

The background of the cover features a light yellow-to-white gradient with several stylized, golden-yellow leaf motifs scattered across it. These motifs are simple, elongated shapes with small veins, appearing to float or drift across the page.

CRIMES OF THE ART WORLD

THOMAS D. BAZLEY

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Crimes of the Art World

THOMAS D. BAZLEY



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Contents

<i>Boxes, Figures, and Tables</i>	vii
<i>Preface</i>	ix
1 Art and Crime?	1
Two Intersecting Perspectives: Art and Criminology	4
Art: Why Is It Important? Why Is It Valuable?	7
Art Crimes	11
Case Studies	16
Art and Crime: In Summary	19
2 Art Theft	21
Theft Offenses Generally: Larceny, Burglary, and Robbery	21
Larceny, Burglary, and Robbery of Art:	
What Do We Know about These Crimes?	26
Art Theft: The Offenders	36
After the Theft: What Becomes of Stolen Art?	43
Art Theft: In Summary	46
3 Art Theft Continued: Selected Cases	49
1911: Theft of the World's Most Famous Painting	49
1967–1986: The Most Stolen Painting	50
1969: Church of San Lorenzo, Palermo, Italy	50
1972: Montreal Museum of Fine Arts	50
1972: Musée de Bagnols-sur-Cèze, Gard, France	50
1974–2002: Russborough House, Ireland	50
1983: Burglars in Budapest	52

1983–1989: Thefts by Argentine Police Officers	52
1987: Nine Paintings Reported Missing from Dutch Gallery	52
1988: Daytime Theft in Berlin	53
1988: Van Goghs Stolen in Holland	53
1991: Van Gogh Museum Robbed	53
1993: Swedish Museum Theft	53
1994: Picassos Stolen in Switzerland	54
1995: Titian Stolen from English Estate	54
1998: Corot Painting Stolen at the Louvre	54
1998: Modern Art Stolen in Rome	54
2000: New Year's Burglary in Britain	54
2000: Fake Monet Delays Theft Report	55
2000: Armed Robbery at the National Museum in Stockholm	55
2001: \$65 Million in Artworks Stolen from Home of Spanish Billionaire in Madrid	55
2002: Fake Sculpture Delays Theft Report	56
2002: Major Thefts in the Netherlands: Van Gogh and Hals Museums	56
2003: Vienna Museum Burglarized by Burglar Alarm Technician	57
2003: Da Vinci Stolen from Scottish Castle	57
2004: Valuable Paintings Stolen from a Hospital in Rome	58
2005: Museum Burglary Nets Paintings and Silver in Holland	58
2006: A Robbery in Rio during Carnival	58
2007: Picasso's Paintings Stolen from His Granddaughter	58
2007: Masked Gunmen Steal Four Paintings from a Museum in France	59
2007: Valuable Picasso Stolen in Museum Burglary in Brazil	59
2008: A Week of Major Thefts in Switzerland	59
2008: Armed Robbery of Sao Paulo Museum	60
2008: Daytime Residential Burglary in California Nets Millions	60
2008: Priceless Work by Goya Stolen in Colombia	61
2009: Church Burglary in Norway Nets Cranach Painting	61
2009: Theft at Picasso National Museum in Paris	61
4 Art Forgeries and Fakes	63
Theft versus Fraud	64
Forgery, Fakery, and Art Values	68
Forgery and Fakery: Antiquities	70
Forgery and Fakery: From the Renaissance to Modern Day	73
How Do They Do It? An Overview of Art Forgery Techniques	76
Distribution Networks: Marketing Forgeries and Fakes	78
Art Forgery and Fakery—In Summary	82

5 Art Theft and Destruction: The Perils of Wars and Civil/Religious Unrest	83
World War II: The Nazi Plunder of Art	84
World War II (Continued): Repatriating the Nazi Plunder	92
Art Plunder in Times of War and Civil/Religious Unrest: The Dawn of the 21st Century	97
6 Stealing the Past: The Looting of Cultural-Heritage Objects	101
The Theft of Cultural-Heritage Objects: The Scope of the Problem	103
Looting and Smuggling Networks	107
The Market for Looted Cultural-Heritage Objects: Museums and Collectors	111
Controlling the Looting of the World's Cultural Heritage: Issues and Policies	116
7 White-Collar Crime in the Art World	123
White-Collar Crime: What Is It?	124
White-Collar Crime in the Art World: How Big of a Problem?	132
8 Vandalism and Malicious Destruction	141
Destructive/Malicious Behavior	145
Art Vandalism/Destruction as a Form of Protest or Social Statement	149
Destroying Art for Profit	150
Vandalism/Malicious Destruction of Art: Disheartening, Disturbing, and Senseless	154
9 Responding to Art Crime	157
International Law Enforcement Coordination: The Roles of the United Nations, Interpol, and Other Worldwide Organizations	157
Art-Crime Enforcement in the United States	160
Art-Crime Enforcement Beyond the United States	166
Art-Crime Enforcement: Private-Sector Contributions	170
10 Security and Prevention: The Best Response to Art Crime	173
Protecting Art from Theft, Looting, and Vandalism	173
Forgeries, Fakes, and Counterfeits: Preventing Victimization and Deterring These Practices	183
<i>Appendix A. Common Art-Object Categories: Definitions</i>	189
<i>Appendix B. Selected Art-Loss Databases</i>	191
<i>Selected Bibliography</i>	195
<i>Notes</i>	197
<i>Index</i>	227

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Boxes, Figures, and Tables

Chapter 1

Table 1.1 Art typologies	6
Table 1.2 Art-crime databases	15
Box 1.1 Case study: A classic tale of art crime	16

Chapter 2

Box 2.1 Larceny/Theft: Stephane Breitweiser	23
Box 2.2 Burglary: Oslo, Norway— <i>The Scream</i> (Part I)	24
Box 2.3 Robbery: Oslo, Norway— <i>The Scream</i> (Part II)	25
Table 2.1 Worldwide crime trends for selected offenses: Frequencies and rates/100,000 population (2002)	28
Figure 2.1 Crime frequencies: United States vs. world	29
Figure 2.2 Rate per 100,000 population: United States vs. world	29
Table 2.2 <i>Art Loss Register</i> database: Top-10 stolen/ missing categories and percent of total reports	34
Table 2.3 <i>Art Loss Register</i> database: Top-10 most frequently stolen artworks by artist	34
Table 2.4 2006 U.S. offender characteristics: Larceny, burglary, and robbery	38
Table 2.5 2006 U.S. offense characteristics: Average monetary losses	39

Chapter 4

Box 4.1 Fraud charged in art forgery and counterfeiting scheme	65
Box 4.2 Faking a civilization: Pre-Columbian art forgeries	71

Box 4.3 Bible-era relics found to be frauds in Israel	72
Box 4.4 The Greenhalghs of Great Britain	80
Chapter 5	
Box 5.1 The long journey of the art of Jacques Goudstikker	88
Box 5.2 The trials and tribulations of repatriation: Klimt's portrait of Adele Bloch-Bauer	96
Chapter 6	
Box 6.1 Italian Carabinieri dismantle the Medici network	109
Box 6.2 The Met's Euphronius krater	115
Chapter 7	
Table 7.1 Topics addressed in selected white-collar crime literature	127
Box 7.1 White-collar crime at the Getty: Marion True et al.	128
Box 7.2 White-collar crime at the top of the art-auction industry: Sotheby's and Christie's	136
Chapter 8	
Table 8.1 Vandalism to paintings by well-known artists: Selected incidents in recent history	144
Chapter 9	
Box 9.1 Inflated appraisals of Thai antiquities tied to tax-fraud scheme	164

Preface

This book is an introduction to art crime, researched and written from the perspective of criminology (and to a lesser extent, from insights gained through a career as a federal criminal investigator). However, long before my days as a federal agent, graduate student, and now college instructor, I studied art history as an undergraduate. This coursework laid a foundation for a lifelong interest in art and art history, which in turn, prompted this undertaking. To be very clear, however, this is not a work of art history. I leave such endeavors to those who have acquired the requisite education, training, and experience in that highly specialized field. However, as a work that attempts to explore the intersection of art and crime, it will hopefully be of interest and value not only to those who study and/or follow crime but also to those who study and/or follow art as well. If this goal is met, the interests of a broad segment of readers should be addressed.

Criminology is a social science that examines crime as social phenomenon and society's reaction to it. While it is rooted in sociology, it readily brings in knowledge from other fields such as psychology, law, economics, political science, and philosophy in its attempt to better understand the process of why and how we have laws that label some conduct as crimes, why some people break these laws, and what we as a society do when such conduct occurs. This inclusive approach has extended the reach of criminology in many directions ranging from theoretical explanations to analyses of various types of offending to policing and correctional practices. Nevertheless, the literature in criminology has been relatively silent on crimes that affect art and those who create, own, and/or have custody

of art objects. This relative lack of attention is all the more surprising when confronted with the highly ranked position that art crime occupies in international crime estimates. The chapters that follow will detail the obstacles encountered when attempting to apply many of the standard criminological research practices. As will be repeated throughout this volume, the lack of any comprehensive database precludes the type of statistical analysis that is so frequently reflected in criminological literature. However, such obstacles are not unique in the study of crime. For instance, there is no comprehensive database on serial killing or mass murder. Moreover, perhaps the most costly form of crime and certainly one of the most pervasive, white-collar crime, also cannot be broadly studied through quantitative analysis due to the lack of comprehensive data. So do we give up? Of course not! We rely on what information we can glean from other sources: very frequently through case study analysis, data often emanating from media reports. Such approaches are adopted here as well.

Aside from data problems, another impediment to studying art crime is the unique environment in which a criminologist is likely to find him/herself. Some knowledge and interest in art and art history are necessary prerequisites if one wishes to study crime within the art world. This type of background and interest is not universally found among criminologists; folks who are more likely comfortable when dealing with homicide, drug use, rape, prisons, and other topics that reflect the less charming aspects of humankind. Nevertheless, crimes that affect art and those who create, own, or have custody of art should fall squarely within the concerns of criminology. The present undertaking is premised on the (hopefully correct) notion that one need not be an art historian to study and write about art crime. The goal here is straightforward but also ambitious and challenging, whether approaching it as a criminologist or art historian, that is, to bridge the gap between the two fields and to add to the relatively small body of literature on crimes in the art world.

While written from a criminological perspective, this volume hopefully does not dwell on the parochial characteristics of social science texts, that is, theory discussion and statistical analysis (there isn't much to work with here in this regard anyway!). As the introduction to the volume, chapter 1 provides an overview of the art world that we will be exploring and a glimpse of the crimes that will be covered in the chapters that follow. Chapters 2 and 3 deal with art theft in the traditional criminal sense; that is, larceny, burglary, and robbery; with chapter 2 being somewhat more theoretical and analytical and chapter 3 highlighting some of the great art thefts through conventional criminal methodologies. When one thinks about art crime, art theft often first comes to mind, quickly followed by art forgeries, fakes, and counterfeits. It is fitting then that this subject is discussed next in chapter 4. Chapters 5 and 6 bring us back to theft scenarios, but in special contexts. Chapter 5 deals with art theft incident to wars and civil/religious unrest while chapter 6 focuses on the theft and trafficking

of cultural-heritage objects. Chapter 7 breaks new ground with regard to the literature on art crime as it categorizes certain misconduct that has occurred in the art world as white-collar crime. Chapter 8 concludes our examination of the various art-crime categories with a discussion on art vandalism and malicious destruction. The final two chapters, chapters 9 and 10, take us in a different but related direction when considering crimes of the art world; that is, how do we respond to it? Chapter 9 covers the legal, diplomatic, and law enforcement response to art crime while chapter 10 discusses security and prevention measures that can be taken to avoid victimization.

It is my hope that regardless of orientation and interest, all readers will find this tour of the crimes of the art world both fascinating and disturbing, but also as enlightening as I have. My sincere thanks to my family, friends, and professional colleagues for their support and encouragement throughout this undertaking; and in particular, for the much needed proofreading assistance provided by my wife, Lyn.

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CHAPTER 1

Art and Crime?

“Art” and “crime?” Even without getting into exact definitions of these two terms, many readers might sense a non sequitur or lack of congruity. First, although both terms can be nouns, art is generally a tangible object (at least as we will consider it here) while crime is a form of human conduct or, more accurately, misconduct. Moreover, as a visual form of expression which many viewers find beautiful (or alternatively intriguing or thought-provoking), it could be argued that art is a *positive* contribution to our world and has been throughout the ages. Crime, however, conjures images of human behavior at its worst and would seem to stand in stark contrast to art as a positive feature in our lives. Put another way, joining the terms “art” and “crime” is as unseemly as joining the terms “sublime” and “grimy.”¹

Should it be surprising then that unlike well-established pairings such as drugs and crime or guns and crime, art and crime has received relatively little attention, beyond an occasional news story about the theft of a well-known art object (or a motion picture that glamorizes such incidents)? Perhaps not, considering how out of character these two forms of human endeavor seem to be with each other. However, our failure to recognize seemingly odd pairings is not without precedent when it comes to studying and addressing crime. Up until the mid-20th century, not only the general public but also government policy makers and the academic world ignored linkages between criminal behavior and those occupying the upper or white-collar classes of our society. It was not until Edwin Sutherland, the noted American criminologist, began to promote this concept (beginning in an article entitled “White-Collar Criminality”

published in 1940 in *American Sociological Review* 5(1): pp. 1–12) that crimes committed by the business community were viewed within academic and government circles as a unified category of offenses, that is, white-collar crime. In addition to calling attention to these offenses by categorizing them under one banner, Sutherland also argued that the upper classes committed crimes in connection with their business activities, but these crimes were not looked upon as such and therefore, upper-class criminality was excluded from criminological consideration and theory. Moreover, he felt that crime statistics were skewed because they focused only on crimes committed by the lower classes and, therefore, forced theorists to work only within the framework of lower-class offenders.

For the study of white-collar crime, Sutherland's article was important conceptually in at least four respects. First, it argued for the recognition of white-collar crime as a serious crime problem. Second, it advocated for a reorientation of criminology/sociology and societal institutions concerned with criminal behavior to consider the illegal activities of both the upper and lower social classes. Third, the effect of such a reorientation would be that the study and control of this type of crime would need to consider not only the offense's characteristics but also the offender's social and class characteristics as well. As Sutherland was concerned about crimes committed by the upper classes in the course of their business activities, class and social characteristics provided upper-class individuals offending opportunities not available to lower-class individuals. Heretofore, crime was viewed as solely a lower-class phenomenon and, thus, all criminal offenders were believed to share common lower-class social characteristics.

The fourth conceptual issue raised by Sutherland was the inclusion of illegal but not necessarily criminal activities as conduct worthy of attention by both criminologists/sociologists and criminal-justice policy makers. He acknowledged that much of the conduct he considered white-collar crime was not investigated by traditional law-enforcement agencies nor adjudicated in the criminal courts. Rather, these offenses were usually handled civilly or administratively, often by regulatory type agencies. However, he felt that most of these types of actions arose because the offenders did engage in the type of conduct that would also constitute a criminal violation, usually in the form of criminal fraud. He also noted in this article that juvenile delinquency is not adjudicated in the criminal courts, but there is little public debate over whether this type of conduct is, in actuality, a criminal concern.

Sutherland's conceptual arguments to recognize white-collar crime as being within the purview of those who study and regulate crime have some interesting parallels to the seemingly odd-fellow relationship of art and crime. First, is art crime a serious problem? Later we'll examine this issue in greater detail when we discuss art-crime typologies and losses. For now, consider this: in an international survey of world governments

conducted by the United Nations regarding transnational crime problems, the theft of art and cultural objects was ranked number three in terms of prevalence and seriousness (out of a total of 18 crime categories), just behind money laundering and terrorist activities. While the rationale for this ranking was largely based on the argument that the theft of cultural objects can rob entire nations and cultures of their cultural heritage, annual loss estimates attributable to the theft of *fine art* alone (e.g., paintings and sculptures) as high as \$4.5 billion provide further evidence of the seriousness of art crime.² Second, just as Sutherland urged academics and government policy makers to reorient themselves to consider the illegal activities of both the lower and upper classes because the business crimes of the upper classes had traditionally been ignored, so too could an argument be made for a reorientation to, and fuller recognition of, the worldwide, serious impact of art crime.

Drawing a parallel between art crime and white-collar crime regarding Sutherland's offense and offender concerns is perhaps more tenuous, but an analogous situation can still be argued. Sutherland recognized that for the academic world to bring white-collar offenses within its research purview, it would need to broaden its social-class focus. No longer would only those occupying the lower socioeconomic classes be the subjects of criminal offender studies. Perhaps not surprisingly, expanding research on criminal activities to include art crime will likewise bring into focus upper-class offending. However, as we progress through this volume, it will become clear that art crime spans all socioeconomic classes ranging from the very poor to very rich. A further analogy with regard to Sutherland's offense and offender concern is an implication in his description of upper-class offending as being connected to business activities; that is, this offending and the environment in which it occurs are highly specialized. A lack of familiarity with this new territory could pose obstacles to those whose research and study had previously concentrated on violent crimes and property crimes of a more conventional nature. Needless to say, the art world is also a unique environment (i.e., the collective of those whose business is art—artists, gallery owners, museums and their related professional staff, auction houses, art academics, etc.—and those for whom art is an avocation—collectors, students, museum and gallery aficionados, and even those who simply enjoy art on a more casual basis). Moreover, some (although not all) of the crimes that occur within this world are quite unique, if not sophisticated. These factors would likely require many traditional crime researchers to augment their knowledge of art and art history in order to pursue inquiries in this area.

Finally, in his discussion of white-collar crime, Sutherland raised the still contentious issue of bringing noncriminal conduct within the white-collar crime umbrella and thus making it an appropriate concern for those who study or control crime. Specifically, Sutherland recognized that many

white-collar offenses were not adjudicated in criminal courts but rather were litigated in civil or agency administrative forums. Nevertheless, he contended that the conduct being examined in these noncriminal forums was essentially the same conduct that could also form a basis for a criminal prosecution. As we shall see in later chapters, the resolution of crimes that occur in the art world is not always accomplished in criminal courts. Rather, civil proceedings and even international treaties and diplomatic negotiations have been used to correct wrongs that are akin to crimes such as theft, smuggling, conspiracy, and so forth.

The point to this discussion is this: just as crime and upper-class status was at one time overlooked by those who studied and controlled criminal offending, the association between art and crime has likewise suffered from a lack of attention; and Sutherland's framework for reorienting attention to upper-class offending can be similarly applied when arguing for a greater recognition of misconduct in the art world.

TWO INTERSECTING PERSPECTIVES: ART AND CRIMINOLOGY

This volume is not an art or art-history book per se, nor is it simply a collection of true-crime stories. Rather, from a criminological perspective it explores the intersection of art and crime (i.e., the occasions/situations where these two starkly different human endeavors meet or even collide). It follows then that a common understanding of these intersecting perspectives needs to be established. We'll start first with defining criminology and then move on to defining art.

What Is Criminology?

While variations in defining the term "criminology" may be found, these differences tend to reflect semantics more than substance. For instance, in their text entitled *Criminology* (6th ed.), Adler, Mueller, and Laufer defined criminology as "the scientific study of the making of laws, the breaking of laws, and society's reaction to the breaking of laws" (p. 1). An earlier text by Barlow described criminology as the scientific study of crime and criminals.³ If one simply consults *Merriam-Webster's Collegiate Dictionary*, the definition provided is the scientific study of crime as a social phenomenon, of criminals, and of penal treatment.⁴ Sutherland's definition as put forth in 1934 is still widely accepted: "Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the process of making laws, of breaking laws, and of reacting toward the breaking of laws."⁵

Drawing from a composite of these definitions, the criminological perspective undertaken here will include a systematic examination of (1) the law making process, (2) law breaking, and (3) society's reaction to it, to the

extent these dimensions impact the art world. Among the specific topics to be considered that fall under this general outline are:

1. Prevailing laws or lack thereof
2. Types and frequencies of crimes
3. Victimization
4. Offenders
5. Enforcement and prevention responses

What Is Art?

While for many the term “art” may be more familiar than criminology, it nevertheless requires definition in order to provide a framework for the discussions that follow. If there is any doubt about this, review a dictionary definition of this term. For instance, *Merriam-Webster’s Dictionary* ⁶ offers several alternative definitions for art (as a noun):

1. Skill acquired by experience, study, or observation
2. A branch of learning
3. An occupation requiring knowledge or skill
4. The conscious use of skill and creative imagination, especially in the production of aesthetic objects
5. A skillful plan
6. Decorative or illustrative elements in printed matter

While each of these alternatives might apply to our concerns at one point or another, items number four and number six most closely describe the “art” perspective of the art/criminology intersection we are exploring. However, as will soon become apparent, defining art as “decorative or illustrative elements in printed matter” is too limiting. On the other hand, “the conscious use of skill and creative imagination, especially in the production of aesthetic objects,” comes closer to the “art” perspective of the art/criminology intersection. However, our exploration here would seem to require a more structured framework to guide our journey, a concern expressed by those (few) others who have ventured into the intersection of art and criminology. For instance, in research conducted on art theft, John Barelli referred to the definition of art as “complex” and as having a “wide extension of meanings.” His resolution to this definitional dilemma was to rely on a typological list of objects generally considered to be art. In this case, he adopted an art typology that is reflected by the 16 curatorial departments at the Metropolitan Museum of Art in New York City.⁷ This typology in a more recent form is contained in table 1.1.

Criminologist John Conklin followed this same path in his book *Art Crime* (1994). In this volume, the typology used by the International Foundation for Art Research (IFAR; a private organization that tracks stolen art works) formed the definitional basis for “art.”⁸ Again, this typology is contained in table 1.1. Another art typology is put forth by the Federal Bureau of Investigation’s *National Stolen Art File* (NASF; to be discussed further below). Like the IFAR list, this typology serves to describe the type of stolen objects that will be considered for investigative attention as art.⁹ This typology is also contained in table 1.1.

The typologies of art objects as detailed in table 1.1 are by no means the only authoritative or recognized classifications of art objects. Other typologies

Table 1.1
Art Typologies

Metropolitan Museum of Art	IFAR	FBI
American decorative arts	Fine arts (including paintings photographs, prints, drawings and sculpture)	Fine arts
American painting and sculpture		Decorative arts
Ancient Near Eastern art	Decorative arts	Antiquities
Arms and armor	Antiquities	Asian art
Arts of Africa, Oceania and the Americas	Ethnographic objects	Islamic art
	Oriental and Islamic art	Native American art
Asian art	Miscellaneous items (including armor, books, coins, and medals)	Ethnographic objects
Costumes		Archeological material
Drawings and prints		Textiles
Egyptian art		Books and manuscripts
European paintings		Clocks and watches
		Coins
European sculpture and decorative arts		Stamps
		Musical instruments
Greek and Roman art		Scientific instruments
Islamic art		
Medieval art		
Modern art		
Musical instruments		
Photographs		
Textiles		

(See appendix A for a description of many of these categories.)

have been compiled by any number of organizations that have a need to categorize art objects (e.g., museums, educational institutions, art galleries and auction houses, government agencies, etc.). However, those detailed in table 1.1 represent a cross section of such classification efforts that have been put forth by renowned organizations, although each has a different role within the art world. The Metropolitan Museum of Art typology reflects the different components of its collection as well as its organizational structure in terms of curatorial departments. The IFAR typology was developed as a framework for its mission as a private, worldwide clearinghouse for stolen art. The FBI typology was devised to define its role as a public agency tasked with the investigation of art crimes. Essentially, however, the three typologies are quite similar, if not overlapping. The Metropolitan Museum of Art list is quite detailed while IFAR's list is more concise, relying on broad, catchall categories of Fine Arts, Decorative Arts, and Antiquities. The FBI list tracks more closely with IFAR although it specifically includes collectibles such as stamps and coins which could fall under IFAR's miscellaneous category. Also, the IFAR and FBI lists, unlike that of the Metropolitan Museum of Art, specifically include an ethnographic category (while the FBI also includes a separate archeology category).

In any event, for our purposes if we are to follow the practice of defining "art" through a typological list of objects generally considered to be art, basing our "art" definition on a composite of the three typologies in table 1.1 would seem to be an arguably sound rationale. Further, in doing so the *specific* types of objects that occupy the realm of our focus, that is, the art/criminology intersection, are now more clearly identified. Having said that, our emphasis will be more on items that fall into the broad categories of Fine Arts (paintings, sculpture, photographs, prints, and drawings), Decorative Arts (jewelry, furniture, ceramics), and Antiquities/Ethnographic/Archeological objects; and less so on such items as coins, stamps, and musical and scientific instruments.

ART: WHY IS IT IMPORTANT? WHY IS IT VALUABLE?

While defining art on a typological basis provides a necessary practical framework for our explorations here, more general definitions hint at why art can be important and valuable. For instance, referring back to the *Merriam-Webster's* definitions above, alternative number four defines "art" as the conscious use of skill and creative imagination, especially in the production of aesthetic objects. Whether it is a worker, a student, an athlete or an artist, we tend to elevate and, in turn, attach value to those whose efforts or work products exhibit or demonstrate skill in appreciation for their uncommon or rare qualities. Likewise, creative imaginations can produce sources of entertainment and pleasure, but not all individuals possess this talent. Again, we tend to elevate and attach value to those

with creative imaginations in recognition of their uncommon abilities to provide us enjoyment. Finally, human history provides a long record of engagement with visual media. While the communication role that visual media has played is undeniable (especially before the advent of the written word), ascribing aesthetic qualities to some visual images and objects (i.e., beauty, pleasing to the eye, etc.) has a lengthy tradition that has continued unabated. Visual objects and images with aesthetic qualities have value because of the viewing pleasure they provide in addition to being manifestations of the valued attributes of skill and creative imagination. Thus, art can be valuable as a personal experience simply because we like to look at it. We may see beauty in a piece of art or otherwise derive viewing pleasure from it (e.g., it is thought provoking; it tells an interesting story, etc.). We may also admire the skill and creative imagination of the artist that produced the piece. Does that make art valuable or important? Arguably yes, on both counts! Art is the product of uncommon skill and creative imagination and possesses aesthetic qualities, all of which are attributes of value. We will address the importance of art further before we conclude this discussion, but suffice it to say for now that art has been an essential facilitator of communication as well as a popular form of entertainment throughout human history. But when considering the value and importance of art, other dimensions must be examined as well, especially within our context of the art/criminology intersection.

Monetary Value

William Grampp, in his economic analysis of art (he focused primarily on paintings), applied perhaps the most well-known law of economics to explain the pricing of these objects: the law of supply and demand. As he explained, when something is desired and also scarce, it will have a price.¹⁰ J. E. Conklin, from his perspective as a criminologist, observed that the value of art is not intrinsic but is rather socially constructed.¹¹ Thus, if we adopt the view put forth above about the value and importance of art, by implication we can argue that at least to some individuals, art is a desirable commodity, which in turn creates a demand for it. However, because objects considered as art have aesthetic qualities that are the product of uncommon or rare skills and creative imagination, works of art are not in abundance but rather are scarce, thereby giving rise to prices being attached to art objects.

While we will forgo a detailed economic history of art, studies of art pricing and art as investment have examined periods as far back as 1650.¹² Grampp assessed five such studies of art and found three that reported long-term upward trends with annual increases at 3.3 percent, 10.5 percent and 11 percent (Old Masters only); one that found the increase to be at 0.55 percent when an adjustment is made for the value of money; and one with a reported increase of 1.5 percent after adjustment. He concluded that

for investment purposes, art is great for those who love risk and love art. It is not for the risk-averse or risk-neutral investor. Moreover, these studies tended to show that art as an investment returned less than the stock market. Accordingly, his recommendation was that the art lover should buy art for the pleasure of owning it.¹³

However, these studies deal with comparisons of art values on a year-to-year basis, or even longer intervals, and do not focus on specific prices and/or landmark sales. For our purposes, this latter perspective is important because high prices for art encourage a variety of art crimes.¹⁴ Simon Houpt in his book *Museum of the Missing: A History of Art Theft* (2006) supported this assessment when he described art theft as an epidemic and attributed it to skyrocketing art prices over the past few decades. He traced these dramatic increases to the sale of Cézanne's *Le garçon au gilet rouge* (1890) at auction in London in 1958 for \$610,000, a price that was more than five times higher than the amount any painting previously sold for.¹⁵ While differing in the specific watershed sale, researcher Truc-Nhu Ho concluded similarly: art theft did not start to become widespread until 1961 when Rembrandt's *Aristotle Contemplating the Bust of Homer* was sold for \$2.3 million, after which art prices increased 10 to 11-fold.¹⁶ Throughout the remainder of the 20th century and into the new millennium, the values of prized pieces of art continued to climb, as evidenced by the sale of Picasso's *Garçon à la pipe* that sold at auction for \$104.1 million in May 2004.¹⁷

Prior to the middle of the 20th century art theft was not common because art collecting was limited by the constraints of the art market. For example, until the advent of Impressionism in the mid-1870s, private art galleries did not promote artists; this practice changed when Impressionist painters, scorned by the prevailing art establishment, organized their own showings. Other factors reported by Truc-Nhu Ho that removed constraints from the U.S. art market included growing prosperity coupled with wider art literacy and increases in the number of museums, art professionals, and art patronage by corporations.¹⁸

With a few exceptions, the value of art depends on the name of the artist, the quality of the piece, and the period in which the work was produced. Again with a few exceptions, the older the work is, the higher its monetary value.¹⁹ In Grampp's economic analysis of art values, he argued that the value the market places on works of art is consistent with the judgment which is made about their aesthetic quality, a term synonymous with beauty, historical importance, or any attribute other than price.²⁰ Art-theft investigator Robert Spiel claimed that objects classified as fine art (i.e., paintings and sculptures) constitute the most valuable category of art; and that within this category oil paintings are considered the most valuable pieces.²¹

But just where is "the art market" and how are prices established? As used elsewhere to describe a universe of buyers and sellers of a particular commodity (e.g., the "real estate market"), there are no specially designated

places/physical locations known as the “art markets,” per se. Rather, we are referring to the abstract concept of a collective group of individuals engaged in the sale and/or purchase of art; whether on a one-time basis or more frequently, to include those who are professionally involved in such transactions. To be clear, however, there are an infinite number of physical locations worldwide where the art market plays out, that is, where art is bought and sold, including art galleries, auction houses, museums, retail outlets, as well as in private, nonpublic settings.

An initial price for a piece of art is usually established through an appraisal process that takes into consideration the sales history of similar objects, value of the medium, investment potential, rarity, craftsmanship, identity of maker, identity of subject, identity of prior possessor, historical significance, condition, size, and subject matter.²² Whether any given piece is sold for the appraised value, however, will vary with the vagaries of the market; for example, factors such as the motivation of a seller, the eagerness of a buyer, and any competition for the same piece can all influence whether the piece sells at, above, or below the appraised value. Given the nature of art pricing, it should not be surprising that one of the primary trading venues is the auction. Charles W. Smith, author of *Auctions: The Social Construction of Value* (1989), indicated that auctions flourish in situations where conventional ways of establishing price are inadequate for a number of reasons, including when there is something special or unusual about the item.²³ As art objects generally meet these criteria, they are routinely bought and sold at auction, a phenomenon that has given rise to an art-auction industry that includes such giants as Sotheby’s and Christie’s. Even in this environment, however, bidding starts at a “reserve,” or minimum price.²⁴ For example, Sotheby’s describes its reserve as a confidential minimum price below which the item will not be sold. The reserve is established through a presale estimate process that produces a price range (as opposed to a specific appraisal value) that the piece would be expected to sell in, and the reserve price is then fixed at or below the low end of this range.²⁵

Cultural/Historical Importance

In addition to art objects being of importance because of their aesthetic qualities, which in turn influences their monetary values, some art is important because it represents the culture of an entire society or civilization and/or has particular historic relevance within a society. In this context, we are usually talking about art that is contained within the following categories identified in table 1.1: Ancient Near Eastern, Egyptian, Greek and Roman, Medieval, Islamic, Antiquities, and Ethnographic and Archeological Material. These types of objects represent the remaining vestiges of civilizations that are foundations for modern societies. In addition to providing a primary means to learn about and study these civilizations,

many of these objects exhibit the skill and aesthetic qualities that would place them within the realm of art regardless of their cultural or historic significance. For example, in chronicling the looting of antiquities in Italy, Peter Watson and Cecilia Todeschini called Greek vase paintings the highest achievement of human art until at least the great cathedrals of the High Middle Ages more than a millennium later. They further asserted vase paintings are one of the reasons the ancient Greeks are held in such high esteem. However, they identified other Mediterranean civilizations as well as those in Central and South America, West Africa, and Asia—as sources of objects with cultural and historic importance.²⁶ And to be clear, while historically and culturally important, the rarity and beauty of many of these objects have resulted in their substantial, if not incalculable, monetary value as well. For example, a wood and ivory carving of Phoenician origin known as *Lioness Attacking a Nubian* (720 B.C.E) was stolen from the Iraq National Museum in Baghdad in April 2003 following the U.S. invasion. It is considered priceless.²⁷ A life-size ivory carving of the head of the Greek sun god Apollo from the fifth century B.C.E has been valued at \$50 million.²⁸

The Value and Importance of Art: In Summary

Art is valuable because it is the product of rare skill and creative imagination, which in turn results in aesthetic or otherwise desirable qualities. Art has monetary value, sometimes substantial in nature, because by its nature (i.e., rare skill and creative imagination that produces objects with aesthetic qualities), it is in short supply relative to the demand for it. Finally, art is valuable and important because it portrays the culture and sometimes history of societies; and in many instances, it provides the extant evidence of great early human civilizations. As has been suggested throughout this discussion, as the value and importance attached to art has increased, criminal activity associated with art has done likewise. It is the nature of this activity that we will now turn our attention to.

ART CRIMES

In exploring the intersection of art and criminology, we will focus on the following types of misconduct:

- Larceny
- Burglary
- Robbery
- Forgery, fakery and counterfeiting
- Theft of and/or damage to art incident to wars and civil/religious unrest
- Illicit trafficking in objects of cultural-heritage and/or historic importance

- White-collar crime within the art world
- Vandalism and malicious destruction of art

These categories of misconduct in their more general or common manifestations are probably not unfamiliar to those who have studied or who have responsibilities for controlling crime; however, here each of these offenses will be explored within the unique context of the art world. This unique context also requires that we expand the reach to include consideration of illegal but not necessarily criminal conduct, that is, conduct that is defined statutorily as a crime and punishable by fines and/or imprisonment. While conduct that constitutes larceny, burglary, robbery, or vandalism/malicious destruction of property is generally considered to be criminal in nature and is usually investigated and prosecuted as such, the remainder of our misconduct categories may or may not be pursued in this manner, depending upon the circumstances in each case. What will become apparent is that when criminal proceedings are not undertaken, civil remedies have been applied; and in some instances, diplomatic efforts have resulted in international treaties to address the misconduct.

As may be recalled from the outset of this chapter, taking this approach when examining illegal conduct is not without precedent. Criminologist Edwin Sutherland argued for the study of white-collar crime in this manner because much of this type of misconduct was not sanctioned through the criminal court system.²⁹ Moreover, Adler et al.'s definition of criminology (i.e., the scientific study of the making of laws, the breaking of laws, and society's reaction to the breaking of laws³⁰) supports this broad approach.

In the chapters that follow, each of the types of art crime identified above will be examined in detail, including victimization within each category. However, within this introductory chapter some general observations about criminal victimization in the art world will be put forth.

Victimization: A Worldwide Impact

The first observation that needs to be offered in this regard is that while the term "art world" has been and will continue to be used throughout this volume to refer to the collective of those vocationally and avocationally involved or affiliated with art, the art world we will be examining is also global (i.e., geographically global) in scope. One indicator of the global scope of the art world is art-auction sales data. In 1995, most of the world's art-auction sales (in terms of monetary value) took place in Austria, France, Germany, Italy, Netherlands, Sweden, Switzerland, the United Kingdom, and the United States.³¹ While this listing of nations is tilted toward Western Europe and North America, when source regions of cultural-heritage objects are also considered, that is, throughout the Mediterranean, Central and South America, Africa, and Asia, the art world's