

Art Crime

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Art crime is a multibillion-dollar industry. Art crime is the third-highest-grossing annual criminal trade worldwide, generating an estimated US\$6 billion in annual criminal profit (Federal Bureau of Investigation 2011). The high value of art, as well as the ease with which it is transferred across borders, has allowed art crime to flourish. It is alleged to fuel organized criminal activities including money laundering, extortion, the drug and arms trades, terrorism and insurgency, and even slavery (American Society of Arms Collectors 2005; Becatoros 2008; Hunt 2010). Just as there are a myriad of types of art, there are also a myriad of types of art crime, including theft, wartime looting, archaeological looting, smuggling, forgery, and fraud.

The illicit trade in antiquities comprises the majority of art crime. This illicit trade depends on a sophisticated network of actors, each playing a role in the distribution ladder. This ladder begins with criminal excavators, who illegally excavate buried or submerged archaeological materials. Most criminal excavators are motivated by poverty and, while they generally receive less than one percent of the final market value of their discoveries, these profits allow them to provide for their families (Borodkin 1995). Accordingly, some criminal excavators are referred to as “subsistence looters.” Other criminal excavators are motivated to different ends, such as supporting terrorism, local mafias, or even methamphetamine addictions (see Ruiz 2010 and Philips 2010).

Once archaeological objects are illegally excavated, they are usually funneled through intermediary countries that have lax import laws, and are then legally imported into market nations, where the antiquities are ultimately sold (Brodie, Doole, and Watson 2000). This funneling happens via middlemen, both wholesalers and traffickers. They purchase illegally excavated objects from criminal excavators, and arrange for the objects to be smuggled into the nations where they are

eventually sold (Brodie et al. 2000). Middlemen may also arrange for false bills of provenance to aid in smuggling the artifacts (Steele 2000). Criminal wholesalers who do not traffic the illicit antiquities themselves outsource this task to traffickers, who specialize in smuggling the antiquities across national and international borders (Steele 2000).

Once antiquities have been smuggled into market nations, they are ready to be sold to their ultimate owners. Retailers, which include dealers and auction houses, complete this task. Dealers serve as intermediaries between wholesalers and collectors. They make their sales through antique shops, by working directly with specific collectors or curators, or via auctions (Tyler 2004). Auction houses represent the most public portion of the illicit antiquities market. While they have an air of legitimacy, studies have repeatedly shown that up to ninety percent of the antiquities traveling through them have been illegally excavated or exported (Alderman 2008).

The purchasers of illicit antiquities are largely private collectors and museums. They are most often unaware or turning a blind eye to the reality that their purchases are of illicit origin. Even if they knowingly purchase antiquities that were illicitly excavated or exported, they face little in the way of criminal punishment.

While looters make a mere pittance from their discoveries, the price of these antiquities skyrockets by the time of the final sale. Collectors are most often wealthy, high-society people. Not only does their affluence allow them to pay premium prices, but they can individually avoid prosecution for their actions and further the illicit antiquities trade by lobbying for less restrictive import regulations. Museums have also historically participated in the system of moving illicitly excavated or exported antiquities from source to market nations. They often turn a “blind eye” to provenance issues, and in some instances knowingly acquire illicit objects (Todeschini and Watson 2006).

Another facet of art crime is art theft. A global problem, art theft is cited as one of the fastest growing crimes throughout the world. This growth is difficult to curb because art crime easily defies traditional law enforcement methods.

Accordingly, the FBI estimates that as many as 90% of art thefts remain unsolved (PBS, 2007). There are a myriad of motivations for art theft, including monetary value, politics, or the simple love of art.

The majority of art thieves are enticed by the high value of artwork. Further, stolen art is relatively easy to transfer, and there are usually only minimal security measures employed in the places where artwork is housed (such as museums, churches, or private residences). Once thieves have stolen the artwork, they may profit through measures such as holding the art for ransom, reward, or selling it for a fraction of its true worth on the black market. While some thieves steal art for their own financial gain, for other thieves their purpose runs much deeper. In Eastern Europe, for example, the rise of organized crime has fueled the use of stolen art as a form of currency for narcotic transactions and terrorism, and to launder criminal profits (Bresler and Lerner 1998).

Other art thieves never turn a profit. Their motivation is their love of art, and they steal pieces merely to add them to their own personal collections. A prime example of this type of art thief is French waiter Stéphane Breitwieser. Breitwieser, who described himself as a passionate art lover, admitted to stealing hundreds of artworks from European museums over a period of several years (BBC 2005). Demonstrating how easy art theft can be, Breitwieser would simply walk into a museum, place a work of art inside his rucksack or coat, and walk out. Ironically, his passion for the artworks was also what led to their ultimate demise. His mother destroyed much of his collection in an attempt to hide her son's guilt.

Art theft has also been motivated by politics. Some thieves steal art to further their political ideologies, whether through holding artwork ransom to fund a political cause, or by stealing artwork to demonstrate an ideological point. One English woman who stole art to fund a political cause was Rose Dugdale. Dugdale stole paintings from her parent's home, demanding IR£500,000 ransom for their return as well as release of Irish Republican Army prisoners (Haupt, 2006). Kempton Bunyan famously stole art to draw attention to what he believed was a waste of public money. Bunyan stole a Goya painting, titled "The Duke of Wellington," and left ransom notes demanding that the money be paid to charity.

Art thieves are often prosecuted under the rules of the country in which they are caught. Each country designs and implements its own laws and punishments for art theft, based on the framework of their legal system. Countries, however, are hindered in their legal enforcement by the fluidity with which stolen art is transferred across international borders. This fluidity necessitates international conventions and agreements. One such agreement is UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This 1970 convention requires countries to recover and return illegally exported cultural properties. Agreements such as this, however, only apply as to the countries that have signed and ratified them.

Wartime art crime is one of art crime's most distinct facets because of its strong interrelation with foreign affairs. This type of art crime occurs on a large scale, affecting millions of pieces of art through campaigns of conquest such as World War II, or as a consequence of competing political interests such as the Cold War (Charney 2009). Wartime art crime includes the deliberate plundering of cultural property paralleling military campaigns, collateral damage to archaeological sites during armed conflict, and the looting of antiquities precipitated by military invasion (Charney 2009).

In the ancient world, cultural looters would publically display looted objects to show superiority over their enemies. These displays highlighted the benefits to be gained from military conquest (Evans 2011). While the material value of cultural property is a prominent factor in wartime looting, this form of art crime becomes ideologically complex when considering the other motives behind it, which stem from political, religious, entrepreneurial, and cultural ideals (Charney 2009). These abuses have a strong political significance, because even after military conflict subsides matters of restitution, reparation, and indemnification live on (Charney 2009). These postwar foreign affairs extend for the period of time required to identify the artworks originally stolen or destroyed, and to locate them if possible (Charney 2009).

One of the most visible examples of the elongated political significance of wartime looting is reflected in Nazi plunder. From 1933 until the end

of World War II, the Nazi Party of Germany participated in a massive organized looting of European countries. This looting consisted of removing *Entartete Kunst* (“degenerate art”) from public and private collections across Europe, as well as confiscating Jewish-owned collections (Charney 2009). The *Entartete Kunst* was either destroyed or sold to fund the Nazi military campaign, while pieces from the confiscated Jewish-owned collections were intended for Nazi personal collections, as well as the planned *Fuhrermuseum* in Linz, Austria (Charney 2009). Even today, these illicitly acquired artworks remain tainted with the association of ethnic cleansing, and are still the target of high-profile legal cases for their return (Charney 2009).

Yet another facet of art crime is the making of fakes and forgeries. The creators of fakes and forgeries offer these items for sale with the intent of deceiving buyers into believing that they are purchasing the actual thing. Often, criminals succeed in tricking buyers into believing a fake object is real because the buyer’s desire to have a particular object will override suspicions that the piece is likely fake. The creation of fakes and forgeries often indicates what a generation covets most. Famous fakes and forgeries include those of religious relics of saints and martyrs by medieval monks, Beanie Babies in 1998, and designer clothing and jewelry today.

Most fakes and forgeries are created for personal gain in the form of financial profit. Failed artists may create fakes to satisfy a craving for revenge. While the market is lush with fake items, the development of science has made them easier to spot. Technologies including carbon dating, ultraviolet fluorescence, conventional X-rays, neutron activation analysis, and induced coupled plasma spectroscopy have all been employed to detect fake artwork.

Vandalism and iconoclasm are two closely related terms that describe another facet of art crime. Vandalism is the meaningless destruction of objects in a barbaric and ignorant manner. Vandalism can be distinguished from other types of art crime in that, while the object is damaged, it is not fully destroyed or removed. A famous example of vandalism occurred in 1991, when a deranged man damaged the foot of Michelangelo’s “David” with a hammer. In contrast to meaningless destruction perpetuated by vandals,

iconoclasm is the destruction of religious icons, symbols, or monuments prompted by religious ideals (Gamboni 1997). The first use of the term was in reference to 726, when Byzantine Emperor Leo III ordered that the image of Jesus be removed from its prominent position on the Chalke Gate – the entrance to the Great Palace of Constantinople. Iconoclasm still exists today, a recent example being the February 6, 2010, destruction by Islamic fanatics of the Sonargaon temple in Narayanganj District of Bangladesh.

Art crime, through its many facets, has reached epidemic proportions. Perhaps one of the greatest challenges to combating art crime, however, is that neither the general public nor government officials realize the severity of the issue. A lack of understanding for the nature and consequences of art crime leads to it being dismissed as a victimless crime. This lack of understanding and enforcement has fostered the growth of art crime to the US\$6 billion industry that it is today. Through methods of theft, wartime looting, archaeological looting, smuggling, forgery, and fraud, art crime continues to flourish.

SEE ALSO: Stolen Goods Markets.

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ABSTRACT

Art crime is a multibillion-dollar industry. The Federal Bureau of Investigation cites art crime as the third-highest-grossing annual criminal trade worldwide, generating an estimated US\$6 billion in annual criminal profit. The high value of art, as well as the ease with which it is transferred across borders, has allowed art crime to flourish. It is alleged to fuel organized criminal activities including money laundering, extortion, the drug and arms trades, terrorism and insurgency, and even slavery. Just as there are a myriad of types of art, there are also a myriad of types of art crime, including theft, wartime looting, archaeological looting, smuggling, forgery, and fraud.

KEYWORDS

forgery; stolen goods; war crimes; terrorism