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Crime and its objects

Human/object relationships and the market for illicit latin american antiquities

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Texte intégral

Countering Criminal Identities

- 1 I would like to start this short essay with a clear statement: the trade in antiquities from Latin America is more often than not illicit. The protective legal regimes of most Latin American countries, which forbid the extraction and export of antiquities and vest ownership with the state, pre-date the flowering of the international market for that material. With very few exceptions, all Latin American antiquities available on the international market were subject to illegal actions at some point in their past. Their ubiquity within auction houses, dealerships, and private and public collections speaks to the destructive nature of the looting and trafficking of cultural objects: evidence of crime is obscured or destroyed along with the original cultural contexts of these pieces. That does not mean that Latin American countries are not the rightful and legal owners of these antiquities, it simply means they cannot prove that they are. Yet the fact remains: this is an illicit trade. There is no legitimate market source of Latin American antiquities. A Latin American antiquity for sale without (and even with) provenance is likely an object of crime. This is no secret, as Latin American antiquities have been at the very core of the public debate about the global illicit trade in antiquities for over half a



century¹, and those who participate in the market know this. They are sophisticated, well-informed people who are privy to at least the same information about the illicit sources of Latin American antiquities available to archaeologists and law enforcement, if not more. With that in mind, it seems rather paradoxical to say that the people who sell and buy Latin American antiquities do not believe that they are supporting crime with their actions, and that they certainly do not consider themselves to be criminals. How can we account for that?

- 2 Within criminology, how «criminals» (defined tenuously here as someone who violates the law) view themselves and their own actions is a topic of research and debate. Some people who commit crimes certainly do consider themselves to be «criminals», often in situations where they have prior convictions or are involved in activities that are clearly labelled as criminal by societal norms, like selling drugs². However, people who have a stronger «master identity» as something else (e.g. as a professional or as a mother) are less likely to see themselves as criminal³, even in situations where their actions have resulted in their incarceration. By and large, criminological research has shown that people who commit so-called white collar crime, «crime committed by a person of respectability and high social status in the course of [their] occupation⁴», do not consider themselves to be criminals⁵.
- 3 Dealers and collectors of Latin American antiquities are, by definition, white collar actors. It would be a logical next step to say that people in those groups who knowingly engage with the illicit trade are white collar criminals who are unlikely to self-define as such and are equally unlikely to see their actions as crimes. This leaves us with more questions than answers. The question of how these white collar actors justify their actions and classify themselves as non-criminals is covered elsewhere⁶. For the remainder of this essay, I am going to consider not *how* they do this, but one possible reason *why*. Moving away from classic ideas of white collar crime as being financially motivated, I want to consider the development of human/object relationships as a motivating factor for engagement in the illicit market for Latin American antiquities, and indeed in the grey market⁷ for antiquities more generally.

Human / Object relationships

- 4 Antiquities collectors and dealers rarely choose to enter the academic discourse on the illicit trafficking in cultural goods and are often reluctant to engage with academic researchers on this topic. This is an entirely understandable position, as little trust exists between these two groups, and market actors stand to gain little from such interactions. That does, however, leave a gap in our understanding of why white collar actors choose to enter what, I again assert, is ultimately an illicit market. The reasons are, no doubt, varied and deeply personal, but one theme emerges time and time again within what direct information we have from white collar collectors: they feel that they have a meaningful relationship with the antiquities in question. As we all know, people do strange things when they are in a relationship.
- 5 Take for example an essay written by George Ortiz, a Switzerland-based Bolivian heir to a tin fortune who amassed an eclectic collection of antiquities, some of which were unquestionably looted and trafficked⁸:

Objects came my way, and some of them unquestionably, it seems to me, because they had to do so. It is as though, imbued with the spirit of their creator, they came to me because they knew I would love them, understand them, would give them back their identity and supply them with a context in keeping with their essence, relating them to their likes⁹.

- 6 From his own description of his collecting behaviour, Ortiz experienced his antiquities personally and sensually, going so far as to describe the objects as having human-like agency. It was not just Ortiz who desired the antiquities, it was the antiquities who desired Ortiz: the relationships he had with these objects were, at least to him, consensual. If we can allow that these are valid feelings and experiences, it is not hard to

imagine how someone who enters into a deep, personal relationship with an antiquity may conclude that the law is less important than their relationship. Valid feelings and experiences do not invalidate the law, of course, but they may begin to explain why an obviously illicit market can still be appealing to buyers.

7 In many ways, then, the movements of Latin American antiquities between market actors and participants, and their circulation throughout the world can be characterised as human/object relationship development and human/object relationship maintenance. Observational research focused on antiquities, particularly Latin American antiquities, that I conducted in physical and digital European art market settings in 2020¹⁰ reveals a marketplace designed to support the building of relationships between human and objects. Within the physical space of the art fair, for example, dealers of antiquities present their products in manufactured settings that mimic those where potential buyers would expect to encounter the objects. The spaces are temple-like, church-like, tomb-like, or (as in most cases) museum-like with antiquities presented in a decontextualised manner, on pedestals, with information cards attached. Yet, unlike in a museum where visitors are held back by guard rails, glass cases, and attentive security guards, potential buyers at the art fair are able to cross those traditional boundaries and to engage in seemingly-transgressive behaviour such as touching the antiquities, which are almost all displayed without glass.

8 The absence of physical barriers and the invitation to break the «no touching in a museum» rule, creates an emotionally charged atmosphere for the potential buyer: they are invited to experience the rare, the unique, the ancient, and the beautiful with a sense other than sight, perhaps for the first time in their lives. The act of touching the ancient past is deeply meaningful to many people, as any museum that employs «touch boxes» can attest. For some, the experience is transcendent. Love at first sight, then, might be more like love at first touch: the moment when a potential buyer begins a physical relationship with an antiquity may be the moment when concerns such as market greyness or illegality move aside for more sensual issues such as desire.

9 To ponder the development of human/object relationships in such settings, while conducting the previously-mentioned observations of the art market, I employed a reflexive data collection method that, among other things, placed myself (a researcher who is deeply, and perhaps emotionally, attached to Latin American antiquities) in a position not just to observe and record, but to try to experience relationship building. Although Latin American antiquities make up only a small portion of the antiquities offered at most international art fairs, their presentation conforms to this idea of creating human/object relationships.

10 Take, for instance, the presentation of Latin American antiquities at dealer booths during the 2020 TEFAF art fair, held in Maastricht in early 2020 but eventually closed early due to the coronavirus epidemic. Latin American antiquities were presented entirely without glass barriers, without alarm systems, and with only the lightest monitoring from dealership employees. In one booth, I was left alone for over ten minutes with a treasure trove of unprotected South American goldwork, as the lone dealership employee at the booth disappeared behind a closed door. The level of trust was jarring and was not something I had experienced in any other setting where people and antiquities meet, except for during the process of archaeological discovery¹¹. In instances where I showed a clear interest in an object, the initial spark of a budding relationship, dealership employees were on hand to encourage bonding. As I lingered in front of a lidded Maya vessel, dramatically lit within a dark tomb- or temple-like atmosphere and behind no glass, an employee approached, commented on the beauty of the piece, and asked if they could help me further. I asked how the lid was attached, and in response the employee picked up the vessel, removed the lid, and offered both to me for a «look», which would inevitably be a look with my hands. At another booth, in front of a large gold Moche ornament decorated with a frog motif, the dealership employee (who did eventually reappear from behind the door) offered to show me the back of the piece and demonstrated how it was meant to spin and rattle. In both cases I identified myself as a researcher after being approached and declined to touch the objects, but I

could certainly feel the beginnings of relationships forming between myself and those antiquities. Indeed, as I write, I can remember both the vessel and the ornament in great detail, but can remember nothing at all that was offered for sale alongside them. As I said previously, people in relationships do strange things, and within the context of an intensely experienced human/object relationship, people who do not consider themselves to be criminals may break wider societal rules. But what do objects in relationships do?

The Object and Crime

11 That objects have agency (or are, at least, agentic) is not a particularly controversial assertion within heritage and museum studies or within areas of sociological and anthropological research. Yet consideration of the role that objects play in the formulation and maintenance of criminal networks lies outside the boundaries of current criminological research. Where criminology has moved beyond purely human-centred studies, the focus has been on the effect of the built environment on human behaviour, such as Newman's idea of «defensible space»¹² or “broken windows theory”¹³. These constructions see criminals as reacting to physical factors in their surroundings, factors that are ultimately caused by other humans. Objects with human-like needs begging to be stolen have no place in these models. There is little room for human/object relationships and certainly little room for conceptions of object agency as being motivating factors for criminal acts. Can objects *make* people commit crimes? That we do not yet know, but the question is at the centre of my current research on the illicit trade in Latin American antiquities.

Notes

1 COGGINS, Clemency C. (1969), «Illicit Traffic of Pre-Columbian Antiquities», *Art Journal*, 29 (1), pp. 94-98; MEYER, Karl E. (1973), *The Plundered Past: The Story of the Illegal International Traffic in Works of Art*, New York, Macmillan.

2 ALARID, Leanne F., VEGA, Ofelia Lisa (2010), «Identity Construction, Self Perceptions, and Criminal Behavior of Incarcerated Women», *Deviant Behavior*, 31 (8), pp. 704-728.

3 *Ibid.*

4 SUTHERLAND, Edwin H. (1949), *White Collar Crime*, New York, Dreyden.

5 BENSON, Michael L. (1985), «Denying the Guilty Mind: Accounting for Involvement in White-Collar Crime», *Criminology*, 23 (4), pp. 583-608; CRESSEY, Donald R. (1953), *Other People's Money. A study of the social psychology of embezzlement*, Glencoe, Free Press.

6 MACKENZIE, Simon (2006), «Psychosocial Balance Sheets: Illicit Purchase Decisions in the Antiquities Market», *Current Issues in Criminal Justice*, 18, pp. 221-240; MACKENZIE, Simon (2014), «Conditions for Guilt-Free Consumption in a Transnational Criminal Market», *European Journal on Criminal Policy and Research*, 20, pp. 503-515; MACKENZIE, Simon, YATES, Donna (2016a), «Collectors on Illicit Collecting: Higher Loyalties and Other Techniques of Neutralization in the Unlawful Collecting of Rare and Precious Orchids and Antiquities», *Theoretical Criminology*, 20 (3), pp. 340-357.

7 MACKENZIE, Simon, YATES, Donna (2016b), «What Is Grey about the “Grey Market” in Antiquities», in *The Architecture of Illegal Markets*, Matias DEWEY and Jens BECKERT (dir.), Oxford, Oxford University Press, pp. 70-86.

8 YATES, Donna (2015), *Motunui Panels*, Trafficking Culture Encyclopedia, [available online: <https://traffickingculture.org/encyclopedia/case-studies/motunui-panels/>].

9 ORTIZ, George (2006), «Overview and assessment after fifty years of collecting in a changing world», in E. ROBSON, L. TREADELL and C. GOSDEN (dir.), *Who Owns Objects: The Ethics and Politics of Collecting Cultural Artefacts*, Oxford, Oxbow, pp. 15-32.

10 First at the TEFAF art fair in Maastricht, and then, due to changes in the art market in response to coronavirus, in various online market settings including TEFAF's first «Digital Fair» in August 2020.

11 Which is, itself, an emotionally charged experience that forms the foundation of human/object relationships. I still think of particularly significant objects that I found as being «mine» in some respect.

12 NEWMAN, Oscar (1973), *Defensible Space: People and Design in the Violent City*, London, Architectural Press.

13 KELLING, George L., WILSON, James Q. (1982), «Broken Windows. The Police and Neighborhood Safety», *The Atlantic*, 249 (3), pp. 29-38.

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