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What Deters Antiquities Looting and Trafficking?

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Abstract

This article contributes to the debate on illicit antiquities and deterrence. First, I briefly examine what has been written about deterrence in the literature on illicit antiquities. Second, I review the criminological research literature on deterrence to define the concept and explain its mechanics; that is, how, according to the best state of current knowledge, deterrence "works" to persuade people not to commit crime. Third, I consider what this criminological knowledge base means for deterrence in the field of illicit antiquities. Deterrence remains a developing idea, rich with practical implications for crime prevention but also harboring some profound unresolved questions about precisely what drives human action in certain contexts. Nonetheless, we can aim to gain a more rounded understanding of the concept than has previously been applied to illicit antiquities studies.

Resumen

El objetivo de este artículo es contribuir al debate sobre las antigüedades ilícitas y la disuasión. Primero, examinaremos brevemente lo que se ha dicho sobre la disuasión en la literatura sobre antigüedades ilícitas. Segundo, examinaremos la literatura de investigación criminológica sobre la disuasión para definir el concepto y explicar su mecanismo, es decir, cómo, según el mejor estado de conocimiento actual, la disuasión "funciona" para persuadir a las personas de no cometer delitos. Tercero y último lugar, consideraremos lo que esta base de conocimiento criminológico significa para la disuasión en el campo de las antigüedades ilícitas. Aunque, como ocurre con cualquier área de investigación, la disuasión sigue siendo una idea en desarrollo, rica en implicaciones prácticas para la prevención de la delincuencia, pero que también alberga algunas preguntas profundas sin resolver sobre qué impulsa precisamente la acción humana en ciertos contextos, no obstante, podemos aspirar a lograr una comprensión más completa del concepto que la que se ha aplicado anteriormente a los estudios sobre antigüedades ilícitas.

Keywords: crime; cultural property; deterrence; looting; repatriation

Palabres clave: delitos; propiedad cultural; disuasión; saqueos; repatriación

Deterrence and Illicit Antiquities: A Brief History

Much of the focus on the policy side of the illicit antiquities debate has been on returning objects to the archaeologically rich countries from which they were stolen. This is the so-called seize-and-send approach to intervening in the market for illicit antiquities (Sabar 2021): it is attractive to lawyers, activists, and political actors because, for reasons of capacity and resources, protecting antiquities at the source is considered to be exceptionally difficult, whereas intercepting looted artifacts when they surface in the marketplace is a more achievable goal. Critics of "seize and send" often prefer a stronger criminal law approach to prosecuting and punishing traffickers, including receivers of the stolen goods (Fincham 2019).

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Discussions of seize-and-send policies sometimes assume that they have a deterrent effect. Knowing that their expensive possessions may be confiscated without compensation and given the associated reputational damage of negative publicity, buyers and intermediaries may think twice about dealing in unprovenanced antiquities, preferring the relative commercial safety of purchasing cultural objects on the market that are clearly legitimate. This assumption has been disputed as implausible in theory (Gerstenblith 2007) and unlikely to be correct by studies using empirical data (Brodie 2014), but it remains a common underpinning of contemporary law enforcement approaches (Fincham 2014).

In 2009 archaeologist Ricardo Elia wrote a very short article titled "Preventing Looting through the Return of Looted Archaeological Objects," which suggests that the return of objects may not be much of a deterrent. He notes that in many cases the return is negotiated, and although the process may have started with a threat of legal process against the possessor, that threat disappears when a settlement is reached. These settlements often provide for a "no-fault" arrangement, where the person or organization returning the antiquities is said not to have done anything wrong and legal agreements provide that no parties may disclose the terms of the deal or subsequently allege fault against the other. These arrangements are hardly a significant disincentive to the ongoing acquisition of looted material, Elia argues. Other commentators have noted that the interception and loss of small fractions of their total annual trading volume are more likely to be considered just the costs of doing business by unscrupulous dealers, who suffer no further consequences beyond that confiscation (Brodie 2015b:326).

Elia (2009:131) suggests that "negotiators for source countries should act with the aim not only of securing the return of looted cultural objects but also of deterring further looting in their countries. They should be encouraged to focus not only on individual looted objects but also on pressuring museums to change their acquisition policies. Deterrence should be a goal equal to the recovery of looted artifacts." Thus, he acknowledges the weakness of "seize and send" as a deterrent policy, but does see the possibility of a deterrent effect in reducing the indiscriminately acquisitive sentiments of those at the market end of the chain of supply. Indeed, the museum community has been feeling increased pressure to update their policies to facilitate more ethical acquisition regimes.

Other means to strengthen deterrence efforts include the use of specialist police and prosecution units that are more effective in catching and convicting criminals (Rodríguez Temiño and Roma Valdés 2015), more and better regulation of internet sales platforms and indeed the whole digital realm in which a sales platform can be no more than a chat app (Al-Azm et al. 2019; Brodie 2015a; Votey 2022), and thinking laterally about this form of crime; for example, applying anti–money laundering requirements, which gives regulators new tools, including the capacity to sanction nonreporting of suspicious activities by actors and institutions required by law to make such reports (Sanner 2022). Many of these means promote the concept of deterrence through an increasingly tight and impactful web of surveillance that can effectively gather and process knowledge of illicit activity, act on that knowledge, and, by influencing the "dealer risk calculus" (Sanner 2022), hope to achieve a deterrent effect.

Much of the discussion of illicit antiquities and deterrence has focused on the market end of the chain of supply, asking how we might dissuade buyers from acquiring loot. We should be aware, however, of those ideas aimed at deterring looters on the other end of the supply chain. Some of these ideas—for example, the exceptionally harsh punishments seen in some places—are considered by academics working in this field as too problematic in terms of human rights and general proportionality (Hardy 2015). Others, however, remain relevant to the development of the ideal of a market-wide deterrent approach (Kersel 2006). These include normative strategies, often developed with the aims of education and awareness raising, and various research-based attempts to understand the motivations of looters and create typologies that might assist in unwinding those motives (e.g., Fabiani 2021), which can be compared to similar research on understanding motives among buyers and collectors at the market end of the supply chain (Kersel 2015, 2016).

One of the most recent developments is a growing literature promoting use of the proprietary Smart Water brand as a deterrent for looting antiquities (Koush 2024; Matthews 2020; Matthews et al. 2020). Smart Water is a stand-alone product developed by a private business enterprise; it was designed to apply

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to stolen goods lost in burglaries and other thefts, and its developers are now exploring other areas where it might be usefully applied, including cultural property. A crime-prevention technology, Smart Water is a liquid that is only visible under UV light and is applied to an object; it contains an identifying chemical "code" that is recorded in the Smart Water database, enabling the object to be matched with a database that includes information about its owner.

Importantly, the emerging literature on Smart Water includes more analysis of the concept of deterrence than has been the norm in illicit antiquities studies, usefully breaking it down into its component parts to examine the possibilities of crime prevention or reduction through the use of property marking (Koush 2024). Smart Water is a deterrent because it can easily and indelibly identify antiquities as stolen, thereby making it difficult to find interested buyers for them in the marketplace. It shows the full reach of deterrence throughout the antiquities trafficking supply chain: measures that dissuade dealers, collectors, and institutions from buying at the market end can affect the value chain and so deter looters at the source end. Those looters may, of course, also be deterred by legal penalties and other measures in their own jurisdictions, but market countries do not need to leave deterrence to those other jurisdictions—crime prevention in antiquities trafficking can be global in aim and effect (Mackenzie et al. 2019).

To date, the articles on Smart Water technology seem to be limited to self-evaluations undertaken by those involved in the project and their associates. Still, significant benefits have been found in some scenarios and no doubt will be explored further as research teams external to the project become interested in evaluating what deterrent effect the product can achieve in practice.

The Criminology of Deterrence

Criminologists who study deterrence have not produced conclusive results, but although certain questions about deterrence remain open for further inquiry, there is a core understanding about the concept that is reasonably settled. Deterrence can be specific—to the offender punished—or general, affecting the actions of others. *Specific* deterrence is surprisingly hard to achieve, and standard criminal justice responses, notably imprisonment, do not work to reduce offending in the way they are commonly thought to. It has been argued that imprisonment has no specific deterrent effect and may even make reoffending more likely (Apel and Nagin 2015; Nagin 2013; Tonry 2011). The data for these findings come from systematic reviews in which leading empirical studies were examined together to discern the overall effect of imprisonment. Rather than finding a specific deterrent effect, they instead found that a term of imprisonment is more likely to have "a null or mildly criminogenic effect on future criminal behavior" (Nagin et al. 2009:115). Although these studies took a wide-ranging, systematic approach to specific deterrence, even a glance at published recidivism rates can illustrate the deficiencies of imprisonment as a specific deterrent. In the United States, for example, a 10-year study for prisoners who were released in 2008 found that by 2018, 82% had been arrested again at least once, and 43% were arrested within the first year of release (Antenangeli and Durose 2021).

In contrast, there is evidence that punishment can have a *general* deterrent effect on crime, even though much about this evidence base is still in dispute and exactly how this effect occurs remains uncertain. The possibility of deterrence depends on the *sanction risk perceptions* of would-be offenders; that is, how they consider and rate the likelihood that they will be caught and punished. Sanction risk perceptions include perceptions of the *certainty* of sanction and perceptions of the *severity* of sanction. The former seems, on the basis of current evidence, to be the more important factor by far. Therefore, whereas increasing sentence severity through such measures as longer prison sentences or higher fines is not likely to achieve a significant deterrent effect, increasing the likelihood of getting caught in the first place may achieve some measure of general deterrence if it is communicated effectively to prospective offenders and if they update their sanction risk perceptions in response; that is, if they know about the increased threat and take it seriously.

People obey the law for a variety of reasons. These may be normative, as when an individual holds a moral belief in the wrongness of a given criminal act or at least respects the legitimacy of the law that prohibits the act (Tyler 1990). Other reasons for obeying the law—the question of compliance—may be

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instrumental. Instrumental thinking weighs up the pros and cons of a course of action, preferring acts where the costs do not outweigh the benefits. These "rational choices" have been proposed to motivate criminal acts since the eighteenth century (Beccaria 1963 [1764]; Bentham 1988 [1789]) and have generated the main assumption underlying deterrence: Raising the costs of crime will dissuade people from engaging in it. Restraint gives us a third type of compliance: if an individual has no normative commitment to compliance, and if the costs of offending do not outweigh the benefits, certain constraints may still prevent offending. In addition to situational environmental constraints such as locks on doors, or fences and security patrols around archaeological sites, the incarceration effect of imprisonment is an obvious constraint.

Deterrence is a matter of perception for individuals (Apel and Nagin 2017); that is, the question of deterrence cannot be treated as an abstract matter of whether *we* think any particular type of punishment or length of sentence is likely to be sufficient to stop people from committing the crime to which it applies. To engage with that question, we need to know whether and how much prospective offenders know about what may happen to them, how likely they think it is that it will indeed happen to them, and how that information affects their personal decision-making processes.

Different individuals have different "thresholds" for risk (von Hirsch et al. 1999). For some people, even a small chance of being caught would be enough to dissuade them from committing a crime, whereas others may be comfortable taking on more risk. There will also be different thresholds of what length of sentence would be enough to deter them from committing the crime. What this means in practice is, inter alia, that research on deterrence in criminal justice policy examines aggregate effects, because very low or very high personal thresholds would make deterrence either unnecessary or impossible, respectively.

The classical thinkers referred to earlier identified a threefold distinction that has since been generally adopted as a useful way of thinking about how deterrence might work: certainty, celerity and severity. *Certainty* is a measure of the likelihood, in the prospective offender's mind, that committing the crime in question would lead to apprehension and punishment. *Celerity* is a measure of how swiftly after the commission of the crime the punishment is applied. *Severity* is the measure of the costs of imprisonment as perceived by the individual.

The evidence for deterrence is patchy in large part because many studies are methodologically problematic. The proposition that seems to receive the most consistent support is that celerity and severity are not strong drivers of general deterrence, but certainty of punishment can have a deterrent effect. The perception of the certainty of punishment is influenced by several "conditional probabilities," including the probability (1) of apprehension given commission of a crime, (2) of a conviction given prosecution, and (3) of a sanction given conviction (Nagin 2013). Nagin's review of the general deterrence literature concludes, "The evidence in support of certainty's deterrent effect pertains almost exclusively to apprehension probability. Consequently, the conclusion that certainty, not severity, is the more effective deterrent is more precisely stated as *certainty of apprehension* and not the severity of the legal consequence ensuing from apprehension is the more effective deterrent" (2013:202).

Evidence from the more sophisticated among the deterrence studies points to the interaction between formal and informal sanctions. In particular, the social stigma that is expected to occur from a conviction has been seen as among the strongest disincentives to commit crime, especially for white-collar criminals (Nagin 2001; Zimring and Hawkins 1973). This may also help explain why sentence severity is not a significant lever for achieving deterrence, at least for white-collar criminals: if one of the key components of the deterrent effect of criminal justice is the fear that one will suffer the stigma associated with being caught and convicted of an offense, modest variations in the length of the sentence would matter little compared to the prospect of conviction itself. Indeed, governance regimes aimed at regulating white-collar crime have integrated this deterrent philosophy into their approach for quite some time (Ayres and Braithwaite 1992; Baldwin and Black 2008). In white-collar crime, the concept of *stake in conformity*, and the reluctance to lose that stake by offending, has led to an approach to compliance that is now widely used: it aims to achieve corporate deterrence through approaches that "combine monitoring, inspections, and enforcement for violations" (Yeager 2016:447; and see Schell-Busey et al. 2016), the

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enforcement threat being conceived as a form of "shaming" that good citizens in a market are presumed to want to avoid (Ayres and Braithwaite 1992).

Toward a Deterrence-Oriented Approach to Illicit Antiquities

If general deterrence has been found to be the most effective form of deterrence, then the criminal justice and wider regulatory process need to be used as a particular type of signal. The most effective signal seems to be something like this: don't do it because you will likely be caught (the abstract general deterrent based on messaging alone), or don't do this act that another offender did because you run an appreciable risk of being caught like they were (the more particular general deterrent based on the processing of apprehended offenders). This general deterrent communication strategy would therefore be more a matter for the domain of policing, which catches criminals, than for the courts that do the convicting and sentencing. Both matters within the domain of the courts—once caught, the certainty of conviction and therefore the application of any specific sanction, and the severity of that sanction—are, based on current evidence, not significant drivers of deterrence. The sentence must be at a level of severity that exceeds any given individual's personal threshold for perceiving that it is unpleasant enough to be avoided if possible. Beyond those personal thresholds, which differ for all of us but are generally fairly low, increasing the severity of sanction does little in terms of deterrence.

Therefore, to deter antiquities looters and traffickers, we should examine measures that increase prospective offenders' perceptions of the likelihood of being caught. We can immediately see then that one of the most-used deterrent strategies—seize and send—communicates a mixed deterrent message. If a dealer, museum, auction house, or collector is obliged to return a looted artifact to its country of origin after law enforcement authorities in the global marketplace have seized it, on the face of it this may seem to send a message to others in the market that looted antiquities, and their dealers, are being "caught." However, the relatively infrequent nature of these seizures and returns may dilute the certainty required for a significant general deterrent effect to occur. Further, the severity of the sanction is probably perceived as low, which means that it may not even exceed that basic personal threshold mentioned earlier, beyond which risks are considered serious and below which they are ignored. As Gerstenblith (2007:181) notes, "It is difficult to craft a legal system in which these impediments to meaningful punishment are eliminated."

The general perception that punishments for antiquities trafficking are sometimes in the nature of a slap on the wrist has led some analysts to argue for parallel, more serious charges to be the focus of criminal justice investigations—charges like terrorist finance, international crimes, and money laundering (Clooney Foundation for Justice 2022; Ulph 2024). That may be useful in some circumstances, but this approach can risk diluting the deterrent message related to buying looted antiquities if it is received as something like "antiquities trafficking may not be a serious issue on its own, but look at these other very harmful things you may be abetting."

Stigma-based deterrence comes with its own difficulties. Paradoxically, it may work best when the punishment in question is infrequently used. Using hyper-effective policing to deter crime is therefore something of a Catch-22 situation in terms of stigma-based deterrence. As it becomes more common to be convicted of a given offense, so might the social stigma attached to the crime become incrementally diluted. Nagin writes (2013:245), "A criminal record cannot be socially and economically isolating if it is commonplace." No doubt there is a balance to be struck, but it is notable that the advice to "make apprehension certain" and at the same time to "use punishment sparingly" is not easy to reconcile.

This dilemma is less pressing in practice than in theory, however, because across all areas of criminal justice, for reasons of resource constraints, making apprehension certain is in the realm of the impossible. From this realization stems an interesting deterrence-based proposition relating to police crackdowns. In a review of research on time-bound police crackdowns on all sorts of crimes, Sherman (1990) notes that they tend to achieve "initial" deterrence while they are ongoing and then there is a period of "residual" deterrence after they have stopped, which decays and does not last. He suggests that the criminal justice system is currently too predictable, in that it consistently

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offers offenders a high certainty of a low risk of punishment for most offenses. Note that this is an argument about the certainty of apprehension and punishment, not the severity of sanction. What Sherman offers instead is an alternative approach he calls "systematic uncertainty": rotating police crackdowns on various crimes, which will instill in offenders a stronger sense that detection and punishment are unpredictable. In the context of limited criminal justice resources, if we cannot deliver certainty of punishment, at least we can try to create a context for offenders in which punishment is uncertain, rather than predictably unlikely. This argument illustrates the type of theorizing that can emerge when deterrence-through-certainty becomes the central problematic, rather than deterrence-through-sentencing or any other brand of crime reduction philosophy. Systematic uncertainty may have the capacity to spur action in the antiquities market if the consequences of being caught are serious enough.

Historically the antiquities trade has relied heavily on self-regulation (Sanner 2022). In addition to the most basic form of self-regulation, which is choosing not to do business with untrustworthy people, trade members' associations and codes of ethical conduct have been the main pseudo-regulatory format. These members' clubs and the codes of ethics they purport to respect are almost entirely toothless (Gerstenblith 2007; Mackenzie et al. 2019). The regulations "seem not to be numerous, are often vague or ambiguous in referring to the particular problems of looted artifacts, and are often not enforced within the association" (Gerstenblith 2007:192). If anything, they provide an unhelpful layer of insulation against effective external regulation. By giving the appearance of a regulatory mechanism but without the substance, they make it harder for regulators to achieve the necessary purchase on individual traders (Oosterman et al. 2021).

Rather than obfuscating trade structures, what is needed according to deterrence research is an effective regulatory mix: a cocktail of measures that provide a layered approach to the issue of market control. Often referred to as a stepped or pyramid model based on the original i proposition by Ayres and Braithwaite (1992)—although updates and revisions have since been developed (e.g., Baldwin and Black 2008; Gunningham and Sinclair 2017; Kolieb 2019)—it is based on the idea that the intrusiveness of the various interventions in the regulatory mix should escalate in steps if necessary (Braithwaite 1993). An effectively functioning regulatory pyramid would affect the sanction risk perceptions of those being regulated by informing them that if they do not comply with the least intrusive regulatory guidance, intervention will be stepped up and various measures will be used in an escalating system of severity to force them to comply (Chappell and Polk 2011; Polk 2000). As we know, the particular grades of severity are not so important to achieving deterrence as much as is the certainty that noncompliance will be detected and punished and, especially for white-collar actors, they will suffer stigma by being identified as noncompliant or even criminal.

Pyramidal, responsive, or "smart" approaches to regulation (Baldwin and Black 2008; Gunningham and Sinclair 2017) have been adopted by a wide range of public agencies, being considered a sensible and productive way to engage with crime and unethical behavior in market contexts. The model has been influential in Australia, the United Kingdom, Canada, Indonesia, New Zealand, the European Union, and the United States across public policy fields including food safety, tax and finance, occupational health and safety, chemical regulation, and healthcare (Wood et al. 2010).

Separately, Brodie and Gerstenblith have advocated for various approaches that would fit well in a stepped regulatory model for the antiquities trade (Brodie and Bowman Proulx 2013; Gerstenblith 2007). Despite the ongoing failure of much official policy to accurately recognize the nature of the problem in antiquities trafficking, there are some indications that the tide has been turning in this area in the last few years. Although many archaeologists working in the field do not report looting to the authorities (Bowman Balestrieri 2018), in the global marketplace citizen advocates and activist organizations have taken to social media to publicly scrutinize museum and other collections of ancient objects, asking difficult questions of their owners. This step-change in a market described as having "enforcement hooks but inadequate monitoring" (Sanner 2022:250) has led to a general sense that antiquities buyers are more likely to be held to account and to be called on to explain their acquisitions and provide provenance details. This represents precisely the increasing surveillance that deterrence theory considers important to increasing the certainty of apprehension, and it has come at a time when

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there is growing evidence of a more effective criminal justice approach to the issue; for example, in the New York district attorney's office that has launched several successful prosecutions and seize-and-send lawsuits.

These recent prosecutions in New York provide salient real-world examples of many of these issues at play. Douglas Latchford was indicted for wire fraud, conspiracy, and smuggling, having allegedly been the driving force behind a decades-long smuggling enterprise that looted Khmer statues from Cambodian temples, transported them to major world markets, and sold them to museums and established private collectors (SDNY 2019). Latchford was well connected both in the global art world and in the higher echelons of Cambodian society, and his indictment was a watershed moment for colleagues in the trade. Similar legal cases proceeded against Nancy Weiner and Subhash Kapoor, both established figures in the New York, and, by extension, the global antiquities trade, with galleries in high-end locations (Bogdanos 2016, 2019). Both were knowing and active participants in the trafficking and sale of looted antiquities. Latchford died before his case concluded. Weiner pled guilty to three felony charges of trafficking millions of dollars in antiquities, surrendering a host of artfacts and trading records to the authorities but avoiding a jail term. Kapoor was arrested by police in Tamil Nadu in 2012 and was held in jail there for 10 years awaiting trial on 86 criminal counts of grand larceny, criminal possession of stolen property, and conspiracy to defraud. He was finally convicted in 2022 and sentenced to 10 years in jail, a term he had already served; however, he remains incarcerated awaiting proceedings in other national and international court cases against him relating to the estimated $143 million in looted antiquities he funneled through his Madison Avenue gallery (Schmidt 2021). It is hard to say that any of these cases were successful in terms of the celerity measure of deterrence: They were years in process and had unclear outcomes or outcomes superseded by the passage of time. The severity measure in the cases is mixed too: Latchford suffered the social ignominy of a fall from grace, and his daughter who inherited the estate has returned a significant amount of statues and ill-gotten money to Cambodia, but he himself suffered no criminal penalty before he died. Weiner paid $1.2 million in forfeiture and fines, but her gallery is free to continue in business. In another case that resulted in the 2021 seizure of $70 million of antiquities from the collector Michael Steinhardt after a three-year grand jury investigation, he avoided charges but agreed to a lifetime ban on purchasing antiquities (Bragg 2022).

Therefore, although the deterrence messages in these recent high-profile cases seem to be mixed, the main message that is likely to affect the market is that the individuals were caught and that the force of the law was seriously applied: they have contributed to the certainty aspect of deterrence. In response, museums have been scouring their collections for objects with unclear provenance histories and are trying to find the names of these dealers. It remains an open question whether the signals sent by these cases communicate this message to the market—"Caveat emptor, you have a high chance of being caught if you buy looted antiquities"—or this one: "A few of the most egregious offenders have been caught, but the risk to the average dealer, collector or institution is low." Criminal proceedings would seem to work best as a deterrent where they sit at the top of a regulatory structure that uses surveillance and monitoring techniques to persuade, as well as to punish (Braithwaite 1985): to instill in the minds of those subject to regulation on a day-to-day basis that the certainty of the detection of offending behavior is high. In those circumstances, regulators can "speak softly while carrying big sticks" (Ayres and Braithwaite 1992:19): The realistic threat of a serious penalty can be used to influence the market to take normative requirements like due diligence more seriously.

As museums tighten up their acquisition procedures, dealers and collectors lose their connection to a group of "collectors of last resort": museums as active buyers often being the end-point for the market, the final resting place for antiquities, and therefore to a significant extent underwriting the collecting market as a whole. In addition to the signals sent in the market by ethical museums that lead by example, the possibility of collectors receiving tax breaks for donating unprovenanced antiquities disappears (Yates 2016). Clearly the museum community is not acting as one in this movement toward ethical acquisitions, but the contribution this sector can make to an overall deterrence matrix seems reasonably clear (Amineddoleh 2015; Gerstenblith 2007).

Similarly, the most significant contribution that the Smart Water technology can make might be to introduce into the minds of buyers a systematic uncertainty when it comes to the potential purchase of

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illicit antiquities. Maybe this object is one that has been marked? If it has, then if I buy it there will be no denying that I have bought stolen goods, because the proof will be incontrovertible. New developments in technological detection strategies add to the perceptual map of certainty of apprehension that should be part of an effective regulatory mix.

Conclusion

As Brodie and coauthors (2022:123) recognize,

> Persuasion and negotiation might have a greater pragmatic deterrent effect than the minimal threat of punishment (Ayres and Braithwaite 1992; Mackenzie 2005; Jennings and Rand 2008; Baldwin et al. 2010). And when we refer here to persuasion, we are not simply advocating for more awareness-raising or ethical guidance. Rather, we are seeking to explore stronger regulatory systems. . . . [The goal is an] externally monitored, ethical consumption market (see also Kersel 2021).

Prott (2012) has suggested that UNESCO might play such an external monitoring role, although that has not yet come to pass.

An interdisciplinary approach involving both archaeology and criminology is clearly needed to increase our understanding of deterrence and its role in an effective regulatory mix. This interdisciplinary work should outline what an effectively deterrent regulatory structure for this market might look like and give us the tools to fill in some of the component parts across its escalating levels. With these developments in regulatory thinking, the idea of a culture of compliance in the antiquities trade seems less like abstract theory and more like a practical possibility. Although much of the writing in the study of looted antiquities has been an impressive manifesto for activism, over time we can hope it might become a completed project of regulation.

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