

## Comment on “Irreconcilable Differences?”

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The issue of provenance (ownership history) is central to Kathy Tubb’s paper. She points out that absence of provenance means that it is easy to trade illegally-acquired artefacts, and difficult to prosecute the wrongdoers. She could have added that absence of provenance also makes it difficult to know what social harm is being caused by the artefacts trade. The trade in illegally-acquired artefacts is after all a criminal one, and its criminal relations are surely a matter of general public concern, and thus of academic interest. Unfortunately, the possible adverse social consequences of the artefacts trade will remain obscure until the provenances of ‘unprovenanced’ artefacts are routinely researched, not least by those scholars who participate in the acquisition or publication of such material.

Researching the provenance of unprovenanced material might sound like an oxymoronic activity, but although the provenances of traded artefacts are regularly characterised as unknown, perhaps more is known than is usually revealed. In 2006, for example, the National Geographic Society announced that it had entered into agreement with the Maecenas Foundation of Switzerland to conserve and publish the recently appeared and ‘unprovenanced’ Gnostic Gospel of Judas, recorded in Coptic on a third- or fourth-century AD papyrus manuscript (Brodie 2006). One stipulation of the agreement was that *National Geographic* would publish a number of books describing the history and significance of the Gospel, including its recent trading history. These books are now available for purchase, and one has just been released in paperback, suggesting that sales, and thus profits, have been good. Nothing wrong with that, perhaps, but the books show just how much - in terms of its recent trading history - was known about the provenance of the ‘unprovenanced’ Gospel. And an unedifying story it is too, stretching back to the Gospel’s discovery in Egypt sometime in the late 1970s and demonstrating clearly the extent of academic involvement with the legally-suspect manuscripts trade. But the real point is that, when it was worth somebody’s time to research the Gospel’s provenance, quite a lot of relevant and interesting information was found to be forthcoming. Presumably the provenance of an ‘unprovenanced’ artefact is not normally revealed in this way because it is not worth anybody’s time to find out, or because someone has something to hide – something criminal.

As a case in point, Tubb makes reference to the enquiry orchestrated by UCL into the provenance of 654 incantation bowls held in UCL for study and publication, after an investigation conducted by the Norwegian television company NRK in 2005 had alleged that they had been removed illegally from Iraq. UCL announced at the time that the committee of enquiry had been convened “to investigate the provenance of a collection of 650 Mesopotamian Aramaic incantation bowls lent to the university by

a private collector, following claims that the bowls were illegally exported from their country of origin”, and that the committee would be working “to establish chronology of ownership and possession of the bowls from 1970 to the present”. The Vice Provost stated that “... we need to be absolutely clear about the provenance of these bowls, and to satisfy ourselves that they were not removed illegally from their country of origin” (UCL 2005). Many people who had some knowledge of the bowls’ provenance offered written testimony. They included the NRK investigators, the owner of the bowls (Norwegian businessman Martin Schøyen), and the London-based dealer (Chris Martin) who had sold many of the bowls to Schøyen, and so the report of the enquiry presumably contains valuable information about the trade and acquisition of the bowls. In other words, it constitutes a primary research document for scholars specialising in the social and criminal contexts of the past or present artefacts trade out of Iraq. Unfortunately, despite the laudable aims UCL attributed to its committee of enquiry in 2005, it has since decided not to publish the committee’s report.

On 9<sup>th</sup> March 2007, the Schøyen Collection announced that it had taken legal action against UCL for recovery of the bowls, expressing frustration over “the waste of time and money caused by a lengthy and inconclusive enquiry into their provenance” (Schøyen Collection 2007a). Then, on 26<sup>th</sup> June 2007, in a joint statement, the Schøyen Collection and UCL announced that UCL had “no basis for concluding that title is vested other than in the Schøyen Collection”, and that UCL had agreed to return the bowls to Schøyen and “agreed to pay a sum in respect of its possession of them” (Schøyen Collection 2007b; UCL 2007). The size of the sum was not revealed, but presumably was made as part of an out-of-court settlement whereby the Schøyen Collection agreed to drop its suit.

This June statement is problematical, however, for the simple reason that title is not provenance. According to UCL’s own 2005 press release, the committee of enquiry was not set up to establish whether or not Schøyen’s title to the bowls was good, but rather to ensure that the bowls had not been removed illegally from their country of origin after 1970. The June 2007 statement makes no reference to the country of origin, nor to the legality or otherwise of the bowls’ export. It has since been claimed that the committee, while not questioning Schøyen’s title, did in fact decide that “on the balance of probabilities” the bowls had been removed from Iraq after 1990, and that the Iraqi authorities are preparing to claim them (Balter 2007: 554).

On 14<sup>th</sup> October 2007, stung by press criticism that the bowls had been ‘looted’, the Schøyen Collection issued a further statement, this time focusing on the provenance of the bowls (Schøyen Collection 2007c). It said that the bowls had been exported from Jordan prior to 1988. It went further to state that the bowls were part of a private collection built up in Jordan in the 1930s, and that they had been granted a valid export licence by the Jordanian authorities in 1988. This collection is listed on the Schøyen website as the Rihani collection, Irbid and Amman, Jordan (before 1965–88) and London (1988–) (Schøyen Collection 2007d). Unfortunately, this October statement has added nothing new to the debate. The Jordanian export licence had been mentioned on

the NRK television programme, where its validity was called into question, and it was reportedly considered as “unconvincing” by the UCL committee of enquiry (Balter 2007: 555). In any case, the question is whether the bowls were exported legally from their country of origin (believed by experts to be Iraq), and if so by what means, not whether their export from an intermediary country (Jordan) was legal (though that fact might have a bearing on means).

Schøyen himself sometimes seems confused about the exact provenance of artefacts in his collection. In a statement of provenance inserted at the beginning of a recent book publishing more than a hundred cuneiform mathematical texts in his possession, Schøyen claims that “The large holding of pictographic and cuneiform tablets in the Schøyen Collection derive from a great variety of collections and sources”. He goes on to list 16 collections as the “source of almost all the tablets” (Friberg 2007: xi). Almost, but apparently not exclusively all. The book’s author, Jöran Friberg, who is “full of admiration for the way in which Martin Schøyen has managed to bring together from the antiquities market, in the 1980s-1990s, clay tablets representing nearly all aspects of the whole corpus of mathematical cuneiform tablets” (Friberg 2007: v), tells us that “the great majority of the mathematical cuneiform texts in the Schøyen Collection are new additions to the corpus, probably emanating from relatively recent excavations in Iraq” (Friberg 2007: 142). Friberg’s opinion seems sound, given that none of the texts had previously been published, but it does raise questions about Schøyen’s earlier statement of provenance, and perhaps also poses a broader question about the reliability of Schøyen’s statements of provenance more generally. The publication is authorised by Schøyen, so presumably he approves Friberg’s statement, or else it would not have been published. So why does Schøyen talk about old collections? If he means that all cuneiform tablets except for the mathematical ones were obtained from old collections, why doesn’t he say so? The Schøyen Collection on its website also claims that the (previously unknown and unpublished) incantation bowls are from an old collection. Is that statement similarly confused? Tubb points out that Schøyen’s collaborator in UCL, Mark Geller, has stated that “The particular situation in Iraq, however, merits special attention. Many of the sites in Iraq have Jewish Aramaic incantation bowls as surface finds” and “Within the past decade, hundreds of Aramaic incantation bowls have appeared on the antiquities market, collected from archaeological sites” (Geller 2004). Is Geller talking about the Schøyen bowls, or is he aware of hundreds of other bowls on the market? If so, perhaps he can reveal their present whereabouts so that action can be taken to secure their return to Iraq. It would be interesting to know what the committee of enquiry made of Geller’s statement in relation to the Schøyen bowls, and indeed if he submitted testimony. Unfortunately, it is obviously an academic opinion that UCL deems confidential.

The situation regarding the provenance of Iraqi artefacts in the Schøyen Collection is a mess. Schøyen’s repeated assertions that the artefacts come from old collections are uncorroborated and therefore unconvincing, and are even contradicted by his own experts. Schøyen maintains that the bowls were exported from Jordan in 1988, but the London dealer Martin who sold him many of the bowls, has said that only “some” bowls were

in his possession before the outbreak of the 1991 Gulf War (Balter 2007: 555), implying that the majority we acquired after that date. Perhaps Schøyen supplied the UCL committee with documents proving otherwise, but if he did, they have not been made public. So, at the present time, it appears that Schøyen did in fact purchase the majority of his bowls after the 1991 Gulf War, and therefore after the outbreak of large-scale looting of archaeological sites in Iraq. There is no evidence to suggest that Schøyen bought the material in bad faith, but was he duped by those who sold him the bowls, and does he know where his money went, or to what ends it was employed? Remember that Mathew Bogdanos, who led the official US investigation into the 2003 sack of the Iraq National Museum, thinks that “insurgents in Iraq have discovered a new source of income in antiquities”, pointing to the June 2004 discovery by US marines of archaeological artefacts alongside weapons, ammunition and other military equipment in an underground bunker used by insurgents (Bogdanos 2005). Did any of Schøyen’s money go the same way? Or did it go into the pockets of criminals? Would he like to know? Would the scholars who publish material in his collection like to know? These are the real issues of provenance. By not publishing the report of its own committee of enquiry into the provenance of Schøyen’s bowls, UCL is blocking academic research into the subject of provenance. By blocking academic research into a subject with such serious social import, it is acting against the public interest. It is a shameful and embarrassing position for one of the United Kingdom’s leading (and publicly-funded) universities to have placed itself in. Tubb lets them off too lightly.

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