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Academic ‘ethics’ and the Schøyen Collection Aramaic incantation bowls: a personal narrative

Neil Brodie

The Aramaic incantation bowls in the possession of the Schøyen Collection have been the subject of academic controversy and police search. This paper discusses the ethical dimensions of scholarly engagements with the bowls, with a special focus on the actions of University College London and the British Academy. It concludes that there is little evidence of ethical reflection on the part of these institutions, and considers the chilling effects exerted by a wealthy private individual upon academic freedom.

Keywords Iraq, incantation bowls, Schøyen Collection, University College London, British Academy, ethics, academic freedom

Introduction

I am taking this opportunity to present a personal narrative of my experiences, dating back more than 20 years, in the investigation of issues concerning the study and publication of Aramaic incantation bowls in the Schøyen Collection, and to reflect upon what they reveal about academic ‘ethics’. I have placed the word ethics in inverted commas because although the paper is ostensibly about academic ethics, it is not really about ethics at all. Better e-words would be *expediency*, *entitlement* and *evasion*, and they are only the e-words. The paper is really about power in the academy and, ultimately, about the power of a wealthy individual, directly or indirectly, to suppress scholarly research that he considers inimical to his own personal interests and, in so doing, to constrain academic freedom.

According to its own website,¹ the Schøyen Collection was established in the 1920s, but since the 1970s its present owner, Norwegian businessman Martin Schøyen, has expanded it significantly in size. Some of his more recent acquisitions have proved to be controversial and questions have been raised about their legitimacy or authenticity (Davis

et al. 2017; Omeland 2006; Prescott and Rasmussen 2020; Sheikh 2018). By 2022, the Schøyen Collection comprised approximately 20,450 ancient and medieval manuscripts, along with other text-bearing objects, including at least 656 Aramaic incantation bowls. Aramaic incantation (magic) bowls are hemispherical or flat-based clay bowls, carrying Aramaic inscriptions written in ink, by predominantly Jewish scribes, on their inner surfaces. The bowls had an apotropaic purpose and were intended to ward off malevolent demons. They are found largely or exclusively in Iraq and are presently understood to have been produced from the 4th to 7th centuries AD (Müller-Kessler 2017). In modern times, incantation bowls were first discovered in the 1850s, and by 1990 fewer than a thousand were known, though hundreds more have appeared since then, suspected of having been looted in Iraq after the 1991 Gulf War (Brodie 2008: 44–48; Korsvall 2020).

In August 2021, the Norwegian Ministry of Culture, in collaboration with Økokrim (the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime), and accompanied by a team from the Norwegian National Library and the University of Oslo’s Museum of Cultural History and Department of Archaeology, Conservation and History, raided premises owned by Schøyen with the intention of

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¹<https://www.schoyencollection.com/> (accessed 22 August 2022).

seizing 107 cuneiform objects and 656 Aramaic incantation bowls on suspicion of looting and illegal export from Iraq (Glørstad 2022; Lunde and Kleivan 2021). In total, 83 cuneiform objects were seized, but only one incantation bowl was found. Schøyen stated that 654 bowls were in storage at his property in London, while the location of the other bowl remained unknown to the investigators (Glørstad 2022: 1, note 2). Schøyen made available to the investigation his private catalogue of the collection (Glørstad 2022: 5). Although the large majority of the bowls remained unlocated, from his catalogue the official report into the seized material concluded that Schøyen had most likely acquired the bowls between 1994 and 1998 (Glørstad 2022: 245–46). Despite questions raised in the report about provenance, on 16 September 2022 the seized cuneiform objects were returned to the possession of Schøyen (Schøyen 2022).

The Norwegian police action prompted me to write this paper, in which I examine the involvement of two of the United Kingdom’s leading academic institutions with material that later became the target of police search and possible seizure. University College London (UCL) and the British Academy are important pieces in the United Kingdom’s academic jigsaw, and both institutions have, in their own way, supported study and publication of the Schøyen Collection incantation bowls, while at the same time discouraging or obstructing research into their provenance.² I will describe their actions and explain why I believe they have constrained scholars, such as myself, who would like to study the bowls’ provenance. Before proceeding, however, in order to explain my concerns about provenance and to improve the clarity of my arguments, I will describe in broad outline why provenance is important with regard to scholarly debate over the study and publication of possibly looted antiquities, and also why provenance and provenance research are of developing importance for archaeology, as well as for the humanities and social sciences more generally.

The study and publication of poorly-provenanced antiquities

Most looted antiquities appear on the market with either no provenance, a limited provenance, or a fabricated provenance, and with no information about archaeological find context. For convenience, in this paper I will refer to antiquities with a provenance

that is incomplete, doubtful, unverifiable, or even non-existent, as ‘poorly-provenanced’ antiquities. Poorly-provenanced antiquities that have only recently come to public or scholarly attention are widely believed to have been looted and illegally traded, unless it can be proven otherwise. The ethical propriety of studying and publishing poorly-provenanced antiquities has come to be hotly debated (Brodie 2011; 2019; Harding 2011; Wylie 2003: 9–10). Scholars who oppose publication believe that the informational value of a poorly-provenanced and probably looted antiquity has been irreparably damaged by its undocumented removal from archaeological context, and, furthermore, that study and publication can support the antiquities market and thus, ultimately, cause further looting. Proponents of study and publication deny these arguments, maintaining instead, particularly for text-bearing objects such as the incantation bowls, that loss of archaeological context does not fatally impair their research potential, and that study and publication has no damaging commercial consequences.

Many professional membership organizations, including the Archaeological Institute of America (AIA), the American Society for Overseas Research (ASOR) and the Society for American Archaeology (SAA), have adopted policies that prohibit the first publication of poorly-provenanced antiquities in their journals or monographs (Cherry 2014; Gerstenblith 2014; 2023; Kersel 2023). In September 2021, the Council for British Research in the Levant (CBRL), which publishes this journal *Levant*, adopted a publication policy that states:

CBRL will not serve as the initial place of publication for any unprovenanced object (an object without a defined archaeological findspot and/or documented history of legitimate ownership under the relevant antiquities laws) acquired by an individual or an institution after 24 April 1972, the date when the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property came into force. An exception may be made if, in the view of the Editor(s), the publication sufficiently clarifies and justifies the object’s acquisition history.³

Generally speaking, subject to certain reservations, for publication, all these professional policies require that an antiquity must have been out of its country

²Provenance is defined here as the ownership history of an antiquity from the time of its modern discovery, or for a cultural object more generally from the time of its creation.

³<https://cbrl.ac.uk/wp-content/uploads/2021/11/CBRL-Publications-ethics-statement-Sept-2021-.pdf> (accessed 22 August 2022).

of origin before either 1970 or 1972, or have left legally after the specified date — the so-called 1970 rule (Brodie and Renfrew 2005: 351–52). The significance of these dates is that the standard setting, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (henceforth the ‘1970 UNESCO Convention’) was adopted by UNESCO on 14 November 1970 and entered into force on 24 April 1972. The 1970 UNESCO Convention signifies the will of the international community to protect cultural heritage by advising appropriate restrictions on the trade and acquisition of antiquities and other cultural objects, alongside other measures aimed at preventing their looting, theft and trafficking. Professional organizations have adopted publication policies in response to the 1970 UNESCO Convention as practical accommodations to its aims and recommendations. Even so, some publishing companies remain willing to publish poorly-provenanced antiquities that fall foul of the 1970 rule. The Schøyen Collection Aramaic incantation bowls, for example, are in the process of being published in their entirety (Shaked *et al.* 2013; 2022), despite, as I will describe, serious misgivings about their provenance.

The implementation of the 1970 rule in publication policies such as the CBRL’s and others referenced here, is intended to discourage academic engagement with poorly-provenanced antiquities that have come to public and thus academic attention since 1970 (or 1972), and that cannot be demonstrated to have been acquired through scientific and legitimate means. The rule’s 1970 ‘cut-off’ excludes poorly-provenanced antiquities that came to public attention before 1970. Their legitimacy will be determined by national laws that were adopted decades before the 1970 UNESCO Convention and, in theory at least, their ownership might still be open to challenge. Thus, it is important to remember that a poorly-provenanced antiquity rendered ethically acceptable for publication by the 1970 rule, might still be open to legal action aimed at recovery (Gerstenblith 2023: 137–39; Mackenzie *et al.* 2019: 95–99).

Ethically, Alison Wylie (2003: 10) has characterized the debate over publication as consequentialist, in that, in theory the act of publication could be judged good or bad from the nature of its consequences — resolution would require empirical verification of the claims being made about the commercial and scholarly consequences of study. Unfortunately, publications of poorly-provenanced antiquities rarely present enough verifiable evidence

of provenance, or archaeological find context, to allow any viable assessment of harms or benefits, thus allowing scholars who favour publication to discount the possible harmful consequences. But standing alongside the consequentialist argument in favour of publication (that it is beneficial and not harmful), there is the deontological justification that publication is a disciplinary norm and that deviation from that norm is in itself unethical (Alexander and Moore 2021; Brodie 2021). When publishing some Iraqi cuneiform tablets in the Schøyen Collection, for example, one scholar wrote:

The undeniable importance of primary sources for the reconstruction of man’s past makes it imperative that all cuneiform tablets 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, as Mr Schøyen has done in his statement of provenance. (George 2009: xvi)

The provenance statement in question is a list of previous owners and not much more, and even this bare minimum has not been reproduced in monographs publishing the incantation bowls. Nevertheless, ethically, the quoted passage could be defended as expressing a commitment to disciplinary praxis (Brodie 2021; Korsvall 2023). The individual scholar working in adherence to disciplinary norms should be the locus of ethical arbitration and any attempt to constrain their scholarship could be (and has been) portrayed as an attack on academic freedom (see for example Boardman 2006; Owen 2013: 335–56).

As Anthony Harding has pointed out (2011: 101), this argument is explicit in claiming that ‘One person’s ‘ethical position’ is of course another’s ‘censorship’’, but it is an argument that cuts both ways. The quoted passage contends that the scholarly interest of an antiquity should be prioritized over that of its provenance, which, as I will argue in the following section, is a view that goes against the prevailing current of recent scholarship. For me, it is a position that is in itself inimical to scholarship as it accepts that provenance and provenance research are of no importance, or at least of less importance than research into the antiquity itself. It prioritizes the past over the present. A deontological justification of scholarship is exclusionary — the ethical equivalent of a zero-sum game. To my mind, it is an expression of scholarly *entitlement*, not one of ethical reflection.

Provenance and provenance research

For cultural objects including antiquities, provenance research has become an important tool for uncovering evidence of past wrongdoings associated with looting, theft, or other forms of forced or coerced dispossession. Starting in the 1980s with the work of Indigenous nations, through renewed engagement in the 1990s with Nazi seizures and confiscations, and then in the 2010s with colonial and imperial spoliations, the return or restitution of (often violently) misappropriated cultural objects to their dispossessed owners has become a developing ‘paradigm’ (Herman 2021). These restitutions expose the historical injustices of what increasingly are being viewed as ‘crimes against humanity’ or ‘human rights violations’ and attempt redress by means of cultural recuperation and political reconciliation (Barkan 2002; Paterson 2009; Vrdoljak 2006). Provenance research is crucial in the restitution process for exposing unlawful possession, or for challenging what might be lawful possession (established through acquisition under a now discredited law, transaction history, or simply through the passing of time), by investigating the iniquities of theft and prolonged dispossession, important considerations when the moral entitlement to restitution is judged against what might now be considered settled property rights.

Provenance research is also a necessary component of any due diligence conducted to establish the legitimacy of an antiquity for acquisition by a private or public collector (thereby reducing demand for looted or illegally-traded antiquities), or for identifying misappropriated antiquities already in collections (thereby facilitating their recovery). Similarly, as clearly stated in the professional publication policies, provenance research should be a necessary requirement for deciding whether or not a poorly-provenanced antiquity should be published. Retrospective provenance research is also important for reconstituting archaeological assemblages that have been broken up by looting and illegal trade. For cuneiform studies, scholars such as Caroline Waerzeggers (e.g., 2005; 2012; see also among others van Driel 1998; Ghanem 2021; Said-Ghanem 2022) are trying, through the study of museum acquisition and auction records, to reconstruct the find contexts and compositions of assemblages broken up by illegal digging and dispersal on the market, and the nature of the antiquities trade more generally, in the late 19th century.

Alongside the practical importance of provenance research for supporting the restitution of cultural objects and discouraging the looting and illegal

trade of antiquities, there is a developing reflexive awareness that provenance and provenance research have much to reveal about the changing socio-cultural (and scholarly) contexts of reception for cultural objects — the ‘*longue durée* of reception’ (Hunt 2013: 12). There are probably several reasons for this de-centering of the cultural object, including the sociological depiction of cultural objects as collective rather than individual creations (Becker 2008; Darnton 1982; Wolff 1984), and the anthropological recognition that values adhering to a cultural object are not fixed or immutable, but are ascribed by possessors in light of their own cultural predispositions (Clifford 1988; Price 2001) in what might be a mutually dynamic inter-relationship (Gell 1998). Igor Kopytoff (1986: 68) formalized this relational understanding of a cultural object by developing what he termed a ‘biographical approach’, describing how the values attached to a cultural object might change through time and space according to its socio-cultural context. Biographical accounts of cultural objects and of their changing socio-cultural scaffoldings have now become mainstream (Price 2001: 127–37). It should go without saying that object provenance and object biography are closely related concepts, with provenance comprising a dry, factual listing of dates and owners, and object biography incorporating more contextual interpretation, though that might be over-drawing the distinction (Fuhrmeister and Hopp 2019: 222; Kopytoff 1986: 66–68). Nevertheless, provenance research is fundamental for the construction of object biographies.

For archaeology, the provenance or biography of an antiquity decontextualized by looting might reveal more about its modern contexts of reception than its intrinsic stylistic or material qualities can ever reveal about its ancient function or value (Mazza 2021; Wirth and Rasmussen 2023). David Gill and Christopher Chippindale (1993; see also Marlowe 2013), for example, have shown how research into poorly-provenanced and de-contextualized antiquities can act to fulfil modernist fantasies — the past becomes the mirror of the present. For archaeologists like me who study the illicit trade in antiquities, provenance is indispensable for allowing the identification of actors, the reconstruction of trading networks and the tracing of financial flows. It is fundamental for empirical research into the criminal underpinnings of the contemporary trade. Without verifiable and reliable provenance, research quality suffers, research funding is hard to justify, and research results cannot support effective policy-making (Brodie *et al.* 2022). From these perspectives, destroying the

provenance of an antiquity can be as damaging for scholarship as destroying its archaeological context — perhaps more so.

Thus, across disciplines including archaeology, art history, museology and others, research into the provenance of collections or of collected cultural objects is now an embedded scholarly practice (e.g., Feigenbaum and Reist 2012; Gáldy *et al.* 2021; Hopkins *et al.* 2021; Milosch and Pearce 2019). By 2018, provenance research generally was said to be 'booming' (Fuhrmeister and Hopp 2019).⁴ To support this research, there is an urgent need for archives and the provenance information they contain to be made more easily accessible (Fuhrmeister and Hopp 2019: 220; Kersel 2021: 264–65; Marlowe 2013: 121). Unfortunately, as I will now go on to describe, that, so far, has not happened for the Schøyen Collection Aramaic incantation bowls. In fact, the reverse seems to have been the case.

University College London

I first became aware of the Schøyen Collection Aramaic incantation bowls in 1998, when I was copied into correspondence concerning a large number of them being held in the Institute of Jewish Studies, at UCL, for study and eventual publication by a scholar based at the Hebrew University of Jerusalem. One of the corresponding authors alleged that the scholar concerned had declared, in answer to a question after a public lecture, that the bowls had arrived in London after the 1991 Gulf War. The Institute of Jewish Studies subsequently held the conference *Officina Magica — The Workings of Magic*, in June 1999, at the Warburg Institute in London. Several prominent scholars in the United Kingdom had either not been invited to the conference or decided to boycotted it, though many more from the United Kingdom and abroad did attend. According to correspondence seen by me after the conference, one of the attendees estimated that approximately 40 Schøyen Collection incantation bowls had been on display there. The scholar presenting them did not state their country of origin but did hint that they came from a single site. Another attendee wrote that during the conference he had clearly understood the bowls to have been obtained from unofficial excavations. In other correspondence, the scholar studying

the bowls, together with the director of the Institute of Jewish Studies, defended the presentation on the grounds that the bowls were in an established collection and open for inspection by scholars.

Five years after the *Officina Magica* conference, in September 2004, a Norwegian Broadcasting Corporation (NRK) two-part television documentary investigating the Schøyen Collection, reported that it contained 600–700 Aramaic incantation bowls, alleging that they had been transported to London by Jordanian dealer Ghassan Rihani before being acquired by Schøyen through intermediary dealers (Brodie 2014: 10–11; Lundén 2005: 6–7).⁵ Schøyen denied any allegations of illegal trade, expressing his belief that the bowls had been out of Iraq since at least 1965 (Lundén 2005: 6). At the time, the bowls were still in storage at UCL, and on 10 October 2004 UCL released a statement summarizing its position, presumably, thought not explicitly, in response to the allegations made in the NRK documentary (UCL 2004). The statement revealed that UCL had alerted the Metropolitan Police to the incantation bowls in its possession, but 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 Schoyen'.⁶ The statement went on to explain that UCL had accepted the bowls over the period 1996 to 1997, when there was 'no specific ethical regulation governing the acceptance of cultural objects by the relevant UCL department, or by UCL itself, or by universities at large', but by 2002 'new principles and policies [had] emerged and attitudes [had] changed'. In view of this changed ethical environment, UCL had decided to review its policies with regard to the incantation bowls and cultural objects more generally. It promised a review that would proceed with the co-operation of Schøyen and 'subject to obligations of confidence' would be published. UCL did not explain why it considered 2002 to be an ethical watershed, but it is probably because it was the year the United Kingdom acceded to the 1970 UNESCO Convention.

On 16 May 2005, UCL revealed that in March that year it had established a Committee of Enquiry, comprising one internal and two external members, to investigate the provenance of 650 Mesopotamian

⁴I doubt the same could be said for research into the provenance of recently-traded antiquities. I can think of only a handful of people around the world who are actively engaged in such provenance research, and they are mainly or even exclusively private individuals working outside universities or museums.

⁵In 2016, NRK made the documentaries available online. Part 1 is at <https://tv.nrk.no/serie/brennpunkt/2004/OFFD12002803> (accessed 22 August 2022). Part 2 is at <https://tv.nrk.no/serie/brennpunkt/2004/OFAA12001604> (accessed 22 August 2022). Coverage of incantation bowls starts at 15 minutes in part 2.

⁶The Metropolitan Police subsequently stated that their investigation into the bowls had been hampered by a lack of resources (Freeman *et al.* 2006: 17).

Aramaic incantation bowls on loan from a 'private collector' since 1996 and to make recommendations as to how UCL should 'deal with future acquisitions of cultural objects' (UCL 2005). Nearly two years later, on 9 March 2007, the Schøyen Collection announced that it had commenced legal proceedings against UCL to recover 654 incantation bowls, stating that 'the Schøyen [*sic*] Collection has become frustrated with the waste of time and money caused by a lengthy and inconclusive inquiry into their provenance and with the spurious reasons being given for not returning the bowls'. The Collection was concerned about the enquiry's impartiality and believed that 'The focus of inquiry into the incantation bowls seemed designed to deflect attention from the provenance of UCL's own permanent collections, including the ethnographic collections and other collections that may contain unprovenanced material' (Schøyen 2007a).⁷ A few months later, on 26 June 2007, UCL and the Schøyen Collection issued a joint statement, announcing that:

Following a searching investigation by an eminent panel of experts and further enquiries of its own, UCL is pleased to announce that no claims adverse to the Schøyen Collection's right and title have been made or intimated. Having made all the enquiries that it reasonably could UCL has no basis for concluding that title is vested other than in the Schøyen Collection. 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 magnitude of the financial settlement was not (and has never been) revealed.

On 10 April 2007, one of the Committee of Enquiry members addressed an open letter to UCL, copied to several recipients including myself, expressing concern that UCL had failed to respond adequately to the recommendations of the Committee of Enquiry's report (henceforth the 'bowls report'), which had been submitted to UCL on 28 July 2006, and that the report's conclusions and recommendations had been withheld from 'legitimately interested parties'. According to this letter, the report had concluded that 'the bowls had (on the balance of probabilities) been illegally exported from Iraq'. The letter also expressed concern that the bowls report had not

been published by UCL as the Committee of Enquiry had expected it would be, 'since the treatment of antiquities originating in Iraq is a matter of public interest'.

On 2 July 2007, I received a letter, dated 28 June 2007, from UCL's legal counsel, headed 'NOT FOR PUBLICATION', claiming that in accompaniment to the open letter I had also received extracts of the UCL bowls report, which the lawyers' letter stated was a confidential document. It asked me to return all copies in my possession and undertake not to publish any part of the report or any information derived from it. In reply, I informed them that I was not in possession of anything from the report, but I did know of an extract readily available on the Internet. I also argued, that as the report was confidential, the Schøyen Collection should not be making what I considered to be misrepresentations of the report's findings on its website and asked that they should be removed. (The Schøyen Collection had claimed that 'Having made all the enquiries that it reasonably could UCL has no basis for concluding that title is vested other than in the Schøyen Collection' (Schøyen 2007b), which I thought contradicted what had been said in the open letter about illegal export from Iraq). Legal counsel replied in a letter dated 11 July 2007, asking for details of the website I had mentioned as containing an extract of the bowls report, and stating that as I was not in full knowledge of all the facts contained in the bowls report, I was not in a position to criticize public statements made by the Schøyen Collection on its own website. To paraphrase the lawyers, I was not able to evaluate claims being made by Schøyen because, by not publishing the bowls report, UCL had decided I should not be allowed to do so.

On 23 July 2007, I submitted a Freedom of Information Act (FOI) request to UCL asking for a copy of the bowls report. I argued that it was in the public interest for the report to be made public as the antiquities trade was an emerging field of academic research and it was, at the time, government policy to regulate the trade within the United Kingdom.⁸ On 31 July 2007 UCL declined the request, countering that release of the report would not in their view be in the public interest. It would

⁷The March 2007 press release available on the Schøyen Collection website in August 2022 was a redacted version of the original and did not contain all of the text I have reproduced here. My quotes are from a copy of the original version that I have in my possession.

⁸In 2000, the trade was the subject of a parliamentary Department of Media, Culture and Sport (DCMS) Select Committee enquiry (DCMS 2000). On 24 May 2000, the DCMS also convened a ministerial advisory panel on the illicit trade in cultural objects (Palmer 2000), which recommended, among other things, that the United Kingdom should accede to the 1970 UNESCO Convention (which it did in 2002) and that dealing in illegally-traded cultural objects should be made a specific criminal offence (which it was in 2003 by the Dealing in Cultural Objects (Offences) Act).

cause UCL to 'act in breach of an agreement which it entered into in good faith as part of a settlement agreement, having been advised by Leading Counsel that it would otherwise be at risk of a substantial liability and costs'. The reply went on to enlarge about the possible financial loss caused by claims for damages (presumably to be made by Schøyen though not stated) that might arise from the breach of agreement. UCL had decided, on balance, that the scholarly and public interest of the information contained in the report was not of sufficient importance when balanced against the risk of financial loss.

On 7 October 2007, an article in the *Independent on Sunday* newspaper reported that the UCL Committee of Enquiry had determined that on the balance of probabilities the bowls had been 'looted from Iraq', but that there was no evidence to suggest that Schøyen had been aware of that fact when he bought them. Legally, his ownership was probably secure (Johnson 2007). For some reason, the article was incorrectly headlined 'British University Forced to Return 'Looted' Iraq Treasure', and in reply the Schøyen Collection published a press release stating categorically that the bowls had been 'exported from Jordan and not from Iraq and already in 1988'. It also set out Schøyen's position as regards the looting of archaeological sites and the publication of looted antiquities (Schøyen 2007c). For the incantation bowls, it stated that:

They were also part of an old established collection that was not put together in recent years, as has been implied, but was built over many years by two generations of collectors in Jordan well before 1965 (in the 1930s) and was granted a valid export licence by the Jordanian authorities in 1988. The Schøyen Collection rejects any imputation of wrongdoing as wrong-headed and unwarranted.

On 26 October 2007, the journal *Science* published a paper summarizing the UCL bowls report's findings, confirming what had been said in the open letter, that on the balance of probabilities the bowls had 'most likely left Iraq illegally sometime after August 1990, when Iraq invaded Kuwait. Schøyen subsequently bought them from dealers based in Jordan and London', but that the Committee of Enquiry had not found any evidence to suggest that Schøyen had acted improperly when acquiring the bowls (Balter 2007). In other words, Schøyen was an innocent purchaser but the provenance of the bowls was suspect.

Eventually, in November 2009, a copy of the UCL bowls report was placed in the House of Lords

library and from there entered the public domain through the 'whistleblower' website Wikileaks (Brodie and Kersel 2014). It confirmed that Schøyen had deposited 654 Aramaic incantation bowls with UCL in September 1995 (Freeman *et al.* 2006: 2), it did indeed conclude 'on the balance of probabilities, that the bowls were removed from Iraq and that their removal was illegal under Iraqi law' (Freeman *et al.* 2006: 2), and it recommended that UCL should return the bowls at its own expense to Iraq (Freeman *et al.* 2006: 41). More importantly for this paper, it contained 22 pages of evidence relating to the provenance of the bowls in the form of written and interview testimony of 36 witnesses, including Schøyen, several dealers who had transacted or otherwise had knowledge of the bowls, several police officers, and one of the NRK producers. It was and still does constitute an invaluable resource for provenance research.

Schøyen provided evidence to the Committee of Enquiry showing that between July 1994 and January 1999 he had purchased 656 bowls from six different dealers, mainly sourced to the Jordanian dealer Ghassan Rihani (Freeman *et al.* 2006: 19–23), as confirmed in the 2022 Norwegian report (Glørstad 2022: 245–46). The Schøyen Collection's press release (2007c) claiming a Jordanian source for the bowls did not explicitly tie them to Rihani, but in August 2022, as part of an overall statement of provenance, its website listed the 'Rihani Collection, Irbid (ca 1935) and Amman, Jordan (before 1965–88) and London (1988–)'.⁹ So, presumably, the press release's 'collectors in Jordan' were members of the Rihani family. The provenance suggests, fortuitously perhaps, that any Iraqi material in the Rihani Collection had been out of Iraq before May 1936, when a new Iraqi law took antiquities into public ownership (Bernhardsson 2005: 194–97) and before the 1970 date of the UNESCO Convention, and in London before August 1990 when United Nations Security Council Resolution 661 placed trade restrictions on Iraq (Brodie 2006a). In 1995, to support this provenance, Rihani had supplied Schøyen with two Jordanian documents that purported to show he (Rihani) was legally in possession of the incantation bowls and that Jordan had permitted their export. The first, dated to July 1965, recorded an unspecified number of incantation bowls in the possession of Rihani in Jordan. The second, in Arabic dated to

⁹<https://www.schoyencollection.com/120-about-schoyen-collection/110-provenance-cuneiform-tablets-seals-incantation-bowls> (accessed 22 August 2022).

September 1988 and with an English translation dated to October 1992, was a Jordanian export licence authorizing the transfer from Jordan to the United Kingdom of 2000 pottery vessels. The Committee of Enquiry rejected these documents as valid evidence of provenance as there was nothing to associate them with the Schøyen Collection incantation bowls and for the first document there were doubts about its authenticity. In any case, neither document authorized export from Iraq (Freeman *et al.* 2006: 9–17).

Within UCL, in December 1999, for reasons unconnected to the Schøyen Collection incantation bowls, the staff of the Institute of Archaeology had adopted a policy statement regarding the illicit trade in antiquities (Tubb 2002: 288–89, 295–300). They agreed that staff should adhere to principles set out in the 1970 UNESCO Convention and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural objects, and articulated the ethical implications of their agreement. Importantly, the policy stated that:

Staff must not undertake scholarly publication of unprovenanced material unless it can be demonstrated clearly that the artefact or specimen has been in a collection before 1970 or was legally exported from its country of origin. (Tubb 2002: 299)

It went on to say that the requirement was in line with the publication policy of the AIA. This policy statement applied only to the Institute of Archaeology, however, and had no broader impact within UCL. It was circulated to other departments, but the Department of Hebrew and Jewish Studies (which housed the Institute of Jewish Studies where the incantation bowls were being stored) found it 'totally unacceptable on academic grounds' (Freeman *et al.* 2006: 25), arguing, among other things, that the prohibition on study of poorly-provenanced antiquities would be an infringement of academic freedom (Freeman *et al.* 2006: 54–56).

Ten years later, in June 2009, and in fulfilment of its promise made in 2004 to review its policies as regards cultural objects, UCL adopted its own Cultural Property Policy (henceforth the 'ethics policy'), which was 'intended to provide clear guidance on UCL's position in relation to the ownership and management of cultural property including its acquisition, use, protection and disposal within UCL's risk management framework' (UCL 2009). As regards publication of cultural objects not held by UCL, which would include those in private hands, it warned that students and staff should be mindful of the

reputational risks of working with material of questionable provenance and set out a series of due diligence guidelines to determine a cultural object's suitability for publication, requiring, among other things, that there should be adequate documentation to confirm its legal origin and acquisition, or that it had been in a public collection since before 1970. Where these guidelines could not be met, collaboration would be imprudent. The policy appears to have been regarded as mandatory rather than advisory, as it required that 'Failure by members of staff to adhere to this Policy could result in disciplinary action being instigated in line with UCL's Disciplinary Procedure'.¹⁰ UCL's role in my narrative ends in 2009 with the adoption of its ethics policy, which had come down firmly against the study and publication of poorly-provenanced cultural objects (or at least poorly provenanced when judged against the 1970 rule). The same year, however, the British Academy stepped onto the stage when it awarded a grant to support research into the Schøyen Collection incantation bowls.

The British Academy

The British Academy is an independent corporation and charity, established in 1902 in the United Kingdom to promote the study of the humanities and social sciences. It administers and disburses public and private funding to support research and associated activities. In simplified form, for the purposes of this paper, organizationally the British Academy can be considered as constituting an elected Fellowship of senior academics, with a governing Council and a number of committees drawn from the Fellowship, including a Research Awards Committee that oversees research funding. The Fellowship is presently divided into 21 Sections (though that number might vary according to circumstance).¹¹

In 1998, the Council of the British Academy adopted a resolution on the illicit trade in antiquities, specifying that it would be inappropriate for any individual to acquire, or be party to the acquisition or display of any looted or illegally-traded cultural object, or any object that could not be documented as out of its country or origin before 1970. It would

¹⁰There is at least one example of a UCL staff member studying and publishing an antiquity without a secure pre-1970 provenance since the ethics policy was adopted in 2009 with no apparent disciplinary action being taken (Brodie 2019). It has been suggested to me, in conversation with another UCL staff member, that the practical effect of the ethics policy is to protect UCL as an institution from the consequences of actions undertaken by staff in contravention of the policy.

¹¹<https://www.thebritishacademy.ac.uk/about/bye-laws-british-academy/>

also be inappropriate for any individual to authenticate an unprovenanced object. The resolution had nothing to say about studying or publishing poorly-provenanced antiquities, though did require that 'Where there is reason to believe that an object has been stolen the competent authorities should be notified' (Cunliffe 2011: 117–19).

In 2011, the British Academy published a commissioned report into threats facing material cultural heritage (henceforth the 'policy report'), containing five chapters by individual scholars and including the 1998 resolution as an appendix (Cunliffe 2011). One of the chapters concerned the illicit trade in antiquities, and directly addressed the issue of whether it was ethically appropriate to study and publish poorly-provenanced antiquities that had most likely been looted or illegally traded. It called attention to the publication policies of the AIA and ASOR and recommended that the British Academy should 'Adopt a formal policy on illicit antiquities, both in its public face and in the ethical policy applied to research proposals' (Harding 2011: 102).

In early 2016, I was amazed to discover that in 2009 Section H3¹² of the British Academy had awarded a grant of £5000 to the University of Exeter for 'Publication of pre-Islamic incantation bowls from Mesopotamia in Jewish Aramaic and Mandaic' (in support of a project aiming to edit and publish all Aramaic incantation bowls in the Schøyen Collection). At the time I did not follow it up because I had more pressing priorities. News of the 2021 police action in Norway, however, aimed in part at the Schøyen Collection incantation bowls, reminded me of the British Academy's 2009 award and the fact that it had funded research into material that was, in 2021, the target of police search.

On 11 March 2022, I e-mailed the British Academy from my university address, asking to know more about its policies and practices as regards research into cultural objects that have likely been stolen, or otherwise illegally-acquired, and to discuss the issues involved with an appropriate or responsible person. When I had not received a reply by 4 May 2022, I resent the e-mail. When this e-mail also went unanswered, on 30 May 2022 I submitted an FOI request for all documentation relating to the 2009 award of funding to support the publication of the Schøyen Collection Aramaic incantation bowls. This request finally caught the British Academy's attention and I

received a reply the next day acknowledging receipt and promising a more substantive reply.

The substantive reply, when it arrived on 30 June 2022, was not encouraging. It made four basic points. First, the British Academy's data storage system only keeps information relating to grant awards for a period of 10 years, so information regarding the 2009 award was no longer readily accessible. Second, it argued that in 2009, when the grant was made, ethical issues concerning the study and publication of poorly-provenanced antiquities were in a period of flux. Third, as regards ethical review, the British Academy currently requires (and presumably did in 2009) all applicants to flag up potential ethical issues and confirm that ethical approval has been obtained from an employing institution or other relevant authority. If prior approval has not been forthcoming, the applicant must describe the issues and explain how they will be addressed. Evaluators are also expected to recognize any ethical issues. Finally, my FOI request was to be discussed with the British Academy's Research Awards Committee to consider whether the current requirements as regards research ethics are appropriate or whether further action is needed.

Discussion

I have described the debate over the study and publication of poorly-provenanced antiquities, particularly those that fall foul of the 1970 rule, and how provenance is becoming a key area of scholarly research across multiple disciplines. I have also presented accounts of my interactions with UCL and the British Academy as regards their involvement with the Schøyen Collection and research into its Aramaic incantation bowls. It remains for me to explain in more depth why I think there hasn't been much that is ethical about their involvement and what we have seen instead are manifestations of power rippling through the academy, as major institutions have conformed to the personal agenda of a wealthy private individual, with scholarship and ultimately academic freedom dampened in consequence.

The UCL bowls report had much to say regarding the risks of legal and ethical transgressions, for UCL, in accepting the incantation bowls for study and publication (Freeman *et al.* 2006: 36–39), though it is not my intention to repeat that discussion here. From the perspective I am developing in this paper, I am concerned that UCL's failure to publish the bowls report has had two unfortunate consequences. First, it has kept uncomfortable facts about provenance, that might have raised questions about

¹²Section H3 (Africa, Asia and the Middle East) is the only Section that is area-focused rather than subject-focused and in subject coverage it overlaps with other Sections. https://www.thebritishacademy.ac.uk/fellows/section/africa-asia-and-the-middle-east/?order=last_name.

publication of the bowls, the award of a research grant to study the bowls, and perhaps even their restitution, out of the public domain. Second, it has suppressed material of importance for scholarly research into the provenance and reception of the bowls. UCL's reasoning was transparently straightforward: the university was concerned to avoid any financial loss incurred by publication of the bowls report in contravention of the settlement agreement made with Schøyen. The Vice-Provost of UCL at the time of my FOI request was good enough to discuss the issue personally with me at the 2009 launch event of the ethics policy. He argued that it was not in the public interest for the report to be published, as UCL was a publicly-funded institution and so, ultimately, any financial loss would be borne by the public purse. It is hard not to conclude from this reasoning that Schøyen had brought his wealth to bear by threatening to sue UCL (and by extension the United Kingdom tax payer) if it published the report. Perhaps Schøyen is frightened that provenance research might reveal criminality hiding behind the Rihani provenance and that he has unintentionally and indirectly funded it. It might also have legal implications for his ownership. No matter what Schøyen's reasoning, the decision made by UCL to suppress the report (and the provenance information therein) was not an ethical one, it was an *expedient* one. But by protecting the financial interests of the university, UCL diminished the possibility of provenance research into the bowls, thereby impeding scholarship. It exemplifies how a wealthy individual can intimidate even a major university.

Turning now to the British Academy, there are three areas of concern that I would like to discuss. First, there is the grant awarded to support the study and publication of the Schøyen Collection incantation bowls. Second, there does not appear to have been any follow-up to the 2011 policy report recommendation that an ethical policy on illicit antiquities should be adopted. Finally, I do not understand why the British Academy, which like UCL is in receipt of public funds, did not reply to my enquiries about its ethical policies and practices until legally obliged to do so by my FOI request.

In reply to my FOI request, the British Academy argued that back in 2009, when the grant was awarded, the ethical issues concerning the study and publication of poorly-provenanced antiquities were in a period of flux. I, however, do not believe that characterization of the situation to be entirely correct. As I have described, the British Academy itself had issued a resolution concerning the illicit

trade in antiquities in 1998. Then, as UCL noted in October 2004, by 2002 'new principles and policies [had] emerged' in the United Kingdom and 'attitudes [had] changed' (UCL 2004). The 'new principles and policies' were formalized in October 2005 when the United Kingdom government's Department of Culture, Media and Sport (DCMS) published due diligence guidelines for museums, libraries and archives on acquiring cultural objects (DCMS 2005). Henceforth, for a cultural object originating outside the United Kingdom, a museum would need documentary evidence that the object was in the United Kingdom before 1970, or have evidence that it was legally exported from its country of origin after that date (DCMS 2005: 5). The guidelines also listed what might be considered to be acceptable documentation and warned against fake documentation: 'Do not accept a document if there are any suspicions about it' (DCMS 2005: 6). The British Academy might argue that these new due diligence guidelines only concerned acquisitions, but UCL, at least, considered them important enough to guide its 2009 ethics policy as regards study and publication. It advised staff not to study or publish material without documentary evidence of legal origin unless it had been in a public collection prior to 1970. This stipulation, that cultural objects should not be published unless they could be documented to have been outside a county of origin before 1970, or legally exported after date, was broadly in line with publication policies already adopted by professional organizations, which, in the case of the AIA, dated back to 1978, and 1991 for the SAA (Brodie and Renfrew 2005; Cherry 2014; Gerstenblith 2014; Lynott and Wylie 2000).¹³ Thus, for people who were paying attention, by 2009 the ethical issues surrounding the study and publication of poorly-provenanced antiquities were well understood and can hardly be described as being in a period of flux.

Nevertheless, no matter what the British Academy thought about the ethics of study and publication, the controversy at UCL should have been flagged up in the 2009 grant proposal. In August 2022, the British Academy's Code of Practice for consideration of applications for research funding stated that:

... proposals may raise one or more of the following considerations: the involvement of human participants; the involvement of human remains (e.g. traceable to living descendants); the use of non-human animals; destructive

¹³Although these organizations are based in the United States, they include members working at institutions in the United Kingdom.

analysis of historic artefacts; research that may result in damage to the natural or historic environment; and the use of sensitive social, economic or political data. Wherever necessary, appropriate consent should be obtained from or on behalf of participants or others affected by the research. Applicants should indicate whether their proposed research raises any special ethical issues, and whether their application has been approved by the institution's Research Ethics Committee or other relevant authority.¹⁴

This list was the same in 2011 (Harding 2011: 101) and presumably would have been similar or shorter in 2009. The British Academy's 2011 policy report stated that 'It is notable that nothing related to illicit antiquities appears in this published policy [the Code of Practice], although 'damage to the ... historic environment could be said to touch on cultural heritage in a broad sense' (Harding 2011: 101). I am in no position to know whether provenance was raised in the 2009 grant application as an ethical issue concerning damage to the historic environment, and, if it was, how it was resolved. If it was raised, it certainly didn't stop the award of the grant. The British Academy awarded the grant about three years after the UCL bowls report had been submitted, and two years after the bowls report's conclusions and recommendations had been leaked to the media, but presumably before the report had been made generally available through Wikileaks. Arguably, because UCL had failed to publish the bowls report, the British Academy and responsible research oversight committees at the University of Exeter might have been unaware of the UCL enquiry into the bowls and its conclusions and recommendations. The media coverage that existed was not extensive and might have slipped by unnoticed. But let us imagine that provenance was flagged in the application as an ethical issue and judged according to the then recently introduced DCMS and UCL standards. Presumably if pressed, Schøyen would have stated that the bowls had been outside Iraq since at least 1965 and would have been able to supply a copy of a Jordanian document in support of his claim, as he did for the UCL Committee of Enquiry, thus making the bowls eligible for publication under the 1970 rule. But although the UCL bowls report had dismissed the authenticity and relevance of this Jordanian document, and thus indirectly rendered the bowls ineligible for publication

under the 1970 rule, without access to the report, because UCL had failed to publish it, it would have been difficult for an impartial and not necessarily expert (in issues relating to illicit trade) evaluator to take a critical view. Arguably, by failing to publish the bowls report, UCL had withheld information crucial to any expert or institutional ethical review of grant applications related to the bowls, thereby facilitating the British Academy's award.

Having said that, I am not confident that the bowls' provenance would have been flagged as an issue. The grant applicants must certainly have been aware of the UCL bowls report and its recommendations, and if they weren't, they should at least have been aware of the controversy surrounding the bowls' provenance. The grant was acknowledged in a 2013 monograph publishing 64 of the Schøyen Collection incantation bowls (Shaked *et al.* 2013). In the preface to the monograph, which is four pages long and reproduces some text from the Schøyen Collection website, there is not a single reference to the bowls' uncertain provenance, to the controversy surrounding the Schøyen Collection's ownership, or to the conclusions and recommendations of the UCL bowls report (Shaked *et al.* 2013: xiii–xvi). Yet the preface does reveal that the senior author had been studying the bowls since they were in storage in the 1990s at UCL and that the grant holder had been associated with the project since 1997. It also acknowledges the support and facilitation of the director of UCL's Institute of Jewish Studies, who later wrote in 2017 that 'the bowls have become icons of unprovenanced antiquities' (Geller 2017: 95), so he at least was aware of their controversial status. Overall, I find it inconceivable that the monograph's authors would have been unaware of the questions raised about provenance while the bowls were in storage at UCL, but there is no evidence in the publication that they ever engaged with them and I am not confident that they would have highlighted them in the grant application. I hope I am wrong, but from the evidence that is publicly available, to me it looks as if no ethical consideration of the possible consequences of studying and publishing poorly-provenanced antiquities was undertaken. It looks instead as though there was wilful avoidance or *evasion* of unsavoury questions relating to provenance.

The Schøyen Collection incantation bowls are in the process of being published by Brill (Shaked *et al.* 2013; 2022). In 2016, Brill issued a monograph publishing some poorly-provenanced Dead Sea Scrolls fragments, in the possession of the Museum of the Bible, that were subsequently shown to be

¹⁴<https://www.thebritishacademy.ac.uk/funding/code-practice/>.

modern forgeries. In November 2018, concerned scholars addressed an open letter to Brill questioning its publication policies and drawing attention to those of professional publication organizations (Mazza 2018). In response, in 2020 Brill issued a retraction notice for the monograph and amended its publication ethics guidance, so that in future, prospective authors would need to adhere to the publication policies of their appropriate professional organizations (Brill 2020a; 2020b: 4; Mazza 2020). In 2021, Brill retracted a book chapter published in 2016, presenting a study of some Classical papyrus fragments, on suspicion of illegal trade (Brill 2021; Higgins 2021). Nevertheless, in March 2022, Brill published volume two of the Schøyen Collection incantation bowls (Shaked *et al.* 2022), so presumably the company was satisfied with the provenance offered. Though again, it seems reasonable to ask whether the company had consulted the UCL bowls report and the questions raised therein about provenance before accepting the manuscript for publication. Presumably, on account of its continuing unavailability, the answer would be no.

Schøyen is a private individual and is under no legal obligation to make public what he might consider to be his personal correspondence and records. But at the same time, the British Academy is responsible for the equitable allocation of public funds and should consider its position when funding projects that deliberately withhold information that is important for provenance research. It is noticeable, and to my mind regrettable, that the British Academy's 2011 policy report's proposal, for the adoption of a formal ethical policy applied to research proposals, does not appear to have been implemented. One of the British Academy's aspirations is to 'inform and enrich debate around society's greatest questions' (British Academy 2018: 4) and it promises to be 'visible at the heart of discussion, debate and policy and strategy-setting in higher education and the future of academic research in the UK and internationally' (British Academy 2018: 8). And just to be clear, the provenance research I am talking about is of pressing public concern. If the number of new national and international laws and conventions enacted over the past decade is anything to go by, the antiquities trade and its possible involvement with organized crime and terrorism has certainly become one of 'society's greatest questions',¹⁵

particularly as regards antiquities from countries that have suffered conflict, such as Iraq. Yet the British Academy has remained silent on the issue. It can hardly have been unaware of mounting international concern about the antiquities trade but has failed to take any action. It has seemingly neglected to follow up on the recommendation made in its own 2011 policy report, and the reply to my FOI request suggests that it is only in response to my request that the Research Awards Committee will consider taking further action. Far from being 'visible at the heart of the discussion' the British Academy has been completely invisible, again seemingly committed to a policy of *evasion* rather than one of ethical leadership. It would do well to follow the lead of the CBRL, which it funds, and which (even if belatedly) adopted a publication policy in 2021.

The 2009 grant award wasn't an isolated phenomenon. I know from acknowledgements in publications that several other British Academy grants have been awarded to support research into poorly-provenanced antiquities in private collections, including some from Iraq in the Schøyen Collection. And it is worth emphasizing that scholarly study might not just be an issue of ethical concern. The claim that objects should be published 'no matter what their origin, history, and present location' (George 2009: xvi) implies that the legal standing of research material is of no account. But the 2011 policy report also recommended that the British Academy should 'assert the overriding principle that scholars must obey national and international laws' (Harding 2011: 102), thereby recognizing that while ethics might be negotiable, laws are not. The UCL bowls report similarly observed that 'academic freedom does not confer immunity from law' (Freeman *et al.* 2006: 37; see also Gerstenblith 2014: 218; Ulph and Smith 2012: 110–11). In fact, reviewing the legal risks facing academics who engage with cultural objects, Janet Ulph and Ian Smith opined that 'it would appear advisable for academics to refuse to deal with objects which lack information regarding provenance' (2012: 111).

Provenance is inextricably bound up with power — the power to acquire an object and also the power to determine what is revealed about the circumstances of

¹⁵Internationally, laws and conventions include the 2015 United Nations Security Council Resolution 2199, the 2017 Council of Europe Convention on Offences Relating to Cultural Property, the 2019

European Union Regulation 880 on the Introduction and the Import of Cultural Goods, and amendments to the 2018 European Union Directive 843 on Anti-money Laundering and Countering the Financing of Terrorism. National laws include the United States' 2016 Protect and Preserve International Cultural Property Act and its 2020 Anti-Money Laundering Act, and Germany's 2016 Act on the Protection of Cultural Property. Specifically, for the United Kingdom they include the 2017 Cultural Property (Armed Conflicts) Act and the 2019 Money Laundering and Terrorist Financing (Amendment) Regulations.

its acquisition. And, here I reproduce the impassioned text of Anne Higonett:

The avid acquisition that usually creates collections ... is also likely to be enabled by less palatable sources of power, in the form of military or economic dominance, financial supremacy, theft or pillage. No wonder we have been reluctant to confront these sources. In many cases, provenance does derive from some of humanity's worst behaviour, whether on collective or individual scales. If we are determined to keep our art and its history apart from any greedy, elitist, ruthless, oppressive, or exploitative facts of ownership, then provenance will have to remain a parched, bleached domain of evasive erudition, one that allows current owners of art objects to commit sins of omission as needed. (Higonett 2012: 197)

To move beyond the 'bleached domain of evasive erudition', the owners of cultural objects should not be allowed to 'commit sins of omission as needed', which is what happened when UCL bowed to pressure from Schøyen and decided not to publish its bowls report, and when the British Academy decided to fund research into material for which provenance was being withheld. But Schøyen isn't the only powerful actor in this narrative. I was talking about the ethics of study and publication at a job interview in 2006 when a British Academy Fellow, who was a member of the interview panel, dismissed me as wanting to be a 'cultural policeman',¹⁶ presumably because he thought I was questioning the deontological justification for study and publication that I have characterized here as scholarly *entitlement*. A less charitable interpretation might be that his expressed opinion was an example of academic chauvinism — scholars who are not Fellows of the British Academy are not considered fit to criticize the work and ethical choices of those who are. Going further down this road, I do not know why the British Academy failed to answer my initial emails asking in general terms about its ethical policies and practices and only responded when legally required to do so in answer to an FOI request. It is, after all, a publicly-funded body and professes inclusivity. Its website in 2023, for example, claimed 'We share ideas to shape policy and enrich public debate',¹⁷ though in my case at least, until forced to do so, it signally failed to share information that would help shape policy

and enrich debate. I cannot believe that if I had been a Fellow of the British Academy my emails asking about ethical procedures would have remained unanswered for 11 weeks.¹⁸

Most research into the provenance of antiquities and closely related cultural objects is heavily retrospective. While writing this paper, for example, I became aware of a webinar entitled *Translocation of South Asian Art: Provenance and Documentation*,¹⁹ which had the promising prospectus that 'In our contemporary moment, histories of South Asian objects in museum collections are under increasing scrutiny, and questions about the art market and museum ethics are at the forefront of people's minds' while disappointingly qualifying that it 'primarily focuses on documenting the provenance and circulation of South Asian art before 1970'. This backward-looking approach to provenance research is not unusual (Brodie 2006b). Intentionally or not, it has the practical consequences of not unsettling the ownership of recently assembled collections (which might be more open to legal challenge than older, long-established collections), and of not challenging or offending living collectors (and so sensibly not running the risk of retaliatory legal action). It might simply be that with the passage of time more provenance archives are made available for research. Unfortunately, this time lag also degrades the quality and representation of archives that are ultimately made available. I confidently expect that in 50- or 100-years' time the contemporary reception of the Aramaic incantation bowls will have become an enticing topic of research. Indeed, it is one reason I have written this paper — for posterity. I imagine Schøyen has an eye on posterity too. But I wonder what documents will survive. I have endeavoured to share what information I can. But at the time of writing in August 2022, the British Academy records of the 2009 grant award are inaccessible. UCL has still not made the bowls report publicly available and it is circulating as an underground document.²⁰ The fate of any internal UCL documentation or correspondence relating to the agreement with the Schøyen Collection is unknown.²¹ Perhaps Schøyen will place his provenance records in an embargoed repository to

¹⁸The geographical representation of the British Academy Fellowship has in itself been criticized as heavily weighted towards the south-east of England, so that 'it hardly qualifies the Academy to speak for Britain in matters of broader academic, still less of public concern' (Harding 2020: 246).

¹⁹Part of the series *Hidden Networks: The Trade of Asian Art*, organized by the Smithsonian Institution and the Staatliche Museen zu Berlin. <https://asia.si.edu/research/scholarly-programs/hidden-networks/translocation-of-south-asian-art-provenance-and-documentation/>.

²⁰The 2022 Norwegian report into the seized Schøyen material did have access to a copy of the bowls report (Glørstad 2022: 245–46).

²¹It is not unknown for a British university to destroy potentially incriminating or embarrassing archival material relating to its participation in the antiquities trade (Brodie 2011: 424–26).

¹⁶My application was unsuccessful.

¹⁷https://www.thebritishacademy.ac.uk/?gclid=Cj0KCQjwoK2mBhDzARIsADGbjepSlo09XkDplj_d2oUEGA9M17H-14mWRD_tQrm4XRqV8TuMaL4tuRcaAoNAEALw_wcB.

be unsealed and made available for research at a specified future date, but I am not confident that he will. As I intimated at the outset, this paper isn't really about ethics, as there are none to be found. I have tried instead to show how a rich and powerful individual has stifled ethical debate, obstructed legitimate research and ultimately exerted an insidiously corrosive effect on academic freedom. In February 2021, the United Kingdom government's Department for Education released a report highlighting threats to academic freedom and detailing proposed legislative changes to ensure its defence (DFE 2021). It remains to be seen whether these proposed changes will protect research considered by wealthy individuals such as Schøyen to be unwelcome and something to be obstructed.

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