

Chasing Doctor No: Art Crime Fact and Fiction-1

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It's three days before Christmas, on a cold afternoon in Stockholm, **Sweden**. As Christmas shoppers make their way home, the city is rocked by three separate car bombs. The police scramble, the public is in shock. Is it a terrorist attack?

But the car bombers aren't terrorists—at least not as we know them. They're art thieves.

With the city in a panic and authorities diverting their attention to the bombings, three sub-machine gun wielding masked thieves burst into Stockholm's National Gallery just before closing time, and steal three paintings: Rembrandt's "Self Portrait," and Renoir's "Conversation with the Gardener" and "Young Parisian," valued over \$30 million.

To make their getaway, the thieves set two cars on fire outside the museum and lay down spikes to burst the tires of any police cars daring to pursue them up the only road leading to the museum.

And then, with their stolen masterpieces wrapped in waterproof covers, the thieves hopped into a speed boat idling in the river behind the museum to make their getaway.

Is this the opening to a James Bond film? The **climax** of *The Thomas Crown Affair Part 2*? A scene from the fine novel that is shamelessly on sale in the hall outside? It certainly could be any of the above.

But in fact, this is the true account of a crime that took place in Stockholm in 2000. The stolen objects were recovered in Copenhagen through a joint sting operation between the Danish and Swedish police, with an FBI agent going undercover to pose as a criminal collector who wished to buy the stolen art.

It is my **intention** today to speak about the facts behind art crime, how the professional and general public understand art crime, and how fiction effects not only popular misconception, but criminal activity.

In order to do so, I should explain something about myself, and why the kind organizers of this excellent conference invited me to speak. I am not a lawyer. This may be evident, I don't know if lawyers can spot one another or detect intruders. I normally lecture in a leather jacket, jeans, and no tie, so today you see me incognito, a guest trying desperately to blend and look lawyerly.

I am in fact an art historian, a novelist, and an historian of art crime. I am in a good position to discuss truth versus fiction in the world of art crime and its cultural reception, because my research and expertise is in the study of art crime, in all its forms, through history and across national boundaries. I came to this subject from my studies in iconography of 16th century Mannerist Florentine paintings, which as you can imagine has remarkably little to do with art crime or art crime law. But in the process of researching for my first novel, *The Art Thief*, I found that there was almost nothing written on the subject of real art crime, beyond anecdotal journalistic accounts of individual famous crimes. In fact, the bibliography of proper academic material on any aspect of art crime is dwarfed by the number of publications on the particular 16th century Mannerist Florentine painting that I analyzed for a Master's thesis. I was inspired by the subject and, after having finished the novel, began to study art crime from a proper academic perspective. But I am always interested in the practical applications of scholarship. It is not enough, in my mind, to study something only because it is interesting to a small peer group and will expand scholarly knowledge. I want to use the research and analysis of history to inform contemporary issues in art protection and recovery.

To this end I organized a conference at my alma mater, Cambridge University, in June 2006 which brought together art police, lawyers, museum security directors, art professionals, and academics to discuss how the nascent study of art crime from an academic perspective could help contemporary issues. In short, how can academics help police recover art and museums protect it?

My first strategic move was to gather all visiting speakers at a pub and get drunk together. At the beginning of the evening, the tweed-clad academics stood on one side of the room, while the police and security directors hovered by the bar. The police were wary of these professors with lots of degrees and no practical field experience, while the academics were wary of people who actually did things, rather than what they did—reading about

people who did things. But after a few pints, the ice was broken. The conference was deemed very successful, and was written up in a number of publications, including The New York Times Magazine, as having been necessary and ground-breaking. Inspired by its success, and at the encouragement of the participants, I founded ARCA, The Association for Research into Crimes against Art. ARCA is a new non-profit think tank on art crime issues. ARCA's goal is to encourage the study of art crime, to act as a bridge between the worlds of art and academe on one hand, and the police, law makers, and governments on the other. In the process of establishing ARCA, acting as its director, and writing fiction, I have become a spokesperson for true facts on art crime, informing the general public and fellow professionals. One of the problems we face is that so little useful, substantial information has been gathered on art crime that both professionals and the general populace learn about art crime through fiction. One of my goals is to use fiction, the very media of misinformation, as a painless informative tool. To this end I am also involved in some art crime television projects, both drama and documentary, all with the goal of informing through entertainment. The history of art crime can tell us much about art crime today.

To begin with, why is so little known about the subject?

Authorities agree on the extent and severity of art crime, the third highest-grossing criminal industry over the past forty years. And yet art crime still remains an under-developed field of study, from both an academic and professional standpoint. Aside from the sub-categories of war looting (particularly during the Second World War) and trade in illicit antiquities, both of which have received good scholarly attention, art crime remains an open field, both as an overall phenomenon and in its other, less well-represented sub-categories.

There are a number of reasons for this scholarly oversight. First among them is that poor statistics have and continue to exist on art crime. Even Interpol, in this year's list of top criminal markets, notes that its statistics on art crime are insufficient to securely determine its extent and monetary value. They can only provide a very rough estimate. They publish an annual CD-ROM of the *Stolen Works of Art* with the following caveat:

The CD-ROM is obviously not a complete database of all the works of art stolen throughout the world. Users should therefore be aware that the CD-ROM is only one

of the registers reasonably easily accessible to the public referred to in the UNIDROIT Convention of 1995.

This indicates the problem. If Interpol cannot provide a complete database, then who **will**? The UNIDROIT Convention of 1995 called for dealers and purchasers of art to prove “due diligence” in having checked to see if an artwork on the market has an illicit origin by checking with stolen art registers. But no registers exist that are sufficiently extensive to assure a purchaser of the legitimacy of the work in question. This same principle that effects the art market likewise effects academic analysis of art crime, which requires even more thorough data in order to conduct proper research studies.

I will now address some of the reasons why so little is known. What is known, and what therefore skews the public, and through it official, perception of art crime is that the only true cases about which the public learns are the few fantastic and colorful famous crimes that are exceptions, rather than indications of the true phenomenon. I'll show slides of a few of these celebrity cases as I speak.

The problem with art crime files begins with local police departments, many of which still file art crimes with general stolen property, losing any information, so vital for scientific analyses, in reams of documents unrelated to art crime. Sorting out which files are art-related is an impossibly daunting task. So from the information's entry level, art crime is often lost to labyrinthine files. This is further confounded by the fact that art crime tends to cross the threshold of a variety of different crime types, as well as non-criminal activities. For instance, in any one case international borders are inevitably crossed, Organized Crime is most often involved at some point in the life of the crime, and a legitimate dealer may have sold an illicit object unknowingly. Those studies which do delve into the interface between legal and illegal actors have not focused their attentions on art and cultural heritage, a wide lacuna considering the international acknowledgement of its wildfire activity and its status in the top four highest-grossing annual criminal industries.

Because borders are crossed, international police need to work together, bridging procedural and linguistic barriers—an unfortunately rare occurrence, particularly with regard to cultural heritage crimes. The priority of most victims of art crime (be they governments, museums, churches, or private collectors) is the recovery of the objects. This is

at odds with the priority of most police, whose charge is to arrest criminals and successfully prosecute them. The **recovery** of the stolen object is often an after-thought. Much other art crime goes unreported—by private collectors avoiding luxury tax, by museums ashamed of having been burgled, or in the case of successful crimes that avoid detection altogether, such as well-laundered stolen art that resurfaces on the market, or antiquities looted from remote areas that may go undiscovered. In France for instance, the OCBC noted a 62% drop in stolen art reports since 2002, yet the number of thefts stays the same. There are two ways to interpret this statistic. First, that victims have given up hope that the police will be able to help them, and have therefore stopped reporting crimes. Or **alternatively** that the reports are still being mis-filed.

In short, limited empirical information has been available to scholars, and even what is available is incomplete. It is no wonder that scholars, particularly criminologists who feed on data and statistics, have made only occasional forays into the uncharted waters of the study of art crime.

So if art **crime** has remained below the surface of the waters patrolled by scholarship, what do governments think art crime entails? The same as most police and the general public. That art crime involves only the collectibles of the wealthy, and consists of a few major museum or private collection heists per year, the ones that make the headlines, such as the two Munch thefts, the Zurich Bührle Collection **affair**, the stolen Leonardo from a castle in Scotland, and so on. Governments and police, aside from the tiny group of art-specific police worldwide, think that art crime is just what fiction and film **suggest** it is. Criminal masterminds with long curly moustaches, cackling maniacally from their Bavarian castles, surrounded by art that they, dressed in sleek leather cat burglar suits, or their commissioned black-gloved henchmen, have stolen for private delectation.

The reality is completely different, but until good empirical information is available, and presented coherently in statistics, graphs, and hard evidence, governments, police, and the general populace will continue to dismiss art crime. The accumulation and dissemination of this information is the primary goal of **ARCA**. Among our projects, we are developing the two television series I mentioned. I am writing a popular history of art crime, the first proper such study, as well as editing a collection of academic essays on the subject. Next year ARCA will launch the premier issue of the first peer-reviewed academic journal in

the study of art crime, the perhaps predictably-named Journal of Art Crime Studies. Also beginning in 2009, ARCA will offer the first academic program in the study of art crime, an international Masters program in Italy. ARCA is just starting out and welcomes support for its non-profit activities. For more information on ARCA's activities, please see www.artcrime.info.

In **actuality**, there have been so few art thefts commissioned by criminal collectors, like Doctor No in the first James Bond film, that it almost does not warrant discussion. The important criminal collectors have been those who have used war as a means to steal for personal pleasure (we can begin with Hermann Göring and Napoleon, but the list is endless and dates back at least to 212BC and the Roman Republican army's plunder of the city of Syracuse). Others have stolen compulsively and suffer from a kleptomania, such as Stephan Breitweiser or Jonathan Waxman. The fantasy that we all entertain is based on historical truth. The famous thieves of the earlier slides were, on the whole, gentlemanly, non-violent, dextrous, and fell in love with the art they stole. But while this Victorian ideal origin of art criminals remained in the popular conception, the reality changed dramatic with the Second World War.

After World War Two, art crime was overtaken by Organized Crime. This trend began in 1961. In that year there were a bunch of world records made at auction. The Met in New York bought Rembrandt's "Aristotle Contemplating a Bust of Homer" for \$1 million, a world record. Cezannes and Picassos sold for record-breaking prices. And most importantly, this was the first year in which the television media began to report on the prices for which art was selling at auction. We see a direct connection between what the TV news reports is selling for high prices, and what criminals steal. Organized crime, in the person of the Corsican Mafia in Marseille, not being too original, began stealing Cezannes and Picassos from the French Riviera in 1961, 62, and culminating in 1976 with the largest peace-time theft in history, when 118 Picassos were stolen from the Papal Palace in Avignon. Since 1961, almost all art crime has been perpetrated either by, or on behalf of, organized crime syndicates.

Most art thefts are commissioned as a business venture by members of such syndicates. An administrator within the syndicate chooses what to steal, determines how, and hires the thieves and anyone else necessary. They choose what to steal based on what is

useful. If there is a specific buyer in mind, that is one potential motivation. But more often, they will choose objects of known value which they can trade internally to other syndicates. Or they might steal an object as a thank you gift for political favors (one suggestion for the destination of the Caravaggio Palermo Nativity), or to use for blackmail. Least effective is ransom, which is usually a last resort when some other enterprise has fallen through. The motivation for almost all art crime is financial or political or **both**.

This is a graph devised to chart art crime from its victim to criminal benefit. The top column represents victim categories, for theft, looting, or criminal deception (which includes confidence tricks and forgeries). The middle portion indicates the specific crime and its impetus, which leads to the portion in green at the bottom—the possible means of benefit (not always in terms of literal profit) for the criminal.

Stolen art enters a closed barter market between criminal syndicates who equate it with its potential resale value on the black market (7-10% of its actual estimated value at auction) and swap it or use it as collateral for equivalent value of other illicit goods, such as drugs or arms. Only if they actually try to sell it for cash is there a real chance that the criminals will be caught. If there is a collector who ends up with the object, we can profile them. But if it is just moved from one storehouse to another, swapped for goods, then the art is almost impossible to track down.

Even if you are not an art lover, there is a simple answer to the question “Why should I care about art crime?” Because art crime is the realm of Organized Crime, art crime supports the other activities in which Organized Crime is involved, including the drug and arms trades and even terrorism. It is as simple as that.

How best to convey this information? For governments to act, dossiers of empirical evidence, charts, graphs, and statistics need to be gathered. But I am a believer in the trickle-up effect. Inform the general populace, and you can inform the government and provoke action. In a more formal, academic setting, this is the goal of ARCA. But presidents, police, and plumbers all read novels and go to the movies. One of the great services that a work of fiction can provide is to inform, gently and subtly. This is the goal of the other, interlinked side of my work: in lectures, commenting on art crimes for the media, writing fiction, and developing television. Nothing is worse than pedantic fiction, so the trick is to teach truth without anyone realizing that they are learning. The ideal novel, film, play or TV show

engages through entertainment. But upon completion, the audience suddenly realizes they know more about a given topic, such as art crime, than they did before—but can't quite recall how they learnt it.

Works such as the now-infamous *Da Vinci Code* (Brown 2002) have a negative effect because while they certainly entertain, they proactively mis-inform readers in the guise of informing them. That novel, over-flowing with mistakes (for which the editor is more to blame for not catching than the author for having written them) also has characters state as fact conspiracy theories with no basis in scholarship. Fiction should not hide behind the fact that it is fiction. People believe what they read, for better or for worse. Fiction therefore provides an excellent means of doing good, if an author can lace the entertainment with useful and real information. But at the very least, there is an authorial responsibility not to willfully mislead.

A good example of a better way forward comes in another secret revelation conspiracy thriller called *The Rule of Four* (Caldwell 2004). This book ends with an apologia stating precisely the facts that were altered for the benefit of the plot—making clear what was true, based on thorough research and scholarship, and what was manufactured or bent for the benefit of fiction. I think that this sets a good example for how fiction can both take whatever liberties it likes with fact and history, but still maintain its dignity and a moral high-ground, guarding against inadvertently presenting misinformation that readers will absorb as fact. I applaud this, and hope that my own work will continue its **example**.

One of the most interesting psychological phenomena in art crime today is the influence of fiction on real criminal action. The concept of a criminal collector is so prevalent that it actually influences criminals to steal art, on the assumption that such a criminal collector will buy the stolen goods, and that this collector will not be difficult to find. In cases such as the Manchester Museum theft of 2003, thieves stole paintings, realized after the fact that they could not find any buyer, and returned the stolen goods, leaving them in a men's lavatory in a park across from the museum. The 1994 and 2004 Munch thefts were both perpetrated on the assumption that a buyer could be found for *The Scream*.

In the latter case, after failing to find a buyer, the thieves tried to ransom the paintings back to the museum. When neither the museum nor the insurance company would

negotiate, the thieves eventually simply abandoned the stolen paintings in a car on a farm outside of Oslo, realizing that they were too hot to handle.

The only successful art thefts are those for which the thieves have a deal already in place that will rid them of the stolen goods—and these are inevitably administered by international Organized Crime syndicates, with the means and contacts to move, smuggle, launder, and ultimately translate stolen art into something beneficial to them, most often using recognizable stolen art as collateral or barter for other illicit goods, and selling antiquities or less recognizable stolen art with the disguise of a false provenance. But when individual criminals try their hand at art crime, they are guided by what fiction has taught them—that there are criminal art collectors who will buy the art they steal. The police can take advantage of this assumption and pose as the all-but-non-existent criminal collectors, luring the desperate thieves into a mousetrap built by fiction, as in the recovery of paintings from the Stockholm Museum theft that I mentioned at the start of this talk.

Fiction, as we have seen, has the power to inform or mislead. But it also has the power to provoke crimes—and to capture art thieves.