised to research the seller (check the validity of the business name; reliability of contact details; avoid purchasing from people who only provide a PO box; check the sellers track-record or feedback if it is an online auction. Extra caution is urged when buying from online auctions, as there can be difficulty in verifying the identity of sellers).

The construction of listings

In analysing eBay listings we need to understand that through constructing their listings, sellers are attempting to overcome some of the issues created by these information

asymmetries and the spatial and temporal separation of objects and actors. Chippindale and Gill have suggested that in looking at eBay listings, antiquities buyers attempt to assess three main questions:

'Is the item what it purports to be; does the seller have clean title and is the seller credible' (Chippindale and Gill, 2001).

eBay listings, therefore need to provide sufficient information about the object persuade potential bidders of its true value. They need to provide 'signs' of market value, and focus on the aspects of the object which will appeal to potential buyers. Therefore the presentation of antiquities will focus on issues of concern to collectors: (The age and culture of the object; Measurement, weight and material of construction; its rarity and condition in comparison to other similar objects). They also need to 'recontextualise' objects, in order to provide evidence of both their meaning and authenticity. Therefore sellers need to develop narratives for objects, outlining their authenticity and provenance.

7.2 The credibility of objects

Listings as Catalogues

eBay has been described as a 'cabinet of curiosities' (Trodd, 2006:79). The first museums squeezed hundreds of objects of 'curiosity' into such cabinets, creating visually interesting and surprising displays. There was no attempt at categorisation; enjoyment was derived from seeing such a breadth of objects cheek by jowl. From the earliest collections efforts have been made to 'catalogue' objects. Curators assigned objects with individual catalogue numbers, and wrote catalogue entries providing a description and information

on where the object had originated. In constructing listings, many sellers choose to replicate the layout used in traditional museum catalogues, using similar formatting and fields to create a 'catalogue' entry for the object. Sellers also adopt the terminology of museum curators. For example, objects are said to come from ancient locations rather than their more contemporary counterparts, thus objects come from Moesia rather than the Balkans, Berytus rather than Beirut.[77] For example:

"Culture : Roman

Period : 100 - 300 AD

Material : Pure silver

Size & Weight : US7 - 10.6 grams

Condition : Fine

Provenance : Private Collection" (listing 119)

Antiquities listings are very formulaic, with considerable conformity across the majority of listings. The convention is to supply a range of information about the object, including the culture which created the object, a date range for production, the material, the type of object, its condition, measurement, and on occasion some indication of its provenance. Statements are also commonly made regarding the authenticity and 'genuineness' of the piece. However, there is a remarkable lack of reference to the illicit nature of parts of the antiquities trade in eBay listings (reflecting Mackenzie's findings in relation to the high end antiquities trade, *See Section 4.5*, Mackenzie, 2009:45).

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[77] The use of "geographical euphemisms" is common in the sale of ancient objects, where historical terms are used to mask the country where the object was found (Chippindale and Gill, 2000:497).

Listings for the sale of ancient coins are more formulaic in their presentation. They describe what is shown on the 'observe' and 'reverse' of the coin, and are overflowing with terminology specific to their collecting community, for example the use of chemical symbols for metal such as AG for Silver, and abbreviations for the quality or 'grade' of the coin. A typical description reads:

> "Probus AE Antoninianus. IMP C M AVR PROBVS PF AVG, Radiate bust left, in imperial robes, holding eagle-tipped scepter / SOLI INVICTO, Sol in facing quadriga" (listing 19)

Photographs

The object itself is represented in photographic form, offering buyers the opportunity to virtually inspect the objects they are interested in (see Cahill, 2006). These too follow the conventions of museum display. All the photographs of the 200 objects in the sample comply with strict conventions. They are all close up 'still life' photographs, closely cropped around the object, giving little indication of surroundings. Photographs are taken against a plain neutral background, with the only reference to the external world being the occasional hand or Perspex stand holding up the object. Rulers are also occasionally included to give an indication of scale.

Ancient coin listings almost always include two photographs, one of each side of the coin. For antiquities listings the number of photographs is often in relation with the complexity of the object, with sellers attempting to include photographs of objects from each angle. The eBay system allows potential buyers to zoom in on photographs of interest to inspect objects more closely. With digital photography the standard of photographs is high, with

very few blurry or grainy images. Despite this, sellers often insist that the photographs are poor imitations of the real thing:

"As my feedback testifies, the actual item is always better than the auction image" (listing 123).

Figure 4: Typical photographs of antiquities on eBay

The development of narratives

Whilst some sellers are satisfied with simply providing the basic catalogue type information about their objects, the majority assign their objects additional narratives. These narratives circulate the issues of authenticity, provenance and value, and link into wider discourses of collecting and treasure hunting. On eBay, these narratives gain additional importance as they go some way in offsetting the inability to examine the objects in person (Trodd, 2006:83). For Zukin, the narrative developed by the seller about the object, is equally as important as the object itself. The bidder is purchasing both the object and the story provided about it (Zukin, 2003:247).

Collectibles such as antiquities already have an inherent "drama" within their stories. Kopytoff has suggested this drama "lies in the uncertainties of valuation and identity"

(Kopytoff, 1986:90). TV programmes such as the Antiques Roadshow, Cash in the Attic, and Bargain Hunt, all exploit this narrative effect. These programmes thrive on the 'hunt' for 'lost treasures', whose identity has temporarily become obscured. Like the owners on the Antiques Roadshow or authenticators on Cash in the Attic, sellers construct narratives of authenticity and provenance for their objects, creating entertainment, meaning and ultimately market value (see Clouse, 2008 for a discussion of the use of Narrative on the Antiques Roadshow).

In constructing a narrative for the object:

> "objects are culturally constructed, endowed with culturally specific meanings, and classified and reclassified into culturally constituted categories" (Kopytoff, 1986:68).

Thus through constructing an identity for their objects, sellers are able to recontextualise objects which had previously lost their identities and meaning (Geismar, 2001). However unlike TV shows such as the Antiques Roadshow, a trained authenticator is not available to unlock the 'official' meaning of these stories (Clouse, 2008:16), leaving buyers to rely on the ability of sellers to interpret objects accurately.

Narratives of collecting

In developing their narratives sellers provide the object with what Kopytoff terms a 'cultural biography' (Kopytoff, 1986). This biography is developed with two main goals, firstly to commodify the object itself and establish its market value, and secondly to provide arguments for why the object should be of interest to potential purchasers. Sellers develop a number of narratives outlining the benefits of purchasing antiquities,

including the appeal of antiquities as collectibles, their benefits for education and their

investment potential.

Antiquities as collectibles

Firstly, sellers outline the popularity of antiquities as a collecting pastime. They describe

objects as "valuable ancient treasure" (listing 190) which would be "highly collectible"

(listing 105). They describe the "tremendous lure" of collecting "heirlooms of the ancient

world" (listing 190), providing collectors with the opportunity to purchase "Some ancient

history to hold in your hands" (listing 57). Sellers appeal to the discernment of collectors,

stating that objects are "For the serious collector" (listing 131), and would make a "Great

addition to any collection" (listing 138).

Antiquities as education and investment

Secondly, sellers appeal to purchasers to "Buy this piece of history" (listing 7). They

describe the connection with ancient civilisations achievable through touching objects

created by ancient man. They also outline the educational benefits of purchase. For

example, one seller suggests:

> "These coins make a great educational project for the beginning collector and
>
> family. You will soon find yourself quickly immersed in history and wanting to
>
> discover more about the men and women whose images are stuck on the coins.
>
> You will even learn a bit of Latin!" (listing 149).

Sellers also present antiquities as "a fantastic financial investment!" (listing 185). They

stress that certain types of antiquity are "rapidly gaining in popularity and won't always

be available at these prices" (listing 128) so purchasers could "Add to your collection or

resell for $$$" (listing 192). Sellers are quick to convey the rising prices for precious metals. One seller outlines the importance of Gold to ancient people as votive offerings, but goes on to stress: "The value of gold has been rising and is predicted to continue to rise" (listing 107). Another seller even alludes to the increasing criminalisation of the antiquities trade, and how this will ultimately lead to increased prices:

> "there is a finite number of items to be discovered and some countries are becoming more protective of their history. Of course as demand increases and supply decreases, prices will adjust accordingly. Invest in the future by purchasing the past...while you may!" (listing 128).

Narratives of recontextualisation

The primary concern of sellers of antiquities is to establish the authenticity of their object. The narrative they provide for the object anchors it, revealing its history or identity. In a situation where buyers are unable to examine the object in person, these narratives gain additional importance, contextualising the object and giving it its own authenticity (see Hillis, 2006 for a discussion of authenticity in eBay auction listings). The main narrative used to establish authenticity is that of provenance. The narratives developed by sellers recontextualise antiquities through processes of both re-location and de-location (Geismar, 2001:26). Narratives are developed based on their re-location (they have been moved to the market but are still defined by their place of origin) or de-location (narratives are based on the processes of collecting and dealing) (Geismar, 2001:26). These two narratives have evolved from two interpretations of the term 'Provenance'. According to Coggins, the term in its strictest sense refers purely to the original context of the object, however the art world take a wider interpretation, to include the history of

ownership (Coggins, 1998:57). Muscarella has questioned if this latter usage is appropriate for ancient objects, as it implies that information derived from who previously owned an object is of equal value to the original archaeological context of the piece (Muscarella, 2000:14).

Narratives of Find Spot

First, sellers provide narratives about the Find Spot of ancient objects. In the high end antiquities market this information is commonly 'very ambiguous' (Chippindale and Gill, 2000:467), and is unlikely to be available to sellers at the lower end of the market (Mackenzie, 2005b:34) or for ancient coins (Tompa and Brose, 2005). The narratives provided range from specific archaeological sites, to broader regional areas or even countries (Chippindale and Gill, 2000:469), however the provision of an exact Find Spot is a rarity on eBay. Where sellers have no access to information on Find Spot, they develop narratives based on their own expertise and scholarship, appraising the object, and through a process of 'affinity' objects are assigned to geographical, historical or cultural origins (Gill and Chippindale, 1993:658). These narratives based on affinity often lack specificity, so an object will be described as 'Roman' rather than referring to a specific Find spot. Provenances arrived at through attribution often include phrases such as "said to be from" (Gill and Chippindale, 1993:629).

Table 18 outlines the geographical information provided by sellers on the Find Spot of antiquities.[78] This information tends to be at a wide geographical level, indicating that the seller has probably reached these judgements through a process of affinity, rather than through direct access to information about the origins of these objects. Statements about

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[78] This analysis considers antiquities only, as listings for coins rarely have any Find Spot information.

Find Spot are commonly preceded by terms such as 'similar to', 'compares to', 'very typical of', 'characteristic of', 'the style of this piece suggests' or 'probably originating in'.

Table 18: Find spot typology

Level of Find spot information	n
Seller provides a named location within a country	101 (13%)
Seller names a Country	221 (28%)
Seller names a Region	205 (26%)
Seller identifies a culture	204 (26%)
Unclear/no information	58 (7%)

* This analysis was conducted on the snapshot sample (*see Section 5.4 for further details*)

Twenty eight per cent of sellers referred to a country of origin, with the majority of objects said to originate in Egypt, the UK, Denmark or Greece. A further twenty six per cent of listings infer that objects came from a regional area, with the majority of these (80%) described as coming from South East Europe. A further 26% of listings referred to the ancient culture of the object as an indicator of Find Spot. Of these almost two thirds stated that the objects were Roman in origin, which considering the geographic reach of the Roman Empire, provides very little indication of where these objects were found.

Thirteen per cent of listings provided more detailed information about the Find Spot of objects. However, these statements were still quite vague, eg. "found in a Paquimian grave-site", "From Coastal Peru" or "Origin, Site: a settlement site (rock shelter) in the Vézère-valley". The only group of sellers who offer precise Find spot data are metal detectorists. Some of these sellers reveal by email that the object has been recorded by their local PAS officer:

"The brooch has been identified by & recorded with the PAS; HAMP-91D208. I will

send a copy of the report with the brooch to the buyer" (message 59).

Narratives of 'finding'

Many of the listings describe objects as being "found" in a particular location (area,

region, country). It is interesting that sellers prefer this rather passive word, as opposed

to more active descriptions such as "excavated" or "dug". The phrase implies that it is

commonplace or something which just happens. This impression is compounded by the

fact that sellers rarely if ever refer to the person who did the 'finding':

"This is a Silver Denarius of Caracalla which was found with a metal detector in

North Suffolk" (listing 4).

"Millions of ancient Egyptian objects buried in the cities of Upper Egypt, hundreds

of them are detected daily, by the inhabitants of those areas" (listing 129).

"found in digs of the Manabi culture of Ecuador" (listing 37).

"comes from eastern Europe, and it is found in a Roman villa with a metal

detector" (Message 152).

Buying from the 'source'

Some sellers indicate that they buy "from the source" or "directly from the excavators at

affordable prices", implying that these objects have been recently excavated. Sellers

describe direct contact with "diggers", and even building up business relationships over

time. If there is truth in these statements then it may indicate that looters are

establishing direct links to eBay sellers, cutting out the traditional middlemen:

"All I know is they originate somewhere from what is now Romania. European diggers are very vague when it comes to locations. I can assure you they are authentic but there is no certificate. Creating fake uncleans is labor intensive and not really worth the return" (message 192).

"on weekly basis we receive new…beautiful archaeological artefacts and coins" (listing 103).

"those fibula are from Balkan. We know the people who find hem selfs...We buy always from the same people!" (message 167).

 "Since I do not have a middleman, I am able to get some of the best pieces of authentic ancient rings directly from the excavators at affordable prices" (listing 20).

Metal detecting

Other sellers outline how the advent of metal detectors have transformed the way antiquities are found, unearthing many new 'treasures' for sale. As the following two listings demonstrate:

"2000 years ago in the time of the Romans there were no banks and people simply buried their savings in or near their homes, or in the cases of soldiers, before they went off to battle. These dirty coins have remained buried since that time until the latest technology in deep metal detection has made their discovery economically feasible" (listing 149).

"Throughout history these treasures have been inadvertently discovered by farmers in their fields, uncovered by erosion, and the target of unsystematic searches by treasure seekers. With the introduction of metal detectors and other modern technologies to Eastern Europe in the past three or four decades, an amazing number of new finds are seeing the light of day two thousand years or more after they were originally hidden by their past owners" (listing 141).

Patina and erosion

Many sellers refer to the condition of antiquities as an indication of their genuineness. In particular they describe the effects of burial on objects on the piece:

"completely intact though rather misshapen" (listing 88).

"Extensive corrosion as to be expected in a burial piece" (listing 103).

"A rich patina, mineral deposits, and profuse root marks overall (inside and on the bottom) attest to this item's age and authenticity" (listing 160).

These narratives appeal to collectors' desire to purchase the authentic, and indicate that many collectors do not share the same concerns as archaeologists about illicit excavation. One collector left the feedback:

"Suspicion a fake, it does not smell of earth.

Narratives of previous ownership.

The second type of narrative provided is that of previous ownership. As antiquities move through the market they go through the hands of certain dealers, auction rooms or

collectors, and develop a new identity through association. Thus antiquities sold through prestigious venues such as Sotheby's or high end dealers gain cachet from this alliance, and a new kind of provenance is developed. If a certain dealer has a reputation for scholarship and honest dealing, then it is assumed that the antiquities he sells are genuine and of reputable origin. On the market epithets such as 'from the collection of' or 'previously sold at' become a proxy indicator for authenticity and value.

Auction houses themselves are often given as 'provenance' for antiquities, e.g. 'sold at...' (Chippindale and Gill, 2000:492). However, these narratives provide little evidence of the authenticity of goods, as Auction houses do not routinely check the veracity of consignors claims (Mackenzie, 2005b:40). Nor do they provide evidence regarding the legality of goods (*see Section 4.4 of the involvement of Auction houses in the sale of illicit antiquities*). Gill and Chippindale describe the epithet 'from an old collection' "a convenient fiction", and point out that these collections rarely predate national protection laws (Gill and Chippindale, 1993:622). They suggest that whilst a percentage of antiquities on sale may have originated in this way, it seems unlikely that such large volumes would have remained unrecorded and unnoticed for such a length of time (Gill and Chippindale, 1993:622).

Narratives of named and unnamed collections

Just 28% of listings (n=222) included reference to previous ownership.[79] The majority of these listings stated that the object had been part of a previous unnamed collection (n=177). These listings typically state "from an old collection" with no further information

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[79] This analysis was conducted on the snapshot sample (*see Section 5.4 for further details*). Again, this analysis refers only to antiquities, as none of the ancient coin listings referred to previous ownership.

provided. Just 2% of these listings (n=18) provided the name of a previous collection. The remainder of these listings (n=27) indicated that the object was purchased from the art market, including three objects purchased from major auction houses, and 18 objects bought from probate/estate sales. The vast majority of listings (72%, n=567), however, provided no narratives of previous ownership:

"We bought the ring from antique dealer in Germany. He told us that it was found in the Balkans" (message 196)

Narratives of 'old collections'

As I outlined above many high end antiquities are often claimed to have come from anonymous "old collections". This narrative is also commonplace on eBay. Eighty four listings are described as belonging to an 'old collection', with no elucidation offered as to how 'old' these collections may be. Sellers commonly state that objects were found "many years ago", indicating that they were discovered prior to any concern for the ethics and legalities of collecting in this area:

"Mayan statue brought back from old Mexico my grandmother's grandmother, it has been handed down through out the family for many many years" (listing 170).

"This ring was found on the Turkish-Syrian border nearly a century ago. It has been in the posession of its European owners since WWII. We acquired it earlier this year" (message 31).

Chapter 7

Anonymity of ownership

Several sellers who listed objects as coming from an anonymous collector in the listing were happy to furnish the name in private correspondence. However, most maintained the anonymity of the previous owner. For example, one seller of an "Extremely rare Phoenician bronze" describes his object as coming from "an old Scottish collection" (listing 58). In response to further information the seller provided further mysterious information on this unnamed individual:

> "The piece originally from an old Scottish collection subsequently owned by a very serious collector before becoming part of my own collection. Unfortunately, as with many items of antiquity there is no paperwork for the piece" (message 58).

There is some irony that the seller constructs a narrative of ownership in order to create an identity for the object, but then relies completely on anonymity. This is symptomatic of the wider antiquities market, where not only are unprovenanced objects anonymous, but so too are the collectors and dealers.

Other sellers provided inconsistent stories about previous ownership. For example, one seller provided different stories in the listing and corresponding message:

> The object was acquired from a "family friend who was active in the field of Archaeology for over forty years" (listing 7).

> "My Grandfather [who] accumulated thousands of ancient rings in his work as an archaeologist (in the 1920's and 1930's)" (message 7).

The circulation of antiquities

Sellers describe the circulation of ancient objects, stating that they acquired the antiquities from other collectors, dealers, auction houses and antiquities fairs. They also outline that antiquities are commonly sold in lots, which are then split and sold on, indicating that sellers are unlikely to know the origins of individual pieces:

> "The figure was purchased from a private collection in the UK as part of a batch of high quality amulets, without provenance" (message 101),

> "I get all my antique items from a specialist dealer in the UK. He receives them from other specialist collectors from all over Europe, Africa, Middle East ect. So it is not possable to be exact with the origin of the item, but most likley North Africa for this lamp" (message 152).

The movement of ancient objects in 'bulk' consignments is a particularly common feature in the ancient coin market. One seller even refers to purchasing his ancient coins from his 'wholesaler'. Coins from different hoards and groups become amalgamated and then broken up for sale. It is common to find listings for groups of uncleaned ancient coins on eBay:

> "Nearly all will be Roman, but occasionally coins of other ancient cultures will be found in such lots" (listing 43)

> "I purchase coins in bulk from many different suppliers who obtain their coins from many locations all across Europe" (message 98).

Narratives of authenticity

Claims are made about the authenticity of ancient objects in nearly all listings in the antiquities category. Just one seller in the sample referred to ensuring that his goods were acquired in line with antiquities legislation:

"All items have documented export approval from their respective country of origin in accordance with local antiquity laws" (listing 36).

Expertise

It is common for sellers to refer to unnamed 'experts' in their listings, who are reported to have authenticated the objects. For example, sellers claim:

"all our items are checked by experts, with an unconditional guarantee of authenticity. We only sell authentic items" (listing 7).

"Each item we sell…[has] been examined by more than one expert in the field" (listing 138).

In most fields of activity, 'experts' tend to be credited with their work, however in the antiquities trade these 'experts' remain anonymous. Whilst sellers place their trust in their sources, they also demonstrate a reliance on their own expertise in ensuring that an object is authentic. They outline how the appearance of the object itself is an indication of authenticity:

"Only provenance I have is that I have been detecting 30 years and know what a Roman coin is" (message 147),

"With my experience, I can assure you that it is a genuine, and the eroded material which is the consequence of age from burial" (message 135).

Reputable dealers

Typically sellers refer to only acquiring their objects from "reputable" dealers, a feature also identified by Mackenzie in the high end antiquities market (Mackenzie, 2005b:26). The implication of these statements is that these 'reputable' dealers only offer 'authentic' and 'legally acquired' objects. Sellers refer to these previous dealers as evidence of the authenticity and legality of the pieces:

"they are a reputable auction house and only take items from existing collections - nothing recently excavated or from dubious sources" (message 160).

"I bought it for authentic from Eastern Europe and sell it for authentic" (message 20).

I bought it from a… "well known dealer…[who] travels all over the world buying up large collections and has contacts that I would never be likely to meet" (message 142).

Inherited antiquities

Other sellers describe the inheritance of objects, and rely on the expertise of a relative to make judgements about authenticity. For example one seller of a "Pre-Columbian Aztec Tripod Bowl" states in the listing description that "This is an authentic piece" (listing 127). However in his private correspondence he reveals that this statement is less certain:

"The piece came from the Valley of Mexico. I inherited this piece together other Precolumbian pieces from my Uncle. Sorry I do not have a certificate of authenticity but I am sure it is authentic even I am not an expert" (message 127).

Guarantees

Sellers make great claims about the authenticity of their objects with statements such as "genuine" and "unconditionally guaranteed to be authentic and as described" (listing 61), but rarely provide any evidence to substantiate these statements. To counterbalance some of the uncertainty in purchasing an antiquity in an Internet auction it is common practice for sellers to offer guarantees regarding the authenticity of the object. Listings contain prominent declarations such as:

"ALL ITEMS ARE 100%AUTHENTIC AND GUARANTEED TO BE GENIUNE" (listing 185).

Many sellers offer some kind of money back guarantee. However, the small print of these guarantees severely restricts their utility. For example, one seller states:

"Lifetime Authenticity Guarantee. What does this mean? If at anytime your artifact is proved to be a forgery we will refund the complete transaction PERIOD" (listing 102).

However, it is questionable how a buyer could uphold such a guarantee, particularly when sellers on eBay are able to change their identities with such ease. There is also the difficulty of supplying the evidence that an object is inauthentic. Many sellers require that buyers send documentation from a "recognised expert," (listing 145) "major

auctionhouse" (listing 145) or "well known dealer" (message 34) outlining the reasons the object is suspected to be inauthentic.

The majority of sellers offer guarantees for more restricted periods, with some sellers only accepting returns for 7 or 14 days. One seller includes in his listing:

"All items guaranteed until two weeks past doomsday....There will be a two week return period from the time of sale" (listing 99).

Messages posted on the collectors forum I monitored as part of this research (*see Section 5.4*) indicated that many collectors fell foul of these guarantees. In some cases buyers had suspicions about the authenticity of objects they had purchased, but it took them months or even years to receive a second opinion, by which time the seller has often disappeared from eBay.

Certificates of authenticity

Many sellers also supply a Certificate of Authenticity along with their objects. In some cases this certificate comes as standard, but sometimes there is an additional fee. In order to discover more about these guarantees the message I sent to sellers requested if a certificate would be available. It was clear from some responses that certificates were not dependent on the quality of information available to sellers about the object, for example one seller wrote:

"Sorry but I don't know about its provenance. A certificate of authenticity can be obtained for an additional $10" (message 18).

The responses from sellers indicated that sellers are very much divided about the value of these certificates, both in terms of the expertise required to be able to draw up such a document and their validity for authentication. Many sellers were happy to supply a certificate based on their own expertise. For example, one seller was happy to provide a certificate, however stated:

"There is a charge of $2.00 to cover the cost of parchment paper" (listing 135).

Other sellers suggested that certificates could only be issued by professional authenticators, one writes:

"As a dealer, I am not authorised to write certificates" (message 199).

Other sellers also suggested that the cost of such professional authentication would be prohibitively expensive:

"With regards to the actual certificates, we do not provide, as this would cost $500+ per item" (message 110).

"I can't give you certificate of authenticity, because it cost more than 1100 euro for 1 bronze artikel to check!" (message 167).

These responses are interesting, as a few sellers did suggest that buyers pay for professional authentication by named experts, and their rates for authentication fell far short of these figures, at $40 for coins by David Sear and just $20 for Pre-Columbian objects by Ben Stermer. In the view of some sellers though, certificates such as these were:

"nonsense..[as]…the ones who write these certificates do write what demanded by the seller / owner of the artifact" (message 12).

 "they are seldom offered by honest dealers… but they are usually used by fast money sellers to try to convince unsuspecting buyers into thinking they are a legitimate operation" (message 58).

"certificates of authenticity are not really worth too much (the most knowledgeable dealers and auction houses don't make them)" (message 24).

Narratives of quality

In order to provide signals about the potential value of the object sellers make judgements about its scarcity, quality and condition (see Desjardins, 2006:37). However, eBay sellers are prone to exaggeration and hyperbole in their listings (Eaton, 2002:1). From any search through the antiquities category it appears that the majority of antiquities available on eBay are "extremely rare" (listings 25, 74, 98, 124, 183, 200), of "unique, museum quality" (listings 108, 185), and are in "superb condition" (listings 124, 131). Objects are described as "incredible and virtually impossible to find" (listing 98). One seller describes this scarcity being as "not even 0.1% survived the 2000 years" (message 7).

Therefore there is a disjuncture between these exaggerated statements about the value of these objects and the financial sales data we discussed in *Section 6.3*, which indicated that the majority of antiquities sold on eBay are in fact rather ordinary pieces. The reality is that the majority of objects which have been found by archaeologists after many years interment in the ground are damaged and in poor condition. Despite this, a large number

of listings on eBay describe objects as being "perfectly preserved" (listings 51, 88, 105, 110, 179, 196) or "still intact and wearable" (listings 20, 31, 65, 87, 88, 104, 185), particularly when describing items of jewellery.

Many objects are presented in a way which makes it difficult to decipher if they are fake or real, and many objects appear 'too good to be true'. For example, objects described as being of "Unique, of museum quality, exquisite" are listed for just £46. Another object described as an "Impressive Ancient Egyptian Wooden polychrome mummy mask" is listed at just £1700, however the description outlines that the piece has an estimated value of £13000. Many sellers of ancient jewellery describe that their pieces are in perfectly preserved condition. For example, one seller of a "stunning ring" in "magnificent…wearable condition" prices his '100% gold' ancient object at just £24.

Other listings are carefully worded to ensure that the descriptions about objects are sufficiently vague. For example, some sellers provide very vague time periods for their objects, for example an ancient ring "Dating 1st.-4th.century A.D" (listing 45). Other objects are simply listed as "Ancient Roman", "From the Roman Empire". It is clear that some sellers simply cut and paste their listings, rather than provide accurate assessments of each object. For example, one seller with multiple listings ending on one day listed half as "circa 4 AD", and the rest "circa 14 AD". Alternatively, objects are described as 'ancient', without any further judgement being made:

"This is an ancient hand carved stone mummified ushabti of Osiris" (listing 93).

Sellers commonly use words such as 'probably' to modify the meaning of their description. For example:

"From Aztec Culture, probably, Late Postclassic period, ca. A.D. 1350-1521"

"CAVALRY BRONZE MASK - ROMAN PERIOD   2nd c. AD. PROBABLY IT IS

ALEXANDER TYPE MASK."

Other sellers provide descriptions which are vague and contradictory, making an accurate

assessment of the object difficult. For example one describes an ancient ring as being "at

least 350+ years old" and then describes the object as:

"Rare Unique Ancient Roman Medieval Gold Ring With Stone, Magnificent Unique

Design! c1000 - 1650AD" (listing 69).

Knowingness, unknowingness and constructed unknowingness

Whilst many of these listings will be treated with caution by most buyers, there will

always be some buyers who are prepared to accept these statements at face value. Ellis

and Haywood's research on eBay collectors reveals that eBay sellers construct the

narratives of their listings to appeal to the psychology of collectors. They outline how

collectors are driven by a desire to find objects for their collection from spaces of

'unknowingness', thus demonstrating their superior knowledge (Ellis and Haywood,

2006b:45). In order to take advantage of this, sellers construct their listings in one of

three ways, 'knowingness, unknowingness and constructed unknowingness'.

Sellers construct a 'knowing' listing through demonstrating their knowledge or

'subcultural capital' (Epley, 2006:159) through correctly framing the object within its

wider history, making correct use of terminology, and making judgements about the

quality of the object (Ellis and Haywood, 2006b:29-30). 'Unknowing' sellers simply do not

know what they are listing, and honestly state this fact. Conversely, 'Constructed unknowing' sellers are aware of the nature of the objects they are selling, but construct their listing with the intention of misrepresentation, intending to appear naïve, but actually providing information which is both misleading and confusing (Ellis and Haywood, 2006b:48).

Kenneth Walton is well publicised example of such a seller. In 2000 he infamously constructed what he terms a "naïve seller strategy" (Walton, 2006:48) in order to sell an impressionist painting by an unknown artist. With considerable experience selling art on eBay, he created a secondary eBay account and constructed a purchasing history to imply that he had no knowledge of the art world. He then listed a range of objects to imply that he was clearing out his garage, one of which was the painting, which had the title "a great big wild abstract painting". He embellished his identity through the creation of a wife and child which he did not have, and said he was selling the painting as his wife didn't like it. He included a close up of a corner of the canvas where he had personally added a signature to give the impression that the painting was by Diebenkorn. Buyers rushed to take advantage of his lack of sophistication (Robinson and Halle, 2002). The painting reached $135,000 before eBay and the police authorities became involved, leading to an eBay suspension and prosecution (see Walton, 2006 for a full account).

7.3 Summary

As Mackenzie has outlined in relation to the high end antiquities trade, there is rarely any documentary evidence to support provenance information, and therefore provenance is easily faked (Mackenzie, 2005b:36). Brodie makes a distinction between provenance which can be corroborated through independent means, such as being sold at a named

auction house, and provenance which is unverifiable, such as statements about unnamed collectors (Brodie, 2006b). However, even provenances which appear verifiable may have been falsified. Meyer outlines an interview with a dealer who revealed how he created false provenances by asking a count to swear the antiquity was a family heirloom (Meyer, 1974:16). More recently the Getty museum returned a number of pieces with named provenance including a Red Figure Amphora said to have been in the Rycroft collection in 1890 after they were identified in a polaroid at Medici's warehouse covered in dirt (Gill and Chippindale, 2006:314). Gill and Chippindale suggest that many of these:

> "old collections have either been fabricated or are little more than a front for objects passing through the market to give them a hint of respectability" (Gill and Chippindale, 2006:314).

They further suggest that the attribution of objects to old collections can be deliberately falsified by placing objects into uncatalogued or partially catalogued late 19th century collections (Gill and Chippindale, 2007:226).

On eBay two narratives are supplied about the origins of antiquities. These discourses are permeated by the same neutralising discourses found in the high end antiquities trade (*see Section 4.5*). Firstly, narratives are provided about the objects' Find Spot, however this information is often at the widest geographic areas and the information given is too vague to be verifiable. The lack of detail suggests that these judgements have been made by sellers based on the objects affinity to other similar ancient objects, rather than the seller having access to any accurate information about the origins of object itself. Metal detectorists are the exception, as they have often found the ancient objects themselves. The second narrative of previous ownership is even vaguer and unverifiable. Sellers

provide reference to unnamed collections, and provide few details about previous owners.

The descriptions of antiquities being circulated in the trade in bulk shipments, indicates that it is likely that sellers simply do not have any information about the origins of the antiquities they are selling. There are also suggestions that sellers do not view due diligence as an essential part of their trade:

"As far as additional information regarding the provenance, I am not sure what it is you are seeking. It's a rather ordinary artifact…They're very nice, no doubt, extraordinary even, but not rare" (message 20).

This has implications for addressing the trade through the criminal law, as currently in the UK legislation is designed around the dealer 'knowing or believing' that antiquities are 'tainted' (*see Section 9.4 for further discussion*).

The vagueness of these narratives also creates the perfect environment for inauthentic antiquities to enter the market. Therefore the lack of verifiability of the statements made by sellers, mean that sellers of inauthentic antiquities to able to replicate the claims made by sellers of authentic objects. Nearly all actors described in the listings are anonymous: objects are authenticated by anonymous 'experts', acquired from anonymous 'reputable dealers', inherited from anonymous 'relatives', and then of course sold by anonymous 'sellers' on eBay. Consequently the lack of clarity in the listings make it impossible to

provide an estimate of what proportion of these objects have illicit origins, or indeed how many are authentic.[80]

As I outlined throughout this chapter eBay listings are designed to appeal to potential buyers. Sellers of antiquities place considerable effort into creating narratives which emphasise the collectible nature of their objects, and enhancing their educational and investment potential. Overwhelmingly, the main concern outlined in antiquities listings is for the authenticity of ancient objects. Sellers make frequent reference to the recent excavation of ancient objects, or the effects burial has had on ancient objects in order to demonstrate their authenticity. Adler et al, have previously outlined how dealers commonly use these discourses to counter the possibility that antiquities are in fact inauthentic (Adler et al., 2009:126). The consensus is that many of these objects are not actually ancient, but have been created in modernity. Whilst it is impossible to place an estimate on what percentage of the market is made up of inauthentic goods, these narratives reveal something important about the attitudes of buyers. If sellers are keen to imply that objects are a result of a recent illicit excavation, they must be doing so based on the assumption that this information will appeal to collectors. Therefore it would appear that many buyers are unconcerned that antiquities may have resulted from the looting of archaeological sites. A finding which will have implications for addressing the illicit trade in antiquities (*see Section 9.3 for a further discussion*.)

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[80] These findings concur with the conclusions of the UK Select Committee report on the wider illicit trade in antiquities, which recognised the high proportion of unprovenanced antiquities, but were unable to suggest what proportion of these were illicit (DCMS, 2000).

PART FOUR: REFLECTIONS AND

CONCLUSIONS

CHAPTER EIGHT: ADDRESSING THE ANTIQUITIES TRADE ON EBAY

In the previous two chapters I have provided a detailed description of the sale of antiquities on eBay. Through a comparison to traditional auction venues, I have identified a range of features which differentiate this online venue from its traditional counterparts. The Internet has created the possibility for goods and actors to be spatially separated, leading to the expansion of the market. Firstly, temporally; with auction 'events' being replaced with transient and ephemeral online auction listings. Secondly, geographically; with the cultural hubs of the market being replaced with a global marketplace. Thirdly, materially; with small scale carefully curated auctions being replaced with an expansive range of ancient objects of variable quality. Fourthly, demographically, with the range of actors involved in the sale of antiquities broadening from 'small circles of dealing' to and increasingly amateurised range of sellers.

In this chapter I examine how eBay have addressed the sale of illicit antiquities. First, I outline eBay's general approach to objects which may be considered illegal or unethical. eBay insist they are just a 'venue' where eBayers can list their objects, and take no active role in the listing process. I investigate how eBay have responded to external pressures over the sale of certain categories of goods, and how monitoring systems have developed. Second, I turn to outline how eBay have dealt with calls for additional monitoring of the sale of antiquities, outlining the changes they have made to their sites and the partnerships they have formed with external agencies. Lastly I turn to the range of distal and proximal nodes of governance which influence behaviour on eBay. I outline

that proximal modes of governance, particularly through eBay and its users have the most

direct influence on the behaviour of actors in this venue.

8.1 eBay's approach to the sale of illegal and unethical goods

eBay have repeatedly been pressurised to take a more active role in checking the legality

and authenticity of objects listed on eBay (Bunnell and Luecke, 2000:140-2). However,

their hands-off approach is central to the successful eBay format which has enabled the

company to grow to into a worldwide marketplace. eBay repeatedly claim to be just a

'venue' for the sale of goods like newspaper classifieds (Lewis, 2008:150-1). In the view of

Davis and Ludlam, the current approach of online auction providers is "see no evil, hear

no evil, speak no evil" (Davis and Ludlam, 2007), as liability for the authenticity, quality

and legality of goods extends to those who know or have reason to believe that an

infraction has occurred. eBay argue that it would be impossible to police a site with so

many millions of users (Lewis, 2008:147). With 86 million users listing 140 million objects

per day the monitoring and policing of the site to ensure all listings comply with eBay

policies is a considerable challenge.

eBay's company mission is:

> "to build the world's most efficient and abundant marketplace in which anyone,
>
> anywhere, can buy or sell practically anything" (eBay, 2002:2).

eBay's infrastructure is based on a belief that generally people will 'do the right thing' and

one of their earliest mottos was "Its all based on trust" (Walton, 2006:12). Consequently

online auctions have been the target of many forms of criminality (Aleem and Antwi-

Boasiako, 2011), with online auction fraud being considered the most prevalent form of

e-commerce crime (Sandywell, 2010:50). The site has become the focus of many fraud-related cybercrimes, including the fencing of stolen goods, non-delivery of items, product inauthenticity and misrepresentation, and shill bidding (Yar, 2006:81-83). Some categories of eBay appear to be more prone to fraudulent activity than others. For example, in 2002 a Philatelist conducted a survey of collectible stamps available on eBay. He estimated that 12,000 out of 121,000 listings involved some form of fraud, with inauthentic stamps being described as genuine, manipulated stamps not accurately described as such, and stamps inaccurately described to enhance their value (Frajola, 2002).

eBay has always insisted that fraud is a very rare event on their site, however they have been reluctant to publish any statistics.[81] Media reports commonly quote that fraudulent transactions on eBay are either less than one tenth of one per cent of all transactions or less than one hundredth of one per cent (0.1% or 0.01%)[82], however it is questionable how reliable these statistics are. Research based on eBay's feedback system indicate that 0.73% of transactions result in negative comments, and of these 69.7% alleged fraud, indicating the level of fraud on eBay could be 0.2% of transactions, or 280,000 auctions per day[83] (Gregg and Scott, 2008:74). Therefore whilst fraudulent listings may account for a very small percentage of transactions, in a market the size and scale of eBay this potentially amounts to a significant amount of listings which require some form of monitoring every day.

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[81] See http://www.which.co.uk/advice/selling-goods-safely-on-ebay/beware-of-fraud/index.jsp.

[82] 26th March 2002 zdnet report the one hundredth of one percent figure (http://news.zdnet.com/2100-9595_22-121674.html). On Jun2 5th 2002 cnet report the one tenth of one percent figure (http://news.cnet.com/2100-1017-932874.html).

[83] Assuming 140 million transactions per day.

Between 2001 and 2007 the Internet Crime Complaint Center annual statistics indicated that auction fraud received the most complaints by consumers. However in 2008 these complaints were surpassed by complaints about non-delivery of merchandise and/or payment. The level of complaints about auction fraud continued to fall in 2009 and 2010. By 2011 complaints about auction fraud were so insignificant that the category no longer appeared in the annual report (www.ic3.gov).[84] The 2010 annual report suggested that this fall was due to the "growing diversification of crimes related to the Internet" (Internet Crime Complaint Center, 2010:7). Similar trends were indicated in the National Consumer League of America annual statistics. In 2002 online auction fraud accounted for 90% of all complaints, however by 2007 this had dropped to just 13%.[85] There are no comparable statistics available in the UK. However, in 2008 information obtained via the Freedom of Information Act from 36 out of 52 police forces confirmed that Police investigated 4,550 eBay-related crimes in the previous year (meaning a possible country wide total of 8000 offences). In response it was reported that 2000 police officers were gaining special training into dealing with Internet auction fraud (Anon, 2008a).

How eBay addresses the issue of counterfeit goods

One of the most pervasive example of misrepresentation on eBay are counterfeit items which are advertised as authentic goods (Wall and Yar, 2010:259). In the opinion of many rights holders, eBay has become one of the most visible sales platforms for counterfeit goods. Estimates indicate that global counterfeit markets may be worth £306bn, or 7% of world trade, making the sale of these goods a significant issue for intellectual property

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[84] The percentage of complaints relating to auction fraud: 2001 42.8%, 2002 46%, 2003 61.0%, 2004 71.2%, 2005 62.7%, 2006 44.9%, 2007 35.7%, 2008 25.5%, 2009 10.3%, 2010 10.1%, 2011 0%.
[85] http://www.fraud.org/internet/2007internet.pdf.

holders (Lewis, 2008:146). A study of feedback comments by Gregg and Scott found that just 2.4% of negative feedback comments related to illegal or black market goods. However the authors suggest this figure is under-reported, as some buyers are unaware of the legal status of the goods they purchase, and others choose not to complain if they receive products for lower than their market value (Gregg and Scott, 2008:71). Research carried out by industry indicates that high percentages of certain goods available on eBay are counterfeit. For example, the Software and Information Industry Association claim 90% of software listed on eBay is illegal (Stone, 2007). Adidas have also reported that 40% of their branded goods are counterfeit (Chapman, 2005). Research by the jewellery house, Tiffany indicated that 73% of all Tiffany goods listed on the site were fake (Stone, 2007).

Corporations wishing to protection their intellectual property rights have invested significant sums into developing lobbying organisations to raise the profile of their concerns, driving the issues of counterfeiting up the crime control agenda (Jewkes and Yar, 2010b:4).[86] In consequence there has been an incremental criminalisation of the issue (Wall and Yar, 2010:264). Faced with strong lobbying from Industry eBay have been placed under significant pressure to address the issue of counterfeits on its site.

eBay have expressed concern that the public perception that a high percentage of goods available on eBay are fake could damage their company reputation (eBay, 2008). eBay's solution to the problem of counterfeit goods is its Verified Rights Owner program (VeRO). The program goes some way in solving the difficulties eBay face in monitoring the vast

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[86] These organisations include the Counterfeiting Intelligence Bureau, the International Intellectual Property Alliance, the International Anti-Counterfeiting Coalition, the Alliance Against Counterfeiting and Piracy, the Coalition for Intellectual Property Rights, the Artists Coalition Against Piracy, the Alliance against counterfeiting and piracy, and the Federation against copyright theft (Wall and Yar, 2010:265).

array of listings on their site by enabling third parties to monitor the authenticity of goods. Under VeRO rights holders are able to register with eBay for permission to monitor auctions for their products. If they suspect that listings infringe their copyright they are then able to request that eBay remove the offending listing.[87] In response to pressure from rights holders eBay have also instigated new rules for categories most prone to counterfeits, including limits to how many items each seller can list, a ban on short auctions and geographic restrictions preventing the listing of items from countries like China and Hong Kong. In 2007 eBay reported a 60% decline in complaints from rights holders about counterfeits on the site (Stone, 2007). The company also reported that in 2007 they had removed 2 million listings which were considered to be potentially counterfeit, and suspended 50,000 sellers thought to be selling fake goods (McCallum, 2008).

eBay have been taken to court a number of times over the issue of the authenticity of goods on the site. Consequently, eBay have been faced with increasingly divergent legal rulings from court cases in America and Europe. In America in 2000 collectors of sports memorabilia who had purchased fakes took eBay to court in Gentry v. eBay.[88] They argued that eBay was acting as a dealer through the creation of the category 'Sports:Autographs" implying that the objects were authentic (Cohen, 2003:308). In their defence, eBay insisted that they had no responsibility for the authenticity of goods, as they just providing a service akin to newspaper classifieds, putting people in touch with each other (Dewan and Hsu, 2001:3). The court supported eBay's view, ruling that it did not act as a dealer as it did not provide the content of listings (Baron, 2001:5).

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[87] http://pages.ebay.com/help/tp/vero-rights-owner.html accessed 02/06/2009.
[88] See http://legal.web.aol.com/decisions/dldecen/gentry.html.

In 2004 Tiffany initiated court proceedings in regards to the volume of counterfeit Tiffany items available on the site. Under the VeRO program the company complained that they were required to allocate significant resources to constantly monitor eBay, which had resulted in the ending of 19,000 auctions for counterfeit goods.[89] Tiffany claimed that eBay had earned $4.1million revenue from counterfeit Tiffany goods over a four year period (Mycoe, 2008:34). The court judgement in 2008 supported eBay's assertion that they could not be held responsible for policing the auction listings, rather it was Tiffany's responsibility to bring counterfeit auctions to the attention of eBay (Clark, 2008). A number of appeals have also been won in eBay's favour.

French courts, however, have taken a very different view on eBay's responsibility for preventing the sale of counterfeits. In July 2008 a Parisian court ruled that eBay was liable for the prevention of the sale of counterfeits and interfering with the distribution networks of Louis Vuitton Moet Hennessy (LVMH) in France. The court also instructed eBay to pay €38.6 million in compensation. In addition all perfumes and cosmetics bearing the Dior, Guerlain, Givenchy and Kenzo name were banned from being listed on any eBay site if accessible to French consumers (eBay, 2008:16). The ruling also threatened eBay with a further fine of €50,000 per day if they failed to prevent the continued sale of fake goods on the site (Carvajal, 2008).

Therefore eBay are faced with an increasingly divergent legal situation in different parts of the world. In response to the ruling the Senior Vice President of eBay Europe posted the following message to their customers:

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[89] Tiffany also requested that eBay prevent sellers listing more than 5 Tiffany items at once, which was refused by eBay.

"While recognising the importance of fighting counterfeits, we do not agree with overly broad attempts to protect uncompetitive commercial practices of authentic items at the expense of consumer choice, which threatens the livelihood of our law-abiding sellers and the ability of our buyers to get great deals. Overzealous implementation of restrictive sales practices are anti-competitive and give you, our buyers and sellers a bad deal" (McCallum, 2008).

The 2008 eBay annual report notes:

"these and similar suits may force us to modify our business practices, which could lower our revenue, increase our costs or make our websites less convenient to our customers. Any such results could materially harm our business" (eBay, 2008:16).

The report also notes that eBay are 'constantly improving' their efforts against pirated and copyright material, but that "the legal climate, especially in Europe, is becoming more adverse to our arguments" (eBay, 2008:16).

How eBay addresses the sale of objects which are not subject to copyright

The sale of counterfeits is not the only issue faced by eBay. A large number of objects are listed on eBay, which are not subject to intellectual property laws, but which raise legal and ethical issues.[90] Over the years eBayers have attempted to list a wide range of illegal or unethical items, including guided missiles, cocaine, a person's virginity, human kidneys, human testicles and babies (Bunnell and Luecke, 2000:138-9). Therefore increasingly eBay have found it necessary to create categories of objects which are prohibited from being sold on the site.

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[90] Antiquities are an example of non-copyrighted objects. However, Egypt has drafted a bill which would copyright all Egyptian antiquities (Anon, 2007f).

There is no equivalent system to VeRO in place to monitor these objects. VeRO is specifically limited to representatives of rights holders, and does not have any reporting mechanisms for the general public, charities or other groups who may have concerns about the sale of particular objects. As an example I would like to briefly outline the response of eBay to the sale of Human remains on the site. Whilst eBay prohibits the listing of human remains, they do make an exception for skulls and skeletons used for educational purposes. In 2004 two Forensic anthropologists raised their concerns about a number of listings on the site. The response from eBay's community watch team was:

> "eBay does not possess or examine the items that are listed on our site, we are not in the best position to judge the legality or authorized nature of the item for auction. We truly appreciate your knowledge about these types of items, however, we often cannot remove items based on representations of third parties. The reason for this is because we cannot independently verify the credentials and accuracy of the information that is provided by third parties. As a result of this, unless the item is, in our judgement, plainly prohibited by law or by our own rules, we instead rely on help from government agencies for an authoritative view on the legality of a particular auction" (Huxley and Finnegan, 2004).

This statement demonstrates the difficulties involved in monitoring and regulating the sale of objects on eBay where a considerable level of expertise is required to make decisions about which objects are legal and ethical to sell, and which are not. eBay are unwilling and unable to take on the responsibility for making these judgements. In the case of counterfeits, rights holders have successfully petitioned for the permission to

monitor the sale of goods within their remit, and eBay have consented to their lobbying. However, there is no system in place which enables other third parties, no matter how strong their expertise, to monitor and intervene in cases where illicit and unethical objects are listed on the site. Instead these individuals are currently directed to report the matter to the police or trading standards, who because of limited time and resources are unlikely to pursue the matter.

How eBay addresses the issue of antiquities

Archaeologists have pressured eBay to alter its policy on the listing of antiquities, with a number of archaeological societies (including the SAA and AIA)[91] requesting that eBay bans the sale of antiquities (Anon, 2002). The sale of illicit antiquities on online auctions has also been highlighted at a number of international meetings of Interpol, European Commission and various United Nations agencies in recent years (Interpol, 2012, OMC Expert Working Group on the Mobility of Collections, 2010, Interpol, 2011, United Nations, 2010, Interpol, 2010, UNODC, 2009, Interpol, 2008). These meetings have been convened due to the an 'alarm' over "the increase in the use of the Internet for the illegal trade in cultural objects" (Interpol, 2008). In many of these meetings eBay representatives have been present.

In 2007 Interpol, UNESCO and ICOM published a list of *Basic Actions to counter the Increasing Illicit Sale of Cultural Objects through the Internet* (Interpol et al., 2007) (*see Appendix 7*). In 2012 more comprehensive guidelines were published in *Trafficking in Cultural Property: Guidelines for crime prevention and criminal justice responses in*

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[91] Society for American Archaeology; Archaeological Institute of America.

relation with trafficking and other illicit behaviours in cultural property (UNODC, 2012).

The general thrust of these documents is embodied in the statement that:

"All countries should attempt to respond to the illicit trade in cultural objects via the Internet by taking the appropriate measures"(Interpol et al., 2007).

These meetings have identified a number of features which cause "considerable challenge for law-enforcement authorities" (Interpol, 2008:7) which broadly concur with the findings of this study:

- Venues: The limited police resources available for investigations, and the time constraints available for monitoring due to the short listing period (Interpol, 2008:7).

- Actors: The ease at which sellers and buyers can conceal their identity (UNODC, 2012:23)

- Objects: The large number of suspicious objects available (Interpol, 2008:7). The expansion of the market for both legal and illegal objects (UNODC, 2012:23).

In response to pressure over the issue of illicit antiquities eBay have taken a number of measures to address the trade. However, their response is complicated by the global nature of their business, leading to different approaches being taken in each jurisdiction. In this section I first outline how eBay have addressed the issue of illicit antiquities on their websites. I then describe the partnerships they have formed with various external agencies.

Information on eBay about legal issues of the antiquities trade

Interpol have expressed regret that eBay are not responsible for the objects they sell (Interpol, 2008:18) or the provision of information about objects. Recommendations have been made that eBay should attempt to ascertain the true provenance of cultural objects (UNODC, 2009:11). There have also been suggestions that sellers should be required to produce an export licence in order to list a cultural object on an Internet auction (UNODC, 2009:55). One of the recommendations made by the EU Commission was that eBay inform buyers about cultural property legislation through the use of a 'Flag' or pop-up message to cultivate an awareness of the risks involved in buying cultural objects on the Internet and the need to request to see documents (OMC Expert Working Group on the Mobility of Collections, 2010:Recomendation 37). eBay have also been recommended to post the following disclaimer on their cultural objects sales pages:

> "With regard to cultural objects proposed for sale, and before buying them, buyers are advised to: i) check and request a verification of the licit provenance of the object, including documents providing evidence of legal export (and possibly import) of the object likely to have been imported; ii) request evidence of the seller's legal title. In case of doubt, check primarily with the national authorities of the country of origin and Interpol, and possibly with UNESCO or ICOM" (Interpol et al., 2007:1).

eBay have partially adopted these recommendations, however their approach is tailored to local concerns. To explore this further I examine the two websites which have been at the centre of this thesis, eBay.co.uk and eBay.com.

Information provided on eBay.co.uk

In the UK when sellers attempt to list an antiquity the following 'Flag' pops up:

Attention sellers:

This is an informational message to help you list your item in accordance with eBay policy.

Please read this before continuing with your listing.

Many artefacts, antiques and grave-related items are protected under national laws and by government bodies. Please note that it is the sellers responsibility to be familiar the relevant UK or Irish legislation before you sell it. For further details, our Antiquities Buying Guide outlines the obligations members have to report items under UK legislation. Or, please visit our Artefacts policy.

If you are selling an antiquity, you should ensure that this item has been reported to the relevant authority and state in your listing:

- the appropriate reference numbers for finds reported Treasure or recorded through the Portable Antiquities Scheme.

- the clear provenance (including findspot) of the item, if known.

The *Antiquities Buying Guide*[92] was written in collaboration with the Portable Antiquities Scheme, and outlines the provisions of the *Treasure Act 1996* in England and Wales and *Treasure Trove* in Scotland (*see Appendix 6*). It advises sellers of antiquities found in the UK that they should include in their listing if they have reported the Find to the Portable

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[92] http://pages.ebay.co.uk/buy/guides/antiquities.

Antiquities Scheme, and that sellers should be prepared to answer questions from buyers on the provenance of the object. In addition, the document outlines the obligation to obtain an export licence for any archaeological find should the buyer be located abroad. Whilst the document is clear and concise regarding the legislation covering objects found in the UK, no reference is made to legislation covering antiquities found in other States.

eBay also have a policy on *Artefacts, archives, antiques, cultural items and grave-related items*[93] which provides eBay users with an overview of which items are permitted to be sold on the eBay site (*see Appendix 8*). The policy explains that many archaeological objects are protected under national laws, and so UK buyers should follow the guidelines issued by the Department for Culture, Media and Sport, the British Museum and the Portable Antiquities Scheme. Like the *Antiquities Buying Guide* discussed above the policy first considers archaeological objects found within the UK. It is eBay's policy to restrict the sale of archaeological objects which may be subject to the *Treasure Act* or *Treasure Trove* unless sellers can demonstrate they have been reported to authorities.[94] Finds which have not been reported in accordance with the law are banned from the site.

As I outlined in *Chapter 3* the *Treasure Act* only covers a limited number of archaeological finds.[95] Illustrating the confusion of terminology this area, the policy then considers

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[93] http://pages.ebay.co.uk/help/policies/artifacts.html.
[94] No mention is made in the policy of archaeological objects which are found in the UK, but fall outside of the provisions of the Treasure Act or Treasure Trove.
[95] Under the Act 'Treasure' includes:
- All coins from the same hoard. A hoard is defined as two or more coins, as long as they are at least 300 years old when found. If they contain less than 10% gold or silver there must be at least 10 in the hoard for it to qualify.
- Two or more prehistoric base metal objects in association with one another
- Any individual (non-coin) find that is at least 300 years old and contains at least 10% gold or silver.
- Associated finds: any object of any material found in the same place as (or which had previously been together with) another object which is deemed treasure.

'Cultural goods'[96] of which archaeological objects are considered a subcategory. In reference to Cultural goods the policy refers to EU Legislation, stressing the legal obligation of buyers to obtain an export certificate for archaeological objects. In addition, it states that Tainted Cultural Goods illegally excavated or removed after 30 December 2003 (Under the *Dealing in Cultural Objects (Offences) Act 2003*) are prohibited from the site. However the site omits to provide any explanation of this legislation, despite its relatively recent introduction.

The contents of these two documents illustrate the complexities in providing advice to sellers and buyers of antiquities. First, the documents are littered with definitional confusion; what is the difference between antiquities, archaeological objects, artefacts and cultural goods? Second, in consultation with the Portable Antiquities Scheme eBay have provided excellent advice to UK sellers on their obligations under the *Treasure Act* (Treasure Trove in Scotland). However, both documents fail to deal with antiquities which have originated in other States, an omission which is perhaps surprising considering the level of interest in the issue from the United Nations and other international agencies. The advice also fails to outline the obligations of sellers under the *Dealing in Cultural Objects (Offences) Act*, or outline the international concern about looting in countries considered to be at highest risk.

- Objects substantially made from gold or silver but are less than 300 years old, that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown.

[96] "Cultural goods are objects of historical, architectural or archaeological interest".

Information provided on eBay.com

On eBay.com when sellers attempt to list an object in the Native American objects category the following 'Flag' pops up. No similar 'Flags' appear if sellers attempt to list antiquities which originated in any other country.

Attention Sellers:

Oops!

Before completing your listing, make sure you're following these requirements:

If you're listing an art or craft made in 1935 or later and you're describing the item as Alaska Native, Indian, or Native American, you need to:

Include the state or federally recognized artisan's name and tribal affiliation.

List the item in Collectibles > Cultures & Ethnicities > Native American: US > 1935-Now.

If you're listing an art or craft that's not made by an enrolled member of a state or federally recognized tribe and the item is in the style of a Native American piece:

You should list the item in Collectibles > Cultures & Ethnicities > Native American: US > Non-Native American Crafts.

You're not allowed to describe the item as Alaska Native, Indian, or Native American.

Make sure your listing follows these guidelines. If it doesn't, it may be removed, and your buying and selling privileges could be restricted.

See our policy for more details.

The policy referred to is the *Artifacts, grave-related items, and Native American arts and crafts policy* (*see Appendix 9*).[97] The first category the policy considers are 'Antiquities', which are defined by eBay.com as "items of cultural significance and can come from anywhere in the world". eBay only permits the sale of these objects if they are authentic.[98] In addition, sellers are required to include a scanned image of an official document which details the country of origin and the legal import/export.

The policy in relation to 'antiquities' is interesting on several levels. Firstly, despite the 'Flag' only popping up when American items are listed, the policy outlines a concern for the issues facing the worldwide cultural heritage, rather than just American heritage. On this front the policy significantly differs from the UK approach. Secondly, on a definitional level 'cultural significance' is not a term used in International legislation concerned with antiquities (See *Section 3.3* for a discussion of the difficulties of terminology in this area). The 'significance' of antiquities will vary depending on an individual's perceptions of the importance of archaeological finds. Ebay provide no indication of how 'significant' an antiquity would need to be to be considered under this policy. Although the policy refers to antiquities "from anywhere in the world" it is an omission that no mention is made that some countries have a complete ban on the export of antiquities. A list of such countries could be provided to raise the awareness of buyers, so that if they wished to purchase an antiquity from Egypt they would know to request further information from the seller about when the object was exported. The policy requirement for

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[97] http://pages.ebay.com/help/policies/artifacts.html.

[98] eBay's also have a general Authenticity Disclaimers Policy for all objects listed on the site which states that "Sellers may not disclaim knowledge of, or responsibility for, the authenticity or legality of the items offered in their listings. Sellers should take steps to ensure that their items are authentic before listing them on eBay. If a seller cannot verify the authenticity of an item, the seller is not permitted to list it. Violations of this policy may result in a range of actions, including: Listing cancellation, Limits on account privileges, Account suspension, Forfeit of eBay fees on cancelled listings, Loss of PowerSeller status" (http://pages.ebay.com/help/policies/authenticity-disclaimers.html, Accessed 10th June 09).

documentation outlining country of origin and legal export is a very positive approach to the issue. However, in the many hours I have spent looking at antiquities on eBay.com I have never seen evidence of such documentation. Presumably the sellers felt that their items were not 'significant' enough to warrant such attention.

The second category in the policy is 'Artifacts, fossils and relics'. The policy states that these items must meet the time-period category they are listed in, and any modern work on the object needs to be clearly stated. Additionally if the object is a reproduction this must be clearly outlined in the listing. The policy also bans the listing of artefacts found in contravention to US protection Laws (The *Native American Graves Protection and Repatriation Act*). Again it is interesting that eBay.com also chooses to separate antiquities into two categories. On the UK site a distinction was made between Archaeological goods and Cultural goods, a confusion mainly based on the use of UK legislation in one section and EU legislation in another. On the US site the distinction is between 'significant antiquities' and 'artifacts'. However, on both sites no such distinction is made in the listing categories, where all ancient objects are simply listed under the heading of 'antiquities'.

Partnership with the British Museum

In October 2006 the British Museum and the Museums, Libraries and Archives Council signed a Memorandum of Understanding with eBay, enabling the Department of Portable Antiquities & Treasure (PAS) to monitor eBay.co.uk for any objects which would fall under the *Treasure Act 1996* (*see Appendix 10*). Under the MOU if the team suspected an offence may have been committed under the *Treasure Act* or the *Dealing in Cultural Objects (Offences) Act* or any other relevant legislation then they are permitted to contact

the seller to ask further questions. In addition, they are able to notify the Metropolitan Police's Art & Antiques Unit. eBay also agreed to end any auctions of suspicious ancient objects. eBay agreed to enter into MOU based on an initial review by the PAS which suggested that the level of offences were likely to be about 2-5 per week. According to Oxford Archaeology, eBay agreed to the MOU as they lacked internal expertise to monitor the site themselves, however they:

> "took the view that its customers were inherently 'good' and was therefore reluctant to take down items" (Oxford Archaeology, 2009b:82-3).

Between 2006 and 2009 the team identified 290 objects which could potentially be classed as 'treasure' listed on eBay.co.uk. Sellers were asked for further information about the listings. Twenty-sex per cent of sellers did not respond, a further 25% responded that they did not know where the object came from, 17% provided reasons why they felt the find did not need to be reported, 7% claimed that the objects had been found prior to the introduction of the *Treasure Act 1996*, and 6% responded that they would report the find (Oxford Archaeology, 2009b:84-6).

In common with the 'Flags' discussed above, the monitoring by the PAS is limited in several respects. In line with their wider remit for the Portable Antiquities Scheme the team are primarily concerned with the reporting of UK archaeological finds. Therefore the agreement was designed to enable them to monitor the sale of these goods. However, UK 'treasure' finds are only ever going to represent a very small percentage of antiquities sold on eBay.co.uk. The above report indicates that just 260 such items were potentially identified over a period of more than two years. In contrast over 31,000 antiquities were listed on ebay.co.uk over the 4 month period data was collected for this thesis, many of

which were said to originate in the UK. Secondly, the PAS remit did not extend to the monitoring of eBay sites based in other States for UK found antiquities. In a globalised marketplace many archaeological objects of UK origin are routinely listed on eBay.com and other sites. Thirdly, the MOU did not allow for the proactive monitoring of antiquities reported to have originated in jurisdictions other than England and Wales. Therefore if sellers claimed an antiquity was found in another jurisdiction then the PAS could take no further action. Lastly, the team at the British Museum had no powers to insist that sellers responded to their requests for information, resulting in a low response rate and a very high percentage of answers which were unverifiable. The implications of these limitations have not been recognised by other sources, however, who have commended eBay and the PAS for their partnership in monitoring the whole antiquities trade (see UNODC, 2012:13).

Partnerships in other jurisdictions

eBay has also formed partnerships with law enforcement agencies in several other jurisdictions to enable the monitoring of the sale of antiquities. In America Customs and Border Protection agents are reported to monitor eBay for smuggled antiquities (Lush, 2008), and up to 50 Federal agents are reported to monitor online auctions for illicit antiquities (McDonald and Steele, 2008). In France, eBay has formed a partnership with French authorities to enable the monitoring of eBay.fr. Keywords have been identified to identify listings of potential concern, and data is transferred to the French Central Office on a regular basis for further checks (Interpol, 2008:8).

Swiss and German authorities have formed partnership agreements with their national forms of eBay. In 2008 Swiss authorities signed a Memorandum of Understanding with

eBay (*see Appendix 11*). Under the agreement antiquities can only be listed on ebay.ch if they are certified by a competent Swiss or foreign authority. This limitation applies particularly to cultural property are on 'at risk categories' (Planche, 2010). Also in 2008 the German site eBay.de introduced a new policy outlining that antiquities could only be listed if they had a certificate of provenance (*see Appendix 11*). Whilst these may initially appear to be 'tougher' approaches to the issue of illicit antiquities, it is important to note that these approaches are in line with national legislation in each of these countries. For example, under German law all archaeological finds are automatically owned by the State. In addition, old collections are also registered with the state, and therefore official documentation should exist (Oxford Archaeology, 2009b:Appendix 14). It has been suggested that the UK should adopt a similar approach (Oxford Archaeology, 2009b:106), however the UK does not currently have the same legal documentary requirements, with the consequence that most antiquities have no associated paperwork. The consequence of these changes in policy has been dramatic, with very few antiquities listed on the Swiss and German sites after the change. However, the policy does nothing to prevent sellers based in Switzerland or Germany to list objects found within those jurisdictions on sites based in other countries. So sellers are able to avoid the policy by listing these objects on eBay.com or other sites.

8.2 eBay and governance

It is clear from the discussion above that eBay face a considerable range of challenges concerning illegal and unethical objects listed on its sites. In addition the rapid expansion of eBay into a global corporation has meant that the company has been faced with a complex and constantly changing legal situation. They have had to adapt their policies to

comply with national laws and localised social norms concerning the acceptability of the sale of some categories of objects. This has created significant disparities between the different eBay sites, with objects being banned on some, but not others. The matter has been further complicated by the rapidly changing legal situation as countries have adapted legislation to encompass the online environment. In this section I turn to the question of the governance of online markets, and examine the distal and proximal nodes of governance which have evolved to address these issues.

eBay is just one example of the move to increasingly globalised markets. Passas has outlined that the world is becoming increasingly 'dysnomic' with:

> "People, goods, services and ideas cross borders into jurisdictions with extremely diverse legal and cultural traditions" (Passas, 1999:xi).

However, whilst markets are becoming increasingly global, the traditional structures of governance are largely unaltered, remaining within national frameworks. Ogburn's theory of cultural lag is a valuable thesis in describing the challenges created by the rapid development of online markets. The exponential growth of the Internet, and in this case online auctions, has created a disjuncture with national legislation and governance structures, which are developing at a slower rate creating a 'lag' (Freestone and Mitchell, 2004:127, Ogburn, 1964:86).

These jurisdictional issues are not unique to this illicit market, as the Internet has created the potential for transnational offending where the offence, offender, victim and harm can occur in different jurisdictions (Wall, 2001a:9). The creation of a venue where actors can buy and sell antiquities from any jurisdiction poses significant trans-jurisdictional

challenges, as despite the globalised nature of the trade, the actors involved, along with

the legislative and law enforcement response are still geographically located in the 'local'

(Wall, 2007:38). These national governance structures have limited capacity, as they are

driven by national rather than international concerns, and their objectives are

'inconsistent' with other states (Passas, 2001:23,39). Therefore the legal disparities

between States may create the problem of *Nullum crimen sine lege* (no crime without

law), as jurisdictions take different views of the seriousness and legality of the offence

(Wall, 2007:162).

Therefore global markets such as the illicit antiquities trade pose structural problems

when it comes to governance. Calvani succinctly outlines the issues:

> "The complexity of existing laws and regulations regarding the sale of antiquities,
>
> not to mention their enforcement, are multiplied in the global world of Internet
>
> commerce. As a single, self-evident example, trade in antiquities may be
>
> simultaneously affected by state, national or international laws or Conventions
>
> affecting buyers, sellers, and service providers differently depending on whose
>
> location is legally considered the point-of-sale, the source of the item, and its
>
> current location and ultimate destination" (Calvani, 2009:38).

Therefore increasingly discussion is turning to other forms of governance, examining a

wider range of public and private groups who can influence behaviour (Edwards and Gill,

2002:216). Wall has outlined that there is a multi-tiered structure of governance of the

Internet, including state funded non-public police organisations, state-funded public

police organisations and corporate security organisations, Internet users and Internet

Service Providers (ISPs) (Wall, 2001b:171). The first three can be considered distal

(offline) nodes of governance, and the latter two proximal (online) nodes of governance (Wall and Williams, 2007:392).

'Distal' forms of governance

Traditionally markets for illicit goods have been governed by nationally based structures such as police forces and trading standards. In the previous section I outlined the range of partnerships eBay has formed to address the issue of illicit antiquities. In this section I will outline that these 'distal' forms of governance are limited by their own geographic interests. Recommendations have been made that states should take on responsibility for the monitoring of the sale of cultural objects (UNODC, 2009:29). They are advised to both monitor sales and collate statistics (Interpol et al., 2007:5). However, the monitoring of the Internet for antiquities is beyond the capacity of many traditional structures of governance due to the sheer number and diversity of objects available, the number of venues involved on the Internet, the poor quality of available information supplied about the objects, the fast turnover of objects on auction sites, and the costs involved (Interpol et al., 2007:1, UNODC, 2012:24).

Police forces are driven by tight budgetary constraints and localised performance targets (Wall, 2001b:177, Wall, 2007:160-1), and therefore only have a limited capacity to address online behaviour. For example, in 2007 an email from a Hampshire policeman was leaked to the media revealing that officers within that force were only able to investigate eBay offences if they occurred within their police region (Mitchell and Collins, 2007). Evidence suggests that the public make very few complaints to the police about

the antiquities trade (Mackenzie, 2011:148)[99], therefore as the Police are largely 'reactive' to complaints (Wall, 2007:160), the issue remains low in their priorities. Like many transnational online offences the sale of antiquities on eBay is also a 'non-routine' matter from a Policing perspective (Wall, 2007:160-1), and therefore there is a lack of expertise within the Police to deal with the issue (Wall, 2007:163, Yar, 2006:17). In addition, the harm caused by the trade is incremental and diffuse, and there is often a lack of identifiable victims, meaning that each individual sale falls outside of the paradigm of 'dangerousness' which frames public policing mandate (see Wall, 2007:162). Like many illicit trades which have expanded onto the Internet, the antiquities trade is unlikely to be investigated by the Police due to the Principle of *de minimis non curat lex* (the law does not concern itself with trifles) (Wall, 2007:40).

'Proximal' forms of governance

As the governance of online activities often lie beyond the capacity of traditional 'distal' nodes (Grabosky and Smith, 2001:8, Wall, 2007:175), 'proximal' regulatory nodes often have a greater role to play in managing online behaviour (Jewkes and Yar, 2010c:521, Jewkes, 2010:539). Therefore, the following discussion focuses on the primary 'proximal' nodes of governance in relation to the sale of antiquities on eBay: the corporation eBay and eBay users.

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[99] This is true of Consumers generally. Croall's work indicates that consumers commonly do not see themselves as victims of crime, either as they are unaware, they view the harm as trivial, or they blame themselves for being taken in (Croall, 2009:130).

The architecture of eBay

The primary node of proximal governance in relation to the sale of antiquities on eBay is eBay itself. As I outlined in the previous section, since its formation eBay has been continually challenged about the range of goods available on its site, and in response is continually altering its rules and policies. Thus eBay is able to alter the 'architecture' of the site to address ever changing legal and ethical concerns (see Lessig, 2001:125-6, Williams, 2010:468, Wall, 2007:401-2 for a discussion of architecture). The three key forms of governance eBay utilise to control the behaviour of eBay users are rule-setting, sanctioning and monitoring.

Firstly, eBay can have a direct impact on the governance of the site through its rule-setting. eBay reserve the right to prohibit or limit the sale of any category of goods from their site, without requiring any reference to legislation within any particular jurisdiction. They also have the right to create a tougher range of rules in certain categories. They have taken an ethical stance on the sale of many types of item, for example goods made from Ivory.

eBay have found themselves placed under increasing levels of pressure to alter its policy on the sale of ivory goods. Like antiquities the market for ivory is an example of a 'grey' trade, as some states have instigated a total ban on products made from ivory, and others have legislated to limit and control the sale of these goods (Khanna and Harford, 1996). Campaigning bodies such as the International Fund for Animal Welfare (IFAW) repeatedly targeted eBay, conducted research into the availability of ivory products on their sites. In 2007, an IFAW report found 2275 ivory items on eBay in one week, and in response eBay instigated a ban on all cross-border trade in ivory products in June 2007 (International

Fund for Animal Welfare, 2008:5). A year later further research indicated that large volumes of ivory were still available on eBay (International Fund for Animal Welfare, 2008:3). In response, eBay instituted a global ban on the sale of ivory from 1st Jan 2009.[100]

The IFAW research indicates that eBay can have significantly more impact on a market than traditional forms of governance. The researchers highlight that a combination of the development of stricter eBay policies and efficient enforcement were highly successful in reducing the size of the market. They found that eBay had more flexibility in the development of policy and were able to take a tougher stance on the issue than 'inadequate government policy' and consequently far fewer ivory items were found on eBay sites with the stricter policies (International Fund for Animal Welfare, 2008:16).

eBay also devote considerable resources to monitoring their sites. eBay's Trust and Safety team is "responsible for keeping the marketplace a safe, well-lit place".[101] The 'Safe Harbor' program is eBay's response to ensuring user compliance with eBay's rules, including investigating any reported trading infractions, preventing fraud through assisting in disputes, and providing a 'community watch' function. The eBay annual report outlines:

"We have increased the number of people reviewing potentially illegal items and have developed software programs that scan new listings for keywords that might indicate illegal, infringing, or inappropriate items" (eBay, 2005:5).

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[100] In outlining this decision, the eBay chief blogger wrote: "The team concluded that we simply can't ensure that ivory listed for sale on eBay is in compliance with the complex regulations that govern its sale. So, to protect our buyers and sellers, as well as animals in danger of extinction, eBay has decided to institute a global ban on the sale of all types of ivory. This global ban will be effective January 1, 2009" (Brewer-Hay, 2008).
[101] (http://pages.ebay.com/aboutebay/trustandsafety.html Accessed 02/06/2009)

eBay also have several sanctions at their disposal. Listings which breach eBay rules are deleted from the system, and users who repeatedly break the rules receive either temporary or permanent suspensions.

However, as I have outlined in the case of counterfeit goods, whilst eBay set the rules for what can be listed on their sites, they also seek to limit their responsibility for the monitoring of the authenticity and legality of goods. In the case of goods which are copyrighted, eBay have sought the expertise of the rights holder to assist in the monitoring of the site through the VeRO program. However, for goods where there is no rights holder there is no equivalent system. In the case of antiquities, where considerable expertise would be required to identify potentially illicit objects, eBay themselves lack the expertise required. In England and Wales they have turned to the PAS to assist in the monitoring of Treasure, however, this is a very limited exercise. To monitor the wider antiquities market would require the assistance of a broader range of experts, however, as I outlined in relation to Human remains on the site, eBay are reluctant to accept the advice of third parties.

eBay users

The second form of 'proximal' governance on eBay are eBay Users, who have considerable responsibility for the governance of the site. The eBay community[102] is a prime example of the new 'network society' (Castells, 2000), being "the largest and one of the most loyal online commerce communities on the Internet" (eBay, 2005:2). Whilst

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[102] There is a considerable literature on the question of the existence of communities in cyberspace. Rheingold championed the concept on online communities (Rheingold, 2000), however others have questioned if groups with similar interests can automatically be considered a community (Bell, 2001). Others, like Baym have suggested that if a group self-identifies as a community then they should be described as such (Baym, 1998).

eBay play a central role in the governance of the site, they are also highly reliant on eBay users to police and regulate the behaviour of others. On eBay the division of responsibility for auctions is tripartite, being split between sellers, buyers and eBay itself. Sellers have the responsibility to provide accurate listing information; and buyers have the responsibility to check the credibility of these statements. However, just like in traditional auctions there is a role of the wider community to be played in legitimising the auction process. As I outlined in *Section 8.1* the eBay community are given responsibility for legitimising the auction process through the giving of feedback.

From its conception eBay have sought ways of empowering its community, both through involving them in customer service tasks through the development of bulletin boards and guidance, and the monitoring of other users (Jarrett, 2006:112). Thus eBay have effectively responsibilized the community to police the eBay site (Jarrett, 2006:107). This dependence on the eBay community ensures that the site is infinitely scaleable, which has enabled the company to keep up with the huge levels of growth year on year (Bunnell and Luecke, 2000:36-7). eBay rhetoric indicates that they are firmly within the community they have created (Jarrett, 2006:113), which has had important implications for the responsibility for policing and regulating the site. Jarrett has commented that through linguistically placing themselves amongst their community, eBay:

> "discursively works to circumvent as much as possible corporate responsibility for fraud and misrepresentation by buyers and sellers, and insinuates itself as no more responsible than any other 'community' member for what transpires on the site" (Jarrett, 2006:113-4).

Feedback

The feedback system is the key tool for reducing uncertainty in eBay transactions (Eaton, 2002:3). It can be understood as a panoptic surveillance tool, providing each member of the community with the power to monitor the behaviour of any other member (Jarrett, 2006:116). It is a multilateral reputation mechanism, based on the experiences of everyone who has traded with the seller and alleviates the problems of lack of direct reputational data (Baron, 2001:8). Through community enforcement eBay users create sanctions in the form of negative feedback for behaviours which break the norms of the site, therefore creating an added incentive to follow social norms (Kandori, 1992:63).

The feedback system provides the incentive for users to be trustworthy in a given transaction, as a failure to do so would result in jeopardising their reputation (Pavlou and Dimoka, 2006:397). The higher the reputation achieved by an individual seller, the greater the loss would be if they acted opportunistically (Grabner-Kraeuter, 2002:48). It is a capital asset, which can take a long time to build up, but can be lost very quickly (Dasgupta, 1988:62). Positive feedback incentivises good behaviour (Pavlou and Dimoka, 2006), and negative feedback from several eBay users has consequences for a user's reputation as a whole (Robinson and Halle, 2002). eBay members who gain sufficient negative feedback (-4) find themselves NARUed or No Longer a Registered User.

Data on the seller sample, indicated that antiquities sellers had an average feedback percentage of 99.7% positive (n=200). Just 13 sellers (n=200) had a feedback percentage of less than 99%. Given these figures it is clear that despite the very high volume of sales in the antiquities categories, negative feedback comments are a rarity. Out of 609,863 comments received by the 200 sellers, just 0.3% of feedback comments were neutral or

negative. Content analysis[103] revealed that the largest number of comments related to complaints about objects not being as described (n=640). Of these 160 comments made accusations that buyers had been sold a fake. A further 289 buyers complained that their goods had not been received, 269 buyers made complaints about shipping, and 234 buyers complained about poor communication. 455 comments were categorised as 'other'. Many of these related to comments which had been withdrawn, and often replaced with neutral comments such as 'ok', or 'no comment', perhaps indicating that any issue had reached a resolution.

Previous studies have found that just 50% of buyers leave feedback, with dissatisfied customers choosing not to provide any feedback rather than submitting a negative review (Resnick and Zeckhauser, 2001). Questions have been raised about the reliability of feedback, with ebay users uncovering a range of methods to manipulate positive feedback. Methods include hijacking User accounts to use adopt their high feedback ratings (Mycoe, 2008:142), shill feedback rings where groups of users build up each other's feedback (Cohen, 2003:239), feedback auctions (Cameron and Galloway, 2005:190), and feedback loading where an individual with more than one ID has been able to merge accounts, bringing large amounts of positive feedback from one account to dilute the effects of any negative feedback (Mycoe, 2008:107-8).[104] The aggregation of feedback presents further possibilities for manipulation, as sellers can develop a high feedback score through purchasing many small value objects to develop a history (Mycoe, 2008:9). Detailed feedback information is only available for 90 days after a transaction,

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[103] Following the methodology developed by Pavlou and Dimoka, 2006, comments were classified into five categories (item not as described, item not received, issues relating to packaging, postage or shipping, issues relating to communication, and other comments).
[104] eBay have now discontinued account merging to prevent this practice.

providing the opportunity for sellers to hide the way in which their reputation had been established (Gavish and Tucci, 2008:94). In addition, positive and negative comments are combined, making it difficult for eBay users to tease out negative comments and search for any comments about illegal behaviour (Gregg and Scott, 2008:74).

Vigilantism

Whilst eBay users form a central part of the more official forms of governance of eBay, some eBay users have also chosen to take part in unauthorised forms of governance in the form of 'vigilantism'. A number of online auction communities have been reported to have banded together to address the behaviour of other eBayers. For example, in the case of auction fraud, communities have established newsgroups for discussions, investigated complaints, collated evidence or taken vigilante[105] action against certain sellers through bidding on listings and then refusing payment (Chua and Wareham, 2004:31, 34). This 'vigilantism' has also been identified by Mitchell, who provides details of eBayers who take action through sending messages to buyers before they can pay for fraudulent listings, and created online groups to 'name and shame' sellers (Mitchell, 2008). Other groups have chosen to place unfeasibly high bids on fraudulent listings to protect prospective buyers (Hafner, 2004). However concerns have been raised about the lack of accountability of such groups (Wall, 2001b:178). Whilst several groups have been keen on warning potential buyers about fraudulent listings, eBay have increasingly introduced measures which prevent direct contact with buyers making it difficult for them to raise their concerns (Frajola, 2002).

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[105] Although Chua and Wareham use the term 'vigilante', none of their interviewees likes this term (Chua and Wareham, 2004:31).

As part of this thesis I monitored a collector's forum dedicated to the sale of antiquities on eBay.[106] From the discussions on the forum it was clear that some collectors of antiquities are keen to carry out similar 'vigilante' activity. As I outlined in *Chapter 7* collectors demonstrate considerably more concern about the inauthenticity of antiquities than their legality, and so the main focus of this attention was on the sellers of fake antiquities. The group routinely identify sellers of fake antiquities on eBay and 'name and shamed' them, compiling lists of 'sellers to avoid' and 'good dealers'.They regularly monitor eBay for examples of fakes, describing such objects as 'Circa 2000 AD', 'Tourist crap', and 'Modern souvenirs. Through this longitudinal monitoring the group are able to identify 'twins', where fakes repeatedly made an appearance on eBay (often with dramatically different descriptions), and log the altering fashions of forged and 'doctored' ancient objects. They also were able to build up a photographic resource to assist others with their fake-spotting. The group also built up profiles of sellers of fakes, outlining their *modus operandi*, even identifying their offline identities and relationships with other sellers. Through these processes they have uncovered 'ringleaders' of certain types of operation and sellers who purchase modern items with one account and then sell with another as ancient.

There is a real sense in the posts that group members are angry and frustrated by the large numbers of fakes for sale on eBay. The group are highly critical of eBay's regulatory system of feedback, demonstrating time and time again that sellers who mainly deal in fakes often have 99% or 100% feedback. Posts to the forum suggest feedback is commonly manipulated by less reputable sellers, either through shill bidding, feedback

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[106] The forum has been anonymised. See *Chapter 5* for further details.

extortion or the refusal of bids from those who have previously left negative feedback for others. Several members have attempted to report their concerns to eBay, however have not found the company to be responsive to their complaints. This lack of success of addressing the issue through official channels has driven some members of the group to engage in their own form of vigilantism, contacting buyers and sellers and informing them of the likely inauthentic nature of the goods listed. As a consequence several group members report receiving the following message from eBay:

> "We're pleased to have you as part of the eBay Community. However, your account was involved in activity that violated the eBay Transaction Interference policy. eBay members are not allowed to interfere with another member's transaction. This includes contacting other buyers to warn them away from a seller or item, or offering to purchase a seller's item outside of eBay. To review the requirements, please go to: http://pages.ebay.com/help/policies/transaction-interference.Html. We understand that you may not have known about this eBay policy, and we invite you to learn how to keep your experiences on eBay pleasant and successful. Thank you for your understanding."

Over time group members have developed more sophisticated methods; some choose to send messages which use insinuation rather than accusation, others bombard sellers with endless questions about the suspected fake, and others make exceptionally low financial offers implying the inauthenticity of the goods. These approaches echo similar actions taken in traditional auction houses. For example, in 2009 a Chinese bidder bid $40.4 million at Christie's for two bronze sculptures and then refused to pay on the basis that they had been looted from China and should be returned without charge (Crow, 2009).

8.3 Summary

eBay's response to the issue of antiquities

eBay have been involved in a number of international meetings about the issue of the sale of illicit antiquities on their sites. In response they have undertaken a number of positive initiatives to raise the awareness of their users to the issue and to assist law enforcement agencies in the monitoring of this market. However, the effectiveness of these responses is limited by the nature of the requests which have been made of eBay. Within each jurisdiction eBay has been presented with localised concerns about the protection of antiquities originating within that territory, and have been shown national legislation on the issue. In response, eBay have developed 'flags' to inform eBay users about the illicit trade, and formed partnerships with local agencies. In consequence their response to the issue is localised, however the nature of eBay as a global market, meaning that this response can only ever impact on a small percentage of the market.

What is lacking is an international approach to the sale of antiquities on eBay. Providing advice on antiquities which have originated in the same state as the buyer fails to raise the buyer's awareness of the ethical and legal complexities of acquiring an antiquity which have originated in other jurisdictions. The current system of 'flags' and 'guides' fails to raise awareness of which countries are being targeted by looters, which countries have a total ban on the export of antiquities, and which antiquities are most likely to have resulted from the looting of archaeological sites. If 'flags' were tailored to the type of antiquity then it would be possible for eBay to provide much more relevant information to buyers, for example if an 'Egyptian' antiquity is listed then the flag could relate to Egyptian legislation on the issue.

It has been recognised that to address the sale of the sale of illicit cultural property on the Internet further criminalisation may be required to ensure the cooperation of Internet platforms with State authorities (UNODC, 2009:56). Suggestions have been made that eBay should develop stricter rules on the sale of antiquities. For example, UNODC have recommended that eBay should attempt to ascertain the true provenance of cultural objects, and that sellers should be required to produce an export licence in order to list a cultural object on an Internet auction (UNODC, 2009:11,55). Whilst these recommendations certainly would increase transparency in the market, there would seem to be little incentive for eBay to adopt these recommendations, which far outweigh the requirements and expectations placed on other venues. As I outlined in relation to human remains eBay are only prepared to act when an object is 'plainly prohibited by law'. Without a clearer legislative message, it appears unlikely that venues like eBay will be willing to take on a more proactive role in policing the actions of sellers.

Monitoring

I have demonstrated that eBay's 'hands off' approach to the involvement in transactions is central to eBay's business model. They have developed systems to monitor the site; however they seek to reduce their responsibility from direct involvement in the identification of listings which challenge legal or ethical norms. eBay have neither the capacity to proactively monitor all listings, nor do they have the relevant expertise. Whilst the partnerships eBay have formed with organisations such as the PAS must be viewed as a positive development, these partnerships are similarly limited by the localised nature of the organisations involved. If a more global approach could be adopted, creating a partnership with a global range of expertise, for example through the International

Council of Museums, then eBay may be able to bring together a wider range of experts to

identity potentially illicit antiquities.[107]

The ephemeral nature of eBay creates significant difficulties for those seeking to monitor

the market. In traditional auctions catalogues were produced in advance of the auction

providing interested parties with advance warning of a sale, and also allowed time for

intervention if there were concerns about the legality of objects offered (see Arraf, 2008,

Alberge, 2010, Knowles, 2010: for examples). On eBay, however, thousands of antiquities

are available every week, and objects can only be viewed online once an auction is

underway. With auctions lasting as little as one day, there is little time for research or

action on the behalf of concerned parties. Compounding the problem, the Internet is a

transient, constantly changing medium (Jones, 1999:7). Whereas traditional auction

catalogues provided a permanent record of antiquities offered for sale and their

provenance, eBay listings are only stored on the server for 90 days after the end of an

auction (Chippindale and Gill, 2001:13). Therefore it is very difficult to monitor the eBay

marketplace over time.

Introducing time restrictions on the length of antiquities listings would also enable time

for interested parties to monitor the site[108]. Lessons can also be learnt from

methodologies for investigating the sale of other types of illicit goods. For example,

investigators into the sale of illicit wildlife on the Internet have developed a range of

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[107] Similar recommendations have been made by international agencies. Recommendations include the formation of links by State authorities with Internet providers to track Internet sites dealing in cultural property; the establishment of agreements with Online Auction providers to cooperate in investigations into suspicious sales of cultural objects; and collaborations with expert organisations such as the International Council of Museums to assist in the monitoring of the Internet (UNODC, 2009:30, 78; Interpol 2011, Interpol et al., 2007:2).

[108] Recommendations have been made by UNODC and Interpol that auctions of cultural objects should be required to be at least two weeks in length (UNODC, 2009:79, Interpol, 2008:10).

'keywords' to uncover potentially illegal wildlife (International Fund for Animal Welfare, 2008:7) and a 'smart response' strategy, using a triage approach, where potentially violating adverts are identified and the information is forwarded to eBay or law enforcement agencies (Cleva and Kish, 2010).

I have also raised the possibility that an equivalent of the VeRO program could be developed to allow interested third parties to report any concerns they may have about antiquities listings. As I outlined in relation to Human remains, eBay are currently unwilling to act on the expertise of eBay users, however the eBay community already play an important role in the governance of the site. Some eBay users have been frustrated by their efforts to report listings to eBay, and have turned to vigilante action. Research conducted by Chua and Wareham on auction fraud, indicated that auction sites should seek out ways of empowering auction communities to assist in the regulation of their site (Chua and Wareham, 2004:31, Chua et al., 2007). They note that whilst regulatory agents (such as eBay and law enforcement) have the authority to intervene, they often lack the specific expertise required to monitor the site. In contrast auction communities often are highly expert in their arena of buying and selling due the long hours they spend monitoring the site and are "better able to monitor community activities and detect criminal activity" (Chua et al., 2007:760). However these groups are unable to utilise their expertise as they have no authority to act when they come across fraudulent or misleading listings (Chua and Wareham, 2004:35-36). The instigation of a reporting mechanism would enable eBay users to report their concerns to eBay, providing the company with an even wider range of expertise on the issue.

CONCLUSION: CHALLENGES TO ADDRESSING THE ANTIQUITIES TRADE

This thesis was designed on the premise that the antiquities trade constitutes a harm as it causes the destruction of archaeological sites, and therefore there is a necessity to reduce the size of the market. This approach was influenced by both criminological and archaeological literature, which had concluded that the looting of archaeological sites is being driven by demand from the market, and therefore efforts to address the trade should be mainly focused on the sale of antiquities to the final consumer (Tubb, 1995, Adler and Polk, 2002, Adler and Polk, 2005, Adler et al., 2009, Renfrew, 2000a, Brodie et al., 2001, Mackenzie, 2005b, Mackenzie, 2005a). Mackenzie and Green had suggested that Sutton's Market Reduction Approach (MRA) could be adapted to address the illicit antiquities market (Mackenzie, 2009:56). This research set out to collect empirical data on the sale of antiquities on eBay to establish the size and nature of the market (which goods are available), the routine features of the sale (including where and when the goods are sold, the methods used and which actors are involved), and the role of supply and demand in the marketplace.

In *Chapter 8* I outlined how eBay have addressed the issue of the availability of antiquities on their sites. I concluded that they have taken a number of positive steps to raise the awareness of eBay users to the issue, and have complied with advice from external agencies on the trade. However, I suggested that eBay's response had been limited by the nature of the guidance they had been given by external agencies. Whilst this study focuses on the sale of antiquities on eBay, there are a number of challenges to addressing the sale of antiquities, which are common in all venues. In this chapter I adopt a thematic

approach, outlining the five main issues main challenges to market reduction. First, I consider the ideological challenges and the lack of consensus on how antiquities should be treated in law. Second, I outline the definitional problems inherent in the debate in this area, and the lack of clarity about which ancient objects should be protected. Third, I examine the evidentiary problems, which create a barrier to increasing risk to those involved in the trade. Fourth, I discuss the challenges impeding further criminalisation of the trade. Lastly I outline the structural challenges posed by the absence of an established authority to take the lead on policy and enforcement, and the transnational challenges posed by the market.

9.1 Ideological challenges

In *Chapter 4* I outlined the ideological dichotomies inherent in debates surrounding the ownership of antiquities, which have led to a lack of consensus on almost every aspect of the trade. Archaeologists and many source nations condemn the market for causing the destruction of archaeological sites, however supporters of the market argue that the trade 'preserves' antiquities for the benefit of mankind. I also outlined how there is an 'essential asymmetry' (Gill and Chippindale, 1993:658) in the way archaeologists and market supporters 'value' antiquities, with the former placing a high importance on the context in which antiquities are found, and the latter enjoying the aesthetic or 'immanent' value of the ancient object. There is now a considerable literature debating the ethics of antiquities collecting, with some archaeologists claiming that "collectors are the real looters" (Renfrew, 1993) and supporters of the market accusing archaeologists of "fundamentalism" (Merryman, 2005:30).

In response to criticisms of the trade, market supporters have developed a sophisticated range of neutralising discourses (Mackenzie, 2005b), including the denial of responsibility for the looting of archaeological sites, denial that the market causes injury, denial of the existence of victims, a condemnation of archaeologists views, and an appeal of the 'benefits' of the trade (Sykes and Matza, 1957). Further 'differential moral sanctions' (Halstead, 1992:3) have been developed differentiating a small number of culturally important antiquities from the remainder of the market, leading to 'moral slippage' in relation to more commonplace antiquities, with the trade in these objects being constructed as less harmful (*see Section 6.2*). The lobbying of market supporters has successfully spread these neutralising discourses to a wider audience. Actors in the market present themselves as scholars and experts, who are responsible for 'saving' antiquities. These neutralisations have served to both divert attention away from the harm caused by the antiquities trade, and as in other areas of harmful behaviour (Pemberton, 2008:87) have served to create indifference to the issue in the wider population.

The antiquities trade is presented to buyers as both ethical and legal. Mackenzie found that the trade operates in routine, unremarkable ways. Dealers were of the opinion that as the market operates in the open this equates with a lawful market (Mackenzie, 2009:45). The consequence is that the "ties to underlying wrongdoing or immorality have become effectively invisible" (Mackenzie, 2009:42). In *Chapter 7* I outlined how the presentation of antiquities to buyers is often ambiguous, with vague claims made about the origins and previous ownership of ancient objects. Neutralising discourses permeate the descriptions supplied to buyers, with the majority of antiquities claimed to have

originated from a 'chance find' or have belonged in an 'old collection'. Just like in stolen

goods markets, buyers are able to resolve the ambiguity surrounding antiquities in a way

which unwittingly obscures the possible illicit origins of the goods (Henry, 1976:99-100).

In this way buyers are able to suspend any 'belief' that the goods have illicit origins

(Sutton, 1995:412). This suspension of belief allows them to accept seller's claims and

enables them to believe the "convenient fiction" that the objects they are purchasing are

from old collections or chance finds (Gill and Chippindale, 1993:622).

The role of moral entrepreneurship

The ideological asymmetries which are pervasive in the debates surrounding antiquities

create a significant challenge to any efforts at market reduction. As I have discussed

above, archaeologists have been at the forefront of lobbying to raise the profile of the

illicit antiquities trade. However, as Mackenzie has recently noted their campaign to raise

the profile of the issue has not 'fired the public imagination'. Without public awareness of

the harm caused by the trade there is little political pressure for further criminalisation or

regulatory action (Mackenzie, 2011:140). Gerstenblith has recommended that steps are

taken to break down the influence of dealers and collectors (Gerstenblith, 2004b:165).

O'Keefe has identified a wide range of groups with a stake in the antiquities trade,

including archaeologists, local populations in source States, art historians and museum

professionals, politicians, and collectors (O'Keefe, 1997a). Many of these have the

expertise to challenge the neutralising discourses of market supporters, but so far very

few of them have chosen to do so.

As Becker has noted, the criminalisation of harms depends on the successful mobilisation

of public support for an issue. It takes 'moral' entrepreneurs who use their 'enterprise' to

champion an issue to raise public awareness and lobby for legislation aimed at harm reduction (Becker, 1963:147). Where "no enterprising person appears, no action is taken" (Becker, 1963:128), as in absence of a campaigning body the harm in question will fail to capture attention of the public imagination and the harm will remain unregulated.

In relation to environmental harm, Hannigan has outlined the three stages of moral entrepreneurship: which he describes as assembling, presenting and contesting (Hannigan, 2006:86). The first stage is ***assembling*** where information is gathered outlining the existence of the harm. As I outlined in *Chapter 2* archaeologists have contributed a significant literature outlining the scale of the harm caused by the antiquities trade. The next stage is ***presenting*** this information to the wider population to raise awareness of the issue. In the case of antiquities, I would suggest that this is where there has been in divergence between source and market States. In many source States there is plenty of physical evidence of the harm caused by the looting of archaeological sites, leading to widespread public support for criminalisation. However in market States, it is a much harder task to present this information, particularly when faced with opposing neutralizing discourses from actors involved in the market. The final stage is ***contesting***, where public support for change enacts a change in policy. Whilst source States have been instrumental in driving the issue of illicit antiquities forward at an International level, market States have been less enthusiastic.

In *Section 2.1* I outlined that antiquities are a finite and non-renewable resource (Coggins, 1972:263), and looting is often compared to crimes against the environment (Mackenzie, 2006:1). Like the environment there is a public interest in the protection and preservation of these 'resources', which have an 'existence value' which far outweighs their economic

value, and there is a presumption in international law that antiquities are deserving of worldwide protection. However, whilst the trade in illicit wildlife has attracted a wide range in campaigning bodies who have lobbied for legislative change (Lemieux and Clarke, 2009:451), the illicit antiquities trade has failed to capture the public imagination.

9.2 Definitional challenges

Throughout this thesis I have outlined the difficulties posed by the lack of definitional clarity in the legislation, which have enabled market supporters to argue that the majority of the trade is not subject to any legislation. In *Section 3.3* I suggested that the terminological confusion caused by the use of the terms Cultural property, Cultural heritage, Cultural goods and Cultural objects has led to an uncertainty about which ancient objects are considered to have legal significance. This confusion in terminology has passed onto sites like eBay, who following differently worded pieces of legislation interpret archaeological items, antiquities, artefacts and cultural goods as unique categories rather than an amorphous group (*See Chapter 8 and Appendices 8 & 9)*. The difficulty lies in the nature of 'culture' itself, and the desire to allow each state to define these terms as they see fit (see Prott, 2005:227). A great deal of confusion is due to the decision to treat archaeological items as a subcategory of a wider group of cultural objects, when qualitatively they are quite different (*see Section 3.3 for further discussion*).

The debates surrounding the creation of legislation in this area were driven by a desire to protect objects with great symbolic and cultural meaning; objects which may be considered cultural patrimony. Previous studies of the antiquities trade have focused on this high end of the trade, and therefore have not raised questions about where the boundaries of this group of cultural objects lies. It is only though examining objects at the

extremes of the market that the need to establish a boundary between which antiquities fulfil the criteria of legal significance and which antiquities do not arises.

The origins of this problem lie in the 'essential asymmetry' (Gill and Chippindale, 1993:658) in the way different groups view the values of ancient objects. If we view the range of antiquities available on eBay through the lens of connoisseurship then the majority of these objects have little inherent value. They are mostly of low aesthetic quality, and are not rare or unique. However, if these ancient objects are viewed from an archaeological perspective then their value is created through not only the inherent qualities of the object, but through their link to their surrounding context, and the information they can supply about the past. Therefore their significance is related to their contribution to knowledge rather than aesthetics. As I outlined in *Section 6.2* there are indications that the increased availability of lower value, common place antiquities causes additional harm to archaeological knowledge through the 'vacuuming' of all ancient material rather than the cherry picking of more unique pieces.

A harm based approach

I have outlined in this thesis that the trade in antiquities is perpetuated by a number of inherent asymmetries: ideological, transnational, informational and legislative. These asymmetries have prevented the development of a cohesive legal framework on the issue of illicit antiquities. The resulting legislation is terminologically vague, resulting in a lack of clarity for both those involved in the trade and those seeking to control the trade. What is lacking is a clear message which outlines the antiquities which should be subject to control.

An approach based on the harm caused by the trade may offer a clearer message. There is a pressing need for further debate about which aspects of the illicit antiquities trade should be viewed as most harmful. Is it the trade in a particular type of objects, ancient objects from a particular culture or objects which have specific values? In relation to drugs policy, Nutt et al proposed the development of a 'Matrix of harm' ranking drugs in terms of the harms they cause rather than the level of severity they are dealt with in law (Nutt et al., 2007). A similar exercise in relation to the antiquities trade may help to identify which antiquities are causing the most harm currently, and enable resources to be devoted to the monitoring and investigation of the trade in those objects. The International Council of Museums already publishes Red Lists and their 'One-Hundred Missing Objects Series' which highlight regions which have been subject to extremely high levels of looting. Dealing in these specific ancient objects could be treated as an exceptional case, following the precedent set by the response to Iraqi antiquities (*see Section 3.3).* The wording of UN resolutions 661 and 1483 reversed the burden of proof in relation to ancient objects of Iraqi origin, effectively ending the trade in these goods in the UK (Mackenzie, 2011:146, Brodie, 2009).

9.3 Evidentiary challenges

Theories of market reduction largely focus on increasing the risk to those involved in illicit markets. For example, Sutton's market reduction approach aims to:

> "instil an appreciation among thieves that transporting, storing, and selling stolen goods has become at least as risky as it is to steal goods in the first place." And, to "make buying, dealing and consuming stolen goods appreciably more risky for all those involved" (Sutton et al., 2001:vii).

In previous chapters I have outlined how actors have been attracted to the illicit antiquities market as it is known as a low-risk method of moving financial assets (Margules, 1992:612). At every stage in the market the detection of actors involved in this trade is minimal. In consequence, offences involving illicit antiquities are rarely prosecuted, and despite the initial promise of legislation designed to specifically deal with the issue of illicit antiquities in the UK, the Dealing in Cultural Objects (Offences) Act 2003 has not achieved any prosecutions.

There are three main reasons why there is a lack of evidence for prosecutions. Firstly, antiquities are fungible by nature, meaning that in the majority of cases an examination of the object alone would not provide enough evidence to determine if it had been legally or illegally acquired (Gerstenblith, 2004b:139) (*see Section 1.1*). Further it is the norm that antiquities are sold without any provenance information (Prott, 2005:238). Secondly, the actors in the market routinely fail to ask questions about the origins of goods, ensuring that that they neither 'know, nor believe' that the goods have illicit origins (Mackenzie, 2009:47). Thirdly, the global nature of the trade means that antiquities are sold in a jurisdiction far from the evidence of the initial harm (the looting of the archaeological site). Therefore detection requires a considerable level of expertise, meaning that dealers can currently sell illicit material in the knowledge that the likelihood of any action is minimal.

Due diligence and provenance

The antiquities market is a grey market, made up of both licit and illicit antiquities. However as I have demonstrated throughout this thesis there is currently no clear way to differentiate the illicit from the licit. Therefore, as Mackenzie has previously suggested

the key to addressing the market is through creating systems which enable the identification of illicit antiquities (Mackenzie, 2005b:8). There are two aspects of the buying process which can potentially be altered to enable this. Firstly, buyers could be encouraged to carry out due diligence, and secondly, sellers can be persuaded to supply verifiable provenance information. In the following two sections I will explore these two strands.

Due diligence

Currently there is very little evidence of private buyers conducting due diligence. It has been suggested that the education of buyers will lead to better due diligence practices (Elkins, 2008, Adler and Polk, 2002:47, Conklin, 1994:263). Through educating buyers about the harms caused by the trade it is suggested that buyers will make more discerning purchasing decisions (Conklin, 1994:263). This would lead to a new 'culture of collecting' (Gerstenblith, 2004b:169) or 'moral climate' (Polk, 2000) where buyers focus on the full story an object can tell (Gerstenblith, 2004b:169), meaning that buyers are no longer prepared to purchase unprovenanced antiquities (Adler and Polk, 2002:48, Renfrew, 2001). Buyers would understand the necessity of requesting documentary evidence, and standard 'provenance forms' might be developed outlining the origins and ownership history of objects (Adler and Polk, 2005:110).

It is suggested that there should be sustained media campaign, which should aim to render collecting 'culturally unacceptable' and 'antisocial' (O'Keefe, 1997a:61-4, Elia, 1997:97). Renfew suggests that campaigns should aim to 'shame' collectors, as if they care about ancient objects then they should not seek to damage them (Renfrew, 1995). It is argued that if sufficient stigma is attached to the purchase of unprovenanced

antiquities, then this will lead to a reduction in the desire to collect them (Brodie et al., 2001:xi, Gerstenblith, 2004b:139).

The campaigns to change public perceptions of smoking or Peta's campaign against the wearing of fur are given as examples where education has played an important role in attitudinal change (Adler and Polk, 2002:48, Elia, 1997:97). In *Chapter 4* I examined the literature on the psychology of collecting, which suggested that collecting is an expressive form of self-definition (Baekeland, 1981:46). Hayward's work on consumer culture makes similar links between our consumption of goods and identity-formation (Hayward, 2004:160). Therefore it would appear reasonable to suggest that a campaign aimed at making the collecting of antiquities less socially acceptable would have an impact on collectors, as they place a high value on their own self-definition as collectors.

Mackenzie has questioned how successful such campaigns will be in light of market neutralisations (Mackenzie, 2005b:236). He argues that the antiquities trade is qualitatively very different to the trade for fur and ivory, where it is a more difficult task to construct justifications for involvement in these trades (Mackenzie, 2005b:236). However research by Sheley and Bailey into the motivations of buyers of stolen goods may provide some insight into how these neutralisations can be overcome.

Sheley and Bailey's research indicated that there were four factors involved in decisions to purchase stolen goods. These included: motivation (price, encouragement of others), freedom from sanction (fear of detection and conviction), and opportunity (availability and access to stolen goods), and moral freedom (personal beliefs in the right/wrongness of purchase, use of neutralization, attitude to victim). They concluded only the final factor, moral freedom, had the potential for those wishing to reduce the purchase of

stolen goods. Sheley and Bailey suggest that education campaigns aiming to equate the purchase of stolen goods with the harm caused by the initial theft, would encourage potential buyers to identify with victims and disarm their rationalisations (Sheley and Bailey, 1985). Casola et al have tested this hypothesis in their experimental study: *Consumer decisions in the black market for stolen or counterfeit goods* where they found that when buyers were informed of the costs incurred by victims, less people were willing to purchase stolen goods, and where they did, it was for a lower price (Casola et al., 2009). Therefore, this would suggest that an education campaign, where the harm caused by looting was highlighted may impact on the decision to purchase unprovenanced antiquities.

The presentation of antiquities

Whilst educating buyers about the harms of the market may go some way towards creating more responsible collectors, due diligence processes will only be successful if sellers provide a better quality of information about antiquities. As I have demonstrated in *Chapter 7* antiquities are currently presented to buyers with many levels of 'provenance' information, however very little of this information is verifiable by a third party. In many cases the provenance given to an ancient object is based on wishful thinking rather than any evidence. Stricter rules could be established about the claims made by sellers of antiquities, ensuring that sellers have evidence to demonstrate both the authenticity and origins of goods. UNODC have recommended that member States should aim to 'create a culture of compliance' among actors in the antiquities trade through the promotion of codes of conduct such as the UNESCO International Code of Ethics for Dealers in Cultural Property. They also recommend that a similar code be

developed for dealers selling though Internet auctions (UNODC, 2012:20) (*see Appendix 13*). It has also be suggested that States introduce the licencing of dealers, and that breaches of a code of conduct should be criminalised, with suitable punishments for failure to comply (UNODC, 2012:20).

9.4 Legislative challenges

The perception of risk

In *Chapter 3* I outlined that the antiquities trade is in the "early stages of a slow move from non-criminal to criminal" (Mackenzie, 2005a:249). The development of legislation in this area has been impeded by the lack of consensus on how antiquities should be treated in law. 'Powerful actors' have had a significant impact on the development and wording of legislation (Adler and Polk, 2005:101, Mackenzie and Green, 2008:143), leading to a legislative response which is beset with terminological uncertainties and evidentiary complexities. The consequence is legislation which fails to deter actors from involvement in the trade. As Mackenzie as noted prosecution is seen as a high-profile aberration rather than a risk (Mackenzie, 2005b:245). Actors are able to buy and sell illicit antiquities almost without any concern that they will be prosecuted. Legislation will only have an effect in this area if the perceived level of risk involved in the buying and selling of antiquities is increased (Mackenzie, 2005b:156). Further, as has been noted of other illicit markets, unless actors involved in these markets are seen to be prosecuted and convicted, the wider population will not view the market as criminal (for example see Clinard, 1969:226).

The criminalisation of the antiquities trade

The legal response to dealing with the trade in illicit antiquities is very much in its infancy. As Lanier and Henry's work has demonstrated, 'crime' is a dynamic social construct, created through the processes of political and economic forces. Acts which are considered 'criminal' change over time and acts defined as a 'crime' by law varies from jurisdiction to jurisdiction (Lanier and Henry, 2010:26). As such it has been suggested that 'crime' has no ontological reality (for a further discussion see Hillyard et al., 2004:10-11). Whilst some harms may be considered "a crime by any other name" (Passas and Goodwin, 2004:1), in the majority of cases they will not be effectively policed until they are criminalised. Henry and Lanier's work has illustrated the interaction of several factors in the process of criminalisation (Lanier and Henry, 2010, Henry and Lanier, 1998). Amongst these are the level of public consensus on the recognition of the issue as harm; the public perception of the seriousness of this harm; and the number of victims affected.

As I have outlined above there is a lack of consensus that the trade in antiquities constitutes a harm. Actors with an interest in the trade hold divergent views on how antiquities should be treated in law, and the wider population is largely unaware of the illicit trade due to its hidden nature. The lack of public consensus that the trade in antiquities constitutes a harm is compounded by perceptions about the seriousness of the harm caused by the trade. As I have outlined above these perceptions are dependent on which philosophical view one takes of antiquities. There are many unresolved questions regarding the seriousness of the harm caused by the trade. For example, is all archaeological looting equally serious? Should this harm be judged on the value of ancient object extracted, the level of destruction caused to the archaeological site, or the

impact on knowledge? Further should the initial act of theft or the sale of these goods be viewed as the most serious act?[109]

The mixed portrayal of actors involved in the trade further muddies the perception of harm. The trade covers a very wide spectrum of actors (*see Chapter 4*), however at the market end the trade has traditionally been represented by the economic and social elite (Adler and Polk, 2002:39). Further, the popular representation of 'treasure hunters' and 'art criminals' in the media, through films such as Indiana Jones and the Thomas Crown Affair and the commentary provided in the Arts pages on record breaking auction sales serves to glamourize the trade and trivialise its seriousness.[110]

The final factor which impacts on the process of criminalisation is the number of victims affected by the harm. As I outlined in *Chapter 2* the harm caused by the looting of archaeological sites is diffuse and incremental. There are no direct victims to this trade, rather the looting of archaeological sites impacts on communities at a local and global level. Consequently, the majority of 'victims' are simply unaware that they have been harmed in any way, and there are no direct victims who can report the harm to the police or place pressure on the authorities to address the issue. Therefore, whilst the trade is in the early stages of criminalisation, the lack of direct victims and low levels of public awareness of the harm caused by the trade, combined with a mixed perception of the seriousness of this harm, means that there are significant obstacles to further criminalisation of the trade.

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[109] There is a similar on-going debate in the area of Stolen goods: should the initial act of theft or dealing in such goods be treated more seriously (*see Section 3.3 for further discussion*).
[110] For example, in 2007 Culture minister David Lammy called metal detectorists "the unsung heroes of the UK's heritage" (Kennedy, 2007).

The need for further legislation

There is a recognised need for the development of further legislation to address the illicit antiquities trade (Mackenzie, 2009:58, Rostomian, 2002:294-5). In addition, there is evidence of some public support for these changes. Research carried out in the United States indicated just 23% were aware that laws existed concerning the buying and selling of artefacts, but that 90% of the general public felt that the importation of illicitly exported artefacts should be prohibited (n=1016) (Ramos and Duganne, 2000). The need for the development of further legislation has been recognised by international policy makers. Recommendations have been made that States should "adopt, implement and, when needed, strengthen domestic criminal law responses" (UNODC, 2012:30). It has also been advised that States introduce an offence for illicit export and illicit import of cultural objects (UNODC, 2012: Guideline 17), and an offence of trafficking in moveable cultural property which would:

> "seek to punish the import, export, acquisition, sale, delivery, movement or transfer of any illicitly exported or imported, stolen, looted, or illicitly excavated movable cultural property" (UNODC, 2012: Guideline 16).

At an International level it is recommended that offences against cultural objects are viewed as a serious offence, with suggestions that states should legislate to make the theft of cultural property a more serious offence than the theft of other property due to the harm caused to the natural heritage (UNODC, 2012:guidelines 13 & 18). It is argued that heritage crime should be viewed as a serious offence, with a combination of high profile prosecutions, and penalties set at a higher level acting as a deterrent (Oxford Archaeology, 2009b:106-7). As such the *Palermo Convention* is seen as an effective tool in

the fight against cultural objects crime (UNODC, 2012: Guideline 13, United Nations, 2010:2-3). Within the UK Prescott has argued that money laundering legislation may provide a useful tool in addressing the illicit antiquities trade. She outlines that the *Proceeds of Crime Act 2002* places the onus on the individual at the time of the transaction:

> "to have asked the right questions, and gather the right information to be able to develop suspicions" (Prescott, 2005:391).

She suggests that combining this Act with the *Theft Act 1968* would provide Police forces with robust powers to combat art crime (Prescott, 2005:390). Oxford Archaeology also suggest that more could be made of the provisions of the *Ancient Monument and Archaeological Areas Act 1979* and the *Treasure Act 1996* (Oxford Archaeology, 2009b:108).

However there is also recognition that the criminal law is unlikely to be the main avenue used to reduce the size of the illicit antiquities market. Frieburg has noted that in many crimes against property the criminal law has had little success in minimising the harm caused by these offences (Freiberg, 1997:242). Adler and Polk have suggested that deterrence in this market is more likely to come from civil sanctions such as the threat of seizure of illicit material (Adler and Polk, 2005:106-7).

9.5 Structural Challenges

The lack of an authority

Any efforts made to reduce a market for illicit goods need an authority that can drive the initiative forward. Previous criminological attention to market reduction of the antiquities trade have proposed that Braithwaite's approach to regulation might be adapted to address the trade (Adler and Polk, 2002, Mackenzie, 2005b). However, this approach also poses significant structural dilemmas, as Braithwaite's regulatory approach relies on the existence of both established regulatory agents and organised industry associations; and in the case of the antiquities trade neither of these structures are established, and further there are significant barriers to their creation.

Braithwaite's approach combines economic and sociological theories, viewing business actors not only as rational actors, but also as moral actors (Braithwaite, 1990:59). He concludes that they are motivated not only by the drive to create more profits, but also a sense of social responsibility (Fisse and Braithwaite, 1983), and therefore regulation is best achieved through striking a balance between deterrence and compliance models of regulation, combining both punishment and persuasion (Ayres and Braithwaite, 1992:24). This model motivates actors to comply with regulation both as it is economically rational thing to do, but also because actors are able to maintain their view of themselves as good (Braithwaite, 1990:59).

The model is both 'provoking' and 'forgiving' (Ayres and Braithwaite, 1992:5), with regulators responding to the actions of actors in the industry. Regulatory interventions are visualised in a pyramid shape, with layers of interventions covering a spectrum of

intrusiveness, with the least intrusive at the base of the pyramid (self-regulation) and the most intrusive forms of regulation at the pinnacle (Braithwaite, 1990:62, Ayres and Braithwaite, 1992:5). The model assumes that industry associations will play a central role in negotiating with the regulator, and encouraging the compliance of industry members through 'enforced self-regulation', 'co-regulation' or 'self-regulation' (Ayres and Braithwaite, 1992:101-2).

In the UK there is no obvious agency which could fulfil a regulatory role. As I have outlined in *Chapter 8* the antiquities trade tends to fall outside the interest of the Police (due to the lack of complaints by the general public, the lack of expertise on the issue, localised performance targets, budgetary restrictions, and the level of direct harm involved). The Metropolitan Police's Art & Antiques Unit have remit for dealing with 'Art Crime', however policing priorities mean that crimes involving fine art often take precedence over illicit antiquities. Other agencies such as Customs and Excise and Trading Standards also have a limited interest in the trade. At a governmental level bodies responsible for Heritage have an overtly national remit (English Heritage, Cadw, Historic Scotland), and have no responsibility for wider heritage issues.

The recent UNODC report recommended that States establish a central authority responsible for the protection of cultural objects, with a multi-agency approach bringing together police, customs officers, and experts in arts and antiquities to investigate crimes against cultural objects. These units would have responsibility for monitoring the sale of cultural objects (including Internet sales), as well as inventorying known collections, undertaking criminological research, developing codes of conduct, the sharing of information and public awareness raising campaigns (UNODC, 2009:21, Interpol et al.,

2007:3, UNODC, 2012: Guideline 10). In addition, they would be responsible for the training of police and customs (OMC Expert Working Group on the Mobility of Collections, 2010: Recommendation 34).

The second challenge to Braithwaite's model of regulation is the lack organisation within the antiquities trade. Sellers are not organised into industry associations. Whilst there are dealers associations in the antiquities trade, their membership is voluntary, and only extends to a small number of sellers at the higher ends of the trade. They also have very few powers to enforce their own codes of conduct. Therefore these associations are not representative of antiquities sellers, nor do they have significant influence over the actions of sellers (Conklin, 1994:267).

Transnational challenges

In the previous Chapter I discussed the complexities of regulating transnational markets, where transactions cross national boundaries, but the actors involved along with the legislative and governance structures are firmly located within national borders. A reliance on national structures leads to a focus on national rather than international concerns, and creates disjunctures between national approaches (Passas, 2001:23,39). The transnational asymmetries inherent within the antiquities trade mean that the sale of ancient objects often occur far from the locus of the original looting of the object. Therefore whilst the initial act of looting is considered an offence in Source nations, market States are often unwilling to devote the resources to addressing the trade.

In the UK heritage policy is firmly committed to dealing with national rather than international issues, with agencies established to deal with the heritage of individual

country (English Heritage, Cadw, Historic Scotland). These agencies have no responsibility for heritage which originates beyond their borders. There has been renewed interest in the issues surrounding the protection of the UKs heritage in recent years, however, these initiatives are restricted to local concerns. For example in England, the Heritage Crime Programme launched in 2010 is run jointly by English Heritage, ACPO and the CPS. Heritage crime is defined as:

> "any offence which harms the value of England's heritage assets and their settings to this and future generations".

The term covers a wide range of offences committed against Heritage including theft, criminal damage, arson and offences of anti-social behaviour.[111] The focus of the scheme is mainly crime prevention surrounding heritage sites.

The current reliance on national governments and private institutions to regulate the antiquities market has been described as "only marginally successful" (Committee on Cultural Heritage Law, 2000:15). Calls have been made for the development of a more collaborative framework where market States have a greater responsibility for assisting in international regulation (Committee on Cultural Heritage Law, 2000:15). Various departments of the United Nations and the European Union, combined with Interpol have taken a key role in the discussions about the regulation of the antiquities trade in recent years. Whilst this must be seen as a positive step, these agencies lack the manpower or remit to take on any active responsibility for regulating the market.

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[111] https://www.english-heritage.org.uk/professional/advice/advice-by-topic/heritage-crime/.

9.6 Summary

In this chapter I have outlined that there are significant ideological, definitional, evidentiary, legislative and structural challenges to addressing the trade for illicit antiquities in market nations. Many of these challenges are interconnected and dependent upon one another. Despite these challenges I have suggested that there are a number of developments which could assist in addressing the illicit trade. Firstly, an increase in public awareness of the harms of the trade may serve to undermine the neutralisations of market supporters. Secondly, there is a need for further debate on these harms, with the aim of identifying which aspects of the trade could be prioritised to best prevent significant archaeological harms from occurring. Thirdly, efforts should be focused on the education of buyers and the establishment of stricter rules for sellers on both the due diligence process and the need for clearer verifiable statements concerning the provenance and authenticity of antiquities. Fourthly, there is a need to investigate how legislation could be developed to better address the market. Lastly, authorities should be developed at both a national and international levels to take a lead on the issue and ensure international cooperation.

There are also a range of other initiatives which could assist in the control of the market at other stages of the trade, in source States and during the movement of antiquities. It has been the opinion of criminologists who have examined the illicit antiquities trade that the demand-supply asymmetries inherent in the global trade will make it a very difficult task to address the issue at the source (Adler and Polk, 2002, Adler et al., 2009, Mackenzie, 2005b). They highlighted the unsuccessful record of prohibition in other illicit markets, which often results in an issue being driven further underground, hampering

efforts to monitor the market (Adler and Polk, 2002, Adler et al., 2009, Mackenzie, 2005b, Adler and Polk, 2005). They also note that further prohibition may simply result in a 'displacement effect', where looting increases in other source States to service the demand for antiquities (Adler and Polk, 2005:108). However, there are measures which can be taken in source States to limit the number of antiquities which are removed. Recommendations have been made that States increase the policing and guarding of archaeological sites, undertake periodic crackdowns on looters, create maps of archaeological areas, and create registers of known cultural property (UNODC, 2012: Guideline 11, Freiberg, 1997:244). UNODC has also recommended that States increase the 'seriousness' of looting through introduce a new offence of looting in their criminal codes (UNODC, 2012:guideline 19). Further measures could also be developed to deter the movement of antiquities, through the introduction of stricter documentary requirements for the import and export of ancient objects.

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Legislation

UNESCO

Convention on the Protection of Cultural Heritage in the Event of Armed Conflict, The Hague, 14th May 1954

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Paris 14th November 1970

Convention Concerning the Protection of the World Cultural and National Heritage, Paris 16th November 1972

Convention on the Protection of Underwater Cultural Heritage, Paris, 2nd November 2001

International Institute for the Unification of Private Law (UNIDROIT)

UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995, Rome, 24th June 1995

United Nations

Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of the Peoples in the Form of Movable Property, Havana, 27th August-7th September 1990

The United Nations Convention against Transnational Organized Crime, Palermo, 12th-15th December 2000

Council of Europe

European Convention on Offences relating to Cultural Property, Delphi, 23rd June 1985

European Convention on the Protection of the Archaeological Heritage, Valletta, 16th January 1992

European Union

Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State

Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods

England and Wales

Theft Act 1968

Ancient Monuments and Archaeological Areas Act, 1979

National Heritage Act, 1983

Treasure Act, 1996

Dealing in Cultural Objects (Offences) Act 2003

Annex 1: Due Diligence processes

Cultural property advice — Your guide to **collecting, buying and selling art, antiques and antiquities**

Checklist		
Due diligence processes	
This checklist will help you to examine the object carefully and ask the right questions about its origin. You would not expect to be able to cover everything here, particularly for smaller items; it is simply an indication of the types of questions you could reasonably ask. Be aware that record keeping in the field is improving all the time, but that it simply may not be possible to see all historical records relating to an object. This checklist relates most closely to the illicit traffic in cultural property. Information on other questions to ask can be found in Checklists on Buying with confidence and from On-line sources. This checklist can be saved in your own files to be used as needed.	
General points:	☑
Are you happy that you acquiring from a reputable source (Buying with confidence)	☐
Have you evaluated the account given by the vendor, and carried out your own research as necessary?	☐
Make an initial examination of the object:	
Does it show signs of certain types of ingrained dust or dirt or has annotations which may demonstrate it has been on display, used or stored as part of an older collection?	☐
Does it have a distinctive type of mount, mounting or binding that is likely to be from a particular period?	☐
Has it been mended, partially restored or changed from its original condition (Conservation)? Can you tell from this the period of restoration / conservation work?	☐
Does the object carry old labels, inscriptions or other marks that offer clues about the presence and / or use in former collections?	☐
If it does carry such marks and labels, have you checked that they are not forged or, if genuine, transferred from other items?	☐
Check the item against published lost / stolen databases	☐
Are there any signs that the object has been recently excavated and so more likely to be illicit?	☐
Are there any signs that the object has come from a larger object or from a building or monument?	☐
If there is nothing worrying about the physical appearance of the item, then consider the following:	
Does the item come from an area of the world such as Afghanistan, South East Asia, or Iraq which has experienced a significant amount of illicit excavation in recent years? (see illicit trade)	☐

Annex

Is the item from a category of objects considered `at risk' such as certain sorts of African, Latin American and Iraqi artefacts? (see illicit trade)	☐	
Have you taken advice from experts in the field either in this country or from the country of origin?	☐	
Have you checked that the item was exported lawfully from its country of origin?	☐	
Be suspicious of any item where the asking price does not equate to its market value	☐	

Annex 2: 1970 Threshold

Cultural property advice   Your guide to **collecting, buying and selling art, antiques and antiquities**

1970 Threshold

1. Introduction
This factsheet has been drawn up using <u>Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material</u>. Information contained here is a guideline only. It is not a full and authoritative statement of the law and does not constitute professional or legal advice.

2. Basic Principles
Anyone acquiring, borrowing, dealing in, buying or selling cultural property items should only do so if they are legally and ethically sound. Items should be rejected if there is any suspicion about them, or about the circumstances surrounding them, after undertaking due diligence. Documentary evidence, or if that is unavailable an affidavit (see buying with confidence and illicit trade), is necessary to prove the ethical status of a major item. Items should only be bought if the purchaser is certain that they have not been illegally excavated or illegally exported since 1970.

3. Why 1970?
The 1970 threshold is a clear, pragmatic and practical watershed that is already widely understood and supported. However, those buying items of cultural property need to be fully aware of the implications of any legislation, in the UK or the country of origin or an intermediate country, which might apply to the period before 1970.

1970 is generally accepted as the key point for an ethical approach to purchasing, acquiring, borrowing, dealing in or selling cultural property because:
- In 1970 UNESCO adopted the <u>1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property</u>. The 1970 Convention transformed the ethical landscape of the museum world.
- In 1988 the British Museum published its statement on the acquisition of antiquities in which it stated its commitment to avoid acquisitions of unprovenanced antiquities appearing on the market after 1970, later leading to the publication of <u>The British Museum's policy on acquisitions</u>.
- This was reinforced in the same year by a similar resolution by the Council of the British Academy.
- In 2000 the UK Government stated its support for the 1970 threshold. In a response to the House of Commons Culture, Media and Sport Select Committee it stated `The Government endorses the broad principle that museums should avoid acquiring any item that has no secure ownership history, unless there is reliable documentation to show that it was exported from its country or origin before 1970, or the museum is able to obtain permission for the acquisition from the relevant authorities in the country or origin.'
- The <u>Museums Association's Code of Ethics</u>, published in 2002, also includes

the 1970 threshold.

4. What does this mean in practice
Checklists within buying with confidence and illicit trade will give you further guidance. The key points with the 1970 threshold for an item originating outside the UK are that you must either be certain:

- and have evidence that the item was in the UK before 1970 and have no reason to suspect it was illegally exported from its country of origin;

or

- that the item was out of its country of origin (but not in the UK) before 1970 and have evidence that its subsequent export to the UK was in line with the regulations of the country from which it was exported to the UK;

or

- that the item was in its country of origin after 1970 and have evidence that it was legally exported in line with the regulations of the country of origin.

It is important to be fully aware of the implications of any legislation, in the UK or the country of origin or an intermediate country, that might apply to the period before 1970 and make every reasonable effort to ascertain that its export was not in violation of that legislation.

Annex 3: Buying with Confidence

Cultural property advice Your guide to **collecting, buying and selling art, antiques and antiquities**

Checklist		
Buying with confidence		
This checklist will help you prior to purchasing a work of art, antique or antiquity. You can save it to your own files to be used as needed.	☑
Verify the identity of the seller	☐
Buy from a member of a professional trade association	☐
Check the object against material contained in a database of stolen art	☐
Ask if an authentification certificate is available	☐
Ask where the object came from including its country of origin (see the information on illicit trade in the public collections section of this site)	☐
If it has been exported from another country, ask to see a copy of the export licence	☐
Ask to see any documentation about its history	☐
Ask for a condition report prior to purchase	☐
Ensure that you have a written invoice signed and dated by the seller, containing full details of the seller's identity and business address	☐
Ensure that the invoice / receipt gives full details of the object including significant identification marks and age	☐
Pay by cheque wherever possible	☐
Ask for a receipt of purchase	☐
Keep any documentation you have on the purchase safely away from the object itself	☐
Seek expert advice if you have any concerns regarding the object's history	☐

If at any stage in this process you have any suspicions about the object and its history you should not proceed with the purchase. If you believe a criminal offence has taken place you should contact the police, or the Customs Confidential 24 hour hotline on 0800 59 5000.

Annex 4: 'Snapshot' sample: Antiquities only

	Title
1	"ELK" 2 British BRONZE-AGE Artefacts c3500BC
2	"ELK" 2 English RInging CROTAL BELLS
3	"ELK" 3 EXCELLENT Late Saxon/Medieval SPINDLE WHORLS
4	"ELK" English Civil War MUSKET Balls and POWDER Measure
5	"ELK" GREAT Collection of Old English THIMBLES
6	"ELK" LOVELY Roman bronze KEY HANDLE fm UK
7	"ELK" SUPER British BRONZE-AGE partial Dagger c3500BC
8	"ELK" SUPER Silver English Cuff-link
9	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
10	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
11	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
12	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
13	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
14	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
15	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
16	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
17	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
18	"ELK" SUPERB Bronze-Age Socketed ARROWHEAD c3000BC
19	"ELK" SUPERB English TUDOR Fob Seal
20	#111 Roman bronze statuette figurine of Hermes
21	#112 Roman Bronze Comb Dual face
22	#113 Byzantine bronze cross relief of Jesus Christ
23	#114 Roman bronze medical tool or ointment spoon
24	#115 Greco Roman bronze Key of Minerva Rare
25	#116 Roman Bronze Legionary Crossbow fibulae brooch
26	#117 Roman Iron Different types of Arrow Heads lot of 5
27	#118 Roman Iron fire starters lot of 3
28	#119 Roman Iron Knife 4-5 Century AD type
29	#120 Greco Roman Bronze Statuette Figurine of Apollo
30	#121 Roman Bronze brooch galley under oars
31	#122 Roman bronze Zoomorphic type a brooch Paste Inlay
32	#123 Rare Roman Bronze Enameled Brooch
33	#124 Byzantine Bronze Cross Jesus Christ Engraved
34	#125 Greco Roman Terra-Cotta Oil Lamp Relief of Bear
35	#126 Roman Bone Pair of Gaming Dice
36	#127 Greco Roman Bronze Seal Ring Nice
37	#128 Roman Bronze finger Ring Engraved
38	#129 Roman Bronze Dual Phallic Fertility Charm pendant
39	#130 Roman Bronze plate type open work brooch
40	#131 Roman Celtic Bronze Key Eagle Terminal Dual Face
41	#132 Roman Iron bow brooch type spring mechanism
42	#133 Roman Bronze Large Brow type a brooch
43	#134 Roman Iron Blade from dagger
44	#135 Roman Bronze Bow brooches Different types lot of 4
45	&882 ANCIENT ROMAN BRONZE RING INTAGLIO HEAD OF MEDUSA
46	&913 ANCIENT ROMAN BRONZE RING INTAGLIO HORSE- MASSIVE
47	***Egyptian Glazed Faience Duck Vessel***
48	[LOOK] 5 roman bronze rings
49	[LOOK]4 ROMAN BRONZE ARROW HEADS

50	~EXCEPTIONAL MEDIEVAL ENAMELLED HERALDIC BANNER PENDANT
51	++++ ROMAN Battleaxe, AXE ++++
52	++++ ROMAN Battleaxe, AXE ++++
53	++++ ROMAN Battleaxe, AXE ++++
54	++++ ROMAN Battleaxe, AXE ++++
55	++++ ROMAN Battleaxe, AXE ++++
56	++++ ROMAN Battleaxe, AXE ++++
57	10 Neolithic Quartz Beads - 4000BC
58	10000Y.O: RARE DANISH MESOLITHIC FLINT SILEX MICRO CORE
59	1000Y.O: GREAT UNIQUE VIKING ROD-SHAPED PENDANT BRONZE
60	1000Y.O: SUPERB ANCIENT VIKING GLASS BEAD RED OPAQUE
61	1000Y.O: SUPERB EXTREM RARE ANCIENT VIKING BEAD OF JET
62	1000Y.O: SUPERB RARE ANCIENT VIKING GLASS BEAD OPAQUE
63	1000Y.O: VIKING WONDERFUL RARE BEAD OF GLAS GOLD FOIL
64	1000Y.O: VIKING WONDERFUL RARE BEAD OF GLAS SILVER FOIL
65	1000Y.O: WONDERFUL RARE ANCIENT VIKING BEAD OF BRONZE
66	1000Y.O: WONDERFUL RARE ANCIENT VIKING BEAD OF BRONZE
67	1000Y.O: WONDERFUL VIKING ARMRING BRONZE HOOF TERMINALS
68	1000Y.O:SUPERB ANCIENT VIKING GLASS BEAD COLORED OPAQUE
69	11 FLINT ARROW HEADS IN DISPLY CASE
70	11 FLINT ARROW HEADS IN DISPLY CASE
71	12000Y.O: SUPERB N EUROPEAN PALEOLITHIC FLINT SCRAPER
72	12-13 th century - Medieval - Bullockshoe
73	13000YO: MAGNIFICENT PALEOLITHIC ARROW SPEAR HEAD FLINT
74	15 NEOLITHIC SAHARAN AFRICAN ARROW HEADS POINTS
75	155b.Roman Bronze Ring " SUN "
76	16 NEOLITHIC SAHARAN AFRICAN ARROW HEADS POINTS
77	175e.A Pair of Roman Gaming Dice of Fossilized Bone
78	18055 Indus valley vessel geometric designs 2300 BC
79	18069 Indus valley vessel geometric designs 2300 BC
80	181v.Long Roman Iron Spear Head
81	182v.RARE Roman Bronze Crossbow Brooch Apollo Head
82	183v.NICE Roman Bronze Key
83	184v.Roman Iron Phallic Fertility Pendand Amulet
84	185v.Roman Silver Heart Ring NICE
85	186v.RARE Roman Brornze Compass !!!
86	187e.ROMAN IRON TRILOBATE ARROWHEAD LOT OF 5
87	188v.MEDIEVAL IRON SWALLOWTAIL ARROWHEAD
88	189v.NICE Roman Bronze Open Work Brooch Two Cornucopiae
89	190v.Roman Bronze Rings lot of 5
90	191v.Roman bronze Military Spur NICE
91	193v.Perfect Byzantine Bronze Ring
92	194v.Byzantine Bronze Cross NICE
93	195v.Roman Bronze T-Shape Type Brooch NICE
94	197v.Roman Iron Medical Tweezers
95	198v.Roman Bronze Perfect Intact Ring
96	199v.Roman Bronze Phallic Fertility Pendant Amulet
97	2 Antique Ex-Museum Collection Egyptian Ushabti Figures
98	2 Norman Pendants
99	20 Neolithic Trading Discs / Unfinished Beads - 4000BC
100	200v.Roman Bronze Intact Bracelets lot of 2 NICE
101	201v.Roman Bronze Plate - Shield Brooch NICE

102	202v.Perfect Roman Iron Arrowhead NICE
103	203v. SCYTHIAN TRILOBATE BRONZE ARROWHEAD LOT OF 2
104	204v.Roman Bone Hair Pins lot of 2 NICE
105	205v.Roman Bronze Open-work Swastika Brooch Horse Head
106	206v.Roman Bronze Open-Work Shield Brooch NICE
107	207v.ROMAN OPENWORK BRONZE HORSE HARNESS APPLIQUÃ‰
108	208v.Roman Bronze Priestly Votive Instrument NICE
109	209v.ROMAN BRONZE WRITING INSTRUMENT, STYLUS
110	210v.OUTSTANDING ROMAN BRONZE ARCHER'S RING
111	211v.Perfect Roman Bronze P-Shape Type Brooch NICE
112	212v.Roman Bronze Medical Spoon NICE
113	213v.NICE Roman Bronze Glass Stone Ring
114	214v.Roman Iron Firestaters lot of 2
115	215v.Roman Iron Firestater w/ Bronze Horse Handle NICE
116	216v.Roman Bronze Unclassifield Bow Type Brooch NICE
117	217v.HELLENISTIC BRONZE FIBULA
118	218v.Masive Roman Bronze Bracelet NICE
119	219v.Roman Bronze Applique Eagle RARE
120	220v.Roman Iron Battle Arrowheads lot of 3
121	222v.Byzantine Medieval Iron Knife,Bone Handle
122	223v.Roman Silver Red Carnelian Intaglio Ring Mars !!!
123	224v.Byzantine Medieval Iron Spur NICE
124	225v.Byzantine Bronze Cross Relief of Jesus Christ
125	226v.Roman Bronze Legionary Crossbow Type Brooch NICE
126	227v.Perfect Roman Bronze Knee Type Brooch
127	228v.Perfect Roman Bronze Intact Medical Spoon
128	229v.A Pair of Byzantine Silver Billon Earrings NICE
129	230v.RARE Greek Roman Lead Stamps lot of 5
130	231v.RARE Roman Bronze Patera !!!!
131	232v.ROMAN BRONZE OPEN WORK BELT PLATE
132	233v.Long Roman Iron Battle Spearhead
133	234v.Roman Bronze Military Crossbow Type Brooch NICE
134	235v.RARE Roman Bronze Zoomorphic Type Brooch Bird
135	236v.Roman Bronze Intact Rings lot of 5
136	237v.Roman Iron Spear and Arrowheads lot of 5
137	238v.Roman Bronze Intact Strigil !!!
138	239v.Perfect Roman Bronze Knee Brooch
139	240v.Byzantine Medieval Iron Spur NICE
140	241v.Perfect Roman Bronze Plate Type Brooch
141	242v.Byzantine Bronze Cross Jesus Christ
142	243v.Roman Bronze Zoomorphic Type Brooch Horse NICE
143	244v.Roman Bronze Kraftig Profiliere Type Brooch
144	245v.Roman Bronze Fibulas lot of 6 NICE
145	246v.Roman Iron Artefacts lot of 2
146	247v.HELLENISTIC BRONZE FIBULA
147	248v.Roman Bronze Medical Instrumen Spoon NICE
148	249v.ROMAN IRON TRILOBATE ARROWHEADS LOT OF 5
149	250v.RARE Medieval Iron Sword Knife NICE
150	251v.Roman Bronze Phallic Fertility Pendant Amulet NICE
151	276e.Roman Silver Intaglio Ring Griffin NICE
152	28.ROMAN APLIQATION FIBULA, +++++++INTACT+++++++++++++
153	3 Ancient Antique American Indian Stone Axes & Tools

154	30.000Y.O: UPPER PALEOLITHIC AURIGNACIAN SCRAPER EUROPE
155	30b.Roman Bronze Rings lot of 3 NICE
156	35e.Roman Bronze Plate Brooch Paste Inlay NICE
157	37v.Roman Bronze Medical Spoon NICE
158	38v.Roman Bronze Bracelet lot of 2 NICE
159	39v.Roman Bronze Phallic Fertility Pendant Amulet
160	4 Medieval Pub Tokens
161	4 Medieval Seals
162	4 Viking Bone Pins
163	414b.Roman bronze pendant key figurune of Apollo
164	41v.Roman Bronze Legionary Crossbow Brooch Type
165	4400Y.O: XX-RARE DANISH NEOLITHIC SPOON FLINT SCRAPER
166	4400Y.O:PRECIOUS DANISH NEOLITHIC FLINT SILEX AX X-RARE
167	4600Y.O:SUPER EUROPEAN FLAT SHAPED AX CORD WARE CULTURE
168	48v.RARE Pair of Roman Bronze Drop Earrings
169	5 Neolithic Flint Arrowheads - 4000BC (509)
170	5200Y.O: X-RARE DANISH NEOLITHIC FLINT CHISEL CORE RECY
171	5400Y.O: 50 DANISH NEOLITHIC FLINT ARTIFACTS + 1 SHERD
172	546b.Roman Silver Intaglio Ring TEMPLE NICE
173	5600Y.O:GREAT DANISH NEOLITHIC EARLY FLINT SICKLE LARGE
174	568e.Roman Bronze Silvered Hod Hill Type Brooch
175	5700Y.O: FANTASTIC RARE DANISH NEOLITHIC FLINT AX TRB
176	584e.Perfect Roman Bronze Intact Knee Type Brooch
177	6 FLINT ARROW HEADS IN DISPLY CASE
178	60.000Y.O: PRECIOUS NEANDERTHAL MOUSTERIAN SCRAPER
179	60.000Y.O: PRECIOUS NEANDERTHAL MOUSTERIAN HAMMER CORE
180	60.000Y.O: PRECIOUS NEANDERTHAL MOUSTERIAN HAMMER CORE
181	60v.NICE Roman Medical Tweezers
182	6200Y.O: GORGEOUS DANISH MESOLITHIC FLINT SILEX CHISEL
183	630e.Roman Bronze Trumpet Type Brooch NICE
184	64v.RARE Byzantine-Medieval Candle Holder
185	6500 Y.O: DANISH MESOLITHIC FLINT SILEX FLAKE BORER
186	6500Y.O: SUPERB DANISH NEOLITHIC FLINT SCRAPER X-LARGE
187	652e.Roman Silver Red Stone Ring NICE
188	671e.RARE ANCIENT ROMAN IRON FIBULA
189	675e.Roman Bronze Dolphin Type Brooch NICE
190	67b.Roman Bronze Rings lot of 5 NICE
191	6800Y.O: GREAT DANISH MESOLITHIC FLINT KNIFE CONCAVE
192	6800Y.O: UNCOMMON DANISH MESOLITHIC FLINT SILEX AX ADZE
193	6800Y.O:X-RARE DANISH MESOLITHIC FLINT ARROW HEAD POINT
194	687b.Roman Bronze Ring Letter
195	7000Y.O: SUPERB DANISH MESOLITHIC FLINT SILEX KNIVES
196	726e.Roman Bronze Medical Spoon NICE
197	727e.Perfect Roman Bronze Knee Type Brooch
198	731e.Roman Bronze Priestly Votive Instrument NICE
199	732e.Roman Bronze Unclasiffield Type Brooch NICE
200	735e.Roman Bronze Aucissa Type Brooch NICE
201	7400Y.O: RARITY DANISH MESOLITHIC FLINT CORE CHISEL
202	741e.Roman Bronze Intact Knee Type Brooch
203	745e.Large Roman Bronze Knee Type Brooch
204	748e.Greek Bronze Bow Typw Brooch NICE
205	7500Y.O: 55 FLINT TOOLS +1 SHERD LINEAR POTTERY CULTURE

206	7500Y.O:EUROPEAN SICKLE LINEAR POTTERY CULTURE GLOSS!!!
207	755e.Perfect Roman Bronze Knee Brooch
208	757e.La Tene II Type Bronze Brooch2nd.-1st. century A.D
209	758e.Roman Bronze Zoomorphic Type Brooch Eagle NICE
210	763e.Roman Bronze Military Type Crossbow Brooch
211	766e.Roman Bronze P-Shape Type Brooch
212	770e.NICE Roman Bronze Brooch
213	778e.Roman Bronze Legionary Crossbow Type Brooch
214	79v.Roman Iron Spearhead
215	808e.Roman Bronze Intact Brooches lot of 3
216	812e.NICE Roman Bronze P-Shape Type Brooch
217	81v.Roman Bronze Zoomorphic Type Brooch Horse
218	824e.Perfect Roman Bronze Knee Type Brooch
219	831c.Roman Bronze Medical Spoon
220	83v.Roman Bronze Medical Spoon NICE
221	8400Y.O:RARE DANISH MESOLITHIC KEELED FLINT BLADE KNIFE
222	842e.Roman Silver Masive Intaglio Ring Scorpio
223	846e.Roman Bronze Seal Ring VICTORY NICE
224	848e.Roman Bronze Key Ring
225	851e.A Pair of Roman Gaming Dice of Fossilized Bone
226	862e.Large Roman Iron Armour Penetrating Battle Axe
227	86v.Perfect Roman Bronze Fibula Paste Inlay
228	87e.RARE Roman Bronze Chariot Apllique PANTER !!!!
229	8800Y.O: 5 M EUROPEAN MESOLITHIC FLINT TOOLS MICROLITHS
230	9 x roman fibulas
231	97v.Roman Bronze Phallic Fertility Pendant Amulet
232	A 500 - 600 BC Corinthian Oinochoe Pottery Jug
233	A HOLY LAND EARLY GLASS BRACELET, ca 1st - 3rd cent AD
234	A MEDIAEVAL SILVER BADGE-OF A LION-c.13th.C.A.D.
235	AMULET OF HEAD OF BAST
236	AN EGYPTIAN AMARNA CLAY ROSETTE MOLD, ca 1350-1334BC
237	AN EGYPTIAN GOLD & POLYCHROME CARTONNAGE FRAGMENT
238	ANCIENT ANTIQUE ROMAN INTAGLIO STAMPING RING w gold
239	Ancient Assyrian Lapis Lazuli Gemstone Earrings 3000BC
240	Ancient Bronze Roman-Medieval Ring
241	Ancient Bronze Roman-Medieval Ring
242	Ancient Bronze Roman-Medieval Ring
243	Ancient Bronze Roman-Medieval celtic circles Ring
244	Ancient Egypt Turquoise Faience Glass Necklace BC600
245	ancient egyptian 7" USHABTI figure
246	ancient egyptian 7" USHABTI figure
247	ancient egyptian ANKH the key of life amulet
248	Ancient Egyptian Anubis Faience Offertory Vessel
249	ancient egyptian BIS god of pleasure figure
250	Ancient EGYPTIAN Bronze OSIRIS 3.5+" HIGH 600BC $449
251	ancient egyptian CARVED SCARAB amulet with a cartouche
252	Ancient Egyptian faience Scarab w/ Deatiled Hieroglyphc
253	Ancient Egyptian faience Scarab with Anubis on
254	ancient egyptian HATHOR HEAD amulet with cartouche
255	ancient egyptian ISIS amulet
256	Ancient Egyptian Painted Gesso Wood Coffin Panel
257	Ancient Egyptian Repaired Bast Lided Vessel 3Pcs

258	ancient egyptian SAKHAMET USHABTI amulet
259	ancient egyptian SAKHMET HEAD amulet
260	ancient egyptian seated HATHOR figure
261	ancient egyptian seated SAKHMET figure
262	ancient egyptian standing PHAROAH figure
263	ancient egyptian USHABTI amulet
264	ancient egyptian USHABTI amulet
265	ancient egyptian USHABTI amulet
266	ANCIENT GREEK POTTERY KYLIX 4th CENTURY BC WINE CUP
267	ANCIENT GREEK POTTERY PROCHOUS 4th CENTURY BC WINE CUP
268	Ancient Islamic Oil Lamp, LAMP-76
269	Ancient Jordanian (TransJordan) Oil Lamp, LAMP-62
270	Ancient LAPIS LAZULI BEAD, SILK ROAD TRADE 2000 yrs old
271	Ancient Late Roman Era Oil Lamp, Discus Style, LAMP-74
272	Ancient Late Roman Era Oil Lamp, Discus Style, LAMP-80
273	ANCIENT LURISTAN BRONZE SWORD PATINA c10/9th CENTURY BC
274	ANCIENT ROMAN 15-17 CENT 24 KT GLASS PURPLE GEM RING
275	Ancient ROMAN Bronze 1.5"+'4cm Head Satyr or God $199
276	Ancient ROMAN Bronze RING sz 9.5 ROME 1-2 A.D $49
277	Ancient ROMAN Bronze Zeus 1-2 AD Archaistic ROME
278	Ancient Roman Brooch Fibula Bronze Horse rare 200 AD
279	Ancient Roman Carved Agate w/ carved wax ring mounting
280	Ancient Roman Era Oil Lamp, Bi-lanceolate, LAMP-68
281	ancient roman glass
282	Ancient Roman Hellenic Thrace Bracelet-Pendant 100AD
283	Ancient Roman Provincial Britannia Bronze Pendant AD100
284	ANCIENT ROMAN RESTRUNG BLUE GLASS NECKLACE 1st CENT AD
285	Ancient Roman Ring - Gorgeous Setting! Size 4.5
286	ANCIENT ROMAN WHOLE GLASS BEADS Excavated Afghanistan
287	Ancient Samaritan Oil Lamp, LAMP-60
288	Ancient Samaritan Oil Lamp, Double Trench, LAMP-75
289	Ancient Terracotta Plaque with Two Lion Headed Snakes
290	ANTIQUE 664-342 BC EGYPTIAN FAIENCE USHABTI with COA-NR
291	Antique Antiquity Roman Pottery Vase / Vessel
292	Antique Assyrian or Babylonian Seal ExMuseum Collection
293	Antique Decorated Silver brooch
294	Antique Egyptian Ex-Museum Collection Scarab Sphinx
295	Antique pre columbian huge painted Mayan pot masks
296	ANTIQUE ROMAN BRONZE/ FLINT FIRE STARTER 300bc.-100ad
297	ANTIQUE ROMAN IRON FIRE STARTER 300bc.-100ad
298	ANTIQUE SILVER VIKING BATTLE AXE PENDANT~AMULET !
299	Antique SUI Chinese JADE Pendant *2 BATS BRING BI*
300	Assyrian Glass Stamp
301	Assyrian Stone Stamp
302	Assyrian stone Scarab
303	Assyrian stone Stamp
304	Athenian Red Figure palmette fragment
305	Authentic agate Roll Carved
306	Authentic Ancient EGYPTIAN USHABTI 600 BC Egypt old
307	Authentic Cross Crusader Medieval men Ring Amazing
308	AUTHENTIC EGYPTIAN USHABTI DISK DISPLAY...MUST SEE!!
309	Authentic Roman - Medieval men Ring 1800 Years Old

310	Authentic Roman Medieval Part of Ring rare type !!!
311	Authentic steatite Carved Roll
312	Authentic steatite Carved Roll
313	Authentic stoneÂ oil lamp
314	Beautiful and Rare Aubergine Late Roman Glass Flask
315	Beautiful Blue Roman Glass Cup--1st Century
316	Beautiful Medieval Bronze Buckle with Pin
317	Biface Flint Handaxe - Early Acheulian from France
318	Box of old items (Metal Detecting Finds)
319	brass/bronze hindu figure sat on a horse with spear...
320	Bronze Egyptian eye of horus plaque
321	bronze portrait Chinese ancient times collect
322	BRONZE ROMAN KEYRING
323	Bronze seal matrix metal detecting finds
324	BRONZE SOCKETED SPEAR HEAD
325	Byzantine bronze cross
326	BYZANTINE BRONZE CROSS *JESUS CHRIST* 13-14th AD
327	BYZANTINE BRONZE CROSS *JESUS CHRIST* 13-14th AD
328	BYZANTINE BRONZE CROSS WITH INSCRIPTION 9th AD
329	BYZANTINE BRONZE CROSS, IMAGE OF SAINT.
330	BYZANTINE BRONZE CROSS-ENKOLPION 12-13th AD
331	BYZANTINE BRONZE DECORATION FOR BELT
332	BYZANTINE BRONZE DECORATION FOR BELT
333	BYZANTINE BRONZE SPOON WITH CROSS 10th AD
334	Byzantine Cross Pendant
335	Byzantine Cross Pendant
336	BYZANTINE INSCRIBED SILVER RING
337	BYZANTINE NOMINATIVE SOLID GOLD RING
338	BYZANTINE PROTECTIVE SOLID GOLD RING
339	Byzantine Roman Bronze Cross LARGE Engrav Jesus 1100 AD
340	BYZANTINE SOLID GOLD ENGRAVED RING
341	Celtic Bronze Ring Money, circa approximately 200 BC
342	Celtic long battle sword (300 BC) ritual bended
343	Chinese ancient Jue cup
344	Chinese ancient times bronze portrait collect
345	Chinese ancient times bronze pot can collect
346	Concave Scraper on Interior Side, Mousterian
347	Coptic Cross from Ethiopia
348	Danish Neolithic battleaxe.
349	Danish Neolithic battleaxe. large one.
350	Danish Neolithic battleaxe. large one.
351	Danish Neolithic battleaxe. severe damage.
352	Danish Neolithic core axe aerteboelle culture 5500 b.c.
353	Danish Neolithic core axe aerteboelle culture 5500 b.c.
354	Danish Neolithic core axe aerteboelle culture 5500 b.c.
355	Danish Neolithic core axe aerteboelle culture 5500 b.c.
356	Danish Neolithic flaked chisel
357	Danish Neolithic flaked chisel , perfekt.
358	Danish Neolithic flaked thick-butted axe, reuse type
359	Danish Neolithic flaked thick-butted axe, thinbladed.
360	Danish Neolithic flaked thin-butted axe
361	Danish Neolithic flaked thin-butted axe -offeraxe

362	Danish Neolithic flaked thin-butted axe -offeraxe
363	Danish Neolithic flaked thin-butted axe,
364	Danish Neolithic hammer tools made of polished axe.
365	Danish Neolithic nice colourful blade tool -heavy knife
366	Danish Neolithic nice scraber blades tools collection
367	Danish Neolithic nice scraber blades tools collection
368	Danish Neolithic point spearpoint great gloss ruff
369	Danish Neolithic polished chisel thickbutted.
370	Danish Neolithic polished chisel, superpiece. but glued
371	Danish Neolithic polished damaged axe
372	Danish Neolithic polished damaged axe
373	Danish Neolithic polished damaged axe
374	Danish Neolithic polished damaged axe /handaxe sharp
375	Danish Neolithic polished damaged axe /handaxe sharp
376	Danish Neolithic polished damaged axe /handaxe sharp
377	Danish Neolithic polished damaged axe /handaxe sharp
378	Danish Neolithic polished damaged axe,
379	Danish Neolithic polished damaged axe,
380	Danish Neolithic polished damaged axe,
381	Danish Neolithic polished damaged axe,
382	Danish Neolithic polished damaged axe,
383	Danish Neolithic polished damaged axe,
384	Danish Neolithic polished thin-butted axe
385	Danish Neolithic polished thin-butted axe SUPERPIECE
386	Danish Neolithic thickbutted greenstone axe, rare
387	Danish Neolithic tools, made of a great dagger handle-
388	Delicate Retouched Levallois Blade, Mousterian
389	Delicate Stemmed Scraper, Upper Paleolithic, Gravettian
390	Detecting Finds Silver Bracelets
391	detector find. early middle ages, gargoyle theme .
392	detector finds + other bits inc gold
393	detector finds inc gold and silver
394	Earthenware drug pot (17th Medicine
395	EASTERN MEDITERRANEAN OINOCHOE
396	Egyptian Alabaster Vase, Old Kingdom, 2345 - 2183 BC
397	Egyptian Bes Amulet, Heavy Patina
398	Egyptian Bronze Statue
399	Egyptian Faience and Clay Beads with Sacred Cat patina
400	Egyptian Faience 'Caprid' Scarab, 1560 - 1534 BC
401	Egyptian faience goddess fragment
402	EGYPTIAN FAIENCE USHABTI FRAGMENT, ca 664-332BC
403	Egyptian King Senusret III As Cobra Wadjet
404	Egyptian Limestone Foot Amulet, Late Old Kingdom
405	EGYPTIAN LIMESTONE OSTRACON W HIERATICTEXT â€"NEW KINGD
406	Egyptian Royal Tomb Scarab
407	EGYPTIAN STEATITE BIRD AMULET OVER 2000 YEARS OLD
408	EGYPTIAN STEATITE SCARAB WITH HORUS & SUN-DISC
409	Egyptian Stone Carved Mummy Ushabti
410	Egyptian Stone Lamp, Islamic Period, 7th - 9th Cent AD
411	Egyptian Stonecast Egyptian Queen
412	Egyptian Votive Terracotta Fragment of Harpocrates
413	Egyptian Wadj (Papyrus Sceptre) Amulet, Late Period

414	Egyptian Wooden Scarab, New Kingdom
415	ELIZABETH 1. COUNTER
416	ENGLISH CIVIL WAR MUSKET BALL MOULD AND 6 MUSKET BALLS
417	ENGLISH NEOLITHIC FLINT KNIFE
418	EXCELLENT FLINT ARROW HEADS IN DISPLY CASE
419	Excellent Convex Scraper, Quina Mousterian, La Quina
420	Excellent Crotal Bell
421	EXCELLENT french AURIGNACIAN RABOT !!!! nice !!
422	Exceptional Projectile Point Upp Paleolithic Gravettian
423	Exquisite Glass Vessel of Second Century Type
424	f827 CREEK BRONZE RING GREEN AGATE FISH DOLPHIN
425	f855 PROCESSIONAL RUSSIAN SILVER CROSS HOLLY TRINITY
426	f880 ROMAN SILVER PHALLIC FERTILITY PHALLUS - AMULET
427	f881 AMAZING BYZANTINE BRONZE CROSS - SAINT
428	f884 BEAUTIFUL ROMAN SILVER RING * GODDESS MINERVA
429	f885 BEAUTIFUL INLAY - BYZANTINE BRONZE CROSS
430	f887 BEAUTIFUL MEDIEVAL BRONZE CROSS - JESUS CHRIST
431	f891 ROMAN BRONZE RING PHALLIC FERTILITY PHALLUS AMULET
432	f897 AMAZING ROMAN BRONZE CROSS - DECORATED
433	f898 MEDIEVAL BRONZE CROSS - SAINT - INLAY * IC - XC *
434	f921 BEAUTIFUL ROMAN BRONZE ZOOMORPHIC FIBULA HARE
435	f922 ANCIENT ROMAN BRONZE RING - LEGIONARY HELMET
436	Fantastic Bronze Age Arrowhead
437	Fantastic Medieval Thimble
438	Fantastic Medieval Token
439	FANTASTIC WEARABLE SILVER MEDIEVAL GLOVE SEAL RING
440	Fine Cleaver, Paleolithic, Lower Acheulian
441	Fine Denticulate, Mousterian
442	Fine Dihedral Burin, Upper Paleolithic, Gravettian
443	FREE BLOWN FLASK WITH IRIDESCENCE
444	GENUINE EXCAVATED ELIZABETHAN HAND MADE BRASS PINS
445	GNOSTIC MAGICAL AMULET OF THE SNAKE-LEGGED GOD & HERMES
446	God Baboon Before Horus The Falcon God Seated As A Bird
447	Great antique piercing dagger n knife/sword Roman !!!!!
448	GRECO - ROMAN BOSS IN BRONZE OVER 1600 YEARS OLD NR
449	GRECO-PERSIAN AMULET SEAL OF A HUNTER
450	GREEK PLATE POTTERY SEE ORIGINAL GUARANTEE IV SEC.!!!!!
451	Greek pottery figure of an Erote
452	GREEK SILVER PLAQUE WITH ZEUS
453	GROUP OF DETECTOR FINDS, SILVER COINS & OTHER ITEMS
454	GROUP OF DETECTOR FOUND MEDIEVAL ARTEFACTS & COINS
455	GROUP OF FINDS ...Casket Key and other bits + bobs
456	GROUP OF OLD BUTTONS...metal detecting finds
457	H. One Lot of 2 Ancient Stone Beads .. RARE TOP
458	High Quality Roman/Medieval Ring w/ Flat Bezel (size 5)
459	Hittite Stone Ritual item
460	Holly Land Oil Lamp, Antiques, Collectibles
461	Holy Land Oil Lamp
462	Holy Land Oil Lamp
463	Holy land Clay oil lamp Menorah
464	Holyland Pottery Amphora Handles, Ascalon and Jerusalem
465	HUGE Ancient EGYPTIAN Bronze OSIRIS 7" HIGH 600BC $1299

466	huge ancient sumarien soft stone eye idol
467	I. One Lot of 2 Ancient Glass Beads .green blue TOP
468	indian artifact
469	Interesting Endscraper 1, Mousterian, Famous Provenance
470	Interesting Endscraper 2, Mousterian, Famous Provenance
471	Interesting Large Neolithic Blade, Arrowhead AACA
472	Intricate 17thC Crimean Tatar Silver Ruby Red Ring Sz10
473	IRON CANNON BALL + MUSKET BALLS
474	Ivory Egyptian Scarab
475	J. One Lot of 5 Ancient Large Stone Beads .TOP
476	Large Ancient Bronze Roman-Medieval Ring
477	LARGE ARROWHEAD SHAPE AX? WITH FOSSILS FROM TEXAS
478	Large Bag of Metal Detecting Finds
479	Large Bag of Metal Detecting Finds
480	Large Bag of Metal Detecting Finds
481	Large Intact Ancient Roman Ring with Decoration 3 sided
482	Large Neolithic Flint knife.
483	Large Pre-Columbian Panama Bird Vessel
484	large Roman bronze pendant bull head, 2th-4th C AD
485	Large Select Neolithic Blade, Arrowhead AACA
486	LARGE TRUMPET BROACH
487	Late Medieval Openwork Saddle Bross
488	LENTOID SHAPED FLASK WITH IRIDESCENCE
489	LEVANTINE ASTARTE HEAD IN POTTERY 3000+ YEARS OLD NR
490	Lot of 10 Antique Roman? or Afgan Bronze Silver Rings!
491	LOT OF 2 ROMAN BONE DICE 1st - 4th AD
492	LOT OF 2 ROMAN BRONZE DICE 1-4 AD
493	LOT OF 3 ROMAN IRON TOOLS, VERY NICE
494	Lot of 3 Ancient Celtic Ring money 500 - 100 B.C.
495	Lot of 3 greek bronze arrow heads
496	Lot of 3 Roman Clay Oil Lamps
497	Lot of 6Roman Bronze Medical instruments
498	LOT OF ROMAN METAL DETECTING FINDS FROM ROMAN SITES
499	LOT OF ROMAN METAL DETECTING FINDS FROM ROMAN SITES
500	LOVLEY LEAD ARTIFACT MEDIEVAL/TUDOR ?
501	lp/PAIR/GOLD&GLASS-BEAD EARRINGS, GRK-ROMAN,200BC-100AD
502	Lrg Ancient American Indian Carved Stone Effigy Head
503	MARVELLOUS BRONZE ROMAN RING
504	Medieval /Post medieval thimbles x3
505	MEDIEVAL 13TH CENTURY BRONZE ARCHERS RING
506	MEDIEVAL 13TH CENTURY BRONZE ARCHERS RING
507	MEDIEVAL 14TH CENTURY HEAVY BRONZE ANIMAL PENDANT
508	MEDIEVAL 15TH CENTURY BRONZE SEAL RING
509	MEDIEVAL 15TH CENTURY BRONZE SEAL RING
510	MEDIEVAL BRONZE CASKET KEY
511	Medieval Bronze Zoomorphic Boars Head Pouring Spout
512	Medieval buckle
513	Medieval buckle plates x 4
514	Medieval coin weight (metal detecting finds)
515	Medieval iron arrowhead
516	Medieval lead pilgrims ampula
517	MEDIEVAL MERCHANTS SEAL RING (A)

518	MEDIEVAL MERCHANTS SEAL RING (B)
519	medieval ring brooch
520	medieval ring brooch
521	MEDIEVAL SADELERS THIMBLE
522	MEDIEVAL SERPENT BUCKLE
523	medieval snake buckle
524	Medieval stap ends x3
525	MEDIEVAL THIMBLE
526	Medieval Viking iron spear head c. 9-10 century AD
527	MEDIEVIL BUCKLES 6X JOB LOT ALL NICE L@@K
528	Mesolithic Arrowhead - MIN12,000BP excellent cond. L@@K
529	Mesolithic Arrowhead - MIN12,000BP excellent cond. L@@K
530	Metal Detecting Finds (Roman and medieval)
531	metal detecting finds [field finds from coventry]
532	metal detecting finds [field finds from coventry]
533	METAL DETECTING FINDS..VARIOUS.
534	Metal Detector Finds
535	Moche' Vase (Pre.Columbian) Diego Rivera Collection
536	Moore Collection:1001 Islamic Lamp. NR
537	MZT: Excellent Chinese Bronze Inlaid Jade Ruyi Scepter
538	MZT: Fine Chinese Blue And White Porcelain Dragon Vase
539	Near Eastern Clay Bowl
540	NEAR EASTERN COMMERCIAL DUCK WEIGHT
541	Neolithic Arrowheads
542	Neolithic artefacts 2
543	Neolithic artifacts 1
544	Neolithic Celt / Axe - 4000BC (32)
545	Neolithic Celt / Axe - 4000BC (33)
546	Neolithic flint chopper
547	Neolithic Flint Hammerstone.
548	NEOLITHIC PERIOD BEADS
549	Neolithic Scrapper/spokeshave.
550	NEOLITHIC STONE CELTS...NW SAHARA DESERT #2
551	Neolithic? flint scraper
552	Nice 4.25" Neolithic Stone Hand Axe, Celt AACA
553	NICE ANCIENT EGYPTIAN FAIENCE RESTRUNG NECKLACE 22ndDYN
554	NICE BRONZE ROMAN RING
555	nice group of roman artefacts
556	nice group of saxon medieval artefacts
557	Nice Neolithic Stone Bracelet, AACA
558	NILE Egyptian Eye of Horus Amulet Necklace ca 600 BC
559	NILE Egyptian Ushabti ca 600 BC
560	NILE Egyptian Necklace ca. 600 BC
561	NILE Egyptian Roman Period Coin Pendant Necklace c100AD
562	NILE Egyptian Scarab Necklace ca 600 BC
563	NILE Egyptian Scarab Necklace ca. 600 BC
564	Northern Syria Terracotta Bust, 3rd Millennium BC
565	oillamp with figure décor
566	Old coin weight (metal detecting finds)
567	OLD ESTATE Colection 11 Pre-Colombian & African Figures
568	OUTSTANDING neolithic stone axe !!! Massive !! 5.51 "
569	Parthian Bronze Gazelle Pendant, circa 2nd Century BC

570	Perfect Neolithic Arrowhead In Display Box (D48)
571	Polished Arrow head
572	post medieval seal
573	post medieval thimblesx3
574	post medieval thimblesx3
575	post medieval upwards finger rings x5
576	PRE COLUMBIAN CUZCO VESSEL
577	PRE COLUMBIAN JAMACOAQUE OLD LADY
578	PRE COLUMBIAN BEADS
579	PRE COLUMBIAN CHANCAY CANTIMPLORA HUMAN VESSEL,RAR
580	PRE COLUMBIAN CHANCAY CHINO VESSEL w/ GEOMETRIC FIGURE
581	PRE COLUMBIAN CHANCAY CUCHILIMCO MAN FIGURE,RAR
582	Pre Columbian Chinesco Nayarit Seated Male Figure 200AD
583	PRE COLUMBIAN MOCHE BOWL WITH FELINO FIGURE
584	PRE COLUMBIAN NAZCA -PERU
585	Pre-columbian Aztec SKULL Bead Spotted Green Jade
586	PRE-COLUMBIAN CHIMU SPONDYLUS SHELL BEAD NECKLACE PERU
587	Pre-Columbian Chupicuaro Pretty Lady Figure
588	Pre-Columbian extra large seated animal bead- guarant.
589	Pre-Columbian Framed Textile Fragment, Peru
590	PRE-COLUMBIAN GOLD TAIRONA ORNATE CANINE TUMBAGA "C"
591	PRE-COLUMBIAN GOLD TAIRONA ORNATE FELINE TUMBAGA "A"
592	PRE-COLUMBIAN GOLD TAIRONA ORNATE SHAMAN TUMBAGA "G"
593	PRE-COLUMBIAN GREEN JADE CARVING
594	Pre-Columbian Huastec Figure Fragment
595	PRE-COLUMBIAN JALISCO MINIATURE PLATE.
596	PRE-COLUMBIAN JALISCO TWO COPPER JINGLE BELLS.
597	Pre-Columbian large animal on its back brown bead-guar.
598	Pre-Columbian large flying long beak bird bead- guarant
599	PRE-COLUMBIAN MANTENO 'UFO' SPINDLE WHORL ECUADOR
600	Pre-Columbian MAYAN Bead in Jade!
601	PRE-COLUMBIAN MEZCALA GREENSTONE BEADS.
602	PRECOLUMBIAN PARACAS FROG VESSEL FROM COASTAL PERU
603	PRECOLUMBIAN PARACAS FROG VESSEL FROM COASTAL PERU
604	PRE-COLUMBIAN STONE BRAZIER..
605	Pre-Columbian super large bird spindle whorl- guar auth
606	Pre-Columbian super large jaguar bead- guar. auth.
607	Pre-Columbian super large long beak bird bead-guar auth
608	Pre-columbian Teotihuacan Maskette in Chrysocola
609	PRE-COLUMBIAN TEOTIHUACAN OBSIDIAN ARTIFACTS.
610	PRE-COLUMBIAN TEOTIHUACAN PORTABLE INCENSE BURNER.
611	PRE-COLUMBIAN TEOTIHUACAN SHOE-SHAPED VESSEL.
612	PRECOLUMBIAN TIAHUANACO TIWANAKU GOLD ORNAMENT APPLIQUE
613	PRE-COLUMBIAN WEST MEXICO FLAT FEMALE FIGURE.
614	PRE-COLUMBIAN WESTERN MEXICO TERRACOTTA BEADS.
615	PREHISTORIC BRITISH POLISHED FLINT STONEAGE AXE BC
616	PRIVATE COLLECTION - 2 ROMAN ITEMS - WEIGHT/FITMENT
617	PRIVATE COLLECTION - 3 ROMAN PATTERNED SAMIAN SHERDS
618	PRIVATE COLLECTION - 5 DECORATED ROMAN SAMIAN SHERDS
619	PRIVATE COLLECTION - 9 ASSORTED ROMAN SAMIAN SHERDS 1
620	PRIVATE COLLECTION - 9 ASSORTED ROMAN SAMIAN SHERDS 2
621	PRIVATE COLLECTION - LARGE PIECE ROMAN ROOF TILE

622	PRIVATE COLLECTION - RARE ROMAN RELIGIOUS TILE - TEMPLE
623	PRIVATE COLLECTION - RARE ROMAN SILVER INTAGLIO
624	PRIVATE COLLECTION - ROMAN SAMIAN SHERD - DANCER
625	PRIVATE COLLECTION - ROMAN SAMIAN SHERD 1 - MAKERS MARK
626	PRIVATE COLLECTION - ROMAN SAMIAN SHERD 2 - MAKERS MARK
627	PRIVATE COLLECTION - ROMAN SHERDS GROUP #1
628	PRIVATE COLLECTION - ROMAN SHERDS GROUP #2
629	PRIVATE COLLECTION - ROMAN SHERDS GROUP #3
630	PRIVATE COLLECTION - ROMAN TESSARAE FROM BRISTOL
631	PRIVATE COLLECTION - ROMAN TILE FRAGMENT - CENTURION
632	PRIVATE COLLECTION - VERY RARE ROMAN INTAGLIO BROOCH
633	PRIVATE COLLECTION/ MUSEUM RECORDED ROMAN SAMIAN SHERDS
634	Rare Ancient Egyptian Statue Anubis Museum Art pharaoh
635	RARE ANCIENT GREEK POTTERY JUG 4th CENTURY BC WINE JUG
636	RARE ANCIENT GREEK POTTERY JUG 4th CENTURY BC WINE JUG
637	Rare Ancient Roman Medieval Gold Ring With Unique Stone
638	Rare Egyptian Striding Anubis God
639	Rare Georgian Silver Thimble
640	RARE GIGANTIC NEOLITHIC BRACELET VEINED QUARTZITE 116mm
641	Rare Roman Glass cup
642	Rare Roman Glass flask
643	Rare Roman Glass jug
644	Rare Roman Glass jug
645	Rare Roman Silver Needle
646	RARE/UNIQUE ANGLO SAXON MOUNT MADE FROM A ROMAN COIN
647	Rare: Triple Burin, Upper Paleolithic, Gravettian
648	rare+++ sumariien duck glass mosaic weight
649	Retouched Truncation, Mousterian, Famous Provenance
650	Roman bronze fibula 1st,3rd c.A.D.
651	Roman soldier ring 3rd ,5th c.A.D.
652	ROMAN / GREEK BRONZE RING. GENUINE. RR177
653	ROMAN 24k GOLD MEDALLION INTAGLIO CARNELLIAN CARRIAGE
654	ROMAN 3RD CENTURY BRONZE ANIMAL PENDANT
655	ROMAN 3RD CENTURY BRONZE BOW BROOCH/FIBULA
656	ROMAN 3RD CENTURY BRONZE BROOCH/FIBULA
657	ROMAN 3RD CENTURY BRONZE BROOCH/FIBULA
658	ROMAN 3RD CENTURY BRONZE BROOCH/FIBULA
659	ROMAN 3RD CENTURY BRONZE DISC BROOCH/FIBULA
660	ROMAN 3RD CENTURY BRONZE DISC BROOCH/FIBULA
661	ROMAN 3RD-4TH CENTURY LARGE BRONZE SOCKETED ARROWHEAD
662	ROMAN 3RD-4TH CENTURY LARGE BRONZE SOCKETED ARROWHEAD
663	ROMAN 4TH CENTURY BRONZE BROOCH/FIBULA
664	ROMAN ANIMAL BELLS 1ST TO 6TH CENT AD DETECTOR FINDS
665	ROMAN BROACH WITH GREEN & RED ENAMEL CENTRE RARE
666	ROMAN BRONZE FIBULA -1st c.AD
667	Roman Bronze Statue
668	ROMAN BRONZE AMULET CASE OVER 1600 YEARS OLD NR
669	ROMAN BRONZE APPLIQUE 1st AD
670	ROMAN BRONZE ARCHER'S RING 1st AD
671	Roman Bronze Bird Applique, circa 1st - 3rd Century AD
672	Roman bronze bow brooch
673	ROMAN BRONZE BROACH OVER 1600 YEARS OLD NR

Annex

674	Roman Bronze Buckle
675	ROMAN BRONZE BUCKLE BEAUTIFUL CONDITION RARE!!!
676	Roman bronze Cross Pendant
677	ROMAN BRONZE FIBULA 1-3 AD
678	ROMAN BRONZE FIBULA 1-3 AD
679	Roman bronze fibula 1st,3rd c.A.D.
680	Roman bronze figural handle 1st ,3rd c.A.D
681	ROMAN BRONZE FIGURINE OF MERCURY --c.3rd. C.A.D.
682	ROMAN BRONZE FIGURINE WITH GODDESS 1st AD
683	Roman Bronze Hair / Dress pin c. (4th A.D.
684	Roman Bronze Ladle
685	Roman bronze ring 1st-3rd c.AD
686	Roman Bronze Ring with a Lion
687	roman bronze rings
688	Roman Bronze Spoon c.(4th A.D.
689	Roman Bronze Spoon, circa 1st - 4th Century AD
690	Roman Bronze Statue
691	Roman Bronze Sword
692	ROMAN CARNELIAN INTAGLIO OF EMPEROR CARACALLA
693	ROMAN CARNELIAN INTAGLIO OF ZEUS
694	ROMAN CARNELIAN PHALLIC PENDANT
695	Roman Celtic Bronze Statuette of Mercury
696	Roman clay statue
697	Roman core formed fish flask, 2th-4th C
698	Roman Core Formed flask
699	Roman Core Formed jug
700	Roman disc brooch
701	roman disc brooch
702	roman dolphin brooch,fibulae
703	ROMAN EARING PARTS 1ST TO 4TH CENT AD DETECTOR FINDS
704	ROMAN GARNET INTAGLIO OF EMPEROR NERO
705	Roman Glass Cup100AD
706	Roman Glass flask
707	Roman Glass flask
708	Roman Glass flask
709	Roman Glass Jar
710	Roman Glass phallus pendant
711	Roman Glass Vase
712	Roman Glass Vase
713	Roman Glass Vase
714	ROMAN GNOSTIC MAGICAL AMULET OF ABRASAX
715	ROMAN INLAY IN BRONZE OF FLOWER OVER 1600 YEARS OLD NR
716	ROMAN IRON DAGGER WITH BRONZE HANDLE OF EAGLE 1st AD
717	ROMAN IRON LEGIONAR FIRE STARTER ****GALLIA****
718	Roman Lead Weight
719	ROMAN LEGION SILVER EAGLE PENDANT
720	Roman Medieval Bronze Ring Salisbury Wiltshire
721	Roman Miniature Glass
722	Roman ortodox bronze cross
723	Roman Pottery found in Northamptonshire nice group
724	ROMAN POTTERY BULA OVER 1600 YEARS OLD NR
725	Roman Pottery Mortaria Name Stamps (2nd A.D Northampton

726	roman rabbit hare brooch enameled with pin
727	Roman red stone pendant bull head, 2th-4th century AD
728	ROMAN SILVER CARNELIAN INTAGLIO RING 1st AD
729	ROMAN SILVER FEMALE HEAD PENDANT
730	Roman Silver Ring Depicting - Centaur
731	ROMAN SILVER RING DEPICTING A RAGING BULL
732	ROMAN TERRACOTTA OIL LAMP WITH SCENE
733	roman votive statue of mercury
734	ROMANO-EGYPTIAN LONGETIVETY AMULET PENDANT
735	Saxon disc brooch
736	SAXON SMALL LONG BROOCH 6TH CENTURY
737	saxon strap end , very large , iron
738	Saxon strap end with decorated panel
739	SCARCE ANCIENT BYZANTINE STONE PENDANT
740	Serrated Tool on Levallois Flake, Mousterian
741	SET OF 3 ROMAN NAILS
742	SHIPWRECK SAUCER NANKING CARGO 18th CENTURY W/ COA
743	Silver Medieval Crusader Ring With Dark Green Stone
744	Small Birdpoint Arrowhead
745	Solid Ancient Roman Bronze Ring with Decoration
746	Song/Yuan (960-1368), Bronze Mirror w/ Daoist Imortals
747	Song/Yuan (960-1368), Mirror & Two Bronze Arrowheads
748	Stemmed Knife /Scraper, Mousterian
749	Straight Sidescraper, Interesting Retouch, Mousterian
750	Stunning 1st Century Roman Gold Finger Ring + Goddess.
751	Sumerian Man Votive Clay Plaque, 2800 - 200 BC
752	Super Medieval Cross
753	Super Roman Brooch
754	Super Roman Oil Lamp
755	SUPERB EGYPTIAN SHABTI--PTOLEMAIC--c.332--30 B.C.
756	Superb Arrowhead
757	Superb Massive Roman Brooch
758	superb medieval coin weight
759	SUPERB ROMAN 2ND CENTURY CROSS BOW BROOCH/FIBULA
760	SUPERB SUPPORT OF BRAZIER BYZANTINE SEE ORIGINAL!!!!!!!
761	Sygun Museum. Ancient Greek Bronze Arrowhead
762	Sygun Museum. Beautiful Chinese Ming Dynasty Bowl
763	Sygun Museum. Medieval Iron Arrowhead 13th-15th Century
764	Sygun Museum. Neolithic Stone Hand Axe
765	Sygun. Ancient Chinese Sung Dynasty Shipwreck Jar
766	Sygun. Ancient Egyptian Faience Bes Amulet
767	Sygun. Ancient Egyptian Faience 'Eye of Horus' Amulet
768	Sygun. Ancient Egyptian Faience Ptah Amulet
769	Sygun. Ancient Egyptian Faience Scarab Amulet
770	Sygun. Beautiful Ca Mau Shipwreck Bowl 1723-35
771	Sygun. Beautiful Ca Mau Shipwreck Saucer 1723-35
772	Sygun. Beautiful Hoi An Shipwreck Jar 1450-1480
773	Sygun. North American Indian Woodland Arrowhead
774	Sygun. Tek Sing Shipwreck Porcelain Saucer 1822
775	The bronze Yue Chinese time immemorial
776	The bronze Yue in Chinese ancient times
777	Tudor buckles

778	Tudor Pin Metal Detecting Finds
779	VERY OLD BRONZE RING METAL DETECTING FIND
780	VERY OLD LARGE 3.5cm CROTAL BELL METAL DETECTING FIND
781	VERY OLD ROMAN/SAXON BRONZE RING METAL DETECTING FIND
782	VERY RARE Ancient Roman Medieval Gold Knight Crown Ring
783	VERY RARE Ancient Roman Medieval Gold Shield Ring!
784	VIKING STRAP END
785	WILLIAM 111
786	x2 Stuart Looped Buckles
787	YO: Fine Chinese Jade Cicada Pendant
788	YO: Rare Chinese HongShan Culture Pair Of Jade Celt

Annex 5: Seller sample

Seller ID	eBay listing title	Member from	Member location
1	12 Ancient Coins From Southern Europe, No Reserve	14/04/2001	USA
2	Byzantine Bronze Coin	04/07/2006	USA
3	Egypt Ae Potin Tetradrachm Rare Nice 7.5gms 20mm Nice	26/04/2008	USA
4	Julius caesar denarius Metal detecting find	07/10/2007	UK
5	COLLECTION OF 10 LARGE BYZANTINE COINS 28mm to 34mm	19/10/1998	USA
6	°AGM° Early AR Cistaphoric Tet. - Ephesos	12/11/2002	Ireland
7	GF 1 " SICILY " AKRAGAS AE HEMILITRON	21/11/2006	Germany
8	Indus Valley civilization 2800 - 1800 B.C Fish Bowl	03/05/2002	UK
9	ROMAN SILVER DENARIUS - CARACALLA - 210-217	13/02/2003	UK
10	ANCIENT EGYPT. POTTERY COPTIC OIL LAMP.	22/10/2002	UK
11	Herod I, 40-4 BC,AElepton ,Rare!	24/10/2003	Israel
12	*AAH* Wearable Ancient Roman Bronze Ring	03/02/1999	USA
13	Genuine Elegant Roman Bronze Ring Green Agate Sz7 AD400	22/01/1999	USA
14	Beautiful Roman Glass Aryballos--1st-2nd Century	04/03/1999	USA
15	*GA* Valens AD364-378 AE3 "Victory" Aquileia mint Tough	26/08/1999	USA
16	GOLDEN BROWN ROMAN GLASS BOTTLE - 1ST CENTURY A.D.-N.R	06/08/2003	Israel
17	Roman Core Formed Amphora	19/03/2007	USA
18	Medieval Bronze Zoomorphic Strapend	20/06/1998	UK
19	A ROMAN SIVER ANTONINIANUS	22/11/2003	UK
20	ANCIENT GREEK GUTTUS 360-300 B.C. SUPERB QUALITY	13/01/2004	Australia
21	Greek Bronze Hoplite Helmet 500 BC.	01/10/2007	UK
22	Pretty Levallois Point, Mousterian, Famous Provenance	29/01/2000	Germany
23	Egyptian Stone Carved Mummified Osiris Ushabti	01/01/2004	USA
24	Parthian AR Tetradrachm : Nice with Original Patina	15/06/2000	USA
25	roman bronze rings-ancient	19/08/2008	Israel
26	ROMAN BILLON SILVER COIN - HADRIAN - PORTRAIT OF HELIOS	28/12/2003	UK
27	ATTICA ATHENS GREEK SILVER OWL TETRADRACHM	01/01/2004	UK
28	20 Neolithic Trading Discs / Unfinished Beads - 4000BC	25/10/2005	UK
29	AFTER 211 BC -QUADRANS WITH HERCULES -NICE GREEN PATINA	07/01/2002	Switzerland
30	50 UK FOUND UNCLEANED ROMAN COINS	17/01/2004	UK
31	HUGE Ancient EGYPTIAN Bronze OSIRIS 7" HIGH 600BC $1499 Ex. Malter Gallery Osiris alone approx. 7"; 9"+base	18/12/1998	USA
32	BRONZE SPEAR	26/01/2004	UK
33	Roman Coin Showing Emperor Dragging Captive	22/06/2007	UK
34	CA08-321 Roman Imperial Tiberius AR Denarius 14-37 AD Extremely rare, incredible fouree Denarii Tribute Penny	29/05/2004	Canada
35	hemiobol of Cleopatra VII, minted in Paphos	19/02/2008	USA
36	GETA AD 209-211 SILVER DENARIUS	25/10/2006	UK
37	Rare AR drachm of Bhartrdaman (278-295 AD), W.Satraps	21/01/1999	Canada
38	4 Extra Special, Fantastic Roman Coins - ALL EF++	20/09/2001	UK
39	NILE Egyptian Pataikos Amulet Necklace ca. 600 BC	13/07/1999	USA
40	R65 BEAUTIFUL GREEK BRONZE RING - GALLEY	05/04/2006	UK

41	GREEK COIN - SICILY, SYRACUSE - HIERON II - 275-215 BC	24/08/1999	USA
42	Ancient Byzantine Oil Lamp, LAMP-51	23/07/2000	USA
43	ATIQUE Old Ancient Rare AUTHENTIC Money Roman *** Very old, genuine coin***	19/01/2000	USA
44	Rare Unique Ancient Roman Medieval Gold Ring With Stone Magnificent Unique Design! c1000 - 1650AD Size: 7 8.7g	03/03/2000	USA
45	Super Roman Plate Brooch	14/10/2003	UK
46	Rare silver obol of Philiph	26/07/2007	USA
47	Justinian I AV Solidus	03/10/2007	USA
48	PRE-COLUMBIAN UNUSUAL TWO HEADED CAT DRAGON TUMBAGA "P"	23/09/2002	USA
49	ANCIENT GREEK BRONZE SWORD PATINA c10/9th CENTURY BC	27/05/2000	UK
50	SASSANIAN, Khusrau II, 591-628 AD, silver drachm CHOICE	14/04/1999	USA
51	India Gupta Kingdom Silver Drachm c400AD Nice	05/11/1999	USA
52	ROMAN FOLLIS - CONSTANTINE	28/06/2005	UK
53	PHOENICIAN [BERYTUS] BRONZE FIGURE --c.9 th.C.B.C.	08/03/2006	UK
54	SAXON BRONZE CRUCIFORM TYPE BROOCH	12/12/2006	UK
55	***Divine Egyptian Turquoise Figure of God Horus*** Wearing the Double-crown	01/05/2003	UK
56	JUDAEA, Herod I the Great. (40-4 BC), H-500	27/08/2002	Germany
57	"ELK" SUPER Silver UNIT of the ICENI "BURY" typeB "RARE	10/04/2000	UK
58	ROMAN BRONZE MASK - ALEXANDER TYPE	18/07/2004	Germany
59	Augustus' AS countermarked... very interesting!!	09/08/2005	Italy
60	Ancient Greece, Rare 425-400 BC Thouria Stater, XF	06/07/1998	USA
61	PERSIA PERSIS DARIUS I SILVER DRACHM COIN	15/01/2000	USA
62	AN ANCIENT EGYPTIAN LIMESTONE SCULPTURE'S MODEL Depicting the head of a pharaoh.	28/02/1999	USA
63	Fantastic Roman/Byzantine Silver Snake Ring	19/03/2007	Germany
64	Greek-Poseidonia (480-400BC) Silver Stater Genuine F644	13/03/2000	USA
65	UK Find TOP grade Roman Dolphin Fibula - Brooch	10/01/2002	UK
66	Ancient Egyptian Section From a Mummy Case (Large)	08/09/2002	UK
67	Ancient ROMAN COIN Victory trophy captive slave old NR Authentic Roman Coin of THEODOSIUS I 379-395 AD	27/02/2002	USA
68	QUALITY NEOLITHIC GREEN STONE AGE BATTLEAXE AX 129MM FREE SHIPPING + MONEY BACK GUARANTEE!!	15/08/2006	UK
69	PRE COLUMBIAN BEADS	07/04/2006	UK
70	PRE-COLUMBIAN MOCHE DECORATED VESSEL FROM PERU A SUBTLE AND ELEGANT ADDITION TO ANY COLLECTION	10/06/2004	USA
71	VALDIVIA PRE-COLUMBIAN SPONDYLUS PENDANT BEAD RARE! LRG	19/02/1999	USA
72	PRE COLUMBIAN PRE MAYA FACE PENDANT	14/05/2001	USA
73	Roman Coin AR Denarius Antoninus Pius 138 - 161 A.D.	25/08/2004	Canada
74	ROMAN PRAETORIAN LIONESS SILVER SIGNIFIER'S RING	26/08/2002	USA
75	PRIVATE COLLECTION - ROMAN BRONZE POLDEN HILL BROOCH	21/04/2008	UK
76	metal detecting find URBS ROMA she wolf suckling twins	24/11/2004	UK
77	TETRADRACHM OF NERO, 14.g, 24mm!!!	06/12/2004	Canada
78	Rare East Greek pottery lydion with lid	12/09/1999	UK
79	Achaean League Silver Hemidrachm BC 160-146 #26C#	14/10/2002	Canada
80	WSax-4025: Aethelred II Saxon Hammered Penny *HIC*	30/01/1998	UK
81	"A Marble Relief of an Assyrian Winged Goat"	02/06/2008	USA

	Marble Relief		
82	2 pieces of AES RUDE - First Roman bronze coin	24/08/2007	Italy
83	Roman bronze phallus amulet/pendant, 1th-2th C AD	13/07/1999	Netherlands
84	UMAYYADS OF SPAIN, HISHAM II,AR DIRHAM,AL-ANDALUS,395AH	04/04/2004	UK
85	ANCIENT EARLY 3RD CENTURY ROMAN CARVED MARBLE LION MASK	31/07/2008	UK
86	GRATIAN 367 - 383 AD AE 3 - CHOICE VERY FINE	22/09/1999	USA
87	ANTIQUE BRONZE AXE ~ BRONZE AGE	07/08/2002	UK
88	PRE-COLUMBIAN AZTEC TRIPOD BOWL WITH GRAPHITE BAND	26/09/1999	USA
89	Nice Neolithic Stone Bracelet, AACA	25/11/2002	USA
90	Lot Of 5 Egyptian Head For King Amenhotep III	25/08/2008	Canada
91	Lot of 50 Uncleaned 'as dug' Roman Coins	24/11/2006	UK
92	UK FOUND ROMAN COINS	30/09/2006	UK
93	STUNNING & RARE GREEK GOLD LUNAR PENDANT & CHAIN 200BC	28/05/2002	UK
94	652e.Roman Silver Red Stone Ring NICE	11/04/2005	USA
95	MEDIEVAL, ROMAN AND BRONZE AGE MASSIVE COLLECTION	18/09/1999	UK
96	Authentic RARE Nerva denarius EX CNG	05/09/1999	Spain
97	A.D.325 RAKHINE OF MYANMAR(BURMA)---DEER--BEADED BORDER A.D. 325 COINAGE IS SAID INTRODUCED IN RAKHINE ECONOMY	25/01/2006	Thailand
98	GROUP 10 FAIENCE PROTECTION AMULETS EGYPT 716-30 BC	17/04/1998	USA
99	ONLY LINDA-Sasanian AR drachm Khusru II WYH yr. 3 UNC	02/12/2004	USA
100	Green glazed faience amulet of Anubis	11/10/2006	United Arab Emirates
101	Roman Silver denarius of emperor Trajan	12/06/2008	USA
102	ANCIENT COIN.. WIDOW'S MITE, BIBLICAL.. 103 - 76 BC.	26/03/2006	USA
103	238-244 Gordian III Roman AR Antoninianus Apollo NVF	23/03/2004	UK
104	1 ROMAN SILVER ANCIENT COIN	24/06/1999	USA
105	MUSEUM paleo-ATERIAN POINT !! 4.84 inches !! WOW !!	29/08/2003	France
106	#155 Greco Roman Bronze Oil Lamp Image of Ram RARE	02/01/2007	Netherlands
107	Roman Bronze Coins Uncleaned Metal Detecting Finds	03/10/2002	UK
108	GLASS FLASK, ROMAN OVER 1600 YEARS OLD NR	20/08/1999	USA
109	Holy Land Oil Lamp	30/07/2000	USA
110	RELIEF STATUETTE OF APHRODITE	28/03/2001	USA
111	KHWARAZMIA.KING SHRAM.5 CENT.AD.RARE.	24/10/2004	Russia
112	Ancient Early Bizantine Coin 40 M Follis 32 mm	17/05/2008	Israel
113	ROMAN COIN.ROMAN COIN,IMPEROR PROBUS 276-282 AD	19/09/2007	USA
114	4 ANCIENT ROMAN COINS	07/04/1999	USA
115	CELTIC IRON ANTHROPOMORPHIC LA TENE SWORD CIRCA 300 BC Schwert Keltisches 4 jhdt. v. Chr. Eisen	09/01/2006	Lithuania
116	Phoenician Stone Figure .Sculpture.Statue	30/10/2005	France
117	296 AD Ancient ROMAN EGYPT Tetradrachm, EMP. MAXIMIANUS ALEXANDRIA MINT Emperor Maximianus and Delightful Eagle	16/03/2006	USA
118	superb roman bronze statue found very rare "look"	14/03/2007	UK
119	TAIRONA cult. SPINDLE WHORL or BEAD, pre-Columbian	02/01/1999	USA
120	ANGLO SAXON SAUCER BROOCH; 5TH- 6TH CENTURY	03/11/2004	UK
121	~BEAUTIFUL LITTLE ANCIENT HAMMERED GOLD COIN	24/03/2001	UK

	L@@K ~		
122	Sygun. Attica Athens Greek Silver Tetradrachm 300-262BC	21/07/2006	UK
123	Sicily Akragas AR tetradrachm	17/05/2003	Belgium
124	Lot of Roman Artifacts	01/10/1999	USA
125	Wonderful Fully Intact Roman Bronze Ring - great patina	07/06/2007	Hungary
126	A- Rome, Divus Titus, Aureus, ORO, gold, A002	11/05/2000	Switzerland
127	Sicily-Syracuse-Dolphins-Quadriga AR Tetradrachm 478 BC	31/01/1999	USA
128	CONSTANTINE the Great - London mint - Follis.	18/10/2001	UK
129	Zhou Dynasty Warring States Period Spades 475-221 B.C	09/01/2007	Singapore
130	20 UNCLEANED SMALLER ANCIENT ROMAN COINS FAST SHIPPING!	21/02/1999	USA
131	Roman soldier' cross fibula III,IVc.,A.D.	15/03/2007	UK
132	Roman horse phalus pendant 1st ,3rd c.A.D.	08/10/2005	UK
133	4400Y.O:EXTREM RARE FANTASTIC DANISH NEOLITHIC FLINT AX	01/04/1999	Germany
134	Lot of 25 uncleaned Antoninianus, AE2, Follis	27/02/2007	Slovenia
135	ROMAN TERRACOTTA OR CLAY OIL LAMP RL14	22/08/2004	Spain
136	Ancient Roman silver Ring. Over 1500 years old.	05/06/2008	USA
137	Esterlin Sterling Looz Loon Arnold V 1279-1323 RRR	02/01/2002	Belgium
138	Late Roman Glass Vial - AD 400 unusual type with lines.	06/05/2007	Israel
139	impressive Ancient Egyptian Wooden polychrom mummy mask	26/03/2008	Egypt
140	2 Neolithic Arrowheads;6-8000BP excellent cond. L@@K!!	12/10/2004	UK
141	LARGE PRE COLUMBIAN AXE GOD PENDANT. 5 1/2"long. BEN STERMER COA. COSTA RICA.	20/08/1998	USA
142	Ancient, 1st AD Early Roman Split Silver Bracelet 45mm	18/12/2003	USA
143	ANCIENT GREEK SOLID SILVER COIN TURTLE AIGINA	13/03/2004	USA
144	ANCIENT EGYPT: THE SEVEN HATHOR'S DANCE NECKLACE	21/01/2008	Brazil
145	166-167AD ROMAN EMPIRE MARCUS AURELIUS AE.30 SESTERTIUS	22/07/2004	USA
146	10 FINE UK MEDIEVAL METAL DETECTOR FINDS EARLY PERIOD++	02/01/2006	UK
147	193-211 A.D. "SEPTIMUS SEVERUS" Denarius, VF+	22/08/1998	USA
148	SOGD.CHACH.RULER.SCHANIABAG.6-7 CENT.AD.RARE.	09/10/2006	Russia
149	Pre-Columbian Maya Underworld Swimmer Bowl	23/04/2007	USA
150	Lot of 3 BIG Roman Coins - from 24 to 28 mm	15/04/2008	Austria
151	Roman Phoenicia Tyre Trajan 98-117 AD tetradrachm	22/12/2002	Malta
152	10531 - Constantine II, AE Campgate, Heraclea Mint Beautiful Ancient Roman Coin !! VERY RARE!	13/03/2001	USA
153	Pre Columbian Chinesco Nayarit Seated Male Figure 200AD	12/05/2007	UK
154	Kings of Macedon. Philip II AE 18 mm	03/05/2001	USA
155	10-11th century - Medieval - ARROWHEAD	26/10/2001	Germany
156	ANCIENT LOT OF 20 INTACT FIBULAS******SUPER LOT******IF YOU BUY ALL LOT, YOU WILL RECEIVE 5 FIBULAS FOR FREE	01/12/2001	Germany
157	AN EGYPTIAN LIMESTONE BABOON STATUETTE ca 1550-1069 BC Sands of Time - Provenance & Authenticity Guaranteed	24/03/1999	USA
158	Constans, Roman AE, VICTORIAE DD AVGGQ, Beautiful piece	04/10/2004	USA
159	Important Mayan Ball game ball Holder with Bird of Prey	07/01/1999	USA
160	ancient egyptian carved set of 4 CAROPIC JARS	29/02/2004	UK
161	John Hyrcanus - Biblical/Judean	27/10/2003	USA

162	PRE COLUMBIAN NAZCA VESSEL	18/11/2007	USA
163	* SUPERB GRADE ROMAN COIN OF PROBUS ANT. 276-82 A.D *	28/03/2004	UK
164	Roman Glass Vase	29/08/2004	USA
165	LOT OF ROMAN BRONZE ARTIFACTS FROM ROMAN SITES	26/01/2001	UK
166	Mesolithic - Neolithic Flint Scrapers 12000 - 1000 bc	21/01/2000	UK
167	50+ Bronze Roman Coins 1st - 4th Century L@@K!	28/02/2003	UK
168	17475 Egyptisch faience ushabti met hierogliefen tekst	25/03/2000	Netherlands
169	3000 YEAR OLD ANCIENT EUROPEAN BRONZE AGE ARROW HEAD	29/08/1999	USA
170	Superb Roman Antoninianus of Carausius, Providence	08/08/2000	UK
171	Roman Imperial ae3 of Constantine the Great ,Officina 1 VIII Augusta Issue Constantina 333 A.D. Scarce Issue	13/07/2006	USA
172	Roman Silver Ring with Inscription	30/08/2005	Germany
173	Egyptian Terracotta Ushabti, New Kingdom, 1570-1070 BC	14/06/1996	USA
174	ANGLO SAXON 'FACE MASK' HORSE HARNESS DECORATION 004475	23/06/2004	UK
175	Roman lead Votive Vase with Decoration	08/04/1998	USA
176	ROMAN 3RD-4TH CENTURY SILVER DOLPHIN BROOCH/FIBULA	03/11/2005	UK
177	Imperial Roman Coin Silver Siliqua Valens c AD 364	22/10/2002	UK
178	Danish Neolithic core axe, maglemose culture 6500 b.c.	19/12/2004	Denmark
179	Bronze Axe; 9th Century; Thailand	16/03/1999	USA
180	**SCARCE**ANCIENT ROMAN REPUBLIC SILVER RING!!100-300AD MUSEAM QUALITY!!LARGE RING est value:$550.00-$600.00!!	13/06/2008	USA
181	COINS OF THE BIBLE - WIDOWS MITE 76 BC JEWELERY GRADE!	01/05/1999	USA
182	222-235 AD COIN SEVERUS ALEXANDER SILVER DENARIUS OLD	17/11/1998	Israel
183	Gordian III moesia of Viminacium	08/03/1998	USA
184	2 GREEK ARROW-HEADS POINT BRONZE ORIGINAL SEE!!!!!!!!!!	22/10/2007	Italy
185	PRE COLUMBIAN NAZCA -PERU	13/01/2003	USA
186	CONSTANTINE II 337-361AD RESTORATION OF HAPPINESS	10/03/2007	USA
187	ROMAN BRONZE ARCHER'S RING 1st AD	10/11/2004	Germany
188	Stunning Geta Denarius A.D 209 - 212	27/02/2005	UK
189	ATHENS OWL Silver Tetradrachm! Old Style c.500 B.C.	19/01/2005	Netherlands
190	SUPERB; Bronze Statue of Fortuna	22/12/2003	UK
191	10 Uncleaned AE3/4 Roman Coins- Some w/ Detail Lot G 5	27/07/1999	USA
192	Ming Rebels/ Xing Chao TB 1 Fen 47.1mm	16/07/2001	Hong Kong
193	AUGUSTUS & LIVIA. EPHESUS. AE 18. Two heads. Stag.	23/04/1997	USA
194	PRE-COLUMBIAN TOLTEC TERRACOTTA STATUE	27/01/2001	USA
195	Silver drachm of Peroz (457-483 AD), Sassanian Empire	04/01/1999	USA
196	Roman Emperor Bronze Ring round great detail 200 AD	08/11/2002	Canada
197	from the source to you directly ancient roman head fragment from statue made of brown agate stone	06/09/2002	Lebanon
198	RARE Ancient EGYPTIAN Limestone ISIS & HORUS 1200BC NK	28/01/1999	USA
199	Julia DOMNA AR/Silver Denarius -VESTA- Roman coin	24/05/2005	UK
200	EXTREMELY RARE EARLY SYRACUSE TETRADRACHM: SECOND KNOWN ONLY 1 COIN RECORDED in BOEHRINGER, MUST SEE !!! TOP !	02/07/2004	Germany

Annex 6: Antiquities Buying Guide

eb**a**Y.co.uk

Reviews & Guides

Antiquities Buying Guide

To prevent illegal sales of antiquities on the eBay marketplace, members should ensure that they have fully understood their obligations to report many antique items under the terms of the Treasure Act. eBay works closely with the Portable Antiquities Scheme (funded by the The Museums, Libraries and Archives Council (MLA) and run by the British Museum) to stop the sales of such items. We have got together to create the following guidelines to help you have a safe and successful experience when buying or selling antiquities on eBay.

Advice for Selling Antiquities Safely on eBay

In England, Wales and Northern Ireland there is a legal obligation to report Treasure finds: under the law of Treasure Trove if found before 24 September 1997 or under the Treasure Act 1996 if found after that date.

Although there is no legal obligation to report finds from England and Wales unless they are Treasure, the Code of Practice for Responsible Detecting recommends that all finds are reported to the Portable Antiquities Scheme so that the information can add to our knowledge of the past. Visit www.finds.org.uk for details of your local Finds Liaison Officer, who will also be happy to advise you on the Treasure Act.

In Scotland there is a legal obligation to report all archaeological finds as Treasure Trove. In Northern Ireland there is a legal obligation to report the discovery of all archaeological finds and these should not be purchased without proof that the discovery has been reported. If it is established that items of Treasure for sale on eBay.co.uk have not been reported and a disclaimer issued by an appropriate body for them, listings will be removed from the site as they are in breach of our policy on Artefacts, Antiques, Cultural Items and Grave-Related Items

How Treasure is Defined by Law

1. Any metallic object, other than a coin, provided that at least 10 per cent by weight of metal is gold or silver and that it is at least 300 years old when found. If the object is of prehistoric date it will be Treasure provided any part of it is precious metal.

2. Any group of two or more metallic objects of any composition of prehistoric date that

come from the same find (see below)

3. Two or more coins from the same find provided they are at least 300 years old when found and are composed of at least 10 per cent gold or silver (but if the coins contain less than 10 per cent of gold or silver there must be at least 10 of them). Only the following groups of coins will normally be regarded as coming from the same find:

  (a) hoards that have been deliberately hidden,

  (b) smaller groups of coins, such as the contents of purses, that may been dropped or lost, and

  (c) votive or ritual deposits.

4. Any object, whatever it is made of, that is found in the same place as, or had previously been together with, another object that is Treasure.

5. Any object that would previously have been Treasure Trove, but does not fall within the specific categories given above. Only objects that are less than 300 years old, that are made substantially of gold or silver, that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown will come into this category.

Note: An object or coin is part of the "same find" as another object or coin if it is found in the same place as, or had previously been together with, the other object. Finds may have become scattered since they were originally deposited in the ground.

All finds of gold or silver found before 24 September 1997 should have been reported as Treasure Trove. All Treasure finds found after that date should have been reported under the Treasure Act 1996.

In Scotland there is a legal obligation to report all archaeological finds, no matter when they were found. Likewise in Northern Ireland there is the legal requirement to report all archaeological finds found after 1926.

What to Consider When Listing Your Item

To reassure buyers that the item you have the right to sell the item you have listed on eBay.co.uk, we recommend taking the following steps when listing your item:

1) Sellers should say in their listing that they have reported the items that they are selling to the appropriate bodies and that they have been given permission for re-sale. Sellers should include details about disclaimer documentation in their listing

Note: There is a legal obligation on sellers to report archaeological finds. These obligations depend on where in the UK the item was found:
  for items found in England and Wales, sellers should be able to provide proof that items found before 24 September 1997 were reported under Treasure Trove or under the Treasure Act if found after that date. Sellers should be able to provide Crown Disclaimer documents
  for items found in Scotland, sellers should be able to provide a disclaimer certificate that shows items have been reported and that they have been given legal entitlement to be sold
  for items found in Northern Ireland, sellers should produce certification to show that

the items have been reported to the Northern Ireland Environment and Heritage Service or to the Ulster Museum

2) Be prepared to answer questions from buyers. They'll want to be reassured that the item is yours to sell (or whether you're selling on behalf of someone else), why you're selling it, and if you operate as a business seller, your location, company number or whether you have shops on the High Street.

3) To save time answering buyers questions, you could create a list of frequently asked questions, which will be displayed to buyers when they click on the **Ask Seller a Question** link from your item listing. You'll be able to display up to 15 FAQs as well as any questions (and answers) that you've already posted in your listing.

To customise your **Ask Seller a Question** page, go to your **Preferences** in **My eBay**. In the **Selling Preferences** section, click on **Show** next to **Ask Seller a Question**. From there, click simply click **Edit** and begin customising.

4) If you sell the object abroad then you will probably need to obtain an export licence for it. All archaeological objects found in the UK that are more than 50 years old need an export licence. Licences are issued by the Museums, Libraries and Archives Council.

Advice for Buying Antiquities Safely on eBay

To minimise the risk of buying an antiquity that has not been reported, you should take the following basic steps.

1) Read the item description very carefully and make sure that you know exactly what you're buying. If you're unsure, ask the seller to explain the description. Sellers are normally very happy to help you if it means they will get a sale. When it comes to antiquities, there are a series of questions that you should always ask:

Where Was the Item Found? If it was found in England, Wales or Northern Ireland, make sure the seller got permission from the person who owned the land on which it was found to sell the item. If the object has been recorded with the Portable Antiquities Scheme then you can have more confidence that this will have happened.

If the item was found in Scotland, make sure that the item was reported under Treasure Trove

Ask the seller to sign a statement verifying their account of provenance and their legal title to sell

Ask for Documentation. You should ask the seller to provide all written documentation relating to reporting of finds under the procedures required by the country in which the item was found

For items found in England and Wales, sellers should be able to provide proof that items found before 24 September 1997 were reported under Treasure Trove or under the Treasure Act if found after that date. Sellers should be able to provide Crown Disclaimer documents

For items found in Scotland, sellers should be able to provide a disclaimer certificate that shows items have been reported and that they have been given legal entitlement to be sold

For items found in Northern Ireland, sellers should produce certification to show that the items have been reported to the Northern Ireland Environment and Heritage Service or to the Ulster Museum

Learn as much as you can about the seller. Check their feedback – not just the score, but also dig deeper and look out for some of the following things:

a) Whether the person has been buying a lot of low-value items, (they may have

done so to build up their feedback score), and is now selling large numbers of high-value items

b) The kinds of items that they have been buying or selling – make sure that the person's eBay record makes them look like either an established antiquities dealer or a private individual selling the odd find

c) How long they have been registered on the site – if they have been trading for a reasonable period of time, with a positive feedback score, they are more likely to be a safer bet to buy from

These factors do not necessarily mean that someone is selling an antique that they are not allowed to, but they should alert you to do some further research before you buy.

Ask the seller questions.Make sure that it is their's to sell, ask them why they are selling and if they are a business ask them where they are based, whether they have shops or what their company number is. Unscrupulous sellers will tend not to answer such questions or their answers will be evasive.

2) If you are buying, make sure that you are paying with PayPal. It is a much more secure way of paying on eBay than any other because it offers purchase protection to buyers. If anything does go wrong, using PayPal means that we'll have the seller's contact details (address, financial details), so will be able to work with law enforcement to track down the seller.

Useful Sources of Information

There are a series of websites and resources where you can find information about your obligations when selling antiquities. Because different organisations are responsible for this area, the organisation you need to consult will depend on where the item that you are buying or selling was found:

If an item was found in England, you can find information about reporting it under the Treasure Act at www.thebritishmuseum.ac.uk or www.finds.org.uk/contacts

If the item was found in Wales, you can also consult the website for the National Museums & Galleries of Wales at www.nmgw.ac.uk

If the item was found in Scotland, you will need to consult the information provided by the Treasure Trove Secretariat which is to be found on their website: www.treasuretrovescotland.co.uk

If an item has been found in Northern Ireland, you need to consult the Environment & Heritage Service. Find more information at www.ehsni.gov.uk/built/legislation/legislation.shtml

If you want to know about exporting an antiquity or require an export licence , consult the Acquisition, Export & Loans Unit of the The Museums, Libraries and Archives Council.

Buy with Confidence

Before buying any antiquities on eBay.co.uk, make sure you know exactly what you're buying, research your seller, and understand how eBay and PayPal protect you.

Know What You're Buying

Read the details in the item listing very carefully.

Remember to include delivery costs when you calculate the final cost of the item. If you spend a lot of money on an item, make sure the seller will insure the delivery of the item.

If you want more information, ask the seller. Use the **Ask Seller a Question** link under the seller's profile.

Always make sure you complete the full transaction on eBay, with a bid, Buy It Now or Best Offer. If you complete the transaction directly with the seller (ie: off eBay), you will not be covered by eBay protection programs or policies.

Never pay for your eBay item using instant money wire transfer services such as Western Union or MoneyGram.

The use of instant money transfers as a method of receiving payment, via companies such as Western Union or Moneygram, is not allowed on eBay.co.uk. We have banned the use of instant money transfers as a payment method on the eBay.co.uk site to protect members, because in the past some sellers have exploited instant money transfers in order to defraud buyers.

Know your seller

Research your seller so you feel positive and secure about every transaction. Use the following questions as starting points:
   What is the seller's Feedback rating?
   What is the seller's Feedback rating? What do buyers say in their feedback -- did the seller receive praise? What percentage of positive responses do they have?
   How many transactions have they completed?
   Do they accept returns? What are the terms and conditions?

Buyer protection

In the unlikely event that a problem arises during your transaction, eBay and PayPal are there for you.

Pay safely with PayPal: PayPal enables you to pay without the seller ever seeing your bank account or credit card numbers

eBay Safety Centre: Visit the Safety Centre to learn how to protect your account and use eBay's quick and efficient resolution tools.

Annex 7: Basic Actions concerning Cultural Objects being offered for Sale over the Internet

As cultural property is a unique testimony to the culture and identity of a people and an irreplaceable asset for its future, INTERPOL, UNESCO and ICOM are concerned by the ongoing increase of illicit trafficking in such property. In particular, as recently confirmed by an INTERPOL survey carried out in 56 Member States, it has been internationally recognized that the illicit trade in cultural objects via the Internet is a very serious and growing problem, both for countries of "origin" (where the theft has occurred) and destination countries.

It is well known that the significance, provenance and authenticity of the cultural objects offered for sale on the Internet vary considerably. Some have historical, artistic or cultural value, others do not; their origin can be legal or illicit, and some are genuine, while others are forgeries. Most countries do not have the means to review all Internet sales nor to investigate all offers of a suspicious nature. However, all countries should attempt to respond to the illicit trade in cultural objects via the Internet by talcing the appropriate measures.

These issues were discussed at the third annual meeting of the *INTERPOL Expert Group on Stolen Cultural Property* held at the INTERPOL General Secretariat on 7 and 8 March 2006.

The participants agreed that monitoring the Internet poses a number of challenges due to:

a) the sheer volume and diversity of items offered for sale;

b) the variety of venues or platforms for the sale of cultural objects on the Internet;

c) missing information that hinders proper identification of objects;

d) the limited reaction time available owing to short bidding periods during a sale;

e) the legal position of the companies, entities or individuals serving as platforms for

the trade in cultural objects over the Internet;

f) the complex issues related to jurisdiction concerning these sales; and

g) the fact that the objects sold are often located in a country different from that

of the Internet platform.

Following a recommendation adopted by this meeting, INTERPOL, UNESCO and ICOM

have therefore developed the subsequent list of **Basic Actions to counter the**

Increasing Illicit Sale of Cultural Objects through the Internet[112]

The Member States of INTERPOL and UNESCO and the States with ICOM National

Committees are invited to:

1. Strongly encourage Internet sales platforms to post the following disclaimer on all their

cultural objects sales pages:

"With regard to cultural objects proposed for sale, and before buying them, buyers are

advised to: i) check and request a verification of the licit provenance of the object,

including documents providing evidence of legal export (and possibly import) of the object

likely to have been imported; ii) request evidence of the seller's legal title. In case of doubt,

check primarily with the national authorities of the country of origin and INTERPOL, and
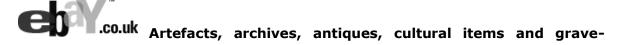
possibly with UNESCO or ICOM"

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[112] The above-mentioned Basic Actions are neither "Recommendations", nor "Declarations, Charters and similar standard-setting instruments" adopted by the General Conference of UNESCO, nor "Resolutions" adopted by the General Assembly of Interpol.

2. Request Internet platforms to disclose relevant information to law enforcement agencies and to cooperate with them on investigations of suspicious sales offers of cultural objects;

3. Establish a central authority (within national police forces or other), which is also responsible for the protection of cultural properties, in charge of permanently checking and monitoring sales of cultural objects via the Internet;

4. Cooperate with national and foreign police forces and INTERPOL as well as the responsible authorities of other States concerned, in order to:

a) Insure that any theft and/or any illegal appropriation of cultural objects be reported to INTERPOL National Central Bureaux, in order to enable relevant information to be posted on the INTERPOL Stolen Works of Art Database;

b) Make information available about theft and/or any illegal appropriation of cultural objects, as well as about any subsequent sale of such cultural objects, objects, as well as about any subsequent sale of such cultural objects, from or to national territories, using the Internet;

c) Facilitate rapid identification of cultural objects by:

i) ensuring updated inventories with photographs of cultural objects, or at least their description, for example through the Object ID standard[113];

ii) maintaining a list of recommended experts;

d) Use all the tools at their disposal to conduct checks of suspicious cultural property, in particular the INTERPOL Stolen Works of Art Database and the corresponding INTERPOL DVD;

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[113] The Object ID, which is an international standard for describing art, antiques, and antiquities, as well as a version with supplementary information (endorsed by ICOM, Getty and UNESCO), are available on the ICOM website (http://icom.museum/object-id).

e) Track and prosecute criminal activities related to the sale of cultural objects on the Internet and inform the INTERPOL General Secretariat of major investigations involving several countries.

5. Maintain statistics and register information on the checks conducted concerning the sale of cultural objects via the Internet, the vendors in question and the results obtained;

6. Establish legal measures to immediately seize cultural objects in case of a reasonable doubt concerning their licit provenance;

7. Assure the return of seized objects of illicit provenance to their rightful owners.

Annex 8: Artefacts, archives, cultural items and grave-related items

 Artefacts, archives, antiques, cultural items and grave-related items policy

- Policy overview
- What are the guidelines?
- Additional Information
- Why does eBay have this policy?

Policy overview

Many artefacts, antiques, and grave-related items are protected under national laws and government bodies. Though you can list certain artefacts, grave-related items, and other related items, you may need to meet few requirements when you sell them on eBay (see the guidelines below for more details).

eBay co-operates with the following departments and organisations. Except as otherwise indicated in this policy and other eBay policies, please follow the guidelines issued by these departments when listing related items on eBay:

In the UK

- Department for Culture, Media and Sport
- Department for Environment, Food and Rural Affairs
- The British Museum
- The Portable Antiquities Scheme
- Natural England
- The National Archives

In the Republic of Ireland

- The Department of the Environment, Community and Local Government
- The Department of Arts, Heritage and the Gaeltacht

Make sure your listing follows these guidelines. If it doesn't, it may be removed, and you may be subject to a range of other actions, including restrictions of your buying and selling privileges and suspension of your account.

What are the guidelines?

Archaeological objects
Sellers on eBay may have a legal obligation to report archaeological finds. These obligations depend on where the item was found. Please see our Antiquities Buying Guide.

Restricted
- Sellers listing items of potential Treasure found in England and Wales before 24 September 1997 should be able to provide proof that the items were reported under the law of Treasure Trove.
- Sellers listing items of potential Treasure found in England and

Wales on or after 24 September 1997 should be able to provide proof that the items were reported under the <u>Treasure Act</u>.

- Sellers must be able to provide either Crown Disclaimer documents or the find's Treasure number and include these within their listing. Finds that do not fall under the definition of Treasure, but are recorded with the Portable Antiquities Scheme will have a unique reference number, which sellers should list.
- Sellers listing items found in Scotland should include a disclaimer certificate in the listing that shows items have been reported and that they have been given legal entitlement to be sold.
- Sellers listing items found in Northern Ireland should produce certification in their listing to show the items have been reported to the Northern Ireland Environment and Heritage Service or to the Ulster Museum.
- Sellers listing items found in the Republic of Ireland should be able to provide evidence that the items were properly reported under the National Monuments Act. Since ownership of archaeological objects automatically vests in the Irish State, sellers should also be able to provide evidence of a waiver of ownership from the relevant Minister.

In all cases sellers should state the origin of the archaeological objects.

- Archaeological law finds that haven't been reported in accordance with applicable law.

Not allowed

Archives
The sale of public records documents is illegal. Restriction on selling these items is based on various laws including:

- Public Record Act
- Manorial Documents Rules
- Tithe Rules
- Parochial Records and Registers Measure
- Local Government Act
- Data Protection Act

- Public records and related documents

Not allowed
For more information you can directly consult the website of UK National Archives on <u>legislation on archives and records management</u> or on <u>other archival legislation</u>.

Cultural goods
Cultural goods are objects of historical, architectural or archaeological interest. Under EU law, cultural goods include:

- Archaeological goods more than 100 years old
- Pictures and paintings over 50 years old where the value exceeds £119,000
- Watercolours over 50 years old where the value exceeds £23,800
- Mosaics over 50 years old where the value exceeds £11,900
- Books over 100 years old where the value exceeds £39,600
- Manuscripts over 50 years old whatever their value

- Printed maps over 200 years old where the value exceeds £11,900
- Other items more than 100 years old where the value exceeds £39,600

Please follow these general guidelines when listing related items on eBay. For items outside this non-exhaustive list and updates on the above list, please check the information about UK Export licensing for Cultural Goods on the <u>Arts Council website</u>. Sellers based in the Republic of Ireland should contact the <u>Department of Arts, Heritage and the Gaeltacht</u>.

Allowed

- Export of stamps, birth, marriage or death certificates, letters written by or to the exporter
- Export of personal property by manufacturer or producer

Restricted

- Export of antiquities and other cultural goods is subject to both UK, Irish and EU controls:
  - Under UK law, any item manufactured or produced more than 50 years before the date of exportation requires an export licence. Some exceptions mentioned above exist.
  - Under Irish law, if the item is covered by the National Monuments Acts 190-2004 , the Documents and Pictures (Regulations of Export) Act 1945 or the National Cultural Institutions Act 1997 and is to be removed outside the Republic of Ireland, sellers should provide evidence that an export licence has been obtained from the relevant Minister.
  - Under EU law, the export of cultural goods outside the EU needs an export licence.

Not allowed

- Tainted cultural goods illegally excavated or removed after 30 December 2003 (UK's Dealing in Cultural Object (Offences) Act 2003).

Cave formations

Allowed

- Cave formations lawfully taken from private land

Restricted

- Speleothems, stalactites and stalagmites taken from caves which have been designated as Sites of Special Scientific Interest ('SSSI') if a prior consent has been obtained from Natural England.

Not allowed

- Speleothems, stalactites and stalagmites taken from caves designated as SSSI

Historical graves, tombstones or related markers

Allowed

- New grave markers and burial plots

Restricted

- Historical graves, tombstones and related markers

Additional Information

As part of the fight against the traffic of stolen works of art, Interpol encourages not only police, but also art and antiques dealers and owners of works of art to play an active role in the exchange of information about stolen works of art. You can find more information and resources on the Works of Art section of the Interpol website.

Why does eBay have this policy?

Our policy reflects the laws and regulations on the sale of artefacts, archives, grave-related items, and other related items. Before selling these items on eBay, be sure to follow all applicable laws and our guidelines above.

Annex 9: Artifacts, grave-related items, and Native American arts and crafts policy

ebay **Artifacts, grave-related items, and Native American arts and crafts policy**

Policy overview

Though you can list certain artifacts, grave-related items, Native American arts and crafts, and other related items, you may need to meet a few requirements when you sell them on eBay (see the guidelines below for more details).

Any restriction or ban on selling these items is generally based upon various laws that we need to follow, including:

- The Indian Arts and Crafts Act
- The Native American Graves Protection and Repatriation Act
- The Federal Cave Protection Act

This eBay policy also reflects regulations that have been set by various government agencies in the U.S, including the U.S. Bureau of Indian Affairs (BIA), the Federal Bureau of Investigation (FBI), the U.S. Department of Agriculture (USDA), and the U.S. Department of the Interior (DOI).

Make sure your listing follows these guidelines. If it doesn't, it may be removed, and you may be subject to a range of other actions, including restrictions of your buying and selling privileges and suspension of your account.

What are the guidelines?

Antiquities
We consider antiquities to be items of cultural significance and can come from anywhere in the world.

⚠️ Listings for antiquities have to meet the following criteria:

Restricted
- Items have to be authentic.
- Sellers have to include either a photo or a scanned image of an official document that clearly shows both the item's country of origin and the legal details of the sale (it has to be approved for import or export).

Artifacts, fossils, and relics

⚠️
Restricted
- Authentic artifacts, fossils, and relics have to meet the following criteria:
    - The item has to match the time-period category that it's listed in.
    - If the item has been reworked or modernized in any way,

> this information has to be called out and fully described in the listing.
> • Reproduction of an artifact, fossil, or relic has to meet the following criteria:
> > o The listing title and description have to clearly state that the item is a reproduction.
> > o The item must be listed in the appropriate Reproduction or Fantasy category.

Artifacts, fossils, or relics taken from any of the following places:

Not allowed

• Federal or state public land
• Native American land or battlefield

Cave formations
Before listing these items, be sure to follow the law under The Federal Cave Protection Act.

Listings for government survey markers (like those used by the U.S. Geological Survey) have to show proof that the government has transferred ownership to the eBay seller. This proof can be either a photo or a scanned image of the document.

Restricted

Speleothems, stalactites, and stalagmites taken from caves on federal land

Not allowed

Native American arts, crafts, or jewelry
Under the Indian Arts and Crafts Act, any item described as Alaska Native, American Indian, or Native American must be made by an enrolled member of a state or federally recognized tribe or by someone certified as an Indian artisan by a recognized Indian tribe.
If you have questions, call the Indian Arts and Crafts Board (IACB) at 202-208-3773 or visit the IACB website.

Restricted

• 1934 or earlier authentic Alaska Native, American Indian, or Native American arts and crafts should be listed in **Collectibles** > **Cultures & Ethnicities** > **Native American: US** > and in one of the following subcategories:
> o **Pre-1600**
> o **1600-1799**
> o **1800-1934**
• 1935 or later authentic Alaska Native, American Indian, or Native American arts and crafts can be listed, as long as sellers include the artisan's name and tribal affiliation in the item description.
• Items created by non-tribe members can be described as Alaska Native, American Indian, or Native American only if the seller meets **both** of these requirements:
> o The artisan is certified by the governing body of a tribe.
> o This information is included in the listing.

Not

• Describing items in the following terms because they make it hard for buyers to find authentic versions:
> o Alaska Native style
> o American Indian style

allowed
- o Native American style
- o Other descriptions that may suggest the item was made by a Native American
- Items not made by Native Americans can't be listed in Native American categories
- Unknown artisan or tribal affiliation for arts and crafts made in 1935 or later can't be described as Alaska Native, American Indian, or Native American

Native American grave-related or culturally significant items
See the Native American Graves Protection and Repatriation Act for more information.

Not allowed
- Items from Native American or Native Hawaiian grave sites, such as:
  - o Funerary object placed with the dead
  - o Grave marker
  - o Human remains
- Sacred items used by Native American religious leaders in ceremonial practices, such as:
  - o Ceremonial masks
  - o Prayer sticks

Non-Native American arts and crafts

Allowed

You should describe items as Non-Native American Crafts if they weren't made by Native Americans or if they are reproductions.

Restricted

Non-Native American items in the style of Native American art or crafts have to be listed in the **Collectibles** > **Cultures & Ethnicities** > **Native American: US** > **Non-Native American Crafts** category only.

Not allowed

Items listed in the Non-Native American Crafts category described as:

- Alaska Native style
- American Indian style
- Native American reproduction
- Native American style
- Other descriptions that may suggest the item was made by a Native American

Other grave-related items, tombstones, and related funerary items

Restricted

You can list the following items, as long as they're new and have never been used:

- Burial plots
- Caskets
- Gravestones
- Headstones
- Tombstones
- Urns

Not allowed

- Items taken from historical grave sites like battlefields, protected lands, or shipwrecks
- Used funerary items like headstones, markers, or urns

Annex 10: Memorandum of Understanding British Museum and eBay

MEMORANDUM OF UNDERSTANDING

To: [British Museum]

Portable Antiquities Scheme

[Museum, Libraries and Archives Council]

[] ("you")

[Date]

Dear Sirs

This Memorandum of Understanding ("MOU") serves to set out the understanding between eBay International AG ("eBay" or "we/us") and you whereby each of us agrees to act in good faith concerning the establishment and implementation of a notice and takedown procedure to discourage illegal trade in antiquities on eBay. The terms you and we have agreed for this process are set out below.

1. You agree to assist us with the prompt identification of objects that are listed on eBay.co.uk ("the Website") in respect of which you believe with reasonable cause and in good faith that an offence may be or may have been committed under section 8 of the Treasure Act 1996, the Dealing in Cultural Objects (Offences) Act or other relevant legislation), and we agree to comply with the following procedure:

1.1. you will review the relevant categories of the Website on a regular basis;

1.2. where you identify an object in respect of which you believe with reasonable cause and in GOOD FAITH FROM THE INFORMATION CONTAINED IN THE RELEVANT LISTING THAT AN OFFENCE MAY BE or may have been committed under section 8 of the Treasure Act 1996 or section 1 of the Dealing in Cultural (Offences) Act 2003, or under any other relevant legislation, then you may contact the eBay seller using the

Website in accordance with the procedure set out at schedule 1 with a view to you collecting certain information to enable you to ascertain whether there is a reasonable cause for concern that such an offence may be or may have been committed and whether the provisions of paragraph 1.3 should apply.

1.3. where you identify an object in respect of which you believe with reasonable cause and in good faith that an offence may have been or may be committed, you will notify in writing to the Metropolitan Police (Art and Antiques Unit) or the relevant law enforcement authority (the "Authority") and clearly set out (a) details of the object, including its item number as listed on the Website; (b) the relevant legal provisions; (c) the facts insofar as they are known;

1.4. if the Authority believe there to be a reasonable suspicion that an offence has been or may be committed, they will notify us in writing that the matter is under investigation and we will remove the object from the Website in accordance with our existing policies, copying such notice to you. Such notice shall clearly set out (a) details of the object, including its item number as listed on the Website; (b) the relevant legal provisions; (c) the facts insofar as they are known; (d) the action requested; and (e) the authorising officer;

1.5. once a notice has been received from the Authority in accordance with paragraph 1.4 above, the object will be removed from the Website as soon as reasonably practicable and in any event within 48 hours; and

1.6. following receipt of notice under 1.4 above and the removal of the object from our Website we agree to send a confirmatory email to the Authority, copied to you, which shall clearly set out the action taken in respect of a notice received from them under paragraph 1.4 above.

2. All notices to be sent to us under this MOU to us shall be addressed to:

2.1. [ ] at eBay;

2.2. [ ] at the British Museum; and

2.3. [ ] at the Museums, Libraries and Archives Council; and

2.4. to such other person as may be notified to us, you and the Authority by another party from time to time.

3. Both you and we acknowledge that to the extent reasonably practical the Metropolitan Police (Art and Antiques Unit) will act as the principal point of contact for issuing notices requesting eBay to take down from the Website listings of archaeological material from the soil of England and Wales. The archaeological community and other interested parties will be encouraged by both parties to register any concerns about specific objects via you in the first instance. These roles will be reviewed by all relevant parties concerned at the end of the term of this MOU.

4. We have based our decision to enter into this MOU on your representation to us that initial review of the eBay site suggested that the number of objects in respect of which you may have reasonable cause for concern that an offence may have been committed or may be committed is likely to be around 2-5 per week.

5. This MOU continues until terminated by either you or us. Either you or we may terminate this MOU at any time, for any reason, by providing written notice to the representative of the other party set out at clause 2 above. Such termination is effective upon receipt by the other party of written notice (including email notice) of such termination.

6. The parties shall meet after three months and thereafter annually to review the content and implementation of this MOU.

7. The parties shall work together and agree a joint press release to announce the signature of this MOU. Prior to any press release or other media information including without limitation any statistics or facts and figures about any party ("Press Release") being issued, the Press Release must be approved by the parties.

8. Nothing contained in this MOU shall be construed, by implication or otherwise, as an obligation on either you or us to enter into any further agreement relating to the subject matter of this MOU. Furthermore, this MOU is a non-binding statement of procedure only and the parties do not intend that they are legally bound to comply with its terms.

9. This MOU shall be governed by and construed in accordance with the law of England and Wales. You and we each irrevocably submit to the non-exclusive jurisdiction of the courts of England and Wales over any claim, dispute or matter arising under or in connection with this MOU. Please confirm your acceptance of the terms set out in this MOU by signing, dating and returning the enclosed copy of this MOU.

Yours faithfully

For and on behalf of eBay International AG

Accepted and agreed:-

For and on behalf of the British Museum

Signed: …………………………………… Name: ……………………………………

Date: …………………………………… Title: ………………………………..

Accepted and agreed:-

For and on behalf of the Museums Libraries and Archives Council

Date: …………………………………… Title: ………………………………..

SCHEDULE 1

Preventing the Illicit Trade in Antiquities on eBay

Procedure for Contacting Sellers

1. Wherever possible the Portable Antiquities Scheme (PAS) or the Treasure Section of the British Museum (BM) will contact 'sellers' via contact details that are publicly available (i.e. not via their eBay account).

2. In cases where PAS/BM believe with reasonable cause and in good faith from the information contained in the item listing on eBay that an object may be unreported Treasure (i.e. the object fulfils all the criteria of Treasure, but has no record it has been reported) PAS/BM will contact the seller advising them of their legal obligations.

3. In cases where PAS/BM believe with reasonable cause and in good faith that they have identified an object of potential Treasure but require further information from the seller to confirm this (e.g. the object is gold or silver and 300 years old, but PAS/BM don't know when or where it was found) PAS/BM will contact the seller asking for further information.

4. Where a seller responds to a question, PAS/BM will offer advice as appropriate (i.e. advise them of their legal obligations and offer to help them report the item).

5. Where a seller chooses not to respond or where PAS/BM believe with there is reasonable cause and in good faith for concern that a seller may have failed to report Treasure, and PAS/BM believe that in good faith that an offence will be committed, PAS/BM will forward any information they have about the object to the Metropolitan Police and request the sale is ended (as set out in the Memorandum of Understanding)as appropriate. PAS/BM will not contact the seller again when he chooses not to respond to their first request.

Annex 11: eBay: German and Swiss Agreements

GERMANY

Trading archaeological artefacts

This webpage supplies information on legal regulations of dealing with archaeological artefacts in Germany. From 1st July 2008 trading archaeological artefacts on the eBay marketplace will only be possible if the trader can provide a certificate, a so called "Provenance". In the following we will define the term "Provenance" and explain how to obtain a certificate.

In close partnership with eBay Germany, a group of experts will assess the authenticity of

"Provenances" issued with any archaeological object offered on eBay. The experts will cancel offers if the "Provenance" fails the authenticity assessment.

What is a Provenance?

The Provenance is a comprehensible document, issued for each archaeological artefact. It has to provide clear proof that the archaeological artefact is offered according to particular laws for dealing with archaeological artefacts in Germany. If no Provenance exists, if it is incorrect, incomprehensible or incomplete – which is equivalent to the item not complying with particular laws in dealing with archaeological artefacts – it is not permitted to list the archaeological artefact on eBay Germany.

Digging for archaeological artefacts

You will need permission to dig for archaeological artefacts. If an archaeological artefact is uncovered you have to inform an archaeological organisation/legal administration, see table below (not available).

Convention on archaeological artefacts

It is generally illegal to offer archaeological artefacts. Only under special circumstances and by complying with the requirements below can archaeological artefacts be offered: - the trader is in possession of all documents (Provenance) of the offered archaeological artefact, which have to comply with the legal specifications for archaeological artefacts - all documents must be legible and displayed together with the archaeological artefact.

What is an archaeological artefact?

An archaeological artefact is an object of historical, artistic or scientific importance, which at one point has been buried in the soil or under water.

Below is a small selection of types of archaeological artefacts, which explicitly does not aim to be complete, but is to be seen as a guide.

- Coins

- Weapons

- Grave goods

- Pottery

- Jewellery

- Tools

- Sacred objects

- Floral or faunal remains (Fossils)

- Minerals

Note: According to specific laws the finder of archaeological artefacts is obliged to report finds immediately and if required, to hand over the archaeological artefacts to the authorities.

In most German states archaeological artefacts are automatically owned by the state they are found in as soon as they are uncovered. Therefore offering or buying these archaeological artefacts can be a criminal or administrative offence.

What is a Provenance?

The Provenance is a comprehensible document, issued for each archaeological artefact. It has to prove clearly that the archaeological artefact is offered according to particular laws for dealing with archaeological artefacts in Germany.

Only if a correct Provenance is issued and displayed can one be sure that the archaeological artefact may be legally offered. It is not permitted to list archaeological artefacts without a Provenance.

What does the Provenance for my offer look like?

Generally it is a copy of the find-report that you received when you reported the find to the authorities. It is sufficient to provide the find reference number provided by the authorities. If you do use a copy of the find-report for data protection reasons you can cover your name, address, corridor reference and find co-ordinates.

However, the following details have to be clearly readable: state, county, district, time of discovery, object description, inventory number, name of authority that received the find-report.

My object is out of an old collection

Normally, old collections of archaeological artefacts are registered by the authorities or museums.

An abridgement of an official document will be sufficient as a Provenance. If such a document is not available, contact the appropriate authorities. If you do not know the place where the archaeological artefacts were discovered and therefore do not know which authority to contact, simply contact your local authorities. Provided you are the lawful owner the authorities will then issue a confirmation.

I bought my object

If you bought it at an auction, an abridgement of the auction catalogue is sufficient to confirm you acquired the object in good faith, as the liability of the legal origin is with the trader. An official receipt would also be sufficient – you can blackout the price if desired.

My object comes from within the European Union

In the EU the same laws apply as in the Germany. If in doubt contact the appropriate authorities in the EU member state.

My object comes from a non-EU country

You will need the name of the authority that issued the export licence and the authority's reference number for your object. A customs certificate is not sufficient.

For more information on the trade in archaeological finds and pedigrees, please visit the About Me page of the National Association of archaeologists in the Federal Republic of Germany (VLA).

Breach of policy

Breaches of these policies may result in a range of actions, including:

- Listing cancellation

- Limits on account privileges

- Account suspension

- Forfeit of eBay fees on cancelled listings

- Loss of Power Seller status

SWITZERLAND

Memorandum of understanding

Between eBay international AG and Swiss ministry of culture

With regard to responsible handling of cultural remains.

Annex

In the knowledge that the internet can provide an illegal platform for dealing with cultural artefacts and that an appropriate risk management is necessary.

Acknowledgement that it is a problem of international scale.

Aiming to help against illegal misuse of internet platforms by their users.

In the knowledge that by (Swiss) law antiquities are property of the state and that equivalent laws apply for other countries.

Under consideration of regulations to protect the cultural heritage of mankind and to prevent theft, plunder and illegal import and export of antiquities as stated in Swiss law and the in the UNESCO Convention of 1970 (SR 0.444.1).

Under the consideration of INTERPOL recommendations on stolen antiquities from 4th and 5th March 2008.

In the understanding that archaeological artefacts in particular are vulnerable to illegal processes

With the ambition of cooperation between eBay and the Swiss authorities in combating illegal trades of archaeological artefacts

Having established that work is to be done, the involved parties will carry out the following pilot project:

1. Changes of eBay policies that regulate dealing with archaeological artefacts

eBay will change the part of their terms and conditions (which applies to all eBay members) for the German-speaking sites that refer to archaeological artefacts by the 3rd quarter of 2008. From then on, only archaeological artefacts with a legal certificate (Provenance) can be listed on eBay. Also, the certificate has to be displayed in the listing and has to be legible.

2. Controlling the regulations

During the pilot project eBay, the Swiss police, state archaeologists and FEDPOL together will control compliance of these new regulations, as explained above.

3. Raising public awareness

eBay will contribute to help raise the awareness of the public in dealing with archaeological artefacts. Swiss police and state archaeologists will provide specialist information which eBay will link to their section of terms and conditions that refer to archaeological artefacts which as well will help sensitising the public. At the end of the pilot project, the participating parties will analyse and evaluate the project. It will also be examined if combined follow-up projects in the sense of the UNESCO Convention of 1970, the protection of cultural heritage, should be advised.

Annex 12: Advice for people buying archaeological objects from the UK

http://finds.org.uk/treasure/advice/adviceonbuying

Home » Treasure Act » Advice

Advice for people buying archaeological objects from the UK

Five things to ASK :

1. Have you legal title to sell?
2. Where was the object found?
3. When was the object found?
4. Was there a legal obligation to report the find?
5. Has the object been recorded?

ASK - have you legal title to sell?

With the exception of Treasure finds (see below) all archaeological finds found in England , Wales or Northern Ireland are normally the property of the landowner. If the object has been recently discovered and the person selling the object is the finder, then they will need to have the permission of the landowner on whose land the object was found before they can sell it.

In Scotland there is a legal obligation to report all archaeological objects under Treasure Trove (see below). All objects belong to the Crown, unless disclaimed.

If the person selling the object is not the finder or landowner, then can you satisfy yourself that they have legal title to sell? It is a good idea to ask the seller to sign a statement verifying their account of the item's provenance and their legal title to sell. Ask for a copy of all appropriate documentation if there was a legal obligation to report the find.

ASK - where was the object found?

There is a legal obligation to report archaeological finds found in England , Wales or Northern Ireland that qualify as Treasure (see further information, below). Non-Treasure finds found in England or Wales may have been recorded with the Portable Antiquities Scheme (a voluntary scheme to record archaeological objects found by the public - see contacts) and therefore documentation may exist to show where an object was reported as being found and whether it has been properly recorded.

There has been a legal obligation to report the discovery of all archaeological objects found in Northern Ireland since 1926 (restated in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995). It is also an offence to excavate any land while searching for archaeological objects without a licence, which requires appropriate reporting of all archaeological findings. Northern Ireland finds

should not be purchased without appropriate documentation proving that they have been reported.

There is a legal obligation to report all archaeological finds found in Scotland under Treasure Trove. Scottish finds should not be purchased without documentation proving that they have been disclaimed (see below).

If the object was found outside the UK then you need to know whether it has been imported legally. Ask for documentation to prove this. Most countries have very tough export laws and will not allow archaeological material to be exported.

All UK archaeological objects found in the ground and at least 50 years old need an Export Licence before they can be sent overseas. If you live abroad and wish to buy an object found in the UK ask for a copy of the Export Licence. For further information contact the Export Licensing Team (see contacts).

ASK - when was the object found?

For finds found in England or Wales it is important to know when the object was found. All finds of gold or silver found before 24 September 1997 should have been reported as Treasure Trove. All Treasure finds (see further information) found after that date should have been reported under the Treasure Act 1996.

In Scotland there is a legal obligation to report all archaeological finds, no matter when they were found. Likewise in Northern Ireland there is the legal requirement to report all archaeological finds found after 1926.

ASK - was there a legal obligation to report the find?

In England and Wales there is a legal obligation to report Treasure finds: under Treasure Trove if found before 24 September 1997 or under the Treasure Act 1996 if found after that date (see further information). Only Treasure finds that have been disclaimed on behalf of the Crown can be legally sold, so ask to see proof that the find was disclaimed (i.e. the Crown Disclaimer). Most gold and silver objects (and some other classes of finds) found in England and Wales should have been reported Treasure, even if the seller says they 'come from an old collection'!

If there is any doubt whether an object has been reported Treasure or not then it is best to contact the Treasure Section at the British Museum for English finds or the National Museum of Wales for Welsh finds (see contacts).

In Scotland there is a legal obligation to report all archaeological finds Treasure Trove (see further information). Only disclaimed finds can be legally acquired. When buying archaeological material you should ask to see the appropriate disclaimer certificate. For further information and advice contact the Treasure Trove Secretariat at the National Museums of Scotland (see contacts).

In Northern Ireland there is a legal obligation to report the discovery of all archaeological finds and these should not be purchased without proof that the discovery has been reported. For further information and advice contact the Environment and Heritage Service , Northern Ireland (see contacts).

It is also illegal to metal detect on, or remove any archaeological finds from, a Scheduled Ancient Monument without the permission of English Heritage (in England), the Environment & Heritage Service (in Northern Ireland), Historic Scotland (in

Scotland) or Cadw (in Wales). In Northern Ireland it is illegal even to be in possession of a metal-detector on a scheduled or State Care site without permission. You should not buy finds removed from such sites!

ASK - has the object been recorded?

In England and Wales the Portable Antiquities Scheme is a voluntary scheme to record archaeological objects found by the public. Whilst therefore there is no legal obligation to record finds with the Scheme, finders who do so are adding to our understanding of the past. It is current UK Government advice that finders of all archaeological objects (found in England and Wales) should have them reported and recorded. Contact your local Finds Liaison Officer for more information (see contacts).

In Scotland there is a legal obligation to report all finds of archaeological objects under Treasure Trove. Finds may be recorded, even if they are disclaimed.

In Northern Ireland as well as the legal obligation to report all discoveries of archaeological objects, such objects may be held by the Environment & Heritage Service or the Ulster Museum for up to 3 months to permit proper examination and recording, after which they are returned to the depositor.

IF A SELLER CAN NOT SATISFACTORILY ANSWER ALL OR ANY OF THESE QUESTIONS OR YOU HAVE DOUBTS WHETHER AN OBJECT IS ILLICIT OR NOT THEN OUR ADVICE IS DO NOT BUY!

Further information

Treasure Trove: All finds discovered in England , Wales and Northern Ireland before 24 September 1997 were subject to the Common Law of Treasure Trove. Treasure Trove was defined as gold and silver objects, which had been deliberately hidden with the intention of recovery and where the original owner/s or heirs are unknown.

Under arrangements established in 1886 finders of Treasure who acted properly and lawfully by reporting their finds and handing over anything they had found to their local Coroner received a reward (based on the market value of the find) if any items were retained by a museum. Otherwise the finds were disclaimed and returned to the finder.

In Scotland all newly discovered archaeological objects, whether they are precious metal or not and regardless of whether they were hidden or lost, belong to the Crown under the legal principle of bona vacantia . All items which are claimed under Treasure Trove are allocated specifically to museums within Scotland and the finder receives a reward. Otherwise finds are disclaimed and returned to the finder.

Treasure Act 1996 and Treasure (Designation) Order 2002: Since 1997 the Common Law of Treasure Trove has been replaced by the Treasure Act 1996 in England , Wales and Northern Ireland . Under the Act, extended by the Treasure (Designation) Order 2002, the following finds are Treasure, if found after 24 September 1997 (or, in the case of category 2, if found after 1 January 2003):

- Any metallic object, other than a coin, provided that at least 10 per cent by weight of metal is precious metal (that is, gold or silver) and that it is at least 300 years old when found. If the object is of prehistoric date it will be Treasure provided any part of it is precious metal.

- Any group of two or more metallic objects of any composition of prehistoric date that come from the same find (see below)
- Two or more coins from the same find provided they are at least 300 years old when found and are composed of at least 10 per cent gold or silver (but if the coins contain less than 10 per cent of gold or silver there must be at least ten of them). Only the following groups of coins will normally be regarded as coming from the same find: (a) hoards that have been deliberately hidden, (b) smaller groups of coins, such as the contents of purses, that may been dropped or lost, and (c) votive or ritual deposits.
- Any object, whatever it is made of, that is found in the same place as, or had previously been together with, another object that is Treasure.
- Any object that would previously have been Treasure Trove, but does not fall within the specific categories given above. Only objects that are less than 300 years old, that are made substantially of gold or silver, that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown will come into this category. Note: An object or coin is part of the 'same find' as another object or coin if it is found in the same place as, or had previously been together with, the other object. Finds may have become scattered since they were originally deposited in the ground.

Law enforcement

Treasure Act 1996: There is a legal obligation for all finders of Treasure to report these to a coroner within 14 days of making the find, or realising the find was Treasure. Penalty: imprisonment for up to 3 months and/or a fine up to £5,000.

Dealing in Cultural Object (Offences) Act 2003: It is illegal to knowingly sell, buy or deal in tainted cultural objects (objects of historical, architectural or archaeological interest) illegally excavated or removed after 30 December 2003 . Penalty: imprisonment for up to 7 years and/or an unlimited fine (in the Crown Court).

The Theft Act 1968 and Trespass may also be applicable.

Contacts

England: Portable Antiquities Scheme & Treasure Section, British Museum , London , WC1B 3DG. Tel: 0207 323 8546/8611. http://www.finds.org.uk
Wales: National Museums & Galleries of Wales , Cathays Park , Cardiff , CF10 3NP . Tel: 02920 573226. http://www.nmgw.ac.uk
Scotland: Treasure Trove Secretariat, National Museums of Scotland , Chambers Street , Edinburgh , EH1 1JF . Tel: 0131 247 4082/4355. http://www.treasuretrovescotland.co.uk
Northern Ireland: Environment & Heritage Service, Waterman House, 5-33 Hill Street , Belfast , BT1 2LA Tel: 028 9054 3034. http://www.ehsni.gov.uk/built/legislation/legislation.shtml
Export Licences: Export Licensing Unit, Arts Council England, 14 Great Peter Street , London , SW1P 3NQ . Tel: 0207 793 5188. http://www.artscouncil.org.uk

Annex 13: UNESCO International Code of Ethics for Dealers in Cultural Property

International Code of Ethics for Dealers in Cultural Property

Members of the trade in cultural property recognize the key role that trade has traditionally played in the dissemination of culture and in the distribution to museums and private collectors of foreign cultural property for the education and inspiration of all peoples.

They acknowledge the world wide concern over the traffic in stolen, illegally alienated, clandestinely excavated and illegally exported cultural property and accept as binding the following principles of professional practice intended to distinguish cultural property being illicitly traded from that in licit trade and they will seek to eliminate the former from their professional activities.

ARTICLE 1 Professional traders in cultural property will not import, export or transfer the ownership of this property when they have reasonable cause to believe it has been stolen, illegally alienated, clandestinely excavated or illegally exported.

ARTICLE 2 A trader who is acting as agent for the seller is not deemed to guarantee title to the property, provided that he makes known to the buyer the full name and address of the seller. A trader who is himself the seller is deemed to guarantee to the buyer the title to the goods.

ARTICLE 3 A trader who has reasonable cause to believe that an object has been the product of a clandestine excavation, or has been acquired illegally or dishonestly from an official excavation site or monument will not assist in any further transaction with that object, except with the agreement of the country where the site or monument exists. A trader who is in possession of the object, where that country seeks its return within a reasonable period of time, will take all legally permissible steps to co-operate in the return of that object to the country of origin.

ARTICLE 4 A trader who has reasonable cause to believe that an item of cultural property has been illegally exported will not assist in any further transaction with that item, except with the agreement of the country of export. A trader who is in possession of the item, where the country of export seeks its return within a reasonable period of time, will take all legally permissible steps to co-operate in the return of that object to the country of export.

ARTICLE 5 Traders in cultural property will not exhibit, describe, attribute, appraise or retain any item of cultural property with the intention of promoting or failing to prevent its illicit transfer or export. Traders will not refer the seller or other person offering the item to those who may perform such services.

ARTICLE 6 Traders in cultural property will not dismember or sell separately parts of one complete item of cultural property.

ARTICLE 7 Traders in cultural property undertake to the best of their ability to keep together items of cultural heritage that were originally meant to be kept together.

ARTICLE 8 Violations of this Code of Ethics will be rigorously investigated by *(a body to be nominated by participating dealers).* A person aggrieved by the failure of a trader to adhere to the principles of this Code of Ethics may lay a complaint before that body, which shall investigate that complaint before that body, which shall investigate that complaint. Results of the complaint and the principles applied will be made public.

Adopted by the UNESCO intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its Tenth Session, January 1999 and endorsed by the 30th General Conference of UNESCO, November 1999.