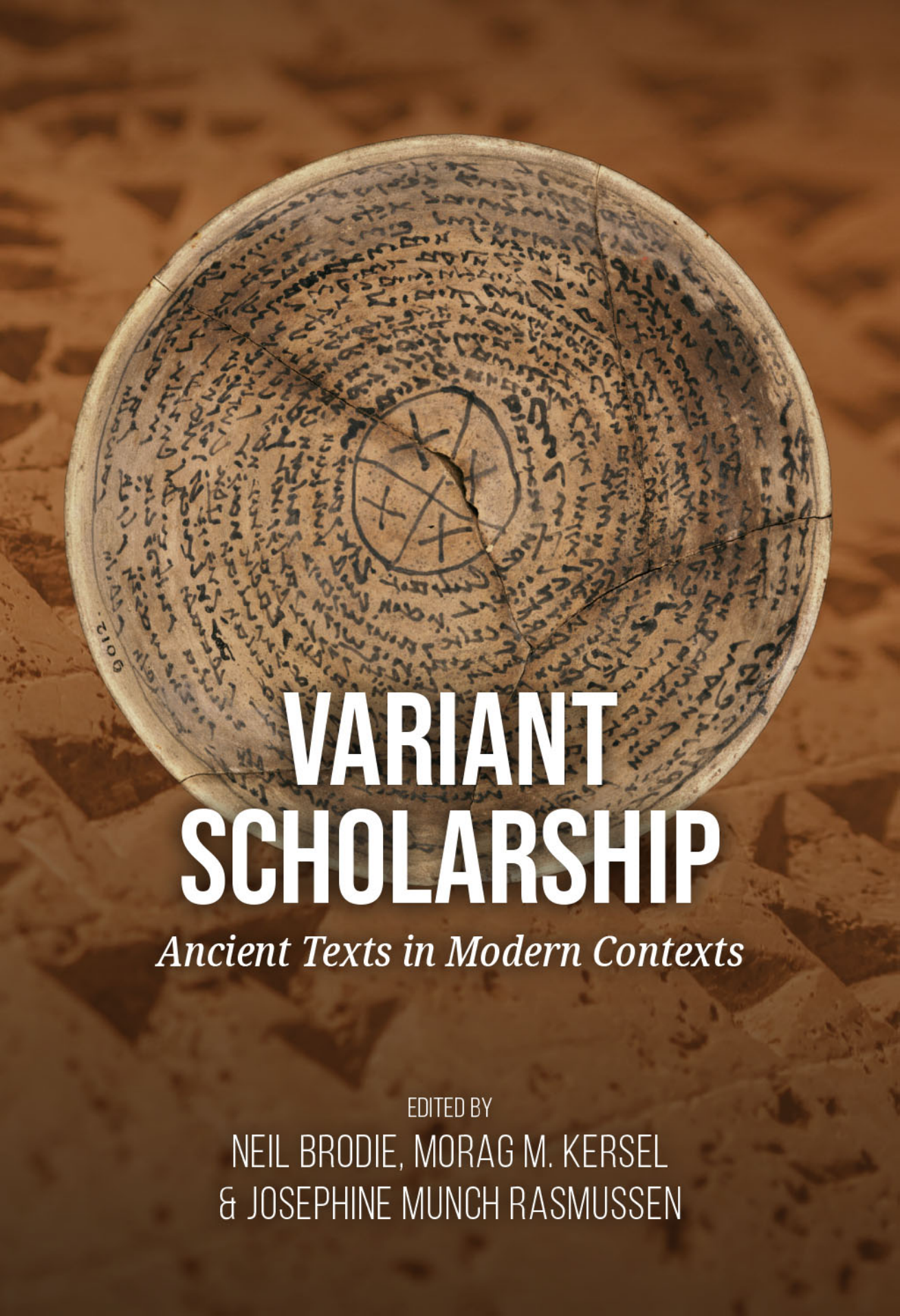

VARIANT SCHOLARSHIP

Ancient Texts in Modern Contexts

EDITED BY

NEIL BRODIE, MORAG M. KERSEL

& JOSEPHINE MUNCH RASMUSSEN

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Variant scholarship: ancient texts in modern contexts

Neil Brodie, Morag M. Kersel and
Josephine Munch Rasmussen

This book contains chapters based on papers first presented at the workshop Academic Consumption of Illicit Antiquities held at the University of Agder (Norway) and online from 24 to 26 March 2021, together with two specially commissioned additional chapters. Although the subject of the workshop was the academy and its involvement in the antiquities trade, most of the papers presented were concerned with the scholarly study of ancient or medieval manuscripts or other text-bearing or associated objects. Contributions across a range of disciplines provided the variant scholarship of the book's title, and the focus on text-bearing objects furnished the workshop with an unexpected coherence and clarity on the methodological, theoretical and ethical issues facing scholars when working with ancient texts in modern contexts. Since the nineteenth century at least, many if not most text-bearing objects coming to scholarly attention have been obtained from the market or through colonial expropriation. The consequent problems of questionable authenticity and the impact of evolutionist, imperialist, orientalist, and Biblical agenda upon scholarly research are well understood and are explored further in Section 2 of this volume. But as Section 1 will demonstrate, textual scholarship has become more problematic over recent decades, partly because of the increased flow of illegally acquired and unprovenanced text-bearing objects onto the market and entering private collections, but also because it is now recognised how scholarly engagement and research are intimately entwined with this market and might be helping reproduce nineteenth-century-style enactments of patronage and expropriation. Thus, modern-day ethical reflection on textual scholarship cannot escape engaging with the potential hazards of post-colonial and neo-colonial chauvinism.

Things seem to be getting worse, not better. While the University of Agder conference was in gestation and later while this book was in preparation, some highly publicized controversies highlighted the pitfalls and uncertainties of scholarly collaborations with private collectors. On 2 March 2020, University of Oxford academic Dirk Obbink was arrested and subsequently released 'under investigation' (Heslop 2020). Obbink's trouble started on 4 February 2013, when he sold several papyrus fragments to Steve Green, CEO

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of Hobby Lobby, a U.S. retail craft empire. The Green family also funds the Museum of the Bible (MOTB) in Washington D.C., which opened in 2017 (Moss and Baden 2017). The consignment sold to Green included a fragment tentatively dated to the first century CE bearing text from the Gospel of Mark. If correct, this dating would have constituted an unexpectedly early rendering of the gospel, making it of unprecedented importance for New Testament scholarship (Sabar 2020). At the time of the sale, Obbink was regarded as one of the world's foremost papyrologists. Obbink and his fellow Oxford scholar Daniela Colomo (2018) published the Mark fragment in April 2018 (though with a late-second- to early-third-century CE date) as Oxyrhynchus Papyrus 5345 (P.Oxy. 5345) in the Egypt Exploration Society (EES) volume *Oxyrhynchus Papyri Volume LXXXIII*. Soon after publication, the EES (2018) asserted that it was the lawful owner of P.Oxy. 5345, which had been excavated by Bernard Grenfell and Arthur Hunt, most likely in 1903 at Oxyrhynchus in Egypt. The EES claimed to have no knowledge of its sale.[1] Obbink had been a general editor of the Oxyrhynchus Papyri monograph series until August 2016, when the EES did not reappoint him due to concerns about his activities in marketing ancient texts. In June 2019 the EES banned him from any further access to the collection (EES 2019). Presumably by 2019, Hobby Lobby had donated or loaned the papyrus fragments to the MOTB. A collaborative investigation between the EES and the MOTB subsequently identified at least 34 fragments that had allegedly been stolen by Obbink from the EES and sold directly to Hobby Lobby. The MOTB returned the papyrus fragments to the EES (Hobby Lobby 2021: 7; EES 2021). Oxford University suspended Obbink from duties in October 2019 (Heslop 2020) and after his March 2020 arrest quietly fired him in February 2021 (Kenney 2021). In June 2021, Hobby Lobby (2021) sued Obbink alleging fraud and breach of contract in connection with papyrus fragments bought through seven purchases between February 2010 and February 2013 for approximately $7,095,100. In the suit Hobby Lobby claimed the purchase price with interest and costs as relief. Obbink had previously denied allegations of wrongdoing (Nongbri 2019), but on 30 November 2021, a default judgment was made against him in favour of Hobby Lobby after he failed to answer the complaint.

In an unconnected case in March 2020, the book publisher Brill took the highly unusual step of retracting a publication (Brill 2020). *Dead Sea Scrolls Fragments in the Museum Collection* (Tov *et al.* 2016) had published 13 pieces of what at the time were thought to be fragments of Dead Sea Scrolls in the collection of the MOTB. Since 2002, more than 75 previously unknown and likely forged fragments of Dead Sea Scrolls have appeared on the antiquities market and been bought by private and institutional collectors, including Hobby Lobby (Justnes and Rasmussen 2017; 2019). Most have been sourced to Bethlehem dealer William Kando though passed through the hands of various intermediaries. Kando's father Khalil Iskander had marketed the original Dead Sea Scrolls during the 1940s. The new fragments were considered suspicious by some scholars because an abnormally high proportion carried Biblical texts.

1 The EES collection of Oxyrhynchus papyri is curated at the University of Oxford's Sackler Library, where Obbink had easy access. It comprises more than 500,000 papyri fragments dating from the third century BCE to the seventh century CE bearing texts written in Greek, hieroglyphic, hieratic and demotic Egyptian, Coptic, and several other ancient languages. Most of the papyri were excavated between 1896 and 1907 for the EES by Grenfell and Hunt from the site of Oxyrhynchus (Bahnasa) in Egypt (https://www.ees.ac.uk/papyri; accessed 20 May 2022).

Furthermore, they shared a clumsy handwriting, and nothing was revealed about their original contexts, circumstances of their recovery or ownership histories, except for the information Khalil Iskander had passed along to William Kando. Other scholars, however, were convinced of their authenticity, with the Kando connection offering a reassuring but ultimately non-existent corroboration. Scientific analyses subsequently showed many of the MOTB fragments to be fake (see the comprehensive report by Loll 2019), and the entire corpus is now generally discredited as comprising 'post-2002 Dead Sea Scrolls-like' fragments. Doubt now extends to Dead Sea Scrolls-like fragments in other collections, including those in the Schøyen Collection (See Justnes in this volume).

On 24 August 2021, officers of the Norwegian police Økokrim unit working with the Ministry of Culture raided premises belonging to collector Martin Schøyen and at the request of the Iraqi authorities seized 83 cuneiform tablets and other cuneiform-inscribed objects on suspicion of illegal export from Iraq after 1990 (Glørstad 2022; Lunde and Kleivan 2021). The police were also under orders to seize 656 magic (incantation) bowls, but found only one – 654 were suspected to be in a London property of Schøyen and the whereabouts of the other one remained unknown (Glørstad 2022: 1, note 2). The Schøyen Collection of text-bearing materials was assembled from the 1970s onwards (Schøyen n.d.), with 'extensive, but opaque collaboration with experts, politicians, and public servants' (Prescott and Rasmussen 2020: 69), but since the 1990s it has been dogged by controversy. In 2007 and 2008, it was forced to return to Afghanistan 65 fragments of Buddhist texts that were believed to have been stolen from the Kabul National Museum (Prescott and Rasmussen 2020: 80), euphemistically describing the return as a 'donation' (Schøyen 2008). In September 2022, the seized material was returned to Schøyen after the limitation period had lapsed (Kleivan 2022).

Theft, fraud and a police raid. These vignettes look more like episodes from a soap opera than a description of state-of-the-art scholarship. And they by no means exhaust the scandalous accounting. We have included these case studies in the introduction for the sake of completeness, to complement other cases described and discussed by contributors to this volume. The same cast of characters will appear, joined by others – the scholars, collectors and institutions comprising what Matthew Bogdanos (2005) characterized as a 'cozy cabal of academics, dealers, and collectors', snarled up together in other controversies.

The contributions to this volume are grouped into two sections. The chapters in Section 1 are broadly concerned with recently stolen, looted and illicitly- or illegally-traded objects. To pass these objects off into commerce or for them to be accepted by the academy it is necessary to suppress or obscure both their provenance (their collecting or ownership history from time and place of discovery) and their provenience (their archaeological context). The damaging consequences of this practice are now well known. It encourages the looting of archaeological sites and landscapes, it enables the validation of fakes, and it erodes the sovereignty, cultural self-determination and cultural identities of communities and countries around the world. It also means that contexts of discovery and extraction are undocumented, which constrains interpretation and introduces scholarly bias and distortion. When accepting to study and publish such unprovenanced objects, and thus choosing to engage in what Ricardo Elia (1993) once described as a 'seductive but troubling work', scholars stand accused of supporting and legitimising collections and thus ultimately the market and the damage it causes. Scholars reply that by studying such material they

are reacting to circumstances beyond their control, saving what they can from the ravages of the market in a disinterested fashion and with no commercial intent or impact. Thus the detrimental commercial consequences (loss of knowledge related to associated find spots and increased economic value) of scholarly engagement with unprovenanced objects have posed ethical quandaries about how to weigh the public benefits of knowledge production against the public harms of looting, theft and illicit trade. The asymmetrical distribution of benefits and harms results in more affluent countries, or at least privileged classes, profiting, while the harms are visited upon poorer countries and communities, who suffer most from the consequences of looting and theft. In response to these unsettling synergies between scholarship and the market, most professional membership organisations have now made impassioned pleas for greater transparency by scholars, editors and publishers when publishing unprovenanced materials and have introduced policies prohibiting or constraining their first publication. Nevertheless, outside the ambit of professional organisations, as chapters in this volume demonstrate, many publishers remain willing to publish artifacts from the marketplace with little or no context. It is not hard to publish a scholarly study of an unprovenanced text-bearing object, even a suspect one.

Section 1 opens with Nils Korsvoll's study of sixth- to eighth-century CE Aramaic magic (incantation) bowls from Iraq, using concepts derived from 'laboratory studies' to show how the construction or purification of scholarly knowledge proceeds in the absence of any information drawn from archaeological contexts. Next, Årstein Justnes takes a closer look at the shifting provenances that have been attached to the post-2002 Dead Sea Scrolls-like fragments and asks for more rigorous engagement with the problems of deficient public provenance. Roberta Mazza uses case studies describing the first-century CE Artemidorus papyrus and the new second- or early-third-century CE Sappho papyri fragments, all from Egypt. She discusses the problematic use of cartonnage for disguising and creating provenance, and the material uncertainties and ethical issues that papyrologists must face as a consequence. Mazza also describes the eBay trade of papyrus fragments, which Rick Bonnie follows with a forensic investigation into a Finnish collection of manuscript fragments largely acquired through eBay. Leaving the Internet market behind, Neil Brodie uncovers the provenance of a privately traded group of First Sealand Dynasty cuneiform tablets from Iraq and, in so doing, exposes the pivotal contribution of Assyriologists to market pricing and in the formation of large private collections. Michael Press examines the academic 'consumption' of Palmyrene objects from Syria, asking whether the shocking looting and destruction at Palmyra committed by ISIS (Islamic State of Iraq and Syria) has helped to legitimise, in an academic sense, the study and publication of Palmyrene objects looted at other times and by other actors. All the contributors to Section 1 mention publication policies, but the final two chapters discuss them in greater detail. Patty Gerstenblith starts by describing the development of policies aimed at preventing first publication of unprovenanced or insufficiently provenanced objects and accommodations such as the '1970 standard' and the 'cuneiform exception'. Morag Kersel follows through by using the example of the fake Gospel of Jesus's Wife papyrus fragment to explore the application of publication policies, with a welcome consideration of the issue of publications subsequent to the first one.

The scandals and examples of egregious malpractice that are described in this introduction and in the chapters of Section 1 might be considered as comprising 'zones of turbulence' (Braudel 1981: 24), with privileged actors taking advantage of circumstance to conduct 'their affairs in a very individual way'. But circumstance is contingent upon the longer-term sociocultural, political, and economic 'perspective of the world' (Braudel 1984), and it is this perspective that is explored in Section 2. Contributors draw upon reflexive modes of interpretation developed by feminist and post-colonial scholars to critique Western expropriation and reception of ancient and medieval texts and the impact of orientalism and imperialism upon modern-day scholarship and historiography. Whereas in Section 1 provenance is treated as a regrettable absence, in Section 2 provenance or more accurately object biography is centre stage. The 'transformative power of ownership' (Feigenbaum and Reist 2012: 1) is not something to be ignored. Authors also argue for an understanding that the manuscript or text-bearing object itself is a context for the texts it carries, and its materiality is a rich source of historical evidence.

Section 2 starts with Christa Wirth and Josephine Rasmussen's argument that provenance-related information can gather around authentic or inauthentic objects as 'thin data' or 'thick data', and it is data 'thickness' that should determine a subject of enquiry, not the authenticity or otherwise of an object. A forgery is an authentic historical document, and may have a rich context for studies of the recent past and the present. They go on to describe how thick data can be used for exposing the colonial and gendered nature of nineteenth-century collecting and scholarship, and continuities through to the present day. Conversely, they lament the present tendency highlighted in Section 1 of supressing and obscuring provenance, leaving only thin data for future research. Liv Ingeborg Lied's chapter provides a rich analysis of the ethical and methodological issues facing scholars who study Jewish writings of the Hellenistic and early-Roman period. These writings, passed down by Christian copyists on manuscripts, were either lost or deposited during the middle ages to be recovered archaeologically or have been preserved by copying through to the present day. Traditional scholarship has ignored or overlooked evidence of copying, annotations, and physical traces on manuscripts, evidence of what Lied terms 'practices of care'. Lied emphasises the implications of neglecting the communities responsible for the preservation and curation of the texts in question. Rachel Yuen-Collingridge in her following study of the nineteenth-century forgeries of Constantine Simonides also considers 'cultures of copying' and how in an extreme manifestation forgers might copy what is imagined to be lost, creating simulacra of the world as wished for, not curating the world as it really was. Next, in her study of the thirteenth-century CE illuminated Zeytun Gospels of Armenia and their dispersal during the early-twentieth-century Armenian genocide, Heghnar Zeitlian Watenpaugh states clearly and forcefully that provenance can be genocide. She considers how tangible cultural creations that have survived destruction during war or genocide – 'survivor objects' – are important for commemoration and the survival and recuperation of afflicted communities and can act to resist narratives of denial. We have chosen to end the book with Raha Rafii's forward-looking chapter on the digitizing of Arab-language manuscripts, reifying problems of disconnection between text and object described by Lied in her chapter. While digitization is important for the survival of texts threatened by human or natural action, without concomitant measures to ensure the survival of their origin communities, digitization might come to mean extraction and can be used to reinforce

inherited orientalist approaches or propagandist narratives. Looking back at Watenpaugh's chapter, Rafii seems to be warning of the possible future existence of digital survivor objects.

In choosing where to publish this book, we were mindful of Lied's admonition that most contributors are presenting upon 'someone else's manuscripts'. We chose Sidestone Press for its offer to produce an open-access e-book that, Internet and political barriers permitting, we hope will be available free to interested readers around the world.

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Part One

Ancient Texts

Disciplinary pitfalls: how good philology can mask bad provenance

Nils H. Korsvoll

Abstract

Scholars seek knowledge, but knowledge is not such a straightforward thing. Critical studies and histories of knowledge demonstrate how scientific facts are constructed or established by academic disciplines, and their respective methods, conventions, and infrastructure. Surveying publications of so-called Aramaic magic bowls from Iraq, my chapter explores how the methods and practices of conventional philology help ignore, or at least obscure, provenance. Scholars trained in philology dominate the study of magic bowls, and I argue that their emphasis on text, not only in the analysis but also in the editing and publication of the artifacts, easily overlooks archaeological information. The philological pursuit of textual authenticity distracts from questions concerning provenance. There are current initiatives within philology to remedy this problem, but based on my survey I suggest that to really take provenance into account the discipline needs new methods and conventions.

Keywords: philology, knowledge production, magic bowls, Iraq, provenance

Philology and text-critical studies traditionally see manuscripts as repositories of traces and clues to ancient texts. Most of what we have of ancient literature today, be it Plato, Augustine, or Homer, is reconstructed from versions and excerpts in younger, often medieval manuscripts. These are considered textual witnesses, from which philologists extrapolate an original text through systematic study and comparison across different, and often differing, manuscripts. This fact is well-known and uncontroversial – the procedure is one of the mainstays of philology. Here, I argue that its emphasis on text allows or even drives scholars to neglect that the manuscripts are also artefacts, and in turn any problems concerning the use and study of historical artefacts in a modern context. To do so, I look to what has become known as laboratory studies, developed by among others Bruno Latour and Karin Knorr Cetina (*e.g.* Knorr Cetina 1995; 1999; Latour 1987; Latour and

In: Brodie, N., Kersel, M.M. and Rasmussen, J.M. (eds), *Variant Scholarship: Ancient Texts in Modern Contexts.* Leiden: Sidestone Press, 23-40.

Figure 1. Example of an Aramaic magic bowl. Courtesy of the Penn Museum, object number B9012, image number 228557.

Woolgar 1986). It is part of the wider development of a history of knowledge or science, arguing that knowledge formation or production is constructive work, not descriptive (Knorr Cetina 1995: 141). In other words, that facts are *established*, not *discovered*, by researchers, and are therefore also shaped by the scientific methods used to bring them about. It examines how in many cases 'internal scientific standards and experimental evidence fail to provide for scientists' beliefs … and how the beliefs and knowledge claims of scientists are influenced by their social context' (Knorr Cetina 1995: 141). Latour has since expanded on his work to coin and develop what has become Actor Network Theory, with broader societal scopes and implications (*e.g.* Lindemann 2011: 94-95), but for my purposes I remain with his and Knorr Cetina's observations on the laboratory and its role in knowledge formation. I do not make a full presentation nor use of the entire extent and nuanced detail of their work, but draw out some observations and principles as analytical parallels for tracing how philological methods may divert a scholar's attention from the provenance of the manuscripts we study.

Specifically, I examine the impact of philology's text-focus within the study of Aramaic magic bowls from Iraq. Often called incantation bowls in earlier research, these amulets take the form of ceramic bowls, generally between 15 and 20 cm in diameter and with a depth of 7 to 8 cm (Hunter 2000). Wheel-thrown, but not glazed, the bowls resemble

ordinary household ware (Hunter 2000: 165; Müller-Kessler 2005a: 2), distinguished only by a magical text or spell written on the inside of the bowl (see Figure 1). These are in different Aramaic dialects (Judeo-Aramaic, Mandaic, or Syriac), as well as some cases in Persian Pahlavi or in pseudo-scripts, and can be in the form of a spiral, divided into sections, or laid out like the spokes of a wheel (*e.g.* Moriggi 2014; Müller-Kessler 2005a; Segal 2000). The magic bowls are found in Iraq, and appear to have been made and used in Sasanian Mesopotamia in the sixth to eighth centuries AD. When found in controlled archaeological excavations, the magic bowls were buried upside-down at the corners or thresholds of what appear to have been domestic buildings (Hunter 1995: 61-62; McC. Adams 1970: 115; Peters 1897: 113-114; Venco Ricciardi 1973/74: 19-20). This placement, together with the content of their texts, suggests they had an apotropaic purpose. The bowls continue to garner interest, primarily academic, for the glimpse they offer of popular culture or worldviews among the diverse communities in late antique Mesopotamia, and especially the Jewish communities (*e.g.* Bhayro 2013; Shaked *et al.* 2013: xiii-xv; Lanfer 2015; Ronis 2015).

Yet, the magic bowls have also gained notoriety as a corpus of ancient artefacts with a predominantly unknown and possibly illegal provenance (*e.g.* Brodie 2006; 2016; Brodie and Kersel 2014). Most of the bowls with a known provenance come from the University of Pennsylvania's expedition to Nippur in central Iraq in the 1880s (*e.g.* Montgomery 1913; Müller-Kessler 2005a). These, together with later examples of scientifically excavated bowls, number in the hundreds (see Brodie 2008: 45), a marked difference from the approximately two thousand magic bowls that are known to be held in various public and private collections (Brodie 2016: 169; Levene 2013: 1). This means that most Aramaic magic bowls lack a known provenance. Furthermore, Neil Brodie (2016: 169), the foremost authority on illicit trade in magic bowls, notes that up to a thousand of them appeared on the art market or in collections after the first Gulf War in 1990. As is well known, both Gulf Wars gave rise to extensive looting and smuggling of antiquities (*e.g.* Farchakh-Bajjaly 2008; Rothfield 2009: 125-137), and among others Gaby Abousamra (2010: 27) reports how numerous archaeological artefacts, including magic bowls, flooded Lebanon's antiquities markets after the second war in 2003. This smuggling is in contradiction of both national and international law, and the looting it encourages is detrimental to archaeological preservation and study (*e.g.* Brodie 2016; Brodie and Kersel 2014; Korsvoll 2020).

Now, Brodie (2008; 2009; 2011), Morag M. Kersel (Brodie and Kersel 2014), and Josephine M. Rasmussen (Prescott and Rasmussen 2020; Rasmussen and Justnes 2020) have already explored how both individual scholars and academic institutions can become and are involved in the handling, study, and consequently promotion of unprovenanced, possibly illegal magic bowls. Some scholars defend their involvement with the antiquities trade, saying that it salvages artefacts and makes them available for academic study; some oppose it, as it encourages looting and illegal trade; while others are noncommittal, noting that today's looting is not so different from the colonial expeditions that filled Western museums 150 years ago (see Brodie 2009; Müller-Kessler 2005b: 219-220). I will not revisit these arguments, but rather take two steps back and consider how the tools and methods of philology itself permits or even facilitates turning a blind eye on a manuscript's provenance and any potential problems connected to it. I examine how first textual comparison and subsequently the compilation and organisation of publications play

down the material aspects and history of manuscripts, which in turn allows the artefacts' unknown provenance to remain in the background in academic studies.

In doing so, I refer to and examine publications of magic bowls that are, precisely, unprovenanced, and in several cases part of controversial collections (see, *e.g.* Brodie and Kersel 2014; Müller-Kessler 2005b: 220). The publication of unprovenanced artefacts is criticised because it may add a veneer of legitimacy to the objects (Brodie 2009: 45-47; 2011: 412-413), and many philological journals and professional associations have begun to refuse to publish artefacts without a known provenance (ASP 2007; ASOR 2015; SBL 2016). Whereas my study directs attention to certain publications that include unprovenanced bowls, I do not present and discuss the artefacts themselves. Rather, I examine their presentation and treatment in academic publications. Moreover, the professional guidelines adopted by the American Society of Overseas Research (ASOR), in turn taken up by the Society of Biblical Literature (SBL), allow the discussion of unprovenanced material, as long as 'the object's publication or announcement serves *primarily* to emphasize the degradation of archaeological heritage' (ASOR 2015: Section E, 4, c; see also Gerstenblith in this volume). I consider my work here to fall within this description and therefore proceed with it.

Laboratory studies

An important contribution to laboratory studies was Latour's book *Laboratory Life: The Construction of Scientific Facts*, published together with Steve Woolgar in 1979. It presents the results of a 21-month participant observation at the Salk Institute in California, a high-profile, well reputed research facility working in biology and medicine. Using tools and analytical models from anthropology, the project traced how the whole laboratory, meaning not only its staff and research facilities but also its organisation, architectural layout, social networks and spoken and unspoken rules, is part of a machinery that works to make claims into facts (Latour and Woolgar 1986). Essentially, how 'the laboratory is itself an important agent of scientific development' (Knorr Cetina 1995: 144). This lends itself to and supports a constructivist understanding of science or knowledge, namely that knowledge is not *discovered*, but *established* or *produced* by science and scientists. Therefore, the tools and structures of the laboratory have an impact on it. Moreover, it opens our understanding of knowledge production to not only address the formal, recognised methods of a discipline, but also 'the strategies and policies of knowing that are not codified in textbooks but do inform expert practice' (Knorr Cetina 1999: 2). Hence, Knorr Cetina (1999: 3) argues to expand or enlarge our understanding of a discipline into what she calls 'epistemic culture', which includes many important elements that traditional notions of a discipline ignore.

A constructivist approach to knowledge formation also impacts how we appreciate the objects that we study. An object of study means nothing in and of itself, according to Latour and Woolgar. It only begins accruing meaning when it is brought into contact with other objects of study and/or sets of assumptions or patterns of human knowledge in the laboratory (Latour and Woolgar 1986: 37). In this process the object of study becomes *inscripted* – that is, transformed or accentuated to make it useful for the study or knowledge production at hand (Latour and Woolgar 1986: 51). An object of study is thus transformed into an ingredient or processing material in the larger task or knowledge production process with which the laboratory is engaged (Knorr Cetina 1999: 36-37), a process which is shaped by the scholars and the tools available to the respective field. Knorr Cetina considers this somewhat of a

rhetorical process, where discussing or writing about the objects will inscribe them with meaning, *relevant to the laboratory* (my emphasis). Thus, the scientific discourse itself is a 'process of stabilizing facts' (Knorr Cetina 1995: 154-155); that is, of inscribing objects of study so that they carry meaning relevant to the study at hand. She continues to explore or describe laboratory work as a hermeneutic exercise where scientists have a large degree of creativity in how they frame and conceive of what they do (Knorr Cetina 1999: 248-250), but the details of this discussion exceed my needs here.

The above observations roughly compare with the warning that map is not territory, launched by mathematician and philosopher Alfred Korzybski in the 1930s and since influential in many theoretical discussions in the humanities (*e.g.* Smith 1978). Yet, one further, important observation in laboratory studies is that this inscription separates the objects from their original environment, 'as they occur in nature' (Knorr Cetina 1995: 145; 1999: 26-27). Instead of studying the object in its natural form, the laboratory works with representations or reproductions of the object that have been created by the laboratory's tools: 'Rather, one works with object images or with their visual, auditory, or electrical traces, and with their components, their extractions' (Knorr Cetina 1999: 27). Therefore, according to Knorr Cetina, the success of a laboratory 'rests upon the *malleability* of natural objects. ... [L]aboratories rarely work with objects as they occur in nature', she continues, '[but rather] their "purified" versions' (1995: 145). Or, in the words of Latour and Woolgar: 'Scientific reality is a pocket of order, created out of disorder by seizing on any signal which fits what has already been enclosed and by enclosing it, albeit *at a cost* [their emphasis]' (1986: 246). This is combined with a tendency to seek out and formulate solvable problems, which means that objects of study are approached or framed in a way that is relevant to solving that problem. There is no point in asking a question you do not have the samples or equipment to answer (Knorr Cetina 1995: 152-157). Here, I see the laboratory as analogous to the philological discipline, as realised in the study of magic bowls, and point to how its tendency to purify the objects of study into texts helps obscure the bowls as artefacts and in turn their provenance.

Textual comparison

Most magic bowls lack a known provenance, and there is little context or supporting information to be found in historical sources (*e.g.* Bohak 2008: 420-421; Morony 1984: 416-418). Furthermore, the bowls are materially unremarkable and easy to reproduce for modern forgers. Therefore, scholars have come to depend especially on their texts to both garner information from a bowl, as well as ascertaining its authenticity:

> *We have no way of establishing the authenticity of pottery vessels, apart from certain considerations of form as used by archaeologists. The form of the vessels is simple enough, and a modern imitation is not difficult to make. The writing is a different matter. It takes considerable skill to compose a text that would have the shape of letters, the appearance of the ink, and the style of inscription as found on authentic bowls* (Shaked 2005: 21).

Scholars rely on comparisons and parallels between magic bowls with a known provenance and those without, both to interpret and to authenticate bowls lacking a known provenance. Javier Teixidor (1962: 51), for instance, introduces his study by saying

that the bowls he deals with 'presents nothing new since the exhaustive studies made by James A. Montgomery'. Similarly, Tapani Harviainen (1978: 4) claims authenticity for an unprovenanced bowl by assuring that '[t]he contents of the incantation of this H(elsinki) B(owl) do not essentially deviate from corresponding Syriac texts'. In Dan Levene's publication of bowls from the Moussaieff Collection (2003: 1), he likewise asserts: 'Though there is no information regarding the provenance of these bowls, their language, content and appearance all suggest that they are, like all other known bowls, Babylonian in origin' (See Justnes in this volume for similar strategies in the study of the Dead Sea Scrolls).

Latour and Woolgar (1986: 173) note that '[t]he pervasive influence of analogical reasoning will be evident to many observers of scientific activity', and the quotes above show how analogies with provenanced material, predominantly from the Nippur excavations, is used to argue for the authenticity of unprovenanced bowls. Continuing, Latour and Woolgar (1986: 173-174) argue that scientific facts often begin with precisely such an initial analogical link between phenomena, which is then expanded upon to build a logical connection. To me, this is what happens in bowl research when textual parallels are taken to, first, indicate authenticity, but then in turn also indirectly vouch for a legitimate provenance. For instance, in his introduction to the catalogue of magic bowls in the British Museum, J. B. Segal (2000: 21-27) first notes the precarious situation regarding their provenance, before he proceeds to list the many parallels and similarities across the corpus:

> *The exact provenance of the great majority of the bowls in the British Museum is unfortunately uncertain; only 45 have a certain site association. Most were purchased from dealers. Even where dealers gave information about their source, we do not know precisely where the bowls were unearthed* (Segal 2000: 21).

After this paragraph, Segal discusses parallel refrains in the bowl texts (2000: 22), shared linguistic features (2000: 22), shared deities or evil forces (2000: 23-24), common names (2000: 24-25), and finally recurring formulae and phrases (2000: 26-27). This discussion serves to introduce and explore the various features of these magic bowls, and Segal never explicitly asserts any claim to authenticity or legitimate provenance through it. Yet, the way the introduction includes all the bowls into a seemingly coherent corpus nevertheless creates a connection and continuity between the provenanced bowls and those lacking one. It is perhaps somewhat unfair to criticise this, as again it is a common and logical enough way to proceed. Yet, it remains that unprovenanced bowls in this way become associated with provenanced bowls, without this vital difference regarding the manner of their acquisition being addressed or explored any further than Segal's initial reservations (Again, see Justnes in this volume for parallels in Dead Sea Scrolls research).

Returning to Levene's publication of magic bowls from the Moussaieff Collection, it presents another way in which studies that undertake textual comparison associate unprovenanced bowls with provenanced bowls and thus implicitly lend the former legitimacy from the latter. To explore parallel refrains in several bowls, as Segal also does, Levene constructs synopses of the bowl texts in question (see Figure 2). Here he includes unprovenanced bowls from the Moussaieff Collection (inventory numbers starting with M-) together with provenanced bowls found in the Nippur excavations

Synopsis for M50, M59, AIT 9 and AIT 32

M50	M59	AIT 9	AIT 32 (Syriac)[14]
	(1) לכל (2) ל (3) ליליתא בישתא		(1)מזמן הגא כאסא חתמא דביתה (2) ודאנתתה ודבנה דדינוי בר איספנדרמיד דתיזה מנה מבכלתא (3) והלמא ביישא
(1) דפורא רמינא ושקילנא {וצב} וצבדא צבדנא והוא הוה במותב רבי יהושע בר פרהיא	(4) דפורא רמינא ושקינא (5) {וצב} וצבדי צבדנא במתיבי (6) יהושע בר פרהיא	(1) פורא רמינא ו[שקי]לנא וצובדא (2) צבידנא והוא הוה במית [ביה] דרבי יהושע (3) בר פרהיא	פורא רמינא ושקינא צבודא דצביד הוהוא (4) כי הוא דיתיב רב יישוע בר פרהיא
(2) כתבנא להון גיטא לבל	כתבית (7) גיטא	בתבנא להין גיטי לבל	וכתב צליהון דסתבריא צל כלהון
(...)	(...)	(...)	(...)

Figure 2. Reproduction of a text analytical synopsis (Levene 2003: 35).

(inventory numbers starting with AIT-). Again, like Segal, Levene does not explicitly claim authenticity or legitimacy in his discussion, but as he writes in his introduction, which I quote above, the textual parallels that he stresses here implicitly show that the Moussaieff bowls have the same 'Babylonian origin' as the bowls from Nippur. Now, in text critical studies such synoptic examinations are an entirely reasonable approach and method to explore textual form and development. Indeed, it was such linguistic and philological criteria that made numerous papyrologists question the infamous Gospel of Jesus's Wife when it was launched in 2012 (Askeland 2020), years before Ariel Sabar's painstaking investigations into the papyrus' provenance confirmed their suspicions (2016). However, this search for likeness, by several considered the bane of comparative study (Stausberg 2011: 27), also creates an impression of uniformity across the magic bowls, as its emphasis on similar features draws attention from the sometimes diverging, but most often unknown, provenance of the respective artifacts. By tracing textual parallels and similarities, scholars situate individual, unprovenanced bowls within the larger corpus of magic bowls, thereby implying good title and making them eligible for further study without addressing their lack of provenance.

Compilation and organisation of publications

Sketching the history of scholarship on the Aramaic magic bowls, it consists of three waves, if you will, where each has its own profile or emphasis. The first coincides with the colonial presence in Iraq and the Near East (1850s to 1930s) and consists primarily of publications that deal with the bowls as archaeological material. The discoveries at Nippur dominate (Montgomery 1913; Peters 1897), but other bowls, often singular finds or acquisitions, are

also presented (*e.g.* Allotte de la Fuÿe 1924; Layard 1853; Montgomery 1918). Here, the magic bowls are interpreted in the context of their discovery, or their acquisition. This explicit and expressed link to their discovery – however general the description of that might be – reminds us that the bowls are physical artefacts with a provenance. The second wave of publications occur roughly between the 1930s and the 1980s, and is made up largely by the work of Cyrus H. Gordon and his students (*e.g.* Gordon 1934; Gordon 1937; Gordon 1941; Hamilton 1971; Isbell 1975; Yamauchi 1967). They began to compile and synthesise bowls according to the dialect they are written in, or according to the collections that they belong to. Although neither type ignores materiality, the artefacts' find spot is now no longer an organising principle. Finally, the third and still ongoing wave continues with publications from specific collections (*e.g.* Levene 2003; Müller-Kessler 2005a; Segal 2000; Shaked *et al.* 2013), as well as introducing more thematic studies – that is, studies addressing topics like magic, demonology or art (*e.g.* Bhayro 2015; Hunter 1998; Naveh and Shaked 1985; Vilozny 2015). These studies present and select their material according to the content of the texts (thematic) and/or their current owner (collection), which continues the second wave's tendency to remove the bowls from their archaeological context, or lack thereof.

Let me expand on the impact that this has, starting with publications from specific collections. In some cases, modern collections of magic bowls stem from a known archaeological excavation, namely the Nippur excavations in the 1880s. Publications from these collections are then naturally tied to the archaeology of that site, and the modern ownership history that it holds (*e.g.* Montgomery 1913; Müller-Kessler 2005a): 'All of the relics from Nippur came to the University as the gift of the Sultan of Turkey, and in the matter of these incantation bowls I understand that the best specimens, the largest and fairest, have been retained in the Imperial Museum at Constantinople' (Montgomery 1913: 15). At his death in 1925, the University of Jena received several magic bowls from Hermann V. Hilprecht's collection of Mesopotamian antiquities (Müller-Kessler 2005a: 3), which he had obtained working at the Nippur excavations (Hilprecht 1903). For other, more complex collections, provenance and archaeological information is no longer an organising or founding principle, but is rather mentioned in the introduction (*e.g.* Levene 2003; Segal 2000) or noted for each specimen, where known (*e.g.* Moriggi 2014; Teixidor 1962). Finally, there are publications from newer, private collections, where the bowls' provenance is either noted as unknown (*e.g.* Levene 2003: 1) or simply not mentioned (*e.g.* Shaked *et al.* 2013). Indeed, in Shaul Shaked, James Nathan Ford and Siam Bhayro's first publication of bowls from the Schøyen Collection, they do not address the collection or its ownership history in their own words, but rather quote from the collection's website[1]: 'For the incantation bowls in the Schøyen Collection, the following data, borrowed from the same site (with slight modifications), may be given' (Shaked *et al.* 2013: xiii). It is tempting to suppose that this is because these collections are controversial (*e.g.* Brodie and Kersel 2014; Müller-Kessler 2005b: 220), but irrespective of this these publications are examples of studies where provenance and archaeological context is barely noted, practically ignored, despite the recent attention to provenance and research ethics also within philology.

1 http://www.schoyencollection.com. Accessed 16 May 2022.

I.1 RABBI HANINA BEN DOSA

I.1.1 Rabbi Hanina ben Dosa: Omitted by Haplography

I.2 DIVORCE TEXTS

I.2.1 Divorce Texts: Joshua bar Perahia

I.2.1 Divorce Texts: Joshua bar Perahia (with Magical Excommunication rather than Divorce)

Figure 3. Facsimile of a page from the Contents list of Shaked *et al*. (2013: x).

The other and more recent, thematic trend compiles and publishes magic bowls according to their textual content, or in some cases according to their drawings or physical features. My observations earlier on textual comparison belong within this trend, and it is, again, a sensible enough approach for philological study, as many bowls indeed do share extensive textual parallels (*e.g.* Hunter 1995: 62; Levene 2003: 24-30; Segal 2000: 29). One example is Shaked, Ford and Bhayro (2013), who organise their bowls from the Schøyen Collection according to whether they include the popular stories or tropes

surrounding rabbi Ḥanina ben Dosa or the divorce formulae connected with rabbi Joshua bar Peraḥia (see Figure 3). These are common, recurring textual features in the magic bowls, and collecting and studying their various instances is important for our knowledge of how stories and formulae were used and developed (*e.g.* Bamberger 2015; Levene and Bohak 2012; Shaked 2015). However, it also groups bowls according to the content of their text rather than their provenance or archaeological context.

Now, one can argue that since the provenance of the Schøyen bowls is unknown anyway, this has little practical consequence. Yet if I move on to for instance Christa Müller-Kessler's publication of the bowls at Jena (2005a), where she combines magic bowls with different, known provenances, the implications become a bit clearer. For here, although it is based on the Jena collection, which we know hails from Nippur, Müller-Kessler draws in textual parallels to the bowls from other collections (see Figure 4). Here, the HS inventory numbers are bowls from the Jena collection, while the other refer to other collections. Granted, the latter are indented and marked with a letter, so Müller-Kessler is both transparent and explicit about what she is doing. Yet, the organisation of the publication is still according to textual content and emphasises this.

To organise these publications according to textual features again makes sense for these publications, as their main interest is thematic or philological. Levene, for instance, notes his preface:

> *Questions as to how and why the different elements and influences found their way into the melting pot which constitutes this magical lore are complex, especially when considering that some of this material crossed the boundaries of one religious culture into another. The sections below cover the different sources that can be traced within this corpus of bowls* (2003: 10).

This structure and organisation of the publication helps facilitate precisely such tracing. Moreover, Levene continues (2003: 24), 'the existence of duplicates is of the utmost importance to the philologist for reconstructing sections of text which in some bowls have faded or disappeared altogether, and often written by untutored hands which render the script barely legible'. Again, this is a common and important part of philological work, to explore and, when possible, expand the corpus – and for this purpose it works. However, it also signals to readers and students that the bowls are not only similar but may in fact be thought of as multiple instances or manifestations of one text or spell. Indeed, scholars have already suggested, for this very reason, that the magic bowls may have been made in some form of serial production (*e.g.* Hunter 1995: 62; Montgomery 1913: 32).

Approaching the bowls thus the content of their texts becomes a form of prototype, and in turn its various material witnesses mere derivations. This tendency has been criticised also within philology over the past decades, where so-called new philology endeavours to include, consider, and explore manuscripts' material features and history to a much greater extent (*e.g.* Lied and Lundhaug 2017). So far, however, the emphasis on text in research on magic bowls continues, and this, in the vocabulary of laboratory studies, helps make the objects of study *malleable*. The magic bowls are stripped of their features as physical artefacts, their archaeological context and modern ownership history – what Knorr Cetina would call their 'natural habitat' – and are 'purified' into the traits relevant

INHALTSVERZEICHNIS

Figure 4. Facsimile of a page from the Contents list of Müller-Kessler (2005a: ix).

to the discipline: text (see Knorr Cetina 1995: 145; 1999: 36-37). The approach establishes the bowls' authenticity and relevance for philological study, but also makes it less pressing for scholars to verify the physical artefacts and their history. When there is information on provenance, either a find spot or a place of acquisition, publications mention this, but it is rarely pursued (*e.g.* Moriggi 2014; Naveh and Shaked 1985). Thus, the methods and interests of philology allow or even encourage scholars to not consider the Aramaic magic bowls as archaeological artefacts and subsequently forget their (lack of) provenance.

In conclusion: textual authenticity ignores material provenance

Examining the research conducted at the Salk Institute, Latour and Woolgar found that scientific results or facts often function as 'black boxes': simple, functional units that are products of highly complex processes (Latour 1987: 1-17), which are only opened up or inquired into when or if there is a controversy or disagreement in the field (Latour 1987: 30). This goes for concepts, rules, and paradigms, but is perhaps most evidently found when 'scientific insight has become an artifact, a machine, that now itself serves research. … Technology has become opaque, and becomes itself a precondition for further research action, now impossible or difficult to cast into doubt at all' (Lindemann 2011: 101). Most scientists, if asked, acknowledge the complexity behind each fact or black box (Latour and Woolgar 1986: 30), but they do not deal with it in their daily work (Latour and Woolgar 1986: 55). This observation, Latour stresses in a later summary (2010: 602), is not 'a debunking of science's claim to reach the natural objective world of matters of fact', but means to provide a 'description of the scientific network's ability to produce objectivity'. Indeed, he is adamant that black boxes have their use: science would not have been where it is today without black boxes facilitating the undertaking of ever more complex research and/or thought processes (Latour 1987: 81-82). Yet, they do influence how knowledge is established. Therefore, I have tried to identify some of the black boxes of philological research and examine how they, while facilitating our study and understanding of text, also may help obscure and discount a manuscript's archaeological context and ownership history. Or, equally important, the lack thereof.

Now, there are efforts within philology to pay more attention to provenance and they are gaining some momentum. The American Society of Papyrologists adopted a resolution against illegal trade in papyri in 2007 (ASP 2007), and some years ago important professional associations ASOR (2015) and SBL (2016) issued guidelines saying their venues and publications shall not publish unprovenanced material (see Gerstenblith and Kersel in this volume for further discussion of such guidelines). However, significant changes are still some way off. For the laboratory, or in this case the discipline, is conservative and tends to reproduce knowledge in line with the reigning paradigm. For one, scientific results are more convincing if they correspond to other, similar facts (Latour and Woolgar 1986: 83-84; Latour 1987: 60-61). Latour (1987: 32-34) points out how important it is in academic work to garner support from others, both in numbers and according to reputation, since research is less likely to be criticised if it confirms and supports the reigning paradigm (Latour 1987: 45-47; Latour and Woolgar 1986: 68; Knorr Cetina 1995: 153-154). Second, laboratories are built using technology, or methodology, that derives from older knowledge (Latour and Woolgar 1986: 68). We rely on the studies and tools

of our predecessors, which means that the paradigms and parameters of our respective fields can set strong precedents for what is considered interesting and relevant research (Latour 1987: 110-114). For instance, I heard many papers at the SBL Annual Meeting at San Diego in 2019 where unprovenanced bowls were discussed without mentioning their provenance – despite the ethical guidelines adopted two years earlier. In a similar vein, and in this case relying on more than anecdotal observation, Rick Bonnie *et al.* (2020) conducted a survey where they found that knowledge and concern regarding provenance among Dead Sea Scrolls scholars, another highly contested field, is piecemeal at best. Hence, there is a real need to not just discuss and highlight provenance and academic consumption of illicit antiquities, but to rethink and develop new text critical methods and practices. As, indeed, the editors of this volume are calling for, and the different contributions here point toward.

To end on a positive note, I want to consider again Segal's catalogue from the British Museum, which, for all its conventional methods and approaches, also presents a frank and thorough discussion on provenance. In a section on precisely the collection and its acquisition, written by C.B.F. Walker, it includes, first, an examination of any relevant information that can be found on the bowls' provenance in the museum archives, including an extensive disclaimer on the challenges of dealing with old and incomplete registers, and then outlines its strategies for inferring provenances based on groups and inventory numbers (Walker 2000: 35-39). For instance, the catalogue can note '[p]urchased from Col. H. Rawlinson; said to have been found "in a tomb at Babylon"' (Segal 2000: 51), or '[i]n addition a further six bowls acquired but not registered in the 19th century plainly belong to the same archive and can be confidently attributed to Kutha (Tell Ibrahim) and presumed to derive from Rassams's excavations' (Hunter 2000, 164). Thus, the catalogue, where possible, details the history of the collection, citing excavation reports, letters, inventories, or minutes from meetings of the trustees pertaining to the excavation or acquisition of magic bowls (Hunter 2000: 163-164). For all the gaps and challenges it points to, and its lack of problematising the colonial framework for these acquisitions, it remains a frank and thorough discussion of the collection's provenance and can be an example, or at least a starting point, for the field.

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Provenance and the Dead Sea Scrolls: five examples

Årstein Justnes

Abstract

The forgery of *c.* 100 so-called post-2002 Dead Sea Scrolls-like fragments and the subsequent publishing of a majority of them disclosed a crisis in the field of Dead Sea Scrolls and Qumran studies. Many of them had also been erroneously authenticated by scientific testing and expert opinion. Through publication and authentication, the fragments became part of the famous Dead Sea Scrolls dataset, even though they are undocumented, unprovenanced, and forged. The publication of these fragments reflects, I will argue, mainstream scholarly praxis well established in the official series Discoveries in the Judaean Desert. Traditionally, provenance research has been neglected in Dead Sea Scrolls research and Qumran studies. Only a small percentage of all known Dead Sea Scroll fragments were recovered from controlled excavations. Despite this, most of the fragments were published and tagged with very specific archaeological find spots. In this way, they became Dead Sea Scroll fragments from specific caves. This chapter presents and discusses five approaches to provenance in Dead Sea Scrolls research and Qumran studies. It asks the following questions: What exactly is a Dead Sea Scroll fragment in the twenty-first century? What are the scholarly and intellectual implications of the fact that most of the Dead Sea Scroll fragments are unprovenanced? Is there a way to restore the provenance of looted manuscripts and fragments? Can provenance be reconstructed *a posteriori*? Can physical testing, palaeographical analysis, textual or text-critical analysis, *etc*., alone or in combination, make unprovenanced and looted fragments 'whole' again?

Keywords: Dead Sea Scrolls, unprovenanced manuscripts and fragments, scholarly practice

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Provenance research and the Dead Sea Scrolls

> *The credibility of the field is at stake if awareness of the legal and ethical issues surrounding the study of unprovenanced Dead Sea Scrolls fragments are not adequately addressed* (Bonnie *et al*. 2020: 279).

The forgery of *c*. 100 so-called post-2002 Dead Sea Scrolls-like fragments (for an updated list, see Justnes 2022), and the subsequent publishing of a majority of them, disclosed a crisis in the field of Dead Sea Scrolls and Qumran studies, which is still ongoing. Virtually all the post-2002 fragments were promoted by leading scholars. They were published by some of the most reputable experts in the field, in leading journals or by major publishers. Many of the fragments also passed advanced physical testing and were authenticated by renowned manuscript experts. Looking back, it seems that none of the experts' tools for exposing forgeries really worked, at least not in the beginning. The fragments became – and in many ways still are – part of the famous Dead Sea Scrolls dataset, even though they are undocumented, unprovenanced, and forged.

Much has been written about the saga of the post-2002 fragments as a forgery scandal, but less about the scholarly praxis that made it possible. In this chapter I will argue that the publication of the new unprovenanced fragments reflects mainstream scholarly praxis well established in the official series Discoveries in the Judaean Desert (hereafter: DJD). Traditionally, provenance research has been neglected in Dead Sea Scrolls research and Qumran studies. Interest in and reflection on provenance have been scarce (Press in press).

In this chapter I will present and discuss five approaches to provenance in Dead Sea Scrolls research and Qumran studies. The chapter will also deal with the following questions: What exactly is a Dead Sea Scroll fragment in the twenty-first century? What are the scholarly and intellectual implications that most of the Dead Sea Scroll fragments are unprovenanced? Is there a way to restore the provenance of looted manuscripts and fragments? Can provenance be reconstructed *a posteriori*? Can physical testing, palaeographical analysis, textual or text-critical analysis, *etc*., alone or in combination, make unprovenanced and looted fragments 'whole' again?

The big picture: Dead Sea Scrolls – numbers, distribution, and backstory

They tend to be envisioned as Dead Sea *Scrolls*, *i.e.*, as large, relatively intact manuscripts. Often some of the best-preserved manuscripts (allegedly) from Qumran Cave 1 or Cave 11 are used as exemplars of what a scroll is. However, the 'Dead Sea Scrolls' are first and foremost fragments – thousands of fragments of varying size, shape and colour, written in different languages and with different alphabets, by numerous scribes, over more than 300 years (*c*. 250 BCE–*c*. 100 CE). In other words, the material is extremely rich and complex, and it thoroughly challenges both our categories and our yearning for consistency.

According to Emanuel Tov's statistical data from 2002, 931 manuscripts originate from the 11 caves at Qumran:

> *Early descriptions of the Qumran scrolls mentioned 600 manuscripts, a number that has grown in our imagination to 700, 800, 900, and now 931, according to my calculations of August 2002 based on data included in the introductory volume to the Discoveries in the Judean Desert series (vol. 39, Oxford: Clarendon Press, 2002). … Early calculations were based on mere estimates, while recent ones followed inventory lists. However, any attempt to count these manuscripts is fraught with difficulties due to fragmentary status of the corpus. As a result of these problems, the totals for the manuscripts are only approximate and the figure 931 has to be taken with a grain of salt* (Tov 2002b: ix-x).

Mladen Popović (2019: 38), in a more recent contribution, gives a less specific number than Tov: 'Around 900-1000 mss (+ 4 ostraca, 1 inscription on weight and 62 pottery inscriptions)'.[1] Popović, however, also provides detailed statistical data for the individual caves:

> *Cave 1 contained around 80 manuscripts, among which a number of largely or partially intact scrolls. In Cave 2 the remains of 33 manuscripts were found. Cave 3 contained 15 manuscripts, among them the unique Copper Scroll. Cave 4 stands out as it yielded by far the biggest number of manuscripts amounting to almost seven hundred manuscripts and perhaps even more. Cave 5 revealed 25 manuscripts, while Cave 6 surrendered 31 manuscripts, a relatively large number of which were of papyrus. Cave 7 contained the remains of 19 manuscripts, all of which of papyrus and in Greek. … Cave 8 contained the remains of only five manuscripts. Cave 9 yielded not much more than one small papyrus fragment with a few letters…, while Cave 10 contained only one pottery shard with the remains of two letters. … Finally, Cave 11 gave up 31 manuscripts, among which, like in Cave 1, there were a handful of largely intact scrolls* (Popović 2019: 39).

Although Popović's overview is handy and instructive, the material does not allow such a detailed and precise division. The exact find spot of many of the manuscripts and fragments allegedly from Qumran is highly uncertain (see Martone 2019: 103; Nongbri 2022). Only Caves 3, 5 and 7-10 – all characterized as minor caves – were found and excavated by archaeologists, while all the richest manuscript caves – Caves 1, 4 and 11 – were found by Bedouins. In DJD, comprising 40 volumes, only one volume was needed to accommodate material from the caves first discovered by archaeologists, while as many as 34 volumes have been devoted to material from the caves found by Bedouins. The Dead Sea Scrolls are, to a large extent, a Qumran Cave 4 phenomenon. Over 80 per cent of the Qumran volumes in DJD are devoted to Cave 4 material.

The implications of all this uncertainty have to a large extent been neglected by scholars. Strictly speaking, it means that there is no methodologically sound way to establish a well-defined and differentiated corpus of Qumran scrolls or to decide with certainty which caves the manuscripts and fragments came from. This point is instructively explained by Stephen A. Reed (2007: 199). Corrado Martone's (2019: 104) attempt to correct the situation or to

1 There are some major methodological difficulties tied to the mere counting of manuscripts and fragments from Qumran. The number of fragments varies considerably. According to Timothy H. Lim (2017: 33), the estimate varies from 25,000 to 80,000-100,000 fragments. In a recent book, James H. Charlesworth (2019: 276) speaks of 'over 200,000 [!] difficult-to-read fragments in unfamiliar handwritings' from Qumran.

'resolve' the problem is meritorious, but highly uncertain. There is no way to fix a looted site. Scholars are still debating and negotiating Qumran provenance, most recently in connection with the post-2002 scandal. The *construction* of the Dead Sea Scrolls corpus was not finalised in the fifties and sixties. It is still ongoing, as I will illustrate with five cases.

Case I. Jigsaw puzzle approach to provenance

> *Scholars mixed together the purchased and discovered fragments while they were studying them and it is now impossible to distinguish which fragments were discovered and which were purchased* (Reed 2007: 205).

In the introductions to five of the DJD volumes devoted to Biblical texts from Cave 4 (DJD 9; 12; 14; 15; and 16), only a short, single paragraph is devoted to 'Archaeological Provenance and Dating'. This section first appears in the introduction to DJD 9 and is repeated more or less verbatim over a nine-year period in the subsequent four volumes, with only minor additions and changes. In Table 1, I have marked all changes with underlining (text added to previous version) or strikethrough (text removed from previous version).

Eugene Ulrich provides here a 'successful' jigsaw puzzle approach to provenance, where manuscripts and fragments from the antiquities market are linked to provenanced fragments. It should, however, be noted that his primary interest is the *dating* of the manuscripts, not provenance in and of itself.[2] At base, the nonchalant cut-and-paste practice illustrated in Table 1 reflects a lack of interest in provenance.[3] It is treated as something to be checked off.

If the issue of provenance of the Cave 4 material is as simple and harmonious as reflected in Table 1, it means that there *de facto* is no practical difference between provenanced and unprovenanced Cave 4 fragments. Ulrich's central argument – 'Though most of the fragments were purchased from the Bedouin, *the manuscripts can nevertheless be definitively linked with Cave 4, because certain scrolls are constituted by fragments which derive from both sources*' (italics mine) – is based on a logical fallacy (one cannot deduce 'all' from 'certain') and severe misrepresentation of the data.[4] As cautioned by Weston W. Fields, the Cave 4 provenance is especially problematic:

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2 Cf. Brooke (2017: ix-x): '[I]t is surprising to see how often archaeologists in reporting on the caves or the site at Qumran have ignored the manuscripts as archaeological artefacts and equally interesting to see how commonly the texts are read out of context as if the date of composition of a text is somehow self-evidently more important than the social circumstances of the text's copying, use, and storage as attested by a particular manuscript.'

3 The lack of critical interest in provenance in fact characterizes the DJD series as a whole. Overall, provenance is a neglected topic.

4 According to Reed (2007: 206), only 94 of the approximately 600 fragmentary manuscripts that are assumed to come from Cave 4 can be identified among those found in the excavation of the cave. Martone (2019: 104), however, gives substantially higher number: 'About 600 manuscripts were identified as 4Q manuscripts, and about 150 of them were identified as coming from controlled excavations.' See also Atkinson (2018: 120): 'The "Scrolls Ledger" of the original publication team reveals that many fragments purchased during January-March 1953 came from "unknown caves," with a single exception. Yet, a significant proportion of these texts are identified as having originated from Cave 4. Although there is no doubt that these Dead Sea Scrolls are authentic, scholars still accept the stories regarding their purported attribution to Cave 4 as certain and then create theories to explain the deposition of these texts in this and other caves that pose implications for reconstructing the history of the Qumran community'.

Table 1. Cut-and-pasted provenances in five DJD volumes devoted to Biblical texts from Cave 4.

DJD 9 Ulrich and Sanderson 1992: 1-2	**DJD 12** Ulrich 1994b: 2	**DJD 14** Ulrich 1995: 2	**DJD 15** Ulrich 1997: 2	**DJD 16** Ulrich 2000: 2
The archaeological data concerning Cave 4 at Qumran has been presented by Roland de Vaux in *DJD* III. 3–36 and *DJD* VI. 3–29; see also his description of Cave 1 in *DJD* I. 2–40.	The archaeological data concerning Cave 4 at Qumran has been presented by Roland de Vaux in *DJD* III. 3–36 and *DJD* VI. 3–29; see also his description of Cave 1 in *DJD* I. 2–40, and see *DJD* IX. 2.	The archaeological data concerning Cave 4 at Qumran has been presented by Roland de Vaux in *DJD* III. 3–36 and *DJD* VI. 3–29; see also his description of Cave 1 in *DJD* I. 2–40, and see *DJD* IX. 2.	The archaeological data concerning Cave 4 at Qumran has been presented by Roland de Vaux in *DJD* III. 3–36 and *DJD* VI. 3–29; see also his description of Cave 1 in *DJD* I. 2–40, and see *DJD* IX. 2.	The archaeological data concerning Cave 4 at Qumran has been presented by Roland de Vaux in *DJD* III. 3–36 and *DJD* VI. 3–29; see also his description of Cave 1 in *DJD* I. 2–40, and see *DJD* IX. 2.
Though most of the fragments were purchased from the Bedouin, the manuscripts can nevertheless be definitively linked with Cave 4, because certain scrolls are constituted by fragments which derive from both sources. For example, a number of	Though most of the fragments were purchased from the Bedouin, the manuscripts can nevertheless be definitively linked with Cave 4, because certain scrolls are constituted by fragments which derive from both sources. For example, a number of	Though most of the fragments were purchased from the Bedouin, the manuscripts can nevertheless be definitively linked with Cave 4, because certain scrolls are constituted by fragments which derive from both sources. For example, a number of	Though most of the fragments were purchased from the Bedouin, the manuscripts can nevertheless be definitively linked with Cave 4, because certain scrolls are constituted by fragments which derive from both sources. For example, a number of	Though most of the fragments were purchased from the Bedouin, the manuscripts can nevertheless be definitively linked with Cave 4, because certain scrolls are constituted by fragments which derive from both sources. For example, a number of
fragments ~~of~~ 4QLXXNum were	fragments of ~~4QLXXNum~~ 4QGen-Exod[a] were	fragments of ~~4QGen Exod[a]~~ 4QDeut[c] were	fragments ~~of~~ from several scrolls, e.g. 4QGen-Exod[a], 4QDeut[c], and 4QSam[a], were	fragments from several scrolls, e.g. 4QGen-Exod[a], 4QDeut[c], and 4QSam[a], were
among those purchased from the Bedouin, while other fragments that are manifestly integral pieces of the same scroll were unearthed in the official excavation of the cave. Thus, the archaeological dating of the site establishes a *terminus ante quem* of 68 CE for all these manuscripts,	among those purchased from the Bedouin, while other fragments that are manifestly integral pieces of the same scroll were unearthed in the official excavation of the cave. Thus, the archaeological dating of the site establishes a *terminus ante quem* of 68 CE for all these manuscripts (except possibly 4QGen[b] and 4QExod[k]),	among those purchased from the Bedouin, while other fragments that are manifestly integral pieces of the same scroll were unearthed in the official excavation of the cave. Thus, the archaeological dating of the site establishes a *terminus ante quem* of 68 CE for all these manuscripts (~~except possibly 4QGen[b] and 4QExod[k]~~),	among those purchased from the Bedouin, while other fragments that are manifestly integral pieces of ~~the~~ those same scrolls were unearthed in the official excavation of the cave. Thus, the archaeological dating of the site established a *terminus ante quem* of 68 CE for all these manuscripts,	among those purchased from the Bedouin, while other fragments that are manifestly integral pieces of those same scrolls were unearthed in the official excavation of the cave. Thus, the archaeological dating of the site established a *terminus ante quem* of 68 CE for all these manuscripts,
and indicates a period from the middle of the second century BCE to that *terminus* for the manuscripts copied by the community at Qumran. No *terminus a quo* emerges for those which were copied elsewhere and brought into the community.	and indicates a period from the middle of the second century BCE to that *terminus* for the manuscripts copied by the community at Qumran. No *terminus a quo* emerges for those which were copied elsewhere and brought into the community. In 1991, the dating of the scrolls generally and of selected scrolls specifically was confirmed by radiocarbon tests.	and indicates a period from the middle of the second century BCE to that *terminus* for the manuscripts copied by the community at Qumran. No *terminus a quo* emerges for those which were copied elsewhere and brought into the community. In 1991 and again in 1995, the dating of the scrolls generally and of selected scrolls specifically was confirmed by radiocarbon tests.	and indicates a period from the middle of the second century BCE to that *terminus* for the manuscripts copied by the community at Qumran. No *terminus a quo* emerges for those which were copied elsewhere and brought into the community. In 1991 and again in 1995, the dating of the scrolls generally and of selected scrolls specifically was confirmed by radiocarbon tests.	and indicates a period from the middle of the second century BCE to that *terminus* for the manuscripts copied by the community at Qumran. No *terminus a quo* emerges for those which were copied elsewhere and brought into the community. In 1991 and again in 1995, the dating of the scrolls generally and of selected scrolls specifically was confirmed by radiocarbon tests.

[F]ew, if any, conclusions about the Cave 4 materials should be drawn on the basis of where a fragment was found, unless all or part of a particular scroll or fragment can be shown to have been unearthed there by archaeologists.

There is every reason to believe that many fragments originally identified by Kando or the Bedouin as from unknown caves … were inadvertently mixed up by the Cave 4 Team simply because they weren't even aware that there was a question as to their provenance. Conversely, it is highly probable that fragments from other caves were identified by Kando and the Bedouin as Cave 4, if only because they were paid more for these (Fields 2009: 231).[5]

The post-2002 Dead Sea Scroll scandal has illustrated once and for all how problematic a jigsaw puzzle approach to provenance is. At least 25 of the new, fake fragments were published as pieces of already existing scrolls. Today we know that *all* these identifications were wrong (with a possible exception of one, cf. no. 5 below and Case V). See Table 2.

The jigsaw puzzle approach to provenance did not work in any of these cases, even though the analyses of the new fragments were performed by leading scholars.[6]

Case II. Material and textual approach to provenance

Although there are good reasons to have doubts about the origin of fragments purchased from the Bedouin, scholars working on the Qumran materials have rarely raised questions about particular documents. The few exceptions to this arise because scholars are confronted with puzzling texts which do not fit preconceived ideas of what should and should not be found at particular sites (Reed 2007: 211).

In the quotes from the five DJD volumes reviewed in Table 1, only two manuscripts are singled out as potentially not coming from Qumran: 4QGen^{b} and 4QExod^{k} (DJD 12).[7] Why? What distinguishes these manuscripts from other Cave 4 manuscripts? 4QExod^{k} was

5 Cf. also Reed (2007: 203), '… most of the discoveries of inscriptional material were made by Bedouin who brought in inscribed materials from a number of different sites for sale. … It is often not known for certain when Bedouin made discoveries at particular sites. … Since eventually there was a standard price for each square centimeter of inscribed texts, it was not to their financial advantage to be too concerned about the origin of such fragments or to keep material from various locations separate.'

6 See for instance the critical evaluation of four identifications by Eshel and Eshel in Tigchelaar (2012: 212-213).

7 Cf. also Ulrich (2000: 2) concerning 4QPs^{q}: 'The provenance of 4QPs^{q} … is in doubt; see the edition' and Skehan *et al.* (2000: 145): 'The provenance of this manuscript is not altogether certain. It was obtained by J. Starcky from a Bedouin and is now housed in the Musée Bible et Terre Sainte, which was founded by Starcky, in Paris. It has been suggested … that the manuscript is from Naḥal Ḥever, partly because of similarities to the Naḥal Ḥever scrolls of Psalms and Numbers. … The judgement of the first editor, J. T. Milik, was that this manuscript 'provient sans doute de la Grotte 4 de Qumrân …, which was accepted by P. W. Skehan.'

No.	Text	Designation(s)	Identification	Dealer ➤ Collector(s)/ Collection(s)
1	Gen 13:1–3		Identified as 8Q1 (8QGen) frg. 1a 1–3 by Eshel & Eshel 2005 → Tov 2010: 66	William Kando ➤ Craig (& Joel) Lampe (2003–2004)
2	Words from Genesis 22	dss01 'Genesis Midrash'	Identified as 4Q226 (4QpsJub^{b}) frg. 6a 1–4 by Eshel & Eshel 2005 → Tov 2010: 37	William Kando → Lee Biondi & Bruce Ferrini † ➤ William Noah (June 2004)
3	Gen 33:19–34:2		Identified as 4Q6 (4QGen^{f}) frg. 1a 1–3 by Eshel & Eshel 2005 → Tov 2010: 22	William Kando
4	Gen 36:7–16	MS 4612/4 DSS F.101 (Gen1)	Identified as a fragment of 8Q1 (8QGen) by Eshel & Eshel (Elgvin, personal communication)	William Kando ➤ Schøyen Collection (2009)
5	Gen 37:8	MS 5439/1 DSS F.102 (RP1)	Identified as 4Q1 (4QGn-Ex^{a}) frg. 7a by Puech 2011 and as 4QRP^{b} (4Q364) frg. 8a by Elgvin 2016a	William Kando ➤ Schøyen Collection (May 2010)
6	Exod 3:13–15	MS 4612/2a DSS F.103 (Exod3)	Identified as 4Q14 (4QExod^{c}) frg. 1a 1–3 by Eshel & Eshel 2007 → Tov 2010: 22-23	William Kando ➤ Schøyen Collection (2003–2004)
7	Exod 5:9–14	MS 4612/2b DSS F.104 (Exod4)	Identified as 4Q14 (4QExod^{c}) frg. 1b 1–5 by Eshel & Eshel 2007 → Tov 2010: 22-23	William Kando ➤ Schøyen Collection (2003–2004)
8	Exod 16:10	MS 4612/2c DSS F.105 (Exod5)	Identified as 4Q14 (4QExod^{c}) in Tov 2010: 22-23	William Kando ➤ Schøyen Collection (2003–2004)
9	Lev 20:24, 18:28–30	Dearing Fragment DSS F.162 (Lev2)	Identified (and sold?) as a frg of 4QLev^{b}. Cf. Tov 2010: 109-110, 126	William Kando ➤ Southwestern Baptist Theological Seminary (Jan 2010)
10	Num 16:2–5	MS 4612/5 DSS F.107 (Num1)	Identified as 34Seiyal Numeri by Hanan Eshel (2010)	William Kando ➤ Schøyen Collection (2009)
11	Deut 6:1–2	MS 5214/1 DDS F.108 (Deut5)	Identified as 4Q38 (Deut^{k1}) frg. 1a by Eshel & Eshel → Tov 2010: 25	William Kando ➤ Schøyen Collection (2003)
12	Deut 9:25–10:1	DSS F.163 (Deut3)	Identified (and sold?) as 4Q33 (4QDeut^{f})	William Kando ➤ Southwestern Baptist Theological Seminary
13	Deut 19:13–15 (Eshel & Eshel 2007) Deut 23:3–4 (Puech?; Charlesworth?)	dss03	Identified as 4Q33 (4QDeut^{f}) frg. 12a 1–3 by Eshel & Eshel 2007 → Tov 2010: 25	William Kando → Lee Biondi & Bruce Ferrini † ➤ William Noah (June 2004)
14	2 Sam 20:22–24	MS 5233/1 DSS F.114 (Sam3)	Identified as 1Q7 (1QSam) frg. 3a by Hanan Eshel (Elgvin, personal communication) and as frg. 7a by Tov 2010: 6	William Kando ➤ Schøyen Collection (2003)
15	Ps 9:10, 12–13	MS 5233/2 DSS F.118 (Ps2)	Identified as 4Q98 (4QPs^{a}) frg. 2 in Tov 2010: 31	William Kando ➤ Schøyen Collection (2004)
16	Ps 11:1–4	motb.scr.000121 DSS F.199 (Ps3)	Identified as 11Q7 (11QPs^{c}) frg. 3a by Eshel & Eshel 2007 → Tov 2010: 69	William Kando ➤ Craig (& Joel) Lampe (2002?) ➤ Green Collection (Nov 2009) → Museum of the Bible
17	Ps 11:1–3		Identified as 11QPs^{c} (11Q7) frg. 3b by Eshel & Eshel 2007 → Tov 2010: 69	William Kando ➤ Bruce Ferrini ➤ Ashland Theological Seminary (2004)
18	Isa 24:16–17	dss04	Identified as 4Q56 (4QIsa^{b}) frg. 16a 1–2 by Eshel & Eshel 2005 → Tov 2010: 28	William Kando → Lee Biondi & Bruce Ferrini † ➤ William Noah (June 2004)
19	Isa 26:19–27:1	dss02	Identified as 4QIsa^{b} (4Q56) frg. 20a 1–5 by Eshel & Eshel 2005 → Tov 2010: 28	William Kando → Lee Biondi & Bruce Ferrini † ➤ William Noah (June 2004)
20	Jer 3:15–19	MS 4612/9 DSS F.116 (Jer1)	Identified as 4Q71 (4QJer^{b}) by Hanan Eshel	William Kando ➤ Schøyen Collection (2009)
21	Jer 24:6–7 (Eshel & Eshel 2007) Jer 48:29–31 (Puech?; Charlesworth 2010)	DSS F.156 (Jer3)	Identified as 4Q72 (4QJer^{c}) frg. 21a 1–3 by Eshel & Eshel 2007 → Tov 2010: 29	William Kando → Lee Biondi & Bruce Ferrini † ➤ William Noah (June 2004) Michael Sharpe → Foundation on Judaism and Christian Origins
22	Dan 6:22–24	DSS F.166 (Dan2)	Identified (and sold?) as 6QpapDan	William Kando ➤ Southwestern Baptist Theological Seminary (Jan 2010)
23	Tob 14:3–4	MS 5234 DSS F.123 (Tob1)	Identified as 4Q196 (4QpapTobit^{a} ar) frg. 18a by Hallermayer & Elgvin 2006 → Tov 2010: 35	William Kando ➤ Schøyen Collection (2003)
24	1 En. 7:1–5	MS 4612/8 DSS F.124 (En1)	Identified as 4Q204 (4QEnoch^{c} ar) by Esther Eshel (2009; Elgvin, personal communication). Tov (2010: 37) says it's possibly a frg. of 4Q203 (4QEnGiants^{a} ar)	William Kando ➤ Schøyen Collection (2009)
25	= 4Q418 ii 4–5	Motb.scr.000123 DSS F.202 (Instr1)	Identified as 4Q416 (4QInstruction^{b}) frg. 23 by Eshel & Eshel 2007 → Tov 2010: 50	William Kando ➤ Craig (& Joel) Lampe (2003–2004) ➤ Green Collection (November 2009) → Museum of the Bible

Table 2. Identifications of post-2002 Dead Sea Scrolls fragments.

probably singled out because of the late dating of its handwriting and the texture of the leather.[8] In the case of 4QGen^{b}, a more extended discussion is provided:

> *The possibility, pointed out by F. M. Cross, must be raised that this manuscript may not have come from Qumran. Although the scribe is very skilled, the leather is coarse and poorly prepared, which is unusual for a Qumran manuscript. In addition, the script is either late Herodian or post-Herodian, and the text – reminiscent of the biblical scrolls from Murabba'at – is virtually identical with the Massoretic Text, exhibiting not a single textual variant from M and only one orthographic divergence …. Moreover, no fragment from 4QGen^{b} has been identified among the photographs of fragments recovered in controlled excavations from Cave 4. Thus, the question must remain open that this manuscript possibly came from another cave and was inadvertently mixed with Cave 4 manuscripts by the Bedouin* (Davila 1994: 31).

According to Davila, 4QGen^{b} does not quite fit the profile of a Qumran manuscript. Some elements are compatible with a Qumran provenance (skilled scribe), but others, again according to Davila, point in another direction (coarse and poorly prepared leather; possibly post-Herodian script; similarity with the Masoretic Text; no fragment identified among the photos from controlled excavations). From a methodological point of view, attempts to deduce a provenance from a particular manuscript's textual, material or palaeographical profile is dubious,[9] especially considering that Cave 4 is a looted site. As Reed has pointed out, 'Davila's arguments presuppose that there is a well-defined corpus at Qumran, that the characteristics of this corpus are clearly known' (Reed 2007: 199, cf. also 216 and 221). That is indeed not the case.

Case III. Judaean Desert provenance by default

> *… 'unprovenanced' seemed to mean some unspecified location in the Judaean desert …* (Justnes and Rasmussen 2021: 31).

In the now retracted Museum of the Bible volume from 2016, *Dead Sea Scrolls Fragments in the Museum Collection*, editor Tov wrote the following about the provenance of the fragments:

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8 Cf. Sanderson (1994: 151): 'The manuscript is inscribed in a formal late Herodian or even post-Herodian script that appears to date from the mid-first century CE or perhaps later. It is not impossible, judging both from paleography and from the texture of the leather, that this is a stray piece from one of the caves of the Second Revolt.'

9 Furthermore, there are several examples of Qumran manuscripts with 'coarse' and/or 'poorly prepared leather': 4Q124 ('It [the leather] is moderately thick and had been poorly prepared. It is coarse on the back, while the writing surface is porous, easily flakes off, and displays the uncommon characteristic of still retaining some of the animal's hair'; Skehan, Ulrich and Sanderson 1992: 205); 4Q23 ('… moderately thick, not very well-prepared, but smooth on the back'; Ulrich 1994a: 153); 4Q416 ('The smaller frgs. 8 ff. are more coarsely prepared on both sides'; Strugnell and Harrington 1999: 73). I owe this observation and the examples to Signe M. Hægeland.

> *Some of these fragments must have come from Qumran, probably Cave 4, while the others may have derived from other sites in the Judaean Desert. Unfortunately, little is known about the provenance of these fragments because most sellers did not provide such information at the time of the sale. Those that were purchased from the antiquities dealer Kando came with the label 'Qumran Cave 4,' but scholars often do not attach much value to that claim. As a rule, no certainty can be obtained with regard to any unprovenanced fragments. Fragments found in controlled excavations can of course be linked directly to sites and caves. It is more difficult to do so for the majority of the fragments that were brought to the market by Bedouin* (Tov 2016: 5).

Today we know that phrases like 'must have come from Qumran', 'probably Cave 4', 'other sites in the Judaean Desert' were baseless, just like the first half of the title of the book: *Dead Sea Scrolls Fragments in the Museum Collection*. All the fragments were fake. They were not Dead Sea Scroll fragments. They were not from Qumran or somewhere else in the Judaean Desert. The cited passage does not reflect a critical discussion of provenance but accounts for the editor's default position. In his article 'New fragments of Amos' published in *Dead Sea Discoveries*, two years earlier, Tov is again vague about provenance:

> *Three tiny fragments containing remnants of two verses of Amos are now on display at the Lanier Theological Library in Houston. Bought by Mr. Mark Lanier from the Kando family in 2013, their provenance according to the Kando family tradition is Qumran Cave 4. They are recorded here with all due caution as possibly deriving from that cave form which most Qumran fragments originated. However, the fragment could have come from any place* (Tov 2014: 3).

Despite the caution, the five first keywords tied to the article are 'Amos—DSS F.Amos1—Qumran—Dead Sea Scrolls—new Judaean Desert fragment'.

When the provenance is unknown, Tov is careful with precise categories like 'Qumran' or other specific sites and tends to use vaguer labels like 'Judaean Desert fragment', *etc*. 'Judean Desert fragment' is a handy category that still makes an unprovenanced object compatible with other Dead Sea Scroll manuscripts and fragments.[10] The underlying

10 Also in DJD 39 (Tov 2002a) and in the *Revised Lists* (Tov 2010) 'unknown origin' seems to mean 'from somewhere in the Judaean Desert'.

premise seems to be that fragments *claimed* to be Dead Sea Scrolls *can be assumed* to come from somewhere in the Judaean Desert (see also Justnes and Rasmussen 2017: 4-6).[11]

This raises a broader question: What is a Dead Sea Scroll fragment in the twenty-first century?[12] It seems that a Dead Sea Scroll fragment at the very core is a fragment that has successfully made it into Tov's *Revised Lists of the Texts from the Judaean Desert* from 2010.[13] In other words, it is a fragment that Tov recognizes as part of the Dead Sea Scrolls corpus and approves as a Dead Sea Scroll fragment.

Case IV. Provenance through physical testing

> *Tests are under way to determine whether … two additional fragments, including one written on a man's skull, were part of the Dead Sea Scrolls found in the Qumran Caves east of Jerusalem* (Jones 2012).

In 1998-1999, two fragments were sold to Martin Schøyen as Cave 4 manuscripts but ended up being published as fragments of unknown origin in DJD 38 and DJD 28 respectively. The person who published them was the same person who facilitated the sales – Charlesworth (for a thorough analysis of these fragments dubious provenance, see Justnes and Rasmussen 2021). In the introductions to his editions he writes:

> *This manuscript of Joshua, purchased in 1998, probably derives from Qumran cave 4. However, as this cannot be proved, it is designated XJoshua. … The palaeographic dating of the manuscript was confirmed by carbon-14 analysis* (Charlesworth 2000: 231).

> *This manuscript of Judges, purchased in 1999, probably derives from Qumran cave 1 or 4. However, as this cannot be proved, it is designated XJudges. … The palaeographic dating of the manuscript was confirmed by Carbon-14 dating* (Charlesworth 2001: 231).

Why were fragments that came out of nowhere in the nineties published in the official series for Dead Sea Scrolls in the early 2000s? Probably because they allegedly had been ^{14}C-dated.

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11 In the index volume to the official Dead Sea Scrolls series, DJD 39 (Tov 2002d), editor in chief Tov summarises the 'coverage of the volumes'. His summary is helpful to unpack the term 'Judaean Desert': 'The great majority of the fragments and several artifacts found in the Judaean Desert by French and Belgian archaeologists or purchased from Bedouin between 1947 and 1962, as well as the archaeological background of the sites, have been published in the DJD series. In addition, the texts uncovered by some Israeli archaeological missions are included in DJD, as well as Kh.Q Ostraca **2–3** and a few texts of unknown provenance which surfaced in the second half of the 1990s (**XQ5a**, **5b**, **6**–7 [vol. XXXVI]; **X1** [XXXVIII]; **X2-6** [XXVIII]). The DJD volumes thus cover the great majority of the texts and artifacts found in the Judaean Desert within the boundaries of British Mandatory Palestine (the first discoveries in Cave 1 in 1947) and the Hashemite Kingdom of Jordan (subsequent Cave 1 excavations and the discovery of all other Qumran caves from 1949 to 1956) between 1947 and 1962. Also included is some material found during this period in Naḥal Ḥever, within Israel, which was taken to the Palestine Archaeological Museum in Jerusalem, Jordan and incorrectly labelled as 'Seiyal' …' (Tov 2002c: 3).

12 For other more material aspects of this question, see Reed (1994).

13 In DJD 39 Tov (2002a: 114) listed six fragments as of 'unknown provenance'. In Tov (2010), the number went up to 29 fragments. Again, most of these have later proven to be modern forgeries (see for instance Davis *et al.* 2017), but they are still an official part of the Dead Sea Scrolls.

When Charlesworth introduced yet another unprovenanced 'Dead Sea Scroll fragment' at an international conference in 2007, the ^{14}C-dating was again essential. Here is Christian Brady's brief and focused summary:

> *Today James Charlesworth presented an image of a fragment (in two parts) that he acquired on 25 October 2006. He said it had been in Zurich since the 50's* [sic] *and reportedly came from Kando. Some details (and please note, these are Charlesworth's comments and views): …*
>
> *The text:*
>
> - *Gen. 32:3–7a*
> - *…*
> - *No sign of Qumran scribal school.*
> - *JC's view of the paleography is c. 50–110 CE.*
> - *AMSC14 dates it from 95–195 CE.*
>
> *JC believes it was found in the caves of the Dead Sea region. He wants scholars to report that he has tried to prove that it is a fake and he has been unable to so he asserts that it is* ***authentic*** (Brady 2007).

In DJD, it is very uncommon that manuscripts are presented with a ^{14}C-dating. However, since the late nineties ^{14}C-dating seemingly became a way of authenticating and laundering unprovenanced Dead Sea Scrolls material.

Three years after Charlesworth introduced the Genesis fragment, it was sold by Michael Sharpe to Steve Green and ended up in the Museum of the Bible collection. Today it is known as DSS F.191 (Gen 31.23–25[?]; 32:3–6) but, first and foremost, as one of the many fakes in the Museum of the Bible collection.

Case V. From unprovenanced fragment to prestigious Cave 4 piece

> *It is useless for a fragment to be confirmed as authentic if, in the end, it is shown to be illicit – or, as in most cases, if its legal status cannot be determined due to a lack of verifiable records* (Mizzi and Magness 2019: 157).
>
> *… it is significant that to date, only one [post-2002] fragment (Schøyen's MS 5439/1) has been conclusively matched with a published Dead Sea Scroll (4Q364)* (Mizzi and Magness 2019: 152).

As we saw in the first case, many post-2002 fragments have been wrongly identified as pieces of well-known Dead Sea Scrolls manuscripts. One identification is, however, still almost universally accepted. Several leading Dead Sea Scrolls scholars believe that the Schøyen fragment MS 5439/1 or DSS F.102 (RP1) is a piece of 4Q364 (Reworked Pentateuch^{c}), more precisely frg 8a (Elgvin 2016a; 2016b: 51; Langlois 2016: 81-82; 124-125; Elgvin and Langlois 2019: 132, cf. 122; see also Tigchelaar 2017: 175-176). Despite the wide acceptance of the fragment, the fragment's provenance has not been studied critically so far. Therefore, in the following, I will briefly present what has been claimed about the fragment's recent and distant past.

In his publication of the fragment in 2011, Émile Puech gives an allusive and vague review of the fragment's provenance:

> *N'ayant sans doute pas repéré les quelques lettres difficilement lisibles, son propriétaire Alexander Shahin, alias Kando, avait négligé de montrer, dans les années 1950, aux membres de la première équipe un fragment de cuir. À l'occasion d'une de mes premières rencontres lors de mon entrée dans l'équipe d'édition en 1974, Kando me montra des petits bouts de cuir dont l'un se révéla inscrit portant quelques lettres. Nous remercions William Kando, son fils, de nours en confier la publication* (Puech 2011: 103).

Puech traces the fragment back to 1974, to one of his first meetings with Kando Sr., and identifies it with the well-known manuscript 4Q1 (Gen-Exod).

According to the Schøyen Collection's website, Schøyen bought the fragment from William Kando in May 2010, the year before Puech's publication. Unlike Puech, Schøyen gives a detailed account of the fragment's historical setting and provenance. Schøyen tracks the fragment back over 2,100 years:

> *Context*
> *The scroll predates the Qumran settlement by 2 generations and was probably written in the Temple in Jerusalem. It was made on carefully prepared vellum with wide margins, which attests to its importance. It was brought to Qumran when or after the Essenes established their community there around 100 BC. The scroll may have been treasured by the Yahad-related community at Qumran as a high quality scroll demonstrating their roots in Jerusalem.*
>
> *Provenance*
> 1. *The Temple, Jerusalem (ca. 170–100 BC);*
> 2. *Community of the Essenes, Qumran (ca. 100 BC–68 AD);*
> 3. *Qumran Cave 4 (68–1952);*
> 4. *Khalil Iskander Shahin ("Kando"), Bethlehem (1952–1965), Lebanon (1965–1969), Zürich (1969–1993);*
> 5. *The Kando Family collection, Zürich (1993–2010), acquired May 2010.*[14]

The storied origin of the 'scroll' in the temple of Jerusalem is seemingly something that Schøyen deduces from the high quality of the artifact ('carefully prepared vellum with wide margins') and an optimistic dating of its handwriting. It is an idealized, made-up provenance.[15]

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14 https://www.schoyencollection.com/dead-sea-scrolls-collection/item/771-pentateuch-dead-sea-scroll-4qrpb-see-attached-scan-ms-5439-1, accessed 16 May 2022. It should be noted that in the great scale of things, this is a fairly recent fragment. It seems to be the last Dead Sea Scrolls-like fragment that Schøyen bought.

15 Most of the post-2002 fragments were sold with fake provenances and flexible pedigrees (Justnes 2020), possibly also with a promise that they would be published in one of the major Dead Sea Scrolls series (cf. Justnes and Rasmussen 2021).

In his chapter in *Gleanings from the Caves*, Schøyen adds more details. Here the fragment is enrolled together with six other fragments acquired in 2009–2010, fragments that we today know are modern forgeries:[16]

> *The remaining fragments published in this volume came from a distinguished family collection, which was based in Lebanon c. 1965–69. It was moved to Europe in 1969 and kept in Zurich from 1993. Nearly all these fragments were purchased from the Bedouin between 1952 and 1956 and were also believed to come from Cave 4. I know the identity of the owners of this family collection, but the family asked me to be so kind as not to reveal it, which I hereby honour* (Schøyen 2016: 30).

When we read the two last quotes together (both from Schøyen), it is evident that the name of the family that Schøyen was unwilling to reveal in *Gleanings from the Caves* is the Kando family.[17]

How do Puech's and Schøyen's stories go together? Not that well. When Puech allegedly saw the fragment in 1974, it had, according to Schøyen's account, already been out of Israel for almost 10 years. There are also other problems. Puech's explanation of why Kando had not shown the fragment to the first team if scholars – he did not see that the fragment had writing on it – appears extremely unlikely. On the colour photos of the fragment taken by Bruce Zuckerman almost 60(!) years later the writing is still visible to the naked eye.[18] Furthermore, it does not make sense that Puech would have waited 37 years to publish the fragment after he first saw it. It is, however, worth noticing that Puech's snapshot from 1974 conveniently predates 1978, when the antiquities law in Israel was enacted (Mizzi and Magness 2019: 148).

There is not enough space, and really no need to discuss the fragment's authenticity at length here. But let me just give three observations – *en passant*:

1. *Writing:* It is clear from the Zuckerman color photos that the writing follows the damage pattern of the fragment (see esp. the last word). In other words, this is most likely an inscribed fragment, *i.e.* inscribed by a modern forger, and not a fragment from a scroll.
2. *Parchment:* This is *not* a fragment from 4Q364. The parchment of the Schøyen fragment is clearly different from this scroll.
3. *Provenance:* As shown above, the provenance is fabricated.

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16 The other six fragments are: DSS F.101 (Gen 36:7–16); DSS F.107 (Num 16:2–5); DSS F.109 (Deut 32:5–9); DSS F.113 (1 Sam 5:10–11); DSS F.115 (1 Kgs 16:23–26), and DSS F.116 (Jer 3:15–19). Looking back, Elgvin and Langlois (2019: 131-132), both editors of *Gleanings from the Caves,* now regard all these six fragments as modern forgeries.

17 It is already well established that the provenance information that Schøyen provides for his post-2002 Dead Sea Scrolls-like fragments cannot be trusted. See Justnes (2020) and Justnes and Rasmussen (2019).

18 Pictures of the fragment are accessible at https://digitallibrary.usc.edu/Archive/4QRB-b--4Q364--frg--8a--Gen-37-8---4Q364-2A3BF1RELVNYF?Flat=1. Even on the poor colour photograph on the Schøyen Collection's webpage, the writing is visible; https://www.schoyencollection.com/dead-sea-scrolls-collection/biblical/ms-5439-1, accessed 8 July 2021.

Like most, if not all, post-2002 fragments in the Schøyen collection, DSS F.102 is likely a fake.[19] However, the identification of the fragment with 4Q1 (Puech) or 4Q364 (consensus view) changed the status of this dubious unprovenanced object. It was labeled with a Cave 4 label and given a Cave 4 provenance – just like other Cave 4 fragments.

Conclusion

A majority of Dead Sea Scroll manuscripts and fragments are technically unprovenanced, and the field has in many ways failed to communicate this adequately. As we have seen, lack of provenance cannot easily be recovered by palaeographical analysis (Case I) or ^{14}C analysis (Case IV); it cannot be restored by material analysis or settled by textual analysis (Case II) – nor by a combination of these elements. Moreover, needless to say: it does not help to fabricate a storied past or an ideal provenance for a manuscript or a fragment (Case V) or to indicate a vague or possible provenance (Case III).

How can manuscript scholars develop a more healthy, ethical, and up-to-date scholarly practice? The first step is to facilitate more honest and transparent discussions of provenance and legal issues linked to the research material. The Dead Sea Scrolls represent a particularly difficult case; it is a very problematic dataset, not only because of the recent forgery scandal and the unprovenanced nature of most of the objects, but also because of complex legal and ethical issues tied to this material.

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19 The fragment was delivered to Schøyen with another fragment, MS 5439/2, attached to it. Again, one can see with the naked eye that these fragments do not belong together. Why were the two fragments sold and launched together? Did the dealer or whoever he worked together with sneak in MS 5439/2 in an attempt to 'authenticate' MS 5439/1?

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Performing papyrology: cartonnage, discovery and provenance

Roberta Mazza

Abstract

This chapter looks at the history of the papyrological practice of disassembling mummy and other types of cartonnage to retrieve papyrus manuscripts hidden within. Through the discussion of cases dating from the nineteenth century to the contemporary, it argues that the extraction of papyri from cartonnage has fulfilled different aims: sourcing texts dating to the Ptolemaic period, creating excitement for new discoveries and in some cases offering a convenient provenance narrative for undocumented or illegally sourced papyri. The practice remains highly problematic in various respects and more attention should be paid to the curatorial, ethical and legal issues involved.

Keywords: cartonnage, papyri, provenance, papyrology, new Sappho papyri, Artemidorus papyrus, antiquities market

In 2014, a video emerged on YouTube in which Josh McDowell, a famous U.S. evangelical Christian apologist, explained that it was possible to find early copies of the New Testament and other Biblical texts hidden within mummy masks (Mazza 2014, with a link to the video). To prove his point, McDowell showed some slides with pictures of an event in which a Ptolemaic mask was dissolved in warm water using Palmolive soap (in his own words) to retrieve texts on the papyrus fragments that had been used to make it. The video was bizarre and worrying. It left me with many open questions: Where did the performance take place? Who did it and why? Last but not least, how was it even possible that New Testament papyrus fragments could be retrieved in that way? It is well known that the use of discarded papyri to make masks and other mummy coverings ended in the early Augustan period, before Jesus was born (Frösén 2009; Obbink 2009).

We now know that the pictures shown by McDowell were taken on 16 January 2012 at Baylor University's Department of Classics. There, Scott Carroll – at the time director of the

In: Brodie, N., Kersel, M.M. and Rasmussen, J.M. (eds), *Variant Scholarship: Ancient Texts in Modern Contexts.* Leiden: Sidestone Press, 59-78.

collection of the Green family, owners of Hobby Lobby Stores, Inc. – gave a demonstration of how mummy masks could be dissolved in warm water to retrieve papyrus fragments (Mazza 2019a, especially 181-186 and 191-192; on the Green family and their collection, Moss and Baden 2017).[1] Departmental faculty and graduate students actively participated. A video of the event, retrieved later and also available on YouTube, showed that McDowell was attending the performance and taking pictures (Mazza 2015, with a link to the video). After years of polemics and fights against the methods of the Green Collection and the Museum of the Bible (MOTB), it has recently been revealed that part of the Baylor performance was staged (Sabar 2020). The mask being dissolved contained some documentary texts, but Carroll surreptitiously mixed them in with others he had brought along, including some Sappho fragments that will be discussed at length later in the chapter, and at least one papyrus stolen from the Egypt Exploration Society (EES) collection in Oxford (Nongbri 2020; Sabar 2020; the EES's papyrus was P.Oxy. inv. 29 4B.46/G(4-6)a). It should be remembered that the papyri were all dampened in water to create the illusion of their retrieval from the mask, with damage that one could imagine. Needless to say, the whole performance was highly unethical and perhaps even illegal in some respects: an Egyptian mummy mask of undocumented provenance was manipulated and dissolved in a sink full of water, papyri stolen from a collection and bought through illicit channels – as will be explained later in the chapter – were moved around and students were involved in the process. Still, this type of event has great allure in some quarters for making a spectacle out of a moment of discovery; their success among evangelical audiences convinced the Green family and their team to plan an open-view laboratory for dissolving cartonnage in the MOTB that they were intending to open in Washington D.C. In 2013, a magazine for manuscript collectors reported:

> *A laboratory display in the museum that exploits advanced technology especially excites the Greens; it is designed to show how early text fragments are recovered from mummy-cartonnage. This procedure is already in use with remarkable results by affiliates of the Green Scholars Initiative (GSI), the research arm of the Museum of the Bible* (Hindman 2013: 36).

Images of a performance in which cartonnage was disassembled at a public event organised by the Green Collection were shared via Twitter on 28 October 2013;[2] the practice was later dropped as a reaction to sustained criticism.

While the Baylor event was exceptional in most respects, Carroll and the other Green scholars had not invented anything new, but rather had applied in a devious manner methodologies that are well known among papyrologists. In this chapter, I will discuss how the practice of disassembling cartonnage was born in the nineteenth century and developed since then as a normal though increasingly problematic method for obtaining papyrus manuscripts. In view of current practices and ethics, most papyrologists would never join a performance such as the one enacted at Baylor University, but some did

1 In the literature, the Green family collection is sometimes termed the Green Collection, but at other times the Hobby Lobby Collection.

2 Images were still visible in March 2022. http://ow.ly/i/2NyGF. Accessed 31 March 2022.

and the reasons why it happened are not confined, in my opinion, to personal gain or inadequate ethical standards. As we shall see, the practice is embedded in the discipline and supported by a thought system that perceives texts as historical evidence superior to any other (Mazza 2021). The main argument of this chapter is that over the course of time, the disassembling of mummy masks and other cartonnage artefacts has become a form of 'performative papyrology', fulfilling several different aims. The first and most practical aim has been that of procuring papyri, especially ones dating to the Ptolemaic period, to feed private and institutional collections. Secondly, the practice has contributed to building and propagating the myth of the 'papyrologist-discoverer'. Thirdly, especially after the 1970s, the discovery of papyri inside cartonnage objects has become a convenient but often fabricated narrative to conceal the problematic provenances of papyrus fragments that are undocumented or illegally sourced. To support these claims, this chapter will address first the history of the practice of disassembling cartonnage and its colonial roots, and will then analyse two case studies of papyri that have recently emerged from the antiquities market and that are said to have been retrieved from cartonnage: the Artemidorus papyrus (P.Artemid., Gallazzi *et al.* 2008) and the new Sappho fragments (P.Sapph.Obbink and P.GC inv. 105, Burris *et al.* 2014; Obbink 2014b).

The practice of disassembling cartonnage

After Egypt fell under European colonial control in the nineteenth century, ancient texts written on papyrus became the target of intensive searches conducted through excavations and purchases. A host of scholars, collectors, dealers and adventurers travelling in the country realized that the dry climate and soil of Egypt had allowed for the conservation of hundreds of thousands of papyrus fragments with remains of ancient texts. Among them, known and unknown works of classical authors and early copies of Christian writings were the most sought after. The discipline of papyrology developed as a branch of classics; at its inception, it was especially concerned with Greek and Latin texts inscribed on papyri and any other moveable material, such as parchment, potsherds or wooden tablets (Keenan 2009). Papyri could and can still be found buried where the ancients left them, for instance deposited in storage facilities inside houses and other buildings. They could also be scattered around a site, due to human or other agency. Some of the most exciting finds have been made in ancient rubbish mounds, especially those of the ancient city of Oxyrhynchus (el-Bahnasa). Texts on papyrus have also been retrieved from tombs, either purposefully deposited or in less intentional contexts (Cuvigny 2009; Davoli 2015). Finally, Egyptologists and papyrologists soon realised that papyri can also be found repurposed as an element of other objects, such as mummy masks and other dead-body coverings made of cartonnage, and book covers and bindings. The term 'cartonnage' is used by papyrologists to mean a sort of *papier-mâché* obtained through the layering together of various types of materials. Cartonnage was used especially to cover the heads and other parts of mummified bodies before their deposition in sarcophagi or other contexts (Cuvigny 2009: 44-47; Frösén 2009: 87-88).

The first person to document the fact that mummy coverings could hide papyrus texts was French classicist and archaeologist Jean Antoine Letronne (1787–1848) while inspecting the collection of Giuseppe (or Joseph) Passalacqua (1797–1865), an Italian merchant who escaped to Egypt for political reasons and after failing in horse-trading

turned to antiquities (Tedesco 2017). Letronne noticed that some broken pieces of mummy cartonnage revealed papyri, demonstrating that discarded manuscripts were sometimes repurposed, a fact that had previously been unknown (Letronne 1826: 11-16; I suspect that the term cartonnage has been adopted – often in a rather loose way – from this first publication).

However, it was only after Flinders Petrie's excavations at Gurob and following archaeological missions in the Fayyum at the close of the century that extracting papyri from mummy cartonnage became a systematic way to retrieve Ptolemaic papyri. In the words of papyrologists of the time, Flinders Petrie 'reopened an avenue for obtaining Ptolemaic texts which had been forgotten since the days of Letronne' (Grenfell *et al.* 1900: 19; see also Sayce 1923: 278-279). Discoveries of Ptolemaic mummies covered by papyrus cartonnage were also made by Bernard Grenfell and Arthur Hunt at Tebtunis (Umm el-Baragat) while excavating on behalf of the University of California. At that site, they also discovered by chance, it seems, that discarded writings on papyrus had been used to wrap mummified crocodiles and sometimes to stuff their throats:

> *The tombs of the large Ptolemaic necropolis adjoining the town proved in many instances to contain only crocodiles, and on Jan. 16, 1900 – a day which was otherwise memorable for producing twenty-three early Ptolemaic mummies with papyrus cartonnage – one of our workmen, disgusted at finding a row of crocodiles where he expected sarcophagi, broke one of them in pieces and disclosed the surprising fact that the creature was wrapped in sheets of papyrus. As may be imagined, after this find we dug-out all the crocodile-tombs in the cemetery; and in the next few weeks several thousands of these animals were unearthed, of which a small proportion (about 2 per cent) contained papyri* (Grenfell *et al.* 1902: viii).

As the passage demonstrates, the first generations of papyrologists did not share our attitudes regarding artefacts from excavations. Unless they were aesthetically appealing and museum worthy, objects were easily sacrificed for the retrieval of texts; several thousand crocodile mummies were manipulated or even destroyed in order to investigate their contents, and very little if anything was recorded about their morphologies or burial contexts.

Despite the hundreds of thousands of manuscripts transferred to Western collections still awaiting full cataloguing and publishing, subsequent generations of papyrologists have maintained a lust for new discoveries very similar to that of their forebears. Mummy cartonnage continued to offer an easy, convenient and somehow spectacular source of texts, as a paper published in 1980 by Herwig Maehler, professor of papyrology at University College London, explains:

> *A century ago large finds of Greek papyri from Egypt led to the establishment of a new branch of scholarship, Papyrology, and began to alter our outlook on classical antiquity. For the following 60 years substantial finds continued to be made. Since the 1950's, however, the mounds of the ancient town sites have not yielded Greek papyri in any significant numbers, and although occasional discoveries may still be possible, it seems that this source of "new" texts may now be exhausted. As the sites in Middle Egypt and the*

> *Fayoum which supplied the bulk of the new papyrus material began to dry up, another source has become increasingly important: mummy cases of papyrus cartonnage. Many papyrus collections in Europe own cartonnage mummy cases, or cartonnage pieces, and this material is also still coming out of Egypt. From the papyrologist's point of view, its main significance is that it will supply him with new texts – provided that the gesso can be dissolved and removed, the layers of papyrus separated and the papyrus extracted without surface loss or damage* (Maehler 1980: 120).

This paragraph introduces its readers to the description of a new method for disassembling cartonnage that had been developed experimentally by Hermann Harrauer, at the time director of the papyri collection of the Austrian National Library, and Alice Stohler-Zimmermann, a restorer of wall paintings, at the end of the 1970s. Papyrologists were aware of the manipulations and damage caused to archaeological objects by disassembly, so the two experts attempted to find a methodology that could ensure both the extraction of texts and the preservation of flat or even three-dimensional cartonnage items such as head and feet coverings. Maehler's paper was based on close observation of a practical demonstration given by Stohler-Zimmermann at University College London and sponsored by the British Academy; there is no information about the source of the flat cartonnage used for the event – possibly coming from the Petrie Museum, part of the hosting university – and few black and white pictures of the performance are appended. These pictures focus upon the tools used, among which is a wooden crane appositely made to help in positioning the linen used to detach the papyrus layers from the painted surface. Maehler concluded that 'the method has made it possible to extract the papyrus layers while preserving the painted surfaces not only of flat pieces such as pectorals but also of three-dimensional pieces, provided the work is carried out by skilled and experienced restorers' (Maehler 1980: 122). The reader is left guessing how many cartonnage pieces needed to be sacrificed to become 'skilled and experienced'.

This method for obtaining papyri from cartonnage and its variants were widely employed in the 1980s and beyond. A video dated to 1987 offers a good demonstration of the disassembling of a cartonnage covering that had once protected the feet of a dead child (Frösén 1987). One sees the performer papyrologist in a space recalling the science laboratory and equipped with tools like magnifying lamps, tweezers and blotting paper. When a document is finally pieced together at the end, it is revealed to be an account of payments of beer tax, a fascinating text for historians of the ancient economy, not destined, however, to cause wild excitement in the general audience. The papyrologist tried to make the papyrus more enticing by explaining that it was dated to 8 BCE and that 'the cartonnage was made somewhat later, perhaps around the year of Christ's birth', stressing its proximity to this important religious and historical figure.

As with Grenfell and Hunt, in this case too the aim was to retrieve Ptolemaic and early Augustan texts, which are rarer than Roman because the archaeological layers in which they were deposited are beneath those of later periods and often affected by humidity. One wonders, however, if the wish to find earlier papyri has been the only reason behind all the efforts put into cartonnage disassembly. This form of performative papyrology has also been congenial to the construction of the papyrologist's public persona as a papyrologist-discoverer using scientific methodologies. Since the second half of the twentieth century,

video technologies have become increasingly accessible, multiplying the opportunities to disseminate research performances. The use of scientific methods and tools in archaeological and manuscript studies helps construct narratives of discovery that are well-suited for the new media and appealing to documentary producers, and to the public and students, too. Both the new media environment and the scientific aspects of performative papyrology have become increasingly important for research, as interdisciplinarity, the development of new technologies and outreach activities are now key elements in any funding application.

Another reason why cartonnage has continued to be relevant is foreshadowed by some statements of Maehler's paragraph quoted above (1980: 120). After lamenting the exhaustion of archaeological discoveries of papyri, the author explains that cartonnage could be a good alternative source of texts, as 'many papyrus collections in Europe own cartonnage mummy cases, or cartonnage pieces, *and this material is also still coming out of Egypt*' (my emphasis). Both statements were true; deposits of cartonnage of various shapes and sizes were – and indeed still are – common in most Egyptology museum or library collections, and probably in private collections too. Moreover, even after the 1970s Western institutions continued buying cartonnage of undocumented provenance. Cartonnage was seen as an alternative source of new texts when archaeological excavations were not producing the steady flow that they had in the past and anyway due to post-1970 legislation all archaeologically-recovered objects have needed to remain in Egypt.

Egypt has had a highly restrictive legislation on antiquities since 1835, but it was only after its 1973 acceptance of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 and the following new Egyptian law 117 of 1983 (still valid, but partially amended in 2010) that the trade and export of antiquities, including manuscripts, were fully banned. As is widely known, UNESCO conventions are agreements that nations eventually accept and then enforce through different means, including new laws (see Gerstenblith in this volume). The fact that colonial powers like the United States and Great Britain subscribed to the 1970 Convention decades after its adoption by UNESCO demonstrates the resistance it faced in some quarters (O'Keefe 2017). The idea that Egyptian antiquities, especially those dating to the period when the region was under Ptolemaic and Roman control, had been rescued by Western scholars was widespread and still persists, especially among academics (on rescue arguments used by collectors, dealers and academics to support malpractice, see Bonnie, Gerstenblith, Korsvoll and Lied in this volume). Many papyrologists continued buying papyri and cartonnage directly or through their institutions because it was considered unproblematic. For instance, in 1982 Princeton Firestone Library bought a lot of papyri said to come from mummy cartonnage from an unnamed, Vienna-based dealer and also acquired a piece of a mask and a pectoral made of papyrus cartonnage from dealers of undisclosed identity with the aim of dissolving them to retrieve papyri (Hanson 1983: 164-165). A European specialist was invited to Princeton to perform the disassembling, since while flourishing in Vienna, Cologne and London the extraction of papyri from cartonnage was at the time uncommon in the United States (Hanson 1983: 166-169).

The papyrus of Artemidorus

The papyrus of Artemidorus, the first of the two case studies I wish to discuss more closely, is an interesting papyrus roll said to have come from cartonnage that had been acquired

well after 1970. The unclear provenance of the papyrus, its purchase by an Italian bank in 2004 and the polemics surrounding its authenticity demonstrate that papyrus cartonnage or papyri said to be obtained from cartonnage can be problematic not only for the physical condition of the objects themselves, but also because they have raised several issues that affect the interpretation of the texts they carry.

The Sayyed Khashaba Pasha Collection

To fully understand the history of the Artemidorus papyrus and its transfer from Egypt to Europe, we need to consider the wider historical context in which the dealers involved in its sale operated. The Egyptian revolution of 1950–1952 and the increasingly restrictive legislations concerning antiquities pushed some Egyptian dealers to move their business abroad. Among those who relocated there was an Egyptian family of Armenian origins, the Simonian family (Hagen and Ryholt 2016: 263). Hagop Ohan Simonian and Serop Ohan Simonian, two brothers belonging to this family, were involved with the export and sale of the Artemidorus papyrus.

While still in Egypt, Hagop Ohan Simonian seems to have played a key-role in the liquidation of the collection of Sayyed Khashaba Pasha, a wealthy merchant from Asyut and famous antiquities collector and dealer. Between 1910 and 1914, Sayyed Khashaba Pasha obtained from the Antiquities Service concessions to excavate at Asyut, Meir, Deir el-Gabrawi, Tihna and at Soknopaiou Nesos (Dimeh es-Seba) in the Fayyum. It must be borne in mind that following the decree of 17 November 1891 on excavations and partage, those who obtained excavation concessions were obliged to divide any found artefacts equally by value with the Cairo Museum. A curator of the Cairo Museum, Ahemed Bey Kamal, was contracted to excavate for Sayyed Khashaba, perhaps for their mutual convenience as the Antiquities Service endeavoured to find money to support research and conservation by exploiting the high foreign demand for objects and their trade (on the 1891 decree see Khater 1960: 73-74 and 168-171, text in French translation 282-283; on Sayyed Khabasha see Hagen and Ryholt 2016: 260-261, with further bibliography). The Egyptian government had expected that Sayyed Khashaba Pasha would build a museum in Asyut to keep and exhibit his growing collection in a sort of semi-public context. However, this did not happen, and after 1914 the Antiquities Service stopped granting him concessions. His collection was later dispersed through different sales, roughly between the 1950s and the 1970s (Hagen and Ryholt 2016: 261). The original contents of the Sayyed Khashaba Pasha collection are largely undocumented. A slim typewritten catalogue of 1931 includes some Ptolemaic cartonnage mummy coverings of high quality. One could argue that there could have been other cartonnage of worse quality or even in pieces not registered in the catalogue, but this remains speculation – the catalogue makes no mention of papyri (Hayes 1931).[3]

The role of Hagop Ohan Simonian in the dispersal of the Sayyed Khashaba Pasha collection is not fully clear but objects said to have come from that source have been at

3 I am aware that new information on the history and contents of the Sayyed Khashaba museum will be provided in an article by Professor Hend Mohamed, which is still in preparation and will appear in a forthcoming issue of the academic journal *EDAL: Egyptian & Egyptological Documents, Archives, Libraries*. The author has confirmed to me via email that there were no papyri present in the collection.

the centre of at least one court case. In 2005–2006, the Egyptian government filed a case in Germany to stop the sale of a Late Period burial assemblage, the sarcophagus of Meret-it-es and its contents, said to come from the Sayyed Khashaba Pasha collection and handled by Hagop Ohan Simonian (Wantuch-Thole 2015: 339-340). According to documents produced by the vendor, Millennium Art Holdings, the assemblage originated with Sayyed Khashaba's collection and was purchased and imported to Europe in 1972 by Münzen und Medaillen A.G. (in Basel at that time, since 1997 the business has been split between Germany and the United States). According to the Nelson-Atkins Museum of Art of Kansas City (which at the end of the court case was allowed to acquire and transfer the objects to the United States), the assemblage passed by descent through the Sayyed Khashaba family into the ownership of Oman Sayyed Khashaba who 'gave Ahmad Fahmi Ali Fahmi power of attorney to sell the assemblage on his behalf on November 13, 1969. Ali Fahmi in turn granted a delegated power of attorney to Hagop Ohan Simonian on November 15, 1969 and contracted him to sell the objects' (note 3 on the Nelson-Atkins provenance entry of the Meret-it-es apron; Nelson-Atkins n.d.). It must be noted that according to specialists and acknowledged in the Nelson-Atkins Museum website entry, the Meret-it-es ensemble comes from Herakleopolis (Ihnasya el-Medina), which is not among the sites that Sayyed Khashaba Pasha excavated with an official permission.

The Artemidorus conglomerate

Serop Ohan Simonian currently runs Dionysos Coins and Antiquities in Hamburg together with Robert Dib, who has recently been arrested in France under the suspicion of being part of a network of dealers that sold looted antiquities from Egypt to the Metropolitan Museum of Art in New York and the Louvre in Abu Dhabi (Noce 2022). During his long career, Serop Ohan Simonian has sold a large quantity of Egyptian antiquities, including papyri said to come from mummy and other cartonnage. At least three of the most remarkable classical papyri to have recently emerged from the market are from this dealer: the Posidippus papyrus purchased in 1991 by the Italian bank Cariplo for the collection of the University of Milan (Bastianini *et al.* 2001); a still unpublished roll with a previously unknown historical book of the Ptolemaic period also deposited at the University of Milan (Austin 2005: 68); and the Artemidorus papyrus acquired by another Italian bank in 2004 (Gallazzi *et al.* 2008). The Posidippus and Artemidorus papyri, which have been published, are said to come from cartonnage but the process through which the papyrus fragments were extracted and then recomposed remains largely undocumented. Between 2001 and 2006 Serop Ohan Simonian also sold 57 papyri – mainly dated to the Ptolemaic period and some certainly from cartonnage – to the University of Salento (Pellé 2014; see also the website of the university museum collection: Centro di Studi Papirologici n.d.).

In its present form, the Artemidorus papyrus is a roll reconstructed from *c.* 50 fragments. There are different views on the placement of the fragments and above all on their authenticity (the bibliography is immense, for a brief and balanced discussion in English see Rathbone 2012). Although in the context of this discussion we do not need to consider them in any depth, it must be stressed that the problems related to the authenticity and interpretation of the papyrus are a direct consequence of its muddled provenance and the striking lack of due diligence on the part of the buyers at the time of its purchase

in 2004. The story of the surfacing of the Artemidorus papyrus starts in the 1990s, when information on the existence of a spectacular papyrus roll of the late Ptolemaic or early Roman period with columns of writing, a map and remarkable drawings of human body parts and real and fantastic animals started circulating among specialists. As it was later reported, rumours reached various people and institutions, but it was only at the end of the decade that two professors of papyrology, Bärbel Kramer (University of Trier) and Claudio Gallazzi (University of Milan), lifted the veil of secrecy surrounding the mysterious papyrus by publishing a paper in the academic journal *Archiv* für *Papyrusforschung* (Gallazzi and Kramer 1998 [year of the journal issue, but printed in 1999]; for rumours, *e.g.* Van Minnen 2009: 165).

The two authors described the Artemidorus roll as coming from a conglomerate or bundle (the two German terms *Konglomerat* and *Konvolut* are used in this and following publications) of papyrus fragments glued together and including also documentary papyri dating from the reigns of Nero through to that of Domitian (54–96 CE). Some of these documents mentioned the city of Antaioupolis (Qaw el-Kebir), the capital of a district located in the Thebaid (Southern Egypt). The date of the latest documents said to come from the conglomerate or bundle (i.e., the reign of Domitian 81–96 CE) was considered the *terminus ante quem* for the conglomerate's manufacture and discard. On the basis of the palaeography and the overall structure of the Artemidorus roll, the two papyrologists argued that it had a complex life spanning the first century BCE and the first century CE. In their opinion, it brought to light a section of a very famous and up to that moment lost ancient work in Greek, *The Geography* of Artemidorus of Ephesus, a map of Spain connected with this text, and exercises and models for artistic drawings. The way to a full edition was still long and difficult – the papyrologists explained in the article – as the papyrus roll had been recovered in many fragments and the restoration and study of the manuscript was complex. But two important elements of the story were missing from that first paper: the identity of the owner, who wished to remain anonymous, and the nature and circumstances of the disassembling of the mysterious conglomerate. No picture of the conglomerate or of the manipulations and restorations it had undergone were appended to the paper.

Questions of authenticity

In 2004, the Artemidorus papyrus was acquired by the Italian bank Banco di San Paolo through their Fondazione per l'Arte (Art Foundation), with a view to placing it on permanent display in the Egyptian Museum of Turin. After the purchase, the Art Foundation entrusted Gallazzi, Kramer and the classicist and art historian Salvatore Settis with the restoration, study and critical edition of the papyrus. The new owners and their academic team promoted public initiatives to attract and maintain national and international media attention in the truly extraordinary object. In 2006, Turin hosted the Winter Olympics and an exhibition called The Three Lives of the Artemidorus Papyrus was organized as part of the celebrations. A lavish catalogue accompanied the exhibition, which gave some more details about the papyrus' provenance that are worth summarizing (Gallazzi 2006). As I have already mentioned, at the end of the 1990s the anonymous previous owner of the papyrus – always identified as *collezionista* ('collector') or *intenditore* ('connoisseur') – asked Gallazzi and Kramer to examine the artefact and write an academic paper about it.

The Artemidorus fragments – it was explained – were originally part of a conglomerate or bundle (*ammasso*, in Italian) of papyrus cartonnage found by local diggers and sold to an unnamed private Egyptian collection in the first half of the twentieth century; as it was often the case with local diggers, the find spot remained unknown. After the Second World War, the conglomerate was sold to an unnamed European collector and left Egypt with a regular export license. Once in Europe, it passed through different hands and finally ended up with the anonymous collector-connoisseur. Having kept the conglomerate for some time, he finally decided to proceed with its disassembling in order to retrieve the papyri it contained; about two hundred fragments were recovered and laid down in the form of a chaotic jigsaw for over a decade (Gallazzi 2006: 16). Besides the Artemidorus, the Milan-based team was able to identify 25 documents of different size and typology, as already described: administrative letters, documents concerning the gymnasium, court proceedings, contracts of different types, accounts and receipts, dating, as already announced in the first German paper, to the second half of the first century CE and mentioning the city of Antaioupoulis. In the catalogue, Gallazzi added that some citizens of Alexandria were also cited; this, together with the luxurious character of the Artemidorus roll, seemed to indicate an origin from or link with Alexandria and a later deposition elsewhere.

Until the opening of The Three Lives of the Artemidorus Papyrus exhibition, everything seemed to be going smoothly: a flurry of publications and media reports made the papyrus a celebrity not only among specialists but also the general public; the more substantial *editio princeps* was expected for the end of that year. However, something unexpected happened. After visiting the exhibition, Luciano Canfora, a classicist and professor at the University of Bari, publicly questioned the authenticity of the papyrus in an article published by the *Corriere della Sera*, a major Italian newspaper (Canfora 2006). After that first attack, Canfora started studying the papyrus with the help of a team of researchers hoping to prove the hypothesis of a modern forgery. Canfora and his group produced innumerable books and papers that posed important questions about the artefact as reconstructed by the editors. They rightly disputed some of the interpretations put forward, for instance the idea that the roll was a failed luxury book. Very important too was their criticism that the documentary papyri fragments retrieved from the conglomerate, which indeed were the only archaeological context available for the Artemidorus, were not included in the exhibition (Otranto 2005: 164-165). Canfora's main argument evolved later into a far less convincing hypothesis, that the roll was the product of Constantinos Simonides, famous dealer and forger active in the first half of the nineteenth century (Choat and Wassermann 2020; see also Yuen-Collingridge in this volume). The heated debate delayed the appearance of the *editio princeps* but had the positive effect that more details about the provenance of the conglomerate and its mysterious previous owner were released. It was finally revealed that the roll had been purchased for the stellar sum of €2,750,000 and the seller was not a collector and connoisseur but rather a renowned antiquities dealer, our Serop Ohan Simonian (Gallazzi *et al.* 2008: 53-54). In the meantime, Eleni Vassilika, the then director of the Egyptian Museum of Turin, opposed the accession of the papyrus by the museum for reasons of questionable authenticity, the unclear circumstances of the transfer of the conglomerate from Egypt to Europe, and because of some negative experiences with objects sold by Simonian she had suffered in the past while working for a German museum. In fact, the papyrus will never enter the Egyptian Museum, it was deposited instead in the national antiquities collection of the Turin Palazzo Reale (Somers Cocks 2019).

The 2018 court case

The Artemidorus story had an unexpected twist in 2018. It came to light that back in 2013 Canfora had filed a legal complaint to the Procura della Repubblica of Turin asking to open a formal investigation into the sale of the Artemidorus roll because in his opinion Simonian had sold a forgery and cheated the buyer. In December 2018, the law court of Turin closed the case and a redacted copy of the public prosecutor's conclusions followed by the court's sentence was circulated online by the Italian newspaper *Il Foglio Quotidiano* (Tribunale di Torino 2018; Settis 2018). This document sheds light on many aspects of the story; but due to the focus and length constraints of this chapter, I shall limit the discussion to the mysterious conglomerate and its disassembling.

Italian law requires that when a bank foundation decides to buy assets of public cultural relevance, destined to be on permanent display in museums or other institutions, experts of the regional branches of the Ministry of Culture (i.e. the Sovrintendenza Regionale) need to certify the state and value of the object to be acquired. This document is necessary not only to allow the purchase but also for the foundation to file for tax deductions later. The public prosecutor in charge of the case decided to question the officer who wrote this document, Filippo Gambari. According to Gambari, the experts of the Ministry had expressed doubts about the origin of the papyrus from cartonnage, since the fragments did not present any features typical of those obtained in such a way, such as translucent patinas or gesso stains. Nevertheless, the Ministry released the document and the acquisition went ahead. Even more interesting is the information the proceedings provide on the largely undocumented collection history of the conglomerate. According to the purchase agreement and documents appended to it – the contents of which are summarized at pages 7-8 of the prosecutor's conclusion (Tribunale di Torino 2018: 7-8) – Serop Ohan Simonian had acquired the conglomerate in April 1971 from his brother, Hagop, who sent it from Egypt to a Dr Georges Stephan in Germany with a regular export license. (This information seems to be at odds with the passage through different European hands mentioned in the 2006 catalogue that has been summarized above). In his statement, Professor Gallazzi explains that he first saw pictures of fragments of the Artemidorus in 1991 in Basel, while he was discussing the purchase of the already mentioned Posidippus roll on behalf of his university. The following year, Gallazzi and his colleague Guido Bastianini were shown some of the Artemidorus roll fragments again in Basel. After the acquisition of the Posidippus, however, the two papyrologists realized that a second similar operation in Milan would have been impossible for the sums involved. Then Gallazzi reports that some time later he met Guglielmo Cavallo, eminent palaeographer and professor at the University of Cassino, to whom he reported the existence and contents of the papyrus. Cavallo understood the importance of the drawings for the history of ancient art and put Gallazzi in touch with Settis, at that time director of the Getty Research Institute of Los Angeles. In 1996, Settis and Gallazzi went together to inspect the papyrus in Basel. In November 1997 there was another meeting among Settis, Gallazzi, Kramer – who joined the group at that point – and Serop Ohan Simonian; the dealer offered the papyrus to the Getty for the sum of three million dollars, but the negotiation fell off and did not seem to move in any direction. At that point, Simonian proposed that Gallazzi and Kramer should write a paper on the manuscript, which they did and published in 1999 as already described. Gallazzi also presented on the artefact

and his preliminary interpretations at two conferences in Paris and Bruxelles. 'At the end of 1999', he adds in his statement to the prosecutor 'the international press started being interested in the papyrus too' (Tribunale di Torino 2018: 14, my translation from Italian).

Gallazzi's statement provides some insights into the close relationship between dealers and academics (Brodie 2011). Commenting on the fact that Simonian left the 25 documents extracted from the same conglomerate at the University of Milan for study, he explained to the prosecutor: 'I have known Simonian since 1984 and he demonstrated on that occasion to be so gracious as to let objects from his collection be accessed by those with whom he has a trustful relationship' (Tribunale di Torino 2018: 16, my translation from Italian; the ownership of the 25 documents is indeed contested). In a similar way to the consistent use of the terms collector and connoisseur rather than dealer in the 2006 catalogue, the vocabulary used in Gallazzi's statement is sanitized as it tries to conceal that Serop Ohan Simonian is not a disinterested lover of manuscripts, but is in fact a dealer. He is indeed a clever dealer, as he understood that the academics he was negotiating with were very interested in publishing the roll, and that their papers and conference presentations and consequent involvement of the media were essential for him to justify or even raise the asking price. Academic publications would have also smoothed the many problems of the Artemidorus provenance: the absence of pictures and other solid documents attesting the collecting chain, the lack of documents and reliable images of the conglomerate before and during disassembling, and the names of the conservators apparently in Stuttgart who extracted the papyri from the conglomerate (Tribunale di Torino 2018: 16; Gallazzi *et al.* 2008: 54, where it is said that after disassembly the fragments were moved to the University of Trier and inspected by two professors, Günther Grimm and John Shelton).

The question of pictures attesting the morphology of the conglomerate or bundle before it was disassembled is also complicated. According to Settis, Simonian provided only three images related to the dissolving of the bundle: one of the object during the first phase of disassembling, and two of some fragments with a male profile portrait and a column of writing during the phases of disassembling and recomposition, to use Settis' words (Settis 2008: 7-10 respectively image 1, and image 4 (a) and (b) appended there; on image 1 see Morello 2009). A recent volume publishing the main finds of the study, analysis and restoration performed on the Artemidorus by the national Istituto Centrale per la Patologia degli Archivi e del Libro does not contribute to a solution regarding the conglomerate, apart from documenting traces of sulphates on the papyrus surface that can derive from gypsum of mummy cartonnage but can also be explained in other ways (Bicchieri *et al.* 2020: 104). To conclude, it is clear that when papyri are said to come from cartonnage but there is no solid proof, like pictures and documents, that this is the case, we are left guessing. It might indeed be the case that the extraction of the Artemidorus and other fragments was the work of careless conservators of some sort, especially in the 1980s and by a dealer with a profile like that of Simonian. However, one can also speculate that a dealer can easily and conveniently pretend to have extracted papyri of problematic origin from generic cartonnage obtained through legal or semi-legal channels: it will be hard to prove otherwise if no trace of the cartonnage remains. Furthermore, the situation regarding both the provenance and extraction of the Artemidorus papyrus is so compromised that it complicates the issue of authenticity still further. Ultimately, it makes it impossible to settle the question, with a consequent negative impact on scholarship. It

must also be flagged that after the polemics of 2018, the Italian bank that owns the papyrus decided to store it in its vault, away from public and scholarly inspection. I was recently denied access to it.

The new Sappho papyrus fragments

I wish now to discuss the second case study, that of the new Sappho papyrus fragments that allegedly emerged from the disassembling of cartonnage acquisitions by the Green Collection and the MOTB. The story of the new Sappho fragments raises many of the issues already brought to light by the Artemidorus case study and provides a fully documented case of a forged cartonnage provenance, which confirms that cartonnage disassembly narratives can be conveniently used to hide a problematic source. As is now known, among the fragments Carroll mixed in with those extracted during the famous January 2012 performance at Baylor University described at the beginning of this chapter, there were pieces of new Sappho papyri (Hyland 2021; Sabar 2020; Sampson 2020). The highly controversial new Sappho papyri comprise a series of fragments coming from a roll palaeographically dated to the second or early third century CE, which originally contained an edition of Sapphic poems. When their discovery was first announced by University of Oxford academic Dirk Obbink in February 2014, the papyri were said to come from mummy cartonnage (Obbink 2014a). This cartonnage had been disassembled and the recovered fragments had ended up in two private collections: an anonymous London collector was in possession of a larger piece (P.Sapph.Obbink, probably two or more joining fragments), while the Green family owned a series of *c.* 25 or 26 smaller fragments (P.GC. inv. 105). A few years later, a fragment belonging to the Greens was found to join with the anonymous London owner's fragment, proving without any possible doubt that they all belonged together (Burris 2017). An origin from mummy cartonnage, however, was highly questionable because of the late date and also the absence of any details about its provenance and disassembling. In April 2014, the Green and the London fragments were published in two separate articles in the academic journal *Zeitschrift* für *Papyrologie und Epigraphik* (Burris *et al.* 2014; Obbink 2014b). The two publications did not provide any information about the date of export of the cartonnage from Egypt, its chain of ownership or its disassembling; any questions on the matter addressed to the Green Collection and the papyrologists who published the papyri were consistently ignored. The acceptance and publication of the papyri edition in *Zeitschrift für Papyrologie und Epigraphik*, one of the most prestigious papyrology journals, has had an immense impact on the developments that followed, as the owners and the editors of the fragments felt entitled to move on, avoiding answering the multiple questions that were being asked. Classicists' publications and studies of the new Sappho fragments multiplied and have not stopped since then.

A year after the announcement and first publication of the fragments, Obbink outlined and stabilized an official version of their provenance and discovery in a conference paper and two following articles based on it, though on different occasions giving inconsistent accounts (for inconsistencies see *e.g.* Nongbri 2019; the conference paper Obbink 2015a is now flagged as problematic on the website of the *Society of Classical Studies*, which organized the conference; Obbink 2016, published in a volume by Brill, was officially retracted in March 2021, Brill 2021; at the time of writing, Obbink 2015b, published in *Zeitschrift für Papyrologie und Epigraphik*, is still available in its original form). In brief,

according to the official account of provenance, the new Sappho papyri did not come from mummy cartonnage but from domestic or industrial cartonnage, sold as part of the Robinson papyri included in lot 1 of London Christie's auction of fine printed books and manuscripts of 28 November 2011 (Christie's 2011: 2). Domestic or industrial cartonnage is a very vague label, which might indicate a conglomerate of papyrus and other material used to make book bindings and coverings or other objects. After purchase, the cartonnage containing the new Sappho fragments was allegedly dissolved in warm water by the anonymous London collector, who not realizing that they all belonged together kept the largest fragment but resold the other pieces, which ended up with Hobby Lobby. Obbink offered a chain of ownership for the cartonnage going back to the Cairo Art Gallery of Maguid Sameda, which he claimed had sold the piece and other items to a former professor at the University of Mississippi David M. Robinson (who was by then conveniently dead). Robinson certainly had acquired papyri from the Egyptian gallery in question in the 1950s (Nongbri 2017; Willis 1961), but no documented trace of the dispersal of any of his purchases or later donations through the antiquities market has emerged so far. In fact, the provenance of lot 1 as given in the Christie's catalogue has multiple problems in itself. The Robinson papyri and their connections with papyri in various collections and associated provenance issues are currently at the center of research being coordinated by the Manuscript Migration Lab of Duke University. As will be shown, however, the 2011 Christie's sale is certainly not the source of the new Sappho fragments but has been used as a purported provenance; this obviously opens questions about the role that the buyer of Christie's lot 1 and Christie's London eventually have in the new Sappho trade.

The whole narrative of discovery and provenance as built by Obbink and others collapsed under the pressure of law enforcement investigations into the acquisition methods of Hobby Lobby and the MOTB and the related thefts of papyri from the EES collection in Oxford (Higgins 2020; Mazza 2019b; Sabar 2020; Sampson and Uhlig 2019; and see also the introductory chapter to this volume). In January 2020, Michael Holmes, Senior Advisor of the Scholars Initiative at the MOTB, issued an official statement declaring that Hobby Lobby had acquired their new Sappho fragments in the shape of cartonnage chunks from Mr Yakup Ekşioğlu on 7 January 2012 (Holmes 2020). Ekşioğlu is an Istanbul based dealer with an apartment in central London and multiple e-Bay accounts (MixAntik and e-buyerrrrr are the main ones), who has sold unprovenanced Egyptian papyri, mummy masks and other antiquities, and forgeries too, to various collectors since at least 2008 (Mazza 2018; 2019b: 187-190; see also Bonnie in this volume).

It is worth noting that there are similarities between the new Sappho and the Artemidorus cases: both provenance narratives were unstable and formal and informal investigations forced clarifications. These are indications of problematic acquisition chains. Differently from the Artemidorus case, however, there are reliable images of the artificially assembled papyrus chunks containing the Green Sappho fragments and the one fragment that merges with the large London Sappho fragment, which perhaps is also there, but hidden on the back or beneath various layers of the same chunk (Hyland 2021: 7-8). The image of the papyrus chunks was appended to the invoice for the sale of multiple objects, including papyri, mummy masks and cartonnage, sent by Ekşioğlu to Hobby Lobby in January 2012 (Holmes 2020; Hyland 2021). As a curator of the MOTB has confirmed to me in a recent conversation, among

the items sold over the course of the years by Ekşioğlu there were other chunks and pastiches of smallish fragments, besides those with the Sappho fragments. Artificially combining papyri fragments into larger chunks or pastiches is a well-known practice through which dealers try to make small broken pieces of papyri more saleable (Choat 2019: 562; Lougovaya 2015 with discussion of an example from the Columbia University collection). In his conversations with journalist Ariel Sabar, Ekşioğlu stated that the provenance deriving the new Sappho fragments from the 2011 Christie's auction lot 1 was fake and that he was behind the sale of both the Green and the London anonymous owner fragments, which he claimed had belonged 'to his "family collection" for at least a century'. When the journalist asked about the shaping of the fragments to resemble cartonnage, Ekşioğlu answered: 'This is a very simple method, you can do it by wetting' (Sabar 2020). In conclusion, a dealer possibly helped by one or more papyrologists who knew that the pieces belonged together transformed the Sappho fragments into a modern assemblage recalling 'cartonnage'.

Astonishing as it might seem, in the new Sappho papyri's story there are further cartonnage deceptions. In November 2019, a pdf file of a Christie's brochure advertising the private sale of the London, larger Sappho papyrus fragment was leaked to papyrologist Mike Sampson, who later published an extensive analysis of its contents and the metadata of its various components (Sampson 2020; Christie's 2015, a copy of the brochure was widely shared). The brochure contains forged provenance information and images – purporting to document the extraction of the London Sappho papyrus – that turned out to have been staged. Metadata analysis indicates that Christie's curators prepared the brochure between mid-January and the end of February 2015, so right after Obbink's January 2015 conference paper with the official provenance narrative was delivered and while his first paper including details of the official provenance, duly cited, was in draft (Obbink 2015b). The brochure repeats the story summarized above, but also offers four pictures of the purported extraction never before released to the public (Christie's 2015: 13; Sampson 2020: figures 1, 2 and 3). Sampson demonstrated that the digital images were taken in sequence on 14 February 2012. This date does not fit with the fact that the new Green Sappho fragments were among the papyri that Carroll brought along and mixed with those extracted from the mummy dissolved at Baylor University on 16 January 2012; two weeks later, the same papyri appeared in a glass frame exhibited by Carroll at a public event of the Green Collection at Atlanta (Hyland 2021; Sampson 2020). How could the extraction have taken place on 14 February 2012 if the Sappho papyri, which Obbink explained were retrieved through the same process, were already circulating one month before? In conclusion, the new Sappho did not come from any cartonnage purportedly belonging to the Robinson collection and staged in the photos of the Christie's brochure, but rather from papyrus chunks fabricated by Eksioglu and his partners as disclosed by Michael Holmes in 2020 and analysed in a following article by Brian Hyland, curator at the MOTB (Holmes 2020; Hyland 2021). It must be stressed that I started asking for provenance documents in February 2014 but it took Hobby Lobby six years to bring the digital images and invoice to light. The original source of the fragments remains a mystery. Also a mystery is the current location of the largest fragment, P.Sapph.Obbink, because its owner (or owners) and Christie's remain silent. The Green Sappho fragments were part of the *c.* 5,000 Egyptian antiquities (including forgeries, I suspect) that Hobby Lobby and the MOTB repatriated to Egypt in 2021 (Egypt Independent 2021).

Conclusion

To sum up, the cases discussed in this chapter demonstrate that papyrus discoveries in cartonnage have been helpful to scholars, collections and dealers in multiple ways. Real disassembling performances have been sources for new papyrus texts, replacing to some extent the archaeological excavations of the glorious old days. They have also fed the myth of the papyrologist-discoverer utilising and benefiting from science and technology, which appealed to the new research and media environments of the twentieth century and beyond. Because of their nature, cartonnage objects have also been used for fabricating the provenances of objects obtained through illegal channels or other problematic and undocumented ways.

The malpractices surrounding cartonnage and its disassembling considered in this chapter call for action to be undertaken by different actors. Papyrologists and other specialists need to study in more depth the different artefacts that have been loosely labelled as cartonnage; more precise descriptions in collection catalogues are needed, together with multidisciplinary research projects aimed at better understanding the ancient and modern making of such objects. Finally, the legislation regulating the selling and purchase of antiquities, especially that concerning auction houses, is inadequate and will not prevent other Artemidorus or new Sappho episodes happening in the future.

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The Ilves Collection: a Finnish manuscript collector and the academic facilitators

Rick Bonnie

Abstract

Since the 2010s, several Finland-based scholars have been introduced to and ultimately have worked with a collection of ancient manuscript fragments of considerable size currently housed in Helsinki. The so-called 'Ilves Collection', in the possession of an anonymous collector, has received some scholarly attention in recent years – not only for its objects but primarily because of the suspicious nature by which the collection was obtained. In this chapter, I address whether the Ilves Collection is a largely eBay-obtained manuscript collection, as well as discuss the fact that it demonstrates links to high-profile international cases that have received intensive scrutiny recently. Furthermore, I reflect on the stated motivations of the scholars who worked on this problematic collection, placing it within a broader framework of the issue of academic facilitation – that is, the act of study, authentication, valuation, and publication – of the antiquities market.

Keywords: lves Collection, Finland, Coptic manuscripts, eBay trade, academic facilitators

Introduction

During the last few decades, scholars of history and philology have had increasing hands-on opportunities to touch, study, and publish text-bearing cultural objects (*e.g.* cuneiform tablets, papyri) closely associated with Mesopotamian, Biblical, and early Christian history. Often the material was obtained by wealthy individuals for their private collections, occasionally to establish a museum. In most cases documentation on how the material was obtained remains extremely poor.

In recent years, research has shown that many of the recently surfaced artefacts contained in such collections, notably the Schøyen and Green Collections, have questionable histories involving illicit activities, whether looting, smuggling or forgery (Justnes and Rasmussen 2017; 2021; Mazza 2018; 2019; Moss and Baden 2017; Prescott and

In: Brodie, N., Kersel, M.M. and Rasmussen, J.M. (eds), *Variant Scholarship: Ancient Texts in Modern Contexts.* Leiden: Sidestone Press, 79-94.

Rasmussen 2020). As a result, a number of scholars as well as professional organisations have increased their efforts in advocating against using such questionable materials in research and have devised policies to stop the study and publication of such material (Brill 2020; SBL 2016; see also Gerstenblith and Kersel in this volume).

The Finland-based 'Ilves Collection' should be understood within the context of these broader developments in the field, notably within Biblical studies (on specifics of the collection's name, see below). In 2016, scholars at the University of Helsinki successfully received national funding to study and publish the Coptic manuscripts from the collection.[1] The collection contains more than 200 larger Coptic manuscript fragments, mainly on papyri and parchment, as well as hundreds of Greek and Arabic manuscript fragments. It has been estimated that in terms of its size, the Ilves Collection contains over a 1,000 manuscript fragments.

What has remained unspecified in research on this collection thus far is how exactly it was compiled. How did the private collector behind the Ilves Collection obtain the fragments? As I will detail below, while the collector has provided anecdotal narratives that the collection dates back to the 1940s, documented evidence traces much, if not all, of the Ilves Collection to no earlier than the 2000s. What is more, the documentation places the collector within an intricate international web of antiquities dealers, advisors and institutions, including Bruce Ferrini, Yakup Ekşioğlu, Scott Carroll and the Green Collection. The collector behind the Ilves Collection, while at face value only a minor player, may be of larger significance and more familiar with the illicit antiquities market than perhaps previously thought.

Moreover, what motivates scholars to continue conducting research on this problematic collection? What are the consequences of this engagement? The consequences of conducting scholarly work on illicit antiquities (*e.g.* participation in price formation, promotion of market confidence, obstruction of police investigations) has been discussed in detail over the past decade (Brodie 2009; 2011; 2016; Brodie and Kersel 2012). However, while not aiming to downplay the severity of such consequences, I highlight the results of a study and publication decision in relation to issues of accessibility, preservation, and knowledge formation. The reason why I do this is because, for scholars less concerned with context information, including those working on the Ilves Collection, the above-noted consequences have seemingly had less of an impact than archaeologists especially would have hoped; such scholars instead concentrate their argument around issues of object preservation. Building upon an argument I recently made elsewhere (Bonnie forthcoming), I conclude this chapter by arguing against the notion of 'preservation' as it pertains to scholars working on the Ilves Collection and their efforts to justify studying and publishing scholarly texts on the collection's problematically provenanced material.

The Ilves Collection

It is commonly understood that the Ilves Collection is housed in Helsinki, Finland, and is in the possession of a collector who wishes to remain anonymous. The exact reasons for

1 The official Academy of Finland funding decision is archived at https://web.archive.org/web/20210716080132 / https://akareport.aka.fi/ibi_apps/WFServlet?IBIF_ex=x_hakkuvaus2&CLICKED_ON=&HAKNRO1=299291&UILANG=en&TULOSTE=HTML. Accessed 16 July 2021.

naming the collection 'Ilves' (meaning, in Finnish, a Eurasian lynx) remain unclear to me. In Finland, the word is also generally associated with the *Tampereen Ilves*, a professional ice hockey team, and can be used as a male's first or middle name. To my knowledge, there is no clear link between the collector and any of these associations.

The Ilves Collection primarily consists of manuscript fragments, whether on papyri, parchment, or vellum. Rough estimates based on available information suggest that the collection contains more than 1,000 manuscript fragments, primarily in Greek, Coptic and Arabic. It is unclear when precisely this collection was obtained. The collector insists that at least part of the collection was obtained by their late grandfather sometime back in the 1940s. However, as shown by my research, public information for activities on the online auction platform eBay indicates that at minimum, several hundred manuscript fragments, if not the entire collection, originated no earlier than in the early 2000s (see further below).

The earliest published traces of collecting activities for the Ilves Collection are documented by Hani Takla, who in the 2000s started to study the trade of dismembered Coptic manuscripts on eBay (Takla 2014). Takla has provided information on the backgrounds of various eBay sellers who actively sold dismembered manuscripts, tracked the activities of hundreds of auctions for such manuscripts and asked for information from successful buyers. His data shows that the Ilves Collection obtained through eBay a substantial number of dismembered Coptic folios in auctions held between December 2008 and March 2009 by a Turkey-based seller named 'cashout', who later changed their username to 'minnos2004' (Takla 2014: 709, 714-716).

Further insights on the early collecting activities for the Ilves Collection come from information published on the institutional website of Robert Kraft, a professor emeritus of religious studies at the University of Pennsylvania. From 2005 onwards, Kraft started to track eBay auctions of dismembered papyri that were originally in the possession of the controversial manuscript dealer Ferrini but were subsequently being auctioned off by a representative named Michael J. Farr after Ferrini declared personal bankruptcy (Kraft 2007; on Ferrini, see Mazza 2015: 120-122; Moss and Baden 2017: 32-33). For a short time, Kraft documented the eBay accounts of the winning bidders at such auctions. Upon inspection, I noticed that the public profile of one particular bidder, a person trading under the eBay account 'cde789', indicated that the bidder was based in Finland and had been active from around February 2003 onwards. Furthermore, the information on eBay showed that the individual primarily bought ancient manuscript fragments or associated materials through this account, but never seems to have sold anything.

The link between eBay account 'cde789' and the Ilves Collection is verified in three different ways. First, the eBay account information shows a considerable number of transactions by 'cde789', with eBay account 'minnos2004' fitting the time frame suggested by Takla (note, though, that no exact dates are provided on eBay). Second, in feedback given by one of the sellers ('ebuyerrrrr') to 'cde789', he once addresses the buyer using a Finnish male name that matches the first name of the collector as reported to me by a scholar who has worked with the collection. Third, another scholar who worked directly with the collection identified photographs of the papyri fragments bought by 'cde789', shown on Kraft's website, as being part of the Ilves Collection.

A network of familiar dealers

Since mid-2017, I have searched for, gathered and examined data on 'cde789' and any transactions by the owner of the account, information publicly available through eBay and independent auction data aggregate websites, such as WorthPoint[2] and AntiquesNavigator,[3] to understand better the acquisition history of the Ilves Collection. This has resulted in a dataset consisting of a total of 463 transactions – all as one buyer. The earliest transaction for which I could obtain a date was from mid-2006, by Farr (eBay account 'mjgreyfarr'), while 24 other transactions seem to have occurred earlier, between the start of the account in February 2003 and mid-2006. The latest dated transaction available is from early 2019.

The items for which 'cde789', the collector of the Ilves Collection, ultimately had the winning bid – and thereby obtained the auction lot – were auctioned off by 64 different eBay accounts in total (Figures 1; 2). From many of these accounts, either smaller traders or larger antiquarian shops selling through eBay, the collector obtained only one or a few items. However, three accounts in particular stand out as significant in terms of their quantity:

- 'mjgreyfarr', the account of Ferrini's representative, Farr (116 transactions);
- 'minnos2004', the Turkey-based antiquities dealer (100 transactions); and
- 'ebuyerrrrr', another Turkey-based antiquities dealer now identified as Yakup Ekşioğlu (74 transactions) (for the identification, see Nongbri 2020; see also Mazza 2020; Sabar 2020).

Together, they account for 63 per cent of all eBay transactions by 'cde789', *i.e.* pertaining to the Ilves Collection.

These three accounts are not only significant in terms of numbers, but all three accounts have also played a significant role in recent times with regard to illicit trafficking activities worldwide in relation to text-bearing ancient artefacts. The manuscript dealer Ferrini has been associated in the trade of Dead Sea Scroll-like fragments in 2003 (Schutten 2005) as well as in shady trades involving the Gospel of Judas manuscript (Brodie 2006). The possibility that the dismembered manuscripts auctioned off on eBay by Ferrini's representative Farr may have contained fragments of the Gospel of Judas most likely led to increased awareness from buyers (Moss and Baden 2017: 33), possibly also the collector of the Ilves Collection.

The Turkey-based account 'ebuyerrrrr' was previously named 'MixAntik' and in 2020 was publicly identified with the Istanbul-based antiquities dealer Ekşioğlu, who has been linked to the trade of Sappho papyrus fragments and thousands of other papyrus fragments obtained during the years 2009–2013 by Hobby Lobby Inc, as part of the Green Collection, and the Museum of the Bible, all of which have a dubious provenance (*e.g.* Mazza 2019; and in this volume; Moss and Baden 2017; Sabar 2020).

Finally, the account 'minnos2004' is another Turkey-based antiquities dealer with whom Hobby Lobby Inc and the Museum of the Bible have connections. The journalist

2 http://www.worthpoint.com.

3 http://www.antiquesnavigator.com.

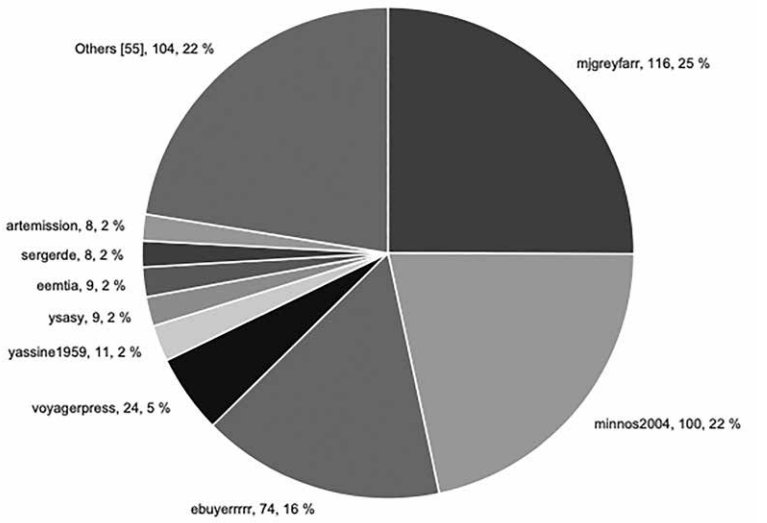

Figure 1: Graph showing the number of transactions per eBay seller (*n.* = 463).

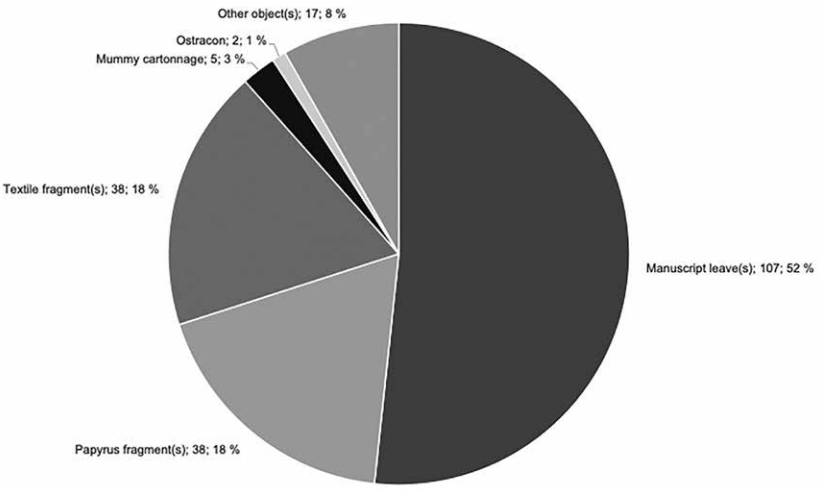

Figure 2: Graph showing the number of objects per object category (*n.* = 207).

Ariel Sabar notes in a 2020 article in the *Atlantic* on the connections between Dirk Obbink, the Museum of the Bible and the wider antiquities trade that in 2016, the then director of the Museum of the Bible collections, David Trobisch, met with 'another of the Greens' papyrus suppliers' in Istanbul to understand the shady provenance of their collections. Trobisch noted to Sabar that this particular supplier 'wanted to know whether I came with the police' (Sabar 2020).

A combination of evidence associated with the 2009 trading activities of the Green Collection, a collection closely associated with the later Museum of the Bible,[4] and the Ilves Collection trades shows that Scott Carroll, the Green Collection's director in 2009, was likely assessing acquisitions in Istanbul at the location of 'minnos2004'. The fragments of P.Ilves Copt. 101 appear on a photograph shared publicly on Carroll's Facebook site.[5] The photograph was posted on 1 December 2009 and appears in a photo album named 'Magic Carpet Tour 3: Papyri and Manuscripts', together with 16 other images. In describing the 13 different albums, Carroll wrote: 'Trip to Istanbul and Jerusalem to acquire artifacts for the museum. Inside are a very small, more like minuscule, sample of artifacts grouped by type or dealer' (Carroll 2009).

In a recent publication, Coptic philology expert Ivan Miroshnikov (2017a: 191, note 2) writes that the P.Ilves Copt. 101, which is a Coptic private letter, was allegedly purchased for the Ilves Collection 'on eBay in 2009' and 'sold by a dealer from Turkey with the online handle "eurasiavision". This eBay dealer seems to be identical with the "cashout" known to be involved with the sale of dismembered manuscripts'. The eBay account 'cashout' later changed their account name to 'minnos2004' (see also Takla 2014: 709-710). Available information on the Ilves Collection thus suggests that Carroll at some point during his trip to Istanbul was assessing papyrus acquisitions of dubious provenance from the dealer behind the eBay account 'minnos2004'.

The activities of Ekşioğlu and the still unknown dealer behind account 'minnos2004', as it is now known, formed a considerable part of the large papyrus collection of the Green Collection, and later of the Museum of the Bible, in which scholars such as Obbink were also involved (*e.g.* Mazza 2019; Moss and Baden 2017: 22-61; Sabar 2020). Recently, as no documented provenance for this material exists, the Museum of the Bible has returned these papyri to Egypt, the place from which the material had allegedly been looted and illicitly exported (MOTB 2020).

A small collector who fabricates provenance narratives?

The gathered data from eBay and independent auction data aggregator websites, together with existing publications, also provides insightful information about the antiquities collector behind the Ilves Collection. Finland is not frequently considered a destination market for cultural artefacts like papyri fragments (Maaperä 2017: 50; Thomas *et al.* 2018), and as such, the Ilves Collection is an anomaly, which stands out. On the other hand, compared to some internationally well-known privately-held collections, the supposed size of the Ilves Collection – said to consist of more than 1,000 fragments – is not notable. One reason why this collection, then, has received considerable attention is the timing of the research project undertaken by University of Helsinki researchers working on this collection. This occurred at around the same time that various scholars, authorities and

4 The Green Collection's name giver, Steve Green, is both president of the craft store chain Hobby Lobby Inc, the formal owner of the Green Collection, and co-founder, primary financier, and chair of the board of the Museum of the Bible. For further discussion on these links, see Moss and Baden (2017: 25).

5 Compare the photograph of the papyrus' back side on Carroll (2009; archived at https://perma.cc/9F2Y-RRHB; accessed 17 May 2022) with Miroshnikov (2017a: 199, figure 2). Note that P.Ilves 101 is made up of several smaller fragments that are erroneously positioned in the photograph shared by Scott Carroll.

news reporters exposed the issues surrounding the collecting of similar materials by the Green Collection and the Museum of the Bible (see notably Mazza 2018; 2019).

A question that has bothered me from the start is whether the Ilves Collection is just one of many similar relatively small-scale private collections that exist around the world, or whether it perhaps is on par with some of the larger internationally well-known collections. If we look at the prices paid on eBay for the auction lots now in the collection, at first glance the values do not particularly stand out. The winning auction price could be retrieved for 122 transactions. The average price per auction paid, excluding shipping costs, was $139.79, with the lowest prices being paid for Egyptian textile fragments ($0.99; from 'ebuyerrrrr') and the highest prices being paid for a Coptic manuscript ($2,000; from 'yassine1959') and a Coptic book cover ($1,125; from 'antiquariat-kunsthandel'). A simple comparison of the average sales price against the total number of transactions suggests a total paid price of $64,724.36, excluding shipping costs. This averages out to just over $4,000 per year for the roughly 16-year active period between early 2003 and early 2019.

It is possible, however, that this cost estimate is too low, as only minimal information could be retrieved for transactions with 'minnos2004' (100 transactions) due to the fact that this eBay account has been set at 'private' (already noted by Takla 2014: 710).[6] Furthermore, only two prices were obtained for the 116 transactions with Ferrini's representative, Farr. The nature of some of the auctioned items may mean that the ultimate auction prices for these items were significantly higher than the average price that I was able to calculate based on available data. This suggestion is supported by the fact that at least one auction lot obtained as part of the Ilves Collection, as reported by Takla (2014: 715), but which I could not identify through my dataset, sold for over $400. Yet, even with a considerably elevated average price per year, the eBay transaction information does not immediately suggest that the Ilves Collection is substantial.

It remains unclear whether and to what extent the Ilves Collection includes manuscript materials obtained outside of eBay. If we believe the collector's provenance narrative to be true, that the collection can be traced back to the 1940s, then surely parts of the collection would have been obtained elsewhere? But is the collector's provenance narrative trustworthy? In mid-2020, scholars working on the Ilves Collection organised a small exhibition at the Finnish National Archives that included 19 objects from the collection. In an email to me in July 2020, one of the researchers wrote that these objects 'are those that, according to our knowledge, were purchased in London in the 1940's'. No further substantiation for this claim was provided. Furthermore, it is unclear why the collector provides a 1940s purchase origin for parts of the collection. Given the nature of the collection, it could have something to do with the adoption of more stringent antiquities legislation in Egypt during the early 1950s (Ikram 2011: 143; Mazza 2019: 178), though this remains speculation.

Interestingly, none of the 19 exhibited objects can be traced definitively by me to any of the dealers specified above based on the eBay transaction information that I collected. It should be noted, however, that only minimal documentation is available for most

6 eBay feedback profiles can be set either to 'public' or 'private'. eBay strongly encourages public feedback profiles for reasons of trust and transparency between traders. If the feedback profile is set to 'private', all feedback comments are hidden, and the account can no longer sell items. See eBay (n.d.).

transactions in the dataset, usually with no accompanying image or item description. This makes it almost impossible to trace most individual items within the dataset. However, digital photographs of manuscript fragments in the Ilves Collection made by the collector between 2009 and 2014, which I have seen and studied, are of great help here and in fact seemingly contradict the collector's 1940s provenance claim.

All 19 exhibited objects appear in this digital photograph collection, yet their file names and 'creation date' time stamps reveal no apparent relationship between any of the objects. All the photographs in the collection have file names based on a classification system devised by the collector, a system roughly organised by date of acquisition and/or photograph. However, where one would expect the supposedly older 19 exhibited objects to be grouped together at the beginning of this classification system, this is not the case; instead, they are randomly spread throughout the system – *e.g.* 'B55' (obj. no. 18), 'B321' (obj. no. 19) and 'B408' (obj. no. 17). The failure to group the older objects together seems odd if all of them indeed belonged to the oldest sections of the collection and would have been purchased roughly simultaneously during the 1940s in London.

The same can be said regarding the 'creation date' time stamps on photographs of the exhibited objects, as the creation date shows that the photos were taken on different days over a period of more than three years, from early 2010 to late 2013.[7] Again, if these exhibited objects were obtained in the 1940s, one would expect at a minimum the photographs to have been taken during roughly the same period. Adding to the confusion, the 'creation date' time stamps fit neatly within the period during which the collector of the Ilves Collection was actively acquiring manuscript fragments from, notably, the Turkey-based dealers 'ebuyerrrrr' and 'minnos2004'.

While all this does not definitively disprove a potential 1940s acquisition for the exhibited objects, it does raise considerable questions regarding the collector's statement. In fact, the exhibited objects are generally quite similar in kind to those objects that have been sold through eBay by both 'ebuyerrrrr' and 'minnos2004' (see also photographs in Hyland 2021). It is also noteworthy to remember that, because 'minnos2004' set its eBay feedback information from public to private, all its transaction data is unknown and, as such, I have been unable to obtain information (no image, no item description, no sales price) from eBay on any of its transactions. It would be quite convenient, if known, for the collector of the Ilves Collection to choose precisely those objects as part of a 1940s acquisition narrative, as they are effectively untraceable. It is interesting as well to note that the only transaction from 'minnos2004' that can be traced – P.Ilves 101, which is shown on Carroll's (2009) Facebook page – is missing from the exhibited objects, despite it being the most studied manuscript in the collection.

Of course, other possibilities remain open. The collector could have bought the exhibited objects from other eBay dealers that I have yet to trace, or the objects were bought from elsewhere at around the same time that he took the respective photographs. It is not uncommon that eBay dealers engage in direct sales without the platform's interference. For instance, Roberta Mazza (2019: 188-189) has shown how Ekşioğlu, the dealer behind

7 In examining the photographs' metadata, I have paid particular attention to the stored Exchangeable Image File (EXIF) format information, which is created by the digital camera with which the photograph is made. Among other things, it details the exact time and date the photograph was taken.

the eBay account 'ebuyerrrrr', after having established initial contact through eBay, tried to sell manuscript fragments with highly dubious origins through direct text messaging. It is probable that many of the transactions associated with the Green Collection occurred through such manner, outside of the online auctioning platform.

There are some indications that the collector of the Ilves Collection also acquired manuscript fragments during the 2000s and 2010s directly from dealers and other collectors. I have received information that, during the period when representative Farr was auctioning off the former Ferrini collection, the collector of the Ilves Collection did acquire fragments for which he had initially lost the bid on eBay directly from the U.S.-based collector Ernest Muro. However, I have not been able to verify this information. Moreover, as already noted, Ekşioğlu on one occasion in his transaction feedback, names the collector by his first name. It is possible that the two were on familiar terms with one another, though whether this means that certain transactions were also handled directly, outside of eBay, remains unclear.

However, if my reasoning here is correct, then such transactions would have considerable implications. First, the collection may be substantially larger than the transactions on eBay account 'cde789' suggest. It remains unclear as well whether the collector of the Ilves Collection may have used and/or uses other eBay accounts. Second, the collector may be considerably better connected in the network of international dealers and collectors of unprovenanced manuscript fragments, not only through eBay but also directly. Third, and perhaps most important, the collector appears to show awareness of potential moral condemnation or negative exposure for the trade in manuscript fragments and, as such, aims to keep a low profile. This means even fabricating and adjusting a provenance narrative that he knows is difficult to track; it also means continuing to be ambiguous, if not dishonest, about his collection's origins with the scholars involved.

None of the above implications should be viewed as certain, but the evidence and information that I have seen thus far does seem to suggest it. Indeed, especially the fact that the collector of the Ilves Collection is obsessed with anonymity would fit this pattern. The above-mentioned exhibition in mid-2020 did not mention anywhere by name the Ilves Collection nor that most exhibited objects were from that collection. The Finland-based scholars involved in the study and publication of this collection have continued to maintain the anonymity of the collector. In fact, Takla (2014: 715, note 18) has noted that during their contact in December 2011, the collector 'asked his name [to] be held from print' and thus referred to him by his initials YH only. More remarkably, 'YH' claimed to be 'only the representative of the Collection,' though it is unclear what exactly he may have meant by that.

Even earlier, in July 2006, Kraft noted that one of the buyers of the Ferrini material on eBay requested anonymity, after which Kraft stopped gathering the eBay account names of buyers as part of his research on the trade in dismembered papyri (Kraft 2007). Kraft no longer remembers the specifics of this request (email, 24 November 2017). However, of the eight buyer eBay accounts that Kraft lists, only 'cde789' (the Ilves Collection) and two other accounts are listed once – all three with their first transactions in July 2006. Kraft moreover specifically noted that it was 'an agent for others' who contacted him with the request to stop listing buyer accounts (Kraft 2007). While it remains unproven that the request came from the person involved with the Ilves Collection, the resemblance

between Kraft's 'agent' and Takla's 'representative' seems remarkable. Considering the above evidence, the fact that Ekşioğlu only once during all their transactions – 74 in total – mentions in the feedback the collector's first name (see above) may be equally due to requested anonymity.

The academic facilitation of the Ilves Collection

In November 2012, at the Society of Biblical Literature (SBL) Annual Meeting in Chicago, Antti Marjanen, a now retired professor of gnostic studies at the University of Helsinki, presented two Coptic parchment fragments possibly associated with the Apocalypse of Paul (SBL 2012). The fragments in question were held in the Ilves Collection and show that as early as 2012, scholars in Finland had access to the collection. That it was Marjanen who, to my understanding, was the first to publicly engage with the Coptic fragments in the collection is perhaps not extraordinary. Marjanen is a well-respected scholar in the field of gnostic studies, co-author of the first Finnish translations of the Nag Hammadi writings and the Gospel of Judas, and one of few Finnish experts on the Coptic language. It is not surprising, knowing the background of the Ilves Collection, that the collector would offer the material to Marjanen for study.

Further research on the collection developed as part of the project Publication of the Coptic Manuscripts of the Ilves Collection (2016–2020), led by Marjanen, which received funding from the Academy of Finland. That project aimed 'to conserve, catalogue, edit, and publish [the] Coptic manuscripts' from the Ilves Collection (Ilves 2016).[8] So far, though, no catalogue has yet appeared and only a few manuscript fragments have been published (Miroshnikov 2015; 2016; 2017a; 2017b; 2018).

The start of that publication project in late 2016 was embedded in some controversy, with one of the original project researchers quitting out of ethical concerns of working with undocumented material. The controversy was also one of the reasons leading to the start of the Working with Cultural Objects and Manuscripts working group among researchers (including the author) across the Faculties of Arts and Theology at the University of Helsinki. This developed several initiatives to stimulate discussion on the issues of working with unprovenanced cultural objects; that is, cultural objects with notable gaps in terms of their history of ownership. For example, in June 2017 an international colloquium on the topic was held (Immonen *et al.* 2020); a cross-faculty master's level lecture course was developed to discuss the legal and ethical implications of working with cultural objects; and a small survey was conducted among Finnish researchers, museums and heritage professionals (Thomas *et al.* 2018).

Furthermore, when in 2017 I first identified the connection between the Ilves Collection and the eBay account 'cde789', I discussed and shared all my provenance information with the project in order to discuss the consequences and options for the project. There was no meaningful follow up discussion, although the project discussed the issues internally and some changes were undertaken. For instance, when it became clear after the project's starting date that the collector continued to be an active buyer on eBay, the group decided not to work on any newly obtained manuscript fragments. Around the time, or shortly after, the publications by Miroshnikov (2015; 2016; 2017a; 2017b; 2018) had appeared,

8 See also note 1 above for the official project abstract, as stated on the Academy of Finland's website.

the group also decided to start with the oldest objects in the collection – the alleged 1940s material. To date, none of this material has been published, although it did appear in the small 2020 exhibition.

What motivated Marjanen, Miroshnikov, and others involved with the project to start studying and publishing the Coptic manuscripts from the Ilves Collection, and why did they continue to engage with the collector and the collection even after receiving information about its dubious provenance? An answer to these questions might be found in the little published information that is available on this research project. As the project website states, 'The importance of the project lies in making the manuscripts of the collection accessible to the public, following the principle that "a manuscript available to one scholar is available to all"' (Ilves 2016; quote from Robinson 1977: 29). The quote, supposedly originally attributed to the Coptic scholar Hans-Martin Schenke, is taken from a review of the Jung Codex (Nag Hammadi Codex I) by James Robinson, a renowned New Testament scholar who played an important role in the Nag Hammadi and Gospel of Judas origin narratives. Robinson's 1977 review discusses the context and controversies surrounding the lengthy period during which the broader scholarly community was denied access to the original text of the Jung Codex.

In a later statement by Miroshnikov, a slight shift in focus occurred around the time when the collection's dubious recent provenance surfaced: 'While I realize that the unknown provenance of the papyrus raises ethical concerns, I also believe that the papyrus itself has historical and philological value and thus should be published' (Miroshnikov 2017a: 191, note 3). The issue is no longer only about accessibility of the material, but also about perspectives. For Miroshnikov, the historical and philological information that can be retrieved from the manuscript fragments outweighs the absence of archaeological information, as well as, or so it seems, any potential legal or ethical concerns regarding its acquisition.

The statements by the project and Miroshnikov bear considerable resemblance to the 'preservation' trope that often lingers in the thinking of and discussions with scholars working with text-bearing unprovenanced artefacts. Public statements along those lines are rare, but the Assyriologist David Owen (2005: 1816) put it bluntly as follows: 'From my perspective, any and all such written documentation must be rescued, recorded, preserved, and published. … [T]he current body of texts now in private hands includes critically important historical, literary, religious, and economic information'.

Different from the notion of rescuing the actual objects, an idea often associated with collectors of dubiously-provenanced heritage objects (*e.g.* Omland 2006: 233-237), text-concerned scholars like papyrologists, biblical scholars, and Assyriologists centre more on the recording and preservation efforts of what, according to them, is the essence of the object – the text itself. As Mazza recently has forcefully critiqued this view, she observes that past generations of papyrologists have viewed '[t]he reading and transcription' of these texts 'as what mattered most', viewing it almost synonymous as preserving the object as a whole (Mazza 2021: 390). Perhaps, to those text-focused scholars, the opinions of Owen or Miroshnikov initially make sense. But what exactly are they preserving, and just what are they not preserving? In what manner are they preserving the material, and to what purpose? Most importantly, for whom are they undertaking this preservation effort?

To start with the last of the three questions, those researching the Ilves Collection described it on their website as being of interest to 'the public'. Yet do they mean here literally everyone or primarily scholars? How is such benefit guaranteed? Additionally, how many future generations are we talking about? Discussions of long-term preservation, discoverability and accessibility are remarkably absent in the responses by those scholars opting to publish unprovenanced manuscript fragments. In what follows, I highlight three particular related issues and show that a decision to preserve an unprovenanced object through publication equally means making the decision to deselect, degrade, decontextualise and destroy.

First, just what is being preserved is a selective process in itself. As the antiquities market is driven by demand, it is ultimately collectors, and those scholars facilitating that collecting through study and publication, who determine what is of value and should be kept and what should be destroyed. It is good to be reminded of those objects that, due to the publication of papyri fragments, are being deselected or destroyed, thereby removing them from future scientific study. The act of deselection, or destruction, is as much a conscious decision (based on present needs and interests) as the act of selection, or rescue.

Second, by choosing recently surfaced manuscript fragments with unclear provenance, some scholars are choosing not to work with the tons of unpublished manuscript material that is currently actively preserved and curated in institutions around the world, such as at the University of Oxford, the British Museum or the University of Michigan (Nongbri 2018: 227-228; Verhoogt 2017: 169-170). It seems odd that scholars are publishing manuscript fragments with questionable or illicit origins, while at the same time overlooking these unpublished artefacts. There is a grave danger that the longer these objects sit unstudied in museum storages and repositories the more fragmented, degraded and decontextualised they will become. The unfortunate result may be that they will become obsolete to future scholarly interests.

Third, the curation of legacy data – artefact, notes, drawings, photographs, publications and the connections between them – is highly important for future generations to continue to have access to and work with the materials and findings. Whether curation practices follow any standards regarding the collection of recently surfaced objects remains in many cases unknown due to a lack of transparency about how the material has been documented and stored. For example, the type of facilities, the underlying circumstances and the name of the person curating the Ilves Collection all remain unclear, as does the question of whether and when objects are being sold off or repatriated. Equally unclear is what happens to the existing documentation related to the objects in those latter cases.

Furthering knowledge?

This brings me to my final point: Does the publication of the Ilves Collection further our knowledge? The researchers themselves write about making the manuscripts available to the public. However, the contextual information is low, the material is already degraded and continues seemingly to be so, and no clear documentation is seemingly available. As such, what is ultimately made available is just a faint reflection of the manuscript itself.

The motives for choosing to study a legally dubious and ethically objectionable collection of manuscripts over objects that have been cared for by professional curators for decades are not entirely unclear. In the case of the Ilves Collection, the decision seems to relate as

much to ease of access as well as to self-interest and desire by the scholars involved, whether because of their particular specialisation or because the object in question clarifies a historical problem of scientific importance to them. It does not seem to serve future generations far and wide (for discussion of Eurocentrism, see Gad 2019). In fact, scholars from the Global South, the places from which these manuscripts seemingly derive, have neither the objects nor often the ability to gain access to the publications, even though access to knowledge is considered a basic human right (UN 1948: Art. 27; see also Willinsky 2006: 143-154).

The danger for wider scholarship, though, is that the publication of unprovenanced objects ultimately seems to lead to a higher degree of conservatism, since only the object's value in the immediate sense for that respective scholar (*e.g.* the text, perhaps even only a section of that text) is being carefully documented and preserved for future scholarship. This means that it does not further our understanding much beyond the already established canon (Gill and Chippindale 1993). Text-concerned scholars would probably argue fiercely against this view, suggesting that texts provide substantial information beyond just their archaeological context. While much information can surely be retrieved from, for example, a decontextualised papyrus fragment, the question of whether this information is substantial is value-laden and depends a great deal on which (future) scholar is offering a response.

Conclusions

In this chapter, I have presented a profile of the Ilves Collection derived from the collector's public eBay account information. This profile shows that this manuscript collection has close ties with both international dealers and better-known private collections. The manuscript fragments being traded all have unclear if not illicit origins, probably accounting for one reason why the collector continuously insists on remaining anonymous. The provided profile also raises suspicions that the collection is more sizeable than what can be seen through the eBay transactions, in fact more sizeable than the scholars involved have estimated. While there is no indication in the collected evidence that the collector of the Ilves Collection ever sold a manuscript fragment, even this possibility cannot be entirely dismissed without knowing more about the nature of his character and behaviour.

I also have shown how the purveyor of the Ilves Collection has been able to build close connections with Finnish academics who were largely unaware of the problems in working with unprovenanced cultural objects. However, even as the wider field of Biblical studies in particular has become increasingly aware of these problems, the scholars working with the Ilves Collection have shown little signs in public of adapting to this new situation. Instead, to justify their work the scholars involved have seemingly built an argument around the 'rescue' trope that is so common among scholars more concerned with texts than objects. In this chapter, I have argued against the notion that such scholars are rescuing these objects from destruction by highlighting issues of selection, access and preservation. Based on current practices, I ultimately argue that these scholars are making the choice to publish the Ilves Collection primarily to benefit themselves, but this also has negative implications for the development of knowledge.

The nature of the illicit antiquities trade in Finland and the role the country plays within wider international networks of trafficking remains little understood. The general public, professionals and the authorities still consider Finland to some extent a small player within the trade. The uncovering of the Ilves Collection may provide some grounds to perhaps reconsider such ideas.

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Noxious scholarship? The study and publication of First Sealand Dynasty cuneiform tablets

Neil Brodie

Abstract

During the early twenty-first century thousands of illicitly-traded cuneiform tablets from Iraq have been studied and published by scholars specialising in the study of cuneiform writing, who call themselves Assyriologists. This chapter investigates how formal and informal communications among Assyriologists might have been fundamental to the acquisition and ongoing trade of a group of First Sealand Dynasty cuneiform tablets. It examines the possible commercial consequences of this scholarly engagement with illicitly-traded cuneiform tablets and considers whether in consequence Assyriological scholarship could be subject to Debra Satz's moral condemnation of 'noxious'.

Keywords: Iraq, cuneiform, Gilgamesh, First Sealand Dynasty, illicit trade, scholarship

Introduction

During the 1990s and early 2000s, tens of thousands of cuneiform tablets looted from archaeological sites in Iraq were acquired by private collections in Europe and North America (Brodie 2020; 2021; Molina 2020). Many of these tablets have since been published without Iraqi permission or Iraqi participation by scholars specialising in the study of cuneiform writing, who call themselves cuneiformists or Assyriologists (Brodie 2008a; 2008b; 2011; 2016; 2020; 2021; Sheikh 2021; Taha 2020). Some of these scholars have recognised that their study material is tainted by looting and illicit trade but have defended their actions by arguing that publication is in the public interest, often characterising publication as an 'obligation' or 'responsibility' (Brodie 2021: 109-110). The same scholars reject accusations that their work has a commercial impact and might help to create or facilitate the market in cuneiform tablets, thereby bearing some responsibility for encouraging the looting in Iraq. They have argued instead that they are acting retrospectively in a detached or disinterested fashion to extract what historical information the looted tablets can provide

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once they have come to rest in a private collection – the well-known 'rescue argument' (Omland 2006: 233-237; and see Wirth and Rasmussen in this volume for a discussion of the history of the concept). The blame for looting and illicit trade lies elsewhere.

From the starting point of information contained in some recently released court documents relating to the so-called Gilgamesh Dream Tablet, this chapter examines the possible commercial consequences of scholarly engagement with illicitly-traded cuneiform tablets. It investigates how formal and informal communications among Assyriologists might have been fundamental to the acquisition and ongoing trade of a group of First Sealand Dynasty cuneiform tablets and considers whether in consequence Assyriological scholarship could be subject to Debra Satz's moral condemnation of 'noxious' – an example of harmful commercial practice. The first part of the chapter presents what evidence is ascertainable from the court documents and other published sources about the biographies of the tablets concerned. The second part uses this evidence to conduct an in-depth examination of Assyriological involvement with the market in cuneiform tablets.

The Gilgamesh Dream Tablet

The Gilgamesh Dream Tablet (GDT) is a large fragment of cuneiform tablet whose text records part of the Epic of Gilgamesh (Gerstenblith 2022: 64-68). In September 2019, U.S. law enforcement agents seized the GDT from the possession of the Museum of the Bible (MOTB) in Washington D.C. On 18 May 2020, the U.S. Attorney's Office of the Eastern District of New York filed a civil action to forfeit the tablet, alleging it had originated in Iraq and entered the United States in contravention of U.S. law (USA 2021a). On 26 July 2021, the U.S. District Court of the Eastern District of New York ordered that the GDT should be forfeit and on 23 September 2021 it was returned to the possession of Iraq (USA 2021b; 2021c; 2021d). The MOTB's associated corporation Hobby Lobby had paid $1,674,000 for the GDT through a private sale brokered by Christie's auction house in London, and on the same day as the U.S. Attorney announced its civil forfeiture action in May 2020, Hobby Lobby sued Christie's and the GDT's previous owner Joseph David Hackmey to recover the tablet's purchase price together with associated interest, fees and costs, alleging breach of warranty and fraud (Hobby Lobby 2021a). On 29 November 2021, a settlement agreement was reached though no details have been made public (Hobby Lobby 2021b).

The U.S. Attorney's forfeiture complaint claims that in March or April 2003, after first viewing the material in London in 2001, an unnamed U.S. 'Antiquities Dealer' returned there and bought a group of cuneiform tablets from a family member of the deceased Jordanian dealer Ghassan Rihani. The Antiquities Dealer was accompanied by what the complaint terms a 'Cuneiform Expert'. They recognised that although the tablets were unreadable because of heavy salt encrustations, they did not bear ordinary administrative texts but were instead 'potentially of a literary nature' (USA 2021a: 7). The Antiquities Dealer paid $50,350 for the tablets, including what would become known as the GDT, along with some other objects. They arranged shipment to the Cuneiform Expert's California address in the United States, describing the material for customs as 'inscribed clay fragments over 100 years old' and failing to declare them as Iraqi antiquities. Once the tablets were in the United States, the Cuneiform Expert cleaned them to remove the salt encrustations and stabilised them by baking and was then able to recognise text from the Epic of Gilgamesh on one of them. In March 2005, the Cuneiform Expert shipped the

... the stars of the heavens [collected together], a piece of the sky fell to me ...	Sharpe 2007: 51
The stars of the sky grew distinct (?), a lump of sky-rock fell down before me.	George 2007: 65
The stars of the heavens [collected together], a boulder of the sky fell by me.	Christie's 2014: 18.

Table 1. Variant translations of GDT obverse, column 1, lines 8-9.

GDT from California to Princeton New Jersey for study and publication by Assyriologist Andrew George, who is an expert on the Epic of Gilgamesh (George 2003) and who was at the time Professor of Babylonian at the University of London's School of Oriental and African Studies (SOAS) and visiting professor at Princeton University (USA 2021a: 8).

In February 2007, the Antiquities Dealer sold the GDT accompanied by a preliminary translation prepared by the Cuneiform Expert to two unnamed buyers for $50,000. To accompany the sale, when requested, the Antiquities Dealer supplied as provenance a letter stating falsely that the tablet had been purchased in 1981 as part of lot 1503 at a Butterfield and Butterfield auction in San Francisco (USA 2021a: 6-7). The Butterfield and Butterfield catalogue described the lot as comprising a 'box of miscellaneous bronze fragments' – there was no mention of a cuneiform tablet. The Antiquities Dealer's letter further claimed falsely that the tablet had been deaccessioned from a small museum.

George's translation of the GDT text was published in 2007. He stated that he had studied it first hand in 2005 and that the then owner of the tablet, presumably the Antiquities Dealer, wished to remain anonymous (George 2007: 59). George also noted that the tablet had been offered for sale by the Pasadena-based company Michael Sharpe Rare and Antiquarian Books in a catalogue issued on 4 September 2007. Sharpe's catalogue priced the GDT at $450,000, dated it to *c.* 1400 BC, and stated that it had been 'professionally conserved according to established archival standards' (Sharpe 2007: 51). The relationship between the two buyers who purchased the GDT from the Antiquities Dealer and Sharpe has not been made public. Sharpe's catalogue noted that the tablet's text was to be published by George and offered some preliminary textual analysis by the California-based independent Assyriologist Renee Kovacs, together with a couple of lines of translation. The translation was not from George's publication so presumably was the work of Kovacs or the Cuneiform Expert (Table 1). Sharpe's catalogue entry also appears to say that a copy of George's translation and 'authentication and a clear provenance' provided by Kovacs would be included with the sale (Sharpe 2007: 51). This close association of Kovacs with the GDT and its text together with her California residence have given rise to speculation that she was the Cuneiform Expert mentioned in the U.S. Attorney's complaint, though that remains to be confirmed (Gerstenblith 2022: 64).

By late 2013, the GDT was in the possession of Tel Aviv resident Hackmey, who in December that year approached the London office of Christie's auction house to discuss selling it (Hobby Lobby 2021a: 6). He had purchased the tablet from a presently unknown person who had in turn bought it from Sharpe for an undisclosed price (Hobby Lobby 2021a: 6). In December 2013, Christie's contacted the Antiquities Dealer who had purchased the tablet from the Rihani family member to ask about its provenance, only to receive a phone call in reply warning that the Butterfield's provenance would 'not hold up to scrutiny at public auction' (USA 2021a: 10). Christie's then contacted Hobby Lobby about

a possible private sale and in March 2014 a representative of Hobby Lobby viewed the tablet in London. Christie's provided Hobby Lobby with a specially-prepared illustrated sale catalogue, which included the following provenance information:

> *PROVENANCE:*
> *Butterfield and Butterfield, San Francisco, 20 August, 1981, lot 1503.*
> *with Michael Sharpe Rare and Antiquarian Books, Pasadena, California.*
>
> *PUBLISHED:*
> *A.R. George, "The civilizing of Ea-Enkidu: an unusual tablet of the Babylonian Gilgamesh epic",* Revue d'assyriologie et d'archeologie orientale, *vol. 101, 2007, pp. 59–80* (Christie's 2014: 8).

The catalogue also included a translation of the GDT's text and discussed George's published findings. Although Christie's was aware of the identity of the Antiquities Dealer and of the Antiquities Dealer's previous possession of the GDT, those facts were not included in the provenance. In July 2014, Hackmey provided Christie's with a declaration that the GDT had been imported into the United Kingdom on 17 March 2009 (USA 2021a: 10-11). Christie's also supplied Hobby Lobby with copies of the Butterfield and Butterfield and Michael Sharpe catalogues (Hobby Lobby 2021a: 9).

By 15 July 2014, Christie's had shipped the GDT to New York and agreed with Hobby Lobby a sale price of $1,674,000 (USA 2021a: 11). Around 22 July 2104, Hobby Lobby asked Christie's to amend the supplied invoice to include the tablet's approximate date of production and Iraq as its country of origin. In response, on 24 July Christie's e-mailed Hobby Lobby the revised invoice, stating that:

> *Here is the revised invoice for the Gilgamesh tablet, stating its place of creation and date.*
>
> *Regarding earlier provenance:*
> *We can safely say it left Iraq before 1981 as that is the date it was sold in a Butterfield's auction in San Francisco. The person who bought it in the Butterfields sale told us it was part of lot 1503 and that it was heavily encrusted with salts and unreadable.* [He or She] *also mentioned that at the time, it was said to have been de-accessioned from a small museum, and so in all likelihood it was in the US well before 1981. Unfortunately Butterfields no longer have their consignor records so we could not corroborate this further. It was subsequently with Michael Sharp*[e] (USA 2021a: 12-13).

After receiving this communication, Hobby Lobby finalised purchase of the GDT and on 30 July paid Christie's $1,674,000 (Hobby Lobby 2021a: 9). To avoid New York sales tax, in September 2014, Christie's flew the tablet from New York to Oklahoma City for delivery to Hobby Lobby (USA 2021a: 11; Hobby Lobby 2021a: 10). After the purchase, Hobby Lobby transferred the GDT to the MOTB for display at the museum's opening in November 2017 (Hobby Lobby 2021a: 10). At no point was Hackmey's name disclosed to Hobby Lobby as the seller.

First Sealand Dynasty cuneiform tablets

George attributed the GDT to the First Sealand Dynasty and dated it to the sixteenth century BC, at the very beginning of the Middle Babylonian period (George 2007: 63). The First Sealand Dynasty ruled over southern Iraq from the eighteenth through to the fifteenth century BC (Boivan 2018). Until recently, it was poorly known historically or archaeologically, although that has now changed. The Schøyen Collection acquired 474 administrative tablets attributable to the First Sealand Dynasty kings Pešgaldarameš and Ayadaragalama sometime before 1999 (though their exact date of acquisition has not been made public). They were studied in the United Kingdom by Stephanie Dalley at the University of Oxford between 1999 and 2006 and published in 2009 (Dalley 2009). They are unprovenanced and alleged by some scholars to have been looted (Boivan 2018: 13; 2021; van de Mieroop 2019). There are an associated 32 tablets presumed to be from the same site in the collection of the Belgian Musées Royaux d'Art et d'Histoire that have yet to be published (Boivan 2018: 10, note 14; Dalley 2009: 1; George 2013: 129). The find spot of the Schøyen and Musées Royaux tablets remains unknown (Dalley 2009: 1-4).[1]

In his publication of the GDT, George noted that:

> *The tablet was reported to be part of a group of unpublished tablets that included omen and liturgical compositions, some mentioning Pešgaldaramaš (peš-gal-dàra-meš) and Ayadaragalamma (a-a-dàra-galam-ma), kings of the First Sealand Dynasty, and to share with them aspects of physical appearance and ductus. I was able to confirm this report from photographs of the tablets in question* (George 2007: 63).

So, someone, presumably the Cuneiform Expert or Kovacs (who, as noted above, are assumed to be the same person), had reported to George that the GDT had been (or was at the time still) part of a group including omen and liturgical tablets attributable to the First Sealand Dynasty and had supplied photographs of them. In 2013, as part of a larger study of omen texts in the Schøyen Collection, George published 10 omen tablets of the First Sealand Dynasty from an anonymous private collection (George 2013: 129-228, tablet nos 22-29, 31-32). He acknowledged Kovacs for her help in facilitating his study (George 2013: xi). He stated that the 10 tablets were part of a larger group of 18 tablets, which included the GDT published by himself in 2007 and characterized as a group by physical appearance, content and a previously-removed salt encrustation (George 2013: 129-130). They were similar in appearance to the Sealand tablets in the Schøyen Collection (George 2013: 131). The integrity of these 18 tablets as a group including the GDT has since been confirmed by other scholars (Boivan 2018: 11; Gabbay 2014: 148). George had already made available photographs of 17 of the tablets (excluding the GDT) on the Cuneiform Digital Library Initiative (CDLI) database in August 2012 and provided CDLI numbers in his 2013 publication (George 2013: 131). Four of the unpublished tablets listed by George in 2013 have been published since then by other scholars (Table 2).

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1 A further group of 68 First Sealand Dynasty tablets and fragments was discovered through scientific excavation at the site of Tell Khaibur between 2013 and 2015 (Campbell *et al.* 2017), and so would have been unknown for reference or comparison in 2003 when the Antiquities Dealer purchased the GDT or in 2005 while George was preparing his 2007 publication. Tell Khaibur is 'almost certainly' not the source of the Schøyen tablets as it shows no evidence of looting (Campbell *et al.* 2017: 30).

CDLI number	CDLI collection reference	Publication
P431300	Department of Near Eastern Studies, Cornell University	George 2013
P431301	Department of Near Eastern Studies, Cornell University	George 2013
P431302	Department of Near Eastern Studies, Cornell University	George 2013
P431303	Department of Near Eastern Studies, Cornell University	George 2013
P431304	Department of Near Eastern Studies, Cornell University	George 2013
P431305	Department of Near Eastern Studies, Cornell University	George 2013
P431306	Department of Near Eastern Studies, Cornell University	George 2013
P431307	Department of Near Eastern Studies, Cornell University	George 2013
P431308	Department of Near Eastern Studies, Cornell University	George 2013
P431309	Department of Near Eastern Studies, Cornell University	George 2013
P431311	Private: anonymous, unlocated	Gabbay and Boivin 2018
P431312	Private: anonymous, unlocated	Gabbay 2014
P431313	Private: anonymous, unlocated	
P431314	Private: anonymous, unlocated	
P431315	Private: anonymous, unlocated	Veldhuis 2017
P431316	Private: anonymous, unlocated	Krebernick and Wasserman 2020
P431317	Private: anonymous, unlocated	

Table 2. Tablets associated with the GDT according to George (2013: 129-130).

In her publication of the Schøyen Collection First Sealand Dynasty tablets, Dalley thanked Kovacs for her help (Dalley 2009: ix). Kovacs was associated with the Schøyen Collection until 2005, at which time she passed over responsibility for arranging publication of the Collection's cuneiform tablets to George (George 2009: xi). George had first visited the Collection's owner Martin Schøyen in 2001 (George 2009: xi). Thus, by the time of the purchase and initial assessment of the GDT and associated tablets in 2003 or immediately thereafter, Kovacs was well placed through her association with Schøyen to be familiar with the First Sealand Dynasty tablets in his possession, and to use that knowledge to understand better the significance of the material on offer in London and to communicate news of the acquisition to George.

In the introduction to his 2013 publication, George stated that his study had proceeded from 2005 to 2012 and he acknowledged the hospitality in the United States of Assyriologist David Owen (who was at the time Professor of Ancient Near Eastern Studies at Cornell University) and Kovacs. He also stated that:

> *Images of most of the tablets in the anonymous collection were made at the Rosen Seminar, Cornell University, and are published here by generous leave of David I. Owen, Curator of the Tablet Collections* (George 2013: xi).

Thus, when publishing the 10 tablets in 2013, although George stated that they were with an anonymous private collector he acknowledged he was publishing with the permission of Cornell University's Owen. By 2020, the tablets were listed on the CDLI database as the property of the Department of Near Eastern Studies at Cornell University (Table 2).

Website date	Number of objects
December 2009	*c.* 6,500
October 2011	*c.* 9,000
November 2015	*c.* 10,000

Table 3. Increasing size of the CUNES Collection through time as stated on its website. (Information acquired from versions of the CUNES website available on the Wayback Machine at https://web.archive.org/web/* / http://cuneiform.library.cornell.edu/. Accessed 30 March 2022).

The CUNES Collection

The cuneiform collection of the Jonathan and Jeannette Rosen Ancient Near Eastern Studies Seminar (the CUNES Collection) in Cornell University's Department of Near Eastern Studies under the curatorship of Owen was established in 1999 by a donation of 1,500 cuneiform-inscribed objects from the collector Jonathan Rosen. Many had been in the possession of Rosen since at least 1997 (D'Arcy 2003; Owen 2007: vii). Cornell's acceptance of the tablets was dependent upon Rosen's assurance of legal acquisition (Gottlieb and Meier 2003). Rosen also financed the creation of research and technical support positions (Owen 2007: viii). The CUNES Collection continued to grow in size after its establishment, as recorded through time on its website (Table 3). In 2020, the CDLI database recorded 10,435 CUNES cuneiform objects, the overwhelming majority comprising clay tablets. It had been reported to hold approximately 10,000 objects by 2013 (Felch 2013), so it must have been approaching its final size sometime between 2011 and 2013. A 2001 Department of Homeland Security (DHS) investigation into a donation of 1,679 tablets to Cornell revealed that they had been valued at less than $50,000 for import into the United States, but enabled a deduction from the donor's taxable income of $900,000 (Brodie 2016: 129; Studevent-Hickman 2018: 212-213). The gradual increase in size of the CUNES Collection from the date of its establishment through to at least 2013 is evidence that Rosen continued to loan or donate material over a prolonged period of 14 years or more (Owen 2019). Thus, if a private collector did loan or donate the First Sealand Dynasty omen tablets published by George in 2013 to the CUNES Collection, in all probability that collector would have been Rosen.

In June 2019, the CUNES Collection was closed permanently (Owen 2019). The closure announcement stated that 'in the 20 years the cuneiform tablet collection was at Cornell, it was studied by dozens of scholars and has led to over 3 dozen books and articles, with more in press' (Cornell 2019). On 4 August 2021, Cornell University announced the return of cuneiform tablets to Iraq, though failed to say how many (Cornell 2021). News reports suggested that only 5,381 out of the CUNES holding of approximately 10,000 tablets were returned (Arraf 2021). The remainder were returned to Rosen (Owen 2019). Whether or not the 10 First Sealand Dynasty omen tablets published by George in 2013 were returned to Iraq is unknown.

The seven tablets referenced but not published by George in 2013 are listed on the CDLI database as 'Private: anonymous, unlocated', suggesting they are not and never have been in the possession of the CUNES Collection. There are, however, still hints of an association. Uri Gabbay noted in 2014 that two photographs of P431312 had been reproduced from

the CDLI with the permission of Owen and that George had initiated contact with the tablet's owner (Gabbay 2014: 148, note 11). Gabbay and Odette Boivin acknowledged the collector and George for supplying photographs of P431311 and the CUNES Collection for permission to publish several others (Gabbay and Boivin 2018: 22-23, author's note). If the CUNES Collection was holding copyrighted images it suggests a strong relationship with the owner. So, both Owen and George must have known the identity of the tablet's owner, which the evidence suggests was Rosen. Whether or not it was Rosen, the 'unlocated' provenance entry on the CDLI is incorrect. It should read 'withheld'.

Ghassan Rihani

From the evidence to hand, the group of 18 tablets itemised by George in 2013 is the one including the GDT bought by the Antiquities Dealer from a Rihani family member in 2003. Ghassan Rihani was a Jordanian citizen and resident who is believed to have been centrally involved in the illicit trade of Iraqi antiquities through the 1990s and who died in 2001 (Gottlieb and Meier 2003). An investigation conducted into Rihani's activities in the mid-1990s by London's Metropolitan Police found evidence to suggest that he was marketing material from Iraq supplied by Arshad Yasin, a brother-in-law of Saddam Hussein and officer in Saddam's personal guard.[2] Yasin is believed to have organised much of the looting in south Iraq during the 1990s, until forced to desist by Saddam (Garen 2004: 30; Sandler 2004). The police investigation's findings were corroborated by the research of TV producer David Hebditch who obtained informant testimony that through the 1990s the large-scale looting of archaeological sites in south Iraq was organized by senior Ba'ath Party members in collaboration with Rihani (Freeman *et al.* 2005: 19). Rihani has also been implicated in smuggling antiquities from Jordan, Israel and the Palestinian Authority through Switzerland, where he maintained storage facilities in the Geneva Freeport (New York 2021: 98-104).

From 1994 onwards, Rihani is known directly or indirectly through several U.K. dealers to have supplied the Schøyen Collection with 656 Aramaic incantation bowls and an undetermined number of cuneiform tablets from Iraq (Freeman *et al.* 2005: 19-23; Glørstad 2022; and see Korsvoll in this volume). Schøyen is in possession of a Jordanian export licence issued to Rihani and dated to September 1988 which authorizes the transfer of 2,050 antiquities from Jordan to his daughter who was at the time resident in London, though without supporting documentation and images it has been considered ambiguous and in any case cannot legitimise the export of material from Iraq (Freeman *et al.* 2005: 12-18). But given the Schøyen Collection's documented first- or second-hand dealings with Rihani and the facts that (1) the Antiquities Dealer bought the GDT and other First Sealand Dynasty tablets from Rihani, and (2) Dalley has suggested that there might be other tablets in the Schøyen Collection from the same deposit as those published by George in 2013 (Dalley 2020: 23), it seems more than likely that Rihani would also have been the ultimate source of the Sealand tablets in the Schøyen Collection, though that remains to be established.

2 Information supplied by Richard Ellis who was at the time an officer in the Art and Antiques Squad of the Metropolitan Police.

The Christie's catalogue

The Christie's (2014) catalogue prepared for Hobby Lobby offers a convenient place to start investigating the possible financial and commercial implications of Assyriological engagement with cuneiform tablets. It contains a translation and description of the GDT's contents together with a discussion of its historical significance. The Christie's catalogue text draws extensively upon George's (2007) paper, though the translation reproduced there is not the one published by George in 2007, and in fact from the evidence of two lines bears some similarity to the one published in the Sharpe catalogue and previously suggested here to be the work of Kovacs or the Cuneiform Expert (Table 1). Thus, whoever wrote the catalogue's text did not simply reproduce what George had published in 2007, but either prepared their own translation or had access to a translation prepared by another scholar, perhaps the one referenced in the Sharpe catalogue. Christie's has not disclosed authorship of the GDT catalogue, though following normal auction house practice for preparing private sales catalogues it was probably written by a commissioned expert (*e.g.* Mackenzie *et al.* 2019: 82) or at the very least utilised the results of outside scholarship (Sampson 2020).

Although the author of the Christie's catalogue did not use George's (2007) translation, they were clearly familiar with the content of his paper, where, to repeat, he had stated that 'The tablet was reported to be part of a group of unpublished tablets that included omen and liturgical compositions' (George 2007: 63). So, George had already established in print in 2007 (and repeated in 2013) that the GDT had been acquired as part of a larger group of cuneiform tablets, and an Assyriological 'expert' should have been aware of that fact. Yet the author of the Christie's catalogue's text seemingly acquiesced in its publication in 2014 of the fabricated Butterfield and Butterfield provenance (unless the provenance was added after the author had submitted the text). Any competent Assyriologist should have known by then that the Butterfield provenance was wrong.[3]

The financial worth of Assyriological scholarship

The early transactions involving the GDT were uncommonly low priced. The Rihani family member sold it as part of a larger group of objects for $50,350, and then four years later in 2007 the Antiquities Dealer sold the GDT alone for $50,000. Yet later that same year it was offered for sale by Sharpe for $450,000, which if it sold for that sum would have rapidly realized a $400,000 profit. In 2014, Christie's brokered the sale to Hobby Lobby for $1,674,000. Looking at the evidence of price appreciation from 2007 onwards, neither the Rihani family member nor the Antiquities Dealer seem to have profited from the full value of the objects being transacted. For the Rihani family member, the reasons might have been personal. Rihani's daughter in London specified on the 1988 export licence was probably the family member identified by the U.S. attorney as present in London in 2001 and 2003. By 2015, she was back in Amman registering what were said to be the 10,000 antiquities remaining in her family's possession with the Jordanian authorities to regularize their ownership (Lister 2015). Perhaps after Ghassan Rihani's death his family had stopped

3 The Butterfield and Butterfield provenance was not made public until the U.S. Attorney's complaint in 2020. It did not appear in the Michael Sharpe catalogue and the Christie's catalogue was not intended for general circulation. There is no indication that George was ever aware of it.

acquiring new material but were open to selling anything they had inherited at bargain prices, including the GDT and its associated tablets.

Why the Antiquities Dealer sold the GDT for $50,000 in 2007 when it looks to have been resold the same year with an asking price of $450,000 is not so immediately obvious. In fact, given that the Antiquities Dealer was benefiting from the assistance and advice of the Cuneiform Expert and less directly from the scholarly work of George, it seems an act of gross commercial negligence to have undervalued the GDT by such a significant margin. But perhaps international events had intruded upon his financial calculations or expectations. The U.S. Attorney's forfeiture complaint alleges that the Antiquities Dealer bought the tablets in March or April 2003 and then shipped them to the United States. It does not date the shipment, though presumably it occurred soon after purchase. On 20 March 2003, the U.S.-led Coalition invaded Iraq, and during fighting in Baghdad from 10-12 April the National Museum was badly looted (Bogdanos 2005a; 2005b; Brodie 2006). It soon became clear that archaeological sites throughout south Iraq were also being badly plundered (Stone 2008). There was widespread media outcry and the United Nations responded. Thirteen years earlier, in the wake of the Iraqi occupation of Kuwait, on 6 August 1990 United Nations Security Council Resolution (UNSCR) 661 had placed trade sanctions on Iraq, which were acknowledged but generally ignored by the major auction houses (Brodie 2008a: 42-43). Unprovenanced though likely illicitly-traded Iraqi objects were sold openly through public auction in London and New York. But that insouciant attitude to UNSCR 661 did not survive the events of spring 2003. After the March Coalition invasion and the April break-in of the National Museum, on 22 May 2003 UNSCR 1483 lifted general sanctions on trade goods but because of concerns about looting, left them in place for cultural objects, prohibiting the trade of any Iraqi objects that had left Iraq after 6 August 1990, the date of UNSCR 661. UNSCR 1483 was recognised in U.K. law in June 2003 and in U.S. law in late 2004 (Gerstenblith 2006: 328-332). Perhaps alarmed by the sudden threat of reputational harm and even legal action for continuing to trade in looted Iraqi objects, in late 2003 the auction houses do seem to have taken belated notice of UNSCR 661's 6 August 1990 sanctions threshold. The major antiquities auctions in London and New York stopped offering Iraqi cuneiform tablets altogether, and when Christie's in London did start offering Iraqi antiquities again after 2008, they were usually accompanied by a provenance that would place them outside of Iraq by 1990 (Brodie 2008a; 2008b; Brodie and Manivet 2017: 7-8).

Thus, when buying the GDT and its associated tablets in March or April 2003, the Antiquities Dealer might have been encouraged by the then lax commercial attitude regarding UNSCR 661 to believe that he would be able to sell them on without difficulty for a healthy profit. In the event, however, he was left holding the material in what had suddenly become an unexpectedly and unprecedentedly hostile trading environment. Perhaps he adopted the safe option of selling cheap to people willing to shoulder the risk of trading in looted Iraqi material or naïve enough not to understand the dangers involved. It is notable that the tablet was sold in 2007 through Sharpe's low-profile and non-specialist Pasadena dealership and not through one of the major London or New York auction houses, as would normally be expected. The ruse, if indeed it was a ruse, was successful. The Sharpe catalogue advertised the GDT as a 'Manuscript in cuneiform. Mesopotamia, *c.* 1400 BC' and correctly described it as carrying text from the Epic of Gilgamesh, stating that:

> *… the tablet is of the utmost rarity: Only thirty total fragments of Gilgamesh are recorded from the Old and Middle Babylonian period (i.e. 1800 to 1000 BC). No tablet predates 1800 BC and most are far smaller than this example; according to our research, this is in fact the largest and most important Sumerian clay tablet to come to the market in the last fifty years* (Sharpe 2007: 51).

Yet despite its advertised rarity and importance, the sale of the GDT passed unnoticed by scholars and journalists who were at time alert for the appearance of looted Iraqi antiquities on the international market.

Even allowing for a cautious market in the middle 2000s, however, the GDT nearly quadrupled in price between 2007 and 2014. The Christie's (2014) catalogue offers the clue. It was titled *The Dream Tablet: Relating Part of the Epic of Gilgamesh*, thus introducing the GDT to the world as the 'Gilgamesh Dream Tablet', presumably as a marketing device to increase its price. The Assyriologists involved in cleaning, translating and publishing its text had transformed the GDT from a salt-encrusted tablet of uncertain interest and significance to a valuable commodity, and the financial worth of their work can be assessed from the more than 3,000 per cent mark-up in price between its purchase in 2003 and sale in 2014.

As already described, the fate of the other 17 tablets bought along with the GDT in 2003 is uncertain, though in 2020 at least 10 were recorded on the CDLI as in the possession of the CUNES Collection. In 2013, George stated that when he was studying them that they were still in the possession of an anonymous private collection (George 2013: xx). So, presumably, if as argued here Rosen did donate them to the CUNES Collection, it would have been after George had completed his study and the results of his study would have been available to Rosen and to any appraiser valuing the tablets. Resorting to some hypothetical arithmetic, and using the prices declared in 2001 for the donation investigated by the DHS, 10 tablets with a purchase price of $30 each ($300 in total) and an appraised value of $536 each would have enabled a deduction from the Rosen's taxable income of $5,360. The tax-deduction would have been due at least in part to the prior scholarly assessments of rarity and significance.

The market impact of Assyriological scholarship

Over the long term, it is an inescapable fact that Assyriology as a discipline has enabled a market in cuneiform tablets by creating the categories and hierarchies that allow structured and targeted collecting (as opposed to simple accumulating) and underpin price formation. That is not the issue here. The Sealand tablet biographies show that still in the twenty-first century the close collaborative work of Assyriologists continues to mesh with the market. It ensures realistic pricing and thus profit taking. It might even fulfill the personal need of some collectors for scholarly approbation and more generally for public acclaim.

The general opacity of the antiquities market and the singular or incommensurable qualities and thus values of the objects being transacted hinder or obstruct reliable pricing and foster or facilitate dishonesty. Market actors are unable to enter transactions with any degree of confidence, and with potential buyers unwilling to risk money buying an object of unknown authenticity or value and in consequence with potential sellers struggling to turn a profit the market faces failure. It is one reason why many antiquities are bought and sold at public auction where open competitive bidding offers the possibility of establishing

value and price through consensus. For private sales, however, consensual price-setting is not a viable option. Instead, buyers must rely upon the quality assessment of experts or expert resources, including scholars and scholarly publications. A buyer can conduct due diligence in person through extensive provenance and market research in advance of purchase, though that imposes significant transaction or opportunity costs that might deter purchase and depress the market. Another option is for the buyer to outsource due diligence. One way of doing this is to buy from 'reputable' dealers – trusted sellers who stabilise the market through their reputational-backed guarantee to conduct thorough due diligence and establish good provenance of any object offered for sale. The Hobby Lobby complaint is probably correct when it states that:

> *Collectors also rely on the expertise of sophisticated art sellers, such as established galleries and auctioneers, to verify an object's legal ownership. Accordingly, the sale of an object at a reputable auction house indicates to the art market that the auctioneer considers the object to be legally owned, and the art market, in turn, relies on the auctioneer's imprimatur of legality with respect to future sales, loans and exhibitions* (Hobby Lobby 2021a: 4-5).

At a UNESCO meeting in 2013, a Christie's spokesperson championed this view when he stressed that his company actively discourages illicit trade by insisting that potential consignors provide the recent history of objects (UNESCO 2013: 13). He emphasized the need for cooperation and information exchange. One year later, for the GDT, Christie's did reach out to the Antiquities Dealer but did not communicate to Hobby Lobby the Antiquities Dealer's opinion that the tablet's provenance 'would not hold up to scrutiny', did not include the Antiquities Dealer in the GDT sale catalogue's statement of provenance, and did not even reveal the existence of the Antiquities Dealer. Hobby Lobby only learned about the Antiquities Dealer through the U.S. forfeiture action (Hobby Lobby 2021a: 6-9). Thus, in 2014 Hobby Lobby appears to have considered the Christie's catalogue as presenting a reliable account of provenance, subsequently learning the hard way that its trust was misplaced. In obvious contradiction to its claim to share information, Christie's suppressed a commercially damaging and potentially incriminating communication about the GDT's provenance, demonstrating that reputation is no guarantee of probity.

For buyers who are sceptical or distrusting of the honesty or reliability of a seller such as Christie's, scholars offer another source of outside expertise. Assyriologists are in possession of what Karpik (2010: 51) calls 'oriented knowledge'. They are personally able to draw upon the accumulated knowledge of their discipline and their own scholarship to identify objects and provide judgments of importance and authenticity that are otherwise elusive for non-expert buyers. The Cuneiform Expert accompanied the Antiquities Dealer to London in 2003 to advise upon the purchase, and other commercial collaborations between dealers and scholars have been noted (Brodie 2011: 129-131; Mackenzie *et al.* 2019: 63). Wealthy private collectors are able either to retain their own Assyriologists or to hire Assyriological expertise. Rosen was employing an Assyriologist by at least 1997 (Owen 2007: vii), and it is hard to believe that Schøyen would have been active in the cuneiform market without Assyriological advice and assistance, provided perhaps by Kovacs or a predecessor. The oriented knowledge of Assyriologists allows

buyers who can afford it to act more confidently in the market and without them the market would suffer.

While the work of Assyriologists directly supporting the market by advising collectors and dealers can be termed 'active engagement', studying and publishing cuneiform tablets in private possession might be characterised more innocuously as 'passive engagement', in that it is intended to further historical scholarship. Any commercial consequences are unintended and claimed minimal enough not to outweigh the public interest of publication (Brodie 2019). Yet, from what can be deduced from the Sealand tablet biographies, when viewed holistically scholars do maintain a central market presence as information brokers and it is hard to identify any kind of firewall between active and passive engagement. There was a seamless network of scholarly contact and communication linking together the acquisition and study of the GDT and its associated Sealand tablets from point of purchase in 2003 to peer-reviewed publication in 2007 and beyond. The networked Assyriologists shared information in print and privately among themselves about tablets in private possession and the contents of their texts. The financial worth of this scholarship has been clearly demonstrated by the massive price appreciation of the GDT.

But private collectors no doubt acquire cuneiform tablets for a variety of not necessarily exclusive reasons. Their material ambitions to possess historical objects or to profit financially cannot always be separated out from coinciding personal aspirations. Hobby Lobby, for example, is understood to have collected cuneiform tablets for their Biblical associations while at the same time profiting financially from tax-deductions claimed for their donation to the non-profit MOTB (Moss and Baden 2017). Alongside Rosen's tax benefits, his donations to Cornell seem to have involved 'naming rights' whereby the CUNES collection was named publicly after himself and his wife. Schøyen has been quoted as saying that his collecting was motivated by the work of scholars in understanding history (Schøyen 2009). The close personal relations and acts of hospitality that are evident in the acknowledgments of Assyriological publications advertise the existence of a socially-embedded market where personal and economic objectives can be pursued simultaneously. Scholarly association clearly has value in itself. It is notable that although the Assyriologists studying the Sealand tablets were aware of their questionable origins at no point do they seem to have conducted any further investigations into their provenance or to have alerted any outside authorities. While it is comforting to study material vaguely understood to have been illicitly-traded without knowing any details, it might be more disconcerting to know that their trade was profiting a senior member of the Saddam regime. Perhaps the sociality of the market acts to 'capture' or 'entangle' Assyriologists, so that they do not ask awkward questions for fear of losing access to a valuable research resource or simply of offending a colleague or a collector who has come to be viewed as a personal friend. They become personally invested in the ongoing security and wellbeing of private collectors and their collections. Thus, it has become accepted practice to publish unprovenanced tablets as the property of an anonymous owner even when the identity of the owner is known and the origins of the tablets are suspect and to acknowledge the generosity and philanthropy of collectors without enquiring too deeply about the source of cuneiform tablets in their possession. But when such obfuscations become fossilised in academic resources such as the CDLI or monograph series such as the Cornell University Studies in Assyriology and Sumerology, they come preciously close to laundering – laundering the tablets and laundering the reputations of those who hold them.

Cause	Outcome
Weak agency. Inadequate information about the nature of and/or consequences of a market; others enter the market on one's behalf	*Extreme harms for the **individual***. Produces destitution; produces harm to the basic welfare and/or agency interests of the individual
Vulnerability. Markets in a desperately needed good with limited suppliers; markets with origins in poverty and destitution; markets whose participants have very unequal needs for goods being exchanged	*Extreme harms for **society***. Promotes servility and dependence; undermines democratic governance; undermines other regarding motivations

Table 4. Possible defining characteristics of a noxious market (Satz 2010: 98).

Noxious scholarship?

Debra Satz (2010) has discussed the moral limits of markets in such things as human organs and weapons. She argues that these markets might be considered noxious, in that despite the benefits that that accrue to some participants (*e.g.* organ recipients and arms manufacturers), overall they are characterized by gross asymmetries of agency, with individuals forced to participate on disadvantageous or even harmful terms by economic duress (*e.g.* organ donors) and/or with extremely harmful outcomes (*e.g.* armed conflict). She has developed criteria for describing how a market might be harmful for individual actors or for societies and thus how it might be judged noxious (Table 4).

Turning to the market in cuneiform tablets, it is well established that the looting was at its height through the late 1990s and early 2000s while Iraq was subject to economic sanctions and ultimately invaded by the U.S.-led coalition (Brodie 2006; Stone 2008). Many people had been rendered destitute and archaeological sites provided a ready source of saleable cuneiform tablets and other antiquities. Nevertheless, with access to the lucrative international market mediated through senior Ba'ath party officials or tribal hierarchies, and probably with only limited means of assessing the true market value of a singular piece such as the GDT, individual diggers would struggle to obtain anything like a fair market price for their finds. There would also be the ever-present danger of violence. Many deaths directly or indirectly related to looting and trafficking of Iraqi antiquities have been documented (Brodie 2016: 131-132). The disadvantaged position of diggers at the very bottom of an international trading chain meets Satz's causative criteria of individual vulnerability and weak agency.

The looting and illegal trade out of Iraq violated Iraqi sovereignty and cultural self-determination. The criminality and corruption of responsible political and civil actors is also socially harmful. Thus, although some individual actors such as Arshad Yasin might have profited from trade and diggers might have benefited from looting archaeological sites in that it provided a much-needed source of income, overall the looting and trafficking proved harmful for Iraqi society. It is notable that at the handover ceremony in Washington D.C. the Iraqi Minister of Culture described the recovery of the GDT as restoring self-esteem and confidence to Iraqi society (SBAH 2021), antonyms almost for Satz's societal harms of servility and dependence.

It is hard to feel any sympathy for Hobby Lobby, given its egregious record of acquiring unprovenanced and ultimately illicit or fake antiquities (Brodie 2020; Gerstenblith 2022; Mazza 2021; Moss and Baden 2017; and see Mazza and Gerstenblith in this volume), but nevertheless it might be characterised according to Satz's criteria as having suffered a financial loss because of weak agency, in that when considering

the purchase of the GDT it naïvely took the provenance provided by Christie's as fact, when by 2014 the scholarly community was demonstrably aware that the GDT had been acquired as part of a larger group of First Sealand Dynasty tablets and so could not have been sold as its provenance claimed at a San Francisco auction in 1981. If Hobby Lobby had dug deep into the scholarly literature it might have ascertained that fact for itself, but then if the scholars had been more open about their knowledge Hobby Lobby might have been spared the effort and the GDT might have been recovered for Iraq many years earlier.

Thus, the market in Iraqi cuneiform tablets from the 1990s through to the 2000s was individually and socially harmful. If the engagement of Assyriologists was of central importance to the market, then so too the work of Assyriologists must also be considered harmful. Whether the harms caused by the market and by extension Assyriological engagement would be considered *extreme* enough to warrant the designation noxious is no doubt open to debate. But it is a debate worth having.

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USA 2021c. Rare Cuneiform Tablet Bearing Portion of the Epic of Gilgamesh Forfeited to the United States, United States Attorney's Office, Eastern District of New York, press release. 27 July.

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Consuming Palmyra

Michael Press

Abstract

Over the last century and a half, academics have consumed Palmyrene artifacts, from controlled excavations as well as from illegal looting. This paper examines how academic engagement with material from Palmyra has changed with the political realities of the site, as it has switched hands from the Ottoman Empire to the French Mandate to an independent Syria. Finally, it looks at the effects that the Syrian Civil War has had on scholarly attitudes towards Palmyra and its artifacts, and the continuing impact that the war may have going forward.

Keywords: Palmyra, Tadmur, Syrian Civil War, antiquities looting, Ny Carlsberg Glyptotek, Metropolitan Museum of Art, Palmyrene funerary reliefs, Isabel Burton, Richard Francis Burton, Jeremy Hutton, Palmyrene Aramaic Texts

Introduction

The year 2020 marked 150 years since the first 'scientific' excavation at Palmyra (in Arabic, Tadmur). That excavation was carried out by the unlikely archaeological duo of Richard and Isabel Burton. The Burtons inaugurated a century and a half of intensive archaeological exploration of the site, as well as intensive engagement with Palmyra's artifacts – whether derived from controlled excavation or from illegal looting.

How have scholars interacted with Palmyrene artifacts, and how has this interaction changed over time? Scholarly interest can be separated into three broad periods over the last 150 years: Late Ottoman, 1870–World War I; French Mandate and independent Syria, 1920–2011; and the Syrian Civil War, 2011–present. Each period shows new attitudes toward dealing with Palmyrene artifacts, but not necessarily a linear progression in developing an ethics of interaction. Instead, the common thread is a willingness to publish artifacts that were illegally excavated at the site and smuggled out of the country.

Late Ottoman period

Scholars have long desired to consume Palmyra and its artifacts. On the first recorded modern journey to the site by Europeans, in 1691, merchants of the British Levant

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Company recorded of the porphyry columns that 'it was with great difficulty we broke off a few shivers to bring home with us' (Halifax 1695: 102). Sixty years later, Robert 'Palmyra' Wood and his companions copied inscriptions at Palmyra and elsewhere on their journey, while they 'carried off the marbles whenever it was possible; for the avarice or superstition of the inhabitants made that task difficult and sometimes impracticable' (Wood 1753: preface). They did manage to remove a few inscribed stone altars and other objects from Palmyra, which are now in the Ashmolean Museum at Oxford. But most work in this period was merely above-ground exploration and copying of visible inscriptions.

In 1868, the French scholar and diplomat Charles Jean Melchior de Vogüé, who, along with William Waddington, had identified and copied more than 130 previously published inscriptions at Palmyra in the 1850s and 1860s, greatly enlarging the then-known corpus (de Vogüé 1868: 2). But de Vogüé's enthusiasm for this substantial achievement was tinged with a note of regret, as he lamented that actual excavation at the site would not be possible for some time. In retrospect, de Vogüé's regret is ironic: just two years later, his dream was realized by the Burtons.

What had changed in those two years? More generally, why was excavation possible in 1870? Over the course of the nineteenth century, the European powers gradually extended their influence in the Ottoman Empire. Consuls were increasingly present in the major cities of the Levant from the 1830s onward. Some consular offices had already been established in the coastal cities, where Europeans had commercial interests; now more European countries (along with the United States) established consular offices in the ports, and consular offices were established inland in cities like Jerusalem and Damascus. This was a condition that Europeans won from the Ottomans in return for their assistance in defeating the rebellious Muhammad Ali Pasha of Egypt and restoring Ottoman control over the region (Blum 1980: 19-20). European consuls constantly worked to extend both their own personal influence and that of the imperial powers they represented, regularly interfering in local affairs in this period (Ma'oz 1968: 212-215). Richard Burton, conveniently enough, was British consul in Damascus in the late 1860s and early 1870s, providing him with the opportunity and power to conduct excavations. Besides his work at Palmyra, Burton also pushed for restoration work at Baalbek, including removal of Islamic-period walls to better reveal the Roman temples; he temporarily received permission from the vali (governor-general) of Damascus, but this was later withdrawn (Burton, I. 1872: 36-44).

Another factor was the rise of archaeology as a discipline of its own. The development of the law of superposition in geology, and its application to archaeological sites like the mounds of the Middle East, were recent developments. The desire for excavation and the realization of its possibilities would not have existed, at least not in the same form, long before de Vogüé.

But perhaps most significant were the efforts of the vali (governor-general) of Damascus, Mehmet Raşid Pasha (1866–1871), to extend both his and the sultan's authority over desert fringes of the empire, by subduing the Bedouin tribes who were the main inhabitants of these regions (*e.g.* Rogan 1999: 48-52). In eastern Syria, this took the form of what Isabel Burton (1872: 22-23) described as a 'cordon militaire,' a string of fortified positions set up between Damascus in the southwest and Deir ez-Zor on the Euphrates to the northeast. Palmyra was near the center of this cordon (Figures 1a; 1b). Prior to the establishment of the cordon, travel to Palmyra was not only difficult, as the site was located in the middle

of a desert, but expensive. 'Only the rich could hope at all, as it was necessary to hire a large Bedawin escort; for which even 6000 fr. [£240, equivalent to over £24,000 today] and more have been demanded' (Burton, I. 1872: 22).[1] Burton's comments are echoed by others: Bayard Taylor reported in 1852 that 'only six persons have succeeded in reaching Palmyra within a year, and two of them, Messrs. Noel and Cathcart, were imprisoned four days by the Arabs' (Taylor 1855: 131). According to Taylor, his own party 'was obliged to travel almost wholly by night, running the gauntlet of a dozen Arab encampments, and was only allowed a day's stay at Palmyra'. 'To visit the place at present involves so heavy an expense, in purchasing protection from the Arabs', observed Robert Morris in 1868, 'that but few travellers care to attempt it' (Morris 1872: 185-186). Morris himself continued by explaining how he himself missed his chance to visit the site. With these problems generally removed by 1870, the town and the ancient site became much more accessible.

Richard and Isabel Burton visited Palmyra for five days, with their excavations lasting only a day and a half (Burton, I. 1872; Burton, R.F. 1872a: 304). They made a series of probes, concentrating especially on the southwest part of the site, in the area of the tower tombs (Burton, R.F. 1872a; Barański 2013; see Figure 2). Their published accounts emphasize the human remains they collected to present to the Anthropological Institute: mummies, skulls, human hair, etc.; the skulls were the topic of an additional specialist paper (Blake 1872). They also collected various small finds: pottery, tesserae, coins, seals, and more. Noticeably absent from Richard Burton's list to the Anthropological Institute are the famous funerary reliefs, although we know that he found them. In the text of his paper he mentions them; one he describes (1872a: 307) as a 'hideous work of art' (Figure 3). Perhaps for this reason he did not keep the bust himself, but gave or sold it to Aimé Péretié, the dragoman-chancellor of the French consulate in Beirut, who had one of the largest collections of antiquities in the Levant at the time. (After Péretié's death, much of his collection, including this Palmyrene bust, was acquired by his friend Louis de Clercq, and was donated decades later, in 1967, to the Louvre by de Clercq's heir, his grand-nephew, Comte Henri de Boisgelin.)

The timing of this first excavation at Palmyra also coincided with the emergence of Ottoman antiquities laws. The first had been enacted just a year earlier, in March 1869 (Aristarchi Bey 1874: 161-162). Under this law, permits were required for archaeological excavation, and material found in excavations, other than coins, could not be exported from the empire; it could be sold within its borders, however. It is unclear if the Burtons had a permit for excavating Palmyra, though it is suggestive of how little regard they gave to Ottoman law that they do not feel the need to mention it in their accounts of their activities. Regardless, the removal of many items they found to England was a clear violation of the law, and when Richard Burton presented his Levantine collections to the Anthropological Institute in late 1871, he publicly criticized the Ottoman prohibition of exporting antiquities (1872b: 334).

Nor were the Burtons alone in this. The cordon paved the way not only for excavation, but also for tourists who wanted to carry off Palmyra. Before 1870, the occasional European visitors would purchase artifacts from residents of the site, but these were typically small finds: coins, tesserae, beads, and jewels, including the occasional Mesopotamian cylinder seal (Porter 1855: 239; Beaufort 1862: 375-377; Burton, I. 1875: 12). Fragments of statues

1 For the exchange rates used here and below, see Liévin de Hamme 1887: 67; Denzel 2010.

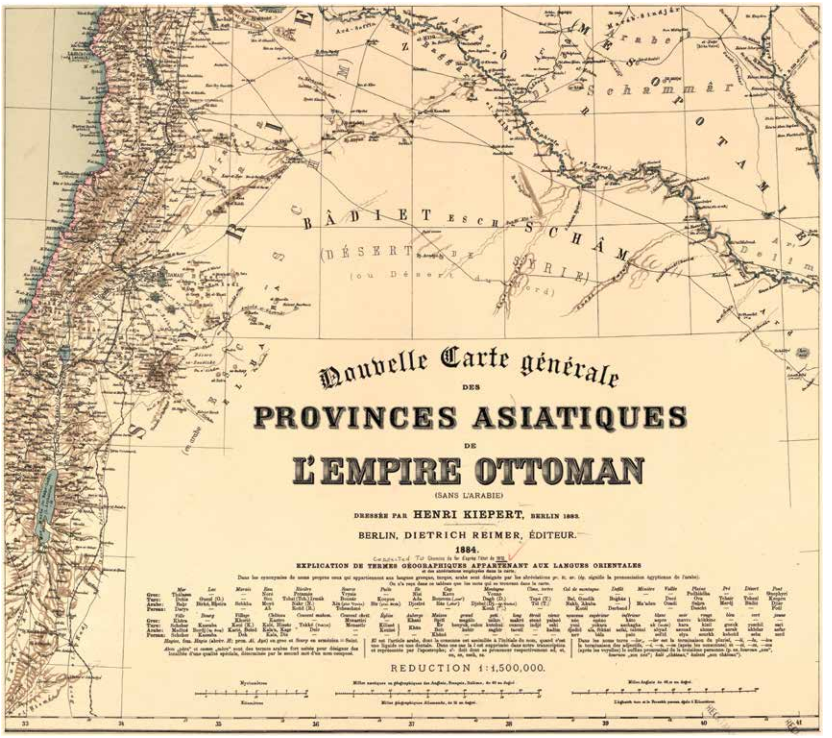

Figure 1a. Heinrich Kiepert, new general map of the Asiatic Provinces of the Ottoman Empire (published by Dietrich Reimer, Berlin, 1884).

Figure 1b. Detail of the new general map of the Asiatic Provinces of the Ottoman Empire showing the route between Damascus and Deir ez-Zor (ed-Deir) on the Euphrates.

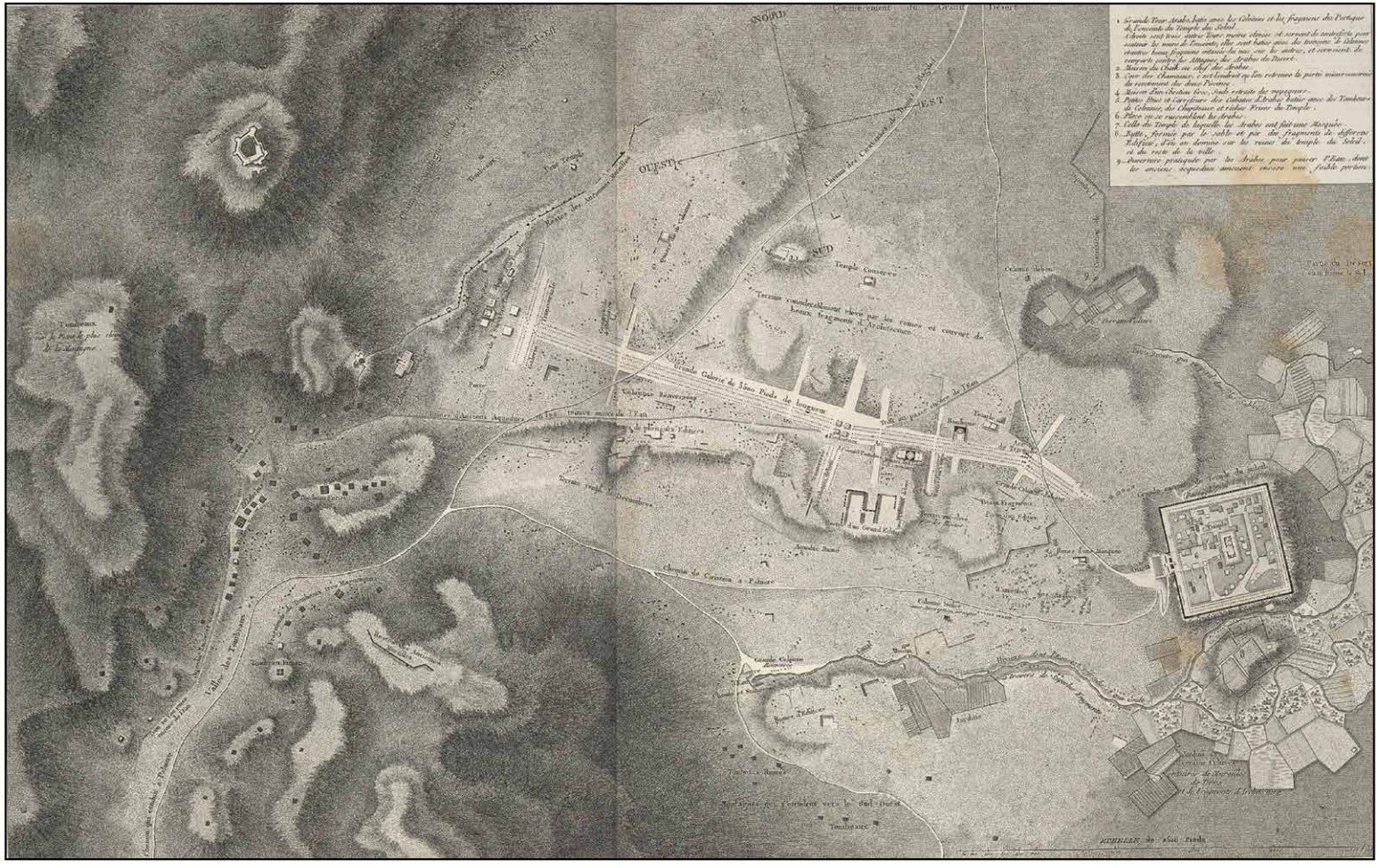

Figure 2. Louis François Cassas, Plan of Palmyra, (Cassas 1798: plate 26). Proof plates courtesy of Getty Research Institute.

Figure 3. Burton's 'hideous work of art'. Funerary relief of Yarhibâla son of Maliku. Louvre AO 22254 (de Ridder 1906: no. 59, plate 34). Photograph by Dujardin. Courtesy of Bibliothèque nationale de France.

were rare finds among the artifacts offered to visitors (*e.g.* Porter 1855: 240). Now, not only could more tourists come and purchase antiquities at Palmyra, or loot the site themselves, but it was also easier for tourists and local merchants to take antiquities – including larger reliefs and sculptural fragments – out of the city. (Again, all of this was done in complete disregard for the Ottoman antiquities laws then in existence.) The first edition of Baedeker's guide to Palestine and Syria (1876: 521) gave advice to visitors to Palmyra on how much to pay for antiquities: no more than 6-7 piasters (less than 2 francs) for a pottery lamp, and no more than 30-40 piasters (about 7-10 francs) for a funerary portrait. (Baedeker's also informed tourists that export of antiquities from the Ottoman empire was prohibited, but that they could avoid a search of their baggage by bribing customs

officials [1876: 10]). The Irish missionary and scholar William Wright (1887) warned that, by the late 1880s, funerary portraits were being removed *en masse* and sold in Damascus and Beirut.

Scholars were not merely warning about looting at Palmyra, but were actively taking part. William Wright himself published a detailed account of his own adventures there; in it he described his attempts to acquire Palmyrene artifacts at the site, including sending the local residents scrambling for a bust of Queen Zenobia for a single franc (Wright 1895: 128). Assyriologist John Punnett Peters, director of the University of Pennsylvania expedition to Nippur in 1888–1890, described in detail his efforts to acquire antiquities at Palmyra for his university (Peters 1897). Peters made clear that he was aware of Ottoman law forbidding this activity (1897: 31). Yet he detailed how resident after resident took funerary portraits and other antiquities out of hiding places (under the floor, inside an oven, in the gardens) and offered them to him for sale; and he discussed how he diverted his caravan in order to avoid a search by the authorities, and then bribed the customs officials (with 'a very moderate backsheesh') to let him export them at Beirut (1897: 348-352). Peters's Palmyrene acquisitions are today in the Penn Museum (Danti 2001; Penn 2020).

The Late Ottoman period saw many other European and American museums acquiring artifacts that were both illegally dug up at the site and illegally removed from the empire (Albertson 2000: 159-160). A good example is the Metropolitan Museum of Art in New York City. The museum acquired a number of Palmyrene funerary reliefs in the years around 1900, most of them from the Syrian-American antiquities dealer Azeez Khayat. Every spring, Khayat would travel to the Levant, hire dozens or hundreds of workers, and loot sites in what is now northern Israel and southern Lebanon and Syria (Bergman 1974). Khayat is not known to have operated as far north as Palmyra itself, but likely purchased Palmyrene artifacts in Damascus or Beirut. As with many other buyers and sellers in this period, he openly acknowledged that his activities were illegal. In a lecture to the American Numismatic and Archaeological Society, Khayat described his activities, noting that both excavations without a license and exporting antiquities were illegal, but that the law could be easily flouted by bribing customs official or the police (Khayat 1900). Nor did Khayat face many problems in bringing his antiquities to the United States. In 1908, four Palmyrene funerary busts were held up at customs as officials tried to decide how they should be classified and their value (presumably for customs duty); they were eventually released to him as 'manufactured marble' (Monumental News 1908). In 1909, Khayat's wife and five children were strip-searched on their return from the Levant to the United States, though nothing was found on them (NYT 1909a; 1909b). Otherwise, Khayat had little difficulty in looting or purchasing looted artifacts, smuggling them out of the country, and selling them to wealthy American collectors and institutions over a career spanning four decades.

The clearest indication of the change in looting practices in the late nineteenth century is the increase in prices. In the mid-1870s, as we saw, Baedeker's recommended that travelers pay no more than 30-40 piasters for a Palmyrene funerary relief. Between 1884 and 1888, Julius Løytved (the Danish consul in Beirut, who served as an antiquities dealer and agent as well as collector) regularly quoted prices of 400-600 francs

(roughly 1,800-2,700 piasters) for the same objects (Ny Carlsbergfondet n.d.).[2] In a span of 10 years, the prices had gone up around 6,000 per cent. Part of this is no doubt due to the presence of a middleman (or middlemen, if Løytved inflated the prices that he had paid in his reports to Jacobsen in order to increase his own profits): Baedeker's was recommending prices for travelers buying on-site (at Palmyra), while Løytved was reporting on amounts asked by and paid to antiquities dealers in Damascus. But the increase must also reflect a much greater demand for Palmyrene funerary reliefs; tastes had changed since Burton dismissed that 'hideous work of art' a decade and a half earlier.

But while many tourists and collectors followed in the Burtons' footsteps to Palmyra over the next few decades, few came to carry out scientific excavations in this time. The German Otto Puchstein conducted soundings at the site in 1902, followed by Theodor Wiegand during World War I (Wiegand 1932). Otherwise there was no scientific excavation at the site for the rest of the Ottoman period.

French Mandate and independent Syria

The situation changed dramatically in the 1920s. With the dissolution of the Ottoman Empire, the Levant was partitioned between Britain and France, with the arrangement sanctioned by the League of Nations; Palmyra became part of French Mandate Syria. With these changes, foreign expeditions, especially Danish and French undertakings, carried out extensive archaeological activity at the site. Excavations were possible in part as France remade Palmyra. The site had been continuously inhabited since antiquity, with a modern village centered on the Temple of Bel; the French forcibly removed the inhabitants and settled them in a new town built adjacent to the site (modern Palmyra/Tadmur), then demolished the village. These efforts were connected with French interests in establishing a garrison town at Palmyra to guard part of the Syrian Desert, but also allowed for excavation and preservation of the Temple of Bel compound (Neep 2012: 142-143). The French Mandate also encouraged archaeological activity through the reinstitution of partage, legally eliminated by the Ottomans in 1884: now that France controlled Syria, it was more sympathetic to French (and other non-Syrian) archaeologists who wanted to bring a share of the archaeological finds home (Griswold 2020).

The transition between the Late Ottoman and French Mandate periods is exemplified by the collection of the Ny Carlsberg Glyptotek in Copenhagen, which holds the largest collection of Palmyrene funerary reliefs outside of Syria (Raja 2017: 105). The museum was founded by Carlsberg beer magnate Carl Jacobsen to house his collection of antiquities. Stocked through the purchases made in Damascus by Jacobsen's agent Julius Løytved, by the time its first catalogue of Palmyrene material was published in 1889 the museum held over 100 funerary reliefs from the site (Simonsen 1889; see Figure 4). In the 1920s, the museum's collections were further enriched when Danish archaeologist Harald Ingholt conducted excavations at the site, focusing (as the Burtons had) on the southwest necropolis.

With the establishment of an antiquities service in Syria, the relaxing of antiquities laws concerning export of antiquities, and the onset of large-scale excavations at the site,

2 See Løytved's letters to Carl Jacobsen dated 23 May 1884, 5 July 1884, 13 February 1885, 1 March 1885, 5 March 1885, 25 November 1886, 13 July 1887, and 10 February 1888 (Ny Carlsbergfondet n.d.).

Figure 4. Some of the Palmyrene funerary busts acquired by Løytved for Carl Jacobsen (Simonsen 1889: plate XII).

foreign scholars were no longer involved directly with conducting illegal excavations at the site or purchasing looted artifacts there. There was no longer a need to do so, and as a result the accepted norms changed in these respects. However, norms did not change with respect to publishing material looted from the site. From the 1920s Syria restricted the excavation, ownership, sale and export of antiquities, and from 1999 sale and export were prohibited (Griswold 2020; SAR 1963; 1999). Yet throughout the French Mandate and after Syrian independence, European and U.S. scholars in particular continued to work with Palmyrene material which did not have documented provenance, and which must have been removed illegally from the site. This situation is demonstrated by looking through *Palmyrene Aramaic Texts* (known among experts as *PAT*), the standard reference for Palmyrene inscriptions published by Delbert Hillers and Eleonora Cussini in 1996. The work is a comprehensive collection of transliterations of previous published texts, including references to previous editions – in all 2,382 inscriptions, a great increase over the 146 known in de Vogüé's day (1868: 2). It is clear that a significant percentage of this material has no documented provenance beyond being sold by an antiquities dealer, but this is not a concern highlighted by the authors; for these items, they list provenance simply as 'Palmyra.' In other words, the only provenance of importance to the authors is ancient provenience, not modern collection history.

Following the publication of *PAT*, scholarly interest in unprovenanced Palmyrene artifacts continued. After Hillers's death in 1999, his co-author Cussini edited a memorial volume for him, with contributions from a wide range of scholars (Cussini 2005). In the foreword, Cussini refers to 'clandestine' excavations at the site in the early 1900s, but merely in an effort to explain how unpublished inscriptions continue to appear on the antiquities market, as old collections are broken up and Palmyrene artifacts are thus 'made available to the scientific community' (Cussini 2005: x). Meanwhile, three separate papers in the volume include previously unpublished, unprovenanced Palmyrene artifacts coming from the antiquities market or private collections; one uses auction listings as its main source (Gross 2005; also Müller-Kessler 2005; Parlasca 2005).

This reliance on auction houses, and the problems with them as a source, is found in other twenty-first-century cases, for example the publication of a Palmyrene altar in the Cincinnati Museum of Art (Dirven and Kaizer 2013). The altar was purchased by the museum at a Sotheby's auction in 1996. The only information provided by the Sotheby's expert was that '"the piece surfaced on the market in 1996 from a private collection through a European dealer"'; when the scholars publishing the piece asked him for more information, he replied that '" [t]he [anonymous] consignor has told me that they have no recollection of the previous owner of the monument, and are unable to recall how long they possessed it before it was sold with us"' (Dirven and Kaizer 2013: 392). This case is a typical example of the lack of transparency in the art and antiquities trade, and the relative lack of interest in national antiquities laws or international agreements; for the scholars publishing the artifact, however, it is lamentable simply for the lack of information about the altar's ancient context.

At least toward the end of the period before the Syrian Civil War, first editions of Palmyrene artifacts acquired by museums began to include short sections on provenance or collection history (*e.g.* Albertson 2000). But this practice seems to have been primarily out of a sense of duty, for sake of completeness, or simply to tell an entertaining story, rather than out of a concern for ethical or legal obligation.

Syrian Civil War

The Syrian Civil War has greatly increased interest in Palmyra, particularly with the attention in international news the occupation of the site by the Islamic State of Iraq and Syria (ISIS). In scholarly terms, this interest has manifested itself in various forms: academic conferences, museum exhibitions, and projects focusing on the digitization and preservation of cultural heritage.

Museum exhibitions focused exclusively on Palmyra, or including it as a highlight, have proven popular in the last decade. These include Eternal Sites: From Bamiyan to Palmyra: A Journey to the Heart of Universal Heritage (Rmn-Grand Palais 2016–2017), Cultures in the Crossfire: Stories from Syria and Iraq (Penn 2017–2018), Palmyra Loss and Remembrance (Getty Museum 2018–2019), The World Between Empires: Art and Identity in the Ancient Middle East (MMA 2019), The Road to Palmyra (Ny Carlsberg Glyptoteket 2019–2020), and the online exhibition Return to Palmyra (GRI n.d.). The format of these is generally similar: they give attention to Palmyra's ancient (specifically Roman-period) remains, skip its Late Antique and Islamic Period past to focus on its modern rediscovery by Europeans, and then highlight the current destruction and looting by ISIS. This format implicitly contrasts the threat to Palmyrene antiquities remaining on site in Syria with the safety of those Palmyrene antiquities secure in European and U.S. museums, thereby justifying these museums' continued possession of unprovenanced Palmyrene artifacts. Occasionally the contrast is explicit: 'In the present day the fact that the funerary portrait from Palmyra in the Bilbao Fine Arts Museum is so far from its place of origin imbues it with the evocative powers of a past that we can still recover, in contrast to the tragic situation of the recent destruction of Palmyra caused by religious intransigence, the dehumanising effect of which we must strive to avoid at all costs' (Corzo Sánchez 2016: 15). The museums, while lamenting the contemporary looting at the site (and elsewhere in Syria) by ISIS, generally fail to mention that their own collections were formed by previous episodes of looting at the site.

In 2016, the Metropolitan Museum of Art held a symposium on Palmyra, Mirage in the Desert (Aruz 2017). At this exhibition, attended by several experts on Palmyrene inscriptions and artifacts, the museum was notified that one of its Palmyrene funerary reliefs (01.25.1; Figure 5a), while itself authentic, bore an illegible inscription that appeared to be an imitation of Palmyrene script (Hutton 2019; Figure 5b). This is presumably a modern forgery added by a dealer to increase the value of the artifact; the relief, in fact, is one of several that the Metropolitan purchased from Azeez Khayat *c.* 1900. The current entry in the museum database ends with a sentence (apparently added after the symposium) noting simply that '[a]n inscription which appears over [the figure's] right shoulder, difficult to decipher, may have been added later' (MMA 2021).

Funerary relief 01.25.1, like many of the other Palmyrene artifacts in the Metropolitan Museum's collection, was included in the exhibition *The World Between Empires* organized three years later. Shortly before the opening of the exhibition, the database entries for the museum's Palmyrene artifacts were changed, with the listing for 'Geography' changed from 'Syria, probably from Palmyra' to 'From Syria, Palmyra' (MMA 2019; 2021). In this way, the museum further obscured the fact that these objects can ultimately be traced back only to antiquities dealers, and not to the site of Palmyra itself.

Figure 5a. Funerary relief, Metropolitan Museum of Art 01.25.1. Courtesy of Metropolitan Museum of Art.

Many academic projects relating to Palmyra have been involved with digital reconstruction of parts of the site: the Institute for Digital Archaeology's Triumphal Arch reconstruction (IDA n.d.), U.C. San Diego's Temple of Bel in Palmyra, Syria (UCSD 2020), and #NEWPALMYRA (New Palmyra n.d.), among many others. Of those dealing with Palmyrene artifacts, the most important are the Palmyra Portrait Project, directed by Rubina Raja (Aarhus n.d.), and the Wisconsin Palmyrene Aramaic Inscription Project, directed by Jeremy Hutton (Wisconsin-Madison n.d.). These projects, dedicated to cataloguing known Palmyrene reliefs and Palmyrene inscriptions, have justified themselves in part because

Figure 5b. Funerary relief, Metropolitan Museum of Art 01.25.1, detail showing forged inscription. Courtesy of Metropolitan Museum of Art.

of the Syrian Civil War and its threat to Palmyrene antiquities. Rubina Raja has noted that, while the Palmyra Portrait Project was conceived independently of the conflict, it has become more valuable since the start of the war; indeed, her team has created a subproject whose goal is 'to monitor the international art market for Palmyrene funerary portraits and other objects' (Raja 2017: 107). Similarly, the Wisconsin Palmyrene Aramaic Inscription Project's website has suggested its aims work toward a 'wider goal,' namely, 'to make a lasting contribution to the preservation of Palmyrene history and culture' (Wisconsin-Madison n.d.). The concerns of these projects reflect a wider preoccupation in the field of Palmyrene studies at the time. 'What is needed now, Palmyra scholar Ted Kaizer wrote in an article looking at 'The future of Palmyrene studies' in 2016, 'is coordinating all available documentation and updating the existing catalogues of collections' (Kaizer 2016: 927).

It is not surprising, then, that the years of the Syrian Civil War have seen a noticeable increase in the number of first editions of unprovenanced Palmyrene artifacts. Figure 6 shows the number of publications of unprovenanced and previously unpublished Palmyrene material since the publication of *PAT* in 1996. Publications were identified by

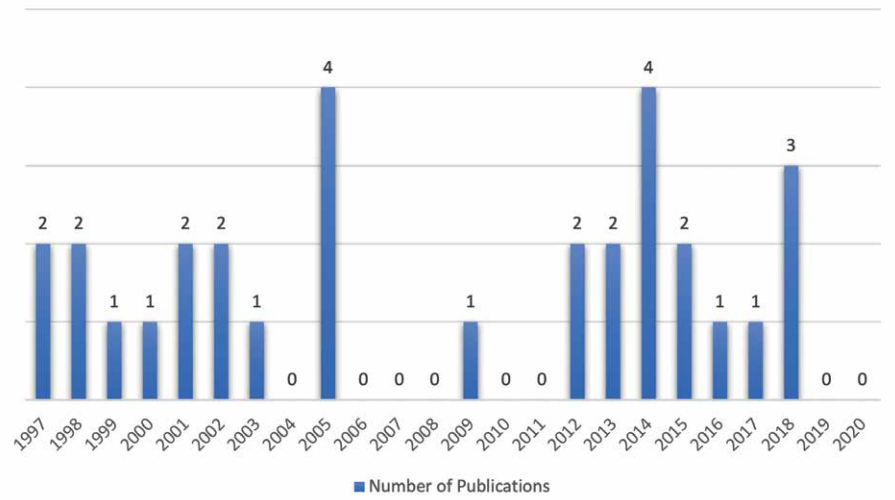

Figure 6. Initial scholarly publications of Palmyrene artifacts held outside of Syria, 1997–2020.

searches of Google Scholar and Index Theologicus (using the search terms Palmyrene Aramaic Texts, Palmyrene reliefs, Palmyra, Palmyrene, palmyrénien, palmyrisch, *etc.*) as well as searches of the tables of contents of relevant journals (*Semitica, Semitica et Classica, Syria, Damaszener Mitteilungen, Archäologischer Anzeiger*, *etc.*), and bibliographies of published articles, especially Yon (2013). The publications included are: Teixidor (1997), Desreumaux and Briquel-Chatonnet (1997), Lipiński (1998), Briquel-Chatonnet and Lozachmeur (1998), Kaoukabani (1999), Albertson (2000), Gawlikowski (2001), Puech (2001), Cussini (2002), Lemaire (2002), Meischner and Cussini (2003), Bel (2005), Gross (2005), Müller-Kessler (2005), Parlasca (2005), Daccache (2009), Albertson (2012), Lemaire (2012), Dirven and Kaizer (2013), Yon (2013), Wadeson (2014), Jenni (2014), Lemaire (2014), Nebe (2014), Bornemann (2015); Abousamra (2015), Corzo Sánchez (2016), Hutton (2017), Cussini *et al.* (2018), Hutton *et al.* 2018, and Hutton and Klein (2018).

We can see that there was sustained interest in the years 1997–2005 (15 articles in 9 years, over one and a half a year); this is at least partly inspired by the then-recent publication of the standard corpus in *PAT*, including a desire to complete it with inscriptions that were missed or had newly appeared. In one article (Cussini 2002) this desire is made explicit. Meanwhile, in 2005, the peak year of interest following the publication of *PAT*, three of the four publications were chapters in the memorial volume to Hillers (Cussini 2005), co-author of *PAT*. In the following six years, 2006–2011, we see only one article total, a single-page publication of one relief.

Then, in the period 2012–2018, 15 articles were published, just over two a year, with at least one every year. While one article (Yon 2013) was an effort to update *PAT*, much of this activity was certainly in response to the Syrian Civil War and especially the damage to the site of Palmyra. The four latest articles in particular are connected to the Wisconsin project. From 2019 there are no known articles; in other words, publications of previously unpublished unprovenanced material from Palmyra receded just as the threat of destruction to the site itself did.

The Syrian Civil War has caused increased attention to ethics in the field of Palmyrene studies as well. Because of the events of the war, the editors of the *Bulletin of the American Schools of Oriental Research* invited Hutton to contribute an article to the journal on the destruction of Palmyrene inscriptions (Rollston and Cline 2017). The result, an article unusually devoted to the initial publication of six funerary reliefs that had been destroyed by ISIS in 2015, has an unprecented discussion of the ethics of publishing such artifacts (Hutton 2017: 72-74). The following year, Hutton and other researchers affiliated with the Wisconsin project published two previously unpublished funerary busts that the Nelson-Atkins Museum of Art in Kansas City had acquired in 1948 and 1973, prefacing the discusssion with another extended treatment of ethics (Hutton *et al.* 2018: 280-283)

But these ethical discussions are still lacking in detail and in understanding of some fundamental issues of cultural heritage. Hutton suggests (2017: 73) a value difference between objects in public museums (accessible and therefore good) and in private collections (hidden and therefore bad), even though this distinction has neither a legal nor a factual basis; many museums are privately owned, and private collections are sometimes more accessible to scholars than public museums. He and his co-authors invoke the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which is certainly relevant (cf. Gerstenblith in this volume), but only for the idea of preservation of knowledge (Hutton 2017: 73), or to suggest incorrectly that its implementation marks a bright dividing line indicating what is legal (Hutton *et al.* 2018: 281) – a stance that is not expressed clearly or maintained consistently (cf. Hutton *et al*. 2018: 282-283). In the post-World War II international heritage regime, of which the 1970 UNESCO Convention is a part, the idea of national control over antiquities is a foundational principle (UNESCO 1970; see especially Article 4). Nor does the 1970 UNESCO Convention nullify antiquities laws predating the convention. In the case of Palmyrene artifacts, the vast majority were both looted from Palmyra and smuggled out of country in violation of national antiquities laws, whether Ottoman or Syrian – Palmyra, after all, has been governed by antiquities laws since the first Ottoman law of 1869. Hutton further invokes 'the spirit of UNESCO 1970' in suggesting that, while unprovenanced artifacts in private collections or on the black market should not be published, so as not to increase their market value, they should be recorded as part of an inventory. However, the section of the 1970 UNESCO Convention Hutton quotes (Article 5) makes clear that this should be done as a national inventory, while Hutton makes no connection to a national owner. When he briefly raises the question of asking the proper authorities for permission to publish – in this case, the Syrian government – he resolves the issue by insisting that it is trumped by the need to preserve the past (Hutton 2017: 72). Further, in the 2015 conference paper that served as the basis for Hutton's 2017 article, he was explicit that only credentialed scholars should have access to the database (Jones 2015) – a suggestion that counters the basic justification for scholarly research in the first place, dissemination to the public.

Even though many of the issues Hutton raises are not fully worked out in the articles, it is clear that for Hutton preservation or salvage (both of knowledge and of artifacts) takes precedence. Hutton repeatedly justifies this preference by suggesting that the unprecedented

destruction by ISIS has created a new situation: 'from the standpoint of international law, we live in a brave new world' (Hutton 2017: 82). But neither the degree of cultural heritage, nor the justifications, are unprecedented. The concepts of salvage and preservation have been used to justify the (often illegal) acquisition of artifacts, and their study by scholars, for two centuries or more (*e.g.* Kersel 2016; Reid 2002: 21-63; Thompson 2016: 161-165; cf. Gerstenblith in this volume) The same justifications have been used over the last two centuries to justify laws regulating cultural heritage, which have tended to follow episodes of violent conflict (*e.g.* Meskell 2018: 21-22, 69-70). In fact, it was the massive destruction and loss of life in World War II that helped lead to the development the current heritage laws that Hutton seeks to undermine, with those same justifications.

Nevertheless, Hutton, and the journals publishing these articles, have clearly given much thought (in consultation with many ethicists and other scholars, Rollston and Cline 2017) to these questions. Even after the Syrian Civil War, however, this trend is not universal. Some scholars have continued to publish unprovenanced Palmyrene busts and other artifacts, even if surfacing only after the start of the war, in reputable scholarly journals (Lemaire 2014; Abousamra 2015). The other artifacts published since 2012 appear to have traceable provenance outside of Syria before the start of the war.

Concluding thoughts and questions

The fact that the most detailed and thoughtful discussions of ethics in the field are so incomplete and include such errors reflects more fundamental issues with the field of Semitic epigraphy – including a basic lack of knowledge of antiquities laws, and the discipline's historical lack of interest in them. As a result, the field has not developed the tools to deal with the problems of lack of provenance and lacks a systematic response to the challenge of the Syrian Civil War.

For many scholars of Palmyra, the Syrian Civil War has led to the active stigmatization of working with Palmyrene objects newly appearing on the antiquities market (reflected, for instance, in the above statements of the two major scholarly projects currently dedicated to publishing Palmyrene artifacts). But I would raise several questions about this phenomenon: Is the current looting stigmatized only because of its popular association with ISIS? What if scholars knew that much of the looting at Palmyra was conducted while under control of the Syrian government and the U.S.-allied Free Syrian Army (Hardy 2015)? Will this stigmatization of looting stay limited to ISIS? Will it be temporary, fading as the Syrian Civil War fades from news (as the urgency to publish previously unpublished Palmyrene artifacts has also seemed to fade)?

Finally, while newly looted objects are now stigmatized, past looted objects have been treated differently. Paradoxically, the Syrian Civil War has turned academic work on past looted objects from simply unstigmatized to something seen as urgently needed. (This parallels museums' use of current looting to make their old collections of looted Palmyra material seem even more legitimate). It is noteworthy that this change is happening despite increased interest in provenance in the wider scholarly world, especially with respect to the repatriation of illegally trafficked artifacts. In the end, I wonder if Hutton's articles, though indicating a new awareness of the need for ethical discussions, will have the unintended effect of greenlighting additional publication of unprovenanced Palmyrene material, resulting from their underdeveloped ethical principles.

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Ethical guidelines for publishing ancient texts

Patty Gerstenblith

Abstract

Beginning in 1973 with the Archaeological Institute of America, many professional and academic associations gradually adopted policies based on the '1970 standard'. This standard limits publication and presentation at scholarly meetings of archaeological artifacts that were not previously documented outside their country of modern discovery before 1970 or documented as legally exported from their country of modern discovery after 1970. However, the application of these policies to textual materials has been limited by two factors. First is that journals that specialize in publication of textual material often did not adopt this standard into their publication policies. Second is a tendency to treat textual material as distinct from other types of ancient material culture, thereby leading academic organizations that focus on textual material to believe that adoption of such a policy was not necessary.

This essay will review changes in the publication and presentation policies of the major academic associations that deal with ancient materials since 2014, when the last comprehensive review was conducted by John Cherry. It will then consider the effects of these policies on the publication and presentation of textual materials and difficulties involving illegal and forged materials that have occurred. Finally, while ethical guidelines are often considered necessary to fill gaps in the law, this essay will turn to the question of whether the law can be used indirectly to provide additional enforcement mechanisms for these ethical guidelines.

Keywords: textual materials, ethics policies, cuneiform texts, 1970 UNESCO Convention, 1970 standard

Introduction

Numerous artifacts containing textual material, such as cuneiform tablets, papyri, manuscripts, and magic or incantation bowls, have surfaced on the international market with no clear provenance history and certainly no known provenience or find

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spot. When such textual materials appear, they are often received with considerable fanfare and media attention, particularly when these writings purport to relate to the Bible. Private collectors and public institutions, ranging from the Israel Museum in Jerusalem to the Museum of the Bible in Washington, D.C., have shown little reluctance to acquire these artifacts. While their lack of provenance history has made them problematic because of their possible association with contemporary looting of archaeological sites or their theft from institutions, inadequate provenance also raises questions of authenticity.

The acceptance of unprovenanced or poorly provenanced cultural artifacts by the academic and scholarly community thus poses twin problems. The first is corruption of the historical and archaeological record through the acceptance of forgeries. The second is the study of decontextualized artifacts that were retrieved through unscientific recovery with the concomitant damage or destruction of the archaeological record. However, there are two additional problems engendered by the use of unprovenanced or poorly provenanced artifacts. One of these is derogation of respect for the law and of the rights of the country of origin with associated rights of local communities and descendant communities in their heritage. These associated rights include a right to access cultural heritage and a right to the intellectual value of heritage. The second of these insufficiently acknowledged problems is the incentive provided to further looting and destruction of archaeological heritage through publication and increase in market value of such artifacts.

This paper will focus on and evaluate the various policies adopted by segments of the academic community to discourage the study and publication of unprovenanced objects in the effort to counter these adverse consequences. I suggest that, as Roberta Mazza has previously pointed out, the problem arises from a phenomenon in which the text scholar views the text, which is embodied in an object, as divorced from and distinct from the object itself (Mazza 2021: 387; Korsvoll in this volume; also Loll 2021). Some scholars therefore do not view the issues of legality and ethics that attach to the object as attaching to the disembodied, free-floating text. This phenomenon may occur most frequently with scholars who are accustomed to dealing only with texts that have already been transcribed from their original surfaces, such as Biblical scholars who often do not study the original fragments or tangible objects in which or on which the text is written. While this disassociation is not new, contemporary text scholars rely, to a considerable extent, on digital images, which constitute another means of divorcing the scholar from the original artifact even in the early stages of transcribing a text. As a result, many text scholars may not have the skills to suspect or detect a forgery and may not be accustomed to relying on forensic analyses to establish whether a text is a forgery. In addition, it enables an approach in which the original and associated context of a text-bearing object is not considered of importance. This divorce between the text and the object is reflected in the ethical guidelines adopted by some scholarly organizations, as these guidelines sometimes establish exceptions that allow publication of a text when the text does not otherwise meet the standards that would apply to an object that does not carry textual material. This produces an aberrant and, arguably, indefensible distinction and raises questions as to which of the underlying purposes these guidelines are intended to or do accomplish.

Background to the 1970 standard

Looting of an archaeological site is the unscientific removal of artifacts from the ground, but whether this activity is illegal depends on the applicable local law where the site is located (Gerstenblith 2014: 215). This unscientific removal destroys the associations of both marketable and unmarketable artifacts with each other and with faunal and floral remains, architectural features, and sometimes human remains. The loss of original contexts means that our ability to understand and reconstruct the past is significantly impaired. Much, if not all, site looting occurs for the economic gain that can be realized through the sale of such objects through local markets and transit countries and ultimately to destination countries such as the United States and in western Europe (Kersel 2006: 189-194).

The undocumented nature of looted artifacts makes it particularly difficult for law enforcement to interdict this trade. The legal regime applicable to the movement and trade in archaeological artifacts has developed at both the international and domestic levels to reflect the public policy goal of preserving original contexts of archaeological sites by discouraging the market and imposing legal consequences on those who participate in its illegal aspects. This legal regime is a complex amalgam of international law, primarily the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereafter the '1970 UNESCO Convention'), the implementing laws that transpose the 1970 UNESCO Convention into national law, recognition of foreign State ownership so that illegally removed objects are characterized as stolen property, and customs requirements for proper declaration of objects upon import (Gerstenblith 2020a: 469-476, 490-494).

The date of 1970, by itself, bears no legal significance (Gerstenblith 2013: 365; 2019: 286-287) and does not necessarily prevent publication of illegally obtained materials (Justnes and Rasmussen 2021: 33-34). The 1970 standard is a voluntary guideline or policy, adopted by scholarly organizations, museum associations, and a few market participants. This standard refers to archaeological artifacts that have either documentation establishing that the object was outside of its country of modern discovery (also referred to as the 'country of origin') before 1970 or documentation establishing that the object was legally exported from the country of modern discovery after 1970. Use of the 1970 standard does not prevent publication of unscientifically recovered artifacts as artifacts have been looted both before and after 1970; those recovered before 1970 would comply with the standard. In addition, as discussed further below, several policies that incorporate the 1970 standard allow publication of non-conforming materials so long as they have been previously published elsewhere. However, the standard has the explicit purpose of inhibiting publication of those artifacts that were exported illegally after 1970, thereby removing one aspect of potential illegality, and should have the purpose of reducing market incentive to the further looting of sites.

The argument that the 1970 standard prevents publication of inauthentic artifacts is based on either an assumption that forgeries were not made in the more distant past or an assumption that forgeries would, after decades of scrutiny, have been detected. The first argument is certainly false, as forgeries produced before 1970 are known (Rollston 2003: 140-150; 2014: 177-189). The second assumption may be correct, but it is inherently unknowable or unprovable. Those forgeries that have been discovered have been delegitimized, but we may never know which forgeries have managed to evade detection.

Rosemary Joyce observed that '[t]hings with long histories in known collections often pass a test of authenticity more easily than those that emerged only recently' (Joyce 2013: 41). Nonetheless, Elizabeth Marlowe rightly criticizes the emphasis on the date of 1970 and suggests that, in order to establish authenticity, focus should, instead, be on the question of whether an object has a definitive, known find spot (Marlowe 2013: 4; 2016: 218-19). Claire Lyons, in turn, criticizes Marlowe's approach as possibly leading to rejection of objects for which, with sufficient research, a find spot might be identified (Lyons 2016: 250-251). Nonetheless, only an object whose find spot (or provenience) is definitively known and whose discovery is objectively verifiable can be accepted as authentic. Any object that appeared on the market with no known prior history, even if that appearance predates 1970, must be viewed as inherently suspect.

The archaeological community, comprised of leading professional associations, such as the Archaeological Institute of America (AIA), the Society for American Archaeology (SAA), and the American Anthropological Association, leading archaeology, anthropology, and natural history museums, such as the University of Pennsylvania Museum of Anthropology and Archaeology and the Field Museum in Chicago, as well as individual scholars, have long decried the looting of archaeological sites. These associations and institutions, to varying degrees and in different ways, have recognized that the lure of the international art market provides financial incentives to loot archaeological sites. The archaeological community therefore has taken steps to prevent its members from engaging in activities that are seen as encouraging the market and enhancing the value of unprovenanced or poorly provenanced artifacts.

The Council of the AIA, the largest U.S. archaeological organization, endorsed ratification of the 1970 UNESCO Convention at its December 1970 annual meeting. In December 1973, the AIA Council adopted a resolution stating that its Annual Meeting 'should not serve for the announcement or initial scholarly presentation of objects in conflict with the Resolution on antiquities' (Norman 2005: 135). In 1978, the then-editors of the *American Journal of Archaeology* (*AJA*), Brunilde S. Ridgway and Tamara Stech Wheeler, extended the same policy to the *AJA*. As Naomi Norman explained, '[t]he clear intent of the policy was not to enhance the market value or importance of these objects by giving them the imprimatur of the AIA by publishing them for the first time in the *AJA*' (Norman 2005: 135). As originally formulated, the policy meant that the *AJA* would not be the place of first publication of an antiquity acquired after December 1973 that cannot be shown to have left its country of origin legally. This publication policy was radical at the time, but criticism was mitigated or diluted through the application of the policy only to first publication rather than to all publication. On the other hand, in the 1970s, this policy applied to relatively few artifacts as everything known pre-1970 was 'grandfathered' in and was therefore publishable.

Other professional organizations, such as the SAA (SAA 1996), have adopted codes of ethics or professional practice that require members to avoid enhancing the commercial value of undocumented archaeological objects. In 2014, John Cherry published an exhaustive review of the publication policies of several archaeological organizations (Cherry 2014). He acknowledged the difficulties of applying these policies based on the 1970 standard to artifacts containing texts, which he referred to as 'super-artifacts' (Cherry 2014: 229-31). There is no technical difficulty in doing so, but the scholars who study

and publish texts, with some exceptions, have been particularly resistant to the application of these restrictions to their own discipline. The publication policies of two of the leading archaeological organizations, the AIA and American Society of Overseas Research (ASOR), have been modified over time, but the ASOR policy evinces a schizophrenic approach to the publication of textual materials, as will be discussed more extensively below.

The approach of text scholars: argument for exemption from the 1970 standard

Many text scholars, with exceptions, argue that their scholarship and the objects they study should be exempt from the restrictions on publication that apply to archaeological artifacts. Their arguments coalesce around four points: (1) the lack of stratigraphic context of a text does not detract from the historical and cultural value that can be derived from the text and that information should not be ignored in the interest of preserving archaeological contexts; (2) it is much less likely that a text can be successfully forged and so the use of the 1970 standard to prevent forgeries from corrupting the historical record is not necessary; (3) publication of a text does not enhance its market value and therefore does not serve as an incentive to further looting; (4) the objects have already been removed from their archaeological context and a refusal to publish them does not rectify the damage already done (Alstola 2020: 39-43; Boardman 2009: 107; Brodie 2021b: 109-112; Owen 2009: 125; 2013: 337, note 533; Taha 2020). With the possible exception of the last, these arguments relate to the previously identified rationales for the publication restrictions, while legal status and the rights of the countries of origin and communities do not seem to enter at all into the justificatory discourse of these text scholars.

As the cuneiform scholar Aage Westenholz wrote, even while hedging his conclusion, 'Though undeniably a part of illicit trade merchandise, objects with inscriptions are indeed different from other "works of art" – they are not easily faked, and they hold information more or less independent of their archaeological context' (Westenholz 2010: 260). Perhaps the most outspoken critic of the restrictions on publication of ancient texts has been David Owen. Owen, quoting John Boardman and referring to a statement issued by Lawrence Stager, asserts that objects cannot be 'tainted' or 'illicit' (Owen 2013: 350; quoting Boardman 2009: 117-118). This statement is ignorant of the relevant law as many thousands of artifacts, including those with texts, have been repatriated to their country of origin based on illegality that attached to the object. On the other hand, Boardman at least recognizes that the deliberate looting of antiquities is criminal '[w]here a site is deliberately targeted for the market, and especially if any collector is involved in contracting such work' (Boardman 2009: 114). Nonetheless, he does not associate the looting of sites with the appearance of unprovenanced materials.

That authenticity is not a problem for poorly provenanced or unprovenanced textual materials has been repeatedly disproven with several well publicized cases of forged textual materials. It is often asserted that in the case of textual materials and especially cuneiform tablets it would be too difficult for a forger to produce a convincing forgery. A significant number of papyrus fragments, purporting to be Dead Sea Scrolls, surfaced on the market after 2002, although four similar forgeries had appeared earlier in the Schøyen Collection (Justnes and Rasmussen 2021). Most or all of the post-2002 forgeries were purchased by seminaries and other institutions associated with the Evangelical Protestant

movement (Justnes and Kjeldsberg n.d.; Mizzi and Magness 2019: 136). While questions had been raised earlier, most, if not all, of these have now been accepted as forgeries (see Justnes in this volume). An extensive forensic study of the fragments purchased by Hobby Lobby and donated to the Museum of the Bible conclusively established that these are forgeries (Loll 2019). There is a long history of forged Biblical inscriptions of the Iron Age (Rollston 2003; 2005) and of the intertestamental or early Christian period (Sabar 2016). Modern text may be placed on an authentic object in the attempt to evade scientific scrutiny, but scientific examination can often discover the subterfuge. While there are relatively few cases where a cuneiform text that was once accepted as authentic was later debunked as a forgery, at least several hundred examples are known, many of which were made in the nineteenth or early twentieth century (Michel 2020: 43-50). In some cases, convincing forged tablets were produced through the use of molds of authentic tablets, thereby not requiring extensive knowledge by the forger. It took decades to debunk these, and the forgeries were discovered accidentally only when the molds deteriorated in storage through poor climate conditions revealing the seams where the molds had been joined (Leichty 1970).

Ultimately, the debate centers on a weighing of the cultural and historical value of a text divorced from the decontextualized object on which it is written against the value of a contextualized object on which there happens to be written text. Undoubtedly, the most value would be realized from a text on a contextualized object, but the debate has been posed as a choice between the object and the text. In determining the relative value of a text located on a decontextualized object, text scholars who argue that context does not matter are ignoring the effect that the market in such objects has on the likelihood of future looting of sites and thus the creation or production of more decontextualized objects and texts.

Further, Christopher Rollston has refuted the notion that an archaeological find spot is not important in the study of texts (Rollston 2004: 59-70; 2005). He cites specific examples of Northwest Semitic epigraphic materials for which knowing the find spot and stratigraphic context of materials significantly enhanced the ability to reconstruct 'site-specific historical analyses', including types of bureaucracy, the extent of literacy, names of military leaders, military history, ethnic diversity within populations, and regional interactions (Rollston 2005: 69). Context is also important for reconstruction of a geography of regional dialects or languages and for the science of paleography. Looting erases the spatial relationship of texts to both other texts and other artifacts, which can indicate the different uses of different parts of a structure or a site. Finally, looters often destroy both texts and other artifacts that are not considered saleable. As with all archaeological objects, knowledge of the provenience of an object with text maximizes the information that can be derived. Rollston concludes that looting 'results in the destruction and loss of much data, data that would have been of fundamental importance for both the archaeologist and the epigrapher' (Rollston 2005: 70).

The third reason for restrictions on publication is that authentication and publication of a looted object with text enhance its market value and thereby encourage further looting. Owen asserts that once an object is in a private collection its market value has been established and subsequent publication does not affect value (Owen 2013: 342, note 545, 350). This is easily refuted by the changing market value of the Gilgamesh 'Dream' Tablet,

acquired by Hobby Lobby Stores in 2014 and returned to Iraq in 2021 (Gerstenblith 2022: 83; Brodie in this volume). A U.S. antiquities dealer saw it in 2001 in London, purchased it in 2003 along with other tablets and items for $50,350, and brought it to the United States. The other tablets may have included omen and liturgical texts (Brodie 2021a; and in this volume). In 2007, the dealer sold the Gilgamesh Tablet alone for $50,000. Later in 2007, the Tablet was offered for sale in a catalogue of Michael Sharpe Rare & Antiquated Books for $450,000, citing its authentication by the expert, Maureen Kovacs, and its upcoming publication by Andrew George (George 2007). While it is not known whether the Tablet sold at that time and, if so, for how much, the asking price represents a ninefold increase in value. The Michael Sharpe catalogue mentions that the Tablet has a 'clean provenance' but gives no specifics of what that provenance was or the date of the provenance. In contrast, the catalogue emphasizes the authentication by Kovacs and the upcoming publication by Andrew George. From a marketing perspective, the catalogue clearly presents the authentication and publication as the more valuable information.[1] In 2014, Hobby Lobby purchased the Tablet from a private collector through a private treaty sale arranged by Christie's for $1,674,000, a more than thirty-fold increase in seven years (U.S. Government 2020, ¶¶ 15-28). Alstola agrees that 'professional authentication of the tablets, their inclusion in high-quality publications, and their exhibition … significantly increased their monetary value' (Alstola 2020: 42). Alstola also accepts the causal link between the antiquities market and the destruction of sites. 'If there were not a market for cuneiform tablets, large-scale looting and smuggling in Iraq and Syria would not take place' (Alstola 2020: 42).

The backdrop to the debate is epitomized by Owen's description of his publication project as 'the most productive tablet rescue, preservation, and publication program in the history of Assyriology' (Owen 2013: 352), rather than as ancillary to an extensive looting operation. This statement indicates that the underlying motive is one of perpetuating the dominance of Western academics in the publication and understanding of these texts. Because the restrictions on publication limit only first publication, scholars evade such restrictions by using as the place of first in some ethics policies publication journals and monograph series that are not affiliated with one of these scholarly associations. Perhaps the most notorious of these was the Cornell University Studies in Assyriology and Sumerology (CUSAS). Owen and other scholars have published in this Cornell series extensive collections of cuneiform texts from unlocated sites in southern Iraq, including the sites of Garšana and Iri-Saĝrig. In 2019, Cornell University closed the Rosen Cuneiform Tablet Collection and Conservation Laboratory and discontinued the CUSAS publication (Notizia 2019). However, the Rosen collection continues to be published in the Nisaba series under the auspices of the University of Messina (Owen 2019). This illustrates the inadequacy of the policies that prohibit only being the place of first publication. If one publisher decides to no longer publish insufficiently provenanced materials, other publishers seem willing to fill the lacuna.

1 This section of the catalogue entry states, in full: 'A complete examination of variants will be included in the formal edition and publication of the tablet in 2008 by Andrew George, to whom publication rights have already been granted. (George's original translation is included here, along with Kovacs's authentication and a clear provenance.)' (Sharpe 2007: 51).

It is possible the texts from Garšana were looted during the 1990s. The Iri-Saĝrig tablets were more likely looted in the months following the 2003 U.S.-led invasion of Iraq (U.S. Government 2017; Gerstenblith 2022: 74-77). The site of Iri-Saĝrig is the source of many of the cuneiform texts acquired by the Hobby Lobby Stores (Owen and Mayr 2007; Sigrist and Ozaki 2020). Hobby Lobby donated some of the Iri-Saĝrig tablets to the Museum of the Bible, which ultimately relinquished over 8,000 tablets to Iraq. Ultimately, some 17,000 objects were returned to Iraq in 2021. This number is composed of approximately 8,000 tablets that the Museum of the Bible voluntarily relinquished; approximately 3,500-4,000 tablets and other objects, particularly clay bullae some with seal impressions, which were forfeited to the U.S. government in 2017, and approximately 5,000 texts returned by Cornell (Arraf 2021). These artifacts are testimony to the massive looting of Iraq's cultural heritage resulting from sanctions and armed conflict during the 1990s and 2003. But some text scholars see this massive looting as an opportunity for self-aggrandizement and professional advancement, justified by the rescue narrative that only they can rescue, study, and preserve Iraq's cultural heritage.

Recent changes in AIA and ASOR policies

Discussion and revisions in the formulation of the publication policies of the main archaeological organizations have continued over the 50 years since the first adoption of such a policy by the AIA. ASOR adopted a policy in 1995, which stated: 'ASOR members should refrain from activities that enhance the commercial value of such artifacts and thus contribute indirectly to the illicit market, for example, publication, authentication, or exhibition. ASOR publications and its annual meeting will not be used for presentations of such illicit material'. Despite its vague provisions, this ASOR policy was, in fact, more stringent than the AIA policy because the ASOR policy had no exception if an object was previously published and had no exception for material known before 1970. On the other hand, the ASOR policy did not define what was meant by 'illicit', a crucial factor in the attempt to apply the policy, although it asked the United States government to 'establish and enforce a legal framework effective for deterring the illicit trade in antiquities'.

In 2015, ASOR adopted an extensive revision of its policies on professional conduct with subsequent amendments in 2017 and 2019 (ASOR 2019). With respect to issues of looting and the illegal trade, the ASOR policy presents an extended rationale based on the illegality of the looting and of the process by which artifacts move through illegal channels of distribution. It also recognizes that an unprovenienced artifact has 'a greater potential to undermine the integrity of archaeological heritage in view of the possibility of admitting suspect artifacts into archaeological heritage', although without explicitly referring to the issue of authenticity. It thus presents the issues of illegality/looting and authenticity/unreliability as twin rationales for the publication and announcement policies adopted.

More specifically, the 2015 policy with respect to publication and announcement of unprovenanced objects incorporated several significant changes. First, the policy moved toward the AIA approach in that ASOR publications and meetings were only to refrain from being the place of first publication or first announcement for objects that did not meet

the 1970 standard, rather than being a blanket prohibition on all 'illicit' objects.[2] Earlier revisions to the AIA policy had made an exception in the case where in the view of the editor 'the aim of the publication is to emphasize the loss of archaeological context or acquisition history' (AIA 2020). The ASOR policy similarly allows publication and announcement where this 'serves *primarily* to emphasize the degradation of archaeological heritage' (ASOR 2019: Section E.4c). Influenced by sections of the 1954 Hague Convention on the Protection of Cultural Property during Armed Conflict and its protocols, the ASOR policy restricts publication of research undertaken in occupied territory to situations where the research is required to preserve or record the archaeological heritage of the occupied territory or where permission of the competent national authorities of the occupied territory has been obtained (ASOR 2019: Section E.7). The ASOR policy introduced a new exception for objects that are considered to be forgeries and that are published as such.

The question of prior publication

Both the AIA and ASOR policies underwent significant revision between 2016 and 2020 with the goals of resolving or clarifying some unclear issues and with the eventual goal of bringing the policies into harmony. Much of the recent debate among the archaeological organizations has centered on particulars of the policies, most significantly the definition of what constitutes a prior publication, a subject not addressed by the AIA policy until recently. A revised policy adopted by the AIA in 2020 and a notice clarifying the term 'initial publication or announcement' posted on the ASOR website (ASOR n.d.) adopted virtually identical language to provide a detailed definition of 'initial scholarly publication or announcement'. A qualifying publication or announcement needs to fall into one of the following categories:

- A peer-reviewed or similarly vetted publication in a scholarly book or journal, whether in print or online, that conforms to the specifications detailed under 'form' below.
- The permanent and accessible record (*e.g.* published abstract, conference proceeding, *etc.*) of a peer-reviewed or similarly vetted presentation at a meeting of a learned society, whether in a paper or on a poster, that conforms to the specifications detailed under 'form' below.
- A peer-reviewed or similarly vetted publication in a scholarly catalog, whether in print or online, that conforms to the specifications detailed under 'Form' below. 'Scholarly catalog' in this context refers to a catalog produced by an academically affiliated or educationally oriented organization (*e.g.* a museum catalog), and not catalogs produced by for profit and/or commercial organizations (*e.g.* an auction house catalog).

To satisfy the 'form' requirement, the initial scholarly publication or announcement needs to include an illustration and description specific to the object. In addition, the initial publication of epigraphic material needs to include a transcription and, if appropriate, a translation. A general reference to the object or a group of artifacts does not qualify

2 The ASOR policies use the date of 24 April 1972, the date the 1970 UNESCO Convention entered into force, rather than 14 November 1970, the date when the Convention was adopted by UNESCO. However, I will refer to this as the '1970 standard' as it incorporates the same rationale that underlies the AIA policies.

as an initial publication or announcement (AIA 2020). The 2020 policy also requires that reviews of exhibitions, catalogues or publications that include objects that do not conform to the 1970 standard should mention the inclusion of such objects. Further, reviews of exhibits or catalogues should include a link to the acquisitions policy of the museum or exhibition venue.

The 'cuneiform exception'

Unlike the AIA, which is composed almost exclusively of archaeologists and many of whose publications focus on excavations and field reports, ASOR has distinct cadres of members. The membership comprises not only archaeologists but also a range of text scholars from Biblical scholars to scholars who study cuneiform tablets and other forms of epigraphic and textual materials, including scrolls, papyri, and ostraca. In particular, ASOR publishes the *Journal of Cuneiform Studies* (*JCS*), which, as the name indicates, is entirely devoted to the publication of cuneiform materials. Therefore, when ASOR adopted its earlier policy in 1995, there was considerable resistance within the organization.

In response to the looting of the Iraq Museum in Baghdad in April 2003 and, even more so, the looting of archaeological sites in southern Iraq that ensued, ASOR came under increasing pressure from its cuneiform scholars to allow the publication of undocumented cuneiform materials in *JCS*. This was a contrarian response in that publication of textual material would arguably incentivize the market and therefore also the looting, which all, archaeologists and text scholars alike, publicly deplored. The arguments by the text scholars focused also on the fact that, as previously discussed, cuneiform tablets that had been looted from Iraq over the course of the 1990s found easy publication in other venues. Therefore, denying publication in *JCS* had little or no effect on the publication of tablets that did not comply with the 1970 standard.

Bowing to these arguments, ASOR adopted in 2004 what has become coined the 'cuneiform exception'. This exception allowed ASOR journals and books to publish and its annual meetings to announce undocumented cuneiform texts from Iraq. However, strict criteria were established before publication of such tablets was allowed: (1) Iraq's State Board of Antiquities and Heritage (SBAH) had to consent; (2) any published materials are to be returned to Iraq or are in the ownership and custody of the SBAH; physical return to Iraq could be postponed pending an improvement in conditions during which time the tablets could be placed for temporary custody in certain U.S. institutions to be designated by the SBAH, an image delivered to the SBAH, and the object given an IM number; (3) any ASOR-sponsored publication must include a reference to the fact that the texts are unprovenanced. As Cherry pointed out, the 'heated discussions leading up to this resolution … for the first time clearly revealed the bitter split in the scholarly community …' (Cherry 2014: 234). The third requirement, along with positions advocated by Rollston, as discussed below, seems to be the first appearance of the 'marking' or 'flagging' requirement – that is, noncompliant artifacts will continue to be indicated as not complying with the 1970 standard in all future publications, not just in an initial publication. These requirements were drafted to be very stringent, ones to which it was unlikely that a private collector would agree.[3] Perhaps as a result, few or no noncompliant

3 The author of this article assisted in the drafting of the 2004 version of the ASOR cuneiform exception.

cuneiform tablets were published in *JCS* or any other ASOR-sponsored publication under this policy.

The 2015 ASOR policy carries forward the cuneiform exception established in 2004, allowing publication and announcement at the annual meeting of noncomplying cuneiform texts. The rationales are more clearly stated as: recognition of the massive scale of looting of sites and cuneiform tablets in Iraq and Syria since the 1990s, easier authentication of cuneiform tablets than of other types of 'epigraphic archaeological heritage' and 'the content of a cuneiform text can provide information *independent* of archaeological provenience'. As in 2004, the policy uses the 'truly massive' scale of looting of archaeological sites that are the sources of the tablets as justification for violating a policy that is crafted to reduce the incentive to loot archaeological sites. The circumstances under which the exception may apply are spelled out in more detail and have become more complex, likely reflecting the increasing unease with the exception, particularly by the non-text scholars who form the majority of ASOR's membership.

By 2015, Syria had become another significant likely source of looted cuneiform texts. The conditions for publication or announcement are therefore generalized so that they no longer refer specifically to Iraq or the SBAH. The conditions are: the author notes the lack of archaeological provenience in a prominent manner; the author demonstrates that an effort has been made to identify the country of probable modern discovery (described as the 'location of its final archaeological deposition within a modern nation-state'); the author receives a written commitment from the owner that the owner will return the object to the country of origin 'following any conservation or publication, once permission for its return has been received; or alternatively that its title has been ceded to the determined country of origin, or to some other publicly-accessible repository, if return to the country of origin is not feasible'. This last change from the 2004 policy is particularly problematic. It allows title to the object to be given to a museum, rather than to the country of origin. While in the 2004 policy objects could be placed temporarily in the custody of a designated museum that was acceptable to Iraq, title had to be given to Iraq. In the years since adoption of the cuneiform exception, according to Piotr Michalowski, the editor of the *JCS*, the journal has published only four or five tablets pursuant to the exception. Those tablets were located in museums in Iraq and were published by Iraqi scholars and a cylinder seal in Iran was published by an Iranian scholar (Michalowski, personal communication 2021).

The question of 'marking' or 'flagging'

In an article published in 2004, Rollston made a strong case for the separation of unprovenanced epigraphic materials in the datasets of such materials, although he rejected the idea of total exclusion from the scholarly record (Rollston 2004: 71). In doing so, he established several criteria for the inclusion of such materials. It should be noted that, by 'non-provenanced', Rollston seems to refer to objects without a known, objectively verifiable provenience (that is, archaeological find spot), thus apparently using the terms 'provenanced' and 'provenienced' interchangeably. The first criterion is that the publication should clearly and precisely describe the 'circumstances of discovery and recent history' 'so as to avoid causing readers to make erroneous conclusions about the actual or putative origins' (Rollston 2004: 72). Second, ideally the

non-provenanced materials should be separated in publications from the provenanced materials and the two groups clearly and distinctly labelled. Third, within publications where the physical division of provenanced and non-provenanced materials is not possible, such as in lexica, the non-provenanced materials should be 'marked' or 'flagged' so as to indicate their status. Rollston suggested adopting a symbol or the phrase '[non-prov]' to be placed with each mention of the material (Rollston 2004: 73). Fourth, Rollston proposed a system by which the likely authenticity or inauthenticity of particular materials could be rated by specialists. Although Rollston does not explicitly state this, it is implicit in his proposal that non-provenanced materials would remain 'marked' or 'flagged' in all subsequent publications.

As mentioned previously, the 2004 version of ASOR's cuneiform exception included a requirement that noncompliant artifacts continue to be indicated as not complying with the publication policy in all future publications, not just in an initial publication. The 2015 ASOR policy does not state this explicitly. The policy requires that authors clearly indicate any artifacts (not just cuneiform objects) that do not have an archaeological find spot in a prominent manner (ASOR 2019: Section E.3.), but it does not establish any specific form of designation for such materials. The ASOR publication policy establishes a two-part requirement in that the policy applies *both* to the restriction on being the place of first publication or announcement for objects that do not comply with the 1970 standard and to the requirement of perpetual marking of objects without a known archaeological find spot. Some objects may fall under both steps of the policy while others may fall under only one of the steps.

In contrast, the AIA's 2020 policy is only a one-step requirement. It requires marking only for those objects that do not comply with the 1970 standard and would not apply to an object without a known find spot that was documented before 1970. The designation of objects that do not comply with the AIA's 1970 standard is now required in all publications (AIA 2020). The policy specifies the form of the '[non-prov]' designation in considerable detail. The first mention of a noncompliant object in each publication or announcement must include a reference to the place of first publication and must include the statement, in part: 'there is no evidence of [the object's] documentation before [December 30, 1973] or its legal export from the country of origin'. The AIA marking requirement focuses only on the question of compliance with the 1970 standard whereas the ASOR marking requirement focuses on the question of whether the object has a known find spot, as well as whether the object complies with the 1970 standard.

Changes in policies of other associations

In 2014, Cherry wrote 'Both camps [archaeologists and text scholars] in this tricky ethical dilemma have adopted entrenched positions. It seems most unlikely that there can be any softening of opinion or convergence of viewpoints any time soon' (Cherry 2014: 230). Perhaps the 'any time soon' has come or is at least closer on the horizon because we can discern some possibility of change, primarily on the side of the text scholars, bringing them closer to the position of the archaeologists. The recent scandals of publication of materials that are proven not long after to be forgeries are almost too extensive to list. The leading scandal is the Dead Sea Scroll forgeries that appeared in significant numbers post-2002 and were purchased by Hobby Lobby Stores and other Evangelical Protestant-associated institutions (Justnes and Kjeldsberg n.d.; Korsvoll in this volume). Other recent scandals

have illustrated the perils of publishing insufficiently provenanced texts, including the 'Gospel of Jesus's Wife', published by the *Harvard Theological Review* (Sabar 2016; Kersel in this volume), the James Ossuary, the Moussaieff Ostraca (Rollston 2014: 190), and the Jehoash Inscription (Rollston 2014: 190).

Over the last several years, some publications of the societies devoted to text scholarship have adopted policies limiting publication of undocumented texts. Changes in response to these scandals are seen in the incorporation by the Society of Biblical Literature (SBL) in 2016 of ASOR's 2015 Policy into SBL's Policy on Scholarly Presentation and Publication of Ancient Artifacts (SBL 2016). The policy adopted earlier in 2007 by the American Society of Papyrologists states that 'the publication, presentation, and/or exhibition of such material shall not occur under the Society's auspices … unless the author, speaker, or curator includes a frank and thorough discussion of the provenance of every item' (ASP 2007). The Society for Classical Studies in 2019 included a statement against serving as the place of first publication of unprovenanced texts or objects, but the statement is not definitive and seems to allow for (unstated) exceptions (SCS 2019).

Brill, the prominent publisher of scholarly manuscripts, published several of the Museum of the Bible/Hobby Lobby Dead Sea Scroll forgeries in 2016 (Tov *et al.* 2016). In response to the revelations that these are forgeries, Brill retracted the volume and, in 2020, changed its editorial policy to require that authors follow the relevant society policies of their field, including those of ASOR, SBL, and AIA. Brill is not limiting the application of these policies to first publication, thus presenting a stronger approach than the AIA and ASOR policies (Brill 2020: 6). Brill's policy is important because it is not a publication arm of a scholarly organization and thus can set an example to other independent publishers. However, in an article in the *Jewish Quarterly Review*, published by Brill in 2022, the authors state only '[m]ost [incantation] bowls are, however, unprovenanced' (Gross and Manekin-Bamberger 2022: 5, note 17). Such a statement would not meet the AIA requirement for marking of unprovenanced materials and presumably would also not meet the ASOR requirement. It certainly does not meet the criteria established by Rollston. In making this statement, the authors do not seem to be attempting to comply with the marking requirement. It seems to be a serious derogation from the standard that Brill claims to have adopted in 2020.

Questions of inauthenticity do not seem as prevalent in the field of cuneiform studies, although cuneiform tablets have involved a significant quantity of other forms of illegal conduct. Perhaps for this reason, there has been less change among the publications that are not affiliated with scholarly organizations. However, the appearance of large numbers of unprovenanced cuneiform tablets on the market and in collections has undoubtedly contributed to the large-scale looting of archaeological sites in Iraq and Syria (Alstola 2020: 42-43: Gerstenblith 2022).

Conclusion

A code of ethics is a set of 'fundamental principles, rules, and guidelines based on the values and ethical standards to which the professionals of the relevant sector and/or organization are held' (Frigo 2020: 787). Individual actors, institutions, and organizations make voluntary decisions in cases where the law, by itself, does not fully accomplish a particular policy goal. The essence of a code of ethics is that it sets a standard higher than what the law requires.

But it is time to recognize that the 1970 standard applied to publication of textual materials, and perhaps to publication of archaeological artifacts more generally, may be setting a standard of conduct that is lower than what the law requires. While no legal provision based on the 1970 UNESCO Convention predates 1970, the vesting of ownership of archaeological materials in countries of origin often predates 1970 (Gerstenblith 2020b: 206-216). This means that the codes of ethics permit the publication and announcement at scholarly meetings of artifacts that may be characterized as stolen property and those who engage in the handling or possession of such objects may be engaged in the handling and possession of stolen property. That the policies of these academic associations often apply only to subsequent publication means that they are setting a still lower standard than the law requires.

In the absence of adequate self-regulation, it may be necessary for legal actions to be taken that will encourage or force such changes. Civil forfeiture actions taken by the U.S. government against holders of such materials as a means of repatriation may encourage some institutions to be more cautious, although that is uncertain. Criminal action taken against individuals, whether curators or publishers of such materials, on the grounds that they are knowingly handling stolen property, would presumably be an effective deterrent. Private actions against the sellers, middlemen, and authenticators by those who have been defrauded through the sale of inauthentic or stolen materials may form another deterrent and it is to be hoped that such actions will be forthcoming in the sales of the forged Dead Sea Scroll materials. One positive action has been the lawsuit filed by Hobby Lobby against Christie's for fraud and breach of warranty in the false provenance information given during the sale and import of the Gilgamesh 'Dream' Tablet (Hobby Lobby Stores 2021). However, the case has settled with the terms undisclosed so that its efficacy for establishing legal parameters is limited. Other means of legal recourse, including possible changes in the copyright laws, should also be considered.

Perhaps the reason that the debate about whether the 1970 standard should apply to objects with texts, particularly cuneiform texts, continues is a lack of appropriate emphasis among the purposes of the 1970 standard. These purposes are to prevent forgeries from entering the historical and archaeological record; prevent study of decontextualized objects and discourage the contemporary looting of archaeological sites by disincentivizing the market in artifacts that do not meet the 1970 standard. Essential to this third purpose is a recognition of the role of authentication and publication in enhancing market value, which makes perpetuation of the market more attractive. Therefore, preventing or inhibiting scholars from contributing to the market in such artifacts is an essential strategy in achieving the goal of reducing the market incentives to loot.

Scholars who study and publish cuneiform materials persist in arguing that they do not need to be concerned with authenticity and with lack of context. However, they have not been able to refute the enhancement of market value, as demonstrated by the increased valuation of the Gilgamesh Tablet after authentication and publication. The third of these purposes for restrictions on publication is a legitimate concern in all circumstances and is applicable to all classes of ancient objects. Clearer articulation of this as one of the primary purposes of the ethical policies and limitations on publication of unprovenanced or poorly provenanced materials and of the link between the role of scholars and market incentives might lead to greater acceptance of such policies and reinforcement of a disincentive to the looting and trafficking of archaeological materials – both those with and those without texts.

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The trouble with texts

Morag M. Kersel

Abstract

Trouble is often associated with texts: incentivized looting and indiscriminate collecting, toxic press, lawsuits, and the omnipresent fear of forgeries. Learned societies, academic organizations, museums, and publishing venues attempt to mitigate this trouble with texts by establishing policies and codes of conduct, most of which are self-policing and some of which vary widely in their practical requirements. Not every publisher wants to provide the first place of publication for a textual object without provenance. Sometimes, there is suggested guidance for the publication of a troubled text: to ask for permission from the country of origin (see the ASOR/SBL cuneiform exception), or attach an asterisk, a footnote, or a flag *sensu* Rollston. Despite these policies, scholarly naiveté, willful blindness, the rush to publish or exhibit, or fear of not being the first to publish, allows for artifacts with insecure provenance (and sometimes fakes) to become a part of the textual record.

Keywords: provenance, text, ethics, policy, Gospel of Jesus's Wife

Troubling texts

Where to start with the trouble with texts? As early as the nineteenth century, many if not most ancient texts receiving scholarly attention were obtained through the market with little or no evidence of archaeological find spot or place of original deposition, and no assurance of legal ownership. The consequent problems of questionable authenticity and scholarly bias are well understood. But textual scholarship has become increasingly thorny in recent decades, due in part to the continuing flow of unprovenanced ancient text-bearing objects onto the market and entering both private and public collections, but also because it is now better understood how scholarly research can support the market directly or indirectly through authentication, identification, legitimation, and publication. The detrimental commercial consequences of the academic imprimatur have posed ethical quandaries about how to weigh the public benefits of scholarship against the public harms caused by looting, theft, and illicit trade. Benefits and harms are unequally distributed, with the benefits profiting what are usually described as wealthier nations with purchasing power, while the harms are visited upon more economically challenged

In: Brodie, N., Kersel, M.M. and Rasmussen, J.M. (eds), *Variant Scholarship: Ancient Texts in Modern Contexts.* Leiden: Sidestone Press, 153-166.

nations, where most of the looting and theft takes place. Thus, ethical reflection has become inextricably entangled with issues of post-colonial and neo-colonial practice.

In January 2020, Neil Brodie (2020) gave a paper at the workshop Antiquities, Illicit Trafficking, and Public Advocacy: The Future of the 1970 UNESCO Convention, which was convened at the annual meeting of Archaeological Institute of America (AIA). During the question and answer period someone asked Brodie what the average archaeologist/person could do to stop the trafficking of artifacts. He answered: 'check your colleagues'. There was a quiet hush as people took in what Brodie was suggesting: our friends and colleagues were driving the market by studying and publishing unprovenanced and potentially illegal objects and we should hold them accountable. A similar hush went across the airwaves when in her Zoom lecture on the materiality of texts for *Everyday Orientalism*, Roberta Mazza (2020) suggested 'we never need to look at another unprovenanced papyrus, there are enough unresearched and untranslated papyri for all of us'. These two comments go hand in hand. If there are enough legitimate, provenanced papyri around why are scholars taking the chances on unprovenanced pieces that mean they must be checked?

Engagement with ancient texts has recently attracted public attention due to the highly publicized acquisitions (and subsequent repatriations) of textual materials by the Museum of the Bible, and the appearance of demonstrably modern fakes such as the Gospel of Jesus's Wife papyrus, and the fake post-2022 Dead Sea Scrolls-like fragments. The need to check our colleagues or for our colleagues to check themselves is ongoing and necessary. New textual materials continue to appear on the market, and the disciplinary disagreements and evolving codes of conduct on the role of scholarly engagement that follow are now sadly predictable. Archaeologists and epigraphers share common ground agreeing that the looting, theft, and consequent destruction of archaeological landscapes compromise our understanding of the past. Where the disciplines sometimes disagree is on the probity of scholarly interaction with unprovenanced artifacts, which may be the product of looting or theft.

A case study in the trouble with texts

On 18 September 2012, at the International Congress of Coptic Studies in Rome, Professor Karen King, a historian at Harvard Divinity School, presented her translation and work on a business-card-size papyrus, the so-called 'Gospel of Jesus's Wife' (GJW) (King 2012).[1] King announced that in her opinion the fragment of papyrus carried the text including the phrase 'Jesus said to them, My wife' (King 2012; 2014). This finding seemingly confirmed the fictional account of Jesus's wife in Dan Brown's (2003) *The Da Vinci Code*, and if authentic could call into question Roman Catholic teachings about Jesus and marriage. King first learned of the fragment when she received an email in 2010 from a private collector who asked for a translation (see King 2012; 2014; Sabar 2016; 2020). This email request should have been her first opportunity to pause, consider the source, and to check herself. King should have thought about her professional ethical standards, but it seems

1 For a thorough consideration of the events surrounding the story of Karen King and the Gospel of Jesus's Wife, see the recent volume *Veritas. A Harvard Professor, a Con Man, and the Gospel of Jesus's Wife* by investigative journalist Ariel Sabar (2020).

that the lure of the historically-groundbreaking, previously unstudied and unpublished fragment was too strong.

In her preliminary paper, which she made publicly available for download in the fall of 2012, King (2012: 4) asserted that the papyrus had been examined by experts, leading her to conclude that while there was no indelible proof that Jesus had been married, the fragment was probably not a forgery. Within days, various scholars had voiced their doubts (Goodstein 2012). The Vatican weighed in and was not impressed, questioning the fragment's authenticity (Dimitrova 2012). One of the factors mentioned in the Vatican's challenge to the authenticity of the fragment was the lack of archaeological attribution. The details surrounding the papyrus' acquisition were at best, hazy: the 'owner' wished to remain anonymous, which is not unusual given the shroud of secrecy typically accompanying art market transactions and an ethos of some textual scholars, keen to study materials, who ask very few questions and who protect their sources. The object history of the fragment was incomplete and the archaeological find spot was unknown. Yet there were more than 1,500 comments in response to the *New York Times* (Goodstein 2012) article announcing the find, and almost all of them focused on Brown's (2003) *Da Vinci Code* story of Jesus and his wife, none were concerned with archaeological context or the production of potentially false knowledge from an unprovenanced, but potentially historically-important artifact. So, for the general public, maybe the missing documentation was not an issue?

In a session at the 2012 annual meeting of the Society of Biblical Literature (SBL), panelists were asked to discuss issues surrounding the scholarly use of unprovenanced archaeological artifacts and the ramifications for SBL policy for guiding programming, research and publications. At the time both the SBL and the American Society of Overseas Research (ASOR) were examining and revising their ethical policies and codes of conduct. I served on the ethics committees of both the American Anthropological Association (AAA) and the Society for American Archaeology (SAA) and was asked to share those perspectives on ethical encounters with unprovenanced materials. Rather than present a laundry list of ethical do's and don'ts, I used the case of the Gospel of Jesus's Wife and its publication by King to illustrate the position of these organizations on the scholarly use of unprovenanced artifacts. In the SBL session, I checked King by asking whether, if she were a member of the AAA, AIA, or SAA, would she be able to present or publish the results of her findings in one of their journals or monograph series?

While the AAA does not have an explicit policy regarding the publication of unprovenanced objects, one of the prime ethical obligations of anthropologists is to weigh the consequences and ethical dimensions of the choices they make. Anthropologists should *do no harm*,[2] and as Brodie (2009; and in this volume) demonstrates so forcefully, it could be argued that mere study could have a negative impact and cause harm. In studying a privately owned, unprovenanced artifact, King could add economic value for the collector in the form of an academic endorsement, a translation, and perhaps encouraging the looting of an archaeological landscape for similar albeit authentic objects.

2 AAA Ethics Forum: https://ethics.americananthro.org/ethics-statement-1-do-no-harm/. Accessed 31 May 2022.

Anthropologists should also *be open and honest regarding their work*.[3] When King presented her findings and in the subsequent publication, the private collector was reluctant to reveal his identity. When asked about the identity of the owner, King (2014) stated that 'the owner is not willing to be identified by name, nationality, or location, because he doesn't want to be hounded by people who want to buy this [the GJW] fragment'. In his discussion of the eBay purchases of the manuscript fragments comprising the IIves Collection, Rick Bonnie (in this volume) illustrates the opacity of market transactions, the interwoven web of buyers and sellers, often hiding behind pseudonyms, and the complicity of willfully ignorant scholars looking the other way and protecting the owner in order to access the fragments for study. In the interest of full transparency, to whom do scholars like King owe loyalty – the collector, the scholarly world, their employer, or the public? Without more openness about the GJW's source, it is doubtful that King could make a case for the inclusion of her analysis in the *American Anthropologist*, the flagship journal of the AAA.

If King tried to publish in *American Antiquity,* an SAA journal, she would also be unsuccessful:

> *The SAA strives to balance the goal of generating and disseminating knowledge about the past and the archaeological record with the goal of not adding commercial value to archaeological, ethnographic, or historical-period objects that (1) have been obtained without systematic descriptions of their context, (2) have been recovered in such a manner as to cause unscientific destruction of sites or monuments, or (3) have been exported in violation of the national laws of their country of origin (per SAA Ethics Principle 3). Descriptions, discussions, or images of artifacts that fulfill any of the three criteria listed above will be subject to review by journal editors. Authors may be asked to remove these items as a condition of publication. Specifically, the SAA will not knowingly publish manuscripts that provide the first descriptions of such objects* (SAA 2021).

This emphasis on commercialization ('Archaeologists should therefore carefully weigh the benefits to scholarship of a project against the costs of potentially enhancing the commercial value of archaeological objects')[4] makes clear the connection in SAA policy thinking between the scholarly study of unprovenanced materials and their increased monetary value. Chapters by Brodie, Gerstenblith, and Wirth and Rasmussen, among others, in this volume demonstrate that expert valuation, interpretation and study of unprovenanced artifacts undoubtedly increases the value of the objects in question.

In a recent response to *Object Biographies. Collaborative Approaches to Ancient Mediterranean Art*, an edited volume of case studies examining unprovenanced objects in the Menil Collection (Hopkins *et al.* 2021), Laetitia La Follette (2021), then president of the AIA, clarified some misconceptions about AIA policies relating to first publication of unprovenanced ancient objects: 'The AIA is an archaeological organization, one that

3 AAA Ethics Forum: https://ethics.americananthro.org/ethics-statement-2-be-open-and-honest-regarding-your-work/. Accessed 31 May 2022.

4 SAA Principles of Archaeological Ethics: https://www.saa.org/career-practice/ethics-in-professional-archaeology. Accessed 31 May 2022.

focuses on the scientific excavation of the ancient world and the knowledge that such scientific excavation produces. Because the AIA values scientifically grounded knowledge, it distinguishes between objects with that information and those without it'. In checking its membership, the AIA believes that publishing artifacts lacking solid provenance can and does encourage looting. La Follette (2021) went on to suggest 'This policy is intended to register a protest against the looting of archaeological sites, which strips objects of their history'. The lack of provenance for the GJW would make it ineligible for first presentation or publication in venues associated with the AIA. But although the *American Journal of Archaeology* would not publish King's analyses, the associated lacunae and troubles with the GJW should be a part of any future assessments of the fragment that any journal or scholarly monograph might publish.

The trouble with texts and places of first publication

Not every publisher will agree to provide a place of primary publication, but once the offending item has had its public debut it becomes a publishing free-for-all. In his paper on the ethics of secondary publication, Michael Johnson proposes that a significant frustration with initial publications is a failure to discuss provenance. This shortcoming results in 'an initial publication providing an unwarranted provenance for unprovenanced material' (Johnson 2017: 33). Publication of an object can establish a provenance or at least the beginning of what Brodie (2006: 59) refers to as an academic pedigree – publication provides the unprovenanced object with a toehold in discourse that provides an academic endorsement. Initial publications which do not discuss provenance present a sanitized object, devoid of any associated nastiness, which can then be published and discussed elsewhere without taint.

Recognizing the ambiguity of the term 'first place of publication', in January 2020 the AIA (2020) crafted additional guidance, mirroring the ASOR Policy on Professional Conduct (ASOR 2019). The new guidance clarified the AIA's policy in two important ways. First, it specified the type of publication that would constitute an appropriate initial publication or presentation (a peer-reviewed journal or book, a published abstract from a similarly vetted presentation at an academic conference, or a museum catalogue). It clearly states that an auction catalogue does not meet these qualifications. Second, the policy requires that a secondary publication or presentation must (a) mark the object consistently with the designation [non-prov.], *e.g.* 'Museum of Ancient Art 2005.076 [non-prov.]', (b) include a reference that clearly identifies the venue/vehicle of initial scholarly publication or announcement, and (c) contain specific text stating that it was acquired after the AIA's 30 December 1973 resolution on the binding nature of the 1970 UNESCO Convention and that there is no evidence of its documentation or legal export from its country of origin before that date. According to LaFollette (2021) 'the point of the policy is to make sure that objects whose authenticity is questionable or whose history remains murky are clearly marked as such and are not confused with scientifically excavated ones to the detriment of the knowledge we seek'.

While the AIA and ASOR now provide more thorough guidelines on initial and secondary publication, based on an informal survey of journal policy on publishing unprovenanced texts, John Cherry (2014: 238) had a hunch about these primary and secondary publication locations. He believed that the stiffer publication policies of many

journals might drive scholars to find other venues, thereby questioning the impact of existing publication policies on the actual publication of unprovenanced materials. Self-policing ethical codes allow scholars attempting to present or publish items with problematic backstories (or no backstories) to choose venues that do not have policies or who routinely publish unprovenanced materials. Once published these objects have cleared the first hurdle on their way to scholarly acceptance and are considered blemish free and eligible for secondary publication in venues with rigorous ethical constraints as regards first publication.

What are scholars to do? 'Best practices', asterisks, footnotes, and Rollston's flags

What are scholars to do? Ignore unprovenanced material? AnneMarie Luijendijk, the Princeton University expert whom King consulted to authenticate the GJW papyrus, said the fragment satisfied all the rules and criteria established by the International Association of Papyrologists at the time (King 2012; 2014; Sabar 2020). Luijendijk (AP 2012) noted that papyrus fragments frequently have no provenance, simply because so many were removed from Egypt before provenance was an issue of concern, a point richly illustrated in the chapter by Mazza in this volume. Luijendijk acknowledged the negative consequences that might ensue from buying unprovenanced antiquities but thought that refraining from publishing papers about them was another matter: 'You wouldn't let an important new text go to waste' (AP 2012). So, for this important GJW not to 'go to waste', it should be studied, analyzed, and published. The 'if I don't do it someone else will' explanation is another justification used by many scholars. In such circumstances, what *are* scholars to do?

In a 2018 online survey, Bonnie *et al.* (2020) asked Dead Sea Scroll scholars about provenance, ethics, and policies. 'The goal of the survey was to establish the levels of awareness within Qumran and related studies concerning the role of the antiquities market, the potential accountability (or not) of scholars as perceived by respondents, as well as their general awareness of relevant policies and codes of conduct' (Bonnie *et al.* 2020: 257). The survey results are fascinating in that many of the answers reinforce the 'to study or not to study' divide: 'One respondent wrote that it was a "terrible dilemma between ignoring or accepting [unprovenanced texts]" (respondent no. 82), while another one noted that "[i]t's foolish and lacks scholarly integrity to ignore objects that are legitimately authentic" (respondent no. 102)' (Bonnie *et al.* 2020: 266). The results of this survey validate the work of many of the authors in this volume and of Mizzi and Magness (2019) on the Dead Sea Scrolls: '[I]n the case of unprovenanced "Dead Sea Scrolls-like" fragments, scholars need more information and preferably a practical guide on which type of documents would "prove their legal status" and would count as "verifiable records," as well as recommendations on how one could verify such records' (Bonnie *et al.* 2020: 276). Some scholars want to do the right thing and they want to check themselves; they just do not know how.

One way to encourage scholarly reflection would be to follow the recommendations of epigrapher Christopher Rollston (2003; 2004). In response to the plethora of unprovenanced Biblical texts and the associated threat of forgeries for polluting the textual record, Rollston suggested a series of solutions to the provenanced vs unprovenanced problem

(though Justnes and Rasmussen (2020) would caution us against using this simple binary when considering problematic texts). Arguing that there are two basic issues with unprovenanced text-bearing objects, (1) lost contextual information, and (2) potential forgeries, Rollston (2003; 2004) does not suggest a total ban on publishing. Instead, worried that provenanced and unprovenanced artifacts might be presented together, he recommends that unprovenanced objects be separated, relegated in status, categorized, and flagged. The distinction between provenanced and unprovenanced objects should be clearly marked, so they are never considered equal with the same types of associated information (see Gerstenblith in this volume for further discussion). Rollston (2004: 73) suggests 'this will allow the reader immediately to understand that this non-provenanced epigraphic material may need to be weighted differently'. Flagging objects with a footnote or endnote in a publication would signify its unprovenanced status.

In 2005, in a discussion of the publication policy for the *American Journal of Archaeology*, former editor Naomi Norman highlighted this need for greater transparency when stating that authors should avoid introducing new unprovenanced material 'and make every effort to keep the checkered past of doubt of an object out in the open and a part of continuous scholarly discussion in secondary publications' (Norman 2005: 135). We could check ourselves by flagging objects forevermore. Such footnotes would also allow us to continue checking ourselves and our colleagues.

For a case in point, in her *Bryn Mawr Classical Review* (*BMCR*) review of *Studies in Sappho and Alcaeus. Trends in Classics* (by Kyriakos Tsantsanoglos), Eva Stehle included the following in a footnote: 'There is no clear documentation of provenance of these papyri prior to acquisition, or evidence that they were legally exported from their country of origin' (Stehle 2021: footnote 1). And yet the highly-regarded *BMCR* accepted this review of a publication filled with suspect material. The Twitter backlash was immediate and sustained. Jeff Becker, for example, tweeted[5]

> *I am very disappointed. I am not a Sappho scholar nor a manuscript or paleography expert – but this review from BMCR that can barely be bothered to address the provenance of these papyri is a further demonstration that Classicists do not seem to care, in general, about material culture and cultural heritage preservation. It is not enough to acknowledge looting in a tepid footnote. Provenance is of vital importance. Reinforcing and condoning bad behavior simply guarantees that it will happen again.*

The bad behavior here is the 'tepid footnote'. 'A bland acknowledgement that the P. Sapph.Obbink[6] has no secure provenance, buried at the end of a footnote is insufficient. Scholars and reviewers need to do better' tweeted Theo Nash. But do they? The offending objects were first published by De Gruyter, which may or may not have had a publication policy, and although the *BMCR* does have a policy on first publication of unprovenanced items, the review was a secondary publication and was accompanied by a footnote – transparency as recommended by Rollston and as required by the AIA and ASOR guidance. In a response tweet, Roberta Mazza stated 'It is worse, as we know that these papyri were

5 All tweets referred to with author permission.

6 See Mazza in this volume for a further discussion of this fragment.

looted, and the Green Sappho fragments are on their way to Egypt. But some classicists DON'T CARE [Mazza's emphasis]'. Nash continued in his thread, 'by publishing books like Tsantsanoglou's which make no acknowledgement P. Sapph.Obbink is problematic, and then by uncritically reviewing them, we endorse a form of scholarship which ignores the real world implications of working with looted objects'. These tweets provided some good examples of how our colleagues might be checked.

Back to the Gospel of Jesus's Wife saga and flagging

Contrary to King's assertion that her paper would appear in the January 2013 issue of the *Harvard Theological Review* (*HTR*), in response to the scholarly outcry and media attention to the authenticity of the fragment, its editorial board said it would await testing on the fragment's ink to help determine the GJW's authenticity before proceeding with publication. Authenticity was cited as the critical factor in decision-making, there was no mention of the unprovenanced nature of the fragment or any issues arising. In their contribution to this volume, Christa Wirth and Josephine Rasmussen discuss authenticity and forgeries for illuminating contemporary cultural politics. A point reinforced thoroughly by Rachel Yuen-Collingridge in her examination of early forger Constantine Simonides and in the chapter by Årstein Justnes detailing the object biographies of the post-2002 Dead Sea Scrolls-like fragments. Recently Michael Press (2022) advanced a convincing case for the reassessment of the life and times of Moses Shapira, claiming, like Wirth and Rasmussen, that Shapira's forgeries could offer insights into the trade in antiquities at that moment in time. These authors all argue that forgeries have long been a part of the textual canon and cannot and should not be easily dismissed, insisting that forgeries should be properly contextualized within textual studies. *HTR* delayed publication until it could include the results of scientific analyses of the GJW fragment and a response by Leo Depuydt (2014), one of the original vocal doubters of authenticity. The April 2014 issue of *HTR* is dedicated to the GJW: eight papers, including an updated version by King of her original findings (King 2014).

None of the *HTR* papers include a footnote, an asterisk, a flag, or a qualifying note about the unprovenanced nature of the fragment. In King's paper (2014: 153), on the 23rd page (of 29) she divides the discussion of provenance into ancient and modern: 'The provenance of most Coptic papyri, however, remains uncertain. Where the GJW fragment was found is unknown, but its poor condition suggests that it may have come from a rubbish dump or a burial site, although other contexts cannot be ruled out'. Based on conjecture, King manufactures a potential find spot. The 'power of provenance' used in this way provides an assurance of authenticity is amply demonstrated in the chapter in this volume about Armenian manuscripts by Heghnar Watenpaugh. For the modern provenance of the GJW fragment, King states: 'The current owner of the papyrus states that he acquired the papyrus in 1999. Upon request for information about provenance, the owner provided me with a photocopy of a contract for the sale, dated November 12, 1999, and signed by both parties' (King 2014: 153). Two additional photocopies from the owner allow King to conclude that even though there is no reference to the GJW in either letter (a fact she relegates to a footnote) 'If these two documents pertain to the GJW fragment currently on loan to Harvard University, they would indicate that it was in Germany in the early 1960s' (King 2014: 154), a fact she includes in the body of the article. 'The lack of

information regarding the provenance of the discovery is unfortunate since, when known, such information is extremely pertinent. While we can wish for strong evidence, such as an inscribed date or provenance established by professional archaeological excavation, arguments from silence based on these deficiencies are not determinative of the question one way or the other' (King 2014: 157).

Sabar's (2016) investigative piece and subsequent (2020) volume on the GJW fragment calls into question the provenance and authenticity of the papyrus fragment, providing interviews with a cast of characters including the owner (Walter Fritz) and King. King admits to Sabar that his investigation 'tips the balance towards forgery' and that the preponderance of the evidence now presses in that direction (Shanks 2012). The publishing watchdog blog *Retraction Watch*[7] blogged the following response from *HTR* when confronted with accusations of publishing a forgery and requests for retraction:

> *Harvard Theological Review has scrupulously and consistently avoided committing itself on the issue of the authenticity of the papyrus fragment. HTR is a peer-reviewed journal. Acceptance of an essay for publication means that it has successfully passed through the review process. It does not mean that the journal agrees with the claims of the paper. In the same issue (HTR 107:2, April 2014) in which HTR published King's article and the articles on the testing that were represented or misrepresented in some circles as establishing the authenticity of the fragment, it also published a substantial article by Depuydt arguing that it was a crude forgery. Given that HTR has never endorsed a position on the issue, it has no need to issue a response.*

Whether or not King could publish or present at the AAA, the AIA, or the SAA is a question arising out of the missing origin story and the potential illegality associated with the artifact. The best practices that might hold colleagues accountable and the culpability associated with the publication of an unprovenanced object are more focused on the issue of authenticity and whether the offending object is a fake, which according to Wirth and Rasmussen in this volume is a shortsighted approach to the conundrum of 'to study or not to study'. While not every unprovenanced artifact is a fake, the chances increase if there is no verifiable find spot or transparent owner history. Did King wonder if the fragment was real? In a paper on the trade in artifacts with Biblical significance Brodie and I (2012) asked why more text scholars were not interested in archaeological find spot as the key determinant of authenticity. If we knew exactly where and when this fragment was removed from its original find spot, questions of authenticity might be laid to rest.

The problem with provenance

While investigating the GJW, when Sabar asked King about the backstory of the fragment she stated: 'I haven't engaged with the provenance questions at all' (Sabar 2020: 213). This lack of interest is both mystifying and intriguing and one of the reasons the authors in this volume are together investigating elements of academic consumption of illicit antiquities.

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7 Coptic cop-out? Religion journal won't pull paper based on bogus 'gospel', *Retraction Watch*, 21 June 2016. https://retractionwatch.com/2016/06/21/coptic-cop-out-religion-journal-wont-pull-paper-based-on-bogus-gospel/. Accessed 31 May 2022.

Perhaps even more troubling is King's response to the unmasking of the owner and the heightened and sustained forgery allegations, she stated that she did not realize that you could study an object's past – contrary to the provenance section in her 2014 paper. Whether or not this is journalistic embellishment, without solid documentation, which includes an archaeological find spot, how could King ever be assured of authenticity? How do we solve a problem like provenance?

What is a scholar to do? Check themselves and their colleagues

In an essay on the ethical dilemmas facing papyrologists, Brent Nongbri suggests that the long held view that all inscribed antiquities should be published because they 'speak for themselves independent of archaeological context' (Nongbri 2022) is receiving greater scrutiny. While the dissemination of knowledge vis-à-vis the publication of unprovenanced material is important; more important is that the scholarly assessment of pieces that might add to demand and result in an unprecedented loss of knowledge on the ground. We cannot support the publication of unprovenanced objects, 'owned' by anonymous buyers, perhaps ripped from their archaeological context, which goes unmentioned or is barely referenced in publications like that of King. Chapters in this volume demonstrate forcefully that provenance does matter. As Press (2021) masterfully observes in his review of Sabar's (2020) exposé of King:

> *Instead of taking a superficial dive into the rest of King's publications, we might do better to look at such actions in the context of scholarship's long dance with forgery and antiquities trafficking. For well over a century, different scholars have authenticated unprovenanced items for dealers, purchased them, or smuggled them out of their source countries, with little concern for national antiquities laws, international agreements, or codes of ethics. Some still do. In this light, the Jesus' Wife affair looks quite different from Sabar's depiction. The real tragedy of Karen King's story is that it, far from being unique, is all too common.*

We in the scholarly community need to do better. In addition to checking ourselves against ethical standards and codes of conduct, before beginning the study of an unprovenanced object scholars should carry out due diligence and ask the uncomfortable questions about ownership history, archaeological find spot and legality. In a paper on academic involvement in the antiquities trade Brodie (2009: 52; 2011) suggests 'Unless an author is assiduous in researching and publishing provenance, he or she cannot claim to be acting in good conscience and might even stand accused of colluding with the criminal trade'. This call for greater intentionality in the examination of unprovenanced artifacts is not new (see the referenced works and others of Brodie, Gerstenblith, Mazza, Press, Rollston, and many of the other contributors to this volume), but as Mazza in this volume asserts we are amidst a paradigm shift, where provenance research is becoming increasingly the norm. Checking ourselves should be second nature. Until then we will have to continue to check ourselves and our colleagues.

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Part Two

Modern Contexts

The value of forgeries for historical research

Christa Wirth and Josephine M. Rasmussen

Abstract

All objects provide us with insights into the historical contexts in which they appear. In this chapter, we argue that dichotomizing between the forgery on the one hand and the authentic on the other is troublesome. Putting more knowledge value on the 'authentic' than on the 'fake' means ignoring the fact that fakes are historical artefacts in their own right (Salman 2009: 263). If we jettison forgeries from the study of history, we are missing an opportunity to study the historical processes of creating the past. Therefore, we explore new analytical categories for objects/manuscripts. Instead of bifurcating the objects into forged and authentic, we cut across the material in a different way: inspired by Clifford Geertz, we distinguish between 'thick data' and 'thin data'. The distinction between 'thick' and 'thin' can be determined by a simple question: Is there rich data for the research question we want to ask? If so, it can be considered thick data and thus valid for research. Forgeries provide us with thick data in many respects, though not for the ancient past. We suggest that *both* forged and authentic ancient objects generally have more historical relevance for modernity than they have for antiquity. This is because many of these objects possess thick data in relation to modernity but only thin data in the case of the ancient past. Looking at our own fields of history and archaeology, we theorise on the validity of knowledge obtainable from ancient and forged objects. Our hope is that this chapter will be read as an explorative intervention into the field of manuscript studies.

Keywords: authenticity, forgery, methodology, thin data, thick data, collectors, imperialism, colonialism, nationalism, masculinities, manuscript studies

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A scandalous mess

In recent years, the exposure of widespread forgery, looting, and theft of ancient manuscripts[1] has shaken academic communities and institutions and highlighted problematic research practices (Bonnie *et al.* 2020; Brodie 2020; Davis 2017; Justnes and Rasmussen 2017; 2019; 2020; Mazza 2015; 2019; Mizzi and Magness 2019). It has long been acknowledged that the demand of collectors and academics for archaeological manuscripts creates incentives for forgery and theft (Brodie 2009; 2011; 2016; Brodie and Kersel 2012; Rollston 2014; 2017). When scholars overlook problematic provenances, their scholarship enables misuse of ancient remains for political purposes. In 2000, archaeologist Colin Renfrew referred to the destruction of ancient sources through looting and antiquities trade as an 'ethical crisis' in archaeology (see also Gill and Chippindale 1993). Årstein Justnes (in this volume) describes forgeries as disclosing, to some extent, a crisis in his subfield of manuscript scholarship, the Dead Sea Scrolls and Qumran studies. While the social harm connected to the looting of archaeological sites has been a widely addressed topic in studies of antiquities trafficking, it is rather the fear of the implications of forgeries in the datasets that tends to stir most concern among Dead Sea Scrolls scholars (Justnes and Rasmussen 2020). Beyond the focus on identifying forgeries through scientific testing of authenticity (*e.g.* Loll 2019), there seems to be a growing interest within the fields of manuscript studies to engage critically with topics of provenance, and among the reasons given for this interest is the exposure of forgeries (*e.g.* Johnson 2017). Phrasings such as 'contamination of our scholarly data' (Tigchelaar 2017: 178) and descriptions of forgeries that have 'polluted our dataset' (Justnes and Elgvin 2018) indicate a belief that once forgeries have been weeded out, ancient manuscripts as sources have a quality of purity. Perhaps it also reflects a sense of epistemic loss among scholars who see their sources falling away. Assaf Nativ and Gavin Lucas (2020: 853) recently asked 'Archaeology is about antiquity – but does it have to be?' In light of the above-described situation in some fields of manuscript studies, the following question is perhaps helpful to find a way forward: What is an appropriate mode of knowledge production based on the messy mix of forgeries and ancient materials?

Forgeries are problematic, but ancient remains are messy too

The production of manuscript forgeries often seems to be motivated by a manipulative appropriation of the past in service of contemporary agendas, such as with the Leviticus 'anti-gay' fragment (Justnes 2017: 71; Moss and Baden 2019: 35); the 'James Ossuary' (Brodie and Kersel 2012; Burleigh 2008); the 'Gospel of Jesus's Wife' (Sabar 2020) or the 'Hazon Gabriel', a so-called Dead Sea Scroll in stone (Justnes and Rasmussen 2020), to name only a few. By and large, the remedies that are often suggested by manuscript scholars themselves revolve around compensating for deficient provenance by, for example, separating or flagging objects of unclear provenance in research and publications (*e.g.* Rollston 2017, see also Tigchelaar 2017), or by only considering objects from securely documented contexts and provenances (Bonnie *et al.* 2020; Mizzi and Magness 2019; Nongbri 2021; see also Nongbri 2022). We take this as an indication that some subfields of manuscript studies

1 Here broadly defined as any ancient-appearing material containing writing. In this chapter, we consider manuscripts as artifacts and subsume them under the umbrella term 'objects'.

are attempting to move beyond the idea that ancient texts speak for themselves.[2] Common to these more novel approaches is that they all aim to ensure the continued access and opportunity to engage with the (presumed) ancient circumstances of objects. In that sense, they are all pragmatic solutions to a situation where forged or looted objects constitute a problem to be circumvented to return to what was being done before: the study of the ancient past. As argued by Dennis Mizzi and Jodi Magness (2019: 139), sources grounded in an archaeological stratigraphy enrich and add data to the ancient context of the material, and additionally serve the purpose of ensuring authenticity. Manuscript scholars are thus encouraged to seek archaeological provenance to avoid being duped by forgeries. It is this turn towards archaeological provenance we will engage with in the following.

The problem we are foreshadowing is that the formulaic dichotomy often employed to differentiate between the forged and the authentic perhaps lends an epistemic reliability to the authentically archaeological that is both simplistic and problematic. Joan Gero, feminist pioneer of archaeology and anthropology noted that 'Reading my colleagues' work, I am often troubled by their clear assertions of knowledge gained from their research undertakings while at the same time I am puzzled that there is so little discussion about the uncertainty that accompanies archaeological research at every step' (Gero 2007: 312). Manuscript scholars who turn to archaeology in an attempt to secure an empirical bedrock should perhaps be warned. As Alison Wylie (2017: 203) has pointed out, 'Archaeological data are shadowy in a number of senses. They are notoriously incomplete and fragmentary, and the sedimented layers of "interpretive scaffolding" on which archaeologists rely to constitute these data as evidence carry the risk that they will recognize only those data that conform to expectation'. Taking cues from Wylie and Gero, the situation in manuscript studies and related fields offers an opportunity to seek out new ways of seeing shadowy and messy data.

Very concretely, Nativ and Lucas have argued for the value of archaeology without antiquity, as stated above. The discipline's orientation towards the ancient past as its central concept is challenged by alternative modes of archaeology and heritage: 'In principle, and on the empirical grounds upon which the field is established, there is no a priori reason for archaeology to limit its concerns to the past: the discipline does not have to be about antiquity' (Nativ and Lucas 2020: 854). Heritage studies, and more particularly critical heritage studies, acknowledge heritage in this way as a process of continuous meaning-making (*e.g.* Smith 2006). We take inspiration from feminist research traditions in which research must consist of 'a process of continuously building and rebuilding provisional empirical foundations' (Wylie 2017: 204). In the following section, we suggest how one of these alternative ways of doing and thinking archaeology could look. Archaeology can inspire a critical approach to find spots and context, but instead of trying to recreate ancient meanings and contexts that are lost, we suggest treating *objects as material culture of the recent past and present.*

2 For discussions on the competing positions between archaeological and text-based research, see Rutz and Kersel (2014).

Thin and thick data and the relevance for modernity

Leaving the (ancient) past behind, a methodologically appropriate archaeology can rest perfectly well on modernity. To gain valid information about the modern past, scholars should rely as much on the recent history of authentic (ancient) objects as on the history of forged objects. Therefore, we employ new analytical categories. Instead of bifurcating the objects into forged and authentic, we cut across the material in a different analytical way: we distinguish between 'thin data' and 'thick data'. The distinction between 'thin' and 'thick' can be determined by a simple question: Is there a rich context for the research question we want to ask? If so, it can be considered thick data. Thin data on the other hand provides researchers with only punctiform information that is neither significant nor robust enough to make appropriate contributions to the research project. 'Thin' is *not* equivalent to 'forgery'. And 'thick' is *not* equivalent to 'authentic'. If there is a lot of information about an object available that answers a researcher's question about that object, the data is thick. A forged manuscript concocted by a late-nineteenth-century scholar that comes with ample documentation surrounding its manufacture can provide thick data for research questions addressing how the forgery emerged. However, making far-reaching interpretations and claims about the ancient past based on an authentic yet unprovenanced object is an example of dabbling in thin data. We suggest that both forgeries and authentic ancient objects generally have more historical relevance for modernity than they have for antiquity. This is because these objects possess thick data in the case of modernity and thin data in the case of the ancient past. There is more contextual historical information about modernity to be found in the world.

We take inspiration from Clifford Geertz's method of 'thick description' which allows one to makes sense of 'a multiplicity of complex conceptual structures, many of them superimposed upon or knotted into one another, which are at once strange, irregular, and inexplicit, and which he [the ethnographer] must contrive somehow first to grasp and then to render' (Geertz 1973: 10). We extrapolate Geertz's approach for capturing cultural and historically grown meaning (Green 2008: 56-57) to the case of objects and propose that scholars can access thick data from within the rich well of information that springs from the known history of the object. This enables scholars to make valuable interpretations of cultural and historical meaning. Any relevant study is dependent on the context of the object and the richness of information embedded in this context for the specific research question the scholar poses.

For example, a forgery with a rich and documented history of ownership is well suited to a study of – among other topics – collecting practices, taste-work, and price developments. In other words: it provides thick data for this line of questioning. An authentic object appearing on eBay without any verifiable information about its find-circumstances, provenance, or origin, is not well suited to investigate the ancient past because of the thin data surrounding the object in regard to archaeology. However, it is still of interest to a study of online trade in unprovenanced materials (thick data). Both a forged object and an authentic object presented on an auction site can be explored within a valid methodology for their framing, labelling and materiality. If we analyse such objects (both forged and authentic) as described above, and the rich data surrounding them, they become intriguing objects of study for modernity, yet less relevant for antiquity, and in the case of fakes, of course, completely irrelevant for antiquity. In his account of the history of manuscript

forgeries, Christopher Rollston (2014: 193) describes how forgeries become part of the historical record for the periods in which they were produced. Elizabeth Marlowe makes a related observation in the case of the so-called Fonseca bust, an unprovenanced marble portrait assumed to be from the second century CE: 'The Fonseca bust is thus deeply enmeshed in the historiography of Roman art. Our heavy reliance upon it is, however, inversely proportional to how much we actually know about its ancient history – far less than we know about its eighteenth-century history' (Marlowe 2013: 21). Acknowledging that the Fonseca bust says more about modern than about ancient history, Marlowe suggests that prehistorians should prioritise objects with a well-documented provenance ('grounded' objects, in Marlowe's terminology). Similar problems are prevalent for all types of material of unclear provenance circulating in and beyond academic knowledge-making. For example, the Dead Sea Scrolls material is connected to a rich recent history of academic and religious engagement, publications, museum exhibitions, trade records, and ownership history (*e.g.* Gimse 2020; Kersel 2011; Kjeldsberg 2019). Academic research related to or coming out of manuscript studies and that has dealt critically with the introspection of academic practice or recent history of material of unclear provenance includes, for example, Michael Press's (2022) study of the nineteenth-century forger Moses Shapira; Rollston's (2005) seminal work in which he locates himself as a scholar vis-à-vis the market in ancient inscriptions; Matthew Rutz and Morag Kersel's (2014) edited volume bridging archaeological and text-based research on ancient manuscripts; Roberta Mazza's (2015; 2019) studies on research ethics and the modern biography of papyri; Rachel Yuen-Collingridge's study in this volume of Constantine Simonides' nineteenth-century forgeries as works of 'realism'; Malcolm Choat's (2019) examination of and detection of fake papyri; Nils Korsvoll's study in this volume of textual authenticity vs. provenance in scholarship relating to Aramaic incantation bowls; and Justnes' (*e.g.* 2019; and in this volume) studies of forgeries in Dead Sea Scrolls scholarship. Conversely, the traditional research on, for example, the Dead Sea Scrolls and its claims about the Biblical past is not only 'contaminated' and invalidated by the forgeries, but by the basic methodological shortcomings of materials that are so limited and fragmentary and therefore dubious that most claims appear overstretched. Altogether, as modern and contemporary commodities they possess thick data which allows research topics that are both richer and, we contend, more appropriate. Therefore, not only are authentic objects that surface again in modernity relevant objects of study, but also forgeries that appear in the same time period. But it is not only a matter of recognising the value of forgeries as historical records. It is also recognising that authentic objects with provenance documentation of variable quality are ultimately richer sources of historical knowledge for the time of their resurfacing than for the time of their ancient deposition.

Relevant questions and disciplines

The relevance of an object for historical inquiry has to do with historical developments outside as well as inside of academia: imperialism, nation-building, professionalisation of academia, decolonisation, the admittance (or lack thereof) of new perspectives and people in the academy such as women and other marginalised groups – these all affect what avenues of research and objects are seen as relevant and valid. Consequently, the questions that we propose for scholars in manuscript studies, archaeology, and history

and for which there is thick data are (and we will discuss this later in greater detail): In what institutional and disciplinary contexts (in history) do different subjects attribute meaning to objects or deem them irrelevant? What makes something a historically relevant source material? To be able to answer these questions, it is pivotal to develop an awareness of institutional and disciplinary historicity and how they tie into larger global historical contexts. Two moments that distinctly shape our research interest are, first, European imperialism, that starting in early modern times entailed the transatlantic slave trade and among other imperial phenomena, the looting and acquisition by Europeans of archaeological artefacts on the African, Asian, and American continents. Second, the emergence of modern academic disciplines which were closely tied to the gendered nation-state building that was entangled with European 'high imperialism' in the nineteenth century. Research in manuscript studies, history, and archaeology can all benefit from a self-awareness of the history of the disciplines and how it contributed to masculinist empire and nation-building in modernity.

Postcolonial studies and women's history/gender studies are examples of disciplines that are aware of their own historicity on the one hand and on the other have provided theoretical and empirical insight into how imperialism and masculinities shaped academic epistemologies. It took the interventions of scholars from the Global South to address the deep political commitment of European and North American academic disciplines to colonization. In terms of Western scholarship in the Middle East, Edward Said (1978: 11) noted: 'For if it is true that no production of knowledge in the human sciences can ever ignore or disclaim its author's involvement as a human subject in his own circumstances, then it must also be true that for a European or American studying the Orient there can be no disclaiming the main circumstances of his actuality: that he comes up against the Orient as a European or American first, as an individual second'. This way, Said pointed out the political character of knowledge: 'My argument is that each humanistic investigation must formulate the nature of that connection in the specific context of the study, the subject matter, and its historical circumstances' (Said 1978: 15).

In this chapter, we centre contemporary scholars and scholars of the past as subjects in our analysis. It also means that we are employing our own disciplines – history and archaeology – in ways that we think are relevant to manuscript studies, both in the past and currently. Our biases and ambitions manifest in our normative statements about research and we acknowledge self-awareness of the fact that we are also bound to the practices and political and institutional contexts of the humanities.

Scholars working with an intersectional gender perspective have shown how gendered political and historical conditions form knowledge, relevance, professionalization, and expertise in their own discipline and others (*e.g.* Applegarth 2014). Women's history and then gender studies' scholars have been cognizant of their own disciplinary history and recognise that their disciplines in the United States grew out of the second women's movement (Opitz-Belakhal 2010: 11). Gender as a category of analysis and as an object of inquiry (Scott 1986) make legible just how scientific relevance, historical contexts, and masculinities were and continue to be intertwined (Milam and Nye 2015). And feminist scholars do not veil this historical fact of societal continuities and shifts being reflected in academic institutions, epistemologies, and practices in the name of a middle-class masculinist idea of detached 'objectivity' to the society it is studying. On the contrary,

the awareness of feminist and gender studies scholars that (historical) politics shape epistemologies adds self-reflexivity to an analysis.

As scholars in manuscript studies, archaeology, and history we might favourably take our cues from women's/gender studies when it comes to raising our consciousness of our own discipline's history and how this genealogy shapes the epistemologies we produce today. What has been relevant to collect and retain in antiquities collecting, trade, and scholarship has been due to the discretion of gentlemanly scholars and collectors. Consequently, collecting practices of the present are steeped in masculinities of modernity.

The historical sentiment of distinction through aura

In 1936 Walter Benjamin wrote that (2008: 22), authenticity lends an artwork – or one might suggest an ancient object – its 'aura'. Only a unique object has aura inscribed and the uniqueness stems from the historical context or 'tradition' from which it emerges. This is what conveys the object's authority and thus distinguishes it from products of 'technological reproduction' (Benjamin 2008: 21) seen in modern works such as film and photography which according to Benjamin lack aura. Interestingly, Benjamin distinguished between the effects of forgeries made by hand from those made by mechanical mass-reproduction: 'But whereas the authentic work retains its full authority in the face of a reproduction made by hand, which it generally brands as forgery, this is not the case with technological reproduction' (Benjamin 2008: 21). The hand-made forgery is unique and arguably mimics the authentic in a way that, in the case of ancient manuscripts, has retained its authority on the same level as authentic manuscripts. Benjamin put the uniqueness of the forged object in the same auratic category as the authentic. Reading Benjamin this way, what stands out is that the main analytical interest was less the question of authentic vs. forged but the question of the function of reproduction for different social classes: auratic objects distinguish themselves from mass reproduction in as much as the latter have the effect of distracting and entertaining the 'mass' of people (Benjamin 2008: 38-39). Conversely, the 'art lover' (Benjamin 2008: 39), located by Benjamin (2008: 15) within the bourgeois 'ruling class', brings an attitude of 'concentration' to the encounter with an art object. The bourgeois observer thus stands in front of the unique (whether forged or authentic) object completely absorbed. We suggest that the allure of auratic artworks as argued by Benjamin in 1936 remains a significant feature in the business of archaeological artifacts. We also find support for this point in empirical work by Justnes showing how in the case of the Dead Sea Scrolls there has been a remarkable willingness to accept the authority of poorly executed forgeries (Justnes 2017). In her study of communities of collectors of Middle Eastern antiquities, Kersel found that collectors generally did not fear being duped by forgeries. These communities, Kersel (2011: 528) states '…exhibited an amazing ability to suspend all disbelief in pursuit of the artifact'. The acceptance of shoddily-made forgeries can be explained, we argue, by the fact that the presence of auratic objects signifies a certain meaning such as class. Whether or not the auratic objects are forgeries is a question of secondary importance compared to their functioning as markers of class. Extrapolating from Benjamin, our observation is that collectors and scholars are (still) smitten to surround themselves with the aura of ancient objects, be they forged or authentic. As long as an object is treated as authentic, it has the power to distinguish its holder. Arguably then, forged or not, these objects manifest a distinction (*sensu* Bourdieu 1984) in relation

to the general population and thus are an essential identity marker of the bourgeoisie. But whereas Benjamin illuminated the auratic through the prism of class, one might add the analytical category of gender to analyze how the relationship to auratic objects was also an expression of masculinity. Auratic forgeries and auratic authentic objects may thus provide thick data for the scholar to analyze how the objects signified modern white, male, bourgeois identities.

In the history of antiquities collecting, the consumption of forgeries and authentic objects are intertwined (Rollston 2014). Forged and authentic ancient objects work, as we have argued above, to similar effect. Consequently, it is relevant to study both forged and authentic objects side by side. Collecting and studying in the late nineteenth century was a means to create scholarly white, bourgeois masculinities separate and apart from workers, women, and racialized others – an essential process in the professionalization of academic institutions who attained professional status by among other things the exclusion of what they assumed to be subalterns (*e.g.* Applegarth 2014; Milam and Nye 2015: 9). Thus, by surrounding themselves with auratic objects requiring concentration, the scholars/collectors consciously emphasized their separation from the 'rest'. In addition, the bourgeois cultures of masculinity inscribed in institutions of higher learning reached into the global project of colonialism and high imperialism. The gentlemanly, racialized, and imperial conduct was then forced onto the colonial subjects (McClintock 1995; Pietsch 2013: 1, 6). As James Clifford has stated (1988: 220-221), collecting '*appropriated* [original italics] exotic things' added another dimension to the making of Western scholars, institutions, and anthropology in a time when modern academic disciplines were formed. He suggested that the practice of collecting must be analyzed within the context of 'powerful discriminations' (Clifford 1988: 221). As observed by Kersel (2012: 260-261), theorization on collecting practices is often ultimately considered to be about control. Collecting and possessing antiquities thus conveys dominance, conquest, and ownership of the past and distant lands. Mieke Bal (1994: 106) has argued that possessing, collecting, and displaying valued objects is a form of fetishism, but one that is provided with an ethical and educational alibi. Not least, Benjamin recognized how the auratic piece (of art) becomes fetishized:

> *… less through the process of its creation than through the process of its transmission. If the work of art remains a fetish … it attains a cultural position that lends it a sacrosanct inviolability. It also remains in the hands of a privileged few. The auratic work exerts claims to power that parallel and reinforce the larger claims to political power of the class for whom such objects are most meaningful: the ruling class. The theoretical defense of auratic art was and is central to the maintenance of their power* (Benjamin 2008: 15).

In this sense, both collectors and scholars fetishize their objects and thereby fetishize and manifest their political power in society.

What to study: topics, historical contexts, institutions, and actors

The contexts of these fetishized, auratic materials provide thick data for answering questions about the intertwined worlds of the bourgeoisie that built its identity and institutions on the principle of exclusion. Historical asymmetries invoked by gender, class, nation-building, and colonialism[3] illuminate how disciplines and institutions in which specific objects became relevant during modernity were configured. Relevant research within these asymmetries is to deconstruct topics such as scholars', dealers' and collectors' (power) fantasies, and meaning-making, valorisation, and fetishisation of their objects within institutions. Modernity should not only be in the interest of historians and archaeologists when studying ancient objects, forged or not, across different nation-building contexts. We believe that manuscript studies could fruitfully pivot towards modernity for the same purposes.

The historians Eric Hobsbawm and Terence Ranger recognised and theorised about the fantasies and social constructions that come into force during turning points in history. They took their cues from the emergence of nationalism in the nineteenth and twentieth centuries to develop the concept termed 'invention of tradition'. These invented traditions are 'paraphernalia and ritualized practices … which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past' (Hobsbawm 1983: 1, 3). Societies that undergo massive social change, develop a counter-movement of (invented) traditions to insinuate a continuity by projecting them into a long-ago or mythical past. In the case of Israel, for example, this is salient as various myths, sites, and material remains, both forged and genuine, have been employed for nationalist purposes. And the history of the modern discovery of the Dead Sea Scrolls is one of many examples of such employment. But more generally, the use of archaeology in the service of nation-building and heritage-making is inherent to nationalism. Modernity with its vast transformation triggered a need for constructed continuity to create a sense of stability (Hobsbawm 1983: 2). Nation-states most successfully created these historical projections all around the world. For example, Philippine nationalism depended on building a linear continuity from a pre-colonial past to develop an authentic self during decolonization (Nolasco 2019: 158; Salman 2009: 262-263: Wirth 2019; 2021). Similarly, Italy and Greece echoed a Roman and respectively a Greek antiquity to establish continuity during the making of their modern nations (*e.g.* Papadopoulos 2007). In the case of the Balfour Declaration during World War One, the proposed homeland for the Jews in Palestine rested on a narrative centring ancient Israelites in Palestine while rendering ancient non-Israelites peripheral (Corbett 2015, in Meskell 2020): '… archaeology supplied the imputed ideological and moral justification for national ambitions in the Holy Land' (Meskell 2020: 557). In Norway, the discovery of rich Viking-era ship burials coincided with the independence of the Norwegian state in 1905 and became formative to the building of a national identity resting on the idea of cultural continuity (Østigård 2001). Historians of archaeology have repeatedly and convincingly demonstrated how archaeology has been standing in the service of nation building (*e.g.* Greenberg and Hamilakis 2022; Kohl 1998).

3 This is not an exhaustive list of analytical categories. Others could be religion, race, and sexuality, for example.

To this day, ideas and expectations emanating from governments sometimes reinforce the nationalist trajectories that formed in the late nineteenth century. As researchers in Norway, a significant example for us is the recent call by the Norwegian Minister of Education for the humanities to contribute to 'nation building' (Lie 2021).

Hobsbawm (1983: 9) points to three types of invented traditions: 'a) those establishing or symbolizing social cohesion or the membership of groups', 'b) those establishing or legitimizing institutions, status or relations of authority', and 'c) those whose main purpose was socialization'. Along these lines, we claim that the fantasies about an ancient past that scholars, collectors, and other actors attach to ancient objects are not only invented traditions, but also richly contextualized phenomena that provide thick data about modernity. We therefore ask: What historical, political, and social conditions in modernity enable these fantasies?

As argued by historian Maya Jasanoff (2004: 112), collections and collectors played a complex role in shaping the image of empire as well as of the nation. The late-nineteenth-century professionalization and national institutionalization of academic disciplines that would participate in the governance and control of colonized subjects during high imperialism (Díaz-Andreu 2007: 210) provides a relevant benchmark of modernity. 'Like other human sciences such as geography, anthropology, and history, archaeology became a tool of imperialism' (Díaz-Andreu 2007: 210). The knowledge that emerged in these wider contexts contributed to and was the result of the imperial projects (Díaz-Andreu 2007: 210). Therefore, 'ancient' objects – forged or not – that gained traction in the public and academic imaginary within nineteenth- and twentieth-century modernity must be read against the backdrops of nation- and empire-building.

The following study of the cousins and romantic couple, Fritz and Paul Sarasin, shows how the historical contexts of bourgeois masculinities, colonialism, science, and nation-building provide thick data in a manner that is useful for studies beyond those of ancient or forged remains. The Sarasins, from the Swiss city of Basel, travelled to Ceylon (present-day Sri Lanka) and Celebes (present-day Sulawesi) in the Dutch East Indies, as gentlemanly scholars. The ethnographic and natural historical materials that they collected on the island of Celebes are stored in the Museum der Kulturen and the Naturhistorisches Museum in Basel. The Sarasins hailed from the Basel ruling class, which is why they were not constrained financially on their scientific adventures. Around 1900, this class was also substantially overrepresented in the Basel Naturforschenden Gesellschaft (Society of Natural Science). Not only financial means or education decided participation in the Naturforschenden Gesellschaft, but also religion/confession: although approximately one third of all Basel inhabitants were Catholic, they were absent as members, as were Jewish inhabitants. The society remained a Protestant-only club for men (Schär 2015: 36, 83, 96-97). Consequently, as Bernhard C. Schär states, '… this little group of Protestant, educated and/or wealthy men determined what direction the natural science would take based on the questions they asked, the data they collected, the methods they applied and the interpretations they developed' (Schär 2015: 84; translated by Wirth). And thus, this socio-economic-cultural milieu shaped the formation of scientific collections. In the late nineteenth century, major parts of Basel's natural scientific collections travelled along the routes of Basel's upper crust, including missionaries, businesspeople, and diplomats who were entangled with European colonial networks – even though Switzerland itself

never owned any colonies. Like many other Swiss participants in colonization, Paul and Fritz Sarasin depended on and aided the Dutch empire in its colonizing efforts in Southeast Asia (Schär 2015: 8). Hence, historical objects that appear in collections have been deemed relevant by specific privileged groups that contributed to and profited from colonialism. How this happened and who these groups were should be our interest when studying collections.

Returning to our couple from Basel – these two natural scientists projected their tropical fantasies and results from their studies in Celebes onto a long-ago Swiss prehistory. They did this by comparing and aligning the behavior and objects of their studied contemporary humans in Celebes with the behavior and objects of a prehistoric 'Swiss' population. They then traced a timeline down to the present of the modern Swiss nation which supposedly stood at a higher level of development vis-à-vis the prehistoric Swiss and contemporary people of Celebes. With this invented tradition the Sarasins contribution to nineteenth-century Swiss history and nation-building that was interlocked with racialised colonial science. Again, the meanings that scholars attributed to the objects they studied were tied up with a European, masculinist, nation-building that ran parallel and was intertwined with Europe's colonising projects. Not least, the case of the Sarasins demonstrates how a modern discipline – here Volkskunde (European ethnology/folklore) – can trace its roots to colonialism (Schär 2015: 312-319, 331).

Collections of private individuals have been foundational for what are now public museums, university collections, botanical gardens, and zoos. In archives as well as museums, the acquisition of an object attributes historical validity to it. Thus, the archive as an institution attributes meaning to an object just by retaining it (on reflections of the use of primary sources in colonial archives, see Stoler 2009). Museums have further explicit and implicit mechanisms for ascribing value to objects. Firstly, objects that make it out of the collections and which curators showcase manifest meaning to things. The practices of colonial collectors – whether Biblical, archaeological, ethnographic or otherwise – have been formative to current collecting practices. This is particularly salient in the ongoing engagement of collectors, dealers, and scholars[4] with ancient objects and manuscripts. Unlike some academic fields, which have for decades undergone intense debates on repatriation and deaccessioning, the amassing and appropriating of collections in the fields of ancient manuscript studies are ongoing. The formation of collections such as that of the Museum of the Bible or the Schøyen Collection strikingly features the motivations and tropes associated with traditional colonial or imperialistic collecting, such as saviour narratives and religious-political ambitions (*e.g.* Rasmussen and Justnes 2021). In the case of the Schøyen Collection, national ambitions were at the heart of the public discourse surrounding it in 2000 when Schøyen and other supporters of the collection campaigned for the Norwegian state to buy and display it. Bendik Rugaas, who was Norway's National Librarian at the time, advocated for the collection's potential to 'put Norway on the global map, culturally speaking' (quoted in Prescott and Rasmussen 2020: 71).

In the art and antiquities trade, scholars routinely contribute their knowledge for validating the significance, authenticity, price estimate, and meaning of objects (*e.g.* Brodie 2009; 2011; 2020; Justnes and Rasmussen 2017; 2020; 2021). Some antiquities

4 Under the category scholar we subsume researchers, archivists, curators, librarians, and other experts.

are perceived as aesthetically pleasing, easily displayable, and not necessarily in need of an explanation. For others, such as objects with any form of writing or pictography that are otherwise unspectacular, the need of the expert interpreter is more immediate. Marlowe has recognised the similarities between the Kantian approach to beauty in art history, and that of a prehistorian's defence of the intrinsic value of objects regardless of their context: 'the more arresting the object, the less its context matters' (Marlowe 2013: 7-8). The sentiment of intrinsic value echoes Benjamin's concept of a class-based aura (Benjamin 2008: 15, 24). In textual scholarship, a similar sentiment is tied to a valuation of content over context. With some exceptions, the authority of the expert interpreter is often tied to their affiliation with academic institutions.

The institutions in which scholars receive(d) their training are historically often themselves owners of collections and archives. Scholars who publish from within these institutions are then in turn used and referenced in the context of auctioning, brokering, and marketing similar material. Above, we lightly touched upon the specificity of ancient manuscript collections compared to other forms of colonial collecting practices: why is it, for example, that while many ethnographic museums are deaccessioning and attempting (with various degrees of success) to repatriate and 'decolonise' their collections, the fields of ancient manuscript studies are still amassing and appropriating material for the purpose of building collections? A partial answer may be found in contextual and historical study of the antiquities markets: the interconnection of collectors-dealers-scholars on an individual level and of collections-market-academy on an institutional level functions as a traditional and continued cross-validation of importance.

In parallel, a cross-validation of aesthetics is established. Collectors, dealers and scholars can agree and therefore create a demand from an aesthetic that conveys authenticity, whether the object is authentic, or fully or partially forged. An object that is not constrained by its contextual data and documented provenance tends to be treated as a conveniently empty canvas onto which the desires of the holder are projected (*e.g.* Rasmussen and Justnes 2021).[5] Even more recent forgeries are modelled and mimicked in line with the aesthetics of the academic disciplines and markets as they formed in the nineteenth century. The history of the disciplines of history and archaeology casts long shadows within which we are trying to study objects that emerged within a context of modernity. The forgeries that emerged in the twentieth and twenty-first centuries were created according to the rationality and aesthetics of academic disciplines established in the nineteenth century in order to convey authenticity in the eyes of the twenty-first-century spectator. In a tautological circle, the twenty-first-century researchers then authenticate a scholarly rationale that justifies their own discipline which is nothing but a mirrored self.

5 See also Staffan Lundén's (2016: 469) study on the Benin bronzes in the British Museum as hybrid Edo-British objects. Lundén argues that these objects are as much revealing the desires of the British enquirer as they provide information about Edo culture.

Unprovenanced objects as material culture of the present and recent past

We have argued that ancient and forged objects are instrumental to the development of not only imperialism, colonialism, masculinities, and nation-building, but that these projects are formative to the development of the academic traditions and collecting practices that appropriated ancient and forged objects and ascribed meaning to them. As such, both ancient and forged objects are material culture of the recent past. A basic and definitional methodological sentiment in archaeology and history is that objects must be studied *in their context*. To assess what meanings, values, and usage the objects held for the people who invented, formed or at various stages engaged with them, it is necessary to address some fundamental questions: What is the circumstance in which the object appears? What is the context? Here, we have suggested that forged and ancient objects make meaningful appearances in the recent past and the present. For example, instead of the Essenes of early Christianity, the Dead Sea Scrolls may be more appropriately employed to study the actors involved in the making and maintenance of the fields of Dead Sea Scrolls studies and Biblical studies.

The context and documented find circumstances for many of these objects are not in the ground of an archaeological excavation site, but in institutions, archives, and marketplaces. The people who engaged with them, shaped them, interpreted and attributed meaning to them, are the actors inhabiting these find circumstances: collectors, dealers, and scholars. This suggested approach of analyzing the thick data of modernity calls for other actors and sites to be studied than has previously been the tradition in ancient manuscript studies.

The challenges of the shift

Introducing a methodological shift or even suggesting a move away from thin data towards thick data is not without its perils. The scholars operating from within institutions who thus far have not handled ancient objects critically enough are confronted with several institutional constraints. Hobsbawm's typology that we referred to above appears particularly applicable to the case of academic disciplines which consolidated themselves within modern university institutions in the late nineteenth century, in the case of Europe. If we study an object when it has (re)surfaced during modernity, we should thus scrutinise how such objects functioned and function as 'paraphernalia' and become embedded in the 'ritualised practices' that establish academic group membership and manifest hierarchical academic institutions, with the goal of 'socialising' the next generation into the scholarly class of academics or in Hobsbawm's words: 'imparting the practice to new practitioners' (Hobsbawm 1983: 3). The initiation into these repetitive rituals and attachments to established objects function as a safe career investment for both young and established scholars. Successful objects, in as much as they can pass as authentic, will be created and interpreted within the logic of an invented tradition, thereby failing to challenge the discipline but guaranteeing instead its stability as a discipline on its most fundamental level. The intergenerational transmissions of knowledge and objects should thus be added to the above non-comprehensive list of topics to be studied. Notably, the antique collections of research institutions that form the educational basis or research focus of generations of scholars, are formative for academic practice. As Wylie (2017: 207) says about archaeological scholarship, the 'entrenched

preunderstandings about the cultural, historical subject, and its material traces' define what it is to do archaeology and presupposes what assumptions and claims can be made: 'Reinforced by funding streams, publication practices, and communication networks, these preunderstandings often persist in conventions of training and practice long after the original questions that prompted them are forgotten and the assumptions that framed them have been lost from view'. Furthermore, these preunderstandings 'presuppose a rich array of substantive assumptions about the nature of the subject domain, what's puzzling or interesting and, crucially, what can feasibly be asked about it' (Wylie 2017: 208). In the wider fields of historical research beyond archaeology, established collections set scholars on a path that makes them recognise categories of material as important or valuable. Not least, it makes sense for junior scholars to invest in established materials for career purposes. Young academics reproduce the rationale and aesthetics that do not challenge the institutions they depend upon for their future careers and livelihoods. In contrast, senior scholars might fear that a lifetime of scholarly production will lose its credibility. Equally, if they were to embrace entirely new outlooks, their deep networks and professional relationships might suffer, leaving them socially stranded.

Conclusion

What used to be a common position among manuscript scholars, that textual artifacts hold value and should be studied regardless of missing provenance, seems to be shifting in some subfields such as Dead Sea Scrolls studies. A crisis within the wider fields of manuscript studies could perhaps break taboos and reinvigorate research. This would make it possible for scholars to explore new perspectives and research questions and to gain new and innovative insights into the past. The fear of contamination of datasets in the form of forgeries might also lead to increased interest in the social and institutional backdrops against which scholars are conducting their scholarship.

Our premise is that both authentic objects and forged ones are worth studying. The most relevant distinction to be made, we suggest, is not between authentic or forged materials but between thin data and thick data. What then becomes interesting or indeed more authentic when it comes to forged and otherwise dubiously sourced objects is not their potential ancient origin, but their coming into motion and meaning in the recent past and the present.

Modernity in its manifold expressions is a most relevant context for studying how scholars and collectors have made meaning of, created fantasies about, and fetishised manuscripts and human-made objects. In particular, as we argue, the longer history of colonialism, bourgeois masculinities, and nation-building in the nineteenth century, and the accompanying formation of modern academic disciplines trickle into the present and provides a rich context for the study of ancient and forged materials.

The use of ancient objects signified (and signifies) bourgeois, gentlemanly identities and took hold of collectors and scholars in ways that underline their distinction from the general population within the context of the tectonic shifts toward modernity. They surrounded themselves with what Benjamin called auratic objects that could be either original or forged, but in their unique appearance signified class-based and gendered identities that can still be traced in current practices and contexts surrounding both ancient and forged material.

When contemporary research aligns itself with the foundational motivation and agendas laid down at the dawn of the disciplines, it runs the risk of stagnation. In our opinion, the presence of forged and dubiously sourced material at the centre of manuscript studies is a sign of such stagnation. A shift toward the emergence of objects within modernity, consequently, calls for the study of different and new primary sources and contexts. Such critical provenance study requires an awareness of how academic and scientific relevance changes and is conditioned within historical trajectories.

Given all these considerations, we argue that appropriate knowledge production based on the messiness of forged and ancient materials requires methodologically sound studies that pay attention to the contexts in which objects are embedded: not a lost and hypothetical context of an ancient origin, but the thick and rich contexts of the recent past and the present.

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Someone else's manuscripts: the ethics of textual scholarship

Liv Ingeborg Lied

Abstract

This essay addresses the challenges facing textual scholars who study Jewish writings of the Hellenistic and early-Roman period (323 BCE–135 CE). During Late Antiquity and the early Middle Ages, Jewish communities mostly and for a variety of reasons did not continue to copy these texts themselves. This means that contemporary scholars have access to these early Jewish writings either because they have appeared in Jewish manuscripts recovered in digs/archaeological digs/chance finds or because they were adopted by Christians and circulated in manuscripts produced and used, mainly, by Christian minority communities in the Middle East, Eastern Europe, Africa, and Central Asia. Whereas the methodological issues this source situation produces are the topic of longstanding and ongoing discussions in the field, the ethical and legal ramifications have received very little attention. In this essay, I will explore the ethical challenges and dilemmas involved, focusing in particular on the issues that face scholars who study Jewish literary texts surviving in Christian manuscript transmission only.

Keywords: ethics, textual scholarship, Early Jewish Studies, Christian manuscript transmission

For a long time, the majority of textual scholars specializing in ancient, Indo-Mediterranean writings were trained to be interpreters of literature. They were not manuscript scholars, but identified themselves as experts of immaterial texts – texts that they explored bracketed and detached from the physical manuscripts that carry them. Some textual scholars indeed engaged with manuscripts in the capacity of editors of ancient texts. They studied the text inscribed in the columns of the manuscript page in great detail, but they saw it primarily as a witness to an older writing or valued it because it provided access to the longer text history of that writing. Other aspects of the manuscript were to a large degree treated as 'non-source'. Furthermore, due to the traditional division of labor in many of the subfields that explore ancient texts, a large number of textual scholars have

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never served as editors or worked with manuscripts at all. They rely on the text editions produced by their colleagues. The implication of these academic practices has been that the embodied life of a writing in the manuscripts that preserve it has often been forgotten or remained unknown, and importantly, that the challenges that surround academic work on manuscript artifacts have gone under the radar of the scholarly debate.

With the material turn in the humanities, the impact of perspectives such as Book History and New Philology, and the increasing attention to reception history, a rising number of textual scholars have started taking interest in the manuscripts that carry the texts to which they have dedicated their career. This turn to the manuscripts has revealed a new set of challenges to traditional approaches to ancient texts. The challenges are of a methodological, legal and ethical nature. The challenges are not really 'new' though, but unlike their colleagues in fields that define their professional actors as scholars of material artifacts (such as archaeology and museology), textual scholars have not been exposed to them and so, until recently, they have not been part of the ongoing debates of the guild.

In this chapter, I will explore some of the ethical challenges facing textual scholarship when we qualify the manuscripts that carry ancient texts as 'source' and consider them as three-dimensional, materially present, cultural artifacts with a long history of ownership and belonging. I will focus on the situation in Early Jewish Studies, its precursors and adjacent fields and employ my own work on Hellenistic and early-Roman Jewish texts (323 BCE–135 CE) in Syriac Christian manuscript transmission as a case study. What ethical challenges have been produced by the traditional approach to ancient texts and the manuscripts that preserve them, and what dilemmas face scholars who study early Jewish texts in Christian manuscript transmission?

The manuscripts that preserve early Jewish texts: two trajectories of survival

The majority of the Jewish writings that scholars date to the Hellenistic and early-Roman period have reached us in one of two ways. The first trajectory of survival refers to texts that have been identified in manuscripts recovered in the nineteenth and twentieth century after being buried, hidden or left to solemn decay, either during (Late) Antiquity or in the Middle Ages. These manuscripts and fragments of manuscripts have been found in digs/archaeological digs, in chance finds, or in planned searches of synagogue storerooms (genizoth). Many of them changed hands several times and were sold via licit or illicit market transactions.

A prominent example of Jewish writings that have reached us in this way are the texts that were identified in the scrolls and fragments of scrolls found in the period between 1947 and 1956 in the caves in the area close to the Dead Sea, or later associated with them (*e.g.* Fields 2009; Nongbri 2022). Another example is the texts that were retrieved from the manuscript fragments found in, or ascribed to the so-called Cairo Genizah. These medieval and early modern manuscripts were at some point kept either in the genizah of the Ben Ezra Synagogue in Old Cairo, which was emptied between 1888 and 1897, or in other genizoth or storage facilities. Some of the manuscripts had already hit the market in the late nineteenth century and were bought from dealers and souvenir stores (cf. Hoffman and Cole 2011; Jefferson 2022). Finally, some writings have also been attested in other manuscript finds, for instance, in the rich finds of the late-nineteenth- and early-twentieth-century archaeological campaigns at Oxyrhynchus (*e.g.* Grenfell and Hunt 1903).

The second trajectory of survival of Jewish writings dating to the Hellenistic and early-Roman period refers to those texts that have been preserved until our time because Christian communities appropriated them and continued to copy them as their own. These texts come down to us in late-antique, medieval, (early-) modern and/or contemporary manuscripts, in Arabic, Armenian, Greek, Ethiopic, Slavonic, Syriac, and other linguistic traditions. A large part of them were produced, used and kept by Christian communities in the Middle East, Eastern Europe, Africa, and Central Asia. In fact, this is the case for the majority of the Hellenistic and early-Roman Jewish writings that survive today (Kulik *et al.* 2019; Stone 2011; Lied forthcoming).

This broad-brush description of the sources and trajectories that came to preserve Hellenistic and early-Roman Jewish writings suggests that Jewish communities themselves did not continue to copy and circulate this literature. At minimum, they did not preserve them in the shape of discrete, complete writings – Jewish communities did keep some of the literary traditions attested in these texts, repurposing them in new literary works (*e.g.* Kugel 2020; Reed 2018; Stone 2011; Yassif 1988). Many scholars have held that these works were generally not transmitted by Jewish scribes – at least not throughout the classic rabbinic period and in rabbinic circles (*e.g.* Adelman 2009; Kister *et al.* 2015; Reeves 1999). Indeed, until the tenth century, traces of them are few (Frölich 2002; Leicht 1996). The reasons for this situation remain debated (Beit-Arié 2020; Sterling 2019; Stone 2011). It is possible that Rabbinic circles either chose not to copy them, that they were forced to make other priorities, that they transmitted them in other media and in other forms, or that the manuscripts that once may have existed are now lost. It is important to note both the nuances of the various positions in the debate and the potential exceptions to the general tendency (*e.g.* Albeck 1940; Stone 1996a; 1996b; cf. Lied 2020 and forthcoming). Still, it remains a trend that until the medieval period, when we see a slight resurgence of manuscripts of a Jewish provenience (Adelman 2009; Ballaban 1994; Himmelfarb 1994; Reeves 1999), manuscripts demonstrably produced by and for Jewish communities seldom contain copies of Hellenistic and early-Roman Jewish texts.

Hence, contemporary researchers who want to access these early Jewish texts in the shape of discrete writings depend on manuscripts and fragments preserved over the centuries in caves, storerooms or waste mounds which were subsequently dug up or dusted off, sold, and acquired on the antiquities markets, handed down among middlemen, collectors and academics, or otherwise removed from their place of preservation. Alternatively, they depend on copies of these texts found in manuscripts that were produced for and owned by Christian communities, for instance in the Middle East, before many of them were brought to Europe (and some of them subsequently to the United States) from the sixteenth century and onwards. This transfer of the manuscripts from their historical owners and guardians to European shores was part of the larger historical processes of colonialism and nation building in Europe.

This empirical situation implies that scholars who want to study the literary remains of Jewish communities stemming from the Hellenistic and early-Roman period face some challenges; challenges of a methodological, legal, and ethical nature.

The methodological issues associated with the study of early Jewish manuscripts have already been duly noted by many scholars in the field. Scholars of the Dead Sea Scrolls and

the Cairo Genizah manuscripts have discussed, for example, the hurdles that scholars meet when they explore highly fragmented, reused, palimpsested or dispersed materials (*e.g.* Jefferson 2022; Rustow 2020; Tigchellaar 2019). Since the 1970s, scholars have also actively discussed the methodological challenges involved in the study of ancient Jewish texts surviving in younger Christian manuscripts (de Jonge 1975; Kraft 1976; Stone 1986; cf. Ginzberg 1909). This ongoing debate has served to raise awareness of issues of access to ancient texts and of text–manuscript entanglement, questioning how scholars can study early Jewish texts when the extant sources are younger, sometimes much younger, manuscripts – produced, used and preserved by later Christian communities (*e.g.* Adler 2015; DiTommaso 2019; Lied 2021).

The ethical and legal challenges, however, have more recently become an issue of debate in scholarship. It is only during the last decades that scholars have started to take the provenance and acquisition histories of the manuscripts and fragments associated with the Dead Sea Scrolls seriously into consideration and to question, for instance, the circumstances in which they were found, dispersed and acquired, the networks that decided where they ended up, and the role of academics in these processes (*e.g.* Rasmussen and Justnes 2021; Nongbri 2022). The study of the Cairo Genizah materials brings its own set of challenges. The removal of (fragmented) manuscripts from the genizah, and the narratives that mediate it, display the infrastructures, rhetoric, and epistemology so typical of European colonial attitudes towards Egypt and Egyptians in the 1890s (Hoffman and Cole 2011; Jefferson 2022). This is a feature that the story about the genizah shares with the narratives associated with the papyrus finds at Oxyrhynchus (Hickey and Keenan 2016; Mazza forthcoming).

However, as I pointed out in the introduction, this article aims to explore the numerous ethical challenges in the study of early Jewish writings in Christian manuscript transmission. In other words, I will focus in on the challenges and dilemmas that are associated with the second trajectory of survival.

Jewish texts in Christian manuscript transmission: ethical challenges

Traditionally, the academic fields that explore early Jewish writings have been dominated by the historical-critical approach. This approach favors the study of the early text, ideally to be explored in its early literary and/or historical context in the Hellenistic and early-Roman period. The manuscripts that preserve the texts are typically much younger than this assumed early text, though. Few manuscripts antedate the eighth century CE and the large bulk of them date to the second millennium (Bauckham and Davila 2013; Lied and Stuckenbruck 2019; Kulik *et al.* 2019). This means that the manuscripts may often be between 500 and 1,500 years younger than the target text. Even though manuscripts are arguably better sources to their own contemporaneous historical environments than to communities that potentially first put a text into writing in other temporal, cultural, and geographical circumstances, with some important exceptions (*e.g.* Erho and Stuckenbruck 2013; Stone 2011), these aspects of the manuscripts have still received little attention. Scholars employ the manuscripts as 'witnesses' to the early text, aiming to reconstruct a text that is assumed to have existed as a more or less finished writing in Antiquity.

In order to bridge the time gap, editors have applied text-critical methods. As I suggested in the introduction, this means that they study the text inscribed in the columns

of the pages of manuscripts in great detail, but mainly for the purpose of looking beyond the materially present text on the manuscript page to the text and the textual history of the presumed literary work that lies behind it. Text-critical methods and historical-critical interpretation have allowed textual scholars to approximate and explore (hypothetical) Jewish texts in their (assumed) Hellenistic and early-Roman context of origin based on much younger Christian manuscripts. The procedures are in this sense constitutional to the field. However, the manuscripts that provide access to the texts are not considered interesting in their own right as culturally embedded material artifacts. Except for the text in the columns, the other aspects of the manuscripts have traditionally been overlooked.

In general, the ethical repercussions imbued in this practice have not been explored. Potentially, scholars have seen them as irrelevant. And yet, the challenges abound when we start looking for them.

A first challenge derives from the epistemological matrix and the traditional vocabulary of textual criticism. As suggested above, the aim of this method has been to aid the gaze of the text critic behind and beyond the material artifact. Texts inscribed in manuscripts are approached as 'copies' of a more original text which by implication is valued as 'better'. At times, text critics talked about the copies as something that distort and remove the critic from the original and as hurdles to be overcome. Traditionally, they have referred to changes to the texts as 'corruption'. In the conventional application of text-critical methods, the manuscripts are sorted by and valued for their ability to shed light on the ancient text, not for their value to those who once produced or owned them. This approach and the vocabulary that goes with it make sense within a historical-critical paradigm and particularly when you take its end goal into consideration. However, as a growing number of text critics themselves today observe, it is important to note that although this was traditionally the goal of the guild of text critics – it was never the goal of those who produced the manuscripts.

A second, related, ethical challenge comes to light: within the conventional frame of textual scholarship, scholars have generally ignored the efforts of the communities who produced the manuscripts and thus preserved the writings contained in them. Their work made sure that the text still survives today. In other words, had it not been for those who took on the task of copying the texts and preserving the manuscripts, there would be no text for the text critic to study.

The production of a manuscript was an expensive and time-consuming endeavor. Thus, the inscription of a text in a manuscript was an investment. Many of the manuscripts that contain Hellenistic and early-Roman Jewish texts also testify to extensive and ongoing 'practices of care' (Lied 2021). For example, binders have rebound the text block of codices when their former bindings wore out. Without their work the text block would have dissolved and individual sheets would have been dispersed. In some manuscripts we can observe that active readers have overwritten parts of texts that had faded to make sure that they remained readable. Historical records show that in monasteries that were under attack monks have moved manuscripts to strongholds and hiding places to keep them safe (*e.g.* Kamil 1960; al-Suriany 2001/2). Furthermore, notes penned in, for example, Syriac and Arabic manuscripts once kept at the Monastery of the Syrians and in the St. Catherine's Monastery in Egypt, provide glimpses into the ongoing struggle of keeping large caches of manuscripts in order and of protecting individual manuscripts from decay

(Brock and van Rompay 2014; van Rompay 2015; Lied 2021). The notes were penned by monks in charge of or working in the collections at various points in time, describing their continuing efforts there. The manuscripts survive due to their efforts.

A third challenge is that the manuscripts that modern and contemporary textual scholars depend on to study Hellenistic and early-Roman Jewish texts are commonly 'someone else's manuscripts' (Lied 2021). When scholars study these Jewish writings, they depend fully on the cultural products of other communities rather than those communities to which they ascribe ownership of the texts. On the one hand, this is a necessary consequence of the combination of the goal of textual scholars – that is, to access the early text – and the fact that Jewish communities themselves did not preserve these writings through Late Antiquity. On the other hand, it remains important to stress what the implications of these practices are to the study of the manuscripts and their historical stewards. Since the interest of textual scholars has typically been the early/original text only, the manuscripts have become functionally invisible in scholarly practice. Their importance to those who produced and used them and the roles of the manuscripts in social, religious and cultural practice remain in the dark.

This is particularly unfortunate since traces of these practices sometimes even survive in the artifacts themselves and are available for study. One example is the inscription of prayer notes, for instance, on the last page of the text block of a codex or somewhere else in the margins of its pages. In these notes, scribes, binders, owners, and active readers asked subsequent readers to pray for them and for their departed relatives. Analytically, prayer notes are particularly interesting because they both attest to artifact-related practices in the community that engaged with the codex and show that the texts that were included in the manuscript were certainly not 'immaterial' to those who produced and engaged with the artifact.

The prayer notes were shaped by clear genre conventions: they tend to employ formulaic language and to follow a template (Bremer-McCollum 2018; Brock 2015; Carlson 2015). Indeed, since the notes followed culturally shared scripts in this way, readers would be able to recognize the intention of the note and adjust their response purposefully: when you read the texts and handle the manuscript you should pray for those who enabled you to do so! Thus, the notes established a contract between the note-writers and the readers. Since the note-writers made an effort to produce, improve, or protect the codex, they may request the readers who come across it and who benefit from their labor to pray for them in return. Assuming that prayers were seen as effective – and given that the readers heeded the call – the readers' prayers became redemptive currency, reimbursing the note-writers on the day of judgment for their work to preserve the codex.

When text critics bracket the text from the manuscript context, reading practices of the past and the religious ecologies in which the artifacts and the texts embodied in them were a part disappear from sight. By dismissing the texts that share the page with the text in the columns, such as prayer notes, the text critic misses out on one of the ways in which cultural practices in the communities that handled the manuscripts bound the text to its material presence in the textual artifact. The text, embodied in the manuscript, was foreign neither to the codex nor to the readers that engaged with it. Rather, handling a codex and reading the texts copied in its columns were part of a larger cultural practice of engaging with the manuscripts (Lied 2021).

Fourth, until the last decade, scholarship on early Jewish writings in Christian transmission has often neglected the early modern and modern history of the manuscripts. Starting in the sixteenth century, many of the manuscripts were 'moved', for instance, from monasteries in the Middle East to Europe. The term 'moved' covers over a lot of historical practices such as receiving gifts or buying manuscripts from their historical stewards or from middlemen, but also other well-attested practices such as stealing, deceiving, smuggling, and trafficking. In the case of the Syriac manuscripts once kept at the Monastery of the Syrians, Victorian travel narratives, manuscript catalogues, letters, and other reports from explorers and manuscript hunters tell us how Europeans perceived their Middle Eastern hosts and how they envisioned their own mission. The basic narrative that underlies them is the story of European saviours rescuing cultural treasures from 'messy oriental libraries' and from native wardens deemed unable to protect the valuable artifacts in their keeping (Evelyn White 1973). These reports also provide glimpses of the colonial infrastructures and logistics that enabled the moving of manuscripts to Europe and show how deeply this transfer was imbedded in the colonial networks, rhetorics and epistemic structures of a colonial and nation-building Europe (*e.g.* Cureton 1848; Curzon 1849).

Since the texts are embodied in the manuscripts, the texts (of course) followed their movement. As manuscripts such as the ones from the Monastery of the Syrians reached European cities, the copies of the texts that they carried became vital sources to textual scholars in Europe and thus served to establish or consolidate academic disciplines such as Religious Studies and Biblical Studies. The modern history of the texts, the manuscripts and modern academic disciplines are intertwined (Cuéllar 2019; Lied *et al.* forthcoming; Stewart 2009).

The remnants of colonial structures are still palpable and their consequences can still be felt. For instance, for good reasons, the monks that populate the Monastery of the Syrians have been highly protective of the manuscripts still held at the premises. For a while, they were also reluctant to see digital images of the manuscripts in their collection published online. The memories of a colonial past produce a sense of risk: scholars may once again take advantage of their hospitality and their control of their manuscript heritage may again be under threat (Davis 2018; cf. Bell *et al.* 2013). The remains of colonialist power structures can sometimes also be felt by scholars who try to get access to one of the European collections that currently keep these manuscripts. Individuals that do not entirely fit the expectations and presumptions of what a manuscript scholar should look like, for instance due to ethnicity, race, or gender, or due to their nationality, academic status, or affiliation, may still have to pass hurdles in places where doors are wide open to others (*e.g.* Cuéllar 2019; Lied and Nongbri forthcoming).

Fifth and finally, by making the manuscripts invisible in the academic discourse, textual scholars also overlook the fact that contemporary communities may claim and cultivate these manuscripts as their cultural heritage. For groups that have been minority communities in the Middle East, and that have experienced uprooting and forced migration, the manuscripts may play vital roles in community and identity building. When textual scholars overlook modern claims to ownership of the manuscripts or contemporary identification with the historical stewards of the manuscripts, not only does information about chains of past owners slip between their fingers, but they also overlook the heritage claims of living traditions.

Ethical dilemmas: Jewish literature and Christian manuscripts

The above description of ethical challenges has a relatively one-sided focus. I have chosen to focus on the ways in which traditional academic practices have side-lined those who produced and preserved the manuscripts. I have highlighted this perspective because their position has so far not been acknowledged in traditional textual scholarship. However, as is normally the case, the situation that meets the scholar is complex. Textual scholars are not only facing ethical *challenges* when they work on early Jewish texts – they are facing ethical *dilemmas*.

For one, scholars that study early Jewish writings in Christian transmission are often dealing with minority communities on either side. Throughout most of their history, Jewish communities have been minorities in their respective geographical and historical contexts. They were repeatedly uprooted and dispersed and their belongings, among them their manuscripts, were often destroyed (Beit-Arié 2020; Sterling 2019). Many Christian communities in the Middle East, among them Syriac Christians, have similar historical experiences. These Christian communities did not share in the European grand narrative of Christianity as a religion that transformed from a 'sect' to the religion of the Empire. Their narrative is a story of minorities that remained minorities, with all the consequences that such a position entails (Stroumsa 2015).

Furthermore, whereas the material heritage claimed by Christian communities, such as that of Syriac Christians, definitely deserves more attention, that does not mean that the Jewish immaterial heritage of literary texts does not also deserve similar recognition. In this chapter, I have stressed that the manuscripts that scholars depend on are 'someone else's manuscripts'. This remains a key point and I intend it to be a correction of previous academic practices. At the same time, it is equally important to note that the writings that the manuscripts transmit were 'someone else's writings'. Christian supersessionist practices are well known. In the first centuries CE, Christian communities adopted Jewish writings and used them for their own purposes. The most well-known example of this practice is the appropriation of the Hebrew Bible as the Old Testament. Christian communities would use the Old Testament to argue that they were the beneficiaries of the new covenant with God. They used other writings, such as Flavius Josephus's *Jewish War*, to argue the failure of the old covenant and even to support an anti-Jewish rhetoric – with the political consequences that such epistemic models had on Jewish populations (Schreckenberg 1972; Shepardson 2008; Simon 1986; Taylor 1995). This means that textual scholars may find themselves in a squeeze between claims to material heritage on the one side and to immaterial heritage on the other.

It is also crucial to note that a dedicated study of manuscript transmission and a singular focus on 'complete writings' will never do justice to the broader transmission history of Jewish texts and traditions. A manuscript-oriented study gives priority to verbal, written expressions. The historical transmission of early Jewish writings and the narratives told within them was probably multimedial (*e.g.* Badalanova Geller 2017; Bailey 2010). The texts were assumedly expressed and experienced through, for instance, oral and visual media, and transmitted by practices such as memorization and performance, excerption, paraphrasing, and legendization. In other words, due to the focus on written expressions of longer literary forms ('writings'/'books') and their attestation in manuscripts, we cannot fully see or comprehend other forms of transmission and thus our understanding of early Judaism is bound to be biased (Najman 2003; Reed 2015).

The academic fields that made Hellenistic and early-Roman Jewish writings a focus of study were shaped in the mid- and late-nineteenth century by European scholars, most often of Protestant or Catholic orientation (Cuéllar 2019; DiTommaso 2019; Turner 2014). They tended to give priority to book-size writings and an important and explicit reason for their interest in these early Jewish writings was their concern for Christian origins (*e.g.* Charles 1896). To them, these writings constituted the immediate literary and historical context of the New Testament and nascent Christianity. In retrospect, a valid question is whether they constructed that context in their own image and for their own purpose, misrepresenting both the manuscript materials of Christian communities that served as their sources and the imagining of early Jewish literature (Reeves 2019). This question demands further research. What we do know is that they employed the manuscripts produced by later Christian communities to reconstruct Jewish writings, without paying sufficient attention to either the methodological or the ethical challenges involved in this practice.

Under the radar

This chapter has explored some of the ethical challenges and dilemmas that practices of textual scholarship have engendered. Many of the challenges scholars are facing today are the result of the priorities and concerns, the methods, and the epistemological matrix of the guild's formative generations. Although many of the biases of their matrix were exposed a long time ago, their practices and the epistemic luggage these practices carry with them still tend to go under the radar and continue to produce ethical conundrums. The last decades' attention to manuscript materiality, provenance, and cultural heritage has proven the immediacy of these challenges. The manuscript sources that remain for scholars of Hellenistic and early-Roman Jewish texts to study are either Jewish manuscripts with a fraught modern history or copies of writings in manuscripts that were someone else's artifacts and which carry an equally fraught modern history. How do we come to terms with these issues? What kind of studies are ethically sustainable, what are the costs and consequences of our choices, and what are the new and different potentials that arise once we reconsider both our practices and goals? This is a debate that is only now about to start in the field of Early Jewish Studies.

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Between representation and the real: the forgeries of Constantine Simonides

Rachel Yuen-Collingridge

Abstract

If we begin with the forger's intent to deceive then we might take forgeries seriously as manifestations of a deviant realist impulse. Whereas the nineteenth-century Realists aimed at a form of representational sincerity by which the real could be grasped without the dominance of artifice or style, forgers redeploy this sincerity to lay claim to reality. The reality effects of their products get their efficacy from the co-option of available and authorised ways of seeing. As Nochlin (1971) had argued, Realism is no mere transparent reflection of the world but is situated in ways of doing and being. Forgeries viewed as part of a realist endeavour aim to hijack the gaze and often end up restoring the visibility of Others (the stories and participants left out of authorised history) and the visibility of our engagement with the past (its institutional and technical apparati). They show up what we expect and what we cannot tolerate, how we see and why. As such realism offers a powerful historiographical framework in which to situate forgery as practice and social phenomenon. Through an experimental analysis of Constantine Simonides' nineteenth-century forgeries as works of realism this chapter will examine how complicit we are in the success of forgeries.

Keywords: forgery, realism, Constantine Simonides, papyrology

Upon discovery forgeries tend to be banished not only from the historical record they sought to penetrate but also from most critical discussions of the method or intent of history. Their betrayal of the fundamental obligation of historical work – to remain faithful to the truth of the past – seems to require a near comprehensive act of forgetting on the part of the academy. By contrast the public devour accounts of expertise blindsided by fabrication. But the manoeuvres required for a successful forgery are much the same as those required for a successful work of history: plausibility, evidential groundedness,

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and a certain reason for being – a story to be told. Their reality depends on ways of doing and being as Nochlin (1971) suggests for Realism. This framing constitutes a creative act (see Deleuze 1989: 126). The evolution of the manuscript and artefactual forgeries of Constantine Simonides (1824?–1890?)[1] from authentic cultural practice to a kaleidoscope of reference and material proof show how carefully he adhered to the trappings of historical realism and used them to subvert the genre. Simonides' forgeries, both of the manuscripts he used to put forward alternative views of history and of the biography he crafted for himself, may be viewed as deviant continuations of well-established monastic, historiographical, scientific, and artistic practices current in the nineteenth century. Moreover, viewed against these different expressions of realism, Simonides' actions might be conceived of as responses to the loss of cultural patrimony and to the limitations on participation in the explication of that patrimony in the academies of France, England, and Germany. The sensitivity Simonides showed to the preferences and procedures which constituted realism and historical practice in the nineteenth century informed the choice, shape, and presentation of his forgeries. The technical procedures and choices involved in the presentation, analysis, and consumption of evidence might be viewed as the 'reality effects' described by Barthes (1989). By tracing the reality effects Simonides used and viewing forgery as part of a drive to realism I will suggest that the vulnerabilities of the discipline to such subversions are in fact the very practices which constitute it.

Forgery in the context of Realisms

The diversity of motivations and receptions of forgery throughout history – from the Australian scandal of the Ern Malley Affair (Heyward 1993), Constantine Simonides' forgeries, the Demotic Gospel of Thomas (Fox 1991a; 1991b), the output of Mark Landis (Wilkinson 2013), Shaun Greenhalgh (Greenhalgh 2015), or Beltracchi (Hufnagel 2019; Chappell and Hufnagel 2012), to the Gospel of Jesus's Wife (Sabar 2020) – embraces everything from the consequences of professional gatekeeping through to the vulgarities of the marketplace. We might cut through this complexity to find common ground if we understand forgery as a manifestation of a set of impulses I will characterise as a drive to realism. By realism I mean a set of practices (interventions on information and on material) which support a claim to the real. According to Nochlin the aim of Realism was 'to give a truthful, objective and impartial representation of the real world, based on meticulous observation' (Nochlin 1971: 13; there applied to the art movement evident in the period from 1840 to 1880). This definition is compatible with the conceit of historical method broadly writ in the nineteenth century and beyond – as exemplified by modern (mis)conceptions of Leopold von Ranke (see on von Ranke, Krieger 1977; Novick 1988). Yet, Ranke's quest for what *essentially* happened ('wie es *eigentlich* gewesen') was animated by more than just the recovery of truth in all its meticulous detail:

> *In all of history God dwells, lives and can be recognised. Every act testifies to Him, every moment preaches His name … He stands there like a holy hieroglyph whose most outer form we apprehend and preserve … let us do our part to unveil this holy hieroglyph! In*

1 Simonides fabricated accounts about his birth and his death. See Voutyras (1889: 580).

this way too we serve God, in this way we are also priests and teachers (Ranke 1949: 18; letter to his brother, 1820; translation lightly modified from Wildschut 2019: 14. See on the meaning of *eigentlich*, Iggers 2011: xiv).

Ranke's youthful evocation of Herder's notion of the hieroglyph of creation (*Schöpfungshieroglyphe*) – the manifestation of God in creation – as the object of historical enquiry was to become central to his thinking.[2] At the same time as Ranke insisted upon the devotional quality of historical work by seeking out the divine in the detail, he was offering up a tacit analogy between God's position over creation and the historian's over evidence. Such an analogy, such a drive to realism, is what forgers like Simonides exploit by placing themselves in the role of creator.

Realism and forgery as expressions of loss

Realism and forgery both engage in the business of representation and may be motivated by a similar recognition of loss of the real. The mediation of depiction, of language, of representation of any kind, constitutes a kind of copying, an attempt at capturing nature, at rendering the real. Awareness of this artificiality sharpens our appreciation of the gap between experience and what we do with it. Copying in this way is an expression of loss. In the words of Baudrillard, 'to simulate is to feign to have what one hasn't' (Baudrillard 1983: 5),[3] It is this notion of loss as vital to realism and to forgery which speaks so particularly to the case of Constantine Simonides and especially to other acts of forgery which emerge from contexts in which cultural patrimony has been threatened. This discussion will identify some of the features of this drive from an interdisciplinary perspective and illustrate them in action through the forgeries of Constantine Simonides, a nineteenth-century forger of ancient, medieval, and early modern manuscripts from Symi in Greece.

Simonides and cultural patrimony

Constantine Simonides over a few decades in the middle of the nineteenth century forged a panoply of ancient, medieval and early modern texts ranging from manuscripts to letters on parchment, ostraca and papyrus. He had come into contact with manuscript culture while staying with his uncle Benedict at the Rhosos Monastery at Mount Athos. Before being dramatically and decisively ousted as a forger in England in the mid 1860s, he had peddled manuscripts – both real and fake – in Greece, Germany, and finally England. He is most notable for claiming to have forged Codex Sinaiticus, the oldest surviving complete Greek Biblical manuscript, in an attempt to take revenge on its editor, Konstantin von Tischendorf, who had earlier declared his Egyptian forgery, the *Uranius*, a fake when Simonides attempted to sell it in Leipzig.

Simonides viewed the cultural patrimony of Greece – both ancient and orthodox – as threatened. In the first instance this threat came from the 'Latinisers' under the Patriarch John XI Bekkos in the thirteenth century who sought to undermine orthodox theology and

2 Ranke was 25 at the time. For his later thinking, see the lecture 'On progress in history' (1854) in Iggers (2011). On Herder see Wildschut (2019).

3 Where simulation is given a more disruptive power than feigning alone: 'feigning or dissimulating leaves the reality principle intact: the difference is always clear, it is only masked; whereas simulation threatens the difference between "true" and "false", between "real" and "imaginary"'.

ransack the monasteries (Stewart 1859: 6). In the second, the so-called 'Turkish despotism' likewise endangered Greece's cultural heritage by imposing external ownership over it and thereby compelling its subjects to acts of subterfuge to safeguard their cultural property at personal risk (Stewart 1859: 5-7). The Greek antiquities law of 1834 (Article 61) prohibited the export of all antiquities from Greece, claiming them as the property of all Greeks in general (Sakellariadi 2008: 135-36). In the third, the further erosion of the monasteries by King Otho of Greece had compromised their role as guardians of cultural and religious heritage. Simonides referred to the King as 'the thrice-barbarian Bavarian Otho' who had imposed tyranny over Greece in his correspondence with one of his London benefactors in late October 1862.[4] Otho's impact on the monastic communities at Athos in particular are evident especially in the eye-witness statements of the French art historian and archaeologist Adolphe Napoléon Didron (Didron 1844: 179). These losses were not just material, but spiritual and cultural. The role of Greece in the curation and transmission of knowledge had been compromised and would come to be usurped by the French, the Germans, and the English.

Cultures of copying

Copying as monastic practice par excellence was the living tradition which maintained lines of access and communication with the ancient past. As is now recognised, the emergence of printing did not make the art of the manuscript instantaneously redundant (McKitterick 2003; Ezell 1999; Schellenberg 2016). Instead, manuscript culture persisted into the nineteenth century. Indeed eighteenth-century manuscripts from the monasteries at Mount Athos have even made it into overseas collections.[5] The culture of copying at Mount Athos was still active in the nineteenth century at the monasteries of Vatopedi, Chilandari, Dionysius, Docheiariou, Esphigmenou, Gregoriou, Panteleimon, St Paul, Iberon, Karakallou, Konstamonitou, Koutloumousiou, Megiste Laura, Pantokrator, Philotheou, Simonpetras, Stauroniketa, Xenophontos, Xeropotamou, including the various *Sketai*, like that of Holy Demetrius, of St Anne (large and small), of Timiou Prodromou, and the Kaousokalubion.[6] It continued even into the twentieth century.[7] The monks were not just copying liturgical or patristic works, but also reproducing Classical authors (some even

4 British Library Add MS 42502A, 46v: ἀπεβλήθη τοῦ κράτους τῆς Ἑλλάδος ὁ τρισβάρβαρος Βαρβαρὸς Ὄθων καὶ οὕτως ἡ μὲν πατρίς μου ἀπηλλάγη τῆς τυραννίας ('the thrice-barbaros Bavarian Otho was thrown from his power over Greece, and in this way my homeland was delivered from tyranny'). See also Stewart (1859: 75). According to his own account, Simonides published an entire monograph in 1848 on the reign of Otho entitled *Μάχαιρα ἢ κατὰ τὴς Δυναστείας τοῦ Ὄθωνος*, on which see Mykoniati (2017: 90, note 13).

5 See, for example, at the Library of Congress, a copy of *Logoi* from the Monastery of Vatopedi (no. 448) dated to the eighteenth century and a copy of John of Damascus from the Monastery of the Lavra = St Sabba (H.34) dated to 1796.

6 See, *e.g.* at Chilandari MS 237 (a paper liturgical manuscript of 1875), at Panteleimon MS 662 (=Lambros 6169) (a paper manuscript with the *Epistulae* of Meletius I Pegas, Patriarch of Alexandria, from 1889), and at Iberon, MS 1327 (a paper manuscript preserving John Chrysostom's *De precatione,* and *Orationes* 1 and 2, as well as Basil of Caesarea's *Homilia dicta tempore famis et siccitatis* from 1888).

7 *E.g.* at Koutloumousiou, MS 725 (=Polites 300) (a small paper manuscript with works by Cyril of Alexandria and John Chrysostom).

translated into modern Greek).[8] This means that when European scholars flooded into Mount Athos – as early as the seventeenth century but predominantly in the nineteenth – to acquire manuscripts they were not just taking away Greece's cultural patrimony, they were effectively breaking the living connection between antiquity and modernity by robbing the monasteries of their models. The disquiet of the monks of Athos about parting with key manuscripts of the Byzantine *Guide to Painting* by Dionysius of Fourna are reported by Didron in his preface to the edition.[9] When the Byzantinist Adolphe Napoléon Didron attempted to purchase a manuscript copy of the *Guide to Painting* by Dionysius of Fourna from one of the monks at Athos, he met stiff resistance for these reasons: 'Mais il me répondit, réponse naïve et pleine de vérité, que, s'il se dépouillait de ce livre, il ne pourrait plus rien faire. En perdant son Guide, il perdait son art; il perdait ses yeux et ses mains'.[10] The loss of a manuscript did not just mean the loss of a work, but the loss of a cultural practice – of the monk's eyes and hands.

Copying as creation

The urge to copy, to represent, is fundamental. It constitutes the way we perceive the world, understand it, participate in its persistence, share it, value it, consume it, and possess it. These activities embrace the diverse motivations present in acts of so-called forgery. Simonides' forgeries likewise are no mere acts of reproduction: they serve to create and defend desired versions of the world. So, for example, Simonides' early and ambitious forgery – the *Symais or History of the Apollonias School in Symi* – constructed for his hometown Symi in 1849 is an imaginary history attributed to a thirteenth-century monk, Meletios, from Chios and dedicated to the scholar Andreas Moustoxydis.[11] Within this work, Simonides memorialised the achievements of the fictional Apollonian school supposedly founded in AD 377 and destroyed in AD 1148. To the members of this school were attributed everything from the invention of paper, to the printing press, oil painting, boats which used steam and mercury to power them, a telescope which could even function underwater, gunpowder, and even heliotypy, as well as visual, verbal, and

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8 See *e.g.* at Gregoriou, MS 43 (= Lambros 590): A paper manuscript preserving Plutarch's *Vitae Parallelae*; at Xeropotamou MS 68 (=Lambros 2401): A paper manuscript preserving Sophocles' *Ajax*, Homer's *Iliad*, Plato's *Menexenus*, *Alcibiades I-II*, with Aesop. See also at Xeropotamou, MS 340 (=Lambros 2673) preserving in modern Greek translation Diogenes Laertius' *Vita Philosophorum* and at Pantokrator, MS 299, a paper manuscript with extracts from Herodotus, Demosthenes (*De corona, Olynthiacae*) and Homer (*Iliad*) among others. These Ancient authors were not segregated off from Christian materials. Plutarch's *De recta ratione audiendi* was preserved alongside liturgy and the works of John Chrysostom, Basil of Caesarea, and Gregory Nazianzenus in the same codex (Simonpetra MS 180 = Lambros 1448).

9 Didron (with Durand) (1845: xxi–xxvi).

10 'But he responded to me, a response naïve and full of truth, that, if he shed this book, he could do nothing more. In losing his guide, he lost his art; he lost his eyes and his hands'. Didron (with Durand) (1845: xxi–xxiii).

11 *Συμαΐς ἢ Ἱστορία τῆς ἐν Σύμῃ Ἀπολλωνιάδος Σχολῆς ἰδίως δὲ τῆς ἁγιογραφικῆς καθέδρας καὶ πρόδρομος τῶν ἀνεκδότων Ἑλληνικῶν χειρογράφων. Ἄρχεται δὲ ἡ Ἱστορία αὔτη τῷ τριακοστῷ ἑβδομηκοστῷ ἑβδόμῳ ἔτει μ. Χ. ἀφ᾽ ἧς ἐποχῆς ἵδρυται ἡ Σχολὴ καὶ λήγει τῷ χιλιοοστῷ ἑκατοστῷ τεσσαρακοστῷ ὀγδόῳ μ. Χ. ὅτε καὶ κατεστράφη ὑπὸ τῶν Σταυροφόρων. Συγγραφεῖσα μὲν ὑπὸ Μελετίου ἱερομονάχου τοῦ ἐκ Χίου, τῷ ͵αοσλ΄ μ. Χ. Ἐκδοθεῖσα δὲ τὸ πρῶτον ὑπὸ Κωνσταντίνου Σιμωνίδου ἀπαραλλάκτως μετὰ σημειώσεων καὶ προλεγομένων*. Δαπάνῃ τῶν καθότι τυπογράφων. Ἀθήνησι, τύποις Καραμπίνη καὶ Βάφα. (Παρὰ τῷ ὁδῷ Ἀδριανοῦ) 1849. The honorand rejected the publication with prejudice: Moustoxydis (1850). See on his forgery Diamantopoulou (2020).

manual arts (painting, sculpture, rhetoric, architecture) and sciences (chemistry, alchemy) (Mykoniati 2017: 94-98; see also in the same edited volume Mitsou 2017). The dangers of such a work, at a time in which Greece was reconstructing its national narrative, were sharply felt by its Greek critics (Rangavis 1851; see also Koumanoudis 1850a; 1850b). The forgery of the *Symais* failed to convince. It was deliberately and aggressively forgotten in Greece because these copies which we make of experience must hold to some degree a sense of coherence with the real, of being meaningfully representative of it to be satisfactory. They must have, in essence, an intentionality which binds them to the world in some way.

The creation of copies of experience in what we do, say or create is how we engage with the world, one another, and ourselves. This is how Augustine understood his famous *lata et praetoria memoriae*, that is 'fields and tents of memory'[12]: 'From the same store come mental likenesses of the things that either I experienced for myself, or I believed in because of what I had experienced at one time or another. I weave them together with likenesses from the past: and from these I can reflect both on future actions and events and hopes, and on everything of this kind once more, as if it were all these before me'.[13] These *imagines* – which were for Augustine likenesses, representations, concepts and ideas – formed the building blocks of thinking about the future and thus of action itself. When Simonides' attributed multiple discoveries to Greece (via Symi) he was expressing his desires for the future of a newly independent nation and through them desires for his own status within an international scene. Simonides' work is a blueprint for the place he wants Greece to hold in the world. As Augustine explains, his storehouse of *imagines* is where he encountered himself: it gave the self-continuity and thus coherence.[14] The fate of Greece is to be the fate of Simonides and, as he would like it, characterised by privileged access to the past.

Constructive histories: expectations and procedures

Augustine's representation of memory as a form of mental time travel has been taken up as a touchstone by cognitive scientists and philosophers alike in recent years (See Manning *et al.* 2013). What is key to both Augustine's conception of remembering and that of contemporary theories in the human sciences is the fact that it is always and essentially constructive. As Kirk Michaelian has recently stated 'remembering is not a matter of encoding, consolidating, storing, and retrieving discrete representations of discrete episodes … these processes involve selection, abstraction, interpretation, integration, and reconstruction, all of which may introduce significant modifications to remembered information' (Michaelian 2016: 103). These modifications as introduced by the historian

12 *Confessions*, 10.8.12: venio in campos et lata praetoria memoriae, ubi sunt thesauri innumerabilium imaginum de cuiuscemodi rebus sensis invectarum. 'I come to the fields and the grand palaces of my memory where there are treasure stores of countless impressions brought there from every imaginable kind of thing that my senses perceived'.

13 10.8.14: ex eadem copia etiam similitudines rerum vel expertarum vel ex eis quas expertus sum creditarum alias atque alias, et ipse contexo praeteritis atque ex his etiam futuras actiones et eventa et spes, et haec omnia rursus quasi praesentia meditor.

14 10.8.14: ibi mihi et ipse occurro meque recolo, quid, quando et ubi egerim quoque modo, cum agerem, affectus fuerim. 'This is also the place where I encounter myself, and recall myself: what I experienced, and when, and where, and – when I did have an experience – how it had an impact on me'.

are ideally analytical: the games of juxtaposition and enumeration which drive assessment and understanding by registering magnitude and contrast. Copying, reproduction, representation are all fundamental to the way we recognise the world and our place in it. But the gap between the mentalising of the world we engage in and the world itself remains. The rules of representation for history are key to what we regard as a tolerable intervention on the raw stuff of history. As a historian, Simonides, working after the disastrous rejection of the *Symias* by his compatriots, knew to ground his representations of the past in the impregnable certainty of material evidence.

Simonides' evolution from making interpolations into his copies of known works (as in the case of his copy of Dionysius of Fourna),[15] to the invention of whole manuscripts (like the *Symais*), and thence to the creation of forged papyri and ostraca[16] over at least a twenty-five-year period from 1840 tracks his attunement to the documentary sensitivities emerging among historians over the course of the nineteenth century. These are evident in the development of the *Corpus Inscriptionum Graecorum*, the *Corpus Inscriptionum Latinarum* (*CIL*) and the role envisaged for papyrological discoveries and evidence in the construction of the history of Christianity evident in the work of G.A. Deissmann at the end of the century culminating in the publication of *Licht von Osten*.[17] The inheritance of Frederich August Wolf's conception of *Alterthumswissenschaft* among students like August Boeckh brought documentary evidence to the forefront of history (Whitaker 2015). Where Wolf had perceived a relative paucity of Greek (as opposed to Roman) material remains,[18] Simonides saw opportunity. In providing materials for the areas of historical (rather than philological) study most elevated by Wolf (beginning with geography and chronology), Simonides brought papyrology to history.[19] The allure of *Alterthumswissenschaft* was the reconstruction of the totality of antiquity from its fragments, as exemplified by the contemporary work of Karl Wilhelm Ludwig Müller: the *Fragmenta Historicorum Graecorum* (1841–1870) (Grafton 1997). Simonidean time travel as expressed through his forgeries evolved to conform thus to the expectations and procedures of historical methodology.

Fabulation

When it comes to reconstructing the reality of Simonides' own life from the artifice he made of it, we are again confronted with the distance between the expectations Simonides cultivates and reality. As defined by Deleuze, fabulation is 'the becoming of the real character when he himself starts to "make fiction", when he enters into "the

15 Metsou (2015: 52, with note 3), suspects that reference to a copyist from Athos by Didron (with Durand) (1845: xxvi) pointed to Simonides' engagement. The Simonidean version of Dionysius of Fourna's text (with embellishments supporting the invention of heliotypy by Panselenos as in the *Symais*) appeared later. See on Simonides' version, Rangavis (1851, April: 553-555). See the preface to the edition of Athanasias Papadopoulos-Kerameus (1909: δ–θ).

16 See the collection in the World Museum Liverpool.

17 Deissmann (1908). See on *CIL*, Daston (2016) and on Deissmann, Gerber (2010).

18 See Wolf's manifesto from 1807, 'Darstellung der Alterthumswissenschaft nach Begriff, Umfang, Zwecke und Werth' republished in Wolf (1869).

19 *E.g.* Among the Mayer forgeries housed now in the World Museum Liverpool are inv. M11169g, a papyrus sheet covering a succession of Egyptian kings from Mencheres to Menecho, and M11169m, a papyrus roll preserving a list of kings and cities of Carthage.

flagrant offense of making up legends"' (Deleuze 1989: 145; and see Hongisto 2015: 76). The gap between mentalising about the world and the world itself – the fundamental problem of realism – might be thought of as the driver behind the emergence of psychology at least in so far as we might crudely identify such an emergence in the figure of Freud. For him the conflicted relationship we have with a reality which is indifferent to our wanting is made manifest in our defences. The maintenance of a self-concept tethered to reality determines psychological fitness. The disjunction between the interior and exterior worlds rendered the biographical task impossible to Freud: 'To be a biographer you must tie yourself up in lies, concealments, hypocrises, false colourings, and even in hiding a lack of understanding, for biographical truth is not to be had' (letter to Arnold Zweig, 31 May 1936, in Freud 1961: 127). Simonides' own biographical truth – just as the historical record he forged – was subject to its own concealments, revisions, and adaptations. The 'authorised' biography produced by Charles Stewart painted a picture of a well-descended and honourable Greek family. Through his father's line, Simonides flirts via his association with Stagiera with a connection to Aristotle and through his mother, with Symi – the achievements of which he had done much to embellish with the *Symais*. Even his birthplace at Hydra was celebrated in the biography because of its Classical credentials (Stewart 1959: 1-3). But the truth of Simonides' family life was far from the picture delivered. The near fatal friction he had with his father and stepmother,[20] the lifelong struggles with his brothers, and his own dubious educational record are all elided in spite of his prodigious appetite for recounting the trivia of his own life and career in his many publications.[21]

Simonides' own identity and that of his forgeries are entangled. His heritage was meant to qualify him first as a source of impeccably authentic manuscripts and second as the only scholar capable of recognising their true significance and meaning. His own personal mythology seems to have been in part a response to the prejudice of the times. Classical studies provided a platform to support Greek migration into Britain (Chatziiouannou 2009: 49), but the version of Classical Greece cultivated in the learned societies in Britain did not always welcome the linguistic and cultural expertise of the Greek community.[22] The identity Simonides cultivated was pursued on the one hand through a thoroughly classicising history of descent (furnished with references to Homer, Aristotle, and Hecataeus) and on the other through connection to the Independence movement (via connection with Hydra, Aegina, and above all Ioannis Kapodistrias – the first head of state of an independent Greece in 1827; see Stewart 1959:3). His curated personal history seems designed to satisfy the expectations and prejudices of his audience.

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20 Apparently, he attempted to poison both his father and stepmother, see Mykoniati (2017: 88, with note 1).

21 A habit which Henry Cattley Stewart, otherwise one of Simonides' supporters, complained about in a letter to his Liverpool benefactor, John Eliot Hodgkins. See British Library, Add. MS 42502A, fol. 151–152: 'he wants nay insists on 500 pages of prolegomena!!! And I cannot get him to understand that his personal experience or career will never be interesting to anyone and that it is simply his information that is desired' (fol. 152r–v).

22 See for example the anonymous letter dated 25 December 1856 to the editor of the *Morning Chronicle* (Anon 1856).

The allure of fragments and wholes

Ranke's perspective on the historian's task – that is the recognition in exhaustive detail of a coordinated whole – privileged the peculiarity of the detail as point of access to the whole. In the context of realism the detail, the single moment, served to index the real. It resisted abstraction and stylistic embellishment, but it did not lose its connection to the whole. Instead it became the only true, objective way to encounter the whole. Simonides contested established historical narratives by providing physical evidence to the contrary, that is material instantiations of discrete alternatives. Furnished with the trappings of materiality, of the physical reality of a fragment, the antiquity of the lettering, the incompleteness of the text, Simonides' forgeries delivered his interpretations in the seemingly incontrovertible reality of the material detail. The appeal of the detail, of the fragment, however lies in its capacity to supplement our knowledge, to complete our picture of the past.

In the context of the natural sciences, as Lorraine Daston has shown, the emergence of new technologies in the nineteenth century allowed for the mechanised observation of particulars – a procedure thought to facilitate the recovery of divine intention by emancipating observation from the limitations of human sensation and perception (Daston 1992). The aim of the sciences according to the phenomenologist Husserl at the end of the nineteenth century was to create a knowledge of the world that was 'more comprehensive, more reliable, and in every respect more perfect than that offered by the information received by experience' (quoted in Bryson 1983: 4). At the level of the scientific representation of natural phenomena, over the course of the nineteenth century a shift occurred. Originally phenomena were abstracted into an ideal form, a model expressing the law in abstract. The availability of mechanised observation and representation meant that the discrete instance could be privileged over the generic, the abstracted ideal. This form of scientific realism was emerging at the same time as artistic and historiographical realisms which privileged the detail (Daston and Galison 2010).

The same movement away from (re)constructed wholes to the integrity of fragments can be seen in the principles used for the restoration of ancient sculpture. In the eighteenth century, as Maree Clegg has shown, the completeness of a statue and its appeal to the contemporary moment was of more value than the authenticity of its parts (Clegg 2020). Bernini's Ares exemplifies this principle. The provision of a new foot and hand for the god, a head and arms for the putto by his side, and a new handle for his sword did not simply heal what had been broken over time, but allowed it to be brought into line with the aesthetic tastes of the day (Marvin 2003). This was no rogue action but established practice.

In the records of a council meeting of the Louvre in 1906 the authenticity of the inscription attached to a now lost base of a statue of Venus (attributed then to Praxiteles) was discussed.[23] There the disappearance of the base with its suspect inscription was attributed to the successors of Ennio Visconti and Frédéric de Clarac, respectively keeper and conservator of antiquities under the Consulate headed by Napoleon. In order to demonstrate that the statue base was suspect the author of the report compared it to an

23 The report is given in a footnote to the account of the meeting from 17 January, *Bulletin de la société nationale des antiquaires de France* (Anon 1906: 132-133, note 1). The Hellenistic style of some of the parts make it impossible that this attribution was genuine.

identical base which bore an inscription for Lucius Caninius the proconsul of Africa and used this to show that the abbreviation and formula used for the title were too peculiar to be authentic. The use of documentary parallels in the adjudication of authenticity was clearly entrenched. The report goes on to quote a much earlier proposal made to the museum council by none other than Visconti himself to restore the statue then associated with the base by providing it with an ancient head, tolerably similar in style, from the Antonine period. Unfortunately for Visconti, Caninius was active in the first century AD (Pavese 1983). In ignorance, however, the council accepted his proposal. And so the statue, identified as Caninius, is found listed in an 1896 catalogue of ancient marbles (Héron de Villefosse 1896: 64 as no. 1112). This episode illustrates just how institutionalised the practice of completing an authentic artefact from spare parts was. It goes to show how normative and uncontested such interventions, such fabrications of artefacts were. Put into this context, we can see Simonides' papyrus forgeries as on the one hand a continuation of a long tradition which viewed as normative certain material interventions to supplement or restore antiquity to comprehensiveness, and on the other an appeal to an emerging habit of fetishizing the discrete instance as a true point of access to the past. Simonides' papyrus forgeries, each a fragment of a greater text and world, offered both the specificity of the particular instantiation of the past and, by virtue of their membership in an assemblage of coordinated multimedia witnesses to the past, the desired whole.

Traditions of restoration

Realism and the historicism of Ranke took aim at a much older longstanding habit according to which the scholar's duty was to extract from a world of incomplete, partial, discrete, and distorted detail an improved and idealised whole. According to this tradition, the scholar was meant to intervene in the record of the past in order to heal it of the wounds of transmission. For the fourteenth-century scholar Petrarch engaging with the past involved gathering its detail and transforming it into something profitable and engaging.[24] The door for such intervention, for a more collaborative view of the reception, transmission and dissemination of textual knowledge, seems to have been left open by ancient authors themselves. Diodorus Siculus' *Bibliotheca Historia* puts forward a more collaborative vision of authorial practice: 'And throughout our history it is to be hoped that what we have done well may not be the object of envy, and that the matters in which our knowledge is defective may receive correction at the hands of more able men' (*Bibl.* 1.5.1). Authorship is not a matter of the ownership of knowledge, but the participation in it and accordingly is open to transformation. The sentiment is expressed more strongly in Caesarius of Arles' preface to his sermons in which he instructs the faithful to copy them out as a devotional act, but that 'if you find anything in the writing or ideas more or less

24 *Fam.* 1.8 (Letter to Tommaso da Messina), 23–24: Neve diutius apud te qualia decerpseris maneant, cave: nulla quidem esset apibus gloria, nisi in aliud et in melius inventa converterent. Tibi quoque, siqua legendi meditandique studio reppereris, in favum stilo redigenda suadeo… 'Take care lest [the nectar] remains in you for a long time in the same condition as when you gathered it: bees would have no glory unless they converted what they had found into something different and better. Thus, if you come across something worthy in your reading or meditation, I exhort you to change it into honey with your style …' quoted in Lee (2012: 49).

than necessary, with charity be indulgent, correct the text as it needs and get it copied in better handwriting.'[25]

Simonides' interventions into the copies of forged works he made on papyrus may have been viewed (by Simonides at least!) as a continuation of a well-established, ancient practice of curating and thus cultivating antiquity. So, for example, it is possible to think of his intervention in the forged papyrus copy of Matthew (19:24) to read κάλων in place of κάμηλος as an attempt to restore sense to the textual record (see Wasserman and Choat 2020: 204-208). Knowing the importance of making a whole from fragments, Simonides gestured towards six additional manuscript witnesses to corroborate his reading, which itself was built upon established ancient variants and commentaries (Simonides 1861: 45-47). His commentary began with the observation that the term in question, κάλων, is still current in Greece with the meaning 'a cable, rope'. In explaining how κάμηλος might have come to supplant it he quotes an inscription from Cilicia (which he 'discovered' in 1852) and an inscription from Gaza (likewise 'found' by him in the same year) in which the former term is used with the meaning of 'cable'.[26] In addition, he refers to a papyrus manuscript copy of Matthew 'written only 15 years after Matthew's death' from Mount Sinai and 'written on Egyptian *papyrus*, an unquestionable token of the highest antiquity' (Simonides 1861: 46, see also 40 on no. 8, plate I), a manuscript from the monastery of St. Sabba, as well as another manuscript attestation of similar proverbial sayings featuring κάμηλος as 'cable' (a ninth-century manuscript of Dionysius) (Simonides (1861: no. 5), and reports of similar expressions surviving in contemporary Greek from the Island of Megiste (Castellorigo) on the Coast of Lycia. Noting the appearance of a parallel passage, he traces the reading κάλων in Luke but not Matthew (which read κάμιλον) in a manuscript written in golden letters by none other than the Emperor Theodosius the younger which was gifted by his descendants to the Monastery of St. Sabba (Simonides 1861: 47, with a reproduction of no. 6, plate VI on 46).[27] Not only did Simonides provide this exhaustive multimedia assemblage of supporting evidence, but he reasoned through the form of the letters on the manuscripts to explain how the alternative readings might have arose.

The use of palaeographical arguments like this demonstrates how attuned Simonides was to the analytical games involved in textual criticism and manuscript studies of the time. Indeed, he cited palaeographical handbooks in his commentaries (Figure 2),[28] appears to have borrowed distinctive letter forms for his papyrus forgeries from such (Figure 1),[29]

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25 Caesarius of Arles, *Sermons*, 2 preface, CCL 103, ll. 22–47: si quid aut in literis aut in aliquibus forte sententiis aut minus aut amplius quam oportet inveneritis, cum caritate indulgete, et sicut expedit emendate, et literis melioribus transcribere iubete.

26 The inscriptions are reproduced in facsimile at the end of the volume as no. 8 (plate XII) and no. 7 (plate XII) respectively.

27 Simonides traced the alternate κάμιλον in another manuscript, from AD 559, attributed to Menas, Patriarch of Constantinople from the Monastery of Pantocrator (no. 9, plate VI on 46).

28 See his reference to Montfaucon (1708) in Simonides (1854, 27) and his reference to Silvestre's *Universal Palaeography* (1839–1841) in a letter to the *Athenaeum* (21.12.1861) reproduced in Elliott (1982: 149).

29 Compare, *e.g.*, from Montfaucon (1708: 334-340) an 'epigraphic *alpha*' seen in Liverpool World Museum, M11169a5 (Thucydides) and M11169l (*Periplus* of Hanno); a rounded *alpha* found (according to Montfaucon, 1708: 336) 'in Glossario Laudunensi' in M11169o2 (Matthew) and M11169a3 (Zoroaster); a subscript *beta* associated with marble inscriptions in Montfaucon (1708: 249) found in M11169t (John) and M11169l (*Periplus*), a subscript *upsilon* characterised as epigraphic by Montfaucon (1708: 336) found again in M11169l (*Periplus*).

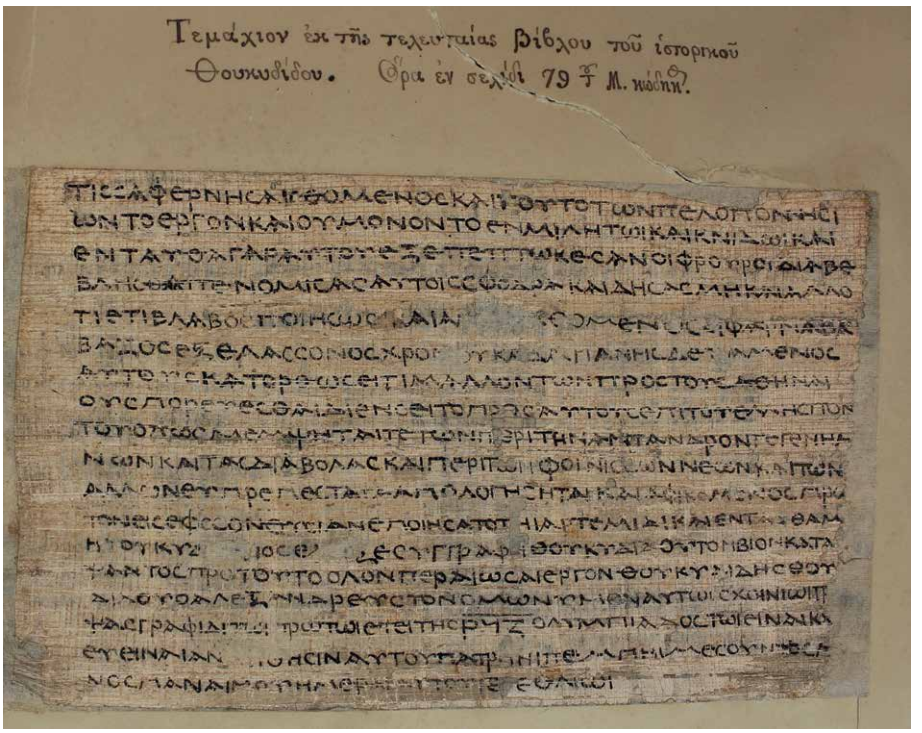

Figure 1. World Museum Liverpool, M11169a5, Thucydides; Courtesy of National Museums Liverpool (World Museum).

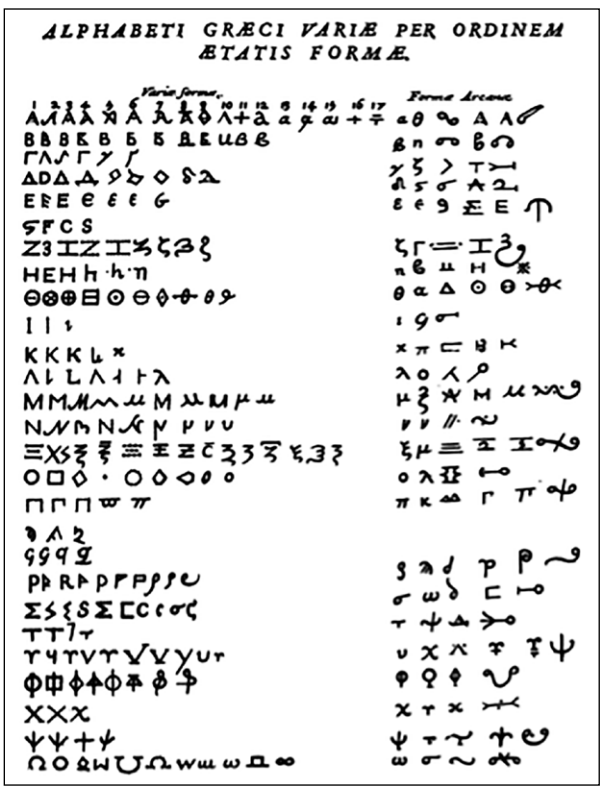

Figure 2. Bernard de Montfaucon, *Palaeographia Graeca* (1708) IV, 336; Source, gallica.bnf.fr / Bibliothèque nationale de France.

knew to distinguish literary (*e.g.* World Museum Liverpool, M11169l, copy of the Periplus of Hanno) from 'documentary' (autograph!) scripts (cf. the letters of Hermippus, including M11169h among others), and understood the chronological implications of script.[30] He used this groundedness in the methodology of palaeographical analysis and multimedia corroboration to generate the reality effects of his forgeries. His expertise in the matter of palaeography, moreover, was no more evident than in his claims to belong to the still living culture of manuscript reproduction at Mount Athos – most famously exemplified in the assertion that he produced Sinaiticus (Elliot 1982).

Simonides as Realist

Realism, like forgery, is a matter of perspective. It requires, according to Roman Jacobson, both being apparently real and distinctly individual – the conflation between the two notions, realness and individuality, not to be assumed. It also demands a disruption of tradition, a confidence to let the unusual have its impact – as many acts of forgery demand (Jakobson 1987: 21-22). The balance between the two, that between the desires and expectations of an audience (which must include the self) and the unapologetic particularity of the real, is the unsteady landscape forgery exploits as a deviant form of realism. Constantine Simonides' forgeries illustrate this tension between the world Simonides wished to bring into being for his patrons, his audience, his compatriots, and above all for himself, and the world (and past) as it was. His forgeries – of the history of Greece, of his own personal biography, of antiquity – were a form of wish fulfilment, an attempt to heal what had been broken and lost. In their form and articulation they showed Simonides to be a product of his age, saturated in the artistic, historiographical, scientific, even psychological developments in the nineteenth century. The reality effects he deployed which held his vision within a network of references and material supports conformed to the historicist preferences of the last century or more. His flirtation with the real through these forgeries attempted to stitch together the cultural habits of the world he had grown up in and the world he aspired to join, habits which included the copying of manuscripts, the synthesis, elaboration, and transformation of texts, the restoration of artefacts. Rather than simply nefarious, his forgeries are a genuine attempt to solve pressing problems of cultural continuity, nationalism, and self-image. The unsavoury histories of forgery dominate and distort our appreciation of this habit – one which shares with the other arts of realism a genuine albeit fanatical interest in understanding, translating, sharing, and possessing our own experiences and those of others.

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30 On the Periplus and the Greek historical fragments, see Simonides (1864: 14-15). See, on the Biblical forgeries, Simonides (1861: 75).

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Provenance: genocide. The transfer of Armenian sacred objects to art collections

Heghnar Zeitlian Watenpaugh

Abstract

In recent years art historians have paid renewed attention to dimensions of the life of art objects beyond the moment of their creation. One way in which art historians have studied the biographies of objects has been through the study of provenance – an area of art history that has attracted critical attention recently. Provenance, often presented as a dry list of successive owners of an art object, can reveal much more – an 'alternative history of art'. Disagreements over provenance are often at stake in disputes over the ownership of an object and often figure in restitution battles. This paper considers the case of Armenian manuscripts that entered European and North American collections as a result of successive waves of violence against the Armenian population of the Ottoman Empire, which culminated in the Armenian Genocide (1915–1922). The destruction of the cultural heritage of Armenians and especially religious culture was a central element of the Armenian Genocide. As monasteries were destroyed, many of their medieval treasures were looted and entered the art market. Some collectors organized missions for the express purpose of buying as much of the cultural heritage of Ottoman Christians as possible before it disappeared. A recent lawsuit filed by the Armenian Church against the J. Paul Getty Museum concerned a fragment of a religious manuscript, the Canon Tables of the Zeytun Gospels illuminated by Toros Roslin in 1256. That work had ended up in the United States after a chain of events that included the destruction of the church in which it had been kept during the genocide. This chapter highlights my experience of the difficulties of conducting research on the provenance of objects set into motion during the Armenian Genocide. These difficulties include uneven archival record, the destruction of much evidence, and the fact that for decades, as the Armenian Genocide was denied, its history was suppressed. In a time of renewed interest in the marginalized fields of art history, the history of what I call 'survivor objects' – objects that have endured genocide, war, or exile along with their communities, and often play outsize roles in processes of survival, restitution, and commemoration.

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Keywords: genocide, Armenian, provenance, violence, restitution, Ottoman Empire, museum, exhibition

As World War II raged in Europe, Garegin Hovsepian served as the Archbishop of the Diocese of the Armenian Apostolic Church in New York. The scholarly archbishop researched the history of Armenian manuscript illumination. Decades before, when he had scoured the libraries of churches and monasteries throughout the South Caucasus and the Middle East and had pioneered the use of modern art historical tools to the study of manuscripts (Watenpaugh 2019: 194-200). Now he reflected on the sudden appearance, on the New York art market, of holy books he had consulted in church treasuries in the Ottoman Empire just before World War I. He wrote, 'Now that manuscript has arrived in America as the property of a private person….It has been brought here to be sold' (Hovsepian 1943: i). He expressed distress at the dispersal of these holy relics that had now become commodities, communal religious treasures that were now presented as private possessions. He worried that sacred objects were now in profane hands and profane places. Finally he hoped that they would somehow be preserved in a museum or public repository rather than being broken up and sold in fragments to private collectors. Hovsepian was keenly aware of the disaster that had befallen his people, and of the depths of the loss occasioned by the destruction of religious and cultural sites and the removal and dispersion of religion objects. Hovsepian did not mention subjects that are so topical today: contests over ownership or restitution. The archbishop was writing in 1943, in a dark historical time, a year before Raphael Lemkin coined the term genocide (1944), five years before the United Nations Genocide Convention, and long before modern understandings about cultural rights and heritage claims.

The manuscripts referenced in Hovsepian's text were Armenian medieval religious manuscripts enhanced with elaborate calligraphy, ornamentation, and paintings. These objects had been removed from monastic libraries, reliquaries and parish churches and had entered the art world as a result of the Armenian Genocide. The Armenian Genocide designates the Ottoman government's systematic extermination of its own Armenian community during World War I (Kévorkian 2011). The Ottoman state and its agents forced Armenians into internal exile from which few would return. Once inhabitants were eliminated, Armenian properties, including cultural and religious sites, met various fates: many were destroyed, others were appropriated by individuals, confiscated by the state and turned over to other uses (Akçam and Kurt 2015, Onaran 2010; Üngör and Polatel 2011). The movable objects within these properties – from modest furnishings to priceless medieval treasures – were also looted, stolen, confiscated or transferred. After the end of the war, survivors who managed to return to their hometowns often found their homes and churches looted, destroyed, in disarray, or occupied by others.

For Armenians who experienced the genocide, the near-total loss of their centuries-old religious and cultural heritage was painfully apparent. However, to this today, a full reckoning of the cultural losses of the Armenian Genocide has not taken place, because the genocide itself has not been fully reckoned with. The Republic of Turkey, the successor state to the Ottoman Empire, adopted an official policy of denial (Göçek 2015; Dixon 2010; IJMES 2015; Suny 2009). Denial, continued persecution, hatred, expropriation of wealth, destruction of cultural monuments, appropriation of cultural achievements: there has not

been acknowledgment, let alone apology, atonement, or reparation to any degree and any kind, even the most minimal, by Turkish state institutions. In the last years, a new wave of scholarship has begun to break the silence. Nevertheless, official state denial of the violence and the proscription of the use of the word 'genocide' continue.

The genocide and its painful afterlives haunt the history of Armenian cultural heritage and the historiography of Armenian art itself. This is due to the fact that the entry of some Armenian artworks into the art world and art writing coincided with the genocide, the violence of looting and dispersal, and entry into the more shadowy corners of the art market. I do not suggest that every single Armenian manuscript in European or U.S. collections today was looted during the Armenian Genocide. Indeed, works of Armenian art have been circulating in a global art market since the medieval period (Maranci 2018). However, I do argue that a large corpus of Armenian works of art made their entry in the art world and in art collections in a single wave as a result of the disruptions of the Armenian Genocide. This sudden transfer of Armenian art in a time of war and dispossession is comparable to the mass movement of Nazi-looted artworks during World War II, which continues to haunt the art world today (Alexander *et al.* 2022; Bazyler 2003).

News of the extermination of the Ottoman Armenians and the destruction of their culture reached scholars and collectors in Europe and North America. One scholarly collector was seized by a sense of the urgency of retrieving works of Armenian art while it was still possible. University of Michigan professor Francis W. Kelsey mounted an expedition to the Middle East in 1919-1920 with the express purpose of collecting Christian manuscripts. 'Now or never' was the time to purchase medieval manuscripts from 'unappreciative hands', he wrote, presumably meaning the hands of those who had looted manuscripts. Kelsey was concerned that soon no record would remain of the Christian communities of Ottoman Empire (Babayan and Tanielian 2015: 5; Thomas 1990). Kelsey's collecting, then, was driven by the awareness that the culture of Armenians in this region was marked for eradication, as well as his sense that it fell to him to rescue or salvage it.

As a result of the nature of the events that propelled the objects into the art market, provenance research into these objects is especially fraught. Caught between a lack of extant sources, the constraints of conducting research on Armenian history in Turkey, and the loss or destruction of existing evidence, provenance research into these objects presents many unique challenges – that can only occasionally be surmounted. I also argue that the very writing of Armenian art since the twentieth century has been hampered by acknowledged or unacknowledged pressures that derive from the genocide and its denial. Simply, for many medieval Armenian manuscripts, their provenance is genocide.

I have called such works 'survivor objects' (Watenpaugh 2017; 2019: 43-46). These are objects that have endured genocide, war, or exile along with their communities, and often play outsize roles in processes of survival, restitution, and commemoration. The concept of 'survivor object' allows us to move away from an exclusive focus on human actors as 'saviours' or 'rescuers' of objects, turning instead towards acknowledging the agency of the object itself. The concept allows one to better map the complex interactions of humans (individuals or communities) with material objects, especially special sacred objects enhanced with artistic elaboration and precious materials. There are many examples of survivor objects with unique histories and trajectories. One object emblematizes this type. The Zeytun Gospels was created in 1256 by Toros Roslin, the greatest medieval

Armenian illuminator. He worked in the scriptorium of the castle of Hromkla, then the seat of the catholicos of the Armenian Apostolic Church and located in present-day southwestern Turkey, on the westernmost bend of the Euphrates River. The manuscript is called the Zeytun Gospels after the remote mountain town where it was once kept. When the Armenians of Zeytun were exiled from their homes and exterminated during the Armenian Genocide a century ago, the manuscript too was removed from its church. It was passed from hand to hand, and caught in the confusion and brutality of war. Today the Zeytun Gospels survives almost intact, divided into two parts. The main manuscript is preserved in the Mashtots Institute of Ancient Manuscripts, known as the Matenadaran, in Yerevan, Republic of Armenia (Ms. 10450). The Gospel Book's Canon Tables, in eight illuminated pages, were separated and are kept in the J. Paul Getty Museum in Los Angeles (Ms. 59) (Figure 1). The manuscript was sundered as a result of the Armenian Genocide. The circumstances of the separation of the manuscript and the fragment were central to a lawsuit between the Armenian Church and the Getty, begun in 2010. In the lawsuit, the Western Prelacy of the Armenian Apostolic Church of America sought the return of the Canon Tables, asserting that the illuminated pages were sacred and had been stolen: they had been removed from the main manuscript, the Zeytun Gospels, during the Armenian Genocide. The museum's legal counsel maintained that the Getty owned the pages as works of art, having acquired them legally (Bazyler and Shah 2017; Watenpaugh 2019: 1-6, 274-286).

While litigation was ongoing, I became intrigued by the work of art/sacred object dichotomy outlined in legal documents. I set out to learn more about the history of the Zeytun Gospels. The provenance the Getty had for this manuscript at that time was brief, as provenance lists are. In 1995, shortly after acquiring the Canon Tables, the Getty Museum introduced it to the public as follows:

> *Catholicos Constantine I (1221-67); bound into a Gospel book in Kahramanmaras, Turkey; Nazareth Atamian; private collection, U.S.* (Getty Museum 1995: 89).

Even to an untrained eye, this provenance had some gaps, and raised some questions. Here was a layer of loss: due to the violent events of the twentieth century, the history of the manuscript had been lost in the fog of time, people connected to its history were dead, some of them murdered, and documentation was elusive. Pieces of information that remained were fragmentary, some were confusing, and trails ran cold. Clearly, however, the history of the Zeytun Gospels was entwined with the history of trauma of its community. In 2016, the Getty amended the provenance[1]:

> *1256, Catholicos Konstandin I, died 1267; by 1923-1994, in the possession of the Atamian Family; 1994, acquired by The J. Paul Getty Museum; 2016, gift of the Catholicosate of the Great House of Cilicia, by agreement.*

1 www.getty.edu/art/collection/objects/5253/t'oros-roslin-t'oros-roslin-canon-tables-from-the-zeyt'un-gospels-armenian-1256/. Accessed 24 May 2017.

Figure 1. Toros Roslin, Canon Tables from the Zeytun Gospels, 1256, J. Paul Getty Museum, Ms. 59, fol. 7v and fol. 8r. Digital image courtesy of the Getty's Open Content Program.

These terse lists condense the biography of the Canon Tables since the creation of the Zeytun Gospels in 1256. In the twenty-odd years between the two versions of the provenance, the Canon Tables entered the manuscripts collection at the Getty Museum, appeared in scholarly exhibitions, became the subject of a contentious lawsuit, and saw it resolved through a settlement. The Armenian Church stipulated the change in provenance as one of the conditions of the agreement; in turn, the Church donated the Canon Tables to the Getty. The changes in the provenance are telling, but its silences are telling as well.

In art history, provenance is a highly specific type of record, a chronological list of the successive owners of a work of art, and the manner of its transfer among them. Provenance communicates the itineraries objects trace through space and time as they are sold, inherited, bartered, and transferred. Provenance can transform the significance and value of an object in varied ways. It can alter its meaning, impact, and visibility just as surely as it impacts its location, state of preservation, and documentation. When provenance lists are known for objects of great antiquity, they may tell us much about the historic development of taste, the relationship between the present and the past, realities of war and economic exigencies. Recently scholars have thought deeply about provenance as a type of research and writing. Provenance holds great importance to processes of restitution. But provenance can reveal a great deal more and can even be an 'alternate history of art', a window on to the social life of art since its creation (Feigenbaum and Reist 2013).

The connection of provenance with power is a dimension most pertinent to objects with painful histories. Power, of course, can be contested. These contests highlight the relationships of power that structure the circulation of art objects and underlie every transaction that provenance chronicles. During conflicts, when art is liable to be looted, record-keeping becomes an act of power that can serve the interests of the powerful rather than the rightful claims of ownership that it purports to present. Thus, meticulous record-keeping was part and parcel of the Nazis' organized looting of Europe's art during World War II (Alexander et *al.* 2022). Provenance can be a record of added value and prestige but it can also serve to obliterate traces of violence and injustice. Conversely, certain kinds of record-keeping can be acts of resistance and truth telling, uncovering suppressed episodes of an object's history. Thus provenance can also be a form of resistance. French curator Rose Valland kept secret notebooks in Nazi-occupied Paris, where she recorded information about artworks Nazis were appropriating, at tremendous risk to her life. Her notes proved invaluable for the recovery of art after the war (Polack 2011).

Many battles for restitution are battles over provenance – or the lack thereof. There can be tremendous imbalances of power between parties locked in such struggles. In the case of the Zeytun Gospels, a midsize faith group with limited resources, the Armenian Church in Los Angeles, was suing the J. Paul Getty Trust, the world's wealthiest art institution. As the litigation continued, the differential of power and resources became ever more acute. Western Prelacy v. Getty was a type of civil litigation modeled after the Holocaust Restitution Movement of the 1990s. Cases like Altmann v. Republic of Austria, where Los Angeles retiree Maria Altmann sought to recover Gustav Klimt paintings of her aunt looted from the family's Vienna apartment by Nazis, caught the public imagination when it went all the way to the Supreme Court of the United States and ultimately resulted in a stunning victory for the plaintiff (Gaugusch and Lillie 2009; O'Connor 2012). Yet such successes are

Figure 2. Medieval Hromkla (present-day Rumkale). North khachkar (cross-stone) on the tower façade, second half of the twelfth century. Photograph: Mia Fuller, 2014.

the exception rather than the norm. Such legal processes face many challenges and are so costly in time and money that they have been called 'a rich man's game' (Bazyler 2003: 202-268; 2018). This prompts questions such as, Who gets to sue? Who is unable to sue? Who has the ability to speak for survivor objects?

Moreover, provenance itself is a site of power. As a textual form, provenance presents itself as a neutral list of facts. Yet these lists conceal dynamics of power. An official provenance in a museum publication or a government website is an authoritative document. It also derives its authority from other, unseen documents held in archives. The choice of facts to include in a provenance list is based on the availability of information, but also entails selection. In this sense, provenance is an act of power. Even further, records and archives – which give provenance its authority - are themselves both products of and representations of power (Azoulay 2012; Derrida 1995). Who gets to have written documents and to preserve them? Who leaves a trace? Who is able to conceal or erase a trace? This points to the critical issue of *data asymmetry*. States and stable institutions create and preserve archives, whereas genocide survivors in refugee camps or migrants crossing borders rarely carry full documentation. Indeed, the very term 'undocumented' points to this asymmetry. Survivors of the Armenian Genocide often spoke of the urgency of remembering and recording their experiences, and against significant odds, they left behind many kinds of sources. Some of these sources were created and preserved without any institutional support. Long neglected, these sources have reemerged as a focus of scholarship in recent years. Even if much of it is little known and difficult to access, these documents are astonishing in their sheer volume, as well as their stubborn will to bear witness (Adjemian and Kévorkian 2015; Watenpaugh 2019: 29-32; 291-296).

Even further, provenance research itself is caught up in issues of power. Provenance research requires costly expertise, resources, and access to archives and collections in disparate locations. The knowledge of obscure or endangered languages, such as Western Armenian, is not equally distributed or accessible. Not all groups can afford the expertise and time needed for provenance research. At its most negative, provenance can be a form of domination, of suppression.

In search of more information about the history of the Zeytun Gospels, in addition to the kind of detective-work that provenance researchers undertake, I utilized on a method from architectural history: fieldwork. I set out to retrace the steps of the Gospel Book over its 700-year-long history. I followed the path of the manuscript in present-day Turkey. I began in the ruined castle on the Euphrates, medieval Hromkla (present day Rumkale). Here Toros Roslin illuminated the Zeytun Gospels for his patron, the head of the Armenian Church, Catholicos Constantine I. Constantine was a bibliophile who sponsored an active scriptorium where craftsmen and artists produced luxury manuscripts, ushering in a brilliant period of the art of illumination in the Armenian Kingdom of Cilicia (Hovsepian 1943: 5-44). Their work combined longstanding Armenian cultural traditions with innovations and drew from ideas Crusaders brought from Europe, as well as from Islamic and Chinese art (Der Nersessian 1993; Evans 1984).

Little remains of Hromkla's medieval glory. One remnant is a monumental square structure which may have been the lower story of one of the original churches. Likely constructed in the second half of the twelfth century, a single a horizontal register bisects the façade is anchored by two *khachkars* or 'cross-stones', that is, stelae bearing crosses set within intricately carved frames (Figure 2) (Hanisch 2002). However, it was clear that selected elements of the cross-stones had been scraped away while other elements had been allowed to remain. There were beautifully carved animals – a pair of chained lions, and an eagle with its wings outstretched: exquisite examples of the kind of virtuoso stone carving for which the region's stonemasons were famous. The elements that had been erased included the cross, whose base can still be seen, and the inscription in the Armenian alphabet in the upper corners, whose remnants still spelled an abbreviation for 'Jesus Christ'. This is a kind of intentional, surgical erasure of the Armenian past that one encounters in many places in present-day Turkey (Watenpaugh 2019: 7-10, 48-63).

Today medieval Hromkla is in ruins, neglected, and almost submerged by the rising waters of the Euphrates. There were no signs acknowledging that this had once been a sacred place for the Armenian church, and no explanation of why there were no longer any Armenians in the castle or around it. On the site where Toros Roslin and a whole scriptorium of artists had once created exquisite manuscripts, nothing acknowledged their presence. The genocide took place in the waning years of the Ottoman Empire, yet the successor state, the Republic of Turkey, pursues a proactive policy of genocide denial and discrimination against Armenians, which includes the erasure of their material traces. Here in the very place where the Zeytun Gospels had been created, it was as if it had never existed.

No case of restitution is simple, but the Zeytun Gospels constituted an especially poignant case. Many restitution claims are made by the modern state in the territory where the object was created or last resided, and call for its return. Here, however, the mutilation of Armenian traces in Hromkla made it clear that there could be no question

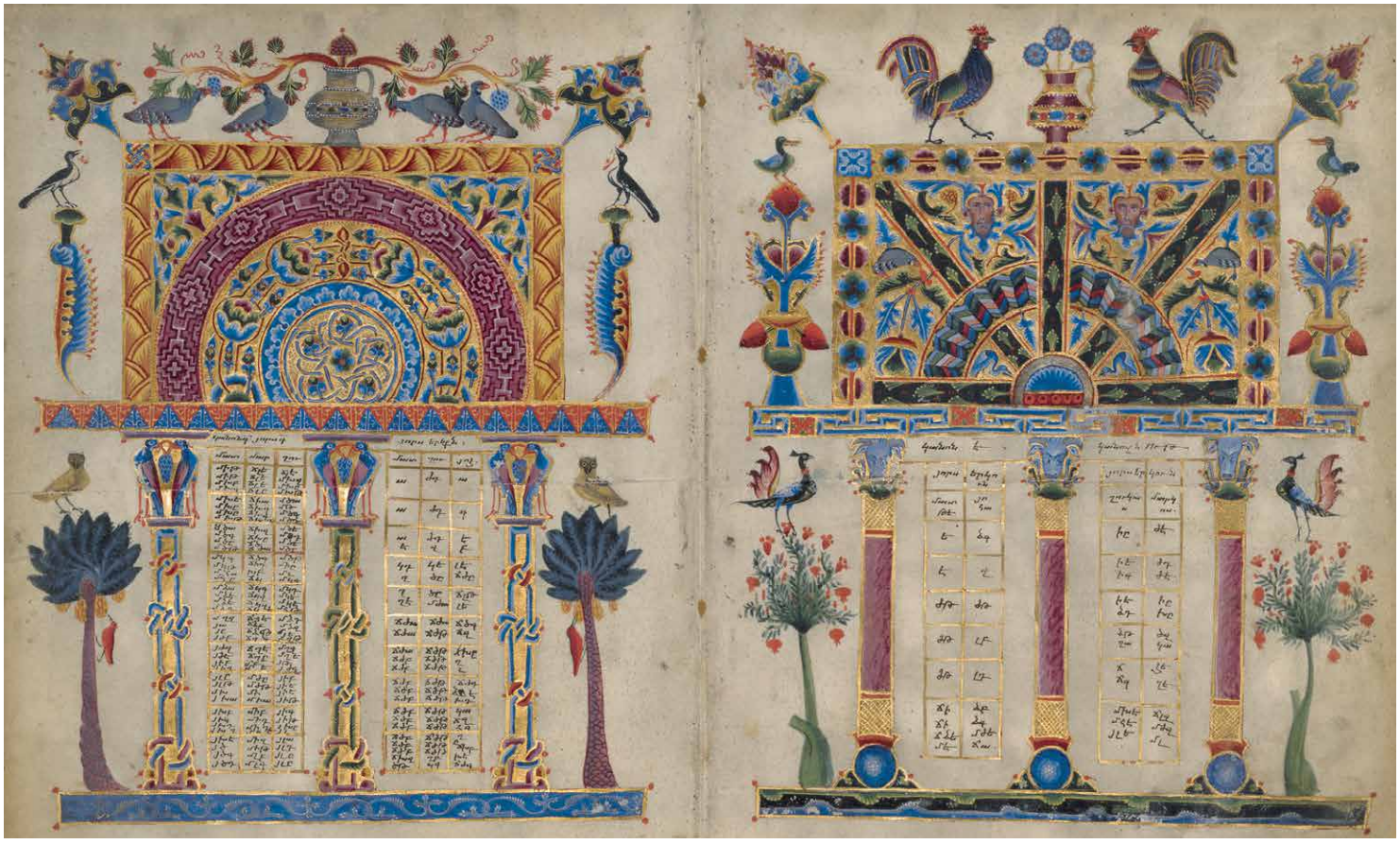

Figure 3. Toros Roslin, a bifolium from the Canon Tables of the Zeytun Gospels. Note the horizontal crease across the two pages. J. Paul Getty Museum, Ms. 59, fols. 3v-6r. Photograph: J. Paul Getty Museum.

of a return to a place where the official narrative erases the presence of Armenians. The claim over the Zeytun Gospels pages at the Getty was being made not by a state, but rather by a living faith community, the descendants of those who had been violently ejected from that state as a result of genocide. Because of the genocide and the fact that it is proactively denied in Turkey today, no trace of the Zeytun Gospels remained in Turkey, and the history of Armenians and their religion was erased, silenced, or mutilated. The architectural, historical, liturgical contexts of the Zeytun Gospels' creation had been actively and recently erased. This constituted a loss of historical context and of connection to place. While some losses are inevitable – such as those caused by the ravages of time and wear and tear – other losses are the result of targeted violence. These losses are not all the same, and they do not have the same valence. They affect manuscripts in different ways and place different burdens on us as viewers.

I made my way to Zeytun, the mountain town from which the manuscript takes its name and where it last functioned as a religious object. There too, very faint traces of Armenian Zeytun remained. One of them is a carved fountain at the entrance of the town. As at Hromkla, the carved cross and the Armenian inscription had been scratched out in April 1915, an event witnessed and recorded by genocide survivors (Arkun 2011: 239; Galustian 1934: 174). On what had once been the citadel of Zeytun, I stood on the forlorn ruin of the church of the Holy Mother of God where the Zeytun Gospels had been kept as a precious relic. Looking down to the ravine beneath me and the windswept meadow beyond, I realized that the Zeytun Gospels was the only sacred object to survive from the centuries-old Armenian churches and monasteries in those mountains, their treasuries once full of with miraculous relics, precious vessels and exquisite manuscripts, both medieval and modern. Here was another dimension of loss: loss of context, of provenience, and the sundering of the connection between object and place, and between object and community.

I returned to the Getty Museum again and again to look at the Canon Tables. They are concordance lists of passages that narrate the same events in the life of Christ in two or more of the four gospels. Canon Tables were extremely important in medieval gospel books and were often the pages that received the most elaborate aesthetic treatment in a manuscript (Nelson 1987). Toros Roslin, the artist, working within a tradition of religious painting, created canon tables that feature columns of numbers within painted architectural frames. Roslin intended the canon tables to be seen as four pairs, in four matching sets. As the reader opened the codex and saw a pair of canon tables on facing pages, his eye was supposed to move from one page to the facing page, locating similarities and differences, like a refined 'spot the difference' puzzle. One can digitally reconstruct the original sequence of the pages (Figure 1). However, at the Getty, the parchment sheets that make up the Canon Table are not part of a codex but rather, separated from the manuscript, they exist as four bifolia. This raises the question of how they can be displayed. It is difficult to display the bifolia as the artist intended. Therefore, when one views a pair of Canon Tables displayed at the Getty, one is looking at a pair of illuminated pages, but *not the two pages that were meant to be seen together* (Figure 3). What one sees on display is not a matching set, and the two pages do not appear in the correct sequence. In other words, what one sees on exhibition is a completely different experience of the work that one would have if the work was still in a codex. This is a function of the 'agency of display'

in a museum (Kirshenblatt-Gimblett 1998). The agency of display plays a role in the way all objects are exhibited in a museum, but manuscripts as a category present specific challenges for exhibition design. As any curator knows well, a medieval manuscript was not designed for the modern exhibition gallery like a work of art by a contemporary artist. Even in the case of a complete and well-preserved manuscript, the experience of reading and viewing, cannot be replicated in a museum setting. A curator must ponder whether to display a manuscript closed to reveal its binding, or open to reveal its pages? If open, which page should she choose? Should she place it in on a wall or on a lectern? Should one position the viewer like a medieval reader in a dimly lit scriptorium, or would it be better to flood the manuscript page with light and provide a magnifying glass to allow viewers to appreciate its tiniest visual treasures? Thus by virtue of being on exhibition, any medieval manuscript experiences the loss of the way it was intended to be seen – it will necessarily be seen in a way not intended by its makers.

There is more in the case of the Canon Tables of the Zeytun Gospels. When one observes a bifolium of the Canon Tables on display, one can still see the small holes in the vertical fold at the center of each bifolium, where the threads that bound the manuscript together into a codex would once have been. One also notices another feature that does not readily lend itself to photography. A crease extends horizontally across the two connected pages (Watenpaugh 2019: 20-23).[2] It seems that no amount of careful conservation will smooth it out. This crease tells *us* something about the life story of the Canon Tables. It was likely caused when the gathering was removed from the mother manuscript and folded up. This crease enables one to imagine how, at some point, hands removed the Canon Tables from the mother manuscript, how they folded it, and tucked it away. The crease shows us that the work of art bears the imprint of the actions it endured, and of its separation from the main manuscript. This crease marks the moment when the work became a fragment, the trace of its loss. The crease in the canon tables is not simply a conservation issue, a defect or a loss. Instead, it is a clue through which the object tells its own story, a story that is not necessarily that told in scholarly exhibitions of medieval art.

Indeed, a single manuscript or fragment appears in a museum exhibition as part of a group of objects. In a museum setting globally, especially an art museum, objects are displayed for aesthetic contemplation, set within historical narratives about the evolution of art forms or artistic interactions. As scholars of museology have emphasized for some time, none of these choices are neutral, rather all of them have histories and implications. In 2016, the Getty Museum exhibition, Traversing the Globe through Illuminated Manuscripts, adopted a 'global art history' approach to present an innovative and compelling overview of the global Middle Ages through the medium of illuminated manuscripts (Getty Museum 2016). I cite this exhibition not to critique its content, but rather to illustrate the point that, in general, museum exhibitions do not showcase the provenance or social life of objects as part of the stories they tell. Provenance may briefly appear on an object label or an online catalog entry, but generally it tends to be relegated to the archives and object files. It is only recently that art historians have written critically about provenance (Feigenbaum and Reist 2013; Hopkins *et al.* 2021). Exceptionally,

2 A Getty conservation report of 1994 noted this crease. I thank Elizabeth Morrison, Senior Curator of Manuscripts at the J. Paul Getty Museum, for her generous assistance with my research on the Canon Tables.

provenance has become the subject of museum exhibitions (Fusco 2021), for example, The Obligation of Ownership. An Art Collection under Scrutiny, at the Zeppelin Museum, Friedrichshafen, Germany from May 2018 to January 2020.

In general, exhibitions of medieval religious manuscripts tell stories that privilege the moment of creation of the manuscript rather than its subsequent life, and treat the manuscript as a work of art (Wirth and Rasmussen in this volume). Calling medieval manuscripts art objects and their makers artists, as we art historians do – constitutes a modern approach. While all human societies create sophisticated material culture, the concept of 'art with a big A' itself has a fraught and ideological history (Preziosi and Farago 2012). Indeed, the makers and users of manuscripts in other times and places did not necessarily conceive of them in terms of our modern conception of 'art with a big A'. For example, the users and viewers of the Zeytun Gospels did not see it as a work of art for the six centuries of its life before the manuscript entered art history in the twentieth century. Rather, they saw it as a 'breath of God' – *Astuatsashunch* - which is the name the Armenian tradition gives to Bibles. It was an object of tremendous power because of the words it contained – not because of its aesthetic qualities. As an ancient book enhanced with precious materials and ornamentation, as a book that 'has come down to us from the days of the Kings' – in the words of an early modern colophon, the Zeytun Gospels was almost a living being (quoted in Watenpaugh 2019: 85 (author's translation)). In any event, it was an object with its own agency. It performed miracles. It protected its people. It could also punish enemies. The Gospel Book was not an inert work of art, but an active shaper of the world. It had power over people. This power had nothing to do with its illuminations that we today appreciate so much. In fact, very few people, only priests or learned elders, ever got to open the gospels and look at these illuminations. The people of Zeytun, the last place where the Gospels functioned as a religious object, only saw the manuscript on special occasions in the liturgical calendar, or during times of great danger, when a priest removed the book from its special relic box and held it up over the congregation, who saw only a closed book with a glittering binding (Watenpaugh 2019: 104-106; Siekierski 2020).

Recently, art historians have drawn upon anthropologist Alfred Gell's insights on object agency, and they have heeded Igor Kopytoff's call to examine the biography of objects in their entirety – not only the moment of its creation (Gell 2005; Kopytoff 1986). The sacred object/work of art dichotomy has also come under scrutiny. Recently, some museum exhibitions have explored the possibility of displaying manuscripts in their collections in a way that acknowledges their sacred nature and that accommodates some form of pious interaction with it, as in the case of the 2020 exhibition of the Saint Francis Missal at the Walters Museum in Baltimore (Walters Museum n.d.).

Seen from this perspective as a sacred object, the Zeytun Gospels was neither inert nor even a stable object. Priests revered and preserved it, but they also manipulated it, and added elements to it. For example, the binding of the Zeytun Gospels is a layered object, that includes metalwork elements from the original binding in addition to votive offerings affixed to the binding (Watenpaugh 2019: 83-84, 326, note 14). Apart from adding visual elements, priests also added to the manuscript's text. Indeed, in the Armenian tradition, almost without exception, important manuscripts had a colophon – a text written by the original scribe that recorded information about the date and place of creation, the names of patrons and artists, and a wealth of historical and religious

information. However, over the course of the life of a manuscript, especially an important and powerful manuscript like the Zeytun Gospels, priests added colophons to mark momentous occasions and great calamities (Watenpaugh 2019: 83-105). Thus the manuscript also became the repository of the memory of the community. Armenian manuscripts preserve such notations – sometimes in less learned hands, that preserve local historical events lost long ago in the fog of time. Through these additional colophons, the manuscript tells its own history, its own interactions with communities over the centuries. These colophons yield not only facts – information about the movement of the gospels from place to place – but they also yield information about worldviews, linguistics, and religious and theological concerns. These texts are a source of information for provenance, to be sure. But they also indicate that the manuscript was not an object of aesthetic contemplation, but rather a powerful presence in the life of communities. These dimensions of practice – these interactions between sacred object and community are not possible when a sacred object has been transformed into an art object in a museum and carefully conserved to preserve it for the future. Art lovers, conservationists, art historians may see this as a positive change, however, for members of living faith communities, this constitutes a type of loss: the loss of the connection between the faithful and their sacred relic. This is an issue that resonates for all religious objects connected to living religious communities that are now housed in modern museums.

While the Canon Tables of the Zeytun Gospels now exists as an art object in Los Angeles, its main manuscript in Yerevan also spends most of its time in a museum, the Matenadaran. However, the manuscript in Armenia has been reactivated as a religious object at specific times. As part of the solemn global commemoration of the centennial of the Armenian Genocide, at Echmiadzin, the spiritual center of the Armenian Apostolic Church located in present-day Armenia, there took place a ceremony of canonization of the martyrs of the genocide on 23 April 2015. The fourteen holiest relics of the church were brought out to witness the ceremony. The Zeytun Gospels was the only manuscript alongside such powerful objects as the Holy Lance that pierced the side of Christ on the Cross and the relic of the True Cross. Thus the manuscript was activated again as a relic, incorporated into liturgy at a key historical moment (Watenpaugh 2019: 287). The connection between the faith and the object has been restored in the twenty-first century, at least in some form and some of the time.

Within a few months of that ceremony, in Los Angeles, the Armenian church and the Getty reached a settlement just weeks before they were due in court (Getty Museum 2015). The Getty acknowledged the Armenian Church's historical ownership of the pages and the church donated the pages to the Getty Museum. The provenance of the object was changed as discussed above. This particular struggle over this particular fragment concluded with a settlement that many see as a positive model of negotiation. More broadly however, the challenges raised by the Zeytun Gospels and medieval religious manuscripts in general, remain.

Multiple dimensions of loss are apparent in the case of a survivor object like the Zeytun Gospels whose arrival in art history and the museum have been marked by trauma, genocide, destruction, displacement and migration. There is a loss of context, a loss of history, loss of connection to place, a loss of connection to faith community. One

could argue however, that each of these losses is also connected to a transformation. The Zeytun Gospels lost its liturgical context but acquired another as a work of art in a great museum. Each entry in a provenance list can mean loss, but also transformation, which can be connected to trauma and violence but also to resistance and ultimately, restitution.

The fate of Armenian sacred manuscripts in the last century is not sui generis, but rather resonates with many similar examples. The recent past and the present are tragically marked by such events – in Iraq, Syria, Yemen, Mali, Nagorno-Karabakh – to cite only a few. Cultural heritage is central to such conflicts – as collateral damage of war or as a target for intentional destruction (see Press in this volume). But objects of cultural heritage can also be caught up in such events in many different ways – desecrated or destroyed, looted or saved, hidden or spirited away. For every Zeytun Gospels that survives war and genocide, and remakes itself in a new setting with a new function, thousands of artworks and sacred objects are destroyed or lost. As the destruction, looting, and trafficking of art continues as a global phenomenon, it is sobering to recall that for most assaults on culture, there will be no reckoning and no restitution. Their loss will be permanent. These 'survivor objects' are materials that have endured genocide, war, or exile along with their communities, and often play outsize roles in processes of survival, restitution, and commemoration. The story of the Zeytun Gospels resonates with all these other examples of crimes against culture. It reminds us that the destruction of art is an essential element of genocide. But it also tells us how central art is to survival, and what art can teach us about resilience. Survivor objects evince an intense connection to the past. Their material presence can remind and connect the viewer to absent objects and places. Survivor objects exemplify the ever-changing, dynamic nature of cultural heritage. Even objects that bear the scars of the violence committed upon them – that are looted, fragmentary, mutilated, decayed, even illegible – symbolize resilience, and they face forward.

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Digitizing manuscripts and the politics of extraction

Raha Rafii

Abstract

The expansion of digital humanities in the last decade has led to a widespread increase in manuscript digitization projects by libraries, universities, and other organizations. Digitization, lauded as a valuable process that democratizes access to manuscripts and even preserves endangered ones, will undoubtedly receive more funding and support in the current era of limited travel and reliance on online tools for research. But do digitized manuscripts actually increase access for all potential users, and does such digital access ignore questions regarding the politics behind access to the manuscripts in the first place? Using examples from recent projects on digitization of manuscripts from Southwest Asia, I will discuss the issues of reinforcing orientalist approaches to manuscripts, the limits of information technologies as forms of heritage preservation, and the academic whitewashing of institutions and even nation states through the discourse of 'access.'

Keywords: digitization, manuscripts, philology, heritage, digital humanities, Southwest Asia

Digitization: uses and challenges

At the intersection of manuscript research and digital humanities lies a key question: when is a manuscript not a manuscript? Good scholarly practice acknowledges that a digitized manuscript is not a substitute for the actual object itself. Yet this question has become more urgent as the last decade has seen an explosion of digital humanities funding for universities as well as museums and heritage preservation projects (Gold 2012). Although the parameters of what constitutes digital humanities have been rather vague and wide in scope ever since its inception (Kirschenbaum 2012), the emphasis in academic projects has been on the creation of databases for texts via digital tools, including the digitization of manuscripts. Institutions as well as funding bodies treat the application of digital humanities to manuscript research as a fundamental good, lauding it as the next stage in analyzing and presenting information in new and innovative ways. Indeed, digitization of

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manuscripts can be a means to democratize access to manuscripts and create equity, as not all researchers have the same personal or institutional funds to travel to or otherwise access manuscript collections. Furthermore, digitization can create more equitable access for researchers with disabilities through smoother integration with assistive technologies, although with important caveats.[1] The focus on digitized access to manuscripts also highlights the preservation of endangered ones, particularly those located in conflict zones. In the current pandemic era of limited travel and increased reliance on online tools for research, as well as the constant presence of large-scale violence and conflicts, proposals for digital humanities manuscript projects will undoubtedly receive more attention and funding. However, the positive support for digital humanities projects necessitates a critical eye to their role in academic research as well as the origin communities whose materials are digitized.

Since I am most familiar with digitization projects for premodern Arabic-language manuscripts, I will focus on those types of projects – specifically, university-based digitization projects with either a single North America/Europe-based principal investigator or small research group. These are projects that usually have massive funding from an external research foundation, and thus narrow project mandates. Individual researchers dictate the projects' digitization priorities according to their own research interests – often the only way for applications to be competitive enough to secure such funding – without reference to the needs of the origin communities. Furthermore, the large amounts granted to such projects means that there are many project restrictions in place. Researchers are thus extremely limited in shifting their resources, both in terms of funding and labor, to accommodate changes in priorities regarding their manuscript materials or the communities that preserve them.

The barriers to equitable digitization are further entrenched by the fact that digitization is not a process of copying manuscripts, but rather the manipulation of an object; it is an interpretation of a manuscript rather than a faithful facsimile. The process of digitization often defaults to reinforcing philological, or rather, orientalist approaches to manuscripts; from a philological perspective, the text of a digitized manuscript provides most of the requisite information. As a result, the manuscripts that are selected for preservation tend to fall within the purview of an orientalist framework, that is, the prioritization of manuscript texts that are typically the production of elite male authors. This philological orientation thus frames manuscripts as texts to be read, front to back, rather than contextualizing them as cultural objects.

This approach affects the technologies that researchers choose to utilize and budget for, as well as the photographing or scanning process itself, limiting the types of information that can be gained through digitizing. Information that would be important from a craft production view, such as the re-binding of old codices, could give insight into a community's 'practices of care' in the process of preserving their manuscripts (Lied 2021: 98). However, such information would be ignored when digitizing with the sole goal of rendering the manuscript a readable object. Valuable information regarding the historicity

1 Disability access to digitized manuscripts should always be a key consideration, even as digitization alone 'does not guarantee accessibility, and the technologies with which historians share their work can exclude as often as they include people with disabilities' (Kingsley 2017).

and social significance of the materials would thus be lost without the user ever even knowing they were there in the first place (Kropf 2017: 65). Digitizing manuscripts from microfilmed copies rather than the original documents also results in loss of data because such copies lack color details and can entail poor visual quality (Dixit 2021). 3D imaging would appear to resolve most of these issues, particularly since it has evolved to become less cost and labor intensive than in the past (Undeen 2013). However, adequate and equitable cataloguing and recording of metadata requires specialized labor, and as such digitization projects will always have practical limits on the level of comprehensiveness to which they can aspire regardless of reduced technological costs. Furthermore, 3D imaging of a manuscript can still neglect objects that were not part of the manuscript itself but nonetheless were found in, near, or covering it, such as notation inserts, cloth enclosures, or symbolic or talismanic artifacts. The University of Toronto's Textiles in Manuscripts Workshop has shown how such objects give important information about a manuscript's patronage, ritual use, and connections with other craft and genre forms that would be otherwise lost (Toronto 2021). Furthermore, the separation of these objects from the manuscript in turn removes important information about its provenance.

Some website repositories of digitized manuscripts, such as OPenn, have a broader approach to manuscript texts by digitizing bindings as well as various angles of the text itself, including its top and bottom edges (OPenn n.d.). 3D imaging acknowledges individual manuscript pages as well as codices as forms of technology themselves whose materiality can give important information about usage and community networks. Approaching manuscripts as objects and not merely texts to be read would also save from automatic exclusion damaged or torn manuscript codices. Also included would be manuscript volumes that, for various reasons, cannot be opened for scanning or photographing, due to reasons of tight binding or deterioration of the manuscripts themselves, as in the case of manuscripts from al-Aqsa Mosque Library in Jerusalem (EAP n.d.).

Of course, there is another side to approaching digitized manuscripts as digitized objects. The association of the digitization of manuscripts with cultural preservation inserts it into the discourse on museums and calls for repatriation of their collections that has been particularly active in the last few years. An outcome of this integration is the concept of 'digital repatriation,' which covers a wide range of meanings[2] and has developed mostly within the context of anthropology and the claims of Native American groups to culturally significant objects taken from their communities without permission and held in museums. Instead of returning the original objects, museums give access to a digitized form of the object to the community. Since various communities' relationship to culturally significant and/or sacred objects does not always correspond to the notion of the necessity of the 'authentic' original object, there can be an important role for digital repatriation for adequately addressing the needs and requests of certain communities. The key element here, however, is not to use digital repatriation as a means to skirt the responsibilities of returning collections to their rightful claimants. Relevant to the issue of digitized manuscripts, the discourse on digital repatriation has also brought up the issue of the origin communities' own rights to restrict the use and level of access to digitized

2 Not just document digitization but digital photography, online collections and virtual exhibits, as well as non-physical items such as video and voice recordings.

versions of community-significant objects by non-community members, as the National Museum of the American Indian and the Museum of New Zealand Te Papa Tongarewa do through co-curation with community members (Ancestral Voices n.d.; Basu 2013). With researcher-led digitization projects of manuscripts in Southwest Asia and North Africa, however, the question of access must begin at the research site precisely because it must acknowledge communities in relation to the manuscripts that are being targeted for digitization, whether they are their caretakers, producers, or located within the vicinity of the manuscripts. Framing the process of access to and digitization of manuscripts within these social contexts is crucial to breaking the cycle of reproducing colonialist and neo-imperialist norms. Such norms include the expectation of unimpeded access to digitized manuscripts for outsider researchers while preventing, removing, or neglecting access for the origin communities due to funding or site maintenance issues.

Acknowledging the social contexts of manuscripts is to move beyond the paradigms of orientalist philology – which prioritizes the written text in isolation as the source of a community's history and culture – into what Olly Akkerman terms 'social codicology' (Akkerman 2019). Rather than the researcher determining the selection of and access to manuscripts, it is the community members who determine what this process entails, which can also include communal restriction of access to texts to outsiders. These considerations include acknowledgment of the origin community's concerns that 'once digitized, records may be divorced from the contexts of their creations, reused and circulated in a disrespectful manner, and commercialized' (Carbajal and Craswell 2021: 1111). Furthermore, such considerations include respect for the communal textual practices that include living transmission of texts and treatment of manuscripts in which communal use rather than preservation is prioritized. Of course, the intensity and frequency of consultation with a local community is highly variable and dependent on the particular status of the manuscripts and their mode of storage, use, and preservation. However, these questions nonetheless reinforce the importance of keeping in mind the 'messier parts of manuscript culture' (Akkerman 2019: 192), that is, the social networks and usages in which they are embedded, which ties into the importance of preserving the non-manuscript items that accompany them, such as textiles or other objects, in the process of digitization.

The physical locations in which communities held manuscripts, as well as their social contexts, are thus an important source of knowledge that contains fundamental information about the object and even the interpretation and significance of its written text. However, even if the manuscript is held in its original location, the digitization process often results in the digital isolation of the object from its physical surroundings if the information is not included in the metadata or if there are no active links to other manuscripts, codices, and objects in the same physical space. The philological focus on close reading of single texts has driven digitization to operate through this process of automatic disaggregation of library, archive, communal, or personal collections of manuscripts, particularly when digitized in online websites and academic library catalogues. However, some digitization projects do operate with the distinct purpose of bringing disparate manuscript fragments together because of their dispersal at the site of the source of manuscripts itself. For example, the Scribes of the Cairo Geniza (SCG) project digitized manuscript fragments that had been discarded in a synagogue storeroom by the origin community and then later dispersed in

various collections in the United States and the United Kingdom. It utilizes crowdsourcing to help identify the types of texts as well as to find 'joins' – complementary fragments from the same manuscript. Since the storeroom had been emptied by orientalists and fragments spread across collections in different countries, the vast majority of joins would not have been possible without the aid of digitization (SCG n.d.). However, the project's focus remains on categorizing individual manuscripts in order to read them in order to reconstruct social, religious, and trade networks rather than on recording them as objects.

The politics of extraction

Like many digital tools integrated into academic research, such as geospatial mapping, the digitization of documents has a military counterpart, particularly the digitization of documents found in war and conflict zones in Southwest Asia and North Africa by external military entities. The identification and acquisition of documents, as well as access to both the originals and their digitized forms, reproduce neo-imperialist as well as colonialist forms of knowledge production and hierarchies of power. The U.S. military confiscated massive troves of various types of documents it found during operations in post-2003 invasion Iraq, making some digitally available through government and university website portals.[3] During this process it selectively combined digital collections to create a misleading narrative regarding its invasion and operations in Iraq while preventing Iraqis and Iraqi institutions access to the original documents, as in the case of the Harmony Program public database (Saleh 2018). In addition to restrictive access to the websites themselves, such processes also involved either deliberately removing websites, as happened with the Operation Iraqi Freedom document portal, or passively cutting off access through inadequate funding, which occurred when the National Defense University's Saddam Hussein Regime Collection website shut down due to the closing of the Conflict Records Research Center (Saleh 2018). The control over historical and cultural narratives is often determined by access to sources, and uneven access, particularly when predicated on minimal access or effective denial of access for origin communities on an international scale, reinforces this neo-imperialist dynamic. When we ask 'who is this digitization for?' without acknowledging the power dynamics of excluding the origin communities themselves, we are participating in the politics of extraction.

The connection between digitizing manuscripts for academic purposes and U.S. and allied forces' military action in Southwest Asia and North Africa is not an incidental one. War and prolonged military strikes have initiated cultural heritage discourse specific to war and conflict zones; digitization of manuscripts have also been part of this discourse, particularly as a connection to aiding the origin communities in preserving what is valued to them while overlapping with academically funded North America and Europe-based researcher objectives. Examples of such confluence are the Yemen Manuscript Digitization Initiative (YMDI) and the Zaydi Manuscript Tradition (ZMT), based in the University of Oregon and Princeton's Institute for Advanced Study, respectively. Whereas the YMDI was a project that selected manuscripts in Yemeni private libraries and digitized them (YMDI n.d.), the ZMT is intended as a comprehensive cataloguing portal for Yemeni

3 These include documents belonging to religious communities such as the Iraqi Jewish community (PIJA n.d.).

Zaydi manuscripts in physical collections as well as digitized form; it thus also links to the YMDI's digital holdings, among many others (ZMTH n.d.; ZMTP 2017).

These projects aim to act as a corrective to the understudied field of Zaydi Islamic studies while preserving the manuscripts and knowledge tradition of a religious community living in a country suffering from constant bombardment, various pandemics, and mass starvation. Both projects also purport to benefit Yemeni scholars as well as the foreign and international academic researcher community. The YMDI project is distinct from most digitization manuscript initiatives in that it integrated 'local cultural preservation initiatives' that built on a continuous presence of regional and international manuscript documentation and reproduction projects since the 1950s (Um 2021: 3). As Nancy Um has shown, however, the politicized dynamics of identity during the war in Yemen in recent years changed the implications of digitizing Zaydi manuscripts, even as Yemeni Zaydi manuscripts had long functioned within a politicized context of collection, affiliation, and access in relation to the state. The connection of Zaydi identity with the Houthis is also a factor in the specific targeting of Zaydi culturally and religiously-significant sites for destruction by Saudi coalition forces, subjecting Zaydi manuscripts to further damage as well as looting (Um 2021: 4, 8-9). As a result, the threats by ongoing Saudi-led coalition violence precipitated removing the names of Yemeni partner institutions from public YDMI records as well as restricting access to the digital circulation of books and manuscripts marked with the names of their owners and copyists out of fear of further targeting, showing how digitized manuscripts and texts 'can be precarious' and are not always free to aspire to being faithful copies (Um 2021: 11).

Despite the YDMI's general mandate of preserving manuscripts as shaped by the local Zaydi community, there remains an issue of framing the labor of Yemeni librarians, custodians, and partners in regard to North American and European norms of data storage and cataloguing. As part of YDMI, Princeton University librarians ran a training program in Berlin for the technicians of the Imam Zayd ibn Ali Cultural Foundation (IZBACF). Using Yemeni manuscripts being held at the Staatsbibliothek, they trained IZBACF technicians on techniques for photography and lighting, image editing software, cataloguing standards, and Romanization tables for Arabic (Hollenberg 2014). Posted as an open access entry on the website of the journal *Chroniques du manuscrit au Yémen* (*CMY*) rather than on the host university website, the framing of Yemeni library and archive staff as solely in need of training rather than as experts with their own skillsets is a highly problematic one. This framing – where the intellectual expertise of archivists, librarians, and other skilled staff are underacknowledged – has long plagued researcher-led projects in general (Um 2021: 25). Yet the additional dynamic of foreign researchers operating within a community's cultural space reinforces the orientalist notion of expertise flowing unidirectionally, whether intended as such or not. Indeed, the recent increase in large-scale North American and European manuscript digitization projects belies the fact that academic and library institutions in Southwest Asia had undertaken digitization projects themselves early on, if not earlier than most North American and European institutions (Brey 2012). However, these institutions often maintained poor search functions and were not always open access (Digital Orientalist Editors 2015). There seemed to be no real international academic collaboration, particularly stemming from North America/Europe, to strengthen these internal digitization efforts. Some of the reasons for this are no doubt

due to difficulties with compliance with the U.S. Treasury Office of Foreign Assets Control (OFAC), which manages policies regarding economic and trade sanctions based on U.S. foreign policies and 'national security' concerns towards large segments of Southwest Asia (OFAC n.d.).

Such a top-down approach is also reinforced through the type of language used in applications for North America- or Europe-based project funding as well as budget assessments and project reports. Local community librarians, custodians, and caretakers clearly have expertise in producing, preserving, identifying, repairing, and cataloguing manuscripts to make them accessible to researchers for digitization in the first place. They are also part of the scholarly networks that connect the manuscripts to their social contexts and use within, as well as across, libraries. For example, the Facebook page for the YDMI briefly refers to the role of Zaydi women in scholarship and their own interaction with the manuscripts, the kind of scholarship that would be otherwise rendered invisible through the digitization of manuscripts that are solely male-authored (SYM 2016). Yet while the YDMI Facebook page notes such networks, no relevant notes appear in either the *CMY* journal or the YDMI University of Oregon website. Even with the issues concerning anonymity and safety, as well as those concerning community permissions for access, it is notable that such information would not make it into standard academic catalogues, which do not usually account for this type of metadata. Furthermore, since the only mention of scholarly networks exist on a Facebook account, such information lacks a stable repository[4] in which to accompany the YDMI as an appendix to aid researchers who wish to trace, recreate, and digitally link such networks, especially if such cataloguing was not part of the original project funding mandate.

The ZMT digital portal aims to address the issue of the wide dispersal of Zaydi manuscripts outside of Yemen, particularly in European and Southwest Asian libraries and collections, through proper cataloguing. It also aims to make the digitized versions searchable either through the Hill Museum and Manuscript Library online reading room (ZMTH n.d.) or connecting with already existing online catalogues that hold digitized Zaydi manuscripts, such as that of the Institute of Advanced Studies (ZMTP 2017). Since the ZMT project incorporates the YDMI's digitized holdings, which are accessible through Princeton University Digital Library,[5] some questions of access for not just 'scholars of Yemen' but scholars in Yemen will apply to both initiatives, as well as how the determination of researcher needs still remain mainly North America- and Europe-centric.

There are many considerations for providing access to digitized manuscripts to origin communities that go beyond making such digital resources open access, meaning they are available to all users at no cost. Institutions that digitize their own collections may be interested in preserving their manuscripts rather than increasing access; thus, some only make their digitized manuscripts available in situ (Dixit 2021). The equity of these choices depends highly on the institution's relationship to its collections and the origin communities, although private companies have been known to digitize smaller archives,

4 Social media accounts do not constitute stable repositories unless they are actively integrated into systems of long-term preservation, inclusion of metadata, and continual access to users beyond the social media account holder (Carbajal and Craswell 2021: 1105).

5 http://pudl.princeton.edu/collections/pudl0079, eventually migrating to https://dpul.princeton.edu/.

sometimes with a transfer of holdings, and put the digitized manuscripts behind a paywall. Furthermore, usage of the term 'open access' can also be misleading, as institutions can make images freely available only at low resolutions, due to the institutions' own collections or ownership of items being contested, while rendering high resolution images paid access only (Odumosu 2021). The same issues apply to requests for 3D imaging, where institutions can both refuse to supply 3D images and block 'guerrilla' 3D imaging by the requester, as occurred in the recent exchange between the British Museum and the Institute for Digital Archaeology regarding the Parthenon marbles (Smith 2022). Access for 3D imaging can also be preemptively denied through mere prohibition of photography, as in the case of the Neues Museum hall that displays Nefertiti's bust (Finnigan 2016).

Regardless, open access remains a key component in acknowledging the disparity of institutional resources and funding, not only across countries but within regions themselves. However, it is not sufficient on its own. Language and transliteration norms often assume either a facility with English or Latin script-based transliteration, and it remains the case that Arabic and Arabic-script based language searches are not always sufficient to access digitized collections hosted in European or North American institutions. Whereas recent norms include Arabic and Arabic-script language descriptions[6] in digitized manuscripts' metadata, as well as through OCLC and WorldCat online catalogue services, the digitization of manuscripts based on limited, original catalogue norms created digital entries that do not accord with best cataloguing practices. Such legacy data, which often reproduces orientalist frameworks, requires additional labor and additional cataloguing which often do not attract the same level of attention and funding as the process of digitizing manuscripts themselves do. Such legacy data plague Princeton's Digital Library online catalogue of the YMDI, which includes digitized versions of manuscripts sold to Princeton University by collectors in the twentieth century, including manuscript dealers such as A.S. Yahuda. A particular eighteenth-century manuscript acquired in 1942 has only a generic English title, 'Five Arabic treatises on Islamic law and doctrine,'[7] and all the subsequent Arabic titles of its folios are transliterated using English, essentially rendering it invisible to Arabic-language online searches and therefore restricting access to scholars who do not work in European languages and non-Latin scripts. The issue of equity and access thus involves not only current digitization practices, but also requires the identifying and revisiting digitized items with older norms regarding metadata. Such re-cataloguing is fundamental in order to make the availability of digital resources fully accessible to the origin community whose scholarship is not always in relation to North American and European academic training. The issue of access also relates to the question of ownership since these digitized manuscripts are hosted on servers of institutions in

6 However, even the use of Arabic-script languages in the cataloguing process does not always resolve the issue of equitable access. Arabic-script languages themselves are not always read as the same language script due to differing forms of medial and final characters among Arabic, Persian, Urdu, *etc.* being assigned different Unicode characters. Such searches are then subjected to the problems inherent to a Latin-based Unicode script as well as cataloguers' own prioritization of assigning certain language script norms (for example, Arabic) for certain texts to the exclusion of others.

7 http://pudl.princeton.edu/objects/4x51hj43c, permanent link: https://catalog.princeton.edu/catalog/9965468333506421#view; accessed 17 May 2022. This sort of titling also shows how cataloguing assumes a normative single-text format that has difficulty accommodating commentaries or legal compilations such as this one with clarity.

North America and Europe and therefore linked with those institutions. When one of the objectives of both the YDMI and ZMT is 'preserving' manuscripts that were destroyed or threatened with destruction, then the transference of 'ownership' of an item through digitization and hosting, as well as its concomitant copyrights, entails a more complex dynamic for the origin community when the physical object ceases to exist.

Another fundamental consideration is the means by which the origin community would have access to these digitized objects within Yemen itself. The international politics that fuel the war in Yemen are also the ones that keep citizens in countries in Southwest Asia from having the travel mobility that researchers from North America and Europe enjoy. Considerations such as making multiple pages of an image downloadable at once or making digital access features equally usable on mobile phones as they are on computers would account for differences in technological accessibility and data infrastructure between North America/Europe and many parts of Southwest Asia, made all the more drastic due to war in Yemen.

The notion of digitization as increasing access is also one that has been used to whitewash institutions' manuscript-collecting and access-granting practices, as well as the colonialist practices of the nation state on a wider level. The National Library of Israel (NLI) has been involved in several digitization projects involving both Islamic and Jewish manuscripts to be made open access (Machemer 2020; Nieberg 2019). Such initiatives seemingly commit the NLI to the open exchange of information and knowledge. However, the NLI's selective mode of digitization intersects with control over historical narrative when it comes to its own history. For example, intelligence on Palestinian villages in British Mandate Palestine is purposely not digitized (Kraft 2018). Furthermore, Palestinian researchers are discriminated against when attempting to access the physical documents, many of which are technically public (Kraft 2018). Even physical access to the NLI building becomes a massive undertaking for researchers living in the Palestinian Territories, if they are even able to secure the military permissions to travel to Jerusalem in the first place (Kraft 2018). Additionally, documents relating to the early years of the establishment of Israel that are deemed 'sensitive' are made inaccessible to all scholars, both digitally and physically (Kraft 2018). The NLI's massive digitization projects, precisely because they benefit the academic researcher in North American and European institutions, thus serve to academically whitewash the institution's own role in discriminatory access to resources and even looting. Selective digitization also goes beyond the NLI's own policies; lack of resources as a matter of state policy towards communities in the Palestinian territories has also led to digitization initiatives in Palestinian institutions to heavily rely on overseas funding, including the U.K's Official Development Assistance (ODA) and the United States Agency for International Aid (USAID).

Furthermore, the NLI's acquisition of manuscripts likely trafficked out of Afghanistan and dubbed the 'Afghan Geniza' (Press 2016) exploits its reputation as custodian of 'Jewish' documents, despite the wide range of non-Jewish content of the manuscripts. Its link with digitized Geniza projects serves to reinforce its reputation only further in preserving such documents in the pursuit of knowledge rather than fueling manuscript trafficking. In fact, the NLI has a history of knowingly acquiring looted materials; it accepted into its collections several thousand books from Palestinian homes that were abandoned when families fled in 1948, removing their owners' names and labeling them as 'absentee

property' (Amit 2008:8; Kraft 2018; Jacir 2010-12). Beyond the politics of extraction, it is thus key to see how digitization projects and the maximalist idea of the constant availability of knowledge resources to Western scholars can also serve as academic whitewashing, particularly when institutions are mainly known and interacted with through their digitized resources.

In addition to the necessity of researchers acknowledging their positionality in regard to their digitization projects as well as their choice of materials for digitization (Akkerman 2019: 198-199; Um 2021: 25), the importance of such transparency is also evident for website interfaces for repositories of digitized manuscript projects. A large-scale manuscript digitization project with minimal website information about the project ties into impressions of grand, authoritative objectivity rather than a relational set of priorities, limits, privileged access, and socio-political circumstances. This often ties into minimal transparency regarding the duration of the project itself, including its funding, the level of involvement of various institutional partners, and permissions from the origin community. Although such omissions can be intentional and even necessary, the maximum level of transparency possible regarding the digitization project should remain the default, and adjusted as necessary in accordance with origin community needs.

Technology in the Anthropocene Era

The discourse around digitization as a form of preservation assumes digital space as a permanent, stable one. The ubiquity of the Internet has made it easy to forget that the domain name system is run solely through the U.S.-based, non-profit organization ICANN (Ball 2014), or that the Internet is maintained through physical infrastructures. Such infrastructure requires continuous energy sources and is vulnerable to the same external environment factors that threaten other forms of infrastructure, including the electricity grids that provide power for the Internet to operate and the underwater fiber optic cables that transmit data across massive distances (Gibbs 2014). Understanding manuscript folios and codices as forms of technology is crucial to understanding the potentials as well as limits of digitization, and not merely as producing visual interpretations of a physical object. The production of manuscripts has a very different relationship to the environment than maintaining a digitized record, which requires continuous energy usage and updating of technology and software to keep pace with changing user needs, as well as a continuous funding source. Changes in hardware, software, and even physical infrastructures risk major data loss, as occurred when MySpace migrated servers (Dickson 2019), as well as loss of user-friendly interfaces. Such risk is compounded by the disparity between institutions and groups that can successfully navigate such changes – usually through sufficient and consistent funding and access to labor specializing in informational technology – and those that cannot. Even the assumption of the Internet as a shared, unified network accessible to anyone regardless of their physical location is a tenuous one (Ball 2022). Maintaining digitized manuscripts in a virtual space as the final objective of digitization projects will thus have a different long-term process than digitization projects that aim to reproduce deteriorating manuscripts through 'archival quality digital copies.' The British Library undertook the latter initiative with newspapers and magazines from al-Aqsa Mosque Library in East Jerusalem, in which physical copies were produced from the digitized versions and then stored in the same institution as

the originals as well as in other institutions for access (EAP n.d.). The assumption of a higher degree of permanence, and thus a higher degree of access, for digitized objects than physical objects also creates competition for resources regarding preservation and proper cataloguing of the physical manuscripts themselves (Riedel 2012). In conflict/war and occupied areas, digitization appears as a realistic solution to preserving manuscripts that are threatened by local and international forces and are thus in political contexts beyond the capacity of academic research digitization projects. Yet the structures in place for sufficient funding for digitization projects often leaves the assessment of risk to North America/Europe-based researchers with minimal community ties, already adding to the difficulty of assessing when risk to manuscripts constitutes 'too much risk' (Rico 2021). Regardless, an international system that allows for the targeting of heritage objects for safekeeping without channels for providing safety for a targeted population is ultimately one of extraction, particularly when such objects are mainly valued for their 'international' appeal.

It has long been clear that, in addition to war, violence, pandemics, and severe forms of economic deprivation, the biggest threat to the preservation of manuscripts, manuscript traditions, and the safety of communities is climate change. Although countries that are generally grouped as the 'Global South' will be the most vulnerable to climate change thanks to the very international political and economic systems that make them ripe for extractive projects from the Global North in the first place, no country can remain untouched from the most massive global weather shifts, ecological disruptions, and mass extinctions to occur in human history. Our notions of culture and preservation cannot exist outside of stable systems and sufficient resources for origin communities, nor can calls for digitization continue with the assumption that our access to electricity as well as levels of energy usage will remain the same or be prioritized in the same way in the decades to come. We thus need to expand our notions of technology beyond machinery and even digital space in order to redefine preservation for future generations.

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VARIANT SCHOLARSHIP

Since the eighteenth century, many if not most ancient and medieval manuscripts or other text-bearing or associated objects have been procured through imperial expropriation or through the antiquities market with little or no evidence of findspot or place of original deposition and with no assurance of legal provenance or authenticity. The consequences of these questionable acquisition practices for scholarship and for our understanding of the past are the focus of much enquiry.

Recent high-profile acquisitions (and subsequent returns) of text-bearing objects by prominent private collectors and museums and the appearance on the market of demonstrably modern forgeries have resulted in increased scrutiny of the intellectual and commercial impacts of academic engagement. Scholarly research can abet the antiquities market directly or indirectly through identification, authentication and legitimation of illegally traded text-bearing objects.

These harmful complications of well-established academic practice raise important questions about how and even if the academy should engage with ancient texts and text-bearing objects of uncertain provenance. Through a wide-ranging set of case studies, variant scholarship focuses on the methodological, theoretical, and ethical dilemmas facing scholars when working with ancient texts in modern contexts.

This book is intended for those interested in the historical practices of research into ancient manuscripts, ethical quandaries in studying unprovenanced textual materials, and the unintended consequences of scholarly interactions with problematic text-bearing objects.

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