

## Publishing Undocumented Texts: Editorial Perspectives

JOHN F. CHERRY

### Introduction

Let's begin with a short version of a very long story (Parker 2010). Sometime before the terrorist attacks of September 11, 2001, a large group of cuneiform tablets and plaques was looted from somewhere in southern Iraq, probably Nippur (the religious capital of Sumer) or some other settlement close by. Knowledge of them surfaced only in March 2001 when U.S. Customs authorities, investigating a New York gallery suspected of illicit antiquities dealing, followed a tip concerning a shipment from Dubai to Newark airport of two boxes containing "clay objects." Upon inspection, these proved to be cuneiform clay tablets and plaques, some 362 items in all, and after seizure they were taken where all such materials used to go: the basement of the United States Customs House at 6 World Trade Center in New York City. This building, as is well known, was one of those destroyed in the 9/11 attacks: debris from the collapse of adjacent structures punched a massive hole right down to the basement level, which was then flooded by burst pipes and fire-fighters' hoses. When officers of the Immigration and Customs Enforcement Agency were able to re-enter the remains of the building a few weeks later to retrieve the guns, drugs, and money they routinely stored there, they also brought out the two water-logged boxes of tablets. They were moved to another secure storage location and not re-opened until late 2004. But by then they were terribly fractured, because the soaking they had received caused the salts in the unbaked clay to come to the surface.

The tablets of course needed to be repatriated to Iraq; and indeed, along with a larger group of objects, they were formally returned to the Government of Iraq in a ceremony held at the Iraqi embassy in Washington D.C. in September 2008. But both instability in Iraq and the state of the tablets themselves made their physical return inadvisable, and – on the

initiative of John Russell (Massachusetts College of Art and Design), with Iraqi permission, and ca. \$100,000 of State Department funding – an effort was meanwhile mounted to restore them. So a team of private artifact conservators, Dennis and Jane Drake Piechota, worked on them for 18 months until March 2010, a process involving baking, desalinization, cleaning, and painstaking re-mending. Their academic study was entrusted to the Harvard Assyriologist Benjamin Studevent-Hickman, who has determined that the tablets represent part of an archive of a head administrator of the temple of Ninurta, a god whose main cult center was in Nippur; the central figure in these texts is a man named Arad-mu, very possibly the same individual who is known to have been a very major state official during the Third Dynasty of Ur (Studevent-Hickman, personal communication 2010). Finally, on September 7, 2010, the tablets, now in stable condition, were handed back physically in a ceremony at the Iraq National Museum in Baghdad (Myers 2010).

For these Arad-mu tablets, further facts about the circumstances of their discovery and looting a decade or more ago, let alone reliable information about their precise findspot, can no longer be expected. What has been lost for good is their archaeological provenance, “the scholar’s most basic and valuable tool in establishing an object’s date, its function within a systemic context, and ultimately, its authenticity” (Reichel 2008: 55). This makes it next to impossible now to resolve some “known unknowns” about them (to use Donald Rumsfeld’s infamous phrase). For example, while the internal evidence of the texts themselves would suggest that they might stem from “downtown” Nippur, there are said to be no reports of looting there prior to the 9/11 attacks, at least in the area where the temple of Ninurta might be expected to have been (Studevent-Hickman, personal communication 2010) – nor, incidentally, does this site seem to have been heavily plundered subsequently, at least compared to many others in southern Iraq (Stone 2008).

Nonetheless, in light of (1) their sheer number, (2) their “surfacing” together as a group in the illicit antiquities trade, (3) the coherence as a partial archive that their study has revealed, (4) the fact that they can be pinned down closely in terms of date and place, (5) their historical significance, as dealing with a key figure in the Ur III administration, and, above all, (6) the miserable fate they have suffered in modern times, these documents surely deserve to be published. Is the situation not rather like that of a dog which has been stolen, abused, nursed back to health, found a safe home – and now deserves a little love?

### The Problem: Texts as Super-artifacts

Whether such material should in fact be published, and, if so, under what conditions, has of course been the focus of a great deal of acrimonious discussion in recent years, greatly exacerbated by the two wars in Iraq since 1991 – discussion that Westenholz (2010: 264) characterizes as “a dirty war within the scholarly community, full of intolerance, mudslinging, name-calling, and mutual incriminations,” involving archaeologists, Assyriologists, museum directors, politicians, and collectors. The problem, while probably incapable of finding a satisfactory resolution any time soon, is nonetheless straightforward to frame.

The moral and ethical arguments are complex (Hollowell 2006), but some archaeologists evince empathy for the social and political circumstances that may drive poor villagers into “subsistence digging” – that is, the exploitation of local sites to find archaeological objects for sale, in order to use the proceeds to support a subsistence lifestyle (e.g., Matsuda 1998). Most, however, maintain strongly that “collectors are the real looters” (Elia 1993), in the sense that, by purchasing undocumented antiquities,<sup>1</sup> they keep the looting going, and feed the international trade in illicit antiquities. At the very heart of the archaeologists’ position is the notion that artifacts robbed of their archaeological context have little scholarly value, and furthermore that a documented context of discovery is the best (in fact, ultimately the *only*) guarantee of authenticity. The latter is an increasingly important element of the argument, because it is now very clear that, as Eric Meyers (2005) puts it, “in addition to promoting illicit trade in antiquities the publishing of unauthenticated and unprovenanced material also has promoted an entire industry, namely the forgery business.” Furthermore, irrespective of whether an artifact has been ripped from the ground illegally or taken from a museum, and taking a skeptical view of suspicious guarantees of authenticity and origin (“from an old private collection in Munich”), new undocumented materials reaching the market are in all likelihood stolen goods, since they lack export licenses and thus are in violation of the patrimony laws that have long been in place in most Mediterranean and Near Eastern nations.

Textual specialists, and some museum directors, have countered these sorts of arguments by casting scorn on the “context is everything” position. Thus, James Cuno (2008: 9) writes:

Sometimes archaeologists argue that antiquities have no meaning outside their archaeological context... But of course antiquities have meaning outside their specific archaeological context, all kinds of meanings: aesthetic, technological, iconographic, even, in the case of those with writing on them, epigraphic.

Indeed, most of what we know about the Ancient Near East we know from unprovenanced cylinder seals and cuneiform tablets.

This last sentence is, manifestly, an exaggeration that willfully overlooks the products of two centuries of legitimate excavation in the Middle East. Nonetheless, scholars must adopt a stance in the face of the fact that potentially important documents, such as the Gospel of Judas, lack any clear provenance history (Eakin 2006a).

One argument is that both legitimate, scientific excavation and entirely undocumented site looting involve destruction, and neither can be justified except via full publication. Another asserts that ignoring such works that have come to light through illicit activities may be even more damaging than the destruction caused by the original looting, an argument that represents the publication of undocumented texts as a form of justifiable “rescue” operation. Other scholars speak of “scare tactics” or the “censoring of knowledge,” (Owen 2009) and assert that publishing restrictions amount to forcing them to “close their eyes to important information” (Eakin 2006b). Most prominently, a statement drafted by Lawrence Stager of Harvard University, signed by over 100 scholars worldwide, and posted on the website of the *Biblical Archaeology Review* (*BAR*) (but now, apparently, taken down), espoused the view that much of the history of the Near East would be shut to us if we cannot use these unprovenanced items, and that “looted artifacts, especially inscriptions, often have much of value to impart.” *BAR* has gone out of its way to post articles proclaiming the valuable contributions of supposedly “worthless” unprovenanced artifacts (Resig 2009), with claims that a history of the ancient Near East is impossible without relying on unprovenanced textual material.

Texts, of course, are also artifacts. Scholars who object so strenuously to publication restrictions generally deny that publication, or even the authentication of material in dealers’ hands, has any effect in enhancing the value of texts. Nor do they recognize the widely held view of archaeologists that *any* involvement in publishing undocumented materials merely reinforces the cycle of looting, or – as Elizabeth Stone put it – “if you publish, you are contributing to the illegal market” (Eakin 2006a). In other words, they are unwilling to accept any line drawn in the sand where undocumented texts are concerned, because, for them, texts are in effect “super-artifacts” – that is, artifacts with added-value that gives them intrinsic scholarly importance, even in the absence of any known context, and makes them deserving of study and publication no matter what the circumstances.

Both camps in this tricky ethical dilemma have adopted entrenched positions. It seems most unlikely that there can be any softening of opinion or convergence of viewpoints any time soon. In this light, it is interesting,

then, to take a look at how matters are actually playing out in terms of publishing practices.

### An Informal Survey of Editorial Practices

When the editors approached me to participate in the conference on which this book is based, they indicated that they would welcome my thoughts on the subject of the publication of undocumented texts from the perspective of a long-time journal editor. It is true that I have been involved in academic editing for many years – 10 years as co-editor of *World Archaeology*, five as co-editor of book reviews for the *American Journal of Archaeology*, 24 as co-editor of the *Journal of Mediterranean Archaeology*, as well as founding two monograph series and currently serving on the editorial boards of several other archaeological journals. All this has certainly given me plentiful experience of the issues with which editors in our field must often deal. On the other hand, none of these journals serves as the venue for the publication of texts, or at least not for their *primary* publication (which is the crux of the matter). Consequently, in all these years of journal work I have never faced an editorial problem concerning undocumented texts, and only once, if truth be told, with unprovenanced artifacts.

This lack of direct personal experience suggested that it might be more useful to conduct an informal survey of current editorial policies and practices across a range of different types of Mediterranean and Near Eastern journals, asking a series of pointed questions (Table 13.1). The editors of some 19 journals were

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1. Does your journal have a published ethics policy?
    - If so, is this the creation of the journal's sponsoring body, or of the editors themselves?
    - If not, are there *tacit* ethical principles that guide your editorial decisions?
  2. How often, in practice, have you faced an ethical decision about the publication of undocumented artifacts? With what outcomes?
  3. Has your journal faced any problems relating specifically to the publication of *texts*? How often? Are these problems increasing?
  4. Has your journal's editorial policy been influenced by, for instance:
    - the 2004 ASOR resolution to endorse the publication in its journals, under very strict rules, of undocumented texts likely emanating from Iraq?
    - the 2007 ASP resolution concerning the illicit trade in papyri?
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Table 13.1. Sample questions posed to editors about their journals' publication policies.

Journals	Editors
<i>American Journal of Archaeology</i>	Naomi Norman*
<i>Anatolian Studies</i>	Roger Matthews, Gina Coulthard
<i>Bulletin of the American Schools of Oriental Research</i>	James Weinstein*
<i>Hesperia</i>	Tracey Cullen*
<i>Israel Exploration Journal</i>	Shmuel Ahituv, Amihai Mazar
<i>Journal of Ancient Near Eastern Religion</i>	Seth Sanders
<i>Journal of Biblical Literature</i>	James VanderKam*
<i>Journal of Cuneiform Studies</i>	Piotr Michalowski
<i>Journal of Field Archaeology</i>	Curtis Runnels*
<i>Journal of Mediterranean Archaeology</i>	Bernard Knapp, Peter van Dommelen, John Cherry
<i>Journal of Near Eastern Studies</i>	Christopher Woods, Robert Biggs*
<i>Journal of Roman Archaeology</i>	John Humphrey
<i>Journal of the Canadian Society for Mesopotamian Studies</i>	Robert Chadwick*, Paul-Alain Beaulieu
<i>Journal of the Economic and Social History of the Orient</i>	Norman Yoffee*
<i>Levant</i>	Graham Phillip
<i>Mesopotamia</i>	Carlo Lippolis
<i>Near Eastern Archaeology</i>	Ann Killebrew*
<i>Palestine Exploration Quarterly</i>	David Jacobson
<i>Tel Aviv</i>	Israel Finkelstein

\* = Former editor of the journal

Table 13.2. Journals included in the survey and their editors.

duly contacted by e-mail (Table 13.2); gratifyingly, all of them responded, in some cases with detailed responses that signaled their genuine concern about these issues. Obviously, it cannot be claimed that this is a thorough, or even representative, sample of all the key journals.<sup>2</sup> It is decidedly Anglophone; it omits certain areas altogether (e.g., Egypt); and it deliberately excludes certain journals already well known as being open to the publication of undocumented artifacts, including texts, and even possible forgeries. Still, this at least offers a snapshot of some current practices and editorial opinions. In what follows, I survey and offer a rough classification of the responses received, in three groups.

### *Journals with an Explicit Published Ethics Policy*

Some journals, of course, are wholly constrained by their sponsoring institutions' ethics policies, in most cases willingly embraced by their editors. For example, *Hesperia*, *Hesperia* supplements, and all the many other

monograph series of the American School of Classical Studies at Athens are bound by the School's strictly-enforced ethics policy, which states:

The American School of Classical Studies at Athens will not knowingly print in any of its publications the announcement or initial scholarly presentation of any object acquired after December 30, 1970, by any means other than through an officially sanctioned excavation or survey, unless the object was part of a previously existing collection or was legally exported from the country of origin [ASCSA 1998].

Thus, if there is ever the slightest doubt about the provenance of the main subject of a *Hesperia* article (whether text or object), the author is asked to provide a letter from the dealer, collector, or museum, clarifying when the object was purchased and under what circumstances. One casualty of this policy, for example, was a publishable manuscript about a rare Greek and Roman bilingual dedication on a votive relief of a Thracian rider, withdrawn by its author who was unable to document when it entered the private collection in which it is held.

Equally explicit and firm are the policies of the *American Journal of Archaeology* and *Archaeology* magazine, which conform to the ethical stance of the Archeological Institute of America; since 1978, *AJA* has adopted what is perhaps the clearest position on no first publication of recently acquired material without context, and successive editors-in-chief have reiterated and refined this policy, among them Ridgway and Stech (1978), then Kleiner (1990), and most recently Norman (2005). The latest 2005 revision of the policy in fact allows quite a bit of leeway in considering publication of looted or illegally acquired material *if* one of the primary purposes of the article is to spotlight the problem of provenance itself, by articulating the history of acquisition and noting how that history complicates our understanding of the material:

As a publication of the Archeological Institute of America, the *American Journal of Archaeology* will not serve for the announcement or initial scholarly presentation of any object in a private or public collection acquired after December 30, 1973, unless its existence is documented before that date, or it was legally exported from the country of origin. An exception may be made if, in the view of the Editor, the aim of publication is to emphasize the loss of archaeological context. Reviews of exhibitions, catalogues, or publications that do not follow these guidelines should state that the exhibition or publication in question includes material without known archaeological findspot [Norman 2005: 135].

The former editor-in-chief of *AJA*, Naomi Norman, reports that she never had to turn away a manuscript because of non-compliance with the journal's stated policy: that, presumably, is because it is so widely known, prominently advertised, and rigorously upheld. *AJA*'s very effectiveness in policing

submissions seems to be the reason why the *Journal of Near Eastern Studies* has also recently decided to adopt the same policy, prompted directly by recent difficulties over articles dealing with Iranian texts of dubious origin, and in anticipation of more problems down the road with texts flowing out of Iraq and philologists bolder about seeking to publish them. *Anatolian Studies*, which has encountered virtually no ethical publication problems over the past decade, despite having no published policy on the matter, appears to be heading in the same direction and, according to its Executive Editor (in 2010), is also about to adopt one.

Likewise, the journals issued under the aegis of the American Schools of Oriental Research (*BASOR*, *Near Eastern Archaeology*, *Journal of Cuneiform Studies*) are bound by comparably strict policies. Of special relevance here, of course, is the adoption at the 2004 ASOR meeting of an *exception* to its policies, to permit the publication in ASOR journals and books and the presentation at its meetings of undocumented cuneiform texts from Iraq, albeit under strictly limited circumstances (American Schools of Oriental Research 2004):

- The State Board of Antiquities and Heritage (SBAH) of Iraq has given its consent.
- Materials to be published are returned to Iraq and are in the ownership and custody of the SBAH. (Because of current conditions in Iraq, however, “return to Iraq” allows for temporary placement, under strict conditions, in an approved academic research institution in the United States.)
- In addition, the ASOR-sponsored publication and any future ASOR-sponsored publication of this material must include a reference to the fact that the published texts are unprovenanced. Additional facts that are known concerning the acquisition or appearance of the texts in the US should also be included.

It was the heated discussions leading up to this resolution that for the first time clearly revealed the bitter split in the scholarly community discussed in the previous section, and the flames were further fanned by the considerable coverage given to this ethics debate in the popular press. ASOR publications now conform to this policy – even though in one instance (*Journal of Cuneiform Studies*) it is alleged that its present editor, Piotr Michalowski, does not entirely agree with it (Owen 2009: 132, n. 5).

*Journals without a Written Ethics Policy, but Material Must Come  
from Authorized Fieldwork, or with Certified Provenance*

Another group of journals comprises those that, while having no official policy either printed in the journal or disseminated via the internet,

nonetheless in practice operate more or less like the ones discussed above. Thus, the editor of *Mesopotamia*, Carlo Lippolis, writes:

We do not have a precise or written “publication policy” about this matter, but up to now we have not had any problem with publishing unprovenanced material... If there is any doubt, we do not accept the study [C. Lippolis to J.F. Cherry, e-mail, 25 October 2010]).

Similarly, Robert Chadwick, the former editor of the *Journal of the Canadian Society for Mesopotamian Studies*, says:

I am fairly certain we have never published any unprovenanced materials, and would never do so. During my years as editor I was never aware of any texts that would contravene the 1973 UNESCO cut-off date, nor do I believe that any of our contributors ever used such texts [R. Chadwick to J.F. Cherry, e-mail, 21 October 2010].

The *Journal of Field Archaeology* and the *Journal of Mediterranean Archaeology* would also fall under this rubric.

*Levant* does not as a rule publish undocumented artifacts or texts; but it deliberately declines to post an ethics statement on its website, in light of the politically-charged nature of the region this journal covers. Its editor, Graham Phillip, reports that a small proportion of all submissions are rejected because of ethical concerns; these concerns, however, mainly relate not to undocumented texts or artifacts, but rather to fieldwork carried out in occupied territory, which the journal does not publish. Other journals also wrestle with this issue: for example, Robert Biggs, the long-term former editor of the *Journal of Near Eastern Studies*, noted problems with articles concerning objects excavated during the Israeli occupation of Sinai, and *BASOR* too will not consider manuscripts dealing with such material. This is a slightly different ethical twist, since the problem here is not that objects have no documented context, but rather that the circumstances of their discovery might well be regarded as illicit. The *Palestine Exploration Quarterly* appears to have fewer qualms in this respect.

*Journals that Generally Refrain from Publishing Undocumented Materials,  
but that Would Consider Publication, Depending on the Circumstances*

A final group of journals encompasses those claiming that they generally refrain from publishing undocumented materials, including texts, but that are willing, at least, to consider publication, depending on the specific circumstances. The *Journal of Roman Archaeology*, for example, has no announced policy on materials lacking a secure provenance, and each submission is considered on its merits. The editor serves, as it were, as his

own journal's investigative policeman, and has sometimes published items lacking secure provenance, if in his view the good outweighs the harm of so doing. A noteworthy example is the publication, as *JRA Supplement* 12.1 in 1994, of the inscribed, Sevso Treasure of Roman silver plate, which is both unprovenanced and hotly disputed as regards ownership (Mundell Mango and Bennett 1994).

*Tel Aviv* has published some undocumented texts, most notably a Neo-Hittite stele (Singer 1988–1989), although its inclination is to judge each case on its merits; thus, fairly recently, it declined to publish an article dealing with some important Persian-period inscribed metal bowls. Its editor, Israel Finkelstein, rightly emphasizes that in Israel, especially, there is another important angle to the problem – namely, forged items. But the journal's response is caution, not outright prohibition on publication. Thus, for example, in a recent issue there appeared an article (Schipper 2010) on the history of the southern Levant in the seventh century B.C., which draws on seals and seal-impressions which originated in the antiquities market and are suspected of being forgeries; the only condition imposed on the author was that a footnote be added to warn the reader about their authenticity.

The *Israel Exploration Journal* claims that it refrains from publishing unprovenanced artifacts, especially if they have not been previously published. At the same time, its editors would have no problems in publishing what they deem to be highly valuable texts, such as Judean desert documents on papyrus or parchment that still occasionally appear on the market. Certainly, *IEJ* has published papers on at least three undocumented texts over the past several years: an inscribed lead weight seized from looters by the Israeli Antiquities Authority (Zissu and Ganor 2006), a fragmentary Roman inscription of unknown origin, now in the Islamic Museum of the Haram ash-Sharif in Jerusalem (Grüll 2006), and the “Gabriel Revelation” stone which surfaced in the antiquities market (Goren 2008). It also now seems to be the go-to journal for discussions relating to the authenticity of certain inscriptions, again based on the editors' estimation of their importance. Examples include the “Jehoash inscription” (Eph'al 2003), a forged plaque recording repairs to the Temple (Cross 2003), two forged Iron Age ostraca from the Moussaieff Collection (Goren et al. 2005a), and the inscribed pomegranate purchased by the Israel Museum in 1989 (Ahituv et al. 2007; Goren et al. 2005b; Lemaire 2006).

Lastly, I include in this group the *Journal of Biblical Literature*, although with some hesitation, since it has no explicit written policy regarding undocumented texts, and it has not been shy in the past about serving as an outlet through which editions of texts obtained through the market have first seen the light of publication (e.g., a manuscript from the Dead Sea Scrolls,

as well as an article – but not its first publication – on a new text whose authenticity is questionable). Editor James VanderKam kindly indicated to me the sorts of approaches he would adopt, were he to be faced with an undocumented text submitted for publication: they include (a) asking whether it has been subjected to scientific tests to confirm its antiquity, (b) inviting the author to emphasize that the text lacks a known provenance, and (c) consulting experts in the field, to see if more information exists about the text and the circumstances under which it came to light. These may well be sensible steps; but, as an editor myself, I do not think it is our role to do this sort of detective work in order to clear a manuscript for publication. With a history of publishing texts acquired through the market, its lack of an explicit publication policy one way or another, and yet a clear concern for matters of authenticity and provenance, *JBL* occupies a somewhat awkward position between the *laissez-faire* attitudes of (e.g.) *Biblical Archaeology Review* and the more circumspect guidelines of most of the other journals discussed above.

### Discussion

Insofar as this informal survey of editorial practices is at all representative, it would appear that many of these journals do not, and will not, publish undocumented texts. Equally, the others that at least do not *officially* preclude such a possibility do not seem to be doing so very much. Of course, the sample is biased, in that it does not include a number of journals that were not contacted, since their answers to my questions were already apparent from their actual publication decisions, which reveal an evident lack of any scruples about handling material of this sort.

As several editors asked me, “If it’s not appearing in our pages, where is all the illicit and undocumented material being published?” One answer is that just indicated. If an unprovenanced object of any potential historical significance comes on the antiquities market or shows up in the hands of a private collector or enters a museum not governed by strict acquisition policies, it is quite likely to be published in a journal such as *Biblical Archaeology Review* (if it has implications for Biblical history), or in any of the various European and Middle Eastern journals that have no restrictions on publishing objects or texts lacking known provenance. These include, but are not limited to, *Journal of the American Oriental Society*, *Orientalia*, *Revue d’Assyriologie*, *Studi Epigrafici e Linguistici*, *Zeitschrift für Assyriologie*, and *Kaskal: Rivista di storia, ambienti e culture del Vicino Oriente Antico*.<sup>3</sup>

This, however, is to focus on journals alone. While the matter is difficult to quantify, one has the sense that the less receptive atmosphere now presented by many top-tier periodicals is making it more attractive to place articles

dealing with undocumented texts not in journals, but rather in edited books or monographs, and – perhaps especially in the field of Near Eastern Studies – in *Festschriften* and other types of honorary volumes. A single example of the latter will suffice: the recently published volume for Professor David Owen, who through purchases has established the third-largest university collection of cuneiform tablets in the world at Cornell University, and who is outspoken in his defense of the right and necessity to publish any and all ancient texts (e.g., Owen 2005, 2009). The volume is tellingly entitled *Why Should Someone Who Knows Something Conceal It?* (Kleinerman and Sasson 2010), mirroring Owen's (2005: 1816) own view that "as scholars, our primary purpose is to preserve and disseminate knowledge, not to suppress and ignore it." Its final paper, appropriately, is an impassioned (though sometimes illogical) tirade against archaeologists who have seen fit to question the motives of "enlightened collectors" of cuneiform materials and those scholars who collaborate with them (Westenholz 2010: 265).

Still, if my hunch is correct that much stiffer publication policies at many journals have simply driven those bound on publishing undocumented texts into the arms of other types of outlets, it of course raises the question whether the firm stances adopted by ASOR, the AIA, the American Papyrological Society, the Deutsches Archäologisches Institut, and several other bodies have had any practical impact at all on reducing the number of publications of materials without provenance, and thus helping stem the circulation of illicit antiquities (whether they bear texts or not). Yet even to ask such a question raises another one, to which clear answers do not seem to exist: just how big a problem do we face here?

Perhaps influenced by images of the destruction of the Iraq Museum in Baghdad and the devastating looting of Mesopotamian sites, as so vividly documented in the Oriental Institute's exhibition and publication *Catastrophe! The Looting and Destruction of Iraq's Past* (Emberling and Hanson 2008), we have readily accepted the notion that there is a veritable tsunami of undocumented cuneiform texts flowing out of Iraq. The ASOR resolution of November 2004, certainly, was in direct response to that fear. But do we have any reliable figures? Here is a quotation from a report on the heated debates at the 2005 Rencontre Assyriologique Internationale (held at the Oriental Institute of the University of Chicago, 17–23 July, 2005):

Today, as many as 100,000 tablets a year are being ripped out of archaeological sites in war-torn Iraq and put on the international market, according to U.S. government estimates. By comparison, only 300,000 to 400,000 likely existed in libraries and private collections prior to 1990, say scholars [Lawler 2005: 869].

Eric Meyers (ASOR 2004) put the figure even higher, at 150,000. We might compare that statement, however, with the evaluation of David Owen: monitoring of the internet since 2003 by CDLI (the Cuneiform Digital Library Initiative) has turned up fewer than 500 genuine tablets, “a far cry from the hundreds of thousands of tablets that certain archaeologists allege to have been smuggled out of Iraq” (Owen 2009: 131, n. 3). I too, in an amateur fashion, have been inspecting e-Bay in recent months and find that genuine tablets are much scarcer there than popular opinion has it (many are declared as replicas, and some are obvious fakes). Indeed, those in the market to purchase cuneiform texts would do better going to established auction houses, where what is on sale is often described, predictably, as coming from “a well-known European collection.” In short, as with so many aspects of the arguments concerning undocumented objects, reliable quantified data are hard to come by.

It is encouraging to see the extent to which professional associations, as well as some individual scholars – whether cuneiformists, papyrologists, or epigraphers, have begun to assume responsibility for advocating for the bodies of ancient material that are in fact the very *raison d'être* of their own disciplines. For example, the 2007 Resolution of the American Society of Papyrologists now explicitly recognizes:

that papyri and other inscribed objects are part of the archaeological record and that their historical value is diminished significantly when they have been stripped from their original contexts in the course of illicit and undocumented excavations; and that the looting of archaeological sites destroys the original contexts of *all* forms of material culture and permanently diminishes our ability to reconstruct and understand the past [ASP 2007].

This stance is very different from that of scholars who would maintain, with Owen (2005: 1816), that “our field is built upon the tens of thousands of unprovenanced tablets that make up the majority of collections in museums, universities, and private collections the world over,” or agree, with Cuno (2008: 9), that “most of what we know about the Ancient Near East we know from unprovenanced cylinder seals and cuneiform tablets.” To adopt such views involves according absolute primacy to the decipherment and study of ancient texts as our *entrée* to the ancient world, undervaluing the role of material culture in all its forms, and ignoring all arguments about the critical importance of context.

One cannot help being struck by the extent to which cuneiform studies, papyrology, and Greek and Roman epigraphy do in practice work with material lacking secure, detailed archaeological contexts. For instance, the archaeological journal *Hesperia* has for many years been a regular publisher of epigraphic articles.

Some of these, certainly, are reports of fresh material from well-documented excavations in, especially, the Athenian agora; but many are re-examinations of texts first published long ago in the many fascicles of *Inscriptiones Graecae*, coming from inscriptions recorded by 19th-century travelers and scholars as *spolia* built into churches, chapels, and even private houses, and thus lacking any meaningful primary archaeological context whatsoever. The latter types of study are certainly useful, sometimes even of high historical significance: few indeed would try to deny that objects without context, perhaps especially inscriptions, do often have much of scholarly importance to impart. That, however, is not what the arguments are about.

The shriller voices in Assyriology maintain that “archaeologists” (generally depicted as a unified bloc) wish to redouble the tragedy of looting by now seeking to suppress knowledge of looted or undocumented texts via the promulgation of ethical codes that restrict their publication. The reality, of course, is that there exist tens of thousands of unstudied and unpublished cuneiform texts still awaiting proper attention in older collections around the world; the Persepolis Fortification Archive, discussed elsewhere in this volume, is a good instance of how much material still requires scholarly attention, and how long that generally takes. What drives archaeological opinion is concern about the massive growth in the value of the market for illicit antiquities in the latter decades of the 20th century, now greatly exacerbated and facilitated by the various wars waged in the Middle East early in the 21st century. There exists no animus against those who work on what we might term “legacy collections,” nor (contrary to some assertions in the literature) any wish to impose a blanket ban on publication of all unprovenanced material. But in order to confront current realities a line has to be drawn in the sand, no matter how arbitrary – and that line is the 24 April 1972 date upon which the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property* entered into force, the deadline widely acknowledged in most ethical codes and various pieces of legislation. One can only repeat: the fact that artifacts ripped from their context by looters often lose much of their meaning, and so can provide only part of their story, is precisely the ground on which so many archaeologists object to the publication of undocumented materials. Scholars who publish materials that are clearly (or even probably) in violation of the UNESCO convention refuse to acknowledge that their actions, however indirectly, make them complicit in the looting cycle. Archaeologists, on the other hand, have yet to hear any persuasive logical, legal, ethical, or scholarly arguments why undocumented texts should be allowed to evade international conventions and be given a free pass.

## Epilogue

Finally, what of those poor tablets with which I began? The Arad-mu archive will apparently be published, as a planned monograph in the *Journal of Cuneiform Studies Supplemental Series*. This is entirely above board: it has the approval of the State Board of Antiquities and Heritage of Iraq, and the tablets themselves are physically back in Iraqi hands. In other words, the publication process abides by the rules, or at least conforms to the special exception enshrined in the 2004 ASOR resolution concerning cuneiform materials from Iraq. Thus, a relevant code of ethics will have been followed, one representing a compromise that explicitly attempts to acknowledge the conflicting interests that exist in such circumstances. Yet, as Patty Gerstenblith (this volume) asks: Do such codes of ethics on publication of undocumented texts in fact promote legitimacy? That is an unresolved question, both ethically and practically, and likely to remain so for many years to come.

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## Notes

1. I use the term *undocumented* in the same sense as Patty Gerstenblith (Ch. 12, this volume) to refer to an artifact that has limited, or only recent, information about its ownership history and how it was obtained; such an object may, of course, also be looted (unscientifically excavated and lacking context) and/or illegal (involving some violation of law).
2. For example, it was only at a late stage in the research for this paper that it was drawn to my attention that the American Society of Papyrologists had also approved a resolution in June 2007 concerning the illicit trade in papyri and other archaeological objects. It includes a declaration that “the publication, presentation, and/or exhibition of such material shall not occur under the Society’s auspices (for example, in its *Bulletin* or at its Annual Meeting) unless the author, speaker, or curator includes a frank and thorough discussion of the provenance of every item” (ASP 2007).

3. I am informed by one of the co-editors of this volume that to this list should also be added the Cuneiform Digital Library Initiative's *Journal*, *Bulletin*, and *Notes* (<http://cdli.ucla.edu/?q=publications>).

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