

UNSDRI
UNITED NATIONS
SOCIAL DEFENCE
RESEARCH INSTITUTE

Via Giulia 52, 00186 Rome, Italy

THE PROTECTION OF THE ARTISTIC AND ARCHAEOLOGICAL HERITAGE

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Publication No. 13

Rome, March 1976

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A View from Italy and India



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PREFACE

UNSDRI wishes to express its gratitude to all those who have contributed to this publication. The three-country research programme on which it is based was first suggested by Dr. D. Sen of the Central Bureau of Investigation of India; when we inquired with him what researchable areas of transnational crime should be given priority by UNSDRI, he at once mentioned art and archaeological theft along with some other areas of concern to the CBI. Our particular thanks are due to him and to Mr. Upadhyaya of the CBI, who was responsible for the Indian field study; to the Attorney General of Mexico, Lic. Ojeda Paullada and to Dr. Gertz Manero of his Department; to Professor Tusa, Dr. Negri Arnoldi and the many others who helped with the Italian studies; and finally, to Giuliana Luna of the UNSDRI staff, who was responsible for the project and also conducted the Italian field research, to Lawrence Christy for his complete analysis of the Italian legislation, and to Phill McKitterick whose patience in typing and re-typing endless manuscripts made this publication possible.

The value of the studies reproduced in this publication derives largely from the spontaneity and range of opinions gathered in the field. Some of these opinions are harsh, some may be biased, contradictory or even patently erroneous, but all have been freely expressed and faithfully recorded. While UNSDRI can take no responsibility for these views or for the accuracy of statements of fact contained in the field reports, it wishes to thank all those who contributed opinions, feelings and factual information.

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INTRODUCTION

This volume is based on research conducted in India, Italy and Mexico¹ on the protection of the artistic and archaeological patrimony.

Purpose and Concepts

Admittedly, art and archaeology may appear quite remote from the traditional areas of criminological research — a science that remains primarily concerned with offences against the physical integrity and private property sphere of the individual. It will indeed be evident to the reader that criminal justice is not, or not by itself, the appropriate agency to protect what in essence are intangible values relating to the community.

That is exactly the point we wanted to make in choosing this area of inquiry. Instead of focussing on art and archaeology, we could have considered the preservation of the natural environment², of public health, or of certain ethical standards in the conduct of business, in government operations or even in the payment of taxes. What all these

¹ The results of the Mexican study will be published separately, in Spanish, together with a series of legislative proposals which grew out of it.

² Opinion research conducted within the framework of our Italian study showed that in the more progressive areas of the country at least some young people considered not only art and archaeological treasures but also the environment as part of the cultural patrimony.

and similar areas³ have in common is the fact that they are generally considered marginal by the public, and that they are therefore not (whatever the legislator may believe) easily controllable by traditional means of social coercion — i.e. penal norms, police, criminal courts and prisons. Yet the archaeological patrimony, an unspoilt environment, public health as well as business, government and tax morality represent real, explicit and increasingly important social values or postulates. The purpose of our research — intended from the outset as a pilot effort — was to explore ways by which these social values could be protected without necessarily relying on criminal justice as the main or only intervention mechanism.

Society's interest in art and archaeology — a relatively new phenomenon — is formally reflected in legal norms attributing to the state ownership or pre-emptive rights over new archaeological finds, regulating transfers and especially exports, and subjecting violators to penal sanctions. It will be seen that, in practice, these norms and the various administrative systems for the management and maintenance of the artistic and archaeological patrimony (museums, protected sites, etc.) are not very effective. Important monuments are crumbling; museums are disorganized, closed for lack of staff and generally inaccessible or ignored by the local citizens; traffic in illegally procured art and antiques is flourishing. It is hardly surprising, therefore, that private collectors or foreign museums should claim — with some degree of plausibility — that by acquiring a bronze, a Greek vase, an antique wooden statue or a painting they were in effect saving valuable cultural assets which, if left to the guardianship of the state, would be exposed to certain deterioration or oblivion.

³ The generic but inaccurate term "victimless offences" has at times been used to define offences against social rather than individual values.

But inept or inefficient as the measures by which the community protects its cultural patrimony may be, their moral legitimacy is derived from undeniable social postulates. Quite apart from the market value of particular objects, art and archaeology represent important aesthetic and spiritual values pertaining first of all to the society which created them. They convey a sense of cultural continuity and, increasingly, of national identity. And, from a utilitarian perspective, they do (or could) constitute an important asset for the tourist trade.

Methodology

The two country studies presented in this volume are not uniform in focus and methodology, although they proceed from the same set of assumptions or working hypotheses.

The *Italian chapters* — though they also give an account of existing legislation and practices — focus on the significance of art and archaeological assets to the community. The research was conducted by field observation and ethno-sociological inquiries⁴. It provides a vivid picture of the situation in two contrasting areas of the country, and leaves

⁴ Giuliana Luna, who conducted this research, no doubt found herself in the situation faced by Cressey when he set about to study another area of "marginal deviance":

"The sequence of hypotheses [...] did not develop from cold, dry, intellectual analyses. They resulted from a 'discovery' process that is extremely difficult to define. It was composed of 'insight', 'hunch', 'intuition' and similar undefinable phenomena, all of which were used in an environment of intellectual irreverence and irresponsibility... No one was denigrated or punished by status manipulations for saying something stupid, unintelligible or trite. The outcome was 'insight' and even 'discovery'".

Donald R. Cressey, "Other People's Money" (1973). Introduction to the Reprint Edition, p. xi.

it to the reader to draw his own inferences (or hypotheses for future research). One conclusion, however, emerges with particular clarity: where the local community understands, enjoys and has access to its artistic and archaeological patrimony, it may be expected not only that measures to protect this patrimony from spoliation will be considered legitimate, but also that they will be more effective. In other words: there is an immediate correlation between democratic participation in cultural assets and their preservation.

The *Indian study*, on the other hand, focusses more directly on the problem of thefts and illegal exports, and on the law enforcement measures taken in that connection. It reveals serious deficiencies of the control system, partly attributable to lack of resources, and partly due to the inadequacy of international co-operation at the normative level. If — as we hope — the Indian inquiries will be completed by ethno-sociological field research, it may be assumed that they will lead to conclusions similar to those emerging from the Italian studies.

The *Mexican research*, the results of which are not reproduced here⁵, constitutes a critical analysis (with a historical retrospective) of the operation of a relatively tight and progressive administration of the artistic and archaeological patrimony. Our purpose was to suggest specific improvements both at the normative and management level.

Selinunte Workshop

Once the contextual background and a series of working hypotheses had been provided by the Italian and Indian research, it was decided to discuss some of the key issues at

⁵ See footnote 1.

a workshop⁶ attended by research staff as well as by a small number of experts and officials concerned with the administration of art and archaeology.

There was general agreement among the workshop participants that archaeological sites, monuments and antique art connected with them had to be seen as part of the total environment, and that they had to be preserved as such. This is recognized by the new cataloguing practices of the Department of Antiquities and Fine Arts in Italy: a pilot project to establish a model "global" catalogue is under way in Castiglione Fiorentino, in the province of Arezzo⁷.

From that premise it was suggested not only that local museums should be given preference over central ones (often seen as "burial grounds"), but also that the administration of art and archaeology should be decentralized, and that even duplicates should be kept on their original site. Some of these conclusions were challenged in the course of the discussion. Central museums, or world renowned foreign museums, had a major rôle to play by presenting exhibits in a comprehensive pluri-cultural context; also, security in some of the smaller local museums was so poor as to make it necessary to remove valuable objects to safer places. Nor was there a simple answer to the problem of duplicates. On an archaeological site in Sicily, for instance, a store of thousands of identical Greek oil lamps was being kept in a cellar. It was of course significant to retain an impression not only of the *quality*, but also of the *quantity* of objects found in a given site; the fact remained, however, that the thousands of Greek oil lamps were not, and could not be

⁶ Held in Selinunte, Sicily, 7-8 April 1975. The participants were: Professor G. Beliafiore, Palermo; Dr. P. Chessa, Rome; Pr. A. Donatini, Forlì; Mr. F. di Gennaro, Rome; Dr. F. Negri Arnoldi, Rome; Dr. P. Sanavio, Rome; Dr. M. di Stefano, Palermo; Professor V. Tusa, Palermo; Mr. B. Upadhyaya, New Delhi; Mr. G. Vassilchikov, Geneva.

⁷ This approach to central to the admirable Terra del Sole experiment, reported below, pp. 146 to 150. See also the definition of "cultural property" in the 1970 UNESCO Convention, p. 234, fn. 24 below.

put on display. On the other hand art (antique or not) had a rôle to play beyond its place of origin; thus Greek and other Eastern Mediterranean art brought to Rome had a major effect on the development of Roman culture; the same could be said for Egyptian, West African and Japanese art in modern Europe.

On a more general level, it was recognized that the legitimacy or at least the efficiency of state ownership and tutelage of the artistic and archaeological patrimony on site or in museums presupposed that this patrimony be properly administered, maintained and accessible to the community. There was agreement that, in the two countries studied, these conditions did not seem to have been met.

As regards public awareness and enjoyment of the artistic and archaeological patrimony, much remained to be done. Yet some positive developments were reported. Generally, the younger generation seemed interested in art and archaeology and in its preservation; spontaneous groups had been formed for that purpose. Small local museums had sprung up and were considered as objects of local pride (possibly because of their touristic value) in a variety of places; even illegal diggers (*tombaroli*) were reported to have given them some of their better finds. In Sicily, a very poor and isolated mountain community had refused to let the archaeological service remove by helicopter some statues found on its territory: volunteer workers built a road to the site and removed the statues to premises arranged by the village as a museum. In India, efforts to recruit surveillance staff among the local population have been successful. Similarly, local staff — including some admitted former *tombaroli* — have been hired in Sicily as guardians, guides and archaeological aids⁸.

⁸ Generally on a short-term, non-tenured basis. National regulations require that even custodial staff should qualify at a centrally administered test ("concorso" — a Kafkaesque experience which few local people would

Admittedly, the active involvement of the local population both in the administration and enjoyment of their artistic and archaeological assets plays an important rôle in the prevention of thefts, illegal excavations and diversions. However, other factors must be considered, including specific safety measures and action to reduce the demand for stolen or illegally procured antiques.

On the latter point the workshop considered whether it would not be desirable to sell or authorize the export of minor items or doubles, rather than incur the risk that they be diverted by illegal means.

In some settings (though not in Italy)⁹ this might provide needed funds. Of course an acceptable sales or licensing system presupposed adequate (i.e. well-qualified and non-corrupt) decision-making mechanisms. But if these conditions were met, selected sales or export licences¹⁰, inter-museum exchanges, itinerant exhibits and even long-term leases to individuals or museums might sensibly reduce the demand on the illegal international market for antiques. (The latter concept — long-term leases with appropriate guarantees — might be particularly promising, and should be further explored.)

It was noted that, in any event, adequate surveying and cataloguing were important prerequisites not only to give scholars and the public real access to the artistic and archaeological patrimony, but also to allow the identification and tracing of stolen objects¹¹. There had at times been res-

pass or be willing to risk). Yet it is evident that a non-Sicilian guard or surveillant — even if technically qualified — would be alien, ineffective and distrusted by the local population.

⁹ The Department of Antiquities and Fine Arts is given sufficient funds by the State. The problem is that, under existing norms and procedures, these funds cannot be spent for the purposes for which they would be most needed.

¹⁰ See, however, the fundamental objections noted above, p. 13.

¹¹ It was also necessary that antique dealers should be licensed and required to keep adequate records of the origin and nature of the objects handled by them. Cf. Antiquities and Art Treasures Act of 1972 (India), p. 226 below.

istence to this. Yet descriptive records (not necessarily giving all the scientific detail) and catalogues could be and had in fact been established; various cataloguing techniques were described at the workshop.

In conclusion, it was stressed that the artistic and archaeological patrimony required major attention both with regard to its administration and management and with regard to its protection from diversions. It was especially with regard to the latter that international action was needed: demand for illegally procured antiques was growing — for speculative as well as for aesthetic motives — and the market was well organized and often financed through reputable foreign institutions. Even though, in practice, it was the small local thief or illegal digger who was identified and punished, the real market forces lay with the intermediaries, fences and respectable purchasers of illegally procured art and antiques. The Indian report gives examples of local art thieves paid as little as fifteen US cents for a stolen piece. Yet Indian antiques are sold for very large sums in other countries after being handled by a variety of intermediaries.

As regards management and administration, action was needed particularly at national and local level. But action meant more than enlightened legislative intent: it required appropriate numbers of qualified staff, and decision-making mechanisms which could, in a given case, even conclude that competing social values — e.g. the construction of a railroad or subway system — should have precedence over the preservation of archaeological sites.

Other issues not reported in this introduction were discussed in Selinunte, or touched upon in the country chapters. In all, we consider this volume as a first step — a message addressed to legislators, international bodies, administrators and citizens concerned with the preservation of

art and archaeological treasures. It is our hope that they will build upon our inquiries by further research or policy action¹². For us, it has been a pleasure to conduct these studies in an area less discouraging than violence, criminal justice and prisons.

Peider Kőnz
Director

¹² Particular attention might be given to recent examples of efficient management and truly democratic fruition of the cultural patrimony, combined with deliberate efforts to make major art and archaeological treasures accessible to the world at large (e.g. the current archaeological operations in the People's Republic of China — with the important finds at Lintong, Ma Wan Tui, Chi Nan Cheng, etc. —; some of the major items were shown in Europe by itinerant exhibitions soon after their discovery). Encouraging signs are reported also from traditional "importing" and "transit" countries — e.g. the more cautious purchasing practices of some of the major museums, and bilateral compacts such as the 1971 U.S.-Mexico Treaty — to indicate a growing recognition of national rights to the cultural patrimony. (See also the UNESCO conventions, p. 239 below.)

PART ONE

THE PROTECTION OF THE CULTURAL HERITAGE:
AN ITALIAN PERSPECTIVE

(by Giuliana Luna)

INTRODUCTORY REMARKS

At the initial stage of this study, it was our intention to examine the various facets of the phenomenon of the dispersion of the cultural heritage in accordance with the steps suggested by the research outline: we would have dealt in separate sections — not necessarily tied to a temporal or rigorous logical sequence — with the quantitative as well as qualitative aspects of thefts and other forms of diversions; with the current system of administration and legal controls; and, lastly, with the awareness and attitudes of the public vis-à-vis the cultural heritage as a common entity to be protected (or, possibly, as a utilitarian consumer good to be privately appropriated through legal or illegal acquisition or trade). But as so often happens in the development of a research study, observed reality imposed itself on the conceptual schematization, suggesting new choices and new orientations.

Theft, receiving and smuggling of art and archaeological goods are facts which, within the Italian context, occur with more or less regular continuity.

Yet, the dispersion of the national cultural heritage is not a new phenomenon. Without going back to its most remote historical precedents, the examples of the Napoleonic pillaging and the more recent Nazi spoliation prove that the artistic production of Italy has always been considered an easy and tempting target for looting.

The high incidence of diversions, however — from episodic they have become systematic — constitutes a relatively recent and new aspect of the phenomenon.

Official statistics indicate that more than 40,000 art objects have been diverted from churches, museums, private and public collections and archaeological sites since the post-war period. Such an alarming figure requires an explanation.

The limits of the reliability of official statistics are known; these limits become more cogent in relation to the specific sector of art and archaeological theft. The reasons for this are easily identifiable; they range from the conspicuous number of unreported thefts — particularly of items stolen from churches — to the impossibility of including in the aggregate figure of stolen goods the many archaeological finds coming from clandestine excavations, and, lastly, the difficulty of isolating, from the generality of thefts, the thefts of art and archaeological objects.

The prevention and control of art and archaeological theft and diversions is a joint effort of police, customs and carabinieri; this is however only part of their more general functions. The theft of art is in fact not subjected to any particular legislative régime and is dealt with in the Penal Code, (Arts. 624 and 625) like any other form of theft. This accounts for the difficulties in obtaining specific and sectorial statistics. Only the carabinieri possess data relating in particular to thefts and seizures of art and archaeological material. Table I gives data covering the activities of the carabinieri with regard to the protection of the artistic patrimony for the period 1 January 1970 - 30 June 1973.

Independently of its soundness, however, a purely numerical indication of the phenomenon would be meaningless, if not supported by an attempt to clarify some of its basic socio-economic motivations and to frame the dispersion of the national heritage within a socio-political reality which, throughout the years, has become an optimal laboratory of germination and recrudescence. Within this laboratory have

TABLE 1: ACTIVITIES OF THE CARABINIERI IN THE FIELD OF THE PROTECTION OF THE ARTISTIC PATRIMONY DURING THE PERIOD 1-1-70 - 30-6-73

Region	No. of thefts	No. of works recovered	No. of reported persons	No. of sentenced persons
Valle d'Aosta	—	—	—	—
Piedmont	98	354	64	23
Lombardy	363	1,630	208	46
Trentino Alto Adige . . .	113	155	63	12
Friuli Venezia Giulia . . .	31	94	23	3
Veneto	125	457	67	21
Liguria	42	336	12	3
Emilia-Romagna	80	164	27	5
Tuscany	103	236	38	9
Lazio	103	307	132	56
Umbria	22	12	20	14
Marche	38	45	10	1
The Abruzzi	36	60	15	—
Molise	—	—	—	—
Campania	71	162	71	—
Apulia	28	42	21	6
Basilicata	—	—	—	—
Calabria	34	56	22	—
Sicily	40	20	14	—
Sardinia	2	2	4	—
Italy	1,329	4,132	811	199

operated, particularly in the last fifteen years, two streams of behaviour; these two streams — private acquisition and community consciousness of the cultural patrimony — appear polarly opposite if one considers the motivations and intentions underlying them: the former may in fact be taken as the main cause of the art pillaging phenomenon, the latter exclusively as an attempt to stem its dimensions and development. The co-existence and superimposition of these two tendencies — if adequately understood — might however have offered some ways to control or even solve the problem; paradoxically, instead, the two trends have clashed due primarily to the inefficiency and, often, absenteeism of the decisional powers, thus rendering chronic an otherwise remediable anomaly.

The critical phase of diversions and illicit trade of art and archaeological goods started during the second half of the fifties. This coincides with the years of the Italian "economic miracle". The two phenomena are mutually linked by a cause and effect relationship. The general climate of euphoria and the rush towards any kind of purchase favoured in Italy the market of new goods which, as they conferred real or apparent prestige, marked new differences between social classes.

Veblen's theory of conspicuous waste is well-known: apart from giving value to existence itself, consumption is an indicator of status and self-appreciation and can trace out a significant diagram of the individual's upward social mobility. In certain societies, this diagram reflects a high degree of integration and the absence of *model-goods* sufficiently indicative of social stratification. In other contexts, where the process of social integration is strongly contrasted, certain goods assume a value which is representative of the real or desired status of the owner. Consumption thus serves to establish and consolidate precise social hierarchies. Once the desire for the more accessible or more ostentatious goods had been satisfied, the Italian bourgeoisie was attract-

ed by a new sector of purchasing. This started the "boom" of antique dealing: antiquities and art works, which already had a considerable market value both nationally and internationally, were more and more in demand by progressively ampler population strata.

At the same time (for certain singular traits of the international art market, resulting in an increasingly marked imbalance between demand and supply) art goods became a new form and a new source of investment beyond the fact that they constituted signs of a sophisticated social prestige. This is of primary importance, as it chronologically marks for Italy the transformation of the value of art and archaeological objects from cultural into economic and financial. The "commercialization" of cultural goods is in fact held as the primary cause of the continuous pillaging of the artistic heritage.

Italy is known to have held one of the oldest and most renowned antiquarian traditions. The Italian antique market dominated the international scene up to the end of the first World War contributing in a determinant way to those international commercial exchanges which favoured the formation of famous private collections.

The indiscriminate export of art objects was somewhat curbed by the first protectionist law of 1909 and expressly discouraged (though without particular success), by the 1939 law establishing a progressive taxation¹ on all art objects to be exported.

In the economic recovery after the post-war period, starting in the late fifties, the antique market changed from élite into mass market, thus serving relevant economic interests. As a consequence, there emerged a new profession, not requiring precise and specific qualifications. "Hunters" of antique and art objects spread throughout the country.

¹ Subsequently abolished.

With the increased demand, receiving centres where objects were sold directly to customers replaced antique shops. This new generation of improvised antique dealers gave rise to a vast movement of illicit trade and rapid investment which increased considerably in the course of the last fifteen years, resulting in a systematic spoliation of the national patrimony.

The illicit trade of art and archaeological goods is necessarily sustained by a market structure characterized by the variety and complexity of episodes and operators. These are briefly described in the last part of this study, where we draw on the opinion of experts and on the impressions and intuitions derived from it.

A precise reconstruction of the structure and dynamics of the illicit art market not only appears to be rather difficult on the basis of the available data, but would go beyond the scope and focus of this study. Despite the support of the information derived from official statistics and the press, an analysis of the market would in any case remain scarcely probative; based on necessarily fragmentary evidence, it would develop according to the inclination and reactions of the writer, by giving prominence to or, alternatively, by overshadowing rôles and components which do not have a precise and clear connotation. To speak about Swiss banks, first and second intermediaries, receivers and traffickers with an absolute presumption of truth would seem to be useful (even though inaccurate) only if one could identify in or attribute to them the main responsibility for the dispersion chain, rather than see in them — as we do — simply the more or less hypothetical terminal points of a long series of internal dysfunctions. We referred earlier to the co-existence and superimposition of two intrinsically different and apparently conflicting streams of behaviour, and to the "commercialization" of cultural goods as a sign of wider acquisition. To the latter, almost concomitantly, there corresponded a trend towards public

re-acquisition of the cultural heritage which, through individual or local initiatives, aimed at restoring to our artistic patrimony its original significance of collective product and expression. Both the "commercializing" and the "revitalizing" tendencies, beyond their obviously opposite motivations and underlying value-systems, could have interacted in one single process which would have brought about not only increased awareness but also better safeguarding and defence. Since ultimately the by-product of both trends was increased knowledge and since this in actual terms meant increased protection, one possible key to the solution of the problem would have been, at the political level, an intervention directed in the first instance at sustaining and enhancing this increased knowledge, and secondly at reconverting the value-system underlying the commercialization trend. The sequence "commercialization-private ownership-knowledge-significance-public belonging" could have been a possible, feasible process in the presence of adequate political planning and change. Such political interventions have so far proved to be lacking. Thus the two tendencies have continued to operate independently, one growing on the intensification of its most detrimental postulates, the other trying to find its way in sporadic, unco-ordinated (at least at the national level) initiatives and in a rather preoccupying and persistent structural vacuum.

From the recent establishment of a Ministry for the Cultural Heritage and the Environment and the newly approved decrees for the internal organization of the Ministry and the creation of a National Cataloguing Institute, however, transpires a clear intention of planning and restructuring at the national level. Besides, the insertion of the protection of the cultural heritage in the normal debate of political parties, trade unions and associations constitutes a definite and dynamic force whose impact has markedly grown over the last two years.

* * *

This study is composed of three parts: two brief area studies covering the regions of Sicily and Emilia-Romagna, respectively, and a general report based on the opinions of experts interviewed throughout the course of the research². The way in which the various sections are presented does not reflect any chronological reality: each part was actually written when chance offered a pretext for research or, conversely, when the research called for it.

As is often the case with non-sequential compilations, this report may suffer from repetitions, discordances and perhaps contradictions which could have been eliminated through an attentive last-minute reading. It was considered preferable, however, to maintain the various parts in their original form, so as to retain their character of immediateness.

REPORT OF A FIELD VISIT TO SICILY

² An analysis of the Italian legislation by Lawrence Christy is not included in the present publication. Copies are, however, available at UNSDRI.

I was quite hesitant to present at the Selinunte workshop a document which had been written almost two years before. My doubts were however fully dissipated during the meeting discussions and the authoritative voices of some Sicilian experts confirmed the permanence of a status quo, the description of which, I had hoped, would provoke protests and reactions. But, in Selinunte, we were confronted with a discouraging and disarming "nil novi sub soli".

It is for this reason that, save for a few minor editorial changes, the report is published in its original form.

[Note written by A., Sicilian student, and given to me during the course of my visit to Sicily].

" I am a Sicilian student, born in a town of central Sicily twenty-six years ago. I attended school until I was eighteen (at sixteen I left home but remained on good terms with my family). I studied at the Institute of Mineralogy of Caltanissetta but I left it after some time to return to high school. On completion of my military service, I emigrated to Germany. I worked at the Dunlop factory for four months, but the work was heavy and the Italians were despised. So I decided to return to Italy and I stopped in Milan, where I found work at the Pirelli factory. After the January 1968 earthquake which destroyed Monevago, S. Ninfa, Gibellina, Salaparuta and other villages of the Valle del Belice, I came down to Sicily to work on the construction of the huts for the refugees. I soon realized that even for this the work was in the hands of dishonest speculators who obtained a contract and immediately subcontracted the works to others. A criminal circle: the temporary quarters were built so badly that a gust of wind would blow them all down.

" After the experience in the Valle del Belice, I sat for a state examination in order to get a " steady " job: four years passed from the day I applied for a state post to the day I actually started work.

" I must say that since the age of sixteen archaeology has been like a drug for me: I remember when I used to go with my friends to the archaeological zones in the province of Caltanissetta (Sabucina, Babaurra, S. Anna, S. Angelo Muxaro, Capodarso and many others); it was an unbounded passion, sustained by intense studies of nineteenth century books and journals of classical archaeology (Paulo Orsi) in the Caltanissetta city library.

" Having exhausted the works of the local historians, I devoted myself to specialized literature on Sicilian archaeol-

ogy and other works on antique, medieval and modern history.

" I need not mention the excursions I made to areas unknown to the Sovraintendenza. One summer day, I discovered an archaeological zone at the foot of the rocky hills of ancient Enna, in the heart of Sicily. I was with a local professional who boasted about the qualities of one of his hilltop holdings. When we reached the place (called " Cozzo della Stella ", while the opposite hill is called " Cozzo Campana "), I immediately noticed strange indications on the ground: they were the famous " crocks " which for more than a thousand years had interfered with agricultural work. Minute fragments of black Greek ceramics, terracottas and handles of small pots were mixed with the soil in such a confused way that only an expert eye could have detected them. I started exploring the surrounding area with unexpected luck: about a hundred metres from the crest of the hill, in a deep furrow made by a tractor, an ancient millstone of porous lava lay unearthed. It was cone-shaped and had obviously been used to grind grain. A precious object: I lifted it reverently, as though it were a relic, and took it home. The following day the Giornale di Sicilia published an interview with me, without naming the area. Two years later, in spite of secrecy and the fact that the discovery had been reported to the then responsible Sovraintendente alle Antichità (Siracusa), the entire ancient settlement had been pillaged by the *clandestini* from Leonforte, who are known criminals. Also in the areas of Lentini, Siracusa, Agrigento, and Gela, clandestine digging has reached a peak.

" How does one find the tombs? An example: 1969, a young carabinieri tells his brother-in-law that, while on duty someplace in the province of Siracusa, he had found some small amphorae on a stretch of desolate land which had been furrowed by a piece of heavy machinery. The brother-in-law, a noted amateur archaeologist, passes word

along. Ten men go to the spot and start studying the area. Two pick up information from the local farmers. It appears that during farm work a lot of coins have been found. The area is then marked. A local farmer indicates the exact spot where an enormous stone slab and a skeleton had been unearthed. From that point a vast project of clandestine excavations begins. The first tomb of stone slabs of the III century B.C. produces only shoddy archaeological material. Other tombs follow, at more or less regular intervals of four metres. Then the trail is lost. More tombs are found in scattered groups. One day, one of the *clandestini* goes farther away, climbing toward the mountain where he finds an old path. He follows it. Halfway, tired, he stops and starts digging in the steep bushy slope. Something tells him that in that place there should be some chamber tombs, more ancient. He is not mistaken, his scent was right. One month later, the entire rocky strip had been pitted with deep holes, each corresponding to a rectangular chamber tomb. Funerary equipment: painted vases, bronzes, jewels lying on plates, precious amphorae; all these objects were worth tens of millions.

"The above example gives an idea of how the *clandestini* operate. It must also be noted that, on that occasion, the *clandestini* came not only from Agrigento or Siracusa, but also from more distant centres like Catania and surrounding villages. Each *clandestino* worked on his own piece of land.

"I started selling the "stuff" like a normal salesman. The only precaution I took was to avoid contacts with strangers. I had been friendly for some time with a man, married with four children, employed in a public relations office. One day, during a casual conversation, this man offered me the possibility of adding to my income by placing archaeological material within the large circle of my acquaintances.

"I started immediately, all transactions being based on trust. The man gave me the stuff without any particular guarantee on my part. I could easily have reported him, or stolen the stuff, but I would probably have run the risk of being eliminated within a few days. So, in one week, I sold everything. It went like this: I happened to know a well-known lawyer who loved the stuff. I went to see him carrying the finds in a plastic handbag. I told him briefly that I had some good original things at a good price. He asked to see them. Piece by piece, I put on my show: "This is a lekythos, it's IV century B.C., comes from such and such a zone, you can even classify it". Struck by this unexpected and bold display of erudition, people nearly always bought, haggling a little over the price. The agreement with my supplier friend was this: he would buy directly from the *clandestini* — say a piece for 50,000 — I would sell it for 80,000; the 30,000 lire profit would be divided between us, so I would give him back 65,000 lire and keep 15,000 for myself. In one year, working at all hours, calling clients and asking them to introduce me to new friends or acquaintances who could be relied upon to keep the secret, I succeeded in expanding the circle to include Rome, Milan, Zurich, Messina, Verona. There were often dramatic meetings. One night, in the Roman studio of a well-known painter, I met two famous film directors, a member of the parliamentary commission for internal affairs, and a magistrate. They were all so interested in the business that I went to Rome three times carrying archaeological material which was all sold at a good price. Yet the competition with the Roman tomb-robbers entailed a big risk. An askos would cost 30,000 lire in Palermo, and 5,000 in Rome. This prevented the expansion of the clientèle. I made a few trips to the north (neophytes bought, spending a million at a time, but they didn't understand a thing). I knew perfectly well that they were "new rich" who needed to have "the antique piece" in their house. Many wanted me to

write the name, epoch and provenance of the piece on a card. I remember once in Messina, in the pretentious residence of a prominent constructor, we took along many beautiful vases, but no-one could make a choice. Eventually the son, an engineer, picked up the ugliest ones. I saw that they wanted to appear experts at all costs. When I asked a million for some stuff that was worth only a few hundred thousands, they didn't even blink. They signed a cheque and we left.

"I made about two million in a year: a precise calculation is impossible. Relations with my boss were based on the highest esteem and cordiality. If I needed cash, he would give me credit. No blackmailing, or threatening on his part. He has always been fair with me, and he often would tell me: "If you want to get out of it, you can, whenever you want, no problem".

"I have now left the trade. He has left some stuff with me on consignment. I can sell it whenever I want; naturally giving him his share. Or else, I can return everything to him and, after a year, decide to start again. I know that he works with many others like he did with me. He goes to the *clandestino* and buys. Then he hands over a stock to me, a stock to someone else in another town and so on. Still he doesn't have control over the Sicilian market. There is no monopoly, because there are thousands of clandestine diggers who sell directly to the city professionals; just as there are thousands of archaeological zones: inexhaustible sources of antiquities. There are so many people in the trade that we often used to meet in the waiting-rooms of lawyers or doctors.

"Now prices have gone sky-high as the market follows the fluctuations of the lira. Often we haggle like whores. I offer five pots for 100,000, they give me 80,000. I take it, leave the stuff and go, sure that I left them satisfied and can go back to them again.

"Clandestine traffic in Sicily is so widespread that I think it would be impossible to wipe out. There have been clandestine excavators in Sicily since the beginning of the century. I mean first-class excavators: the trade is handed down from father to son. Centuripe is the richest town, together with Castelvetro, Marinella di Selinunte (where fishermen fish in the summer and dig in and around Selinunte in the winter), Agrigento and Gela (here the traffic is the equivalent of the drug traffic in Marseilles).

"This type of trade has become so common in the island that the people involved no longer worry about taking precautions, particularly in view of the piddling penalties risked (a day under arrest, then immediate charge and release).

"In Sicily there are three Sovrintendenze concerned with archaeological material: Palermo, Agrigento and Siracusa. Except for the one in Palermo, run fairly democratically, the other two have hardly any personnel. They have a superintendent, one or two archaeologists and a lot of territory to study. This is why many foreign archaeological missions come to Sicily. I think it would be necessary to reorganize the entire administration, setting up offices with two archaeologists for each province (this would be the minimal intervention). A new law dealing with excavations is needed, as well as the liberalization of the market. The museums should keep only those pieces required for their historical and artistic interest or as examples of rarity. At present the Sovrintendenze are useless offices under the undisputed powers of the superintendents. These dignitaries of our culture, beyond the reach of the public, remain secluded in their offices (they consider their work an official secret), wrapped in nineteenth century bureaucratic practices, their mentality a product of rigorous and obtuse bigotry. They are obsessed by power rivalries, tied to mean "publications" tricks, their sole interest being in the exaltation of their own personality.

" They are useless offices, full of doormen who served in the African war, of handicapped clerks who got their jobs because of the special law for the incapacitated.

" The excavations conducted by the Sovrintendenze are hardly anything compared to those conducted by the *clandestini*. It is true that the aim of the archaeologist is to study the site, while the *clandestino's* only interest is in the find. But it is also true that the flow of billions of finds from the country could have been somehow prevented and controlled if, in Sicily, the region had taken over the legislative and administrative competence in the field of Fine Arts — as set forth in the Regional Statute — restructuring the entire sector, employing able and trained personnel and allocating the necessary funds (it should be noted that more than a thousand billions allocated for the development of Sicily have been lying unused for years, and that in 1970 a special law allocated five billions to create archaeological parks and antiquariums in the most important zones).

" A special mention should be made of the " Sovrintendenza alle Gallerie e Opere d'Arte " of Sicily — the only office that, from Palermo, should exercise control over the entire insular territory — entrusted with the protection and control of the movable medieval and modern artistic heritage. This office must administer five state museums: namely, Palazzo Atabellis in Palermo (where the famous Annunziata by Antonello da Messina is kept), the national museum in Messina, the national museum of Palazzo Bellomo in Siracusa, the ceramics museum in Caltagirone, the Pepoli museum in Trapani. In addition to these huge state museums, which have no director and lack personnel, the Sovrintendenza is supposed to take care of another twenty civic museums, scattered all over Sicily. These are all closed and neglected, located in the old damp rooms of rectories, of parish churches, or in the cramped quarters of various town halls. The case of the museum of Termoli Imerese is typical: closed for thirty years, about a month ago it

was robbed of its entire contents. Not only are the requirements of the Sovrintendenza alle Gallerie of Sicily ignored by the central administration, but the situation is aggravated by the absurd administration of the superintendent, a man who reached this position only by recommendations and who has limited his activities to the province of Trapani, his home town.

" Serious blame can be laid at this superintendent's doorstep, beginning with the theft of the Caravaggio stolen three years ago from an oratory guarded by two sleeping women and a priest.

" It is simply appalling to know that, whenever a theft from a church in Sicily is reported to the carabinieri, the superintendent goes to inspect the church only to pocket his per diem.

" Yet, the underlying, sad basic reason is this: the Sicilian authorities are made this way, like museum pieces detached from reality and democratic society. For them, only newspaper reports have a meaning, and they only show up when public opinion is aroused by new scandals. It is a power that entraps men and objects, in which the ancient indolence of the Sicilian peasant combines with the inborn impassible Spanish immobility, inheritance of centuries of borbonic domination.

" The traffic of art works and paintings must be fitted into this bitter and baffling context. Priests who sell entire sacristies, or monks who exchange antique paintings for enamelled brass candelabra. All this is part of the national stream of trafficking which is plundering Italy. And while for archaeological finds there is still a lot to dig up and sort out, we are about at the end of seventeenth-century prayer-stalls and eighteenth-century cupboards. We are approaching the age of fakes.

" The Sicilian collector has a rather scanty artistic education: his knowledge is superficial, he is an art addict, not a scholar. Most collectors are full of frustration complexes

which they try to overcome by the acquisition of worthless antiques.

"I have been in some of the most respectable patrician houses of Palermo. There is a circle of 15-20 families who have collections of Flemish, Venetian, Umbrian and Sicilian paintings, as well as ceramics, tapestries and prints, which have been inherited in the course of several generations. These are usually reliable people: their collections are inventoried and their concerns for their protection are often communicated to the authorities. The others, regional officers, head physicians, cardiologists, lawyers, doctors in general, some magistrates, painters, bank officials, "*industrialotti della salsa alla siciliana*" (small, doubtful businessmen), landowners, possess real museums of crocks, often fakes bought with wide-open eyes. One day a well-known professional, who lives in one of the most exclusive streets of Palermo, told me that my stuff was second-rate, whereas his "pieces", displayed in a spacious glass case in the entrance hall, were rarities. I had to refrain from smiling at the sight of some "rare" fake pieces. And the professional, with a paternalistic air, told me: "I am not interested in your stuff".

"In general, the public is attracted more by curiosity than by real interest. Many read in the papers about the discoveries of large quantities of finds and think that all archaeological material is a treasure. I have often been called upon to value a silly little monochrome white Roman amphora, or a few false silver Greek coins to which the owner had entrusted all his dreams. It's in effect only a scramble to declare: "I have-been-accepted-into-society". This is all: there are no secrets".

A SKETCH OF SICILY

An explanation

A visit to Sicily offered the possibility of attempting a first shift from the "informed opinion" research ground to a limited, tentative field approach to the problem. Or perhaps it was just a contact with a reality which, from the semi-mundane talks with the bureaucrats of our central administration and the "well-deserving" representatives of our culture, had appeared less squalid. However hurried and emotional, this contact confirmed the hypothesis that a study of the Italian situation cannot be limited to a clever analysis of the receiving mechanism or a scholarly display of research techniques; rather it implies a global assessment of the system from which the receiving phenomenon originates.

An assessment of this type requires time, elasticity and intellectual humility and may lead to unexpected conclusions which, most likely, will not be easily accepted. However, I think this is the only possible, meaningful approach if we aim at an effort which might prove sociologically/humanely "relevant".

On this conceptual basis, the attached notes regretfully attempt to rationalize the emotions suggested by the Sicilian trip. Trying to avoid — to the extent possible — hegelian elucubrations on the concept of the state and its function and doctrinaireisms on the nature of the "artistic" patrimony

and its legitimate belonging, the system (and the "state" from which it emanates) has been seen through:

its legislative expression, i.e. —

the Constitution,
the Law,
the Regional Statute,
specific regulations;

its executive bodies —

the decentralized offices of the Central Administration,
the Regional offices;

its functional reality by examining —

the actual ability of the state to exercise guardianship over the artistic patrimony,
diversions,
public awareness and reactions.

Why Sicily ?

The choice of Sicily was firstly fortuitous and mainly motivated by the fact that an experiment carried out by Professor B. in Selinunte could constitute a possibility towards moving our study from the laboratory to the field. In addition, the following factors were taken into account:

The wealth of the artistic and archaeological patrimony of the island:

Archaeological patrimony: the succession, interaction and often overlapping of different civilizations — Sicilian (Sicula), Phoenician, Greek, Roman, Byzantine — have made Sicily an area of relevant and almost exclusive archaeological interest. Several are the well-known archaeological sites

(Segesta, Selinunte, Siracusa, Agrigento), where a long-established tradition of "official" or illicit excavations has brought to light nearly the entire archaeological patrimony, but there are still many virgin zones, particularly in the central hinterland. The area comprised between the provinces of Catania, Enna and Caltanissetta still has tremendous archaeological potential and is dense with unexplored necropoleis or necropoleis hurriedly pillaged by clandestine excavators.

Artistic patrimony: the Sicilian artistic patrimony, disseminated in the innumerable churches, houses and villas, has a great historical and cultural interest even though perhaps it does not rank on the same level as the artistic heritage of other regions of Italy (with the exception of the works of Antonello da Messina).

The political and administrative structure:

Sicily is one of the five regions of Italy which, according to Art. 116 of the Constitution, should have, since 1947, enjoyed particular conditions of political and administrative autonomy as set forth in a Special Statute approved by a constitutional law.

A possible link between the extent and trend of the phenomenon considered by the study with certain characteristic insular social traits (absenteeism, clientelism, mafia).

Itinerary followed

The itinerary followed was mainly entrusted to chance and was therefore lacunose and perhaps misleading. The following places were visited:

Palermo
Selinunte

Agrigento
Catania
Centuripe - Enna
Piazza Armerina
Barrafranca
Pietraperzia

Methodology

The visit to Sicily gave me an opportunity for reflection: my effort was exclusively directed towards observation and comprehension.

THE STATE GUARDIANSHIP OVER THE ARCHAEOLOGICAL, ARTISTIC AND HISTORICAL PATRIMONY

PALERMO

The Law

The Republic safeguards the environment and the historical and artistic patrimony of the nation (Art. 9 of the Constitution, para. 2).

The protection of archaeological, artistic and environmental interests is entrusted to the Ministry of Education, Department of Antiquity and Fine Arts, and is exercised through the Sovraintendenze... (Art. 1, Law No. 823, 22 May 1939).

The Region is entrusted with the exclusive legislative power and corresponding administrative functions, without any limitation or specification, in the field of Fine Arts (Art. 14 of the Sicilian Statute approved with Constitutional Law No. 5 of 26 February 1948).

The State

The Sovraintendenza alle Antichità of Western Sicily is in Palermo and covers the provinces of Palermo and Trapani. It is entrusted with the guardianship of several outstanding archaeological areas (e.g. Segesta, Selinunte, Castelvetro, Mozio, Marsala, etc.). The scientific personnel of the Sovraintendenza consists of two archaeologists.

Guardianship over the artistic patrimony of the island is the exclusive responsibility of the Sovrintendenza alle Gallerie of Palermo. Here the scientific personnel consists of the Superintendent, his Assistant, the director of the National Museum of Messina and an honorary director of the Museum of Castello Ursino in Catania, who resides in Siracusa.

The Region

Regarding the actual exercise of guardianship over the archaeological, artistic and historical patrimony of the island, the dictatum of the Sicilian Statute has, since 1947, remained a dead letter. The region, to which the Statute entrusts the exclusive legislative and administrative power in the field of Fine Arts, is still awaiting the enabling regulations³ which should establish the modalities of the transfer of powers from the State. At the beginning of 1973 a draft law was prepared by the Ministry of Education, Department of Antiquity and Fine Arts, and submitted to the regional bodies. However, these provisions tend to reaffirm the principle of functional dependency (thus treating Sicily as an ordinary region and not a region with a special statute) and limit the region's jurisdiction merely to the organization and administration of the museums and libraries of provinces and municipalities. This, after all, would only mean a probable bureaucratic swelling-up and an inevitable persistence of the status quo. There have been several protests against these draft provisions, including an appeal from the Sicilian Section of Italia Nostra, inviting the Regional Assembly to reject a scheme which would undermine the very basis of the principle of regional autonomy. I do not know whether these protests have had any echo in the orientation of the joint (state/region) commission established

³ These were approved only recently.

to study the modalities of the transfer of powers, nor do I know whether the draft provisions prepared by the Ministry of Education have since been amended, but I was told in the agonizing offices of the region that the enabling regulations are now ready and will soon be submitted to the regional assembly.

The opinions of the State

Sovrintendenza alle Antichità

A talk with Professor B. in the offices of the Sovrintendenza

"Professore, the choral cry of the officials of the Fine Arts is 'there is no personnel, we are doing our best, but we can't cope'. Is the lack of personnel really the main reason for the dysfunctioning of the Fine Arts Administration? What is the situation in Sicily?"

"In effect, the scarcity and inadequacy of personnel is one of the main problems. The Sicilian situation is even more desperate than that of other regions of Italy. From Rome we receive the more or less explicit invitation to absenteeism. You see, the entire Fine Arts policy is a failure. They keep setting up parliamentary commissions to study the problem, but the outcome is practically zero. The only result of the Franceschini Commission and the two Papaldo Commissions set up to restructure the staff of the Sovrintendenze, has been the law of the super-bureaucrats. Today I earn 260,000 lire per month, if I retired I would earn 450,000 lire. I continue to work for personal interest, but I could just as well do nothing. With the super-decree 25 superintendents have chosen to retire, others have been transferred. After ten years in Palermo and a lifetime in Sicily, I too will probably be transferred; my place will be taken by somebody coming from Milan. I am Sicilian, if they transfer me, I shall retire."

" *Professore*, what is the actual function exercised by the regional bodies in the field of the Fine Arts ? ".

" None. There is an absurd rivalry between the state and the region. At present the intervention of the region is limited to the concession of funds upon request of the state bodies, but the region has no control over the use of these funds. We cannot even allow an inspection by a regional representative of those archaeological areas where excavations are financed by regional funds ".

" Do you think that there is any ground for ' regional hopes ' now that the enabling regulations seem to be ready ? ".

" Rationally, the transfer of powers from the state to the region in the field of Fine Arts is absurd, as it has also been in other sectors of the Administration. The ' regionalization ' of Sicily has only resulted in the recrudescence of certain typical insular phenomena — mafia, clientelism, rivalry between political classes, absenteeism. Nonetheless, I justify my limited regional hopes with the awareness that, at this stage, we have nothing more to lose ".

Arrangements for the trip to Selinunte are made and a few background publications provided.

Selinunte - an experiment of conversion as advertised by the author

" Immediately after my appointment as Sovrintendente of the Antiquities of Western Sicily in March 1963, I devoted my efforts to the solution of the problem of the illegal excavations, which was particularly serious in Selinunte where, for a considerable period of time, the huge and almost endless necropoleis had attracted the attention of many illegal excavators, who were able to work undisturbed and to sell their findings all over the world. This presented a great problem, which was up to the Department of Antiquity to solve — thus to me, in my capacity as Head of the Department.

" I moved to Selinunte where I remained for some time making lengthy and careful inspections. Regrettably I had to acknowledge the damage done by the illegal excavators to our historical and artistic heritage ⁴.

" I concentrated my attention on the general environmental situation. The illegal excavators fled every time they met me, whereas I wanted to make their acquaintance. Eventually, on a radiant May morning in 1963, I was able to meet these people. It was 7.0 a.m. and I had been walking for over two hours. The *clandestini* had commenced work even earlier, there were 17 of them. I was escorted by my assistant and a guardian. We took the group by surprise. We sat down together and had a long and frank conversation.

" They were excavating the tombs in order to earn their daily bread, they told me. From this and succeeding meetings I realized that the problem was mainly a social, human one. These men lived in Marinella di Selinunte, a small village just below the archaeological area. They had families to support and their only means of making a living was by searching among the Greek tombs. They were actually fishermen but could earn very little from that source, mainly because of the lack of a small bay or a little harbour. From the human point of view we must try to remember that the residents of Marinella consider themselves as the legitimate heirs to the ancient inhabitants of Selinunte; they consider that these tombs contain the bodies of their ancestors and they are therefore entitled to the contents.

" Of course they were aware of the existence of certain laws, but we all know how little thought is given to the law by certain social groups. Taking all these factors into consideration I came to the decision that the only way to deal with the problem was to take the work of these

⁴ From a rough calculation I may say that as many as 80,000 to 100,000 tombs have been destroyed.

clandestini under our supervision. In other words, it would be our job to excavate the necropoleis employing those people who were actually already working on it; we thought that the employment of other workers would have been both dangerous and unfair. We had to start working immediately, but we lacked funds. The existing regulations, which are, in my opinion, absolutely inadequate anyway, were an almost insurmountable obstacle for the realization of my plan. We had to submit an accurate and detailed estimate and once approved we had to work within it on contract. Nonsense! Worse still, we were not allowed to accept any extra financial assistance. It became extremely urgent to break this vicious circle and to start working so as to put a stop to the plundering by the illegal excavators; otherwise we might as well give up and admit failure. I suggested to the Ministry of Education to entrust the excavations to the Mormino Foundation of the Banco di Sicilia and obtained their agreement. It was then decided that the excavations should be carried out under the direction of the Department of Antiquity, a quarter of the findings would be the property of the bank, and no material could, under any circumstances, be sold or given away. Further, it was the responsibility of the Banco to preserve and exhibit the findings in their own building, and to ensure that the exhibition was open to the public.

"The excavations started in May 1963 and ended in 1967 after four years of uninterrupted work; perhaps no excavation had ever lasted so long. The results were quite satisfactory with regard to the quality and the quantity of the findings, and also from a strictly historical point of view. A new necropolis was discovered and those already opened were more carefully searched so as to have a better knowledge of the whole area. The operation was satisfactory for everybody; the Ministry of Education rendered its official appreciation and the Banco di Sicilia had been given the opportunity to participate in something culturally and socially

important; the Department of Antiquity, but above all the workers, the former illegal excavators from Marinella, could finally do openly what they had been doing secretly for such a long time: that is, bringing to light the remains of their ancestors. They also learned that although authority involved taxes and sometimes even trouble, it could also provide work and daily bread.

"In order to reaffirm this principle, which in my opinion should be the guiding principle in our rôle of civil servants (particularly in Sicily), I tried to speed up as much as possible the administrative operations required to pay to the owners of the land on which the excavations had taken place the indemnity and premium established by the law. As a result, the landowners are now co-operating with us in the fight against illegal excavations. It would be untrue to say that the problem is definitely and completely solved; at times, some *clandestini* from Castelvetro or other villages are caught in the necropoleis, but these are just sporadic cases of very little relevance; actually the problem is certainly approaching a definite solution".

[Excerpt from: The Banco di Sicilia's Contribution to Sicilian Archaeology and "Gli Scavi Clandestini" in *Ulisse: L'Avvenire dell'Archeologia*, April 1966].

The Selinunte Experience in Retrospect

Driving to Selinunte, I ask the Professor how, in the prevailing climate of mutual mistrust, absenteeism and blind bureaucratic legitimism he was able to put into effect the "revolutionary" experiment of Selinunte and whether such an experiment was actually as easy, smooth, rosy and well-accepted as it appeared from the two publications he had given me to read the day before. He smiles and tells me stories of borbonic resistance, threats and boycotts. From the Selinunte days, his career stopped, his promotion was withheld.

In spite of these difficulties Professor B. has succeeded in making Selinunte an archaeological and environmental site of rare beauty; by expropriating 224 hectares of privately-owned land and by requisitioning a stretch of beach around the temple area, he has created the first archaeological park of the island, covering a total of 270 hectares.

"*Professore*, how could you do all this with all the obstacles you found within the Fine Arts Administration?"

"Because I am Sicilian and I know my people. I enjoy personal support and I have no interest in the state career. I love Selinunte and I am determined to preserve it from ministerial idiocy. There remains a lot to do there: the old town has not as yet been excavated, but I will start this work in October; it will take years to do, but I want to complete it before I retire".

While he talks his enthusiasm is visible, and the pride of the scholar is easily detected. Nonetheless, I sympathize with this man who is not hampered by bureaucratic rigidity.

Now, away from the Sovraintendenza offices, there is an opportunity for free informal talk and a few risky questions can be ventured.

"*Professore*, apart from the Selinunte case, illegal excavations are popular throughout the island to such an extent that I wonder whether, instead of shedding tears of false national pride whenever a Greek terracotta is known to have crossed the Swiss border, one should not seriously think of a programme of economic diversification for the people engaged in this so-called 'illegal' activity".

"It is clear that you do not know Sicily, the words 'planification' or 'infrastructure' have no meaning here: in certain parts of the island the state presence is manifested only in the street signs".

"*Professore*, how many rooms has the National Museum of Palermo?"

"Who knows, there are more than a hundred keys, so I suppose there should be approximately 100 rooms".

"How is the cataloguing proceeding?"

"We have started it, but it will take a long time to complete".

"Is there any possibility of identifying the objects kept in the deposits of the museum?"

"No, the deposits are packed with unopened cases of archaeological finds".

"Therefore, in case of theft, it would be very difficult to recover the stolen articles".

"Practically impossible".

"While I was waiting for you this morning, I visited part of the museum. I was struck by the incredible number of terracotta heads (almost completely identical) coming from the Selinunte necropoleis, carefully locked in at least 20 show-cases. I noticed that my layman's interest decreased with the increasing number of these precious show-cases. I wonder what is, for the average public, the educational and cultural value of that endless series of terracotta heads?"

"You mean the finds from Selinunte? They still have to be organized. You see, I consider archaeology as a means of knowing mankind. By studying the way of life and culture of our predecessors, we can understand the development of man and the reason for certain current attitudes, *modus vivendi* and cultural expressions. Therefore, every detail is important for an archaeologist: even the number of terracottas we find in a tomb has a relevant documentary interest".

"*Professore*, with regard to archaeology I must confess my condition of neophyte, but you touched a point involving the very concept of science and culture in general. I agree that knowledge of the past is important and that the main

duty of the scholar and the archaeologist is to try to render or maintain the cultural unity of a place or a civilization, but I think that once the votive terracottas have been removed from the tomb they have lost their original function and the cultural unity has been profaned. I am certainly going too far, but in my opinion the profanation starts the very moment a tomb is excavated".

"I have reflected at length on this point; the only justification for the scholar is the necessity to understand, and in order to understand we must know and study".

"*Professore*, do you not think that the historical and documentary value of certain standard archaeological finds could be maintained through a system of identification and indexing which should also take into account the quantitative aspects and that, after this operation has taken place, part of these objects could be put on the market? After all, culture means also divulgation and availability".

"Liberalize the market, you mean? Oh well, much has been said about that. But who would make the decision as to which objects should be sold? Very few people can resist corruption".

It is evident that the idea of a free market does not appeal to Professor B.; he is too intimately Sicilian to admit that a Greek lekythos could be sold to the Town Hall of Attica with the nihil obstat of the law. He knows that clandestine pillaging will inevitably go on and that the state guardianship over the archaeological patrimony of Sicily is only a joke, but he still continues to work on his own — a Sicilian Don Quixote who follows backwards the path of a population to whom very little hope remains.

Sovrintendenza alle Gallerie

At the Sovrintendenza alle Gallerie of Palermo the visitor, by praxis, is kept waiting. The Superintendent is

deeply absorbed in bureaucratic and political duties. The task of entertaining the UN (*l'ONU*) is assigned to a young assistant, Dr. C.

A talk with Dr. C., assistant to the Superintendent

"*Dottor C.*, could you tell me something about the guardianship of the artistic patrimony in Sicily?"

"What can I tell you? The Superintendent will tell you what there is to be said. I can only talk to you on a personal basis".

"Please do, I am only searching for opinions, which, hopefully, should be as personal as possible".

"You see, the Sicilian problem does not differ much from that which affects the entire artistic patrimony of the nation: lack of personnel, stifling bureaucracy, indifference of the public. Though in Sicily the situation is aggravated by the fact that its extremely rich artistic and cultural patrimony is more dispersed. I am referring to the many works of art and crafts which constitute the living testimony of the history of the island. These works are kept mainly in numerous churches, often in quite remote villages, in convents and villas. It is therefore difficult, almost impossible, to exercise an effective control or prevention of theft".

"In the safeguarding of the works of art kept in churches do you find co-operation on the part of the clergy?"

"In general, the priests are indifferent, careless, and sometimes even compliant".

"What is your opinion regarding the transfer of powers from the state to the region?"

"I wouldn't know, perhaps things will improve. I know that about a year ago, a consultative committee comprising notables from the central administration, experts

and regional representatives, was set up to study the Sicilian situation, but so far the committee has never met".

"You talked about public indifference, what do you think is the underlying reason for this?"

"Who knows, the Sicilian public is amorphous, they probably have other problems to think about. Our museums are unknown and unvisited. There is a very resistant screen between the public and the works of art".

"Dottor C., I agree with you that the Sicilian public has more urgent problems to face, but don't you think that the fact that the museums are empty may also depend on the structure and conception of our present-day museums and on their inability to perform a social function? What means could be taken to break this screen existing between the public and the works of art?"

It is necessary to reassure Dr. C. that he can talk as a "*libero cittadino e non un pubblico funzionario*" (as a free citizen and not a civil servant) before he gives free expression to his dreams of open museums, itinerant exhibitions and Caravaggi in the shop windows.

Access to the Superintendent's office is allowed after an hour, under the escort of Dr. C.

A talk with Professor D., Superintendent: a pseudo-sociological diagnosis

Professor D.: "*Cara signorina*, the problem is easy to analyse — a) given the socio-economic situation in Sicily, the problem of the defence of the artistic patrimony becomes, necessarily, a minor one. Our public is ignorant. When a population is pressed with primary needs, it cannot afford to devote much interest to secondary needs; b) the same applies to law enforcement personnel: in Sicily police and carabinieri are engaged in the defence of the individual; they cannot look after stolen paintings or confessionals; c)

we at the Sovrintendenze are doing our best, but we lack personnel and co-operation on the part of the public, the clergy and the central administration".

"Professor D., how is the cataloguing proceeding?"

"We have started".

"Do you think that the transfer of the legislative powers to the region in the field of the Fine Arts will improve the situation?"

"I doubt it. So far the bureaucratic organization of the region reflects that of the country. What are you trying to achieve with this research?"

"Only a clear analysis of the problem, with the least possible conceptual rigidity. After the analysis, it might even be possible to view eventual solutions or venture some alternatives".

"What type of solutions or alternatives? Nothing can be done. If you mean liberalization of the market or inter-museum exchange, these will never be possible in this country. I assure you I would be in favour, but such action would never be feasible. In addition, illicit traffic of art works in Sicily is in the hands of the mafia. This is self-explanatory".

[The mafia is a recurrent theme of the Sicilian talks, to such an extent that one wonders if, apart from its actual reality as a pressure group, the mafia is not an over-diffused *forma mentis* or an over-used pretext for absenteeism or resignation].

The Opinions of the Region

For the officials of the region, opinion appears to be a major offence. Physically, the regional bodies in charge of the Fine Arts sector are represented by two frightened middle-aged ladies, whose unison is "We don't know, we are not authorized to speak, for God's sake don't mention any names".

From two laborious and trembling colloquia with two persons, one in charge of the Fine Arts division of the regional council, and the other in charge of the same sector of the regional cabinet, the following information can be extracted:

a) The regional funds allocated each year to the Fine Arts vary according to budgetary priorities. For the current budgetary year the funds amount to 600 million lire.

b) These funds often remain unused because of i) the fact that the region cannot take any initiative and must wait for an explicit request from the state offices (i.e. the Sovraintendenze), and ii) the underlying rivalry existing between the state and the regional bodies, which seems to have become more acute with the possible transfer of full powers to the region.

c) When requested, these funds are used almost exclusively to finance new excavations; very little is done for the protection or restoration of the artistic patrimony.

d) The region should have exclusive competence in the field of land use control and the safeguard of the archaeological and monumental sites. *De facto*, this competence is never exercised without the approval of the central administration.

AGRIGENTO

The Law

Subject to this law are the objects, movable or immovable, which have artistic, historical, archaeological or ethnographic interest, including:

a) *objects relating to paleontology, prehistorical and primitive civilizations* (Art. 1, paras. 1 and 2, Law 1089, 1 July 1939).

The Minister of Education has the faculty to undertake archaeological excavations, or, in general, works for the find-

ing of the objects mentioned under Art. 1 in whatsoever part of the national territory (Art. 43, para. 1, Law 1089, 1 July 1939).

The finds belong to the State (Art. 44, Law 1089, 1 July 1939).

Whoever wants to undertake, on his own land, archaeological excavations or, in general, works for the finding of the objects mentioned under Art. 1, is obliged to obtain the authorization of the Ministry of Education.

The finds belong to the State (Art. 47, paras. 1 and 3, Law 1089, 1 July 1939).

Occasional or fortuitous finds belong to the State (Art. 49, para. 1, Law 1089, 1 July 1939).

Whoever appropriates archaeological or artistic objects found fortuitously or in the course of excavations or works in general, is punished according to Art. 624 of the Penal Code (Art. 67, para. 1, Law 1089, June 1939).

The State

The care and safeguard of the immense archaeological patrimony of the area falling within the provinces of Agrigento, Caltanissetta and Enna, depends upon the zeal and ability of Professor E., Sovraintendente alle Antichità. In his scientific work he is aided by two fellow archaeologists (who obviously are not part of the staff) and a "dottoressa" who mainly performs "representative" duties. The jurisdiction of the Agrigento Superintendency extends also to Gela and Sciacca, two of the main centres of illicit traffic of archaeological objects.

The opinions of the State

A talk with Dr. F., a young archaeologist from Trieste

Dr. F.: "While you wait for the superintendent — you know Professor E. is very busy with bureaucratic and political duties — if you wish, I can give some information".

"That is perfectly alright with me. Dr. F., I would like to know from you what are the main organizational problems the Sovrintendenza of Agrigento has to face in an area where the problem of clandestine excavations is so acute — this, apart from the scarcity of personnel and the slowness of the cataloguing process which, I understand, can be considered endemic".

"Well, what should I say? We are doing our best but we are very few in number, the cataloguing process is very slow, particularly now that the format of the cards has been changed".

"What do you mean?"

"We have received the order from Rome to use a new type of card; this has of course slowed down the cataloguing. Actually, at the moment no indexing is being done, since even the cards prepared under the previous system have to be redone in accordance with the new criteria".

"What data should appear on the card?"

"Description of the object, age (approximate) and an aesthetic analysis".

"For every single pot?"

"Yes".

"Who does the indexing?"

"Usually students, people outside the administration".

"How much do you pay per card?"

"500 lire".

"Going back to clandestine excavations, which in this area are an evident reality, what means are employed by this Superintendency to cope with the problem? What do you think of the attempt made by Professor B. at Selinunte?"

"Oh well, Selinunte is just a limited case, over-advertised. And then, we could not possibly deal with the *clandestini*, "ci mancherebbe altro!" ("It is inconceivable")".

"Do you think that the liberalization of the market of archaeological finds could reduce the phenomenon of illicit excavations and smuggling?"

"I could not say. You know, I am an archaeologist".

A talk with Professor E.

"Professor E., do you consider it culturally relevant and socially useful to keep in a museum — often locked in the deposits — hundreds of archaeological finds of the same artistic and historical value?"

"Of course, every single object is of great value to the scholar".

"What is, in your opinion, the social function of a museum?"

"A museum should be the testimony of a civilization. We, in this field, have made great progress. The Gela Museum and the National Museum of Agrigento may serve as models. There is a "first-choice" museum open to the public, a "second-choice" museum for the scholar".

"And the deposits?"

"The deposits are for the expert. We are even planning an "open" museum in Caltanissetta".

"Professor E., the problem of the *clandestini* is particularly serious in the area under the control of your superintendency. What remedies have you adopted so far, what solutions do you suggest?"

"We are fighting the *clandestini*. We have discovered that the only way to stop their pillaging is to make the presence of the state felt on the archaeological sites".

"In what way?"

"By fencing the areas where excavations are in process".

"And have you succeeded?"

"So far, yes".

After this strong profession of faith in the strategy of the barbed wire, the interview with Professor E. comes to an end.

A written opinion: a flash-back into the Kingdom of the Two Sicilies

After the meeting with the superintendent, in the corridors of the Sovraintendenza, Dr. F., legitimist archaeologist, hands me — naturally "*a titolo personale*" (on a personal basis) — a note suggesting solutions. It reads:

1) Liberalization of the market through the sale of duplicates;

2) Wider powers to the Sovraintendenze in the eventual purchase of archaeological finds coming from illicit excavations;

3) Wider powers to the Sovraintendenze in the payment of premiums to occasional finders (landowners) or premiums for the identification of undiscovered archaeological areas (to the *clandestini*).

CATANIA

The Law

The Republic promotes cultural development and technical research (Art. 9 of the Constitution, para. 1)

Castello Ursino: a museum like a prison

The Ursino Castle was built at the request of Frederick II of Swabia by Riccardo da Lentini, military architect, between 1239 and 1250. It is a gloomy building, a fortress, with walls two metres thick and four forbidding cylindrical towers at the corners. The castle is the seat of the Civic Museum, the only archaeology-art-curio store of the city (roughly 400,000 inhabitants). The treasures

kept in the Ursino Castle come mainly from the collection of Prince Biscari and other private collections.

The social function of the Ursino Museum

To a policeman: "Could you please tell me the way to the Civic Museum?"

"What? Do we have a museum in Catania?"

To two passers-by: "Where is the museum?"

"What museum?"

To a taxi-driver: "To the museum, please."

"Where is it?"

"I believe it is in the Ursino Castle."

"Ah, you mean the Castle: be careful around there, it is full of burglars."

In the entrance hall of the castle, a guardian requests the sporadic visitor to sign a book.

"Why?"

"For statistical purposes."

"What type of statistics?"

"To know the number of persons who visit the museum every day."

"And what is this number?"

"We don't know, the day is not over yet."

"I mean on an average."

"Perhaps 100, 150."

"Where do they come from?"

"They are mostly *forestieri* (foreigners)."

The cultural and aesthetic function of the Ursino Museum

It would be a euphemism to define as anthological the criterion according to which the objects (more than 8,000) kept in the castle are displayed, or, rather, assembled. Actually, the museum is very much like a de-luxe marché aux puces — anything can be found there. There are Roman capitals, statues, lamps and epigraphs, Greek

and Hellenistic pottery, bas-reliefs, paintings and sculptures of various epochs, a collection of shoes, church vestments, furnishings — all placed at random. What should be a picture-gallery is actually a squalid deposit, with a number of paintings thrown on the floor waiting for a hypothetical restoration.

The educational function and the "pull" exercised by the Ursino Museum

The museum consists of 28 rooms on three floors; only some of those on the ground floor are currently open to the public⁵. A visit is not allowed without the escort of the "museum guide". In reality, the guide is one of the three guardians of the museum, whose only worry is to see that the visitor does not walk out with a Greek vase or a painting that could never be either identified or traced. A visit cannot last more than 20-30 minutes, because of the scarcity of staff. The guide/guardian is also a typist and, occasionally, a cleaner.

Thus, the unfortunate visitor has to digest, in the shortest possible time, quite a relevant number of objects under the suspicious and annoyed eyes of the factotum guide.

The exercise of guardianship over the museum collection

Manning Table of the Ursino Castle:

- 1 Honorary Director (absent)
- 1 "employee" in charge
- 4 men in charge of major cleaning tasks
- 3 cleaners (for daily cleaning)
- 1 head guardian
- 2 ordinary guardians (ex-school porters)
- Total: 12 Average daily attendance: 5.

⁵ I was exceptionally allowed to visit the entire museum.

In addition, there are three night guards (ex-municipal cleaners) who work in turns. They sleep in the basement, carefully sheltered by the thick walls of this grim castle.

The above information was provided by the eager "employee" in charge, *Signor G.*

"*Signor G.*, has the cataloguing been started in this museum?"

"Yes, we have made some photographs".

"Is there an inventory?"

"Well, of course we have an inventory".

"Is it kept up to date?"

"Well, the inventory is quite complete and up to date. Naturally there might be something missing".

An example of accuracy

Room XXII: Hung on the left wall (coming from the entrance door) an oil on wood which, even for the most inexperienced and shortsighted eye, represents a blessing Christ or a detail of the Last Supper. Approximate dimensions: cm. 70 x 35. Approximate epoch: late 1500. At the bottom left angle, a tag with a number, 6493.

"Is this the inventory number?"

"Yes".

"Could I see how this oil is described in the inventory?"

"6493: Wood of the Florentine School, XV century. Representing Michael the Archangel. Dimensions: mt. 4.10 x 2.61".

**DIVERSIONS: MARINELLA DI SELINUNTE — CENTURIPPE
— BARRAFRANCA: THE ESCALATION OF AN OUTLAW
CAREER**

Marinella di Selinunte

A background

Marinella is a small borough of roughly 450 souls, falling under the administrative jurisdiction of Castelvetro, in the province of Trapani. Fishing is the only economic resource of the inhabitants of the village, but the lack of a harbour makes this activity precarious and barely remunerative. There is an elementary school and a junior high school (*scuola media*), both built only recently. The dome of a church of recent construction, in its architectonic monstrosity, impends over this lilliput village.

At Marinella, people do not have to wander in the party confusion of the rest of the country; the political alignments are only two.

The emerging constant in the life of the people of Marinella is the struggle to make ends meet.

An evening with the ex-clandestini of Marinella - an experiment of quasi-conversion

At the excavation guest house of Selinunte, the *convertiti* arrive after dinner. There are seven of them, includ-

ing the two who work permanently for the Sovraintendenza, one as a custodian of the antiquarium and the other, H., in charge of the maintenance and running of the guest house. There is a certain air of suspicion and expectation: clearly enough the *convertiti* have been briefed and reassured. The word "sociologist" has no meaning for them; while the journalist connotation inspires at the same time diffidence and false hopes. The seven await the arrival of "I." who — as it obviously transpires from a strictly Sicilian multiple conversation between the *professore* and his *picciotti* — is the leader of the group, a leadership which appears to have been granted more on the grounds of friendliness, tolerance and irony, than of the actual exercise or imposition of authority. One of the *clandestini* offers to go and coax I. to come; "I'll bring him here, *professore*".

They both return after a while.

I. is a strong, squat man in his late forties, with an arrogant air, slightly brash.

"I didn't know, *professo'*, no-one told me. In any case, I have nothing to say. I will shake hands with the *signorina*, but I won't tell her my name".

"I don't need to know it, I am not a *sbirro* (cop)".

"What are you, a journalist?"

"No, I am doing a research".

"Ah! Then you are a student".

"More or less, listen, I need to ask a few questions. If you don't want to speak, it doesn't matter. I'll ask some of your companions. Which of you wants to tell me something about the times of the clandestine excavations, before you started your work for the Sovraintendenza?"

"Look, if there is anyone who can tell you something, that's me. You don't need to ask anybody else".

"All right, I. Then tell me when you started as a *clandestino*".

"Well, at the beginning we did no digging. It was easy to find stuff on the land, especially after it had been ploughed".

"What kind of stuff?"

"All kinds: pots, plates, rings, vases".

"And what did you do with the stuff?"

"We gave it to tourists".

"Free?"

"Yes, free".

"Did you know what type of stuff it was?"

"We only knew that it was old".

"This was when?"

"More or less around 1948".

"And when did you stop giving these things to the tourists?"

"Around 1954-55. Then we started digging up the necropoleis".

"Why?"

"Because more people were asking for those pots and the Sovraintendenza had started chasing after us".

"In what way?"

"Well, they were doing some excavations here and the *Dottoressa* J. and that other chap, K., came here from time to time and told us that if they found another one of those pots in our hands they would report us to the carabinieri".

"Why, when you found a new necropolis and dug a tomb, didn't you warn the Sovraintendenza? What did the Sovraintendenza mean to you?"

"Beh, per me era una azienda a tipo agricolo che non capiva niente (I thought it was a sort of farm co-operative who didn't understand a thing)".

"Why do you say they didn't understand a thing?"

"Because at the beginning we used to bring them the stuff we found — pots, vases, beautiful craters — and instead

of taking them, they threatened us with the carabinieri. Fancy, I offer you some beautiful stuff, and you send me to jail ”.

“ I., how does one find and open a tomb ? ”

“ It's easy, with an iron bar. You sound the ground first and then you start digging ”.

“ But how did you know where to start sounding the ground with the iron bar ? Did you know beforehand that you might find a tomb ? ”

“ Ah, we knew, there were so many ”.

“ How long did you have to work before you could open a tomb ? ”

“ Well, it depends. Sometimes we dug for two hours, sometimes for a couple of days. You know it really depends on the type of the tomb. Here at Selinunte the tombs were often built in layers, one on top of the other. In this case, the work was long, but we found a lot of stuff ”.

“ When you opened a tomb, did you take the entire funerary equipment ? ”

“ In the earlier times we took everything. Later, we only took the black stuff, the coloured stuff. The rest we left there, or we broke it with the shovel ”.

“ Why ? ”

“ Because the white stuff wouldn't go as well. Also, often we had to hurry, so we would only take the more valuable stuff ”.

“ And how did you know it was more valuable ? ”

“ Ah, we could see, we had gained a lot of experience ”.

“ Did you sell the finds from here, or did you go elsewhere ? ”

“ No, we wouldn't move, people came here and bought what they wanted ”.

“ What type of people ? ”

“ All kinds of people, people from everywhere: Palermo, Catania, Switzerland ”.

“ Who would fix the price ? ”

“ We took what they gave us. Sometimes we raised the price and they would pay. Often, foreigners would make us a blind offer: 500,000 lire for each set of funerary equipment before the tomb was opened ”.

“ Did you think that those prices were fair ? ”

“ In those days we thought it was a lot. Today it would be different. I remember once I sold a marvellous white lekythos — white as snow — with red figures and polychromies, so beautiful that it seemed alive. They told me it was a fake and offered me 42,000 lire and two false coins. I accepted. I heard afterwards that the lekythos had been sold in Switzerland for 8,000,000. If I had it in my hands today, I would ask at least 40,000,000 ”.

At this point, each of the “ seven ” wants to tell his story of the golden times, each claiming authorship of unbelievable fantastic discoveries. They talk about craters, jewels, precious materials: all of exquisite, rare workmanship. B. listens, trying to moderate exaggerations. In the air there is a good deal of pride and a little nostalgia. It is a tale of lost dreams, which goes on for quite a while.

“ I., have you ever had trouble with the judiciary ? ”

“ Twenty-three charges, but I was never arrested ”.

“ How many were the *clandestini* in those times ? ”

“ Many. We worked in groups and we shared the finds. At times, it happened that somebody would work alone. The digging went on any time, even in the daylight. Sometimes, if a tomb was very deep, we would interrupt the work and mark our area ”.

“ Mark ? How ? ”

“ We would put a piece of wood on the tomb we had started to dig so that the other *clandestini* would know and leave us enough space ”.

“ Did you ever have fights over this ? ”

“ Almost never. Occasionally there would be a “ dishonest ” *clandestino* who would attempt to remove the piece

of wood and encroach on somebody else's territory. But the others would react against him and everything would go back to normal."

"Were you ever caught by the carabinieri during the digging?"

"Often, but most of the times they would give us time to run away and would take the stuff."

"I., did you know in those days that there was a law prohibiting unauthorized excavations?"

"*Noi queste novità le abbiamo sapute da poco* (we have learned these novelties only recently). The Sovraintendenza would do nothing, so we found the tombs and dug them up."

"How come that you accepted to meet with the *professore* if you thought that the people at the Sovraintendenza didn't understand a thing and were taking work from you?"

"What do you mean?"

"I am just asking why, since you didn't trust the people at the Sovraintendenza, in particular the *dottoressa*, you trusted Professor B. who was her successor?"

"Because when we met him first he was accompanied by a *"persona di nostra fiducia"* (a person in whom we had confidence)⁶."

"And was it difficult to have an explanation and come to an agreement with Professor B.?"

"No, it was easy: he offered us work and we accepted."

"Did you like your work with the Sovraintendenza?"

"We liked it because it was secure."

"How much did you get?"

"We were paid as ordinary workmen, and the province of Trapani has the lowest wages. Still, we knew we could count on it and could work without fear."

"The works at the Sovraintendenza ended in 1967. What have you been doing for a living since?"

⁶ This person was a guardian of the Sovraintendenza, known to have collaborated with the *clandestini*.

"I am a fisherman and I have a little plot of land."

"And the others?"

L.: "I go fishing, when I can't go out with the boat I sell fakes."

M., N., O.: "We all do more or less the same work: fishing, we work the land here and there, sell fakes to tourists."

"What fakes?"

"The fakes we buy from the factory in Grottaglie."

"You sell them as fakes or as authentic?"

"We try to sell them as authentic: we buy them, put them under the earth for a while, dig them up and sell them: sometimes we fool a tourist and make a bargain."

"And where do you sell these fakes?"

"Along the temple roads; we sit at the sides and pretend we are removing the earth from the pots."

"I., do you think that the law is right?"

"No, I think that if others can't find the necropoleis and don't work, I am entitled to do so; if the Sovraintendenza gives me the authorization I will dig up the necropoleis and bring all the stuff to them. But they give us no authorization, and when we occasionally find something and hand it over to them, we have to wait ages before the premium is paid."

"I., do you think that there are still many unexcavated tombs around here?"

"Yes, many, both here and around Castelvetro; if no-one digs them up, soon the caterpillar will pass over the land and they will all be destroyed."

B. rebuts: "I., you are a good man but you tell a lot of fibs. Almost nothing is left around here. Where are these famous necropoleis?"

"You give me four of your workmen tomorrow morning and I promise you we will find the tombs. So, we will also take the *signorina* and she will learn how to dig up a tomb."

"I., *non dire fesserie* (don't talk nonsense)".

There is now a brief, vivid polemic between the *professore* and his *picciotti*, who lament the unfairness of the law, the difficulty in getting an authorization, the delay in the payment of the premium. The two opposite poles are: "If we don't dig the necropoleis, the caterpillar will destroy everything", and "There is very little left to excavate and the Sovraintendenza will do it; *magari*, you'll help us with the work".

I., honest *clandestino*, concludes the discussion:

"Say as you like, *professore*, 'ma io se sono scarse e trovo una tomba me la scavo' (but if I am broke and I find a tomb, I will dig it up)".

It is past midnight when the *clandestini* start going back to their concrete houses in Marinella; just before they leave, two of them say:

"*Signorina*, if you go to Rome and are a journalist, write in the papers that we have no harbour".

A visit to Timpone Nero: the clandestini at work, in retrospect

The following morning Professor B. drives me to I.'s little house: it is vintage time and the entire family is working at it. I. sees us from the distance and stops his work: we had agreed the night before that we would go to visit the areas where the *clandestini* worked prior to the Selinunte experience. We drive for a while on a narrow, curving, dusty road: at the sides cacti of barbary figs and agaves. Then the road opens onto an undulating plateau covered with the typical island vegetation: fig trees, olives, vines. At the centre of this plateau a hill, called Timpone Nero, which for more than 15 years had been the exclusive territory of the *clandestini* of Marinella. We look at the ground: an endless series of little hollows is the testimony of the existence of a rather dense necropolis. The tombs, once excavated, have been partially refilled either by wind or

subsequent vegetation. Here and there some bigger tombs (*tombe a camera*), their empty interiors still visible. The tombs have different shapes and different depths, denoting that the necropolis might have been used in successive phases and under different civilizations. I. tells that even at Timpone Nero there were tombs placed on five or six layers.

"I., how many tombs have been excavated in this area?"

"Thousands, perhaps 80,000 or 100,000".

"All by the *clandestini*?"

"Yes, all by us".

"And during what years were the excavations more intense?"

"*Dopo P.*" (after P.).

"And who on earth was P.?"

B.: "P. was an extra assistant called in by the previous Superintendent to put a definite end to clandestine excavations; this man had a strong belief in repression and wanted to report them all to the carabinieri".

"And what happened after he came to Selinunte, I.?"

"Nothing, one day we were working here, there were 70 of us and it was very hot. P. had come with two *sbirri*: we told the *sbirri* to let us finish our work and, if they wanted to arrest us, they could come to our houses afterwards".

"I., have the prices remained constant during the 15 years you worked as *clandestino*, or did they change?"

"The prices started to go up between 1959 and 1960. Perhaps because valuable stuff could not be found so easily as before, or perhaps because more people had come to know about the Selinunte excavations".

While he talks, I.'s large plump hands pick up fragments of pottery with unbelievable delicacy. He blows the soil from them and gives them to me while he explains:

"This is a fragment of black askos, this might have been the bottom of a white lekythos, with inscriptions, this was a figured Attic crater of the V century B.C.; you can even see here the beginning of a figure amid the vine leaves on the outside rim. It must have been beautiful".

B. interrupts the kind and proud eloquence of I.: "I., have you ever been to school?"

"Well, I went to evening classes".

"What evening classes?"

"I., please tell me about the most beautiful things you found in this area".

"Oh, *signorina*, we found so many things, jewels, lekythoi, askoi. Here for instance, right in this tomb I found a marvellous figured crater. It was a real beauty".

"More beautiful than the one I have in the museum?"

"Much more beautiful, *professo*'".

Now I. sounds a little happier.

* * *

Back in the excavation guest house, H. is waiting to give us lunch. The meeting of the previous night has reassured him and his shyness and diffidence have given way to an unexpected and shrewd sense of humour: he tells funny stories of the pre-conversion times when "*u parrino*" (the parish priest) would buy from the *clandestini* and sell in Palermo, when I.'s picture appeared in the newspaper and he would not leave the house for two days, and the jokes they had made at his expense the days prior to my arrival.

Before I leave, H. complains that my visit has been too short. "I'll come back, H."

"Who believes you. If you come you must stay at least for a week, you're too skinny. And then, one day we may go around here for a walk and "*magari scaviamo una tomba!*" (and we might even open up a tomb)".

Centuripe⁷: illicit archaeological traffic at the entrepreneurial level

A background

Centuripe is a small hilly town shaped like a star. Facing its five points, other hills and slopes, some topped with agglomerate villages, others with ruins and walls of antique Roman or Greek towns.

Centuripe has 8,178 inhabitants. Its working population is engaged in the sulphur or salt mines or in the building industry. About one thousand commuters move daily to the Catania Plain for orange harvesting.

Locally, agricultural land is rather fertile, yielding fair quantities of cereals, vegetables, grapes and almonds. However, the Centuripini do not think much of agricultural work, as is true of all Sicilians. There is a much more remunerative and attractive crop in the area: archaeological finds. It is estimated that approximately 80 per cent of the active population of the town is involved in illicit archaeological excavations or trade, exercised either as a primary or a secondary activity.

The economic homogeneity of this population is somehow reflected in their political orientation: the centre-left has a considerable majority of seats in the town council.

The welcome of the town

A. wants me to see the *clandestini* at work. In a place called Contrada San Cono excavations should currently be going on. It is 3 p.m. A. asks a resident how to drive there.

"What do you want to go there for? If you want to see *le cose antiche* (the antiquities) we have far better places: the antiquarium, the Roman ruins in town. There is

⁷ The visit to Centuripe and Barrafranca and the contacts made there were possible only thanks to the kind escort of A., Sicilian student.

a lot of confusion at San Cono, people are doing many 'lavorazioni' (read excavations) ".

However, reluctantly, the man gives us some indications. Whether they are wrong, or whether A. is not at ease with the driving, we cannot find Contrada San Cono, even after circling around for some time. I can sense A.'s nervousness: obviously he wants to prove his competence to me.

" You see, I haven't visited this area since I gave up the job, about five years ago. I used to know all these places. But now I feel an outsider. Of course, when I was in the trade I mainly operated from Barrafranca or Enna. Let's try again ".

A workman is asked to tell us the way to San Cono: he stares at us with diffidence (the Hertz car has a Rome plate) and points indifferently in the opposite direction, another point of the star. We find ourselves back on the state road, on the route to Enna.

" I will take you to San Cono or any other place where the *clandestini* are at work: it's a point of honour ".

Two peasants are working in a field, at the side of the road. A. stops the car: he is determined to extract some information from them, this time using a strict Sicilian (Ennese) dialect.

" Do you know if there are any excavations going on around here ? ".

" Here excavations are going on all the time ".

" Where ? ".

" Everywhere ".

" Even at this time of the day ? ".

" Any time ".

" Would it be possible to buy something ? ".

" I wouldn't know, I am not a native, but if you go back to town, you might find something. Go and ask for the son of Muni in the piazza ".

We decide to give up the idea of San Cono and head back to town; this might be the chance to experiment the purchase of an archaeological find. We are both thrilled.

Back in town, A. stops the car in the piazza.

" You better wait here, I'll see if I can find this chap, the son of Muni ".

He comes back after quite a while.

" Well, I went to see the town-clerk. He says it will be difficult to buy. People are afraid these days. Somehow the market is stagnating: they are watching the moves of the Sovraintendenza. The *clandestini* keep their stocks in the deposits or else sell directly within Common Market countries ".

" Why did you ask all this of the town-clerk ? ".

" He is in the trade, like everybody else. But he doesn't want to meet you. I asked him, but he is afraid. Let's hope we meet Don Q. or one of the Q. brothers, but it's unlikely, I know they stay in Catania most of the time. I have known Don Q. since the old days, when I worked for Uncle R., they are mates ".

We go for a little walk. Perhaps it will be possible to visit the antiquarium, with the famous Centuripe pottery. No, the antiquarium is closed, the custodian's working hours are adjusted to suit his side activity: clandestine digging.

" Come, I'll show you the Roman ruins ", proposes A.

Oppressed among squalid concrete houses, the remains of a Roman mausoleum, covered with weeds, nettles and excrements. An iron wire and a rusty gate (state guardianship) make them look both derided and remote.

We go back to the car, the air is hot and heavy. Suddenly, A.'s face lights up:

" Here's Don Q., you are really lucky ! ".

A meeting with Don Q., "king" of the clandestini of Centuripe

Don Q. is a self-made man. He started his career about 20 years ago, digging up the tombs of the numerous necropoleis around Centuripe. He was the first to explore the "undergrounds" of Palazzolo Acreide, Camarina and Montagna di Caltagirone. He used to sell his finds directly, first in Gela and Catania, and later on all around Sicily, driving his car, in constant fear of being caught by the police. He was reported several times, but never arrested. The widening of the illicit market to other parts of the island and the gradual impoverishment of the areas in the immediate vicinity of Centuripe, made it necessary for the local *clandestini* to organize themselves in groups and start exploring other necropoleis, near Assoro, Nicosia, Paternò and Scordia. Don Q. became their leader. Today, Don Q. is no longer a workman of clandestine excavations, but rather an entrepreneur. He keeps the work of all the *clandestini* under control, buys from them the finds he chooses, relying on the fact that the best and more easily marketable materials will always be reserved for him. Don Q. lives between Catania and Centuripe, making several trips to Rome, Milan, Palermo and Zürich. He can count on an average annual income of 40,000,000 lire.

A. and Don Q. exchange effusions in the typical Sicilian deferential way. For a while they talk about the old days, mentioning the names of mutual friends, nightly adventures and sensational archaeological coups: the famous Centuripe vases, so different from the traditional Greek pottery, all found by Don Q., in the nearby necropoleis. Then comes the criticism of the current times: the insecurity of the market, the "deviancy" of some *clandestini*, the troubles with the Sovraintendenza.

"What brought you here? They say you are now trying to become a journalist. It's good you gave up: times have changed".

A. explains the reason for his visit, he tells Don Q. that I am doing a research on illicit archaeological traffic for "l'ONU" and would like to ask him a few questions.

"What can I tell you, *signorina*? I have been in the trade for more than 20 years, but things have now changed and I am getting tired".

"Is it more difficult to find archaeological materials nowadays?"

"No, not at all: here excavations could go on for at least another 200 years. That is not the point. But people don't work with the same enthusiasm, the Sovraintendenza has started creating some trouble, and, for the moment, the market is still. We sell abroad, but often we prefer to keep our stocks".

"I hear that prices of Sicilian or Greek pottery are higher on the local market than in Rome or Milan. How come?"

"Well, it is mainly a question of competition. In Rome, you have the *tombaroli*, and then there is an increasing number of *clandestini* who try to avoid the usual traffic network and sell directly. They bring their stuff to Rome or Milan, and sell it for practically nothing, thus spoiling the market. This doesn't apply to Centuripe yet, but it could eventually. I told you: times have changed".

"Do they make any fakes in Centuripe?"

"Yes, but all the fakes made here are first quality. They are all made by the custodian of the cemetery. Believe me, he is a remarkable artisan. Often, he paints figures on white authentic pottery. He does it so well that even an expert like me couldn't tell for sure they are fakes".

Don Q. then tells the story of two of these fakes which are kept as authentic in the local antiquarium and continues

for a while the eulogy of what appears to be the inevitable complementary industry of the local economy.

A. asks Don Q. whether it would be possible to buy something. "A small thing, just as a souvenir".

Don Q. is hesitant, all his *picciotti* are probably at work at this time of the day, and they keep their stocks hidden in abandoned huts or stables.

But he will try.

"Let's see if we can find a *ricordino* (souvenir) for the *signorina*. No question about buying. Come, let's go to my office".

Don Q.'s headquarters are a four-windowed butcher shop, its interior spotlessly clean. A few shiny aluminium hooks hang empty from the ceiling, while a solitary piece of whitish veal stands out on an immaculate glass bench. Don Q. heads towards the telephone.

"Is it possible that the line is tapped?"

"*Bob, even so, 'io sempre di vitelli parlo!'* (I always talk about veal)".

A hurried telephone conversation starts, in strict Sicilian. I can only detect the words "white", "black", and "*subito*". The conversation comes to a sort of abrupt end, obviously Don Q. has not succeeded.

"You see, things have changed. He told me he has no stuff in hand. I bet he doesn't want to go and fetch it. Let's try someone else".

He makes two more calls, then a young man, who is obviously a *clandestino*, enters the butchery. Don Q. asks him to bring some stuff to show me. The young man is annoyed, he complains that the place where he keeps the stuff is too far away, and that it is really not worth his while to go there just for a "white" pot. Don Q. insists, adding "Go quickly, and the stuff '*ha da essere nera*' (must be black)".

The *clandestino* leaves the shop to fulfil the boss' orders, mumbling away his discontent.

Waiting for his return, Don Q. continues his soliloquy about the change of times and the lack of co-operation and respect.

"Let's hope he comes back soon. You see, for them it is really not worth while selling one or two pieces at a time".

While talking, he draws out of his pocket three or four minuscule parcels, wrapped in newspaper.

"Here, I only have these coins with me. They brought them to me yesterday. Take one: they are lovely, authentic Centuripe coins of the V century B.C."

There is no way out, and I take the *ricordino* from Don Q. One or two customers enter the shop. An old man asks for "four white pieces". Don Q. promises him they will be delivered to his house that night. Finally, the *clandestino* comes back handing two black cups to Don Q., with bad grace.

"I had to move four cases to find them".

"It doesn't matter, show them to the *signorina* and let her choose; for the payment, I'll talk to you later".

With this, the dissident *clandestino* is liquidated. I have been forced to make my choice.

"Believe me, *signorina*, I am really tired. There are so many problems. We can't find labourers. This is also true for agricultural work: it is vintage time and tomorrow I should work on my property but it is difficult to find help".

"Do you also own land?"

"Oh yes, I am a farmer".

"And what do you grow on your property?"

"Mostly grapes and olives. I have just bought a new plot. There should be a Roman necropolis underneath. We'll see when we start ploughing it".

We spend another ten minutes in the butchery, exchanging addresses and promises of future contacts. Then A. and myself decide to leave. Don Q. is busy, he has to find workmen for the next morning: it is vintage time and in Sicily grapes are still squashed with bare feet.

Barrafranca: An example of Bourgeois Legitimation

A Background

At Barrafranca the organization of clandestine excavations has reached associative forms, almost at the syndical level: up to some years ago, a co-operative of *clandestini* was, in fact, operating there under the aegis of a progressive party. Today, approximately 60 per cent of the local population is engaged in illicit traffic of archaeological material.

This huge hilltop village has very remote origins, probably dating back to the neolithic and bronze eras. During the Sicilian (Siculo) period the town was called Galata Interna. After the Greek colonization, it became a Roman praedium, known as Calloniana. Numerous necropoleis and the remains of Greek and Roman walls are the sole testimony of the aristocratic lineage of what is today only a fertile though badly administered agricultural centre.

Barrafranca has 14,543 inhabitants. The resident population, however, is a little below 9,000, due to the heavy emigration of workers to Germany and Belgium. Agriculture is the main economic activity of the town: grapes, olives, almonds, citrus fruits and pistachios are grown. Although the land is naturally rich in water, the lack of a dam on the Olivo river makes field irrigation and soil cultivation rather difficult. Some calcareous stone quarries provide employment for a small part of the local manpower.

The political climate of the village is traditionally rather hot: in August 1971, in protest against the lack of the Olivo dam, the local workers organized a replica of the French May riots, with barricades, fires in the *piazza* and siege of the town hall. To date, despite the allocation of funds from the local administration, the Olivo dam has not been built. Soil aridity is still a major problem for the local peasants: in the ample plain stretching between Barrafranca, Assoro, Leonforte and Mazzarino, grapes and olives grow painfully on a soil rich with antique graves. Montagna di Marzo, the epicentrum of this plain, has been for fifteen years the exclusive domain of clandestine pillaging.

A meeting with Dr. R., respectable professional

Dr. R. — general practitioner of Barrafranca, bibliophile, Sicilologist, amateur archaeologist and inexhaustible compiler of erudite historico-artistic monographs, punctually published in academic circles — welcomes us with insular courtesy and paternalism. He was a great friend of A.'s father, at the time when they both entrusted their Sicilian pride to the then prevailing ideology, and has known A. since his early childhood, obviously ignoring that my companion was for some time in the local clandestine archaeological traffic and is now writing "subversive" articles for "infamous leftist rags". The formal and flattering reason for being entertained by Dr. R. in his well-to-do house on the *corso* is to get copies of his publications; in reality, I want to see his collection of Sicilian, Greek and Roman vases, which A. has described to me as both large and valuable.

"Dr. R., you have an exceptional knowledge of the archaeological territory surrounding Barrafranca, as shown by your minutious and punctual reports. What is in the opinion of a scholar and an expert like yourself the actual damage caused by illicit excavations to the archaeological heritage of the area?"

"It is a havoc! They have pillaged entire necropoleis, destroying archaeological finds of invaluable interest. They should all be arrested".

"All? How many are there?"

"Many, but luckily their number has decreased recently: now they go to work in Germany. Sooner or later they will come back, build their own houses, and in all probability start digging up again. Everyone wants a house these days, and after the house, the car".

Here Dr. R. gives vent to his indignant and nostalgic social resentment: he talks about emigration as the only drastic, though temporary, means of curtailing the insular delinquency, laments the loss of the old servile links (once "*i servi*" loved their "*padroni*"), the damage caused to the island economy by land reform (once any peasant could be sure of finding food and wine in one of our "*feudi*"), invokes absolute rigorism against those who damage a historical and artistic heritage reserved exclusively to the scholarly élite.

"Dr. R., I take it that the main purpose of the reports you wrote was to bring to the knowledge of the academic community new archaeological discoveries made in the Bar-rafranca area. The finds mentioned in your papers were the result of state or authorized excavations, or were they discovered fortuitously?"

"I am a historiographer and a scholar. In any case, I wrote those reports several years ago: my archaeological enthusiasm relates to the past. I have lost all interest now".

"Why, Dr. R.?"

"Because I am demoralized, all around here is destruction. Those criminals have pillaged thousands of tombs. But they are afraid of me, if I catch one of them I go straight to the carabinieri".

"Dottore, may I see your collection? A. has told me it is beautiful".

"Well, beautiful, è *una cosa da poco* (it is a very small thing), and, then, as I told you, it is an old love of mine. Now I don't buy the stuff any more. But come, I will show you what I have".

Dr. R.'s residence is the typical expression of how social prestige, dignity, comfort, family and rank values, the worship of the antique and the acceptance of the new are perceived by the small professional provincial aristocracy. The parameters are: white lace curtains at the windows, a formica kitchen, spacious rooms with brocade suites, some teak shelves and vinylplastic armchairs with stiff and gruff brass legs, white marble coffee tables, the parents' parlour ("just as it was in the times of my father") with Sèvres china and Capodimonte. And then, naturally, the "antique pieces": a few good Sicilian paintings on glass, a couple of Madonne of late XVI century school, and the collection of pottery. All this, in the huge house of Dr. R., is epitomized by an absurd bathroom cabinet: pink polystyrene with black decorations of Greek and Sicilian pottery.

The room where Dr. R.'s collection is kept is rather small, exclusively furnished with two anonymous glass cases containing the "vases". In reality, even though Dr. R.'s pottery is displayed without any particular aesthetic criterion and in a very limited space, the collection comprises some very beautiful items: above all, an Attic crater of the V century stands out. A. praises the beauty of the figures and estimates its value at approximately 10,000,000. There are also several amphoras, hydrias, lekythoi, quite a number of votive terracottas and several Greek and Roman lamps: all have been wax-polished and restored.

"Dr. R., you have a very good collection, how long did it take you to assemble it?"

"About ten years".

"How could you assemble so many objects?"

"Everything is regular, I bought them".

"Bought them? Where?"

" Oh well, some in Rome from auction sales, and some here ".

" From whom did you buy here ? "

" In those days *they* used to bring the stuff to me ".

" They ? Who ? "

" *Me la portavano* (they brought it to me). But as I said I have given up collecting this stuff now ". [These two categorical statements thicken the nebulosity of the " they " used by the *Dottore*: devoted vassals ? devoted diggers ? "*persone di fiducia* ? " withholders, more or less legitimized.] " In any case, '*E' tutto in regola*' (everything is according to the rules), the Sovrintendenza knows ".

On top of the left glass case, a small Roman bronze, the only specimen in the collection. A. enquires about its provenance.

" Oh, that one. They brought it to me a few days ago, but I am afraid it is a fake ".

We leave the pottery room and head back to the " guest parlour ".

" *Dottore*, I would like to go and see Montagna di Marzo ".

" What do you want to go there for ? It is desolating: I meant to come with you and show you around, but if you go to Montagna di Marzo I won't come. I haven't been there for years: it makes me sick ".

" Why ? Is it that squalid ? "

" Absolutely ".

" I would like to go there all the same ".

Dr. R.'s obligation of hospitality gives in to my stubborn obstinacy and with paternalistic tolerance he accepts to drive with us to Montagna di Marzo.

Ramorsura: the vacuity of right-thinking indignation

Towards Montagna di Marzo: more narrow winding roads, more dust, vines and barbary figs. Dr. R. is indeed a

perfect guide: his knowledge of the area is so thorough, attentive and affective that it is hard to separate it from a precise idea of possession. He indicates to me old Norman water-mills still in use, antique post-houses where Frederick II used to stop during the hunting, remains of fortresses, old farm-houses. There is beauty, sadness and abandonment all around. The trip to Montagna di Marzo is longer than expected and the driving difficult: some of the paths beaten years before by the *clandestini* have been cancelled by new cultivations, others, nearby, prove to be misleading: the undulate shape of Montagna di Marzo is vaguely distinguishable in the background. While we travel, the *Dottore* recriminates on the change of times and values, dreams of a mass head-shaving for all the delinquent and sluggard youth who have lost " the sense of national ideals ". It is a rather pathetic and ridiculous bill of indictment for which no particular debate is necessary. The only sad and shocking note is the servile and unctuous reverence with which A., young Sicilian activist, listens to the digressions of the Doctor, encouraging his anachronistic eloquence with participant and almost enthusiastic assent. Later on, during the drive back to Catania, I ask A. the reasons for such a chameleonic behaviour: " My dear, if you want to obtain something in Sicily, you have to ingratiate yourself with a '*padrino*', personal political tendencies have little importance ".

Our search for Montagna di Marzo continues while, as its shape becomes clearer to the eye, the cemeterial image evoked by the Doctor's description tends to fade: in the background, only patches of green and of bare soil.

Suddenly, A. stops the car: excavated in the rock skirting the pathway, a deep hole. We leave the car and go near the hollow: it is a chamber tomb of considerable dimensions, obviously recently opened. A. shows me its interior: " There must be more around here, I didn't know there was a necropolis at Ramorsura. Did you, Dr. R ? "

"No, these criminals arrived first once again. Let's have a look around".

We climb the rocky edge leading to a wide arid stretch of land, disseminated with countless cavities at different depths. Internally, the soil is still humid, at the sides of the pits and on the surrounding ground, a multitude of fragments which the Doctor meticulously classifies as Siculi, Greek and Roman, a sign of the multiple use of this newly pillaged necropolis. In one of the cavities, a white lekithos apparently intact: I pick it up and it breaks in my hands. This lunar setting extends up to a fence delimiting an area of reafforestation belonging to the local administration. More hollows can be seen inside the fenced area, yet the environmental desolation is somewhat soothed by the green of the young trees. The State cherished by Dr. E., Head of the Agrigento Superintendency, is present 500 metres ahead: a small archaic temple with a circular altar has been brought to light and diligently fenced with barbed wire.

There is no point in proceeding to Montagna di Marzo: those patches of bare, levelled soil, denounce the recent passage of a scraper. An economic cycle has been concluded.

THE PUBLIC

Opinions and Concerns

To A., Sicilian student: "A., did you ever feel any sense of guilt, or at least awareness of doing something illicit during the period you worked as an intermediary in the archaeological trade?"

"Guilt? You're joking, I sold the stuff only to make some money. If I hadn't done it, somebody else would. It was just like any other trade: I sold the stuff, and got a percentage. No dirty game. Of course, I knew about the law and the risk component, but to speak about a sense of guilt in this island of speculators is absurd: I sold stuff the island is chock-full of, while priests and cardinals sell entire churches and monuments".

* * *

A.'s resentful opinion is somehow endorsed by S., *journalist:*

"Guilt? Nonsense. We must stop this crockery myth. There are thousands of crocks: in the museums, underground, in the houses of all the "parvenus" of Palermo and Catania. Many have no artistic value, are completely meaningless. Just as though, in a hundred years, one should start worshipping a telephone or a typewriter".

* * *

To I., converted clandestino: "I., when you were a *clandestino*, did you know that all archaeological stuff belonged to the state?"

" *Ma lo stato chi è ? Lo stato siamo tutti* (What is the state ? The state is all of us). If I find something first, it's mine ".

* * *

To a peasant on the road circling Centuripe: " What do people find during the excavations ? "

" *Boh, cicchere, giarrette, fesserie accusi* (cups, jars, scraps like these), but they are old ".

* * *

To Don Q., boss of the clandestini of Centuripe: " Don Q., have the Sovrintendenza started any excavations in this area recently ? "

" It's a scandal, those two young protégés of Professor E., the young archaeologist from Trieste, Dr. F., and that other chap, come here once in a while, without warning, excavate three or four tombs, pick up the best and more valuable stuff, and hand the rubbish over to the Sovrintendenza. One should send a report to the judiciary. I don't know how, though. Perhaps I could do it anonymously ".

* * *

To Dr. R., collector of Barrafranca: " How could one solve the problem of clandestine pillaging ? "

" Jail, that's what is needed. Jail for all these idle rascals ".

" But if also the professionals, like the lawyer of Piazza Armerina whom A. mentioned before, or sometimes the carabinieri and the priests are in the trade... ? "

" *Ci vuole la galera, la galera per tutti* (jail, jail for everybody). It's the fault of the government and of all these damn radicals ".

Tolerance

The antiquarium of Centuripe occupies the front wing of the Town Hall, a flat quadrangular building. In the courtyard, five or six children are playing football. A. asks whether they know if the antiquarium can be visited. No answer, only the sly dazzle of coal-black eyes and another kick at the ball.

" Ehi, kids, I am talking to you. Where is the custodian ? "

" The custodian is not here ".

" And where is he ? "

" Who knows ? And who are you anyway ? Are you a soldier ? "

(A. is stupidly wearing an American marine-type tee-shirt).

" *Ragazzi* ' you are too curious. Just tell me where the custodian is ? "

" We don't know. Ask the carabinieri ".

" How would the carabinieri know ? "

" They know ".

Back to the football game, with annoyed and ostentatious indifference, perhaps already anticipating the joy of a good laugh between pals.

We head towards a little green door on the right side of the courtyard, where the local section of the carabinieri is located.

A. rings the bell, a carabiniere without his uniform jacket opens the door.

" Can I help you ? "

" We are looking for the custodian of the antiquarium ".

" Oh, that one. He's not there, he might be in the piazza or somewhere around ".

" Doesn't he keep any timetable ? "

" Well, the antiquarium should be open only until 2.00 p.m., but that man comes whenever he pleases ".

"Is the custodian still T., well-known clandestine excavator?"

The carabinieri smiles, a resigned look in his eyes:

"Yes, he is still T., well-known clandestine excavator".

We leave the courtyard of the Town Hall of Centuripe, accompanied by the soft giggling of the children.

Compliance

A talk with Major U. at the General Carabinieri Headquarters of Catania

"Major U., I was told that Catania is one of the main centres of illicit archaeological and artistic traffic of the island, is this true?"

"Who told you? In Catania we don't have a great artistic patrimony. Once in a while, a theft of a painting is reported. Here, they steal mainly from country churches".

"I was told that Catania is the main receiving market of archaeological and art works stolen in Sicily; in other words, that the town serves as a clearing centre for the entire insular territory. I was even given the names of famous receivers and intermediaries known throughout the country".

"I couldn't say. Did you speak to Colonel V. in Rome?"

"Yes, I did".

"Oh well, then he must have given you the information you want. I can only tell you about the most recent art thefts we had to deal with as an example of the type of inquiry our squad happens to make in this particular field".

"What type of thefts?"

"As I told you before, thieves here steal mostly from churches, country churches or abandoned ones. For instance, about a year ago, from the parish church of Aci Catena, a village in the province of Catania, a XV century Madonna

was stolen. The theft was regularly reported. We started our inquiries. We knew that the canvas must have been in the hands of the local receivers. So we contacted their boss. He came here, we told him we were interested in recovering that canvas. One of his circle was at that time here under provisional arrest, I don't remember for what charge. We promised the receiver we would release the chap in exchange for the canvas. The man was reluctant, he didn't want to run any risk. We ourselves suggested to him a safe way to get out of the scrape: to wrap the canvas in plastic foil, leave it somewhere in the open country, and let us know the exact location by telephone. This is how we recovered the Aci Catena Madonna. Another time...".

"Then it is true that there are receivers in Catania?"

"On well, *signorina*, receivers are everywhere, it's a very common trade. Come, let's have a coffee at the bar".

While at the bar, Major U., Neapolitan expatriate, wonders why on earth I am so interested in receivers.

"I am doing a research. Do you think it would be possible to talk to them?"

"Leave it, *signorina*. They are hard people, real professionals. They have confidence in us because we know them. Some are habitual police spies and know that we are ready to repay their confidence with small favours, as, for instance, the transformation of provisional arrest into release on bail. Honestly, for us, *signorina*, *queste sono fesserie* (these are very unimportant things)".

International Mockery

At Marinella di Selinunte, minuscule seaside village of 400 souls, there is an antique shop: on sale, authentic Sicilian and Greek pottery regularly imported from Switzerland.

CONTINUED

1 OF 3

Gleanings

Palermo: On the day of my arrival in Sicily, right in the centre of the city a new necropolis was discovered during some building work. The work was momentarily interrupted.

* * *

Marinella di Selinunte: The conductor of a tourist bus offers to give me a lift from Selinunte to Agrigento: my travel companions will be a group of French, Canadians, Americans and Germans. Slightly after the temple area, on the state road, the bus stops at a level crossing. M., one of the *converàti*, has followed the bus on his motorcycle. He knocks at the bus windows, advertising his fakes. A few windows are opened.

"*Paisà, quanto vuoi?* (How much is it, mate?) " asks a middle-aged gent with a pronounced Siculo-American accent.

"*Cinquemila* (5,000) " replies M.

"On well, you buy them cheaper in Maple Street " — a laugh in the bus, the goal of mass tourism — "*Ti do cinquecento* (I'll give you five hundred) ".

M. puts his dusty pottery away in silence, heading back to Marinella.

I am glad he did not see me in the bus.

* * *

Agrigento: The Villa Athena Hotel is a XIX century patrician villa, lying in the idle and pirandellian beauty of Agrigento, in front of the Temple Valley. At the breakfast table, an American tourist complains about the service: apparently there has been some confusion between tomato 'juice' and tomato 'sauce', and the lady was confronted with a glassful of thick '*sugo*'. Her escort, a young man in his early thirties, tries to console her, venturing a political diagnosis and solution: "What this island needs is a good colonial management: it would develop the entire place".

* * *

Centuripe: About three years ago the local administration allocated funds for the construction of a museum to replace the crumbling antiquarium. The building of the museum (an anonymous stuccoed edifice with iron gratings at the windows) was never completed: today, the basement is used as a sheep-pen.

* * *

Enna: Also Enna, beautiful and antique provincial town of roughly 30,000 inhabitants, has no museum. Paintings and archaeological finds are crammed in a wing of the Cathedral, referred to as the Diocesan Museum and which is not open to the public.

* * *

Piazza Armerina: The town of Piazza Armerina is a splendid sequence of Sicilian baroque buildings and churches. Of many of these buildings only the facade remains, humiliated by hurried pastel plasterings.

* * *

Barrafranca: At Barrafranca, a priest, aided by a squad of workmen, took the roof off a XVII century church: his intent was to have the church classified as a ruin, so that the land could be sold to the local branch of the National Bank of Labour. The local administration blocked the sale. Today, the church and its frescoes are covered with weeds.

* * *

Pietraperzia: About a year ago the Carabinieri of Catania, during a kidnapping investigation, happened to find a religious painting. Asking here and there in the country churches of the province, they discovered that the canvas belonged to the Church of St. Mary Major in Pietraperzia; the theft had not been reported simply because the priest had not noticed it. Today, the wing of the church containing the canvas is closed.

REPORT OF A FIELD VISIT TO EMILIA-ROMAGNA

INTRODUCTORY REMARKS

This second area study represents an evasion from the abused, sterile diatribe on the inadequacy of the law, the faults of the Fine Arts Administration; the "obscure" rôle of thieves and receivers, the presumed or real existence of national and international "gangs". It is true: our archaeological and artistic heritage has for years been the object of almost continuous and systematic pillaging; thefts, illegal exportations and sales are so frequent in our country that their reflection in the press does not generate in the daily reader more attention than the advertisement column — with the occasional exception of the shedding of rhetorical tears when the theft relates to one of the "world-famous masterpieces", which are often recovered after two or three weeks of occult negotiations. However, I would hesitate to launch into a campaign against public indifference and the loss of cultural values: non-participation on the part of the average person is determined mostly by habit, repetition and resignation. This attitude recurs also with regard to other problems: speculation in the building trade, lack of housing and hospitalization facilities, deficiencies in school and social services. Where the depauperation and dispersion of the artistic heritage are concerned, public indifference is aggravated by the fact that the average person still has a confused and somehow detached idea of the reality and place of the "cultural heritage" — no doubt due to a school system that still has its stubborn roots in the classical concept of "culture" as study and knowledge reserved to the élite social strata. The detachment

of the masses from a heritage of natural public "belonging" automatically determines a delegation of responsibility: the defence and protection of the cultural heritage becomes a prerogative of the leading class, or of those social strata who actually enjoy its fruition. The inertia of the central authorities and the inadequacy of the mechanisms predisposed by the state to protect the artistic, archaeological and cultural heritage is, however, perceived by the population at large, while the over-advertised "international plots and receiving networks" are accepted as an alibi only by the most naive or disenchanted reader. People have understood that the problem is an internal and central one; the non-participation or apparent indifference is primarily a question of priority in the scale of cultural and social needs, and also one of mistrust in the power and effectiveness of the current system. This means that public opinion in Italy is neither unaware nor too immature to accept and participate in a socially relevant "cultural" dialogue, but rather that it is only influenced by fifty years of inept cultural policy. That there is a possibility of revival for the "cultural" conscience of the country is evidenced by the fact that the first signs of a prise de conscience on the part of the public and the first constructive remedial initiatives with regard to the deterioration of the artistic patrimony coincided with the "antique boom", and the consequent systematic pillaging of the ecclesiastic patrimony and the innumerable objects of "minor art" which form an integral part of the cultural heritage. Truly enough, these initiatives and opinion movements were at the time sporadic and mostly attributable to dissident groups of the academic intelligentsia and the disillusioned bureaucracy. Nonetheless, the various debates, proposals of legislative reform, seminars and, more so, the initiatives taken since by some regional, provincial and municipal administrations, have proved that a trend toward promotion and sensitization is developing.

The approval of the Regional Statutes in 1970 and the transfer of the administrative powers to the regions with regard to schools, local museums and libraries (Presidential Decree No. 8 of 15-1-1972) mark a first step, however hesitant, towards decentralization. The effectiveness of a decentralized system of protection and defence of the national cultural heritage will obviously depend on the maturity and awareness of the political leading classes in the regions, whose effort will have to be mainly directed at reviving and promoting the sense of cultural "belonging" among the local population. Some of the regional units have proved to have this capacity. Professor Ranuccio Bianchi Bandinelli⁸ shares the view expressed by Anthony Sampson in his book "The New Europeans" regarding what the Anglo-Saxon writer calls "the substantial hostility that Italians seem to profess against the artistic and natural beauties of their own country". This is, to me, a rather superficial and incomplete diagnosis. Obviously, Mr. Sampson's pessimism is dictated by his extraneousness to the Italian socio-political context: there is actually a "substantial hostility against the artistic and natural beauties of Italy", but the inefficiency of the central powers over the last fifty years to remedy the critical situation of the Fine Arts shows that this substantial hostility comes from the top, while the success of some local initiatives demonstrates that the "hostility" can be removed once the concept of defence and safeguard is linked and integrated with that of awareness and fruition.

⁸ Ranuccio Bianchi Bandinelli, "L'Italia Artistica e Storica allo Sbaglio", De Donato, Bari, 1974, p. 118.

WHY EMILIA-ROMAGNA

Possibilities for a responsible " cultural " defence

The incentive for embarking onto a second regional " cultural effort " came from an invitation to participate in a debate held in Bologna on 12 October 1973 on the draft regional law for the establishment of the Institute for the Artistic, Cultural and Natural Heritage of the Emilia-Romagna Region (Regional Bulletin No. 72 of 31 July 1973)⁹. The invitation to attend the October meeting had come from the Bologna Fine Arts Superintendency.

The aims and scope of the Regional Institute will be explained in the following pages. It should be noted however that the draft law presented by the Emilia-Romagna Region immediately followed an innovative and farsighted proposal formulated in Tuscany. The specific choice of Emilia-Romagna was mainly motivated by some characteristics peculiar to that region and which might favour the development of a coherent and intelligent cultural policy.

Emilia-Romagna is fundamentally a compact and unitarian region, in spite of the presence of several different " cultural " areas and of border zones which present clear inter-regional influxes.

The total population of the region amounts to approximately 4,000,000. The rate of demographic increase is however lower than the national average¹⁰. This depends

⁹ Converted into Regional Law No. 46 of 28-8-1974.

¹⁰ 4.8% in comparison to the national rate of 6.7% calculated for the period 1961-1971.

both on the low birth-rate and on the slight immigratory movements. Although the region has not been immune to the general phenomenon of rapid urbanization of the last fifty years, the "rush towards the city" has been less massive and disordered than in other parts of the country. Apart from some mountain areas of the Tusco-Emilian Appennines which have suffered from a progressive depopulation and the abandonment of small, antique rural settlements, there are still large agricultural communities in the plains area; these communities retain their cultural and social unity, while the urban centres have maintained their original functional and human dimensions.

The Emilian Road, which crosses almost the entire territory of the region, attracted the first human settlements in 187 B.C. The first urban and commercial nuclei were formed along the sides of this road. Today, the urbanistic design of the region is still centred around this ancient and important communication and exchange axis. The relatively short distance between main urban centres and the existence of many small well-integrated agricultural and commercial towns make Emilia-Romagna "a region of prompt and easy initiatives, of recurrent and constant contacts, of aggregated urban associations"¹¹. The phenomenon of unplanned and chaotic inurbation resulting in the formation of anomic megalopoleis has been avoided: the inevitable pull exercised by the cultural and political capital of the region, Bologna, has been curbed by an urbanistic plan which limits the demographic capacity of the city to 700,000 units.

Although the region has reached a high degree of industrialization, agriculture still remains one of the bases of its economy, employing about 20 per cent of the active population. Undoubtedly a "conservative" activity like agriculture favours a constant close link between the indiv-

¹¹ Andrea Emiliani, *La Conservazione come Pubblico Servizio*, Soprintendenza alle Gallerie di Bologna, 1971.

idual and his community. The economic and cultural homogeneity of the rural groups, together with the existence of several self-sufficient main agricultural communities, may account for the maintenance and defence of certain traditional cultural traits and values typical of those groups and communities, thus creating the ground for a locally-based action of cultural defence.

Finally, Emilia-Romagna has a long history of associatism and trade-unionism and its population is inclined to and experienced in communal effort and action.

The political homogeneity of the region (in the past 25 years mainly "left" parties) is also to be considered a factor of aggregation among the local population.

The above description of some of the characteristics of Emilia-Romagna, however brief, appeared to be sufficient to justify our choice. Independently of the future practical realizations of the Regional Institute and the definite orientation of the cultural policy of the regional authorities, the fundamental aggregation, awareness and pragmatism of the local population leave hope for the rescue of the local artistic and cultural heritage, perceived and accepted as a common cultural effort.

The artistic and cultural heritage of the region: risks of dispersion

Emilia-Romagna has a very rich archaeological and artistic heritage, which attests for its original function as a natural area of transit and cultural exchange among the various civilizations that have succeeded each other since the earliest times both in the Southern Mediterranean and on the European Continent.

In addition, the region possesses an extraordinarily dense network of differentiated cultural points and areas with numerous works of art, minor art, and crafts which testify to their social, historical and cultural past.

Having indicated some socio-economic and political characteristics of the region which may provide an effective base for the implementation of a sound and responsible cultural policy, I would like to point to some socio-economic traits which could be taken as factors of dispersion and depauperation of the local artistic patrimony.

Illicit excavations and traffic of archaeological objects are primarily located in the swampy area of the Valli di Comacchio, which is one of the least economically and socially advanced parts of the region.

Thefts, illegal sales and transformations of objects of major and minor art occur primarily with regard to those located in churches. This phenomenon is aggravated by the fact that many churches are dispersed along the Appennine arch and in small mountain communities which have suffered from depopulation and disaggregation.

The rise in the standard of living has contributed to the growth of an affluent urban middle class which increments the minor antique market and reinforces the myth of "antiquities" as a symbol of social prestige and security.

The phenomenon of commutation between main urban centres and minor commercial and agricultural towns tends to weaken the sense of "cultural" belonging among the inhabitants of some of these communities, while the growth of week-end houses and the consequent fluctuating population has caused a gradual process of deculturation in some main touristic centres.

The Institute for the Artistic, Cultural and Natural Heritage of Emilia-Romagna

Premise

I referred earlier to the proposal of law for the establishment of a Regional Institute for the Artistic, Cultural and Natural Heritage and to the public debate which, prior to

its approval, was held in Bologna in October 1973. The proposal has now been converted into law.

The immediate purpose of the Institute is to conduct an intensive capillary census of the artistic, natural and cultural heritage of the region; this is to be realized through the following four phases:

a) general inventory of the artistic, cultural and natural heritage of the region, using modern and innovative techniques;

b) elaboration of the data gathered through the inventory;

c) data computerization;

d) channelling of the information to the various public services and sectors concerned and to the general regional catalogue.

This sketchy outline of the Institute's main function responds to the limits and interests of this study. We have thus refrained from a discussion of specific cataloguing techniques. What should be stressed, however, is the basic ideology which underlies and transcends the expressed functions of the Institute; apart from its practical realizations, this ideology renders its establishment an optimal starting point for the alliance ownership/management.

Scope of Activities

The basic postulate of the Institute is that a global inventory of the regional heritage is a fundamental prerequisite for the reallocation of this patrimony to the community from which it has been alienated by a highly centralized system, by a cultural policy not based on socio-historical requirements but on strictly selective aesthetic criteria, and by the prevalence and inducement of deculturizing trends.

The logic of this assumption can be enucleated in very simple terms: census as a means of identification and recognition brings about knowledge; this in turn constitutes a basis for interest, appropriation, ownership and defence.

Viewing it from the inside, it is not a segmented model but rather a circular one, the various points of which all merge in the management of the cultural heritage by the community to which it naturally belongs. A key objective is the insertion of the census in the overall regional planning, so that each inventorial choice or programme becomes at the same time a social and political option.

Structure of the Institute

A direct consequence of the insertion of the Institute's activities into the overall regional political programme is a replica, at the structural level, of the circular model derived from its ideology. This not only serves to turn decentralization into actual participation but (and in particular) to contain possible dispersive effects of decentralization by a decision-making process which, moving from the base and its actual needs, can insert the latter into a unitarian pattern of co-ordination at the regional level.

In order to ensure that the osmosis among each single local community and the region, and among the various communities themselves, may be a real and continuing process, it is necessary that the structure and organization of the Institute should develop at two levels: at the territorial level, taking into account the historical and socio-economic contents and, at the level of rôles and representativeness, taking into account human and political contents.

These two requirements, *per se* non-conflicting but complementary, appear to be met in the present structure of the Institute.

The deliberating powers rest with an Administrative Board composed of thirty members representing the munic-

ipal, provincial and regional councils. The territorial requirement is met through the membership of delegates from historical centres, provinces, and those inter-municipal or inter-regional areas (*comprensori*) which — for historical, cultural and socio-economic homogeneity — impose themselves as super-administrative units.

The Board avails itself of the guidance and consultantship of a Regional Consultative Council where the membership (approximately seventy) is more complex and intended to represent all those voices which at the political, social, cultural and scientific levels, have a say in the planning of the Institute's activities as a whole. Members of the Council include also delegates from the local commissions which, at the decentralized level, follow the model of the Regional Council both in their composition and their structure.

Having ensured within its ambit a stratified and multidisciplinary representation, the Institute does not close itself into a strictly regional optic, but operates its linkage with the political, administrative and academic structures at national level by opening membership in the Regional Council to representatives of the State Superintendencies, the universities, cultural associations (e.g. Italia Nostra), the Vatican Commission for Sacred Art and, finally, foundations, banking institutions and trade-union federations.

Modus Operandi

The Institute serves as a consultative body to the regional government for all decisions and programmes concerning the regional territory as a whole, thus including the safeguard of the natural environment among its competences. It is financed by the Region with yearly allocations based on an approved working programme.

To the structural decentralization corresponds, at the decision level, a delegation of responsibility.

The work of the Institute is, in fact, accomplished through:

a) programmes which are directly funded by the Region, concerning problems related to inter-municipal or inter-provincial areas or, in any case, problems which, for qualitative and quantitative reasons, could not be tackled and solved with a more restricted optic;

b) particular programmes and research financed by local administrative units (municipalities or provinces) and of specific concern to them. Such programmes must be framed into and co-ordinated with the overall planning of the Institute at the regional level.

Finally, the Institute works in close and continuous collaboration with the National Cataloguing Office.

The inventory as a global promotional effort

The inventorial work which the Institute proposes to undertake, in line with preceding campaigns conducted by the State Superintendency, aims — beyond its immediate recognition purpose — at revitalizing the totality of the cultural heritage with its multiple artistic, social and natural expressions, and at divulging this conception among the communities concerned and the community at large.

The basic tools used in this connection are field work and the organization of seminars, discussions and meetings at local, regional, as well as national and international level.

The field work consists of a systematic inventorial effort conducted by an interdisciplinary team intended not only to bring again to light objects which may be unknown, abandoned, forgotten or simply "conserved", but also to promote the interaction between these objects and the community to which they belong.

The debates and meetings, in turn, constitute a multi-level participation forum for the discussion of problems which the inventorial campaigns may have helped to bring to light.

A Model

The following chapter contains a report of a brief field visit to Emilia-Romagna.

Since the success of any institution can only be measured in terms of its interaction with other systems and existing structures, I have attempted in these pages to perform the rôle of a devil's advocate searching for possible missing links.

A VIEW FROM THE FIELD: THEFTS AND DIVERSIONS

A statistical approach

My reluctance to use official statistics in attempting to describe the complex phenomenon of the progressive dispersion of the Italian artistic and archaeological heritage has been referred to previously.

The limited diagnostic significance of these data is exemplified by the national statistics supplied by the General Headquarters of the Carabinieri (Table I, page 23).

In transferring the general critical considerations made in the first pages of this study from the national to the regional ground, it appears necessary to consider in depth the typical or atypical characteristic of those aspects of the phenomenon which might have a direct influence on the typology and patterns of deviant or quasi-deviant acts; it is therefore necessary to consider specific sectors of the regional cultural heritage which are more likely to be exposed to various types of uncontrollable acts of diversion.

The extraordinarily rich archaeological patrimony of Sicily — partly unknown and abandoned — fully accounts for the diffusion of the phenomenon of illegal excavations, trade and smuggling and at the same time evidences the illusoriness of official reports: the figure of 40 quoted in Table I for thefts committed in Sicily over a period of three and a half years fails to give even an approximate and superficial estimate of a phenomenon which is so deeply rooted

and widespread to have almost become part of the local economy.

Without disregarding the importance of the numerous works of major art which form part of the heritage of Emilia-Romagna, it is necessary to stress that one of the most typical characteristics of the region is the existence of innumerable objects of minor art and crafts which constitute its connective historical and cultural fabric. Such objects are particularly hit by unauthorized sales, transformations and removals from the original location; this has contributed to the global dispersion of the regional heritage as much or more than actual thefts. At the same time, the theft of objects which do not have a primary artistic value and which may not be inventoried or traceable, is rarely reported due both to the negligence of the owner or custodian and to an innate distrust of police or carabinieri action. Even when a theft of art is reported, in fact, police or carabinieri action tends to be ineffective if the value of the stolen object, which is necessarily expressed in economic and monetary terms, falls below a certain level. On the one hand, the prosecution of the crime — which is, in cases of theft of art objects, always linked to the sensationalistic aspect of their recovery rather than to the identification of the criminal — is considered of minor importance with respect to other tasks of law enforcement personnel. On the other hand, the relative facility with which objects of this type can be placed on the market or transformed diminishes the probability of their retrieval. This implies not only an increase in the dark number of thefts, but also the existence of an uncontrollable clandestine art market resulting in the loss of or damage to a considerable and relevant part of the global cultural heritage.

This aspect of the phenomenon is of course applicable to the situation of the cultural heritage of the entire nation, though it assumes a particular relevance in Emilia-Romagna

where thefts only rarely concern major works of art but strike, in particular, objects which, though not of primary artistic value, have a relevant cultural significance. Therefore both the data supplied by the carabinieri and the statistics elaborated by the Bologna Superintendency (Table II, below) fail to give even a quantitative picture of the phenomenon.

TABLE II

THEFTS OF ART WORKS IN THE REGION
OVER THE PERIOD 1970-1973

(Statistics supplied by the Bologna Superintendency)

Province of Bologna	24
Province of Ferrara	5
Province of Forlì	20
Province of Modena	15
Province of Parma	9
Province of Ravenna	5
Province of Reggio-Emilia	8
<hr/>	
Total	86 ¹²

More significant, at least from a qualitative point of view, are the data which have been derived from the analysis of press reports (Table III, p. 118).

¹² The small difference in the total of reported thefts between the carabinieri data (80) and the statistics of the Superintendency is explained by the fact that the latter cover the whole of 1973.

TABLE III
PRESS DATA

(By Province in the Region over the period
January 1970 - January 1973)

*Number of Thefts*¹³

Province of Bologna	12
Province of Forlì	3
Province of Modena	1
Province of Ravenna	1
	—
Total	17

Though incomplete and fragmentary, these data tend in fact to support two basic hypotheses:

1) the small number of reported thefts demonstrates that the percentage of thefts of major works of art is relatively low;

2) the indication of the locality of the theft attests that the ecclesiastic patrimony is particularly exposed to diversion.

A field approach

In this part of the research I have attempted to give a realistic picture rather than to develop a rigorous diagnostic presumption. By its nature this research had to be fragmentary; a comprehensive effort directed mainly towards spec-

¹³ Out of the total 17 thefts reported by the press 12 were committed in churches.

ific aspects which, on the basis of the interactive relationship established between reality and researcher, imposed themselves as salient within a given phenomenon and were perceived as such by the researcher within the framework of his individual, social and cultural position. These are the natural limitations of a research effort which could not be developed within rigidly fixed dogmatic parameters, but aimed instead at understanding certain social facts in the plurality of their human and cultural contents.

Admittedly, one aspect of the overall cultural reality of Emilia-Romagna — i.e., the promotional efforts, both individual and collective, which have been made there for several years to replace the cultural heritage in a wider social dimension — has appeared to me as pre-eminent in the study of the problem of conservation and safeguarding. My interest in this aspect may, consequently, have interfered with my objectivity in describing patterns and dimensions of the phenomenon of art thefts in the region. In fact, thefts and diversions have not been studied *per se*, but rather in terms of the probability and motivations of their occurring within a system which appears to be efficient and socially relevant by comparison with other geographic settings.

I have thus not attempted an analysis of thefts and diversions in Emilia-Romagna based exclusively on press records and expert opinion, though the latter will be reported in a subsequent chapter. I have preferred a more immediate approach and have visited a few localities where thefts were committed in order to sound the opinions of those who could be considered the "victims" of the crime. These inquiries concerned not only opinions regarding the modalities and dynamics of the thefts but also (and in particular) the capacity of the current system of state and regional safeguard to effectively protect the regional cultural heritage, and the rôle and attitudes of the public in this respect.

My field analysis was exclusively directed to the ecclesiastic patrimony since this is the sector of the regional

cultural heritage most exposed to risks of diversion and dispersion.

Due to the limited time at my disposal, only six churches were visited, namely:

- 1) Church of San Giacomo Maggiore, Bologna;
- 2) Parish Church of San Vitale e Agricola, Bologna;
- 3) Parish Church of Vedrana di Budrio (Province of Bologna);
- 4) Parish Church of Cento di Budrio (Province of Bologna);
- 5) Parish Church of Santissima Trinità, Forlì;
- 6) Parish Church of Terra del Sole (Province of Forlì).

I have tried to compensate for the exiguity of the sample by selecting the churches on the basis of different institutional, logistic and administrative situations.

Five of the churches visited are parish churches and their institutional position with regard to the legal aspects of the actual ownership of art works is different from that of ordinary churches.

Three are located in main urban centres, while the other three belong to minor agricultural or commercial centres.

Finally, while the cataloguing of all art works located in churches falling within the Bologna jurisdiction has been completed, in the Province of Forlì the cataloguing is still underway.

Being nonetheless aware that these criteria of differentiation can be simplistic, I have tried to get the maximum — naturally in terms of intuition and effort of comprehension — out of the very few direct interviews which I had with members of the clergy.

In fact, even though a preliminary interview guide had been prepared, this is only partly reflected in the field

colloquia, and then only to the extent that some common questions could facilitate certain comparisons and validate certain hypotheses. In reality, the content of the interviews, which are reported in the following paragraphs, was predominantly determined by the particular situation and response of each interlocutor, and by his capacity or willingness to see the problem from a more or less wide and comprehensive angle.

Church of San Giacomo Maggiore, Bologna

The theft

It was undoubtedly a sensational theft, unusual for Emilia-Romagna which, unlike Veneto, Marche and other regions, is almost immune from the clamorous adventures of certain "masterpieces" which are stolen, transported and hidden with great ease despite their usually considerable dimensions, and often mysteriously recovered after lengthy negotiations. Thefts for ransom are not popular in the region; this is true also for thefts from famous churches in the main urban centres. The theft occurred on 15 May 1971. The echo in the press was immediate, the headlines almost consistent: "150 million-theft at San Giacomo Maggiore", "Precious Polyptych of the XV Century Stolen from a Church in Bologna". In reality, the theft concerned not only four panels of a polyptych by Jacopo di Paolo dated 1420, but also several other paintings, engravings and drawings of the XVI and XVII centuries. Press reports which, with very few exceptions, neglected the "other minor art objects", were obviously centred around the work of Jacopo di Paolo, and the trite dynamics of the theft: by night, unnoticed, reported the following morning by the sacristan (in the vast national narrative of the continuous attacks against the ecclesiastic patrimony, the sacristan often assumes the rather sinister rôle of the undertaker).

In many articles, there were signs of bewilderment at the fact that the theft was committed in one of the most famous churches of Bologna, located in the heart of its historical centre; in others, some not very convinced references to links with international gangs; in all of them, the conviction that this theft was executed on commission and by "real experts".

More schematic, but more precise, was the information contained in the circular issued by the Bologna Superintendency in which all the objects stolen from San Giacomo were mentioned and described, with the inclusion of photographs for some of them.

In the bulletin of the carabinieri mention was only made of the mutilated polyptych.

A talk with the Augustinian Fathers

I speak for more than 35 minutes with Father A., rector of the church. During the discussion a younger priest, presumably Father A.'s deputy, joins us adding meticulous details to Father A.'s colourful narration.

The interview is cordial and relaxed, no sign of reticence on the part of the priests, no objection to the use of a tape-recorder.

Very little is said about the theft: the polyptych vanished during the night and was never recovered. The most interesting points which emerge from the interview concern primarily the difficulty of exercising a thorough surveillance over the many works of art located in the church. One main obstacle is represented by the almost total lack of state subsidies. When, in 1864, the state expropriated ecclesiastic property, it was decided that the rectors of churches, who thus became custodians of the state heritage, would receive a monthly indemnity of 7 lire for exercising guardianship over art works. The monthly rate has today reached

37 lire — not even worth a bus fare, says Father A. In addition, the bureaucratic machinery often slows down or hampers private initiatives. Immediately after the theft of the polyptych a firm offered the Augustinian Fathers an anti-theft device at a very low price: the Church of San Giacomo is very famous, and this might have been good publicity for the firm. The project was sound; a real bargain, says the priest. Yet the Ministry stopped the initiative since there was a plan to install anti-theft devices in many churches according to precise, univocal criteria. Due to changes in the Government, and within the Direction of the Fine Arts Administration, the "anti-theft campaign" came to a halt.

The people who regularly attend the Church of San Giacomo were deeply affected by the theft of the polyptych, primarily for its artistic value; no religious feelings were involved. The church is usually frequented by the upper middle class ("A community of artistically sensitized people", as the priest tells me with a certain pride). Despite this, however, no initiative has ever been taken by the churchgoers to foster restoration work or promote more adequate surveillance: though intended for public enjoyment, art works belong to the state. This discrepancy between enjoyment and ownership is still part of common reasoning and may account for the kind of detachment which characterizes public attitudes toward the artistic heritage.

The Augustinian Fathers express a good deal of scepticism about the deterrent effect of the catalogue which, in some instances, might even facilitate and cause thefts. (This concern was actually reiterated by other priests interviewed.) However, they agree on the promotional effect of the catalogue. They themselves published in 1967 a huge monograph on the artistic patrimony of the church. "A beautiful book", says Father A., "with pictures in colour and black and white. Think, it weighs more than three kilos". The younger priest still has some doubts: the polyptych was stolen *after* the publication.

We talk for a while about diocesan museums as a way of safeguarding ecclesiastic works of art. Clearly — and this same view was expressed by all priests and parish priests approached — the clergy is not in favour of them. "We will never send *our* things" (no memory of the 1864 expropriation) "to a museum" says Fr. A. with stubborn determination, "they lose value and significance." With these words the interview is closed. Father A. hurriedly goes off asking me to wait for a while. He comes back, the heavy monograph under his arm. "It's for you, thanks for your visit". In the book, the mutilated polyptych appears in all its integrity.

Church of SS. Vitale e Agricola, Bologna

The theft

This theft, committed on 18 April 1971, was reported in the press without too much resonance; yet one of the stolen works, an oval oil on wood by the Senese painter Sano di Pietro (XV century), was of considerable beauty despite the inaccuracy of some restoration work which had somewhat diminished its original grace. The work, a Madonna with Child, was inserted in an altar piece attributed to Francesco Francia. Given its small dimensions (42 cms. x 50 cms.) and its location, the painting could easily be removed, carried away and possibly exported. It was never recovered. A painted wax, representing the Holy Family, was also stolen at the same time. Only one press report referred to this second work, while no mention of it was made in the carabinieri bulletin.

I could not trace the circular of the Superintendency relating to this theft. The work of Sano di Pietro is however well-known and reproduced in various catalogues, books and guides.

The Church of SS. Vitale e Agricola

Though of very ancient and controversial historical origin, the Church of SS. Vitale e Agricola is not particularly attractive. It was built at the beginning of the XII century, probably on the remains of an early Christian sanctuary which — according to legend — was erected around the year 420 after the discovery of the bodies of the martyrs Vitale and Agricola. Today little remains of the primitive romanesque structure: the church was restored during the XV century and reconstructed in 1824. Only the crypt testifies to the ancient origins of this church, situated in the very central Via San Vitale and half-hidden and mortified by the harmonious progression of the Bolognese arcades: its interior is somewhat desolate and averting, dark, gloomy, with a persistent smell of stale wax and incense. When I go in, before visiting the priest's house, SS. Vitale e Agricola is completely deserted.

SS. Vitale e Agricola is a parish church and therefore its works of art, though subject to state guardianship, belong in principle to the Church's patrimony.

A talk with Don B., parish priest of SS. Vitale e Agricola

An old housekeeper, with an aristocratic and pious expression, escorts me to the residence of Don B., curate of San Vitale. It is a small stuffy flat, full of knick-knacks, sacred or profane, permeated by an acute smell of penance and whispered prayers. A faint sound of rosary beads announces the arrival of Don B., a circumspect and blessing man of undefinable age. I ask whether I can use the tape-recorder: the answer is a shocked gesture which tastes of exorcism. The atmosphere is heavy: our interview will not be long. I decide to ask the routine questions, more or less strictly following the interview guide.

"How was the theft committed?"

" Well, probably during the night. I assume. I noticed it the following morning. I saw that one of the candlesticks near the altar-piece was misplaced so I looked around and discovered that the *Madonnina* was missing ".

" Do you think it could have been avoided ? "

" Avoided ? How ? The church was locked from the inside. Those rascals must have hidden somewhere until closing time, they could work undisturbed all night ".

I think that the curate's headquarters are rather far away from the church, and the image of San Vitale completely deserted in the middle of the day keeps coming to my mind.

" Did you report the theft ? "

" I reported it immediately, to the carabinieri and the police ".

" And the Superintendency ? "

" Also to them, but no sound came from that end. Everybody came: police, carabinieri, journalists, but no-one from the Superintendency. No support whatsoever ".

Mentally I compare this reply with that of the Augustinian Fathers who told me about the interest, sympathy and solicitude of the Superintendency officials: evidently Don B.'s resentment is a sign of the old friction between state authorities and parish priests. The interpretation of Art. 30 of the Concordat and of the relevant articles of the 1939 Law is controversial, and for many curates (but not all) the exercise of state surveillance and guardianship over the parochial heritage is still considered as a usurpation.

" Are you really sure that no-one came from the Superintendency after the theft ? "

" Oh well, I was told that some official came two or three days later but I was in such a state I couldn't even talk to him ".

I now venture a question which, for this circumspect priest, is obviously risky.

" What are, in your opinion, the main faults of the current state administration ? "

" Faults ? What do you mean ? It is not up to me to say. We do our best to protect our churches ".

" How did the parishioners react to the theft ? "

" Oh, they were really distressed. I had so much support from my parishioners ".

" Do you think they regretted the loss of the paintings for their artistic value or rather for their religious significance ? "

" But of course it was for them a religious loss. My *Madonnina* was so beautiful. How could one resign to its loss, I can't even think about it ".

The contrast with the Augustinian Fathers' response is apparent. SS. Vitale e Agricola is only a few steps from San Giacomo Maggiore and it is presumably frequented by the same type of people. In any case, Don B.'s distress is sincere and so is his satisfaction with his parishioners' consternation. He leaves me alone for a moment and comes back to show me a reproduction of Sano di Pietro's Madonna made in " petit point " by a " pious affectionate parishioner ". His pride emanates incense and evening services. Our interview stops here, with a promise on my part to pray for the recovery of the Madonna.

Parish Church of Vedrana di Budrio (Bologna)

The theft

This theft, which falls within the category of the numerous " minor " thefts, was reported with some emphasis in an editorial of the Bologna newspaper *il Resto del Carlino* dated 22 March 1971. The objects stolen (the theft was committed during the night of 18 March) were a Madonna

of the Bolognese School of the XVII century and four wooden candlesticks of the XVIII century. Reporting the theft, the Bolognese newspaper made an overall comment on the situation of the artistic heritage in the custody of churches.

"The damage caused by the theft of works of art is not limited to their economic value: even when an article of modest value is taken away, a part of the historical fabric of the country disappears, thus damaging not only the artistic heritage but also the environment; the background of the work itself which (given the many local particularisms of the history of the country) analytically loses part of its importance".

The article continues with some comments from the Bologna Superintendency and some interviews with local antique dealers. It seems opportune to report this article here, both because it gives a good idea of the precarious situation of the ecclesiastic patrimony (not only in Emilia-Romagna, but throughout the country) and because it reflects the discordance of opinions concerning the motivation, typology and origins of thefts of art works from churches:

"Report of thefts", the Superintendency tells us "represent only five percent of what, in reality, disappears and in most instances they concern major art pieces. The disappearance of an art work is a phenomenon linked with social poverty, with the exception of those clamorous yet rare cases of theft on commission (the phantomatic foreign collectors, the less phantomatic and more diffuse receivers who place works of art on the Italian market). Usually thefts are committed by common thieves who ignore the actual value of the stolen works and who make very little money from their booty; sometimes, being unable to place it, they are even forced to destroy it. This is a widespread phenomenon in the poverty pockets — in the south for instance; here the worst-hit area is the mountain zone, the churches which are open only on Sundays. It is easy. A pair of tongs, a forced lock and it's done. The trouble is that these people always find antique or secondhand dealers willing to purchase stolen goods without inquiring into their provenance".

"If the character of the petty thief who goes to the secondhand dealer, a canvas rolled up under his arm, has become common, so has that of the collector who beats the countryside in search of art objects without regard to their provenance" says V.M., Chairman of the Antique Dealer's Association. And G.C., who has been an antique dealer in Bologna for more than 30

years: "For us a piece of doubtful provenance, the so-called 'good bargain', is very risky. In the best of cases we may be charged with *incauto acquisto* (careless acquisition); at the worst, with receiving of stolen goods. We only buy from people we know. One must make a distinction: there are many antique dealers who have 'invented' their trade, and then we must also add the *bric-à-brac* sellers".

D.P., with 30 years experience in the antique trade says: "There is a police book in which we mark everything — purchases and sales: it is possible to be swindled, to be caught in good faith, but it is difficult. The trouble is that licences are given with a certain liberality; thus the number of antique dealers increases immensely, without counting those who deal privately".

The charge is therefore turned over to the law-breakers, the dishonest. The market, however, remains prosperous. What are its actual dimensions in Bologna? "Reported thefts" the Superintendency tells us "are just a few — two for instance this year. It is difficult to ascertain the actual amount of stuff which disappears without our being informed. We are, however, progressing well with cataloguing operations: roughly 60 per cent of the material has been indexed. The mountain area, the poorest zone, is that of major concern".

But perhaps little remains to steal after the wartime and subsequent pillages, from the difficult years to the economic boom. "The palaces of Bologna are full of very important pieces, but there are very few around: they all belong to the residences of the most ancient families. The countryside can still offer something of minor value", says V. M. And G. C., "Emilia-Romagna was never as rich as Veneto, Lombardy or Liguria: minor antique trade, not major".

The antique dealers interviewed have discordant opinions also with regard to the motivations of thefts. G. C. and D. M. agree with the Superintendency on their occasionality — the "poor" theft, the silver *ex-voto* or the anonymous Madonna. V. M., on the contrary, supports the thesis of thefts on commission, organized by receivers.

In Bologna the art theft situation is defined as "normal" — in other words, as part of the general panorama of thefts, without clamorous cases, quantitatively of medium entity, more or less stationary over time. The same applies to the distribution network which takes advantage of a market that has been "holding well" for several years, as the antique dealers say".

The circular of the Superintendency reported this theft in detail and was supplemented by photographic documentation: Vedrana di Budrio falls within the Bologna jurisdiction and cataloguing operations have been completed.

The Church of Vedrana di Budrio

The drive from Bologna to Vedrana is brief: the surrounding landscape has the typical static and flat aspect of the Emilian Plains — long rows of poplars withered by the cold and fog, anonymous country houses scattered here and there, everything tinged with grey by humidity. Vedrana di Budrio is a small sub-division of the Budrio municipality; its parish church is situated almost in open country, a small low building with hardly any character. Inside, some good paintings of the Bolognese school, a wooden crucifix, some lit candles; there is an air of cleanliness and abandonment. Adjacent to the church is the rectory: a low heavy door opens directly into the kitchen. "The only warm room in this place", says Father C., rector of the church; sitting beside the kitchen stove a decrepit old woman coughs, the priest's housekeeper.

A talk with Father C, curate of Vedrana

Father C. is a kind man with a strong Lombardic accent. He offers me a chair and a glass of sweetish wine, "It's good, I use it for the Mass", then points to the old housekeeper, "She is almost ninety, she doesn't understand, she can hardly move, I must look after her. I do everything myself in this church, and I must also look after the house. She is too old, poor soul". He listens with attention, slightly tinged with scepticism and resignation, to my explanation regarding the purpose and scope of our research, no objection to the use of the tape-recorder.

"Father C., there was a theft in your church in March 1971, a painting of the Madonna and some wooden candlesticks were stolen. How did it happen, was it the usual night-time mechanics?"

"Well, we were all asleep, I wasn't even in the house".

"Do you think it could have been avoided?"

"How? They made a hole in the wall, took the stuff and went".

"This is a parish church, how did the parishioners react to the theft?"

"The parishioners? They were absolutely indifferent, they didn't care. Your question makes no sense, people came around just out of curiosity, a few close friends shared my concern; for the rest, they were indifferent; it's the curate's business, let him cope with it".

"Father C., were cataloguing operations by the Superintendency completed in this church before or after the theft?"

There is a moment of confusion, Father C. says at first that the theft occurred before the completion of cataloguing operations. Then he complains about the indifference of the Superintendency: "I went to report the theft, told them what was missing, they said they would come and take pictures but no-one came, they will probably come on Doomsday".

"But this church falls within the Bologna jurisdiction and the cataloguing should have been completed".

"Yes of course, but *before*. They came and made the inventory and took the pictures *before*, not after the theft".

"So there is a complete catalogue of the works located in your church".

"They have it, I don't, I have my own inventory; they promised they would send me a copy, but I never heard from them since".

"You said before that the theft was committed *after* the starting of cataloguing operations. Father C., do you think".

"The Madonna was stolen *after* they came, I have already told you; the catalogue was completed, but the Madonna went all the same".

" I suppose my question doesn't make much sense anyhow; do you think that the catalogue will help in preventing or at least reducing the number of thefts ? "

" Some think it is their fault, some priests really think it is their fault: they come around, talk, people learn about the location of art works and steal ".

" Do you think that at least the catalogue will serve to promote and divulge the knowledge of art works ? "

" Oh well, people know already, they all receive the church bulletin, they know about the art works of this church. There is nothing of great value, some good paintings, that's all ".

" Do people show interest in these works ? "

" Well, there is a sort of religious attachment, but they care more about the restrictions on petrol to drive out on Sundays ".

" Father C., may I ask you a question going beyond the scope of our interview ? There is a good deal of talk about ' cultural goods ' these days. What are, in your opinion, cultural goods ? "

" For me cultural goods means to be able to know about the various fields of sciences and disciplines, to be up-to-date ".

" No, Father C., I am talking about the objects representing the cultural heritage which, in the current accession, should include everything which testifies a given civilization such as, for instance, kitchen utensils, crafts, fabrics, etc. What is your opinion regarding this new concept of cultural heritage ? "

The priests shakes his head, smiling sadly: " Oh yes, they are all good things », he looks around, glancing with affection at the old housekeeper.

" Father C., what are, in your opinion, the major faults of the current system of state guardianship over the artistic patrimony ? "

" Guardianship: we need good doors, iron bars, insurance policies ".

" Do you receive any subsidy from the Superintendency ? "

" No, this is a parish church, we get no subsidies, neither from the state nor from the church; the curate must find his way out, sometimes maybe with the help of the parishioners ".

" Yet you said your parishioners do not care, that they are not responsive to this problem ".

" Responsive, they are just like the others. They think that the stuff belongs to the curate so it's his business to get out of trouble ".

" Would you be in favour of taking your works of art to a diocesan museum ? "

" I'd rather they were stolen; once they are in a museum, civic or diocesan, they are stolen. Here we run a risk, in a museum they are stolen already. People have advised me to keep copies in the church, but I refused, it's ridiculous ".

" So you think that there is hardly anything to be done to prevent or reduce thefts from churches ? "

" Oh well, their number has decreased now ".

" Where do you think that works stolen from churches end up ? "

" In the antique shops. My Madonna was rather small, it could easily be placed in a house, a bedroom. I think these thefts are all commissioned by the antique dealers. They have beaten the entire area, Cento, Ramazzola, other minor centres ".

" But now that the catalogue has been completed these things can be easily traced ".

" I could trace nothing: neither the Madonna nor the candlesticks, despite the photographs ".

"Then the catalogue has no effect?"

"What effect could it have? None".

"How many souls live in this village?"

"One thousand two hundred".

"Do they come to church?"

"Yes, sometimes. They used to come more frequently before. Now they come for the usual occasions: christenings, weddings, funerals..."

It is bitterly cold in the room, the old woman has not moved from the kitchen stove, her dry monotonous cough has given rhythm to our interview.

Church of S. Biagio, Cento di Budrio (Bologna)

The theft

No mention was made of the theft, or rather thefts, which had occurred in the Church of S. Biagio, either in the press or in the carabinieri bulletin. However, thefts committed in this parish church constitute typical examples of the continuous pillaging of the minor ecclesiastic patrimony. The church was broken into twice during the same year (1972) within a period of less than six months: the stolen objects, a blackened and badly preserved Madonna and some church furnishings of very little artistic value, could easily be placed on the minor antique market or even among the bric-à-brac sellers. In particular, some of the church furnishings, some palmholders and two carved wooden candlesticks, fall within the category of transformable objects which satisfy the myth of the authentic "piece" among the lower and middle bourgeoisie.

A circular of the Superintendency dated 31 July 1972 combines the reports of the two thefts. The text reads as follows: "Theft occurred around mid-February 1972 in the Church of S. Biagio at Cento di Budrio (Bologna). Oil on canvas representing the Madonna of the Rosary with Child

offering a rosary to S. Domenico. The canvas is blackened. No photograph".

"Theft occurred during the night 28/29 July in the same church. Object: church furnishings".

I am surprised by the inaccuracy regarding the date of the first theft and by the fact that, despite an interval of more than five months, it was only reported on 31 July, after the second theft. I intend to inquire into this point directly with the curate of S. Biagio, a parish church which is counted among those where cataloguing operations have been completed.

The Church of S. Biagio

All I can see in the Church of San Biagio are two heavy iron bars locking the door and an alarm device. The curate, a young jovial, nervous priest in his thirties, shows them to me with pride and ostentation, "Now the church is really well protected. What more could one do? The alarm sounds like that of a factory". Then we rapidly move along the central nave: a quick glance around, dust marking the print of the stolen Madonna; in a chapel, a wooden painted crucifix of good make badly in need of restoration. While we move, heading to the curate's residence, the priest talks incessantly with the full sing-song sound of the local dialect. He mourns about the stolen palmholders, "They didn't have much value, but they were nice, they gave a good impression".

We reach the curate's residence, his main pride. "It is modest, but very comfortable, I have got everything I need". The curate's outdated passion for the "pleasures of the modern age" is reflected in the plastic window curtains, the vinyl leather sofa, a perfect stereo-set, a large television set. Slide projectors, movie cameras, amplifiers, add to the gadget collection of the curate. He shows me every single room, pointing to the "comfortable" details, his

pretty spotlessly clean bedroom is stuffed with books and records. Remembering the bareness of Father C.'s residence, I wonder how this young priest can afford all this: he teaches in a high school, he could never live on his curate's salary. Finally we reach the curate's study, a very dignified room with a grand-piano, some paintings, and two carved wooden candlesticks.

A talk with the curate of San Biagio

"The stolen Madonna wasn't anything special, this one is much prettier, if I had to choose I would have taken this one" says the curate, pointing at one of the paintings on the study wall.

"The circular of the Superintendency was rather vague about the date of the first theft. When did it really happen?"

"On 5 March, and the second one on 30 June".

"How come that both thefts were only reported in late July?"

"I reported them immediately to the carabinieri and the Superintendency. The second time those candlesticks near the piano were stolen, a wooden pedestal and some palmholders". He shows me photographs of the various objects, complaining about the loss of the palmholders, "They were nice, I had bought them myself". "You bought them from an antique shop?" "Yes, I bought them together with the candlesticks".

"Where both thefts committed during the night?"

"Yes, they forced the main door. The first time we were taken by surprise, but we didn't expect they would come a second time: they picked on things of very little commercial value; for example, I bought those candlesticks myself for 100,000 lire". I look at the candlesticks beside the piano which seem to have miraculously reappeared.

I will ask the priest about their recovery later, now I wonder about the real intrinsic value of these objects — what do they really mean for this priest? Obviously these candlesticks originally belonged to another church, appeared later on in some antique shop, were bought by the young curate and now they sit in his study. What is the position of objects of this type within the global cultural heritage? This priest, who lamented their loss and was happy at their recovery, bought the church candlesticks from an antique dealer without inquiring into their provenance. His choice was probably dictated by the desire to embellish the church, his motivation presumably similar to that which pushes him to purchase a new gadget for the house. What is the cultural significance of these frequent transactions? What are the underlying values? Obviously the purchase of candlesticks coming from a church was considered perfectly legitimate by this priest, and so it would be by any private buyer. How can this common, widespread reasoning coincide with the concept of global cultural heritage and of an absolute, rigid *in loco* conservation of objects of cultural and historical interest? Perhaps there is a certain rousseauian snobism in failing to admit that the cultural relevance of an object depends on the value commonly attributed to that object in a given moment. If an object has changed from liturgic into ornamental — because this is the value which is commonly attributed to it — there is hardly anything reprehensible if the same object is used to perform a new function. To give these objects their original cultural significance would mean a change in public attitudes towards them and would necessitate a long educational effort. In addition, such an ample conception of "cultural goods" would make it difficult to define the temporal and objective boundaries of our historical and artistic heritage. It might be possible by a thorough promotional campaign to awaken the interest of the public in certain objects of artistic and historical value, and to spread the conception of the

necessity to keep and preserve the unity of certain cultural and historical compages, yet it will be difficult to re-impose the label of culture on objects which have lost their original function and which derive from their new destination a new, commonly accepted cultural significance.

I continue with the customary question: "Could the thefts have been avoided?"

"I wouldn't know, the alarm and iron bars were installed afterwards".

"The curate of Vedrana di Budrio told me that there have been a series of thefts in the area, all linked with the antique market. Are you of the same opinion?"

"Well, but it's clear: whatever the antique dealers couldn't buy, they stole".

"How did you recover the candlesticks?"

"I saw them in the shopwindow of an antique dealer in Ravenna. It wasn't just a chance: I was sure I would find my things at this dealer's because someone had told me that the Madonna was there".

"Who told you?"

"The antique dealer who had sold me the candlesticks".

"How come you only recuperated the candlesticks?"

"Well, when I went there, the Madonna had disappeared; I went to report to the carabinieri, they seized the candlesticks and gave them back to me".

"Was the Ravenna dealer prosecuted?"

"No, the case is still open; the dealer who had given me the information does not want to testify in court. If he would, I certainly would find the Madonna. But what can one do, they all belong to the same flock "*quod non fecerunt barbari, fecerunt Barberini*"¹⁴", adds the priest smiling, happy with his Latin quotation.

¹⁴ The motto refers to the damages caused to some Roman palaces and monuments by the Barberini family.

"How did the parishioners react to the theft?"

"They were very sorry indeed, both for the artistic and the religious loss. You know, anything which is taken from the church means an impoverishment of the common heritage. But what can we do, the church is now well protected. I spent 60,000 lire for the alarm set...".

"Do you receive any subsidy from the Superintendency or from the diocese?"

"No, we must do everything ourselves, but I have my teacher's salary".

"At the time of the thefts was the cataloguing completed in this church?"

"No, but it has been completed since; everything has been inventoried and photographed; they promised to send us a copy of the catalogue, but I haven't received it yet, it would be interesting...".

"Do you think that the catalogue will be useful in preventing or reducing the number of thefts?"

"It certainly will. Churches around here have been completely pillaged, some do not have candlesticks any more. I keep mine in the house, as you can see".

"It is rather sad".

"Yes, but it is better than not having them at all. They have picked on anything, even tin candlesticks. Not mine, they have a certain value".

I look at the candlesticks again and make a provocative hint, "Yes, they could be easily transformed into lamps".

The priest responds: "You would need a very large room though, but certainly you would get a very nice lamp". The transfer of function and values has already taken place in the mind of this extrovert young priest.

"The catalogue is surely useful", continues the curate, "particularly in preventing sales. It's known: priests have sold a lot around here, often in good faith. One could hardly resist the pressures of the antique dealers. Now

a sale becomes risky, but perhaps it is too late, much has been lost already. They should have done it before".

Our interview stops here after a brief hint at the utility of the diocesan museums. Yet, our meeting goes on: the priest wants me to listen to his records ("Don't you think mine is a good collection?") Now it's the turn of the slide projector: a series on Beato Angelico's works, another one on youth camps. He tells me that he teaches religion in Bologna and uses the slides to "pass the time" with his pupils. "How could one cope with them otherwise, they don't even listen to you, you can't only preach the Ten Commandments".

The life of a country parish priest must not be easy, particularly if he wants to go beyond the obtuse, yet sheltering, view-angle of lit candles and incense; the consequence, often inevitable, is the transformation of a church candlestick into a parlour lamp.

Church of the Holy Trinity, Forlì

The theft

This theft was committed in 1970, a year marked by numerous episodes of clamorous art thefts, including a Caravaggio from Palermo and nine paintings by Mattia Preti stolen from a church in Taverna. During that period, much was said and written about thefts on commission, specialized gangs, international plots. Art thefts, and in particular thefts from churches, seemed to have reached a peak and the daily press reported the phenomenon with increasing pre-occupation.

In an editorial in *Il Giorno*, a newspaper published in Milan, soon after the incursion into the Church of the

Holy Trinity, an official of the Bologna Superintendency wrote:

"Art thefts thicken while at the same time their technique improves and becomes a matter of specialists. Daily, customs, frontier offices, Interpol and the Superintendency receive reports from every region of the country. Even the daily press points to the macroscopic dimensions of the phenomenon... Another sign of refinement — which indicates the high organizational degree of the thieves — is the occurrence of thefts in main urban centres. A few days ago, in the middle of the day and in the heart of the urban centre, "unknown" persons penetrated into the Church of the Holy Trinity in Forlì. They worked for at least half an hour to saw the heavy iron bars which held three tables painted by the XV century painter Guidaccio da Imola. Then, calmly and undisturbed, they took them and drove away. It is worth mentioning that works of Guidaccio da Imola are very rare; if the Forlì paintings are not recovered, their scientific knowledge will be compromised for ever. The normal security measures can only partially solve the problem: the current specialization in fact annuls the effects of iron bars, locks and unbreakable glass panes, so they tell us at the police offices; and direct guardianship is virtually impossible for the large number of churches and their location. In some abandoned churches of the Bologna diocese (about one hundred) thieves could easily winter: the Appennine, all around is desert..."

The tables of Guidaccio da Imola were never recovered. Originally they were part of a polyptych, but only four pieces were kept in the Forlì church. The thieves who, contrary to the usual routine, acted during the day, took only three tables.

The theft was reported both in the carabinieri bulletin and in a circular of the Superintendency, supplemented by photographic documentation.

The Church of the Holy Trinity

The Church of the Holy Trinity is situated in the centre of Forlì, the most important city of Romagna, rich with historical and artistic traditions. The urbanistic structure of Forlì is of particular interest: its historical centre of a pre-vailing XVII-XVIII century character, enucleates in an extraordinarily architectonic compactness around the huge Piazza

Aurelio Saffi. On the hilltops outside the ancient Forlì is the new town, industrial and residential centre. For its geographic position, Forlì is one of the towns of the region which, since the opening of the Bologna-Ancona railway (1870-1880) and the installation of the first industrial plants, has been subjected to a continuous inurbation, mostly determined by the abandonment of the surrounding Appennine areas. As is true with many cities having a centripetal structure, the central area has become a transit zone for rural migrants: it is also the poorest area or, rather, an area of great socio-economic disparities where, side by side with ancient and noble residences, there are squalid quarters where rural migrants settle temporarily. The result is a loose and drifting population, with hardly any community feeling.

The Church of the Holy Trinity is located in the popular migrant area. Built in 1782-1788 on a pre-existing IV century structure, the church has no particular architectonic charm. The one-nave interior with side chapels hosts, however, some very good art works, among them a painted wooden crucifix of the XIV century, a statue by Antonio Canova, and some XVI century paintings.

A talk with the rector of the rector of the Holy Trinity Church

The curate of the Holy Trinity appears at first sight brisk and unco-operative; in reality, in the course of the interview, he reveals intelligence and clarity and a good deal of humanity. We talk about this unusual daytime theft.

"It happened between 12 and 3 in the afternoon, during the church's closing hours. It was strange: for owing to its location this church should be quite safe; from my study I can see its door, and that horrible petrol pump in front of the church should somehow constitute a sort of guarantee".

"Was the pump already there at the time of the theft?"

"Yes, that 'monstrosity' has been there for years".

The curate explains to me that at the time of the theft there was a complete catalogue made by the Superintendency in 1959 according to the old procedure which however did not include photographic documentation. Photographs of the polyptych and of the XV century crucifix were in any case available at the Superintendency. Then he goes on to say that his relations with the Superintendency are not very good owing to a controversy relating to the sale of a cupboard for which the priest was brought to court by the Superintendency. This is a good example of the jurisprudential confusion existing in the field of the administration and safeguard of the parochial heritage. Before the lower court the priest sustained the thesis, derivable from Art. 30 of the Concordat, that ecclesiastic art goods can be assimilated to privately-owned art works for which sales are only subject to notification, given that the state has anyway a right of pre-emption. The opposite party, however, said that ecclesiastic goods fall within the category of art works belonging to public bodies and that therefore any sale is subject to previous state authorization. While in the lower court the priest was acquitted for lack of evidence, he lost before the civil tribunal on the grounds that, as the cupboard was included in the Superintendency catalogue, its alienation should have been subject to previous authorization. The sale was declared null and void. The validity of catalogue is well-exemplified by this case, inasmuch as the inscription of art goods in the state catalogue is *per se* binding, thus implying that no transaction or alienation is valid without previous state authorization. This viewpoint was actually confirmed by all priests and experts interviewed, who stressed the effectiveness of the catalogue in preventing or limiting unauthorized sales.

I ask the priest whether, in his opinion, the catalogue has a limiting effect also with regard to thefts.

"From my own personal experience I should say no, but certainly the stealing of catalogued works, and even more so receiving, becomes more risky".

Then he gives me his version of the sale of the cupboard: the sacristy needed repairs so he sold the piece of furniture without knowing that it had been catalogued. He also wanted to make some money to restore a few paintings which he kept in the rectory. "But they didn't like the restorer I had chosen, so the canvasses are still full of holes, awaiting a 'proper' restorer to be sent by the Superintendency". Again a sign of friction and resentment: much is still to be done to favour a real co-operation between state and church authorities or rather to make priests fully aware of the necessity of collaborating with the state for an effective mutual work of safeguarding and preserving of the historical and artistic heritage.

The curate of the Holy Trinity Church then speaks about the diocesan museums: "They would be good if they could function, but they don't, they are often closed to the public. Public fruition of art goods must be guaranteed, even at the risk of thefts".

Then the discussion shifts to the parochial situation, on how parishioners reacted to the loss of the polyptych.

"With curiosity, only after the arrival of journalists and carabinieri they realized the value of the stolen work and expressed some regret".

"For its artistic value or for its religious significance?"

"For its artistic and even commercial value obviously. The polyptych was never used as an object of cult. And in any case this church, more than a parish church, can be considered a 'religious service station'", adds the priest sadly.

I ask him the reason for this latter resigned comment. "Well, of the 2,500 parishioners belonging to this church only 25 per cent regularly attend. The majority of these,

however, go to the Salesian Church, which is nearer and has central heating. People who live around here are mostly migrants from the mountains who move to the newer part of town as soon as they can afford it. There is no community feeling, no parochial community: only old people and children. They come here only for the prescribed functions: christenings, weddings, funerals".

"Do you look after the church alone?"

"For all I have to do I can certainly cope".

I leave with some melancholy the Church of the Holy Trinity, a 'religious service station' protected solely by a petrol pump.

Church of St. Reparata, Terra del Sole, Forlì

The theft

Only a few lines of a Bologna newspaper were devoted to the two XVII century paintings and to the bronze candlesticks stolen from the parish church of Terra del Sole on 16 February 1971. The objects, of minor artistic interest, were however recovered a few days after the theft.

This theft, which *per se* does not offer any differential characteristics from the five cases reported in the previous paragraphs, did not constitute the main incentive to my visit to Terra del Sole. This small agricultural centre, situated in the heart of the ancient Medicean Romagna, had been indicated to me as a community of particular socio-cultural homogeneity where local initiatives to protect and enhance the historical and cultural heritage have reached a high degree of development. This latter aspect, rather than the mechanics and the motivation of the theft, prevailed in guiding the course of the interview I had with Don D., parish priest of Terra del Sole.

The Church of Santa Reparata

The Church of St. Reparata, built between 1594 and 1609, is situated in the vast Piazza d'Armi, central nucleus of Terra del Sole. In its architectonic structure, the building denounces the influence of both mannerism and baroque. The Latin cross interior hosts some good XVI century paintings and a recently restored XV wooden crucifix. After the 1971 theft, the church was equipped with an anti-theft device.

A talk with Don D., curate of St. Reparata

Don D. can be considered a real expert in the field of the protection and safeguard of the artistic heritage. He is in fact a member of the Diocesan Commission of Sacred Art for the Province of Forlì and has been entrusted by the Bologna Superintendency with the cataloguing operations in the area. We spoke at length about the problems of thefts, their techniques, motivations and ramifications, and his views on this point will be included and summarized in the chapter dealing with informed opinion. Here I will concentrate on the structural, environmental and social characteristics which have made it possible for Terra del Sole to become a "model" of artistic and cultural sensitization. My report is based on some historical data derived from the archives of the parish church and on the oral information provided by the priest; in view of the positive significance of the Terra del Sole experience, I decided to focus on it rather than on the details of the specific theft.

Terra del Sole is an example of the "ideal citadel" cherished by the XVI century utopists. It was realized at the precise wish of Cosimo de' Medici of Tuscany in 1564. According to an ancient edict, he wanted to "build here a new land, surrounded by walls, doors and bulwarks on a good site, in conformity with his intentions" — which were to establish in this new fortified town the administra-

tive, military, judicial and religious centre of the entire Romagna-Tuscany area.

Conceived not only as a fortress but also to include within the rectangular bulwarks a civil and military settlement, Terra del Sole was built by the most famous architects of the time. A symmetric settlement, comprising the Roman and Florentine quarters, develops along the mural perimeter, interrupted by two doors surmounted by the massive castles of Capitano di Piazza and Capitano d'Artiglieria. The entire urban settlement is ideally joined with the Piazza d'Armi where, facing the Church of St. Reparata, rise two Renaissance buildings, original sites of the magistrate's courts and the military headquarters. Though Terra del Sole is not the only case of an ideal town realized by XVI century architects (Sabbioneta is another example in Italy and Nancy in France), it is the only one to have maintained, almost intact, its original architectonic structure.

The structural and architectonic unity of Terra del Sole is reflected in the socio-cultural homogeneity of its population. Its 1,500 inhabitants are employed primarily in agriculture, an activity which is by nature conservative, maintain strong family and community ties and are deeply attached to local cultural and historical traditions. The few who are employed in industry do not commute to the nearby centre of Forlì, but work in the newly installed plants on the outskirts of the village.

On this human and social fabric it has been possible to promote and carry out activities for the preservation and enhancement of the local artistic heritage which represent an unprecedented example.

In Terra del Sole there is an association for the defence of the local cultural heritage which gathers approximately ten percent of the population. A sub-section of Italia Nostra has also been established for the purpose of drawing the attention of regional and national bodies to the problems of the safeguard and conservation of the local monuments.

But perhaps the best example of public sensitization, participation and fruition is offered by the constitution of a farmers' cooperative for the purchase and restoration of part of the walls surrounding the town. After the disarming of the fortress in 1774, the town walls were sold to private purchasers, to be re-acquired later on by the local municipality. Only two kilometres of walls were still privately owned until a few years ago when a group of farmers constituted a co-operative to reconstitute the walls to public property and collect money for their restoration. The co-operative is still active and, after sufficient money is collected for the restoration of the walls, intends to increase subscriptions for repairing one of the castles.

This particular type of community cohesion is, according to Don D.'s opinion, a typical trait of the inhabitants of Terra del Sole, reinforced by a more or less total occupational homogeneity, by an inbred tendency to saving and by a campanilistic rivalry with the adjacent community of Castrocaro Terme, a larger centre which incorporates Terra del Sole in its administrative jurisdiction. Unlike Terra del Sole, which has remained a close and well-integrated community, Castrocaro Terme, a thermal station, has been exposed to a continuous, if not abundant, flow of tourism which, together with the commutation of workers to the city of Forlì, has contributed to the weakening of the traditional cultural links. A great attitudinal difference separates these two communities and is reflected in the activities which — at the local level — are carried out to protect the artistic heritage.

Though Terra del Sole may be only a sporadic example of public participation, it could be positively replicated, particularly in those communities where local traditions are still vital and represent common values of the population. Hence the validity of a global approach to the problem of the safeguard of the cultural and artistic heritage. To ensure that the relationship between "cultural goods" and the public be-

comes interactive it is necessary to give the cultural heritage a specific functional and social collocation, underlined by commonly accepted and shared values. This is probably the task which the promotional campaigns undertaken by the Bologna Superintendency have tried to achieve and which the Regional Institute aims at fulfilling. It is no doubt a difficult task, particularly with regard to those objects which have lost their original social and cultural function and to those values which have been dispersed or substituted by inurbation, geographic mobility and attitudinal change.

INFORMED OPINION

Since Emilia-Romagna is generally considered a model region in the safeguard of the cultural heritage, I expected to be faced with a certain resistance when sounding the opinions of state and regional officials and others involved in the field of the Fine Arts Administration — the condescension and diffidence typical of the expert toward the outsider or, rather, the rejection by the specialist of whoever approaches his problem and field of competence from a non-sectorial viewpoint. There was also some fear that discussions would be dispersed into the often esoteric vernacular of art-lovers, and that it would be difficult to elicit from too erudite or too focalized a conversation the social and cultural motivations inherent to the phenomenon of the deterioration and dispersion of the artistic heritage. The very fact that the experts to be approached were the promoters of the innovative project leading to the creation of the Regional Institute could have constituted a deterrent to the objectivity of the opinions sought, as often those who have proposed, or found, a solution to a problem either fail to view and consider alternatives or tend to overstate the reality of the problem so that their proposal can assume the rôle of a unique and irreplaceable *deus ex machina*.

In reality, I found in Emilia-Romagna a high degree of objectivity, interest, sensitivity and co-operation not only among the experts, who have, in fact, guided and encouraged my field work, but also at less specialized and less "involved" levels. This seems to confirm that the interest

in the problems of the artistic and cultural heritage is part of the process of "socialization" of culture which has been promoted in the region, and which has inspired the field activities of the Bologna Superintendency and the creation and structure of the Regional Institute.

Since every social fact has a precise historical matrix it can be presumed that the latter has in this particular region — more than anywhere else in the country — created a favourable ground for the insertion of the cultural heritage in an ampler social dimension.

All the voices heard during the visit to the region contributed to delineate the typical aspects of the problem of the protection of the regional cultural heritage; the opinion of experts, however, in particular those of the regional officers in charge of cultural affairs, of members of the Superintendencies of Bologna and Modena and of the representatives of the Diocesan Commissions of Sacred Art, have been determinant in giving a precise and acute picture of the social and historical motivations of the dispersion of the artistic heritage, of the dynamics of thefts and diversions, of the structure and flow of the illicit market, and of possible remedies and intervention mechanisms. Though the opinions expressed during the informal colloquia held both in Bologna and Modena went beyond the regional particularism and were, in most instances, related to the overall national situation, I will summarize below only the judgements relating to Emilia-Romagna.

Thefts

"Thefts from churches" is the label that the experts attribute, with a few exceptions, to art thefts in the region, thefts which are rarely sensational and concern objects which can be easily placed on the market. The opinions are discordant regarding the typology of thefts — commissioned, occasional, committed by experts or by common burglars.

The tendency is however to consider thefts as determined primarily by socio-economic conditions, linked at the same time with the poverty of some rural and mountain areas, the presence of a stable and prosperous minor antique market, the still existing propensity of the middle class to indulge in the conspicuous display of the "antique piece".

While the number of thefts had increased during the period 1955-1960, it seems to have diminished in the last years, probably due to a contraction of the market attributable in turn to an objective decline of the offer of marketable items. Emilia-Romagna is relatively immune from major art thefts and thefts for ransom, though given its geographic position, it constitutes a transit area for works stolen in other regions, the Veneto in particular. This may partly account for the high number of recoveries made in the region which, as shown in Table I, p. 23, exceeds that of reported thefts.

Receiving

The link between thefts of art and the antique market is univocally admitted, though the problem seems to relate almost exclusively to minor antique dealers. Contrary to what is frequently stated in the journalistic literature, the experts interviewed seem to consider the existence of an international receiving network as hardly probable, at least with regard to objects of minor value. The majority of what is stolen is absorbed by the national antique market, the distribution chain going from the occasional or expert thief to the receiver/commissioner, the second-hand or antique dealer. The amount of illicit traffic cannot be easily estimated, given the quantity of objects which have not yet been catalogued or inventoried, the transformation often undergone by these objects prior to their introduction into the market, and finally the myriad of minor antique shops existing in the country, even in small isolated centres, as well as the many antique

fairs which are held periodically in various Italian towns. Though there have been some instances of reports and seizures of objects displayed in an antique fair, usually the recovery of stolen objects is made difficult by the fact that their provenance cannot be ascertained, in the absence of photographic documentation, or due to the number of hands through which these objects have passed before being actually displayed in the fair.

Thefts vis-à-vis other forms of dispersion

It is the common opinion that thefts, however frequent, represent only the most evident facet of the dispersion of the artistic heritage. In Emilia-Romagna, as in other regions of the country, the damage caused by unauthorized sales and, even more so, cases of abandonment and deterioration, far exceeds that of thefts. Particularly in the poor areas and in the isolated churches of the Appennines no measures are taken to preserve art works from the damages of climate and humidity, thus making their restoration difficult if not impossible. Sometimes the zealous ignorance of a country priest relegates works of value (this is often the case with wooden crucifixes) to some rectory's attics or subjects them to aberrant manipulations, usually resulting in polychromatic chalky repaintings.

Remedies

Clearly, in this situation, the identifying and indexing function performed by the catalogue assumes a primary rôle. Not only does the catalogue increase the risk component in thefts and, by its binding capacity, annuls the validity of unauthorized sales, but it also identifies unknown works of art and indicates those in a bad state of conservation, thus guiding priorities for restoration work.

Cataloguing is however a lengthy operation, and cannot by itself be considered a panacea for the rescue of the cultural heritage: it is necessary that cataloguing operations be accompanied by a promotional and sensitization effort at the local, regional and national level.

As observed in the previous chapters it is possible, at least in Emilia-Romagna, to arouse the interest of small local communities for those cultural goods which represent common tradition and property, weighing on religious or campanilistic feelings. More difficult is the transformation of this emotional interest into a conscious and participating one, particularly in larger communities where traditional ties tend to be weak. The cultural heritage can be conceived as a common property to be protected and defended only if the objects representing it are interpreted in their historical and social functionality. The impact created by the identification work of the catalogue must therefore be supported by educational and promotional activities both on the part of the school and, in particular, of the political and administrative authorities predisposed to the safeguard of the artistic heritage.

THE EXPERTS' VIEW

General Comments

Often, in the course of my opinion-hunting effort, I was bluntly, and perhaps rightly, told that I was on the wrong track; that if I wanted to contact "the real experts", I should speak to the thief, the *tombarolo*, the smuggler. Obviously these are the people most involved in the phenomenon, and there were actually some attempts — at times successful — on my part to enter their circle. Yet I believe that in a context where the dispersion of the cultural heritage is a common conversational topic among scholars, academicians, politicians and bureaucrats — i.e. those responsible for its preservation — their opinion may be as valid as, and certainly more far-sighted than that of the actual thief or clandestine digger who represent only one micro-aspect of a phenomenon involving various levels of competence and responsibility.

The cultural and sectorial bias obviously impinged on the objectivity and "purity" of the opinions obtained: none of the judgments cast by the experts interviewed could, in fact, be defined as salomonic or even objective. Their conversation, at times measured or deliberately detached, at times intentionally hypercritical and destructive, tended to reflect their personal position within the political, bureaucratic or academic system. Thus, the darts thrown against the "system" by an apparent avant-gardist superintendent presumably indicated his resentment for a secondary position in the game of "major" versus "minor" superintendencies or academic schools, while the desire to consolidate a prestige status or a cultural barony clearly transpired from the mo-

derate, though illuminated, criticism of the academician or high-ranking bureaucrat.

Frustrations, dissatisfaction, sectorial interests, real or simulated innovative tendencies, mental reservations and reluctancies all emerged from the expert opinion-sounding. Yet on balance, I do not think that the information obtained was invalidated by this personal bias. By sifting through discordances, resentments and sectorial particularisms, it was possible to elicit constants and to identify the most characteristic aspects of art and archaeological theft; moreover, by correlating these characteristics with the biases reflected in leading opinions, there emerged very clearly some of the institutional factors which seem to determine the seriousness of the phenomenon and, to some extent, to condition its course.

The Interviewed; Institutional Background

When this research was initiated, the debate on the Italian cultural heritage seemed to have reached one of its most promising, less sterile, moments: the nomination of a Minister for the Cultural Heritage, the transfer of certain competences to the regions and, consequently, the first positive initiatives at the regional level, gave hope for a restructuring of the system of guardianship which through decentralization of powers and a better, more specialized synchronization and control at the national level, would lead to a more effective protection and enhancement of the artistic patrimony. The moment was, however, critical: the projected innovations undoubtedly constituted a threat to precise prestige positions, by then solidly entrenched and institutionalized; in particular, the postulated creation of a Ministry for the Cultural Heritage did not resolve the question of the administrative dependence of the superintendencies; nor could it be predicted what rôle and function the Superior Council of Antiquities and Fine Arts

(the top authority of the Fine Arts Administration) would play within the framework of the new Ministry.

At the political, academic and administrative level the discussion centered on the apparent polarity of regional decentralization and national co-ordination and control. Almost simultaneously however, a decree on the status of top level civil servants (super-bureaucrats)¹⁵ had seriously aggravated the current malfunctioning in the superintendencies by allowing the early retirement of some 43 superintendents and the sudden transfer of others.

Although our research took place in an innovative atmosphere, it coincided with a particularly delicate phase of the already tottering structures of the Fine Arts Administration. The search for expert opinions was consequently faced with a basic contradiction: while the prevailing opinions at journalistic, political and academic level were projected toward the new, most "experts" (charismatically defined) were still identified with the very structures and institutions which were the object of open criticism and reconsideration. This obviously posed serious problems for the interviewer: if a system is admittedly malfunctioning, any outsider who tries to understand the reasons for its inadequacy is naturally inclined to prejudge the responsibility of the individuals or bodies within that system, and to listen to those who speak of innovations and alternatives. On the other hand, innovations and alternatives not validated by actual experience may generate easy enthusiasm and false hopes of reform. To temper the effects of these contradictions, the "experts" were chosen with a view to obtaining (qualitatively if not quantitatively) the widest and most diversified range of opinions. We did not follow any strict selection criterion; after a preliminary orientative phase and a few informal colloquia, it was nevertheless easy to gather hints and obtain suggestions. The search for experts, which constituted the

¹⁵ Law Decree 748 of 30 June 1972.

first step of this study, was never considered concluded: throughout the research, and particularly during the field visits, I tried to gather and listen to as many voices as possible, not only to feed the research with continuous and differentiated information but also to consider which aspects of the problem were viewed as most significant and salient by the leading opinion.

The experts interviewed came from the following categories:

Officials of the Ministry of Education (Superior Council of Antiquities and Fine Arts, Superintendencies, Catalogue Office);

University teaching staff;

Art experts and critics;

Police officers and members of the Special Carabinieri Squad for the Protection of the Artistic Heritage;

Journalists;

Officials of the Ministry of Foreign Affairs (Office for the Recovery of Stolen or Illegally Exported Art Works);

Members of the Vatican Commission for Sacred Art;

Members of the Italia Nostra Association;

Members of the Parliamentary Commissions.

The Interviews

The informal colloquia held with the "wise men" of the Italian cultural heritage were aimed at obtaining a general picture of the problems inherent in the effective safeguarding (both in terms of actual protection and preservation and public fruition) of the artistic patrimony, and specific information on the phenomena of thefts, clandestine excavations, receiving, and illicit exportations and sales. It was hoped that through the information obtained it would be

possible to delimit a problem which even at first sight appeared to have complex manifestations and implications.

The interviews did not follow any particular guidelines or structure; rather, the course of the colloquia was determined by the respondents' immediate approach to the problem and, more so, by the possibility of detecting the relationship of the respondents' judgements and opinions to their social status.

Personal status of the interviewee and his position within the system played an important rôle also in the orientation and formulation of the questions. A strictly bureaucratic jargon, supplemented by the UN label and by a formal office-to-office relationship, had to be used with police and carabinieri officers. In this case, the question-answer formula mainly focussed on the theft/recovery mechanics. It was in fact difficult to go beyond the crystallized cliché of the effectiveness of the system and the unavoidability of certain disruptive events: in the minds of police officers thieves, *tombatori*, receivers and smugglers appear to be endowed with almost magic capacities, and their activity is considered an inevitable correlate of a rich archaeological and artistic heritage, combined with the existence of foreign collectors and museums. A critique of the current centralized system of state guardianship was never attempted and indeed carefully side-stepped.

Conversations with administrators, superintendents and other officials of the Fine Arts Administration required a diversified and more sophisticated approach. While it was easy to obtain information and suggestions from some of the younger, less bureaucratized officials, opinions and estimates could be obtained from others only by implicitly accepting current institutionalized functions and rôles.

The dialogue with art experts and academicians was more open, though at times also more vague and dispersive. Here the main difficulty lay in the use of an esoteric language

from which opinions and judgements had to be filtered. Beyond the UN badge, the communication between interviewer and interviewee had to take the form of an initiate-neophyte relationship.

The "Informed" Opinions

The following paragraphs report the opinions of the experts interviewed, sub-divided and summarized by topic. Though the breakdown was in fact meant to meet an exegetic requirement and to avoid unnecessary and lengthy repetitions, it naturally diminished the sharpness of certain contradictions and observations which would have transpired from a complete record of each interview. To the extent possible, however, an attempt was made to examine each issue through the various points of view, sometimes confluent, often discordant, expressed by the experts interviewed. This approach might reveal some discrepancies and contradictions with what is said in other parts of this study and with some of the experience gained in the field. However, it is through such contradictions that one can best trace the influence of the leading opinion on the public, and on the permanence or exacerbation of certain deficiencies of the current system of guardianship.

Archaeological Theft

It is the common opinion that archaeological theft, with the exclusion of the theft of archaeological objects from museums (which basically falls within the normal category of theft on commission) differs substantially from any other form of art theft. The differences relate to the characteristics and identity of the executants, to their *modus operandi*, and to the type of purchaser of illegally excavated archaeological finds as opposed to stolen art objects.

Unauthorized Excavators: clandestini; tombaroli

Persons involved in unauthorized excavations and sales of archaeological finds are hardly ever referred to as thieves in the common diction or literature. Whether he operates in Etruria, in Calabria or in Sicily, the clandestine digger is admittedly considered as one who, though living at the margins of societal norms, performs a continuous and steady activity. The very nature of his work, which often requires a lengthy and difficult task of identification and excavation, differs from the merely instrumental operations which characterize the theft of an art object from a church or a museum. The *clandestino* perceives his actions as legitimate or, better still, as legitimated by long-established family tradition. The feeling of doing "*un mestiere come un altro*" ("a job as good as any other"), and the fact that in many instances there are no alternative work opportunities, accounts for the absence of any feeling of guilt on the part of the *tombaroli* or clandestine diggers. In fact, they tend to identify the illegality of their activity exclusively with the risks involved in performing a clandestine profession; these risks are attributed to the inadequacy or even iniquity of the current law and to the unco-operativeness and inefficiency of the authorities charged with the planning and supervision of official excavations. The *clandestino* or the *tombarolo* also holds a considerable pride in his job, manifested both in the satisfaction with which he shows and illustrates the qualities of his finds (the explanations of a *tombarolo* are rarely inexact, though obviously simple with regard to the historical documentation and aesthetic appraisal) and in his preference for placing his objects with private collectors rather than with intermediaries.

Among the opinions sounded during the interviews, some held a fairly strong legitimistic position; yet there was no definite reprobation of the *tombaroli*. This reflects in part the influence of a literature which, since the beginning

of the last century, has tended to mythicize the character of the *tombarolo* and to provide a socio-economic justification for his activity; in addition, the admitted insufficiency of official excavations and supervision has provoked, on the part of the experts and consequently the public, a tacit acceptance of the existence of clandestine diggers, as though in the *mare magnum* of the anomalies of the national archaeological and artistic heritage they represented the less disturbing, more picturesque element.

The archaeological patrimony is menaced also by other categories of individuals who, more or less legitimately or casually, may find some objects of archaeological value. Often they are members of the staff of private research institutions or foundations to which excavations are commissioned by the state, and who simply omit to report their finds. Still another category of archaeological pillagers, whose activity appears to be more structured and organized than that of the *tombaroli*, operates particularly in Sicily and Southern Italy; it consists of local landowners who rent a plot of land on a short-term lease and then proceed to effect a thorough "archaeological land reclamation" operation. Whatever archaeological objects are found on the land are dug up for sale or smuggling. On the expiration of the lease they move on to another plot.

Illegal Excavations

Expert opinion reflects greater alarm with regard to the actual damage caused by clandestine excavations. Some of the interviewed spoke of deliberate acts of vandalism and destruction committed by clandestine diggers, primarily determined by the disappointment and lack of success (expressed in commercial and monetary terms) of a certain expedition; however, this seems to be a minority opinion. In the majority of cases, destruction and damage relate exclusively to single archaeological finds rather than to tombs or architec-

tonic structures; they are attributed primarily to the haste and clandestinity in which the *tombaroli* have to operate. Yet many experts admit that the *clandestini* perform their work with a certain competence — acquired through tradition and practice — often superior to that of the young or amateur archaeologist.

The damage caused by illegal excavations affects primarily cultural and historical values. Planned official excavations preserve and reconstruct the unity of a given socio-cultural compage through historical interpretation and documentation. Clandestine excavations serve the purpose of finding and removing archaeological objects, independently of their historical and documentary significance; generally, their historical context is irreversibly destroyed.

Apart from the *tombaroli*, however, the global context of the archaeological interpretation and reconstruction is also endangered by insufficiently planned and unco-ordinated official excavations; all too often such excavations are conducted to satisfy the personal prestige or academic ambitions of particular archaeologists.

Civil construction (i.e. roads, subways, sewers, water pipes, etc., usually sub-contracted to private firms) also constitutes a major threat to the archaeological patrimony. In theory such construction should immediately be stopped by the superintendencies if major archaeological finds are disclosed. In fact, however, finds are not always reported, or the matter is settled by a negotiated "arrangement" between contractors and the superintendencies.

The Market for Archaeological Finds

In the perception of many police officers and ministry officials, the *tombaroli* have "incredibly important relationships abroad", and are directly connected with international receiving networks. For the specialized carabinieri, the sale

of clandestine finds assumes different forms: retail selling and smuggling are effected directly by the diggers, while the wholesale market is in the hands of intermediaries. For the superintendent and the academician, the *tombaroli* are not directly involved in the international receiving market, but (whether acting independently or on commission) they know how to place their finds on the local receiving market — mainly through minor antique dealers; this local market is in turn connected with major receiving "bases" in Italy or abroad. For the collector and the independent art expert, the *clandestino* chooses his clientèle preferably among local private collectors; objects are sold to the intermediary only if the supply is not entirely absorbed by private demand.

It is nonetheless possible to draw some conclusions from these contrasting voices. While a substantial part (estimated at approximately 60 per cent) of the illegally excavated archaeological objects ends up in the local market, either represented by private collectors or dealers, the rest — especially finds of major value or those considered as involving more risks — is smuggled abroad; this is rarely done by the *clandestini* themselves, but more often by foreign intermediaries who periodically visit the main archaeological areas, purchasing already excavated objects, or commissioning new excavations.

It is worthwhile noting that while the names of the most famous foreign intermediaries and traffickers are well-known to experts, superintendents and even police officers (in one instance the name of a Swiss intermediary was mentioned publicly in a parliamentary debate), they are nevertheless considered "untouchable".

No special reason is given for this mysterious immunity, which is almost always taken for granted, and only vaguely related to the inadequacy of international norms, processes and conventions, and even to the inequity of certain foreign legislations.

The Purchasers

It is a fact that the illicit market for archaeological material is considerably stimulated by the heavy demand from foreign museums and collectors; it is equally true, however, that private collections of "pots" and "vases" are numerous within the country as well. Who, in Italy, buys archaeological finds and why? Except in the case of real connoisseurs and major collectionists, who sometimes are not immune to speculative and commercial interests, the main stream of illegally excavated archaeological finds flows into the glass cases of bourgeois sitting-rooms. Doctors, lawyers, professionals constitute the typical fauna of archaeological fanaticism, based on a range of feelings and interests which make it particularly tenacious and dangerous to the archaeological heritage. The latter is not so much diminished by this continuous retail pillaging, often concerning objects of minor interest, but rather by the distortion which this imparts upon the cultural value of the archaeological object, and upon the very concept of public fruition.

These improvised connoisseurs cuddle their collections, whose charm derives primarily from the conviction that they have been able to acquire "forbidden" objects thanks to their purchasing power and social position.

Unlike the art collector, who is often motivated by financial interests and the desire to invest capital in non-depreciable goods, the link between these archaeological assemblers and the purchased object is far less utilitarian though more complex in nature. There is, indeed, the immediate satisfaction of having obtained a good bargain (at times an illusion), increased by the thrill of direct contact with individuals who, to a well-thinking bourgeois, appear as adventurous outsiders, and by the attraction (unconscious and unconfessed) towards activities at the margin of legality. Yet, the dominant incentive is given by the opportunity of buying culture, and becoming a *maecenas* by means of one's

own solid and respectable security. The unconscious evolutionary process moves along this sequence: bourgeois education, professional prestige, financial security bring as a corollary, imposed by certain drawing-room values and "caste" conventions, cultural interests which can be easily satisfied and exhibited through the purchase of culture instalments, of which the authentic Etruscan or Greek vestige represents the most accessible, prestigious element. Thus for these retail archaeology lovers, art and culture (which for the art collector become at times investment goods), still fall within the category of consumer goods, the fruition of which should however be exclusively reserved to restricted social and economic élites. The possibility of subtracting some components of the "national" artistic heritage from the "avidity of foreign speculative hands" flatters their patriotic sense and makes their polished, well-kept collections small cultural citadels, open only to friends, colleagues and similar hobby-sharers. In the majority of cases, their small museums are ordered according to the criterion of gaudiness and real, or presumed, rarity, thus resembling more a display of hunting trophies than a collection of archaeological finds. These trophies are never sold, but jealously loved and proudly displayed as personal possessions.

The relationship between these collectors and their clandestine supplier is also interesting. It is true that the *tombaroli* prefer to sell their finds to private collectors because their "discoveries" — if placed in elegant and respectable settings — please their professional pride and admit them to the confidence of "important" people; also the certainty that the finds are not purchased for resale diminishes their risks. It is equally evident, however, that through these contacts the *clandestini* have learned the rules of the social game. To place their finds, they resort to flattery ("I kept this especially for you, *you really* are a connoisseur"); they goad professional and social competitive feelings ("This is really rare stuff, the only other person

who owns one in town is Professor X"); they exaggerate the qualities and value of their merchandise while showing at the same time a certain condescending superiority in their transaction ("This crater is really exceptional; look at the purity of the design, it is worth a fortune; I am not quite sure I *even want to sell it*"). The result of this game is that often the upper-bourgeoisie collections abound with archaeological finds which are neither exceptional nor rare and which, uprooted from their cultural significance and function, appear solely as pretentious, slightly macabre nick-nacks.

Collectors of this type also increment the principal auxiliary industry of clandestine digging: the making of false archaeological objects. Unlike illegal excavations which, whether independent or commissioned, follow a precise routine typical of the artisanal work of the family enterprise, the fake industry has different levels of structuralization and is often so specialized that the identification of a fake is difficult even for an expert eye. Naturally, the predestined and easiest victims of the fake-sellers are the medium collectors who, in their scarcely illuminated fanaticism to secure rare and precious objects, and their reluctance to face the risks of an expertise, often purchase clamorous fakes, reassured by the paternalistic relationship which ties them to the "reliable" habitual supplier.

The Remedies

Judgements and opinions differ as to the most effective ways to solve the problem of illicit archaeological excavations and sales; there is unanimous agreement only on the fact that the present system cannot cope with a situation which has by now reached the stage of chronicity. Control of all archaeological areas — in particular the necropoleis — on the part of superintendencies, inspectors or police and carabinieri officers is obviously impossible, not only because of

the scarcity of personnel and resources, but also because not all archaeological areas have been identified or can be easily circumscribed. On the other hand, the very idea of a common heritage protected with barbed wire and policemen is incongruous with the concept of public fruition and enjoyment. The channelling of all excavations through the superintendencies in a vast operation which should preserve *all* the materials still buried in the necropoleis is rather utopian, given the exiguity of the specialized technical personnel at the disposal of the superintendencies and the scarcity of funds. In addition, an operation of this type, conducted primarily to beat the *clandestini* to the excavation sites, would contravene the principle of planned excavations and of the global interpretation of archaeology.

A simplified and more frequent use of excavation concessions could represent a partial solution; it would however be subject to all the risks inherent in the privatization of public functions and services.

The problem of finding adequate manpower and resources for official excavations remains therefore serious. The employment (co-opting) of clandestine diggers for official operations — though successfully experimented, as can be seen from the Sicilian study — butts against the rigours of bureaucracy and legitimism; the utilization of university students and voluntary groups is generally adversed on the ground of their insufficient technical and scientific training.

The sale of part of the archaeological finds, particularly duplicates, to foreign museums and collectors, though suggested by some as a solution to the problem of finding adequate funds for official excavations, is opposed by the advocates of global conservation and safeguard. Yet some liberalization of the archaeological market is suggested by others as an effective remedy against clandestine selling and smuggling. The central argument is this: in a free market the prices of archaeological finds would correspond more to their actual

value; also, control could be exercised on sales through preventive indexing and cataloguing.

Beyond these varying opinions and suggestions relating to the "clandestine" problem, a more fundamental postulate was advanced by many of the experts. In essence, it requires that an archaeological find should be seen (and understood by the public) in the global socio-historical context to which it pertains; the rarity and the tombal flavour of "antiquity" of a particular object would thus become irrelevant, and its main function would be a documentary and historical one. To this end, public participation and sensitization is, of course, a basic requirement.

Art Thefts

Art thefts offer a varied typology both with regard to the executants and, more so, with regard to the act itself; in fact, the theft assumes different forms and techniques according to the type of art work against which it is directed.

The Thieves

It emerges from the expert opinion-sounding that virtually all types of thieves — from the occasional burglar to the expert — contribute to the pillaging and dispersion of the artistic heritage. While the *clandestino* has a definite connotation and position, the art thief escapes categorization and, according to the particular experience or inclination of the experts' judgement, is identified as an occasional burglar, a habitual robber who steals art works like any other goods, or a specialized thief directly linked with commissioners and receivers.

This uncertainty and discordance of opinions presumably depends on the fact that, while art thefts constitute a tangible fact of ever-increasing proportions, art thieves are rarely

identified and often can only be characterized through their *modus operandi*, as manifested in the particular type and technique of the theft.

The Thefts

Apart from the sporadic, isolated case of the theft for "self-consumption", i.e. the rare instance in which a work of art is subtracted from the national patrimony or a private collection directly by the art-lover for his exclusive use and enjoyment, the following are the categories of thefts which occur more frequently in the national ambit.

Thefts for ransom: Almost always these thefts are directed against major art works, which can hardly be sold or exported. These works are widely known and reproduced in many catalogues or art books. In 95 per cent of cases the stolen work comes from a church.

The theft is usually committed during the night, reported the following morning by the custodians (priests, sacristans and the like) and the work often recovered some time later in an abandoned house or in the open country, as indicated to the police or carabinieri by the executants/commissioners themselves. The payment of a ransom constitutes the actual basis of the recovery. The interest — not only national — in these works is such that it has become customary for law enforcement personnel to negotiate with thieves and commissioners in order to secure a safe recovery. In fact, failing negotiations, the object might be destroyed or irreparably damaged.

The fact that the concern for the retrieval of the object prevails upon the interest in the identification and prosecution of the offenders, reduces the actual risks involved in this criminal activity and makes it profitable, particularly in areas such as Veneto and Apulia, where it is linked to real "criminal bases" often engaged also in

other types of crime. In all instances, however, this type of theft, whether executed independently or on commission, requires a certain degree of organization which goes beyond the range of activities of the occasional or common burglar.

Although in the majority of cases, thefts for ransom hit works of art belonging to the national heritage, they are also sometimes committed at the expense of private collectors. In this case the ransom is either requested directly from the owner of the stolen work or, more often, from insurance companies who pay a fixed quota of the insurance benefits.

However frequent and potentially dangerous for the national heritage, thefts for ransom constitute an anomalous category of art thefts. While their mechanics and immediate motivation make them similar to any other criminal activity based on extortion and requests for ransom, the fact that they, in the majority of cases, do not contribute — either directly or indirectly — to the illicit art market makes them substantially different from other forms of art theft. The theft-recovery sequence is in fact exhausted within a circle which involves exclusively the executants, their eventual accomplices and the negotiators.

Thefts on commission: According to the majority of experts, a considerable number of art thefts are executed on commission. The rôle of the commissioner can hardly be separated from that of the receiver or the intermediary. The incidence of thefts committed to satisfy the desire of a private collector is in fact minimal. The commissioners/receivers usually place the stolen works on the market, either by sale or by illegal export.

Often these thefts involve minor art works, the market value of which is artificially increased by art galleries and critics. This speculative aspect concerns the structure of the illicit art market and is not directly connected with the occurrence of thefts. Sometimes, however, works of mediocre

artistic interest, which have been revalued and made popular through exhibitions or documentation, become the object of a series of thefts, generally followed by illegal export.

Thefts from churches: Whether on commission, independent, occasional or fortuitous, thefts from churches deserve to be considered as a separate category. This is not only true from a quantitative point of view (they represent approximately 80 per cent of the total): the frequency with which they occur, remain unpunished or are even ignored reveals one of the most serious aspects of the overall problem of the dispersion and deterioration of the national artistic patrimony. The clamorous theft of a major art work represents only the most evident, less frequent, fact of the continuous pillaging of the ecclesiastic heritage. In some cases, works of great artistic value admittedly disappear from churches without ever being traced or recovered; such episodes may awaken the immediate interest of the public (otherwise considered indifferent and non-participant) in the destiny of the national heritage, and they may confirm the scepticism and distrust with regard to a system of safeguards which cannot even protect world-famous masterpieces. However, and unbeknown to the public, thefts from churches usually involve objects which, while they may not represent the principal vestiges of the national artistic heritage, nevertheless constitute its most vital and representative fabric.

If we consider the stolen object *per se*, obviously the objective damage caused by the loss of a "major" art work is greater than that involved in the theft of a "minor" object. However, the demarcation between major and minor artistic interest is irrelevant in a global interpretation of the historico-cultural expression of a given context, within which any manifestation, however modest, has a precise rôle and documentary function.

If, therefore, the national heritage is irreparably impoverished by the disappearance of a famous work of art, its

cultural significance is irreversibly lost in the continuous dispersion of objects of art and crafts which testify to the historical and social past of the country.

The experts are concordant in pointing to the damage caused by this type of persistent, minute theft, and in attributing its main determinant to the state of complete abandonment and deterioration in which objects entrusted to the custody of the clergy are kept.

In some cases, the "thumbs down" for the priests becomes so strong that they are bluntly accused of open complicity with the thieves. Indeed, at times, thefts are considered as an anomalous, yet beneficial, remedy: in fact, the stolen objects can still survive, even if they lose their original destination and nature through sale or transformation; if left in the churches, they would undoubtedly be destined to deterioration and destruction. One of the most unsparing criticisms of the state of abandonment and confusion of the ecclesiastical artistic patrimony actually came from a member of the Vatican Commission for Sacred Art. Referring to the numerous works of art and crafts often lying in dusty heaps in sacristies and rectories, he said, "We are grateful to the thieves because they reveal to us the existence of our artistic patrimony".

Thus, the situation of the minor artistic ecclesiastic patrimony is somewhat similar to that of the archaeological heritage: the common element being represented by the impossibility of tracing a stolen object due to the absolute lack of documentation or even knowledge. This is confirmed by the high number of unreported thefts and by the meagre percentage of recoveries.

Unauthorized sales: Although unauthorized sales of objects belonging to the ecclesiastic patrimony cannot substantially be retained as thefts, they may however be counted among the most deleterious — and less controllable — forms of diversions. Particularly during the late sixties,

there was a real and almost systematic spoliation of churches, especially those situated in the rural areas. Church furnishings, artisanal crafts, paintings and sculptures of various schools and periods were sold by the priests — at times in good faith, more often with the precise intent of realizing a profit regardless of the procedure of authorization regulating the sale — to secondhand or minor antique dealers. Once sold, these objects are often subjected to a real process of vivisection and transformation before being placed on the market. A XVIII century religious painting, for instance, once in the hands of experts, will be cut into several pieces, constituting in turn "still-lives", "portraits", "Madonnas". This often concerns works of mediocre artistic and technical quality; the painting may be poor and in need of a revitalizing touch which is given to them by a more or less competent and hurried restoration. In strict analogy with this sort of blasphemous "multiplication of the loaves and fishes" is the transformation undergone by pulpits, chairs, chancels and other church furnishings which become writing desks, cocktail cabinets, lamps, etc. — though the final destination of these objects has somehow a more utilitarian connotation. A complacent public and the social value of "the-authentic-piece-in-the-parlour" as a status symbol of a certain institutionalized, consolidated consumer society encourage this martyrization of ecclesiastic objects.

Although reference is made here primarily to the unauthorized sale of objects belonging to the ecclesiastic patrimony, this phenomenon also relates to works of art belonging to private collections or public institutions, the sale of which is subject to notification or ministerial authorization.

Illegal exports: Under the 1939 Law and subsequent amendments (1972), the export of works of art is subject to a licence granted by export offices of the superintendencies. If, in the opinion of these offices, the export would cause damage to the national artistic heritage, the

licence is denied. In all cases, if an object is considered of interest to the national heritage, the state may exercise the right of pre-emption. Despite the strictness of the law, illegal exports of art are very common and, according to some experts, do not entail any particular difficulty.

In fact, the same imagination which animates the art work "transformer" suggests to the smuggler, aided by the complacency of recipient countries and foreign banking institutions, the most unusual, diversified and safe ways of sending art works across the national frontiers — from the diplomatic pouch to the freight wagon or the innocent-looking executive briefcase.

Even if the flow of illegally exported art works is considerable, there are many objects which leave the country with an export licence. If, in some cases, this may be imputed to the "mala fide" of the personnel in charge of the export offices, in other instances it must be ascribed to their inefficiency or incompetence. Not only do the export offices of the Fine Arts Administration suffer from an almost chronic and generalized problem of understaffing, but those competent for the issuance of licences often lack the necessary specialization and expertise to formulate a judgement on the relevance or interest of a given object for the national heritage.

The Market of the Work of Art

Opinions are almost unanimous in admitting a close link between art thefts and diversions and the antique market. For works of art purchased within the country, however, the experts tend to exclude the direct involvement of major antique dealers. Local illicit traffic is in the hands of minor antique or secondhand dealers who purchase stolen or illegally sold works either directly or through intermediaries; the latter may act independently or on commission.

The structure of the international illicit market appears to be more complicated. The experts are concordant in locating in a small group of countries the main terminal of the sequence of passages which presumably precedes the final sale. Among these transit countries Switzerland seems to detain an almost mythical, long-established traditional primacy. It is however difficult to reconstruct through the views of experts the actual mechanics and functioning of international art traffic. Though it is the common opinion that commissioning and organizational bases must exist both within the national territory and abroad, the structure of these organizations and their actual location remains within the ambit of nebulosity. There are of course various hypotheses: some retain that thefts are commissioned from abroad and executed locally through intermediary organizations; others think that commissioners are local and that the "foreign" involvement is limited to the actual purchase — not necessarily in bad faith — of the stolen work. Others still compare the organization which is behind international art traffic to that of the mafia, the "top" being usually represented by banking institutions or commercial firms. In this case, the organization would be structured according to the "cell" system, from top (purchaser/commissioner) to bottom (executant). This means that within the hierarchical scale, contacts are maintained only between the lower cell and that immediately above it, i.e. thief/first intermediary, first/second intermediary, etc. If organizations of this type really do exist, it is obviously very difficult to breach into them. In the complexity of the intermediary network, not only evidence is lost but also the sense of guilt. When not directly involved, consciences are easily washed and a bank or businessman may find the purchase of an art object (the doubtful origin of which may have become quite remote in the long series of passages) legitimate and justified for a number of reasons: it is a good investment from a financial point of view and it adds to the social prestige of the owner.

In addition, given the notorious state of abandonment and deterioration in which art works are kept in their original location, the final purchaser may even think it laudable to buy and preserve something that sooner or later would be destined to destruction.

Beyond hypotheses, however, it is clear — and this is also confirmed by press reports and police records — that international art traffic develops through different levels and ramifications which diminish considerably the possibilities of its control.

The Purchasers

Unlike the purchaser of archaeological objects, who is almost always aware of the clandestine and illicit character of his purchase, the ultimate buyer of a stolen or illegally sold art work may frequently act in good faith, real or self-perceived. This is particularly true of the internal market, mostly involving "minor" objects of art and crafts which are often transformed or "adapted" prior to the sale. These objects, exposed in the show cases of antique shops, attract either the occasional purchaser or the more systematic gatherer of "antique pieces", their pull-factor being a mixture of financial motivations, social prestige and conspicuous consumption. The authentic or semi-authentic piece is often a good investment, represents a certain type of social position and, finally, stands one step above the electrical household appliance, the second family car, or the week-end house.

In this type of reasoning — so diffuse as to have become almost a cultural trait — there is no room for guilt feelings. The purchase of an art work is equivalent to any other purchase justified by one's own financial means and choices. The purchaser either is unaware of the original provenance of the art work or he considers the matter to be of sole concern to the thief, intermediary or re-seller. The money paid for the purchase has in this instance a cathartic function, rel-

egating the illegality of the act to a *prius* from which the ultimate purchaser feels totally excluded.

Somewhat different is the case of the serious collector, either local or foreign, who purchases art works of major value and fame. Here a total *bona fide* can hardly be claimed. However, given the long series of transactions which normally precede the final sale of objects of this type, the purchaser considers his involvement to be only marginally, if at all, illegal. In this case also the money paid and reinvested in the work itself has a redeeming function, supported by presumed cultural merits. It is in fact necessary to consider the interaction which is established between the purchased work and its owner; an interaction in which financial power, artistic interest and aesthetic pleasure mix and alternate, thus corresponding entirely to the purchaser's expectations and providing full justification for his action. Besides, the secrecy in which presumably the work has been purchased and held enhances the pleasure of its fruition, conferring upon the private collector a privileged and exclusive cultural rôle.

If the purchaser is a foreign museum or institution, justifications may be provided on legal grounds — by exhibiting a regular export licence or providing evidence of good faith — or be rationalized by the claim that works of universal interest which would be neglected in their home country, are effectively divulged, and their cultural and artistic value enhanced.

The Public

The public who purchases stolen or illegally sold art works often consists of the same people who should care about the destiny of the national heritage. Yet most of the experts consulted make a distinction (perhaps unconsciously) between what could be defined as the "receiving" public and the public-at-large. If this is typical of the snobism of our cultural and academic élites — even the most socially

and politically open — such an attitude however serves to reinforce a prejudice and misunderstanding which is particularly detrimental to a correct interpretation of the real social function of the national cultural heritage. In fact, the experts rarely have a totally negative opinion of the purchasing public. There may be some scorn, more or less acute and aestheticizing, for the small collector of authentic "crusts" and "remodelled" art works and crafts; there may be some awareness of the process of "artistic social climbing"; but collectionism is generally justified as a corporate or lay substitute for an inefficient system of state guardianship. As regards the public-at-large, expert opinion tends to be less charitable: "People are amorphous, they have no interests, their interests are exclusively rhetorical and pseudo-nationalistic, they lack culture and civic sense, they prefer football matches". I am not inclined to support this thesis, not only because it is contradicted by some good examples of public participation and initiative, particularly at the local level¹⁶, but also and primarily because it negates the social function of the artistic heritage by relegating the task of its preservation and fruition to traditional minority élites. The fact that such severe criticism originates from the very same experts who, by profession, rôle or personal inclination, define themselves as promoters of a general divulgation of art and culture in an ample social perspective denounces one of the basic contradictions of the current system, and indicates perhaps the key reason for its inefficiency.

With the exception of a few positive promotional efforts, I could not perceive during the expert opinion survey any real intention to overcome the much lamented public ignorance and indifference, and to create a common meeting ground between the community-at-large and the artistic or scientific initiates.

¹⁶ Cf. Emilia-Romagna study.

Control Mechanisms

The Law in the International Context

Clearly, the illegal traffic of art and archaeological goods transcends national boundaries. The problem of its control must therefore be also viewed at the international level. Few of the experts seem to have much faith in international conventions. Some have visions of an "optimal" international compact embodying uniform legal principles to regulate purchases in good faith, to provide for extradition of thieves and receivers, to ensure the immediate restitution of any stolen or smuggled art work to the country of origin, to extend the period of limitations, and, finally, to set the basis for better co-ordination and collaboration among law enforcement agencies. Yet it is generally admitted that the likelihood of such an optimal convention being adopted and complied with is not very great due both to the self-interest of some countries and to the fact that appropriate norms (e.g. with regard to the period of limitations) may have to derogate from general principles embodied in national legislation.

The National Law

The cornerstone of the Italian legislation on the safeguard of the cultural heritage remains Law No. 1089 of 1939. The comments of the experts in this regard vary from a moderate "The law would be adequate if correctly applied", to an indignant "The law is absurd", to a more elaborate, sybilline "The law is perfect. It was passed in 1939 and adequate to the structures of 1939. Today the situation has changed, but the law is still the same and the structures are those of 1939".

However, there is general agreement that major legislative reforms are needed. Particular criticism is directed

at the Fine Arts establishment ranging from the Superior Council to the superintendencies. The major defect imputed to the latter is their inability to reconcile their scientific and management tasks for lack of personnel and often because of inadequate technical training. The prevalence of bureaucratic and administrative tasks over scientific functions is in fact seen as the main weakness of the superintendencies. The goodwill, personal initiative and competence of some superintendents can hardly compensate for the structural and organizational deficiencies of their offices. Despite several innovative proposals and the recommendations of commissions of inquiry, the persistence of an unsatisfactory crystallized *status quo* undermines the experts' confidence in the actual possibilities of reform. To this must be added the suspicion that policy-makers seek to inject political alignments (or to consolidate existing positions of political power) in this branch of the administration.

Particular importance is attributed by the experts to the problem of regional decentralization in the Fine Arts sector. Regional autonomy and decentralization are constitutionally sanctioned facts, accepted, at least ostensibly, by everyone in a political, ministerial or administrative position.

Yet, beneath this professed acceptance of the principles of decentralization and regionalism in the Fine Arts Administration, there remain strong resistances rationalized by a variety of arguments — for instance the need for graduality in the transfer of powers to the regions, the danger of dispersion and excessive fractionalization of functions, the need of ensuring co-ordination at the national level, and finally, the importance of unified cultural planning and policies. It is evident that these postulates are perfectly justified and unexceptionable in themselves. What diminishes their plausibility, however, is the fact that they are not proposed in the context or spirit of an objective and comprehensive analysis of the problem; all too often the real

purpose is to close the door to regional decentralization as a possible, viable alternative to the present centralized system, with its obvious and admitted dysfunctions; in that sense, the risks inherent in decentralization are not seen as part of the problems to be solved by an eventual reform of the Fine Arts Administration, but rather utilized as reasons to oppose any such change. These objections to decentralization usually originate from those who occupy prestige positions within the highest ranks of the Fine Arts Administration or from others who, though holding secondary or at best instrumental positions, view the reform as a threat to the safe inertia of bureaucratic and scientific clientèles. These same people may of course also criticize the current legislative-administrative system; often however this amounts to little more than pretended verbal concessions — imposed by the evidence of an objectively grave situation and of a more alert public opinion, but intended to bear no practical results.

By contrast, the experts whose "prise de conscience" of the problem appears to be more genuine and action-oriented, tend to indicate local autonomy as a solution which would not only be the most opportune, but also the only one corresponding both socially and politically to the present historical moment. In suggesting decentralization as an alternative to the current system, these promoters of regionalism agree that there is some risk of excessive fractionalization of powers and a clear need for consistent cultural policies; the answer to this, however, is a co-ordinated or combined approach as reflected both in some regional and in various national legislative proposals.

The Catalogue

The National Catalogue of Artistic and Cultural Goods may not by itself be considered a direct and active control instrument; yet obviously it constitutes an effective brake

on illicit transactions by identifying and publicizing the particular items and subjecting its owner or possessor to registration and authorization requirements.

More important, from a cultural point of view, is the identification, recognition, historical and artistic documentation of the national cultural heritage achieved through cataloguing operations. This promotional aspect is complementary and directly linked to defensive functions. It represents in many instances their essential prerequisite: *knowledge* of the work of art is the fundamental base of its protection, both on the part of the institutions predisposed to this end, and by the community¹⁷.

There is little disagreement on the utility and necessity of the national catalogue. Opinions differ, at most, with regard to the modalities of its realization: the most common criticism is that the current criteria for the compilation of catalogue cards are too complicated and time-consuming, especially when one considers the magnitude of the patrimony still to be catalogued, the scarcity of specialized personnel and the limited funds at the disposal of the Cataloguing Office. Besides, the photographic documentation needed to supplement the identification card (and which is indeed more urgent than the latter for the actual protection of the work) is often delayed owing to the lack of adequate financial and technical resources.

Though concordant on the educational and promotional function of the catalogue, some experts indicate some fear that its divulgation may increase the risk of thefts and diversions. The argument is that cataloguing operations, re-evaluating and publicizing works of art otherwise neglected or unknown, attract the attention of thieves and favour illicit transactions.

¹⁷ See also Indian report (Part II, pp. 221 and 237 below), where the essential rôle of proper identification to enable law enforcement agencies to intervene effectively is repeatedly stressed.

Law Enforcement Bodies (Police, Customs Officers, Carabinieri)

Police, customs officers, carabinieri all have a concurrent rôle in controlling the illegal traffic of art and archaeological works. In the course of our opinion survey, the capabilities of the police force in coping with the problem of art and archaeological theft were not discussed: their rôle is part of their more general institutional function of guardians of law and order, and a value-judgement on the adequacy and effectiveness of police as an instrument of control and repression goes beyond the scope of this study. Yet given the existence of a special section of the carabinieri established with the sole purpose of guarding the artistic heritage, its structure, functioning and efficacy were commented upon on several occasions even though it is difficult to derive an objective judgement from the opinions recorded. The condescence of certain experts (in particular scholars and academicians) in relation to the activities of the special carabinieri squad appears to be tinged with intellectual snobism. Remarks such as "I dread more what the carabinieri recover than what the thieves steal", however amusing, seem quite sterile, particularly when they are advanced by persons who — though they may be playing the rôle of santons of the cultural and artistic heritage of the country — are not concerned with the problems of its actual defence and protection. On the other hand, self-serving accounts provided by members of the carabinieri squad or overly publicistic press reports cannot on their face value be taken as evidence of the actual competence and ability of the squad in recovering stolen art works.

Without entering into the merits of the artistic competence of the carabinieri — the limitations of which appear not only real (at times the recovered "masterpieces" are but second-hand crusts) but also understandable (a one-month

training course given by the personnel of the Fine Arts Administration would not turn a layman into an expert) — there are some doubts on the desirability of establishing a special police squad for the protection of the cultural heritage. Despite the urgency of the problem, differentiated and partial mechanisms operating at the symptomatic level and directed at the control of specific dysfunctions (i.e. thefts and illegal detention) within an admittedly malfunctioning system might lead to excessive and overly rigid institutionalization, fractionalizing and retarding the solution of a problem which calls for a global and integrated approach.

Conclusion

Each of the interviewed provided a picture — more or less dismal — of the state of the national artistic patrimony. The question "What are the possible remedies and solutions to the problem?" appeared therefore both inevitable and consequential.

Despite the multiplicity and variety of the suggestions advanced, the experts' responses generally reflected a "blasé" and often resigned attitude, as though the dispersion of the national cultural heritage had by now become a chronic fact, ingrained in its existence and directly linked to the apparatus predisposed for its administration and protection.

"My resignation is due to my... refusal to continue any longer to share the responsibilities which the Fine Arts Administration is forced to take, and in fact takes in the progressive destruction of the characteristics of the Italian artistic civilization"¹⁸.

These words, coming from an ex-member of the Superior Council, reflect in a significant way the pessimism which

¹⁸ Ranuccio Bianchi-Bandinelli, *op. cit.*, p. 6.

tinges most of the leading opinions in this sector, an attitude which could be taken as one of the causes for its stagnation.

It is for this reason that the opinions of those who, despite the limitations of the current system and the apparent unavailability of certain dysfunctions, have actually promoted successful — though locally circumscribed — initiatives, has been determinant in the orientation of our field studies.

PART II

ART AND ARCHAEOLOGICAL THEFT IN INDIA¹

¹ Based on a study and report by the Central Bureau of Investigation of India. UNSDRI's particular thanks go to the Director, Dr. D. Sen, and to Mr. B.B. Upadhyaya, responsible for the drafting of the original report.

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INTRODUCTION

The problem

A partial list of major Indian art treasures recently² stolen or presumed to have been stolen, illegally exported and currently known to be on display abroad reveals the magnitude of the losses which are currently being incurred by the nation's cultural patrimony:

<i>Item</i>	<i>Place and Date of Theft, Presumed Theft or Illegal Export</i>	<i>Present location</i>
Bronze Bodhisattva, Kashmir Style Bronze Buddha, Kashmir Style	Originally in possession or Dr. D., Bombay (no theft reported, but no export licence seems to have been obtained)	Bronze Buddha is displayed in Los Angeles County Museum, USA. Bronze Bodhisattva presumably in the possession of Mr. & Mrs. H., New York, USA
Bronze image of Tara, originally discovered at Ranipur, Madhya Pradesh	Presumed to have been stolen from NGM Museum, Ranipur, on 15.4.74. (AIG/CID, Bhopal indicates that the photograph of Tara supplied by Archaeolog- ical Dept. may not be that of the actual image stolen)	Displayed in the Los Angeles County Museum, USA

² I.e. 1960-74; see also cases discussed on pp. 201 to 220, and selected news reports for 1972-73, Appendix.

<i>Item</i>	<i>Place and Date of Theft, Presumed Theft or Illegal Export</i>	<i>Present location</i>
Woman with child, stone, from Taneshwara Mahadeva, Rajasthan. Kumari, stone, from Taneshwara Mahadeva, Rajasthan. Matrika figure, from Taneshwara Mahadeva, Rajasthan. Matrika figure, from Taneshwara Mahadeva, Rajasthan.	Stolen from Taneshwara Mahadeva Temple, near village Prasad, District Udayapur Rajasthan on 22.11.74. (Regarding the last item NCB/UK reported that the photograph furnished of Matrika idol is not identical with that of the one exhibited in the British Museum, London.)	Woman with child is now displayed in the Cleveland Museum of Art, Cleveland, USA. Kumari and Matrika figures are displayed in Los Angeles County Museum, USA. Matrika figure is reported to be displayed in the British Museum, London
Bronze standing Buddha 6th century AD Bronze seated Brahma, Chola period Bronze seated Buddha, in Bhumisparsha Mudra, Kurihar style, 9th century AD	Originally they were in the possession of Mr. M.B.B., Bombay (Neither theft nor export licence reported.)	The bronze standing Buddha and bronze seated Brahma are now part of a private collection and exhibited in the Asia Society Gallery, New York
Colossal head of Vishnu or Surya, stone, late 4th century AD	Stolen from the Triveni Temple at Beshagar, Vidisha, Madhya Pradesh (No theft reported at the local P.S.)	It is now displayed in the Cleveland Museum, USA
Buddha in Dharma Chakra Mudra seated on a lion throne in Bhadrāsana	Stolen from the Archaeological Museum, Nalanda, Bihar, on the night of 21/22.8.61.	It is now displayed in the Los Angeles County Museum, USA
Natraja bronze idol of early Chola period mid-10th century AD	Stolen from the Shivapuram Temple in Tanjore district, Tamilnadu in 1966. (This image was stolen while entrusted to a repairer, and a substitute returned to the Shivapuram Temple.)	Mr. B.H. of New York sold the idol to Mr. N.S. in the USA

<i>Item</i>	<i>Place and Date of Theft, Presumed Theft or Illegal Export</i>	<i>Present location</i>
Image of Pawan Raja (Astha Dhatu)	Stolen from the Sun Temple, Katramal, Dist. Almorah, Uttar Pradesh on the night of 21/22.6.67	It is now in the possession of Mr. B.H. of New York
102 miniature paintings of Kangra School and Pahari art, stolen from Chandigarh	Stolen from Chandigarh Museum, Chandigarh, on the night of 22/23.7.70	An Indian art dealer, Mr. S.K.N., is known to have sold 2 out of the 102 miniature paintings to Mr. D.J.S. of Amsterdam, The Netherlands

The main hypotheses proposed by the UNSDRI research seem to be confirmed with regard to these and many other diversions which have occurred in India in the past decade. Specifically, they include:

— a wealthy foreign purchaser (individual or museum) and at times a foreign intermediary;

— inadequate security measures on the site, and at the point of export; this often reveals a low level of public interest or concern (some of the items became "famous" only after their theft or illegal removal from India was reported);

— inadequate identification, by catalogue or otherwise;

— the inability of Indian law enforcement and customs authorities to solve the case before the work of art had been removed from India;

— the inability to secure the repatriation of the particular art treasures under present national or international law.

Each of these conclusions will be discussed in greater detail in the present report.

Art in Indian Society: A Historical Retrospective

The Significance of Indian Art

For many centuries before and after the beginning of the Christian era, the main impulse for artistic achievement was provided by religion. Not unlike the cathedral-building period in Europe, this development was carried by a wave of enthusiasm which affected all the arts, relating them to places of worship upon whose endowment and adornment enormous wealth was lavished.

It should be noted that the creative moments of this period could be traced to, and did not stop the development of an older iconography. Despite the destruction later wrought by Muslim invaders, India still has magnificent temples and a wealth of sculpture in which the spiritual and material history of more than two millennia is recorded. These creative achievements, translated to other lands and moulded by the imagination of other races — Pyu, Thai, Khmer, Malay and Polynesian — provided the starting point for other and scarcely less significant and varied cycles of art in South-East Asia, and influenced profoundly the spiritual and artistic development of Central Asia, China, Korea and Japan.

A detailed comparison of the intrinsic significance and aesthetic qualities of Indian and Western art is outside the scope of this study. In passing, however, it may be indicated that Indian images tend to be abstractions of the human form; as such they suggest divinity not by the idealized perfection of physical anatomy, as in Greek art, but by

canons of proportion intended to endow the idol (the latter term is commonly used with regard to Indian religious art)³ with more than temporal meaning and beauty; erotic representations also have a place in Indian art, though their primary appeal is spiritual rather than sensual. The foreign collector may not always understand this. Yet it is evident that the aesthetic excellence of Indian art ranging back all the way to pre-historic times has had a world-wide appeal, both for the public and for the art collector.

Art Patronage and Art Collections

Throughout Indian history creativity in art has been sustained by State patronage. Buddhist art developed with the support of Emperor Ashoka; Hindu art reached its apex during the golden age of the Gupta empire; new experiments in Rajput art owed their inspiration to Rajput rulers, and the emergence of Moghul art had the patronage of the Moghul emperors. Thus art repositories have almost invariably been owned by patrons of art; and there have been very few art collectors other than government, princely states and wealthy landlords. In fact art galleries, museums and archives required large and economically unproductive investments. Only affluent princes and landlords had the resources for this and could ensure not only the expansion of their art galleries, but also the safety of the exhibits.

The complex social changes that occurred in the wake of Indian independence progressively affected these erstwhile patrons of art. The Indian Constitution is committed to the evolution of a socialistic pattern of society, placing major emphasis upon the reduction of inequalities among citizens; this has naturally had an incidence on the level of resources

³ The Uttar Pradesh Report (p. 208 below) defines "idol" as "the image of a deity used as an object of worship". We must assume, however, that the term has a more general meaning in other source materials (Ed.).

available for important private art acquisitions and patronage. Concurrently, the significance of the fabulous prices offered for antiques in foreign markets was not lost upon major art collectors in India — the more so as their changed status often entailed the loss of personal pride in their art collections. This, together with actual or expected tax problems — especially in connection with estate taxation (death duties) — produced a rôle reversion from art buying to art selling, presumably often for (undeclared) foreign currency.

Thefts

The importance of Indian art collections in foreign museums and in private hands indicates that the spoliation of India's cultural patrimony is not a new phenomenon. It is not our purpose, however, to discuss here losses which occurred under the colour of past political or cultural domination. We are instead concerned with new forms of art theft and diversion, and with an international art traffic that persists in spite of explicit internal legislation and international resolutions or compacts ostensibly designed to protect each nation's cultural patrimony.

In India, the problem of art and archaeological theft became a matter of public concern in the 1950's. This is indicated by the fact that there has been considerable debate both inside and outside Parliament over the ways and means by which the erosion of the cultural patrimony could be checked. The level of public alarm was reflected in the press by editorials, newsletters, news items and feature articles. A sample of this media response is given in an appendix to this report.

Crime statistics give only a very partial picture of the real situation. They do, however, reveal some visible trends, and the level of concern on the part of law enforcement authorities.

TABLE 1: REPORTED ART AND ARCHAEOLOGICAL THEFTS
(1969 to July 1973) *

STATES/U.Ts/CITIES	1969	1970	1971	1972	1973 (up to July)
1. Andhra Pradesh . . .	—	—	28	46	17
2. Arunachal Pradesh . .	—	—	—	—	—
3. Assam	1	—	5	1	—
4. Bihar	4	2	1	8	21
5. Gujarat	20	16	27	19	11
6. Haryana	—	—	—	3	1
7. Himachal Pradesh . .	11	—	4	9	4
8. Jammu & Kashmir . .	2	1	4	1	5
9. Kerala	19	16	11	8	1
10. Madhya Pradesh . . .	51	37	21	21	18
11. Maharashtra	5	3	12	20	9
12. Bombay	6	4	5	5	3
13. Manipur	—	—	—	1	1
14. Meghalaya	—	—	—	—	—
15. Mizoram	—	—	—	—	—
16. Mysore	24	50	55	40	20
17. Nagaland	—	—	—	—	—
18. Orissa	1	10	20	23	5
19. Punjab	—	—	—	2	—
20. Rajasthan	46	50	29	42	29
21. Tamil Nadu	49	49	48	65	30
22. Tripura	—	—	—	—	—
23. Uttar Pradesh	65	75	64	54	22
24. West Bengal	26	6	—	3	10
25. Calcutta	4	2	6	15	1
UNION TERRITORIES					
26. A & N Islands . . .	—	1	—	—	—
27. Chandigarh	—	1	—	—	1
28. Dadra & Nagar Haveli	—	—	—	—	—
29. Delhi	3	3	1	1	12
30. Goa, Daman & Diu . .	—	1	9	11	2
31. Laccadives	—	—	—	—	—
32. Pondicherry	—	—	1	4	—
Ttotal	337	327	351	402	223

* As will be evident to the reader of this report, the actual number of thefts is no doubt many times higher (Ed.).

TABLE 2: OBJECTS AND MODALITIES OF THEFTS
(1969 to July 1973) *

I YEAR	II Offence		III Place		IV Type of Antique		V Material		VI Recovery
	Theft	Burglary	Temple	Other	Sculpture	Other	Metal	Other	
1969	213	73	241	45	315	8	81	108	29
1970	199	106	244	61	299	6	91	97	—
1971	256	59	277	38	293	7	121	122	46
1972	256	141	301	90	378	18	190	156	64
1973 (6 mths.)	131	67	161	29	201	6	44	140	43

* For some thefts or burglaries no information relating to Section II through V was available; the totals under each Section are therefore not identical.

Table 1 gives the breakdown by state of the incidence of art thefts *reported* to the Central Bureau of Investigation.

The figures show that over the five-year period 1969 to 1973, the aggregate volume of reported art and archaeological theft has continued to rise; the half-year figure for 1973 indicates a major increase over the base figure. The five-year total is highest for the States of Uttar Pradesh (280), followed by Tamil Nadu (241), Rajasthan (196), Mysore (189), Madhya Pradesh (148), Gujarat (93) and Andhra Pradesh (91). As could be expected, these are the States best known for the quantity and artistic quality of their temples, shrines and places of pilgrimage. It is also there that princes and landlords had most actively patronized art and artists.

Table 2 gives the figures available to the CBI with regard to the modalities and objects of thefts and burglaries *reported* in 1969, 70, 71, 72 and the first six months of 1973.

ART THEFT⁴: SPECIFIC FEATURES

We have included in this survey both the results of a series of studies undertaken by State governments in the past decade, and a representative group of case histories compiled by the CBI for the UNSDRI research.

Recent Studies: Five State Reports⁵

Madras Report

Following a series of idol thefts in Tamil Nadu (formerly Madras), the State Government undertook a special study of the problem. A report was published in 1967. It

⁴ In this and in succeeding chapters (but *not* for the tables above) the term "art theft" is used to signify thefts, illegal transfers and exports of art and archaeological items.

⁵ These reports were not available at UNSDRI; they may however be obtained through the CBI or the respective State Governments.

indicates that idol thefts and illegal exports had come to the attention of the authorities as far back as the 1920's and 30's. Several of these early cases involved the illegal export to France of idols — often stolen — via Pondicherry or by Pondicherry residents (Thanjavur Case Report, 1936; Pear Guston Case, Madras Criminal Intelligence Gazette, Suppl. No. 41, 28, October 1935). In the subsequent period (1938-41) idols purchased in Madras were reportedly channelled to certain firms in Delhi. The number of reported thefts rose steeply in 1940 to 49, and this trend continued from 1950 to 59. In the 1960-64 period the geographic areas in which thefts and receiving operations were recorded expanded substantially. The report describes a series of idol thefts that occurred in 1961-63 in the Cuddapah district of the neighbouring State of Andhra Pradesh, but which involved also four Bombay companies, a company in Delhi and one in Madras. (The case involved two valuable sculpted items and nine idols recovered from the bed of a river.)

The Madras report concludes as follows:

"Actually it is very difficult, if not impossible, to get permits for the export of antiquities and so, the only way open to anti-social elements is to resort to smuggling. Curio shops have sprung up in practically all the big cities where such works of art are exhibited for sale. Many of them are known to be repositories of stolen articles and some of them indulge in clandestine export... Practically every district in the State has its own idol thieves and receivers".

Orissa Report

The study undertaken by the State of Orissa covers the period 1965-70. A report was published under the title of "Theft of Idols and Theft from Temples in Orissa". It indicates that prior to the mid-1960's such thefts had rarely been recorded, but that after that time they became a serious problem.

The Orissa report suggests a correlation between the phenomenon of idol and temple thefts and increasingly mate-

rialistic attitudes toward life, implying a gradual erosion of spiritual values. (Cultural properties, especially those having a religious significance, had traditionally been treated as sacrosanct by the public and they were rarely, if ever, the object of theft). Like the Madras study, the Orissa report also suggests that certain firms in Pondicherry, Madras, Bombay and Delhi receive idols for sale, and that because of the difficulties experienced in securing permits for the export of antiquities, smuggling has become a major problem.

The level of organization and the ramifications of theft/smuggling activities are illustrated by an example involving eleven cases of idol theft. It appeared that these thefts had been committed by "A" with the help of a gang he had formed after 1965 (subsequently a splinter group broke away from the original gang). "The gang is known to own an identified jeep. Police have been informed by reliable sources that the main gang collects sculptures from various sources and sends them to Calcutta, the consignments being addressed to self. Final delivery is made to specified parties who have been known to visit Orissa temples ostensibly for sightseeing, but really to reconnoitre sculptures for theft". In this case the police found that sustained investigation and publicity by the press had been helpful in curbing the activities of "A", the gang leader.

The report notes, however, that most idol thieves did not appear to have been as tightly organized. In some instances it was found that the thefts had been committed by loosely associated criminals, as distinct from organized entities. The report illustrates this with the following example:

"N.D. is strongly believed to be a professional criminal so far as the theft of idols is concerned. He was closely interrogated. He stated that three years ago he got an employment as a Temple Sepoy in the scale of Rs. 52/- per month. While serving as such he came in contact with one N.P. alias H.P. According to him N.P. instigated him to commit theft of

stone idols for selling them at a higher rate. Later on the said N.P. asked him to make over one Buddha idol at the rate of Rs. 5/-. N.D. committed theft of one idol from Dolamandap Badi and made it over to N.P. on payment. After this N.D. left his job and started committing crime on idols as he found it to be a fetching source of income. He committed theft of one brass Ganesh idol and disposed of the same to a tea stall-keeper at Matimandapasahi at a cost of Rs. 1/-. Again he committed theft of one brass idol from Sunargauranga temple and while committing the same he was caught by the local people. On this, Puri town police station case Nos. 347 and 348 dated the 27th September, 1970 u/s 457/380 IPC were registered against him and after trial he was convicted. After his release from jail in last June or July he once again resorted to thefts of idols from different temples "6.

Reportedly, N.D. continued to commit idol thefts in various temples, selling them for equally modest sums (Rs. 6 and 5) to a toy shopkeeper at Puri Town, who on occasion gave him advance payments. In all, N.D. stole 18 idols from the temple precincts at Puri, Bhubaneswar and Dehlanga. None of the thefts involved important objects.

In sum, the following conclusions may be drawn from the Orissa report:

— Except for the cases described above, investigation did not point to any external receivers; nor did investigation indicate any receivers outside the State; it did not appear that bailers of accused persons involved in cases of theft of cultural property had been involved in organizing the thefts.

— Generally, the thieves appeared to pertain to the lowest strata of society; in most cases they were found addicted to opium smoking, liquor drinking or gambling.

— The Orissa study did not point to any specific class of criminals specializing in theft of cultural property; in fact the thieves generally were ordinary criminals who turned their attention to thefts from temples.

⁶ The sums involved — Rs. 5/- and Rs. 1/- correspond to US \$ 0.80 and 0.15 approximately (Ed.).

— Copper idols were often stolen for the sake of the metal itself (like the theft of copper wire).

— No specific cases have been found in which stolen idols were sold to foreigners, but the possibility of such clandestine trade cannot be ruled out, especially in the coastal districts facing the Bay of Bengal; the report concludes that in some instances the stolen idols may have been sold to foreign tourists.

Madhya Pradesh Report

The report contains the conclusions of an in-depth study of the problem of theft and illicit export of cultural property conducted in the State of Madhya Pradesh. This State has a rich cultural heritage: its ancient monuments and temples include the Buddhist Stupa of Sanchi, and the world-renowned Khajuraho site.

The figures presented in the report indicate a sharp increase in the number of thefts reported in the period 1965 to 69. It appears that a lucrative trade in ancient artifacts and art objects — with ramifications beyond the State and, possibly, the national borders — has developed in the wake of tourism and the increased number of foreign visitors.

The report notes that art thefts were no longer confined to abandoned idols; they occurred even in temples where regular worship was held. It had to be concluded, generally, that vigilance in the most important sites was insufficient despite the supervision by the Department of Archaeology. In response to this, some positive steps had been taken by the State Inspector General of Police, who gave explicit instructions to his force to increase their vigilance, and to treat thefts of cultural property as Special Report cases ⁷.

⁷ Special Report cases (known also as Grave Crime Reports) are those in which concentrated investigation is conducted by or under the direct supervision of gazetted officers.

Also, the State Government enacted the Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Act, 1964, amended in 1970 after it appeared that, in practice, the original provisions were not effective⁸.

The report describes several cases of art theft which occurred in the State in the period under review. Particularly interesting are the *Gorgi theft* (1968), involving 719 stone idols of which 280 were recovered from local notables said to be engaged in clandestine art trade, and the *Rithara theft* (1967/8), involving also defendants from New Delhi and Bharatpur in Rajasthan. In the *Sihonia thefts* (1965) the six defendants — of whom two resided outside the State — carried a considerable number of stolen idols to Delhi by lorry or jeep for disposal in art shops at Sundar Nagar in Delhi. In addition to local criminal gangs the thefts were believed to have involved organized gangs from Bombay, Delhi, Mathura and Jaipur, whose agents visited the site as tourists to identify and photograph the idols to be stolen; occasionally, these photographs were shown in advance to a dealer who would later sell the stolen objects to foreigners; in these operations preference was given to valuable pieces which could easily be moved, even if for that purpose it was necessary to dismember them.

The Madhya Pradesh report goes on to discuss some of the practical problems which might have contributed to the frequency of idol and temple thefts in the State. Among

⁸ The Act was amended, introduced a more comprehensive definition of "ancient monuments". Possession of items covered by it must be notified within six months of the passing of the Act; transfers by gifts, purchase or sale have to be notified within seven days. The penal provisions of the Act were made more severe (imprisonment up to three years and fine which may extend to Rs. 10,000/-). All the offences under the Act are cognizable. The Act lays down special principles of punishment binding on the courts; in the absence of special and adequate reasons to be recorded in the judgement, imprisonment under the Act must be for a period of not less than six months in addition to a fine, if any.

them the following are particularly relevant to the object of our inquiry:

— *often thefts are not reported in time* to allow effective police intervention;

— *the stolen objects are not identified*: no adequate records (catalogues) are kept in the temples or archaeological sites; admittedly, art pieces do not lend themselves to easy description, but it was found that even generic descriptions (dimensions; theme of composition, etc.) could rarely be obtained;

— *caretakers and guards* (chowkidars) *are underpaid*, and can thus more easily be bribed by the thieves.

The report concludes with a series of suggestions for the improved protection of the art and archaeological patrimony of the State:

— All articles of cultural importance which are easily portable should be removed to some secure place under the direct supervision of the Archaeological Department;

— Proper record of idols and other objects should be maintained, including photographs and accurate descriptions;

— Indelible or light coloured paint could be used as a distinguishing mark on the more valuable and rare pieces to allow their subsequent identification in case of theft;

— An exhaustive list (catalogue) of all the art pieces should be prepared and available with the caretakers of the Archaeological Department;

— Roads, hotels, ports and aerodromes connected with unlawful activities touching cultural property should be watched by the police, and full particulars (photographs, etc.) of notorious art thieves should be given adequate publicity;

— A provision corresponding to that contained in the "Unlawful Possession (Telegraph Wires) Act" should

be inserted in the M.P. Ancient Monuments and Archaeological Sites and Remains Act; such a provision would in effect reverse the burden of proof: any person found in possession of antiquities would be held to have committed an offence under the Act (e.g. theft) unless he could satisfactorily establish the innocence of his possession;

— Art pieces deemed of archaeological value should not be allowed to be exported without a permit;

— Appropriate legislation should be passed to allow any business in art pieces, sculpture or objects of archaeological importance, only under licence.

Maharashtra Report

This report covers the years 1965-69. Known thefts during that period involved metallic sculptures (idols), copper plates, gold coins of the Mughal Emperor Shahajehan's period, a panch-dhatu (bronze) cannon and copper spoons. Very few of the items could be recovered, and in a majority of the cases the offender was not identified. Although Bombay is an important point of exit (by sea or by air), no case of illicit export of cultural property was reported during the period under review.

Like the Madhya Pradesh report, the Maharashtra study points to delay in reporting and to the lack of descriptive particulars for purposes of identification of the stolen object as the principal obstacles to effective law enforcement; it suggests deliberate preventive efforts by strengthening the vigilance at vulnerable points.

Uttar Pradesh Report

The results of an inquiry conducted in Uttar Pradesh were published under the title "Theft of Cultural Property".

The report indicates a rise in the number of art and archaeological thefts for the period 1968-70. It concludes,

however, that these data — based exclusively on police reporting — may be too optimistic: reporting practices with regard to cultural property are not uniform, and often the persons in charge of archaeological sites are unaware of minor thefts which may have occurred there. Most of the recorded thefts concern sculptures, especially temple idols (silver or gold; silver and gold in combination with base metals; other metals, stone or marble).

A fairly consistent *modus operandi* emerges from the Uttar Pradesh report. With regard to thefts (principally of statues other than gold and silver idols) committed by organized gangs, the sculptures to be stolen are generally identified by persons familiar with their artistic value and potential marketability; the desirable items are photographed, dated and their location is sketched. At that point the gang of thieves is informed, and a re-sale agent is contacted; often the re-sale price to the latter is determined in advance. The actual theft is committed by a few members of the gang, generally with some local support; vehicles and appropriate tools are used either to remove the entire sculpture, or the parts considered to be marketable. The piece is then taken away and often buried underground until it can be removed by lorry or even by train to Delhi, Bombay or Calcutta for the final sale — often to a foreign visitor, or by export to a foreign country.

The market structure for stolen art and archaeological objects appears to be flexible and yet relatively well organized. It involves a network of agents and sub-agents, and often also major art dealers. Frequently, these gangs or networks have inter-state and even foreign ramifications. A special problem is that of temple priests who are persuaded to sell smaller items (e.g. coins and old manuscripts) and even temple statues — which are then replaced by fakes — either for personal gain or to raise funds for urgent repairs to the temple structure. In one case, however, a priest was mur-

dered to enable the thieves to remove the idols from his temple.

The report confirms that many of the stolen art and archaeological objects are exported to other countries. Heavy items (e.g. stone statues) are usually shipped by sea; it is believed that the port of Bombay is the main point of exit. For any serious illegal export operation the complicity of customs officials is essential; large sums of money are offered as bribes. (Reportedly, exporters at times keep two packages ready — one containing the art piece, and the other containing some ordinary products marked "handicrafts". The latter is sent for customs inspection, but the former is then substituted during the loading. At international airports, airline caterers are said to be utilized to carry the contraband articles to the aircraft.)

Like the Madhya Pradesh and Maharashtra studies, the Uttar Pradesh report identifies delay in reporting thefts and the absence of adequate identification as the major obstacles to effective police (or customs) intervention. It also points to the lack of trained staff to carry out investigations in this area.

Case Histories⁹

Some of the selected case histories presented in this section involve major works of art, and some concern items of particular value in the local context — i.e. the temple or museum collections from which they have been stolen. In some instances the case was "solved" by the recovery of the stolen items. In others the stolen items were identified in a foreign country, but could not be repatriated. In many instances nothing except some clues and information on the *modus operandi* of the thieves could be obtained.

⁹ The information contained in these case histories was compiled by the Central Bureau of Investigation (CBI, India). The names contained in the original reports were replaced by initials. UNSDRI assumes no responsibility for the accuracy of the data (Ed.).

Since we believe that the very diversity of the thefts is significant for the Indian situation, we present this selection without any attempt at rank-ordering or classifying the cases.

Mathura (1961)

Mathura (North India) is situated in what has been called the cradle of Indian civilization. Among the unique exhibits in the Mathura Museum was the "Head of Buddha", of the post-Kushan and early Gupta period. The exhibit vanished from the Museum some time after September 1961.

After an investigation of the case it became possible to reconstruct the outlines of the theft. It appears that a Dr. W.V. was engaged as an agent for Mr. R.J., a Swiss art dealer residing in Switzerland. Dr. W.V. was commissioned by R.J. to purchase for him Eastern art pieces, particularly sculptures. He visited India in 1962 and stayed at a New Delhi hotel where he came in contact with an Indian who helped him purchase the "Buddha Head", which had been kept at a place near Agra. An antique dealer who had his shop outside Dr. W.V.'s hotel had served as a go-between in the transaction. Eventually the Buddha Head was traced in the possession of R.J. At a later stage a Dr. H.M. offered his help in buying the exhibit for the Director of the Indian Department of the Museum of Ethnology in West Berlin. The transaction did not materialize because H.M. came to know of the doubtful origin of the antique and refused to purchase it. Enquiries showed that R.J. had employed Dr. W.V. to acquire several other statues of Buddha, Vishnu and Shiva of diverse origins (e.g. Nalanda, West Bengal, Bihar, Orissa and Khajuraho). When questioned, R.J. confirmed that probably the Mathura Buddha had been despatched from Bombay on an Indian ship. Enquiries also showed that some of the items had been smuggled out of India under a false declaration as "Eastern Art Toys".

Chamoli (1968)

The Badri Vishal Temple is situated at a distance of 20 kms. from Karan Prayag-Rani Khet road, which crosses a scenic area of the northernmost part of Uttar Pradesh. The principal idol of Badri Vishal was stolen on the night of 4 to 5 March 1968. Four of the thieves were about to board a waiting taxi with the stolen idol and a silver Chatra when they were surprised and arrested by the police.

The four defendants confessed, and on further interrogation admitted to have been responsible for six other idol theft cases in the district and for two more in Pauri Garhwal, a bordering district. They indicated that the stolen idols had been sold in Delhi: 13 of the stolen idols could in fact be recovered from the shops of U.S. and H.S., antique and curio dealers near Jama Masjid, Delhi. Of the 13 idols recovered, 8 had been stolen in the Chamoli district and in Pauri Garhwal. Various persons connected with the two shops were also arrested. A partner of one of the firms stated in his interrogation that art objects were often purchased by staff of foreign embassies in Delhi at high prices; he did not know how the antiques were eventually smuggled out of the country, but opined that they were removed by sea or by air as personal effects of persons entitled to diplomatic privileges. He confirmed that foreigners paid heavy prices for antique idols. In spite of efforts of the police, the embassy staff involved in these transactions were not identified, presumably because the dealer wanted to retain his business connections.

Etah (1968)

The stone door frame of an ancient temple in the village of Margayan, P.S. Nidhauri Kalan, district Etah, was stolen the night of 3-4 February 1968. It consisted of two side pillars and a connecting overhead slab.

Following a police enquiry, the three stolen pieces were recovered from an antique shop in New Delhi. The owner, P.R.K., produced a stamped receipt for the purchase of the stolen items, from which it appeared that T.S. from the Aligarh district had sold the antique to him and B.R.S., the owner of another antique shop in Delhi.

Investigation of this case indicated that organized gangs specializing in the theft of idols operated both in Delhi and in Mathura. It also revealed that there existed a network of shops in Delhi dealing in stolen idols and antiques. Fifteen to twenty such shops were concentrated at Sunder Nagar market and South Extension in New Delhi; elaborate references were kept with regard to old idols, antiquities, temples, etc. It could be assumed that in order to ensure a regular supply of antiques, the shopowners commissioned the clandestine removal of specified items from temples and other places of worship; in fact, the investigation revealed that agents for these shops continuously reconnoitred temples and archaeological sites, reporting desirable objects to their principals who, after inspection, would order the actual theft and the transport of the stolen items to Delhi. The price to be paid was often settled prior to the theft.

Agra (1969)

The district police of Agra recovered on 31 July 1969 two stone idols — one of Lord Shiva and another of Lord Rama — from the house of D.P., Chhatta (Agra district). In the course of his interrogation D.P. gave a list of other idol thieves, and said that a stolen statue had been sold to a person in Delhi. He further admitted that he had sold several idols to an antique shop on South Extension in Delhi.

On 1 August 1969, a stolen idol of Lord Ganesh was found in a jeep identified in the course of the inquiry. The occupants admitted to have stolen the idol from the vicinity of the village of Uttari-Pura, in the Kanpur district. It was also

confirmed during the interrogation that the *modus operandi* of these thieves was to photograph the idols, to show the picture to prospective buyers and — when agreement with them was reached — to steal and sell them through middlemen in Delhi; an idol of Lord Vishnu, stolen by them from a place near Ranigunj, district Hardoi, and subsequently removed to Delhi, was recovered from a house in the capital.

Kannauj (1968)

Five persons visited Singhwahini Devi temple, Kannauj, district Fatehgarh on 26 January 1968 in a taxi. The occupants of the car entered the temple where they offered a small sum as prasad to a temple priest. When the priest retired to his room they removed two statues of Mahadevji from among the other idols and left the scene. The priest soon detected the theft; the taxi's registration number had been noted by some vigilant bystanders. The same taxi was again seen in Kannauj on 28 January 1968. A group of citizens intercepted it and forced the driver to report to the police station, where he admitted to have carried the two stolen idols in his taxi on the day of the theft. On the information supplied by him, one person was arrested at Kanpur, and confessed to have committed the theft together with several others. The investigation revealed that the idols had been taken to Bombay by one of the thieves — who appeared to be part of a gang with ramifications as far as Bombay. The idols could not be recovered; it appeared that they had been shipped to England to be sold there by a relative of one of the thieves living in that country.

Surya Temple, Almora (1967)

On the night of 21 to 22 June 1967, a bronze Astdhatu statue of Pawan Raja, with elaborate artistic carvings, was stolen from the Surya (Sun) Temple at Kataramal village, district Almore (Uttar Pradesh).

It appears that the Surya Temple is situated on a hill on the outskirts of Kataramal village and that it is surrounded by lesser shrines. The Sun Temple dates back to the 12th century and has been declared a monument of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, by the Government of India; the engraved wooden door of the temple was moved to the National Museum in New Delhi. The Pawan Raja idol, on the other hand, remained in the temple; it was not fixed to the wall or floor.

The only guard on the premises was the temple priest, who was employed as chowkidar by the Archaeological Department, but never remained at the temple during the night.

The theft of the idol was discovered by the temple priest/chowkidar the day after it had occurred. No recorded identification of the idol was available, but several persons contacted by the police claimed that they could identify it. The case was closed several months later for lack of evidence.

Subsequently, however, information reached the CBI (Interpol) in New Delhi through the director of the Archaeological Survey of India and an American research scholar to the effect that the stolen Pawan Raja idol was in New York with B.H., an individual well-known in connection with other thefts of Indian antiques (cf. p. 217 below). Further inquiries were made by the CBI, who confirmed that a Pawan Raja statue was in the possession of B.H. B.H. declared that he had bought it in New York some time between 1968 and 1970 from an Indian art dealer; although he could not remember the latter's name, B.H. indicated that he was a relative of a certain H.S. of Delhi, from whom he had also bought the famous Natraja idol (cf. p. 216 below); B.H. did not know whether the Indian art dealer had been acting as an agent for some other persons. Subsequent inquiries revealed that H.S. had died in 1970.

Meanwhile, the Pawan Raja case has been re-opened, and efforts are underway to obtain the repatriation from the US of the stolen idol.

Shivapuram (1956 to 1969) [Natraja idol]

Six bronze statues — among them the Natraja idol — were found in the ground in the vicinity of the Shivapuram temple in the Thanjavur district in 1956. Under the Indian law the legal status of these idols was that of a "Treasure Trove"; both the ownership and the possession were vested in the Government. However, the trustees of the temple handed them over for repairs to R.S. in October 1956. It is now established that R.S. prepared bronze copies to substitute the real idols, and that he sold the genuine ones for Rs. 5,000/- to T. and D., who in turn sold the idols for Rs. 17,000/- to L.D., a foreign company executive in Madras. (A brochure, published by L.D. in 1959 on the occasion of Queen of England's visit to Madras, reproduced the Shivapuram Natraja on its back cover design; this reproduction attracted the attention of art lovers the world over). Meanwhile, the fake idols had reportedly been replaced in the temple so as to avoid any suspicions. Nevertheless, Douglas Barrett of the British Museum, who had visited South India shortly thereafter, reported in his book "Early Chola Bronzes" (1965; Maduri Desi Foundation) that the genuine Natraja idol was with a private collector and that the idol then in the temple was a fake. Based on this and other suspicions, an investigation was initiated in 1969 upon the complaint of the State Board of Revenue.

The investigation by the Tamil Nadu CID disclosed that following the sale of the idols by T. and D. to L.D., the latter had the idol in his possession until 1964. That year L.D. appears to have sold the idol to B.V. in exchange for 59 small idols and the sum of Rs. 25,000/-, paid by Mrs. M., a friend of B.V. B.V. kept the idol for several

years, and then sold it to M.N. for Rs. 500,000/- in 1968. In turn, M.N. sold it to H.S. (cf. p. 215 above) in 1969 for Rs. 575,000/- through one G.S.N., who may have acted as a middle-man. Both H.S. and B.V. have since died, and G.S.N., could not be traced.

In 1970, it was learnt from the Indian Consul in New York that the Shivapuram Natraja was in the possession of B.H. A top official of the Tamil Nadu CID thereupon proceeded to the United States to conduct an inquiry, which revealed that the idol had been shipped in 1969 from Delhi on a foreign airline (both flight number and date are known). It subsequently came into the possession of B.H. Action is currently underway to obtain the repatriation of the statue¹⁰.

Nalanda (1961 and 1962)

The Archaeological Museum in Nalanda was the site of two successive thefts in 1961 and 1962.

The first theft concerned 14 bronze images which were removed from a large show case in the East Gallery. It appears to have occurred in the early morning hours; two chowkidars had been on duty at that time (one of whom reported the theft after having found the showcase open).

The 1962 theft was also committed in the very early morning by three men reported to have entered the main hall of the Museum with the help of a bamboo pole and some rope.

Local police investigation in both cases was discontinued with a report that the items were "untraced". Later, however, the CBI learned through the NCB/USA that some of the bronzes were on display in an American museum, and efforts are currently underway to obtain the repatriation of the stolen items.

¹⁰ It has since been reported that the Shivapuram Natraja has been sold for \$1,000,000.- to N.S., a well-known private collector in Los Angeles (Ed.).

Chandigarh (1970)

On the night of 22/23 July 1970, 102 miniature paintings of the Basoli, Kangra, Rajput and Mughal Schools, were stolen from the Chandigarh Museum. The thieves had concealed themselves on the museum premises at the closing hour of the preceding evening.

Since it was suspected that foreigners had been involved in the case, the Interpol General Secretariat, Paris, circulated the descriptions of the stolen paintings through the good offices of the NCB's of different countries, and their photographs were published and circulated in the Interpol stolen property notices. In the course of the investigation it appeared that a previously convicted Delhi art dealer, K.N., was connected with the case. When K.N. was apprehended, he declared that he had sold two of the miniatures to a Mrs. D.J.S. of Amsterdam in August 1971, and that he had also had dealings with a firm in Malmö, Sweden. In fact, Interpol Stockholm reported that K.N. had been traced to Malmö and temporarily arrested; he was, however, released after claiming that at the time of the theft he had not been in India (he did, however, admit having sold the two miniatures to Mrs. D.J.S.; receipts were subsequently obtained by the police).

A non-bailable warrant for K.N. was issued by the Chandigarh court; he was arrested in Delhi in 1972, where he had been staying under an assumed name. Some of the stolen miniatures were returned by an anonymous Lucknow sender to the museum.

Chamba (1971)

On 5 May 1971 a large brass idol of Lord Vishnu was stolen from the Hari Raj Temple in Chamba (Himachal Pradesh). The case was solved in the same year, through the joint efforts of the Chamba and Delhi police (who had been given a detailed description of the statue), and the idol

was recovered in Bombay in the hands of M., a well-known antique dealer. It had been brought to the attention of the Delhi police that M. and another Bombay antique dealer, L., had been in Delhi at the time of the theft; it was also believed that a Delhi art dealer who subsequently proved to have been involved in the case had earlier travelled to Bombay to meet with L. and M. Information received by the Delhi police meanwhile led to the arrest of B.R., a bus driver in Himachal Pradesh, who was identified by witnesses in Chamba as one of the thieves. His confession implicated three Delhi art dealers with shops in the Sunder Nagar and South Extension areas. It subsequently appeared that the Delhi dealers had jointly bought the idol for Rs. 10,000/- after having inspected it at Rishikesh. The idol was then brought to Delhi, where it was presumably shown to the Bombay dealers and shipped to Bombay by rail (the contents of the crate were declared as wood and brass art wares). In the course of the investigation M. — one of the Bombay dealers — admitted through an attorney that he had the idol in his possession in Bombay, where it was recovered by the Delhi and Bombay police. Two others of the thieves were identified and arrested: one of them was believed to have also been acting as agent for or contact man with the Delhi merchants.

Delhi (1966 and 1973)

On 26 August 1966, a closed day for the National Museum, New Delhi, it was discovered that a serious burglary had taken place during the preceding night in the Jewellery Gallery on the second floor. Gold coins of the Muslim period, some of them very rare, and antique jewellery had been stolen from floor showcases. All the stolen items — of a type which could easily be transported and sold abroad — could be described with the help of the Museum Director.

A chance fingerprint found during the forensic examination of the premises led to the arrest of Y., one of thieves, in Hyderabad. Y. confessed to having committed the theft with an accomplice. He was tried and sentenced to one year's imprisonment.

In 1973, another theft involving 41 silver coins of Indo-Sassanian origin (third to fifth century AD) occurred at the Delhi National Museum. This theft, which remained unsolved, is believed to have taken place during the lunch hour when no guards were on duty.

Indian Antiques on Display in a Foreign Museum

In October 1971, CBI (India) received information that a number of valuable Indian antiques were on display in the Los Angeles County Museum of Art. The CBI instituted an enquiry through the good offices of the NCB-USA, which confirmed that the idols in question were of Indian origin.

The Director General of the Archaeological Survey of India and the State authorities concerned indicated that two of the items displayed had been stolen. One was the Buddha idol in Dharam Chakra Mudra seated on a lion throne, and the second a seated Brahma (bronze) of the Chola period (11th century). The Buddha figure was one of 14 bronze images stolen from the Nalanda Museum in 1961 (cf. p. 217 above). The Brahma was one of the Natraja bronzes (cf. p. 216 above). A third sculpture displayed at the Los Angeles County Museum (Woman with Child) was subsequently reported to have been stolen in 1966 along with other items from the Thaneswara Mahadeva temple; in that theft the road to the temple had been made motorable by the thieves to facilitate the removal of the stolen objects.

Efforts to secure the repatriation of the three stolen idols are currently underway.

Assessment

The picture which emerges from the state reports and case studies presented in this chapter is both consistent and alarming. Insufficient security measures in museums and on archaeological sites, an active and well-structured market, public indifference at the local level and international havens all contribute to the massive haemorrhage of cultural assets.

Administration

a) *On-Site security* — Most of the cases reported indicate that surveillance in museums and on archaeological sites is quite deficient. Temples — often in isolated locations or in small towns — have to rely on individual temple priests serving also as chowkidars; given the low level of resources available for the operation and maintenance of places of worship, it is quite natural that some of these part-time surveillants would be tempted to sell temple art, if not for personal gain so to ensure proper repairs of the particular temples. Museums are equally under-staffed: during the lunch break, no guards appear to have been on duty in the Delhi National Museum (cf. p. 219 above); night-watchmen in other museums were equally scarce. Occasionally, police have been used for surveillance, but this could at best be considered a palliative in exceptional situations (cf. pp. 206/7 above).

b) *Identification* — Several state reports and case histories indicate that specific descriptions of the stolen objects — essential to allow police and customs authorities to trace them — were rarely available. (Only in the Chandigarh case, p. 218 above, and in the Delhi National Museum case, p. 219 above, were full descriptions immediately transmitted to the police. By contrast, organized gangs are reported routinely to describe, photograph, and assess potential theft objects before their removal.) No

comprehensive cataloguing efforts seem to have been undertaken; on the other hand, the CBI is gradually establishing a data bank for major art treasures vulnerable to theft (cf. below, p. 236).

c) *Delay in Reporting Thefts* — All state reports complain of delay in reporting thefts to the police; this obviously affects the ability of the police to take early action and at times to recover the stolen items before they leave the country. Reporting to local police should, of course, entail the notification of other state police forces or of central authorities (i.e. the CBI) where there is reason to believe that the items might be removed from the district of the theft, or even from the national territory. This seems to have occurred in some of the cases examined in the state reports above but not, for instance, for the thefts reported on p. 220.

*Public Reaction*¹¹

While the state reports and press coverage¹² reveal growing official alarm with the thefts of antique art, there is little evidence in the case histories of local community concern with the thefts. In two instances (pp. 214 and 218 above) the thieves were apprehended by or with the help of local citizens. Generally, however, the conclusion of the Orissa report, indicating a growing indifference toward spiritual values and objects of worship, appears to hold true. This has direct implications not only for the level of on-site surveillance required, but also for the investigation of theft cases by law enforcement agencies.

One of the state reports indicates that publicity and press coverage surrounding the investigation of major cases tends to inhibit local complicities.

¹¹ Cf. also pp. 236/7.

¹² Cf. appendix.

Organization of Thefts and Market Structure

The state reports and case histories indicate that at least in North India art thefts are increasingly undertaken on commission by gangs or associations of persons, often connected with well-structured re-sale networks involving art and antique dealers in the major cities or tourist centres (Bombay, Calcutta, Delhi, Jaipur, etc.) and at times also foreign contacts. The objects stolen range from large antique sculptures and even structural pieces to easily transportable coins or miniature paintings.

a) *Scouting* — Increasingly, potential theft items are identified, described (or photographed) and assessed by scouts who may either act as agents for art and antique dealers, or contact them prior to the theft. In one instance (cf. p. 211 above) the "scout" appears to have been a foreign art expert acting for a foreign principal.

b) *Theft* — The actual removal of art objects is generally effected by local thieves, increasingly operating as gangs equipped with vehicles and appropriate tools. Some of these gangs may have their own scouts, who will also contact potential purchasers prior to or (more rarely) after the theft. It appears from several of the case histories that the executants of the theft generally know the identity of the first purchaser or receiver. Where major pieces are involved, the thieves may take them to a safe hiding place from where they will later be removed by the first purchaser.

c) *First purchaser* — The first purchaser is generally a "fence" or "receiver". Only in the Natradja bronze case (cf. p. 216 above) did it appear that one of the first purchasers was himself a collector: as a rule, the first purchaser is interested in re-sale. In most case histories these receivers were Indian art and antique "curio" dealers whose identity, location and propensity to handle stolen art

were known to the police (cf. p. 213 above); in Delhi, shops in Sunder Nagar and South Extension area have often been involved in art thefts. Where important pieces were concerned, several "receivers" acted in concert. Often the purchase price was negotiated in advance through agents or directly with the gangs who undertook to steal the particular object.

d) *Export; ultimate purchaser* — It is evident that many important pieces have been exported to foreign countries soon after the theft. In other instances art pieces were illegally removed from Indian territory by (or after being purchased from) their lawful owners. Several state reports complain that the difficulty of obtaining export licences has resulted in a lively smuggling trade.

Occasionally stolen art is sold to visiting foreign tourists. In some instances (cf. p. 212 above) the articles are sold to foreign embassy personnel who remove them under the cover of diplomatic privileges and immunities.

More often, however, stolen or illegally exported art is shipped by the first purchaser or owner for sale abroad. Large pieces are sent by sea freight (the Port of Bombay appears to be the major point of exit); smaller items are sent by air. In most instances collusion with or inefficiency of customs officials seems to be involved. The stolen articles are of course shipped under false declarations (generally as Oriental Toys or Handicrafts); occasionally, packages are substituted between customs inspection and loading¹³.

In several instances it was reported that the pieces were shipped to relatives of the Indian receivers residing in a foreign country.

The foreign purchasers of important pieces could generally be traced; they include dealers, reputable collectors

¹³ In other instances dealers appear to have obtained export permits under the 1947 Antiquities (Export) Act for non-antique pieces (generally by submitting a photograph). A genuine antique of similar description was then exported under the permit.

and some museums known to have bought stolen Indian art. Only in a few instances (cf. p. 211 above) did the knowledge that the art piece was stolen cause a refusal to purchase it.

e) *Price structure* — In most instances the price paid to the actual thief — especially if he acted as an individual — was extremely low. N.D. in the case reported on pp. 203/4 above was paid one, three and finally six rupees (less than one US dollar) for the pieces he had stolen. The Natraja Bronze (p. 216 above), which was reportedly sold to the final purchaser for one million US dollars, was bought for the equivalent of 2,000.- dollars by L.D., who in turn sold it for 3,000.- dollars and a number of minor art pieces to the next purchaser. These price differentials reflect not only the appreciation of antique art over time, but also the important rôle played by "receivers" and other intermediaries.

f) *International co-operation* — It is revealing that, while in several instances it was possible to identify some key foreign receivers and to trace the stolen art pieces to their final destination, none of the case histories or press reports indicate that the foreign dealers were punished, or that the stolen or illegally exported pieces could in fact be repatriated to India by legal processes.

This indicates on the one hand that police co-operation (primarily through the Interpol network) is relatively effective — or as effective as could be expected in the absence of an accurate description and identification of the pieces concerned. It also shows, however, that present international law rules and procedures (private and public) may be sufficient to secure some evidence, but not to punish offenders residing abroad, nor of course to obtain the repatriation of the stolen or illegally exported objects.

INSTRUMENTALITIES OF PREVENTION AND CONTROL

We have attempted in this chapter to review briefly various instrumentalities of prevention and control operating in India¹⁴ with regard to thefts and illegal exports of antiquities. These instrumentalities include

- legal norms (special and general; penal and civil)
- administration of the archaeological patrimony
- international norms and recommendations.

Special Legislation

*The Antiquities and Art Treasures Act (Act 52, 1972)*¹⁵, and *the Antiquities (Export Control) Act of 1947*

The purpose of the 1972 Act is specified as follows:

"An Act to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto".

The provisions of this Act, which repeals the 1947 Act relating particularly to exports, institute a comprehensive system of control over the antiquities market.

Licensing of Antique Dealers

Section 5 provides that no person shall himself or through an intermediary carry on the business¹⁶ of selling

¹⁴ In 1974/75.

¹⁵ This act had been passed by Parliament and was signed by the President but had not yet come into force in 1974; the 1947 Act was thus still in force. Since the 1972 Act constitutes a model of comprehensive legislation, however, we have decided to discuss it *in extenso* in this chapter (Ed.).

¹⁶ This does not seem to apply to individual transactions.

or offering for sale any antiques except under licence. Licences, which may specify terms and conditions, are issued for periods of three years by special licensing officers, but may be revoked prior to that time. No licences may be granted to persons convicted under the 1947 Act for a period of ten years after their conviction¹⁷.

Records; Registration of Antiques

Licensed dealers are required to maintain records, photographs and registers of antiquities in the prescribed forms (identification particulars, material, size and age; weight need not be indicated¹⁸). Monthly returns must be filed, indicating also the name of the persons to whom antiques have been sold.

The type of antiques to which the registration requirements apply may be specified from time to time by the Government. In the absence of such specification it must be assumed that all antiques must be registered¹⁹, including articles held and re-sold by an individual. However, the registration requirements do not apply to antiques kept in Government-controlled or -managed museums, archives, offices or educational and cultural institutes.

Government power to acquire

The Central Government²⁰ is given the power to compulsorily acquire, subject to compensation, any antiquities if this appears desirable to preserve them in a public place.

¹⁷ It is not clear whether this interdiction should apply *mutatis mutandis* to convictions under the 1972 Act.

¹⁸ This *lacuna* is criticized by the CBI.

¹⁹ See also below, definitions.

²⁰ As distinguished from local State Governments; India is a Federal State.

Export

Under the 1972 Act no-one other than the Central Government or a person acting on his behalf²¹ may export any antiquities or art treasures.

Penalties and Implementation

Special powers of entry, search and seizure are given to the Government to ensure compliance with the Act.

Inspection of records and investigation of violations (other than cognizable offences punished with three or more years imprisonment — i.e. primarily theft —, which are investigated by the police on their own authority²²) are entrusted to licensing officers or gazetted officers. (In practice, this will require a major deployment of qualified manpower; it may be feared that in an initial phase, when a large number of prospective licensed dealers will submit inventory statements and returns, it will not be possible to identify serious abuses and failures to register important pieces.)

The following penalties and modes of cognizance are prescribed for violations of this Act:

" 25. (1) If any person, himself or by any other person on his behalf, exports or attempts to export any antiquity or art treasure in contravention of Section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962 as applied by Section 4 be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine.

" (2) If any person contravenes the provisions of Section 5 or Section 12 or Sub-Section 2 or Sub-Section 3 of Section 13, or Section 14 or Section 17, he shall be punishable with imprisonment for a term which may extend to six months or with fine or both and the antiquity in respect of which the offence has been committed shall be liable to confiscation.

²¹ This appears to preclude export licences to dealers.

²² Even for illegal exports or attempts to export, no prosecution may be initiated except by or with the approval of a special Government officer.

" (3) If any person prevents any licensing officer from inspecting any record, photograph or register maintained under Section 10 or prevents any officer authorized by the Central Government under Sub-Section 1 of Section 23, from entering into or searching any place under that sub-section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

" 26. (1) No prosecution for an offence under Sub-Section 1 of Section 25 shall be instituted except by or with the sanction of such officer of Government as may be prescribed in this behalf.

" (2) No court shall take cognizance of an offence punishable under Sub-Section 2 or Sub-Section 3 of Section 25 except upon complaint in writing made by an officer generally or specially authorized in this behalf by the Central Government.

" (3) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under this Act".

The Ancient Monuments Preservation Act (VII of 1904)

Provides for the preservation of ancient monuments and objects of archaeological, historical or artistic interest.

The Ancient Monuments and Archaeological Sites and Remains Act (XXIV of 1958)

Provides for the preservation of ancient and historical monuments, archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects.

The Indian Treasure Trove Act (VI of 1878)

Regulates right, title and possession with regard to "anything of any value hidden in the soil or in anything affixed thereto"; Any "treasure trove" above the value of Rs. 10/- must immediately be notified by the finder to the Collector, who makes a determination with regard to title among possible claimants. Disputes are heard by the civil courts.

Customs Act, 1961

Section 11 prohibits the unauthorized exportation (or importation) of items of artistic, historic or archaeological value. Section 101 provides as follows:

"Power to search suspected persons in certain other cases — (1) without prejudice to the provisions of Section 100, if an officer of customs empowered in this behalf by general or special order of the Collector of Customs, has reason to believe that any person has secreted about his person any goods of the description specified in Sub-Section (2) which are liable to confiscation, or documents relating thereto, he may search that person. (2) The goods referred to in Sub-Section (1) are the following:

- (a) gold;
- (b) diamonds;
- (c) manufactures of gold or diamonds;
- (d) watches;
- (e) any other class of goods which the Central Government may, by notification in the Official Gazette, specify".

While as of 1974 no notification under Sub-Section (e) had been issued to cover antiques and art treasures, Article 4 of the 1972 Act refers to the Customs Act and removes the option given to Customs officials to levy a fine in lieu of confiscation. Also, Section 100 of the Customs Act provides that the following persons may be searched:

- "(a) any person who has landed from or is about to board or is on board any vessel within the Indian Customs Waters;
- (b) any person who has landed from or is about to board, or is on board a foreign-going aircraft;
- (c) any person who has got out of, or is about to get into or is in, a vehicle which has arrived from or is to proceed to any place outside India;
- (d) any person not included in clause (a), (b) or (c) who has entered or
- (e) any person in a customs area".

Finally, Section 38 provides that the person in charge of a conveyance shall not permit the loading at Customs stations

- "(a) of export goods, other than baggage and mail-bags, unless a shipping bill or bill of export or a bill of transshipment,

as the case may be, duly passed by the proper officer, has been handed over to him by the exporter;

(b) of baggage and mail-bags, unless their export has been duly permitted by the proper officer (Section 40)".

In practice, this means that the exporter must present a shipping bill or bill of export with a signed declaration attesting to the veracity of its contents. Only then will the clearance and loading permit be given.

Definitions

In line with their specific objectives, the 1972, 1958 and 1904 Acts contain the following definitions²³:

a) *Antiquities and Art Treasures Act, 1972*²⁴

"(a) Antiquity includes:

- I. i) any coin, sculpture, painting, epigraph or other work of art or craftsmanship;
- ii) any article, object or thing detached from a building or cave;
- iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages;
- iv) any article, object or thing declared by the Central Government, by notification in the Official Gazette, to be an antiquity for the purposes of this Act, which has been in existence for not less than one hundred years; and

²³ The 1970 Unesco Convention on the Illicit Movement of Art Treasures contains a much broader and comprehensive definition of "cultural property". This term in fact refers to property "which, on religious or secular grounds, is specifically designated by each state as being important for archaeology, pre-history, history, art or science". It includes not only objects which are traditionally considered as part of the national heritage, but also objects which — as in the case of specimens of flora and fauna, or property related to the social, technological and scientific history — are part of the whole of the natural, cultural, social and historical patrimony of a country. (Cf. also Italian report, pages 111 and following.)

²⁴ The 1947 Antiquities (Export) Act did not contain any definition of "Art Treasures".

- II. i) any manuscript, record or other document which is of scientific, historical, literary or aesthetic value and which has been in existence for not less than seventy five years;
- ii) "Art Treasure" means any human work of art, not being an antiquity, declared by the Central Government by notification in the Official Gazette to be an Art Treasure for the purposes of this Act having regard to its artistic or aesthetic value.

Provided that no declaration under this clause shall be made in respect of any such work so long as the author thereof is alive".

b) *Ancient Monuments and Archaeological Sites and Remains Act (1958)*

"Ancient monument"

"Any structure, erection or monument or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes:

- i) the remains of an ancient monument,
- ii) the site of an ancient monument,
- iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument,

and

- iv) the means of access to, and convenient inspection of, an ancient monument".

"Antiquity"

- i) any coin, sculpture, manuscript, epigraph or other work of art or craftsmanship,
- ii) any article, object or thing detached from a building or a cave,
- iii) any article, object or thing, illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,
- iv) any article, object or thing of historical interest, and
- v) any article, object or thing declared by the Central Government, by notification in the Official Gazette, to be an antiquity for the purposes of this Act, which has been in existence for not less than one hundred years".

c) *Ancient Monuments Preservation Act (1904)*

"Ancient Monument"

"Ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest, or any remains thereof, and includes:

- a) the site of an ancient monument;
- b) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument;
- and
- c) the means of access to and convenient inspection of an ancient monument".

"Antiquity"

"Antiquities" include any movable objects which the Central Government, for reason of their historical or archaeological associations, may think it necessary to protect against injury, removal or dispersion".

General Legislative Provisions

Penal Law

Among the relevant substantive provisions are Articles 378 and 379 of the *Indian Penal Code* relative to *theft* (punished with imprisonment of up to three years and/or a fine), and Sections 410 and 411 of the *Indian Penal Code* relative to *receiving of stolen goods* (punished like theft)²⁵; Sect-

²⁵ Section 411, which is quite comprehensive, reads as follows:

"Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both". (Emphasis ours).

The expression "stolen property" includes things which have been extorted, robbed, or obtained by criminal misappropriation or criminal breach of trust. Section 410 provides as follows:

"Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has

ion 414 extends the same punishment to anyone who "voluntarily assists in concealing or destroying or making away with property which he knows or has reason to believe to be stolen property" ²⁶.

The *Indian Evidence Act* (1872) establishes a permissible — and rebuttable — presumption that a man found in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen. With some exceptions, confessions made before police officers and not confirmed by subsequent facts (i.e. the recovery of a stolen object as identified in the confession) are not admissible in evidence.

Procedural rules are derived from the *Criminal Procedure Code* of 1973. Under it, particular importance is given to the first information report leading to the investigation of an offence; it is essential that this information report should give full details of the stolen property. After the object is recovered, it is generally put on a "Test Identification Parade" ("line-up") for identification by witnesses. The house of a suspect may be searched by the police subject to certain safeguards specified in Section 100(4) of the 1973 Code (presence of two or more independent and respectable inhabitants of the particular locality). In cases of urgency, searches may be undertaken without a warrant.

As regards limitations, the 1973 Code (Section 468) provides for periods of limitation of 6 months (acts pun-

been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as 'stolen property', whether the transfer has been made, or the misappropriation or breach of trust has been committed, *within or without India*. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property". (Emphasis ours).

²⁶ It should be noted that to be punishable under the IPC the receipt or retention of "stolen goods" must take place within India, unless the person "receiving" or "retaining" outside India is an Indian citizen.

ishable by fines), one year (imprisonment up to one year) and three years (offences carrying a penalty of one to three years) ²⁷. Under general principles of Indian law, these periods of limitation are usually tolled (i.e. inoperative) when the accused has absconded or is concealing himself.

Civil Law

Except as provided by special legislation, general norms of Indian civil law apply to title and possession of art and archaeological goods, as well as to the position of purchasers in good faith; it should be noted that to establish the bad faith of a purchaser a preponderance of the evidence is sufficient (by contrast with stricter standards of proof in the criminal law). Foreign nationals and residents and foreign governments acting in a proprietary capacity have access to Indian courts of competent jurisdiction (Section 83, Code of Civil Procedure, 1908).

Administration of the Archaeological Patrimony

Archaeological Survey of India

3,744 monuments and sites throughout the country are under the authority and care of the Archaeological Survey of India. Of course this represents only a fraction of the total archaeological patrimony of the nation.

Monument attendants employed by the Archaeological Survey number about 2,700.

State and Local Authorities

Other monuments, sites and museums fall under the jurisdiction of State Archaeological Departments or of local

²⁷ This is the case for theft, receiving and for illicit export under the 1972 Act. Other offences under that Act, or under the 1904 and 1968 Acts, have periods of limitation of 6 months or one year.

authorities. Among these, even some large museums have no adequate staff, anti-theft equipment and, in several instances, no catalogue.

It must be stressed, however, that the great majority of monuments, temples and sites scattered throughout the country escape any effective surveillance save that of an occasional temple priest.

Law Enforcement

At the national level, a key rôle (investigation, data processing and clearing-house) is played by the CBI, which has established a special cell to deal with thefts of cultural property, as well as a data bank utilizing electronic data processing equipment. The CBI publishes a monthly statistical review of cases involving cultural property regularly reported to it by States and Union Territories. This review, published in the CBI Bulletin, also gives particulars of important crimes and criminals involved in these cases.

Customs authorities play a law enforcement rôle within their particular field of competence.

In States and Union Territories, the investigation of offences concerning cultural property is handled by State or Union Territory CID's and local police stations. Contacts among State CID's can occur directly or through the CBI.

It should be noted that, increasingly, law enforcement personnel (especially at the local level) participate also in surveillance activities.

Public Support

It has been noted earlier that public concern with the preservation of the archaeological and artistic patrimony has been affected by a general loss of interest in (or identification with) religious and cultural values. To this must be added the traditional distrust of police, other law enforce-

ment personnel and the formal justice system²⁸. It is hoped, however, that as part of the general process of social and political development levels of public participation and support will gradually be improved. Deliberate educational efforts, and efforts to develop better police-community relations, will no doubt play an important rôle in that connection. At present, it must be assumed not only that public awareness of the importance of the cultural patrimony, but also knowledge of the law relating to it, is quite deficient (the latter observation does not, however, seem to apply to those who commit the actual offences).

New Policies

Some new policies adopted by the Archaeological Survey of India in collaboration with law enforcement authorities should be signalled at this point:

1. Sculptures in centrally protected monuments which cannot be adequately safeguarded *in situ* are collected and stored in central sculpture sheds where they can be better looked after.
2. Watch and ward staff at centrally protected monuments has been increased, and stricter measures of supervision have been enforced.
3. Cases of theft from centrally protected monuments are being more promptly reported. (Formerly there was no arrangement for reporting thefts to the Headquarters of the Archaeological Survey of India; at present, however, telegraphic reports are made to the Director General of the Archaeological Survey in all such cases. Reports are also required to be lodged promptly with the police.)
4. As soon as cases of theft of centrally protected monuments are detected intimation is also given to the Export Advisory Committee and Customs authorities at major ports to watch out for the stolen antiques being smuggled out of the country. Ten Superintendents of Archaeology are charged with this task.

²⁸ D.H. Bayley, in "The Police and Political Development in India" (Princeton U. Press, 1969), sums this up in the following statement:

"The Indian public is substantially unwilling to volunteer assistance, in the form of information, to the police. They would rather not become involved. Avoidance is significantly more apparent in the north than in the south and in rural areas than in urban areas".

5. For improved vigilance, police guards have been posted at selected museums and monuments.
6. A collection of complete documentation on centrally protected monuments and sculpture to facilitate identification has been initiated by the Director General of the Archaeological Survey.
7. The Archaeological Survey has started an in-service training course for the Customs staff to enable them to identify antiquities.
8. Since the CBI as the central co-ordination agency for international crime in the country has started maintenance of records relating to cases of idol and antiquities commencing from 1969, State police agencies all over the country have been reporting losses and recoveries. The details of stolen antiquities and art objects are also maintained with a view to collating a specific recovery with the loss.
9. The information received is tabulated and disseminated among the law enforcement agencies in the country by the CBI through alert notices and reviews in the CBI Bulletin.
10. The Customs are alerted in cases where there is suspicion or information that a work of art or antiquity is likely to be smuggled out of India.
11. The CBI has been persistently drawing the attention of the State police through circulars, during conferences, etc., towards the problem of art theft, making suggestions to counteract this form of crime.
12. Adequate co-operation is now being secured in the efforts made by the CBI, Customs authorities, the Archaeological Survey, and State police authorities to prevent the loss of such cultural property.
13. The CBI has been assisting the State police in working out a number of difficult and important cases. In some cases investigations were carried out by the CBI itself, while in others it provided expert guidance and advice. In view of the high incidence of thefts of antiquities and art objects in the country, some State Governments have set up separate cells for detection of such cases, the strength of the cell varying with the seriousness of the problem.

At a Conference of Deputy Inspectors General of Police (CID) held in Delhi in 1972, the following resolution was passed:

- i) Every case of theft and recovery of cultural property should be made a special report case.
- ii) Copies of the special report should be sent to the Central Bureau of Investigation by the CID's or its Special Cells.

iii) In every State affected with the problem of art theft, Special Cells should be set up to investigate.

iv) Adequate measures should be taken to ensure identification of cultural property in the event of its loss.

v) The Central Bureau of Investigation should act as a data bank and keep information about cases, persons and property involved. It should also co-ordinate with the States on the one hand and with the Customs and the Interpol authorities on the other.

As has been noted, several of these measures have already been initiated.

International Aspects

Norms and Recommendations

Beside the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property²⁹ — which will be fully effective only if and when ratified not only by "exporting" countries, but also by "importing" and "transit" countries — there exist a series of recommendations which have a direct bearing on the international aspects of art and archaeological theft and diversions. Among them is a Recommendation of the International Council of Museums passed in 1962, requesting Interpol to conduct a survey on the protection of museums against thefts, and on alarm devices; specific suggestions were subsequently made by Interpol. A UNESCO recommendation adopted in 1964 formulated some general policy postulates and led to the elaboration of the 1970 UNESCO Convention. In its 1971 General Assembly Session, ICPO/Interpol passed a resolution calling for increased collaboration, exchanges of information, mutual assistance, maintenance at Interpol Head-

²⁹ Not yet ratified by India. Cf. also 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.

quarters and circulation to member countries of a register of stolen art, and maintenance of a list of suspected art dealers and collectors.

There is no doubt that these and other resolutions, while mainly hortatory in nature, signify a recognition of basic national rights to preserve the cultural patrimony, and a willingness of the international community to collaborate to that effect. At Interpol level, this has led to an effective system of mutual assistance involving the various national bureaux (NCB)³⁰. Practically, however, the protection offered to countries like India falls far short of effective mutual assistance as achieved, for instance, under the bilateral treaty for Recovery and Return of Stolen Archaeological, Historical and Cultural Property concluded between the United States of America and Mexico³¹. The real situation is clearly illustrated by the difficulties encountered in recovering and repatriating from the United States the Natraja bronze (cf. pp 216/7 above). After consultations with the US/NCB, the Department of Justice and the Department of State, it appeared that the institution of civil proceedings (by a writ of replevin) in the New York courts against B.N. would have been the most practicable approach, though it involved very high lawyer's fees and a possible problem of limitations. It also appeared that no recourse was possible under US Customs legislation³² unless it were proved that the importer actually *knew* that the piece was stolen (such positive proof is difficult to produce), or perhaps for entry under false statements.

³⁰ Cf. the rôle played by the US/NCB in tracing various stolen art pieces, as reported above.

³¹ The treaty entered into force on 22 March 1971. It provides that each party shall employ all legal means at its disposal to recover and return stolen archaeological, historical and cultural properties. Unlike the UNESCO Convention, no payment of compensation by the country to which the stolen items are returned is involved.

³² Note, however, that with regard to pre-Columbian art from Latin America importation without an authorization from the country of export is forbidden; no such provision seems to apply to Indian art.

An Assessment³³

It seems evident that, at normative level, the special legislation enacted in India — and in particular the 1972 Act — establishes a sound basis for effective management and for the protection of the artistic and archaeological patrimony against theft and unauthorized exports. This is also true for the general provisions of Indian law — e.g. the wide definition and strict penalties for "receiving" and abetting, the concept of constructive knowledge ("ought to have known") and the presumption of theft permitted under the Indian Penal Code.

The real problem, however, arises not at the national normative level, but at the level of implementation and with regard to international legal remedies.

The inadequacy of present international remedies (both in private and in public international law) for coping with international ramifications of the trade in stolen antiques has already been discussed, and is apparent from the case histories and other materials presented above.

Problems of implementation, however, concern primarily the national authorities. It is apparent that, to be fully operative, the legislative scheme proposed in the 1972 Act (licensing, registration, notification) will require ample and qualified manpower resources. Similarly, criminal justice interventions must count on a strong law enforcement infrastructure, including specialized personnel and close co-operation among State and Central authorities, adequate identification and cataloguing, a "data bank", good police/community relations, etc. Thirdly, manpower and safety measures are necessary to ensure proper surveillance on the thousands of sites, temples and monuments in a country which, by its very size and federal structure, is facing severe problems of co-ordination, resources and resource allocation.

³³ This sub-chapter reflects the views of the UNSDRI project staff.

And underlying all of these control measures — which address the problem primarily from a symptomatic perspective — remains the question of what the cultural patrimony really means to the community. As was said in connection with the Italian studies, we believe that the problem of safeguarding monuments, temples, museums and antiquities cannot be seen in isolation from the level of community awareness and "enjoyment". Deliberate educational campaigns, museum policies and especially the involvement of local citizen groups (one might mention the Gram Panchayats, Youth Centres, student groups and even the Village Defence Forces and the National Cadet Corps, who might be given specific auxiliary surveillance rôles) could no doubt be of major importance in that connection.

APPENDIX

SELECTED PRESS REPORTS ON ART AND ARCHAEOLOGICAL THEFT IN INDIA, 1972-73

GENERAL EDITORIALS

The Indian Express, 9 March 1972

There has been an increase in the number of thefts of temple images in Tamil Nadu. Sixty-eight cases were reported in 1969, but the number rose to 111 in 1970. There can be little doubt that the figures of thefts and detections were depressingly high and disappointingly meagre respectively in 1971. In other words, despite the strengthening of preventive and security measures by the police and Customs, temples in Tamil Nadu continue to be denuded of their images. The smugglers are cleverer than the guardians of the images. They are also more determined and well organized. The Tamil Nadu Government has at last recognized that what it is dealing with is not a few individuals who, impelled by love of easy money, are defrauding the country of its priceless heritage, but some organized gangs helped by foreign money. The lovely Sivapuram Nataraja image is now in New York where, it is reported, it was recently offered for sale for one million dollars.

Local criminals are usually engaged to steal the idol. It passes through many hands until it reaches the smuggler who has his means of passing it on to the foreign connoisseur or dealer. It is clear that a number of people are involved in every big transaction. Stealing antiques is by no means confined to India. Practically every under-developed country

with ancient art and religious traditions suffers, and even Italy is being denuded of its treasures. But while some of these affected countries react vigorously, India is still to evolve an effective system to deter the smugglers.

Turkey recently threatened with grave consequences a famous museum in the USA if a priceless object, believed to be smuggled out of Anatolia, was not returned, and returned it was. A firm of London auctioneers was obliged to return a priceless biblical manuscript which had been spirited away from Jordan. But India is unable to get the US Government to do anything about the manifestly illegally smuggled image from Sivapuram. The Tamil Nadu Government has particular cause for concern because the Ghola bronzes are objects of envy in the West. But the problem concerns the entire country. It is said that Delhi is a "big collecting centre" for stolen images. Effective measures to prevent thefts should be taken in the temples. Photographing images is not likely to deter the smuggler much. Every State should have a special cell in its police department which should regard stealing of images as the serious crime it is. There should be a strict check on the activities of curio dealers. Preventive steps should be strengthened at the airports and harbours. The Tamil Nadu Government seems to show a sense of concern about the growing thefts. The other State Governments and the Centre should also realize that what is going on is nothing less than denudation of the nation's priceless heritage, and they should intensify their efforts to prevent it.

Unattended monuments of historical importance and old temples dotted all over Rajasthan and dilapidated buildings with beautiful stone carvings have become a paradise for idol thieves.

Information collected from various sources reveals that unlawful removal of stone sculptures is very widely practised in these monuments. Gangs of idol-lifters are run by persons who have a status in society and operate with utmost skill,

speed and perfect secrecy. Their agents move under the garb of tourists and hippies and act in a most clandestine manner. Since these antiquities fetch a fabulous price in the international market, most of the pieces stolen have found their way to foreign countries depriving Rajasthan of its rich cultural heritage.

There are two kinds of thefts commonly reported from the countryside — idols stolen from temples and stone carvings removed from dilapidated monuments which contain valuable pieces in abundance.

The stolen property from the Pushkar Temple comprising precious stones and jewellery costing about 4 lakhs was recovered from the gang of Ram Bhoari who was arrested from Tijara in Alwar. The police were also able to trace 28 out of the 48 idols stolen from the famous Jain temple of Shri Godi Paraswanath. This theft sent a wave of concern throughout the Jain community all over the country. After vigorous efforts the police arrested Purkhiyu Mina and Bhanwar Singh Purchit from whom idols were recovered.

Sunday Standard, 4 June 1972

The "steal and sell" boom of idols and carvings robbed from Indian temples, museums and monuments has reached the grand total of 2,182 pieces during the past three years. Only 415 of the stolen treasures have been recovered. Seventeen of the 42 cases concerning protected monuments — involving 65 carvings — are "closed as untraced".

The Government says it has "no information" to indicate that the idols are going overseas. Without informing the Government, the antique carvings continue to turn up in foreign collections.

In reply to questions raised several times in the recent Budget Session of Parliament, the Government has volunteered some gloomy statistics on the volume of thefts. It has also disclosed that most art treasures stolen and not-

yet-stolen have not been valued and are not insurable. An Education and Culture Ministry statement dated April 5 makes the somewhat astounding observation that "art objects from Centrally Protected Monuments, Sites and Museums are not for sale and therefore not valued in terms of money". They may well be valued by the authorities only in terms of sentiment and reverence for the past, but they are very much for sale. And the clandestine "exporters" who are spiriting them out of the country seem to have a pretty accurate idea of what they can fetch in the international market.

One index of the demand and the supply — is that museums and galleries in California now have a huge collection of Indian Buddhist art. Many of the exhibits are believed to have gone out of India without informing the Government.

The Los Angeles County Museum has its share of Indian treasures mostly smuggled out in the last decade. The famed Sirpur Tara is there. So is a bronze Buddha from the Nalanda Museum, stolen in 1961 along with 13 other pieces. Another bronze Buddha, and two Matrika images from the Taneswara Mahadeva temple near Udaipur, are also on display at this museum.

Five of the 15 cases referred to Interpol by the CBI mention the Los Angeles museum. Little seems to have been done to trace the Indian-based links in the supply line to this and other museums. All of these not-for-sale items have been sold — and of all the many detected and undetected cases, just one famous Buddha head, one of 200 pieces stolen from the Mathura Museum, has come back to India with the help of Interpol. The Swiss museum that had acquired it at a fabulous price had to be reimbursed before the 2,000 year-old treasure could come home. At least — ironically — it has been priced in the process.

The volume of this soaring export trade is staggering even if only known thefts are considered. Over the years,

188 rare pieces have vanished from the Nalanda Museum. The much visited Konarak and Khajuraho temples have been systematically pillaged. Whole panels of sculpture have been skilfully "lifted" from temples and monuments. The graph has gone on rising steadily since the "steal and sell" idea first struck smugglers about 20 years ago. The known thefts during 1969 totalled 601 pieces of sculpture. In 1970, the year's tally stood at 675, and last year's total rose to 906 idols and carvings.

These are the reported losses. The looting of deserted monuments and shrines and of "unprotected" sites and buildings goes unreported. Site after historical site has become a hunting ground for the idol lifters.

It is no secret that watchmen and others employed to guard these ancient treasures are conniving with the smugglers. It is no secret that the stolen goods often adorn the homes of officials before they make their way abroad to a decorous debut in a museum or private collection. The prices foreigners are prepared to pay for our heritage seem to be incentive enough for sections of officialdom.

The 42 cases of thefts from protected monuments in the 1969-71 period involve 134 idols and carvings. Only 15 of these pieces have been recovered. Only three persons — involved in two cases — have been arrested. The theft of rare old paintings is a story by itself of similarly depressing dimensions. Hardly a single museum has been spared.

The recovery of these stolen treasures seems curiously linked to the speed with which the theft is noticed and reported. In the case of rarely visited sites, the delay in detection is understandable. But it seems to take a great deal too long for the law to notice vandalism taking place under its nose.

The Statesman, 24 February 1973

Growing tourist traffic has also caused a boom in the antique trade, legal and illegal. Recently a German tourist

was held for allegedly trying to take a precious painting out of the country. But such cases are rare; usually tourists manage to evade the customs. Not surprisingly with such a vast market, the Archaeological Survey reported in 1969 that about 500 pieces had been stolen from all over the country, and some officials admit that the illegal export of art goods must now be much larger.

Admittedly the problem of policing is difficult. The division of power between the centre and the States in maintaining monuments has resulted in lack of co-ordination. While the Central Archaeological Department looks after national monuments, the State Governments are in charge of "local monuments". Some of them are even privately owned. Not surprisingly, the CBI gets to know of a theft days after the event, giving the thieves time to escape before the police can lay a net for them.

With almost total anonymity thieves can plunder lonely temples and ruins in remote valleys of Madhya Pradesh, Rajasthan and Himachal Pradesh. "Temples and monuments are spread across the country and it is difficult to make a survey and bring all under the supervision of any official body", says a senior official of the Archaeological Survey of India. As a result unattended temples have been stripped of their idols and carvings by unscrupulous men.

Prized paintings too have been finding their way out of the country. About 2,500 miniatures were stolen in 1969 from the Palace Museum in Rajasthan. The Salarjung Museum in Hyderabad lost 44 paintings last year but was lucky to get back all of them intact.

In most museum thefts staff members are involved. In the Salarjung theft a museum attendant had taken out the paintings and given them to a naik of the Hyderabad Armed Police who brought them to Delhi and offered them to an antique dealer in Red Fort. It was not strange that he should have come to Delhi, for the capital has become the clearing-house for art pieces stolen from all over the country.

The tourists who come to the city and the sizeable foreign population form a regular clientele for art dealers. The large number of "art galleries" which have mushroomed in South Delhi colonies are evidence of the great interest in art pieces. Not all of them are involved in the illegal trade, but the police believe that many offer a concession if payment is made in foreign currency contributing to the foreign exchange racket.

The trade has also given birth to an industry of sorts. There are now factories "manufacturing" antiques. Idols and carvings are commissioned by the traders and brought to Delhi where they are given chemical treatment to give them the vital "ancient look". They also benefit from a piece of fiction masquerading as history about their origin though the traders play it safe by not "dating" them farther back than 12th or at the most the 10th century.

A stolen object, after it reaches Delhi, is kept "covered" till the heat is off. Then it is either put on sale in the underground market or openly, depending on how "hot" it is once the sale is done. If the buyer is a foreigner, arrangements are made to take it out of the country. The usual exit point is Bombay. From there it is shipped out, listed as a trinket or as a consignment of engineering or other legitimate export goods.

Perhaps the most sensational idol theft was that of a Vishnu idol from the Champa Valley in Himachal Pradesh. Two art dealers were held for allegedly commissioning the crime and the idol was traced at Bombay. The success of the investigations was attributed to the publicity the theft received. This made the idol a "hot" piece and the thieves even tried to dump it into the sea when the police closed in. But usually the police cannot keep up with the thieves. Not surprisingly a Natraj idol, worth several lakhs of rupees, reached a New York Art Gallery.

Officials feel that lack of Governmental control and half-hearted measures to check export of art goods in the past

has resulted in the establishment of a "proper trade route". Since the Government has now banned export of art objects the deals are made and executed clandestinely. They feel that invariably in thefts of idols from temples the priests are involved but are not brought to book because of local influences and pressures. In many cases the priests are themselves the complainants.

It is hoped that with the passing of the Bill in Parliament making it compulsory of owners of antiques to possess a licence, illegal trading will be checked.

We will make it compulsory for all antique holders to register the antique pieces and to record photographic copies with the Government, says an official of the Archaeological Department. He, however, admits that it would be difficult to bring the thousands of art pieces spread all over the country into the records.

NEWS ITEMS

Shri Chandramauli, Deputy Superintendent-in-charge of the Special Cell, dealing with idol thefts, stated on 15-6-1973 that 111 priceless idols had been stolen from South Indian Temples during the past one year. 50 idols according to the DSP had so far been recovered from different parts of the country. A British national, he added, had been arrested in a posh Calcutta hotel recently in connection with a theft. He disclosed that there were in all 11,000 privately owned and another 11,000 Government managed temples in Tamil Nadu.

The Indian Express (15-6-1973)

An attempt to remove six Panchloha idols from Shiva temple in Surakudy village in Tirk-nallar commune was foiled by a police party of Karaikal. It is alleged that on the night

of July 28th the police got information that a gang of idol lifters was proceeding from Karaikal in a car to Suradkudy village. Police officials then rushed to the temple by midnight and found seven persons breaking open the lock of the sanctum. The police party caught the intruders and seized house-breaking implements from them.

The Hindu (2-8-1973)

In Orissa, a whole temple was found missing one morning after it had been plundered stone by stone. Thefts of wooden temple chariots with exquisite carvings have also been common. A number of thefts have taken place in museums and in Chandigarh too. At the Jaipur Palace Museum 2000 rare miniature paintings were stolen a few years back. The latest report of burglary comes from the Trivandrum art gallery. Several precious pieces in stone, bronze and ivory as well as old coins are missing. According to a report of the District Magistrate of Nawadha (Bihar) some highly placed men have had a hand in the recent theft of 17 idols, worth several lakhs of rupees from the strong room of a court. The idols had been kept there.

The Tribune (28-7-1973)

Three idols made of fine metal alloy, whose total value is estimated to Rs. 100,000/-, are missing from the Perumal temple at Kondagi in Ramanathapuram. The temple had been kept locked for several days and the theft was noticed only when it was re-opened.

The Hindu (20-7-1973)

The Delhi Police have claimed credit for recovering a large number of antiques from unscrupulous dealers. The recoveries were by and large made with the help of tips from police informers. They have seized about 300 antiques, mostly idols and carvings, belonging to ancient temples in

Madhya Pradesh, Himachal Pradesh, Uttar Pradesh and Rajasthan, in the past two months. Most of the recoveries were made from Defence Colony. For instance, a big haul of antiques including a stone idol of Ganesh (valued at Rs. 65,000/-) was made in February from a Birla Guest House in Vasant Vihar.

Times of India (24-7-1973)

It is not all shocking that 12 out of the 16 bronze idols of Lord Buddha stolen from the Nalanda Archaeological Museum have found their sanctuary in the far-off Boston Museum of Fine Arts.

For unknown reasons, no effort was made by the Government of India, particularly the Bihar Government which is directly concerned, to unravel the mystery. Had not the discovery been accidentally made by Mr. L.K.J. nobody would have known where the idols have gone. The only thing that remains to be ascertained to complete the story is, how the idols made their way from Nalanda to the Boston Museum. This investigation is necessary.

The Indian Nation, Patna (6-9-1973)

Fifty-five idols made of bronze, brass and stone were among goods worth about Rs. 6 lakhs seized from a Danish national Mr. J.D.A. by the Officer in charge of Raxaul Police Check Post. Mr. A. was arrested and sent to Motihari Jail. Experts are to examine the idols.

The Statesman (6-10-1973)

Though belated, the decision of the Union Government to buy 20 high speed launches from Norway will go some way towards combating the smuggling operations along the West Coast.

A good part of this contraband trade is financed by rare works of art and antiques being smuggled out of the country.

The Indian Express (24-10-1973)

Rupees 1 crore worth of astadhatu (eight metals) statues of Lord Buddha and other images of the ancient Hindu period are missing from different temples in Nawadah district according to official sources.

The source said today an international gang of criminals was behind the thefts which occurred during the past five years. The CBI has taken up investigation of the thefts.

Times of India (22-10-1973)

The Delhi Police has been able to seize 53 priceless idols from temples of Madhya Pradesh, Uttar Pradesh, Himachal Pradesh. How valuable these art pieces are can be understood from the fact that a Ganesh idol of the 10th century, which is stated to have been stolen from Gwalior, had been purchased by a private collector for Rs. 65,000/-. Another Ganesh idol stolen from Gwalior belongs to the 9th century.

The Search-light, Patna (22-2-1973)

Twelve more antique idols have been seized from an antique shop in a posh South Delhi hotel bringing the total seizures to 65.

Raids on and interrogation of antique dealers and their associates continue.

Officials also continue to evade confirming or denying whether an idol of Ganesh was recovered from the lawns of Birla Guest House in Vasant Vihar. Some embassies of small countries are also suspected to be mixed up in the racket of smuggling rare art pieces out of the country.

Times of India (24-2-1973)

A special cell of the CBI last month seized a set of 14 valuable paintings belonging to the Kangra, Rajput, Mughal and Deccan styles from an antique dealer in Red Fort in Delhi. The Crime Branch in Delhi recovered 53 costly antiques on Sunday. These provide proof of the intensive drive against art thieves. Yet trafficking in stolen antiques is a booming trade.

Growing appreciation of objects of art from India, particularly in the USA, has provided a ready market for thieves, "cultural items" like bronze statues, stone sculptures and paintings are the most prized. As a result temples and monuments have become targets of thieves.

The Statesman (24-2-1973)

Three idols said to be centuries old were stolen from the Kashamba Devi temple near Nirmund in the interior of Kulu district recently according to a delayed report received here today.

One 120 cm high idol of a four-armed goddess is made of brass and weighs 40 kgs., while the other two bearing eight arms each are of stone and laden with silver and gold ornaments.

Indian Express (22-1-1973)

The attendant of the Salarjung Museum in Hyderabad and a constable of Hyderabad Armed Police have been arrested by the Central Bureau of Investigation for stealing 14 miniature paintings from a museum and selling these to an art dealer of the capital.

Indian Express (16-1-1973)

The Bihar Minister for Jails, Mr. Radha Nandan Jha told the State Assembly today that Government had crushed an inter-State gang responsible for the thefts of ancient idols from temples in Bihar.

Eighty-eight cases had been instituted in connection with such thefts. Several members alleged that the name of a former D.I.G. of Police had come up in connection with the theft of an idol and they wanted to know why the Government did not pursue the matter.

The Statesman (11-6-1972)

Two foreign nationals were detained by customs officials at the Santa Cruz airport last night when they tried to take Indian antiques out of the country. The foreigners entered India a few days ago as tourists. Customs officials recovered from them a number of items like scrolls, paintings and ivory statues. The customs claimed that they have apprehended an important leader of an international gang smuggling Indian antiques.

Nagpur Times (16-7-1972)

All Police stations and airports in India have been alerted to detect and prevent smuggling out of the country of the "Chalanti Shiva-lingam" with brass made "Cobra", and the three foot high "Hara Parvati" stolen idol weighing more than two maunds which was stolen from the Loknath temple in Puri last week. The Orissa Home Minister, Mr. Nilamani Routrai told the State Assembly today, reports UNI.

The Statesman (28-3-1972)

Two 12th century stone idols of Parvati-Shiva and Nagalingam and weighing 200 kgs. each were stolen from here on Tuesday, police said.

The images were installed in Shri Loknath temple, according to a local legend, long before the construction of Lord Jagan Nath temple.

Hindustan Times (24-3-1973)

More than a dozen idols, some of them dating back to the Seventh Century, are reported missing from the ancient Jageshwar Temple in Almora district 30 km. from Nainital.

The Statesman (13-3-1973)

A number of old paintings and antiques were seized today from a senior Government officer by the Central Bureau of Investigation and the Customs department at Palam.

Posted eight years ago in Paris, the Foreign Trade Ministry Officer had bought these antiques and paintings here.

"He had taken these to Paris to sell them at exorbitant prices", said a senior CBI official.

The CBI official said that the officer concerned had taken no permit while taking the antiques out of India. The officer, he added, had been coming to India frequently to buy antiques for sale in Paris.

The Government officer in his statement to the CBI mentioned that the value of the antiques is Rs. 10,000. "But the value runs into lakhs", said the CBI official. "It seems these particular antiques did not attract buyers in Paris and that is why he has brought them back".

A case under the Antiquities Act has been registered. The articles have been sealed and "further action will be taken after enquiries in his activities in Paris", the CBI official said.

The National Herald (22-4-1972)

Forty-six idols of gods made of bronze and worth over Rs. 5 lakhs were seized by the police from a lorry office at Dindigol, 60 kms from here, on Thursday. The idols, packed in three crates were being despatched to Tuticorin.

One person was arrested in this connection. The idols are believed to have been stolen from Thanjavir district with the intention of exporting them clandestinely to foreign countries.

The Hindustan Times (14-5-1972)

Two idols of Lord Mahavir which were removed from a temple in Panna district were seized by the police before they could be sent out to Delhi.

The idol-lifter was intercepted at Santa as he was proceeding to Delhi in a truck and the idols, two and a half feet each, were recovered from the truck.

According to the police the idol-lifter, who belongs to Mirzapur, was a member of a gang which has specialized in thefts of statues and idols from different places in [the archaeologically rich] Madhya Pradesh.

The National Herald (16-5-1972)

The Police made a haul of 27 stolen idols, worth Rs. 1 crore, in foreign markets, from a receiver of such articles at Tuticorin recently.

The idols, stolen from temples in South India, include a large Nataraja, Shiva and Parvati, Vishnu and Bhudevi and Lord Krishna on a serpent hood, the police said.

Most of them are made of five metals (Panchloha) and the rest in bronze.

They were brought to Madras and shown to the State Director of Archaeology to determine their origin and date.

The temples from where the idols had been stolen, were yet to be located, they said.

The National Herald (24-1-1973)

A 100-year-old idol of Vishnu was stolen from a temple at Dholpur recently. The idol was made of pure gold and weighed about one maund. The idol disappeared on the night between January 9 and 10. The idol, according to the temple priest, costs Rs. 1 crore. The police are investigating.

The Hindustan Times (14-1-1972)

CBI today recovered the priceless idol of Lord Rama, which was stolen from Dholpur Chhawani in Rajasthan last month.

Working in co-operation with the Rajasthan police, the CBI made the recovery from a South Delhi godown. Three persons, including two taxi drivers, have been arrested in this connection.

A CBI spokesman said more arrests were expected.

The three-maund idol, made of an alloy of eight metals was found missing from the Dholpur Chhawani Temple on the night of January 10. The temple priest had last seen it while closing the temple on the night.

The rare idol depicts Lord Rama with four arms and surrounded by 23 other incarnations.

The CBI spokesman said the only clue available was the Dholpur Temple priest's statement that two unknown travellers had stayed in the temple premises on the night of January 8 on the pretext of being on their way to a nearby village.

The 2 1/2 x 2 feet more than a century old idol is said to have been installed at Dholpur Chhawani Temple by the late Maharaja of Dholpur, soon after the first war of independence in 1857.

The temple is looked after by the Devasthan Department of the Rajasthan Government.

Assam Tribune (13-2-1972)

The CBI yesterday recovered the priceless stone image of an "Apsara" which was stolen from the world-famous temple of Khajuraho last October.

The image weighing about three maunds lay hidden three feet under the water in a river bed at a place near Khajuraho, according to CBI report.

The National Herald (27-2-1972)

The Rajasthan CID has arrested three brothers in connection with the theft of an idol from a Dholpur temple in January.

Among them two persons, [P.S.] and [B.S.], have been charged with committing the theft, and the third, [H.] alias [L.S.], a taxi driver of Delhi, has been held for helping his brothers in carrying the idol from Dholpur to Delhi last Friday. The three brothers belong to the Ferozepore district of Punjab.

Mr. Amitabha Gupta, SP, CID, who brought the idol to Jaipur last night, told newsmen today that the CID had recovered it within 20 hours of its arrival in Delhi on 11 February.

The one quintal-idol of Lord Vishnu, as the reincarnation of Lord Rama with 24 subsidiary idols on it, is made of an alloy of eight metals and is a rare piece of art. The idol valued at several lakhs of rupees, is stated to date back to the Gupta period.

The CID official said three other pieces of the subsidiary idols, which had been removed, have also been recovered. One of the pieces had been despatched to Calcutta but was brought back.

Prime Minister Indira Gandhi saw the idol in Delhi yesterday. She congratulated the Rajasthan CID and asked them to take deterrent measures against such offences.

The idol, which was installed in the temple by a former ruler of Dholpur in 1857, will be reinstalled in the temple within the next few days, Mr. Gupta added.

The Patriot (18-2-1972)

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