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The Polemics of Legitimacy:
Museums and the Illicit Art Trade in the United Kingdom

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Table of Contents

DECLARATION OF AUTHORSHIP: 1

ACKNOWLEDGEMENTS:..... 2

1. INTRODUCTION: 3

2. THE ILLICIT ART TRADE AND AMERICAN MUSEUMS: 9

3. UNITED KINGDOM LEGAL FRAMEWORK:..... 13

4. THE BRITISH MUSEUM:..... 15

 4.1. SETTLED SPOILIATIONS: 16

 4.2. POTENTIAL SPOILIATIONS: 21

 4.3. ACQUISITION POLICIES: 25

5. THE V&A:..... 30

 5.1. SETTLED SPOILIATIONS: 31

 5.2. POTENTIAL SPOILIATIONS: 32

 5.3. ACQUISITION POLICIES: 35

6. DISCUSSION: 39

7. CONCLUSION: 43

8. APPENDICES:..... 45

 8.1. APPENDIX A: R CODE FOR DATA COLLECTION AND STATISTICAL ANALYSIS OF BRITISH MUSEUM AND VICTORIA AND ALBERT MUSEUM SPOILATION RELATED ACQUISITIONS..... 45

 8.2. APPENDIX B: BRITISH MUSEUM POLICIES..... 50

 8.3. APPENDIX C: VICTORIA AND ALBERT MUSEUM POLICIES 50

 8.4. APPENDIX D: DATA TABLE FOR BRITISH MUSEUM..... 50

 8.5. APPENDIX E: DATA TABLE FOR VICTORIA AND ALBERT MUSEUM..... 50

9. FIGURES:..... 51

10. FIGURE CREDITS:..... 63

11. BIBLIOGRAPHY:..... 65

 11.1. SECONDARY SOURCES: 65

 11.2. WEBSITES:..... 69

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1. Introduction:

The illicit art trade and the agencies that fight against it are in a state of dynamic equilibrium: each adapting and developing in an attempt to out-manoeuvre the other. Consequently, the fight against the illicit art trade is constantly advanced with cutting edge innovation. One such recent development which has resulted in significant progress in preventing the transport of illicit art is a project implemented by the British Museum. In this project, the British Museum works with customs agents at various British airports to identify illicit art and artefacts at the point of entry into the United Kingdom (UK) and assist in the repatriation process.¹² This has resulted in the repatriation of objects such as a second century BCE marble sculpture of Persephone (figure 1) and nine fourth century CE terracotta Buddhist sculptures (figure 2).³⁴ The British Museum was the first museum to collaborate with the UK Border Force under this initiative when it began in 2013 and have since been joined by other museums.⁵ Meanwhile as the British Museum, alongside other museums in the UK, fight against the illicit art trade on the front line at the UK's borders, these same museums continue to harbour illicit art and artefacts within their collections. This paints a rather contentious and conflicting image of such museums: in which they spearhead the campaign externally but follow an alternative set of rules within. This dissertation explores this dubious relationship between illicit art and museums in the UK and determines the extent to which UK museums have illicit objects in their collections.

The illicit art trade, as defined by the Institute of Art and Law UK, includes the trade of stolen art and antiquities, looting from archaeological sites, and also the selling of legally owned art and antiquity in a manner which breaks the export laws of the land.⁶ The global art and antiquities trade is highly attractive to illicit actors for three central reasons. Firstly: the art market is hugely valuable. Over recent decades the global art market has experienced typical ebbs and flows which have culminated in an overall growth trend. In 2020, the global trade of art and

¹ "British Museum Helps Return 2,000-Year-Old Looted Statue To Libya". 2021. The Guardian. <https://www.theguardian.com/culture/2021/may/10/british-museum-helps-return-2000-year-old-looted-statue-to-libya>.

² "British Museum To Return Buddhist Heads Looted In Afghan War". 2021. The Guardian. <https://www.theguardian.com/culture/2019/jul/08/british-museum-return-looted-afghan-artefacts-found-heathrow>.

³ "British Museum Helps Return 2,000-Year-Old Looted Statue To Libya". 2021. The Guardian. <https://www.theguardian.com/culture/2021/may/10/british-museum-helps-return-2000-year-old-looted-statue-to-libya>.

⁴ "British Museum To Return Buddhist Heads Looted In Afghan War". 2021. The Guardian. <https://www.theguardian.com/culture/2019/jul/08/british-museum-return-looted-afghan-artefacts-found-heathrow>.

⁵ Ibid.

⁶ "Institute Of Art And Law". 2020.

antiquity was estimated to be worth 50.1 billion US\$ which is a significant downturn from 2019 and 2018 with 22% and 27% respective shrinks, likely due to the covid-19 pandemic.⁷ Despite the current downturn it is clear to see there is a huge wealth held in art and antiquities. Indeed, professional services tycoon Deloitte's art and finance sector estimated wealth held in art totalled 1.74 trillion US\$ in 2018 and projected this to increase to 2.125 trillion US\$ by 2023.⁸ The second reason is the high preservation of value that is intrinsically associated with art. When compared with other classes of asset such as stocks, bonds, or real estate, the value of art corresponds most closely with the value of gold over time.⁹ The third characteristic of the art trade which makes it attractive, and thus susceptible, to illicit actors is the opacity of the international trade and the varying degrees of regulation between nations.¹⁰ Consequently, the art trade has acted, and continues to act as a honeypot of illicit action, particularly laundering as in the case of United States VS Charles W. Bowers Museum in 2008. In this case smuggler Bob Olsen sold Ban Chiang artefacts from 1000BCE to 200CE to an undercover agent with the Federal Bureau of Investigations who then donated the artefacts to Jon Markel: owner of the Charles W. Bowers museum. Markel's appraiser inflated the value of the artefacts for a higher tax relief.¹¹ As a result, the illicit art trade is highly lucrative: it has been identified as one of the most profitable forms of illegal trade globally, second only to the illicit narcotics trade and the illicit arms trade according to a United States (US) State Department calculation cited in a 2018 lecture by Prof. Mauricio Seracini.¹²

The mechanisms by which licit artefacts become illicit are clear and well understood, put simply: foul play. It is the following interaction between the illicit artefacts and the legal market and its actors that is more abstruse. Illicit artefacts invariably resurface in legitimate agencies: the museum and the auction house among others. For example, two bronze statues: a Nike and an athlete, which sold in New York at Christie's in 2004 were later found to be stolen from Italian collector in the 1970s and were returned to Italy.¹³ This occurs at such scale that it is believed the vast majority of museums worldwide have stolen art or antiquities in their collections.¹⁴ The question that remains is how this occurs. It is this interaction between the illicit market and legitimate actors, more specifically the museum, that will be explored through this thesis.

⁷ McAndrew, Clare. "The Art Market 2021", 17.

⁸ Deloitte. "Art and Finance Report 2019", 27.

⁹ Ibid, 29.

¹⁰ Bichler, Bush, and Malm, "Bad actors and faulty props", 363.

¹¹ Urice, "Between rocks and hard places", 148.

¹² Purkey, "The art of money laundering", 119.

¹³ Charney, *Art and Crime*, 21.

¹⁴ Weiss, "The Role of Museums in Sustaining the Illicit Trade in Cultural Property", 858.

This study will aim to provide an academic understanding into the modern interaction between the museum, a legitimate actor, and the illicit art trade. Particularly so, the extent to which illicit art exists within the collections of British museums. In order to understand the effectiveness of such legislation, the period before the implementation of such measures will also be considered. Furthermore, this investigation will explore how museums may be better supported by legislation and increased transparency of the international art trade in order to most effectively eliminate this interaction. For a more in-depth, and thus more effective investigation the UK has been selected as a model nation. This selection has been made partly due to the powerful position of the UK in the international art trade in the 21st century, its prominent standing as a trans-shipment nation, and its internationally recognised criminal investigation bodies.¹⁵ These factors are compounded by the relative lack of investigation into the interaction between illicit art and legitimate actors in the UK compared with other prominent markets such as the US and Asia. Recent Brexit and Covid-19 related turbulence in the UK art market will be disregarded as anomalous. The British Museum and Victoria and Albert Museum, both based in London, have been selected as institutions through which to understand this interaction. These selections have been made as both museums have been subjected to much public scrutiny regarding accusations of housing stolen art and artefacts. The British Museum specifically has been accused multiple times by left-tending British newspaper *The Guardian* of containing the largest collection of stolen art in the world.¹⁶ This accusation is largely based upon artefacts which are culturally displaced such as the Benin Bronzes rather than any quantitative investigation into the quantity of stolen art in the museum. As this investigation will establish a somewhat quantifiable answer to the number of stolen objects in the museums' collection this accusation will either be refuted or evidenced by this dissertation.

Much of the contemporary debate, and consequently much of the research, surrounding the controversy of stolen art in museums focuses on the ethical aspects of stolen art: largely revolving around cultural patrimony. Cultural patrimony can be legally understood as the ongoing cultural, traditional, and historical importance of an object to a group of people or a culture, and as a result of this importance the object may not be alienated or appropriated by any group or individual unless they are given express permission from the cultural group.¹⁷ Cultural patrimony is a relatively contemporary concept and thus many contemporary museums have historically acquired artefacts of this status. The definition of cultural patrimony is deceptively simple. In

¹⁵ Bichler, Bush, and Malm, "Bad actors and faulty props", 362

¹⁶ "British Museum Is World's Largest Receiver of Stolen Goods, Says QC". 2020. *The Guardian*. <https://www.theguardian.com/world/2019/nov/04/british-museum-is-worlds-largest-receiver-of-stolen-goods-says-qc>.

¹⁷ Patrimony, Cultural. 2021. "Law Insider". *Law Insider*. <https://www.lawinsider.com/dictionary/cultural-patrimony>.

practise, the discussions surrounding cultural patrimony, and the repatriation of such artefacts are characterised by deep and broad ethical debate. Some of the highest profile artefacts embroiled in such debate can be found in the British Museum's collection. These include notable objects and collections such as the Elgin Marbles, the Benin Bronzes, and the Rosetta Stone, among others. The Elgin Marbles (figure 3) in specific have been the topic of much investigation. They are a series of statues which once resided in the Parthenon before they were removed, transported to the UK and sold to the British Museum by Thomas Bruce, Seventh Earl of Elgin and British Ambassador to the Ottoman Empire in the early nineteenth century.¹⁸ The return of the Elgin Marbles was first requested by the Greek government in 1983, and officially denied in 1984.¹⁹ Since then, the Marbles have been at the centre of hot debate. Due to the high-profile international nature of such objects, and other culturally displaced artefacts, much of the research into stolen art and antiquities in museums around the world investigates and debates ownership, guardianship, law, and ethics. Additionally, much of the research into the illicit art trade revolves around looting of heritage sites. However, this research also tends to be largely ethical. Such research mimics the qualitative nature of these topics. In order to bring new perspective to this developed, complex, and broad debate, this investigation excludes culturally debated objects in museums in order to achieve a quantitative approach and highlight an under-investigated area of this subject.

Up until, and to some extent during, the 20th century museum acquisition policies were considerably more relaxed regarding the provenance of objects than today: thus, the acquisition of art and antiquities with questionable or suspicious provenances was a well-accepted practise. This is in stark contrast to the contemporary zero-tolerance and proactive role that museums now take against illicit trade. Acquisition of stolen artefacts throughout the 20th century occurred by both museum purchases, in which case the illicit actor is rewarded with a cash pay-out, or by donation; whereby nation states offered sizable tax relief for donations to non-profit organisations – a category in which museums tend to fall.²⁰ A more recent example of this can be seen in the case of the donation of Degas' *Landscape with smokestacks* to the Art Institute of Chicago by Daniel Searle in 1998 (figure 4).²¹ Seale purchased the painting in 1987. He later loaned the painting to the Metropolitan Museum of Art (the Met) in New York for an exhibition in 1993. During the exhibition the painting was recognised as having been looted during World War II and the case was taken to court in 1996. After an extended legal proceedings Seale eventually settled pre-trial with the plaintiffs in what was essentially joint ownership and with the painting to be sold to the

¹⁸ Merryman, "Thinking about the Elgin marbles.", 3.

¹⁹ Ibid.

²⁰ Thompson, "The relationship between tax deductions and the market for unprovenanced antiquities.", 241.

²¹ Rhodes, "On Art Theft, Tax, and Time", 505.

Art Institute of Chicago with the plaintiffs selling their ownership to the museum and Seale donating his.²² Thus, Seale received a total of 218 750 US\$ tax relief for his charitable donation. In this case there is no illegitimate action on the part of the museum, and Seale lost a substantial amount of money, however he did receive tax relief on stolen art.²³ Furthermore, to this day museums are not legally obliged to make provenance inquiries into donations of less than a particular financial threshold: typically, around 5000 US\$ although this varies between countries. Today, tighter acquisition policies, a more aware socio-political climate, and increasing transparency in the international art trade have stemmed the flow of illicit art into museums. Despite this, an interaction still exists. As such, in order to understand the contemporary interaction between museums in the UK and the illicit art trade this investigation will focus on acquisition's made by these museums post 1970: the year the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) convention on the illicit trafficking of cultural property and heritage.²⁴ The International Council of Museums (ICOM) also conducted and published a substantial amount of research around 1970 in an attempt to combat museums' involvement in the illicit antiquities trade which confirms 1970 as a suitable date from which to consider museums acquisitions. In order to assess the effectiveness of this piece of legislation, the acquisition of such artefacts before this convention will also be considered. To this end, this investigation poses the research question: What can be done by the British Museum and the Victoria and Albert Museum to counter the illicit art trade, particularly in regard to their own interactions with the illicit trade? In order to answer this question, the scope and nature of any interaction between these museums and the illicit art trade must first be known. As such, this investigation proposes the following supporting research questions: to what extent have the British Museum and Victoria and Albert Museum interacted with the illicit art trade post-1970? What has already been done by the museums and the UK authorities to reduce this interaction? Lastly, how effective have these measures, including both international and national legislation as well as internal measures taken by the museums been? This will reveal how museums in the UK can be better supported by national and international legislation in order to minimise any interaction with the illicit art trade. In order to do so the effectiveness of existing legislation will be examined.

In order to answer these research questions this investigation will examine the acquisition of artefacts with periods of missing provenance data, or dubious provenance information in the British Museum and the V&A. Particular emphasis will be placed on the acquisition of such objects after 1970: the year of the international trade-changing UNESCO convention, however the

²² Rhodes, "On Art Theft, Tax, and Time", 505.

²³ Ibid, 506.

²⁴ O'Keefe, "Museum acquisitions policies and the 1970 UNESCO Convention." 20.

acquisition of objects with dubious provenance data before 1970 will also be considered in order to assess the effectiveness of the 1970 convention. This report will consider the acquisition of all objects which may have been entangled with the illicit art trade by these museums. However, in order to carry out rigorous statistical analysis to determine trends in the acquisition of objects with incomplete provenance data, a specific lens will be placed onto objects that have been acquired by these museums with missing provenance data between 1933 and 1945. Such objects are likely to have been subject to spoilation or looting during World War II (WWII). The reason for this emphasis is twofold: firstly, this is the sector of objects with incomplete provenance information in which the largest amount of data exists. Secondly, this is the most likely category in which to uncover illicit objects in British museums.²⁵ It is important to recognise that this category is also the most historically researched class of illicit art in museums and therefore the higher rates of illicit art in museums in this category may be due to the greater volume of research rather than representing the genuine fact. Irrespective of whether this is, or is not, the case, the quantity of existing research has allowed for the creation of databases of art in museums with missing provenance data over WWII years and thus the most reliable and accurate conclusions can be drawn from this category. The acquisition of these artefacts will then be examined alongside the museums' acquisition policies to gain insight into how such artefacts entered the museums. To this end, Collections Trust database on spoilation will be used for statistical analysis of the acquisition of WWII spoliations over time in the British Museum and V&A to establish the effects of various policy changes, most notably the 1970 UNESCO convention. Consequently, this investigation will establish whether preventing the acquisition of artefacts which have been involved in the illicit trade remains a challenge for museums in the UK, and through which avenues this interaction persists. The identified artefacts themselves, alongside their provenances' will be examined to aid in the understanding of the depth of any interaction between the museums and the illicit trade, particularly in settlement cases for which there is a greater wealth of public information. Finally, mitigative strategies the museums' have initiated to minimise and counteract any interaction will be investigated to reveal the direction of the interaction. Finally, the limitations of this investigation will be addressed, before the conclusions of this investigation are provided. As such, this investigation will first look to the US as an example nation in which there have been considerable research efforts into unlocking museums from the illicit art trade and exploring this relationship. Following this, international and UK policy regarding the antiquity trades will be examined in order to establish the parameters of the licit and illicit art and antiquities trades in the UK. Subsequently, the case study museums: British Museum and the V&A will be considered in

²⁵ Lubina, "Contested Culture Property", 1.

turn before examining how museums in the UK are supported by external agencies and legislation in the fight against the illicit art trade. The interaction between museums and the illicit art trade, as well as the measures that have been, and can be taken to reduce this interaction and combat the trade is highly complex and continues to trigger fierce ethical and legal debate worldwide. In order to effectively make a tangible contribution to the debate this investigation solely focuses on quantifying the interaction between museums in the UK and the illicit art trade using two suitably representative case studies and relating this interaction to the various mitigative strategies taken by museums and national and international authorities. Such assessment of the scope and nature of the interaction in the UK and the effectiveness of existing mitigation will allow for evidence-based determination of future mitigation strategies. While the debate on combatting illicit trade, and the interaction of the trade with museums is global, dynamic, and very much alive, the majority of this debate considers the qualifiable and largely revolves around ethics. There is a clear absence of quantitative investigation, particularly in the UK, which potentially could result in novel and highly effective measures in the fight against the illicit art trade.

2. The illicit art trade and American museums:

Before beginning to investigate the interaction between museums and the illicit art trade in the UK it is prudent to examine the illicit art trade more closely in order to make more effective conclusions from this investigation's analysis. Furthermore, additional insight can be gained by investigating the interactions between museums and the illicit art trade outside of the UK, where a greater wealth of research into this specific interaction already exists. Particularly so in the US where there has not only been much investigation into the illicit art trade during recent decades, but also the explicit relationship between this trade and the museums has been well examined and resulted in a number of court cases. As such, the lessons learned from the US can be applied to the UK to gain insight.

The illicit art trade is booming globally and has an estimated annual value of 6 billion US\$. This estimation must be taken cautiously as proven data on illicit activity is few and far between: by its nature it is concealed.²⁶ Despite this, the mechanisms of the illicit art trade can be understood to some extent through national and international anti-trafficking policy as well as through examining court records. As previously stated, the illicit art trade includes the selling of stolen art and the selling of art owned legally or illegally in a way which breaks the export laws of the land.²⁷

²⁶ Hawley, "The international illicit trade in cultural heritage: can museum professionals help stop it?," 228.

²⁷ Introduction, 3.

The first class of activity in this definition is rather more explicit than the second. The second is where an important gap in international policy and law enforcement that is exploited by the illicit art trade can be found. This is the difference between typically tight export laws and more relaxed import laws.²⁸ This does not necessarily imply that artefacts which have been exported from a country in an illegal manner are not reported at the point of import, in fact the opposite is truer. Low tariffs for import coupled with low requirements for complete provenance records mean there is a relatively high rate of declaration of art and artefacts in the US and the UK for goods which had been illegally exported from their origin countries.²⁹ Furthermore, many of illegitimate traffickers of art and artefacts who have later been detained have reported that illegal export was achieved through the bribery of the customs officers in the origin countries. Thus, it is easy to see how in countries where there are elevated levels of corruption among government and law officials that there may be high levels of illegal export. In fact, this relationship correlates so highly that measures of corruption can be used as proxy measurements for illegal export of art and antiquities.³⁰

The history of the illicit art trade, though rich and colourful, is beyond the scope of this investigation. However, it is useful to gain some understanding into some of the major players that have been involved in the illicit art trade. One of the most prolific contemporary dealers in the illicit trade is Subhash Kapoor, who stands accused of trafficking over 145 million USD in antiquities during his career. Since being charged with 86 felonies in 2019, many major museums around the world are examining, for the first time, artefacts purchased from, or donated by Kapoor. The Metropolitan Museum of Art (Met), New York, has acquired fifteen objects from Kapoor including an eleventh century sandstone carving of a dancer, and first century terra-cotta rattles, all of which are being reviewed by representatives of the Indian Government and the Met to establish if they had been stolen.³¹ One such artefact which was deemed to have been stolen was a tenth century bronze statue of the god Revanta which Kapoor gifted to the met in 2003 and presumably received a sizeable tax reduction from.³² Glafira Rosales is another notorious art dealer. Rosales sold a total of 63 paintings by famous expressionist artists in the late 1990's and early 2000's on behalf of her clandestine client to museums and individual collections. These paintings were later found to be forgeries.³³ Rosales criminality was first revealed when the Knoedler Gallery,

²⁸ Fisman and Shang-Jin, "The smuggling of art, and the art of smuggling: Uncovering the illicit trade in cultural property and antiques.", 3.

²⁹ Ibid.

³⁰ Ibid.

³¹ "The Met Reviews Items It Received From A Dealer, Now A Looting Suspect (Published 2019)".

2020. *Nytimes.Com*. <https://www.nytimes.com/2019/08/18/arts/design/india-met-museum-accused-looter.html>.

³² Ibid.

³³ Aminateddoleh, "Purchasing art in a market full of forgeries", 423.

New York was sued for selling a forged Jackson Pollock painting to Pierre Lagrange in 2011.³⁴ Following this several other cases were brought against the Knoedler resulting in the discovery of 40 forged paintings that had been sold by the gallery, each supplied to the gallery by Rosales.³⁵ Several cases were brought about against Rosales by the state as well as by individuals and galleries. Rosales settled some of these cases and was convicted for others including money laundering through art as well as tax evasion.³⁶ As a result, Rosales served three months of jail time, an extended period of home arrest and substantial reparation payments to the victims of her crimes.³⁷

Art crime, as with other classes of white-collar crime, possesses a certain intrigue and captures public interest. As such, criminal cases against illegal art dealers tend to receive an enormous amount of press. The highly public cases against Kapoor and Rosales, along with several other public enquiries into high value art crimes both echoed and encouraged a general trend in the art and antiquities industry of more rigorous examination of the provenances of acquisitions. The specific public interest, particularly in the US, in the provenances of articles acquired by museums can be traced back to a series of landmark court cases. Most notably the criminal case against the J. Paul Getty Museum, Los Angeles, in 2005.³⁸ Specifically, the case was brought to Marion True: the curator of antiquities at the Getty Museum from 1986 to 2005.³⁹ True was indicted by the Italian government and therefore tried in Italian criminal course for the charges of illegally transporting antiquities as well as purchasing stolen antiquities on behalf of the Getty Museum. The trial was extended and inconclusive until eventually the charges expired in 2010.⁴⁰ Despite never being convicted True resigned from her post when the charges were first brought about in 2005. While no conviction was issued the case brought about a wealth of investigation into the acquisition policies and practises of the Getty Museum. One of the most compelling studies was conducted by leading authorities in the illicit art market Neil Brodie and Blythe Bowman Proulx in 2014. Although the charges against True expired, the artefacts in question were proved to be illicit. The Getty received many Italian antiquities from Gianfranco Becchina and Giacomo Medici: both Italian art and antiquity dealers who were convicted of trafficking by the Italian criminal court. By 2007 the Getty Museum had returned 46 artefacts that the Italian criminal proceedings had proven to have been both illegally excavated and trafficked.⁴¹ Urged by the growing scandal and increasing public interest in the provenances of museum acquisitions, the

³⁴ Amineddoleh, "Purchasing art in a market full of forgeries", 422.

³⁵ Ibid, 423.

³⁶ Bowley et al, "'Dealer at Center of Art Scandal Arrested on Tax Charges.", 4.

³⁷ Ibid.

³⁸ Brodie & Bowman Proulx, "Museum malpractice as corporate crime?", 399.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid, 400.

Getty Museum launched an internal investigation of some 45 000 artefacts within its collections.⁴² Since the charges expiring True has spoken publicly about how she was used as a scapegoat by the museum and its trustees for the acquisition malpractice at the Getty. This has since been supported by other significant characters in the museum such as Michael Brand: director of the Getty from 2006-2010.⁴³

Brodie and Proulx struggled to reconcile the idea of museum involvement with the illicit trade: museums are essentially for public good, sites at which history and culture are preserved, understood, and disseminated for the betterment of macro- and micro-society. Whereas criminal actions, particularly at a corporate level, are by and large motivated by financial greed and by nature oppose public good. To resolve this confliction, Brodie and Proulx hypothesised two theories that could cause museums to wilfully participate in the illicit art trade or failing to take action against members of the museum participating in the trade.⁴⁴ Firstly, the theory of differential association which was first described by sociologist and foremost 20th century criminologist Edwin Sutherland (1883-1950) in 1949.⁴⁵ The theory of differential association suggests that individual behaviour is influenced by interactions with others and thus, through interactions, people can absorb not only the methods, but also the motivations and moralities for criminal behaviour.⁴⁶ Applied to the museum setting, the theory of differential association would imply that the culture that is cultivated within museums as a place of work incites malpractice in employees which would elsewhere be rebuked by the same individuals. This can be witnessed in True's statements about the culture of the Getty Museum during her employment there: she stated, 'There was a kind of etiquette I absorbed. The issue of "Where did you get this?" Was not discussed'.⁴⁷

The second theory Brodie and Proulx recognised as potential theoretical cause for museum malpractice was anomie theory.⁴⁸ Anomie theory was first posited by father of modern sociology, the American sociologist Robert Merton (1910-2003) and hypothesizes that deviant behaviour is a product of a mismatch between culture and society.⁴⁹ Specifically, the theorem proposes crime is motivated by social and economic disparity and overreaching corporate aims which are not supported with appropriate mechanisms. Applied to the museum environment, and the Getty in particular this suggests that the Getty's corporate aim of maintaining a world-leading collection of antiquities was not adequately supported by the means, both financial and social, in order to fulfil

⁴² Brodie & Bowman Proulx, "Museum malpractice as corporate crime?", 400.

⁴³ Ibid, 401.

⁴⁴ Ibid, 402.

⁴⁵ Sutherland, "White Collar Crime", 263.

⁴⁶ Matsueda & Lanfear, "Differential Association Theory", 1.

⁴⁷ Brodie & Bowman Proulx, "Museum malpractice as corporate crime?", 408.

⁴⁸ Ibid.

⁴⁹ Cohen, "The Sociology of the Deviant Act", 5.

this aim. Therefore, in order to fulfil the corporate aim, the members of the Getty were forced to 'colour outside the lines'.⁵⁰ Thus, the historic acquisition malpractice at the Getty can be traced back to the aggressive collecting of the institution. This is supported by an anonymous statement provided by former acquisitions officer at the Getty who reported feeling an intense pressure to make acquisitions.⁵¹ Both anomie theory and differential association imply that an environment that accepted malpractice by individuals was fostered by the museum as an organisation. In each case Brodie and Proulx assume the acquisition of illegitimate artefacts was handled knowingly. There may of course be instances in the Getty and other museums in which illegitimate artefacts are acquired unwittingly.

The Getty case launched shockwaves through the museum industry in the US, as well as the general public into the possibility of museums interacting with the illicit art market. As a result, the ethics of the museum industry was put under scrutiny and consequently this led to widespread re-examination of acquisition policies throughout American museums.⁵² This was compounded and supported by a renewed academic interest in the interaction between the licit and illicit art and antiquity markets. Of course, to be documented as a participant of illicit trade it is most likely that an actor has been ultimately unsuccessful in their endeavours. It therefore stands to reason that there is much more to be understood about the illicit art trade which is yet to be illuminated by discovery. Continued academic research as well as rigorous law enforcement protocols are therefore essential to minimising the illicit art trade.

3. United Kingdom Legal Framework:

In order to understand the legal status of the objects within the collections of the case study museums in this investigation: the British Museum and the V&A, it is essential to understand the various relevant national and international acts, conventions, and policies in order to establish the legal parameters in museum collecting in the UK. Organised chronologically by the date of their passing, the various pieces of legislation which define the illicit and licit art trades are as follows.

The 1970 UNESCO convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Cultural Property was a landmark piece of documentation in the international fight against the illicit trade in cultural property. The convention laid out three principles through which the illicit trade could be tackled. The first of these is prevention which includes the measures that member states must take in order to ensure cultural property being

⁵⁰ Brodie & Bowman Proulx, "Museum malpractice as corporate crime?", 408.

⁵¹ Ibid.

⁵² Ibid, 401.

imported and exported is licit.⁵³ The second principle is restitution which centres around the ideology that objects held in museums which have been found to be stolen or illegally exported should be returned.⁵⁴ The third principle is international co-operation; this principle aims to combat the opacity of the international art and antiquities trades and states that the UN State Parties collaborate to exert control on international trade.⁵⁵ Following the adoption of the 1970 UNESCO convention by member states, the next relevant piece of important legislation came in 1994 as the Return of Cultural Objects Regulations from the UK government. This legislation regards the return of cultural property which had been stolen from an EU member state after the 1st of January 1993.⁵⁶ Following this, the Spoilation of Works of Art during the Holocaust and World War II period: Statement of Principles and Proposed Actions was billed in 1998 by the National Museum Directors' Council.⁵⁷ These principles were specifically drawn up by the purpose built Spoilation Working Group which was also established in 1998 to address the huge amount of art and other cultural objects which were stolen during WWII and now reside in museums around the UK. In 2005 the UK Government Department for Digital, Culture, Media, and Sport billed a series of guidelines for museums, libraries and archives to assist in the fight against the illicit trade in cultural property entitled: *Combatting Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material*. These guidelines reinforce the year 1970 as a watershed date: stating that if an artefact has been illegally exported before 1970 it is not considered illicit, however after 1970 more rigorous export, import and provenance requirements are required to make an artefact licit.⁵⁸ Finally, UK museums must comply with the International Council of Museums (ICOM) Code of Ethics for Museums which was first published in 2002. ICOM's report also lends more international recognition to the 1970 watershed.⁵⁹ There are several exemptions and caveats of this watershed such as spoilation related artefacts. While there have been a number of high-profile criminal court cases involving stolen art and artefacts in museums in the US, there have been no such cases in the UK. In the US, the high-profile nature of the cases triggered a wealth of research into the interaction between American museums and the illicit art trade, as well as a thorough examination of the collections of museums, as well as museum acquisition policies. The same cannot be said for the UK. While still

⁵³ Unesco. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property Adopted by the General Conference at Its Sixteenth Session, Paris, 14 November 1970*, 8.

⁵⁴ *Ibid*, 10.

⁵⁵ *Ibid*, 12.

⁵⁶ Statutory Instruments. *The Return of Cultural Objects Regulations 1994*, 1.

⁵⁷ Simpson, "15 The plundered past: Britain's challenge for the future1.", 199.

⁵⁸ Department for Culture, Media Sport. *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material*, 5.

⁵⁹ *Ibid*.

governed by some international policy to minimise and combat the illicit art trade, such as the 1970 UNESCO convention, the UK government is, for the most part, responsible for combatting the illicit art trade within the UK's borders. The successes and failures of the mitigative strategies against the illicit art trade in the UK can be measured through the interaction of legitimate actors with the illicit art trade.

4. The British Museum:

In this chapter the British museum, bastion of British power and majesty and guardian of a vast collection of art and antiquity, will be examined in order to reveal the interaction between the museum and the illicit art trade. This will be established by a thorough examination of the museum's collection, particularly objects acquired after 1970, in combination with an examination of the museum's current and historic acquisition policies, as well as the contemporary proactive measures to combat the illicit trade that the museum takes both internally and externally.

The British Museum was founded in 1753 by the British parliament as one of the world's first free and public museums.⁶⁰ The museum's collection originated as the collection of Sir Hans Sloane (1660-1753) who was a titled physician and eventually president of the Royal Society from 1727-1740, succeeding from Sir Isaac Newton.⁶¹ This collection included more than 80 000 specimens of natural history and manmade artefacts, a library of over 40 000 books and manuscripts, and a massive collection of coins and medals.⁶² Over the past 268 years the British Museum has relocated several times, reformed in almost every practise, and expanded by several orders of magnitude, but has remained just as significant and continues to be a national museum with free access for the public. Today, the British Museum has over eight million objects in its collections and exhibits around 1% of these objects within the museum at any one time. Additionally, 25% of the museum's collection is accessible online along with background information about these objects.⁶³ The British Museum organises its collections into: Prints and Drawings; Middle East; Greece and Rome; Coins and Medals; Africa, Oceania, and the Americas; Egypt and Sudan; Asia; and Britain, Europe, and Pre-History.

⁶⁰ "The British Museum Story". 2021. *The British Museum*. <https://www.britishmuseum.org/about-us/british-museum-story>.

⁶¹ Ibid.

⁶² Ibid.

⁶³ "Fact Sheet". 2021. *Britishmuseum.Org*. https://www.britishmuseum.org/sites/default/files/2019-10/fact_sheet_bm_collection.pdf.

4.1. Settled Spoiliations:

One of the major categories of art and artefacts in museums with incomplete provenances is works which were subject to war time lootings. Specifically, works which were looted during World War II (WWII). During WWII the Nazi regime seized an enormous collection of art and antiquities from around Europe. Furthermore, there was also considerable looting by both military personnel and civilians who capitalised on the breakdown of enforced law.⁶⁴ These works may be defined empirically as art and artefacts which have incomplete or missing provenances during the years between and including 1933 to 1945.⁶⁵ In 2000 the British government founded the Spoilation Advisory Panel (SAP).⁶⁶ The SAP was put together to address the growing number of claims by the former owners or their heirs of works or art or antiquities which had been looted during WWII and the Nazi occupation which are currently residing in national collections in the UK. The SAP worked in collaboration with the already existing Spoilation Working Group (SWG), which was founded in 1998, to encourage museums to identify works in their collections for which provenance data was missing or incomplete for the period of 1933-1945.⁶⁷ Within four years over 6700 works of art and antiquity held in UK museums had been identified as such and data is still accumulating and adding to this total. In the British Museum, research has identified that highest proportion of spoilation related provenance gaps occurs in the collections of prints and drawings, a collection of over two million objects.⁶⁸

Thus far, the British Museum has settled five cases involving a total of 21 works of art and artefacts which had been deemed to have been looted during WWII.⁶⁹ Considering the total collection of the museum includes over eight million objects this is a very tiny proportion of the collection. These five cases include objects acquired before and after the UNESCO convention of 1970 and are as follows. The first case settled by the British Museum was addressed by the SAP in 2006 and regarded four drawings which had been owned Dr Arthur Feldmann.⁷⁰ The four disputed drawings were:

1. *The Holy Family*, by Niccolo dell'Abbate (1512-1571) (figure 5).

⁶⁴ Bailey, "Giving back the loot", 56.

⁶⁵ "1933–45 Provenance". 2021. *The British Museum*. <https://www.britishmuseum.org/about-us/british-museum-story/objects-news/1933-45-provenance>.

⁶⁶ Bailey, "Giving back the loot", 56.

⁶⁷ Ibid, 58.

⁶⁸ "British Museum – Collections Trust". 2021. *Records.Collectionstrust.Org.Uk*. <https://records.collectionstrust.org.uk/records/british-museum/>.

⁶⁹ "1933–45 Provenance". 2021. *The British Museum*. <https://www.britishmuseum.org/about-us/british-museum-story/objects-news/1933-45-provenance>.

⁷⁰ SAP, *Report of The Spoilation Advisory Panel in respect of four drawings now in the possession of the British Museum*. 1.

2. *An Allegory on Poetic Inspiration with Mercury and Apollo*, by Nicholas Blakey (d. 1758) (figure 6).
3. *Virgin and Infant Christ, adored by St Elizabeth and the Infant St John*, by Martin Johann Schmidt (1718-1801) (figure 7).
4. *St Dorothy with the Christ Child*, from the School of Martin Schöngauer (figure 8).⁷¹

The dell'Abbate, Blakey, and Schmidt were acquired by the British Museum in 1946 from a Sotheby's auction for £9.⁷² The previous owner of the drawings was anonymous at the time. Further research efforts to identify the vendor of the drawings after the auction have also proved fruitless. In 1949 the fourth drawing from the Feldmann collection was bequeathed to the museum by former the former Keeper of Prints and Drawings at the museum: Mr Campbell Dodgson (1857-1948).⁷³ It remains unknown how Dodgson acquired the drawing. The claim was brought about by the heirs of Dr Feldmann who argued that four drawings had been looted by the Gestapo from Dr Feldmann in 1939 when Germany invaded Czechoslovakia.⁷⁴ The British Museum acknowledged there had been no investigation into the provenance of the drawings at the time of acquisitions or thereafter until 1990 when the topic of Nazi looted art had become popular.⁷⁵ The SAP determined that while the lack of provenance investigation was unfortunate the British Museum was not at fault due to the minor nature of the drawings as well as the more relaxed state of acquisition policies at the time of acquisition. As is typical in the practise of estimating the value of disputed art and artefacts valuations were made of the works by the British Museum who employed Christies, the claimant who employed Sotheby's and the SAP who employed Sir Jack Baer.⁷⁶ The SAP then determined which estimation was most compelling and found this to be the valuation of Baer at £186 000.⁷⁷ Following the valuation adjustments are made on this figure for the expenses of insurance, sales, and conservation and this total comprises the *ex gratia* payment to be made to the claimant. In this case, the claimants received £175 000, and the four drawings remained at the British Museum.⁷⁸ In 2013 the British Museum settled another spoilation case over a drawing that had formerly been in the Feldmann collection.⁷⁹ In this case the heirs of Robert

⁷¹ SAP, *Report of The Spoilation Advisory Panel in respect of four drawings now in the possession of the British Museum*. 2.

⁷² *Ibid*, 4.

⁷³ *Ibid*, 5.

⁷⁴ *Ibid*, 1.

⁷⁵ *Ibid*, 5.

⁷⁶ *Ibid*, 8.

⁷⁷ *Ibid*.

⁷⁸ *Ibid*, 10.

⁷⁹ The British Museum. *Spoilation case settled*. 1.

Feldmann identified a further drawing in the British Museums collection which had been owned by Feldman which was:

1. *Young couple in a landscape* from the school of Georg Pencz, circa 1535-1545 (figure 9).⁸⁰

Following the advice of the SAP for the previous claim against drawings that had been in the Feldmann collection, the British Museum made an *ex-gratia* payment to the Feldman heirs based on the value of the drawing, which remained in the museum's collection.⁸¹

In 2008 the British Museum, presided over by the SAP settled a claim against a porcelain dish.⁸² The claim was made by Bertha Gutmann, sole heir of Heinrich Rothberger (1868-1953) who's porcelain collection had been looted by the Gestapo from his department store in Vienna in 1938. This dish in question was:

1. Viennese plate made of hand-paste porcelain by Du Paquier in 1725-1730.⁸³

The dish was acquired by the British Museum from William King, an employee of the museum and expert in ceramics, in 1939 as gift. It remains unknown how King acquired the dish.⁸⁴ Following the claim the British Museum conducted research into the dish and determined it was indeed part of the Rothberger collection and had been seized during WWII. It was therefore determined that Gutmann would be compensated *ex-gratia* and the dish would remain in the British Museum's collection. Sotheby's valued the dish for Gutmann at £12 000 - £18 000; Bonhams valued the dish at £16 000 on behalf of the British Museum; and the SAP employed Errol Manners who estimated the dish to be worth £20 000.⁸⁵ Considering these 3 valuations, as well as the insurance and conservation costs absorbed by the museum, and the insurance costs that would have be incurred by the heirs of Rothberger the SAP advised the British Museum to make an *ex gratia* payment to Gutmann of £18 000, which was to be funded by the government.⁸⁶ Today, the dish remains on display and documented online in the museum's collections alongside corresponding information regarding the provenance of the dish.⁸⁷

⁸⁰ The British Museum. *Spoilation case settled*. 1.

⁸¹ Ibid.

⁸² SAP. *Report of The Spoilation Advisory Panel in respect of pieces of porcelain now in the possession of the British Museum, London and the Fitzwilliam Museum, Cambridge*. 1.

⁸³ Ibid.

⁸⁴ Ibid, 2.

⁸⁵ Ibid, 3.

⁸⁶ Ibid.

⁸⁷ "Plate | British Museum". 2021. *The British Museum*. https://www.britishmuseum.org/collection/object/H_1939-0302-1.

The next WWII looting claim the British Museum settled was in 2012 and considered fourteen watches and clocks that had once been owned by Ida Netter (formerly Ida Koch) who was the wife of Otto Koch and a sleeping partner in his family's jewellery company in Frankfurt.⁸⁸ The objects in question were, as described by the British Museum:

1. Horizontal table timepiece of gilt-brass and steel with a diameter of 73mm. France or Netherlands, circa 1545-1550.
2. Rectangular spring-driven table clock of gilt-brass and steel, length 147mm. Hans Koch, Munich, circa 1575-1585.
3. Horizontal table timepiece of gilt-brass and steel, diameter 107mm. Prague, mid-sixteenth century.
4. Horizontal table timepiece of gilt-brass and steel, diameter 57mm. South Germany, circa 1535-1545.
5. Horizontal table timepiece, with alarm attachment, of gilt-brass and steel, diameter 74mm. South Germany, circa 1535-1545.
6. Drum-shaped, spring-driven table clock with detachable alarm, of gilt-brass, rock-crystal and steel, diameter 92.5mm. South Germany, circa third quarter, sixteenth century.
7. Gilt-brass cased stackfreed watch by Isaak Ebert, Germany, 1617.
8. Gilt-brass watch case and dial, anonymous, nineteenth century.
9. Gilt-brass cased stackfreed watch, anonymous, Germany, circa 1600.
10. Gilt-brass cased stackfreed watch by Jean-Baptiste Letter, Zug, circa 1645.
11. Rock-crystal cased watch by Jacques Sermand, Geneva, circa 1655.
12. Painted enamel cased watch, signed Torin of London, circa 1710.
13. Gold and agate cased watch, anonymous, Geneva, circa 1780.
14. Gold and enamel cased watch by Estienne Ester, Geneva, circa 1670.⁸⁹

In this case, Netter actually sold these objects herself at a Christies auction in 1939.⁹⁰ The claim was put forward by Netter's son Eric Koch in 2011 on the basis that the sale of his mother's watch and clock collection in 1939 had been forced as a result of fleeing from Germany and abandoning her wealth. In this case, the SAP determined the sale of the timepiece collection, while perhaps

⁸⁸ SAP. *Report of The Spoilation Advisory Panel in respect of fourteen clocks and watches now in the possession of the British Museum, London*. The Stationary Office, 2012. 5.

⁸⁹ *Ibid*, 3-4.

⁹⁰ *Ibid*, 3.

likely to not have occurred if Netter had not been forced to flee, was not made under duress, nor was it sold under market value. As such, the SAP established the ownership of the collection passed legitimately to the British Museum, where the collection now remains, and Koch did not receive compensation.⁹¹

The final spoilation case settled by the British Museum thus far occurred in 2014 and considered a drawing which had once been owned by German lawyer Michael Berolzheimer (1866-1942).⁹² The drawing in question for this claim was:

1. *Coastal scene with an old lighthouse*, by Allaert van Everdingen (1621-1675), circa 1646-1675 (figure 10).

This case is of particular interest to this investigation as the van Everdingen was acquired by the museum in 1997.⁹³ Provenance research by an independent agency in New York determined that the sale of this drawing by Berolzheimer in 1939 was forced. The British Museum Press Release for the settlement of this claim describes the forced sale of the painting in Munich, followed by the subsequent ownership of the drawing before it was bequeathed to the museum by the final owner, Rosi Schilling, in 1997.⁹⁴ An *ex-gratia* payment was made to the claimant and the drawing remains in the collection at the British Museum. This claim was not presided over by the SAP, and as such, by the discretion of the museum and the claimant, the sum of the *ex-gratia* payment is undisclosed, as are the valuations of the work. Furthermore,

in the museum's online collection, the drawing is attributed to the collection of Boguslaw Jolles who owned the painting before Berolzheimer, although the confiscation of the drawing from Berolzheimer is acknowledged along with a statement describing the recompense to the heirs of Berolzheimer.⁹⁵

Thus far, these five cases are the total number of WWII spoilation claims that the British Museum has settled. That is not to say, however, that these 21 objects are the only contested objects within the museum's collection, indeed further examination will prove this not to be the case. Further research conducted both by the British Museum and independent agencies such as collections databases and spoilation initiatives have thoroughly examined and continue to examine

⁹¹ SAP. *Report of The Spoilation Advisory Panel in respect of fourteen clocks and watches now in the possession of the British Museum, London*. The Stationary Office, 2012. 9.

⁹² The British Museum. *Press Release: Spoilation case settled*. 1.

⁹³ *Ibid*.

⁹⁴ *Ibid*.

⁹⁵ "Drawing | British Museum". 2021. *The British Museum*.
https://www.britishmuseum.org/collection/object/P_1997-0712-83.

the collections of the British Museum to ascertain provenance holes that may relate to WWII spoilation.

4.2. Potential Spoliations:

Each of the collections of the British Museum will be considered in turn for provenance gaps in the WWII period. The Prints and Drawings collection at the museum comprises of a vast two million objects. One million of these are cigarette cards, and much of the rest of the collection is made up of prints. Prints are particularly difficult to identify after the fact, due to their multiple nature, and are therefore much harder to trace. The 59 000 strong drawing collection, however, is much more suitable for rigorous provenance research.⁹⁶ Research is ongoing, and therefore the complete data set is as yet unknown, however there are smaller categories within the drawings collection that have complete datasets. Within the collection of 21 350 European drawings that have been acquired by the British museum since 1933, 30% have missing provenance data for the established period of WWII: 1933-1945.⁹⁷ While there are many groups of drawings that do have complete provenance data, on the whole, the majority of drawings acquired by the museum since 1933 are not accompanied by provenance data of the drawings before the person they were acquired from.⁹⁸ In total, of the two million object strong collection of prints and drawings, the provenance data has been investigated for 59000 objects, roughly 6400 objects were found to have provenance gaps in the period of 1933-1945, and thus far claims over six objects have been settled: a proportionately miniscule number.⁹⁹

The coins and medals collection consists of 800 000 artefacts, of which 750 000 have been investigated for provenance gaps in the period of 1933-1945. Of these, there is no significant proportion of artefacts with missing provenance. Therefore, it can be assumed that there are no artefacts within the coins and medals collection which have been acquired by the museum as a result of spoilation.¹⁰⁰ The Middle East Collection comprises of 330 000 artefacts, of which 3700 have been investigated for missing provenance data in the period of 1933-1945. This investigation has not found cases of missing provenance data in relation to this period thus far, however it would be unreasonable to extrapolate this to the rest of the collection from the investigation of

⁹⁶ "British Museum – Collections Trust". 2021. *Records.Collectionstrust.Org.Uk*.
<https://records.collectionstrust.org.uk/records/british-museum/>.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

just 1% of the collection.¹⁰¹ The Britain, Europe and Pre-History Collection database lacks the current level of sophistication of the databases of other collections in the British Museum. Consequently, it is that much more difficult to carry out thorough provenance investigations in the collections. As of yet, at the least the 5899-object strong horological and scientific instrument collection has been subject to provenance investigation and has failed to identify any instances of missing provenance from between 1933-45. However, this is cannot be held representative of the entire collection from which more research is required to reveal the level of spoilation within the collection. Despite this, the level can be assumed to be low, as much of the collection was excavated post-1945, or acquired by the museum directly from excavation sites.¹⁰² A limited amount of research has been conducted into the Egypt, Asia, Greece and Rome, and Africa, Oceania, and the Americas collections. The research has not found instances of works acquired through spoilation in these collections which is as was expected: these departments were deemed least likely to contain works which had provenance gaps during the WWII period.¹⁰³ Collections Trust also maintains a running database of the spoilation reports from museums in the United Kingdom. There are currently 9937 works listed in this database for the British Museum which corresponds to 0.12% of the museum's collection.¹⁰⁴ These works can be used to analyse trends in the acquisition of objects with periods of disputed provenance as show in figure 11.

Figure 11 shows a clear, and statistically significant negative correlation between the acquisition of works which have incomplete provenance between 1933-1945 by the British Museum over time. Consequently, it is statistically sound to say the British museum have made fewer spoilation acquisitions over time. The peaks in acquisitions at over 700 in 1947, and more recently 1996 and 2015 each with over 300 acquisitions are explained by these including the acquisition of large collections rather than a year of particularly aggressive collection tendencies. This trend was as expected due to increasing environment of socio-political awareness, increasing transparency of the international art and antiquities trade, and the tightening of national and international art market regulations and policy. As such, in order to assess the effectiveness of significant policy changes the acquisition periods may be broken up into significant sections which mark out policy changes. Figure 12 shows the same frequency bar graph as figure 11 but divided by significant policy changes. The first segment covers 1933-1970, after which the 1970 UNESCO

¹⁰¹ "British Museum – Collections 'Trust'". 2021. *Records.Collectionstrust.Org.Uk*.
<https://records.collectionstrust.org.uk/records/british-museum/>.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ "British Museum – Page 2 – Collections 'Trust'". 2021. *Records.Collectionstrust.Org.Uk*.
<https://records.collectionstrust.org.uk/records/british-museum/page/2/>.

convention on the illicit trafficking of cultural property and heritage came into effect. The second segment covers 1971-2006 with the start date being determined by the 1970 UNESCO convention, and the end date determined by an intra-museum policy change within the British Museum to prevent the acquisition of objects which had missing provenance information. This policy change stated that the museum's acquisition officer, vendor, and curator all had to sign an acquisition declaration which stated sufficient provenance research had been conducted on the object in question, and all parties are satisfied with the licit nature of the object. The third segment covers 2007, post the internal policy change, to present.

Figure 12 shows a negative correlation between spoilation acquisitions and time from 1933-1970, a very slight negative correlation between spoilation acquisitions and time from 1971-2006, and a slight positive correlation between spoilation acquisitions and time from 2007-2020. None of these correlations proved to have statistical significance. As there is less data within each window compared to the continuous correlation in figure 11 the statistical power is reduced. Therefore, it cannot be said that there is no statistical correlation, just that there is not enough data to confirm a statistical correlation. This is particularly true for the third graph depicting the period from 2007-2020 in which a positive correlation between frequency of acquisitions and year is seen. However, it must be recognised that there is a very small amount of data within this time period and as such this relationship has no statistical power and should therefore be disregarded. Despite the trends proving insignificant, there is a clear difference between the average frequency of spoilation acquisitions each time period. From 1933-1970 there was an average of 160 spoilation related acquisitions per year, from 1971-2006 there was an average of 80 spoilation related acquisitions per year, and from 2007-2020 there was an average of 70 spoilation related acquisitions per year. This decrease is even more significant, and laid out more starkly, against a background of increasing total acquisition numbers per year. As such, it can be said that both the 1970 UNESCO convention, as well as the 2006 British Museum policy change were effective at reducing acquisitions of objects which have missing provenance information in the British Museum.

As well as the acquisition date Collections Trust also makes note of the mode of acquisition of spoilation related acquisitions. There were three classes of mode of acquisition for the British Museum which were donations, purchases, and bequeaths. For the sake of this analysis donations will be understood as charitable gifts to the museum from which the benefactor receives tax relief, purchases will be understood as financial transactions in which the previous owner receives payment for the object and bequeaths will be understood as cases in which the museum is the beneficiary of an individual's will, and thus the former owner receives no financial compensation.

Figure 13 shows the frequency of donations (orange), purchases (magenta), and bequeaths (cyan) of spoilation related acquisitions over time from 1933-2020.

It is clear from figure 13 that this data is very noisy, however there are a few clearly discernible trends. Acquisition of spoilation related articles by purchase (magenta) is the steadiest mode of acquisition through time, showing the least noise and a slight negative correlation of frequency of acquisitions over time. Spoilation related articles that have been bequeathed to the museum (cyan) also show an interesting trend. Following the 1970 UNESCO convention there are essentially no bequeathed articles until around 1995. There is not sufficient evidence to solely attribute this 25-year lull in spoilation related bequeaths to the UNESCO convention however it certainly correlates. Additionally, there have been essentially no bequeaths of spoilation related articles to the museum since the 2006 policy change. Again, there is insufficient evidence to deem the policy change as causative of this drop off of bequeaths, but it does correlate. Finally, the donations of articles with missing provenance data from 1933-45 to the British Museum (orange) also shows interesting trends. The donations show the steepest negative correlation over time from 1933 to 1965 out of all three modes of acquisition. This suggests that the background rate of donation decline was not caused by the 1970 UNESCO convention. However, there is a noticeable lull in donations after 1970 which holds until around 1995, as seen in figure 14.

Figure 14 shows the same distribution of the frequency of spoilation related acquisitions over time divided by mode of acquisition as in figure 13 but removes the noise to produce clearer trend lines. As bequeaths and donations both lulled in the years 1970-1995 it implies that the British Museum implemented much more rigorous acquisition practices after 1970, however these practises relaxed over time. One trend that is particularly interesting when considering the frequency of donations is the increase in donations of spoilation related artefacts that can be seen in the most recent period: 2007-2020. This suggests that contemporary acquisition policies at the British Museum are stricter in respect to purchases than donations. Alternatively, that the same acquisition policies across the modes of acquisition here adhered to more strictly with purchases than donations. This is compounded by the decline to zero of purchased objects which have incomplete provenance data between 1933-1945 since 2010. Considering statistical significance, the negative correlation between frequency of donated objects and time proved to be statistically significant with a p value of 0.001015. The correlation between the frequency of bequeathed objects and time proved statistically insignificant with a p value of 0.04763, and the negative correlation between frequency of purchased acquisitions over time proved to be statistically significant with a p value of 0.001746. The statistical insignificance of the trends seen in

bequeathed acquisitions does not evidence the absence of a trend in changing frequency of bequeathed acquisitions, simply that the data used doesn't support statistical significance.

While spoliation related acquisitions only address objects, which have incomplete provenance data in a relatively small window of thirteen years, this window is the most likely window for objects to have incomplete data within. Furthermore, it is the most well documented category of missing provenance data as it is a time period in which the majority of provenance research in the UK has been dedicated to. Therefore, while not representative of all objects which have missing provenance data in the museum it most likely represents either the most extreme category, the most documented category, or a combination of both and therefore can be used as a proxy measurement to address the flow of works with missing provenance data into the museum. Overall, this data analysis reveals that both government-implemented policy mitigation of the illicit art trade, as well as museum initiatives to reduce the interaction of the museum with the illicit art trade have been thoroughly effective at stemming the flow of works with missing provenance data into the museum. Despite this, there is still a substantial number of very recent acquisitions over the last decade which have incomplete provenance information over 1933-1945, and thus it can be inferred that the current policy and practises are insufficient to entirely eliminate the acquisition of objects with incomplete provenance data and thus risk of being illicit. To understand how the museum has effectively worked to limit the acquisition of objects of dubious provenance, the changing acquisition policies of the British Museum can be assessed.

4.3. Acquisition Policies:

The British Museum has a highly developed system of governing practises and policies which currently comprises of 21 distinct policies which together address every aspect of the running of the museum (appendix B). Four of these policies specifically address malpractice and the illicit art trade, and together function to entirely separate the British Museum from the illicit art trade. These four policies are: the acceptance of donations and sponsorship policy; the acquisitions policy; the anti-money laundering, prevention of tax evasion, and refusal of donations policy; and the fraud, bribery, and corruption prevention policy.¹⁰⁵ The acceptance of donations policy is reviewed, and adjusted by the museum to include any changes in UK or international legislation if required, annually and was last updated in 2020.¹⁰⁶ The acquisition policy was last reviewed in 2018 and is

¹⁰⁵ "Governance". 2021. *The British Museum*. <https://www.britishmuseum.org/about-us/governance#access-to-information>.

¹⁰⁶ The British Museum. *British Museum Acceptance of Donations and Sponsorship Policy*, 1.

reviewed and updated if needs be every five years.¹⁰⁷ The anti-money laundering, prevention of tax evasion, and refusal of donations policy was last reviewed in 2020 and is reviewed every five years.¹⁰⁸ The fraud, bribery, and corruption prevention policy was also reviewed in 2020 and is re-checked and updated every five years.¹⁰⁹

One of the interesting trends that can be seen in the acquisition of artefacts which have missing provenance data by the British Museum is the recent decrease in the acquisitions made through purchases, especially when compared to the recent increase in such acquisition by donation (figure 14). Examining the museums contemporary acquisition policies can reveal insight into the cause of these trends. Any differences between the policies for acquisitions through donations and purchases could explain these trends. The specific considerations that prevent the acquisition of illicit art and artefacts by donation are, as stated in the acceptance of donations and sponsorship policy document:

The British museum may not accept a donation if:

- 1. It would be unlawful to accept it, or acceptance could give rise to an inference of complicity with illegal activities.*
- 2. The identity of a donor is truly unknown. Aside from low level gifts collected in the Museum boxes, the identity of a donor who prefers to remain anonymous must be known to the Chair and Trustees, Directorate Group, Director of Development, Head of Development Operations and Regulation and where necessary, the Audit Committee.¹¹⁰ [excludes irrelevant clauses]*

Furthermore, the anti-money laundering, prevention of tax evasion, and refusal of donations policy also makes explicit considerations to avoid the donation of illicit art and artefacts which are, as stated in the policy:

In order to be satisfied that donations (including, for example, gifts in kind or ex-gratia research grants) to the Museum are from a credible source the following questions should always be asked before acceptance about any unusual donation or offer of support, or any donation or offer of support over £25,000:

- 1. Who is the donor and does the donor have good standing?*
- 2. Does the source raise concerns?*

¹⁰⁷ The British Museum. *Acquisition of Objects for the Collection*, 2.

¹⁰⁸ The British Museum. *Anti-Money Laundering Prevention of Tax Evasion and Refusal of Donations Policy*, 1.

¹⁰⁹ The British Museum. *Fraud, Bribery, and Corruption Prevention Policy*, 1.

¹¹⁰ The British Museum. *British Museum Acceptance of Donations and Sponsorship Policy*, 2.

3. *What is the motive for the offer and what will be the effect of accepting it?*¹¹¹ [excludes irrelevant clauses]

Additionally, the anti-money laundering, prevention of tax evasion, and refusal of donations policy also states:

Particular vigilance should be applied to:

1. *Unsolicited donations offered at short notice or via an unknown third party*
2. *Donations where there are grounds for reasonable suspicion that it represented the proceeds of crime of is not legally or legitimately owned by the donor.*¹¹² [excludes irrelevant clauses]

The museum will not accept gifts in circumstances where:

1. *The donor is not believed to have legal or legitimate ownership of the funds or gifts in kind offered to the museum*

*The museum will consider whether to redirect or return donations subsequently found to have been accepted in breach of this policy.*¹¹³ [excludes irrelevant clauses]

Interestingly, the museum does not have a financial value below which investigation is not required at all into provenance in order to make an acquisition. This effectively prevents the acquisition of low value illicit artefacts.¹¹⁴ Despite this, it is clear that more thorough investigation is required before accepting donations over the value of £25 000.¹¹⁵ Furthermore, the clause regarding returns of donations which have later been proven to not comply with the museums restrictions on accepting donations is rather non-committal: stating that the museum will ‘consider’ returning objects which are later identified as having been illicit rather than stating they will take measures to rectify such a situation and stipulating what these measures would be. For example, the policy could state that if an artefact is later found to be illicit the museum will either return the artefact to the rightful owner, compensate the rightful owner to an amount based on three valuations as has been done in settled cases, or redirect the artefact in alignment with the wishes of the rightful owner. However, while the statement of return is vague, the museum does state that consideration

¹¹¹ The British Museum. *Anti-Money Laundering Prevention of Tax Evasion and Refusal of Donations Policy*, 1.

¹¹² Ibid, 2.

¹¹³ Ibid, 3.

¹¹⁴ Yates, *Museums, collectors, and value manipulation*, 7.

¹¹⁵ The British Museum. *Anti-Money Laundering Prevention of Tax Evasion and Refusal of Donations Policy*, 1.

is taken for historic acceptances of illicit art and artefacts and thus recognises the potential situation.¹¹⁶

The British Museum's acquisition policy for purchases is considerably more in depth than the two policies for donation-based acquisitions. Specifically, the acquisition policy explicitly states the relevant national and international legislation that it complies. These acts and codes are as follows: the 1970 UNESCO convention previously discussed; the 1973 CITES convention on the trade of endangered species; the UK 1996 act on the return of cultural objects; the 1998 revision of the UK code of practise regarding WWII looted art and artefacts; the UK's 2004 act regarding human remains; the UK Department for Digital, Culture, Media and Sport (DCMS) 2005 act for combatting illicit trade; and the codes of ethics laid out from museums by both the International Council of Museums (ICOM) and the Museums Association (MA).¹¹⁷ As such, the specific clauses of the acquisition policy which act to prevent the acquisition of illicit objects are, as stated in the policy:

Objects will only be acquired for the Collection if:

- 1. They are legally available for acquisition; and*
- 2. There is no reasonable cause to believe they were wrongfully taken from a lawful owner; looted from archaeological sites or museums; or wrongfully exported or imported*

Objects acquired for the Collection should have a documented legal history, which where applicable, should extend back before November 14th 1970. [This date is selected as the date from which the 1970 UNESCO convention came into effect] However, objects without documented histories may be added to the collection if [above clauses apply] and:

- 1. The objects were lawfully seized by HM Revenue and Customs;*
- 2. The objects would otherwise be at risk of destruction*
- 3. The Museum acts as a repository of last resort [...]*
- 4. The objects are minor items [with minor being defined by the DCMS 2005 act on illicit trade] for which no, or only limited documentary legal history exists.¹¹⁸*

The DCMS 2005 policy against illicit trade defines 'minor' items as those which:

¹¹⁶ The British Museum. *Anti-Money Laundering Prevention of Tax Evasion and Refusal of Donations Policy*, 3.

¹¹⁷ The British Museum. *Acquisition of Objects for the Collection*, 3.

¹¹⁸ *Ibid*, 1-2.

- *May be of common types, or may be items of which multiple examples were made and have survived*
- *Are usually made of relatively cheap or plentifully available materials*
- *Are often (but not always) small in physical size*
- *May lack conventional beauty or other appeal*
- *Tend to be (but are not always) of relatively low monetary value.*¹¹⁹

The policy goes on to say the decision to classify an object as a ‘minor’ item is at the discretion of the individual museum and must be documented but is not subject to inspection or regulatory examination.¹²⁰

It is clear that the acquisition policy for purchases at the British Museum does not include a monetary value above which further investigation is required, as in their donations policies, however the potential to classify acquisitions as ‘minor’ and therefore subject to less rigorous provenance standards still exists. As such, it is easy to understand how low value illicit artefacts may legally be acquired by the museum under the restrictions of the contemporary acquisition policies that are currently in use at the British Museum. However, it is essential to recognise that this ‘loophole’ through which illicit objects may enter the museum is introduced through the trade policy laid out by the UK government, rather than the museum.

Overall, it is evident that not only does the museum have a recent historical interaction with the illicit art trade, but that this interaction persists today despite various measures taken by the UK government, international conventions, and the museum to protect the museum from the illicit trade. Despite this, such measures as discussed have clearly had a positive effect reducing this interaction. For complete understanding of how the museum contributes to combatting the illicit art trade it is important to consider outreach initiatives conducted by the museum. Especially as the British Museum has pioneered several highly effective and innovative schemes. In 2020 the museum launched an unprecedented initiative called Circulating Artefacts (CircArt) which is a global digital platform designed to combat looting, smuggling, and the illicit art trade in general.¹²¹ This platform allows for the identification of stolen artefacts worldwide. With this initiative the museum aims to combat the illicit art trade not only in their own house, but also with national and international authorities, dealers, auction houses, and collectors. Additionally, the museum is heavily involved with identifying stolen at the UK’s borders in collaboration with the UK border

¹¹⁹ Cultural Property Unit. *Combating Illicit Trade*, 10.

¹²⁰ Ibid, 11.

¹²¹ "The British Museum Creates A Platform Against The Illegal Trade In Art". 2021. *Atalayar*. <https://atalayar.com/en/content/british-museum-creates-platform-against-illegal-trade-art>.

force. As such, it is clear to see that while further measures are needed for the museum to completely withdraw from the illicit art trade, they are at the forefront of the global campaign against the illicit art trade. This can be understood at the museum choosing to invest in fixing the ‘problem’ (the illicit art trade) rather than treating the ‘symptoms’ (illicit art in the museum). The ethics, morals, and efficiency of this strategy could be debated *ad nauseum*, but the fact remains is that to successfully combat the illicit trade it must be attacked forcefully on all fronts, and this includes within the museum as well as outside of the museum.

5. The V&A:

In this chapter the V&A museum, a world leading museum of art, design, and performance, will be examined in order to reveal the interaction between the museum and the illicit art trade. This will be established by a thorough examination of the museum’s collection, particularly objects acquired after 1970, in combination with an examination of the museum’s current and historic acquisition policies, as well as the contemporary proactive measures to combat the illicit trade that the museum takes both internally and externally.

The V&A was founded as the South Kensington Museum in 1852 following the hugely successful and pioneering Great Exhibition that took place in Crystal Palace in 1851.¹²² The museum adopted its current name as the Victoria and Albert Museum in 1891 in tribute to the British monarchs Queen Victoria and Prince Albert. The museum’s founding collection was selected from objects which had been on display at the Great Exhibition using a £5000 grant from the British government.¹²³ The museum has since expanded its collections enormously and opened several subsidiary museums including the V&A Museum of Childhood, the V&A Dundee, the V&A at Design Society in Shekou, and the V&A East project. Today, the museum houses the largest collection of the applied and decorative arts and design in the world with a permanent collection of over 2.27 million objects and a total collection of over 6.5 million objects. 1.2 million of these are available for perusing online.¹²⁴ Represented within this collection is the last 5000 years of human activity from around the world. The V&A’s collection is organised into four broad departments of: Words and Images; Sculpture, Metalwork, Ceramic, and Glass; Furniture, Textiles, and Fashion; and Asia. These broad departments are divided further into a total of sixteen individual collections, the largest of which is the architecture collection made up of over two million artefacts. As in the analysis of the British Museum’s collections, the examination of the

¹²² "V&A · Building The Museum". 2021. *Victoria And Albert Museum*. <https://www.vam.ac.uk/articles/building-the-museum#slideshow=31131014&slide=0>.

¹²³ Ibid.

¹²⁴ "V&A · Explore The Collections". 2021. *Victoria And Albert Museum*. <https://www.vam.ac.uk/collections?type=featured>.

collections of the V&A will use spoilation related works and potential spoilation related works as a proxy measure for illicit art in the museum.

5.1. Settled Spoliations:

As for the British Museum, the largest amount of data regarding missing provenance data is recorded in objects which have dubious provenance records between 1933 and 1945: suspected articles of WWII spoilation. The SAP have presided over one claim against the V&A which was first opened in 2011 and was settled by the V&A in 2014. This claim was brought about regarding three Meissen Figures which were in the V&A's collection.¹²⁵ The claimant in this case was the Estate of the late Emma Ranette Budge (1852-1937), and the artefacts in question were, as described by the V&A:

1. Hard-paste porcelain figure of a harlequin with a pipe and monkey, painted in enamels, modelled by J. J. Kaendler, made by Meissen, Germany, circa 1740-1741
2. Hard-paste porcelain figure of a seated woman with a dog and servant, painted in enamels, modelled by J. J. Kaendler, made by Meissen, Germany, circa 1737-1740
3. Hard-paste porcelain figure of a butcher, painted in enamels, possibly modelled by F E Meyer, made by Meissen, Germany, circa 1750.¹²⁶

Mrs Budge and her husband Mr Henry Budge (1840-1928) were born in Hamburg but gained their fortune whilst in America where Mr Budge was heavily involved with the expansion of the American railway network. Following this the Budge's returned to Hamburg where they built a luxurious villa and started to put together what would become an impressive art collection.¹²⁷ Following the passing of Mr Budge in 1928, Mrs Budge became the sole proprietor of the estate. Mrs Budge along with her estate was not targeted by the Gestapo, largely thanks to her American citizenship. However, after her natural passing in 1937 it was deemed impossible to distribute her estate to her heirs as they were Jewish and had already fled Germany and exporting such a valuable art collection out of Germany during the Nazi regime would have been unmanageable. As such, her estate was passed to an auction house in Hamburg and her collection was sold over 5 auctions

¹²⁵ SAP. *Report of The Spoilation Advisory Panel in respect of Three Meissen Figures in the Possession of the Victoria and Albert Museum*, 1.

¹²⁶ *Ibid*, 3.

¹²⁷ *Ibid*, 4.

in 1937. The profits from the auction also did not make their way to Budge's heirs.¹²⁸ The V&A acquired one of the figures in 1983 when it was bequeathed to the museum by Josa Finney. The provenance of the figure between the 1937 sale, and its acquisition by Finney remains unknown.¹²⁹ The remaining two figures were acquired by the V&A in 1993 when they were gifted to the museum by Warder B. W. Potts.¹³⁰ The SAP concluded that the series of auctions in 1937 had been done so illicitly, and that the estate and heirs of Budge had received neither the assets of the estate nor financial compensation since this sale. As such, the SAP recommended that the V&A should return the 3 figures to the estate of Emma Budge.¹³¹ The SAP alternatively suggested that, due to a stipulation in Budge's will which requested her art collection to be distributed among suitable museums, that the V&A should retain one of the figures to be displayed with full provenance information in the future.¹³² It is unclear from the V&A's website if the figures were returned following the advice from the SAP, however the objects in question cannot be found in the V&A's online collection directory.¹³³

5.2. Potential Spoliations:

Although the extensive collections of the V&A associated museums number 6.5 million, the flagship museum in London has a collection of 1 197 474 objects.¹³⁴ Among these, there are a total of 559 objects which have missing or inadequate provenance information from the period of 1933-1945, as listed on Collections Trust UK. This is 0.05% of the museum's collection. The research conducted on the V&A's collection which investigated the provenance of acquisitions made post 1933 which have provenance gaps in the ascribed period is highly thorough owing to the employment of a Provenance and Spoilation Curator by the museum: Dr Jacques Schuhmacher.¹³⁵ The 559 works, as detailed on Collections Trust may be used to analyse the trends in collecting objects with missing provenance data over time.

Figure 15 shows the frequency of total acquisitions of objects which have missing provenance data between the years 1933-1945 by the V&A over time. The grey line marked from

¹²⁸ SAP. *Report of The Spoilation Advisory Panel in respect of Three Meissen Figures in the Possession of the Victoria and Albert Museum*, 7.

¹²⁹ Ibid, 8.

¹³⁰ Ibid.

¹³¹ Ibid, 9.

¹³² Ibid.

¹³³ "V&A · Explore The Collections". 2021. *Victoria And Albert Museum*. <https://www.vam.ac.uk/collections?type=featured>.

¹³⁴ "Victoria & Albert Museum – Collections Trust". 2021. *Records.Collectionstrust.Org.Uk*. <https://records.collectionstrust.org.uk/records/victoria-and-albert-museum/>.

¹³⁵ Ibid.

1970 in figure 15 denotes the all-important UNESCO convention. The negative correlation between frequency of acquisition and time proved to be highly statistically significant with a p value of 2.536×10^{-6} (99% significance) and therefore it is accurate and statistically sound to say that the V&A have made fewer spoilation acquisitions over time. The peaks in frequency of acquisitions in 1937 and 1956 are explained by these including the acquisition of large collections rather than years of particularly aggressive collection tendencies. This trend was as expected due to increasing environment of socio-political awareness, increasing transparency of the international art and antiquities trade, and the tightening of national and international art market regulations and policy. This result mimics the decline in frequency of acquisitions with missing provenance data between 1933 and 1945 in the British Museum. In order to investigate the effect of the 1970 UNESCO convention on the acquisition of objects with missing provenance data the frequency of such acquisitions can be split into distinct periods: pre- and post-1970 as shown in figure 16.

Figure 16 shows the frequency of acquisitions of objects which have missing provenance data between 1933 and 1945 by the V&A from 1933-1969 (Pre-1970) and 1970-2006. The graphs do not show the most recent decade as no such acquisitions were made during this time period. For the period before 1970 there is a statistically significant decline in acquisitions which have uncertain or missing provenance data between 1933-1945. This can be seen as a testament to the benevolence of the collecting policies at the V&A as during this period the museum was not subject to legally imposed tight acquisition policies. During the period after 1970 the frequencies of acquisitions of objects which have missing provenance data between 1933 and 1945 were already low at around five to ten such acquisitions per year. As such, a slight negative correlation can be seen between frequency of acquisition over time however this proved not to be statistically significant. Due to the low numbers of such acquisitions as well as the relatively short time period the effective sample size is relatively low. Consequently, the data lacks the statistical power of a larger data set and thus the lack of statistical significance in the negative correlation does not disprove the correlation. It is possible that if the data set were larger statistical significance would be evident.

As for the British Museum, Collections Trust has record of the mode of acquisition for each of the acquisitions mapped out in figures 5 and 6. These modes of acquisition for the V&A follow the categories laid out in the analysis of acquisitions by the British Museum as: donated, purchased, and bequeathed. Figure 17 shows the proportion of number of spoilation related acquisitions by the V&A Museum which have been acquired through donations (orange), purchases (magenta) and bequeaths (cyan) over time from 1933-2020.

Figure 17 tracks the frequency of acquisitions with missing provenance data between 1933-1945 in all three modes of acquisition as a scatter graph. As in figure 14, the trend lines for each mode of acquisition have been smoothed by local averaging to reveal the overriding trends in the data. As averaging has been employed to reveal the trends the statistical significances have been calculated based on the scatter points which reflect the raw data. The frequency of purchased acquisitions (magenta), like in the British Museum, remains the steadiest over time. There is a slight decrease in acquisitions by purchase over time which proved to be statistically significant with a P value of 0.02785. This is significant at a 95% confidence level. The R^2 value, which is a statistical measure of how closely data points adhere to the trendline, for purchased is 0.07935. This is a low R^2 value and thus the effect size is statistically weak. That is to say that 8% of the variation seen in acquisition frequency by purchase related to changing year. However, this could be due to the low sample size of the dataset. There were no acquisitions made by V&A through purchases after the year 1998 of objects which have missing provenance records between 1933 and 1945. The spoilation related acquisitions made through donations by the V&A are indicated in figure 17 in orange. There is steady decrease seen in such acquisitions through donations over time from 1933 to 1963 after which the rate of decrease lessens but continues to decrease until 1983. After this there is a slight increase in spoilation related acquisitions by the V&A until 1998. Notably, there is a 10-year absence of potential spoilation related acquisitions by donation after 1970. This indicates the implication of a more aggressive pre-acquisition investigation by the V&A after the UNESCO convention of 1970. The overall negative correlation between frequency of spoilation related donations to the V&A over time has a p value of 0.004918 which is statistically significant at a 99% confidence level. Therefore, it is statistically sound to say fewer spoilation related donations have been made over time. The R^2 value for this trend is 0.2498 which is typically classified as indicative of a weak effect size. Essentially, 25% of the variation of donation frequency is statistically explained by changing date. The post 1983 upturn in donations is particularly interesting. It is possible that this can be explained by a gradual relaxation of acquisition practises over time. This explanation is supported by the lack of major international and UK national legislation to combat the illicit art trade after the 1970 UNESCO convention for the following 24 years. With the next significant piece of legislation being the 1994 Return of Cultural Property Act. The acquisition of spoilation related objects by the V&A through bequeaths is represented in figure 17 in cyan. There is an initial increase in bequeathed objects between 1933 and 1955 followed by a decline in bequeathed objects from 1955 to 1977. The gradient of the trend represents the rate of decline. As can be seen in figure 17, gradient of the trendline for bequeathed acquisitions (cyan) is much steeper from 1970 to 1977 than it is from 1955 to 1977. As such, is

can be understood that the rate of decline increased after 1970. This is most likely due to the successful implementation of the 1970 UNESCO convention protocols in the museum. The overall trend of decline in bequeathed spoilation related acquisitions proved to be statistically insignificant with a P value of 0.6168. The statistical power of bequeathed acquisitions is the weakest as there are the fewest data points in this category. Thus, it is not accurate to say that these results indicate no trend, just lack the statistical power to make this trend significant. The R² value for bequeaths is 0.01836 which is the lowest of the three. This means that 2% of the variation in frequency of bequeaths is accounted for by changing year. However, this too is affected by the small sample size.

Perhaps the most significant revelation of this spoilation related acquisition data from the V&A is complete absence of acquisitions of objects which have missing provenance data between 1933 and 1945 since 1998. As previously mentioned, this date marks the implementation of UK national legislation on spoilation works: *The Spoilation of Works of Art during the Holocaust and World War II period: Statement of Principles and Proposed Actions* as drawn up by the National Museum Directors' Council.¹³⁶ The absence of such acquisitions after this date is effective evidence for the successful implementation of this policy in the V&A.

Overall, these results reveal that the V&A have implemented highly effective acquisition policies to entirely prevent the acquisition of spoilation related objects after the implementation of the NMDC's spoilation policy of 1998. Overall decline in acquisitions of spoilation related works can be seen both before and after 1970 which suggests that the acquisition policies of the V&A are historically more rigorous than is legally required. Despite this, there is still some degree of such acquisition of objects which have missing or dubious provenance data that can be seen post 1970 as in figure 15. To understand further why these acquisitions were made, the various acquisition policies of the V&A can be assessed.

5.3. Acquisition Policies:

Like the British Museum, the V&A have a thorough and comprehensive governance made up of fifteen policies to administrate the running of the museum (appendix C).¹³⁷ Of these, six apply specifically to the collections, and in total two policies address acquisition and separation of the museum from the illicit art trade. These are: the V&A Gift Acceptance Policy and the Acquisition

¹³⁶ Simpson, "15 The plundered past: Britain's challenge for the future1.", 199.

¹³⁷ "V&A · Reports, Strategic Plans & Policies". 2021. *Victoria And Albert Museum*. <https://www.vam.ac.uk/info/reports-strategic-plans-and-policies>.

and Disposal Policy.¹³⁸ The gift acceptance policy was last reviewed in 2020.¹³⁹ The acquisition policy was last reviewed in 2019 and is reviewed every five years.¹⁴⁰ As seen in figure 17, over the most recent years of acquisitions of objects which have missing or dubious provenance data between the years 1933 and 1945 by purchase and by donation converge to essentially the same number of annual acquisitions. In the British Museum these frequencies were quite different and thus it was expected that the acquisition policies for donations and purchases would be different to reflect this. Therefore, for the V&A it can be expected that the acquisition policies for purchases and donations will be relatively similar as they have resulted in almost identical numbers of annual acquisitions.

The stipulations of the V&A's acquisition policy regarding donations: the Gift Acceptance Policy 2020, as in the British Museums' policies, act to prevent the acquisition of objects which are in some way linked to the illicit art trade. The specific clause of the policy which works to this end is, as stated in the policy:

*The Development Department will carry out a risk assessment on all new prospective donations or sponsorships of £10 000 and above.*¹⁴¹

There are no additional clauses which stipulate the museum's regulations and policies for accepting donations below the value of £10 000.¹⁴² While this minimum financial value is £15 000 less than its counterpart in the British Museum's policies, the British Museum also stipulates some degree of investigation irrespective of the financial value of the donation. Despite this difference between the policies, the same weakness in the policy for preventing the acquisition of illicitly implicated low value objects is exposed. The V&A's policy for acquisitions made through purchases is both stricter and more in depth than for accepting donations, measuring ten pages to the Gift Acceptance Policy's one.¹⁴³ The policy explicitly states that it complies with the 1970 UNESCO convention on illicit trade, the UK government 2003 act on Dealing in Cultural Objects, the DSCM 2005 act, and the 1998 National Museum Directors Council (NMDC) actions on Spoilation of Works of Art during the Holocaust and World War II period.¹⁴⁴ The specific clauses within the

¹³⁸ "V&A · Reports, Strategic Plans & Policies". 2021. *Victoria And Albert Museum*. <https://www.vam.ac.uk/info/reports-strategic-plans-and-policies>.

¹³⁹ The Victoria and Albert Museum. *V&A Gift Acceptance Policy 2020*, 1.

¹⁴⁰ The Victoria and Albert Museum. *Acquisition and Disposal Policy*, 1.

¹⁴¹ The Victoria and Albert Museum. *V&A Gift Acceptance Policy 2020*, 1.

¹⁴² Ibid.

¹⁴³ The Victoria and Albert Museum. *Acquisition and Disposal Policy*, 2.

¹⁴⁴ Ibid, 5.

V&A's Acquisition and Disposal policy which act to prevent the acquisition of objects which have been embroiled in the illicit trade are, as stated in the policy:

1. [...] *the Museum will not acquire any object unless it is satisfied that the object has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned, including the United Kingdom) in violation of that country's laws.*¹⁴⁵
2. [...] *the Museum will reject any items that have been illicitly traded.*¹⁴⁶
3. *The Museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the Museum has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.*¹⁴⁷

Additionally, the policy allows the possibility of exemptions to these stipulations if the following conditions are fulfilled, as stated in the policy:

[exceptions to the previous stipulations may be made if the V&A is...]

1. *acting as an externally approved repository of last resort for material of local (UK) origin*
2. *acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded.*
3. *acting with the permission of authorities with the requisite jurisdiction in the country of origin.*¹⁴⁸
4. *in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.*¹⁴⁹

Finally, the policy includes a specific clause about art which was looted during WWII, as stated in the policy:

1. *the Museum will conduct provenance research with regards to the years 1933-45 to satisfy itself that the item was not lost by its rightful owners as a result of Nazi persecution without restitution or commensurate reparation having taken place subsequently.*¹⁵⁰

From these clauses it is obvious that the V&A holds the acquisition of new objects to a high standard of provenance investigation and a certainty that the object in question is licit. Despite

¹⁴⁵ The Victoria and Albert Museum. *Acquisition and Disposal Policy*, 5.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid, 6.

¹⁵⁰ Ibid.

this, the V&A also permits exceptions to their rigorous acquisition standards for four reasons. These are when the object would be destroyed if it weren't acquired by the museum, when the country an object originated from has given express permission for the museum to acquire the object, when the object was exported before the trade-changing UNESCO convention of 1970, and, perhaps most significantly, if the object is considered a 'minor' item, as in the British Museums acquisition policy. As such the same loophole in government legislation which classifies low-value or common objects as 'minor' allows a window for low value illicit artefacts to enter the museum. The V&A acquisition policy also makes specific stipulations regarding the acquisition of objects which have incomplete provenance information for the period of 1933-45. To this end, the policy explicitly states that no acquisitions are to be made unless the item was not subject to WWII spoilation.¹⁵¹

Overall, the V&A has a far smaller historical and contemporary interaction with the illicit art trade. Indeed, no contemporary interaction was identified in this investigation, which is not to say it doesn't exist, rather that it does not exist within the category of spoliations. However, this is expected due to the smaller collection size compared to the British Museum. As for the British Museum, the effects of various legislative efforts to safeguard the museums from the illicit trade can be seen through the acquisition data and are to some extent effective. With no contemporary interaction evidenced it is much more difficult to identify how the museum could improve their mitigative strategies. However, it would be false to say they cannot as clearly loopholes can be found in the acquisition policies. Like the British Museum, the V&A also engage in activity beyond the museum to combat the illicit art trade. The largest of these initiatives is a podcast. The V&A produced a podcast series entitled: *Fighting the Illicit Trade*.¹⁵² The podcast is comprised of various international experts on the illicit trade and combatting it giving informative talks about their work and the state of the fight. This podcast is not only education but also entertaining, however as a contribution to the fight against illicit trade it is rather weak and lacks tangible effect. With little investment in more effective strategies to combat the global illicit art trade, it stands to reason that the museum could be investing more in seeking illicit objects within its own collections and responding to these accordingly.

¹⁵¹ The Victoria and Albert Museum. *Acquisition and Disposal Policy*, 6.

¹⁵² "V&A · Culture In Crisis Podcast Season Two: Fighting The Illicit Trade". 2021. *Victoria And Albert Museum*. <https://www.vam.ac.uk/info/culture-in-crisis-podcast-fighting-the-illicit-trade>.

6. Discussion:

This investigation aimed to provide academic insight into the recent roles the British museums, legitimate actors, play in the UK and international illicit art trade using the British Museum and the Kensington V&A Museum as case studies. To this end, the following research question was asked: What can be done by the British Museum and the Victoria and Albert Museum to counter the illicit art trade, particularly in regards to their own interactions with the illicit trade? This question was supported by the additional questions: to what extent have the British Museum and Victoria and Albert Museum interacted with the illicit art trade post-1970? What has already been done by the museums and the UK authorities to reduce this interaction? Lastly, how effective have these measures, including both international and national legislation as well as internal measures taken by the museums been? To answer these questions this investigation analysed the acquisition trends of objects which have periods of missing or dubious provenance within the period of WWII: 1933 to 1945. This category is the most likely category of illicit objects in British museums and therefore likely contains the most dramatic and consistent cases of illicit acquisitions therefore can be used as a proxy measure of the extent of the interaction between the British Museum and the Victoria and Albert Museum with the illicit art trade. Such acquisitions were examined after 1970 to gain insight into interaction with the illicit art trade after the explicit outlawing of these acquisitions in the 1970 UNESCO convention, as well as prior in order to establish the effect of international legislation at safeguarding museums from the illicit market.

Illicit artefacts were found in the collections of both museums. What's more, in both museums, there was evidence for illicit acquisitions after the 1970 watershed indicating that a post-1970 interaction does exist. While the total scale of this interaction cannot be inferred from primarily potential spoilation related acquisition data, it is widely accepted that this form represented the most saturated area of illicit acquisitions. In total, such acquisitions represent around 1% of the British Museum's collection and 0.05% of the V&A Museum's collection. While there are certainly other categories of objects in the museum which may have been involved in the illicit art trade, for example none of the artefacts discovered to have been smuggled and illegally sold by Subhash Kapoor fit into this category, it is clear to see that by and large this is a very small number. In order to accurately prove or disprove the guardian's accusation of the British Museum as the 'largest collection of stolen art in the world', not only would a total number of stolen objects in the British Museum be required, but so too for every museum around the globe. As such it is impossible to conclusively prove or disprove this statement. The British Museum does have an enormous collection however, and thus it stands to reason that there should be a larger number

of stolen artefacts within the collection than other museums. However, his is not to say that the proportion of stolen artefacts is higher in the British Museum, which is really the only statement of consequence. Irrespective, it is clear to see that both museums have a very small number of stolen objects in their collections. Consequently, the small proportions of potentially illicit artefacts combined with the statistically significant decreases in such acquisitions since 1933, and trend decreases in the frequency of such acquisitions since 1970 it can be estimated that the extent of this interaction is both highly limited and continually reducing. Particularly in the V&A where there have been no spoilation related acquisitions since 1998 it is likely that the V&A museum is on the brink of a complete withdrawal from the illicit trade and the interaction will cease to exist. At the British Museum, the continued contemporary acquisition of low numbers of spoilation related objects serves to highlight that the current legislation to combat the illicit trade, and safeguard museums in the UK against the illicit market is not infallible. Interestingly, both museums acquisition policies are more lenient for donations compared with purchases. The effects of this can be seen in practice in the uptick of spoilation related acquisitions made by the British Museum over the past 15 years. Despite this recent increase, the British Museum and the Victoria and Albert museum are doing more than ever to combat the illicit trade, including pioneering, funding, and taking part in initiatives to combat the illicit art trade outside of the museum. These include the identification of artefacts at the point of entry to the UK: at airports and ports. While it may be argued that one should put their own house in order before reaching beyond it is short-sighted to rely on the museum's ridding their own collections of relatively low value illicit artefacts rather than investing in more broad methods of combatting the contemporary illicit art trade which could potentially have far greater effects in the future.

As was demonstrated in the case studies of American museums, inherently it does not fall within the implicit aims and functions of a museum to contribute to the fight against illicit trade. The function of museums, as defined by the International Council of Museums' (ICOM) definition of museums, is to acquire and conserve, research, and communicate human heritage.¹⁵³ Collecting allows museums to fulfil this aim. Therefore, where cultural value is perceived a museum is inclined, perhaps even obliged, to collect. As such, if national and international legislation to combat the illicit art and antiquities trade is not impervious, it would be unreasonable to expect museums to not use these avenues to collect important objects. To this end, it is clear that the various acquisition policies for both the V&A Museum and British Museum fully comply with all relevant national and international legislation. As such, the entry of illicit objects into the museums'

¹⁵³ "Museum Definition - ICOM". 2021. *ICOM*. <https://icom.museum/en/resources/standards-guidelines/museum-definition/>.

collections can only be due to loopholes in regulatory legislation, rather than malpractice by the museums. Analysis of the museums' acquisition policies alongside national and international legislation to control and define the art and antiquities trade revealed one particular 'flaw' in the system. This is the classification of 'minor' items and the corresponding leniencies associated with acquiring such objects. Minor items are defined by the DCMS 2005 policy against illicit trade but the ultimate classification of specific objects as minor is left to the discretion of museums. Consequently, it can be hypothesised that as long as museums act as guardians of history and so long as UK trade laws allow loopholes such as 'minor' items, there will be a continued participation between British museums and the illicit art and antiquities trade. Interestingly, where a monetary value is stated in an acquisition policy to assist in the defining of minor objects, this value is significantly higher in the UK than in America. For example, compare the £10 000 cut off in the acquisition policy of the V&A with the 5000 US\$ cut off that is the average for American museums. This could be due to the high-profile cases regarding stolen art in museums that have occurred in America in recent decades.

Analysing the acquisition data from the British Museum and the V&A before and after the implementation of various pieces of national and international legislation reveal the effectiveness of such legislation. In both museums the acquisition of spoilation related objects was decreasing prior to the 1970 UNESCO convention, however the implementation of the convention is still evident in from the acquisition trends. Furthermore, the effects of the 2006 policy change by the British Museum, and the NMDC's 1998 guidelines on works subject to spoilation during WWII are also clearly evidenced in the acquisition trends of the museums.

In general, it is hugely positive to see both the case study museums investing in combatting the illicit trade within the museum as well as externally. While the museums are responsible for seeking and responding to historical illicit acquisitions, it is not the prerogative of museums to add additional measures to their acquisition policies in order to close loopholes that national and international legislation allow. It is therefore the responsibility of the UK government to streamline this legislation in order to effectively protect museums in the UK.

There are several limitations of this investigation which must be addressed to understand the relative significance of the results. Firstly, this investigation made the assumption that objects which lack provenance records from the years 1933 to 1945 were subject to spoilation during this period and are thus illicit. While this is not certain, it is a reasonable assumption for statistical analysis. However, the accuracy of the results of this investigation could be improved by further research into these objects to determine which are illicit, and which are licit and simply lack provenance data. Secondly, the assumption is made that the general trends in acquisition of all

illicit objects by the museums' mimics the trends evidenced in one category of illicit acquisitions. This assumption can be made as works looted during WWII is the largest category of illicit acquisitions. However, a larger dataset which included the acquisition of all categories of illicit objects would improve both the accuracy and precision of the results. Additionally, the sheer size of the collections of the V&A and the British Museum function as a limitation to this study. Due to the huge volume of objects within the collection it becomes impossible to examine every object. Furthermore, while the museums do dedicate significant time to investigating their own collections, there are not publicly available highly searchable databases of the collections. This is further compounded by the fact that while both museums' have digitised large fractions of their collections where they can now be found online, there are still large proportions of their collections which have yet to be digitised and are thus impossible to analyse. Finally, this study assumes that the trends seen within the British Museum and the V&A are the trends seen more widely in in British museums. To gain a more accurate understanding of the interaction between British museums and the illicit art and antiquities trade a wider array of museums, as well as objects could be analysed. It would be remiss to assume that nothing further could be understood by analysing illicit acquisitions in other categories of objects. Additionally, identifying other high-risk categories would be useful in forming effective prevention strategies.

Brodie and Proulx proposed two theories that could result in illicit acquisitions by museums when they considered illicit acquisitions made by American museums: anomie theory and the theory of differential association. Both of these theories suggest that in order to make illicit acquisitions a museum would foster an environment in which such malpractice would be at best acceptable and at worst encouraged. These theories consider illicit which are acquisitions to be made knowingly. In their most simple form, these theories do not apply to British Museum and V&A and thus do not explain such illicit acquisitions at these museums. However, a more nuanced idea of these theories may be considered. There is a vast difference between acquiring an artefact known to be illicit and not carrying out thorough provenance research before acquiring an artefact with missing provenance information. However, despite this difference these actions are driven by similar motivations. It therefore may be said that in the recent past the British Museum and the V&A may have inadvertently, or advertently, fostered an environment in which failing to conduct rigorous provenance research before making an acquisition was acceptable. This could be confirmed by interviewing various members of the historic and current acquisition departments at these two museums.

This investigation provided satisfactory answers to the research questions and thus fulfilled its aims. However, there were additional questions which were raised by the results of the study.

For example, one such question, and hence interesting area for further study which this investigation has revealed is the difference between the acquisition of spoilation related objects by the V&A and the British Museum. There are no obvious or significant differences between the acquisition policies at the V&A and the British Museum. If anything, the acquisition protocols at the British Museum appear more rigorous. Despite this, there have been no spoilation related acquisitions at the V&A since 1998 and such acquisitions continue in the British Museum to at least 2020 (the year of data entry) and presumably still occur. It is not clear from the current data set why this is the case, but further investigation may shed light on this and in turn establish more effective ways of safeguarding museums from the illicit art trade.

7. Conclusion:

To conclude, a contemporary interaction between the two museums and the illicit art trade was discovered, however this was found to be narrow in scope and limited in number and thus the interactions can be declared very small. Potentially illicit objects may still enter museums in the UK through low value purchases or by donation (unless such donation is high value), as is allowed by UK trade laws and legislation. Loopholes in UK legislation such as the acquisition of ‘minor items’ allow this avenue for illicit artefacts to enter British museums. However, such acquisitions are relatively very limited when considering the collections of museums as a whole. It must be said that the UK legislation which aims to protect and safeguard British museums against the illicit art trade is overly complex thus difficult to understand. A streamlined process would allow for easier identification of loopholes in the legislation.

When considering the budget of UK museums, particularly in the contemporary environment of significantly reduced budgets as a result of Covid-19 closures, it would be ill-considered to advise the most effective spending of this budget on completely ridding their collections of historically acquired illicit artefacts rather than newer and outward looking initiatives which have a proportionally far more significant effect. As such, proactive interventions and mitigative strategies beyond the museum and historical acquisitions have the potential to make substantial and to some extent boundless positive contributions to the fight against illicit crime. Comparatively, iron-cladding acquisition policies against illicit acquisitions has a limited impact. In particular, museum involvement with the UK border force holds great potential of combatting the illicit trade by identifying objects at the point of entry before they are disseminated between museums and auction houses across the country. In other words, a stitch in time saves nine. Having said this, more effective and comprehensible UK legislation would have a huge impact in

better safeguarding museums against illicit acquisitions. Additionally, public perception adds an interesting complexity to this: whereby the general public are more likely to receive anti-illicit art strategies led by museums well if the museums themselves are considered entirely free of links to this trade. Once again, a successful strategy to defeat the illicit art trade in the UK, and globally, must be strong and effective on all fronts. While it is hugely encouraging to see British museums making a concerted effort to contribute to the global fight against the illicit art trade, there is clearly much more that is required before major battles are won in this fight. Not least of which is the museums making thorough efforts to address illicit historical acquisitions, but also including the streamlining of legislation designed to protect museums against the illicit trade.

8. Appendices:

8.1. Appendix A: R code for data collection and statistical analysis of British Museum and Victoria and Albert Museum spoilation related acquisitions.

```

setwd("/Users/gkay/Desktop")
library(rvest)
library(stringr)

### For the British Museum#####
reference <- rep(NA, 9937)
date <- rep(NA, 9937)
mode <- rep(NA, 9937)
COUNTER <- 1
for(page in 2:498){
  url <- paste("https://records.collectionstrust.org.uk/records/british-museum/page", page, sep
= "/" )
  webpage <- read_html(url)
  entries <- html_nodes(webpage, "div.entry-content")
  for(entry in 1:length(entries)){
    item <- unlist(strsplit(html_text(entries[[entry]]), " "))
    date1 <- gsub("([0-9]+).*$", "\\1", item[which(grepl("Acquisition", item, fixed = TRUE)) +
1])
    if(length(date1) > 0){
      date[COUNTER] <- date1
    }
    mode1 <- item[which(grepl("Provenance", item, fixed = TRUE)) + 1]
    if(length(mode1) > 0){
      mode[COUNTER] <- mode1
    }
    ref1 <- str_remove(item[which(grepl("Reference", item, fixed = TRUE)) + 1], "Questions")
    if(length(ref1) > 0){
      reference[COUNTER] <- ref1
    }
    COUNTER <- COUNTER + 1
  }
  print(paste("Page =", page))
}
DF <- data.frame(Ref = reference, DateAcquired = date, ModeOfAcquisition = mode)
DF <- na.omit(DF)
DF <- DF[(DF$DateAcquired == 1753),]
write.csv(DF, "MuseumData.csv") # save data

# analysis#####

hist(as.numeric(DF$DateAcquired), breaks = 100, col = "black",
  xlab = "Date", main = "Date of Acquisition")
abline(lm(as.numeric(table(as.numeric(DF$DateAcquired))) ~
as.numeric(names(table(as.numeric(DF$DateAcquired))))),
  col = "red", lwd = 2)
abline(v = 1970, lwd = 2, col = "gray")

```

```
abline(v = 2006, lwd = 2, col = "gray")
```

```
Early <- DF[DF$DateAcquired <= 1970,]
```

```
Mid <- DF[DF$DateAcquired > 1970 & DF$DateAcquired <= 2006,]
```

```
Late <- DF[DF$DateAcquired > 2006,]
```

```
earlyNew <- data.frame(new = seq(1933,1969,1))
```

```
midNew <- seq(1970,2005,1)
```

```
lateNew <- seq(2006,2020,1)
```

```
par(mfrow = c(1,3))
```

```
hist(as.numeric(Early$DateAcquired), breaks = 100, col = "black",
     xlab = "Date", main = "Pre-1970", ylim = c(0,710))
```

```
abline(lm(as.numeric(table(as.numeric(Early$DateAcquired))) ~
as.numeric(names(table(as.numeric(Early$DateAcquired))))),
     col = "red", lwd = 2)
```

```
hist(as.numeric(Mid$DateAcquired), breaks = 100, col = "black",
     xlab = "Date", main = "1970-2006", ylim = c(0,710))
```

```
abline(lm(as.numeric(table(as.numeric(Mid$DateAcquired))) ~
as.numeric(names(table(as.numeric(Mid$DateAcquired))))),
     col = "red", lwd = 2)
```

```
hist(as.numeric(Late$DateAcquired), breaks = 100, col = "black",
     xlab = "Date", main = "2007 onwards", ylim = c(0,710))
```

```
abline(lm(as.numeric(table(as.numeric(Late$DateAcquired))) ~
as.numeric(names(table(as.numeric(Late$DateAcquired))))),
     col = "red", lwd = 2)
```

```
summary(lm(as.numeric(table(as.numeric(Early$DateAcquired))) ~
as.numeric(names(table(as.numeric(Early$DateAcquired))))))$r.squared
```

```
summary(lm(as.numeric(table(as.numeric(Mid$DateAcquired))) ~
as.numeric(names(table(as.numeric(Mid$DateAcquired))))))$r.squared
```

```
summary(lm(as.numeric(table(as.numeric(Late$DateAcquired))) ~
as.numeric(names(table(as.numeric(Late$DateAcquired))))))$r.squared
```

```
DF$DateAcquired <- as.numeric(as.character(DF$DateAcquired))
```

```
Purchased <- DF[DF$ModeOfAcquisition == "Purchased",]
```

```
Bequeathed <- DF[DF$ModeOfAcquisition == "Bequeathed",]
```

```
Donated <- DF[DF$ModeOfAcquisition == "Donated",]
```

```
loessA <- loess(as.numeric(table(Bequeathed$DateAcquired)) ~
as.numeric(names(table(Bequeathed$DateAcquired))), span = 0.8)
```

```
loessD <- loess(as.numeric(table(Donated$DateAcquired)) ~
as.numeric(names(table(Donated$DateAcquired))), span = 0.8)
```

```
loessP <- loess(as.numeric(table(Purchased$DateAcquired)) ~
as.numeric(names(table(Purchased$DateAcquired))), span = 0.8)
```

```
par(mfrow = c(1,1), bty="n")
```

```
plot(table(Bequeathed$DateAcquired), type = "p", col = "cyan", xlab = "Year", ylab = "Number
of acquisitions", pch = 19, cex = 0.2, axes = FALSE, xlim = c(1933,2021))
```

```
axis(1, at = seq(1933, 2021, by = 10), las=2)
```



```

axis(2, at = seq(0, 300, by = 50), las=2)
lines(table(Purchased$DateAcquired),type = "p", col = "magenta", pch = 19, cex = 0.2)
lines(table(Donated$DateAcquired),type = "p", col = "orange", , pch = 19, cex = 0.2)
lines(predict(loessA) ~ as.numeric(names(table(Bequeathed$DateAcquired))), col = "cyan", lwd
= 3)
lines(predict(loessP) ~ as.numeric(names(table(Purchased$DateAcquired))), col = "magenta",
lwd = 3)
lines(predict(loessD) ~ as.numeric(names(table(Donated$DateAcquired))), col = "orange", lwd
= 3)
legend(x=1990, y = 300, col = c("orange", "magenta", "cyan"), legend = c("Donated",
"Purchased", "Bequeathed"),
fill = c("orange", "magenta", "cyan"))

```

```

summary(lm(as.numeric(table(Bequeathed$DateAcquired)) ~
as.numeric(names(table(Bequeathed$DateAcquired))))
summary(lm(as.numeric(table(Purchased$DateAcquired)) ~
as.numeric(names(table(Purchased$DateAcquired))))
summary(lm(as.numeric(table(Donated$DateAcquired)) ~
as.numeric(names(table(Donated$DateAcquired))))

```

For the V & A#####

```

reference <- rep(NA, 559)
date <- rep(NA, 559)
mode <- rep(NA, 559)
COUNTER <- 1
for(page in 2:29){
  url <- paste("https://records.collectionstrust.org.uk/records/victoria-and-albert-
museum/page", page, sep = "/")
  webpage <- read_html(url)
  entries <- html_nodes(webpage, "div.entry-content")
  for(entry in 1:length(entries)){
    item <- unlist(strsplit(html_text(entries[[entry]]), " "))

    # extract reference
    ref1 <- str_remove(str_remove(item[which(grepl( "Reference", item, fixed = TRUE)) + 1],
"Questions"), "Materials:")
    ref2 <- str_remove(str_remove(item[which(grepl( "Reference", item, fixed = TRUE)) + 2],
"Questions"), "Materials:")
    if(nchar(ref1) > 4){
      reference[COUNTER] <- ref1
    } else {reference[COUNTER] <- paste(ref1, ref2)}

    # extract date
    date1 <- gsub("[0-9+].*$", "\\1", item[which(grepl( "Dimensions:", item, fixed = TRUE))])
    date2 <- gsub("[0-9+].*$", "\\1", item[which(grepl( "Dimensions:", item, fixed = TRUE)) -
1])
    date3 <- gsub("[0-9+].*$", "\\1", item[which(grepl( "Additional", item, fixed = TRUE))])
    if(!grepl("\\D", date1) & nchar(date1) == 4){
      date[COUNTER] <- date1
    } else if (!grepl("\\D", date2) & nchar(date2) == 4){
      date[COUNTER] <- date2
    }
  }
}

```

```

} else if (length(date3) > 0) {
  date[COUNTER] <- date3
}

# extract mode
mode1 <- item[which(grepl("Acquisition:", item, fixed = TRUE)) + 1]
if(length(mode1) > 0){
  mode[COUNTER] <- mode1
}

COUNTER <- COUNTER + 1

}
print(paste("Page =", page))
}

mode[which(mode == "-Dimensions:")] <- "NA"
mode[which(mode == "bequeathed")] <- "Bequeathed"
mode[c(which(mode == "presented"), which(mode == "Presented"))] <- "Donated"
mode[which(mode == "Bought")] <- "Purchased"
mode[c(which(mode == "Gift"), which(mode == "Given"))] <- "Donated"

VADF <- data.frame(Ref = reference, DateAcquired = date, ModeOfAcquisition = mode)
write.csv(VADF, "VA_Data.csv") # save data

# Analyse manually corrected data
VADcorrected <- read.csv("V&Aspoilationsdata.csv", row.names = 1)

hist(as.numeric(VADcorrected$DateAcquired), breaks = 100, col = "black",
     xlab = "Date", main = "Date of Acquisition")
abline(lm(as.numeric(table(as.numeric(VADcorrected$DateAcquired))) ~
as.numeric(names(table(as.numeric(VADcorrected$DateAcquired))))),
     col = "red", lwd = 2)
abline(v = 1970, lwd = 2, col = "gray")

summary(lm(as.numeric(table(as.numeric(VADcorrected$DateAcquired))) ~
as.numeric(names(table(as.numeric(VADcorrected$DateAcquired))))))$r.squared

Early <- VADcorrected[VADcorrected$DateAcquired <= 1970,]
Mid <- VADcorrected[VADcorrected$DateAcquired > 1970 & VADcorrected$DateAcquired
<= 2006,]

earlyNew <- data.frame(new = seq(1933,1969,1))
midNew <- seq(1970,2005,1)

par(mfrow = c(1,2))
hist(as.numeric(Early$DateAcquired), breaks = 100, col = "black",
     xlab = "Date", main = "Pre-1970", ylim = c(0,80))

```

```

abline(lm(as.numeric(table(as.numeric(Early$DateAcquired))) ~
as.numeric(names(table(as.numeric(Early$DateAcquired))))),
      col = "red", lwd = 2)
hist(as.numeric(Mid$DateAcquired), breaks = 100, col = "black",
      xlab = "Date", main = "1970-2006", ylim = c(0,80))
abline(lm(as.numeric(table(as.numeric(Mid$DateAcquired))) ~
as.numeric(names(table(as.numeric(Mid$DateAcquired))))),
      col = "red", lwd = 2)

summary(lm(as.numeric(table(as.numeric(Early$DateAcquired))) ~
as.numeric(names(table(as.numeric(Early$DateAcquired))))))$r.squared
summary(lm(as.numeric(table(as.numeric(Mid$DateAcquired))) ~
as.numeric(names(table(as.numeric(Mid$DateAcquired))))))$r.squared

VADcorrected$DateAcquired <- as.numeric(as.character(VADcorrected$DateAcquired))
Purchased <- VADcorrected[VADcorrected$ModeOfAcquisition == "Purchased",]
Bequeathed <- VADcorrected[VADcorrected$ModeOfAcquisition == "Bequeathed",]
Donated <- VADcorrected[VADcorrected$ModeOfAcquisition == "Donated",]

loessA <- loess(as.numeric(table(Bequeathed$DateAcquired)) ~
as.numeric(names(table(Bequeathed$DateAcquired))), span = 1.2)
loessD <- loess(as.numeric(table(Donated$DateAcquired)) ~
as.numeric(names(table(Donated$DateAcquired))), span = 1.2)
loessP <- loess(as.numeric(table(Purchased$DateAcquired)) ~
as.numeric(names(table(Purchased$DateAcquired))), span = 1.2)

par(mfrow = c(1,1), bty="n")
plot(table(Bequeathed$DateAcquired),type = "p", col = "cyan", xlab = "Year", ylab = "Number
of acquisitions", pch = 19, cex = 0.2, axes = FALSE, xlim = c(1933,2000))
axis(1, at = seq(1933, 2021, by = 10), las=2)
axis(2, at = seq(0, 300, by = 50), las=2)
lines(table(Purchased$DateAcquired),type = "p", col = "magenta", pch = 19, cex = 0.2)
lines(table(Donated$DateAcquired),type = "p", col = "orange", , pch = 19, cex = 0.2)
lines(predict(loessA) ~ as.numeric(names(table(Bequeathed$DateAcquired))), col = "cyan", lwd
= 3)
lines(predict(loessP) ~ as.numeric(names(table(Purchased$DateAcquired))), col = "magenta",
lwd = 3)
lines(predict(loessD) ~ as.numeric(names(table(Donated$DateAcquired))), col = "orange", lwd
= 3)
legend(x=1980, y = 50, col = c("orange", "magenta", "cyan"), legend = c("Donated",
"Purchased", "Bequeathed"),
      fill = c("orange", "magenta", "cyan"))

summary(lm(as.numeric(table(Bequeathed$DateAcquired)) ~
as.numeric(names(table(Bequeathed$DateAcquired))))
summary(lm(as.numeric(table(Purchased$DateAcquired)) ~
as.numeric(names(table(Purchased$DateAcquired))))
summary(lm(as.numeric(table(Donated$DateAcquired)) ~
as.numeric(names(table(Donated$DateAcquired))))

```

8.2. Appendix B: British Museum Policies

1. Acceptance of donations and sponsorship policy
2. Acquisition's policy
3. Anti-money laundering, prevention of tax evasion, and refusal of donations policy
4. CCTV policy
5. Conservation policy
6. De-accession policy
7. Equality and diversity policy
8. Fire safety policy
9. Fraud, bribery, and corruption prevention policy
10. Health and safety policy
11. Human remains policy
12. Further information on the Museum's human remains research and collection policy
13. Information risk policy
14. Loans policy
15. Privacy policy
16. Risk management policy
17. Safeguarding children and vulnerable adults policy
18. Standards of conduct policy
19. Sustainable development policy
20. Volunteer policy
21. Whistleblowing policy

8.3. Appendix C: Victoria and Albert Museum Policies

1. Privacy policy
2. Cookie policy
3. Public task
4. Modern slavery act statement
5. Equality and diversity
6. Gift acceptance policy
7. Freedom of information
8. Comments and feedback policy
9. Size of the collections
10. Collections development policy
11. Acquisition and disposal policy
12. Collections information and access policy
13. Collections care and conservation policy
14. National art library documentary collection development policy
15. Research ethics policy

8.4. Appendix D: Data Table for British Museum

Please refer to supplementary data document.

8.5. Appendix E: Data Table for Victoria and Albert Museum

Please refer to supplementary data document.

9. Figures:



Figure 1. Sculpture of Persephone apprehended, identified, and repatriated with the assistance of the British Museum.



Figure 2. Nine Buddhist sculptures apprehended, identified, and repatriated with the assistance of the British Museum.



Figure 3. Part of the Elgin Marbles on display at the British Museum. British Museum.



Figure 4. Edgar Degas, *Landscape with Smokestacks*, c. 1890, Pastel over monotype on textured woven paper edge-mounted on board, 31.7 x 41.6 cm, (Chicago, Art Institute Chicago, inv. nr. 1998.915).



Figure 5. Niccolo dell'Abbate, *The Holy Family*, date unknown, drawing. (London, British Museum, inv. nr. 1946-11-16-1).



Figure 6. Nicholas Blakey, *An Allegory on Poetic Inspiration with Mercury and Apollo*, c. 1750-1755, drawing, 12.5 x 7.3 cm, (London, British Museum, inv. nr. 1946,1116.2).



Figure 7. Martin Johann Schmidt, *Virgin and Infant Christ, adored by St Elizabeth and the Infant St John*, c.1775-1785, drawing, 10.6 x 15.9 cm, (London, British Museum, inv. nr. 1946,1116.3).



Figure 8. School of Martin Schöngauer, *St Dorothy with the Christ Child*, c.1467-1470, drawing, 20.8 x 13.3 cm, (London, British Museum, inv. nr. 1946,0411.98).



Figure 9. From the school of Georg Pencz, *Young couple in a landscape*, c.1535-1545, drawing, 4.6 x 4.6 cm, (London, British Museum, inv. nr. 1997,0712.12).



Figure 10. Allaert van Everdingen, *Coastal scene with an old lighthouse*, c.1646-1675, drawing, 5 x 8.4 cm, (London, British Museum, inv. nr. 1997,0712.83).

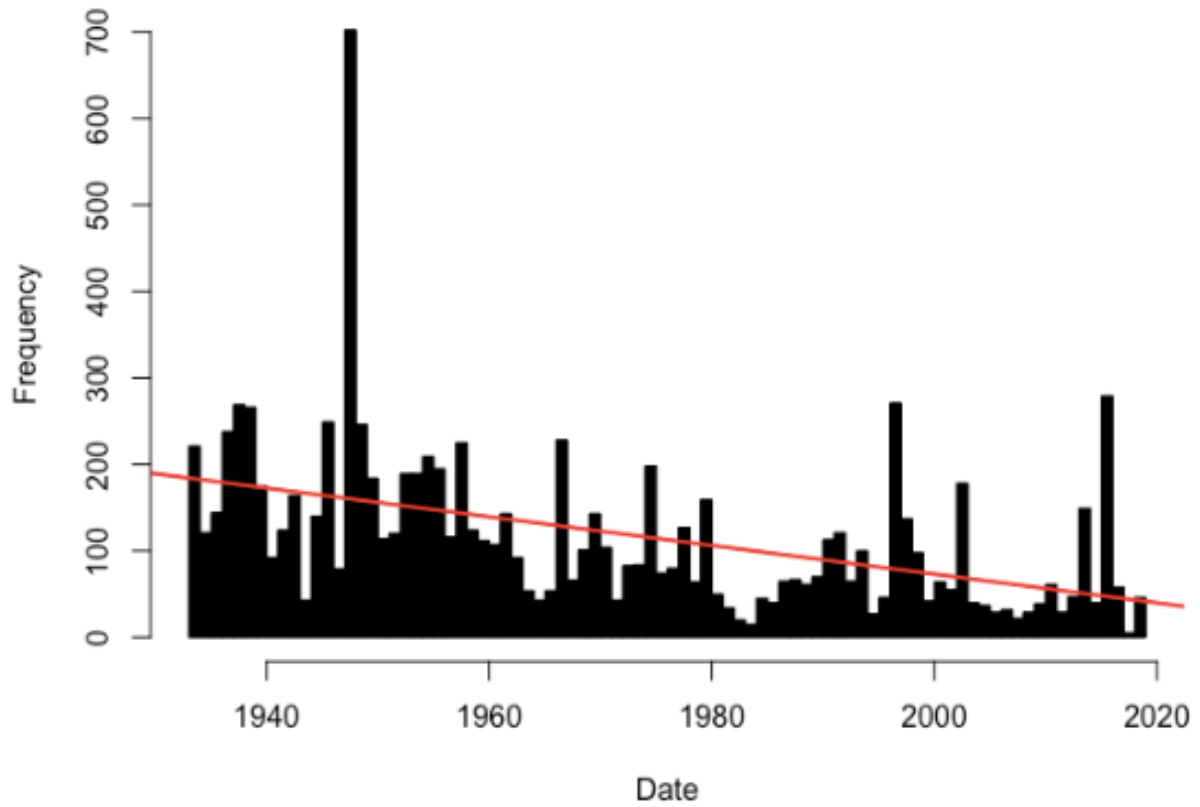


Figure 11. A bar graph showing the frequency of acquisitions of articles which have uncertain or missing provenance between 1933-1945 by the British Museum by year from 1933-2020. There is a significant negative correlation between frequency of acquisitions and year. $P=1.846e^{-5}$, Adjusted $R^2=0.1856$.

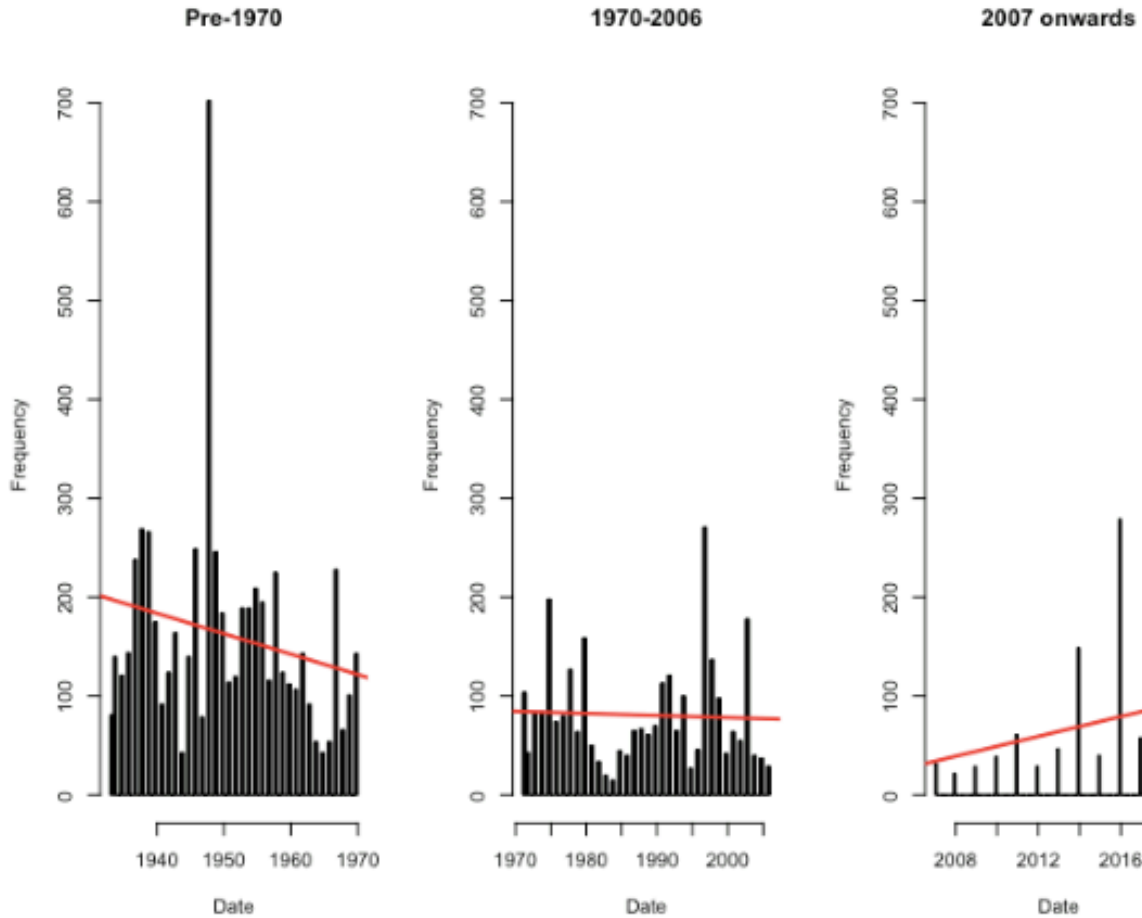


Figure 12. A series of bar graph showing the frequency of acquisitions of articles which have uncertain or missing provenance between 1933-1945 by the British Museum by year from 1933-2020 divided into the years 1933-1970, 1971-2006, 2007-2020. From 1933-1970 there is a statistically insignificant negative correlation between frequency of acquisitions and time: $P=0.2118$. From 1971-2006 there is essentially no statistical trend between frequency of acquisitions and time: $P=0.8128$. From 2007-2020 there is a statistically insignificant positive correlation between frequency of acquisitions and time: $P=0.377$.

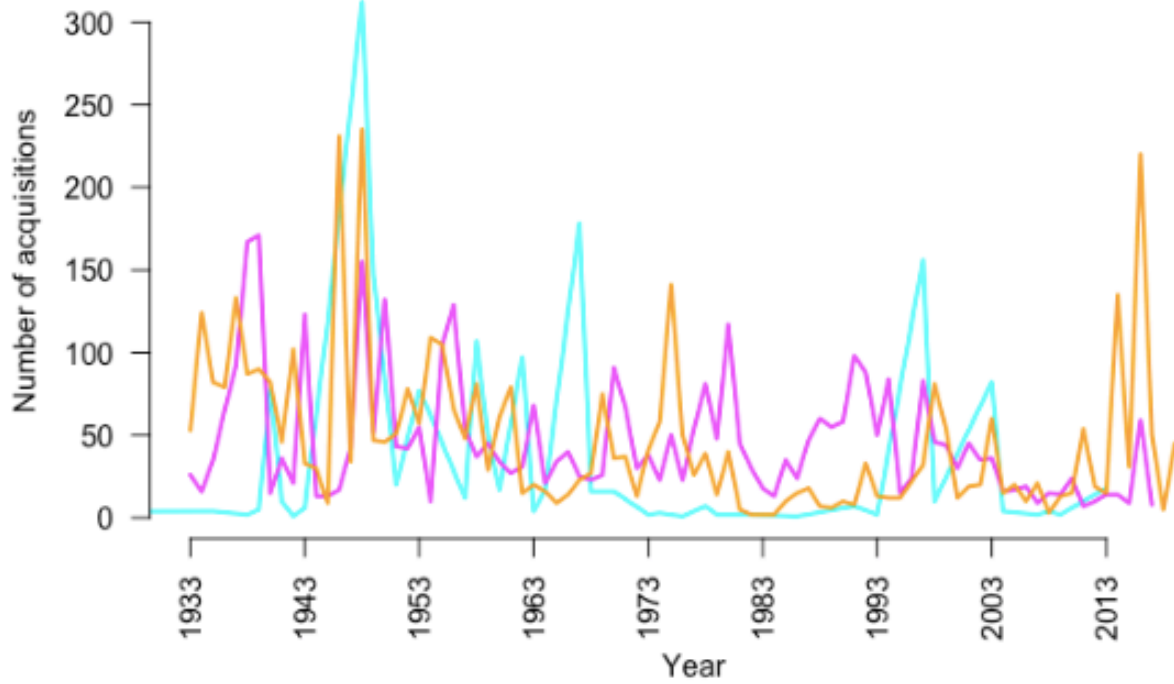


Figure 13. A line graph showing the proportions number of spoilation related acquisitions by the British Museum which have been acquired through donations (orange), purchases (magenta) and bequeaths (cyan) over time from 1933-2020.

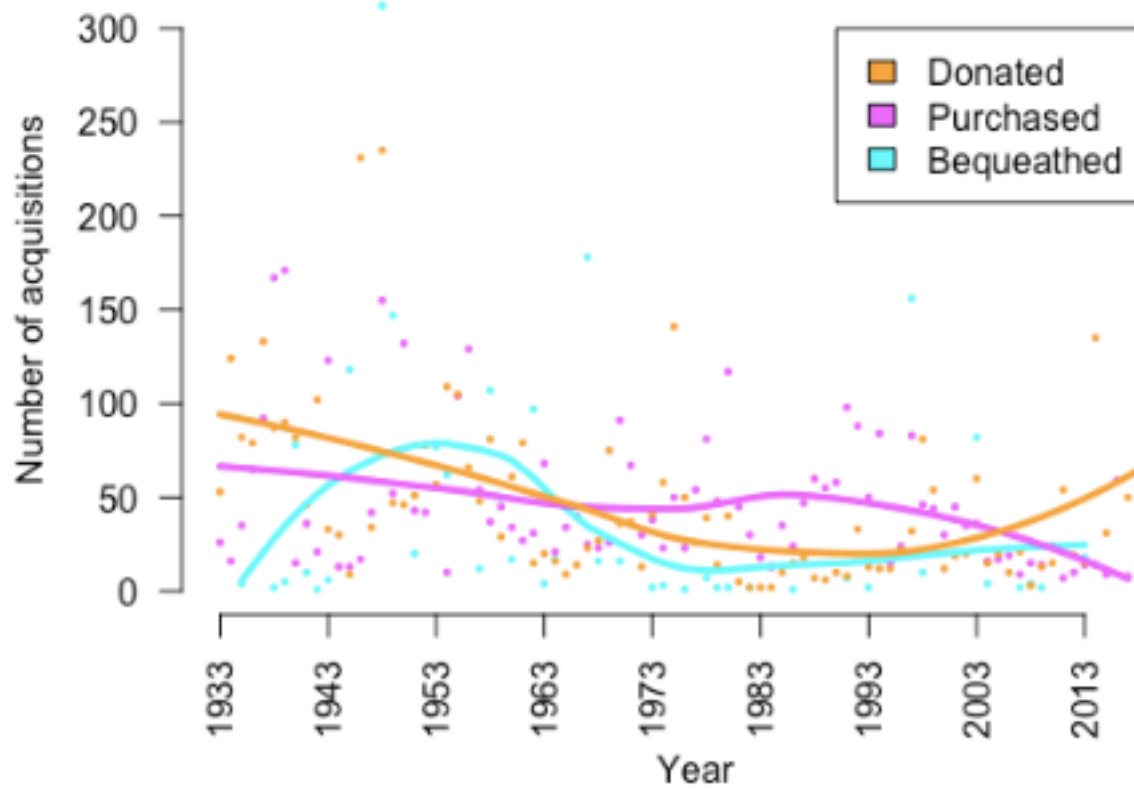


Figure 14. A scatter graph showing the proportions number of spoilation related acquisitions by the British Museum which have been acquired through donations (orange), purchases (magenta) and bequeaths (cyan) over time from 1933-2020. Correlation lines have been included for each of the modes of acquisition based on local averaging.

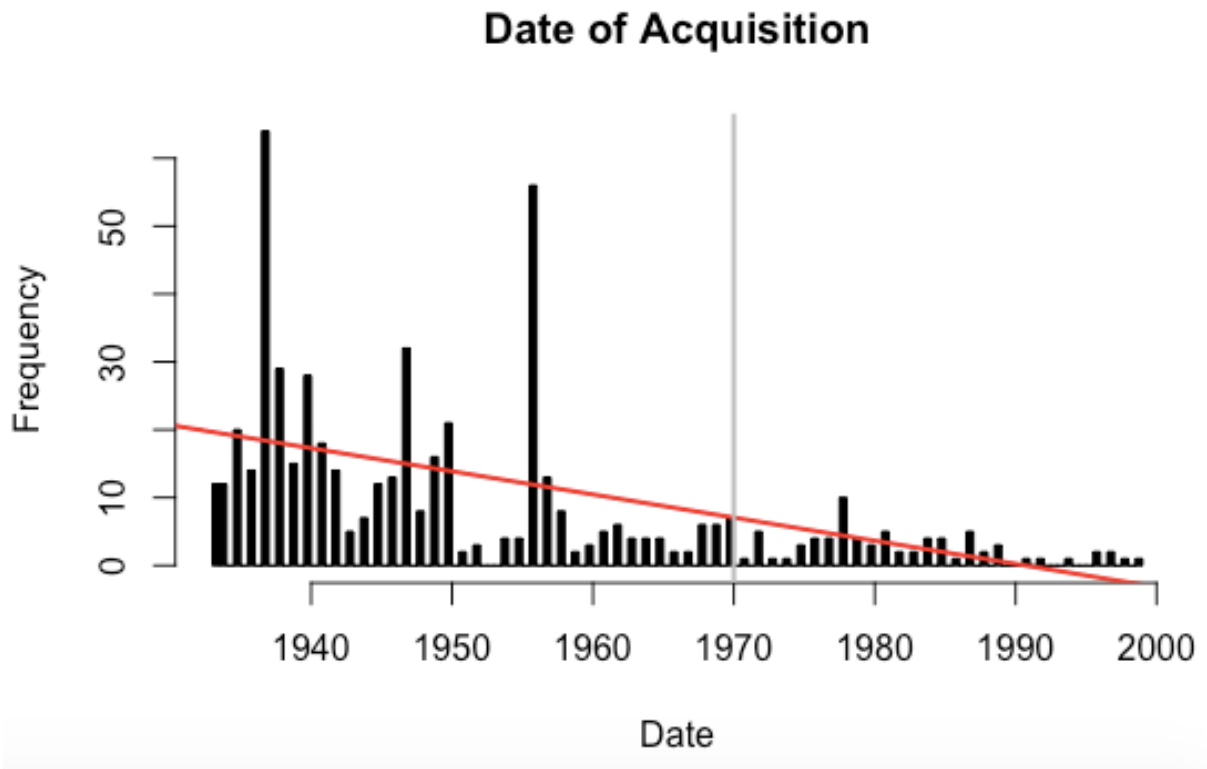


Figure 15. A bar graph showing the frequency of acquisitions of articles which have uncertain or missing provenance between 1933-1945 by the V&A over time from 1933-2020. There is a significant negative correlation between frequency of acquisitions and year. $P=2.536e^{-6}$, $R^2=0.3064$.

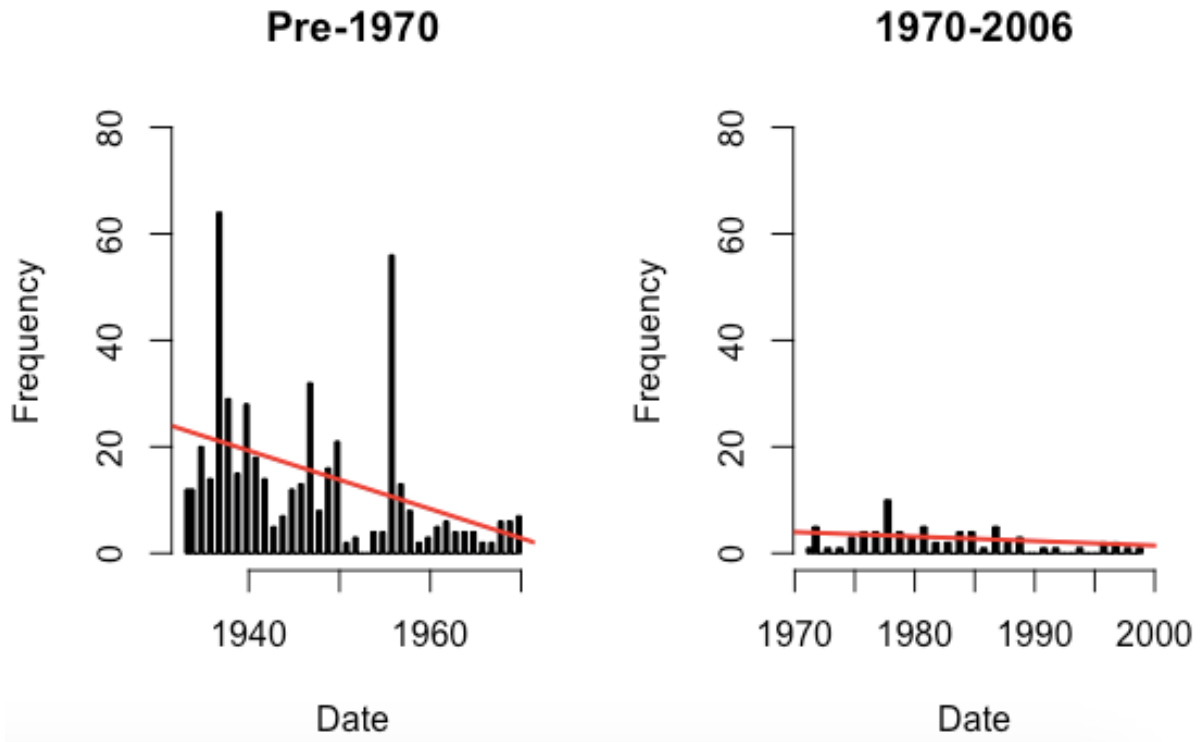


Figure 16. A series of bar graphs showing the frequency of acquisitions of articles which have uncertain or missing provenance data between 1933-1945 by the V&A museum by year from 1933-2020 divided into the years 1933-1970 and 1971-2006. From 1933-1970 there is a statistically significant negative correlation between frequency of acquisitions and time: $P=0.00579$. From 1971-2006 there is a statistically insignificant negative correlation between frequency of acquisitions and time: $P=0.07831$. This significance is marginal ($P<0.005$ = significant at 95% certainty).

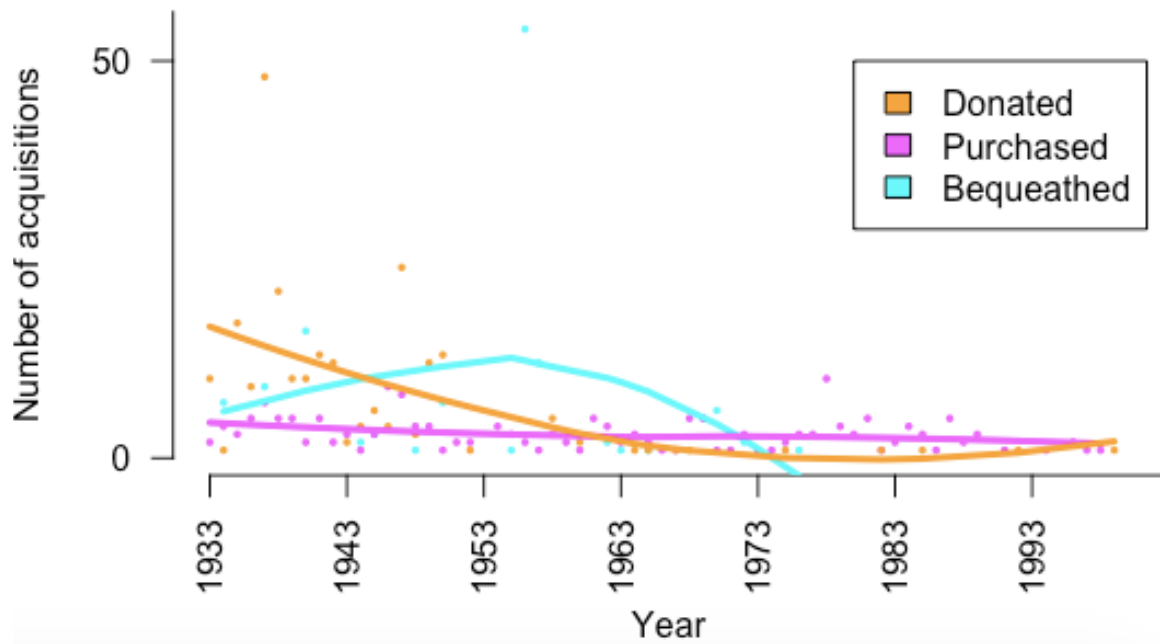


Figure 17. A scatter graph showing the proportion of number of spoilation related acquisitions by the V&A Museum which have been acquired through donations (orange), purchases (magenta) and bequeaths (cyan) over time from 1933-2020. Correlation lines have been included for each of the modes of acquisition based on local averaging. The negative correlation between bequeathed acquisitions and time is statistically insignificant: $p=0.6168$. The negative correlation between purchased acquisitions and time is statistically significant: $p=0.02785$. The negative correlation between donated acquisitions and time is statistically significant: $p=0.004918$.

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