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### *British Policy versus Greek Policy for Regulating the Illegal Trade of Antiquities: Convergence or Divergence?*

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#### **Abstract**

*This research is about policy change in regulating the illegal trade in antiquities by way of a comparative case study between the United Kingdom and Greece – the UK being a prime example of a country that hosts the market in antiquities, Greece being a prime example of a country for whose antiquities this market trades in. The study of this research was based on the examination of primary and secondary data. Elite interviews were conducted which highlighted new areas. The main research question is whether the theoretical perspective of globalization, modernization or Europeanization (or a combination of particular elements of all three) best explains policy change in regulating the illegal trade in antiquities.*

*My basic findings are that the regulatory change in Greece, came as a response to international developments begun with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, developments that then continued with the effect of the European Union, Greek elites having used both the Convention and EU law to legitimize policy change in the field. In contrast, developments in the UK (I will argue) had come as the result of crises such as the Sotheby's scandal and later on the Baghdad looting of antiquities in 2003, which caused irreplaceable damage to the London art market which was based on the notion of trust. It was obvious that the London art market could not continue operating under the self-regulatory system and there was a need for clear rules. Moreover the British Government wanted to appear as a responsible international player. That is why it enacted a new Act of Law and signed the UNESCO Convention of 1970.*

*This research aims to contribute in understanding policy change in regulating the illegal trade in antiquities by examining the reasons that have led to this change and the role of the involved actors. In contributing to the understanding of how the regulation of the antiquity trade has developed, this study will assist future research on the effectiveness of regulation as a policy instrument as such.*

#### **1. Introduction**

The main question in this article is whether British and Greek policy for regulating the illegal trade in antiquities converges or diverges in terms of the requirements posed by the international conventions and adapting EU Law to domestic law. Are we seeing any convergence or divergence in regulation between market and source nations through these processes of internationalization and Europeanization? Are they becoming hybrid and more similar? Does globalization or Europeanization lead to convergence? The article will attempt to answer this question by comparing the British regulatory system with the Greek one on the illegal trade in antiquities and by examining the effects of globalization and Europeanization on regulatory regimes, the underlying varieties of capitalism, and the transfer of ideas and practices from one country to another.

## **2. The process of globalization and its achievements**

The process of globalization has produced pressures for convergence. Not least, economies have flourished due to technological advancements and liberalization. "If technology provided the spark for this revolution, the accelerant has been liberalization in the international economy. With declining transport and communication costs, more liberal trade and financial regimes have inspired vast flows of goods and capital across national borders, including a large increase in foreign direct investment. All the developed economies are more open than they were 20 years ago" (Hall and Soskice, 2004: 55). Hence the existence of a liberal market is indispensable for the success of globalization. Moreover, globalization has been not just a material phenomenon of investment and trade but also an ideational phenomenon, a discursive construct that has come to be used by both British and Greek policy makers to legitimate changes as 'necessary' as part of the 'logic' of market competition. This market competition embodies the notion of liberalism and of free trade. The other ideational facet of globalization is provided by international conventions that have opened up domestic debates about the protection of cultural property. Globalization is used to explain changes in the British and Greek case by acceding to these conventions and by introducing new laws so as to establish new attitudes towards the market in antiquities and at the same time to protect antiquities in the most efficient way.

However, processes of globalization have not succeeded in achieving the harmonization of market economies. Six OECD countries, including the UK, constitute 'liberal' market economies. There are also 'coordinated' market economies and, finally, the 'Mediterranean-type' economies, including Greece (Sapir, 2005: 1). The Mediterranean economies are characterized by high levels of state intervention and less market capability. Hence, the UK and Greece differ in their economic structure and therefore in the legal order of the state since they have constructed different attitudes towards the necessity and the form of regulation: the one is a 'liberal', the other a 'Mediterranean-type' variant of capitalism. The implications of these underlying differences of economic model for the regulation of antiquities are the existence of a tradition in the UK of a strong liberal art market with a minimum state intervention. However, since 2003 there has been a change in the British position towards regulating antiquities. Given the perceived failure of self-regulatory capacity of the market, it was obvious that the unrestricted art market couldn't work and the British state enacted a new law. Contrary to the UK, in Greece the state prevails over the market and all the different aspects of society are regulated to a great extent including the illegal trade in antiquities. However, the state lacked regulatory capacity in the past, whilst market liberalization emanates from the European and global levels. This inefficiency in regulating independently was high in the past and less nowadays. Greek market liberalization came as a result of its participation in the European Union, a regional manifestation of globalization. Because Greece is a source country, its market in antiquities has been very limited. Hence Greece has made little progress in becoming a 'market' nation.

## **3. Convergence in regulating systems**

The next crucial question is whether there has been a convergence in regulating systems. There has developed a belief that processes of globalization will lead to convergences in law (Hall and Soskice, 2004: 56). Processes of internationalization can result in a convergence in social and economic structures (Teubner, in Hall and Soskice, 2004: 419). However, a social and economic convergence presupposes a harmonization in law, something that has not been achieved to date. On the contrary, there has been a

fragmentation in domestic legal systems: "the result is not more uniform laws but more fragmented laws as a direct consequence of globalizing processes" (ibid: 420). Montesquieu was sceptical about the uniform convergence of legal systems through the transfer of laws from one country to another. He argued in his *Esprit des Lois* that laws are embedded in the culture and the political system of each country and therefore they constitute part of the country's national identity. Hence it is very difficult to transfer laws from one country to the other (ibid: 422). There is a persisting power of models of national identity in shaping attitudes to regulation and preventing convergence.

However, globalization has provoked the notion that nowadays the legal structures in an increasing number of social areas have become separated from their cultural context and significance, much like any other economic matter in the global sphere. Due to this separation from their cultural link, legal systems could be more easily transferred from one nation to another. "The transfer of legal institutions is no longer a matter of an interrelation of national societies where the transferred institution carries the whole burden of the original national culture. Rather it is a direct contact between legal orders within one global legal discourse" (ibid: 423). This global legal discourse is identified in the existence of international conventions and of an international community with legal jurisdiction. International bodies like UNESCO and UNIDROIT have played an important role in raising international awareness about protecting cultural heritage by introducing international conventions: the Hague Convention in 1954, the UNESCO Convention in 1970 and the UNIDROIT in 1995. Even though International Conventions can only be binding on the signatory members, they have given the message that the international community cares about the protection of cultural property. Nonetheless, it is difficult to talk about a global criminal jurisdiction in prohibiting the illegal trade in antiquities.

#### **4. An attempt to a global regulatory convergence in the protection of cultural heritage**

In terms of this study, the question that arises is whether domestic law on regulating the illegal trade in antiquities has been separated from its national context, as Teubner argues, and therefore whether there has been a global convergence in this area. Greece has always displayed 'cultural nationalism' towards regulating the illegal trade in antiquities due to their great importance in constructing Greek national identity. Hence the Greek law in this area has never been separated from its national context since the very first Act of Law in 1833 till 2003. The Greek legislator has shown great concern with the enactment of the Act of 2003 about protecting Greek antiquities but not at all about those artefacts that originate from outside Greece and outside Europe. Contrary to Greece, the British legislation has been separated from its national context since it deals with the legislation of the country in question from where the illegal activity in artefacts took place, regardless of whether it happened inside or outside the UK. Hence it covers illegal actions even outside the British borders. In short, the UK's attitude exemplifies 'cultural internationalism'.

Domestic law on protecting cultural property indicates different conceptualisations of national identity. Therefore is a global regulatory convergence in the protection of cultural heritage possible? The adoption of international conventions on protecting cultural property and regulating the illegal trade in antiquities signifies an attempt to achieve a convergence. Even though the international conventions on cultural property have provided an incentive and pressure for legal convergence amongst signatory states, they cannot be binding on non-participants and so cannot result in a complete harmonization of national legal systems. Does this incomplete convergence in the protection of cultural property mean that it is still subordinate to the different national cultures? The partial global convergence in regulating cultural property still indicates the prevalence of national interests. That is why the role of the international conventions in this field is ambiguous. Though they have tried

to create a global legal discourse, the protection of cultural heritage is still very unique and significant to each nation. For example, in the case of Greece the state has always been cautious in regulating the illegal trade in antiquities due to their great importance in constructing Greek national identity. In the British case study the Treasure Trove has offered protection only to precious metal cultural objects, whereas the law of 2003 deals with tainted cultural objects in general. It is evident that the protection of cultural heritage is perceived in different ways in each country. Hence they regulate in their own way. Accession to international convention is considered to be an effort towards establishing an international legal jurisdiction. Nonetheless they can be effective only amongst the participants and by creating a global attitude towards the illegal trade in antiquities. Even in the case of signatory countries domestic law in prohibiting the illegal trade in antiquities co-exists with international conventions. The protection of cultural heritage is linked with national identity and therefore could never be internationalized which presupposes surrender of national interests.

On the European level, there have been attempts to harmonize the domestic legal systems. The establishment of the Single Market constitutes one of these attempts. According to Legrand, (cited in Hall and Soskice, 2004: 420) "European legal systems are not converging. Convergences are observable on the level of legal rules and institutions, but the deep structures of law, legal cultures, legal mentalities, legal epistemologies, and the unconscious of law as expressed in legal mythologies remain historically unique and cannot be bridged". Hence total legal convergence on the European level has not been achieved. In the cultural domain, the European Union took legal initiatives to harmonize the legal protection of cultural heritage with the EC Council Regulation on the Export of Cultural Goods (EEC No.3911/92) and the Council Directive 93/7/EEC of 1993 on the return of cultural objects with the effect of establishing a common European position towards the export and the return of cultural objects inside the European Union. The EU law indicates the concern of the European Union to protect cultural heritage and at the same time respect the diversity in cultures in its member states with the article 151 of the Treaty establishing the European Community. It also seeks to protect freedom and movement consistent with the internal market. The result is the lack of a clear policy template for EU member states to 'download' into domestic policies.

## **5. Studying the legal history of Greece in regulating the illegal trade in antiquities**

The next issue that arises is whether pressures for convergence have grown and the reason why these pressures have appeared at this specific time. In order to examine these matters, it is necessary to study the way each nation has behaved historically in regulating the illegal trade in antiquities. Greece has no liberal market tradition, has a weak state capacity, and is a 'source' and exporting nation as far as the illegal trade in antiquities is concerned. There has been a preference for the Greek state to regulate this trade and an effort to strengthen the state's capacity. Nonetheless, there has not been much success in intervening effectively in this area because of weak state capacity. There are elements of a global convergence in Greek legislation with the adoption of the international conventions and EU legislation, but its legislation still focuses on protecting Greek cultural objects. Greek antiquities have always been important for the Greek nation. The newly established state in 1833 has depended on its past for sustaining its political stability and social cohesion. The antiquities were the most representative expression of its glorious past. Additionally, Greek legislation on cultural property has always expressed the clash between traditionalism and modernization but in terms of favouring tradition because of the significant role of its past in the founding and continuation of the newly established Greek state. Tradition in the Greek society is reflected in its past. Antiquities indicate the most representative evidence of this past and therefore the state authorities have always acted as the custodians of antiquities and Greek values.

There were legal attempts to protect antiquities during the Greek revolution with the "Political Constitution of Greece" in 1827. Kapodistrias, the first Governor of Greece intervened so as to amend the existing provision on antiquities in favour of the French archaeological expedition. He acted to ensure that these antiquities could be exchanged with other goods for the reason that there should be exemptions in the case of shattered antiquities and cultural remains for the purposes of studying them by other countries. This last rationale highlighted the international dependency of the new state and his concern that Greece would benefit from French expertise. At the same time Kapodistrias tried to prohibit the illegal trade in antiquities. For Kapodistrias antiquities were seen as important for the Greek nation and at the same time as commodities. In 1833 the first Act of Law for protecting antiquities was enacted. The first coherent service for cultural property was established. In this first Law state and private ownership over antiquities were protected. The initiative in regulating came from the State. The interests of private owners were taken into account in the process of legislation. The law of 1899 initiated absolute state ownership over antiquities and punishments in case of dealing with illegal trade. The main involved actors in this Law were the Government, private collectors and foreign countries, again highlighting international dependency. The twin themes of an assertive Greek cultural identity centred on antiquities and of international dependency of a small state with weak capacity to regulate independently run through the narrative of Greek regulation of trade in antiquities.

The Law of 1932, the longest established Law for nearly 70 years, reflected the growing influence of private interests on the state capacity to regulate independently, which had as an outcome an ambiguity regarding the absolute state ownership over antiquities. The main actors were the Government, private owners, buyers, traders and foreign museums. The sale of worthless antiquities and the protection of private collections were guaranteed in all these three Laws, which indicated the emergence of a limited art market.

## **6. Policy change in regulating the illegal trade in antiquities in Greece**

The policy change in regulating the illegal trade in antiquities came in 2002 with the new Act of Law. Its provisions illustrated the effect of International Conventions and EU legislation on the process of regulation. There had not been any initiative in changing the Law for such a long time because laws tend to offer political stability and therefore are difficult to change due to bureaucratic inertia and fulfilling the self-interested policy elites. Institutions tend to resist change because they are embedded into the social system, satisfying different interests of the current policy coalitions (Pagoulatos, 2003: 4). The new Act of Law came as a result of the effect of internationalization with the accession to the International Conventions and the adjustment to EU requirements. The adoption of the International Conventions, for example the UNESCO Convention had been ratified in 1980 and more recently that of UNIDROIT in 2005, wasn't driven by any internal or external crisis. It came as an expected result of the beginning of changes in the international community that have been initiated in 1970 with the introduction of UNESCO Convention. The UNESCO Convention was signed by Greece long before than in the UK. It indicates the interest of the Greek state that had just come out of military dictatorship to behave responsibly in the international arena so as to promote its interests in protecting its cultural patrimony. The main actors involved in the enactment of this Law were the Government, private owners, museums, traders, collectors, International Law and EU Law. Thus this new law came as the result of the climate that has been established in the international community through the introduction of the International Conventions towards protecting cultural heritage which explains the timing of this regulatory change.

## **7. Comparing the Greek to the British state**

The Greek state has always been the most powerful actor in the policy process of regulating illegal trade in antiquities. There were times where the state proved unable to act independently. The Greek legislator has tried in the different laws to protect at the same time the common good as well as private property law. Of course the first priority of the state has always been the protection of national cultural heritage. With the recent Law the state has offered a more balanced view between the protection of cultural heritage and the promotion of a legal art market under the auspices of the international conventions and EU Law. In this sense there is a shift to a more hybrid regulation that combines elements of a 'market' nation with the strong tradition of remaining a major 'source' nation in trade in antiquities.

On the other hand, the UK has traditionally been an importing and 'market' nation. British policy on regulating the illegal trade in antiquities can be explained in two ways. It can be viewed, firstly, in terms of the traditional notion of the liberal market economy and, secondly, in terms of the perceived importance of the art market for the economy, thus leading to light-touch, hands-off regulation in the art market. There were interesting similarities between British regulatory attitudes to the art market and the financial markets. However, since 2003 there has been an issue of prohibiting the illegal trade in cultural objects following the enactment of the new law. Also, the export licensing system shows that the UK has begun to behave like an exporting i.e. 'source' nation rather than only as an importing one. Therefore, even though Greece and the UK have in the past tended to regulate the illegal trade in antiquities differently, according to their interests, recently this divergence has narrowed, following international and European convergence in the case of signing International Conventions and adjusting domestic law to EU Law. Nonetheless it is impossible to talk about a European norm in this area and a complete convergence in British and Greek policy towards regulating the illegal trade in antiquities.

Contrary to Greece, which has a hierarchical but weak state structure and a civil law tradition, the British state is a strong state that had the tradition of not intervening to the society by imposing its authority with laws. This tradition was exemplified in the arts and financial markets. In these key sectors British society was based on a system of self-regulation. Under this self-regulatory system the British art market functioned for centuries. The British state has always given primacy to the protection of private property rights.

## **8. The British regulatory history in protecting cultural heritage**

The only piece of legislation on cultural property was the Treasure Trove, which was limited to precious metal findings. The UK didn't have any proper regulation prohibiting illicit trade in antiquities until 2003. This is explained by the lack of interest by the British state in protecting antiquities. British antiquities haven't been treated in the same way as in Greece. Even though the antiquarian interest was developed in the 18<sup>th</sup> century as in Greece, British antiquities weren't considered as vital important as in Greece for constructing British national identity. People used texts, the key texts were the Bede's Ecclesiastical History of the English People and Geoffrey of Monmouth's History of the Kings of Britain (Starkey in the Royal Academy of Arts, 2007: 11-13), in order to understand their past and not antiquities. 'Englishness' was well developed before the birth of archaeology. In 1882 the introduction of the Ancient Monuments Protection Act indicated not only the passage from antiquarianism to archaeology but also the growing understanding of the state's public responsibilities.

Apart from domestic British antiquities the UK has always been a market society. During the Grand Tour many classical antiquities were imported to the UK. The British art market comes second in the world after the USA which indicates its great importance. The beginning of policy changes in regulating the illegal trade in antiquities came in 1997 with

the election of the Labour Government and earlier on with the establishment of the Department of National Heritage in 1992. The previous Conservative Government was against any prohibition of the art trade due to the great influence of the dealers. In 1996 the new Treasure Act was enacted. Even though it was a step forward, it did not deal with the illegal trade in antiquities. The reigning belief was that only the market could be trusted to self-regulate in this area.

## **9. The role of crisis in the British art market and its effect on the policy change**

The policy change was inevitable after the outbreak of crisis in the way the British art market was operating. The Sotheby's scandal in 1997 led to the closure of its Department of Antiquities. The market in antiquities was pushed to New York. The looting in the Baghdad Museum pressed further the Government to pass new legislation. Archaeologists, especially Lord Renfrew, promoted the change in regulating the illegal trade in antiquities in the face of resistance of market players. The media, as well Peter Watson's books, pressed the Government. The main actors involved in the British policy were the Government, academia, the dealers, the media. International events and to some extent the International Conventions and EU Law played an important role in the policy change. It is evident that a successful policy change has been based upon the engagement of the existing established actors mainly the dealers and the academics who took active role in this change through their participation in the Illicit Trade Advisory Panel. Despite its ineffectiveness in its prosecuting effect, resulting from the desire to protect the rights of the dealers, it has sent the message that the Government is taking the issue of illicit trade in antiquities seriously. Unlike Greece, in the UK the pressure for policy change came from academia. The British policy is also unique amongst the other European countries because its new Law covers illegal activities that can happen anywhere in the world. Both the common good and the private interests in trading antiquities do benefit from the new British Law. In the past the lack of regulation of the illegal trade in antiquities empowered the art market. On the other hand, in Greek regulatory policy the protection of the cultural heritage is more important than the protection of private property rights.

It is important at this point to examine whether the distinction between tradition and modernity is an issue in the UK. How does tradition relate to the British case study? The Monarchy, the House of Lords, the aristocracy, the way the British market was functioning, and precedent are all elements of tradition. The British financial market was traditionally based on the culture of trust where the players could be trusted because they had all graduated from public schools. Thus this idea of trust represents an aspect of tradition in the British culture. The social elites that were interested in collecting classical antiquities in the 19<sup>th</sup> century were the custodians of the traditional values of classical education and 'gentlemanly manners'. These social elites comprised mainly the landed aristocrats who had come in accommodation with the emerging middle class and prevailed over the proletariat (Anderson, 1992: 20). This accommodation prevented any kind of revolution and kept dominant an aristocratic value system. The continuing aristocratic model came gradually to a decline with industrialization and the internationalization of the market due to the persistence on the gentlemanly education at the expense of promoting entrepreneurial and technical skills in order to keep pace with technological advancements (Anderson, 1992: 45). The entrance of new actors into the London market in 1970s and 1980s changed the structure of the social world that was based on the notion of trust, the most important traditional value of the British society. It was apparent with financial market crisis in the City of London in the 1970s and 1980s that there was a need for formal legal regulation since trust had broken down. The necessity to regulate the art market came later in 1990s as part of this transformation of the way the British society was operating until that time. The art market was plunged into crisis by the Sotheby's scandal, which showed that people couldn't be trusted in the market without the existence of clear rules. This replacement of the tradition of trust by formal legal regulation indicates a shift to modernity.

It was high time the British state demonstrated its capacity to deal with the crisis in the art market by regulating. The unregulated art market couldn't work and regulation was required to prohibit the illegal trade in antiquities. This passage from one system to another is a sign of modernity.

#### **10. The desire of Greece for international approval acted as a mechanism for change**

Crisis seems important in the UK case as mechanism for change, but not in the Greek case. The important factor in Greece as mechanism for change has been its membership in the European Union and its participation in the international community through the signing of International Conventions – in short, the desire of a post-dictatorship state for international approval and status. It is a twin process of greater state capacity building (especially reliance on EU, Single Market and EMU discourse to buttress change as requirement) – Europeanization as empowerment of Greek state – and discursive shift within Greek state from traditionalism to modernization (again associated with EU). This state empowerment through the process of Europeanization is mirrored in other policy sectors in Greece as well such as the economic and political sphere. Participation in the European Union has consolidated democracy in Greece and given authority to an agenda and discourse of modernization (Belou, 2003: 155). Moreover, Europeanization has affected the Greek economy. Pagoulatos's study of the Europeanization effect on Greek economy has revealed how the Greek economy has been strengthened through its participation in the European Union and then in the European and Monetary Union in 2001. Greece has been transformed from a 'developmental' state to a stabilized one with a strong evolving liberal economy with the intention to rely more on the market and less on state intervention. Its participation into the European and Monetary Union after fulfilling the convergence criteria and its financial liberalization led to further economic convergence with other European countries (Pagoulatos, 2003). Featherstone notes that the entrance of Greece into the EU and the process of European integration in the 1990s has been a significant force for modernizing the Greek state (Featherstone and Ifantis, 1996: 7).

#### **11. Large states-small states and the impact of international challenges on them**

To sum up, the British state responded to the process of internationalization that was posed by the introduction of the international conventions only when its self-regulatory system was put under crisis, and it was obvious that it couldn't work as it had. It should be noted here the lessening personal trust with new market entrants as the market globalized and, in consequence, a diminished faith in self-regulation and traditional arrangements. Large states with relatively strong capacities like the UK tend to resist external changes more than small states that are more vulnerable and dependent and that act in response to international challenges quicker because in this way they can better promote their interests in the international community. The small states have no alternative but to adapt to change. "The small states because of their greater vulnerability and openness, have felt a greater impact of international factors on domestic structures than have the large industrial states. However, international factors have not determined political strategies and domestic structures. Rather, while external events induced convergence, internal events drive countries to different responses" (Katzenstein, 1985: 37). Hence the key distinctions are between relatively large and small states and between states with relatively high and low capacities and the way they react to policy challenges. The UK is a relatively large state with high capacity; Greece is a small state with weak capacity. These underlying material realities shape the scope for the timing of regulatory change. Greece responded much earlier to the global challenges by signing the international conventions whereas the UK was slower to adjust.



Furthermore it is evident that regulation changes in accordance with internal and external challenges in the political system. Regulation reflects the tensions between different interests. In the case of regulating to prohibit the illegal trade in antiquities the main conflicting interests have been the protection of heritage and the promotion of the market. These interests are framed differently in terms of national identity and legal traditions. The national identity of each nation is embodied in its regulation, reflecting in this the power of different policy coalitions. This article places more emphasis in explaining these processes on 'framing' through the lenses of cultural identity, globalization and Europeanization in other words socially-anchored ideas rather than material factors like changes in market size and location. British and Greek attitudes towards regulating art markets are constructed upon state traditions. State traditions are socially framed and express the cultural identity of each nation. Hence regulation is the expression of socially framed ideas.

## **12. Convergence or divergence of policies in regulating the illegal trade in antiquities**

Using Britain and Greece as case studies, this research has shown that the regulation of illegal trade in antiquities has not been globalized to the same extent as the art market. It is difficult to talk about a complete convergence in the wake of the signing of the international conventions and the adoption of EU Law. In contrast, the art market has been globalized to a great degree in recent years due to the emergence of new markets which has led to an expansion of the overall market. The art market has been enlarged and become global embracing new actors and evolving areas in the art market like contemporary arts. Technological advancements have also affected the art market by facilitating art transactions and opening new ways of promoting the art market. The illegal art market, in this case the illegal market in antiquities, constitutes a global phenomenon and has been affected by the process of internationalization in the same way as the legal one. Technological development has created new ways of dealing in illegally acquired antiquities. Nevertheless, the process of regulation has proved unable to keep in pace with the illegal globalized market in antiquities. There has been a change in the policy of regulation in the illegal trade in antiquities in the two countries examined in response to domestic crisis in the case of the UK and to the process of globalization in the form both of market integration and of international conventions. However, despite shared pressures for convergence from these sources, there is a high degree of diversity in regulatory responses that reflects different historical trajectories, differences of state and administrative cultures, and different configurations of domestic actor power. These shared pressures should be examined in accordance with the possible effect of convergence in the institutions of each society, policy processes and types of actors, policies and outcomes.

Convergence and divergence of policies and outcomes constitute two possible results of the processes of Europeanization and globalization (Dyson, 2002: 2). The first question that arises is whether shared pressures can lead to institutional convergence. The case studies have shown that in the UK there has been a passage from a self-regulatory system where the market was dominant and from 'moral suasion' to a regulatory system. The British state has become the responsible institution for regulating. In the Greek case the state has always been responsible for regulating. Hence in both cases the state takes the initiative to regulate with the new laws. 'Policy succession' has seen the UK state converging with Greece in shifting from moral suasion and economic incentives to regulation as tools of actions.

## **13. Types of actors in the process of regulating the illegal trade in antiquities in both case studies**

The policy processes and types of actors determine the process of convergence. The policy process of change in the British case came as a result of crisis in the art market whereas in Greece the policy change didn't come in such a radical way. In both cases the involvement of actors has changed throughout the years. The structure of the established coalitions in Greece has changed from 1827 to 2002. In 1827 the forms was as protecting the interests of foreign archaeological missions, in 1833 the interests of private owners were stronger, alongside the participation of the state that had always been involved in the process of regulating. In 1899 the main involved actors were the Government, private collectors and foreign countries. In 1932 similar coalitions of actors continued to be powerful; state, private owners, buyers and traders, and foreign museums. The main characteristic of the Greek policy process was the interaction between the state, private interests and foreign countries. In 2002 with the new law the main actors have been the state, private owners, museums, traders, and collectors. The international conventions and EU Law have had an effect on policy change. It is evident that in 1827 and then in the establishment of the Greek state the foreign institutions and foreign countries in general were powerful in the course of regulating the illicit trade in antiquities. This indicates that Greece was a small and weak new state that was dependent on other countries. In 2002 the fact that the foreign institutions aren't so powerful shows that Greece isn't as dependent as it used to be on other countries.

In the UK there has been a persisting clash between academia and the art trade. The British state had always favoured the art trade. In 2003 the British state under the pressure of archaeologists took the initiative to regulate the illegal trade in antiquities by enacting the new Act of Law of 2003. Hence there was a change in the formation of the actors from a dominating art market to a closer interaction of the state and archaeologists in regulating the art market. This change was due to the crisis in the art market with the Sotheby's scandal.

In both the Greek and UK cases the state dominates in the policy change. However the pressure for regulation rather than moral suasion has derived from the influence of different domestic actors and configurations of events which signifies a 'constraint on convergence'. These differences in the empowering and disempowering of actors derive from dissimilar state traditions and different forms of capitalism. They reflect the struggle for cultural capital in the process of regulating the illegal trade in antiquities. Greece had been a traditional penetrated state with a tradition of state ownership, whereas the right of private ownership prevails in the UK.

#### **14. Convergence or divergence in regulating the illegal trade in antiquities through the process of Europeanization and globalization**

The difference in the nature of the actors raises the question of whether there has been any convergence of policies in these two countries. The content of the law in both cases is different. Even though both countries seek to offer a balance in their policies between the market and the protection of cultural heritage, they still diverge. This divergence in regulating the illegal trade in antiquities is because the problems in 'source' and 'market' nations are different and the regime is different. Greek regulation puts more emphasis on protecting cultural heritage and prohibiting the illegal trade in antiquities. It protects at the same time private interests but always under the auspices of the law. British regulation offers a balance between the market and protecting cultural heritage, but its content differs from the Greek one. It does not refer to international conventions and EU Law. It deals with tainted cultural objects and does not offer the detailed protection that the Greek law establishes. Moreover, the outcomes of the policies differ. One effect of the UK's shift to regulation was that the market moved to New York. British legislation lacked a strong prosecuting effect because of the intervention of the dealers. Greek law is much more

powerful in its prosecuting effect. Hence there is a differentiation in Greek and UK policies and their outcomes. Consequently, Europeanization and globalization have not led to an homogenization of the different policies in the examined countries. "This diversity is consequent on the path-dependence of their political and economic institutions and the framing of their responses by historical memories and differing cultural norms" (Dyson, 2002: 19).

It is difficult to talk about an homogenization of domestic regulatory policies on illegal trade in antiquities through the process of Europeanization. In the UK case Europeanization as a 'bottom-up' mechanism was of less, perhaps even of no importance because it was not used as a legitimating device for regulating the illegal trade in antiquities. The references to legitimate change were different and came from academia. Academia used the Baghdad looting crisis to seize the initiative in redefining the agenda of change. This phenomenon of direct academic impact on regulation was unusual in the UK, outside academic economists who tend to favour liberalization of markets. Europeanization took a more 'top-down' form. The Council Regulation 3911/92 and the Council Directive 93/7/EEC for the protection of the European cultural heritage led to a slight rather than complete convergence in regulatory systems. This continuing diversity stems from differences in state traditions that prevail over any possible effects of homogenization from Europeanization. Moreover, both the UK and Greece have followed different trajectories of regulatory change.

It is worth examining at this point the mechanisms that can lead to convergence or divergence. Convergence can be achieved through different mechanisms; coercion, imitation, adjustment and polydiffusion (Page in Hayward & Menon, 2003: 162-176). The process of Europeanization is facilitated or impeded through these means. Coercion is when the European Union enforces its will through its laws. The mechanism of imitation is more flexible and includes all the initiatives that the EU has taken. These initiatives are not legally binded upon the member states. According to the polydiffusion model, the process of Europeanization could be eased in the course of policy transfer of practices between the member states. Adjustment indicates similarity in the adopted policies of member states directed by the European Union. This study has revealed that there is an adjustment to EU law on exporting cultural objects with the 3911/92 (CEE) Council Regulation.

Moreover, there is interaction between the member states (polydiffusion) that is expressed through policy transfer and imitation of other member states policies. For example in the Greek case the Greek legislator took into account Italian and Spanish law for the drafting of the new law (Pantos, P., Former Director of the National Archive of Monuments, interview held on 22.12.2006). In the British case study there was policy transfer of similar practices in dealing with the illegal trade in antiquities from the USA. It should be noted that there is no element of coercion since EU directives are welcomed by EU member states. This study has shown that Europeanization has a limited and differentiated impact on policies in Greece and the UK. Hence there is still no convergence in regulating the illegal trade in antiquities. The policies of these two countries towards regulating the illegal trade in antiquities are path dependent in terms of their state and cultural traditions. Their state and social distinctiveness can explain this differentiation in regulatory change in prohibiting the illegal trade in antiquities and the slight European convergence.

Furthermore, both countries have signed international conventions, reflecting their willingness to behave responsibly in the international community. Globalization is more significant than Europeanization in explaining policy change in regulating the illegal trade in antiquities since it is apparent in the growth of the international art market and the greater acceptance of international law. Nonetheless, there is only limited institutional convergence in this area between these two countries.

## **15. Main research question**

The main research question of this study is whether the theoretical framework of globalization, modernization or Europeanization (or a combination of elements from all three), can explain regulatory change in the illegal trade in antiquities in the examined case studies of Greece and the UK. The reason for using these specific theories as an explanatory tool, is to demonstrate the evident effect that international conventions, EU law and the growing impact of the liberalization of the European art market, has on the demand for stricter regulations in the 20<sup>th</sup> and 21<sup>st</sup> century, which embodies the notion of modernization of the protection of cultural property.

## **16. Explaining policy change through globalization, modernization and Europeanization**

The causal factors used in here, are not competing but they can overlap because Europeanization is a regional manifestation of globalization and there are elements of modernization in both processes. Globalization is evident in the existence of a growing international art market due to the emergence of new players in this market such as China and the US and the emergence of new issues, like the contemporary arts, the establishment of free trade in the EU, the technological advancements that facilitate internet sales in arts and the signing of international conventions. Europeanization refers to the effect of EU policy and EU law on the domestic policy of its member states. Modernization signifies a movement towards liberal ideas. The effects of the applied theories of globalization, Europeanization and modernization will be measured through their consequences; convergence or divergence of domestic policies. Do these causal factors lead to an increasing number of similar policies, or not, and why?

I argue that globalization, modernization and Europeanization are the key factors that explain policy change in relation to the regulation of the illegal trade in antiquities. It is expected that these three concepts help to understand regulatory change, based on research but also help to lead to convergence in domestic regulatory changes in the UK and Greece. The anticipated outcomes of these policy changes would result in similar regulatory changes in the UK and Greece. This is particularly in light of the signing of international conventions on protecting cultural property with the UNESCO Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This indicated the beginning of regulatory changes in the international legal system, the direct application by the member states of the EU Regulation on the export of cultural objects, the adoption of the EU Directive on the return of cultural objects and the liberalization of the market in antiquities.

## **17. Justifying hypothesis or not**

The hypothesis has been justified partially by the outcomes of this study. Although the theoretical frameworks have shown how research can be implemented, they have not been able to explain regulatory change fully without taking into consideration other factors. This research has revealed a number of other factors that have affected policy change in the regulation of illegal trade in antiquities: the role of state traditions, culture, and national identity; the significant role of individuals, like the Minister for Culture in the Greek case study and Lord Renfrew and Lord Allan Howarth in the British case; constitutional provisions; the entrance of Greece to the EU and the role of a crisis in regulatory reform. In addition, a complete convergence of the British and Greek policy on the regulation of the illegal trade in antiquities has not been achieved.

Regulation on cultural property has not been globalized to the same extent as it has in the art market. The signing of international conventions cannot lead to a complete harmonization because they are binding only to each signatory. Of course, in both cases, international conventions were signed and used as legitimate tools for change. Hence there is only a partial global convergence in relation to the signing of international conventions. An absolute global convergence in regulating the illegal trade in antiquities has not been achieved because of the prevalence of national distinctiveness over the promotion of the art market.

The outcome of this research shows that the suggested factor causing Europeanization was applicable only to the point of the introduction of the European Union (EU) law, with the direct application of the EU Regulation on the export of cultural objects, and the adjustment to the EU Directive on the return of cultural objects. The Greek legislator also used it as a tool to legitimize regulatory reform. Despite its limited application, it is inappropriate to discuss the protection of antiquities in relation to European 'norms'. Instead, it is argued that the British and Greek domestic policies on regulating the illegal trade in antiquities have only become more similar to each other because they signed international conventions and adjusted to EU law.

Modernization is evident in the regulatory reform in both cases. The recent Greek Act of Law on prohibiting the illegal trade in antiquities has offered a balance between the protection of cultural property and the art market, but it has always given priority to the protection of cultural property. In the British case study, there was a shift from the traditional notion of trust and self-regulation, to a regulatory system that indicates movement towards modernity.

Nonetheless, the role of individuals in regulatory reform, in both cases, has to be underlined. In Greece, the Minister for Culture was an expert in this field, whereas in the UK, academia raised public awareness of the need for regulating the illegal trade in antiquities. All the interviewees in the British case study also highlighted the significant role of Lord Renfrew in demanding stricter regulations on the illegal trade in antiquities.

Crisis has been another cause for policy change in the UK. The Sotheby's scandal in 1997 put in doubt the way the art market was operating up until that time. The self-regulatory system, which was based on the notion of trust, could not work anymore and there was a need for clearer rules. The looting of the Baghdad Museum put further pressure on the British Government to accelerate the Dealing in Cultural Objects (Offences) Act 2003. Crisis was not a cause of change in the Greek example; here, regulatory reform came as an expected result of constitutional provisions, its entrance into the EU and its willingness to participate in international organizations.

## **18. The dependency of Greece on state traditions and national distinctiveness**

Moreover, the development of both countries is dependent on their state traditions and national distinctiveness. Greece's hierarchical structure and its legal system are based on a tradition of civil law. It has always felt like an invaded state because of its dependency on other countries at the beginning of its independence. Greece has always based its national identity on its cultural past. Therefore, antiquities constitute part of its national uniqueness and it has always felt a need to protect them.

On the other hand, the UK is a strong state, with a liberal market tradition, where the art market plays a pivotal role in the economy. The UK has always put more emphasis on the protection of private, property rights. The legislator, with the recent Act of Law of 2003, has tried to prohibit the illegal trade in cultural objects, even outside the UK or Europe. Hence,

British law deals with all types of cultural objects, regardless of their origin, whereas the Greek and EU laws only protect Greek and European cultural objects, respectively. The difference in the British legal system being related to its cultural traditions is an indication of cultural internationalism, which is an outcome that would not have been expected.

The different policy processes and the types of organizations involved, show a 'restriction on convergence' in the regulatory reform of the illegal trade of antiquities in both countries. Globalization, Europeanization and modernization have led to a limited convergence in policies, with globalization being the most significant. It is difficult to explain policy reform without taking into account the role of individuals, crisis, the importance of legal traditions and culture, in regulatory change. Public policy in these fields has been shaped by a number of different issues, which reflects its complexity.

## **19. Limitations of this research**

It is crucial to outline the limitations of this research in relation to the use of the primary data that was collected and the interviews that took place. The research methodology adopted for each case study, was similar. It was necessary to obtain all available material from libraries and from internet searches in order to construct the literature review. Even though the research methods were similar for both case studies, the differing results from Greece and the UK have led to different limitations and biases on the quality of document / interviews and therefore to the reliability of interview evidence.

### *19.1 Limitations on the Greek case study*

The Greek research was based on the gathering of information from archival sources and secondary literature. The main source of information was the National Library of Greece, in Athens, which has a rich catalogue of archival sources on the regulation of the illegal trade in antiquities. Other sources of primary data were taken from the libraries of: the Greek Parliament; the Department of Law (Public International Law section) at the University of Athens and the Department of History and of Archaeology and of History of Art, at the University of Athens. These archives, which included information on the official attitudes toward antiquities before and during the revolutionary period such as the memorandum of Adamantios Korais in 1807 which was put forward to the Ecumenical Patriarchate and the Holy Synod that established the requirements of how to forbid the illegal trade in antiquities, the creation of the "Art Lover Society" in 1813 with its aim to protect antiquities, the enactment of a decree by the Minister of Interior on the collection and preservation of antiquities and the enactment of the decree by the Provisional Administration on the preservation of archaeological monuments (pp. 87-88). The Article IH' of the "Political Constitution of Greece" in 1827 on prohibiting the sale or transfer of antiquities outside the Greek territory, the enactment of the decree by Kapodistrias in 1828 towards the Temporary Delegates of the Aegean Sea, together with his circular towards all the Temporary Delegates and Governors on prohibiting the export of antiquities outside Greece and the amendment of Article IH' after the preamble of Kapodistria with the passage of I' resolution on permitting export of antiquities only in the case of shattered antiquities and when they are asked to be studied by other countries indicated further the official positions on protecting antiquities. Moreover the study of other archives like the Acts of Law on protecting cultural property since 1834 and critiques on legislation, enabled an historical comparison to be undertaken and an historical understanding of regulatory policy change. For the recent Act of Law of 2002, research has also been undertaken through more recent publications. There was not a continuous committee on the illegal trade of antiquities or a Governmental Panel, like the long-running Illicit Trade Advisory Panel in the UK, apart from special Committees that were convened in order to discuss a particular Bill. Hence there

were no Governmental reports covering the illegal trade of antiquities. The regulation of the illegal trade in antiquities has always been a matter of concern for the Greek state. As a consequence, a great range of literature on this subject is available and there has not been a need to establish a standing Governmental Committee.

The use of national newspapers such as the *News*, the *Vima* and the journals of the *Financial Postman* and *Administrative Trial* 9 also enriched the research. Certain journals (the *News* and the *Vima*) were used for reportage on incidents of illegal trade in antiquities and not for commenting which is unproblematic (pp. 81-82). The rest journals were used for critiques on regulation. Internet engines, from some newspapers and journals, were also used to find relevant articles. The national archives of newspapers, based in Athens, were also used to research old editions of various publications.

For secondary material relating to Greece and the concepts of globalization, Europeanization and modernization, a range of sources were accessed, including the Arts and Social Studies library of Cardiff University and the Aberconway Guest Study Centre. Cardiff University's electronic databases also helped in the discovery of useful journals. In addition, interlibrary loan requests were a useful mechanism for ordering books and journals that were not available in the library. Generally, the research for primary and secondary resources in relation to Greece was more fragmented, because more than one library was used. Nonetheless, the electronic cataloguing of material in Greece and in the UK ensured all the necessary material for the case study was obtained.

Statistics in relation to the scale of the illicit trade in antiquities in Greece, came from two sources: from the Department of Public Order and from Interpol. The scale of the illicit trade in antiquities was examined through the number of convictions against the Law in illegal trade of antiquities and the reported number of stolen cultural objects to Interpol. Initially Mr. Gligoris, Head of the Department of Fight against the Illegal Trade of Antiquities, based at the police headquarters in Athens, provided statistics on the number of convictions against the Law about the illegal trade in antiquities and the number and nature of stolen cultural objects for the county of Attiki. However, this information was not sufficient and better statistics were found on the police headquarter's official website. Also, after some persuasion, the Department of Public Order provided detailed, national statistics on the committed crimes against the Law on illicit trade of antiquities. These statistics, from 1991 to 2005, were useful because they showed the scale of illegal trade in Greece. However, they only described the crimes that had been committed in the illegal trade of antiquities; there was no information on the causes of these crimes like the effect of regulatory reform on the number of committed crimes against the Law in protecting antiquities. These available statistics do not answer my research question. Hence these limited statistics which were framed to produce police records might be partial. It would be interesting to have statistics that examine the correlation between the causes and the fluctuation of the committed crimes in the illegal trade of antiquities.

The second statistical source originated from Interpol. Mr. Rossi, Officer in the section of illegal trade of cultural objects of the Interpol General Secretariat, provided Greek statistics on the number and nature of stolen cultural property. The statistics that Greece reported to Interpol covered only four years, making their reliability limited. Interpol's data was collected annually and was based on information that was reported to it by each country. Despite the fact that the statistics on the illegal trade in antiquities were limited, they still indicated the scale of the problem. It was not possible to acquire any information about the legal market of antiquities due to its limited existence.

### *19.1.2 Interviewing in the Greek case study*

Interviews were also useful in highlighting new research issues and explained the process of decision-making in the regulatory reform in the illegal trade in antiquities. Nonetheless the gathered evidence from interviews could be selective and partial as it is based on people's opinions which are usually culturally / institutionally constructed. Hence the interviewee's role is limited by his own experience and function in the organization that he represents.

Staff from the Ministry for Culture and the Police Headquarters, were interviewed. The initial contact with the authorities was informal – phone calls and requesting meetings. In most cases the interviewee recommended other important authorities that could make useful sources of information. No problems in contacting and meeting Greek authorities were experienced. The literature review had highlighted significant people who needed to be contacted. Dr Pantos, author and former Director of the Department of the National Archive of Monuments, was very useful in explaining the policy change on regulation along with Kaziannis, former Director of the General Department of antiquities and cultural heritage, Ministry of Culture and Pantou, Director of the Department of Museums, Exhibitions and Educational Programmes. According to all the interviewees Dr Pantos was the key civil servant involved in this policy change and they all suggested getting in contact with him so as to help me in understanding this field. There was much reliance of my arguments on Dr Panto's evidence that was not supported by information derived from other interviewees, less on primary (the preamble of the Law of 2002) and not at all on secondary literature which indicates a limitation of this research. Dr Pantos explained how regulatory reform in prohibiting the illegal trade in antiquities occurred due to the effect of the introduction of International Conventions, EU law, Constitutional provisions, the engagement of the Minister for Culture for that time. Moreover the preparation for the policy change had started since 1960 with continuous bills which were not examined further. Pantou also agreed with Dr Pantos that International Conventions and EU law had an effect on the process of the domestic regulation on the illegal trade in antiquities. The other interviewees did not explain in depth the policy reform and that is why their given evidence was not used in this study. Most of the Greek civil servants did not criticize the Government which indicates that they were limited by their own experience in the organization. Dr Pantos only criticized the Ministry of Culture of having low legislative priority. Representatives from the Greek antiquities market were not contacted because Greek's art market is not as significant as the UK's art market. Moreover, research did not reveal whether there had been any key figures from the art market (dealers or private collectors) or from foreign archaeological missions, who had made an impact on regulatory change in 2002, as certain figures had, in the early laws from 1828. The new Law of 2002 was a State initiative, which is why particular types of interviewees were chosen. The lack of any evidence from representatives of the limited Greek art market points out another weakness of this study. All the interviewees agreed to be quoted.

### *19.2 Limitations on the British case study*

Research and the quality of public policy documentation in the UK on regulatory reform in the illegal trade in antiquities, differs from the Greek situation. Primary and secondary data sources included the Illicit Antiquities Research Centre at the McDonald Institute for Archaeological Research at the University of Cambridge. It was visited in November 2006, one year before its closure in 2007. This was the only institution in the UK with an archive of literature, journals and statistics on the legal trade in antiquities. Dr Neil Brodie, Research Director, was contacted in order to arrange a visit to the Centre. Contrary to the Greek experience, literature on the British case study had been developed over the last two decades. The Illicit Antiquities Research Centre was a good source of relevant literature. It was also an important source for acquiring statistics on the British legal art market. This was achieved by analysing the information obtained by the Reviewing Committee of the



Department for Culture, Media and Sports, which had examined the exports and imports of cultural objects from 1985 to 1997 and from 2001 to 2005. There was no separate data on the exports and imports of antiquities. It needs to be underlined that there was no any statistics on the illegal trade in antiquities in the British case study.

Certain information aided the understanding of the leading role of the British art market in Europe, in comparison with other European countries, and its place in the global art market, coming second after the USA. This information was generated by a number of authorities, including: the study undertaken by the Directorate General XXI of the European Commission on art sales; the Report of the Culture, Media and Sport Select Committee, Session 2003–2004; the Report of the Advisory Panel on Illicit Trade and the surveys on the international art market, focusing on dealer and auction sales conducted by the European Fine Art Foundation (TEFAF). Moreover, a study of these surveys raised issues on the importance of antiquities for the British art market. There was no material available that compared the UK and Greece, in relation to the scale of the illegal trade in antiquities.

The study of the reports of the Culture, Media and Sport Committee in 2000, 2003 and 2004, obtained by the Committee Clerk in 2005, was useful in comprehending regulatory reform in the UK. The establishment of the Ministerial Advisory Panel on illicit trade (ITAP) in 2000 and the publication of its report on illicit trade further indicated the growing awareness of the British Government in this policy area.

The Illicit Antiquities Research Centre's archive of journals (for example the *Financial Times*, the *Times*, the *Guardian*) and internet sources on incidents of illegal trade in antiquities in the UK, further enriched the British case study. In addition, the secondary literature on British national identity, which was collected from the Arts and Social Studies library at Cardiff University and from the exhibition of the Royal Academy of Arts on *Making History; Antiquaries in Britain 1707-2007*, offered valuable information on the role of antiquities in the British nation.

### *19.2.2 Interviewing in the UK-Differences and limitations with the Greek case study*

Although the preparation for conducting the interviews in the UK was similar to that of the preparations for the Greek interviews, the approaches that were arranged for the UK authorities was more formal than for those in Greece. The British authorities were contacted first by letter. Then the people from a range of organizations were contacted including from: the Department for Culture, Media and Sport; the Art and Antiques Squad; the Art Loss Register; the antiques market (auction houses and dealers); academics and the British Museum. When certain authorities did not respond to the letter, they were followed up with emails and telephone calls. Academics and representatives from the British Museum, Art Loss Register and the antiques market agreed to be interviewed in the first instance and helped provide primary sources, such as reports, suggestions for further reading and meeting with other officials in the field. Representatives from the Department for Culture, Media and Sport and from the Art and Antiques Squad were not accessed, in which was dissimilar to the Greek case study. The position of the British Government and the Art and Antiques Squad was obtained by researching official reports and holding interviews with academics and representatives from the antiques market, who had taken part in the Illicit Trade Advisory Panel. However, there was a possible bias in this sample imported by the particular range of individuals who agreed to be interviewed and those who did not agree to be interviewed from the Department for Culture, Media and Sport and the Art and Antiques Squad. Despite this possible bias, the evidence can be relied upon, because all the different arguments from the key participants in policy change were presented, even in the cases where interviews were not conducted. All the interviewees had the same views on the historical review of regulating cultural property referring to the

Ancient Monuments Protection Act of 1882, Treasure Trove and the importance of antiquities for the British art market.

The protection of private property rights has always been an issue of priority for the British state. They all agreed that the passage from the self-regulatory system to a regulatory system in dealing with the illegal trade in antiquities came as a result of crisis in the art market caused by the Sotheby's scandal and the Baghdad looting together with the effect of the introduction of International Conventions. Academia put pressure on Government to legislate in 2003. It needs to be underlined a possible problem in understanding the role of Theft Act in relation to the illegal trade in antiquities based on the acquired evidence and the reason of why there has not been a Criminal Offence Act until 2003. For Mr. Ede the Theft Act was dealing with stolen artefacts and therefore there was no need to enact a new law. For Professor Renfrew the reason of why it took such a long time to enact a law was because there was no sense of illegal trade in antiquities. Professor Renfrew noted that the Theft Act examines incidents of stolen antiquities that could happen overseas but it does not cover illegally excavated and exported cultural objects. Mr. Ellis argued that (cited in Culture, Media and Sport Committee: Evidence, 2003-04: Ev. 48-49) the acquisition of stolen cultural objects outside the UK does not constitute a continuing offence when they are brought to the UK according to the Theft Act. It is obvious that not everybody has the same argument on the significance of the Theft Act and there might be a problem here.

Therefore I should not have relied for this issue on the existing evidence and should have researched it further. None of the interviewees criticized their organization which shows how limited they were by their own experience. Representatives from academia criticized the art market of preventing any form of regulation against the illegal trade in antiquities until 2003. Furthermore all the interviewed representatives from the art market insisted on the existence of a lobby of archaeologists in the policy process in regulating the illegal trade in antiquities which was denied by Dr. Gill. The impacts of these limitations do not affect the outcome of the research but they do raise questions for the future research on the regulatory change of the illegal trade in antiquities.

## **Bibliography**

Anderson, P. (1992) *English Questions* (London: Verso)

Codified Law 5351/1932, number 275 in *the Newspaper of Government*, Athens 24<sup>th</sup> August 1932

K.v. 5351/1932, αριθμός φύλλου της *Εφημερίς της Κυβερνήσεως* 275, εν Αθήναις 24 Αυγούστου 1932

Couloumbis, T., Kariotis, T. & Bellou, F. (2003) *Greece in the 20<sup>th</sup> Century* (London: Frank Cass)

Culture, Media and Sport-Seventh Report, Session 1999-2000, The United Kingdom Parliament,  
<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmcmums/371/37102.htm>  
[accessed on 29/09/05]

Department for Culture, Media and Sport (December 2000), Report of the Ministerial Advisory Panel on illicit trade in "*Transacting in Art II*" "*Title to finds and discovered antiquities*" Seminar October 3<sup>rd</sup> 1995, Institute of Art and Law and in Art Crime and the Criminal Law: IAL Seminar 13 March 2001

Department for Culture, Media and Sport, Government Response to "Cultural objects: developments since 2000" (HC 59), Report of the Culture, Media and Sport Select Committee, Session 2003-2004, <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmcmums/253/253.pdf> [accessed on 29/09/05]

Directorate General XXI of the European Commission (1999), *"The impact of the introduction of the 7<sup>th</sup> Directive on the competitiveness of the Community art market compared to third countries' art markets"*

Dyson, K. (2002) *European States and the Euro; Europeanization, Variation, and Convergence* (Oxford: Oxford University Press)

Featherstone, K. & Ifantis, K. (1996) *Greece in a changing Europe. Between European integration and Balkan disintegration* (Manchester: Manchester University Press)

Hall, P. & Soskice, D. (2004) *Varieties of Capitalism, The Institutional Foundations of Comparative Advantage* (Oxford: Oxford University Press)

Katzenstein, P. (1985) *Small States in World Markets; Industrial Policy in Europe* (New York: Cornell University Press)

Ministry of Education, Department of Antiquities *"Regulation on Antiquities"* The current Acts of Law on Antiquities and the Department of Antiquities and the relevant on these Royal Decrees and Circulars, Athens, National Print Shop 1918

Υπουργείο Παιδείας, Τμήμα Αρχαιολογικών *"Αρχαιολογική Νομοθεσία"* Οι ισχύοντες Νόμοι περί Αρχαιοτήτων και της Αρχαιολογικής Υπηρεσίας και τα σχετικά προς τούτους Βασιλικά Διατάγματα και Εγκύκλιοι, εν Αθήναις, εκ του Εθνικού Τυπογραφείου 1918

National Print Shop directed by G. Apostolidou Kosmitou (1829) *Minutes from the 4<sup>th</sup> National Assembly of Argos (Aegina)*

Εκ της Εθνικής Τυπογραφίας Διευθυνομένης παρά Γ. Αποστολίδου Κοσμήτου (1829) Πρακτικά της εν Άργει Εθνικής 4<sup>ης</sup> των Ελλήνων Συνελεύσεως (εν Αιγίνη)

Page, E. (2003) "Europeanization and the persistence of administrative systems", in Hayward, J. & Menon, A. (eds), *Governing Europe* (Oxford: Oxford University Press)

Pagoulatos, G. (2003) *Greece's New Political Economy. State, Finance, & Growth from Post war to EMU* (Hampshire: Palgrave Macmillan)

Redmond-Cooper, R. & Woodhead, C. (2004) *Cultural Heritage Statutes*, 2<sup>nd</sup> Edition (Leicester: Institute of Art and Law)

Sapir, A. (2005) "Globalisation and the reform of European social models", <http://www.bruegel.org/Public/search.php>

Starkey, D. (2007) "Making History", pp. 11-13 in: Royal Academy of Arts (2007) *Making History; Antiquaries in Britain 1707-2007* (London: Royal Academy of Arts)

TEFAF (2002) The European Fine Art Foundation. British Art Market Federation, *"The European Art Market in 2002" A Survey*

TEFAF (2008) *The International Art Market, A survey of Europe in a global context* (Helvoirt: The European Fine Art Foundation)

TEFAF, *"The European Art Market 2000"*, A study of the size and structure of the European art and antiques market with specific analysis of the twin threats to the trade-import VAT and droit de suite

## **ACTS OF LAW**

Greek Acts of Law

N. Δ. Της 12/16 Ιουλίου 1926

Κ.ν 5351/1932

N. 654/1977

N. 3028/2002

Αποφάσεις 177759/2004

17764/2004

## **OTHER PRIMARY SOURCES**

Data on exports and imports of cultural objects 1985-1997 and 2001-2005 that comes from the Reviewing Committee of the Department for Culture, Media and Sports

- DCMS, "Export of Works of Art" 1989-1990, 36<sup>th</sup> Report
- "Export of Works of Art" 1990-91, 37<sup>th</sup> Report of the Reviewing Committee, Department of National Heritage
- "Export of Works of Art" 1991-92, 38<sup>th</sup> Report of the Reviewing Committee, Department of National Heritage
- "Export of Works of Art" 1992-93, 39<sup>th</sup> Report of the Reviewing Committee, Department of National Heritage
- "Export of Works of Art" 1993-94, 40<sup>th</sup> Report of the Reviewing Committee, Department of National Heritage
- "Export of Works of Art" 1994-95, 41<sup>st</sup> Report of the Reviewing Committee, Department of National Heritage
- "Export of Works of Art" 1995-96, 42<sup>nd</sup> Report of the Reviewing Committee, October 1996, Department of National Heritage
- "Export of Works of Art" 1996-97, 43<sup>rd</sup> Report of the Reviewing Committee, Department for Culture, Media and Sports
- "Export of Works of Art" 44<sup>th</sup> Report of the Reviewing Committee, Department for Culture, Media and Sports
- "Export of objects of Cultural Interest" 2004-05, Department for Culture, Media and Sports

Single European Act in <http://www.europeansources.info>

The Maastricht Treaty as before

The Amsterdam Treaty *ibid*

The Nice Treaty *ibid*

The Constitutional Treaty *ibid*

The Lisbon Treaty *ibid*

Council Resolution of 21st January 2002 in the Official Journal of the European Communities (2002/C 32/03)

The Hague Convention of 1954 in [http://portal.unesco.org/en/ev.php-URL\\_ID=13637&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html)

The UNESCO Convention of 1970 in [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html)

The UNIDROIT Convention of 1995 in <http://www.unidroit.org/english/conventions/1995culturalproperty/1995culturalproperty-e.htm>

## LIST OF ELITE INTERVIEWS

### Elite Interviews in Greece

1. Gligoris, G., Director of the Department of illegal trade of antiquities, Police Headquarters, interview held on 30.08.05
2. Kaziannis, D., former Director of the General Department of antiquities and cultural heritage, Ministry of Culture, interview held on 06.09.05
3. Pantou, M., Director of the Department of Museums, Exhibitions and Educational Programmes, interview held on 15.12.05
4. Pantos, P., Director of the Department of the National Archive of Monuments, interview held on 21.12.05
5. Rossi, F., Officer in the section of illegal trade of cultural objects of the Interpol General Secretariat, email contact 11.12.06
6. Pantos, P., Director of the Department of the National Archive of Monuments, interview held on 22.12.2006
7. Gligoris, G., Director of the Department of illegal trade of antiquities, Police Headquarters, email contact 09.01.2007
8. Tzallas, Georgios, former Head of the Department of Fight against the Illegal Trade of Antiquities, Police Headquarters, telephone conversation held 08.01.07

### Elite Interviews in the UK

1. Representative from the Art Market interview held 20.11.2007
2. Webber, William, Head of the Department of Antiquities, Art Loss Register, interview held 27.11.2007
3. Snodgrass, Anthony, Professor McDonald Institute for Archaeological Research, Cambridge University, Committee Member and former Chairman of the British Committee for the Restitution of the Parthenon Marbles, interview held 29.11.2007

4. Professor Colin Renfrew McDonald Institute for Archaeological Research, Cambridge University, interview held 29.11.2007
5. Gill, David, Reader in the University of Wales, Swansea, interview held 13.12.2007
6. Dr. Bland, Roger, Head of Portable Antiquities and Treasure, The British Museum, interview held 17.01.2008
7. Ede, James, Dealer, former Chairman of the International Association of Dealers in Ancient Art, interview held 07.02.2008

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