Provenience: Unknown!

Illegal Excavations Destroy the Archaeological Heritage

A Documentary Exhibition

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Vases from a tomb in southern Italy that were broken and discarded by looters looking for more valuable finds. In the process valuable archaeological information is lost.

“...These words and pictures are witness to the colossal dimensions that tomb robbing has reached. ... As long as the national and international black markets produce a demand for artifacts, it will be filled by the booty from illicit excavations.”

“There is reason for optimism, however, if traveling exhibitions such as this one become more common. The possibility of forming a cohesive, international movement could be realized with the goal of protecting the archaeological heritage not only in Italy... but in the whole world.”

“Over the course of the last four decades, systematic looting and the trade with illegally excavated artifacts have reached unprecedented dimensions. As a result, invaluable cultural material has been irretrievably lost...”

“...As investigators of world culture, academic institutions must be charged with initiating and encouraging a general change of attitude that prohibits clandestine excavations and the pursuit of trade in looted artifacts. But first and most importantly, a change in our own mind set is required. This is the goal of the team of German and Italian archaeologists who created this documentary. It will be impossible for the reader to deny the urgency and importance of these issues.”

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Former Director, German Archaeological Institute, Rome Bavarian Academy of Science

Guiseppe Andreassi  
Superintendent of Archaeological Properties for Puglia
Introduction

Clandestine Excavations: An Important Yet Neglected Problem of Archaeology

The looting, or illegal excavation, of archaeological sites poses a substantial threat to our cultural heritage, a fact that has been largely ignored. These robberies and the subsequent infiltration of the antiquities market with illegally acquired artifacts have reached proportions of which even many experts are ignorant. There is an urgent need for immediate preventative action on a national and international level, if our world heritage is to be saved. Unfortunately, in some archaeological “crisis zones,” rescue comes almost too late.

Principles of Archeological Work

From Excavation to Historical Interpretation

The objects of archaeological research are the material remains of past civilizations. These are studied not for their own sake, but in order to learn more about the society that produced them. This can only be achieved by examining these objects within their original contexts.

Assessing the Context: The Basis of Archaeological Study

In archaeology’s infancy in the 19th and early 20th centuries, excavations had a single purpose - the unearthing of valuable works of art. Today, archaeologists focus more attention on the circumstances that are associated with the object, such as its relationship to other objects and its place in the stratigraphy, or accumulated layers, of a site. Often, the stratigraphy itself offers important information on the dates of objects or structures, on how they were used, and on the process of their deterioration and eventual abandonment. All this information is lost when a site is looted.

Closed Finds

Especially meaningful for archaeological research are so-called sealed deposits, otherwise known as closed finds. These are made up of a group of artifacts that are buried at the same time, such as gold or coin hoards, shipwrecks, and tomb contents. If some of the objects in a closed find can be dated, an approximate chronological framework can be set up for the accompanying objects. In places where closed finds occur in greater numbers, such as cemeteries, they can be “seriated.” Seriation means sorting single elements from a deposit, such as the contents of a tomb, into certain types. Using statistical methods (correspondence analysis), the similarities of the deposits are calculated and the most likely chronological order of the finds determined.

The Context is Important for More than Just Dating

Find contexts are also indicators of social relationships. Here, as well, tombs give especially strong evidence of these relationships. Unlike the contents of a trash pit, for example, whose artifacts were casually thrown away over time, objects found in tombs are combined intentionally at a single moment. Their number, form, combination, and type comprises a code of signs, which holds the key to the understanding of the deceased and the society in which he or she lived. It is one goal of archaeology to unlock this code, an effort that is only possible with an exact knowledge of the context of the finds and their original locations. Clandestine excavations, which are driven by the strong international market demand for ancient art, destroy all hope of understanding this code.
Ancient Apulia in southern Italy (the modern Puglia) is an area where one finds compelling examples of the plundering of archaeological sites and the consequent annihilation of our cultural heritage. In almost no other area of Europe is the connection between illegal excavations and the development of the illegal antiquities market as obvious as in this region. In particular, northern Apulia, the ancient Daunia, has become a thriving center for looters in recent years.

Ancient Apulia

In antiquity, Apulia was divided into four distinct cultural entities: the Greek colony Taranto and the indigenously populated areas of Messapia, Peucetia, and Daunia. As early as the 6th century B.C., Daunia was an extremely wealthy region, as is attested by the unusually rich grave goods from the urban centers of Canosa, Arpi, and Salapia, among other centers. Beginning with the fourth century B.C., Greek and Etruscan objects were bought in increasing numbers. The elaborately decorated vases produced in Greek Taranto enjoyed particular popularity among the Daunians. The demand for these vessels seems to have been so great that they were even imitated in Daunia itself beginning about 350 B.C.
The following example illustrates the immense amount of archaeological information that is lost when sites are plundered. Year after year, an extraordinary number of vases similar to the one pictured here appear on the art market. Without knowledge of its context archaeologists can only determine that:

- it is a bell-krater, a Greek vessel for mixing wine and water.
- its center of production was probably Metaponto, a Greek colony near Taranto, as is suggested by its Lucanian red-figure style.
- its workshop was probably that of the anonymous vase painter nick-named by archaeologists the “Anabates Painter,” whose activity is dated to the beginning of the 4th cent. B.C.
- its decoration is a scene of a woman in Greek dress with a sacrificial bowl standing between two mostly nude warriors.

**The Find-Spot**

Fortunately, a lot more is known about this particular vase because its context is well documented. This bell-krater was found at Canosa in 1980 in the “Tomb of the Willow Boughs,” which was scientifically excavated and painstakingly documented by professional archaeologists. The contents of the grave was discovered exactly as it was originally laid out some 2,400 years ago, at the beginning of the 4th century B.C. The location alone enlightens us about this bell-krater; it was not owned and used by a Greek in Metaponto, where it was probably made, but rather by a Daunian in Canosa, a center several days journey distant.

**The Accompanying Artifacts**

Besides the large bell-krater, the deceased was also buried with 47 clay vessels, 18 metal objects, and some organic objects that were still partially preserved. The burial occurred at the time when Daunia began to be influenced by the Greek colonies on the southern coast. Most of the vases in the tomb are Greek or indigenous imitations of Greek models. Yet, in spite of this strong cultural influence, the Daunians managed to maintain their own identity, traditions, and rituals. In this tomb, in addition to the Greek wares, the deceased also received five archaic Daunian funnel-kraters (sphageion), which were hand formed without a pottery wheel and were painted in two colors.

Also in accordance with Daunian traditions are the metal utensils contained in the grave, which were used to prepare meat: a large tripod kettle, spits, and firedogs. They indicate the hearth as the center of domestic life in the aristocratic clans that ruled Daunian society. Another indication of the great wealth of the deceased and his family is the fact that some classes of objects are represented multiple times in the tomb. This tradition gained popularity to such a degree in Canosa at this time that tombs were often outfitted with several dozen identical grave goods.
The Position of the Finds in the Grave Chamber

Thanks to photographs taken immediately upon the opening of the tomb, the exact location of every artifact is known. The bell-krater was situated adjacent to the large-scale Daunian vessels. A number of smaller ladling and pouring vessels were stacked on the mouth of each of these. This demonstrates that domestic and imported wares were equally important, at least in burial rituals.

The Deceased

Even the way in which the person was buried exhibits Greek influence. The legs were flexed at the knee in accordance with Daunian traditions, while the torso was turned on its back—a Greek burial habit. The funeral ritual seems to have included an unusual half-cremation of the body. While the use of fire in the tomb area had not been customary in Daunian culture up until that point, it had long played a part in Greek death rituals.

The Burial Complex

This site gains even more significance when the tomb complex is considered in its entirety. The tomb, which was originally built in the early 4th century, was expanded about 20 years after its initial construction to include a second chamber. In this chamber, two young warriors were buried with their weapons. Each of them received red-figured bell-kraters, which, however, were made in Taranto, not Metaponto. The Tarantine vase production had virtually gained a monopoly of the pottery market.

In spite of the chronological gap, the contents of the two chambers are remarkably similar. This is an indication of the strict adherence to tradition that the Daunians practiced, and an example of the rigid set of rules that had to be followed at burials.

(The photographs in this and the preceding panel were taken from L’Ipogeo dei vimini di Canosa, E. M. De Juliis (Bari 1990).)
Research Perspectives

When considered within its archaeological context, the bell-krater introduced above becomes an important historic document and poses a variety of questions:

Why was specifically the bell-krater selected for all three burials out of the wide spectrum of Greek vases? Did it belong to the symposion wares, or did it have a symbolic function? Is there any relationship between the subject matter pictured on the vase and the deceased? How did Greek wares get to Daunia in the first place: through monetary purchase, exchange of goods, or as gifts? Did the Daunians have a direct influence on the figural decoration of the vases, or did they have to choose among set subjects?

Through comparison and connection with other tombs, many of these questions could undoubtedly be answered. Unfortunately, there are very few Daunian tombs as richly furnished as the “Tomb of the Willow Boughs” that have been discovered in such a pristine condition. And day after day, the number of those that do survive diminishes.

The Antiquities Law

Italy, as does many countries, possesses a rigid set of antiquities laws, which significantly limit private trade in archaeological artifacts. Excavations are only permitted under the supervision of the Italian archaeological authorities. Every coincidental single find must be reported, and if it is of any archaeological or historical value, it is considered state property. The land owner on whose property it was discovered receives monetary compensation.

Unsupervised or unapproved excavations are punished with fines or jail sentences, depending on the extent of damage. The purchase of plundered objects is prosecuted as dealing in stolen goods. Private archaeological collections must be reported, and the owner must prove the legal acquisition of every object. If the legal provenience is not documented satisfactorily, the objects in question are confiscated and handed over to the appropriate public museums. These museums also keep photographic records of every known private collection. The sale of registered artifacts is only possible with the permission of the archaeological authorities.

In spite of these strict laws, the extent of the cultural heritage of Italy, and especially of southern Italy, is so vast that the authorities often are overwhelmed in attempts to control and protect new archaeological discoveries.
Looting, Storage, and Shipment of Looted Antiquities Continues in Spite of the Law

Looters have developed an efficient system for their illegal activities that often enables them to escape detection and prosecution. Looted artifacts are most often stored in “abandoned” farmhouses or deserted buildings until they can be shipped out for transport abroad. This strategy protects the looters, since the plundered artifacts, when found by the police, are viewed as abandoned. Hundreds of large Apulian vases leave southern Italy without being noticed at border controls. The Italian authorities have identified the most popular methods of transportation:

- Objects are hidden underneath the main freight in refrigerated transport vehicles. Due to the perishable content, such transports are rarely checked thoroughly.
- Vases are exported from the famous modern pottery center Grottaglie near Taranto, from which loads of modern vases, often based stylistically on ancient ones, are distributed throughout the world. No customs control official can be expected to recognize a few ancient pieces stacked among hundreds of similar modern ones.
- Vases are broken into small pieces to save space and transported in suitcases over the border by train. Personal luggage is rarely searched, particularly in sleeping cars. The broken vases are then restored once out of the country.

The Efforts of the Authorities

In 1969, a central unit of the Carabinieri (police) was founded in Rome for the protection of art. It coordinates investigations throughout Italy and is also in the possession of extensive computer data banks, where information regarding every known art theft in Italy is stored. This department maintains constant contact with Interpol, and has even been successful in the repatriation of stolen artifacts.

In Apulia, the office in charge of investigating illegal excavations is the “Guardia di Finanza” in Taranto, a police unit that normally handles the prosecution of fiscal crimes. Since 1988, regularly conducted raids by the Guardia di Finanza have increased in villages known to be centers for professional plunderers. This often results in the identification of local smugglers and the confiscation of their hoards. However, nothing indicates that the efforts of the local authorities have been successful in curtailing the smuggling of Apulian artifacts out of Italy, since the international demand for these objects has increased.

Confiscations Do Not Solve the Problem

In any case, confiscations, though important and necessary, come much too late from an archaeological standpoint. What is most important for archaeological research - the contexts of the objects, the material foundations of the discipline of archaeology, – has already been irretrievably lost.
**The International Antiquities Market**

**“Rich” and “Poor” Countries**

In most nations that are “rich” in antiquities, the trade with archaeological objects is strictly regulated by law. On the other hand, the countries in central- and northern Europe and North America that are “poor” in antiquities rarely have laws that interfere with the trade of artifacts. A considerable number of plundered objects are smuggled into countries where their unrestricted sale is possible. The increase in clandestine excavations since the 1970s in Apulia, for example, corresponds directly with the ever-growing numbers of Apulian vases on the international market in countries that are “poor” in antiquities.

**Antiquities as Investments**

Antiquities are considered especially promising investments. High quality Apulian vases, for example, which regularly sell for upwards of $80,000, are often purchased by investment companies and are viewed merely as merchandise whose value will continue to rise. The great financial influence and focused market strategy of these investment companies have contributed substantially to a boom in the antiquities trade since the 1980s.

**The Archaeologist and the Antiquities Market**

Until relatively recently, many archaeologists were unconcerned with matters relating to the illegal trade in antiquities. This might have been due to a more art historical approach to a work of art, which tended to ignore the fundamental importance of the context of an object in favor of its style.

The Apulian vases are an especially good example of this. For decades, their study was focused only on the identification of the painter or workshop that produced the vessel and on the interpretation of the subject matter painted on it. The context, function, and cultural significance of the vases were hardly of any interest.

Even though this attitude has changed considerably over the last few decades, some archaeologists still unintentionally support the illegal antiquities market through the:

- consultation with art dealers and private collectors: their expertise increases the market value of the objects.
- museum and university acquisition of antiquities that lack proper documentation for their provenance.
- publishing of objects of unknown provenance in private collections or on the market, thus diminishing the burden of their illegality.

**Museums and the Antiquities Market**

Until the last two decades or so, most museums outside of the “archaeologically rich” Mediterranean countries that have antiquities collections were first and foremost art museums, whose origins are embedded in the great collections of Greek and Roman statues that belonged to the princes and nobility of the Italian Renaissance and Baroque eras. This tradition of princely collections survives today in the buying strategies of many of these institutions. They see their most important task as the acquisition of “incomparable masterworks,” and the “artistic quality” of the object is paramount. Unfortunately, it is of little concern to some museum professionals that an object comes from a plundered tomb or an illegally excavated site.

The former curator of the Department of Greek and Roman Art at the Metropolitan Museum of Art in New York City seated next to the Euphronios Krater purchased for $1,200,000 in 1972. Today, most experts agree that the vase must have been looted from the Etruscan cemetery of Cerveteri in December of 1971.
The Private Collector and the Antiquities Market

The antiquities market is dependent, above all, on the demand of private collectors. Private art collections have contributed greatly to the dissemination of knowledge and the appreciation of cultural expression even to the present day. In view of this, it is difficult to imagine a greater contradiction than the one between the criminal activities of illicit excavators and the patronage of highly respected collectors. Yet, these two seemingly diametrically opposed worlds are intertwined through the illegal art market.

In contrast to investors, private collectors are not necessarily driven only by the material worth of their purchases. Their main motives are more likely to be a genuine love of fine art and a passion and appreciation for antiquity.

For many collectors, the most important part of collecting is the possession of original artworks and not imitations. The authenticity and originality become important symbols for the individuality of the collector in this age of industrialized and commercialized mass culture.

Only a very small number of collectors are even aware that their collecting habits support the plundering of archaeological sites. They view their activity as conserving and protecting the cultural heritage.

**Provenience: Unknown**

One common characteristic of all private collections is the complete lack of any archaeological or cultural context for the objects. Sometimes the dealers will claim that certain vessels sold as a group have come from the same grave. There is, of course, no guarantee for the reliability of such statements. Besides, even in those cases many aspects remain unclear; such as the type and number of any other artifacts found within the same context, how many individuals the tomb contained, what its form and dimensions were, what relationship it had with other tombs in the same cemetery. Objects in private collections leave these and many other questions without answers.

The Collector and Archaeological Research

Until several decades ago, collectors and archaeologists shared a common goal, the study and admiration of ancient art. Recently, however, scholarly research on classical artifacts has shifted to include a greater scientific emphasis on the context of an object, exactly that aspect of archeological research that is destroyed for the sake of the antiquities market. This has put collecting into an entirely different, and somewhat negative, light. Archaeologists today should seek to educate collectors about the negative effects of their purchasing habits and to make them aware of the new goals of archaeological research. This duty, which also should be the responsibility of museums, has been largely neglected so far.

The Collector and the Museum

Many museums encourage private collections, mostly for their own benefit. A collector, well-advised and supported by museum curators, often becomes a generous donor to that museum. This sort of collaboration usually takes the following form:

- The collector receives free expert advice for purchases and sometimes even technical support with the restoration of the works.
- The collection is then displayed in a special exhibition in the museum and is published in a catalogue.
- The works are transferred to the museum either in the form of permanent loans, promised gifts, or outright donations. The origin of the artworks is often not a concern.

The famous German-American collector and patron James Loeb (right) engulfed in conversation with his archaeological consultant, the Munich museum conservator Johannes Sieveking, ca. 1925.
An Ethical Stance

In the United States, the responsibility of archaeology for the fight against the plundering of archaeological sites has been discussed for some time in detailed articles published in the Journal of Field Archaeology. Moreover, the Archaeological Institute of America invoked a significant resolution against illicit excavations as early as 1970, the year the UNESCO convention was drawn up. The main publication of the Archaeological Institute, the American Journal of Archaeology, forbids the initial publication of objects without a documented and proven bill of provenience.

Such rules have been conspicuously absent in German archaeology, for example. Between 1980 and 1992, over 150 Italic vases in private collections or in circulation on the art market were published by the German Archaeological Institute. Among these are many high quality vases, which have survived intact in spite of their significant size. This is a ready indication to archaeologists studying them that these vessels must have come from tombs that were illegally excavated.

The Responsibility of Museums Today

Museums have two main responsibilities.

• They act as the “archive” within which objects are stored and kept ready for future research.
• They carry the responsibility for presenting these objects to the public in an appealing manner, in order to promote an understanding and appreciation for the culture to which they belong.

The acquisition of undocumented objects by museums conflicts with these responsibilities. It supports illegal excavations, which destroy the natural stratigraphic record and tear the interrelationship of objects apart, scattering their elements across the globe.

A New Direction

Within the last two decades, however, leading museums with important classical collections have finally recognized their responsibility to the archaeological past. The leaders among these have been the British Museum in London and the Antikenmuseum in Berlin. In 1988, the directors of these and other major museums met in Berlin and drew up a resolution. Known as the Berlin Declaration, this condemns the destruction and concealment of the archaeological context of artifacts. Museums are encouraged to refuse the purchase or donation of any object if it lacks adequate documentation. In exchange, the Berlin Declaration advocates for the international exchange of archaeological material. Following this concept, the museums from “antiquity-poor” countries would acquire whole artifact collections from museums of the Mediterranean “antiquity-rich” countries as long-term loans, instead of purchasing single artworks one by one on the market. These works could then be restored, studied, and exhibited for a few years before being returned to their country of origin. Not only the museums, but also the public, would benefit from such a cooperation.
Some Collectors Recognize Responsibility

Over time, a few collectors have learned to understand the interrelationship between the art market and looting. They feel called to more responsible purchasing habits and only acquire works whose origin is legally documented. Other collectors are even more adamant in their resolve to do what they can to prevent the plundering of the past. For one family, “love for antiquity” has meant giving up collecting. This was clearly stated in the introduction of a catalogue of their collection.

“Our collection has been a source of pleasure, inspiration, and research... During this period collection was perceived by us as an expression of our responsibility to protect and preserve the past... Only... in 1974 were we exposed to the fervor of professional archaeologist who have taken a stand in respect to the import/export of cultural properties. At that time we stopped collecting, and our commitment to the principles established by the UNESCO Convention in this regard is firm.”

(Love for Antiquity – Selections from the Joukowsky Collection, 1985)

Attempts to Resolve the Problem

The International Agreements

Since the problems associated with clandestine excavations have been preeminent in some countries for decades, a number of international conventions and bilateral agreements have been produced, from which obligatory legal regulations and provisions have been worked out between certain countries. The United States, for example, adopted laws and signed agreements with Latin-American countries that forbid the illegal import of archaeological finds from these nations.

The following international agreements have been particularly important for the war on looting:

• The Revised European Convention of the Protection of the Archaeological Heritage of 1969, refined in 1992 (Council of Europe).
• The UNESCO Convention of 1970, concerning ways to forbid and prevent the illicit import, export, and transfer of cultural goods.
• The European Convention of 1985 of Crimes Against the Cultural Heritage (Council of Europe).
• The UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects went into effect July 1998. While similar to the UNESCO Convention, UNIDROIT goes one step further in treating illegally excavated objects as stolen and therefore subject to laws that govern stolen property. Unfortunately, a number of American museums and art dealers filed a brief to the United Stated delegation asking the United Stated not to sign the convention.

The UNESCO Convention

The agreement that was reached in 1970 at the UNESCO Convention is especially important because it condemns and prohibits both illegal export and import of artifacts. All participating countries are required to “prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned” (Article 7(a)).

Around 70 countries are members of the UNESCO Convention today, and include the Mediterranean countries that are most affected by illegal excavation activities, such as Turkey, Greece, Cyprus, and Italy. On the other hand, many of those countries where the centers of the antiquity market are concentrated and in which the majority of buyers of illegal artifacts reside have yet to join the agreement. Among these are Germany, Switzerland, Great Britain, Belgium, the Netherlands, Denmark, and Japan.

The major exception is the United States, which finally signed the agreement in 1982, in spite of much activity on the part of lobbyists in favor of the art market. This has had a significant effect on the acquisition policies of many museums. If the provenience or ownership history of an object is not known before the time of the signing of the convention, loans from private collections are rejected even for special exhibitions.
The Weak Point of the International Agreements: the Burden of Proof

All the international conventions already in place suffer from one common shortcoming: they require irrefutable proof from a country that the artifacts in question were illegally removed from its territory.

Plundered artifacts from archaeological sites cannot be documented as missing, since before their discovery by looters, their existence was unknown. For example, Turkey has not managed to this day to have the upper half of a statue of the “Weary Herakles” returned, which was probably stolen in 1980 from an excavation at Perge and later acquired, from a private collection, by the Boston Museum of Fine Arts. The lower half of this statue was officially excavated and brought to the museum of Antalya. From an archaeological standpoint, there is no doubt that the two halves belong together.

Prohibiting the Import of Illegally Excavated Artifacts

To make the financial benefits of looting unappealing, laws would have to be adopted to reduce and control the import of cultural goods by those nations where the antiquities market is concentrated.

Only those objects whose ownership history can be proven beyond any doubt – such as objects from old private collections, should be allowed to enter the country. Registration should be required of all archaeological objects already in personal collections, and objects that are not registered by a specific date should liable for confiscation and repatriation.

Ancient artifacts and works or art are not just-generic personal possessions, but cultural documents that should be part of the public trust. It therefore seems justifiable to have reasonable governmental jurisdiction over their ownership.

A Role Model: The Protection of Species

A successful example of restricted import laws is the protection of species. Ever since the completion and adoption of the Washington Convention on International Trade in Endangered Species (CITES) of 1973, the import of ivory and sealskin has been prohibited in many countries. This has significantly curtailed elephant and seal poaching, which had been driving these species toward certain extinction. The elephant herds in Africa were almost able to reach their former strength just a few years after the adoption of CITES.

Unfortunately, our cultural heritage does not possess the ability to reproduce itself. The damage that is done by plunderers can never be reversed. Our only hope lies in the expedient adoption of laws similar to CITES, before what little information is left is hopelessly destroyed.