Chapter 6
A History of Transnational Trafficking in Stolen and Looted Art and Antiquities

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Introduction

While in the recent past art crime conformed to the popular cliché of individual thieves of gentlemanly aspirations stealing art as often for ideological as financial reasons, since the Second World War, art theft and illicit traffic in antiquities has become largely the realm of organized crime groups, is frequently transnational in its scope, and has been ranked the third highest-grossing criminal trade worldwide, behind only the drug and arms trades.[1] With tens of thousands of artworks reported stolen worldwide each year (a good 20,000 per year in Italy alone), and a good deal more looted or stolen but never discovered or reported, it is important to take seriously a crime type that tends to draw the interest of the general public, due to its frequent appearance in entertainments, from fiction to film, but which has not been taken as seriously as its severity warrants.[2] There is reliable documentation of

[1] Information from US Department of Justice, the US National Central Bureau of Interpol: http://www.justice.gov/usncb/programs/cultural_property_program.php. These come from the UK National Threat Assessment, conducted by SOCA. The statistics were provided by Scotland Yard, but are classified. The report was submitted in 2006 or 2007 and it remained in the Threat Assessment for several years. The terrorist links to the Middle East come from the Interpol Tracking Task Force in Iraq and were reported at the annual Interpol stolen works of art meeting in Lyon in either 2008 or 2009, after prior meetings were held in Lyon, Amman, and Washington. The Head of IP Baghdad claimed to have proof of the link between Islamic Fundamentalist terrorist groups and art crime (primarily antiquities looting), but this was not shown explicitly to my contacts. However all of the major players, from Interpol to the US Department of Justice, believed the reports and still broadcast the claims of it, so there is no reason to doubt it—but the details are likely still classified.

[2] The Carabinieri self-publishes annual yearbook, in Italian, for internal distribution and for the media, from which this information was culled, along with numerous interviews with Colonel Giovanni Pastore and Colonel Luigi Cortellessa, the former and current Vice-Commandant of the art squad.

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looted antiquities funding terrorist groups,[3] as when Mohammed Atta of Al-Qaeda tried to sell looted antiquities in 1999, in order to fund the 9/11 attacks.[4] The documentary film *Blood Antiques* demonstrated, through undercover work, how the Taliban has largely taken over looting of antiquities in Afghanistan, how objects are smuggled to Europe, and even how unscrupulous art dealers coach sellers as to how best to pass off a freshly-looted antiquity as a legitimate object that could be sold for six or seven figures.[5]

Popular misconceptions about art crime date back to celebrated thefts of the pre-war era, such as the 1876 theft of Gainsborough's *Duchess of Devonshire,* the 1911 theft of *Mona Lisa,* the 1934 theft of the "Righteous Judges" panel from *The Ghent Altarpiece*, and so on. But after the Second World War, organized crime took over the majority of art thefts and the looting of antiquities, and the situation became more severe. The individual, idealistic thefts just mentioned did not cause a ripple effect in funding other types of criminal activity, whereas thefts that benefit organized crime groups, from small local gangs to large international syndicates, fuel all manner of other criminal activities in which those groups engage, meaning that it is not just the art that is at stake.[6]

In this chapter, we will discuss the history of transnational trafficking of stolen and looted art and antiquities, with a focus on enhancing theoretical notions based on case studies which illustrate how this type of crime has been structured, has spread, and has developed over history.

Definitions

Theft and traffic in stolen art and antiquities may be divided between looting in war or in conflict zones and peace-time looting, from either extant collections or unexcavated archaeological sites. Before examining case studies which have been carefully chosen because they exemplify a trend or concept integral to the history of art theft, it is useful to define some basic terms.

There have been plenty of art crime that were perpetrated by or on behalf of major international criminal syndicates like Cosa Nostra (the 1969 Caravaggio *Nativity*), the Corsican Mafia (Riviera thefts of Picasso and Cezanne in the 1960s), the IRA (numerous thefts in Ireland, including three of the four burglaries of Russborough House), the Khmer Rouge in Cambodia, the Russian Mafia (both thefts of Munch's *The Scream*), and so on. But this is just one category of "organized crime." It is entirely safe to say that the majority of art thefts and traffic in looted antiquities is undertaken by organized crime groups, because the criminological definition of

[3] Bogdanos (2011).

[4] See "Kunst als Terrorfinanzierung" in *Der Spiegel,* issue 29, 2005: http://www.spiegel.de/spiegel/print/d-41106138.html.

[5] See *Blood Antiques,* documentary film produced by Journeyman Pictures (2009).

[6] See Charney (2009b).

"organized crime" is far broader than these famous mafias alone. Organized crime may be defined as any "ongoing criminal enterprise groups whose ultimate purpose is economic gain through illegitimate means."[7] The basic definition that I have found used by police and criminologists the world over is: any group of three or more individuals who work together in criminal enterprises aimed at collective, long-term economic goals. With such a broad definition, it is easy to see how most crimes since the Second World War would fall into this category, leaving out only street criminals, crimes of opportunity, independent thieves stealing for ideological reasons, insider thieves (except when working with a larger group), most forgery and deception crimes (which tend to be perpetrated by individuals or pairs, without connection to larger criminal groups or other criminal activities), or those whose goal is maximizing immediate cash profit.

For the purposes of the study of art crime, "art" should also be defined. Art, for this purpose, may be defined as any object deemed cultural heritage, the value of which is primarily non-intrinsic, and which is augmented by rarity, authenticity, and cultural history. This excludes jewelry, for example, the value of which is primarily intrinsic (gold and gems), unless the jewelry was involved in a historical event or owned by an important person (the British crown jewels, for example, or a necklace owned by Marie Antoinette).

Art crime is almost inevitably transnational, as stolen goods are taken from the source country into a market country. For art stolen from extant collections, this is a practical consideration—there is less likelihood that potential buyers will be aware that an object is stolen outside the country from which it was taken. Looted antiquities tend to be taken from relatively impoverished source countries (Afghanistan or Peru, for example) and must be brought to market countries where, as with legitimate art, they will find the largest market. These market countries are most often the USA and the UK, specifically London, which is the world's largest art market. But other locations such as Amsterdam, Geneva, and Tokyo are also major centers for the legitimate art trade and, because they are market centers, the illegitimate trade as well.

There is also a history of smuggling stolen art from a source country into a nation with a more amenable statute of limitations on criminal prosecution for possession of stolen goods. Until recently, Switzerland had the lowest statute of limitations in Europe, 5 years,[8] which meant that stolen art, particularly from Italy, would be smuggled into Switzerland, where it would sit in storage until the statute of limitations had passed, at which point it could be shopped without risk of criminal proceedings.[9] In 2005 Switzerland changed their laws to extend the statute of limitations, at which point Germany had the lowest statute of limitations in Europe.

[7] Seigel (2009, p. 390).

[8] http://www.marcweber.ch/publications_files/Marc%20Weber_New%20Swiss%20Law%20on%20Cultural%20Property.pdf.

[9] The infamous Giacomo Medici case is a prominent example, wherein Medici smuggled looted antiquities to the Geneva free port to await sale abroad. This case is detailed in Watson and Todeschini (2004).

Although insufficient data exists to back up this hypothesis, one would imagine that criminals would shift from smuggling goods into Switzerland to bringing them to Germany. Japan still has the lowest statute of limitations for possession of stolen goods in the world, only 2 years, making it an ideal place to bring stolen art to "wait out" this period before shopping the objects.

I. Looting in War

Because conflict zones represent unusual legal and security circumstances, in which laws, expectations, and behavior patterns of civilians and soldiers alike change in often unexpected ways, it is useful to examine conflict zone or war looting as distinct from similar actions in times of peace, when existing laws are more likely to be followed and enforced.

Art has been looted in war since prehistory. Whether the goal of the looting is the seizure of objects for their monetary value, to express the domination of the victor over the vanquished, or to provide trophies of war for the conquerors to display back home, war has caused the greatest movements of art in history. Napoleon, Hitler, and Göring wear joint crowns as emperors among art thieves, but we will examine the phenomenon of war looting beginning in 212 BC. We will see, how later, armies rationalized their practice of looting art by noting that past civilizations, particularly the Romans, did so, and how looted art was seen both symbolically and practically: as a trophy and a funding source.

Sack of Siracusa (212 BC)

In 212 BC the Roman Republican army under Marcellus sacked the Greek city of Siracusa, in Sicily. Of this, Livy wrote:

> Marcellus removed to Rome the beautiful statues and paintings which Syracuse (Siracusa) possessed in such abundance. These were, one must admit, legitimate spoils, acquired by right of war; nonetheless their removal from Rome was the origin of our admiration of Greek art and started the universal and reckless spoliation of all buildings sacred and profane which prevails today.[10]

Enamored by the art they saw there, this sack launched a Roman craze for collecting Hellenistic vases and sculpture, and resulted in the conscious alteration of military strategy in order to secure more looted art. This was continued in times of peace, for instance in the famous legal case which Cicero tried against the tyrannical governor of Sicily, Gaius Verres, begun 5 August 70 BC in Rome (see below).

[10] Livy "Ab Urbe Condita," 24.40.3, available in (Livy 2002).

Military-Sanctioned Looting from, and by, Ancient Rome

General Lucius Cornelius Sulla stole the columns of the great Temple of Zeus in Athens when the city fell in 86 BC and brought them back in triumph, like fallen war heroes, to Rome, to reuse them in the Temple to Jupiter on the Capitoline Hill.[11] The general and later emperor Titus looted the Temple of Herod in Jerusalem at the end of the Jewish War (70 AD). Carved in relief on the Arch of Titus and Vespasian in the Roman Forum is a depiction of the Roman soldiers carrying off the treasures of the temple, including the horn that Joshua blew to fell the walls of Jericho and the giant silver menorah that burned in the temple on Hannukah.[12]

Titus would establish a museum in Rome to display the trophies carried back from this war and others—an outdoor sculpture gallery near the Porta Octaviana. It contained sculptures by the greatest Greek masters, including Phidias, Lysippus, and Praxiteles, all of which had been taken as trophies of war.

That very museum would be looted during one of the many Sacks of Rome (particularly those in 410 and 455 AD).[13] For Rome itself became the victim of pillaging on numerous occasions, and in each case art was a primary target of the ravishers of the city: the Gauls sacked Rome after the Battle of Allia in 387 BC; Alaric, king of the Visigoths, did so in 410 AD; a mere 45 years later, so did Genseric, king of the Vandals, in 455 AD; Totila, king of the Ostrogoths sacked Rome when he was at war with the Byzantines in 546; the Arabs looted the old Saint Peter's Basilica in 846; the Normans tried their luck under Robert Guiscard in 1084; and finally the city was sacked by the army of Holy Roman Emperor Charles V in 1527.

The plundering during the Roman era is important not only in itself but because subsequent military looting was sanctioned by the very fact that the Romans did it. If it was acceptable to ancient Rome, seen by later empires as exemplary and the pinnacle of civilization, then it might be rationalized as acceptable for others attempting to recreate the glory of the Roman Empire. From ancient plunder through the 30 years' war, the ERR, the Nazi art theft division, and their Allied nemeses, the Monuments Men of the Second World War, to the Iraq War and the looting of the Baghdad Museum, war looting is very much an active concern.

Sack of Constantinople (1204)

War, even when prompted by religious motivations, proved an opportunity for capturing art. While one would be hard-pressed to find a campaign of conquest that did not involve stealing art or monuments, perhaps the grossest account is that of the Fourth Crusade (1202–1204).

[11] Plutarch (2009), the biography of Sulla is on pages 169–215.

[12] Josephus (1984).

[13] See Miles (2008).

A combined force of Christians from Western Europe planned to recapture Jerusalem from the Muslim Ayyubid dynasty, via an invasion of Egypt. A largely French and Italian force began negotiations with the Republic of Venice in March 1201, led first by Count Thibaut of Champagne and then by Boniface of Montferrat when Thibaut died in 1201. Pope Innocent III had preached crusade since 1198, but the wars in Germany between the Holy Roman Emperor and papacy, and wars between England and France, meant that it was not until 1199, at a tournament held in Ecry, France that the crusade began to muster energy.

But the story of the Fourth Crusade is largely the story of the wily and treasure-hungry Venetian Republic. Venice agreed to transport 33,500 crusaders from Venice to the Holy Land, and to supply the entire crusade. Not all the crusaders met in Venice, but around 12,000 men from the army were present in 1201, encamped on an island in the lagoon. The Venetians had prepared for an entire year, building 50 war ships and 450 transport vessels for the full-sized army, and yet only 12,000 troops arrived. The cost of transporting and supplying an army three times the size of the one that arrived in Venice had been set at 85,000 silver marks. The crusaders present could only come up with 51,000 silver marks. This meant a dramatic loss for the Venetians, taking into consideration their further promise of 14,000 Venetian men to be employed in manning the crusader fleet and supply line. The blind Doge Dandolo would not let the crusaders leave the island on which they were encamped without paying the agreed-upon fee.

And so a compromise was struck. The Venetians had two military wrongs to be righted, and now they had a massive army at their mercy. In 1182 the Angelos dynasty in largely-Christian Constantinople had expelled the Venetian population, particularly its mercantile interests, to support the Greek majority in the city. This had made Constantinople an enemy of the Venetian Republic. Further the port city of Zara (currently Zadar) on the Dalmatian coast, long under the yolk of Venice, had rebelled in 1181 and formed an alliance against Venice with Hungary and Croatia. The Venetians had been unable to take back the city.

Doge Dandolo agreed to follow through with the program to launch the Fourth Crusade at this lower fee, but only if the crusader army would make these two stops en route to the Holy Land, acting as enforcer for Venice against Zara and Constantinople.

The issue of course was that a crusade was meant to see Christians vanquishing Muslims, while Zara and Constantinople were largely Christian cities. Some crusaders refused to attack fellow Christians, while the Papal legate to the crusade, Cardinal Peter of Capua, thought that it was necessary to capitulate or else the whole crusade would be a loss. Pope Innocent III threatened to excommunicate anyone who did not participate. He also sent a letter in 1202 forbidding the army from committing any atrocities against fellow Christians in the course of the campaign—a difficult balance to strike considering that he was likewise encouraging them to lay siege to their cities. But this letter was concealed from the majority of the army.

The citizens of Zara hung banners decked in crosses on their battlements in an effort to appeal to their fellow Christians besieging them, but the attack went ahead and they were quickly subdued. The city was sacked, stripped of its treasures and

gold, and largely laid waste. When Pope Innocent III heard of this he sent a letter excommunicating the crusaders involved in the sack. But the leaders of the army chose not to divulge the content of the letter, so as not to dishearten and dissolve the army.

The army then turned to Constantinople, and began a siege in July 1203. The leader of Constantinople, Alexios IV, had attempted to join the crusade and thereby avoid an attack on his city as an ally, but the crusader army was divided over whether to accept or to follow through with the Venetian plan that would, it was clear, provide a bounty of loot. Alexios III had fled Constantinople, taking 1000 pounds of gold with him, and reducing the imperial treasury dramatically. Young Alexios IV called for the melting of gold and silver statuary in order to cast more coins to refill the treasury. This was hugely demoralizing for the population and still only raised around 100,000 in silver marks.

Alexios IV had reached out to the crusaders and sought them as an ally, but he was murdered by one of his courtiers, Alexios Doukas, who then took over as Alexios V. The crusader army finally sacked the largely-Christian city of Constantinople on 12–13 April 1204. Over the next 3 days the city was sacked, burned, and looted. The famous library of Constantinople was destroyed, the churches and palaces stripped of gold, silver, relics, and art. The Venetians received the balance they were owed by the crusaders, around 150,000 silver marks of value in art, coins, and jewels. The crusader army kept 50,000 silver marks' worth, and then divided another 100,000 between them and the Venetians. A further 500,000 silver marks was kept and divided among crusader knights. The accumulated artistic treasures of the great Eastern capital of the Roman Empire were scattered by the crusaders, as they returned to their homes in Europe. The irony of the Fourth Crusade is that it never made it to the Holy Land, and proved to be nothing more than a punitive expedition for the Venetian Republic and their mercenary crusader army, and an excuse to steal treasures from their fellow Christians.

Among the artworks and relics taken from Constantinople in 1204 are the famous bronze horses that were displayed in triumph on Basilica San Marco in Venice, as well as Christian relics like the Crown of Thorns and the Holy Lance, which were taken back to Paris for display in the purpose-built chapel/reliquary of Saint-Chapelle.

Thirty Years' War and the Sack of Prague (1618–1648)

Though largely a war fought between Protestants and Catholics in the Holy Roman Empire, the 30 years' war featured an infamous incident of art looting when the phenomenally rich artistic and scientific collections of Rudolf II of Prague were stolen and scattered throughout Europe. While the war led to the inhibition of Habsburg supremacy, the decentralization of the Holy Roman Empire, and a decline in the influence of the Catholic Church, historians have noted that it exemplified Cato the Elder's phrase *bellum se ipsum alet,* "the war will feed itself." The major

governmental powers behind the 30 years' war were nearly bankrupted by disease, famine, and the cost of fighting. This resulted in unpaid troops who took out their hunger and frustration on the land that they passed. Troops began to ravage and loot any territory in their path, using extortion and other means to essentially self-fund the campaign. This problem manifested itself on a large scale, with army divisions resorting to such tactics, but also on a soldier-by-soldier basis. Other examples of this may be found in the Fourth Crusade (see above), the 1527 Sack of Rome by the unpaid mercenary troops of King Charles V, and numerous other instances. Looting in lieu of payment.

When Sweden intervened in the war and overtook Prague in 1648, the marvelous collections of Rudolf II were stolen. Swedish troops sacked Prague Castle on 26 July 1648 and hauled the majority of the collection back to Sweden, where it was absorbed into the collection of Queen Christina. Queen Christina would eventually be exiled from Sweden and while the majority of her collection remained there, she brought a large number of works with her: 70–80 paintings, of which 25 were portraits of her friends and family, which she had bought legitimately, and at least 50 paintings that had been stolen from Prague.

This would prove important to the history of legitimate art collecting, as the best pieces from Queen Christina's catalogue, 123 paintings forming its core, were passed on to the Duke of Orleans after her death. The sale of the Orleans Collection, primarily to settle the gambling debts of Louis Philippe d'Orleans, took place over several years in the 1790s. It represented the second of the great sales of aristocratic collections (the first being the dissolution of the collection of the English king, Charles I, after his execution in 1649), many others of which would follow in a new era when the aristocracy could no longer support themselves in their traditional ways, through feudal service, and had to sell off the trappings of their nobility, art and castles, and titles in order to survive. This directly gave rise to the art trade in the modern sense: not of kings and clergy commissioning large-scale works, but of *nouveau riches* merchants and industrialists now able to afford what the aristocracy no longer can. Scores of paintings that had been looted from Prague a century and a half earlier were sold at this time, including Tintoretto's *Origin of the Milky Way*, bought for 50 guineas in 1800 and now at the National Gallery in London.

Napoleonic Art Looting (1796–1812)

During the French Republican and Napoleonic eras, art looting became standard practice for victorious armies. Napoleon took over the leadership of the French army during the campaign in Italy that had begun disastrously, with under-nourished, unpaid soldiers on the brink of mutiny. Stealing art from the conquered territories became a way of both raising funds to support the war effort, and to raise morale back at home in Paris, where the newly-converted Louvre Museum would become a sort of trophy case for the victorious to display the treasures of the conquered. His policy was first made clear in the armistice signed by the defeated Duke

of Modena on 17 May 1796, which stated: "The Duke of Modena undertakes to hand over 20 pictures. They will be selected by commissioners sent for that purpose from among the pictures in his gallery and realm."[14] This established a precedent for payment and reparations in the form of art that would continue, both encouraging conquerors and dismaying the conquered, for centuries.

Napoleon established the first official military division dedicated to seizing and shipping captured artworks. Specially-trained personnel would follow behind the army to inventory, pack, and ship art. All confiscations were strictly monitored in the presence of a French army official. The army would be responsible for the art and its shipping back to Paris. This division was called the Commission of Arts and Sciences.

But despite Napoleon's attempts at restricting looting to official actions, it was not only the armies that benefited. One of Napoleon's officers in charge of art plunder, the painter Citizen Wicar, took so many prints and drawings for himself that, upon his death, after having sold most of what he stole, he still had 11,000 artworks to bequeath to his hometown of Lille.[15] Napoleon's art advisor, Dominique Vivant Denon, became the first director of The Louvre Museum, and was the mastermind behind the art theft scheme that made The Louvre the treasure house of the world.

In May 1796, when the Commission came to Modena to take the specified 20 pictures detailed in the armistice, Citizen Wicar was present. He stole a further 50 paintings from the Modena collection for himself and only stopped there because Napoleon arrived on the scene. Not to be outdone, Napoleon ordered his commissioners to stop taking any more art, but then he chose two paintings for his personal collection.

This set a precedent that was followed in the armistices in French victories over Venice, Mantua, Parma, and Milan. Ironically Venice was stripped by Napoleon of the four bronze horses that the Venetians had stolen from Constantinople in 1204. Napoleon's art thefts led to altered military strategy, for Naples and Turin were left largely un-looted because they chose to sign a treaty immediately with Napoleon before they came under attack, and therefore had more leverage in their relations. They lost the least to plunder of any vanquished Italian cities.

Napoleon extracted the most from the Papal States. Pope Pius VI signed the Treaty of Tolentine in June 1796, yielding to the Napoleonic army. In addition to the payment of 21 million lives (around $ 60 million today), Article 8 of the treaty stated that the pope was to give Napoleon: "A hundred pictures, busts, vases, or statues to be selected by the commissioners and sent to Rome, including in particular the bronze bust of Junius Brutus and the marble bust of Marcus Brutus, both on the Capitol, also 500 manuscripts at the choice of the said commissions." [16] Eighty-three sculptures were taken as well, including *Laocoon* and the *Apollo Belvedere*, and paintings taken included Raphael's *Transfiguration*. As if that were not enough, Napoleon insisted that the pope pay for the shipping to Paris of the art stolen from

[14] Charney (2010, p. 89).

[15] Charney (2010, p. 90).

[16] Charney (2010, p. 91).

him, a bill of another 800,000 livres (or $ 2.3 million today). Forty paintings were taken from papal lands in Bologna and ten from Ferrara. Looted art from Bologna alone required 86 wagons to transport. Of this, Napoleon enthusiastically wrote: "The Commission of experts has made a fine haul in Ravenna, Rimini, Pesaro, Ancona, Loretto, and Perugia. The whole lot will be forwarded to Paris without delay. There is also the consignment from Rome itself. We have stripped Italy of everything of artistic worth, with the exception of a few objects in Turin and Naples!"[17]

This was the first of several wars in which certain renowned masterpieces, such as Jan van Eyck's *The Ghent Altarpiece*, became prized spoils, with armies and collectors vying with one another to capture these key treasures, as valuable symbolically as they were financially. Much of the desire to possess *The Ghent Altarpiece*, which bears the dubious distinction of being the most frequently stolen artwork in history, was due to the fact that so many other people sought it, either for personal or national collections. The result was cumulative—the desirability of the artwork accrued with each high-profile incident of its capture and return. Denon sought it for The Louvre, and because of the high esteem in which he held the painting, its fame grew, prompting others to desire it for themselves. It would be one of the top targets for the Germans during the First World War, one of only a few cultural objects listed by name and returned by the Treaty of Versailles, and would likewise top the looted art wish-lists of both Adolf Hitler and Hermann Göring.

First World War (1914–1918)

With Napoleonic looting very much in mind, Article 27 of the 1907 Hague Convention sought to keep cultural heritage remote from the machinations of men in war: "In sieges and bombardments all available precautions must be adopted to spare buildings devoted to divine worships, art, education, or social welfare, also historical monuments…"[18]. At the outset of the First World War intellectuals, artists, politicians, and journalists worldwide called for an international agreement that would protect art in war. Two preservationist officials, Paul Clemen and Otto van Falke, were assigned supervision of art and monuments during the war, and they tried throughout the conflict, largely against the desires of the officers and leaders, to minimize looting and preserve as much as possible. Clemen spent 1914 drawing up official reports on the condition of monuments entrusted to him. He published a widely-praised article in the December 1914 issue of *International Monthly Review of Science and the Arts* entitled "The Protection of Monuments and Art During War." This was largely inspired by an incident in the autumn of 1914, when Russian soldiers captured and looted the Ossolinski Museum in Lemberg, taking the treasures to Saint Petersburg. Russians claimed that they were removing the art from a border region in order to protect it, while the Germans called it looting. From that

[17] Charney (2010, p. 92).

[18] Charney (2010, p. 123).

one museum the Russians had stolen 1035 paintings, 28,000 works on paper, 4300 medallions, and 5000 manuscript pages.[19] None of these have ever been returned.

Despite the high-minded talk, there was widespread fear that the German army would steal or destroy art, as they had been involved in the looting and destruction of art in neighboring Louvain in August 1914. To excuse this action, the German art journal *Kunstchronik* stated:

> Implicit confidence may be placed in our Army Command, which will never forget its duty to civilization even in the heat of battle. Yet even these duties have their limits. All possible sacrifices must be made for the preservation of precious legacies of the past. But where the whole is at stake, their protection cannot be guaranteed.[20]

This would prove portentous, because the German army stole works of art throughout the conflict, perhaps most overtly in their repeated attempts to steal *The Ghent Altarpiece* from occupied Belgium, beginning shortly after the destruction of neighboring Louvain. The wing panels of the triptych altarpiece were already in Germany, on display at the Kaiser Frederich Museum after they had been deaccessioned in 1816 and sold by a vicar and the Church Fabric to a Brussels art dealer. The wing panels eventually found their way into the art collection of Frederick Wilhelm, King of Prussia, which became the Kaiser Frederich Museum in Berlin.

The central panels of the altarpiece that remained in Ghent were hidden from the Germans by the Canon of Saint Bavo Cathedral, in which they were housed. Canon Gabriel van den Gheyn smuggled the disassembled altarpiece through the streets of Ghent on the night of 31 August 1914 and hid individual panels between the walls and under the floorboards of several private homes and later behind the confessional of a church. He, the bishop, and the mayor were regularly questioned by Germans, both in official capacity and incognito, sometimes threatening, sometimes cajoling. The Germans argued first that they needed to know the location of the altarpiece in order to protect it, but then later demanded it be handed over as war booty. By 1918, when defeat was inevitable, the Germans threatened to blow up the entire city of Ghent if the altarpiece was not handed over to them. But before Canon van den Gheyn had to make the terrible decision as to whether to hand it over, armistice was signed.[21]

Under the terms of Article 247 of the Treaty of Versailles, Germany was forced to return the wing panels that had been in the Kaiser Friedrich Museum in Berlin. The altarpiece was only one of five works of art mentioned in the Treaty of Versailles—it had suddenly become a key bargaining chip in post-war reparations. The Treaty of Saint-Germain, signed on 2 September 1919, which dissected the Austro-Hungarian Empire, also featured the forced return of artworks as a form of punishment after the First World War. The inclusion of *The Ghent Altarpiece* in the Treaty of Versailles would be directly involved in the next theft sparking revenge for what was perceived as unjust reparation, guiding Hitler in his own art policy during the Second World War.

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[19] Charney (2010, p. 120).

[20] Charney (2010, p. 122).

[21] See Charney (2010) for more on this story.

Second World War (1939–1945)

The Second World War altered the map of Europe, and redistributed art on an unprecedented scale. A great deal of good scholarship has been published on the subject of art looting during the Nazi era (one of the few categories of art crime that has received a significant amount of scholarly attention), and the subject is too large to cover in detail. We will therefore summarize the events of the Second World War in relation to art looting.

Theft as part of Nazi art policy preceded the war, and included the infamous "degenerate" art exhibition, and the fire-sale of art seized from German citizens and sold at an auction at the Galerie Fischer in Lucerne and bought by many Americans, whose desire to add to their collections helped finance Nazi armaments.

In 1936 a Kandinsky painting was forcibly deaccessioned from the Folkwang Museum in Essen and sold to a dealer for 9000 marks. This was considered a public act of purification. The National Socialists called for a purification of art, considering what they termed "degenerate" art to be a source of moral corruption. Although less well-known than the war-time looting from Europe, the Nazis stole art from the German people prior to war, ostensibly to remove this potential source of corruption from their nation but in reality to fund the war effort. Art was considered "degenerate" if it did not adhere to strict Nazi standards: essentially the Nazis approved only of naturalistic art by Teutonic or Scandinavian artists or depicting Germanic subject matter. Modern, abstract art, even if produced by Germans, was unacceptable, as was art by non-Aryan artists, like Jews or Communists. On 30 October 1936 the Ministry of Education officially closed the modern wing of the National Gallery in Berlin (the same museum that had displayed the wing panels of *The Ghent Altarpiece*), describing the content of the wing as a "chamber of horrors."[22] The closure was just months after the end of the Berlin Olympic Games, suggesting that the Nazis knew that their art censure would not be well-received by the world at large.

These events were followed quickly by the large-scale forced seizure of art from German citizens. On 30 June 1937 Hitler commanded Adolf Ziegler, president of the Reich's Department of Plastic Arts, to seize for the purpose of exhibition examples of German degenerate art found within Germany. What resulted with the Exhibition of Depraved Art, shown in Münich, Berlin, Leipzig and Düsseldorf. The 730 works in the show were curated in the least flattering way possible and hung with slogans like "Until today such as these were the instructors of German youth," meant to frame the works on display as morally repugnant.[23] The show, having determined what was unacceptable in terms of art, was quickly followed by Ziegler's theft of such art from German citizens. Approximately 12,000 drawings and 5000 paintings and sculptures were taken from 101 public collections alone, and far more from private collection. Hitler inspected the confiscated works in a storeroom in Berlin, consulting a carefully-prepared six-volume catalogue of its contents, which

[22] Charney (2010, p. 194).

[23] Charney (2010, p. 195).

listed: 1290 oil paintings, 160 sculptures, 7350 watercolors, drawings, and prints, 3300 other works on paper stored in 230 portfolios, for a total of 12,890 items catalogued as having been taken from Germans by Germans, and surely far more which were not featured in this multi-volume catalogue.

The plan for this art was to sell it to finance the war effort. The Nazis were interested in collecting naturalistic and Old Master works—these "degenerate" works were recognized as having financial value for foreign collectors and would be sold abroad. The largest sale was at the Galerie Fischer in Lucerne, Switzerland. Though the war had not yet begun, few of the foreign collectors, many British or American, who bought art there could not have known that their purchases were of stolen art and their price would fund the Nazi war effort. Any works that had not been sold by 20 March 1939 were burned in an enormous pyre in Berlin: 1004 oil paintings and sculptures and 3825 works on paper.

Prior to the war, Hitler conceived of a plan to capture every important artwork in Europe and gather it in a *kulturhaupstadt*, a sort of "super museum" that he would construct in his native town of Linz, Austria. To fill this collection, a military unit was established called the ERR. On 17 September 1940 Hitler announced the formation of the *Sonderstab Bildende Kunst* (Special Operations Staff for the Arts), the primary task of which was to seize art from Jewish collections in France. This unit was later transformed into the *Einsatzstab Reichsleiter Rosenberg* (Rosenberg Operational Staff, or ERR), run by Alfred Rosenberg. The ERR began on 5 June 1940 when Rosenberg proposed that all libraries and archives in occupied countries be searched for documents of value to Germany. The seizure of documents quickly led to the theft of artworks as the mission of the ERR broadened.

While Hitler planned his "super museum," head of the Luftwaffe Hermann Göring raced Hitler to steal art that he wanted for his personal collection of over 7000 masterpieces, amassed at his country home, Karinhall. At the war's end, dozens of secret caches of stolen art were discovered, including the mother load at Alt Ausee, Austria, a salt mine that had been converted into a high-tech storage depot, holding the thousands of masterpieces destined for Linz.[24] In the Alt Aussee mine alone, Allied soldiers (led by the Monuments, Fine Arts, and Archives officers, who were charged with protecting and recovering art and monuments in conflict zones) found 6577 oil paintings, 2030 works on paper, 954 prints, 137 statues, 128 pieces of arms and armor, 79 containers full of decorative arts, 78 pieces of furniture, 122 tapestries, and 1500 cases of rare books.

The repatriation of art after the Second World War is a complicated, multi-faceted issue, but it is further compounded by the fact that not only the Nazis were to blame. The Red Army was responsible for enormous looting schemes, stealing largely what the Nazis had stolen from Europe. The Red Army considered the art to be a form of reparation for the casualties suffered by Russia during the war. But it was also a source of income, and it did not stay their hands to consider that they were stealing from art that had itself been stolen from civilian victims. The

[24] For the story of art looting in the Second World War, see Charney (2010), Edsel and Witter *Monuments Men* (2010), and Dagnini *The Art Stealers* (2010).

institutional thefts aside, countless opportunistic thefts on the part of individual soldiers and citizens must not be discounted, nor the thankfully infrequent thefts on the part of Allied soldiers.

The Second World War resulted in the complete redistribution of art on a scale only previously seen during the Napoleonic campaigns. The destruction of cultural heritage and human lives is so staggering that even now, decades later, scholars and lawyers are still picking up the pieces. From the perspective of the history of art theft, the war spread the contents of thousands of public and private collections across the globe. Owners were lost, forgotten, or killed. Some prominent recovery lawsuits have found their way to the headlines in recent years, as the proliferation of the Internet has allowed people to see art in foreign collections, and to search, without leaving their offices, for art taken from their family more than half a century ago. And as the postwar period saw the rise of international organized crime, so too did it see a rise in the scale and repercussions of art theft, as organized crime groups began to involve themselves in the illicit traffic of cultural heritage.

Baghdad Museum (2003)

In 2003 the Baghdad Museum of Art was looted, with an estimated 15,000 objects disappearing in a matter of days. The anarchy of the invasion of Baghdad by the USA forces was to blame for the looting spree, but not entirely. There was no contingency plan to which the museum could turn in times of conflict such as this and, after the smoke cleared, both literally and figuratively, it was determined that at least two different types of theft had taken place at the museum. It was initially assumed that the thefts had been a crime of opportunity on a massive scale: frightened, impoverished locals took advantage of the chaotic situation to make off with selected antiquities, on the assumption that they might prove valuable in the future if the need to sell them arose. That did happen. But the investigations of the Marine officer and New York attorney Matthew Bogdanos also uncovered organized looting. Groups of looters had taken some artworks, including large ones that were broken or sawn into smaller, more portable parts that were clearly pre-meditated and required insider knowledge due to their locations. It seems clear that several groups of organized looters had planned what they *would* take if the invasion of Baghdad provided them with an opportunity to loot the museum. Here we have an example of crimes of opportunity, by definition unpremeditated, standing beside premeditated, organized theft.[25]

It is important to understand that these categories of theft, while useful for study, are not always clear-cut. One theft incident, such as this one, may involve more than one type of thief and motivation. Or a case such as the next one discussed, Vincenzo Peruggia's 1911 theft of the *Mona Lisa*, began as a crime of opportunity (Peruggia had surprising access to the Louvre and the painting), may have then been

[25] This case is detailed in Bogdanos (2005).

considered a theft for resale (there is evidence that Peruggia sought but failed to find a buyer), and finally morphed into an ideological theft, when he smuggled the painting to Italy and returned it to the Uffizi Museum.

Our goal here is not to focus on war looting, nor provide an exhaustive list, but merely to underscore that transnational art and antiquities theft has a historical precedent in looting after military campaigns and, as evident in the case against Verres, to which we turn next, also in times of peace in the ancient world. But an analysis of what has happened to art in past wars provides a lucid forecast that can help us to protect art and monuments in future conflicts[26].

II. Transnational Peace-Time Art Theft by Individuals and Criminal Groups

This section will present a number of case studies to illustrate the various types of art thefts. We will not go into great detail here, for the sake of brevity, but it is useful to point out specific cases to better understand phenomena of which they are exemplary.[27] Two groups will be considered, but the material will be presented in chronological order by a case study. Peace-time art theft can be divided into individual crimes and organized crimes. In the process of examining certain types of art thieves, we will look into the various motives and means of profit which encourage criminals to turn their attention to art crime. Because this book focuses on transnational crime, case studies have only been selected when they have a transnational element to them, and have been presented in chronological order so that we can examine the arc of history.

Theft in the Ancient World: Cicero Against Verres (70 BC)

In addition to various charges of general corruption, wrongful imprisonment and execution, and embezzlement, Cicero focused his accusations on Verres' looting of Sicily's art and monuments.

> Ancient monuments given by wealthy monarchs to adore the cities of Sicily…were ravaged and stripped bare, one and all, by this same governor [Verres]. Nor was it only statues and public monuments that he treated in this manner. Among the most sacred and revered Sicilian sanctuaries, there was not a single one which he failed to plunder, not one single god, if only Verres detected a good work of art or a valuable antique, did he leave in the possession of the Sicilians.[28]

[26] For more on this theme, see Nemeth (2009).

[27] For more on this subject, and for extended case studies, see my upcoming *The History and Future of Art Crime* (Princeton University Press).

[28] Cicero "Against Verres," available in Cicero (1960).

Verres fled before the trial and never returned to Rome.

This was probably the first legal case wherein the rights of people or nation to retain their own cultural property was asserted in a court of law. According to Cicero, Verres should have left these valuables in "the possession of the Sicilians." At the time, Sicily was a Roman colony, with its cities primarily of Greek origin, with a smattering of other ancient peoples, like the Phoenicians, in the mix. It was certainly a multi-ethnic center. So to whose cultural heritage was Cicero referring? He was associating cultural objects with a geographic location. The possessions belonged to whoever was living around them. And they should remain where they were historically associated to, he implied.

The Emperor Augustus, in his edict of 27 BC, outlawed the removal of art from "sacred localities" on the part of his army and citizenry. While looting was considered acceptable for conquerors, it was looked down upon to steal art from religious institutions, which was of course where most of the art was displayed.[29] The implication was that the gods would be displeased—even the gods of different religions. Augustus later showed a sense of humor about art theft, in his Letter to the Ephesians, who had stolen a golden statue of Eros (god of love and sex) from the city of Aphrodisias and erected it as an offering to Artemis, their local patron goddess (who presided over the hunt and the moon, and was a virgin). In his letter requesting that this looted sacred statue be returned, he wrote:

> I was informed that out of the loot a golden Eros has been brought to you and set up as an offering to Artemis. You will do well and worthily of yourselves if you restore the offering. In any case Eros [god of love and sex] is not a suitable offering when given to Artemis [a virgin goddess]![30]

These ancient world anecdotes are important because Rome set a precedent that art could be looted in war (as in the sack of Siracusa), and also set the precedent that it was a crime to steal art (in the legal case against Verres). These crimes were transnational in the sense that the art of one culture was being removed to the benefit of another culture, although the peace-time looting on the part of Verres was from within the Roman Empire. As Cicero noted, art was for the place in which it was traditionally associated, where traditions had grown up around it, and it should not be exported, particularly through forced purchase and theft.[31]

Government Sanctioned Thieves: Venice and the Relics of Saint Mark (828)

The Republic of Venice originally had as its patron saint a Greek soldier called Saint Theodore of Amasea, who may still be seen atop one of the two pillars in front of the Doge's Palace in Venice, conquering what appears to be a crocodile. But in 828

[29] Inscriptions of Kyme, no. 17 from the Edict of Augustus (27 BC).

[30] Letter of Augustus to the Ephesians.

[31] For more on looting in the ancient world, see Margaret M. Miles' (2008).

AD, the Venetian Republic determined that a new patron saint should be chosen. Though it is not recorded whether the Republic ordered an act of thievery to procure a new patron saint, or whether a rogue group of Venetians took it upon themselves to acquire one with the subsequent blessing of the Republic, a group of fishermen set out to steal the bones of Saint Mark[32].

The evangelist Mark (whose symbol, the winged lion, is now the symbol of Venice) had died in Alexandria, Egypt which was, at the time, a Muslim outpost. The Venetian fishermen traveled to Alexandria and stole the bones of the saint from the catacomb in which they were entombed. They had to figure out a way to smuggle the bones out of the port of Alexandria without the notice of the Muslim guards. In order to escape, they buried the bones in a barrel filled with salted pork. Knowing that the pork-averse Muslims would not be inclined to search through the barrel, the Venetians were able to smuggle the bones out of Egypt and to Venice, where they were installed with great pomp in the Basilica San Marco, named after the newly-acquired saint.[33]

Historical Roots of Transnational Organized Crime: Adam Worth and Gainsborough's Portrait of Georgiana, Duchess of Devonshire (1876)

Perhaps the earliest example of a large-scale, international organized crime group involved in peace-time art theft is the May 1876 theft of Thomas Gainsborough's *Portrait of Georgiana, Duchess of Devonshire*.

This painting was, at the time, the most expensive work of art ever sold, purchased at auction by Thomas Agnew, a London art dealer, for 10,000 guineas.[34] Agnew had already arranged the sale of the painting to Junius Morgan, the wealthy American banker (father of J. P. Morgan), who had recently learned that he was distantly related to the British Spencer family, of which Georgiana was, at the time, the most famous member. Morgan wished to purchase this, the world's most expensive painting, in order to show off his wealth and good taste, but also because the portrait was of one of his newly-discovered ancestors.

Before sending the painting to Morgan, Agnew planned to display the painting for 2 weeks at his gallery on Old Bond Street, benefitting from the remarkable publicity that this purchase stirred up. Indeed, this was the first major art purchase that captured the attention of the newspaper media, and through their fascinating with the astronomical prices in the art market, the general public too developed an interest. This newspaper media interest in art would not be restricted to high-profile purchases, but would also manifest itself in an interest in art theft. For the newspapers'

[32] M. Da Villa Urbani (2001).

[33] The story of the theft of the bones of Saint Mark is told in numerous histories of Venice and the Basilica San Marco, including Urbani (1995).

[34] Information on this case may be found in MacIntyre (2011).

touting of the value of this painting would summon the attentions of the criminal world, in particular Adam Worth.

Worth had grown up a homeless pickpocket in New York and worked his way up the criminal ladder. In 1876 he found himself a millionaire, living in London under an assumed name, the toast of high society, while secretly leading an international organized crime syndicate involved in all manner of crime from bank robbery to diamond heists. He was perhaps oddly moral for a criminal—he refused to permit his associates to carry weapons, because he thought that weapons replaced thinking one's way out of a jam, and he abhorred violence.

Worth had a younger brother, John, who was criminally inept, constantly getting himself arrested, as he had prior to May of 1876. Worth wanted to bail his brother out of jail, and send him back to the USA, never to involve himself with crime again. But since Worth was living under an assumed name, he did not wish to make clear his relationship with John, nor did he wish to implicate any of his associates. It was then that he read of the sale of the Gainsborough, and its intended display at the Agnew Gallery.

Worth hatched a plan to steal the Gainsborough, and then swap it back to Agnew in exchange for Agnew posting the bail for his brother, John. In this way, he reasoned, he would get his brother out of jail without associating himself or his colleagues. Around midnight on 23 May 1876, Worth walked down Old Bond Street, alongside his bodyguard, a mountain of a man and a stark contrast to the diminutive Worth.[35] The Agnew Gallery had no alarm, and was guarded only by one custodian on the ground floor—who was asleep when Worth arrived.

The Gainsborough was on the first floor. Worth's bodyguard lifted him up to the first floor window ledge, where Worth pried open the window with a crowbar. Inside the gallery, he cut the Gainsborough out of its frame with a razor, rolled it up, and climbed back out the way he had come. It was not until the next morning that the custodian discovered the crime.

The police were baffled, and it seemed Worth's plan had worked. But then, to his surprise, he learned that the lawyer he had hired to defend his brother John had actually succeeded. John was a free man. Now Worth had the world's most expensive painting, and no idea what to do with it.

In the end he kept the painting, smuggling it to Brooklyn in a false-bottomed steamer trunk, where it would remain for decades. Worth was eventually arrested in Belgium, imprisoned, and when he was released, he had not a penny to his name—but he still owned the world's most expensive painting, which awaited him in a closet in Brooklyn. He would ultimately sell the Gainsborough to J. P. Morgan, who fulfilled his father's wish to own this painting posthumously. Worth retired from crime on the proceeds and died shortly thereafter.

[35] Worth was given the nickname "the Napoleon of Crime" for his short stature but great cunning by William Pinkerton of the Pinkerton Agency, who spent much of his career chasing Worth but unable to arrest him. Pinkerton would write the first biography of Worth, and Worth would be the inspiration for Arthur Conan Doyle, who nicknamed Sherlock Holmes' nemesis, Professor Moriarty, as "the Napoleon of Crime."

This case is important because it launched the newspaper media's interest in both the price for which art sells at auction, and in reporting art crime itself. The theft, like the purchase, made international headlines. It also illustrates how the media can inspire art theft. Had the purchase of the Gainsborough not been so widely touted, it would likely never have occurred to Worth to steal it in the first place. As this case deals with the newspaper media, we will see that the television media in the early 1960s bore some responsibility for inspiring the string of thefts along the French Riviera on the part of the Corsican Mafia, thanks to their enthusiastic reporting of record art prices. There is a direct correlation between what the television and newspaper media reports in terms of valuable artworks and what criminals try to steal, as we will also see in the Odessa Museum of Eastern and Western Art theft.

Ideological Theft: Vincenzo Peruggia and the Mona Lisa (1911)

Under the mistaken belief that Leonardo's *Mona Lisa* had been stolen from Italy by French Napoleonic forces, the Italian handyman Vincenzo Peruggia, who worked for a Paris firm engaged in building protective cases for paintings at the Louvre, hatched the plan to steal the world's most famous painting in order to repatriate it.

Peruggia used his Louvre worker's uniform and insider knowledge of the under-secured museum to steal the *Mona Lisa* on the morning 21 August 1911. The theft proved a huge embarrassment not only to the museum but for France as a whole, and it sparked a media feeding frenzy, mocking the Louvre for its inability to keep its treasures safe. This was the first international art crime, and perhaps the first property theft, to receive regular international press coverage. The resulting investigation by French authorities was botched and, despite having Peruggia's fingerprint on the discarded frame of the painting, and despite having interrogated him on two occasions, he was not considered a suspect.

Nearly 2 years later, Peruggia showed up in Florence with the *Mona Lisa* hidden in the false bottom of a shipping trunk. He contacted a local art dealer, Alfredo Geri, and informed him that he hoped to give the *Mona Lisa* to the Uffizi Museum. He did not specifically request any money, but implied that he was a poor man and that some compensation would be welcome. He was surprised and exhibited no guilty conscience when he was arrested at his hotel in Florence, after having passed the *Mona Lisa* over to the Uffizi director.

Peruggia claimed throughout his arrest and trial that his only intention was to repatriate the *Mona Lisa,* which he believed had been looted from Italy. This was a reasonable guess, as much of the Louvre's art collection was looted during the Napoleonic era, but the works that accompanied Leonardo during his time in France at the end of his life had been legitimately purchased by King Francois I from Leonardo's followers after the master's death, and thereby entered the French royal collection. Peruggia did hope for some monetary compensation, and was not shy about saying as much, believing that he would be welcomed in Italy as a hero for the risks he took to bring the *Mona Lisa* back to its "native land."

During his trial, which was followed by the world press, he became a romantic figure, an amateur painter who risked everything for patriotism and a love of art. There was some evidence that he considered selling the painting before deciding to smuggle it back to Italy—a list was found in his apartment of prominent art dealers in major cities around the world. Peruggia's version of the story says that he kept the painting for so long because it cast a sort of spell over him (a not uncommon comment for art thieves to make), fascinated him, and that he could not bear to part with it. At the end of the trial, the judge sentenced Peruggia to 380 days in prison, which was appealed and lowered to 7 months. The *Mona Lisa* was displayed at several museums in Italy to sell-out crowds before it was returned to Paris.

This is the most famous example of ideologically-driven thefts, although one must be wary of assuming that the theft was purely ideological when there may have been an initial financial-gain motivation which was later discarded when it seemed too difficult to attain, Plan B then shifting to the patriotic motivation that the criminal surely knew would win him supporters.[36]

Post-War Organized Crime: Corsican Mafia and the Riviera Thefts (1960–1976)

The *Unione Corse*, or Corsican Mafia, based in Marseille in the 1960s, was responsible for a series of art thefts along the French Riviera during the 1960s and 1970s, including heists of paintings from the renowned restaurant Le Colombe d'Or, from the home of art dealer Armand Dronant, and culminating in the theft of 118 Picassos from a special exhibit at the Papal Palace in Avignon.[37]

The Corsican Mafia is the earliest documented major international mafia to develop an interest in stealing art. This interest was almost certainly prompted by the parallel interest on the part of the television media in the extraordinary prices for which art was selling at auction. In 1961 world-record prices were recorded for the sale of Picasso and Cezanne paintings, as well as an auction record, the Sotheby's sale of Rembrandt's *Aristotle Contemplating a Bust of Homer* for $ 2.3 million.[38] These were reported in newspapers and on television. To a major international organized crime syndicate, these high-value paintings looked simply like easily-portable, relatively under-protected, expensive objects. Unsurprisingly, the Corsican Mafia began to steal exactly what they had read was of value in news reports: focusing Cezanne and Picasso paintings. The Corsican Mafia brought with them the techniques that had proven successful in past criminal enterprises, namely the threat of violence. Guards at the Papal Palace in Avignon were bound and gagged and threatened with beatings, as members of the mafia made off with their astonishing

[36] For a complete analysis of the 1911 theft of the *Mona Lisa* and the other crimes surrounding it, please see Noah Charney (2011). Information here presented comes from that book, which in turn is thoroughly cited.

[37] See Chaps. 3 and 15 in McLeave (2003).

[38] http://www.sothebys.com/en/inside/about-us/timeline.html.

haul of Picassos. But it seems that while the thieves recognized that it would not be all that difficult to steal these famous paintings and drawings, they were not certain as to how they could be sold on. All but one of the 118 Picassos were recovered.

Organized Crime and the First Art Police: Cosa Nostra and Caravaggio's Nativity (1969)

In 1969 Caravaggio's *Nativity* was stolen from the church of San Lorenzo in Palermo, Sicily. This was the first prominent art theft in modern Italian history, and it was quickly acknowledged that the Sicilian Mafia, Cosa Nostra, was behind it. The Caravaggio is still missing and has been listed as the number 1 most-wanted stolen artwork by the FBI.[39]

It has never been clear what the intended destination for the stolen Caravaggio might have been. The theft came at the end of a decade that saw the sudden interest of larger criminal syndicates, such as the Corsican Mafia, in stealing art, which had in turn been prompted by television media reports on the high prices for which art was selling at auction. Some thought that the Caravaggio was meant as a secret political gift to a friend of Cosa Nostra in the Italian government.

The theft was important in terms of the history of policing, because it led directly to the foundation of the world's first dedicated art police, the Carabinieri TPC (Tutela Patrimonio Culturale), whose title is normally translated as the Division for the Protection of Cultural Heritage. It was founded in 1969 in order to track down the stolen Caravaggio, established by Ridolfo Siviero.

A division of the military police, the Carabinieri TPC is far and away from the largest and most successful art squad in the world, with over 300 full-time agents. They have had considerable success in recovering stolen art (nearer to a 10% recovery rate, whereas most countries boast only 2–6% of stolen works recovered), and have the world's largest stolen art database, nicknamed Leonardo, which contains reports on over 4 million stolen artworks.[40]

Despite their success, they have been unable to recover the Caravaggio. The closest they came was in the 1980s, when a British journalist and now-celebrated author, Peter Watson, agreed to pose undercover as a criminal art dealer, working with the Carabinieri in an effort to recover the Caravaggio. Though it was clear that Cosa Nostra had the Caravaggio, Watson was never offered the painting to buy. He was, however, offered other paintings, including Bronzino's stolen *Deposition* (now on display at the Accademia in Florence). He was able to recover this and other paintings in a sting operation.[41]

[39] http://www.fbi.gov/about-us/investigate/vc_majorthefts/arttheft.

[40] This database is privately run and no one outside the Carabinieri TPC, not even other Italian police departments, may access it themselves. Formal requests for searches may be made through the TPC.

[41] This complete story is told in Peter Watson's (1985).

This case exemplifies how larger organized crime syndicates like Cosa Nostra acquire stolen art and also try to sell that art to potential buyers who are "screened" ahead of time to ensure that they are not police in disguise. In this case, the Carabinieri helped build an identity and history for Peter Watson that suggested that he was a legitimate art dealer who was not afraid to buy questionable pieces. Known art dealers and art world personalities contributed to this subterfuge, providing documents, letters, contracts, etc which would give the impression that Watson's character had a long career as a dealer.

Despite screening Watson, the representatives of Cosa Nostra failed to detect his undercover status. This reinforces the hypothesis that criminals are under the impression that individuals whom we might categorize as "criminal collectors" are out there, and are willing to buy stolen art (otherwise they would have immediately suspected Watson of working with the police), but that such individuals also prove difficult to find, even for criminals with an elaborate international network at their disposal, like Cosa Nostra. If criminal collectors were easy to find, the stolen art would have already been sold, or Watson would have been asked to bid against other potential buyers in the closed black market of stolen art. While this case does not present a transnational story, it is useful in illustrating the nature of post-World War Two art theft.

Tracing Looting Antiquities: the Gospel of Judas Codex (1970s–2001)

Illicit trade in looted antiquities is by far the largest-scale problem in the field of art crime. Experts estimate that as much as 75 % of all art crime involves the illicit trade in looted antiquities, with objects often taken directly from the earth or the sea.[42] Because these objects have never seen before my modern eyes since they were buried, they will never appear on a stolen art database, and are therefore relatively easy to sell on an open market at full value (accompanied by a fake provenance suggesting they were legitimately excavated and exported). This crime type is the most difficult to police, as well, because unexcavated archaeological sites are often in remote areas and just as often unknown to authorities. Approximately 1 % of all identified archaeological sites in Egypt have been excavated.[43] Tomb raiders far outnumber archaeologists and therefore the objects that they excavate may disappear into the art market and are extremely difficult to identify as looted.

There are innumerable examples from which to choose, when selecting a case study that exemplifies the illicit trade in antiquities. Cases involving Etruscan art from Cerveteri have made headlines recently.[44] But we will discuss here the story of the Gospel of Judas, a codex on papyrus that was excavated in secret by a tomb raider in Egypt.

[42] This is a rough estimate that has been suggested by a number of colleagues and which I have published regularly in the past.

[43] See Parcak (2009).

[44] These books include Felch and Frammolino's *Chasing Aphrodite,* Watson and Tedeschini's *The Medici Conspiracy* and Silver's *The Lost Chalice.*

The codex is valuable not only for its age and rarity, but because it contains the only extant copy of the so-called Gospel of Judas, a Gnostic gospel written around the third century AD which purports to tell the story of Christ from the perspective of Judas Iscariot. It presents Judas, historically considered a villain for betraying Christ to the Romans, as the hero, the most important apostle who fulfilled Christ's wish in handing him over to the Romans, because Christ's only purpose on earth was to die and in dying reverse Original Sin. The contents of the Coptic gospel were therefore of huge theological value.

The codex[45] itself was looted from a cave in Middle Egypt, where it had been found sealed within a terracotta vase. It was sold to a local dealer with contacts in Cairo who went by the name Hanna Asabi. Hanna recognized that the codex was a rare and ancient object of great value, but he had no idea how much it was worth, nor could he read it. He guessed that it might be worth $ 1 million for no other reason than because that was a number that he associated with high-value art. He tried to find a buyer over 36 years, during which various misadventures befell the codex. At one point it was frozen, ostensibly to kill any insects infesting it but in practice damaging the fragile papyrus. It was stolen from Hanna in 1980 by a Greek dealer called Koutoulakis. When the codex was recovered, several of its pages were still missing and remain unaccounted for. The codex was later smuggled to the USA and kept for years in a safety deposit box on Long Island, which caused further damage in an environment that was not temperature or humidity controlled. It was eventually acquired by the Geneva-based dealer Frieda Tchacos Nussberger in 2000. The codex was then stolen in 2001 by Bruce Ferrini, who sold several individual pages before returning the remainder to Nussberger. A total of 12 pages were missing from the manuscript as it was returned. Nussberger eventually sold the manuscript to the Maecenas Foundation, which made a deal with National Geographic for the publication rights to the codex and its story. The codex itself was gifted to the Coptic Museum in Cairo.

This serpentine case study begins with the looting from an unknown location by an unknown tomb raider of an antiquity which modern man did not know existed. It is therefore exemplary of the difficulties in policing and protecting unexcavated or unidentified archaeological sites. But like so many art crime cases, it is not a linear narrative. The same case study that begins with looting involves multiple instances of smuggling (from Egypt to Switzerland and from Egypt to the USA and back), two instances of theft (by Koutoulakis and then by Ferrini), and of course questions of rightful ownership, both personal and national.

Profit Methods for Organized Crime: Martin Cahill and Russborough House (1986)

On 17 May 1986 Martin Cahill, the infamous leader of an Irish organized crime group, stole 18 artworks from Russborough House, a country mansion in Ireland that has the unfortunate distinction of having been robbed of art on four different

[45] For the complete story of the codex, see Krosney (2004).

occasions, twice by the terrorist group, the Irish Republican Army.[46] Evidence suggests that Cahill chose to steal art after a diverse criminal career in other fields because he felt that these high-value artworks would be relatively easy to sell (a view that is largely based on misconceptions perpetuated by film and fiction), and that it would also raise his status among criminals who, since the Victorian Period, have associated art, through legitimate collecting or theft, as a high-class object with which to involve oneself. With a gang of accomplices, Cahill used force to remove the works from Russborough House, and made off with a treasure trove of objects, including Vermeer's *Lady Writing a Letter with her Maid*, Goya's *Portrait of Dona Antonia Zaratte*, and two paintings by Gabriel Metsu, a Vermeer contemporary.

Seven of the paintings were found soon after the theft, abandoned in a ditch. How they got there and why they were discarded has never been clear. But Cahill had a great deal of trouble finding a buyer for the stolen art and therefore came up with other ways in which to benefit from his theft. One of the Gabriel Metsu paintings was sold by Cahill to the Ulster Volunteer Force, a Protestant Loyalist anti-IRA group in Ireland. They in turn tried to sell it in Turkey to raise funds that would go toward terrorist operations against Irish Catholics in Ireland. This sale was stopped by police intervention. The second Metsu painting was also recovered by the police in Turkey in May 1990, that one in a raid on a warehouse where a Scottish member of a criminal gang was trading it with a Turkish criminal gang for a shipment of heroin.

In 1993 one of Cahill's associates, Niall Mulvihill, brought six of the stolen paintings to England. A combined force of Irish police and Scotland Yard detectives found two of those six paintings in a raid in London. In August 1993, the Vermeer and the Goya painting were recovered during a police sting operation. Cahill had smuggled these works across the English Channel into the hands of a crooked Antwerp diamond merchant who had previously been involved with Cahill's gang. Cahill would smuggle stolen gems to Antwerp and sell them to the diamond merchant, who would have them cut and altered so as to be unrecognizable and then would sell them on the open market. These two paintings were to act as collateral for a loan toward a future drug transaction. However, before Cahill had time to pay back the loan and reclaim the paintings (which would have presumably gone on to act as collateral in future deals), the diamond merchant attempted to sell them to someone who he thought was a criminal art collector. In fact this was the renowned undercover art detective, Charlie Hill, working with Scotland Yard.[47]

The Cahill case is particularly a useful example of a phenomenon which police think must happen to a more extensive degree than they are aware—art used as barter or collateral in deals for other illicit goods. While authorities try to follow money trails which link criminals and, it is presumed, lead back to organized crime

[46] The story of the thefts from Russborough House is told in Hart (2004).

[47] Martin Cahill's criminal career has been the subject of several good books, including *The General* and *The Irish Game*. The story of Charlie Hill's recovery of the Vermeer and Goya is told in Edward Dolnick's *The Rescue Artist*. This case is also covered in a briefing from the RAND Corporation by Chonaill et al. (2011, pp. 23–29).

or terrorist cells, recent decades have seen a trend in which criminals prefer to pay in goods or services rather than cash, making it that much more difficult to trace transactions. Stolen art is a commodity which serves this purpose well. The catch is that one must be able to find a buyer, at least in theory, in order for the art to have any real value. And yet, particularly in the Internet age, an image of any stolen artwork can be emailed around the world in a matter of minutes, making it particularly difficult to trick a buyer into thinking that a stolen work is in fact a legitimate purchase opportunity.

Based on how much undercover police officers' disguised as criminal collectors have been asked to pay for stolen art, one can estimate that the black market value for stolen art is 7–10 % of its perceived legitimate auction value.[48] Of the relatively few police successes in recovering stolen art, many come from sting operations like the one in which the Vermeer and Goya were recovered, in which police pose as the elusive unscrupulous collector that criminals believe is out there, and will buy stolen art. Historically, we know of precious few individuals whom we could call "criminal collectors:" those who either knowingly buy stolen art, or who would commission a thief to steal art for them.[49] Most who fit the former description are pathological thieves, like Stephane Breitweiser. And yet criminals continue to steal art, and continue to fall for police disguised as collectors.

This suggests two things. First that criminals must believe that collectors who will purchase stolen art do exist. The fact that so few of them (a negligible handful) have been documented through history implies that either: (a) they do exist and authorities have simply not come across them; (b) they have existed in greater numbers in the past but are now hard to find; or (c) they have never existed in noteworthy numbers, and yet the myth of their existence persists, cultivated largely by film, fiction, and the media misconception that "criminal collectors" are behind most art thefts.[50] However, it is also clear that, whether or not criminal collectors are still out there, they must certainly be very hard to find, as evidenced by the frequency with which art thieves are tricked into offering stolen art to undercover policemen disguised as criminal collectors.

[48] This has been noted by several art detectives, including Charlie Hill, Richard Ellis, and Vernon Rapley in personal conversations with the author. Note that the difficulty in disposing of stolen art is only related to art taken from extant collections. As previously described, looted antiquities are much easier to sell, and can be sold on the open market with merely a false provenance to suggest that they were legitimately excavated and exported.

[49] Prominent among them was Pablo Picasso, who commissioned the theft of Iberian statue heads from the Louvre in 1907. Since this was not a transnational case, it is not discussed here, but may be found in Charney (2011).

[50] The media speculation on criminal collectors dates back to the *Mona Lisa* theft in 1911 and was frequently cited in newspaper and magazine articles about art theft until around 2009, when better news sources began to report on the involvement of organized crime and the drug and arms trades as linked to art crime, and to cast aside the still-widely-believed theories about criminal collectors. This is progress, as the general public will learn from these better-informed media reports.

Insider Thieves: Daniel Spiegelman (1994)

An unassuming worker at the Butler Library at Columbia University stole over $ 1 million worth of rare books and letters in the spring of 1994, including letters by George Washington and Abraham Lincoln, and a rare volume of Euclid.[51] While working elsewhere in the library, Spiegleman accessed the Rare Book and Manuscript Library on the sixth floor of the library complex by shimmying up a dumb waiter, and dismantling and reassembling a wall to cover his trail, more than a dozen times over 3 months. Among the literally hundreds of rare pages he stole, Spiegelman sliced at least 200 maps out of a seventeenth century Dutch atlas, using a razor.

Spiegelman was caught in 1995 when he tried to sell some of the stolen manuscripts in the Netherlands, where he had taken refuge. He tried to avoid extradition to the USA by claiming that he was involved in the Oklahoma City bombing, knowing that the Dutch would not extradite someone who would be facing the death penalty upon his return home.

In 1998 Spiegelman was sentenced to 5 years in prison and fined $ 1.3 million. The judge presiding over the case emphasized the damage done to culture and knowledge, which resulted in a harsher sentence than would have been meted out for the financial value of the crime alone: "Mr. Spiegelman, you have deprived a generation of scholars and students of the irreplaceable raw materials by which they seek to discern the lessons of the past and help us to avoid repeating it. That's what differentiates your offense from a simple theft of money or other easily replaceable property."[52] The sentencing was praised by scholars such as Simon Schaama and Robert Darnton, who were quoted in *The New York Times* praising the judge for taking this crime seriously, and in doing so underscoring the value of rare books and manuscripts as not only collectibles, and not only tools for scholars, but as important works of cultural heritage whose protection must be assured.[53]

Pathological Thieves: Stephane Breitweiser (1995–2005)

Infamous in the history of art thieves for his audacity of method and astounding success rate, not least considering the tragic coda to his story, Stephane Breitweiser is a classic example of a rare but fascinating breed: a compulsive art thief. A Swiss waiter, Breitweiser stole over 100 artworks during a period that runs roughly from 1995 until his arrest in 2005. He stole on his own, and with the occasional assistance of his girlfriend, Anne-Catherine Kleinklaus. His preferred method was so direct, blunt, and obvious that it took museum staff and visitors by surprise. He would buy

[51] The complete story of Daniel Spiegelman is told in McDade (2006).

[52] http://www.nytimes.com/1998/04/25/nyregion/sentence-by-judge-reflects-historic-documents-value.html.

[53] For more on rare book and manuscript crimes, see http://travismcdade.com/blog/.

a ticket to enter a museum, walk calmly and with self-assurance to a work of art that caught his fancy, remove it from the wall, and walk out of the building carrying it. Through his air of professionalism he convinced the many eyewitnesses to his thefts that he was going about official business. The museum visitors thought that someone moving with such professional determination must surely be an employee of the museum on official business. It was too outrageous a prospect to think that a thief would be so audacious and direct in his approach.

Breitweiser used various methods to steal art, including having his girlfriend act as a distraction or look-out. He never tried to sell a single stolen artwork, instead keeping them to admire, as he was a great art lover. Breitweiser seems to have been a pathological or compulsive thief, addicted to the adrenaline of theft. That he chose to direct his compulsive behavior at stealing art seems to have been a personal preference. Such pathological thieves are few and far between—there have been few recorded in history. But the fact that they steal for love of art, without any evident desire to profit financially, coupled with the fact that they are not involved in organized crime and therefore the thefts are not damaging beyond the victim institution, can make them darlings of the media, portrayed as harmless rapscallions. However in this case, the damage was far more severe than it might have been.

When Breitweiser was in police custody, his mother, Mireille Stengel, in a panicked attempt to protect her son, tried to dispose of some of the evidence—and in doing so destroyed irrevocably some of the works her son had stolen. She jammed some down a garbage disposal and threw others into a canal. This action far exceeded the damage done through the thefts, which had been undertaken with the utmost care. In fact, when Breitweiser heard what his mother had done, he tried to kill himself in prison.[54]

Breitweiser stole works from France, Germany, Belgium, the Netherlands, Denmark, Austria, and Switzerland bringing them to his home in Switzerland. His criminal career was truly transnational. The investigation into his crimes was undertaken by a consortium of police (each one of the aforementioned countries participated), and he was convicted in France and Switzerland. In Switzerland he was convicted to 4 years and 8 months in prison, and was further prohibited from entering Swiss territory for a further 15 years. In France he was convicted to 3 years in prison, though he served only 26 months. His mother was sentenced to 18 months in prison, and his girlfriend to 6 months. Breitweiser's conviction included a statement by the judge underscoring his compulsive motivation, a statement supported by a psychiatric report, which further noted his paranoid and schizoid tendencies.[55] After his arrest, Breitweiser published a personal memoirs, *Confessions d'un Voleur de l'Art*, which

[54] This case is reported in numerous newspapers, as well as a memoir by the thief: Breitweiser (2006) and a biography, Noce (2005).

[55] Information on these crimes may be found in Noce (2005); and more recently in the following articles: http://www.tdg.ch/celebre-voleur-musees-stephane-breitwieser-retour-2011-04-08 and http://www.leparisien.fr/faits-divers/l-arsene-lupin-des-musees-de-nouveau-arrete-09-04-2011-1400248.php. Thanks to Marc Barcells for his research assistance on this case.

shows a good deal of rationalization for his crimes, framing himself as a relatively innocuous curiosity in comparison to the more sinister organized art crimes.

In April 2011, after his release from prison, Breitweiser was identified engaged in what was considered hostile surveillance at a museum. The resulting investigation found 29 stolen paintings at his home, and more at the home of his mother.[56] It seems that Breitweiser's compulsion to steal art was not deterred by his relatively mild prison sentence, and he will soon return to prison.

Antiquities Looting and Terrorism: Mohammed Atta and Al-Qaeda (1999)

One of the masterminds of the 9/11 attacks, Mohammed Atta first attempted to sell antiquities looted from Afghanistan to fund the purchase of an airplane in order to crash it into the World Trade Center. In 1999 Atta flew to Germany and approached a female professor in Gottingen to show her Polaroids of Afghani antiquities. He asked if she could tell him how much they were worth, and if she knew someone who might by them. He said he wanted to sell them in order to purchase a plane.[57]

This is the most prominent example of the known but little-documented link between terrorism and art crime, specifically the traffic in looted antiquities as a source of funding for terrorist groups. As mentioned earlier, Interpol, Scotland Yard, and the UK National Threat Assessment presented the fruits of an unpublished study emphasizing the connection between the illicit art trade and funding of terrorist groups. Little information has reached the public because it is considered classified by the government agencies investigating sources of terrorist funding, but Al-Qaeda, Taliban, Hezbollah all traffic in looted antiquities.[58] A Belgian art dealer was offered rubble from the Bamiyan Buddhas, rubble which had been collected by the Taliban after they destroyed the statues in 2001, unable to abide the presence of Buddhist monuments in a fundamentalist Islamic state.

According to the aforementioned interviews and undercover investigations on the part of a documentary team from the Belgian company Journeyman Pictures, the Taliban took over the looting trade in Afghanistan from local farmers, stealing what the farmers had looted to earn ends meet and sequestering archaeological sites to loot themselves on a massive scale.

It was shown how local farmers can earn a year's salary by selling one looted antiquity. A dealer at a flea market in Afghanistan might make a few dollars a day, but the documentary film team was sold to an ancient Greek fountain basin for $ 300 that had been dug up by a local peasant family in the countryside of Afghanistan. The local Afghanis lamented the fact that their own low-scale looting had been taken over entirely by the Taliban, who engage in massive looting of archaeological sites and tombs, using methods as brutal as tearing open tombs with cranes and

[56] http://www.lalsace.fr/actualite/2011/04/09/stephane--breitwieser--retourne--en--prison and http://www.expatica.com/fr/news/french--news/police--suspect--french--art--theft--addict--of--more--crimes_141339.html.

[57] "Kunst als Terrorfinanziering" in *Der Spiegel,* November 2005.

[58] Brems and van den Eynde (2009).

bulldozers, dynamiting entrances, and stripping artifacts away without any care for the archaeological record.

The team interviewed a professional antiquities smuggler, who explained that the preferred smuggling route from Afghanistan is by plane from Kandahar, first by bribing customs officials, and by working out a deal with a middle man in Bangkok, Singapore, or Dubai who will approach Western collectors, dealers, and museums on behalf of the local looting gangs, and keep a percentage. They shop Polaroids first, before shipping the actual goods, often carried in carry-on luggage. The same method used by Mohammed Atta in Germany.

It is important not to skip over the links between art crime and terrorism merely because scholars have not acquired substantial empirical evidence to support the claims on the part of experts involved with governmental investigations that antiquities looting is a major funding source for terrorist groups. It is understandable that this information has not been made available to the general public or to scholars, as it is considered sensitive and remains classified for government use. The lack of empirical data to back up the rumors of the connection may be frustrating to criminologists who are understandably used to dealing in empirical evidence, police files, and statistics. But the crime type is serious enough, and the bonafides of those who underscore the severity of the connection between art crime and terrorism are solid enough, that this aspect of art crime cannot be passed over.[59]

Characteristics of Organized Crime in Art Crime: Stockholm Museum (2000)

There are a number of characteristics of organized crime, particularly larger mafias, when they are involved in property theft of any sort. From these characteristics and case studies we can extrapolate how such groups tend to behave when involved in art theft.

Among the trademarks of organized crime is the threat of violence that is rarely acted upon. The popular impression of mafias is one of gratuitous violence, but in general violence in mafias is targeted at other, rival organized crime groups or in targeted, specific, and rational attacks on individuals who are seen to have betrayed the organization. The reasons for this are that there are strict rules and regulations in place within the hierarchy of organized crime groups, and action taken without a direct order, and therefore outside of those regulations, is frowned upon and severely punished.

Therefore, if an art theft takes place in which violence is threatened but not acted upon, it suggests that an organized crime group is behind the action.

There is also a brazen quality, a confidence that tends to come from a combination of the backing of significant and powerful resources and individuals in a collective criminal enterprise, and from a history of successful criminal actions, which manifests itself when organized crime groups are involved in art theft.

[59] Most recently, see http://articles.cnn.com/2011-07-07/world/iraq.looting.bogdanos_1_antiquities-trade-iraq-s-national-museum-looting?_s=PM:WORLD.

These characteristics combine in a recent trend in art theft, in what the author has called "blitz thefts," borrowing the term from American football wherein all defensive players charge straight for the quarterback and attempt to grapple the ball from him. While examples include the Emil Bührle Collection (2008), the Munch Museum theft (2004), the Corsican Mafia's theft from the Papal Palace at Avignon (1976) and many others, perhaps the best recent example is from the 2000 Stockholm Museum theft.

In December 2000, several car bombs were detonated at various points around the city of Stockholm, Sweden. Fearing a terrorist attack, police swarmed to the bomb sites, which were at opposite ends of the city from the National Gallery of Sweden. At that point, armed, masked thieves burst into the National Gallery, which rests at the end of a promontory into the bay, surrounded by water and accessible only by one road. Threatening with firearms, the thieves grabbed several paintings, including a Renoir and a Rembrandt *Self-Portrait,* and fled the museum, escaping via a motorboat which was idling in the bay behind the museum.

By the time the police realized that the car bombs were merely a distraction, the thieves were gone. The police raced up the road leading to the museum, and suddenly their tires exploded. The thieves had laid out tire spikes on the road, to burst the tires of any pursuing vehicles. The theft reads like the opening to a James Bond movie, and it bears all the markings of art theft by organized crime groups.

The threat of violence, through brandishing of firearms, without acting on that threat has not been undertaken, as far as the author is aware, by a "non-organized" thief or thieves engaged in art theft. The use of what the author has called "blitz" thefts, in which masked, armed thieves burst into a museum, grab art near to the entrance, and run out, allowing the alarm to ring but escaping before it can summon useful assistance, are all characteristics of organized crime in the form of larger-scale international criminal groups, like mafias.

The Rembrandt *Self-Portrait* was recovered several years later, offered to an undercover FBI agent in a hotel in Copenhagen, an agent who had been posing as a criminal collector. His offer of $ 250,000 in cash lured the criminals to offer him the painting, which suggests that they had no other plan in place to profit from the theft and that they had received no comparable offer. As the exchange took place with the FBI agent, the Danish and Swedish police apprehended the criminals and the painting was recovered[60].

Small-Scale Organized Crime Groups: Bill Reid Gold Thefts (2008)

On 23rd May 2008 thieves wearing gas masks stole 12 gold objects created by the Haida goldsmith Bill Reid as well as several antique Mexican gold objects from the Museum of Anthropology at University of British Columbia, in Vancouver. Thieves had watched the museum for some time, noting when the security guards changed shifts. In the process they took note of the smoking habits of the only guard on

[60] This case is detailed in Wittman (2011).

duty at night—he regularly slipped outside for a cigarette, leaving the museum unguarded for the duration of his smoke.

The thieves waited until the guard stepped outside for his cigarette, and rushed into the museum. But they were prepared for the guard's return, should he finish his cigarette break early. They sprayed bear spray across the entrance to the museum, a high-powered form of mace used in emergencies to repel a bear attack, thereby blocking the entrance—had the guard returned he would have been, effectively, maced by the cloud of smoke that remained. Wearing gas masks to protect themselves and hide their identities, the thieves made off with a haul of gold artworks. The thieves also had significant knowledge of electronic security systems: they disabled the recording mechanisms of the surveillance cameras while the cameras were still on.[61]

The museum was particularly fearful that the gold objects would be melted down for their raw materials. Most stolen art has a high value through non-intrinsic reasons: that is to say that the value is not the sum of its constituent parts (which in paintings, for example, are often just wood and pigment), but rather how those humble parts are unified by the artist. For works of jewelry or in gold, there is a danger that the thieves will try to cash in only on the value of the raw materials, which are of reasonably high value in this case. While the art itself was valued at $ 2 million, we have discussed the difficulty and danger for the criminals to attempt to sell stolen, uniquely identifiable art. It is far safer to melt such gold artworks into unidentifiable lumps of raw material and sell those, thereby pocketing $ 15,000 (the value of the raw gold) without risk of being caught.

In hope of preventing this, the museum offered a reward for information leading to the recovery of the stolen art of $ 50,000 Canadian, a sum far higher than the value of the raw materials alone. The danger of offering a reward is that it teaches not only these criminals, but others that crime does pay—that they can be rewarded by their victim in the form of cash for the return of the stolen art. For this reason in some countries, it is been illegal to pay a ransom, whether to recover a kidnap victim or a work of art. In 1975, thieves stole 28 paintings from the Museum of Modern Art in Milan.[62] A reward was offered, and the paintings were returned by a colleague of the criminals, who thereby pocketed the reward. Shortly, thereafter, the same gang of criminals stole 35 paintings, including many of the same works, from the same museum. This time they kept the art, and it has never been recovered. That is the danger of paying a ransom.

In this case, however, the strategy paid off. The offer of a reward tempted the thieves, who were members of a small local criminal gang involved primarily in jewelry theft. Their intention had been to melt the stolen objects, but the reward had stayed their hand long enough for the police to arrest them after an anonymous tip led to their capture in a suburb of Vancouver.[63] All but two of the stolen works were recovered, along with other stolen jewelry pieces.[64]

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[61] http://www.cbc.ca/news/canada/british-columbia/story/2008/05/25/bc-ubc-museum-heist.html.

[62] http://arttheftcentral.blogspot.com/2009/02/ransoms-and-stolen-art.html.

[63] http://www.canada.com/vancouversun/news/story.html?id=86909696-cc94-4f17-9927-e1e7004f58fd.

[64] http://www.canada.com/topics/news/national/story.html?id=88f0469a-a72b-47d4-83d8-fa1b-127cea04.

Media and Art Theft: Odessa "Caravaggio" (2008)

On June 28, the interior minister of Ukraine announced the recovery of a painting by Caravaggio that had been stolen on the night of 31st July 2008 from a museum in Odessa, Ukraine. The thieves had out-smarted an antiquated alarm system by removing a pane of glass from the window, instead of breaking it. Once inside the Museum of Western and Eastern Art, the thieves, members of an organized crime syndicate, had sliced the canvas off of its stretcher, and disappeared into the night, without tripping a single alarm. An original Caravaggio can fetch upwards of $ 50 million at auction. But though the thieves were almost certainly unaware of this fact, the stolen "Caravaggio" is a fake.

To be precise, the Odessa *Taking of Christ* is a contemporary copy of Caravaggio's original *Taking of Christ*, which is in the National Gallery of Dublin. The Odessa copy was proclaimed originally by Soviet historians in the 1950s. But a 1993 article by art historian Sergio Benedetti proved what anyone who is familiar with Caravaggio's work could see from looking at the painting—it was a good, contemporary copy. The figures, particularly that of Christ, are different (and less refined) than Caravaggio's normal work. The easiest comparison is to juxtapose the Dublin and the Odessa pictures. The Dublin picture is lighter, and yet more brooding, and the figures are sharper. While an original Caravaggio could fetch $ 50–100 million at auction, a contemporary copy will bring in six figures, perhaps low seven. While that's nothing to sneeze at, it is highly unlikely that the thieves knew that they were stealing a copy, worth less than 10 % of an original Caravaggio.

According to police and criminologists, the Ukraine is rife with organized crime, with the Balkan Mafia particularly active. Their history of stealing art for trade or collateral in deals for drugs and arms suggests that this latest theft is another that can be attributed to them. They almost certainly, however, do not read art history publications like *Burlington Magazine*, which published the article proving that the Odessa *Taking of Christ* was a copy.[65]

The thieves are not the only ones who may have missed the Burlington Magazine article. Most people think that the Odessa painting is an original—especially if they believe most world newspaper articles, which reported that it is an original Caravaggio worth $ 100 million. It seems that most newspaper reporters did as little research as the thieves. Among other criminals, the thieves can present newspaper clippings "proving" that their stolen Caravaggio is original, and simply ignore those who might point out its inauthenticity.

Though *The Taking of Christ* has now been recovered, the coda to the story of the Odessa "Caravaggio" remains mysterious. Police only reported that the organizer of the crime had been murdered in 2008, leading to speculation on who it might have been.

On 6 December 2008, the Ukrainian Newspaper Weekly Mirror reported:

[65] http://www.heraldscotland.com/sport/spl/aberdeen/gallery-tantalisingly-close-to-a-priceless-discovery-1.763792.

> According to information received by WM (Weekly Mirror) from sources close to the Ministry of the Interior, state law-enforcement agencies have recovered the Caravaggio painting "The Taking of Christ, or the Kiss of Judas." The painting was stolen from the Odessa Museum of Western and Eastern Art in July of last year…According to several sources, the organizer of theft, who has been under investigation for several months, was found dead.

Three days later, on 9th December 2008, another article linked the death of the organizer to the recovery of the painting: "According to unconfirmed information, the organizer of the theft was found murdered several months ago."[66] This statement would place the murder of the organizer of the theft soon after the July 31st theft itself.

Or does another murder, one which corresponds to the recovery of the stolen painting, shed more direct light on the organizer of the crime? The question of the identity of the murdered crime organizer remains undisclosed by police. But Nikolai Ponomarenko is a strong possible candidate.

The murder of Ponomarenko, a wealthy Ukranian art collector, was reported in The Economic News on 8th December 2008:

> Viktor Razvadovskii, the chief of police for the Kharkov region, has announced that a valuable painting has been found in the home of the murdered art collector Nikolai Ponomarenko, but that this painting "is not a Caravaggio," the Ukrainian newspaper *Today* reported. The find has been sent off for an examination of its authenticity and value. The subject of the painting, which depicts sheep, has nothing in common with the subject of the stolen masterpiece.

Nevertheless, Ukrainian law enforcement officials report that they are close to solving the Caravaggio affair. According to Vasilii Presnyazhnuk, prosecutor for the Odessa region, authorities in one region of Ukraine have seized an automobile transporting five original paintings valued at "3 million euros or more."[67]

On a few matters, the available facts seem to agree. Organized crime was behind the theft of *The Taking of Christ*. Ponomarenko's murder was linked to stolen art. The organizer of the theft, perhaps Ponomarenko himself, but certainly someone linked to him, was murdered following the theft. Ponomarenko was involved in the illicit art trade, as a buyer if not an organizer.

Russian and Ukranian Organized Crime experts made several statements to the media regarding art crime in the Ukraine that diverge from the general understanding elsewhere in the world. While it is agreed upon that crimes such as the Odessa theft are most often perpetrated by organized crime groups, the destination of the works stolen in the Ukraine is, according to these authorities, criminal collectors:

> In the 90s the antiques mafia worked to export. Now they steal for themselves," asserts the head of the department of local investigation of the Ministry of Internal Affairs of Ukraine, Vladimira Gusak. "Basically, rare pieces find their way into the private collections of well-to-do Ukrainians.[68]

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[66] "The Kiss of Christ was Returned to the Odessa Museum" in Novoe Vremya, 12/9/08. All translations by Joel Knopf.

[67] From an 8 December 2008 article in *E'konomicheskie novosti.*

[68] From "Karadzho ushel po kryshe," published in *Trud*, 9/02/2008.

In reality, very few individuals who could be categorized as "criminal collectors" have played a role in known art crimes over the past 50 years. The presence of criminal collectors is a popular misconception—they certainly do exist, but the documented examples of the knowing purchase of stolen fine art, and particularly the commission of thefts of fine art, are few, and negligible in comparison with the majority of art crime cases. Identifiable works of fine art stolen from public collections, such as *The Taking of Christ,* are much more likely to be held for ransom, or traded on a closed black market between criminal groups, used for barter or as collateral in deals for other illicit goods, such as drugs and arms. Despite this, unnamed "specialists" suggest that private collectors are responsible for the majority of fine art thefts in Russia and the Ukraine:

> Black market "specialists" assert that oligarch-mafia men have paid at least 100 million dollars for the painting and are hiding it from the public gaze in their apartments. Their professional colleagues at the museum suggest that in this case we are dealing with a premeditated, commissioned crime… So, it is most likely that the treasure is sitting in the private collection of some sort of oligarch whom the detectives will never reach.[69]

On 28th June, Anatoly Mogylyov, the interior minister of Ukraine, announced that German and Ukrainian police had recovered the *Taking of Christ* and had arrested members of an organized crime group that specializes in high-value thefts of items that include artworks. The group had intended to sell the "Caravaggio" in Berlin.

It is incredibly rare to find a case in which a private collector commissioned the theft of artwork for their private delectation. Far more often, organized crime gangs steal art on the assumption that they will be able to find a buyer—and the failure to locate the elusive criminal collector results in gangs holding on to art that they have been unable to sell. This example is a case in point—an organized crime group stole the painting but failed to find a buyer and, around 2 years later, they still retained the stolen painting.

The mention of certainty that "oligarch-mafia men have paid at least $ 100 million for the painting" tells us that the thieves were able to convince at least someone that *The Taking of Christ* is by Caravaggio, when the rest of the art history world knows that it is not. Were there any question of the painting's value, the thieves needed to only have brandished any of the international newspaper articles that blazed headlines "$ 100 million Caravaggio Stolen from Odessa," to provide their proof of its value. World newspapers wouldn't lie, would they? Probably not, at least not intentionally. But they would allow their enthusiasm for a hot story to impair the diligence of their research, effectively handing Organized Crime $ 100 million, when the actual value of the stolen painting was likely less than 1% of that figure. Even yesterday's New York Times article reporting on the recovery of the "Caravaggio" failed to mention that the "Caravaggio" is not, in fact, a Caravaggio.

Journalists, it seems, can be an art thief's best friend.[70]

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[69] "POTSELUI' IUDY DLIA...OLIGARKHA," *Rabochaia gazeta*, No.141, August 06, 2008, p. 4.

[70] This section on the Odessa theft is based on Charney (2009a).

Street Criminals: Dennis Maluk and Heroin for Paintings (2009)[71]

The spring of 2009 saw a rash of art thefts in New Haven, Connecticut. A total of 39 recorded artworks (paintings, drawings, and photographs) were stolen from the greater New Haven area within a period of months.[72] This included three paintings taken from the Slifka Center at Yale, a Jewish community center, three photographs taken from the New Haven Public Library, three photographs taken from the New Haven Legal Assistance Association, and six works taken from the Yale New Haven Hospital. None of the works were of significant value, but those from the Slifka Center were worth in the high thousands of dollars each.

Examination of CCTV footage from the Slifka Center led local police to the thief: Dennis Maluk, a heroin addict. Maluk was arrested and told police that he had been stealing art in order to trade it for heroin. His dealer, Bruno Nestir, was a local member of a larger regional gang involved in small-scale sales of drugs and illicit firearms. When police raided Nestir's apartment, they found all 39 paintings, two shotguns, two rifles, two revolves (all unlicensed), $ 947 in cash, and both heroin and marijuana packaged for sale on the street.

Only one of the stolen artworks was hanging on Nestir's wall. The others were stacked neatly on the floor of his apartment. He had taken to selling the frames for cash, and it is not clear what his intention was with the artworks themselves. Maluk said that Nestir would trade him $ 30–40 worth of heroin for each artwork. Maluk was essentially stealing art to exchange for a day or two's worth of his heroin fix.

Dennis Maluk is a typical example of a street criminal (sometimes called "common thief") who happens to steal art, but who might have been just as content stealing DVD players, laptops, or cars—anything that will get him quick cash or, in this case, his next heroin fix. He stole paintings for no more thought-out reason than that they were relatively under-protected, relatively portable, and that he could get heroin for them. But the case is not quite so clear-cut, as Maluk was swapping the 39 paintings he happened to steal for heroin provided by a member of a local organized crime group, Bruno Nestir. Thus, the street criminal was being used by an organized crime group.

While this case is, in itself, not particularly remarkable and does not involve art of particular importance, it does provide an ideal microcosmic view into what happens with stolen art. In cases such as this, and on a larger scale like the Martin Cahill case we will discuss in a moment, we see the interchange between drugs, arms, and stolen art, which sometimes takes the form of exchange on a closed black market between criminals or criminal groups. Stolen art may be used for barter or act as collateral in deals for other illicit goods for which there is criminal risk involved in cashing in on the good in question, whether it is drugs, arms, or art. This case also illustrates a common theme: most thieves who steal art have no prior experience in art crime, and no knowledge of, or appreciation for art. Art represents an easily-portable, often under-protected, high-value commodity, and nothing more.

[71] This section, the next, and the section on the Bill Reid theft, all in slightly different versions, also appear in Charney (2014).

[72] Ironically, these thefts took place while the author was a Visiting Lecturer in New Haven at Yale University, teaching a seminar on art crime.

Pre-Emptive Lawsuits Against Reclamation Claims: Yale Art Gallery and Van Gogh's Night Café (2009)

The Internet era has seen a sudden increase in repatriation and reparations legal cases regarding stolen art. This is due to the simple fact of the world of information having become more accessible. Thanks to digitization we now know the location of artworks, particularly in public collections, from Seattle to Sri Lanka. In the past, one would have to travel to a collection to know what is inside it, or to rely on catalogues and books, which might not always show complete collections. A precedent has been set that art stolen during the Second World War in particular should be returned to the ancestors of those from whom it was stolen, as in the Maria Altmann case, in which five Gustav Klimt paintings that had been taken from her family during the Nazi era were restored to Altmann after a legal battle[73]. A small but growing legal specialization has arisen, a subsection of art law which focuses on art reparations. A settlement was recently struck on behalf of the descendants of Kasimir Malevich, in which five Malevich paintings, appropriated by the Soviet Union when Malevich traveled abroad in 1927, were returned to the Malevich family, while a further 75 under consideration, would remain in the collection of the Stedelijk Museum in the Netherlands, which had acquired these 80 works in 1958.[74] This trend has also seen preemptive, defensive lawsuits. In 2009 the Yale Art Gallery brought a pre-emptive suit, seeking for a judge to reiterate that the jewel of their collection, *Night Café* by Vincent van Gogh, was the property of the museum.[75] A rumor had preceded this action that a descendant of the original owner was making noise about reclaiming the painting for his family, which prompted Yale to this defensive action.

We will likely see more such lawsuits in the future, as more of the world's collections are digitized. Not only does this allow people to learn what art is where, but it also facilitates family history research, allowing victims of past art theft to discover the historical circumstance and therefore build a reasonable legal case for reparations or the return of looted art.

In addition to legal cases, the Internet era has made it far more difficult for thieves to sell stolen art. Most valuable fine art is unique and instantly recognizable if it comes from an extant collection (antiquities looted directly from the earth or the sea are, of course, a different story, as we have discussed). Within hours of the discovery of a theft, photographs and descriptions of the stolen goods can be circulated around the world.[76] This makes it very difficult for a potential buyer of stolen art to claim that he did not know that the work in question was stolen, and it makes it far more difficult for thieves to shop stolen art. This has driven criminals to use stolen art as barter or collateral, as we have discussed, in order to avoid the

[73] See Czernin (2006) and http://www.nytimes.com/2011/02/09/arts/design/09altmann.html?_r=1.

[74] Spiegler (2009).

[75] http://artsbeat.blogs.nytimes.com/2009/03/25/yale-sues-asserting-ownership-of-van-goghs-night-cafe/.

[76] One of the best sources for press releases about stolen art is the Museum Security Network.

danger of looking for a buyer—for a large percentage of the stolen artworks that are recovered are found, thanks to an undercover operation in which a policeman pretends to be a buyer of stolen art, luring the thieves into offering him the works.[77]

III. Mechanics of Art and Antiquities Theft and Trafficking

Having discussed a number of case studies, let us now briefly analyze the phenomenon of art crime as it evolved through history.

Much of the mechanics of art crime—precisely how and for what exact purpose it is committed—remains mysterious to the general public and police alike. The reasons for this are complex. They require an understanding not only of organized crime, but of the exclusive and often opaque machinations of the international art community. The art trade has always been perceived as shady and unscrupulous, full of closed doors and lips, gentlemanly vows of silence and blind eyes. What other multi-million dollar market so rarely leaves a paper trail of transactions, regularly hides commodities to avoid luxury tax, and relies so heavily on the unscientific assurance of connoisseurs to determine authenticity and value, with fortunes in the balance? Few police understand the art world, and few members of the art community work as police officers.

Police reports as well as logic tell us that it is necessary to have an international network to facilitate the transnational transportation of illicit goods. Exceptions like the Venetian fishermen smuggling Saint Mark's bones in a barrel of salt pork aside, international colleagues, bribed officials, and the capacity to move illicit goods from one country to another require a certain level of "organization" in the course of a crime. Therefore, it is logical that somewhere in the life of an art or antiquities theft, an organized crime component will be involved. This could be like the Dennis Maluk case, in which an individual street criminal stole on his own, but then swapped the stolen art for illicit goods in the hands of a member of an organized crime group. It could be local farmers in Afghanistan who dig up antiquities in their spare time and sell them to the Taliban. But aside from the European Union, with its open borders, there is a risk to smuggling stolen art and antiquities, and that risk is mitigated when professional criminals, who smuggle goods such as drugs or arms regularly, and who have the infrastructure and connections in various nations to facilitate transnational transport.

Most countries have no dedicated art police, an important point to note, as it is evident that the governmental administration of these countries do not consider art crime of sufficient severity to warrant a department of its own, despite numerous publications to the contrary. The reason for this is the relative paucity of sufficiently extensive empirical data and statistics on art crime—the result of a cyclical

[77] The careers of Charlie Hill and Robert K. Wittman, two policemen who went undercover to recover stolen artworks, provide numerous examples of this. See Dolnick, Edward *The Rescue Artist* and Wittman (2010).

self-destructive pattern. The empirical data is sparse because governments do not dedicate resources to gathering and analyzing data on art crime. They do not dedicate resources because the existing data has not proven its extent and severity to them.[78]

Interpol's Stolen Works of Art department acts as an information-gathering point for world art police, keeping track of reported crimes and stolen objects on a database, and functioning as a point of reference. They publish annual data, as reported to them by constituent countries, but themselves admit that the data from each country is incomplete and reports only a fraction of the total art crime activity. That said, Interpol ranks art crime as the fourth highest-grossing criminal trade, behind only drugs, arms, and human trafficking, a subtle distinction from the US Department of Justice, which ranks it third, ahead of human trafficking.[79] All such rankings are based on best estimates, and should merely be taken as an indication of the severity of the crime category. That the US Department of Justice also highlights the fact that art crime has become enveloped in the operations of organized crime, and therefore funds more sinister activities, from the drug and arms trade to terrorism, should underscore the need to support police efforts to curb art crime.[80]

Under-Reported and Under-Studied

Art crime has gone understudied due to two primary factors: police filing systems that do not distinguish stolen art from general stolen property, and the limited number of art crimes that come to police attention at all. The problem is continued because of the poor book-keeping on the part of world police, who in general are not instructed to distinguish general stolen property from stolen art when filing police reports. There is a difference between a report on a stolen DVD player and a stolen Rembrandt painting, but most of the world's police would file both reports in the same category. This filing, or lack thereof, takes place at a local level. It requires the recognition that a particular police report falls into the category of art and antiquities crime in order for the local police department to report the crime to the regional authority. Likewise the regional authority must think to report the crime to the national authority, and the national authority must finally, in turn, report this to Interpol's stolen works of art department in order for the data to be filed along with other international reports. If at that first, key stage, the local police report, an art crime case is not singled out and distinguished from general stolen property reports, then it is unlikely that the report will move upstream, much less reach Interpol. There are multiple points at which the art crime file can go unreported, and at each stage precious information can be lost.

There are numerous reasons why an art crime might go undiscovered or unreported. The majority of art crimes involve the illicit looting and trade in antiquities

[78] This point is addressed extensively in Charney (2009c).

[79] http://www.interpol.int/public/WorkOfArt/woafaq.asp.

[80] http://www.justice.gov/usncb/programs/cultural_property_program.php.

that are taken directly out of the earth or the sea and have, for all intents and purposes, never existed before for modern mankind. These works will never appear on a stolen art registry, and are often illegally excavated by locals in rural or wilderness locations. If, for example, a person in authority were to come across an empty tomb which had been looted in the wilderness of Peru, or in the forests of Umbria, what could they report? The contents of burials, tombs, and archaeological sites that have not yet been studied by archaeologists will contain unknown, unregistered objects. Apart from the archaeological context that is lost when tombs are excavated by looters, there will be no record of what was buried at the sites to begin with[81]. If an authority were to stumble on the scene (which would require a certain amount of luck, given that many of these looted sites are in out-of-the-way areas), all that they could report was an illicit excavation. Whatever textiles, ceramics, jewelry, sculpture, or even human remains that might have been buried there will have been taken, with little or no trace remaining for the authority to report.

Because antiquities looted directly from sites (and not, by contrast, from extant collections) will never appear on any stolen art registry, they are far easier to sell and thereby to profit from[82]. Such objects can be sold on open markets with only a fake provenance, the documented history of an object, to suggest that the object was legally excavated and exported[83]. From galleries to auction houses to e-Bay, illicit antiquities that were taken from sites rather than extant collections may be sold for full or near-full value. It is common for legitimate antiquities to have little or no documented provenance, and criminals can take advantage of this fact.

By way of example, in the 2009 documentary *Blood Antiques*, undercover filmmakers traveled to Afghanistan and purchased a looted antiquity from a local family of peasant farmers. It was a Hellenistic architectural fragment which they purchased for around $ 300 in cash, many times the monthly earnings of the family from which they bought it. There they learned from the family that the Taliban had taken over the looting of antiquities, and sent official teams of diggers, often with heavy machinery such as bulldozers which damage the tombs and artifacts that they seek to excavate, to take over any identified archaeological site. The objects taken in these institutionalized looting actions would be sold abroad to fund Taliban activity. Local farmers had been "muscled out" of the tomb-raiding business which was, for them, a vital source of income.

[81] See Fincham (2009).

[82] Works only appear in stolen art registries if they are proactively reported to the registry. An object taken from an illicit excavation has never entered a collection, nor been filed or photographed (aside from the occasional photograph taken by looters), and therefore there will be no information to pass on to the stolen art registry.

[83] This only requires the creation of documents attesting to the fact that the object was excavated and exported before 1970, the date of the UNESCO convention which formalized the heretofore irregular and irregularly enforced national laws on the excavation and export of cultural heritage. A sort of an amnesty was declared for objects exported before that date. For more on the 1970 UNESCO Convention, see http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.

In the second part of the documentary, the film-makers smuggled the antiquity they had purchased into Belgium. There they hired an actor of Middle Eastern descent to "shop" the antiquity to local Brussels art dealers, while carrying a concealed camera. Several different dealers took the time to explain to the man not only that they would happily sell the antiquity for him, without asking any questions, but also how to make the antiquity appear more legitimate to potential buyers. In another scene an undercover journalist asked a gallery owner about the origins of an Afghani antiquity on display. He was told that it had been in the collection of a European family for generations. He then asked the gallery owner why, if it had been in Europe for generations, did it still have desert sand on it? He pointed to the sand that lined its crevices. The gallery owner could not come up with an answer.

With looted antiquities relatively easy to sell on an open market, and considering that looted antiquities represents by far the biggest factor in art crime (the author estimates that illicit trade in antiquities represents as much as 75 % of all art crime), it is easy to see how this category of art crime can be a significant source of income for criminals. Further, Paolo Giorgio Ferri, a leading Italian attorney who prosecuted the infamous antiquities looting ringleader Giacomo Medici, estimates that 90 % of all antiquities looting is undertaken by organized crime groups, thereby making the loss of archaeological context one among many problems, as the looted antiquities fund all manner of other activities in which organized crime is involved[84]. Antiquities can cost anywhere from hundreds of dollars all the way up to the low millions, and unlike art stolen from extant collections, which cannot be openly shopped for fear of being recognized as having been stolen, they may be sold for full value.

For art or antiquities stolen from extant collections, there are also factors that can result in thefts going unreported. In Europe, inheritance and luxury taxes have resulted in some instances of families choosing not to declare their ownership of expensive luxury items, like fine art, in order to avoid taxation. Should these items be stolen, the families in question cannot report the theft, for fear of being prosecuted for tax evasion, because they have never officially declared ownership of the object. Likewise collectors and museums alike may prefer not to report a theft, which would be seen as embarrassing and perhaps an invitation to other criminals, their security systems having been exposed as weak. Many of the world's museums display not their own collections but works of art on loan from private individuals and institutions. If the museum is shown to be insecure, the victim of theft, then the loan objects might be recalled. Finally, objects that are stolen from storage, or collections that are catalogued en masse (such as a rare book which contains valuable

[84] From a talk given by Paolo Giorgio Ferri at the ARCA Conference in the Study of Art Crime (10 July 2011 in Amelia, Italy). By "organized crime" he meant primarily small-to-mid-sized gangs of coordinated, full-time looters who were assigned locations to loot by one or more criminal administrators who then bought the goods from them, and sold them on, often to leading museums and collectors. The two most renowned and powerful of these looted antiquities dealers in Italy were Giacomo Medici, currently in prison, and Gianfranco Becchina. Ferri did specify that large international mafias are also involved, but more often in Italy at the level of being paid for the right to loot within their territory, rather than actual Mafiosi involved in the looting itself.

prints on some of its pages) may not be aware of a theft for years. Map and manuscript thieves, such as Cesar Gomez Rivero who stole on numerous occasions from the Biblioteca Nacional in Madrid, took individual pages from books—the books themselves were accounted for, but each page was not checked, so it was not until a scholar happened to request the same book and turned to the missing page that the theft was reported at all.[85]

These factors go some way to explaining why police and scholars estimate that most art crime never reaches Interpol's files, and that the data kept by Interpol is, therefore, necessarily incomplete, representing only a fraction of what is likely taking place each year. Despite this, art crime is still ranked the third-highest-grossing criminal trade, underscoring the severity of the crime type.

It is important to question the origins of data, and the information from the US Department of Justice is no different. The report comes from an investigation on which Scotland Yard's Arts and Antiques Squad, under Detective Sergeant Vernon Rapley, collaborated with Interpol, the results of this report being presented in the 2006 annual Interpol Stolen Works of Art conference in Lyon. Since that report, which included not only the ranking of art crime but also emphasized what many police had known for decades, that art crime involves both organized crime and terrorist groups, the majority of the world's police who focus on art crime cases have quoted this information.[86] The information in the study has, necessarily, come primarily from the accumulation of anecdotal evidence, such as the personal experience of art police, rather than the masses of empirical evidence, data, and reports with which criminologists are most comfortable. Further, because the information came also from the UK National Threat Assessment, conducted by SOCA, and included testimonies from active counter-terrorism reports, the files, which were filed in 2006 or 2007, remain classified.

Few criminologists have chosen to study art crime at all, due primarily to the aforementioned lack of sufficient data, and secondarily to the fact that art crime is inherently interdisciplinary, and requires a willingness to expand outside of one's discipline in order to fully grasp the subject, which requires an understanding of the art trade, art history, history of collecting, art law, security studies, policing and investigation, archaeology, museums, conservation, and criminology. Those scholars who have studied art crime tend to approach it from different fields, such as the author's background in art history, which is itself an interdisciplinary subject that cobbles together numerous anecdotes, documents, and historical fragments in order to piece together the whole picture. A strictly statistics and data-focused criminological study of art crime may be an exercise in frustration, as the parameters of such studies are, unfortunately, necessarily limited.[87]

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[85] http://www.elmundo.es/elmundo/2007/10/05/cultura/1191538441.html.

[86] The author has worked with many of them, including members of the FBI, Scotland Yard, Dutch Politie, Quebec Police, Slovene Policija, Spanish Police, and Italian Carabinieri.

[87] A further problem is the hesitancy of police to hand over art crime files to criminologists for analysis. Because so few art crime cases are successfully prosecuted, few are deemed "closed" and therefore cases that police departments feel comfortable passing over for scholarly analysis.

Some very good, intelligent criminological analyses, such as A. J. G. Tijhuis' "Who is Stealing all Those Paintings?" in Charney ed. *Art & Crime: Exploring the Dark Side of the Art World* (Praeger 2009), provide strong studies but of limited data sets—in that article, 50 cases in total were examined. While it is not broad enough to comfortably extrapolate from its conclusions to say that they are applicable to all art crime worldwide (when one considers that there are around 30,000 reported thefts per year in Italy alone), it is the sort of point of departure that scholars must accept in order to approach the study of art crime[88]. Likewise the work of Mark Durney in his blog, "Art Theft Central," and in academic papers represents a good start, gathering whatever data is available and applying criminological analyses to it[89]. Such flexible, interdisciplinary approaches are necessary at this relatively early stage in the development of the field of the study of art crime.

Conclusion

The traffic in stolen art and antiquities is a crime type that has a long history of transnational activity. It is ranked the third highest-grossing criminal trade worldwide, and one that, regardless of one's definition of "organized crime" does involve criminal groups of all sizes and is a funding source for terrorist groups. Despite this fact, art crime has been little studied and is generally considered, by both the public and by many under-informed police and government officials, as of little relative importance. Most of the world learns about art theft from fiction and film, assuming that the art theft consists of a handful of headline-grabbing museum heists each year, and nothing more. There is the further assumption that art theft only effects the wealthy and elite, and therefore is not particularly severe. As the Dutch criminal lawyer Petrus van Duyne once said, "There is not enough fear about art crime." By this he meant that the general public does not fear art crime the way they fear the drug and arms trades, and therefore there is no public lobby for authorities to take it more serious. A public concern for art crime would have a trickle-up effect, in that it would encourage police and governments to treat the crime type with the respect that it is due. Though important public institutions like the US Department of Justice make publically available their information, the public and often police opinion of art crime is a holdover from the days before the Second World War, when art theft was indeed generally the realm of individual, often ideological thieves, such as Vincenzo Peruggia. The romance of art theft was perpetuated by novels such as the

[88] The author's own work on art crime is, similarly, based on case studies. In my upcoming book, *The History and Future of Art Crime*, to be published by Princeton University Press, I use around 60 carefully-selected case studies, each of which provide information about the phenomenon of art crime through history. These were chosen from around 300 case studies that I have analyzed, but my approach, trained as I am in art history and a rather late adherent to criminology, is more that of the historian, taking what fragments of information and fact we can and using them to try to fill in the gaps of knowledge.

[89] http://arttheftcentral.blogspot.com/.

Raffles and Arsene Lupin series, which glamorized "gentleman" thieves who steal art and jewelry. Public perception has not caught up with the reality of art crime, and few outside of the limited circle of art police and the handful of scholars worldwide who focus on the field are aware of the connections between art, organized crime, and terrorism.

The illicit transnational trade in art and antiquities has a long history, which if we are to include war looting and theft from conflict zones, dates back to Biblical times. But as this book does not focus on regime-legitimized looting, as we might term the appropriation of cultural heritage from a conquered or occupied territory by the conqueror/occupier, for our purposes we may begin our study with Adam Worth's 1876 theft of what was at the time the world's most expensive painting, Gainsborough's *Portrait of Georgiana, Duchess of Devonshire*.

We have seen how the looting of art in war is both cyclical and self-referential—later armies, such as those under Napoleon and the Nazis, excused looting by pointing to the fact that the practice began with past civilizations, like the ancient Romans. Art is taken in war for both symbolic reasons, cultural heritage fulfilling the function of battle flags captured by an enemy, symbolizing the power of the victor and the impotence of the defeated, but also as a saleable or tradable commodity to fund the war effort. Opportunistic individual thieves have existed throughout the history of art theft in war, from Citizen Wicar as part of Napoleon's art theft unit to Hermann Göring in the Second World War. This phenomenon is very much alive, as evidenced by the looting, which was both organized and opportunistic, of the Baghdad Museum in 2003 and in 2010 at the Cairo Museum.

Peace-time theft and looting has also evolved. What began, before the Second World War, as the realm of individual thieves has evolved after that conflict into a widespread transnational plague, with tens of thousands of thefts reported worldwide each year, a number which is certainly a mere fraction of what is actually taking place but which, for reasons discussed, goes undetected, unreported, or improperly filed. When once only the art was at stake, stolen art has become a criminal currency in the network of drugs, arms, and even terrorism. What was once a category of crime against individuals and the world of culture now affects a broad array of crimes and, as such, though popular opinion has not caught up with reality, is far more frightening than it once was.

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