

## Expertise

The Morrinsville courthouse is a cute wooden church-like building, the kind of place where justice might have been served in the Wild West, or colonial New Zealand.

It's easy to imagine Jesse James or Hone Heke standing in the flimsy-looking wooden dock. On a recent weekday morning late last year, a Hamilton-based circuit judge with a neatly trimmed salt-and-pepper beard sat at the bench, ruling on the usual run-of-the-mill cases that occupy small-town courthouses: drink driving, assault, theft.

After a defended hearing for failing to stop for an enforcement officer, Judge Arthur Tompkins declared court over for the day and retired to his chambers.

Being summonsed to a judge's chambers is like being hauled into the principal's office – believe me, I've experienced both – but minus his robes, Tompkins didn't seem judgey at all.

There was a kind of boyishness about him, and I couldn't help thinking of Tintin, especially when he talked about the fabulous locations he'd visited and his subject of interest: international art crime. The Louvre. Missing masterpieces. The Crusades. The ancient capitals of Europe – perhaps a Dan Brown novel was more like it.

For the past three years, Tompkins has escaped the dreariness of a Waikato winter to take up residence in the hilltop town of Amelia in Umbria, Italy, about 100km north of Rome, where he has taught a course on art crime during war as part of a three-month postgraduate programme run by the Association for Research into Crimes Against Art (ARCA).

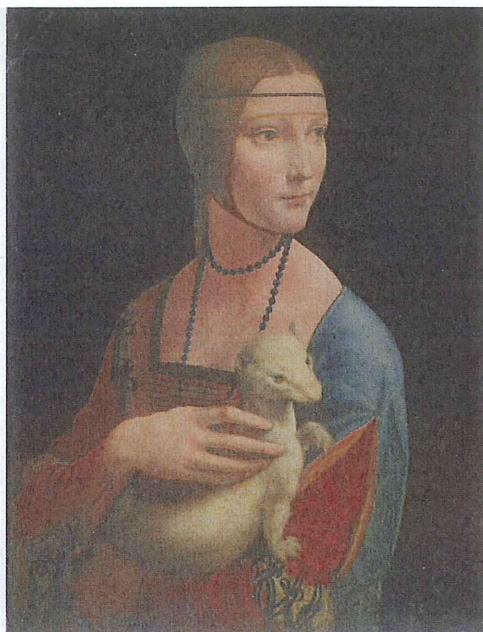
His subject area runs from Goya to Gustav Klimt; the Rosetta Stone to the Flemish Ghent Altarpiece.

Why do people steal art?

"Stealing paintings is a weird thing," Tompkins says. "If they are seriously valuable ones, they are unsaleable. If you were to steal a da Vinci, or a Vermeer, or a Caravaggio, you could never sell it because it's so well known. I think... a lot of criminals... they see a painting and read that it's worth \$30m and think, 'I could rip that off,' and they do. They think they can get rid of it, but they can't."

Others are after a ransom.

"When you read about a painting being stolen and being recovered in an abandoned car, the most likely scenario is that a ransom has been paid. From the insurance company's point of view, if they can negotiate a reasonable ransom, it's a far better deal



Leonardo da Vinci's *Lady with an Ermine*

# CRIME SCENE

A Waikato-based judge has another role as an expert on international art theft.  
**Tony Wall** reports.

than having to pay out for a total loss."

The looting of important pieces of art offends Tompkins deeply.

Take the Parthenon Marbles, he says, the marble statues taken from Athens by Lord Elgin in the early 1800s and shipped back to the United Kingdom, where they remain on display in the British Museum.

"They are completely devoid of their archaeological context, indefensibly. I have a very clear view on that – they should be returned to Athens. It's a bit like taking a Colin McCahon, cutting out the words, framing them up and displaying them separately."

But there is a discernible sea change now in attitudes of museums around the world to the return of looted or "dodgy" objects, Tompkins says; the return of toi moko (tattooed Maori heads) an example.

## JUDGE ARTHUR TOMPKINS' TOP 5 ART CRIMES

**1. The Menorah.** This frieze was taken from Jerusalem by Titus in 79AD, kept in Rome for several centuries, taken by the Goths to Carcassonne and from there to Carthage, before being recovered by the eastern Roman Empire in 533AD, taken to Constantinople, but then lost forever as it was being returned to Jerusalem.

**2. The Four Horses of San Marco.** Taken from Constantinople by the Venetians during the Fourth Crusade in 1204, then taken by Napoleon from Venice in 1797, and returned from Paris to Venice in 1815.

**3. The Sarajevo Haggadah.** A small book that for more than 600 years has survived ethnic expulsion in the 15th Century, the Inquisition, ethnic cleansing in the 20th Century, artillery bombardment and attempted thefts.

**4. The Ghent Altarpiece.** The most offended-against work of art, with a dozen or so different crimes committed against it in whole or part, now back in Ghent.

**5. Leonardo da Vinci's *Lady with an Ermine*.** Stolen by the Nazis, it hung over the fireplace of a Nazi governor in eastern Europe during the war, until rescued by the Allied Forces' 'Monuments Men'.

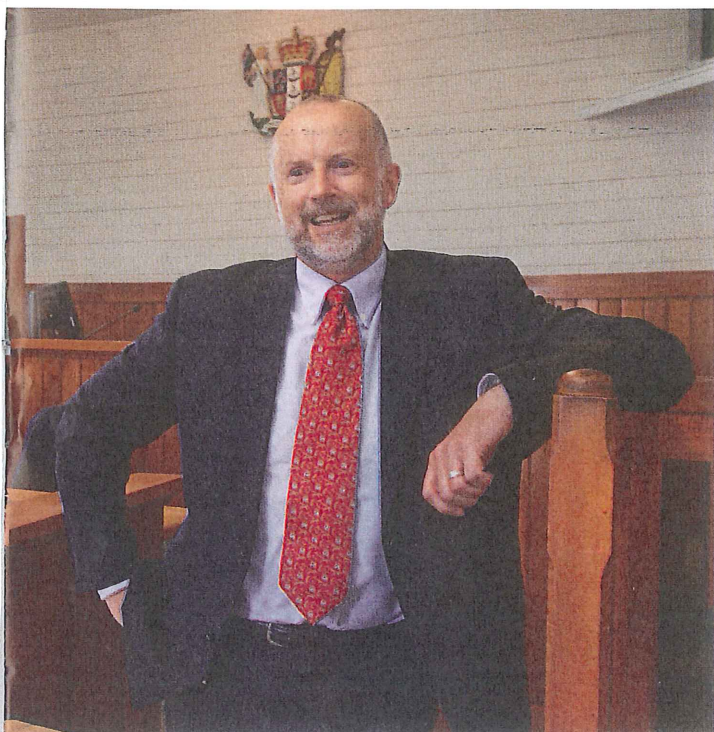
Students pay 6500 euro (NZ\$10,000) for the privilege of hearing Tompkins talk about stolen da Vincis and Nazi plunderers, in the type of setting that could be straight out of an oil painting by one of the old masters. How did a district court judge from Hamilton end up teaching a course on art crime in Italy?

"I can tell you exactly where it began," says Tompkins. In 2007, as an honorary member of Interpol's DNA monitoring expert group, Tompkins was attending a forensic DNA conference at Interpol's headquarters in Lyon, France, when he spotted a Belgian man standing alone with a glass of wine during a cocktail function.

"He worked in the stolen art unit. I didn't know Interpol had a stolen art unit. It struck me as kind of interesting."

Tompkins couldn't stop thinking about it on the plane home, and started researching further on the internet. "It turned out a lot of legal issues that arise with stolen art – cross-border criminal jurisprudence





Judge Arthur Tompkins at the Morrinsville courthouse.

issues – are also common to forensic DNA.”

Tompkins stumbled over a notice for a conference in Madrid to celebrate the return of a number of old maps that had been stolen from the National Library. He sent off a speculative email, offering to present a paper on cross-border criminal jurisprudence. Instead, he got an email back from Noah Charney, the founder of ARCA, asking him to write a chapter for a book he was preparing. Tompkins took up the offer, and in 2009 was invited to ARCA's first art-crime conference.

“Noah said, ‘We need someone to teach art crime in war; would you like to come back and teach it?’ He said, ‘We can't pay you, but we could pay your airfares and provide accommodation.’ I said, ‘Done. I'm in.’”

Tompkins spent the second half of 2009 reading up on the subject, buying books on Amazon, and painstakingly putting together a five-day course. His programme covers crimes against art starting in Classical Antiquity and traversing the Fourth Crusade, the Thirty Years War, the Napoleonic era, the First and Second World Wars and, finally, Iraq and Afghanistan.

Amelia was chosen as the host town because infrastructure from a Yale learn-Italian course remained in situ after it finished in 2008. “It (Amelia) is beautiful. It's a little off the beaten track, it doesn't have a railway station and doesn't get a lot of visitors. Some people speak English, not a lot. My Italian is good enough to order coffees and pastries.”

Tompkins says he's no art historian – “I nearly failed Art History 101 at the University of Canterbury in 1978” – but has found the history and provenance of the artworks he's researched “compellingly interesting. The overwhelming feeling [I have] is that it's remarkable any

art survives at all, given how vulnerable it is, and how easy it is to steal. It adds considerably to my enjoyment of the artworks.”

As he deals with the banality of life in his courtroom, does he ever find his mind wandering to exotic locales?

“No, no,” he says, laughing. “I love this job, I've been doing it for 15 years, I wouldn't do any other job.”

But he's happy to share his extra-curricular life.

The evening after our Morrinsville interview, a group of about 30 art enthusiasts gathered at the Tauranga Art Gallery to hear Tompkins give a talk.

“There's a lot of interest in art crime, but you're not going to be shown how to do it,” jokes Penelope Jackson, art historian and gallery director who researches art crime in New Zealand. “It tends not to be taught in art history,” she says, “probably because there's a seedy side to it.”

She talks about her involvement in the Ted Bullmore case – the Kiwi surrealist's works were sold behind his widow's back by a family member and an art dealer – and went on to discuss other outrages such as the theft of the Tissot from Auckland Art Gallery in 1998 and the disappearance of a Goldie from Mosgiel in 2008.

Tompkins' talk is accompanied by a slide show of images of artworks stolen through the ages. He keeps it breezy, describing Napoleon as the “undoubted Prince of Plunderers” until Hitler displaced him as the “undisputed champion”.

The highlight is a clip from the 1962 James Bond film *Dr No*, showing Sean Connery in Dr No's under-sea lair. As he leaves, he sees a painting and does a double take – it's Goya's *Duke of Wellington*. It was an in-joke for audiences of the time – the painting had been stolen from London's National Gallery the year before.

Tompkins says the movie began the “enduring myth” of the gentleman billionaire art collector who orders priceless artworks be stolen on his behalf.

“He almost certainly doesn't exist.”

One of the problems with art works taken during war, says Tompkins, is who to return them to. Often records have been destroyed, or in the case of items taken from archaeological sites, such as happened in Iraq, there weren't any.

He says it was heartbreaking that US forces failed to stop looting at the Baghdad museum and library, given that its soldiers had done such a fantastic job of tracking down stolen art at the close of World War Two.

“The same thing is happening in Syria now, and nobody knows what is going on in Libya...” ●