growing service industry made up of investment counsellors, lawyers, accountants, appraisers, private galleries, and trade publications. One of the latter is the subject of Ricardo Elia's review article.

A recent entry into the field of popular archaeological journalism, Minerva is a magazine that purports to deal with "archaeological news," which its editors take to mean news of recent discoveries and acquisitions of ancient art objects. That such objects are frequently acquired illegally, through looting, does not appear to much trouble Minerva's editors. Indeed, as Elia points out, the central message delivered by Minerva is that buying and selling antiquities is perfectly legitimate, regardless of the (unacknowledged) effects such trade has on the world's archaeological resources. One would think that any magazine with a focus on ancient art could hardly avoid confronting the fact that today's antiquities market generates much illegal and unethical activity. As Elia's review of the magazine's text and subtext makes clear, Minerva manages to sidestep this issue quite nicely and becomes the very antithesis of public archaeological education.

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## And the Loot Goes On: Winning Some Battles, But Not the War

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An assessment of the last 15 years of the fight against looting shows major advances on many fronts: legislation has been enacted in many developed countries, including the United States and Canada; there have been successful prosecutions of looters in both the developed and the lessdeveloped world; and public concern with the effects of wholesale archaeological destruction has been given everincreasing voice in the media. Yet a close look at the situation, particularly in the countries that are the targets of looting, suggests that although we have won a good many battles we are still a very long way from winning the war. Evidence exists on all sides, in fact, that the situation is worsening despite the good intentions of a variety of individuals and organizations and their expenditure of very considerable energy in the cause of archaeological preservation.

My recent return to Belize provided an object lesson in the current state of affairs in a "target" country. The existence of cultural properties legislation in many of the "consumer" countries had, I soon realized, given me false hopes regarding improved protection for Belize's numerous Maya sites. With portions of the antiquities market supposedly dried up and others ostensibly desiccating rapidly, it seemed reasonable to expect a lessened pace of looting, but I found instead that the pace is accelerating. An example of looting as a growth industry was provided by a trip to Lamanai that brought me, together with a number of Belizeans, to the neighboring site of Kakabish, which in the years of the Lamanai excavations stood almost untouched. Spying freshly turned earth on the surfaces of several small mounds at the site's edge, we stopped to investigate and found that every one of the structures had been trenched. When we moved on to the site center past countless cratered buildings we found that we were able to enter the main plaza without having to skirt the largest pyramid because we could now walk upright through a tunnel that pierced the structure from front to rear (FIG. 1). Though I am, regrettably, accustomed to encountering looters' handiwork, I have yet to become hardened to scenes of despoliation on this scale.

It would have been very slightly comforting if the Kakabish destruction had proved to be an isolated occurrence, but reporting of the matter to the Archaeological Commissioner elicited tales of parallel situations at site after site throughout the country. It is painfully clear that in spite of the Belize government's best efforts the country's

<sup>1974</sup> The Plundered Past: The Traffic in Antiquities. London: Hamish Hamilton.

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Figure 1. Anne MacLaughlin, Royal Ontario Museum, stands at the entrance to the looter's tunnel that transited the largest structure at Kakabish. The tunnel had collapsed by July, 1990, causing even greater damage to the structure.

archaeological heritage is being dismantled and shipped to foreign buyers at an increasingly alarming rate. If the UNESCO convention on the protection of cultural property has an effect, it is virtually impossible to detect in this country where protection is so sorely needed.

The forces behind the increase in looting are several, but at their core lie the same economic factors that are the engine of site destruction worldwide. Looting is in every instance a response to the skyrocketing demand for antiquities by moneyed consumers in the developed world. The demand has for some time been both too large and too well funded to be stoppable locally, and it is now growing at an almost exponential rate. Belize's economy, centered on such undependable crops as sugar and citrus, holds virtually no hope of providing a realistic level of support for the battle against illegal excavation. Furthermore, the beleaguered economy offers less employment for its people than is needed. As sugar's sweet promise goes unfulfilled, the search for other sources of income inevitably leads many into the looting game already being played by some recent immigrants to the country.

A few illegal excavators work as individuals, but most are in the employ of, or at least directly connected with, local middlemen who have the developed-world contacts necessary to get looted material out of the country and onto the world market. At the personal level, an individual's involvement in looting is both understandable and unarguable; who can tell a father that he must leave his heritage untouched and allow his children to starve? At the national level, however, the concern is ever-mounting and the prospects for resolution are not even dimly perceivable. The problem here is essentially the same as Colombia's cocaine dilemma: without a drying up of the market, coupled with some means of income replacement, governments cannot realistically expect to stamp out an activity, however illicit, that puts food on the tables of the hungry.

The parallel with the drug trade goes further: whatever the nature of internal economic suasion on the drug grower or the looter, it is the existence of a market elsewhere that ultimately fuels the illegal activity. This means that the local person engaged in illicit excavation is not only destroying his own heritage but also delivering residues of that heritage into the hands of foreigners. It is at the delivery end of the artifact pipeline that one might reasonably now expect to find a legislative and publicopinion plug, but events make it obvious that the stopper remains far too small for the hole. At the market outlet of the pipeline there are once again explanations for the ongoing problems, and once again they are economic. Principal among the money matters that stoke the fires of looting is an event over which no one had control: the mini-crash of 1987.

Faced with unequivocal evidence of the dangers that abound on the trading floor, many cautious investors began shortly after the puncture of the stock bubble to put their money into tangible goods. One of the chief targets for investment among such goods was art, in all its forms. The result has been drastic change in the art market, as many who were once reasonably cautious stockholders have moved into the purchase of art and abandoned caution in the hope of windfall profits. Out of this change has come a staggering escalation in prices, coupled with the rise to prominence of a previously rare type of art buyer: the acquisitor.

The true collector cares about each item in a collection, and often about the social and technological history that surrounds the objects as well. Many may fail to perceive the loss of such history that derives from looting, but it is possible that a portion of such individuals could be persuaded that unwonted destruction is as negative a force for them as it is for the archaeologist. This is not to say that collectors have not been a tremendous problem in years past; they most certainly have been. What is more, the true collector will never willingly give up collecting. Part of the definition of such a person is that he or she will sacrifice almost anything in order to add to a collection, and will pursue new items with a passion that borders on the fanatic. It is precisely because of this passion, however, that some collectors, at least, may be open to persuasion by those who are equally passionate in the acquisition of knowledge and the defense of archaeological sites against the looter's hand. In all of these respects, as well as in the fundamental motivation for purchase, the acquisitor is the collector's antithesis. The acquisitor is thus very much more the nemesis of the archaeologist than is the collector, who is unquestionably nemesis enough.

The greatest difference between the collector and today's auction-floor denizen is that the acquisitor's interest in archaeological objects is purely monetary. Pottery vessels, jade pendants, architectural sculpture, and other artifacts are to the acquisitor as much the stuff of commerce as are pork bellies, and they are to be bought and sold for the same reason: profit. Possession of archaeological material will probably lend the acquisitor some meretricious cachet as a connoisseur, but it is incidental to the main purpose for which money is dispensed so liberally.

The acquisitor's approach to archaeological material is illustrated with painful clarity in an article by the editors of the magazine Art and Antiques titled "What's Not Hot: Dodging the Trends in a Volatile Art Market" (The Editors 1989: 45-53). Employing prose that one might expect in a stockmarket newsletter, the writers counsel potential buyers regarding classes of art that are undervalued and hence are good investments. The section titled "Pre-Columbian Art" provides very specific advice from New York dealers Spencer Throckmorton, John Menser, Claudia Giangola, and Edward Merrin on the best purchases and what their prices should be, but gives virtually no notice of the ethical and legal issues involved. The piece contains only a brief mention of "restrictions on the export of Latin American 'cultural property' to the U.S.," and, near the end, a warning about fakes and an admonition regarding documentation of provenance in order to avoid run-ins with Customs. It closes with these words: "But these concerns should not prevent anyone from exploring what Throckmorton calls 'the last bastion of true value in the world of art collecting" (The Editors 1989: 53). The upbeat tone of the article, a reflection of the super-bullish attitude that has infected the art-as-commodity market in the past two-and-a-half years, belies the field realities behind that "last bastion."

Entrance into the art market in a profit-oriented frame of mind guarantees willingness to purchase at a high price if an even higher price can be envisioned down the road. In a world replete with individuals who command seemingly inexhaustible mounds of money, such willingness virtually ensures that the higher price will be paid, probably sooner than any level-headed person would expect. This approach carries with it the precept that art as commodity can, indeed probably should, be purchased in bulk in order that profit be of commensurate bulk. In the past two-and-a-half years this view of the art world has produced prices that have doubled, doubled again, and doubled a third time while the amounts paid for certain special pieces, particularly in fine art and furniture, have increased tenfold and more.

It requires very little insight into the looting problem to see that price increases and quantity buying are both highly likely to multiply the pace of site destruction. Even if a plateau lies somewhere in the future of art-as-commodity buying—and most analysts cannot yet envision one—it is virtually certain that looting will continue to be driven at a heightened pace by the market long enough to result in a truly major worsening of the site destruction picture. Indeed, the wildfire nature of supply and demand in the market will undoubtedly ensure that accelerated looting will persist far beyond the point at which some measure of sanity may return to the consumer end of the pipeline.

There cannot really be any salutary effect in the meteoric rise in the archaeological art market, but at least it has become true that museums are now generally unable to compete with private investors. This means that both in the open market and behind closed doors those institutions that have persisted in flouting professional ethics or the law will cease to be a problem; their skirts will have been cleaned for them by forces beyond their control. But with the rise of the acquisitor another type of problem confronts the museum world, including institutions that have for many years decried the acquisition of illegally excavated artifacts.

The museums' problem arises from the fact that there are, in a good many countries, two ways to realize profit from an investment in artifacts. The more perilous of the two, because it relies on market forces beyond any individual's control or ability to predict with certainty, is resale. The vagaries of the market are such that one may make a profit on some objects in a collection but lose on others, if the pieces are sold at auction or through a private dealer. Hence the investor in artifacts is very likely to be inclined to opt for an approach that embodies less risk and will probably bring as much or more profit, in its way, than can be realized through sale.

The safer method of profitmaking lies in donation to a public institution. The collection goes as a unit, the recipient will often agree to take less-desired pieces in order to obtain the desirable objects, and there is a fair probability that valuations will yield more in the way of tax relief than an auction-house session will produce in cash. Furthermore, one can don the mantle of philanthropist as well as connoisseur by such donation; what better and easier solution could there be, if one can but find a willing institutional recipient for one's largesse? The traditional view of museums is that they are almost always willing recipients, if the objects will enhance their collections. Donation is in fact the cornerstone of most museum collections in the fine and decorative arts, where generally speaking there are neither legal nor ethical barriers to giving and receiving. The support of donors is highly important in other collection areas as well, including many in the natural sciences. In the archaeological field, however, donation may raise insoluble problems even when the material is proffered by a true collector.

The collector's objects are very likely to be unaccompanied by even the most rudimentary provenience data, and of course all information regarding specific context and associations will have been shorn away at the time of looting. In most instances the artifacts will have been illegally exported from their country of origin; they may also have been illegally imported into the country in which donation is being contemplated. The arguments against museum acquisition of a collector's material are numerous enough, but when it is an acquisitor's holdings that are on offer the arguments are even greater, and the problems that envelop the matter are compounded many times over.

The acquisitor's artifacts will, of course, be found to be as lacking in accompanying data as are the collector's. Because the objects in an acquisitor's hoard are almost certain to have been purchased recently, and over a very short period, it is even more likely than in the case of the collector—almost guaranteed in the case of the Maya area and a good many other parts of the "supplier" world that all will have been illegally exported from their countries of origin. Beyond all these problems, the acquisitor's holdings are very likely to embody a flaw less common in the true collector's hoard: the lot will very probably include fakes.

All collectors have been led into error by a mistaken faith in their own level of expertise or, far more rarely, by a dealer whose scruples would not bear close scrutiny. For one who truly appreciates the objects and has studied them as fully as possible, however, the chance of being gulled diminishes over time, and fakes or over-restored pieces can probably be detected and weeded out of the collection. The acquisitor, having neither a collector's concern with the objects nor the wish to acquire expertise in the field, trusts dealers and auction houses, or occasionally professional consultants, to guide purchasing decisions. Consultants, often people on the shadowy fringe of archaeology, may steer the acquisitor away from most fakes, as may some dealers, but on the whole the acquisitor lays out funds in a very unbusinesslike manner and not infrequently gets stung for incaution.

The acquisitor turned loose in the art marketplace is an interesting phenomenon. Almost invariably a person who has amassed considerable wealth through shrewdness and perspicacity, the acquisitor very often sheds these characteristics entirely on entering the art market, and plunges at a high risk of getting thoroughly soaked. Thus bogus materials are almost sure to lie unrecognized or unacknowledged among the authentic artifacts in an acquisitor's stock. The presence of the bad amidst the good, all ethical and legal considerations aside, adds to the insoluble quality of the dilemma faced by a museum approached by an acquisitor bent on donation.

Many, but far from all, museums have specific policies that prohibit acquisition of archaeological material excavated in an unscientific manner and illegally exported from its country of origin. At the Royal Ontario Museum, for example, a proscription on acquisition of illegally excavated and exported artifacts from Latin America has existed since 1969 and a policy that covers all the world's antiquities has been in force since 1974. With this sort of policy in place an institution cannot add an acquisitor's holdings to its collection—but might it acquire the material with a view to returning objects to their countries of origin, or retaining them on behalf of those countries?

The answer to this first question will obviously hinge on the laws and attitudes of the source countries involved, and hence cannot be expressed in general terms. Numerous instances of return of objects by museums have been reported, but none seems to have involved an institution's policy decision to acquire material with the intention to return it to the country of origin. The closest any museum has come to this sort of action, to my knowledge, has been the 1987 return of a stolen gold plaque to Thailand as the result of individual action by a curator at the Metropolitan Museum of Art (IFAR reports 10(8): 8 [1989]). In many cases, in fact, return of museum acquisitions to their countries of origin has taken place only after representations were made by the government of the source country to the government of the country in which the museum is situated.

The second option, retention of donated material by an institution acting with the permission of and on behalf of the country of origin, appears not to have been exercised thus far. Retention of artifacts on indefinite loan or in perpetuity would of course require as the first step acquiescence by the source country. Such an arrangement between a nation and a museum would likely prove politically difficult, but nevertheless it may appear at first to be an option worth exploring. Closer examination reveals, however, that, quite apart from the tangled web of negotiations required, there is a compelling argument against such a step in the consequences that would ensue.

Several potential benefits seem inherent in a decision on the part of a nation that museums could in some circumstances acquire and retain an acquisitor's holdings. Out of such a decision could come, among other positive results, the improvement of relations between museums and the countries involved as well as the creation of a means of placing otherwise hidden archaeological material in the public domain. These putative gains would, however, be heavily outweighed by the message conveyed to those who continue to be involved in the acquisition of material illegally excavated and exported.

A government's decision that museums could hold illicit material would say loudly and clearly to acquisitors that despite the illegal qualities of the material in their hoards, they would still be able to reap the benefits of tax relief by donating their holdings to the appropriate institution. This would in turn send a message down the line through the dealer community to the fieldmen and ultimately to the clandestine diggers themselves that cultural properties legislation had not dried up the market, but rather had simply produced a shift in the system of disposal of illgotten goods.

In the end, an agreement that allowed a museum to hold illegally excavated, illegally exported artifacts would be an admission by the source countries that the trade in such material would be countenanced as long as a public institution was the ultimate recipient of the objects. Such an admission would be immeasurably damaging to the legal protection for the world's archaeological heritage that, flawed as it is, now exists in many countries. It would legitimize an illegitimate activity, and allow those who knowingly violate a country's laws, knowingly act as intermediaries in an illegal trade, and knowingly acquire illicitly recovered objects to continue to profit from their actions. Surely no source country that recognizes the present level of peril to its cultural patrimony could enter into an agreement so likely to endanger that heritage even further.

The ongoing, frustrating search for some means of dealing with privately held, looted objects is engendered by the principal dilemma faced by all museums with policies against acquisition of such material. If the collector or the acquisitor suggests donation, the offer must be rejected and the objects, often at least of teaching value and sometimes of limited research value as well, will either be retained by their owner or be "recycled" into the market once more. The latter possibility is clearly the much greater one in the case of the acquisitor, because retention of the material will result neither in direct profit from resale nor in indirect profit from tax relief. Hence, by refusing a donation a museum places itself in the unpleasant position of virtually guaranteeing reappearance of an acquisitor's holdings on the market and their subsequent disappearance into other acquisitors' hoards.

Unfortunately, even if, despite difficulties with repatriation and what appear to be insurmountable obstacles to retention of material on a country's behalf, we suppose these options to be open to a museum, we find that the dilemma still retains its horns. Unless a donation is made without request for a tax credit-not a great likelihood in the collector's case and an impossibility in the case of the acquisitor-the institution is very likely to encounter truly formidable barriers in the tax laws. The problems will arise because the material would be acquired either in clear contemplation of its return to the country of origin or for retention without clear title by the institution. In either case the tax office would almost certainly look askance at a credit for the donor because such credit is given in reflection of the benefit derived by the museum, which in these circumstances would be essentially nil. Therefore, although a museum could conceivably find it possible to contemplate pursuing the two options for disposition of the material with a true collector, it would surely never be able to follow such avenues with an acquisitor.

The second tax-related horn of the dilemma consists of the fakes that are very likely to lie among an acquisitor's holdings. Even if all other barriers to museum acquisition of the material could be swept aside, it is evident that in most circumstances an institution would not contemplate acceptance of fakes. On occasion it might prove desirable to acquire such material if the objects had some value for record or teaching purposes, but acquisition could not take place unless the fakes were so identified. Such identification would obviously ensure that the objects would not form a part of the tax credit basis, or at best would be included at values that were far below their purchase prices. As a result, there is a very high likelihood that block donation would prove an adverse step for the acquisitor. The donation would either leave the institution with the wheat and the acquisitor with unsaleable chaff, or drop the value of the donation well below the amount paid for the lot.

Though one might encounter an acquisitor lucky enough to have amassed a hoard that includes no fakes, in present circumstances the amount of luck required would be almost unimaginably great. I have yet to stumble upon any acquisitor's holdings that were free of fakes; in the largest assemblage I have had the unpleasant experience of seeing, the fakes and repainted pieces very probably numbered well above one-quarter of the total. The forces that militate against an acquisitor's luck are three: the ever-rising prices that greatly enhance the potential for astronomical profit on fakes and hence are very likely to increase already-high production rates; the acquisitors' attitudes towards art as commodity that improve the chances that fakes will be sold; and the fakers' increasing sophistication and technical skills that have markedly improved the quality of their products. All of these factors heighten the likelihood that a considerable amount of tare will be found in the acquisitor's harvest. The presence of such material would very probably frustrate a museum's efforts to retain the good items in the public domain.

Finally, as if all of the problems I have discussed thus far were not enough, a museum engaged in archaeological research would be confronted by a further difficulty that would not exist for an art museum. For the research institution a veritable morass of ethical problems lies in the procedures required if the value of a donation is to be established for tax purposes. Valuation necessitates recourse to dealers, the very individuals who are by their commercial activities aiding and abetting site destruction. In accepting such information the institution would in effect not only be condoning the activities and point of view of the dealer community but also be agreeing to the assignment of monetary values to archaeological material. Furthermore, by permitting the donor to profit from his efforts in the marketplace the museum would by extension be sanctioning the activities that supply the commodities to that market. No institution committed to archaeological research could justify taking such steps. Even the limited good that would come from placing privately held artifacts under public trusteeship could not really balance the prospect of consorting with individuals whose motives and perspective are so inimical to those of the archaeological community.

No matter where one turns in the ongoing battle against looting, economic factors raise their hydra-like heads. Put most simply, looting is the product of surplus wealth. All of us have what might be called, to use today's phrase, "discretionary income," above what we need for living expenses. The collector reserves every discretionary cent possible for additions to a collection, often at the cost of other endeavors. The acquisitor has no need for such compunctions, and indeed has every reason to put significant amounts of capital to work in acquiring art as an investment. It follows that acquisitors are most likely to be found in countries with burgeoning economies, and that indeed one can almost class some such countries as "acquisitor nations."

In the area of Pre-Columbian archaeological material,

as in many areas of the art-as-commodity world, there are several nations in the acquisitor class at present, among them Switzerland, Australia, and Japan. In each the restrictions on acquisitors' activities are few or nil, so that passage of bulk archaeological material into the hands of dealers and acquisitors is open and easy. Japan's laws embody the additional feature of a dual standard in the matter; ironclad in their protection of Japan's heritage, they raise no barrier against the acquisition and disposition of archaeological and historic material obtained by illegal means anywhere else in the world. In a setting such as this, and granted unprecedented economic might, individuals and corporations are free to purchase as they wish, unmindful of the laws of many embattled nations.

Unfortunately, the path from source nation to acquisitor nation cannot be traced with anything that approaches accuracy; this is especially true in Latin America because objects are almost always out of the source countries before their existence, and even that of the sites from which they came, is known. Furthermore, the fact that many sales of major pieces are entirely private prevents any assessment of how large a percentage of the growing market can be laid at the doorstep of any particular acquisitor country. What we can see, however, is that Maya and other material now consistently appears in flourishing markets where a few years ago such artifacts attracted no attention at all.

In addition to those archaeological commodity buyers fortunate enough to reside in an acquisitor nation, there are of course a great many individual acquisitors scattered through other countries around the globe. Though sometimes surrounded, as in the United States and Canada, by what should be a restrictive legal web, the individuals seem to continue to find ways through the mesh and onto the market floor. Even a casual survey of the situation suggests, therefore, that damping of the fire in one area is very likely at present simply to fan the flames elsewhere. This means that though we may use every extinguisher available, we are not very likely to bring the situation under control sufficiently to allow us a moment's rest.

Solutions to the looting problem in its current dimension can be and have been effected in certain limited circumstances, whether in the field (where nothing apart from constant surveillance has yet emerged, to my knowledge) or in recipient countries. The changing role of museums is cause for hope in North America, as is the large number of educational programs that buttress cultural properties legislation, especially in the United States. But in a world where archaeological heritage has become an investment commodity, where massive wealth can be deployed in exploiting a bullish market, and where laws give us weapons that economics wrests from our hands, one cannot help but feel that, despite surface appearance, it may be an unbearably long time before a truly adequate stopper for the pipeline is fashioned.

## The Editors

1989 "What's Not Hot: Dodging the Trends in a Volatile Art Market," Art and Antiques VI (II): 45–53.

## Popular Archaeology and the Antiquities Market: A Review Essay

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Minerva: The International Review of Ancient Art & Archaeology. Published in Great Britain. Volume 1, Number 1 (January 1990).

## Introduction

Minerva: The International Review of Ancient Art & Archaeology is a remarkable new periodical. Where else can one read the latest archaeological news while shopping for smuggled Classical pottery and sculpture, ancient coins, and Chinese bronzes?

The first issue of Minerva, a glossy-paged popular magazine published monthly in Great Britain, appeared in January 1990. The magazine's editor-in-chief is Jerome M. Eisenberg, an antiquities dealer (Royal-Athena Galleries in New York). The managing editors are Peter Clayton and Barri Jones, the latter Professor of Archaeology at Manchester University and former editor of Archaeology Today, a defunct popular archaeology magazine. In fact, Minerva has acquired the rights to Archaeology Today, and touts itself as its successor. If so, it is a successor with a difference, for, unlike Archaeology Today, Minerva is a hybrid publication, one that attempts to navigate a safe course between the Scylla of the illicit antiquities market and the Charybdis of responsible archaeology. When it comes to the acquisition and selling of ancient art and artifacts, the distinctions among art dealers, curators, collectors, and art historians are frequently blurred; in some cases, even people identifying themselves as archaeologists are involved. Does Minerva sail straight and true or does it only muddle the already turbulent waters?