The Internet is a powerful sales tool. All of us who suffered through media bleatings about e-commerce during this past holiday season must be aware of that. International business and middle-class America are now online. A general feeling—as reported in the business section of my local newspapers—is that some 40 percent of all American households are connected to the Internet. This figure rises to 75 percent or more of all people earning over $70,000 a year. Small wonder then that the antiquities market has moved online in an ever-increasing manner. Starting with the arrowhead collectors/dealers, who have been very active on the Web for some time, moving to auction houses from Sotheby’s to the guys who auction more modest estates, and then the dealers themselves, everyone has gotten or is getting onto the Internet band wagon.

In the previous SAA Bulletin [2000, 18(1): 15], Alex Barker addressed some of the aspects of this vast expansion of the illicit antiquities market, specifically the immense Amazon.com and eBay (www.ebay.com) auctions as they get into the business of flogging antiquities worldwide. This is a disquieting situation, although one that was to be expected given the ambivalent attitude towards antiquities dealing exhibited by the U.S. legal system. Yes, e-trading is going to, if it has not already, increase the rate of site destruction worldwide. And, as Barker remarked, it is extending the market to really low economic levels—poshers literally being scraped by the backfill from sites around the world to make earrings, fancy little box lids, and similar pieces of decorative kitsch.

The Web provides a huge opportunity for antiquities sales. Paper costs have risen sharply and the cost of catalogue publication has become prohibitive. On the Web, multiple color photographs of objects can be disseminated cheaply and extensively. New stock can be inserted instantly and dubious items removed or transferred to a less prestigious venue as the demands of commerce or escaping prosecution indicate. No more mailing costs and delays. The Web really is an enormous advantage to highly visual and semi-legitimate businesses. People have attempted to sell babies and kidneys on eBay; why shouldn’t they attempt to sell looted antiquities too?

I will restrict my specific comments to pre-columbian antiquities, as this is my area of expertise. I understand from colleagues in Egyptology, East Asian Studies, and even paleontology (which has recently wakened to the tremendous increase in the value of fossils and the hemorrhaging of fossils from this and other countries), that the situation exists everywhere. The past is being bulldozed out of the ground and sold online. Pre-colonial antiquities are being sold through numerous venues on the Web, ranging from Sotheby’s auction house (www.sothebys.com), through Amazon.com and eBay, to lower-end dealers like the Relic Shack (www.relicshack.com) or Riley’s Rocks (members.xoom.com/rileysrocks/). Save for their enormous scope, I would classify eBay and Amazon.com as lower-end dealers, giving the very mixed and generally knicknack nature of what they sell. Both, however, are used by higher-end dealers to rid themselves of dubious pieces of little potential monetary value and, also, to lure people who might well be interested in buying higher priced antiquities. I first encountered Howard Nowes (www.howardnowes.com) on eBay and then, as invited, went to his own Web site where he displays his more expensive wares and services. However, the very high end of the antiquities business is moving in fast: collector.com in England and artnet.com in the United States are good examples of sites which advertise and link these dealers’ sites. It is inevitable that other galleries will join them or form similar sites which will facilitate the collector and dealer in locating what is currently on offer. Thus far, e-commerce also has shown itself to be impossible to regulate, something which greatly aids semi-legitimate enterprises in selling antiquities.

That’s the bad news; but it is not all bad. The fact that dealers’ inventories are circulated in a public venue, generally in full color, can be used to advantage by someone other than dealers and collectors—U.S. Customs, for example. U.S. Customs has established a national cybercenter from which the Web is continually patrolled for various classes of contraband, including antiquities. Often, Customs is alerted by foreign officials because of cultural property that they have seen online. E-commerce circulates worldwide and “donor nations” also are patrolling the Web in the hope of recovering some of their looted past. Customs can make a seizure/arrest under the provisions of the UNESCO Accord or under the National Stolen Properties Act, if the complaining country has legislation that meets the requirements of either of those documents. Then the material enters the U.S. legal system to establish if it has been imported illegally or stolen.

Unfortunately, the U.S. legal system has often shown itself unwilling or unable to deal appropriately with cases of relic looting and selling. It is sad, but true, that our judiciary can be ignorant and racist; even if not, they are elected officials or people who plan to seek office, while collectors are generally people of wealth and political power in the community, whose cooperation, not enmity, is to be sought. I have witnessed several instances in which U.S. attorneys would not act or the scions of powerful families were not charged in cases where there was unequivocal evidence of guilt of theft of cultural patrimony and illegal importation of artifacts. I also have found myself in the extremely uncomfortable position of having to explain to foreign officials that to improve their chances in our courts, they had best send an expert who is tall, light complexioned, and speaks fluent English. Male is better than female. This is realpolitik as observed from the trenches.

Another problem involved in activating our legal system lies
with the “donor nations.” Most have legal systems which are very different from ours, in which procedures, rules of evidence, etc., are not compatible with our requirements. U.S. law requires that the nation have a provision which declares that ownership of all ancient objects is vested in the state. This law also must require that private collections be registered and have a stated date after which unregistered private collections are considered state/stolen property. Many countries also are poor and unable to pursue the expensive and time-consuming business of attempting to recover illegally exported pieces. This, added to helplessness, fanaticism, and the knowledge that the looted pieces have lost scientific value and are now only worthwhile as symbols of defense of the patrimony, impedes legal enforcement of the UNESCO accord and related treaties and agreements. The Web does offer the donor nations one advantage: They can log on and see who is selling what bit of their looted heritage this week.

Better news is the large number of stolen art alert sites and websites dealing with the legalities and the ethics of the antiquities trade (cf. Yahoo.com’s archaeology site, dir.yahoo.com/Social_Science/Anthropology_and_Archaeology/Archaeology/). The illicit Antiquities Research Centre at Cambridge (UK) publishes online its newsletter Culture Without Context (www.mcdonald.arch.cam.ac.uk/IARC/home.htm), and advertises its conferences and various other activities. Universities around the world publish programs and papers of conferences such as “Art, Antiquity, and the Law: Preserving Our Global Cultural Heritage,” held in 1998 at Rutgers (www.rci.rutgers.edu/~alconf/). The U.S. Information Agency (USIA) has an immense site (e.usia.gov/education/culprop) which covers news of recent pillaging, new import restrictions, recent and expired import, the texts of U.S. and international laws (including the UNESCO accord and UNIDROIT), and a large informational site about prosecution and recovery of cultural property around the world as reported on the Web.

Of extraordinary value is that the USIA site has image databases of classes of materials which are prohibited. Most dealers link their site to sites of related interest, usually archaeological ones. What those image databases, stolen art indices, and the reports on pillaging mean, is that it will be increasingly more difficult for a buyer to claim due diligence in seeking the legitimacy of his purchase or that s/he is an innocent third party. This remains to be tested in the courts, but is a growing possibility.

The prevalence of forgeries also is good news. Since I started checking the online antiquities market I have seen an amazing number of dubious pieces of precolombian art. I have an interest in the forger’s craft for years. Contrary to the supposition of most collectors, curators, and a surprising number of my colleagues, fakery is not something that started a few years ago. For example, the Denver Art Museum (1994, June, News from the Center, p. 4) notes that Colima dogg’s have been “newly” manufactured since the late 19th century and that nearly half the cute doggies out there are not as old as the collector/dealer/curator would like to think. Leopoldo Batres, in his 1909 Antiguedades Mexicanas Falsificadas: Falsificación y Falsificadores, (Impronta de Fidencio S. Soria, Mexico D.F.) illustrates pieces in “precolombian” styles made for the Spanish conquerors as well as the flourishing central Mexican industry in “Teotihuacan” greenstone masks, and “Aztec” obsidian blades and figurines. I have yet to see a style of antiques that has not been forged.

It was possible to ignore this flooding of the antiquities market with fakes until the Web. True, there was the occasional exposé, like the “outing” of Brigido Lara, the talented artisan who has given us so much wonderful Classic Veracruz sculpture (1987, June, Connoisseur, “Ask Mexico’s Masterly Brigido Lara: Is It a Fake?”). M. Crossley and E. L. Wagner, p. 103) but in general, it has been possible for dealers and academics alike to claim, “Oh yes, there are fakes out there, but the trained eye of the true connoisseur can spot them immediately for the ugly and nasty hoaxes that they are.” Well, no. And these days the “trained eye” itself has probably been trained on fakes. The ostrich-like stance of so many of my archaeological colleagues has resulted in the corruption by forgeries of many areas of precolombian studies. This is especially visible on the Web where one gets a clear look at the entire range of the market. And what I and many of my colleagues see is that from the top end of the international “art” galleries and auction houses to that wonderful site that advertises “sophisticated” rare coins, precolombian art, and mortgage debt relief, fakery is the order of the day. At this point we are atavish in modern Mezcal, contemporary Copador, hilarious Jalisco, and postcolombian gold galore. The situation is no better for the arrowhead dealers, as was so trenchantly reviewed in American Antiquity by John C. Whittaker and Michael Stafford [1999, 64(2): 203–214]. Many of the arrowhead Web sites discuss forgery openly; other precolombian dealers do not.

Today dealers are quite aware of the legal problems of selling forgeries, as well as the practical ones of losing their clientele should the situation become public; with the advent of the Web, it probably will. Many of them tout their own expertise or that of their associates (Jonathan Carlofino even gives the title of his M.A. thesis—although not the name of the institution that granted the degree—www.pre-columbian-art.com). I think I might just believe Jim Tatsum, all of whose authenticating is done by “my son Carlos” and who says they concentrate only on Florida because that’s all they know (www.paloenterprises.com). I am not so sure about the guy described as “experienced, long-time relics authenticator and dealer” (www.antiquesandart.net) even though he will furnish a copy of a Certificate of Authenticity (bold face) that has a picture of the artifact and a dated signature. American Heritage Artifacts (www.ahartifacts.com), in its statement on collecting Indian artifacts (not surprisingly they are all for it and regard it as “saving vital specimens for the generations to come”), hedge with a certain amount of persiflage. Sotheby’s states blandly that artifacts are sold “as is,” part of the “as is” presumably being any question of their real antiquity. eBay is even more up front: The bottom of each page says, “caveat emptor.” At the lower rungs,
rather than digging them up. However: Simple avoidance of a site is not the same as preservation. Here the ACHP is warning about the dangers of what is commonly called "flag and avoid." Put up flags around the site, tell the cat skinners to stay out of the flagged area, and we’ve "preserved" the site, right? Wrong. The cows eat the flags, the pothunters follow the flags, the 'dozer driver gets confused about which side of the flag he’s supposed to be on . . . And in any event, simply physically avoiding the site doesn’t necessarily avoid impacts on it—indirect impacts, or direct visual, auditory, or other impacts where these are relevant to the site’s values.

If the 106 process results in the decision that DRAD is the thing to do, then a research design and data recovery plan based on firm background data, sound planning, and accepted archaeological methods should be formulated and implemented. Note the explicit use of the term "research design." There are still agencies that get all fussy about the notion that data recovery is about research; after all, they say, we’re not the National Science Foundation. Well, tough. Once we decide to do data recovery it had jolly well better be research. The Principles go into some detail about how such research should be grounded in regional, state, and local historic preservation plans, the needs of land and resource managers, academic research interests, and other legitimate public interests (emphasis added).

The Principles emphasize that data recovery—including analysis—should be thorough, efficient, and cost effective. It should provide for reporting and dissemination of results, including dissemination that is understandable and accessible to the public. It needs to provide for curation of materials and records. And—what a concept!

Adequate time and funds should be budgeted for fulfillment of the overall plan (emphasis added).

Special respect is to be given human remains and funerary objects: The presence of human remains . . . usually gives the site an added importance as a burial site . . . and the values associated with burial sites need to be fully considered . . . Note that this refers to all kinds of human remains and funerary objects, not just those covered by the Native American Graves Protection and Repatriation Act (NAGPRA).

Finally, if the agency plans (large-scale, long-term . . . identification and management programs, the agency should consider things like periodic synthesis of . . . results, and professional peer review and oversight.

The Principles do two useful things: (1) They establish a sort of screen by which one can filter out those archaeological situations that require detailed multi-party Section 106 consultation from those that don’t; (2) They set out some basic rules about archaeological data recovery that should be applied in any context—whether one wants quick agreement to DRAD or not, and in fact whether one is working under Section 106 or under some other authority, or under no particular authority at all.

In the May 2000 issue of the SAA Bulletin we will consider how the Approach applies the Principles in Section 106 review. Continued from page 15—Networks dealers tend to talk loudly about their expertise: “All Antiquities and Indian Artifacts we sell come with our exclusive lifetime guarantee of authenticity” (www.caddotc.com) and will often, for a small extra fee, offer you a certificate of authenticity “suitable for framing.”

Who cares? Well, at the bottom end of the market, the arrowhead collector might get mad or the person who bought that “Precolombian Nayarit Blackware Couple, 300 A.D., Adorable and Rare” from Amazon.com might console himself with the fact that the accompanying, free, quartz crystal cluster is probably genuine, or switch over to a competitor or even, upon due reflection, turn to one of the many companies that sell quality reproductions at reasonable prices. But the person who spent over $300,000 on a Huari figure in a well-known postcolombian style might well be a bit more annoyed. Especially if this person were to, as so many collectors do, attempt to buy prestige by donating his prize to a local museum and taking a tax write-off. The difference in value between an ancient artifact and a modern one is considerable and the IRS may become interested.

The online sales of antiquities is a very complex situation and involves many different and important issues. At this point, is there anything we as archaeologists can do to stem the e-commerce in humankind’s heritage? Proposals such as a strong anti-dealing statement in our ethics statement are not going to be of much immediate benefit. The main value of such statements is in the legal area, especially if SAA decides to become proactive and enter into cases as an amicus curiae. SAA members also should stand in good stead by initiating discussions of why it is unwise to hang around with or seek funds from dealers and collectors, or base one’s research on unprovenanced antiquities. These topics must be discussed openly and publicly in forums such as the SAA Bulletin. Many of our colleagues still do not get it, especially those doing epigraphic and iconographic studies. A stepped-up awareness program among archaeologists and scholars in related fields, coupled with strong and clear statements of ethics, would be a good first step. However, this is not going to stop e-commerce in antiquities. As long as there is a demand, looting and dealing will continue.

Virtually all of us teach an introductory class of some sort. More often than not, these classes form part of the student’s general education or breadth requirements. This introductory class is probably the only formal exposure most students will ever have to archaeology. In these classes we must forcefully present the idea that the past is not made up of disparate “things” that are to be owned by individuals, that it is those “things” in their cultural context that permits an interpretation and understanding of the past. We must present graphically the destruction that looting causes, the racist attitudes involved in dealing and collecting, and the corruption of virtually everyone touched by this activity. We need to talk openly about fakery and its horrifying prevalence in museums and private collections. In the long run, it is only an informed public that will make the antiquities market unprofitable and hence nonviable.

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