

Neil Brodie, Western Market in Iraqi Antiquities

Introduction

- In considering archaeological looting in Iraq during and after the First Gulf War, scholars have focused on plans for the invasion and aftermath
- But dynamics of the international trade in antiquities also need to be considered
- Action could have been taken after the First Gulf War
- This paper “revisits and enlarges” the discussion in Brodie 2006 (from note #1), and considers the failure of law enforcement and the reasons for that failure

Market in Iraqi Antiquities 1990 - 2003

- Statistics on sales from Christie’s can serve as a proxy for the London trade in illegal antiquities
 - Of the three main auction houses, regular sales were held throughout the period
 - Stats to be used: sales of cylinder seals and cuneiform tablets
 - Both found mainly in Iraq, so serve as a proxy for all Iraqi artefacts
 - Numbers don’t decrease during the period (reference to Figure 6.1) and “if anything” increase
 - [No further interpretation of the numbers]
 - Provenance is the only way to demonstrate an artifact is for sale legally
 - Below it will be shown that most unprovenanced items are illegal
- Statistics on sales from Sotheby’s can serve as a proxy for the New York trade
 - See figure 6.2: fewer than at Christie’s in London; this is in accord with other data
 - Other data: 2 papers in footnote #3 (note #2 helped define provenance)
 - Other data: large private collections were built up during the period: Brodie gives three examples
 - Note 6 defines “invisible” market; other notes give bibliography
- UNESCO adopted a convention in 1970 “to provide a framework for international regulation”
 - It was impotent for Iraqi artifacts between 1990-2003 for various political reasons
 - Auction statistics show no decrease in trade over this period
 - Brodie took a sampling of internet sites in 2003
 - Details of how a British system for issuing licenses that demonstrate an object is legal didn’t work
 - Depend on British interpretation of an ambiguous European law
 - British government argues it can’t change its law until the European Union changes its laws
 - How did this legal problem evolve?
 - Archaeologists didn’t know the laws or lobby for changes
 - Government perhaps should have done its research, but didn’t
 - In any case, there was a breakdown between the two
 - Neither US nor UK government considered the trade a problem in this period
 - Archaeologists hadn’t demonstrated the problem through research

- In 2000 there were only two pieces of research
- Didn't lobby government, arguing the problem was serious
 - Individuals were outspoken
- Tenure and promotion systems in universities don't encourage this kind of work
 - Archaeologists view it as under the purview of criminologists and lawyers
- Not all academics view the trade as inherently wrong; arguments include:
 - It rescues objects for scholarly study
 - Attempts to regulate access to the trade violate academic freedom
 - Examples from three scholarly societies with differing view
 - Scholars who reference unprovenanced work in their scholarship may know details about provenance; by not publishing details, they inhibit other scholars' research
 - Two issues of professional ethics:
 - Whether scholars should reference unprovenanced works
 - Whether scholars should be expected to publish what they know about the trade

Market in Iraqi Antiquities since 2003

- In 2003, the UN Security Council issued a resolution prohibiting the sale of Iraqi artifacts removed from the country illegally since 1990.
 - Led to a British law of the same year.
- Public sales of unprovenanced Iraqi artifacts have stopped entirely since then
 - This fact suggests that most unprovenanced material sold before 2003 was also illegal
- Evidence suggests that this trade has moved online
 - Comparison of a 2006 sampling of items available on the internet to the one in 2003
 - Caveat: the 2003 study was less precise
 - The stats from the online surveys may underestimate the size of the problem
 - Some sites say the sellers have more on sale than what is posted
 - Most dealers are located in US, UK, or Australia; hardly any give provenance
 - This indicates that laws aren't being enforced
 - Two reasons for lack of enforcement
 - It's hard to compete for attention with more serious crimes
 - Hard to prove an item is illegal
 - Online descriptions avoid terms like "Iraq" that mark items as illegal
 - What to do? Bring archaeologists, lawyers, and police together to discuss what to do
 - Auction houses are high-profile, so they're easier to police than internet or invisible sales

Conclusion

- Western market for antiquities has stimulated plunder of museums and sites
- Partly this is the fault of archaeologists, who have not demonstrated the scale and nature of the problem, or been more engaged
- Law enforcement might improve if there were better standards of what constitutes legal proof of origin
- US authorities might well start by tackling the internet trade in antiquities
 - This might reduce the need for prophylactic military intervention and save lives