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Interfaces and Trafficking Networks
Blurring on the Margins of Source, Transit, and Market in the Transnational Illicit Trade in
Cultural Objects

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Submitted in fulfilment of the requirements of the Degree of Doctor of Philosophy in
Criminology

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Abstract

These publications, previously published elsewhere, present the framework of the global illicit trade in antiquities, describing all actors, their interfaces, and their embedding within networks of policy and cultural practice. The ability to present antiquities trafficking in these chapters as an articulated form of transnational crime is a result of years of targeted research on the topic, combining fieldwork, open-source intelligence analysis, policy evaluation, and the development of over 100 case studies. The architecture of the functioning of the illicit antiquities trade presented here is now the prevailing understanding of the global illicit antiquities trade. The seemingly unlikely marrying of illegal theft and trafficking at one end, and open, elite, white collar consumption at the other, left a grey unknown space between that my research fills. This, in turn, feeds back into an expanding disciplinary understanding of market greyness and the interfaces between actors within transnational illicit trade. While publications focused on research in Latin America have been selected, the two primary chapters of this submission present a global architecture for this illicit trade. This research reveals the illicit trade in antiquities as a form of transnational organised crime that is dependent on blurred interfaces to function.

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Acknowledgements

Looking at this work with the clarity of time makes me realise the vast number of people and institutions who should be acknowledged. Each piece in this submission deserves its own set of ten, twenty, fifty thank-yous, and there just isn't space for that. Thus, I'm going to keep it tight. First I thank Fergus McNeill for helping me prepare this submission, but also for being an outstanding, encouraging, and inspiring colleague from, literally, my very first day in Glasgow. You're the type of academic that I hope I am...or at least hope I will become. I thank all of my colleagues in Sociology at Glasgow; perhaps the biggest compliment I can offer is that I always looked forward to department meetings just so I could see all of you. I never minded when they went long because I just enjoyed all of you so much. I thank the funders of this work, and whoever reviewed and approved my research proposals: it was a big leap to let an archaeologist have a go at criminology, and this is the result.

Finally, I thank Neil Brodie and Simon Mackenzie. I don't really know what to say here...whatever I say will be incomplete: maybe this is all better said with some nods and a round of pints. Some book that I read somewhere that I, of course, can't find at the moment says that the majority of Early Career researchers want a mentor but don't have one, and some upsetting portion of those who do have mentors don't have good mentors. I have two good mentors. When you two brought me on at Glasgow, I was working minimum wage at a museum and serving at weddings to pay the rent. I had applied to about 200 jobs and hadn't landed a single interview. I was pretty sure research was over for me. Around then Tony (oh yeah! Thanks Tony!!) asked me what my ideal job would be, or what did I want to be doing more than anything else. I thought about it for a few days, then told him "really I want to work with Neil on whatever he is doing." (note, I didn't know you yet, Simon, but I would have mentioned you there if I did know you). A year later I was. And I still am. I wouldn't be making this claim of being a criminologist without you both and I am pretty sure I wouldn't even be an academic. I have a career because of the two of you, and I am so grateful.

Author's Declaration

“I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.”

Printed Name: Donna Yates

Signature:

1. Introduction: Pathway to this Research

This PhD submission is, by the terminology used in the University of Glasgow's policies, a "retrospective PhD by published work". The University contrasts this form of submission against "a Prospective-'Journal format' thesis", saying that retrospective submissions are "particularly suitable for established researchers who can demonstrate a significant amount of research experience AND a body of previously published research linked by a common theoretical thread". I seek to fulfil these two requirements and thereby make the case that I have produced a corpus of published research that is worthy of the award of a PhD in Criminology.

The retrospective nature of this exercise places me in a different position than most prospective PhDs. Instead of looking forward at where my research might lead, I can look back at what my research has done. A junior researcher, submitting a prospective thesis, must predict the future. As an "established researcher", my proof of research significance comes from citations from criminological colleagues and demonstrable policy influence; I discuss the past. I can demonstrate that I have contributed to criminological theory via a review of how criminologists have applied my work.

The drawback of a retrospective PhD rests in trying to fit the past into a present narrative. Over a decade of hindsight allows me to see how all the threads of various research pathways (and publications) led to the development of my core criminological contributions, but those contributions coalesced after the publication of the papers submitted. There was not and could not be an intentional structure towards theoretical development in the progression of these papers since they were not conceived of as a set. Articulating exactly how each publication contributed to the bigger picture is, in many ways, an exercise in reflection rather than traditional academic evaluation. Arguing for innovation "between the lines" of these submissions is difficult to do and since the papers are published, I am unable to insert those future insights and clarified wider theoretical contributions into the writing of the past.

Further, within a retrospective submission, there is a temptation to claim cohesiveness and intent that was never there at the time. Methods and methodological philosophy develop and change over time in response to different contexts. Growing experience and a drift into the "middle career" stage tend to back-date various forms of researcher awareness: things

make perfect sense now that did not make sense at all at the time. Most importantly the meaning and motivation behind work simply changes and it is difficult to see the past through anything but present eyes.

In the following text, I have tried to both embrace the positives of a retrospective PhD, while attempting as best I can to mitigate the negatives, particularly around back-dating motivations, methodological philosophy, and meanings. In this first section, Section 1, I present a reflective view of my own research history and my journey towards self-identification as a criminologist. I feel this provides the temporal context that the submitted works existed within and speaks towards my motivation for making this retrospective submission. In Section 2 I reflect on methodology, discussing my methodological philosophy, data collection methods, and the ethical considerations of this work. In this section I am careful not to claim more temporal insight than I had at the time but will explain the reasoning behind the choices made. I will conclude with a retrospective discussion of the limitations of my methods/methodology from a present vantage point of over a decade of further research experience. Section 3 lays out what I believe to be my contributions to the field of criminology contained within this submission. Finally, after a bibliography of this introductory text (Section 4), Section 5 contains a short summary of each submitted published work, as well as the core documents of the submission. In addition, Appendices A and B contain two additional co-authored published works of mine that help define my contribution to the field of criminology.

1.1 Right Research, Wrong Discipline

In June 2011, just under a year before I began this line of research at Glasgow, I was invited to provide expert testimony to the US State Department's Cultural Property Advisory Committee related to a proposed extension of a Memorandum of Understanding between the US and Bolivia which bans the import of Bolivian antiquities into the USA in accordance with the US implementation of the 1970 UNESCO Convention¹. I was fresh from the finalisation of my PhD in Archaeology at the time and my presence there was made possible by the Archaeological Institute of America. However, as the hearing moved forward it became immediately clear that an archaeologist was not needed. Instead, as the only person in the room familiar with Bolivian cultural property law and its implications on the ground, I was in a position to discuss with the State Department Committee the

¹ <https://www.archaeological.org/summary-of-the-bolivia-united-states-mou-extension-hearing/>

meaning and effects of cultural security in Bolivia and how US actions affect crimes at Bolivian archaeological sites. It was an invigorating experience: I felt like an expert and was treated like one. The other archaeologists asked me about regulations. No one asked me about digging in the dirt. Something was awry with how I was labelling myself and, on careful reflection afterwards, I began to connect the dots.

I have a BA in Archaeology from Boston University focused on Mesoamerican Archaeology, having conducted archaeological and anthropological fieldwork in Belize and Guatemala. While working along the Belize/Guatemala border region at a remote jungle site, I was faced with the physical realities of large-scale looting of heritage: the temples looked like Swiss cheese or were tunnelled in half to look like serviette holders. An easy response would be to condemn the actions of the looters. Yet, at the same time, I was spending up to 10 hours a day alone with men from nearby villages who were employed to help me dig and to keep the snakes from killing me. These men were passionate about the ancient past but were more passionate about providing shoes for their children. Many of them had experienced extremes of displacement during the Guatemalan Civil War, several had been refugees in Belize for a time, and at one point during my excavations some of them poached a jaguar in the middle of the night to sell its pelt. One day the men told me that a Maya site nearby was being looted right then, but not to tell anyone else because the looters were terrifying, were connected to the narcotics trade, and had already killed someone.² The men all had experience with archaeological looting, but they also had experience with poverty, conflict, instability, genocide, and the transnational narcotics trade. There was a lot going on here for me to unpack. I left that experience knowing that my career as “just an archaeologist” was over.

I then spent several months conducting archaeological and anthropological fieldwork in Bolivia, alongside volunteering with the Archaeological Institute of America. This volunteer work involved the collection of primary data regarding the market for illicit Italian antiquities to be presented at a different US Senate hearing towards import restrictions against antiquities looted from Italy. While doing this I realised there was a data hole with regards to the illegal/illicit market for South American antiquities: the kinds of things I was digging up in Bolivia. There was no data as to what, exactly, that market looked like, object-wise. To explore this observation further I contacted Dr Neil Brodie,

² They were not exaggerating. After I left the jungle and some time passed, what was going on came to light: <https://traffickingculture.org/encyclopedia/case-studies/cancuen-ballcourt-marker/>

and then joined him for an MPhil at Cambridge with the Illicit Antiquities Research Centre based in the Macdonald Institute of Archaeology.

This MPhil, which was ultimately in “Archaeological Heritage and Museums”, focused on the possible impact of the MoUs resulting from the previously mentioned implementation of the UNESCO Convention on the flow of illicit South American antiquities into the US market (Yates 2006). This led to me being offered a funded PhD place in Archaeology at Cambridge to explore antiquities trafficking in Ecuador in Bolivia. My resulting PhD, somehow still in Archaeology, looked at the use of the ancient past (and importantly the development of heritage protection law) in Bolivia during recent periods of nationalistic, neoliberal, and indigenist political movements (Yates 2011).

Turning back to my thoughts following the 2011 US/Bolivia MoU hearing, I remembered the first question or, rather, the first comment that I received during my then-recent 2011 archaeology PhD viva: “We think this is a PhD, we just don’t think this is an archaeology PhD”. The result was me spending 6 months to make the document “more archaeology” as corrections, cutting huge swaths of sociological and legal analysis content in the process. I do not particularly like the result, but it passed. However, I had yet to ask myself “if this isn’t an Archaeology PhD, what kind of PhD is it?”

1.2 What is it? Criminology, it seems

The most important and inspiring moments of my academic research career up to that date were those related to studying manifestations of transnational crime, and my spheres of influence were high-level policy circles related to that crime. My master’s, although awarded in archaeology, consisted of empirical research towards evaluating the effects of policy that was meant to reduce trafficking, and it is a document that is still cited by other academics. My PhD contained the only full evaluation of Bolivian heritage protection law up to that date and sought to place the contemporary manifestations of Bolivia’s past into an architecture built around sociological concepts of nationalism, race, and control. The Fulbright was interested in funding my postdoctoral work on archaeological looting and related crime in Bolivia. I realised, quite suddenly, that I was not an archaeologist. I was a criminologist. That is the space where I and my research belonged.

In 2012, when Simon Mackenzie was awarded a European Research Council Starting Grant to study the illicit trade in antiquities using a much-needed criminological perspective, I jumped at the chance to make my disciplinary switch. Simon’s ERC did not

include any research focus on Latin America, so I proposed that as my parallel contribution with alternative funding. I applied for and was awarded a Leverhulme Early Career Fellowship to look at the on-the-ground effects of high-level antiquities trafficking policy in Latin America, starting in Bolivia with my Fulbright-funded fieldwork. I continued on to fieldwork in Belize and Mexico, and incorporated a more complete regional focus with special attention to Peru and Guatemala in addition to the previously mentioned countries. It is that work that I present for consideration: my work during this time period on antiquities trafficking and policy in Latin America and the resulting theoretical advancement that resulted.

Ending this narrative here would make my journey into criminology seem easy. It was not. I came to the discipline with a different skill set and a different foundation of knowledge. I spent years struggling with feeling like an imposter in my department (despite the always warm reception I received), and an interloper into criminological circles. I spent my nights at home reading undergraduate criminology textbooks, as well as the core disciplinary readings that I felt everyone around me had a felicity with. I remember trying to not show a blank face at terms like “Routine Activities Theory” or “Desistance”, and scurrying away to look them up so I would not be caught short again. Over a decade later, and gainfully employed by a Criminology department, I still find myself thinking that I am an outsider, even though my colleagues do not see it that way. And yet, I believe I have made a significant contribution to the discipline of criminology related to the forms of transnational crime that I study and beyond. I seek this PhD by prior publication, in part, to resolve this open question within my professional identity. To officially gain the “criminologist” label that I hope I have earned.

1.3 Implications of this Non-traditional Pathway

I am thankful for the multifaceted perspective that my arts and humanities background brings to my social science research and practice. The long intensity of my past archaeological fieldwork, be it based in remote villages in the high Andes, in a tent in the Guatemalan jungle, in rural Belize, or on a Greek island, provided me with the type of real-world international experience towards observational and ethnographic research that I think that many criminology graduate students struggle to acquire, simply because that kind of work is not embedded in criminology undergraduate or Master’s education like it is in archaeology. Further, my degrees in archaeology and heritage studies have provided me with a body of theory that has not been applied to criminology yet, and I think it should be.

My past gives me an adaptable toolkit to apply to criminological problems in new and innovative ways. This is becoming more apparent as I leave the “early” stage of my academic career and enter the “mid” stage of my career. I see the submitted work as the foundation for the theoretical work that I am engaging in now. Several publications that I co-authored during the time period of these submissions (Appendix A and B) began to pick away at the edges of criminological theory with the empirical aspects of the submitted publications directly contributing to these theoretical developments. Through this picking away, I was able to come up with innovative new research ideas.

The body of work contained in this submission led to my subsequent academic career, allowed me to make a name for myself, and provided the foundation I needed to move into the strange new theoretical worlds of my current mid-career. While my archaeology PhD comes in handy from time to time, my identity as an academic is based on what I submit here; I am a criminologist. Any career success I have is from the research that produced this submission. I am proud of it, and I believe it amounts to a PhD in the discipline that I should have been in from the start: Criminology.

2. Methodology, Approaches, Ethics

2.1 Methodological Reflection

While I would not have called it that at the time, the general methodological approach I took to investigating the global illicit trade in antiquities and, in this case, Latin American antiquities could probably be considered a form of grounded theory, more aligned with the Glaser/emergent concept of the methodology (Glaser 1992). Rather than forming any particular hypothesis to test or taking any existing theory to apply in this space, I used a series of open-ended questions to start collecting diverse forms of data. I let the data drive, following it wherever it went, and then sought methods that would help me analyse the data and the theoretical framings that would help me make sense of it all. This sort of data driven and unbounded exploratory freedom, which I think would have been hard to justify in a normal PhD pathway, has allowed significant diversity in my outputs.

In preparing this section retrospectively, I hesitate to back-date an embedding of my methodological approach or even my research and data collection methods into disciplinary criminology. While I certainly benefited from guidance by my criminology colleagues and from the criminological disciplinary situation of the larger project I was contributing to at the time, my methodological choices were not directly influenced by prior criminological work. That is not to say that I was not doing criminological fieldwork, data gathering, and data synthesis; I believe I was. I also do not think the similarities between my research methods and aspects of the wider criminological canon are coincidental. I think similarities to existing criminological research methods are largely explained via broader co-evolution in social sciences. I also think they derive from a natural, intuitive, and careful approach to understanding crime. In the following sections, as I discuss what I did and why, I will not profess to having knowledge that I did not have. Indeed, I consider my cursory but improving understanding of the back corpus of criminological research at the time the primary weakness of my past research methods, and I will discuss that weakness at the end of this section.

2.2 Approaches and Methods

Data collection for this work included on-site fieldwork, usually in the form of experiential observation and unstructured interviews which were generally topical conversations at and

in the sites and spaces being researched. This was contextualised and supported by OSINT research.

2.2.1 Interview Approach and Methods

My approach to interviewing potential research participants was greatly informed by the aspects of my archaeological PhD that, ultimately, were cut from the final document. During the second year of my PhD, I conducted what I see now as sociological fieldwork in the Pichincha Province of Ecuador, specifically within the rural community of Palmitopamba and in the offices of the Ministry of Culture in Quito. None of this work was ever used for my PhD, likely because of the disciplinary incongruence with archaeology. Still, the preparation and execution of that fieldwork was formative in the development of my approach to interview.

I developed a personal philosophy of interview as embedded in space, place, and situational context. A key component of this involves researcher reflexivity, researcher experience, and awareness and use of researcher positionality. While all this resonates with contemporary strains of particularly ethnographic and postmodern criminology, at the time that is not where I drew my inspiration. My experience was within the social theory related to heritage studies (see my archaeology PhD), and for better or worse ideas of reflexive methods in archaeology (e.g., Hodder 2003).

Knowing that I was clearly a white female American archaeologist, I sought to place myself into contexts where my world overlapped with the criminological structures that I was studying, and then to conduct interviews with the people who passed through those spaces in significant ways. In Belize, this meant visiting deep jungle archaeological sites and interviewing guides and guards, as well as having meaningful conversations on buses and while hitchhiking. It also meant embedding for a time within an active archaeological project that managed and even owned sites that were facing looting, talking to the people who worked there and to the nearby community members who were willing to speak with me. In Bolivia, where my actions were constrained by the US/Bolivia political situation at the time, it meant conducting interviews within the cultural offices of the US Embassy and to a lesser extent, within the Bolivian Ministry of Cultures: two places I, as an “archaeologist”, belonged. In Nepal, I conducted interviews with the heritage managers and professionals who were attempting to secure sites post-earthquake while visiting those sites at the invitation of the city of Kathmandu to consider risk and possibilities. In

Mexico, while considering rural church art theft, it meant driving around, visiting the churches, and chatting with the people that I encountered.

My approach to interview was and is largely unstructured. I have never had either a list of pre-existing questions, nor have I had a list of target interviewees that I contacted for a scheduled discussion. For me, interview is one element of the space I am experiencing, observing, and studying: part of the wider context. When I am in the context, sometimes interviews occur, and sometimes they do not. In my research, interview is always only one element of a wider array of information sources on any topic: I never base work on interviews alone.

As such, I tend to de-emphasise interviews as a source for structured, codable, analysable data in my work. In this submission it will be clear that there are few to no direct quotes in my publications. This is in part a practical reality. Due to the ethical approval of the wider project that I was part of (see below), I was unable to record most interviews. I was bound by our guidelines to limit myself to notes taken after the interview. This means that there were no interview transcriptions for me to tag thematically, and no juicy quotes to publish that were demonstrably accurate. I was left with my own memories of the discussion, my notes of those memories, and my own experience of tone and context. As such, the research presented here represents a careful use of those interview experiences, corroborated by cross-referencing with my other methodological approaches.

2.2.2 Observational Research Approach and Methods

In considering how to discuss the observational research methods I have employed throughout this research, the easiest way to present it is to draw on discussions from subsequent research publications. A recent criminological paper of mine (Yates and Bērziņa 2023) presents the approach in full. The following is a summary drawn from that paper and modified to fit this context.

My approach to observational experiential research, which I note interviewing is a part of, was inspired by sensory ethnography (Pink 2009). To articulate experience, we need to be able to immerse ourselves “in sites of other people’s experiences” (Pink et al. 2016). To do this, I strategically place myself within target spaces, as mentioned previously, to experience elements of atmosphere and observe the actions and reactions of others. This is a reflexive approach that does not aspire to objectivity. Rather it sees the researchers’ own experiences as a tool to understand the less tangible qualities of the settings we are

studying. I use my own senses to experience the space, consider its implications, and then watch how people appear to navigate what I, too, feel. These observations are supplemented in the moment by the unstructured interviews discussed in the previous section, in the form of conversations with people who are also experiencing these spaces.

To some extent, these observations have a philosophy of “go there, see what happens”. However, some structure always existed in what I was prepared to experience. I have always entered these research observation spaces with a short mental list of themes or ideas that I seek to document. For example, I brought the theme of security/insecurity into the 30+ churches that I visited across three Mexican states, observing where I could see and feel those ideas within the built structure of the churches. I also left room for unexpected themes to emerge from the experiences. In Mexico again, while I initially experienced the perennially open doors of these churches to be inherently insecure, the theme of constant community use emerged as I watched people enter and exit those doors as part of their daily life, creating community protection of those spaces through use. Open doors, then, were church security not insecurity. This observation was corroborated by my OSINT-based research into Bolivian church theft (Yates 2014a) which clearly showed that nearly every then-contemporary Bolivian church theft occurred in a church that was locked, shut, or in a state of inconstant use.

2.2.3 OSINT Approach and Methods

The bulk of the rest of the data analysed in this research was collected via what one would now call “Open-Source Intelligence” (OSINT) research (Hassan and Hijazi 2018). OSINT, like grounded theory, is a convenient back-ascription to what I was doing anyway research-wise; I was not using any specific name for it, it just was the right way for me to collect information. I am wary of identifying *data* as *intelligence*, especially in a criminological context, but methods are better accepted when one can call them something, and it is a convenience to use this now-ubiquitous term to better explain my data and data gathering. My take on OSINT research was (and still is) that it is a multi-faceted query into all data available: deep searches of the open web, scouring archives, combing through market and trade data, collating and cross-referencing media reports, and then trying to make sense of it all. There is an unstructured quality to this, at least in the early stages, as modes of collection and analysis evolve based on what’s there. It is difficult to ascribe a broader philosophy to this data gathering approach. For each paper in this submission, what was gathered and how was different, as was how it was analysed, processed, and

stored. My work in this respect and in every respect is almost entirely qualitative. The reader will note that I do not aspire to quantitative research.

2.3 Ethics

Ethical approval for the research presented in this submission was granted by the Ethics Committee at the University of Glasgow as part of ethical approval for the larger ERC-funded Trafficking Culture Project. This approval came before I joined the project and thus, I did not have any input into the ethical approval process. Rather the guidelines that my research and data gathering needed to abide by came as predetermined. I had no issue conforming to these ethical guidelines and in doing so, I developed my own sense of professional research ethics which has guided me in my many subsequent submissions to ethical approval boards. The full documentation of the ethical approval of this project and the guidelines which were followed are on file at the University of Glasgow as Application Number CSS20110103–3, but here I will discuss several key points which represent the ethical policy of my research.

Interviews were only conducted with adults who were fully capable of providing informed consent. Before the interview, they were given a two-page participant information sheet which contained the key themes of the project, what their role would be, and discussed issues of confidentiality. These were professionally translated into Spanish for the purposes of my research. I also verbally discussed key aspects of this information sheet with the interviewee, including the assurance that their name would never be used in publication, but also warning about the limits of confidentiality. In particular, I always pointed out that in the case of a court order, I would be compelled to turn over my research notes to law enforcement. As a personal addition to this, because of my fear of the court order possibility, I resolved then and have always since minimized the amount of identifying information that I keep about interviewees; for example, never recording a person's name if at all possible.

This desire for minimisation of identifying information created some challenges with the interview consent form that I presented to interviewees, as it required a signature. However, our ethical approval allowed for interviewees to confirm consent orally without having their name or signature appear on a form, thereby protecting them from the unlikely scenario of being identified following a court-ordered turnover of documents or any other unwanted inspection by authorities. Most of my interviewees who were outside the field of academia or heritage management preferred orally consenting, and as discussed previously,

when an interviewee selected to orally consent, I was not able to record the interview. This was because a recording of the interview would create another artefact in which the interviewee could be identified. This situation contributes to my reluctance to use quotations or to centralise interview data in these publications. I am aware that the fact that I received informed consent from interviewees orally means that the academy must trust my own word that I did, and since I cannot prove the consent externally, I do not believe it is correct of me to centralise that interview data. This is also why I believe that all my research conclusions should stem from multiple data streams, not just interview.

Data security was still a rather nascent idea at the time of this ethics approval, but in line with my ethical guidelines, all research data was kept on an encrypted external drive or on papers, both of which were always kept in a locked drawer in a shared office space. During travel, again, the data was kept on an encrypted drive. To my knowledge, no one ever attempted to illicitly access this data, nor was it ever subject to a court order. The research took place before GDPR, but as mentioned previously, I naturally was limiting the amount of personal data I collected, and I believe in retrospect I was likely GDPR compliant.

Of note, then and now the ERC had a provision in their ethical approval that researchers would seek additional approval from a competent ethical approval body within the country they were doing fieldwork in. The PI of the Trafficking Culture Project did not question this at the time, but as our research progressed, difficulties arose from this provision. The primary difficulty is that contrary to what the ERC imagined, some countries simply do not have such a body for research outside of medical research. Complying with this is, then, impossible, and I am happy to say I was able to make alternative arrangements for my current ERC project based on my experience in the research for this submission.

For my field research in Belize, I sought approval for my work with the director of the Institute of Archaeology within NICH, Belize's ministry of culture. Such approval is required for research in Belize, and it was granted after an in-person interview. Bolivia was more difficult, as my sort of research did not require a permit from the cultural ministry, although the cultural ministry was fully informed of my work and participated in it. Authorities in Bolivia could not think of a relevant body to grant ethical approval for my work, stating that under Bolivian law, such approval was not needed. In collaboration with the ERC, it was decided that the International Council of Museums, Bolivia, would review my research proposal. They saw no ethical issues. In Nepal, once again, no non-medical ethics approval body existed, as confirmed by all relevant authorities in Nepal, and the

ERC accepted my fieldwork as approved since I was there by formal invitation of the City of Kathmandu and by the cultural ministry. By the time I hit the same problem in Mexico, the ERC accepted that if Mexico's cultural ministry, INAH, was informed of what I was doing and did not object, that my work was acceptable.

All told, then and now, I take on a position of openness about my research and my focus with participants, authorities, and fellow academics. If something I plan on doing requires reconsideration, I want to be challenged. I have never concealed my identity during this research. All research was conducted openly with no deception or undercover element. At times, during observational data gathering where I did not interact with people, it is likely that other people in those spaces did not know I was a researcher, but on all occasions these were public spaces where I was allowed and invited to be. In all direct interactions with humans, I identified myself as a researcher. If those interactions progressed to interview, we went through the informed consent process.

2.4 Limitations

While it is perhaps too easy to retrospectively evaluate one's own work for things that one would have done differently with the benefit of hindsight, I see two primary limitations to the work generated by the methods discussed above.

The first is, as I mentioned before, that I was not actually drawing on the rich traditions of criminological data gathering, analysis, and interpretation when I was conducting this work. The congruence is there, but I did not purposefully create that congruence. As my knowledge and experience in criminology has grown, I cannot help but see the missed opportunities for potentially fruitful methods or applications. Rather than anything specific within these texts that I can point to, this exists rather as a nebulous "what if". My criminological foundation grew slowly and piecemeal, over time, from doing this research. I honestly cannot imagine how this research would look different if it occurred after I developed a criminological foundation.

The second is my choice of research locations: in this submission Bolivia, Belize, and Mexico, but also during the same time, Nepal. When I was conducting the research, even with my interest in positionality, I was used to being a white researcher in Indigenous places. This is what my archaeology PhD was, this was how all my prior archaeological fieldwork went, and this is what I expected to do. However, during the course of the

research that went into this submission, I had a growing sense of doubt about the validity of my ability to speak about cultural contexts that were not my own.

While I stand by my published work, this submission documents a move away from research in so-called “antiquities source countries”, and a move towards a focus on the actors, markets, and values of my own cultural context. The later publications submitted here, then, focus on actors in the US/UK/Europe, on policies enacted by those countries, and on the values of the market end of illicit markets. All of my research now focuses on my own cultural contexts. This is not a criticism of anyone who chooses to do fieldwork in other cultural contexts, and if presented to me in 2012, at the start of the submitted work, I would have rejected the idea. Rather this is a personal choice born from experience that I think has increased the reflexive quality of my work.

3. Contribution to Criminology

In my experience as a PhD supervisor, I have observed that doctoral researchers at the finalisation stage of writing their thesis often struggle to articulate their unique contribution to the discipline. When one's work has only just been released to the world, it is difficult to predict what its ultimate impact will be, and I believe that we all accept that arguing for a "contribution" is literally an educated guess, where the educated quality represents the depth to which prior research has been plumbed and the ability of the PhD to place their work inside the scaffolding of that prior research. In contrast to the usual scenario, I have the benefit of years of hindsight alongside the forward movement of criminological research when evaluating the contribution of the work submitted here.

As such, in evaluating this work as criminology and as a contribution to the discipline of criminology, I will take an untraditional approach in this chapter. In essence, I will outsource the work to my criminological colleagues and present how my work *has* contributed to criminology: how criminological researchers have used my research and how they have expanded upon it. This then becomes a review of literature of sorts that centres my work, embracing the unique positioning of a PhD by prior published work.

In conducting this review, three key thematic areas of disciplinary expansion emanating from my work have emerged and discussing each in turn will form the contents of this chapter. These contributions, discussed below in turn, are:

- Contribution 1) A framework for considering market greyness;
- Contribution 2) An expansion of and challenge to the 'appeal to higher loyalties' neutralisation technique;
- Contribution 3) A significant addition to the prevailing model of antiquities trafficking focused on points of interface and transformation.

Each section below will be structured in the following way. First, I will summarise the contribution itself. Then I will discuss how that contribution has been applied and expanded upon within recent criminological research. I will then discuss how the contribution was developed within the published work included in this submission.

In an attempt to view these contributions through a criminological lens, in my evaluation of Contributions 1 and 2, I will only focus on criminological uses of my work in research that is not related to antiquities trafficking. I think that by removing this niche and obvious topical quality from the equation I am better able to articulate how this work can and has influenced criminological research and theory. Contribution 3, necessarily, will be an evaluation of this work's use in antiquities-trafficking focused research and policy development, but will contain a reflexive evaluation of the limitations of this research and its potential for future use.

In addition to the previously published articles and book chapters of the core submission, two additional previously published works are discussed here and attached as Appendix A and Appendix B. I have separated them from the core submission in this way simply because they are texts that were co-authored with the PI of the project that funded my research. While I believe my co-author would agree that we were equal contributors to both of the papers, the act of disentangling that co-authorship for the purposes of awarding a PhD seems unneeded in light of the length and breadth of my core, single-author submissions. However, I believe these papers clarify my contribution to criminology, and it seems fitting to include them as appendices as a benefit to the reader.

3.1 Contribution 1: Market Greyness

3.1.1 Summary of Contribution: A "Grey Market Framework"

This submission represents a body of work that ultimately resulted in the development of a unique conception of market 'greyness' that has entered the criminological literature as a distinct model. Recent authors refer to my work on greyness as a "grey market framework" consisting of a "threefold classification of 'greyness' to illustrate how the merging of legal and illegal antiquities markets occurs" (Dickinson 2022). Dickinson (2022), in her research on illicit caviar markets, portrays my conception of greyness as existing in three non-mutually-exclusive forms potentially all within the same market. These are: 1) the mixing of licit and illicit within supply chains; 2) the moral ambiguity and neutralizations of actors, which are used to 'grey' binary right/wrong scenarios; 3) the shifting and changing social, market, and legal classifications within a market.

I should note that this work had its foundations in the work of Balestrieri, who portrayed the antiquities market as "overlapping shades of grey", where antiquities almost physically move between shades of licitness and illicitness within a "transnational grey market"

(Bowman 2008). Her focus was primarily (but not exclusively) on the greyness of the objects and the contextual situations that lead to object greyness. My work accepts this and builds upon it, considering multiple types of greyness as present within one market.

3.1.2 As Applied in Criminological Research

How my work has been used by others and the importance they place on that research, then, is the basis of my argument towards my work having advanced the discipline. By this, I mean criminology beyond the narrow confines of research related to cultural heritage crime. In this section I discuss my contribution to criminological understanding of market greyness specifically through a short review of how my work has been used in the past few years to expand understanding of illicit markets beyond antiquities.

Dickinson (2022) sets out specifically to both use and to expand on my characterisation by bringing in the concept of more-than-human influences towards market greyness. This turn towards “centralising the non-human” and “capturing the active role of nonhuman materials”, as she puts it, is a welcome addition to my own original conception of market greyness and is complementary to where my own research has led. Dickinson, then, argues that the material properties of illicit caviar “prove illegible—or grey—and indelibly shape the formation and operation of the caviar market”. I think this observation is impactful and I am glad to see that my work could form some of the basis for it.

Looking at further non-cultural heritage criminological work that has used my conception of market greyness, Cappellario et al. apply it in their research on “strategic ambiguity” within the Sicilian Mafia (Cappellario, Compagni, and Vaara 2021; 2023). They base their work partially on my observation of “the ambiguous ‘greyness’ clandestine organizations maintain around themselves that allows them to span the legal and illegal worlds away from public scrutiny” (Cappellario, Compagni, and Vaara 2021). They use this towards their own tripartite understanding of ambiguity around three points of “struggle” between Mafia and state representatives: “ambiguity as opacity, equivocality, and absurdity”. Their work has gone on to influence, for example, criminological research into corruption in the banking sector, with my concept of ambiguity appearing again in work looking at the “strategic ambiguity” of corporate business clients (Cailleba and Dufour 2023). I am particularly interested to see that my work has influenced a consideration of absurdity. The authors characterise this as “strategies fostering absurdity with paradoxical, outright illogical interpretations” (Cappellario, Compagni, and Vaara 2021). I can certainly now see such absurdity as a greying element within the illicit markets I have put forward in this

submission, particularly within my ambivalence/neutralising idea of greyness. Yet I have not previously considered the influence and importance of shared absurdities on their own. This is something I will no doubt follow up on.

Moving on, Yeomans partially uses my conception of market greyness in his work on illicit alcohol markets (Yeomans 2023). He characterises my work as displaying “hybridity” (a term that I admit that I do not like here) within certain illicit markets, which he sees as my conception of “the intermingling of legal and illegal enterprises” (Yeomans 2023). He remarks that it is as-yet unclear if this form of greyness is present over time within illicit alcohol markets. However, I’d argue that in my own work, the intermingling form of greyness is not conceived of as being long-term or non-fluid. Rather I see this intermingling and subsequent indistinguishability of illicit and licit commodities as occurring at key interfaces or inflection points. I would argue that for both illicit antiquities and illicit alcohol, the intermingling and indistinguishability happen within key moments where it most matters: for alcohol this might be at a point of consumer purchase,³ or it might be the point it is mixed into a drink.

Kinney also draws on my conception of market greyness in his research on “semi-legality” in the United States-based commercial cannabis trade. He characterised my idea of market greyness as a space where “conflicting regulations can lead to disparate surveillance efforts”(Kinney 2024). Interestingly, Kinney makes clear that my work on greyness has influenced his data gathering method, noting that my work illustrates the possible reluctance that grey market actors have to participate in research interviews “due to the questionable legal nature of their work”(Kinney 2024). I would expand to say that this reluctance is also due to the moral ambiguity or social greyness of market participation, even in situations where the actions are legal. Actors not wishing to be publicly associated with the violation of certain social norms is a persistent challenge, I believe, in grey market research. It partially results in the need for neutralisation that I have observed among stakeholders (see below).

3.1.3 As Developed by the Present Submission

This conception of market greyness is directly presented in a paper I co-authored with Simon Mackenzie (Mackenzie and Yates 2016b) which is offered as Appendix A. Within

³ The author has had several experiences of attempts to not purchase illicit alcohol during fieldwork in Bolivia, a country with a thirsty earth goddess and a significant obligation to provide drinks to staff, colleagues, and friends. Having spent time and effort poring over how “real” or “untampered” the government stamps and seals appear to be on bottles, she can assure the reader that this represents her conception of market greyness.

the core submission, market greyness is discussed in its collected form in Submission 2, **Interfaces and antiquities smuggling chains: Blurring on the margins of ‘source’, ‘transit’, and ‘destination market’** (Mackenzie et al. 2019 Ch. 2), after a building to this characterisation within Submission 1, **The Structure of the global market in illicit antiquities: Actors, drivers, mechanisms** (Mackenzie et al. 2019 Ch. 1).

Breaking the development of the tripartite conception of market greyness into its component parts:

1) the mixing of licit and illicit within supply chains

This idea was developed through fieldwork and direct observation of the pathways that illicit antiquities follow to market. The mixing and indistinguishability quality is seen in submission 3 (Yates 2014a) when analysing the online market availability of Bolivian church art in relation to patterns of church art theft. As the publication observes, illicit Bolivian church art was seen to be indistinguishable in market settings from legally traded Bolivian church art, creating a space of greyness for all involved. This idea is also partially probed within aspects of Submission 6 (Yates 2014b), the purpose of which was to consider how mixed the supply chain for Latin American antiquities was with narcotics supply chains, but which had the spill-over effect of further consideration of the internal characteristics of the antiquities supply chain. This grey mixing of supply chains is an important aspect of Submission 8 (Yates 2015c), which sees indistinguishability between ‘real’ and ‘fake’ antiquities as a significant, even central, concern among market actors.

2) the moral ambiguity and neutralizations of actors which are used to ‘grey’ binary right/wrong scenarios

This idea is presented directly and completely in a paper that I co-authored with Simon Mackenzie (Mackenzie and Yates 2016a) which is offered as appendix B. Within the core submission, the idea was developed via fieldwork and observations presented in several of these papers. In Submission 7 (Yates 2015a), tax manipulation through the donation of antiquities to museums is considered as, essentially, a space of greyness where the public good of donating objects to museums is cast against the bad of antiquities trafficking by actors who seem to experience moral ambivalence about their actions. Submission 8 (Yates 2015c) lays the groundwork for the consideration of neutralisation in both Submissions 1 and 2, and in (Mackenzie and Yates 2016a), by probing why authenticity appears to matter more than possible illegality to many antiquities market actors.

3) the shifting and changing social, market, and legal classifications within a market

This idea of greyness stemmed from fieldwork and observation related to the complex reclassification of antiquities as they moved through different legal jurisdictions and different social contexts. Submission 3 (Yates 2014a) does this indirectly by defining aspects of both the source and market ends of the movement of illicit church art from Bolivia to the US. Submission 4 (Yates 2015b) makes a more direct contribution to this idea by considering the disconnect between various levels of cultural property policy and the social, political, and legal realities “on the ground” in antiquities source countries. Submission 5 (Yates 2019) provides similar support to this idea by exploring the practical effects that classification of some antiquities trafficking as illegal has on the trafficking of other types of antiquities, including the creation of a grey consumption space.

3.2 Contribution 2: Expanding and Challenging Neutralisation through Appeal to Higher Loyalties

3.2.1 Contribution Summary: When a Neutralisation becomes the Norm

As discussed above, actor neutralisations towards achieving an almost market-standard ambivalence of the law is an integral part of how I conceive of greyness in some criminal markets. Going further, my work suggests that the classic neutralisation technique “appealing to higher loyalties” (Sykes and Matza 1957) is a key component of market greyness. Sykes and Matza saw this neutralisation technique as one where the offender back-justifies their violation but “does not necessarily repudiate the imperatives of the dominant normative system” (Sykes and Matza 1957). In other words, they essentially say “I know it is wrong, but...”.

My research into the antiquities market sees market actor appeals to higher loyalty being much more morally ambiguous than the Sykes and Matza construction. There is a strong narrative that purchase and consumption represents “saving” the antiquities (salvation being the higher loyalty), and that saving, in itself, becomes the right thing to do. In other words, “Without apparent guilt or shame to overcome this is not a technique of neutralization, it is normative and justified illicit collecting in which the law is seen as wrong” (Mackenzie and Yates 2016a).

My work shows that our understanding of the progression and use of, at least, the appeal to higher loyalties can (eventually) socially upend or directly challenge the legitimacy of the law in favour of a prevailing narrative. Neutralisation, then, occurs when the actor is able

to convince themselves not just that they are violating the law in favour of their higher loyalty, but that the law is, itself, invalid. This is not what Sykes and Matza intended, and that may mean that the terminology of “neutralisation technique” is inappropriate as I and others continue to chart this space through research, but discovering and describing this issue, I believe, is an important expansion on this foundational criminological conception.

3.2.2 As Applied in Criminological Research

I will consider the expansion of my work into the ‘more than human’ as discussed above in Dickinson’s work as a pathway for considering what I see as my next unique contribution to the power of appeal to higher loyalties. This, I believe, is best seen in its application in Margulies’ fantastic work on the illicit succulent trade (Margulies 2023; Margulies et al. 2023). Thanks to Margulies’ research, I now have the enviable distinction of, first, being referred to in a New Yorker article as a “theorist”, and second, having the way that I speak about this aspect of my research be called, again by the New Yorker, “poetic (or melodramatic?)” (Galchen 2023). While I accept the poetic/melodramatic label, being called a theorist is a new experience that in itself indicates criminological contribution.

From my work on antiquities and orchids, both the New Yorker and Margulies use the following quote: “Yet even if they did not need the collector to save them from potential destruction, there is a strong sense in the collecting narrative that they deserve to be appreciated—they deserve to be loved—and in this sense the collector offers salvation” (Mackenzie and Yates 2016a). This is the salvation theme within the appeal to higher loyalties as discussed above. Margulies takes hold of my observation that in such a space, the mindset of the neutralisation becomes what is right with the law becoming what is wrong, and places it within the complex more-than-human context of succulent smuggling. Like Dickinson with caviar, Margulies sees aspects of the physicality of the succulents as contributing to both their “smugglability” and the ability of market actors to grey their actions. But in an expansion of my work that I had not previously considered, he reflects on the fact that succulents are living things that require actual care from humans to survive. The particular reversal of the directionality of the normal idea of neutralisation via appeal to higher loyalties (i.e., not ‘I know this is wrong but...’ to ‘it is not wrong because...’) identified in my research, Margulies argues, is a driving force in the illicit succulent trade, with the fact that succulents ‘need’ humans and might die without human intervention being a key point where this technique has the most power.

It is worth noting that both Margulies and Dickenson conceive of their work as not specifically criminology, but rather some form of political ecology or political geography. However, the cross-over between these fields and criminology, particularly green criminology, is great and I consider their use of my work on illicit criminal markets to be criminological influence.

This idea of neutralisation stemming from my work has been making its way into much of the new criminological research into neutralisation. This includes (in smaller or larger ways): work on wild-harvested orchid markets (Bullough et al. 2021), company secretaries and whistleblowing (May-Amy, Han-Rashwin, and Carter 2020), the trade in human remains (Huffer and Charlton 2019), assessment of corruption risk (Artaza and Galleguillos 2018), the transnational child adoption market (Loibl and Mackenzie 2023), pig farming intensification (Gladkova 2021), ivory markets (Aggarwal 2021), securities violations (Dixon 2022), and green criminology generally (Barrett and Marshall 2023).

3.2.3 As Developed by the Present Submission

As with the idea of market greyness, my characterisation of neutralisation is seen most clearly in a stand-alone co-authored publication (Mackenzie and Yates 2016a, Appendix B) and, within the overarching summation submissions, in Submission 1 (Mackenzie et al. 2019 Ch. 1) and Submission 2 (Mackenzie et al. 2019 Ch. 2).

Within the other submissions, Submission 8 (Yates 2015c) is the most direct contributor, providing foundational thinking with its focus on (in part) how and why antiquities consumers are able to neutralise buying potentially illegal antiquities (but not fake antiquities). Within the developed idea of neutralisation via the higher loyalty of salvation, an illegal antiquity can be or even must be saved, while a fake antiquity is false and deceptive, and is not owed any consumer loyalty whatsoever. Submission 5 (Yates 2019) involved work which related to the failure of certain policy responses to prevent antiquities trafficking, and their apparently knock-on effect of inspiring the marketing of new types of antiquities. This work also contributed to the development of neutralising via higher loyalties. Such neutralisation emerged as an unaddressed factor in policy responses, with consumers who are already able to see the law as potentially “wrong” and their desire to collect antiquities as both “right” and representing a higher loyalty not ending their market behaviour despite significant legal intensification. This also was a tangential strain which emerged from the research related to Submission 3 (Yates 2014a), particularly within my

considerations of the narratives offered along with Bolivian church art for sale on the market. In particular, numerous items were offered for sale with uncorroborated stories of unnamed nuns selling the object intentionally to save their convent, or something along those lines. These market narratives seemed designed to appeal directly to a pre-existing neutralisation structure within consumers that allowed them to save these objects, help those nuns, and in doing so feel like they did a good thing with their purchase rather than potentially doing a bad thing.

3.3 Contribution 3: The Importance of Interfaces

3.3.1 Summary of Contribution: Beyond Source/Transit/Market

This research reveals the illicit trade in antiquities as a form of transnational organised crime. It is primarily demand-driven with market pull emanating from (usually) elite actors in wealthy countries inspiring the formation of transnational criminal networks to supply them with rare and beautiful cultural objects originating in (usually) poorer or more insecure countries. As the cultural objects move through these supply networks, they are ‘cleansed’ and ‘converted’, ultimately resulting in the real situation where an object that was destructively and illegally stolen at one end can be put on public display in a world-class museum at the other. The physical pathway the object takes, including the ports and human hands that it passes through, are designed to facilitate this conversion process, allowing eventual conspicuous consumption as a means towards amassing Bourdieusian cultural capital. As Chapter 1 of *Trafficking Culture* notes: “That a looted and illegal antiquity can, through this process, become a legal commodity based on the transnational nature of the crime is a nearly unique feature of the illicit antiquities trade.”

For this conversion process to take place a number of structural issues within numerous jurisdictions are exploited. Poverty, insecurity, and vulnerability are common features of antiquities “source countries”; less-stringent import/export regulation, customs checks, free ports, or other jurisdictional issues are common features of antiquities “transit countries”; and deeply imbedded pro-market regulatory approaches, legal regimes that place primacy on private property, and cultural accolades for *appreciating* (and thus buying) antiquities are common features of antiquities “market countries”. Within these basic trafficking stages are a number of actors and illicit market drivers which this research has identified.

However tidy this source+transit+market model may seem, it does not fully explain the conversive qualities of this illicit supply stream. Here the importance of the interfaces

between these market stages emerges. There are no clear boundaries between these market stages, but the spaces (and people and places) where these stages meet are transformative. They ultimately render the looted antiquity consumable. At the source/transit interface we see specific issues related to effective policing, the development of realistic regulatory regimes, and in particular the effects of antiquities trafficking forming just one part of a larger series of nested illicit and/or subsistence economies. At the transit/market interface we see a series of sophisticated actions that serve to distance antiquities from the taint of obvious crime. In particular, we see the emergence of practices which introduce ‘plausible deniability’ for market consumers. Policy, at this interface, is exploitable and exploited by sophisticated market actors who are aware of the illegal origins of the antiquities in question but have the social standing to complete the conversion process. What emerges then is the antiquities market as a ‘grey market’ in a number of senses, particularly with regard to these points of interface.

3.3.2 As Applied in (Criminological) Research

While I was conducting the research, I considered the work to be primarily empirical, and there are vestiges of that consideration within some of the publications submitted, as well as in aspects of this introductory document. At the time, I believed that I was simply applying sociological and criminological ideas to a particular crime phenomenon in Latin America. However, on reflection, and in particular reference to the two book chapters that this submission begins with, I now see this work as standardising the now-accepted model of antiquities trafficking.

Perhaps the advantage of a PhD by prior publication is that one can confidently assert the contribution one has made. The architecture of the functioning of the illicit antiquities trade presented in these two chapters is the significant contribution of the submitted body of work. A trip to Google Scholar or Web of Science shows that this *is* the prevailing academic understanding of the global illicit antiquities trade that now appears in all subsequent academic work, policy documentation, and approaches to intervention and other practice. This *is* our collective disciplinary understanding of this form of crime.

3.3.3 As Developed by the Present Submission

This PhD submission starts at the end. I open this collection of work with Chapters 1 and 2 from the book *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities* (Mackenzie et al. 2019), which I wrote. These chapters present the framework of the global illicit trade in antiquities, describing all actors, their interfaces,

and their embedding within networks of policy and cultural practice. The ability to present antiquities trafficking in these chapters as an articulated form of transnational crime is a result of years of targeted research on the topic, combining fieldwork, open-source intelligence analysis, policy evaluation, and the development of over 100 case studies. The rest of my submission displays how I got to the point where I could write these two book chapters with clarity and confidence.

3.3.4 Limitations and Reflections

I have reserved the largest part of my discussion of Contribution 3 for reflection, in part because I think Contribution 3 is the most obvious contribution my work has made and that little justification or explanation of it is needed, but also to continue my focus on the retrospective, and on considering the past in the present and future. When considering my contribution to criminology in the form of an understanding of antiquities trafficking, I am now in a position where I can critique my own significance, or rather, add a word of caution about how this work should be approached now and in the future.

Contribution 3 is directly related to expanding our understanding of what I think are now the largely historic structures of the illicit trade in antiquities. I think “historic” is important here. I note that the research towards this submission formally began in 2012, over a decade before the time of writing of this note. Even then, much of the data gathered was necessarily backwards-facing: things that had happened within, say, the preceding decade, pushing the time frame of focus back to about 2000, so over two decades before the writing of this current document. Based on my ongoing research, I do not believe that the structures of crime portrayed within these submissions represent antiquities, art, or heritage crime today. Those who force those structures on contemporary crime will come up short.

I do not see this as a failure of my research. On the one hand, I believe it represents the natural evolution of crime and criminal markets. My research, as presented in this submission, supports the basic criminological understanding that criminal markets adapt to change or disappear. Understanding the structures of these markets in the past helps us understand the adaptations and document the change. On the other hand, I see changes in the market as, in at least a very small part, being a consequence of my research. This, again, is the advantage of the passage of time in evaluating the influence, significance, and contribution of one’s work. While I hasten to not claim an outsized influence from my work towards the better within policy and practice, I do believe that the influence is there.

As a commitment to my various funders and because of a personal interest in the promotion of research-informed policy, much of the work submitted here in the form of academic papers and book chapters has also been presented in policy development circles. While those policy circles have, for the most part, missed or ignored some of my core findings in favour of a view of the phenomenon of antiquities trafficking that is politically expedient, some of what I have submitted here, and what colleagues also working on this topic have produced, has been heard. It has entered policy, law, and market practice.

I believe that the global illicit trade in cultural objects has been significantly reduced since I began the submitted work in 2012, and certainly since the start of the scope of this research around the year 2000. Market demand has shrunk considerably: old antiquities collectors are dying, and fewer younger collectors are taking their place. Every year, fewer and fewer antiquities dealers are present at the TEFAF art fair as fewer and fewer people are interested in buying what they have to offer. That coupled with the intense police presence at the start of the fair focused on dealers, and an observable trend in fair attendees questioning the origins of the pieces on display, does not bode well for the continuation of the market. I have documented several antiquities dealers moving into the world of fossil dealing; fossils are more likely to be legal, and they attract young collectors. Major auction houses continue to reduce and consolidate antiquities sales, online platforms have instituted outright bans on antiquities trading, and the regulatory framework for preventing the movement of illicit cultural objects into market locations is ever strengthening.

Our problems related to crime and cultural objects are simply different now. Trafficking, I do not believe, should be our primary focus. I have much more interest in how art, antiquities, fossils, and other rare and unique things seem to defy easy categorisation, and end up in situations related to money laundering, fraud, financial crime, and the likes. Obsessing about antiquities trafficking, then, is obsessing about the past's problem. It still occurs but outsized focus on it means that we miss what contemporary heritage crime is.

Thus, I believe I have significantly contributed to our criminological modelling of the structure and function of aspects of the illicit trafficking of antiquities, but in doing so, I think that I contributed in small part to really addressing the problem. As such, this contribution itself, like this submission for consideration for a PhD in criminology, is retrospective. It should be appreciated in its correct temporal context without projecting it into the present or future.

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5. Works Submitted for Consideration

All told, works in this submission are different research pathways which all lead, in the end, to the two chapters of *Trafficking Culture*. I have roughly categorised them below, but they do not exist chronologically, but rather in parallel. They all inform different aspects of the two *Trafficking Culture* chapters and, as such, the reader may read them in whatever order they prefer.

5.1 Summary of Prior Published Work in this Submission

1. The Structure of the global market in illicit antiquities: Actors, drivers, mechanisms, Chapter 1, In: *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities*, Routledge, p. 1–19 (2019).

In this chapter I discuss the structuring of the movement of illicit antiquities from source to destination market along the paths that these objects take. Here I identify and explain the analytical structure of ‘source-transit-market’, identify the main players within these networks, and identify the roles that they play.

2. Interfaces and antiquities smuggling chains: Blurring on the margins of ‘source’, ‘transit’, and ‘destination market’, Chapter 2, In: *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities*, Routledge, p. 20–39 (2019).

In this chapter I problematise the apparently easy split between source, transit, and market by using evidence generated by my fieldwork and research to look at the fuzziness of the boundaries between source-transit and transit-market. This chapter also introduces the problem of the antiquities trade as a grey market.

3. Church Theft, Insecurity, and Community Justice: The Reality of Source-End Regulation of the Market for Illicit Bolivian Cultural Objects, *European Journal on Criminal Policy Research* 20(40): 445–457 (2014).

This article displays my use of OSINT research to construct perhaps the first view of church theft as a distinct form of cultural property crime in Latin America.

4. Reality and Practicality: Challenges to Effective Cultural Property Policy on the Ground in Latin America, *International Journal of Cultural Property* 22 (2–3): 337–356 (2015).

This article displays my use of fieldwork in Bolivia and Belize to understand the on-the-ground effects of high-level attempts to regulate the illicit trafficking of Latin American antiquities.

5. Failures and consequences of anti-antiquities trafficking policy in Mesoamerica. In: *The Market for Mesoamerica: Reflections on the Sale and Acquisition of Pre-Columbian Collections*, D. Yates and C. Tremain (eds). Gainesville: University Press of Florida (2019).

This book chapter displays my research into the longer-term effects of US-based policy choices in the resulting patterns of crime on the ground at Central American archaeological sites.

6. Displacement, deforestation, and drugs: antiquities trafficking and the narcotics support economies of Guatemala. In: *Cultural Property Crimes: an Overview and Analysis on Contemporary Perspectives and Trends*, J. Kila and M. Balcells (eds). Leiden: Brill (2014).

This book chapter draws upon OSINT research and interview data to consider the possibility of a connection between antiquities trafficking and drug trafficking in Latin America: an association that was often repeated as fact despite a lack of any confirmation. It represents an early statement that assumptions about the antiquities trade that may be informing policy cannot be seen in the real-world manifestations of that crime.

7. Museums, Collectors, and Value Manipulation: Tax Fraud through Donation of Antiquities. *Journal of Financial Crime* 23(1): 173–186 (2016).

This paper pushes the concepts of crime related to antiquities beyond trafficking. Trafficking had been the primary form of antiquities-related crime evaluated by anyone up to this point. Despite what I see now as an incomplete discussion of this topic, the paper represents a foundation for continuing research into Illicit Financial Flows related to Latin American Antiquities (the subject of a paper I just submitted to a journal).

8. Value and Doubt: the Persuasive Power of 'Authenticity' in the Antiquities Market.

PARSE: Platform for Artistic Work Sweden 2: 71–84 (2015).

This paper, commissioned for a multidisciplinary arts journal, shows the beginnings of my attempts to marry humanities scholarship to criminological questions. It shows that authenticity, over legality, is the primary factor in antiquities buyer decisions, and that this drive for proof of authenticity likely causes some of the incriminating behaviours we see among antiquities traffickers (e.g. the production of extensive photographic proof of their crimes). It also notes a particularly interesting and effective intervention beyond regulation that appeared at the time to be disrupting the Latin American antiquities market. I can say now that Mexico has fully embraced the method described here.

5.2 Copies of Submitted Works

Submission 1

The Structure of the global market in illicit antiquities: Actors, drivers, mechanisms, Chapter 1, In: *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities*, Routledge, p. 1–19 (2019).

This work is under copyright and is available via the Routledge website:

<https://www.routledge.com/Trafficking-Culture-New-Directions-in-Researching-the-Global-Market-in-Illicit-Antiquities/Mackenzie-Brodie-Yates-Tsirogiannis/p/book/9781138692497>

Submission 2

2. Interfaces and antiquities smuggling chains: Blurring on the margins of ‘source’, ‘transit’, and ‘destination market’, Chapter 2, In: *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities*, Routledge, p. 20–39 (2019).

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<https://www.routledge.com/Trafficking-Culture-New-Directions-in-Researching-the-Global-Market-in-Illicit-Antiquities/Mackenzie-Brodie-Yates-Tsirogiannis/p/book/9781138692497>

Submission 2

2. Interfaces and antiquities smuggling chains: Blurring on the margins of ‘source’, ‘transit’, and ‘destination market’, Chapter 2, In: *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities*, Routledge, p. 20–39 (2019).

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Submission 3

Church Theft, Insecurity, and Community Justice: The Reality of Source-End Regulation of the Market for Illicit Bolivian Cultural Objects, *European Journal on Criminal Policy Research* 20(40): 445–457 (2014). <https://doi.org/10.1007/s10610-014-9232-z>

This work is under copyright and is available via the Springer website:

<https://link.springer.com/article/10.1007/s10610-014-9232-z#article-info>

Submission 4

Reality and Practicality: Challenges to Effective Cultural Property Policy on the Ground in Latin America, *International Journal of Cultural Property* 22 (2–3): 337–356 (2015). <https://doi.org/10.1017/S0940739115000156>

This work is under copyright and is available via the Cambridge Core website:

<https://www.cambridge.org/core/journals/international-journal-of-cultural-property/article/abs/reality-and-practicality-challenges-to-effective-cultural-property-policy-on-the-ground-in-latin-america/9AE1F3F6F577FBA82FD520192325AAD1>

Submission 5

Failures and consequences of anti-antiquities trafficking policy in Mesoamerica. In: *The Market for Mesoamerica: Reflections on the Sale and Acquisition of Pre-Columbian Collections*, D. Yates and C. Tremain (eds). Gainesville: University Press of Florida (2019).

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<https://upf.com/book.asp?id=9780813056449>

Submission 6

Displacement, deforestation, and drugs: antiquities trafficking and the narcotics support economies of Guatemala. In: *Cultural Property Crimes: an Overview and Analysis on Contemporary Perspectives and Trends*, J. Kila and M. Balcells (eds). Leiden: Brill (2014).

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https://brill.com/display/book/edcoll/9789004280540/B9789004280540_003.xml

Submission 7

Museums, Collectors, and Value Manipulation: Tax Fraud through Donation of Antiquities. *Journal of Financial Crime* 23(1): 173–186 (2016).

This work is under copyright and is available via the Emerald website:

<https://www.emerald.com/insight/content/doi/10.1108/JFC-11-2014-0051/full/html?skipTracking=true>

Submission 8

Value and Doubt: the Persuasive Power of 'Authenticity' in the Antiquities Market.
PARSE: Platform for Artistic Work Sweden 2: 71–84 (2015).

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

DONNA YATES

Donna Yates is a Lecturer in Social Sciences and Arts at the University of Glasgow. An archaeologist by training, Yates is based in a criminology department and is one of the founding members of the *Trafficking Culture Project* at the Scottish Centre for Crime and Justice Research. Her research broadly focuses on social aspects of antiquities trafficking, art crime, and related cultural property issues. Yates has recently held a Leverhulme Fellowship and a Core Fulbright

Award to study the on-the-ground effects of high-level cultural policy in Latin America and her current work involves security for, and protection of, sacred art in Latin America and South Asia. Her research and other open research materials can be found on her ever-growing collection of websites, including traffickingculture.org, anonymousswisscollector.com, and stolengods.org

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.¹ 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, antiques-

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.² The looting of an archaeological site destroys fragile contextual information that cannot be recovered.³ 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.⁴ 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.⁵ 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 catalogues⁶ 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.⁷ 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.⁸ 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.⁹ 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.¹⁰ 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.¹¹

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.¹² 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.¹³ 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.¹⁴ 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.¹⁵ 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.¹⁶ Also, sterling provenance can be faked. Forged documents accompany fake antiquities.¹⁷ 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,¹⁸ 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”.¹⁹ 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 2002.²⁰ 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.²¹ 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.²² 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.²³ 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.²⁴ 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.²⁵ 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.²⁶ 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.²⁷ 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.²⁸ 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.²⁹ 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.³⁰

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.³¹ 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.³² 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.³³ 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.³⁴ 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.³⁵ 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.³⁶ The INAH also allege 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.³⁷ 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.³⁸ 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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6. Appendix A

Appendix A

Mackenzie, Simon, and Donna Yates. **What Is Grey about the “Grey Market” in Antiquities.** In *The Architecture of Illegal Markets: Towards an Economic Sociology of Illegality in the Economy*, edited by Matias Dewey and Jens Beckert, 70–86. Oxford: Oxford University Press.

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7. Appendix B

Appendix B

Mackenzie, Simon, and Donna Yates. **Collectors on Illicit Collecting: Higher Loyalties and Other Techniques of Neutralization in the Unlawful Collecting of Rare and Precious Orchids and Antiquities.** *Theoretical Criminology* 20(3): 340–57 (2016)

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Collectors on illicit collecting: Higher loyalties and other techniques of neutralization in the unlawful collecting of rare and precious orchids and antiquities

Theoretical Criminology

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Abstract

Trafficking natural objects and trafficking cultural objects have been treated separately both in regulatory policy and in criminological discussion. The former is generally taken to be ‘wildlife crime’ while the latter has come to be considered under the auspices of a debate on ‘illicit art and antiquities’. In this article we study the narrative discourse of high-end collectors of orchids and antiquities. The illicit parts of these global trades are subject to this analytical divide between wildlife trafficking and art trafficking, and this has resulted in quite different regulatory structures for each of these markets. However, the trafficking routines, the types and levels of harm involved, and the supply–demand dynamics in the trafficking of orchids and antiquities are actually quite similar, and in this study we find those structural similarities reflected in substantial common ground in the way collectors talk about their role in each market. Collectors of rare and precious orchids and antiquities valorize their participation in markets that are known to be in quite considerable degree illicit, appealing to ‘higher loyalties’ such as

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preservation, appreciation of aesthetic beauty and cultural edification. These higher loyalties, along with other techniques of neutralization, deplete the force of law as a guide to appropriate action. We propose that the appeal to higher loyalties is difficult to categorize as a technique of neutralization in this study as it appears to be a motivational explanation for the collectors involved. The other classic techniques of neutralization are defective, guilt and critique reducing narrative mechanisms, while higher loyalties drives illicit behaviour in collecting markets for orchids and antiques in ways that go significantly beyond the normal definition of neutralization.

Keywords

Antiques, art crime, neutralization, orchids, regulation, trafficking, wildlife

Introduction: Morals, motives and neutralizations

Collectors lust after a contraband orchid for the same reasons connoisseurs seek a forbidden manmade masterpiece, according to prosecutor Hochman: 'For its beauty, its rarity, its endangeredness.'

(Orrick, 1995)

Why do people buy, keep and display rare and precious 'collectibles'? How do they talk about this social practice; and how do they explain why they do it even when it breaks the law? In this study we look for answers to these questions around legally transgressive motive, from the perspectives of collectors of two different rare and precious commodities: orchids and antiques.

The essence of our argument is that the moral economy of collecting in these markets valorizes the practice with reference to ideals of self-realization and public service, therefore seeing both personal and social benefits where the law simply sees crime. By 'moral economy' (Booth, 1994; Thompson, 1971) we mean that markets are 'grounded in a morality of fairness, justice ... and shared notions of acceptable behaviour' (Karstedt and Farrall, 2006: 1014). The personal and social processes of cultural edification within the moral economy of collecting orchids and antiques are explained by collectors through the use of narrative tools that seem to suggest a common pool of justificatory reference. From these vocabularies of motive (Mills, 1940), operators in both collecting markets draw socially acceptable accounts to offer as explanations of why they break the law (Scott and Lyman, 1968).

Recognizing the common themes involved in this manifestation of criminal motivation is important for engaging with attempts to regulate or control the crimes of the powerful, since as we shall clearly see, some groups of people think they are above the law and not only do not feel constrained by it, but seem not to feel any guilt or shame in breaking it. This observation fits with previous studies of white-collar crime such as Benson's investigations of 'denying the guilty mind' (1985; Stadler and Benson, 2012). However, while Benson sees the process as one of neutralization, we look for a slightly more fine-grained application of that term for white-collar crimes where the moral

construction of the issue seems *a priori* to have removed potential feelings of guilt from the subsequent process of moral evaluation. We suggest that in these market settings an appeal to higher loyalties is a useful explanatory concept when looking for motivation, and in that respect can be seen as a deeper and more fundamental process of rationalization than the other original techniques identified by Sykes and Matza (1957), which then come to be seen as performing more ‘second-tier’ or ‘deflective’ functions in warding off critique.

The usual post-*Delinquency and Drift* interpretation of techniques of neutralization as attenuating the ‘moral bind to law’ and facilitating drift (Matza, 1964) does not seem wholly apt to help explain the illicit practices of the collectors who are the subjects of the current enquiry. They are not appropriately described as people who have a generalized commitment to conventional law-abiding norms, in respect of which their law-breaking is an occasional aberration they excuse in the moment, or situationally, but disapprove of in the abstract. Rather they are in the category of those who ‘unconditionally approve’ of the illegal act—a category that a number of commentators have differentiated from those who use techniques of neutralization, including Sykes and Matza themselves, but perhaps most explicitly Minor (1981: 300–302). For sure, collectors may value the conventional norms of legitimate society in most other parts of their lives, and they no doubt value the conventional norms of their collecting systems, in the sense of the day-to-day routines of public market and collecting/display activities. However, the key point is that this very ‘conventional’ normativity in the collecting world seems to include within it norms approving of illicit acquisition of orchids or antiques. *In some markets, then, illegality is normatively acceptable.* If deviance from (some) legal norms is in fact conventionally normative in certain markets, our original motivational question of why people are breaking the law in these circumstances seems to merit an answer that may be framed in the language of an appeal to higher loyalties (the norms and values of the particular market), but can be done while thinking of higher loyalties primarily as a motivational driver and only secondarily, if at all, as a technique for neutralizing departure from the wider and more diffuse norm of obeying the law in all situations. Thus we come to see ‘higher loyalties’ in these markets first and foremost as motivation in a way that separates it from the other techniques of neutralization. Unlike higher loyalties, the other ‘classic’ techniques of neutralization have little explanatory power in relation to the core motivational ‘why do they do it’ question, although they do perform the useful role of helping protagonists deal with uncomfortable knowledge about the harmful effects of their actions.

The short answer to the ‘why’ question, which we will explain with supporting narrative evidence in what follows, is therefore that the collecting markets under study propagate a value system that emphasizes goals that legal regulation interferes with. Capacity to ignore or circumvent the law in such a context appears to be a feature of successful membership of these collecting groups. Put in such terms, the observations in the article sit squarely in the literature on aetiology and regulation in white-collar crime more generally (e.g. Benson and Simpson, 2009; Braithwaite and Geis, 1982; McBarnet, 2003; Pearce, 1976). The question whether that proposition is generalizable to other collecting markets in rare and precious chattels is one for further research: it seems likely.

The study and regulation of trafficking in illicit orchids and antiquities

The illicit trafficking of cultural objects and the illicit trafficking of natural objects have become subjects of criminological focus in the usual manner of sub-disciplinary separation which divides the scholars and the scholarship of these forms of transnational crime, with effects that are in some respects unhelpful. The trafficking of cultural objects (especially antiquities) has become part of a hybrid discourse between criminology and archaeology, forming a perceived specific type of global trafficking and treated accordingly by many researchers and most international organizations: as a crime problem *sui generis* demanding regulatory responses specific to the perceived problem of 'illicit antiquities' (e.g. Manacorda and Chappell, 2011). Trafficking in flora and fauna, comparably, has become part of a criminological sub-discipline generally referred to as 'wildlife trafficking' (Wyatt, 2013), which itself is a category that is often subsumed within the ambit of 'green criminology' (White and Heckenberg, 2014), a much broader category focused on environmental crimes and harms but which does not include damage to cultural heritage, although some green criminologists have recognized the importance of wildlife and the environment to culture.

While the market-end dealing and collection of illicitly trafficked antiquities as a form of white collar crime has been explored by the recent work of a number of scholars (e.g. Bowman, 2008; Brodie and Bowman, 2014; Brodie et al., 2013; Chappell and Polk, 2009; Mackenzie, 2007, 2011; Mackenzie and Green, 2008; Polk, 2000) the particulars of the market-end dealing and collection of illicitly trafficked rare orchids have not been similarly assessed. We suggest that despite significant differences in how they are governed in law and researched in criminology, orchid and antiquities trafficking and collecting can be identified as having striking similarities on basic sociological levels including motivation, patterns of activity, practical ethics, geographical reach and social and cultural structures supporting economic supply and demand.

Orchidaceae is a diverse family with over 870 genera, 25,000 species and 100,000 hybrids and cultivars making it the largest flowering plant family (Swarts and Dixon, 2009). Flowers across the family are extremely varied with seemingly infinite permutations of size, shape, colour and flower clustering. Many orchids react well to hybridization, allowing for enthusiasts to create their own new orchids. Beyond some specific cases of the use of orchids in food and medicine (e.g. Subedi et al., 2013), the majority of human orchid 'consumption' is for enjoyment: for decoration and beauty, for an interest in botany or for collecting (Clemente Muñoz, 2009).

In orchid collecting, like antiquities collecting, rarity, uniqueness and beauty are marks of both esteem and profitability and thus demand (Clemente Muñoz, 2009; Thomas, 2006). Because of this demand, the numbers of certain types of rare or more sensitive orchids have been reduced in the wild. This has been due both to habitat loss via development and to over-collecting for the market (Swarts and Dixon, 2009). Collecting of rare wild orchids continues despite efforts to regulate the market and criminalize the activity (Flores-Palacios and Valencia-Díaz, 2007; Thomas, 2006). Many orchid species are considered threatened, endangered, extinct in the wild or completely extinct (Flores-Palacios and Valencia-Díaz, 2007; Swarts and Dixon, 2009).

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) serves as the primary means to regulate the international trafficking of rare orchids. Six specific orchid species and two orchid genera are listed in Appendix I of CITES, meaning that they cannot be exported or imported for commercial purposes unless they are shown to be both artificially propagated and bear official export and import permits. This effectively bars their movement for any reason other than scientific study. The entire Orchidaceae family is included in Appendix II of CITES, meaning their movement across borders for any reason, including commercial purposes, requires official export permits. Artificially propagated orchid hybrids may qualify for a CITES exemption but even these require an exemption certificate. In addition to CITES, numerous state and local regulations bar the collection, export, import and sale of many orchid species.

Purchasing any orchids listed in Appendix I of CITES without being presented with proper paperwork attesting to the exact circumstances under which that plant or hybrid came into being is unlawful. Intentional mislabelling of non-flowering orchids and other improper export and import regulations means that even the purchase of an Appendix II orchid with proper permitting may have facilitated the smuggling of Appendix I plants.

Like orchid trafficking, antiquities trafficking is linked to destructive practices at source. Antiquities collection in its current form began in 18th- and 19th-century Europe during the time of 'The Grand Tour'. The focus of these collectors was the glory of Egypt, Greece, Rome and West Asia; in other words the perceived progenitors of European greatness (Swenson and Mandler, 2013). Nearing the end of the 19th century, the field of archaeology split from antiquarianism and antiquities collecting to become an academic field, the focus of which was to gather information about past culture rather than to form antiquities collections (Yates, 2013). To gather this information, archaeologists require sites to be as intact as possible so that the context of the site is preserved for study. Sites ransacked for sellable goods have had their context destroyed and thus are unsuitable for archaeological study (Brodie and Renfrew, 2005; Coggins, 1970; Renfrew, 1999). Antiquities removed from their original contexts are also unsuitable for archaeological study (Brodie et al., 2000). Looted sites and looted antiquities represent an incalculable amount of lost information about the past.

Over the course of the second half of the 20th century, local and international measures were implemented in the hope of turning what continues to be a tide of looted antiquities entering the art market (O'Keefe, 1997). The basis of much of this regulation is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which implores signatories to protect sites on the ground and to effect the return of looted cultural objects (O'Keefe, 2000). The convention does not mandate specific export and import controls; rather it urges signatories to develop their own import controls, and one model for this has been exemplified in the country-to-country five year term negotiated bilateral agreements used by the USA. Beyond policy, in the early 2000s a number of high-profile cases of criminal prosecution and civil seizure have brought the destructive nature of antiquities trafficking to the attention of the public (Gerstenblith, 2007).

We can therefore contextualize the analysis that follows in this article with some base observations about these two global illicit markets, based on the brief reviews of laws

and practices set out above. First, both the looting of archaeological sites and the wild collection of orchids are inherently destructive acts. Site looting causes archaeological sites to cease to exist and orchid ‘poaching’, as the practice is known, spoils fragile ecosystems. Most experts support this assertion (for antiquities see Brodie and Renfrew, 2005; Brodie et al., 2000; Chippindale and Gill, 2000; Elia, 2001; Mackenzie, 2005; Renfrew, 1999; Yates, 2014. For orchids see Clemente Muñoz, 2009; Davenport and Ndangalasi, 2003; Ferrier, 2010; Neng, 2010; Subedi et al., 2013; Swarts and Dixon, 2009). Second, the market-end demand for orchids and antiquities is what inspires a supply to be found and is the root cause of looting and poaching. This is a basic economic model that, too, is supported by available evidence and the views of experts (e.g. Gill and Chippindale, 1993; Kersel, 2008; Mackenzie, 2005; Renfrew, 1993). Third, the collectors and dealers involved are aware of the potential for illegality in the market that they engage in. This has been verified by interview research we have conducted in the antiquities trade, and the excerpted quotes of operators in the orchid trade that are reproduced in this article reveal similar patterns of knowledge.

Accessing market narratives in collecting orchids and antiquities

Our data collection involved searching for sources in which orchid and antiquities collectors were able to express their views in their own words. Quotations from first-person interviews were collected from popular media articles that were located via targeted Google News searches for pieces related to the orchid and antiquities trades (e.g. Alberge, 2011; Bredin, 2013). In limited cases, these included statements made while in court (Pittman, 2004). A particularly interesting source of interview material for the antiquities trade was the Smithsonian Institute’s Archives of American Art, a collection of transcribed oral history interviews with key art world figures, including collectors (e.g. Fleischman, 1994; Thaw, 2007). Academic publications authored by collectors and dealers were also included (e.g. Cuno, 2014; Marks, 1998; Ortiz, 2006; White, 1998). The original context of collectors’ statements was maintained as much as possible, and all interviews used are publicly available with their sources referenced. In addition to using these public documents to gather evidence of collecting views, we have previously conducted studies that have involved interviews with collectors and dealers of antiquities, but not orchids (Mackenzie, 2005; Mackenzie and Green, 2009). These research projects included discussions of motivation and while we have not included direct quotes from the studies here, we have used the themes in these interviews and focused conversations with major collectors and dealers in the art and antiquities world to contextualize the evidence in this article when conducting our analysis.

One of the limitations of our approach to data gathering is that the statements used in this article come from a self-selecting group of orchid and antiquities collectors and dealers. They are individuals who were willing to speak to academics, the media and oral historians or were willing to pen their own articles or books. The views of less forthcoming market participants are only represented in the few cases where courtroom statements were located. Our own empirical research accessed the more hidden and private worlds of these markets to the extent such access was possible, so while the respondents

in those studies are still among the most forthcoming discussants in these markets, this type of outreach provides at least some level of reassurance that we are not dealing in outlying views when we relay the public statements made by more visible collectors. Our impression is that the collectors quoted here are those who were willing to 'raise their heads above the parapet' and risk critical public attention, but that their perspectives are not unrepresentative of the silent majority.

The motivation to collect

Objects came my way, and some of them unquestionably, it seems to me, because they had to do so. It is as though, imbued with the spirit of their creator, they came to me because they knew I would love them, understand them, would give them back their identity and supply them with a context in keeping with their essence, relating them to their likes.

(Ortiz, 2006: 20)

Why collect, especially when it involves choosing to participate in a criminal market? Kersel (2015) provides a review of some of the literature exploring the drive to collect antiquities. She cites Schwartz (2001: 633) in suggesting that 'collecting has existed for as long as humans could conceptualise the idea of beauty' and develops the analysis of the pleasure experienced through owning objects by considering it as connected to several supporting ideas. Collectors, she observes, 'may variously view themselves as connoisseurs, heroes, public servants, saviours, tourists and harbingers of class' (Kersel, 2015: 368). Previous studies into collecting motivations reveal the pursuit to be quite a complex field of emotional and strategic dynamics, including a means towards status legitimacy or social distinction among the *nouveau riche*; and 'owner-object relations as based on domination' (Clifford, 1985: 238; Kersel, 2015: 368), as where trophy hunting represents conquest, or looting is an act of resistance.

A large part of the idea of connoisseurship in collecting antiquities comes in the curation of a significant collection. The selective eye of the collector, combined with his or her rationale and values for choosing to create a particular type of collection, makes in effect for historical and informally scholarly statements, encapsulated and disseminated through a grouping of objects that are considered to bear a certain relation to one another. Orchid collecting is less concerned with the (re)presenting history aspect of great antiquities collections, but the emotional dynamic seems similar, experienced apparently as a sense of pleasure connected to possessing, owning, 'saving', enjoying and displaying rare and beautiful objects. For both types of collecting, antiquities and orchids, this pleasure can take on spiritual and other types of metaphysical dimensions, bringing to the meaning associated with collecting a sense of purpose, and responsibility to continue.

Antiquities collector Barbra Fleischman characterizes her collecting as 'more than an intellectual pursuit' saying that the objects have to 'grab' her and her husband (Muchnic, 1994). She also describes 'the experience of a work of art' as 'uplifting', which is why collecting is important to her, and that thinking about the financial value of the object is not at all the point of collecting as it 'dilute[s] that experience' (Fleischman, 1994).

Jean Paul Barbier-Mueller, an antiquities collector, personifies his collection by 'engaging in a dialogue with it' (Martin, 2013). He states that he 'was captivated by the sensual pleasure we can experience just by gazing at an object'. Au Yon Nang Yip, an orchid collector, takes the personification a step further: 'I treat these orchids as part of my family. They are like my wife. I live and sleep with them' (*New Strait Times*, 1999: 19). Most collectors of antiquities and orchids report a visceral, sensual attraction to the objects.

Antiquities collector Christian Levett calls collecting 'a compulsion to fill the gaps' (Bredin, 2013). Compulsion is a word often used to describe both antiquities and orchid collecting. Indeed, in the 19th century the term 'orchidelirium' was coined to describe the compulsive behaviour of orchid collectors (Doyle, 1995). Collecting as a 'compulsion' set in the context of regulatory barriers to the satisfaction of that compulsion can be seen to be a fertile source of motivation for law-breaking; of the difficult pre-neutralization question of 'will' to offend that has been considered the weakest or at least most elusive part of Matza's (1969) conception of 'becoming deviant'. In a social setting characterized by this kind of strain in which the seductions of crime are unusually apparent, we can identify among the discourse of collecting what we have previously noted to be the appeal to higher loyalties. Collecting as a passion, a drive and in the conception of the famous antiquities collector George Ortiz whose quote opened this section, even as a perceived inevitability, sets up a tension between two sets of rules which compete for social adherence: on the one hand the law, and on the other the significantly socially embedded and status laden cultural goal of exotic collecting. This type of adherence to one set of (cultural) rules over another (the law) seems to be the master narrative here.

The loyalties to which high-end collectors of antiquities and orchids appeal can be appropriately summed up as a love for the things, although this raises a host of further interesting questions, including: how that type of love is manifested; how or indeed if it can be distinguished from a compulsive type of object fetishism; and where the rather less emotive financial motivation intersects with this type of desire. For example, convicted orchid smuggler Michael Kovach told the judge during his sentencing: 'I love these plants ... I did what I did without any intention of violating any laws' (Pittman, 2004). In his case Kovach himself collected the orchid in Peru and transported it to the United States. From this love for the things comes the sense of higher loyalty, which can apparently completely erase feelings of guilt in transgressing the law. Convicted orchid smuggler George Norris also places his actions as morally separate from actual crimes: '[t]he hardest thing I ever did was stand there and say I was guilty to all these things. I didn't think I was guilty of any of them' (Grossman, 2009).

Love of orchids or ancient artefacts leads to a desire to acquire them that can sometimes manifest as a desire to 'save them', although there is some implicit confusion in the 'saving' narrative as to what the objects are being saved from. On the surface the argument is that to acquire them saves them from destruction: antiquities and rare orchids will be kept by the collectors in the best conditions to store or nurture them (Merryman, 2000). This is therefore an argument in favour of preservation. There is, however, another type of saving which is less obvious in the discourse but which is a fair interpretation of the sentiment connecting many collecting reports: the collector saves the objects from obscurity. This is therefore an argument in favour of display

rather than preservation as such. Antiquities and orchids may in fact be perfectly well preserved in their original findspots around the world, in deep jungles for example, although this is not always the case given infrastructural development, environmental disaster, war and several other types of threats to their integrity. Yet even if they did not need the collector to save them from potential destruction, there is a strong sense in the collecting narrative that they deserve to be appreciated—they deserve to be loved—and in this sense the collector offers salvation.

Statements made by antiquities collector George Ortiz (2006: 25) exemplify the saving narrative: '[i]n these cases, horrible as the destruction is, the market is an outlet that saves some of what may be found'. Similarly, some orchid collectors cast deforestation as a generally lamentable prospect with a practical upside in being a vector for discovery. Mike Serpa, an orchid cultivator speaking on deforestation, says, '[y]ou find things that people weren't able to get in to. They're discovering [animal and plant life] in China and Vietnam that they previously thought were gone' (Orrick, 1995).

The 'saving' narrative casts the actions of the market-end actor not only as positive, but heroic. As habitats and sites are destroyed, usually (at least within this narrative) by forces unrelated to the market such as war or encroaching development, collectors save so-called 'orphaned' antiquities and orchids: they care for them, conserve them and protect them for the good of all humanity. Laws restricting transnational movement are considered to be detrimental to the survival of orchids and antiquities; violating them is a moral prerogative. Antiquities collector George Ortiz (2006: 15) is clear about his belief in this narrative, writing 'I believe that artefacts and art are universal heritage of mankind; that collecting is both ethical and fundamental to saving the past' and that '[c]ollecting is historically responsible for saving the past' (2006: 16). This is mirrored in the words of orchid grower Jerry Fisher: '[c]ollectors aren't always the bad guys they're made out to be. If it wasn't for collectors, we wouldn't know anything about all these flowers that exist' and '[t]here are a lot of species in greenhouses that don't exist in the wild any more due to habitat loss' (Doyle, 1995).

Both antiquities and orchid collectors cite specific non-looting/poaching threats that they are saving their objects from. 'As collectors', says Shelby White (1998: 170) 'we believe we are preserving and expanding knowledge of the past', and she implies objects not smuggled out of Afghanistan in the 1960s would likely have been destroyed during conflict. She speculates that an object in her collection was possibly sold by Afghans who needed the money to fight off the Russian invasion (White, 1998: 172). James Cuno (2014), director of the J Paul Getty museum and noted spokesperson for the antiquities trade, states in respect of conflict in Syria and Iraq that 'ISIS will destroy everything in its path', while calling for an open-door policy for the free movement of antiquities in the market. Don Herman, then president of the American Orchid Society, describes forest fires in Brazil in 1981: '[w]hat they were doing was burning jungle, burning forests, and in every one of those forests they were killing all the orchids that were in there' (Ferrell, 1995). For orchid collectors, the image of the burning rainforest generates their moral prerogative to discover, collect and propagate rare orchid species before they are gone. James Rose, an orchid dealer, conveys this sentiment: 'If I can't get it, I can't grow it ... and, man, in probably five more years it'll be gone anyway' (Ferrell, 1995). The parallel to the 'saving' narrative of antiquities collectors is clear.

Collectors of both commodities, while discussing their wish to save the objects, often cite some degree of public access. Through the act of saving these objects, they do a moral good by allowing them to be studied or just seen. For example White (1998: 172) casts her role as caring for unloved antiquities until they inevitably end up on public display: '[w]e consider ourselves preservers of the objects that we have acquired. We have, until such time as our collection will be given to a museum, the obligation to care for the objects'. Until then, '[a]s collectors, we take pride in knowing that the works of art in our collection are viewed by visitors to the museums to which we continually loan them' (1998: 170). Antiquities dealer Peter Marks (1998: 120) says that seeing objects he has handled on display in a museum is 'enormously gratifying' and that '[i]t gives us a sense that we have contributed something to the visual commonweal'. Antiquities collector Christian Levett agrees: 'To walk around the museum and see other people enjoying the pieces, surreptitiously listening to their comments, will be tremendously exciting' (Alberge, 2011). Rose, speaking about illicit Vietnamese orchids found for sale in Japan, says the orchids 'wouldn't be there in North Vietnam, but we can't go there anyway. And they are out in the trade now, so every orchid guy can have one. So actually, we're better off, probably' (Ferrell, 1995). In other words the orchids are better off being preserved and studied in the greenhouses of the world rather than inaccessible to all in a remote jungle.

Approval by formal academic experts is also cited under this narrative as a form of validation of collecting activities. Shelby White (1998: 170) believes that she and her husband 'have built a collection of interest to scholars as well as the general public'. Barbara Fleischman (1994) says the same thing: '[a] lot of scholars come to our house from Germany, France, England, Italy—all over the world—Greece', going on to say that she publishes her collection fully so that scholars will have something to study. Orchid collector Au Yon Nang Nip states that his orchids were open for the viewing of writers and experts, but not for his own glory. Speaking of a particular book about his orchid collection, he says 'Not only did I not profit from the publication of the book, my name was mentioned only fleetingly' (*New Strait Times*, 1999: 19).

Cultural edification of the public or scholars is not the only focus of this narrative. Many collectors acknowledge that they are in it for personal reasons of cultural capital (Bourdieu, 1986). Au Yon Nang Nip, talking about collecting orchids in the past, says: '[i]t was a status symbol then' (*New Strait Times*, 1999: 19). Eugene Thaw (2007), speaking about the visibility of his name on antiquities that he donated to the Met Museum, says:

And if you go into the Oriental wing upstairs off the big open hall there, off the balcony, the first cases that you come to on the wall are a lot of these pieces which I gave them, and they're listed as Thaw Collection.

Michal Kovach, an orchid collector convicted of smuggling, is quoted as having said 'I wish I could have a plant named for me' (Pittman, 2004). Says Bill Bergenstrom, an orchid dealer: '[i]f you can get a plant that nobody in the world has but you, you have done something that has put you way above everybody else' (Ferrell, 1995).

It is interesting to consider whether in a competitive collecting marketplace, where norms of acquisition support purchases of illicit as well as licit items, and where buyers

know they are breaking the law in making illicit acquisitions, the thrill of transgressing a legal norm can bring illicit collecting within the ambit of the literature on forms of 'edgework' (Lyng, 1990, 2005). Operating beyond the law, where the rarest and most prized items are those most likely to be illicitly obtained, does illegality heighten the buzz in the emotional dynamics of collecting in ways that are counterproductive to attempts at regulatory control? It certainly seems that the risk involved in collecting can be part of the attraction. Antiquities collector Michael Steinhard, speaking on the legal dangers of collecting, says: '[i]t is a little bit dangerous, but that is what makes it exciting. But life is filled with risks, isn't it?' (Coolidge, 2006). Carlo A Balistreiari, an attorney for the American Orchid Society agrees: '[t]here are people who are kind of romanced by the idea that a thing's been smuggled in ... who want to get it no matter what' (Ferrell, 1995). That the thrill of the chase can be a significant seduction for collectors of rare and precious goods is, for example, reflected in the title of one of the several collecting books published by Thomas Hoving (1975), previously director of the Metropolitan Museum in New York: *The Chase, the Capture*.

The moral scaffolding of appeal to higher loyalties

Orchid collector Douglas Thompson, speaking about doing business with orchid smuggler Harto Kolopaking, states '[i]t's not like he is some secret mastermind. Everybody knows what he's been doing. I have half a dozen of his plants. They were ripped off trees and arrived in boxes' (Orrick, 1995). Although 'everybody knows' what is going on, collectors in these fields are certainly aware that their moral construction of the issues is at odds with the law in key respects, and that this is changing both public perception of their roles and necessitating changes in the levels of visibility with which they can perform them. Peter Marks (1998: 122) notes:

The moral world of the art dealer and the market in antiquities have recently come under attack. Previously, dealing had been generally considered, if not a noble profession, at least a glamorous line of work, even an enviable one, to those who understand the pleasure of living with works of art.

Shelby White laments: '[t]he unfortunate thing we're seeing now is that other collectors are not going to show their collections because they don't want problems. So you're seeing a lot more secrecy than 15 years ago' (Taylor, 2007).

If appeal to higher loyalties is the 'master narrative' among collectors of rare orchids and antiquities, it is supported by other subsidiary techniques of neutralization which do the job of filling out a social story that repels criticism and casts this type of collecting as a 'good thing'. These subsidiary techniques appear to be employed in a context where participation in law-breaking is not impossible for collectors to discern and which, due to the higher loyalties involved, they do not feel merits apology. Whether therefore they are, in this context, 'neutralizations' is open to question: they do not seem here to 'precede deviant behavior and make deviant behavior possible' (Sykes and Matza, 1957: 666). The techniques outlined below look in the present study rather more like 'justifications ... commonly described as rationalisations ... viewed as following deviant

behavior and as protecting the individual from self-blame and the blame of others after the act' (1957: 666).

Denial of the victim is evident where developing countries are cast by collectors as compromised in their victimization by their own failure to protect remote sites, leaving orchids and antiquities easy to steal; and this argument of a lack of adequate protection also features in arguments against repatriation of stolen artefacts (Cuno, 2014).

Due to the obscuring routines of these markets in failing to transmit clear provenance information along chains of supply, it may not be entirely clear to collectors whether in fact the goods they are buying are illicit. This injection of reasonable doubt into the process supports the denial of responsibility. Even if they are illicit, they may be the product of less egregious acts than deliberate and destructive looting. 'While some objects appear on the market as a direct result of theft, sites are disrupted for a variety of reasons', says antiquities collector Shelby White (1998: 171) and she goes on to suggest her antiquities may have come from dam building, agriculture and other chance finds. Christian Levitt states that '[a]part from the fact that a large number of items do have lengthy provenance, many non-looted objects genuinely don't have a paper trail with them' (O'Sullivan, 2011). In the case of antiquities this is highly unlikely and for protected orchids, this is impossible. Ray Rand, speaking to journalist Phyllis Orrick (1995) says he assumed that any orchid that made it to him was legal because it would have had to go through numerous checkpoints. Orrick notes that Rand 'clung to' this assumption even when he was not presented with the permits required by CITES. Rand's denial of responsibility bears direct comparison to the purported delegation of responsibility to others which has been observed in the wider literature on white-collar crimes and was, for example, one of Jeffrey Skilling's much remarked upon defences in the Enron inquiry and subsequent prosecutions: 'I am not an accountant' (Knapp, 2013: 14), in the context of suggesting that he relied on others and could not be held responsible if he had placed his trust and judgement in the hands of purported experts whom he presumed to be competent and alert. So, just as we should expect, these techniques of neutralization take on particular formulations structured by the markets in which they are used, while retaining an overall generalizable format in their more abstracted versions (Benson, 1985).

The denial of responsibility is also made easier due to the geographical, and associated moral, distance of the act of purchase from the 'scene of the crime' (Mackenzie, 2007). By the time the orchid or antiquity reaches the collector with an offer to purchase, the harm has already been done. Thus the causal link is denied between the market-end demand for either antiquities or orchids and the destructive forces of archaeological looting or orchid poaching. The denial of injury also features in the discourse of the two markets. The harmful effects of looting or unlawful taking of antiquities and orchids is considered over-stated. Cambodian antiquities collector Douglas Latchford claims '[t]he trade is not what the media has made it out to be ... It is true that some of the temples there had pieces stolen, but it wasn't on a large scale' (Parkhouse, 2010). Mirroring this argument, John Atwood (quoted in Orrick, 1995) argues that too big a deal is made of orchid habitat loss: '[o]rchids are not jaguars. They produce an awful lot of seeds. They can blow three or four miles away. We think of them as rare plants, but it's just that we can't find them'. Orchid collector Douglas Thompson goes so far as to call CITES 'government propaganda' (Orrick, 1995). Shelby White promises: '[i]f it turns out there is

something I shouldn't have bought, I will act appropriately' (Eakin and Kennedy, 2005) thus dismissing the idea that the looting of an artefact has caused irreparable damage, and instead asserting that any mistake she has made is minor and fixable. Orchid distributor Ray Rand indicates that wild orchid collection is not destructive: '[i]t's not like you send a guy into the jungle with a sack and a machete' (Orrick, 1995). In reality, that is exactly what you do. Orchid grower Mike Serpa calls the idea that over-collection of orchids causes extinction 'bullshit' and blames the loss of orchid species on development (Orrick, 1995). Collectors can therefore be straightforward and unapologetic when they consider the likely provenance of their collections. Douglas Latchford, when he was asked where an object in his collection came from, responded '[t]he ground' (Parkhouse, 2010). Looted artefacts are not thought to be stolen in the 'actual' or 'traditional' sense of the word (Hawkins et al., 1995: 52; Pearlstein, 1996: 128). 'Like many other collectors', says Shelby White (1998: 173), 'we make a distinction between "stolen" objects and those that are "unknown and unfound"'.

Conclusion

Collectors of rare and precious goods have an attachment to certain loyalties perceived by them to be higher than the law. Appeal to higher loyalties is one of the more ambivalent and quixotic among the techniques of neutralization, since in bringing to the fore conflict in the individual between one set of rules (usually moral) and another (the law), it becomes difficult sometimes to say that an individual is neutralizing guilt for legal disobedience as much as they are following a passion, in our case for collecting, which in its seductions erases all traces of the legal norm as a perceived proper reference point for guiding action. As a technique of neutralization, the appeal to higher loyalties can be thought to follow the format 'yes I know it is wrong, but...' followed by for example 'I was doing it for my friends':

the delinquent does not necessarily repudiate the imperatives of the dominant normative system, despite his failure to follow them ... Rather [he sees] himself as caught up in a dilemma that must be resolved, unfortunately, at the cost of violating the law.

(Sykes and Matza, 1957: 669)

As it seems to appear in our study, however, the ideal type of the appeal presently takes the form 'it is not wrong because...' rather than 'yes I know it is wrong, but...'. Without apparent guilt or shame to overcome this is not a technique of neutralization, it is normative and justified illicit collecting in which the law is seen as wrong and insofar as the law may be thought to encapsulate, to borrow Sykes and Matza's (1957: 669) formulation, 'the imperatives of the dominant normative system' these are indeed 'repudiated'. Regulatory policies on trafficking have not yet reached a considered and consistent position on how to recognize and engage with the strain set up by the divergence of laws restricting the free cross-border movement of significant collectibles, and the higher loyalties of the collector to their perceived calling, whether that be ancient artefacts, orchids or perhaps something else.

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