

# Acquisition Apologetics: A Case for Saving the Past for the Future?

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IN A 2003 INSTALLMENT OF *The Ethicist*, a weekly column in *the New York Times Magazine*, Randy Cohen was presented with the following moral dilemma:

After a moving visit to Angkor Wat, my husband and I went to Thailand, where we saw a large artifact from Angkor Wat at an upscale antique store. We knew it was illegal to take antiquities out of Cambodia, but we felt that since the piece was already out, someone would buy it, so why not us? We spent \$7,000, a huge splurge. Now I look at it every day with both pleasure and guilt. Were we wrong to buy it? Should we return it to Cambodia?<sup>1</sup>

Buying an artifact because someone else might is a popular justification for individuals and institutions who purchase items that they know are on “shaky ground,” meaning that the artifact has no ownership history or associated archaeological find spot and was quite possibly recently ripped from the ground.<sup>2</sup> Do collectors purchase ethically dubious pieces because they are convinced of the righteousness of their actions? “The great collector has a sense of destiny, a

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feeling that he is mankind's agent in gathering and preserving what otherwise might be heedlessly dispersed," states Meyer in his discussion of the collector as savior through the purchase of items of cultural heritage.<sup>3</sup> Buying the past is saving the past. In procuring objects threatened by civil unrest, environmental catastrophe, insurgency, and war, collectors can act as safe havens for endangered artifacts.<sup>4</sup> But does buying an undocumented ancient artifact save the past or does it contribute to the destruction of the past as sites and monuments are

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mined for their saleable items?<sup>5</sup> The testimonies of looters, dealers, and collectors of biblical artifacts clearly demonstrate that demand encouraged people to illegally excavate Jordanian sites along the Dead Sea Plain. Studies have provided ir-

refutable proof that demand for artifacts leads to the looting of archaeological sites and theft from museums across the globe.<sup>6</sup> Once philanthropic purchasers learn that they have committed an ethical breach or an illegal act, they typically engage in some form of acquisition apologetics. Consumers apologize for the past bad act with a "best of intentions" explanation: they bought the artifact to save it; they bought the artifact to keep it out of the hands of the unscrupulous (as with the anonymous couple above); or they bought the artifact for display to be enjoyed by the masses. The desire to rescue artifacts sometimes results in scenarios where it seems easier to beg for forgiveness than to ask for permission. Collectors of undocumented artifacts have what Simon Mackenzie and Donna Yates refer to as "higher loyalties:" they invoke positive narratives of salvation, heroism, and the greater good in defense of illegal actions.<sup>7</sup> Unlike "buyer's remorse," where a sense of guilt emerges after making a purchase, acquisition apologetics allow collectors and the antiquities market to figure prominently as powerful mechanisms for saving antiquities from oblivion.<sup>8</sup> From this perspective, buying the past at any cost saves the past, but buying the past even with the altruistic motive of saving it results in the destruction of archaeological sites, monuments, and collections.

Departing from a more traditional approach of examining questions of who loots; how artifacts move from the ground to the consumer; or what is purchased in the antiquities market, here I want to interrogate institutional and individual demand for undocumented artifacts, ideas of safe havens for at-risk artifacts, and acquisition apologetics. The current crisis for Middle Eastern cultural heritage is the result of demand for artifacts in combination with factors

such as corruption, local unrest, military intervention, lawlessness, ineffectual laws, and compromised enforcement. A 2014 case study surrounding the announcement of a donation of fifth century Syrian mosaics to Fordham University illustrates institutional demand for undocumented archaeological material and the rationales used to defend the procurement of these suspicious objects—a case study in acquisition apologetics.

### **ARTIFACTS AT RISK**

Recent reports on the conflicts in Iraq and Syria focus on the intentional destruction of the archaeological record for propagandistic purposes; the acquisition of archaeological materials; and the subsequent role of those objects in financing terrorist networks.<sup>9</sup> The presence of looted and stolen artifacts in the marketplace is predicated on the willingness of collectors to turn a blind eye to the negative consequences, such as the funding of terrorism, often associated with the procurement of items with no known object owner history or archaeological context. Compelling evidence on the relationship between the demand for undocumented artifacts, potentially recently looted during the crises in Iraq and Syria, and the funding of Daesh terrorism prompted the Federal Bureau of Investigation (FBI) to issue a rare warning to collectors.<sup>10</sup> The FBI cautioned that any antiquities from Iraq are subject to sanctions under the “U.S. Iraq Stabilization and Insurgency Sanctions Regulations.”<sup>11</sup> U.S. citizens who purchase objects looted or sold by Daesh could be criminally prosecuted under the United States Code Support of Terrorism (18 U.S.C. 2339A) for providing financial support to a terrorist organization.<sup>12</sup> The Bureau urged “robust due diligence” with respect to antiquities of Iraqi and Syrian origin.<sup>13</sup> The FBI press release, in tandem with almost daily media reports of looting, museum thefts, and border interdiction of artifacts, brought about a heightened awareness of Iraqi and Syrian artifacts in peril. Perceived threats resulted in a collector narrative to preserve, protect, and save the artifacts from assured destruction, despite the controversial circumstances associated with their object histories. Antiquities from these regions continue to be endangered, occasioning their acquisition by institutions and individuals with noble intentions and honorable motives: buying the past and providing a “good home” (or safe haven) for artifacts in peril in order to save the past.<sup>14</sup>

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## INSTITUTIONAL SAFE HAVENS (POLICY AND LAW)

Given the current situations in Iraq and Syria, who would not want to be viewed as saving the past from potential ruin? The concept of an institutional safe haven for endangered artifacts is an important part of cultural heritage initiatives in both policy and law.<sup>15</sup> In 2015 the Association of Art Museum Directors (AAMD), which represents art institutions in Canada, Mexico, and the United States, released a set of protocols on museums as safe havens and encouraged their adoption by institutional members.<sup>16</sup> The “AAMD Protocols for Safe Havens for Works of Cultural Significance from Countries in Crisis” are de-

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signed to offer places of protection to vulnerable collections threatened due to natural disasters, terrorism, or violent conflict. “Owners” of material in jeopardy can request that a participating AAMD member museum hold the material until it can be safely returned to individu-

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als, institutions, and/or governments.<sup>17</sup> Deposited works will be treated as loans and collections will be safeguarded until the need for a safe haven has passed. In order to ensure greater transparency and to facilitate the eventual repatriation of items, the AAMD has established the online AAMD Object Registry of works where information on the objects is publicly accessible for research and eventual repatriation purposes.<sup>18</sup> Noted cultural heritage authority Brian Daniels of the Penn Cultural Heritage Center heralded the AAMD Protocols in a Facebook post, quoted later in *the Art Newspaper*:

Quite possibly one of the most important developments in the field of cultural heritage policy in recent years. Not only does the AAMD declare its support for the 1954 Hague Convention, but it will also treat objects in AAMD member museum safe havens as loans—not permanent acquisitions.<sup>19</sup>

The AAMD emphasis on loans demonstrates a commitment to return rather than to retain material, countering a legacy of imperial and colonial appropriation of artifacts in order to protect them during periods of unrest.<sup>20</sup> This acclaimed initiative and its proactive approach to protecting artifacts in jeopardy, the first of its kind by the preeminent organization, also attracted criticism.

Experts in the antiquities trade worried that the AAMD Protocols would

allow member museums to consider petitions of sanctuary for illegally excavated artifacts. Lawrence Rothfield, a cultural heritage expert who has written extensively on related topics, took issue with Daniels' statement, fearing that the AAMD directives might encourage additional looting and smuggling of artifacts.<sup>21</sup> Citing one provision from the AAMD Protocols: "Private individuals, companies or organizations who own or come into possession of works, whether in the affected area or after removal from the area" in a blog post, Rothfield asserts that:

The [AAMD] Protocols give a green light to museums to accept as loans artifacts purchased from the networks that are paying looters to continue to dig, networks that in some cases are run by or beholden to ISIS. Those who purchase such blood antiquities will now be able to loan them to a museum, which will provide the buyers with a patina of legitimacy and museum approval that will increase the value of the artifact when it is returned to them.<sup>22</sup>

The AAMD Protocols have no provisions for distinguishing between at-risk artifacts from recently looted ones bought by unprincipled speculators who deposit their objects in an AAMD safe haven for safeguarding while waiting out the local strife. Placing looted artifacts in reputable museums may also signal an acceptance of the troubled backstory of the objects, providing the tacit imprimatur of the AAMD member institutions.

*CultureGrrl* art and culture critic Lee Rosenbaum suggested that "the [AAMD] Protocols, if followed, could have the unintended effect of endangering American museums' own security and subjecting them to protracted litigation."<sup>23</sup> By putting the artifacts in an openly accessible, transparent registry, safe haven museums could themselves become targets of terrorist action. Even more likely, repatriation of the artifacts might result in protracted litigation and arguments over when and to whom to repatriate. Under the AAMD Protocols, decision-making regarding the artifacts in safekeeping is delegated to the member institution. Rosenbaum rightly cautioned, "if an American museum decides to retain, not return, the object, because of continued misgivings about safety, it opens itself up to charges of wrongful expropriation."<sup>24</sup> Despite critics who emphasized difficulties with repatriation, retention, and ownership, the AAMD safe haven initiative is now available to owners (individuals, institutions, and nations) who fear for the well-being of their archaeological materials.

Recognizing that Syria's archaeological material was in peril and recalling the lessons of the post-2003 invasion of coalition forces in Iraq, President Obama signed H.R. 1493—the "Protect and Preserve International Cultural

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Property Act”—into law in 2016.<sup>25</sup> The law, which bans the illegal importation of Syrian archaeological or ethnological material, establishes transitory asylum for threatened artifacts from Syria in the United States.<sup>26</sup> The law further states that “If no owner or lawful custodian can reasonably be identified, the President determines that, for purposes of protecting and preserving such material, the material should be temporarily located in the United States,” ensuring that a provisional home for at-risk Syrian material in the United States is now enshrined

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in law.<sup>27</sup> In a critique, lawyer Peter Tompa raised concerns that Syrian antiquities seized under H.R. 1493 might eventually be repatriated to the Assad regime, a government with a poor record of archaeological stewardship since the onset of the 2011 civil war.<sup>28</sup>

As with the AAMD policy, many skeptics of H.R. 1493 raised the following question: which agency, institution, or individual decides when to send back the material, and to whom? Whether this initiative saves artifacts for eventual repatriation has yet to be tested. Despite the misgivings and critiques, the safe haven provision in H.R. 1493 and the AAMD Protocols signal a more proactive approach to protecting and saving the disappearing past.

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### IN DEFENSE OF INSTITUTIONAL SAFE HAVENS

In a *Wall Street Journal* op-ed piece, former Walters Gallery Director Gary Vikan suggested:

In times of extraordinary risk, we should be open to dealing with bad guys to create a safe harbor for works of art. This is an act of rescue and stewardship—and should be done with the explicit understanding that eventually, when the time is right, the objects will be repatriated to the country of their origin.<sup>29</sup>

Vikan is arguing that the market could be a powerful mechanism for saving antiquities from obscurity and that we should encourage more activity, even if it means “dealing with bad guys”—in this instance, Daesh. In a blog response, lawyer Leila Amineddoleh addressed institutional collectors:

Allowing museums to purchase antiquities to “save” them undermines the principles of due diligence aimed at excluding loot from museum

collections. By allowing these institutions to accept or purchase unprovenanced antiquities, museums will increase the demand for illicit goods. Allowing irresponsible collecting practices creates a free pass for museums to acquire objects from war-torn regions.<sup>30</sup>

In defending his position, Vikan responded, “ownership by the country of origin would be acknowledged from the beginning, and the object eventually given back,” stressing the principles as outlined in the AAMD Protocols and affirming that the items in safekeeping will not remain in museum collections.<sup>31</sup>

In a follow-up op-ed in the *Wall Street Journal*, James Cuno, president and CEO of the J. Paul Getty Trust, provided a set of recommendations to be followed in order to save artifacts from Daesh.<sup>32</sup> Cuno advocated for increased policing at borders to ensure little or no movement of artifacts and for the deployment of a UN blue helmet peacekeeping force to protect cultural sites and artifacts in Iraq and Syria.<sup>33</sup> As the president of a member institution of the AAMD, Cuno encouraged countries to deposit their at-risk artifacts in safe havens in the temporary custody of responsible institutions until the items could be repatriated. As a solution to reports of the ransacking of archaeological storehouses and museum depots amid the ongoing unrest in Syria, Cuno suggested a return to *partage*—the colonial enterprise of dividing the finds from excavations between foreign archaeological missions, local landowners, and host nations.<sup>34</sup> He argues that the distribution of artifacts among museums around the world, rather than in a single storehouse, would result in greater scholarly and public understanding of ancient cultures and in a reduction of the risk of catastrophic damage to antiquities. Notably, there is nothing in Cuno’s recommendations that addresses indiscriminating demand or institutional responsibility in the antiquities marketplace. The argument that collecting looted antiquities saves them from oblivion is often bandied about, but the fact remains that if there were no buyers of undocumented antiquities, there would be less need to rip them from their archaeological contexts. With safe haven schemes in both policy and law as *de rigueur* institutional mechanisms for protecting the material remains of areas in jeopardy, it is no wonder that individual collectors are encouraged and emboldened to use the same rationale when acquiring artifacts.

### GOOD COLLECTORS AND COLLECTING RATIONALES

In 1995 Roderick McIntosh, Tereba Togola, and Susan McIntosh outlined characteristics of a Good Collector, which included a respect for other cultures and their pasts, openness to scholarly access to collections, and a commitment to acquiring knowledge about the artifacts under consideration for purchase.<sup>35</sup>

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The underlying assumption was that a collector would ask about the object's background and that they would not buy material without documentation. The Good Collector will not make purchases based solely on aesthetic appeal, and they will loan items in their collection to institutions for exhibition. In order to further academic inquiry, Good Collectors will sponsor excavations, establish centers for study, and provide scholarly research grants. They will return material to countries of origin when and if it is discovered to have been stolen or illegally exported. Good Collectors will only buy suspect material as a last resort when items are under threat, thereby acting as singular safe havens for the benefit of society.<sup>36</sup>

Long before the new AAMD Protocols and H.R. 1493 stressed rescuing and harboring artifacts, high-end individual collectors viewed themselves as

**The idea of heritage as commons was embraced by collectors who believed that they were acting in the best interests of said commons.**

saviors of the past and considered the purchase of undocumented material justified if done for the greater good.<sup>37</sup> The idea of heritage as commons—a collective element valued and shared at the local, national, and international

116 levels—was embraced by collectors who, in purchasing the undocumented artifacts (either knowingly as in the case of the couple buying the Cambodian sculpture, or unknowingly), believed that they were acting in the best interests of said commons.<sup>38</sup> In their comparison of orchid and antiquities collectors, Mackenzie and Yates suggest that in circumventing laws in order to save items from destruction, collectors view themselves as caring for, conserving, and protecting artifacts for “the good of all humanity.”<sup>39</sup> According to Mackenzie and Yates, the “saving” narrative casts the actions of the collector, even if illegal, in not only a positive but also a heroic light.<sup>40</sup> Acquirers of at-risk Middle Eastern material, therefore, become rescuers even if the proceeds of their purchases support terrorism.

The conception of the Good Collector as a hero and savior is a common one, particularly in connection to artifacts from areas of unrest. There are numerous examples of high-end collectors who justify their illegal or quasi-legal exploits with “best of intentions” excuses. Former military commander and member of Israeli Parliament Moshe Dayan, also a longtime collector and looter of archaeological sites, believed his actions were warranted as he purchased artifacts and pillaged archaeological sites in the name of humanitarian interests and in order to save the antiquities from destruction.<sup>41</sup> Collectors such as Shelby

White, Leon Levy, and George Ortiz all believe that collecting is essential to saving the past—and that without wealthy collectors there would be no past.<sup>42</sup> Mackenzie and Yates quote Shelby White and her acquisition apologetics for purchasing artifacts from war-torn Afghanistan.<sup>43</sup> White implies that objects not smuggled out of Afghanistan in the 1960s would likely have been destroyed during conflict and that those sold helped needy Afghans in their battle with the invading Russians. This is a clear example of the collector as protector with an ex post facto apology for the purchase of looted material.<sup>44</sup>

In an examination of noted collector Elie Borowski, Erin Thompson quotes Batya Borowski's defense of an illegal purchase made by her husband:

You are right. It's stolen. But we didn't steal it. We didn't encourage it to be stolen. On the contrary, we have collected it from all over the world and brought it back to Jerusalem. Elie's not a stealer of artifacts. He has saved and preserved so much of our history and heritage by collecting these artifacts.<sup>45</sup>

In many of these examples, including that of the couple who purchased the Cambodian sculpture, the artifact is already in the marketplace and the harm to the site or monument has already taken place, making it much easier to disavow or ignore the link between the demand for antiquities and the pillaging of the archaeological landscape. In each instance, the collector in question can and does introduce the saving narrative, thereby absolving herself of any associated negative actions. This absolution, also termed "acquisition apologetics," or "neutralization" in criminological parlance, results in the rewarding of the damaging behavior of buying conflict antiquities.<sup>46</sup> The continued success of claims such as "I bought the past in order to save it" thus ensures that individual collectors continue to use the salvage narrative defense for their dubious purchases: at-risk material should be purchased regardless of the associated ethical, legal, or moral issues. In this rescue narrative, espoused by both institutions and individuals, artifacts and the commons benefit. Institutional safe havens enshrined in policy and law, as well as caring individuals, have all but established no-questions-asked policies when deciding to house at-risk collections. The following case study is an excellent example of private collecting, institutional demand, scholarly backlash, acquisition apologetics, and a missed opportunity.

#### **A CASE STUDY IN APOLOGETICS: SYRIAN MOSAICS AT FORDHAM UNIVERSITY**

In early January 2014, Fordham University issued a press release announcing the acquisition (a private donation) of nine mosaics from a church built in the

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fifth century CE.<sup>47</sup> The mosaics formed part of a church floor located in what is now northwest Syria. The initial press release revealed nothing about the removal of the mosaics from Syria, their subsequent ownership history, or Fordham's due diligence in accepting the mosaics. Immediately the blog, Facebook, and Twitter worlds were awash with reactions. Many took issue with the quotes of Fordham theology professor Michael Peppard: "[In these mosaics] we have kind of everything you want as a historian," he said, "we have five proper names and a date, and those things are not to be taken for granted in history."<sup>48</sup> Everything you want as a historian? What about an exact findspot for context and an associated archaeological excavation of the church revealing further details and information about the mosaics? These details could offer invaluable insights into how the mosaics were intended to be viewed, the associated architecture, how their significance may have changed over time, whose interests they served, and what networks their patrons may have been part of—important information into the past lives and objects of our ancestors was missing. And the wishes of the Syrian people were never discussed.

After much scholarly outcry and social media activity, at the end of January 2014 Fordham University added an editor's note to their initial press release:

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In light of the present civil conflict in Syria and legitimate concerns for the security of that country's ancient archaeological sites and artifacts, it should be noted that the recent gift to Fordham of the nine mosaics was accepted following a thorough provenance review in accordance with University policy and careful examination of accompanying, official documentation attesting to the mosaics' legal export to the United States in 1972. Eyewitness testimony and other evidence further point to their excavation no later than 1968.<sup>49</sup>

The addendum also stated that academic articles offering thorough examinations of the mosaics' ancient and modern histories by Peppard and Fordham curator Jennifer Udell would be forthcoming. In a later 2014 article, Peppard discusses the object biography of the mosaics, stating that "the mosaics were legally purchased and exported with official documentation from Beirut in 1972 and have been in a private collection since that time."<sup>50</sup> Questions surrounding this purchase remained because Lebanon's notoriety as a transit point for illegal antiquities is well-known and thoroughly documented.<sup>51</sup> Inquiring scholars also raised the issue of Syria's national ownership laws and whether the export of these mosaics was permissible under the Syrian 1963 Law of Antiquities.<sup>52</sup> The possibility for debate over the legality and the ethics of the purchase by the individual donor remains.

Given the large-scale ongoing destruction and looting of Syrian antiquities, the timing of its announcement was in poor taste, even if the Fordham acquisition was not illegal. In many ways, this was a missed opportunity for Fordham. Rather than a celebratory announcement, the museum could have used the statement about the donation to decry the current situation and colonial legacies of appropriation related to Syrian antiquities, demand, and museums. The Fordham Museum should have offered sanctuary to the mosaics, thereby embracing the safe haven model.

The ongoing outrage in social media prompted some to defend Fordham's position, particularly when museum ethics were called into question. In a series of blog posts under the heading *Fordham's Folly*, investigative journalist Jason Felch highlighted some of the ongoing discussions, defending the donation to Fordham:

They were previously collecting dust in a private collection and would never have otherwise seen the light of day if it weren't for this acquisition. We wouldn't know where they were from at all if Fordham hadn't acquired them and thus became accessible to a scholar who has managed to convincingly date and located them.<sup>53</sup>

These were among the apologetic statements for the acquisition. In a comment on a blog post by William Caraher defending the Fordham mosaics, Peppard stated:

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Re: your links today, the accusations made by two bloggers about Fordham's being associated with present-day looting in Syria are demonstrably untrue and, of course, deeply offensive. Both bloggers received more than enough information to know this. For starters, the mosaics were photographed prior to 1967 in Beirut, photos which are archived in France and have been studied and indeed been referenced in the journals *Travaux et Memoires* (1979), *Antiquité Tardive* (1994), and *Syria* (1996). I would appreciate your not further spreading the slanderous rumors started by these two bloggers. Thanks for your consideration.<sup>54</sup>

Felch also blogged about a Twitter exchange with Peppard, where a frustrated Peppard asked, "what would you do differently?"<sup>55</sup> Felch answered: "In light of overwhelming evidence of ongoing and historical looting in Syria and the prevalence of false provenance documents, these questions should have been addressed publicly and in detail in the triumphant press announcement."<sup>56</sup> From the outset, full disclosure and transparency of the circumstances surrounding the donation would have lessened the need for acquisition apologetics. In Peppard's blog comments and in the addendum to the press release, a case is made for the

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legitimacy of the donation to the museum at Fordham, although many would take issue with the provenance of 1972 Lebanon as acceptable documentation of legal exportation of the mosaics from Syria. Lebanon is a well-documented transit point for the transfer of undocumented Middle Eastern artifacts, and in the postscript to the statement Fordham should have taken a stand on this illegal movement. Missing from Peppard's online reactions or the publication in *ZPE* is any admission of the connection between the demand (museum donations included) for undocumented material, the destruction of cultural heritage and landscapes, and the attendant loss of knowledge. There would be no need for apologies if the original purchase and subsequent donation were legal. Clearly there is much work to be done in drawing attention to the causal link between supply (legal and illegal) and demand in the antiquities trade.

### CREATING BETTER COLLECTORS

As an archaeologist, in an ideal world I desire to see no looting, selling, or collecting of artifacts. But, given the centuries-old lure of material from the Middle East, it is unrealistic and naïve to think that a complete moratorium on collecting could ever succeed.<sup>57</sup> Here I want to differentiate between owning and harboring: the idea of safe havens as articulated by the AAMD and in H.R. 1493 is not focused on ownership, but instead on temporary loan or harboring

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in order to protect at-risk artifacts. The momentary acquisition of material through a safe haven program can result in the protection of artifacts and in an increase in displayable items in museum collections. However, as demonstrated by the Fordham Museum

case in which the museum did not act as a safe haven, an argument could be made for institutional demand in the form of a donation as a driver of destruction at a Syrian heritage landscape. We need a return to the Good Collector or Better Collector paradigm of a more responsible, discerning, and sophisticated acquirer who requires proof of legality before making any purchases. Although it may be difficult to make a sweeping generalization—that there would be no looting if there was no demand for undocumented material—after more than 10 years of research into these issues I firmly believe that there would certainly be less looting if people and institutions did not want to own an undocumented

piece of the Middle Eastern past.

Reducing the demand for items without background information and archaeological findspot documentation touches on complicated issues of social policy, values, and education. Calls for greater law enforcement efforts to fight antiquities trafficking have been met with the legislative efforts mentioned above, but demand for undocumented items is really about personal and professional responsibilities, which may or may not be influenced by law. In his book *Trade in Antiquities*, Patrick O’Keefe proposes that in order to reduce theft and destruction of archaeological sites, we should “render collecting as an anti-social behavior” as we have done with the wearing of fur, the trade in ivory, or the purchase of conflict diamonds.<sup>58</sup> Moral persuasion, the successful evolution of attitudes that result in the shunning of undocumented material, can only be achieved through successful social marketing such as that suggested by Jennings and Rand, who argue forcefully that using marketing principles to modify behaviors is the necessary next step in the fight against the purchasing of illegal antiquities.<sup>59</sup> By employing negative associations to combat phenomena such as terrorism, marketing can change consumer tastes, thus creating a Better Collector. The FBI warning and the ongoing media coverage of the link between terrorism and the trade in antiquities should give any purchaser pause before acquiring anything without a pristine background. Such a society-wide behavioral change would also eliminate the need for acquisition apologetics.

In order to create a Better Collector with programs aimed at behavioral change, we need to focus on young people (i.e., before individuals even begin to collect) to inculcate the direct correlation between undocumented artifacts in the market and the looting of landscapes. The NGO Petra National Trust (PNT) has developed and implemented a module for their Petra Junior Rangers and the Youth Engagement Petra programs on the illegal excavation of artifacts and the trade in antiquities.<sup>60</sup> In its original iteration, the “Why looting stops us from learning about Petra” workshop was aimed at participants aged 12–17 from the Amman and Petra areas, chosen by the local school districts in consultation with the PNT. The first workshop brought 100 women together to Petra to contemplate, discuss, and debate the negative impact of looting on an understanding of the people and the past at Petra. As part of the event, students visited Petra and the museum in the visitors’ center, learned about artifacts and archaeology, and then spoke with buyers (tourists) and sellers (Petra locals) of artifacts. Students left the workshop with a greater appreciation for the relationship between the demand for archaeological artifacts and the destruction of a site such as Petra. The PNT is currently working on expanding the program to other less iconic

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Jordanian sites, which are equally threatened by looting and the demand for archaeological objects. The PNT workshops introduce a younger generation of Jordanians to these issues in the hope that there will be fewer collectors, or at the very least Better Collectors, in the future.

### TO BUY OR NOT TO BUY IS NOT THE QUESTION

While the motive of buying artifacts to save them is altruistic, demand is still created, a demand that encourages further looting and theft during times of peace and war.

There is no doubt that landscapes, museums, and artifacts across the Middle East face ongoing threats. Safe havens are essential for at-risk artifacts until normalcy is restored to the area. Initiatives such as H.R. 1493 and the new AAMD Protocols are intended to provide protection and refuge. They are not, however, intended to increase the demand for illegal artifacts or to incentivize site destruction to meet such demand. Sadly, reports

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of recent border interdictions and seizures of material from Iraq and Syria point to an increase in supply driven by illegal excavations and thefts from depots and museums.<sup>61</sup> The well-established laundering networks and trade routes for these items are providing items to meet buyers' demand. If there were no demand for undocumented objects, would Daesh still loot? Maybe, but maybe not. According to Mackenzie, individuals and institutions (such as Fordham University) do not set out to acquire illegal artifacts or to conduct unscrupulous activities. In order to ensure more ethical practices, procurers of artifacts, institutional or individual, have to ask questions and provide answers when questioned, and they should be held accountable when they do not.<sup>62</sup> We need Better Collectors and safe haven opportunities in order to protect the past.

Returning to the dilemma of the guilt-ridden couple with the Cambodian sculpture, Cohen answered:

Ah, guilt, it's a powerful emotion—not powerful enough to forestall your trading in contraband but enough to diminish your pleasure in your looted art treasure. I gather you realize, you never should have bought the thing in the first place. Do I really need to refute that feeble self-justification, “If I don't, somebody else will”? Because nobody else would have if you had immediately notified Cambodian authorities and given them a chance to preserve their national heritage. Now you face a tougher question. Is doing the right thing worth \$7,000? There is a ray of hope for your conscience: maybe that artifact is a fake. Then you wouldn't be a receiver of smuggled goods (despite your best

efforts); you'd be a patsy, embarrassing but not unethical. Feel better?<sup>63</sup>

Unsaid in the query or the response to this dilemma in *The Ethicist* is the legacy of political unrest, war, insurgency, and terrorism that possibly accompanied the removal of the Cambodian sculpture. While the motive of buying artifacts to save them is altruistic, demand is still created, a demand that encourages further looting and theft during times of peace and war. In a panel at the Middle East Institute, Syrian archaeologist and Shawnee State University Professor Amr al Azm eloquently summarized the situation with Daesh and looting: "Either I save it or it gets destroyed—this is an unacceptable binary. It's not an either/or situation. It's not either I buy it or it gets destroyed...ISIS are not destroying what they're looting. They loot to sell, they don't loot to destroy."<sup>64</sup> It is not a question of "to buy or not to buy;" buying undocumented Syrian material is not saving the past, it is rather encouraging further looting to satisfy the market. Given the increasingly direct link between looting and terrorism, collectors should not buy undocumented material. Eventually, there will then be no need for acquisition apologetics. Establishing institutional safe haven protocols and creating Better Collectors who reject undocumented objects will protect the past for future generations of Iraqis and Syrians. 

## NOTES

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4. Safe haven: a place of shelter and safety for ships; the term is now also used to mean a temporary refuge given to a persecuted person or group. See: *Oxford English Dictionary*, s.v. "safe haven."
5. An undocumented artifact is one without a stated archaeological context and/or with a poor or very recent history of ownership; Morag M. Kersel, "A Focus on the Demand Side of the Antiquities Equation," *Near Eastern Archaeology* 71, no. 4 (2008): 230–33; Morag M. Kersel, "Transcending Borders: Objects on the Move," *Archaeologies. Journal of the World Archaeological Congress* 3, no. 2 (2007): 81–98.
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2014), 15–36; Morag M. Kersel and Meredith S. Chesson, “Looting Matters Early Bronze Age Cemeteries of Jordan’s southeast Dead Sea Plain in the Past and Present,” in *The Oxford Handbook of the Archaeology of Death and Burial*, ed. Sarah Tarlow and Liv Nilsson Stutz (Oxford: Oxford University Press, 2012), 677–94; Donna Yates, “Illicit Cultural Property from Latin America: Looting, Trafficking, and Sale,” in *Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World’s Heritage*, ed. F. Desmarais (Paris: International Council of Museums, 2015).

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11. United States Code of Federal Regulations 31 CFR Article 576, Iraq Stabilization and Insurgency Sanction Regulations (2010).

12. Providing Material Support to Terrorists Act, 18 U.S. Code § 2339A.

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17. The word “owners” is in quotations in pondering whether individuals or institutions can actually own what many would argue belongs to a nation or even the world.

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