

# Value and doubt: The persuasive power of 'authenticity' in the antiquities market

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## Introduction

In the antiquities market value is intimately tied to the concept of authenticity. While beauty, form, function, and rarity are important factors in determining the price an artefact will fetch on the market, none of these matter to most buyers unless the object is “real”. If an antiquity is not ancient, it loses its meaning to buyers: it is valueless. Research into the global antiquities market has revealed extensive market deception regarding the legality of much of the artefacts that are bought and sold. Criminal activity of various kinds exists at all stages and at all levels of the trade. Although it would seem that engaging in a potentially illegal market with very real punitive consequences should be of primary concern to buyers and dealers, in antiquities sales the specific legality of an object is rarely presented directly or openly discussed. In contrast, scientific testing and certificates of authenticity are featured prominently on dealer websites and storefronts. Provenance research may have the side benefit of potentially proving that an antiquity is not illegal, but its primary purpose is to establish an impeccable chain of connoisseurship and thus authenticity.

In this paper I will discuss how the increase in monetary value associated with proof of artefact authenticity has been used to discourage the illicit trade in looted cultural property and prosecute offenders. This can be seen in two phenomena, which display the persuasive power of the concept of authenticity on the antiquities market. The first is the frequency in which antiquities traffickers and other intermediaries photograph looted artefacts in the ground or in transit. Although creating a physical record of their crimes might seem counter-intuitive, this photographic proof of the authenticity of a piece increases its value to collectors and thus the monetary gain for the traffickers. The second phenomenon are attempts made by certain source countries to disrupt the market for illicit antiquities by publicly questioning the authenticity of objects for sale at auction. This emerging strategy, usually

undertaken in response to a failed bid to halt an antiquities auction in the US or Europe, involves an official declaration that a number of antiquities for sale are, according to experts, fakes. The alleged fakes are not specifically identified, casting doubt on all the pieces for sale and potentially reducing the antiquities’ value in the minds of potential buyers. Through these examples I will offer a general overview of how authenticity-based value is created in the antiquities market as well as how it is subverted.

## Background

The material remains of the past have monetary value. They are collected, bought and sold. All major auction houses and many smaller houses, host a number of dedicated antiquities sales, offered by region, material or art market classification. Antiquities are available on eBay, via online dealers and in dealership storefronts around the world. Although most antiquities sales are private, it is clear from the scale of what is on offer publicly that artefacts command high prices in a market that does not lack demand. Yet for over 100 years individual states have attempted to restrict or completely ban the excavation of ancient objects by non-archaeologists as well as the export of antiquities for sale. Most antiquities ‘source countries’ claim ownership of all antiquities in their national territory, even objects that have yet to be discovered.<sup>1</sup> Broadly speaking, removal of these objects from the ground or from the source country without a permit is illegal and permits are not issued for anything but academic archaeology. A very limited number of antiquities entered Western private collections before these laws were put in place. Many, perhaps most, of those objects have since entered public collections and, thus, are not longer available for sale. This means that the market has access to very few fully legal antiquities and demand far exceeds supply. Yet where a lucrative demand exists another supply is found. Archaeological sites are destroyed, antiqui-

ties pass through the hands of organised criminal networks, and people are hurt or even killed, all to feed the insatiable market for these items.<sup>2</sup> The looting of an archaeological site destroys fragile contextual information that cannot be recovered.<sup>3</sup> Looted antiquities on the market represent incalculable information loss; they are the tattered remains of the cultural heritage of humanity. Nearly all the antiquities available on the international market are tainted by crime.<sup>4</sup> Many are outright illegal.

Penalties for antiquities looting, trafficking, and receiving range from object seizure through to fines and even to imprisonment. Especially in jurisdictions in which so-called good faith purchases of stolen goods are legally complicated or impossible, antiquities collectors and museums risk a complete loss of their investment should they purchase a looted antiquity that is later seized. Dealers, collectors and museum officials who have knowingly purchased looted antiquities have faced jail time.<sup>5</sup> Because of the intense risk, one might think that legality and complete provenance would be the primary issues for those valuing antiquities and those buying them. Yet the issue of artefact legality is never mentioned in auction catalogues<sup>6</sup> and rarely discussed in dealer advertisements or on their websites. Prominent collectors have gone on the record to say that issues regarding legality rarely enter their mind.<sup>7</sup> A valuable antiquity is not necessarily a legal one. A valuable antiquity is a ‘real’ one. On the antiquities market value is inextricably tied to authenticity.

## Value in authenticity

There are a number of factors that determine how much a buyer is willing to pay for an artefact. Beauty, for example, is of primary concern to many antiquities buyers, be it via superior craftsmanship, sublime physical forms, or how well the artefact has weathered the test of time.<sup>8</sup> Beauty is a determinant of artefact value because these objects are, to some extent, being purchased for visual purposes and display. A truly beautiful (or “fine”) antiquity is, thus referred to as “museum quality”. Beautiful objects command higher prices. Of course the popular definition of beauty changes over time. Antiquities that conform to contemporary aesthetics (e.g. the schematic marble Cycladic figurines that inspired as well as resembled the work of such artists as Moore and Modigliani) are often the most valuable.<sup>9</sup> Pop appeal, then is an important factor in determining the value

1. See Neil Brodie, Jenny Doole and Peter Watson. *Stealing history: The illicit trade in cultural material*. Cambridge: McDonald Institute of Archeology and the International Council of Museums. 2000; and Donna Yates. *Archaeology and autonomies: The legal framework of heritage management in a new Bolivia*. 2011.

2. See Neil Brodie and Colin Renfrew. *Looting and the world’s archaeological heritage: the inadequate response*. 2005; Simon Mackenzie. *Illicit deals in cultural objects as crimes of the powerful*. 2011; Simon Mackenzie and Tess Davis. *Temple looting in Cambodia: Anatomy of a statue trafficking network*. 2014; Donna Yates. *Church theft, insecurity, and community justice: The reality of source-end regulation of the market for illicit Bolivian cultural objects*. 2014; and Donna Yates. *Displacement, deforestation, and drugs: antiquities trafficking and the narcotics support economies of Guatemala*. 2014.

3. Colin Renfrew. *Loot, legitimacy and ownership: the ethical crisis in archaeology*. 1999.

4. Brodie cited in Allison Smale. *Stemming a tide of cultural theft*. *New York Times*. 2014-12-17.

5. See for example Patty Gerstenblith. *Schultz and Barakat. Universal recognition of national ownership of antiquities*. 2009; and Peter Watson. *The fall of Robyn Symes*. 2004.

6. Christopher Chippindale et. al. *Collecting in the Classical world: first steps in a quantitative history*. 2001; Christopher Chippindale and David W.J. Gill. *Material consequences of contemporary Classical collecting*. 2000; Elizabeth Gilgan. *Looting and the market for Maya*

Yates, Donna. *South America on the block: the changing face of Pre-Columbian antiquities auctions in response to international law*. MPhil Thesis. University of Cambridge. 2006. *objects: a Belizean perspective*. 2001; and Donna Yates. *South America on the block: the changing face of Pre-Columbian antiquities auctions in response to international law*. 2006.

7. See Christian Levett in Lucinda Bredin. *Platform: What Made Him Tick*. 2013.

8. Ortiz, George. *Overview and assessment after fifty years of collecting in a changing world*. 2006; and Shelby White. *A collector’s odyssey*. 1998.

9. David W.J. Gill and Christopher Chippindale. *Material and intellectual consequences of esteem for Cycladic figures*. 1993.

10. Thomas Hoving. *Making the mummies dance: inside the Metropolitan Museum of Art*. 1994.

11. Souren Melikian. Antiquities, with a proven record, drive auction market. *New York Times*. 2013-06-14

12. Kenneth D.S. Lapatin. *Mysteries of the snake goddess: art, desire, and the forging of history*. 2002.

of an antiquity. Increased pop appeal of certain types of antiquities may relate to the fame of a particular collector, the visibility of a museum exhibition of that type of object, or even to announcements of major archaeological discoveries. Related to pop appeal is an antiquity's sex appeal. Erotic antiquities, weapons and other warfare items, artefacts made of gold and precious jewels, skulls and mummies, and other such antiquities are all salacious and titillating. Thus artefacts that exhibit a trait that we would consider sexy, for want of a better term, often come with a price premium attached. Another significant determinant of value is rarity. Collectors and museums place emphasis on objects that are one of a kind and compete for the rarest of the rare.<sup>10</sup> The most valuable antiquity is a unique antiquity and the most expensive antiquity is one that is unparalleled and unmatched. Finally, legality is a factor for many buyers, although certainly not all of them, and some are likely to be willing to pay more for an antiquity from a legitimate source.<sup>11</sup>

Yet authenticity is the deal-breaker, the primary concern of all buyers and the most important factor in determining an artefact's value. The most beautiful, most popular, sexiest, and rare antiquity in the world is valueless if it is a fake. For example, the "Minoan" Snake Goddess", bought by the Museum of Fine Arts Boston in 1914 for \$950 (over \$22,000 adjusted for inflation) is very beautiful, popular, sexy, extremely rare, and as legal as any other antiquity of its day. It was treasured and on display for nearly 90 years until tests in the early 2000s determined that it was a fake.<sup>12</sup> It is no

longer on display and, it can be assumed, is of little monetary value. The Getty Kouros, an 'Archaic Greek' statue, was purchased by the Getty Museum in 1985 for \$9 million (\$19.5 million adjusted for inflation). The object's beauty, its sex appeal, and its rarity determined that high price tag: the Kouros was billed as a piece that was at the cusp of new naturalistic 'Classic' Greek sculpture. Yet it has since been widely dismissed as fake. So fake that when the statue travelled to Greece in 1992 for a conference to determine its authenticity, the Greeks declined to seize it.<sup>13</sup> If it were real, the Getty Kouros would have had to have been looted and trafficked from Greece. Greece, however, considered it fake and valueless. To restate, even when an 'artefact' displays every other indicator of monetary value and even when shocking sums have been paid for it in the past, the piece becomes valueless if it is found to be not ancient.

But why is authenticity so important if an object is beautiful and rare? Because the people and the institutions that buy antiquities do so from desire to form a connection to the ancient past. The specifics of these connections are certainly personal and varied, such as a drive to experience the roughest kernels of humanity by collecting objects of archaic form or simply a genuine interest in archaeology. Humanity likes proof of its age and legitimacy. We like survival and evidence of our past greatness enriches our present identities. We are awed by objects that are so very old yet so very familiar and by the durability of the material remains of ancient lives. It makes our own personal existence seem less ephemeral. Ancient objects

are immortal. Antiquities collectors are tapping into this tangible immortality: by owning it, they incorporate it into their own lives. As long as an antiquity is genuine, as long as it is ancient, the connection is there. A fake, however, is modern. It lacks any of these intangible qualities. An antiquities collector collects the past through physical objects. Without the past, they are just left with physical objects and the objects, however beautiful, lack past-based value.

Because of the value of authenticity in the antiquities market, determining authenticity is of primary concern to sellers and buyers. There are only two ways for an antiquities buyer to know, for a fact, that an artefact they are buying is authentic. First, a buyer knows that an antiquity is authentic if archaeologists excavated it during the course of legal archaeological investigation. As previously stated, new archaeologically excavated objects have not been available to the market for over a century and antiquities excavated and exported after antiquities laws were put in place are rarely available for sale. Second, an antiquities buyer could potentially loot an archaeological site with their own hands, stealing artefacts for themselves. This is not unheard of by any means (e.g. the stories of adventurer looters in Mesoamerica are recorded in Graham (2012); hobbyist pot hunting in the American Southwest and metal detecting in Europe) but it is unrealistic and unappealing to most: it represents a significant risk for the collector and it is very hard work. Thus buyers are faced with a market mostly comprised of looted antiquities and although they desire real artefacts they are left

with an incomplete toolkit for determining authenticity. Antiquities dealers and auction houses, then, are tasked with quelling buyers' fears.

Perhaps the most common way antiquities sellers assert authenticity is through expert opinion: if a trained and respected archaeologist says an antiquity is real, it seems real. That said, it is considered unethical for archaeologists to engage in the market for illicit antiquities, even though some do.<sup>14</sup> Publication in a scholarly article is considered proof that scholars consider an artefact to be authentic. Because of this publication history is featured prominently in antiquities sales catalogues. Yet, once again, archaeologists have become wary of this authentication by proxy. Publication of looted antiquities in scholarly journals is now considered to be dubious at best and professionally unethical at worst. Because of an increased reluctance of scholars to participate in market authentication, auction houses especially and many dealerships promote the skills of in-house 'experts'. The vested interest these 'experts' have in declaring their own business' wears as 'authentic' is rarely mentioned.

Provenance or ownership history research is a second method through which some degree of authenticity is established in the minds of buyers. Although buyers place value in the rare and new, antiquities that can be shown to have been in private collections for decades or centuries feel, at least to buyers, to be more likely to be authentic. In some cases this is correct. The previously mentioned Cycladic figurines, mercilessly faked at the height of their

13. Bianchi, Robert Steven. *Saga of the Getty Kouros*. 1994; and Angeliki Kokkou (ed.). *Getty Kouros Colloquium: Athens, 25–27 May 1992*. 1993.

14. Neil Brodie. *Congenial bedfellows? The academy and the antiquities trade*. 2011.

15. David W.J. Gill and Christopher Chippindale. *Material and intellectual consequences of esteem for Cycladic figures*. 1993.

16. Karen Olsen Bruhns and Norman Hammond. *A visit to Valdivia*. 1983.

17. Geraldine Norman and Thomas Hoving. *Inside the silver syndicate*. *Independent on Sunday*. 1991-12-29

popularity, were completely ignored by 19th century buyers and no fakes were produced at that time.<sup>15</sup> The very few Cycladic figurines acquired before the faking boom, then, are certainly real, but authenticity questions exist about almost all of the others. Cycladic figurines are a rare case and fake antiquities exist from all time periods. There is also evidence to suggest that antiquities faking industries start up quite quickly and for reasons unrelated to the international market. If, for example, evidence exists that Valdivia figurines from Ecuador began to be faked shortly after they were first discovered by archaeologists and long before an international market developed for them.<sup>16</sup> Also, sterling provenance can be faked. Forged documents accompany fake antiquities.<sup>17</sup> Provenance, then, does not assure authenticity.

Recently we have seen a rise in the use of various scientific techniques to determine the authenticity of antiquities on the market. The 'Minoan' Snake Goddess was exposed as fake via a radiocarbon date of 1000 to 500 years old, not 5000 years old as the MFA certainly hoped. Radiocarbon dating, although not perfect, is probably the best technique for determining if an artefact is ancient or not, however it is only possible to carbon date organic material (e.g. the ivory of the Snake Goddess). Antiquities made of non-organic material such as stone, clay, or metal cannot be carbon dated. Nearly all of the antiquities on the market are made from inorganic material. Furthermore, radiocarbon dating can be tricked. If the Snake Goddess had been made in modern times from an ancient piece of ivory, the carbon date would come back correct. Fakers know this.

For ceramic items, thermoluminescence (TL) dating can be used and it is common for dealers to advertise the TL dates of ceramic objects they have for sale. Beyond the technical drawbacks of this technique, fakers can get around TL as well. Pottery fakes have been found in which ancient pottery pieces were ground up and incorporated into the clay, thus skewing TL dates. A well-known African piece, also in the MFA, was found to be half modern and half ancient, the fake half being added to increase the price of the object (Brent 2001). TL dating was performed on the ancient part. Other techniques are used to detect chemical vs. natural ageing, the 'freshness' of tool marks, the concentration of inclusions in metal, and the source of rock or other material that the objects is composed of. Again, each of these techniques has its limits and fakers have been documented as getting around all of them. That said, science is considered to be very convincing proof of authenticity in the eyes of buyers.

A final technique for "proving" the authenticity of looted antiquities is to provide potential buyers with photographs of the object either in-situ as it is being looted, in pieces and covered with soil before conservation, or otherwise in a situation that strongly implies that the object is not modern. Photographs, of course, provide absolute proof of criminal activity: of looting, smuggling, and illicit sale. Those in the photographs or who are found to have such photographs in their possession risk criminal prosecution. Those who buy looted antiquities featured in 'looting' photographs that are later seized risk being forced to repatriate the pictured objects and also may face

criminal sanctions. Yet the value of authenticity in the antiquities market is so great that looting and trafficking photos are not uncommon. It appears as if the increase in monetary value for an artefact that can be shown in situ, and thus shown to be authentic, is worth the added risk in the minds of looters, traffickers, sellers, and buyers.

### **Authenticity photos**

In a number of high profile illicit antiquities cases, police have seized archives of images of specific artefacts being looted, transported, and restored. These photographs provide a clear and definitive date when an object was looted or smuggled, and thus prove that the antiquity is stolen and illegal. Cases in which there is photographic evidence of theft and trafficking are far more likely to result in a conviction or repatriation than other antiquities crime cases. Why, then, do those who trade in illicit antiquities take the risk? Because the photographs offer proof to buyers who desire evidence of authenticity. The increased value of antiquities that can be shown to not be fakes is high enough that criminals are willing to risk self-incrimination.

### **Greece and Italy: the Becchina and Medici photo archives**

The most famous examples of photographs being used to increase the value of looted antiquities by proving authenticity are the archives of Polaroid instant photos compiled by the Italian dealers Gianfranco Becchina and Giacomo Medici, who were contemporaries and rivals. Both of these cases involved some degree of Italian organised crime and

both cases involved the movement of freshly looted antiquities out of Italy and in to the hands of collectors in the USA and Europe via Switzerland. While these complex smuggling networks are better covered in several popular books,<sup>18</sup> both the subsequent convictions of Medici and Becchina and the ongoing identification of their looted antiquities in public and private collections hinged on the photos that these men kept.

It appears as if Becchina and Medici served an important role in the smuggling chain: they were “Janus figures”.<sup>19</sup> They received looted antiquities from local Italian looting gangs, cleaned the objects (both literally and figuratively), and then sold them on the ‘legitimate’ market. As intermediaries they served to convert stolen goods from the underworld in to classy art objects for the great museums and collectors to vie for. Because authenticity is of paramount importance in antiquities sales, these men both received photographs of objects in situ from looters hoping to sell to them as well as provided photographs of objects within their warehouses in a pre-restoration state to potential buyers. Fragmentary antiquities with soil still attached seemed, to Becchina and Medici as well as their buyers, to be authentic and thus more valuable.

The scale of the Medici and Becchina archives is staggering. Over 4000 photos of looted antiquities were seized from Medici’s Swiss storerooms in 1999 and over 8000 photos of looted antiquities were seized from Becchina’s Swiss storerooms in 2002.<sup>20</sup> Both men were convicted of numerous charges and high profile museums, collectors, and auction

18. Jason Felch and Ralph Frammolino. *Chasing Aphrodite*. 2011; Vernon Silver. *The lost chalice: the epic hunt for a priceless masterpiece*. 2009; and Peter Watson and Cecilia Todeschini. *The Medici conspiracy*. 2006.

19. Simon Mackenzie and Tess Davis. Temple looting in Cambodia: anatomy of a statue trafficking network. 2014.

20. Peter Watson and Cecilia Todeschini. *The Medici conspiracy*. 2006.

21. Karl E. Meyer. *The plundered past*. 1973.

22. David Freidel. *Mystery of the Maya facade*. 2000.

23. Karl E. Meyer. *The plundered past*. 1973; and David Freidel. *Mystery of the Maya facade*. 2000.

24. William H. Honan. Art for whose sake? Trading in antiquities; rare Pre-Columbian relics, at any cost. *New York Times*. 1995-07-31.

25. *Ibid.*

houses have been forced to return Medici or Becchina antiquities with no compensation, primarily because of the existence of these photographs that likely only existed to prove the artefacts in question were authentic.

### Three Maya cases

Moving to the Americas, there have been several illicit antiquities cases that involved the seizure or exposure of photographs of Maya artefacts in situ or in transit. Unfortunately, unlike the previous cases, none of these have resulted in any criminal convictions. One such example is a series of nearly 50 photographs taken during the looting of a massive stucco temple facade at the Mexican site of Placeres. Contemporary accounts indicate that the facade was discovered by a looting gang and photographed, and that the photographs were sent to an American antiquities dealer.<sup>21</sup> The dealer then approached several collectors with a photograph of the facade in situ and offered to have the piece looted to order. One Mexican collector is recorded as turning down the piece because he did not want to see the temple destroyed, however he did not report the dealer to the authorities. Eventually the dealer self-financed the looting at Placeres and the man hired to oversee this undertaking took a number of photographs of the facade's extraction.<sup>22</sup> He is pictured in the images confirming his participation in what was and still is a crime in Mexico. These photographs were circulated to potential buyers as absolute proof that the facade was authentic. The facade was returned to Mexico after the Metropolitan Museum in New York, who had the facade on their property at that point

and had seen the looting photos, notified Mexican authorities.<sup>23</sup> In this instance the shocking photos of a temple being sawed were just a bit too real, the piece too authentic. The dealer and the primary looter have never faced charges for this theft.

In another case, a man named Val Edwards approached the *New York Times* in 1995 claiming to have smuggled around 1000 Pre-Columbian objects from Mexico and Guatemala into the United States.<sup>24</sup> He provided the paper with numerous photographs of these objects in transit and claimed that his clients were among the most reputable dealers in New York City. The photographs are classic 'authenticity' shots. Although most of them were said to be taken in hotel rooms, they show the antiquities in pieces, uncleaned, and pre-restoration. Two of these objects were positively identified as having been offered for sale at Sotheby's auction house in November of 1994 after they had been smuggled. Sotheby's initially claimed that a "European Collector" had consigned the antiquities. They later admitted that they had been consigned by Costa Rican antiquities dealer Leonardo Patterson who at that point had been convicted twice on felony charges related to antiquities trafficking.<sup>25</sup> Val Edwards claimed that he went public with the photos because his trafficking partners, who may have included Patterson, had cheated him. It is unknown if Patterson, famous for being at the epicentre of a number of antiquities forgery cases, provided transit photographs to potential buyers to combat his poor authenticity reputation. Patterson was not charged with any



crimes related to the antiquities in the photos, but is, at the time of writing, facing unrelated antiquities smuggling charges in Germany.

Other smuggling cases from the Maya region indicate that most trade and academic experts assume antiquities traffickers photograph their wares. In 1984 a spectacular Maya jade mask appeared on the US market which, based on an inscription on the piece, was almost certainly looted from the painted tombs at the remote Guatemalan site of Río Azul.<sup>26</sup> The looting would have taken place sometime between 1978 and 1981 and would have destroyed one of the most informative Maya ritual contexts that archaeologists can imagine. Even though it was obvious that the mask had been stolen from a recorded site and that it had left Guatemala illegally, without proof that it was in Guatemala in the 70s or 80s, little could be done to try and recover it. Around 1986 National Geographic, partnering with the Guatemalan Institute of Anthropology, offered a reward of \$10,000 for a photograph showing the mask in situ in the tomb with the hopes that such a photograph would aid legal proceedings for the mask's return.<sup>27</sup> Sadly no photograph has yet surfaced and the mask is said to be in a private collection in Switzerland or Germany, surfacing once in 1999 and never seen again.<sup>28</sup> While there was no proof that an in situ photo existed, at least no proof that has ever been made public, the specialists assumed that because the mask was so very fine looters and traffickers would need to provide photographic assurances of authenticity if they hoped to sell it at a high price.

### **Discouraging the illicit trade with the value of authenticity**

Legal penalties exist for engaging in the illicit antiquities market, yet the trade continues. Fines and the threat of jail time are only partially effective deterrents at best as looters, traffickers, and buyers seem to judge the reward of dealing in antiquities as worth the risk. However, soft control measures, which emphasise social behavioural change rather than criminal penalties, might serve to disrupt this criminal enterprise, especially at the market end of the chain. As we have seen, authenticity is paramount to the value of an antiquity on the market. If an antiquity is fake it has no value and collectors will not pay for it. If an antiquity might be fake, buyers will think twice before purchasing it, the doubt about authenticity eroding at the monetary value of the piece. Buyers might consider that purchasing a questionable antiquity is a financial risk that is not worth taking. If the goal is to discourage the trade in looted or stolen antiquities, introducing doubt about the authenticity of the pieces in question may be an effective way to do this.

Although no country has yet made a direct statement about employing this specific soft-control method, a number of countries and nations, as part of their quest for antiquities repatriation, are starting to publicly question the authenticity of objects that are prominently for sale. In this model, the country or group attempts to have an antiquities auction stopped via legal means and when that fails top experts from the Ministry of Culture or equivalent body announce that a certain number of the antiquities in the auction are fakes. They often say

26. Richard E.W. Adams. *Río Azul: an Ancient Maya city*. 1999; and Stephan Salisbury. The struggle to save a past from plunder. *The Philadelphia Inquirer*. 1986-05-11.

27. Stephan Salisbury. The struggle to save a past from plunder. 1986.

28. Edgar Herlindo Sánchez Hernández. *La máscara de Río Azul: un caso de tráfico ilícito del patrimonio cultural de Guatemala*. Universidad de San Carlos De Guatemala: Licenciado Dissertation. 2008; and Juan Antonio Valdés. Management and conservation of Guatemala's cultural heritage: a challenge to keep history alive. 2006.

29. Stéphane Martin. Jean Paul Barbier-Mueller: Connecting with cultures. *Sotheby's At Auction* 2013-02-15.

30. See Nancy L. Kelker and Karen O. Bruhns. *Faking ancient Mesoamerica*. 2009; and Bruhns and Karen O. Bruhns and Nancy L. Kelker. *Faking the Ancient Andes*. 2009.

31. Robert Kozak. Peru's government seeks to recover art planned for Sotheby's auction. *Wall Street Journal*. 2013-02-28.

32. Mark Stevenson. Mexico demands Sotheby's halt auction of artefacts. *The Washington Post*. 2013-03-23.

33. Donna Yates and Greg Lee. *The power of plausible provenance? Sotheby's sale of Pre-Columbian antiquities from the Barbier-Mueller collection*. Paper presented at the Society for American Archaeology Meeting, Austin, 2014.

how many of the objects are fake, but they do not specify which ones, thus instilling authenticity doubts for all the antiquities for sale. Buyers, they say, are risking spending their money on an artefact that, at any time, might be exposed as being fake. The goal appears to be to disrupt the sale, lower the sales prices for the antiquities, and to tarnish the reputation of the auction house. Two recent cases indicate that Mexico has made authenticity questioning a strategy in their push for the return of cultural property and the prevention of further antiquities looting.

### **Sotheby's Paris Barbier-Mueller auction (2013)**

In 2012 the Museu Barbier-Mueller d'Art Precolombí, a private museum located in Barcelona, closed. The owners, Jean Paul and Monique Barbier-Mueller, announced that this collection of primarily Pre-Columbian antiquities would be sold via Sotheby's Paris. Both Sotheby's and the Barbier-Muellers encouraged the idea that the collection was "century-old", although very few pieces offered had such an early collecting history.<sup>29</sup> This emphasis on old provenance is likely a result of a perceived authenticity problem with several of the artefacts for sale. A number of the items are types that have been (controversially) called fakes by Karen O. Bruhns and Nancy L. Kelker.<sup>30</sup>

Such a high profile auction of Latin American antiquities did not go unnoticed. Peru was the first country to attempt to intervene in the sale by requesting the return of about 67 objects that their government considered to be stolen cultural property.<sup>31</sup> In the

weeks leading up to the auction seven countries (Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru, and Venezuela) either made return requests to French authorities or made public statements that they were considering formal action against Sotheby's. Each of these countries claimed that certain Barbier-Mueller artefacts represented their national cultural property and that they were stolen objects that had been exported illegally. Despite these allegations, French authorities did not intervene in the auction.

Shortly before the sale, Mexico's Instituto Nacional de Antropología e Historia (INAH), which had been lobbying hard to halt the sale, sent a diplomatic note to the French government that was also given to the press.<sup>32</sup> In it they state that: "Of the 130 objects advertised as being from Mexico, 51 are archaeological artefacts that are national property, and the rest are handicrafts"; "handicrafts" in this sense means modern fakes. In other words, Mexico was telling potential buyers that there were more fakes in the auction than real antiquities, that they were not going to say which of the objects were fake, but that at some point after the sale they may go public with the list of fakes, essentially rendering the buyers' investments valueless.

This strategy may have been effective. The Barbier-Mueller auction fetched €10,296,300, a large sum but only half of the pre-auction estimate, and 165 of the 313 lots did not sell. This is not the whole picture and statistical analysis of the auction shows a variety of conflicting buyer behaviours.<sup>33</sup> Furthermore, we do not know if the authenticity question

scared buyers away or if they were discouraged by the negative publicity associated with the sale or some other factor. That said, if the introduction of doubt did play a role in disrupting this sale, the method was cheap and easy. Mexico has chosen to repeat it.

### **Bonham's New York African, Oceanic and Pre-Columbian Art auction (2014)**

On 11 November 2014, the day before Bonham's auction house's annual sale of African, Oceanic and Pre-Columbian Art, Mexico's INAH announced that at least 50 per cent of the Mexican antiquities offered in the sale were fakes, including five objects that were being billed as being among the finest in the auction.<sup>34</sup> The INAH reported that the inspections were made by their own top experts, in person during a public showing of the artefacts. In another statement, issued on 12 November, the day of the sale, the INAH stated that they had previously warned Bonham's that the auctioneers were about to sell looted Mexican cultural property via Mexico's Consul General in New York, but were ignored.<sup>35</sup> The auction house's refusal to respond to the Consul General resulted in Mexico filing a criminal complaint on 11 October 2014, which did not prevent the sale from going through, leaving Mexico little option but to turn to the media.<sup>36</sup> The INAH also alleged that Mexico offered to provide specialists who could determine the authenticity of the artefacts for sale, but that Bonham's denied the offer. Neither press release states which items were determined to be fakes. In the second, the INAH accuses Bonham's of committing "a fraudulent act" by knowingly selling fakes to buyers.

Due to the relatively recent nature of the auction it is difficult to see if Mexico's introduction of authenticity doubt was an effective sale disruption technique. The results of this particular auction are skewed by negative publicity surrounding the sale of two certainly authentic, but ethically dubious Pre-Columbian antiquities that are unrelated to Mexico's complaint (Cascone 2014). Whatever the result, Mexico has clearly hardened its language concerning authenticity since the Barbier-Mueller sale, accusing the auction house of an outright fraud perpetrated on buyers. They paint a picture of the auction house wilfully turning down expertise to knowingly pass fakes on to bidders. This turns the usual tables, and creates a discourse where Mexico and potential antiquities buyers are somehow on the same side trying to out an auction house that is engaging in fraud. It appears as if Mexico has rightly determined that challenging the legality of antiquities for sale rarely produces results, but questioning the authenticity of pieces may cause prices (and buyers) to bottom out.

### **Closing thoughts**

Although archaeologists, governments, and policy makers are primarily concerned with the legality of antiquities for sale on the art market, dealers and buyers, although cognisant of the law, are far more concerned with artefact authenticity. A valuable antiquity is a real antiquity, but it is not always a legal antiquity. Despite the clear association of authenticity with value, there is a growing sentiment among antiquities dealers and buyers that the market can police itself

34. INAH. Después de análisis in situ, 50% de piezas que busca subastar Bonhams es de reciente manufactura: INAH. Instituto Nacional de Antropología e Historia. Press Release.

35. INAH. INAH reprueba la subasta de Bonhams. Instituto Nacional de Antropología e Historia. Press Release. 2014-11-12.

36. Elena Reina. México acusa de fraude a una casa de subastas neoyorquina. *El País*. 2014-11-13.

37. Souren Melikian. Antiquities, with a proven record, drive auction market. *New York Times*. 2013-06-14

38. Jason Felch. Feds pursue Manhattan art dealer suspected of smuggling. *Los Angeles Times*. 2013-06-11.

with regards to looted cultural objects. They state that over regulation causes the black market for antiquities, not demand, and that buyers will simply choose to stop buying from dealers who deal in looted artefacts.<sup>37</sup> However, this has not been the case historically and there is no evidence that this so-called autoregulation of the market would be successful, primarily because legality is not necessarily required for an antiquity to be valuable. Like it or not, looted antiquities are fresh, new, and real antiquities, thus they have value.

While we can, it seems, trust that antiquities traffickers will photograph looted objects to prove authenticity to potential buyers, it is unlikely that we can depend on the seizure of massive Polaroid archives like those recovered in the Becchina and Medici cases. In the crime world, like everywhere else, everyone has moved to digital formats. The lack of physicality in images does not necessarily mean that authorities will not intercept authenticity photos, especially when dealers and intermediaries lack the technical skills to ensure secure communication and data storage. Images of an unrestored and in transit Shiva Nataraja statue stolen from an Indian temple in 2006 and bought by the National Gallery of Australia were found on the mobile phone of antiquities dealer Subash Kapoor.<sup>38</sup> Kapoor is currently facing a host of antiquities smuggling charges in India. Although mobile phones and careless transmission of digital authenticity photos of artefacts will likely be the new photo archives for authorities to work with, it is not unreasonable to expect increasingly 'tech savvy' thieves to employ out-of-the-box secure messaging application to share such photos, making

them more difficult for authorities to locate. To put it another way, if we wish to use the value associated with the authenticity of antiquities to disrupt the illicit market, we cannot simply wait for photographs to surface.

From a control perspective, the idea of introducing soft control techniques centred on authenticity to discourage the market for illicit antiquities is intriguing. Such techniques would pay close attention to antiquities buyers' needs and desires, and would focus on their definition of value, rather than the archaeological definition of value. This could come in many forms: promoting the ways scientific techniques are thwarted, showing how easy it is to forge an in situ artefact trafficking photograph, or even calling into question the 'for pay' expert opinions offered by the auction houses and dealers. Mexico's method of saying a set number of artefacts in a sale are fake but not saying which ones is worth watching. These methods all have the benefit of being very cheap or free, an important factor as most antiquities source countries are located in the developing world. The power of authenticity is persuasive in this market. Remove authenticity and an antiquity loses all value.

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