

Buying antique objects on the internet?

A Guide by the working group Cultural Heritage Protection of the German Society of Pre- and Protohistory (DGUF)



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Does this sound familiar? While surfing on an internet platform, amongst a multitude of offers you find archaeological objects: Roman coins, Prehistoric axe heads, Byzantine oil lamps, Peruvian statuettes, cylinder seals from Mesopotamia and other exciting finds. You like one or two things and as you have been always interested in History, you would like to hold a genuine historic object in your hands. You are fascinated by the thought of getting closer to the past. You can also imagine that such an object is lying in your living room shelf or on your desk. Your visitors would be certainly impressed. The vendor guarantees the authenticity and the price seems to be affordable. However, the question arises whether such items may be purchased or if the buyer renders himself liable to prosecution when he acquires such items because they have to be kept in a museum. Apart from this, in recent times we read about illegal excavations or even that international terrorism is co-financed through the trade with antiques. So, what can you do in such a situation? Our handout is designed to help you answering your questions.

Where do the objects, which are offered on the market, come from?

Ancient items are found during excavations, you may think. This is right in principle. However, a distinction must be drawn between objects from legal excavations carried out by competent scientists and objects from illegal digs. Finds from legal excavations are state-owned and kept in museums or storage depots. Such finds from State excavations are never commercially available. This not only applies to Germany, but throughout the world.

Complex situation with finds for instance from Germany

From Germany and some other European countries repeatedly objects appear which do not come from official scientific excavations, but however were found legally. Here, the situation becomes more complicated. Finds are regarded as legally excavated when a person with the landowners consent and an authorization ("authorization for research") issued by the responsible local monument protection authority has conducted an excavation or collection and reported the finds to the authority responsible, as required by law. In most of the Federal States the Treasure Trove is in force. It is a statutory rule which states that ownerless treasures which had been hidden until their discovery automatically pass into the possession of the (German) State. Thus, they cannot be traded legally. However, if they haven't been graded as being of great scientific value and the State waives its property rights, the finder is lawful owner and is allowed to sell the finds legally. Except for Bavaria, the Treasure Trove applies in all Federal States. In Bavaria, to all ownerless finds the "Hadrian's Division" applies. This states that in case of such finds one half of the ownership is acquired by the discoverer, and the other half by the landowner.

Objects from the Mediterranean area, the Middle East or Central and South America

Objects from abroad may have reached the market legally when they come from so called "old collections". This means that they have been excavated at a time when there was still no export ban and archaeological sites were not documented according to modern standards. According to current laws the trading of such objects is allowed. However, the number of such in fact "old collections" is very limited. The range of objects on the market is far greater than the number of objects which come from such legal "old collections". You therefore should assume that a major part of the objects actually was excavated illegally. By far not every story



of "(finds from) the attic", "my great-grandfather's collection" is true. To prove the truth of such statements, complex methods are required.

Most of the Mediterranean countries and in the Middle East have banned the general export of cultural goods found on their territories already in the middle of the 19th century. Thus, since that date at the latest, pieces "from a very old collection", if they ever had been legally exported, have to be covered by a proper export license. Or it is in fact a very (!) old collection, which has demonstrably been gathered before that time. As the proof of legal origin of such a piece can increase its value, a serious dealer would not hesitate to prove its origin "from an old collection". In foreign countries, there are likewise certain rules which determine when objects are traded legally or illegally.

In many cases, this applies in particular to many finds from Ancient America. The question where such objects come from and under which law they have been purchased, can be answered easily by experts. Often, however, this is not the case. This becomes especially obvious in the example of the Roman Empire, which spanned from the entire Mediterranean area and Middle Europe to England: so it is difficult to find out if a Roman coin was exported illegally from Turkey or whether it was found legally in England. By the look of the coins it cannot be decided whether they are sold legally. The only guarantee is a certificate of origin which, similar to the package insert for a pharmaceutical product, together with the object must be added by the dealer.

Result:

Experience has shown that among the objects offered on the internet, antiques of illegal and legal origin can be found. For you as a potential buyer it is rather difficult to identify the truth and thereby the legal situation. In particular, this will apply if the offers come from abroad. Experience shows that many of the objects offered on the internet are not traded legally. Rather, they were excavated and bought by illegally operating treasure hunters, detector users and grave robbers. This they do not do in the service of scientific research or for the preservation of valuable cultural assets, but in order to enrich themselves.

What is the problem with illegally excavated and traded archaeological objects?

For archaeology the problem is not only that in the course of illegal excavations objects, which as cultural heritage of Mankind actually belong to the public, are stolen. From the perspective of archaeology, in the course of such illegal excavations the so called context of finds, which is of central importance for our knowledge of the past, is destroyed. An excavation carried out by professional archaeologists no longer is aimed at making finds. Rather, the context of finds is in the focus: This means that the position of every find in the soil is carefully observed, photographed, drawn and described. It is extremely important to know which object was positioned at which place - possibly together with other objects. From these observations experts can derive statements on the age of the site and its use.

However, grave robbers take the pieces out of the contexts and thus they forever destroy important information. For comparison purposes: When letters progressively are cut out from a book, both lose their value: the individual letters and the book. In the course of every excavation carried out in an unprofessional manner, knowledge which we could have gained about lost cultures is destroyed.

How can I find out whether the object which I am interested in, is traded legally?

Fundamentally, ancient objects may only be traded when a certificate of origin is available. In this certificate the origin of the object must be stated and the date when it was offered on the market for the first time. This is similar to a used car: you certainly would not buy it without



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the vehicle's papers and it would directly be evident to you, that there is something amiss in this business. When in doubt, ask the vendor as if he were in possession of such a document which includes an export certificate from the country of origin. Even in the case of purchasing Roman coins, which reportedly have been found in Germany, you should ask for such a certificate of origin. Especially in the case of Roman coins which were in circulation totally simultaneously in the entire Roman Empire: you cannot be certain that the specified provenance complies with the actual site of the find, unless the vendor provides a reliable written document. When information is required, for instance ebay as an auction platform offers an easy-to-use function to ask the seller any questions like:

- "Are you able to name the exact site where this object was found?"
- "Can you provide an export license?"
- "I want to make sure that no archaeological site has been destroyed. How came these finds into your possession?"

Do not be content with a certificate issued by the seller: it does not replace a valid document. When making purchases, you must always ensure that you obtain copies of official documents – in the case of vehicle's papers, the vendor would not be allowed to issue them. Only if sufficiently detailed information is provided and copies of official documents, you can be sure that the object which you are interested in, has legally entered into trade. When the vendor cannot provide any plausible answers or present documents, you should decide against buying the object. In this case, the probability is very high that the object comes from an illegal source. When buying such objects, you very probably will be liable to prosecution. In any case you promote the illegal acts of the grave robbers by allowing them to earn money with their activities.

When purchasing ancient objects on an internet platform: when exactly do I make myself liable to prosecution? What can happen to me?

In Germany, for instance, dealing with stolen goods is an offence which is in accordance with § 259 StGB. This is the case when a thing which by theft, embezzlement or another offence has become someone's property, is given or sold to a third party. As illegally excavated ancient pieces in most cases are purchased either through embezzlement (as defined in § 246 StGB, so the judgement in the case of the "barbarian hoard" of Rülzheim) or by theft (as defined in § 242 StGB), the prerequisites are satisfied. Since today it is common knowledge that antique objects which are offered by auction houses or on internet auction platforms, often come from illegal excavations, and otherwise require a proper certificate of origin, the authorities can presume that also the purchaser of objects without certificate of origin, acts wilfully or negligent. Hence this purchase is illegal according to § 259 StGB. When coins are purchased commercially in larger quantities, this would increase the severity of the sentence. In principal § 259 StGB stipulates sentences of up to five years imprisonment or a fine.

In any case when the investigation has started, the ancient objects firstly will be confiscated and will be seized without compensation when a criminal offence is detected. Depending on the severity of the offence it will be entered in the central criminal record, so that it can be recorded in the police certificate as well. It is also relevant that a punishability on the basis of § 261 BGB (assistance in money-laundering and concealment of unlawful earnings) is present.

In other European countries specific offences with regard to the trade with illegal cultural goods are existent. Here as a rule violations against the Cultural Heritage Protection are punished more severely than in Germany. In the international state community however per se there is a shared recognition that an illegal trade with cultural goods is punishable – whatever the manner is.



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I am a friend of antiquity and archaeology. When nearly all pieces, which are offered for sale, are illegal and I however would like to possess an antique object: what can I do?

In our opinion, it is not an expression of education, cultural awareness and upscale ambience, when people place ancient objects on their shelves. You certainly would not hang the furs of endangered species on your walls because you are conscious about the fact that this is an active contribution to the irrevocable destruction of resources. Hence we ask you to think about ancient objects the same way, too. Anyone who possesses ancient objects which might be illegal, in our opinion does not show his education or cultural awareness, but his cultural ignorance. Anybody who would like to commit himself to antiquity and history, can do this by other means than the desire for possession of an ancient object (see below).

Every archaeological site which is destroyed by "treasure hunters" is lost forever. All information on a past society which this site could have provided is irretrievably destroyed. An individual object, like a coin or a vessel, has only a limited meaningfulness. As mentioned above, the significance lies in the now lost context of the find.

When purchasing such an object, you would create a value and consequently a market for ancient objects. Dealers would be motivated to get new ware from illegal sources. The illegal trade with antique objects is one of the largest black markets in the world. There are clear indications that not only criminals are financing themselves through the trade with ancient objects, but that terroristic networks like the "Islamic State" benefit from the revenues from such sales. Some researchers already talk of "blood antiques".

Since the legality of antiques often is not provable and it is difficult to solve the networks of illegally operating antique dealers, we recommend a clear line: Don't buy antiques. Never.

So, what can you do? When you are interested in the objects: buy copies. Good copies, which are labelled as such, can be purchased via internet and in museum shops. A good copy is not a "bad alternative to the original", but a sign of your support for the protection of Cultural Property. With the purchase of such copies, you not only support cultural institutions but also craftsmen who try to regain experience in the use of old materials and techniques.

When you are not only interested in the objects but also in antiquity or (pre-)history, you can do even more: Local heritage and history societies support groups of archaeological/historical museums, archaeological associations (e. g. DGUF in Germany) are always happy about new members. Through your membership you support these associations in researching the past and their involvement in the Conservation of Monuments. Your membership fee alone will help them. The following shall also apply: The more members a society has, the more important is its word e.g. towards policy. When you are interested in a lively cooperation and exchange every society will be pleased with your active involvement. As a volunteer, you also can be active for an archaeological State Office.



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