

# **THE JOURNAL OF ART CRIME**

**SPRING 2014**



**ASSOCIATION FOR RESEARCH INTO CRIMES AGAINST ART**

---

# The Journal of Art Crime

---

Issue 11  
Spring 2014

Edited by Noah Charney  
Published by ARCA Publications



## JOURNAL OF ART CRIME

### Editor-in-Chief

Noah Charney

*Founder, ARCA and American University of Rome and Brown University*

### Associate Editors

Marc Balcells

*John Jay College of Law*

Christos Tsirogiannis

*University of Cambridge*

### Editorial Board

#### Lord Colin Renfrew

*Professor of Archaeology, University of Cambridge*

#### Petrus van Duyn

*Professor of Criminology, University of Tilburg, The Netherlands*

#### Matjaž Jager

*Director, Institute of Criminology, Slovenia*

#### Travis McDade

*Professor of Library Studies, University of Illinois Law School, US*

#### Kenneth Polk

*Professor of Criminology, University of Melbourne, Australia*

#### David Simon

*Professor of Art History, Colby College, US*

#### Erik Nemeth

*RAND Group, US*

#### Liisa van Vliet

*University of Cambridge, UK*

#### Dick Drent

*Director of Security, the Van Gogh Museum, The Netherlands*

#### Dennis Ahern

*Director of Security, the Tate Museums, UK*

#### Richard Ellis

*Director, ArtResolve and Art Risk Consultant, UK*

#### Col. Giovanni Pastore

*Retired, Carabinieri Division for the Protection of Cultural Heritage, Rome, Italy*

#### Neil Brodie

*Professor of Archaeology, University of Glasgow, UK*

#### David Gill

*Professor of Archaeology, University of Suffolk*

#### A. J. G. Tjhuis

*Attorney, Pontius Lawyers, and NSCR, Amsterdam, The Netherlands*

#### Benoit van Asbroeck

*Attorney, Bird & Bird, Brussels, Belgium*

#### Howard Spiegler

*Attorney, Herrick, Feinstein LLP, US*

### Design & Layout

Urška Charney

*Head of Design, ARCA*

© 2014 Association for Research into Crimes against Art (ARCA)

Apart from fair dealing for the purposes of research or private study, or criticism or review, and only as permitted under the Copyright, Designs, and Patents Acts, this publication may only be reproduced, stored, or transmitted, in any form or by any means, with the prior permission in writing of the Publishers, or in the case of reprographic reproduction, in accordance with the terms of licences issued by the Copyright Clearance Center, Inc. ([www.copyright.com](http://www.copyright.com)). Authorization to photocopy journal material may be obtained directly from ARCA by writing to [noah.charney@artcrimeresearch.org](mailto:noah.charney@artcrimeresearch.org)

**Disclaimer:** The authors, editors, and publisher (ARCA Publications) will not accept any legal responsibility for any errors or omissions that may be made in this publication. The publisher makes no warranty, express or implied, with respect to the material contained herein. ARCA accepts no responsibility for the content of the articles published herein. Authors are responsible for obtaining permission from copyright holders for use of any material previously published elsewhere and under copyright. Articles are accepted on the understanding that the authors present their own original work, except for such excerpts from copyrighted works for which permission of the copyright owners has been secured by the authors themselves, and that the authors do not violate or infringe upon the personal, copyright, trademark, patent, common law or proprietary rights of a third party. The opinions expressed by authors in this publication do not represent the official opinions of ARCA and its staff.

Cover Design and Illustration: Urška Charney

Printed by Amazon

ISSN (PDF): 1947-5934

ISSN (Print): 1947-5926

## TABLE OF CONTENTS

Letter from the Editor	1
ACADEMIC ARTICLES	
The Theft, Recovery and Forensic Investigation of Leonardo da Vinci's <i>Madonna of the Yarnwinder</i> <i>Martin Kemp</i>	3
Aramaic Incantation Bowls in War and in Peace <i>Neil Brodie</i>	9
The Dikmen Conspiracy: The Illicit Removal, Journey and Trade of Looted Ecclesiastical Antiquities from Occupied Cyprus <i>Christiana O'Connell-Schizas</i>	15
"It's Beyond My Control" A Historical and Psychiatric Investigation into the Claim of Bibliomania <i>Anna M. C. Knuttson</i>	35
REGULAR COLUMNS	
Context Matters "The So-Called Crosby Garrett Helmet" <i>David Gill</i>	53
Not in the Headlines "The Case of the Muñoz Ramonet Legacy (Barcelona, Spain)" <i>Marc Bacells</i>	61
Nekyia "A South Italian Bell-Krater by Python in the Metropolitan Museum of Art" <i>Christos Tsirogiannis</i>	63
Lessons from the History of Art Crime "The British Origin of the Monuments Men" <i>Noah Charney</i>	69
EDITORIAL ESSAYS	
Mission Report: Civil-Military Assessment Mission for Malian Heritage <i>Joris Kila</i>	73
REVIEWS	
Lost Lives, Lost Art Melissa Müller and Monika Tatzkow <i>Marc Bacells</i>	79

Lost, Stolen or Shredded: Stories of Missing Works of Art and Literature Rick Gekoski <i>Kirsten Hower</i>	81
The Destruction of Memory: Architecture at War Robert Bevan <i>Marc Balcells</i>	83
<b>EXTRAS</b>	
Sofia Cecchi Interviews Ricardo J. Elia	85
Noah Charney Interviews Three Leading Art Lawyers: Ian de Freitas, Howard Spiegler and Fabio Moretti	87
JAC Essay Collection to be Published by Palgrave	91
ARCA 2014 Award Winners	93
Contributor Biographies	97
Acknowledgements	99

*existing images to use in their own, original works. How does it compare to “sampling” of hooks or beats in music?*

IDF: This whole concept of “fair use” goes right to the heart of the modern debate on copyright and other IP rights. To what extent are our IP laws stifling creativity whilst trying to protect it? And are our laws, some of which have their foundation in the late nineteenth century, fit for purpose now? We do not have this concept of “fair use” in UK copyright law, as they do in other jurisdictions, although we are likely to be liberalizing this to some extent soon. What we will look at is the question of the substantiality of the copying. To infringe copyright, a substantial part of the work taken has to be copied, and that is looked at from the point of view of both the quality of what has been copied, as well as the quantity. A small part of a work can be the crux of it (like a “hook” in a musical work), even if it is only a very small percentage of the total. It can therefore be an infringement.

*NC: Fabio, let’s talk about fashion law (something I know just about nothing about!) To the uneducated fashion eye (like my own), many designs look the same, or very similar. How is the distinction made between a dress that is a rip-off of an existing dress, and one that looks very similar, and was perhaps inspired by another dress, but is safe from legal action?*

Fabio Moretti: Inspiration (different from copying!) is a constant source of creativity in the fashion world. Fashion designers are often inspired not only by other fashion designers, but also by artists or architects. If and how inspiration gets close to the border of copying, it has to be considered on a case by case basis, with the support of a lawyer specialized in that field of law, depending also on the case law of the specific country concerned.

*NC: What is the strategy for major fashion brands regarding pirated versions of their products. Do most major brands (Gucci, Prada, Louis Vuitton) have the same, collective, tactic against piracy and copying their products to sell cheap? And does any tactic seem more successful than others?*

FM: The strategy of fighting against piracy and fakes may vary depending on many factors, including the penetration of the brands in countries more at risk, and their anti-counterfeiting budgets. In any case, in my view all major brands are nowadays aware about the need to take strong actions, and sometimes they do it together, joining their efforts in some countries that are particularly problematic.

*NC: One of my criminology colleagues argues that one of the problems with art crime, and I think with fake luxury goods, is that there is either no (or insufficient) social shame in being caught with them. The movement to make wearing fur socially unacceptable seemed to work, and most people just don’t*

*wear it anymore. I wonder if such a social movement might be possible to curb art crime and fake luxury good purchases, and what form it might take, if laws don’t seem to provide a sufficient disincentive.*

FM: I believe that journalists and the media play a very important role in this. In fact, counterfeiting is not only a crime in itself, leading to unemployment and stealing of Research & Development resources, but it is almost always associated with other crimes, like money laundering, tax evasion, and illegal juvenile work exploitation.

*NC: It sounds like emphasizing the other, more overtly serious sides to a crime that is not generally considered to be so harmful is the way forward. Thank you all for your time and your excellent contributions to the field.*