

Archeology and the Art Market

An illegal international trade in antiquities is obliterating the record of ancient American civilization.

Clemency Coggins

In 1971, the international antiquities market became a major destructive force in world civilization. A handful of men specializing in what seems an almost scholarly trade are financing the wholesale destruction of the remains of a number of ancient civilizations and primitive cultures. In the Old World, the apparently limitless archeological riches of the shores of the Mediterranean have been coveted and exploited since the Renaissance, and they continue to serve as a major source of antiquities. In other parts of the world, a new sophistication has led dealers and collectors into an appreciation of all art-producing cultures, ancient and modern. This eclectic taste has created an expanding art market that has only in recent years turned its disastrous attentions to Southeast Asia, India, and the pre-Columbian cultures of Mexico, Guatemala, and Peru.

Despite a new public awareness of the gravity of the situation created by the illegal traffic in antiquities, despite a UNESCO (United Nations Educational, Scientific, and Cultural Organization) convention designed to alleviate the problem, and despite U.S. legislation restricting certain aspects of this commerce, there are more and more sites plundered and more and more illegal excavations made. Unlike many natural resources, our archeological re-

sources are not renewable. Once a site has been worked over by looters in order to remove a few salable objects, the fragile fabric of its history is largely destroyed. Changes in soil color, the traces of ancient floors and fires, the imprint of vanished textiles and food-stuffs, the relation between one object and another, and the position of a skeleton—all of these sources of fugitive information are ignored and obliterated by archeological looters. The casual destruction of a site produces perhaps a few pots, jades, or even sculptures, for which the robbers are paid very little but for which an American collector pays a great deal. The collector buys a beautiful object about which he knows virtually nothing, and no one ever mentions to him the devastation that was created in order to deliver it.

Most of the stelae have been cut up and shipped out. The large, stucco facade panels . . . have been torn apart and often completely removed. And the vandalism of pot hunters, who travel in large gangs and methodically destroy architecture in search of tombs and caches, is incredible. Hormiguero, which was until recently untouched, was exploited by such a gang in recent weeks—and now looks like a lunar landscape.

This description, by E. Wyllys Andrews, an archeologist at Tulane University (1), refers to the situation on the Yucatan Peninsula in Mexico, part of the territory of the ancient Maya.

The Looting of Mayan Sites

The remains of ancient Mayan civilization lie in the jungles of northern Guatemala and southeastern Mexico. The Maya built ceremonial centers with elaborate, stucco-covered stone pyramids, temples, and palaces between about A.D. 300 and 900. They had evolved a beautiful system of writing, which is still largely undeciphered, as well as a complicated and extraordinarily accurate calendar. Their consummate skill in sculpture is evidenced by carved stelae. (A stela is a slab of stone that was erected commemoratively and was usually carved with one or more figures and inscriptions. Stelae may be as high as 7 meters, by about 1½ meters wide and 1 meter thick, although they are generally smaller. They weigh many tons.) The Maya were also skilled painters, but very few frescoes remain, and their style of painting is known principally from polychrome ceramics and from two very late manuscripts.

The Maya organized and oriented their ceremonial centers according to strict astronomical and religious principles, and their stelae were erected, for historic and dynastic reasons, in highly symbolic locations. The long inscriptions on each stela relate to the astronomical and historical significance of both the monument and its erection. When these stelae are removed from their context, they lose much of their historical meaning in relation to the ceremonial center. As the result of modern plundering, they are losing a great deal more.

Stelae are much too heavy to remove intact from a site. They are usually found in remote jungle areas that must be reached by mule or dugout. For this reason they must be cut or broken up. The robbers, with varying degrees of skill, use power saws (Fig. 1), chisels, acid, or, more primitively, heat in order to crack the stone into pieces (Fig. 2). If a stela is in good condition, the aim is to saw off the sculptured face of the stone (Fig. 3). This common method, even at its most efficient, sacrifices the inscriptions, which

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Fig. 1. Stela. Motul de San Jose, Peten, Guatemala. Power saw cut visible at upper left. [Photo by H. S. Loten]

are found on the sides of the stela and sometimes on the back as well. When this method does not work, a frequent occurrence, the face of the stela is left a pile of chips on the ground—with any salable bits removed.

How do we know that this is happening? In the past 10 years, American museums and collectors have been buying the broken and sawed fragments of Mayan stelae—some of them well-known monuments that, even in their reduced state, bear eloquent, and legally verifiable, testimony to their original locations. Such evidence of the traffic comes from those objects that have been traced to collections. Much more abundant evidence comes from the reports of those who find one archeological site after another that has been recently plundered. These reports come from all parts of Guatemala and Mexico, as well as from the countries to the south. I have emphasized the Mayan area only because it is the one segment of the problem that has been documented.

As a result of the recent effort to document the nature and the extent of the traffic in monumental Mayan sculpture, the United States and Mexico ratified on 10 February 1970 a treaty that ensures the return to Mexico of any important sculpture or frescoes, stolen after the date of the treaty, that Mexico requests. Legislation with similar provisions that will apply to other

Latin American countries has been submitted to Congress. As a result of the Mexican treaty, there has been a sharp drop in the number of stelae and other important pre-Columbian sculpture available on the New York art market. This was its intention. There have, however, been a few unforeseen consequences.

Pre-Columbian Art and the Market

In the past few years, a number of major exhibitions of pre-Columbian art have been held in New York and in Europe. These have created a lively demand for pre-Columbian objects. Art dealers are making every effort to fill that demand, as they are legally free to do in this country, with whatever small, portable objects are not covered by the treaty with Mexico. While the excavations that these objects come from are illegal, and while exporting them from their countries of origin is illegal, once these objects reach the United States, they may be sold legally (as they may in most European countries).

In order to compensate for the loss of major sculpture, art dealers have increased their volume in ceramics and jade, and they have raised the prices of these small objects to those once asked for sculpture. Now there is big money in pots. Not long ago, there

were very few fine Mayan polychrome vessels on the market. A beautifully painted potsherd once brought a good price. Now, suddenly, there are a great many fine whole vessels available. Last spring in New York, there was a stunning exhibition that included 40 or 50 carved and polychrome vessels of the highest quality. All of them were, of course, without any indication of their places of origin. Each of them probably represents one largely destroyed building, although it is more likely that such a concentration of superlative objects represents countless unproductive excavations and burials discarded at the site by looters. Whole vessels and jades can be found in tombs and caches that are usually buried well inside buildings. The wanton destruction that is inevitable in the search for small objects is in many ways worse than the plundering of larger monuments.

Most collectors of pre-Columbian art are primarily concerned with the beauty of the object they have bought; they are encouraged by the dealer to consider it a wise investment—the more expensive the wiser—and, finally, if they have any museum connections, they may consider it a potential tax-deductible gift. There are few people who explain to the collector what the object may mean in terms of its own civilization and how much has been lost in the process of robbing it from its historical context. Are there then no specialists associated with museum collections who will emphasize the more scholarly values that underlie museum collecting?

As far as many American museums are concerned, a bird in the hand is worth everything. Museum people are schooled in the acquisition, conservation, and practical esthetics of objects in relation to museum collections. They believe that any object which is acquired by a museum is necessarily in a better place than it was before, in the jungle or in a tomb. Actually, no Mayan stelae, nor even their fragments, have reached the art market in as good a condition as they were in the jungle. Few ceramic vessels survive exportation without inexpert mending jobs.

The Scholar and the Art Dealer

Many museum curators and archeologists serve in advisory roles to art dealers and collectors, in a relationship that emphasizes the esthetic and monetary values of objects on the market.

Recently, however, the nature and the success of the antiquities business has imposed a great strain on that relationship, which has, in the past, been largely benign and cordial. There is a sense of betrayal, and of confusion, on the part of many archeologists and art historians whose contacts with dealers have always been correct and carried on in an atmosphere of both antiquarian scholarship and esthetic pleasure in the objects involved. Their opinions, freely given, have usually been offered in the hope of enhancing the objects in an historical sense and ferreting out forgeries. In return for such information, art dealers have traditionally kept such specialists informed on the location of important pieces. They have given them photographs, and, not infrequently, they have given them objects for their collections as well. Somehow this time-honored symbiotic relationship has gone bad.

The size, the destructiveness, and the money now involved in what used to be a relatively innocuous trade have turned the scholar, who would only authenticate an object, into an accomplice. His opinion, however cautiously given, may determine the object's market value. For many people who have mediated for years between dealers and collectors or museums, the new turn this relationship has taken is a source of agonizing and perhaps insoluble conflict, often compelling a choice between abstract ethical points and long-term friendships. The time, however,

has come for all those who have contact with the antiquities trade to re-evaluate the relationship. Is it possible to give opinions or authentications without setting prices and without encouraging an expanding market, with all its consequences? Is it possible to accept works of art, photographs, and secret information from dealers without contracting obligations, no matter how subtle? Finally, is one's personal obligation to an archeological area and its culture greater or less than one's obligation to a museum collection, or to the acquisition of beautiful objects? This last question is apparently considered infrequently and is seldom, if ever, mentioned to students as a potential hazard in the fields of archeology, ethnology, and art history.

Surely a sense of obligation to a country's cultures, past and present, should be developed in students. Most American art historians and many American archeologists and ethnologists must depend on the hospitality and aid of those foreign countries whose cultures provide their livelihood. If a specialist is willing to live off the ancient or modern culture of another country and then to cooperate in the illegal traffic of that country's art, his can only be termed exploitative scholarship. One disastrous corollary of such exploitation arises when the aggrieved country retaliates by excluding American scholars, as has happened selectively in Turkey and may soon happen in India.

Toward a Solution

No one pretends that there are easy solutions to this problem. UNESCO has struggled for decades with the irreconcilable national attitudes and laws that must be considered in creating any sort of solution. Last year, a UNESCO Convention was passed which included many admirable provisions for reform as well as a recognition of those positive factors inherent in the legal international trade in antiquities. It is important to emphasize that it is the destructive aspects of this commerce that must be curbed, not the beneficial interchange of cultural properties. The UNESCO Convention must, however, be ratified by the legislatures of all signatory countries, and no one anticipates that it will be in effect in the near future (2).

Within the United States in the past year, a number of professional organizations in archeology, art, and the museum field have concerned themselves with the antiquities market and have passed resolutions supporting the UNESCO Convention. These symposiums and resolutions followed the University of Pennsylvania's announcement on 7 April 1970 of a new acquisitions policy. The policy stated that the University Museum would no longer buy works of art that do not have a pedigree (legal export papers and information about previous owners and place of origin). It went on to state that such information would be made public. The



Fig. 2 (left). Stela fragments. One of nine suitcases impounded by authorities in Belize, British Honduras. [Photo by Mauricio Dubois] Fig. 3 (right). Stela. Jimbal, Peten, Guatemala. Upper part of stela face has been sawed, then broken off. [Photo by Joya Hairs]



decision to make acquisition information public is of paramount importance. If all museums were to adopt such a policy, there would be a significant diminution of the number of illegally exported objects acquired by museums. Perhaps more important, there would be a radical change in the relationship between museum curators and art dealers. Finally, the availability of information on acquisition enhances the historical significance of an object, thus increasing its value for all scholars.

Until recently, no other museum had followed the lead of the University of Pennsylvania, and its action has been received with a certain amount of cynicism by many American museums. It was pointed out that the Pennsylvania statement spoke only of purchased objects, even though the University Museum, as an academic institution, buys objects infrequently, relative to the number they receive as gifts or acquire through exchange and excavation. It is important to note that such a policy, in order to be most effective, must refer to the acquisition of *all* objects, not just those that are purchased.

Harvard University has recently worked out an acquisition policy that went into effect as of 30 November 1971. Harvard's policy is particularly significant because it applies to a number of very different Harvard institutions and collections, not just to the Peabody Museum of Archaeology and Ethnology. All collections are included, as well as libraries, the Fogg Museum of Art, and Dumbarton Oaks, a Washington, D.C., collection of Mediterranean and pre-Columbian antiquities. Because the Harvard policy is only the second of its kind, and because its provisions have been so carefully devised, it is given below as a potential source of discussion, and perhaps as a stimulus to other museums (3).

Harvard Policy

1) The museum director, librarian, curator, or other University officer (hereinafter to be referred to as "Curator") responsible for making an acquisition or who will have custody of the acquisition should assure himself that the University can acquire valid title to the object in question. This means that the circumstances of the transaction and/or his knowledge of the ob-

ject's provenance must be such as to give him adequate assurance that the seller or donor has valid title to convey.

2) In making a significant acquisition, the Curator should have reasonable assurance under the circumstances that the object has not, within a recent time, been exported from its country of origin (and/or the country where it was last legally owned) in violation of that country's laws.

3) In any event, the Curator should have reasonable assurance under the circumstances that the object was not exported after July 1, 1971, in violation of the laws of the country of origin and/or the country where it was last legally owned.

4) In cases of doubt in making the relevant determinations under paragraphs 1-3, the Curator should consult as widely as possible. Particular care should be taken to consult colleagues in other parts of the University whose collecting, research, or other activities may be affected by a decision to acquire an object. The Curator should also consult the General Counsel to the University where appropriate; and, where helpful, a special panel should be created to help pass on the questions raised.

5) The University will not acquire (by purchase, bequest, or gift) objects that do not meet the foregoing tests. If appropriate and feasible, the same tests should be taken into account in determining whether to accept loans for exhibition or other purposes.

6) Curators will be responsible to the President and Fellows for the observance of these rules. All information obtained about the provenance of an acquisition must be preserved, and unless in the opinion of the relevant Curator and the General Counsel to the University special circumstances exist in a specific instance, all such information shall be available as a public record. Prospective vendors and donors should be informed of this policy.

7) If the University should in the future come into the possession of an object that can be demonstrated to have been exported in violation of the principles expressed in Rules 1-3 above, the University should, if legally free to do so, seek to return the object to the donor or vendor. Further, if with respect to such an object, a public museum or collection or agency of a

foreign country seeks its return and demonstrates that it is a part of that country's national patrimony, the University should, if legally free to do so, take responsible steps to cooperate in the return of the object to that country.

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In the broadest sense, the problem is two-sided: on one hand, the increasingly destructive nature of the international trade in antiquities must be controlled; on the other hand, every effort must be made to create a healthy, if diminished, legal market. The United States accounts for a large percentage of the illegal market—perhaps we can reduce that percentage, but we cannot expect the entire world to change entirely on the basis of our example. It is time that we stopped holding meetings to acquaint ourselves with the problem and started mobilizing public and scholarly opinion for real action. One important first step is the description and documentation of the problem within any particular cultural area. Not until the anatomy of the problem is understood can constructive action be taken. In order to do this, it will be necessary to cooperate with specialists in each cultural area throughout the world. Then it will be necessary to study all of the laws and exporting systems within the countries affected and to work to develop imaginative and locally acceptable legislation. There is no doubt that such efforts will meet with innumerable obstacles, but since no such cooperative ventures have been attempted in the past, there is reason for hope.

Summary

The illegal antiquities market is financing the destruction of the remains of pre-Columbian civilization. In the United States, this process has often been aided by museums, collectors, and scholars who have unwittingly collaborated. Recently, initiatives toward reform have been taken by UNESCO, professional organizations, and two academic institutions. Further organized action is recommended.

References and Notes

1. The late E. Wyllys Andrews, personal communication (1969).
2. For a review of the UNESCO convention and of the action taken by different organizations, as well as for a brief bibliography of the topic, see A. Zelle [*Mus. News* 49 (No. 8), 19 (1971)].
3. *Harv. Univ. Gaz.* 66 (No. 39), 4 (1971).