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Aramaic Incantation Bowls in War and in Peace

Neil Brodie

Abstract

Since 1991, hundreds of previously unknown Aramaic incantation bowls have appeared on the antiquities market and in private collections. In the absence of any reliably documented provenance, it is widely believed that these bowls must have derived from illegal digging in Iraq after the 1991 Gulf War. Many of them are now being studied by university-based scholars. This chapter examines the legal and ethical challenges posed by their study.

Keywords: Iraq, war, antiquities trade, incantation bowls, scholars, ethics

The archaeological sites and museums of Iraq have been subject to intermittent and sometimes serious looting since the end of the 1991 Gulf War. Stolen and illegally exported artifacts have been traded and collected on the international market without any indication of provenance (ownership history) that might help to reveal their illicit pedigrees. The act of looting destroys material evidence of the past and the trade is in the hands of criminals. Nevertheless, many of these artifacts that are now in private hands are being published and studied by university-based scholars. This paper offers a brief overview of the legal and ethical issues that the collection and study of unprovenanced but likely looted and criminally-traded objects entails by reference to the example of Aramaic-inscribed incantation bowls.

Legal contexts

Aramaic incantation bowls date to between the fifth and eighth centuries AD. Typically, they are hemi-spherical sometimes flat-bottomed ceramic bowls with Aramaic inscriptions written in ink on their inner surfaces, frequently spiraling outward from the centre. Each inscription records a magical incantation protecting against malevolent spirits. As a corpus, the inscriptions comprise a body of writings illuminating the popular religious or magical beliefs of the Jewish inhabitants of Sassanid Mesopotamia. Until 1990, fewer than 1,000 Aramaic bowls had been discovered. Only a few derived from a documented archaeological context, all of which were in Iraq (Brodie 2008: 46, 50-51 table 2). During the 1990s and into the 2000s, hundreds of previously unknown bowls began to appear on the antiquities market and in private collections. Foremost among the private collections assembled during this period were those of Martin Schøyen (Shaked et al 2013) and Shlomo Moussaieff (Levene 2003). At least two thousand Aramaic incantation bowls are now known to exist. It is widely believed that the many hundreds of previously unknown incantation bowls acquired since 1991 must have derived from illegal digging in Iraq after the 1991 Gulf War.

In September 2004, a Norwegian Broadcasting Corporation (NRK) television documentary questioned the provenance of bowls in Schøyen's collection, alleging from the testimony of an unnamed Iraqi archaeologist that the bowls had been recovered in 1992 by clandestine digging in the area of Najaf and transported by road to Amman and passing through London before being acquired by Schøyen (NRK 2005; Lundén 2005). If this account is correct, the trade of the bowls would have been illegal under Iraqi law and in direct contravention of the 1990 United Nations Security Council Resolution (UNSCR) 661, which imposed a trade embargo on all goods in and out of Iraq. The embargo applied to antiquities as much as to any other class of material, though throughout the 1990s and early 2000s artifacts (including incantation bowls) were flowing out of Iraq onto the international market

(Brodie 2006). Schøyen denied the NRK account of illegal trade, however, expressing his belief that his 654 bowls had been out of Iraq since at least the 1960s when they had been in Jordan. (Lundén 2005: 6).

In 1996, several years before the NRK programme screened, Schøyen's bowls had been deposited at the Department of Hebrew and Jewish Studies at University College London (UCL) for the purposes of study and research by Shaul Shaked of the Hebrew University. Research on the bowls proceeded without public incident or interference until the 2005 NRK allegations of looting and illegal trade from Iraq. UCL announced on 10 October 2004 that it had alerted the Metropolitan Police to the incantation bowls in its possession, as required under Article 8(2) of the UK's Statutory Instrument 2003 No. 1519, The Iraq (United Nations Sanctions) Order (SI 1519), but that the police had advised UCL that there was "no reason to take the matter further" and that there was "no objection to the return of the material to Mr. Schøyen". UCL also announced the appointment of an independent committee of enquiry to review the provenance and rightful ownership of the bowls, together with the university's future policies as regards the acquisition and study of unprovenanced cultural objects more generally. UCL's stated intention was that "subject to obligations of confidence", the conclusions of the review would be published (UCL 2004).

UCL's 2004 statement went on to say that "UCL's possession has now entered the post-2002 era when new principles and policies have emerged and attitudes have changed". The significance awarded to the 2002 date was probably because it marked the accession that year of the UK Government to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The 2002 adoption of the 1970 UNESCO Convention had no retrospective force in British law, and so its requirements as regards the return of stolen cultural objects would not have applied to the incantation bowls, because they had been in storage at UCL since 1996. But by 2004 in Britain both the Museums Association and the British Museum had formulated acquisitions and loans policies based on principles enshrined in the UNESCO Convention that prohibited the acquisition of any object that could not be shown to have been exported from its country of origin before 1970, or exported legally after that date. Thus if UCL wanted to adhere to what had by 2004 become best practice in British museums and other collecting institutions (which would include UCL), it would have to consider the implications of holding material that did not meet the 1970 requirement – and that might mean returning the incantation bowls to Iraq. UCL had manoeuvred itself into the uncomfortable position of arbitrator as regards ownership of the bowls.

In May 2005, UCL announced that its planned independent committee of inquiry had been established in March of that year (with the cooperation and consent of Schøyen) to investigate the provenance of the incantation bowls and the ethical, legal and professional implications arising from UCL's possession of them and to make recommendations regarding ethical policies for future acquisition and study of cultural objects by UCL and UCL staff (UCL 2005). In July 2006, the UCL committee submitted the first part of its report (into the provenance of the bowls and implications for UCL), and a copy was made available to Schøyen, though at that time the findings were not made public. While the committee had found nothing to suggest that Schøyen had any knowledge of the bowls' origins, or had acted dishonestly in acquiring the bowls, it concluded that "on the balance of probabilities" the bowls had been removed illegally from Iraq sometime after August 1990 (Balter 2007: 554). In March 2007, Schøyen initiated legal proceedings against UCL for return of the bowls (Schøyen 2007a). In June 2007, a joint UCL/ Schøyen Collection press release stated that after "investigation by an eminent panel of experts, and further enquiries of its own, UCL is pleased to announce that no adverse claims to the Schøyen Collection's right and title have been made or intimated" (Schøyen 2007b). The press release went on to state: "UCL has now returned the Bowls to the Schøyen Collection and has agreed to pay a sum in respect of its possession of them" (Schøyen 2007b). The agreement for payment and the return of the bowls appears to have been brokered as part of an out-of-court settlement with Schøyen, in return for which he ended the legal proceedings initiated in March 2007. The agreement also provided for non-publication of the committee of enquiry's report (Balter 2007), which contains evidence and expert opinions concerning the provenance of the bowls, and which would comprise an important resource for research into the trade of the bowls and of antiquities more generally out of Iraq.

For example, in a press release dated 14 October 2007 (Schøyen 2007c), Schøyen stated that "The bowls were exported from Jordan and not from Iraq and already in 1988", and furthermore that the bowls "were also part of an old established collection that was not put together in recent years, as has been implied, but was built up over many years by two generations of collectors in Jordan well before 1965 (in the 1930s) and was granted a valid export license by the Jordanian authorities in 1988. The Schøyen Collection rejects any imputation of wrongdoing as wrong-headed and unwarranted". Among other things, the suppressed report contains a forensic account of the export license which questions its validity (Brodie and Kersel in press). The implication would be that Schøyen had been duped.

Archaeological Contexts

The report on the University of Pennsylvania's 1888-1890 expedition to Nippur remains the best documented archaeological context for the bowls (Peters 1897: 182-194). Incantation bowls were found in the structural remains of houses that were uncovered immediately below the surface. A house might contain one or more incantation bowls, alongside domestic artifacts such as grinding stones and pottery. The bowls were found placed upside down under thresholds or under the floor in room corners. The fact that bowls are found in the upper strata of sites such as Nippur encourages the belief that they are "surface finds". Mark Geller, for example, who was at UCL's Department of Hebrew and Jewish Studies when the bowls were first accepted on loan, wrote in 2005 that "Many of the sites in Iraq have Jewish Aramaic incantation bowls as surface finds" and that "Within the past decade, hundreds of Aramaic incantation bowls have appeared on the antiquities market, collected from archaeological sites; there is no evidence that these objects have been stolen from a museum" (Geller 2005). Schøyen too claimed that his bowls were "mostly surface chance finds and not the result of active excavation" (Schøyen 2007c).

The idea that the bowls are surface finds probably reflects the fact that many of them have been found on or close to the surface in the final occupation layers of archaeological sites. That is not to say that they are altogether without context, however, even when the archaeological context is close to the surface, as was shown back in the nineteenth century at Nippur. But while the label "surface find" can be applied innocuously enough to describe the stratigraphic positioning of an object, it often carries implicit connotations of "out of context", which can be wrong. The texts carried by the bowls allow for historical and theological discussion of Jewish religious or magical beliefs and their relations with the Babylonian Talmud and other contemporaneous belief systems. But the absence of archaeological context frustrates any scholarly aspirations to learn more. A comprehensive account of the material relations of the texts remains out of reach, along with any broader historical and sociological reconstructions. Questions such as those posed by Shaked (2011: 201-202) relating to the social status of the bowls' owners cannot be answered from the texts alone, nor can those asked about when or why the production and deposition of bowls ended (Shaked et al 2013: 1 note 2). The very fact that the bowls are ubiquitous "surface finds" on long-occupied sites such as Nippur suggests that their end was associated with a broader process of settlement abandonment, but that cannot be judged from the content of the texts alone. Thus the bowls are important historical documents, but their absent contexts constrain the types of question that can be asked of them and limits the reach of historical scholarship.

But perhaps not all bowls are in fact "surface finds".

There always remains the possibility of a unique and important though previously unknown context for the bowls, and one that remains hidden from scholarship because of the clandestine nature of the bowls' recovery. It is potentially fallacious to believe that simply because all bowls so far known with a documented context were found close to or on the surface in domestic architecture, then all bowls must be found in similar circumstances. In a recent article reviewing the publication of some bowls from the Moussaieff collection, Aramaic specialist Christa Müller-Kessler argues with regard to the Moussaieff and Schøyen bowls that the incidence of textual parallels "... proves in detail that a major find of incantation bowls from an ancient site in Iraq or Iran was split up between these two dominant collectors" (Müller-Kessler 2005: 221). Both collections also contain bowls written for the same client (Shaked 2011: 191-2, note 13), which similarly suggests they were found in close proximity. Müller-Kessler further argues because of the accomplishment of their scripts that the bowls may have been found at Sura or Pumbeditha – both home to Talmudic academies. Seeming confirmation of Müller-Kessler's hypothesis comes in an interview conducted with Moussaieff, where his incantation bowls are described as being from "Pumbeditha in Babylonia" (Ben Zvi 2010). Pumbeditha is present-day Falluja, and a couple of hundred kilometres north of the Najaf findspot alleged by NRK. The location of Sura is not known, but is thought to be much closer to Najaf.

If the Schøyen and Moussaieff bowls were in fact found together, as Müller-Kessler suggests, at Sura or Pumbeditha, it implies three things. First, the location of a major Talmudic academy site is now known to someone and should be open to archaeological investigation. Even though the looting of the bowls will have damaged its remains, it should still provide important evidence of associations to improve the interpretation of their texts. Second, the Schøyen and Moussaieff bowls do not together necessarily represent the totality of the find assemblage. There is no reason why other bowls from the same find should not have been sold off and disappeared from view. Thus the textual corpus assembled from the presently known bowls cannot be studied as a relational whole. Finally, if the bowls are mistakenly assumed to have been found as single items in domestic contexts ("surface finds"), when in reality they were found together at a major center of religious scholarship, it constructs a false and potentially misleading context of interpretation for the texts, and historical conclusions drawn from their study might be wrong.

Ethical Contexts

Scholars who routinely engage with unprovenanced and likely looted archaeological objects such as the incantation bowls defend their position with arguments about intellectual

responsibilities and freedoms. Shaked, for example, who is studying Schøyen's bowls, has said that "It is my responsibility as a scholar to work on an ancient artifact that has information to tell us" (Balzer 2007: 555). This type of argument invokes academic freedom, the idea that scholars must be left free from outside interference to pursue objective knowledge, the implication being that objective knowledge is a public good. But apart from philosophical uncertainties about the nature of objective knowledge, it is an argument that is open to challenge on pragmatic grounds. Academic freedom is a classic example of the Isaiah Berlin's "negative freedom" (Berlin 1969), where ideally a scholar's intellectual curiosity is protected from outside interference. Different negative freedoms can come into conflict with one another, however, so that one person's freedom can infringe upon the freedom of another person. Thus the exercise of even negative freedom can become an exercise of power. Such is the case here. Schøyen's suppression of the UCL report facilitated the study his bowls by his chosen scholars, while at the same time obstructing scholarship critical of the circumstances and conditions of their trade. If Schøyen had not been wealthy enough to challenge a major public institution in court and to stop UCL returning the bowls to the ownership of Iraq the outcome for scholarship and for "academic freedom" would have been somewhat different.

The access of scholars to unprovenanced incantation bowls in private collections appears to be conditional upon their disinterested acceptance of whatever account of provenance, or lack of provenance, the collector sees fit to offer. Cuneiform scholar Andrew George, for example, has expressed his opinion that the:

... importance of primary sources for the reconstruction of man's past makes it imperative that all cuneiform texts be published without prejudice, no matter what their origin, history, and present location, and whether or not their owner makes public what he knows of their recent history ... (George 2009: xvi)

Inasmuch as the refusal by collectors to countenance the publication of provenance constrains the freedom of academics who have chosen to study the recent history of the material in question, the necessary acquiescence of scholars as part of their own 'free' study impacts negatively upon the differently focused agenda of their colleagues. There is also a question of research ethics. If the bowls have been criminally traded, the harmful consequences of their trade should be taken account of by any scholar desirous of studying them (Brodie 2008, 2011). Scholarly experts should hold themselves answerable to more exacting ethical standards than should be expected of an innocent purchaser. A more ethical and intellectually profitable strategy for scholars studying the bowls would be

to insist upon full disclosure of provenance as part of a broad scholarly agenda. It may, after all, transpire that the origins of the bowls in question are indeed innocuous. But if Moussaieff really does know that his bowls were found at Pumbeditha that is an important fact for all scholars. Freedom implies choice, as does ethical research, and until scholars are fully informed about the sources of unprovenanced artifacts, and able to make knowledgeable choices about their engagement, they will not be free to conduct ethical research.

Another criticism of academic freedom that might be made in this context concerns the choice of subject or material to be studied. Angela Brew has written that “Research sometimes avoids attempting to solve society’s closest and most pressing problems, instead choosing to escape from the world to pursue knowledge of that which is distant and socially unproblematic” (Brew 2001: 78). It is hard not to view the study of ancient artifacts in this light, particularly in cases like the Iraqi incantation bowls when the distancing from social problems is secured by a stubborn refusal to consider the provenance of the research material. Brew goes on to argue that research choice can be governed as much by personal, historical, social and political factors and by disciplinary and individual inertia as it can by dispassionate intellectual curiosity. Outside attempts to break this inertia can be met with hostility and prejudice (Brew 2001: 78-94). She questions this state of affairs, because it “can lead to a neglect of moral responsibility because it allows researchers to detach themselves from the moral consequences of their actions” (Brew 2001: 103). Again, these generalized observations seem pertinent to the issues at hand here. Are scholars studying incantation bowls justified in ignoring the possible consequences of their work, especially when it is thought that those consequences could be socially harmful?

Then there is the issue of the collector, or at least of the collector’s relationship with the scholar, and of the collector’s possible influence upon scholarship. The personality of the collector does not usually figure in published studies of privately-held collections, perhaps out of respect for the privacy of the collector, or, more likely, because the personality of the collector is thought not to intrude upon scholarly practice and therefore be irrelevant to the job at hand. But again, in her review article, Müller-Kessler has critical things to say about the relationship. She suggests that some of the textual interpretations offered are “speculative”, and enlarges that “One gets the feeling that many of these comments are based on rushed ideas and are included to satisfy the desire of the private collector to believe that he holds unique Jewish textual sources in his collection. This might be nice for the latter, but it does not help achieve scholarly progress in general ...” (Müller-Kessler 2005: 224). The scholar is, after all, beholden to the collector for access to material and thus indirectly for professional advancement, and there

does not seem to be any reason why the collector should not regard the relationship as one of patronage or of reciprocity. Consciously or unconsciously, the scholar might lean towards accommodating the collector’s desires, beliefs or prejudices, again at the cost, as Müller-Kessler says, of reliable historical knowledge.

There seems to be a sense of urgency about the study of the incantation bowls. There is no reason why, in the long term, scholarship should have suffered if the Schøyen bowls had been returned to the ownership of Iraq. Other texts smuggled out of Iraq are being studied in the USA by agreement with Iraq as part of an arrangement for their repatriation (Parker 2010). Perhaps the bowls would not have been studied and published in the immediate future, but they would have kept. Is the discipline of Aramaic studies of such public importance that time cannot be taken out to establish rightful ownership, and perhaps to deter future episodes of illegal trade, thereby promoting more reliable historical scholarship? Perhaps the impatience of claims for scholarly access is rooted in the personal agenda of the scholars themselves. Studying artifacts in their countries of origin would usually require applications for permits and funding for travel and support. These “obstacles” to research are removed once artifacts are out of their country of origin, and in private hands. Permits are not required, and the collector may even provide financial or logistical support. In terms of personal achievement and career advancement, studying unprovenanced material such as the Schøyen bowls can be a rewarding exercise, in a way that waiting for it to be restored to its country of origin would not be.

Conclusion

Ancient artifacts looted from conflict zones such as Iraq continue to circulate on the international market and to be collected and studied. The example of the Aramaic incantation bowls shows that the scholarly study of such material in universities is problematical for a number of reasons. By extension, it also shows that the academic establishment, in the form of universities and funding agencies that support scholarly research, is either unaware or dismissive of the problematical contexts in which such study proceeds. Questions about the public interest of such research are not posed and remain unanswered.

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