

Reevaluating Art Crime's Famous Figures

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Abstract: This article seeks to demonstrate that the figures used to describe the size and scope of cultural property crimes—that it is a \$6 billion illicit industry and that it ranks among the third or fourth largest criminal enterprise annually—are without statistical merit. It underscores the ambiguities inherent in the figures and uses the 2003 theft of the Duke of Buccleuch's painting by Leonardo da Vinci, *Madonna of the Yarnwinder*, to illustrate the difficulties related to establishing monetary estimates for cultural property crimes. It calls for a more empirical approach to measuring the magnitude of the problem on the part of cultural property crime experts. Finally, it examines the reporting methods of the world's largest cultural property crimes law enforcement agency, the *Comando Carabinieri per la Tutela del Patrimonio Culturale*, in order to provide a model for others to follow in the effort to communicate the severity of the problem and to increase its financial, social, and political support.

This article argues that the ambiguities and unreliability inherent in the \$6 billion estimate of the size of the illicit cultural property trade and the claim that it may be one of the largest illicit industries annually are without statistical merit and undermine efforts to curb the problem. It underscores the demand for greater recordkeeping of cultural property statistics, the need to move away from current statistical fallacies, and the need for cultural property scholars, authors, and experts to perform more in-depth quantitative analyses of such crimes. Since the late 1960s, journalists, lawyers, academics, law enforcement officers, and museum professionals, among others, have relied heavily on monetary valuations of the size of the illicit trade in cultural property in order to impress upon the public the scope of the problem as well as to generate support for efforts to preserve, conserve, and protect the world's cultural record.¹ Today, the Federal Bureau of Investigation (FBI) and the United States Department of Homeland Security, which oversees Immigration and Customs Enforcement (ICE), maintain that the illicit

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trade is a looming criminal enterprise with losses running as high as \$6 billion annually.² In contrast, the International Criminal Police Organization (Interpol), which since 1947 has been involved in combating the illicit trade in art specifically through the circulation of international notices on stolen works of art, restated in 2009 its position on the size and scope of art theft with the following: “We do not possess any figures which would enable us to claim that trafficking in cultural property is the third or fourth most common form of trafficking, although this is frequently mentioned at international conferences and in the media.”³ Many law enforcement agencies including the FBI and ICE, which were originally provided cultural property crime figures by Interpol decades ago, have failed to update their online literature.⁴

CULTURAL PROPERTY CRIME DATA

There are myriad reasons why it is difficult to create an adequate monetary accounting of annual cultural property crimes worldwide. Wesley G. Skogan, professor of political science at Northwestern University, notes crime statistics in general are “not one-to-one reflections of events; the number of burglaries ‘known to police’ in official parlance do not equal the number of burglaries which have taken place.”⁵ Crime statistics are problematic because they reflect the interaction between three elements: things that go on “out there” in the environment (crime); the responses of those who are victims of it (reporting); and society’s effort to discover and record it (policing).⁶ There are a variety of reasons why a cultural institution or individual would be reluctant to report a theft. Cultural institutions may be reluctant to report an art theft because it exposes shortcomings in their security. Also, reported art thefts can cause damage to an institution’s reputation and its respect in the cultural sector. This can then result in financial cutbacks in donor grants. It can cause a reduction in the public’s support for, and confidence in, the institution’s capacity to protect its collections, and it can discourage other organizations and individuals from loaning their works of art for exhibitions. Victoria Alexander, senior lecturer in sociology at University of Surrey, notes, “museums are highly symbolic organizations and their resources depend on their reputations.”⁷ Tremendous negative press and media attention after a theft can undermine an institution’s financial stability. There is additional fear and anxiety that publicizing a theft may lead to an object’s destruction, or disappearance underground. However, there is no evidence to support such a fear. In fact, art is often not destroyed in the theft cases that even feature ransom demands in which the thief, or the middleman commonly known as the fence, threatens to destroy the work if his or her demands are not met. Individual collectors may not report a theft because of the loss of privacy that follows the filing of a police investigation or insurance claim, or even because of tax reasons if they have not yet declared their valuable collections. More recently, such concerns on the part of

institutions and individuals have been set aside in light of their need to exercise due diligence and meet any legal obligations to protect their ability to assert a claim for recovery when the stolen property surfaces. There has also been more literature published that affirms the high value of publicizing a theft to the recovery effort.⁸

In addition to the difficulties related to estimating the number of annual reported and unreported crimes worldwide, cultural property crime estimates never specify what crimes they incorporate. For example, do they include the total value of any crimes that involve any form of cultural property? Is it limited to the value of stolen art and/or illicit antiquities? Looting is necessarily a clandestine activity, making it difficult to document the scope of looting activity and the quantity of antiquities illicitly excavated.⁹ Additionally, it involves two types of sites: sites that are known to archeologists and sites that have not yet been discovered.¹⁰ In combination with the vast number of archeological sites, it is difficult to quantify the extent of damage to cultural heritage. Alternatively, does it account for the cost of the fakes and forgeries industry? The issue becomes more complex when considering the problems related to monetary valuations for individual pieces of cultural property. Valuations can be based on any of the following: the fair market value; the auction estimate, which can be at the low, medium, or high end of a range; a work's value for insurance purposes; its illicit value; its reward value; the fees and cost associated with the loss and the recovery of a stolen work; the ransom amount demanded for the work's return; or the cost of a work's raw materials.¹¹

MULTIBILLION DOLLAR INDUSTRY

An article titled "The Billion-Dollar Illegal Art Traffic—How It Works and How to Stop It" by Dora Jane Hamblin in the March 1972 issue of *Smithsonian* was the first article in a magazine with major circulation (465,000 by 1973) to use a billion-dollar estimate for the size of the cultural property crimes.¹² It is likely that Interpol provided Hamblin with an estimate for the size of the illicit cultural property trade.¹³ Prior to the article's publication there had been relatively few estimates of the total size of the illicit cultural property trade. The figures that did exist before Hamblin's estimate were significantly less. For example, a 9 November 1963 *New York Times* article claimed that between \$6 and \$16 million worth of art was stolen since 1960.¹⁴ In an *UPI* article from September 1970, the French police estimated that worldwide art thefts had increased to \$18 million each year.¹⁵ Alternatively, in a *New York Times* article titled "Italy Saddened by Titian Theft," Italian government officials estimated the cultural property losses in Italy in 1970 to be \$48 million.¹⁶ In *The Plundered Past* (1973), Karl E. Meyer argued that the international art trade was worth \$1 billion annually, and that losses due to the illicit trade could run as high as 10% of that value.¹⁷

In 1978, Bonnie Burnham and Frank Feldman wrote in the *Connecticut Law Review*, “No national statistics on art theft and recovery are available within the United States, and there is no governmental clearinghouse for information on stolen art.”¹⁸ Similarly, in the January 1979 issue of *FBI Law Enforcement Bulletin*, D. L. Mason, a former senior agent in the FBI wrote, “An entirely accurate accounting of this billion-dollar figure would be impossible, but surely the art theft problem deserves closer scrutiny by the law enforcement community.”¹⁹ Despite the fact that the United States is the world’s largest art and antiquities market and while scholars as well as law enforcement have acknowledged the shortage of cultural property crime statistics, no in-depth empirical data on art theft and recovery has really been developed. Aside from the FBI’s limited National Stolen Art File, there remains no public clearinghouse for information on stolen cultural property and therefore even law enforcement, which would have the best opportunity for recording and monitoring cultural property crime data, still relies on unsubstantiated billion-dollar estimates to generate support for their work.

Many authors of popular art crime genre books, who are often dubbed “experts” in the field by the media, maintain billion-dollar estimates without questioning the figure’s reliability. In *Stealing Rembrandts: The Untold Stories of Notorious Art Heists* the authors, Anthony Amore and Tom Mashberg, ask the question “Why is art theft worthy of concern?”²⁰ Ulrich Boser, author of *The Gardner Heist: The True Story of the World’s Largest Unsolved Art Heist*, characterizes it as a “booming criminal industry.”²¹ Edward Dolnick, author of *The Rescue Artist*, attempts to draw attention to the billion-dollar problem by arguing, “Art crime is a huge and thriving industry.”²² In *Art and Crime*, editor Noah Charney, claims that ranking art crime as the “third- or fourth-highest-grossing annual criminal trade is entirely appropriate, conveying its severity.”²³ While the authors all refer to multibillion-dollar estimates for the size of art crime and indicate that it is therefore worthy of more public attention, none of them provides any empirical data or evidence to support such statements. Due to the absence of valid statistical arguments, it can be difficult to convince governments, scholars, and the public that the problem is sizable, growing, or even worthy of public funding. While not every popular author or scholar may be a statistician and is not expected to develop crime data, they must nevertheless hold themselves accountable for perpetuating the mythical figures that have sadly defined cultural property crimes for the past half-century.

The size and scope of the illicit art trade is a contentious issue and has further polarized the various stakeholders involved in discussions related to the preservation, protection, and conservation of cultural property. For example in 2000, the Antiquities Dealers Association (ADA) claimed in the United Kingdom’s Department of Culture, Media and Sport’s seventh report on cultural property that the “public suggestions that the trade in illicitly excavated material amounted to some £3 billion per annum and was second only to the trade in drugs were ‘clearly nonsense.’”²⁴ The ADA suggested that the licit trade in antiquities was “much smaller than was widely believed, and the illegitimate trade smaller still.”²⁵ Other testi-

monies during the panel's investigations estimated the scale of the illicit trade in antiquities ranging from £150 million to £2 billion; \$300 million to \$6 billion; and \$4.5 billion.²⁶ The wide range of the estimates reflects the number of possible assumptions that could be used to establish a value for an illicit industry. It also highlights how such values are often wildly inflated or deflated in order to adjust for any given stakeholder's claims in debates that surround stolen cultural property.

The fact that the illicit art industry's value has been estimated in U.S. dollars since the early 1970s enables the figure's growth to be compared against the U.S. dollar's inflation rate from 1972 to 2010. If \$1 billion in 1972 is computed using an online inflation calculator, then it results in a value of \$6 billion in 2010. Therefore, it could be concluded that the quantity of art stolen on an annual basis has not actually increased since the 1970s, but rather the total value of art stolen annually has simply kept pace with inflation. Furthermore, any estimate of the size of the illicit art trade that is less than \$6 billion would imply that the problem has declined over the past 40 years. Such conclusions would undermine any individual's effort to use such estimates in order to generate support to combat the "huge and thriving industry."

MADONNA OF THE YARNWINDER EXAMPLE

The example of Leonardo da Vinci's *Madonna of the Yarnwinder*, which was stolen in a daytime raid from Drumlanrig Castle, Scotland, in 2003 and recovered in 2007 underscores the difficulty with estimating an object's value in order to account for its contribution to the annual illicit cultural property trade figure. For tax reasons, the Duke of Buccleuch insured the painting for only a quarter of its 1996 valuation—£15 million.²⁷ Other estimates for the painting's value published by the media ranged from £20 to £50 million.²⁸ Immediately after the theft, the Buccleuch's insurer offered a £200,000 reward, which was later increased to £1 million. In 2007, Robert Graham and John Doyle, private investigators who operated a stolen property recovery website called *Stolen Stuff Reunited*, were contacted by mysterious intermediaries known only as J and K, who had access to the stolen da Vinci. According to court records, the painting had been used as collateral for a £700,000 property deal and the individuals, who accepted the painting as security sought to recoup their money. Graham and Doyle contacted their solicitor Marshall Ronald. Ronald involved Glasgow solicitors Calum Jones and David Boyce in order to ensure the recovery dealings were legal under Scottish law. Ronald, on behalf of his clients, negotiated with the intermediaries to return the painting for £350,000. During the recovery process he notified the Buccleuch's insurance loss adjustor, Mark Dalrymple, in order to return the painting through an informal mediation process.²⁹ In negotiations between Dalrymple and John Craig, who was an undercover police officer posing as the Buccleuch's representative, Ronald requested a total of £4.25 million as a reward and to cover his and his clients' ex-

penses.³⁰ However, before negotiations evolved any further, police arrested Ronald, Graham, Doyle, Jones, and Boyce and charged the group with conspiring to extort £4.25 million from the Buccleuch family for the painting's return.³¹ After an eight-week trial at the High Court in Edinburgh, a not-proven verdict was returned on Ronald, Graham, and Doyle. Both Jones and Boyce were found not guilty of the same charge. It was later revealed by the Scottish Legal Aid Board that £984,636 was paid to cover legal expenses of all the accused, which was a loss incurred by the Scottish taxpayer.³²

As illustrated by the case of the *Madonna of the Yarnwinder*, illicit art's monetary value can be based on its insurance claim, its value as collateral in illicit transactions, or the cost of its recovery. Also, its value can be based on its estimated value. In this example, the painting's estimated value would be difficult to determine due to the fact that it is a rare work by one of history's most famous artists and has not been on the market since the eighteenth century when it was first acquired by the Buccleuch family.

The issues inherent in establishing an accurate value for the size of the illicit cultural property trade worldwide makes it difficult to argue that it is among the third or fourth largest illicit industry. There are a number of criminal enterprises and illicit industries that have been analyzed in greater depth and that report larger losses than those claimed for cultural property crime. For example, the U.S. Treasury and the U.S. Internal Revenue Service estimated that in 2001 the government lost \$290 billion due to tax evasion.³³ A report by PricewaterhouseCoopers found that \$250 billion a year is lost by U.S. corporations in the theft of intellectual property.³⁴ The Coalition Against Insurance Fraud estimates that the fraudulent claims cost \$80 billion annually.³⁵ FIA International Research in a recent report to the International Cargo Security Council indicated that cargo theft worldwide was \$50 billion.³⁶ The Framework Convention Alliance, which helps to develop and implement the World Health Organization's Framework Convention on Tobacco Control, estimates that the losses of revenue that result from the illicit tobacco trade could be as high as \$39 billion annually.³⁷ In its 2009 Global Report, the International Labour Organization estimated that human trafficking generated \$32 billion each year.³⁸ The global cost of maritime piracy has been estimated to be at least \$7 to \$12 billion dollars per year.³⁹

It is evident that scholars, law enforcement officers, and popular authors among others, who are involved in the protection, preservation, and conservation of the world's cultural property, must hold themselves accountable for disseminating unfounded claims related to the size and scope of the illicit cultural property trade. While such claims are often intended to generate public awareness, this article has shown that the facts and figures most frequently used are easily demonstrated to be without statistical merit. As an alternative to describing the size of the illicit cultural property trade in dollar figures, which are ambiguous and nearly impossible to estimate, there are other methods that could be more effective at conveying the scope of the problem.

NEW METHODS OF MEASURING THE PROBLEM

In 2005 there were more than 50,000 objects registered as stolen according to Interpol's cultural property theft data registered with its annual poll of its member countries' national central bureaus.⁴⁰ To put that figure in perspective, the Wadsworth Atheneum Museum of Art (Hartford, CT) and the Indianapolis Museum of Art (Indianapolis, IN) each maintain collections (on display and in storage) that consist of 50,000 objects.⁴¹ From 2003 to 2008, there were more than 300,000 objects registered as stolen with Interpol's annual poll.⁴² To quantify the cultural property stolen over that period, one could imagine the loss of the Pitt Rivers Museum or Philadelphia Museum of Art's entire collections.⁴³ Due to the fact that only a third of Interpol's member countries' national central bureaus respond to the annual poll each year and that the number of objects registered stolen are likely less than the actual number stolen, it could be concluded that the annual cultural property loss attributed to theft is in fact much greater.⁴⁴

Italy's *Comando Carabinieri per la Tutela del Patrimonio Culturale*, which is the largest cultural property law enforcement unit in the world and has been very successful at policing such crimes since 1969, maintains a vast stolen cultural property database called *Leonardo*.⁴⁵ The Carabinieri publish an annual report titled *Attività Operativa*, which provides theft and recovery data as well as contributes insights into its cultural property protection efforts over the past year.⁴⁶ The Carabinieri's success at recording, publishing, and analyzing crime data is likely due to the fact that it has a uniform reporting system in place across its 14 regional units. In order to measure the unit's performance, it compares the latest data with that from the previous year. While the annual report includes a monetary estimate of the total value of cultural objects recovered or seized, it supplements the data with more significant figures including those related to cultural objects recovered or seized by the Carabinieri.⁴⁷ Also, the Carabinieri's annual report incorporates the number of individuals referred to the judicial system from its actions; a detailed account of its preventive activities carried out, such as the review of businesses, markets, and fairs, as well as the inspection of the safety and security measures at museums, libraries, state archives, and archaeological sites; and a summary of its training activities with domestic and foreign law enforcement organizations.⁴⁸

In addition to providing in-depth recovery data that is even segmented by region, the Carabinieri's report includes annual theft data. For example, there were 817 cultural property thefts reported in 2010 to the Carabinieri.⁴⁹ The juxtaposition of the reported thefts against the number of objects recovered or seized provides statistical evidence that leads one to conclude that a substantial number of thefts are underreported or unnoticed. This method of reporting better conveys the severity and scope of the illicit cultural property trade than any dollar amount could achieve.

CONCLUSIONS

This article has delved deeper into some of the questions related to the difficulties associated with estimating the extent of crime involving art and antiquities raised by Passas and Proulx.⁵⁰ Despite the fact that cultural property crimes have received a considerable amount of attention from journalists, scholars, and law enforcement officers, there still exists no accurate estimate for the problem's size and scope. Certainly, the lack of an estimate of its size or even other relevant data is reason why many law enforcement agencies that specialize in cultural property crimes constantly struggle to increase or even maintain sufficient levels of funding. Only the Carabinieri maintain statistics that quantify the problem as accurately as possible and indicate that it may in fact be growing in size and scope. Their annual report provides evidence to support the unit's successes and effectiveness at combatting cultural property crimes. The statistics, which serve as the unit's annual performance indicators, is reason for why the Carabinieri is deserving of funding by the Italian government. Scholars, authors, experts, and law enforcement agents who rely on the famous figures related to cultural property crimes in order to garner media placements and elevate the problem's status will continue to be unsuccessful at generating much financial, social, and political support. The reliance on figures that lack statistical merit, such as \$6 billion and third or fourth largest illicit trade, will only perpetuate the public's fascination for the equally fictitious myths that surround cultural property crimes, such the notion of the gentleman thief. In addition to demonstrating the statistical inaccuracies and overgeneralizations that surround cultural property crime's famous figures, this article has issued a call for greater empirical research to be done in the field in order to generate more support for the preservation, conservation, and protection of the world's cultural record.

ENDNOTES

1. See Houpt, *Museum of the Missing*, 12; USNCB, *Cultural Property Crimes Program with ICE, TOP STORY: Cultural property investigations span the globe*.
2. McAndrew, *Safe Beachon Awards 2010*; USNCB, *Cultural Property Crimes Program with ICE, TOP STORY: Cultural property investigations span the globe*.
3. Interpol, *Stolen Works of Art*.
4. FBI, *Art Theft Program*; USNCB, *Cultural Property Crimes Program with ICE, TOP STORY: Cultural property investigations span the globe*.
5. Skogan, "The Validity of Official Crime Statistics," 25.
6. Skogan, "The Validity of Official Crime Statistics," 25.
7. Alexander, "Pictures at an Exhibition," 799.
8. Durney, "Art Theft Statistics."
9. Passas and Proulx, "An Overview of Crimes Involving Art and Antiquities."
10. Conklin, *Art Crime*.
11. Traditionally, if an object has not been appraised recently, then its value will be 150% of its last appraisal estimate in order to adjust for inflated prices. Alternatively, a work may be insured for

an agreed-upon value made before damage or a loss; specified cover, which covers individual valuable items in a collection; unspecified cover, which arranges for a lump sum cover without having to list each item; cover for loss in original value, which pays to restore an item as perfectly as possible and will compensate the owner for any loss in original value due to the damage; or cash/replacement option in the event that an object is irreparably damaged.

12. See Winfrey, "About Smithsonian," for more information related to its circulation figures.

13. Hamblin, "The Billion-Dollar Illegal Art Traffic."

14. Milton Esterow, "F.B.I. Intensifying Efforts to Apprehend Art Thieves; Hundreds of Works Worth in Millions Stolen Since 1960 Special Investigator Helps Track Down Missing Paintings," *New York Times*, 9 November 1963, <http://select.nytimes.com/gst/abstract.html?res=FA0613F93A581A7B93CBA9178AD95F478685F9> (accessed 1 November 2011).

15. David Spurr, "France Is Target for Art Thieves," *UPI*, 1 September 1970, <http://news.google.com/newspapers?nid=1898&dat=19700901&id=GzAiAAAAIbAJ&sjid=93UFAAAAiBAJ&pg=911,39786> (accessed 1 November 2011).

16. David Shirey, "Italy Saddened by Titian Theft; Loss Is Cited as Evidence of Intensity of Problem," *New York Times*, 5 September 1971, <http://select.nytimes.com/gst/abstract.html?res=F60F17FC385C1A7493C7A91782D85F458785F9> (accessed 20 November 2011).

17. Meyer, *The Plundered Past*.

18. Burnham and Feldman, "An Art Theft Archive," 703.

19. Mason, "Art Theft Investigations," 16.

20. Amore and Mashberg, *Stealing Rembrandts*, 13.

21. Boser, *The Gardner Heist*, 21.

22. Dolnick, *The Rescue Artist*, 11.

23. Charney, "Introduction," xxiv.

24. Department of Culture, Media and Sport Committee, *Cultural Property*.

25. Department of Culture, Media and Sport Committee, *Cultural Property*.

26. Gill and Chippindale, "The Trade in Looted Antiquities," 51.

27. Alison Campsie, "Return of da Vinci Had More Twists Than Hollywood Film," Herald Scotland, 22 April 2010, <http://www.heraldscotland.com/news/home-news/return-of-da-vinci-had-more-twists-than-a-hollywood-film-1.1022294?31029> (accessed 20 November 2011).

28. For the many valuations of Leonardo da Vinci's painting, see Campsie, "Return of da Vinci Had More Twists Than Hollywood Film"; Severin Carrell, "Leonardo Plot: Solicitor Admits to Stealing from Clients to 'Save' Painting," *Guardian*, 29 March 2010, <http://www.guardian.co.uk/artanddesign/2010/mar/29/leonardo-plot-marshall-ronald-evidence> (accessed 20 November 2011); Auslan Cramb, "Four Held as Stolen da Vinci Painting Found," *Telegraph*, 4 October 2007, <http://www.telegraph.co.uk/news/uknews/1565071/Four-held-as-stolen-da-Vinci-painting-found.html> (accessed 20 November 2011).

29. Campsie, "Return of da Vinci Had More Twists Than Hollywood Film."

30. Carrell, "Leonardo Plot."

31. Carrell, "Leonardo Plot."

32. Stuart Macdonald, "Da Vinci Court Case Shambles Costs Taxpayer £1M in Legal Aid," *Sunday Mail*, 22 May 2011, <http://www.dailyrecord.co.uk/news/scottish-news/2011/05/22/da-vinci-court-case-shambles-costs-taxpayer-1m-in-legal-aid-86908-23148621/> (accessed 20 November 2011).

33. Morse, Karlinsky, and Bankman, "Cash Businesses and Tax Evasion."

34. Trembly, "Cyber Crime Means Billions in Losses."

35. Coalition Against Insurance Fraud, *How Big Is \$80 billion?*

36. Prentice, "Tangible and Intangible Benefits."

37. Framework Convention Alliance, "How Big Was the Illicit Tobacco Trade Problem?"

38. International Labour Conference, *The Cost of Coercion*.

39. Bowden, "The Economic Cost of Maritime Piracy."

40. Durney, "An Examination of Art Theft."

41. For the total number of objects on display and in storage at each respective museum, see Wadsworth Atheneum, History; Indianapolis Museum of Art, About the Indianapolis Museum of Art.

42. Durney, "An Examination of Art Theft."

43. For the total number of objects on display and in storage at each respective museum, see Pitt Rivers Museum, *Where Do Objects in the Pitt Rivers Come From?*; Philadelphia Museum of Art, *Acquisition of Works of Art*.

44. Durney, "Art Theft Statistics."

45. Brodie and Renfrew, "Looting and the World's Archaeological Heritage."

46. Carabinieri, *Attivita' Operativa 2010*.

47. In 2010, the Comando Carabinieri per la Tutela del Patrimonio Culturale estimated that it recovered and/or seized €69.7 million worth of art, which typically excludes archaeological artifacts returned from museums, galleries, and foreign collectors due to the inestimable value of such national treasures; and €123.9 million estimated value of fake works seized. The unit recovered a total of 91,409 cultural objects. Among the objects recovered were 13,032 archeological works, 40,644 coins, 8741 books and documents, and 18,184 forgeries and fakes (Carabinieri, *Attivita' Operativa 2010*).

48. Carabinieri, *Attivita' Operativa 2010*.

49. Carabinieri, *Attivita' Operativa 2010*.

50. Passas and Proulx, "An Overview of Crimes Involving Art and Antiquities."

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