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Introduction: New Insights into the Antiquities Market

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The Syrian civil war exacted a massive toll on the country's population, with hundreds of thousands of children, women, and men killed, injured, or forced to flee. Part and parcel of the human suffering is the widespread loss of artistic and historical materials—the deliberate and collateral destruction of artworks and monuments, mosques and marketplaces, books, artifacts, churches, synagogues, and archaeological sites. One aspect of this destruction, in particular, has generated vigorous debate among scholars, policymakers, and art market professionals: the intensive looting of archaeological sites by insurgent groups and their possible links to the antiquities trade. The war did not introduce site looting to the region, of course, and the antiquities trade did not endorse insurgent looting. But, for several reasons, the cultural loss from this war has attracted sustained media and scholarly attention. One important outcome of this attention is research investment. In the years since the world learned of the Islamic State of Iraq and Syria's (ISIS) campaign of cultural destruction, considerable efforts have been made by scholars and market professionals to separate myth from fact by prioritizing reliable data to piece together the complex components of the Syrian artifact pipeline. These efforts have already borne fruit, as numerous recent publications attest.[1]

Any attempt to situate the looting in the broader space of the art market, however, eventually hits the causal wall: does looting proliferate because the antiquities trade encourages it, even if inadvertently? In other words, is there something about the current structure and ethos of the trade that provides the conditions that are conducive to illegal excavation and the transfer of archaeological materials? How these questions get answered tells us about much more than one particular civil war; their answers—and the contentious grounds on which the questions are

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[1]Danti 2015; Cunliffe, Muhesen, and Lostal 2016; Casana and Laugier 2017; Greenland et al. 2019.

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posed at all—brings us into the landscape of long-standing ethical, scientific, legal, economic, and humanistic concerns around the ownership and transfer of cultural heritage.[2]

The articles in this volume are situated in this landscape, using recent looting in the Middle East as a reference point but not limiting their cases to any one region, conflict, or object type. The origin of the current volume is a 2016 conference at the University of Chicago's Neubauer Collegium for Culture and Society, where we gathered to share ideas and findings about cultural destruction in conflict zones. That gathering made a point of bringing antiquities market professionals, archaeologists, and cultural policy experts to the same table. This was a priority of the organizers in order to establish collegiality and push beyond traditional institutional and ideational barriers. Through formal paper presentations and closed-door discussions, participants frankly addressed weaknesses and opportunities in the existing paradigm. The structure of the conference explains why the articles in this volume are written from a range of institutional and intellectual vantage points. They do not all agree on causes or consequences. But all of the texts start from a position of recognition: recognition of the catastrophic loss of life and the need for rebuilding and protecting art works and archaeological materials that constitute the backbone of social life.

What is the antiquities trade and why should it be studied? To begin with, we can define the antiquities trade as an assemblage of social and institutional devices through which archaeological materials are produced, evaluated, priced, and sold. Working with the concept of assemblage requires that we bracket classical economic theories of markets as discrete, neutral spaces of exchange and pivot instead to social and cultural practices and circuits.[3] Within this assemblage, then, we can identify formal institutional devices, including auctions, insurance appraisal, and provenance documentation.[4] Equally important, however, are less formal devices such as stories and myths, online memes, and tourist gift shops.[5] Assemblage also suggests something about the looseness of the relationships within the trade. Agents—buyers, sellers, dealers, makers, critics, and scholars—often have considerable leeway in deciding with whom to associate. Hierarchies of prestige constitute one of the classic governing structures for these agents. In order that their evaluation devices become operational, participants in the antiquities trade must have some shared agreement about the purpose and meaning of works. What is remarkable is the fact that, in light of both the great diversity of object types and agents and the relatively deregulated nature of the trade, this "assemblage" functions like a discrete market at all. Value (why an object "matters") and price (how it translates into monetary units) are not established through neutral market

[2]Merryman 1986.
[3]Beckert and Aspers 2011; see Zelizer (2004) on "circuits" of commerce.
[4]Marlowe 2013; Van Laar and Diepeveen 2013.
[5]Kersel 2008; Lyons 2016.

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instruments but, rather, through "the meaning structures" of social transactions and in "the shared values of the agents who populate these [art] markets."[6]

Why should we study the antiquities trade? The relationship between the antiquities market and archaeological site looting has been examined and debated for decades. On the one hand, looting is said to be driven by market demand and abetted by buyers' indifference to provenance problems. On the other hand, trade professionals point to a strict regulatory environment and their own compliance practices as evidence that they are doing what they can to purchase and sell authentic, legally sourced objects.[7] One issue is the difficulty in trying to separate the "black market" from the "legal market." This image—of a clean distinction between two opposing markets, one good and the other bad—is reproduced continually in everyday speech as well as in professional texts. The assumption embedded in this discourse is that the trade in archaeological materials not only has a possible legitimate trajectory, through institutions and agents acting within the law, but also a possible illegitimate trajectory, where laws are knowingly violated and agents work to conceal their activities and the origins of their wares.[8] Similar conceptualizations are at play in conversations about the global trade in weapons, natural resources, and consumer goods; black markets operate in the shadow of legitimate trading practices and shape-shift to evade detection and effective enforcement. This is an attractive way to picture the global trade in archaeological materials, confirming collective thinking about crime, morality, and the porousness of borders. But is it correct?

Part of the problem with black-and-white market differentiation is that it requires us to pin down where legal trade activity stops and illegal activity begins. It makes assumptions about there being agents, devices, and mechanisms that are entirely and knowingly legal and others that are entirely and knowingly illegal. But recent evidence complicates the picture. The antiquities trade comprises legal and illegal activity as well as the interface activities between legal and illegal—the gray market. It is clear that "the international legal regime and its constituent domestic jurisdictional parts consider trade in illicit antiquities to be 'illegal.'"[9] But there is also illegality at every stage of the antiquities trade, buttressed by "deviance-normalising and neutralising engagements with the issues exercised by the actors and constituencies involved."[10] Deviance normalizing means that it becomes accepted practice within the business to relax acquisition standards, for example, or to interpret legal pluralism in a way that favors trade interests.

Let us take the example of provenance. Provenance encompasses the ownership history of a given object, and, in the case of archaeological materials protected

[6]Velthuis 2011, 178.
[7]FitzGibbon 2006.
[8]Bowman 2008; Campbell 2013.
[9]Mackenzie and Yates 2017, 71.
[10]Mackenzie and Yates 2017, 71.

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by the 1970 United Nations Educational, Scientific and Cultural Organization's (UNESCO) Convention on the Means of Preventing and Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970 UNESCO Convention), it also encompasses export dates.[11] That may sound straightforward, but, in fact, there is significant variation in how institutions make judgment calls about how to record provenance and what counts as reliable provenance information. Patty Gerstenblith, writing in this volume about the "1970 standard," demonstrates the plasticity of this criterion when it comes to the Association of Art Museum Directors's (AAMD) Object Registry for New Acquisitions of Archaeological Material and Works of Ancient Art. Through systematic analysis of over 1,000 objects listed in the registry as of November 2017, Gerstenblith asks: "For any given object in the registry, is there a gap between the earliest stated date substantiated by any provenance information and the earliest stated date substantiated by objectively verifiable provenance information and, if so, how long is the gap?"[12] In this way, she is able to evaluate the type and quality (or reliability) of provenance information used by AAMD museums to determine whether a particular acquisition meets the 1970 standard. Among her findings, this observation stands out: almost one-half of the objects listed in the registry have an objectively verifiable provenance date of only 2008 or later. What explains this finding? Loan materials, she acknowledges, account for some of this; they are exempt from the 1970 standard. But the overall take-away is that museums' "informed judgment" concerning provenance dates results in a large number of non-complying acquisitions. The argument here is not that museum officials are actively circumventing the 1970 standard. Rather, Gerstenblith highlights the ordinary loopholes and procedural gaps within the AAMD's acquisitions framework as well as the judgment calls and interpretations of document trails that produce provenance determinations. "Systematic recurrences of inadequate provenance certitude," she argues, "are symptomatic of the larger problem of methodology and standards of evidence in claiming documented provenance."[13]

Is iffy provenance "gray" if it fulfills institutional procedural requirements but falls short of legal ideal? Or is it just one of many challenges in operating in a space with strongly divergent ideas about transparency and morality? Characterizing the trade as gray is not an attack on the morality of individual participants. As recent work has suggested, there are key features of the antiquities trade that facilitate gray practices. For example, dealers typically protect the identity of their clients for reasons of privacy.[14] Auction sales can suppress the names of consigners and buyers, and private sales leave little to no public-facing paper trail. This is not just the stuff

[11]Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 14 November 1970, 823 UNTS 231.
[12]Gerstenblith 2019, 285.
[13]Gerstenblith 2019, 285.
[14]Thompson 2016.

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of rarified aristocrats and hedge fund managers; it is standard practice right down to $100 coins. It is accepted tradition within the trade to proceed with discretion. There is no legal requirement that antiquities sales details be made public. One lesson here is that caution is in order before we label a practice "gray"; it is not gray just because we wish things were done differently.

The volume begins with an article by Randall Hixenbaugh, a New York-based antiquities dealer. Extending an invitation to scholars and policymakers to engage in a productive discourse, he examines anti-trade arguments and policy platforms from the perspective of an antiquities dealer. In "The Current State of the Antiquities Trade: An Art Dealer's Perspective," Hixenbaugh finds the origins of anti-trade activity in academia—specifically, a firmly entrenched position that private ownership of antiquities causes archaeological site destruction. This position, he argues, is beyond dispute or discussion in some quarters of the academy. It is also misleading, according to Hixenbaugh. He asks readers to consider one particular narrative: that religiously motivated destruction of ancient sites (for example, religious extremists in Syria, Yemen, and Iraq during the Syrian war) is tied to Western demand. If this narrative were true, Hixenbaugh reasons, we would see purloined artifacts entering the Western trade. And, yet, despite the ongoing destruction in the Middle East/North Africa region, "virtually no artifacts from there have entered the Western trade."[15] Fetishizing mundane ubiquitous antiquities as sacrosanct objects of great national importance in a globalized modern world and demanding criminalization of the legitimate art trade are counterproductive. In many archaeologically rich countries, antiquities are regarded as items to sell to foreigners at best or sacrilegious objects to be destroyed at worst. The free trade in cultural objects is itself an institution that needs to be protected, he argues. In so doing, he builds on long-standing discussions about the protective capacity of markets and collecting institutions. This protective capacity includes not only conservation and preservation but also dissemination across multiple national and social contexts. Given the concentrated destruction of objects within Syria and Iraq during the recent war, he concludes, an open and legitimate trade in antiquities is more necessary than ever to save the global community's shared cultural property.

The volume then moves to two sections of three articles each, grouped thematically. The first section, Refining Our Understanding of the Market, begins with new findings about the importance of small objects in the antiquities market. Oya Topçuoğlu and Tasha Vorderstrasse argue in "Small Finds, Big Values: Cylinder Seals and Coins from Iraq and Syria on the Online Market" that media and mainstream scholarly discussions about looted antiquities are misleading in their bias toward large, culturally and monetarily valuable items. Recent market data show clearly that mundane small finds, which sell for relatively small amounts, account for a large portion of the global market in antiquities. What is especially arresting in

[15]Hixenbaugh 2019, 227.

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this article is the possibility that objects are moving quickly from source to market. Drawing on data from two major online vendors, Topçuoğlu and Vorderstrasse demonstrate that the number of cylinder seals and coins sold on the Internet has increased steadily since 2011, reaching a peak in 2016–17. The authors highlight two types of small artifacts—cylinder seals and coins—presumed to come from Syria and Iraq and offered for sale by online vendors. Prior scholarship has documented the steady movement of small artifacts through market mechanisms. This article moves the discussion forward by combining archaeological context data with systematic market research, an approach that allows us to connect object distribution patterns (historically and in the present) with likely market sources. The concentration of cylinder seals was largely limited to Syria and Iraq in antiquity because that is where they had use-value, which makes it plausible that the majority of the 1,457 cylinder seals included in this study were removed from collections or archaeological contexts in that area. Coins traveled wider trajectories, even those coming from regional mints rather than the major metropolitan centers.

With that caveat in mind, the authors ask us to consider the troubling case of coins from the mint at Sinjar. Sinjar operated briefly in the third century CE under the rein of Gordian III. Few coins from this mint are attested in excavations. They have been found at Dura Europos (which was heavily looted during the Syrian war) and at Antioch. "Complicating matters," the authors emphasize, "is the fact that the city of Singara (modern Sinjar) has never been excavated." The market data show rises and falls in the number of Sinjar coins for sale since 2001, with a peak in 2012–14, a drop in 2015, and another rise in 2016–17. Given the small number of objects under consideration, it is true that a dramatic increase or fall can be triggered by, say, 10 coins entering the market. But, alongside the inventory sensitivity, Topçuoğlu and Vorderstrasse ask that we consider the glaring detail that most of the coins of Gordian III were found archaeologically at Dura Europos and essentially nowhere else in the region: "[I]t is plausible to connect these coins to the looting at this and other Euphrates sites in Syria associated with these coins."[16]

This article contributes in other ways to a closer understanding of the market. First, the provenance information is inconsistent. In the case of cylinder seals, 24 percent of the objects having some type of provenance listing did not include any date of prior sale. This is a major concern for UNESCO's 1970 standard (as explored in-depth in the article by Patty Gerstenblith). Instead, as Topçuoğlu and Vorderstrasse write, provenance is limited to the stock phrase "ex – city name – private collection/collector," which seems to be sufficient for buyers.[17] All but one of these seals were sold by dealers in the United States. Second, online sales of small objects are not simply supplementing the sale of big-ticket items in brick-and-mortar shops and causing more of the same outcomes. The trade in small

[16]Topçuoğlu and Vorderstrasse 2019, 239.
[17]Topçuoğlu and Vorderstrasse 2019, 239.

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finds has introduced new factors. Small objects are portable, concealable, and often cheap. As the authors assert, "[t]he ability to reach buyers of various socio-economic backgrounds around the world and the financial advantages of being able to store large inventories of small objects in low-cost locations are among the main factors that contribute to the continuing growth of the online market in antiquities."[18] This growth threatens the preservation of archaeological sites in Iraq and Syria. Online vendors present us with a complicated case study in verifying the legality and transparency of the trade, and the new material here refutes the long-standing assumption that looted goods are warehoused or "salted away" until market conditions are favorable. Syrian and Iraqi materials moved to the market during the Syrian war, even with new national- and international-level restrictions on the movement of such items.

The difficulty in ensuring that the trade is, in fact, open and legitimate is of key concern in the article by Neil Brodie. In "Through a Glass, Darkly: Long-Term Antiquities Auction Data in Context," he uses the antiquities catalogues of major auction houses as a long-term source of information about the auction market in antiquities and about the market in antiquities more generally. Past studies have used catalogue data to investigate the nature and scale of the market and to assess the impact of legal and normative measures of market control. In this article, Brodie offers a new approach; by way of two case studies, referencing Iraqi and Cambodian material sold at the New York branch of Sotheby's, his article argues that, while auction catalogues do provide an important source of information for investigating the antiquities market, this information can be misleading without nuance. For example, changing material or monetary statistics might reflect commercial factors unrelated to market control. For more reliable research, long-term auction data should be contextualized with information available from other sources. One thing that Brodie finds lacking in previous work is substantiated causal relationships, even though they may illustrate a correlation between market-oriented policies and market shifts over time. The assumption made by many researchers has been that import restrictions impact sales. This view is too limited, according to Brodie: "A sales department of an auction house exists at the center of multiple, overlapping environments, and its sales strategy is continually adjusting and readjusting in response to changes in those environments. Any examination of sales data must pay close attention to this environmental context."[19] To take one of his case studies, declining sales in Cambodian archaeological material after 1970 cannot, *pace* previous scholarship, be ascribed to import prohibition alone but, instead, was spurred on by internal factors at the institutional level. Bad publicity and exposure to law enforcement probes are revealed to have been crucial factors in Sotheby's decision to back away from the sale of Cambodian material. "Long-term sales data might open a window onto the inner workings of

[18]Topçuoğlu and Vorderstrasse 2019, 239.
[19]Brodie 2019, 265.

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the auction market," he acknowledges, "but it is a dark and distorting glass view and the inner workings are complex."[20] On the basis of his heterogeneous empirical base, Brodie reminds us that market actors can give the appearance of responding to legal and normative controls without having the substance. Brodie's article makes a signal contribution to the study of policy impacts. If we cannot assume that declining sales confirm the effectiveness of externally imposed market regulations, we need other measures of policy evaluation.

Gerstenblith's article contends with policy evaluation at the level of museum acquisitions. In "Provenances: Real, Fake, and Questionable," she offers mixed-method analysis of the AAMD's Object Registry for New Acquisitions of Archeological Material and Works of Ancient Art (Object Registry) to uncover gaps and inconsistencies in how the UNESCO 1970 Convention's provenance standard is applied. It is worth restating her main findings in light of the discussions offered by Hixenbaugh and Brodie. The year 1970 is a standard proxy for antiquities' legality and authenticity, stemming from the 1970 UNESCO Convention. As Gerstenblith reminds us, the Convention is only legally binding for a particular country "once that country ratifies it and, in many cases, enacts implementing legislation. Thus, the date of 1970, by itself, bears no legal significance."[21] Moreover, she argues, the date is insufficient for purposes of certifying either legality or authenticity. Voluntary compliance measures among collectors, dealers, and museums show uneven outcomes. This is due in no small measure to the discrepant standards of evidence used to document antiquities' acquisition dates. What is at stake in all of this is ascertaining when an artifact left its country of evidence. If that occurred prior to 1970, the UNESCO Convention does not apply. If it occurred after 1970, Convention standards are in legal effect on signatory states.

The AAMD is a professional organization that sets leadership and best practices for US art museums. In 2008, the organization adopted policies incorporating the 1970 standard. AAMD member organizations are required to list in the Object Registry any acquired archaeological object that does not have a provenance indicating that it was outside of its country of origin before 1970. The aim was to encourage transparency. Has it worked? Gerstenblith focuses on the quality of evidence offered by museums with respect to object dates. She finds great variety in what passes for objective, credible evidence and many instances in which the earliest date is not objectively verifiable. She concludes that the evidence "refutes the notion that the AAMD's adoption of the 1970 standard would stand as a bulwark between, on the one hand, the looting of an archaeological site and, on the other hand, museum acquisitions or acquisitions by collectors that would later be donated to museums."[22] The Object Registry's permissive disposition toward post-1970 artifacts effectively turns a blind eye to the possibility of

[20]Brodie 2019, 265.
[21]Gerstenblith 2019, 285.
[22]Gerstenblith 2019, 285.

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looted artifacts being acquired by museums. The problem is not the museums' alone; she reminds us that if provenance is to have any bearing on the antiquities market, better documentation standards are needed for all participants, and it is in the interest of scholars, market participants, and museum professionals alike to improve this work.

The second section of the issue presents three articles grouped around the theme Responses to Looting. In "The (W)hole Picture: Responses to a Looted Landscape," Morag Kersel and Chad Hill train their analysis on the hole in the ground that becomes the center of activity for archaeologists, governments, law enforcement, and non-governmental organizations. When that hole is deemed to result from looting, they ask, how do these different parties respond and how effectively coordinated is their work? Market demand for Early Bronze Age archaeological objects has resulted in decades of illegal excavation in Jordan, leaving thousands of holes in the surface of ancient sites along the Dead Sea Plain. The government has tried for years to address the issue, using fences and guards to keep looters out of archaeological sites, for example, and experimenting with a no-questions-asked "buy-back" program to keep artifacts from leaving the country. These attempts have met with partial success. Looting continues unabated, and the sustained efforts of two projects—Follow the Pots and Landscapes of the Dead—have generated a comprehensive assessment of looting patterns. In this article, Kersel and Hill demonstrate how both projects have combined a powerful suite of methods that are capable of illuminating much more than the size or frequency of holes; their mixed-method approach allows them to illuminate local looting histories, trading networks, and looters' profit incentives or the potential income derived from looting and selling antiquities.

The "(w)hole picture" refers to the entirety of the looter's pit: its material, spatial, social, and temporal features. One type of picture comes from drones—fixed-wing and rotary—which have generated thousands of images of such pits at Fifa alone. The power of Kersel and Hill's approach is in combining drone data with archival materials and ground truthing. The combined approach has revealed, among other things, that looters were not always digging straight down from the surface. Because many of the Early Bronze Age cist tombs share a single wall, looters were able to work horizontally beneath the surface. As the authors write, "[i]n an efficiently destructive approach, pristine graves can be rapidly accessed by digging sideways through the wall of a previously looted grave. It is much easier to dig sideways between two graves than to dig down from the surface through the overburden and the large limestone capstones covering the tombs."[23] The example of sideways cist tomb penetration is important because it shows the limitations of relying on any one method, including counting looters' pits.

What we do with this kind of information is of central concern to the authors: "Essential to this methodology is, first, an obligation to the people of Jordan and

[23]Kersel and Hill 2019, 305.

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their cultural heritage. The work is not conducted in a landscape devoid of people but includes those who interact with the site daily, weekly, monthly, or yearly."[24] Anti-looting debates often suggest that local people do not care about cultural heritage or are under-educated about its value. Kersel and Hill reject these allegations. Their data confirm that Jordanians do care and that "they are effective custodians when empowered with resources." Quantitative analysis of income flows from Early Bronze Age pottery shows us what is at stake. Between 1989 and 2016, looting at Fifa potentially produced between 22,338 and 111,690 pots, which may sell for between $30 and $150 per pot: "Looters, paid anywhere from 3–5 Jordanian dinars ($4–7) for each pot, could possibly have earned 66,600 Jordanian dinars and 555,000 Jordanian dinars ($88,800 and $777,000)."[25] This is a significant source of revenue for the local community and has to be factored into anti-looting programs. The wholism of pit study, then, can support holistic site protection measures that empower local communities, support their material and social needs, and preserve artifacts.

The looters in Kersel and Hill's study are far from the headline-generating insurgent diggers of the Syrian war. But what about that opening salvo: why the looting of the Islamic state has opened up vigorous and sometimes contentious debates? One issue has been the matter of profit. A 2015 study by the *New York Times* and the RAND Corporation suggested that extortion and taxation constituted the largest source of ISIS revenue, accounting for some $600 million in 2014. The second-largest source of support was cash and property stolen from state-owned banks in Iraq ($500 million in 2014). A distant third and fourth, respectively, were oil ($100 million) and ransoms ($20 million). Several factors, including a fast-changing political situation and extreme difficulty in obtaining accurate information, complicate the study of ISIS revenue. Nevertheless, enough is known about the pre-ISIS resources of the region to support the findings of the *New York Times* analysis. First, concerning taxation and extortion, the land from central and northern Iraq to the Euphrates is some of the richest in the world. The Islamic state evidently ensured a steady flow of grain and produce to its inhabitants from this rich farmland and bolstered its coffers by taxing farmers. Indeed, we have strong evidence of a widespread and apparently well-organized tax system in effect in the Islamic state, including the notorious *jizya* imposed on Christians and other non-Muslims living within this territory.[26] The take-over of Iraqi state banks is part of a broader phenomenon of enrichment through enemy materiel. Every time ISIS overran a Syrian or Iraqi Kurdistan military base, it inherited the weapons, clothing, and other equipment of the enemy soldiers who have been captured or killed or who have fled. Similarly, ISIS fighters were permitted to take cash, cell phones, and other items of private property from persons classified as infidels or

[24]Kersel and Hill 2019, 305.
[25]Kersel and Hill 2019, 305.
[26]Sarah Almukthar, "ISIS Finances Are Strong," *New York Times*, 19 May 2015, http://www.nytimes.com/interactive/2015/05/19/world/middleeast/isis-finances.html (accessed 23 June 2019).

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non-Muslims within the Islamic state. Oil was not one of the main sources of cash, in part because the oil infrastructure was crippled by US-led airstrikes. Even before those airstrikes, however, sales of oil from the Islamic state to foreign purchasers were low. Much of the production went to meet the needs of the Islamic state's consumers. Finally, kidnapping ransoms were in another black box of ISIS revenues, along with aid from foreign supporters.

Where do antiquities fit in all of this? In "Looting and Smuggling of Artifacts as a Strategy to Finance Terrorism Global Sanctions as a Disruptive and Preventive Tool," Hans-Jakob Schindler and Frederique Gautier offer an important perspective from the vantage point of the United Nations Security Council's ISIL, Al-Qaida and Taliban Monitoring Team (Monitoring Team). They argue that antiquities became a key source of revenue for insurgent groups in Iraq and the Syrian Arab Republic during the Syrian civil war, a claim sustained by two major forms of evidence. First, Schindler and Gautier point to observations of large-scale excavation at archaeological sites. In their words, the evidence shows that ISIS has employed "heavy-digging equipment to remove significant quantities of material from archaeological mounts before the fighters of the group vacated the area."[27] Further evidence indicates that ISIS took artifacts from storage depots at museums and archaeological sites. These observations alone do not tell us whether, or at what level, ISIS has made money from selling archaeological materials, but they do suggest that ISIS has found the activity worthy of concerted time and resources. The second major type of evidence comes from observations of the market, recalling the diffusion and complexity of that term. ISIS has employed sophisticated marketing strategies that allow them to profit by slipping into legal (or quasi-legal, socially tolerated) streams of trade. What we know, then, is that ISIS was involved in intensive artifact extraction at dig sites and in depots and that ISIS has developed a network of exchange that moved artifacts from ISIS territory to foreign markets.

The challenge for law-abiding market participants, then, is that they "face a significant risk of being inadvertently involved in this illicit trade."[28] Provenance, or documented ownership history, should be a standard of trade that protects dealers and collectors from illegal purchases. There is no "internationally accepted definition of what provenance documentation should include," however, or "how the documentation concerning the sale of antiquities should be handled and stored."[29] Dealers and collectors represent the last line of defense against looters' infiltration of the legal antiquities market. For this reason, the Monitoring Team has called for "an agreed standard of provenance, common rules of compliance, due diligence, and know-your-customer procedures [that would] enable market participants to better identify potentially problematic antiquities [and] allow customs and law

[27]Schindler and Gautier 2019, 331.
[28]Schindler and Gautier 2019, 331.
[29]Schindler and Gautier 2019, 331.

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enforcement investigators to gain access to data on past sales more easily."[30] Data sharing, private and public sector cooperation, and improved standards of provenance are essential components of any effective policy treatment, in the United Nations Security Council's view of the looting problem.

Where Schindler and Gautier take us into the specific and specifically dark problem of terrorist groups' exploitation of archaeological materials, Lawrence Rothfield considers the larger concept of harms inflicted by the antiquities market. The emergency measures adopted by the United Nations, he argues, are only an extension of a more general, "normal" approach to the general problem of protecting heritage. The alternative approach he endorses is a Pigovian tax structure that quantifies the harms caused by the antiquities trade and incentivizes market participants to adhere to stricter legal and ethical standards of trade.

In "The Past Polluted: A Pigovian Approach to the Black Market in Antiquities," Rothfield criticizes the extant paradigm of regulating the international antiquities trade. This paradigm, he says, is premised on command-and-control procedures such as interdictions and sanctions, but the laws currently on the books are ineffective. Cultural heritage protection laws, Rothfield asserts, need to do more than express values: "[T]hey need to deter potential criminals. And, for deterrence to be effective, laws need to be enforced."[31] If this sounds like an obvious point, Rothfield stresses that heritage protection advocates rarely offer resources or procedures for the implementation and enforcement of the measures they push. Enforcement cannot come as an afterthought: "Enforcing laws against looting requires paying for site guards and antiquities police to put the fear of God into looters; enforcing laws against illicit export requires paying for customs inspectors to put the fear of God into smugglers; enforcing laws against trafficking stolen property requires paying for undercover agents and prosecutors to put the fear of God into middlemen, dealers, and collectors."[32] Who should pay for such measures? Market participants, answers Rothfield, and his answer draws on the economics principle of externalities. Negative externalities are the harms suffered by innocent bystanders as a result of industry operations. In the case of the antiquities market, the benefits of the trade, including object conservation, admiration, and enjoyment, are outweighed by the damage caused by "extractive strip-mining of antiquities," which bring "cultural harm by obliterating the historical record constituted by the stratigraphic context in which the buried artifact was embedded."[33]

The negative externalities of the antiquities trade have a quantifiable measure, according to Rothfield, and this measure can be evaluated in monetary units. Guided by the path-breaking work of Arthur Pigou, Rothfield argues in support of a "polluter pays" tax in which the government imposes a tax on polluting industries.

[30]Schindler and Gautier 2019, 331.
[31]Rothfield 2019, 343.
[32]Rothfield 2019, 343.
[33]Rothfield 2019, 343.

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While general taxes are already in place in the antiquities market (value-added tax in the United Kingdom; sales tax in the United States), such taxes do not target the social harms of industry activity. A Pigovian tax on antiquities would identify and quantify those social harms and direct tax revenues to policy enforcement. Rothfield acknowledges a number of challenges to this approach. For a start, monetizing these harms would involve putting a dollar sign on heritage and history, steps that are "repugnant to many archaeologists and heritage activists."[34] But there is precedent to such work, and Rothfield cites examples of "pricing the priceless" (a phrase cuing the pioneering work of Princeton sociologist Viviana Zelizer) in genetics and environmental protections.[35]

The Pigovian tax idea opens more questions than it answers. Should today's market participants be punished for the social harms inflicted by decades-earlier looters, whose artifacts are now on the market? Is there an incentive for individual vendors or collectors to minimize social harms if the tax burden is always collective? Finally, who would be in charge of revenues raised by a Pigovian tax? Rothfield's vision slips between jurisdictions and levels (firms, nations, global regions). This way of thinking about taxation and redistribution makes it difficult to picture how Pigovian revenues could effectively address social harms; if they are assessed at the global level, but administered at the national level, how are the transnational harms addressed? These are non-trivial concerns. Short of offering conclusive answers to all of them, Rothfield's contribution serves to spark conversation about a new way of thinking about the market.

It is in this spirit of sparking new theories and models that the volume's contributors present their work. We thank the Neubauer Collegium for Culture and Society for their generous support for our conference, and the chief editor and anonymous reviewers at the *International Journal of Cultural Property* for their invaluable comments and insights.

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[34]Rothfield 2019, 343.
[35]Zelizer 2004; see also Fourcade 2011.

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