

## The market in Iraqi antiquities 1980-2008

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### The market up to 2003

European and – later – North American collectors and museums created a market in Iraqi artifacts soon after modern archaeological excavations began in the area in the 1840s, and by the 1880s illegal digging to feed that market was well established (Foster *et al.* 2005: 214; Gibson 2008: 31). In 1922 a Department of Antiquities was established under the British Mandate and backed up by a new antiquities law, which together seem to have exerted an ameliorating effect (Bernhardsson 2005: 126, 156–7; Gibson 2008: 33). Iraq gained independence in 1932, and enacted a stronger antiquities law in 1974, which prohibited the export of any archaeological artifact except samples for scientific analysis (Foster *et al.* 2005: 217; Gibson 2008: 34). From the 1960s through 1980s increased revenue from oil sales allowed the expansion and generous support of the Iraqi Department of Antiquities, which by the 1970s had become a fully professional organisation, employing alongside archaeologists and other specialists something like 1600 site guards. During that time, clandestine excavation and illegal trade are thought to have stopped almost entirely (Bernhardsson 2005: 179–80; Foster *et al.* 2005: 217; Gibson 2008: 34; Lawler 2001: 33).

The situation began to deteriorate during the 1980s when the long Iran-Iraq war placed a heavy strain on the Iraqi economy, but worse was to follow in the turmoil that followed the 1991 Gulf War. Eleven regional museums were burgled and by 1995 there was widespread illegal digging of archaeological sites. The economic collapse that followed the imposition of a trade embargo by United Nations Security Council Resolution (UNSCR) 661 exacerbated the situation still further, as it became impossible for the Department of Antiquities to maintain adequate staffing levels or to acquire and maintain necessary equipment and vehicles, and so site protection suffered accordingly (Lawler 2001: 34; Gibson 2008: 34). At the same time, for the general population, real wages dropped and

unemployment increased, so that for many people in rural areas archaeological sites offered a ready source of income. The excavated artifacts found a ready market in the West, where no action was taken to prevent their illegal export and sale, even in the face of the UN trade embargo. The looting of archaeological sites worsened after the Coalition invasion in 2003, and the National Museum and other cultural institutions in Baghdad were ransacked (Bogdanos 2005; Stone & Farchakh Bajjaly 2008; Rothfield 2008; Emberling & Hanson 2008).

The UN trade embargo imposed by UNSCR 661 should have applied as much to archaeological artifacts as to any other class of material, and by 1994 notice of the UN trade embargo had been provided by the major London and New York auction houses in their relevant sales catalogues. For example, the following statement appeared in the London Christie's catalogue of their 12 December 1990 Fine Antiquities sale:

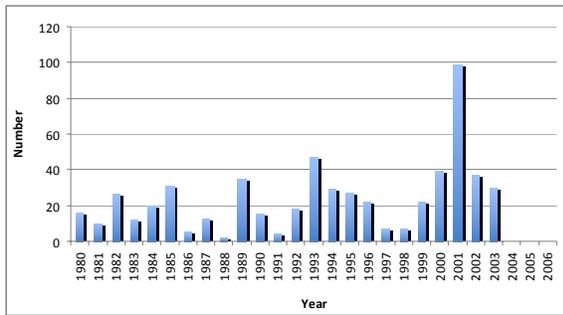
A recently imposed United Nations trade embargo prohibits us for accepting bids from any person in Iraq and/or Kuwait (including any body controlled by Iraq or Kuwait residents or companies, wherever carrying on business), or from any other person where we have reasonable cause to believe (i) that the Lots(s) will be supplied or delivered to or to the order of a person in either Iraq or Kuwait or (ii) that the Lot(s) will be used for the purposes of any business carried on in or operated from Iraq or Kuwait.

Bonhams' first ever 'Antiquities' sale catalogue of April 1991 contained a similar statement, and so too did comparable Sotheby's catalogues (for example, in the catalogue for the London December 1992 sale). What is remarkable about these statements, however, is that they were aimed very much at potential buyers. There was no mention of potential consignors, and no overt prohibition on consignments originating in Iraq, even though Article 3(a) of UNSCR 661 stated specifically that States should prevent 'The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution; ...'. The sale of Iraqi artifacts at the major auction houses continued without interruption (Brodie 2006; 2008a; 2008b).

The state of the London antiquities market over the period August 1990 (when UNSCR 661 was adopted) to April 2003 (when the Iraq National Museum was attacked) can be gauged from statistics describing antiquities sales held at Christie's auction house (Fig. 1). Christie's is used for this analysis because of the three major London auction houses

that sell antiquities – Sotheby’s, Christie’s and Bonhams – only Christie’s maintained sales through the period in question, holding major antiquities-only sales two or three times per year. Figure 1 shows the combined number of lots of unprovenanced Mesopotamian cylinder seals and cuneiform tablets consigned for sale each year<sup>1</sup>. Both types of artefact are found mainly in Iraq, and so the figures can be taken as indicators of the larger market in Iraqi antiquities. It is clear that during the period in question and despite UNSCR 661 the quantities of unprovenanced artefacts being offered for sale did not diminish; in fact if anything they increased over the years running up to 2003.

Figure 1. Number of lots of unprovenanced cylinder seals and cuneiform objects offered annually at Christie’s London 1980-2006.

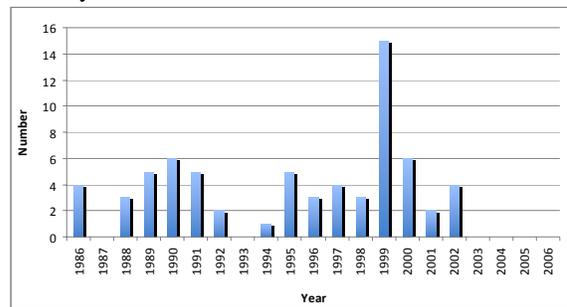


For New York, the largest data run available is for Sotheby’s auction house, and the number of lots of unprovenanced Mesopotamian cylinder seals and cuneiform tablets offered annually at Sotheby’s are shown in Figure 2. On average, fewer artifacts were offered at Sotheby’s than at Christie’s London. Auction statistics are not a straightforward reflection of the total antiquities market, but the ones presented here do suggest that the New York market in unprovenanced Iraqi artifacts was smaller in volume than that in London. This observation is fully in accord with other evidence suggesting that much of the trade out of Iraq during the 1990s was passing through London (Brodie 2006: 214–222; Gibson 1997; 2008: 35-8).

The issue of provenance is crucial here. Provenance is known ownership history, and so if an artifact is offered for sale with provenance, a potential purchaser can easily ascertain whether the piece is legally on the market. For an unprovenanced artefact, however, it is harder if not impossible to know whether it is on the market legally or not. Thus the unprovenanced Iraqi material being sold at auction between 1990 and 2003 might have been moved out of Iraq in part or in total before 1990, or it might equally have been exported after that date in

direct contravention of Iraqi law and of UNSCR 661. As will become clear below, the second possibility is the most likely – that a large part of the unprovenanced material on the market in the 1990s was in fact there unlawfully. The absence of provenance means, however, that the auction houses would have had no necessary knowledge of that fact. It is not surprising then to find evidence suggesting that despite UNSCR 661 the auction houses continued to accept consignments of what was most probably illegally-exported material. They were able to do so because most material was being sold without provenance.

Figure 2. Number of lots of unprovenanced cylinder seals and cuneiform objects offered annually at Sotheby’s New York 1986-2006.



In May 2003, UNSCR 1483 lifted trade sanctions on Iraq, except for those on weapons and cultural objects. Article 7 of UNSCR 1483 specifically states that the trade in Iraqi cultural objects is prohibited when “reasonable suspicion exists that they have been illegally removed” from Iraq since the adoption of UNSCR 661, and that the return of any cultural objects stolen from cultural institutions or other locations in Iraq since that time should be facilitated.

Since April 2003, the sale of unprovenanced Iraqi artifacts at public auction in New York and London has stopped entirely, perhaps because of the widespread negative publicity that followed on from the break-in at the National Museum, or because of UNSCR 1483. The fact that unprovenanced Iraqi artifacts suddenly disappeared from the auction market after the adoption of this resolution is an important one as it suggests that before 2003 a large part of the unprovenanced material on the market really had been illegally exported. Otherwise, it could have continued to be sold quite openly after that date without contravening UNSCR 1483.

The auction houses’ decision to stop selling Iraqi material might also have been influenced by economic considerations. Economic analyses of the auction market in antiquities are in their infancy, yet it is clear that the value of the market in Iraqi

antiquities started to increase in the late 1980s. Figure 3 shows the number of lots (combined provenanced and unprovenanced) of Mesopotamian cylinder seals offered and sold annually by Christie's London over the period 1981–2004. Figure 4 shows the total annual values of all cylinder seal sales made over the same period, and Figure 5 the mean value per lot sold.

These statistics are not derived from repeat sales and therefore do not chart the changing market value of cylinder seals through time. Fluctuations in value might, for example, be due to variations in the quality and thus the price of seals being sold. What the statistics do reliably indicate, however, is the value of the market, and by extension the auction house's profit margins over the period in question (derived from buyer's and seller's premiums levied on the achieved price at auction). The profits being made by Christie's started increasing in the late 1980s, and stayed at a high level until 2002, when they declined sharply. Thus until 2002 Christie's clearly had a financial interest in maintaining sales of cylinder sales despite the UNSCR trade embargo. The profits obtained from the sales of cylinder seals had declined by 2003, and if this was characteristic of the market in Iraqi antiquities more generally, it might explain in part why Christie's and other auction houses were then less willing to shoulder the adverse publicity and possible risks involved in selling unprovenanced material. Further research will establish whether the market fluctuations charted in Figs 4 and 5 were characteristic of the antiquities market more generally or specific to the market in Iraqi antiquities.

Figure 3. Number of lots of cylinder seals offered and sold annually at Christie's London.

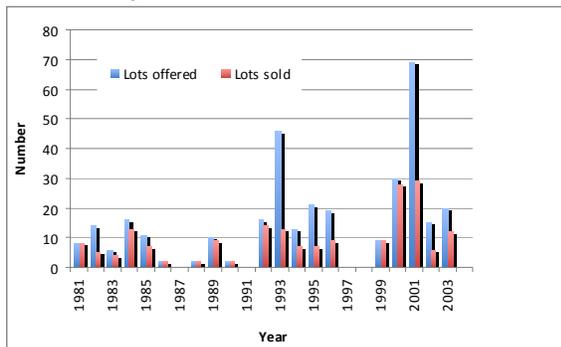


Figure 4. Total annual value (£) of cylinder seals sales at Christie's London. Values standardized for inflation at 1976.

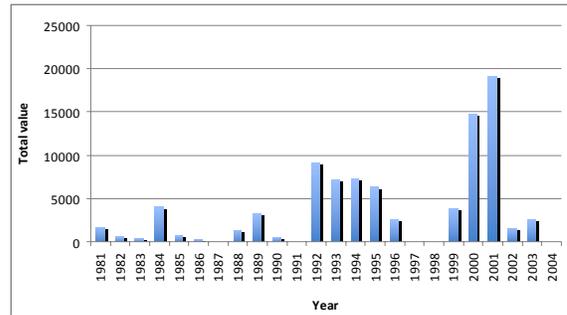
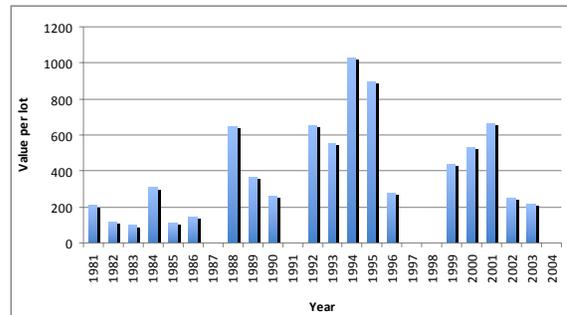


Figure 5. Mean value per lot (£) of cylinder seals sales at Christie's London. Values standardized for inflation at 1976.



### The market in December 2006

After 2003, outside the auction market, Iraqi artifacts continued to be openly traded on the Internet. On one day – 5 December 2006 – there were at least 55 websites offering antiquities for sale and that might have been expected to sell Iraqi objects<sup>2</sup>. In fact 23 of those sites were offering for sale or had recently sold cylinder seals and/or cuneiform tablets. In total there were 78 cylinder seals and 137 cuneiform tablets listed (Table 1).

In reality, the situation might have been worse than these data suggest. There is no guarantee that what is openly offered for sale on a website represents the entire stock available for sale, and some sites specifically stated that this was in fact the case. Thus there might have been more material available for sale than was advertised, potentially much more.

Hardly any of the cuneiform tablets were advertised with a verifiable provenance, so it seems likely that some of the dealers at least were acting in breach of UNSCR 1483. It is instructive in this context to note the named findspots of the cuneiform tablets (Table 2). It is suspicious that although the modern nation states of Iran, Israel and Syria were identified as findspots, Iraq was not named once.

Presumably the term Mesopotamia was used instead. There was no evidence provided on any website that allows any of the findspots to be verified, and some of them seem unnecessarily vague. What does Mediterranean mean? The reluctance of dealers to use the word Iraq as a geographical identifier suggests that even if they had no specific knowledge of illegal provenance they were well aware that many Iraqi objects were illegally on the market, and had also realised that specifying a findspot other than Iraq helps to confound police action. In fact, so long as care is taken when attributing findspot not to use the word "Iraq", it would appear possible to sell illegally-exported Iraqi material with relative impunity.

Table 1. Iraqi artifacts for sale on the Internet in 2006 and 2008.

	<i>December 2006</i>	<i>September 2008</i>
No. websites identified	55	72
No. websites offering cuneiform tablets/cylinder seals	23	32
No. cylinder seals offered	78	142
No. cuneiform tablets offered	147	332
Total no. artifacts offered	225	474

Table 2. Provenance and findspot information for cuneiform pieces available for sale on the Internet in 2006 and 2008.

<i>Provenance or findspot</i>	<i>Number of pieces (2006)</i>	<i>Number of pieces (2008)</i>
Named previous owner	3	8
Mesopotamia	71	47
East Mediterranean	0	180
Mediterranean	12	9
Central Asia	0	4
Israel	8	6
Syria	8	10
Iran	1	0
Elam	1	0
Isin	1	1
Larsa	0	4
Lagash	1	0

## The market in September 2008

In September 2008, the Internet survey conducted in 2006 was repeated, with the aim of establishing whether the market had changed over the intervening period. The results suggested that the market had actually increased in volume. There were more websites offering artifacts for sale, and the total number of available artifacts had more than doubled (Table 1). As in 2006, some sites were claiming a larger stock than advertised. The Royal-Athena Galleries website, for example, carried the following notice:

In addition to the pieces illustrated above, we have an extensive array of other cylinder seals ranging from \$300 to \$2,250 and cuneiform tablets and foundation cones ranging from \$250 to \$2,750 in price

(<http://www.royalathena.com/PAGES/Under2500/neaestcat2500.html>; accessed September 23, 2008).

Also, and again as in 2006, there were no stated findspots of Iraq (Table 2). Two things in particular stand out from the 2008 data. One is the prominence of the Barakat Gallery, offering 229 cuneiform pieces, 69 percent of all cuneiform pieces on offer. The second is the appearance on the market of several "clay bricks" carrying an identical Neo-Babylonian inscription.

### *The Barakat cuneiform tablets*

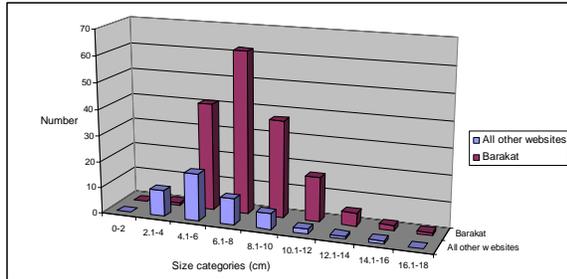
The Barakat Gallery (Los Angeles and London) had on offer 229 cuneiform pieces, almost all clay tablets or cones. Most of the pieces were complete, though some had been reconstructed from two or more fragments. Some of the pieces retained salt encrustation (eg nos LSO28 and LSO1003). None had any provenance and the stated findspots are listed in Table 3. When approached, Barakat stated that the tablets had been in the gallery owner's family's possession since 1956, when they had been bought from a dealer in Jordan.

Table 3. Stated place of origin for cuneiform pieces offered by the Barakat Gallery in September 2008.

Origin	Number
Mesopotamia	22
Syria	7
Israel	6
Mediterranean	9
East Mediterranean	180
Central Asia	4
None	1

The quality of the Barakat tablets stands out from tablets being sold by other websites, with a modal maximum dimension in the range 6-8 cm, compared to a modal maximum dimension in the range 4-6 cm for all other websites (Figure 6). (Size is a determinant of quality, usually reflecting the length of the inscription, though clearly there are other factors at work such as wear, legibility and breakage).

Figure 6. Size distributions of cuneiform tablets offered for sale on the Internet in September 2008.



The Barakat tablets are also being offered for prices far higher than those asked by other websites. About 50 percent of the Barakat tablets are offered “price on request”, the remainder are shown with a price. While most Barakat tablets are being offered for prices in excess of \$2000, not one tablet from any other website is being offered at such a high price (Figure 7). The higher price of the Barakat tablets reflects their generally higher quality, but the magnitude of the price difference is hard to explain.

Figure 7. Asked prices of cuneiform tablets offered for sale on Internet in September 2008.

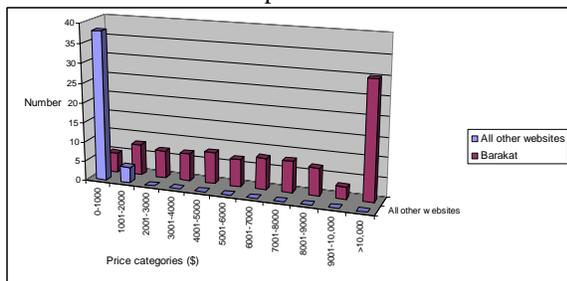


Table 4. Stated findspots for cuneiform tablets dating to the first half of the twenty-first century BC offered by the Barakat Gallery.

Origin	Number
Mesopotamia	0
Syria	6
Israel	5
Mediterranean	8
East Mediterranean	159
Central Asia	3
None	0

Table 5. Personal names repeated on four “messenger tablets”.

AM0062	AM0063	AM0085	AM0103
Lu-dingirra		Lu-dingirra	
Shu-Adad	Shu-Adad		
Pululu	Pululu	Pululu	Bululu
Puzur-Sin	Puzer-		Puzur-Sin
Sharrum-bani		Sharrum-bani	Sharrum-bani
Shulgi-satuni		Shulgi-satuni	
		Hulal	Hulal

The major part of the tablets offered by Barakat (181 in total) date to the first half of the twenty-first century BC. Their findspots are listed in Table 4. Included in this number are a quantity of so-called messenger tablets – tablets recording the disbursement of rations to official messengers. At least 43 of these tablets date to the year 2027 BC, and the same personal names can be found repeated on different tablets. Table 5 shows the names repeated on just four tablets, chosen at random. The fact that the same names appear on these different messenger tablets shows that the tablets comprise an archive from one site, and suggests that the larger twenty-first century corpus is part of the same archive. If that is in fact the case, then it is strange that according to Barakat some of the tablets had a findspot in Israel, while others had a findspot in Syria.

#### *The Nebuchadnezzar Larsa bricks*

Six websites were displaying examples of what were said to be clay or cuneiform bricks from Larsa (Table 6; Figures 8–13), carrying the following text, or variant translations thereof:

Nebuchadnezzar, king of Babylon, provisioner of Esagil and Ezida, prime son of Nabopolassar, king of Babylon, am I. Ebabba, the temple of Shamash in Larsa I restored as it was before, for Shamash, my lord.

Table 6. Websites showing Nebuchadnezzar Larsa bricks in September 2008

Dealer	Object as described	Dimensions (cm)	Price
Aweidah Gallery	Clay brick	21x13	Sold
Treasuregate Gallery	Clay brick	20x13	\$2000
BidAncient	Cuneiform brick	21.5x14x2.5	\$1100 - sold
Harlan Berk	Terracotta brick	21.3x13.3	\$2500 est.
eBay	Cuneiform brick		\$1450 res.
Ancient Resource	Brick inscription		Not for sale

Figure 8. Treasuregate Gallery brick. Front view.



Figure 9. Aweidah Gallery brick. Front view

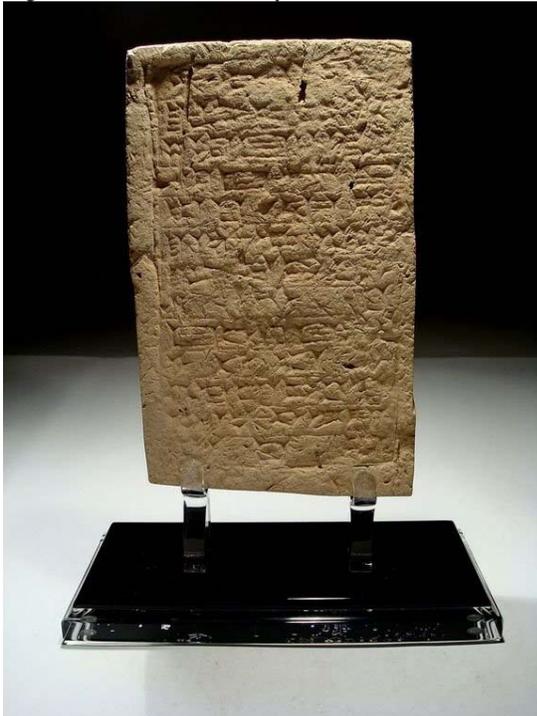


Figure 10. BidAncient brick. Front view.



Figure 11. eBay brick. Front view.



Figure 12. Harlan Berk brick. Front view.



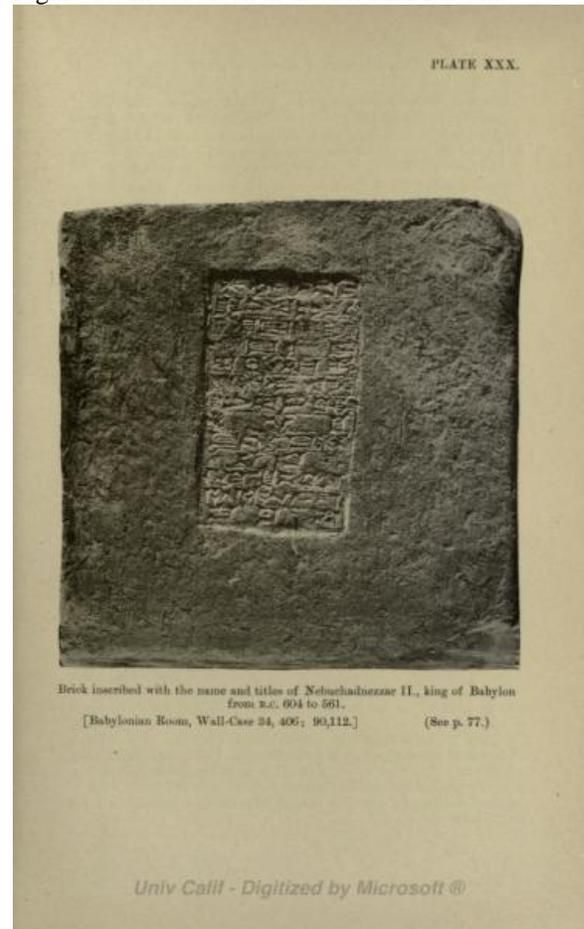
Figure 13. Ancient Resource brick. Front view.



There are 11 examples of this text on architectural blocks in the British Museum. The dimensions of the British Museum's texts are in the range 18.5–19.2 x 10.7–11.3 cm, while the dimensions of the blocks themselves are in the range 33.0–35.5 x 32.0–34.0 x 8.0–9.5 cm (Walker 1981, 90). There is a photograph of one of the blocks in the 1922 guide to the British Museum's Babylonian and Assyrian antiquities (Figure 14) (Budge 1922, pl. 30).

It is notable that the dimensions of the “bricks” recently appearing on the Internet closely approximate those of the texts on the BM blocks, and close inspection of images shows that in fact the recently appeared “bricks” have been cut down from larger blocks with the use of circular saws. Saw marks are clearly visible on the backs of several bricks (Figures 15–17), and the front view of the block offered by BidAncient has what appears to a horizontal saw-cut in its top edge (Figure 10). The Harlan Berk brick stands out from the rest in having a more irregular margin and a poorly centered text (Figure 12).

Figure 14. Intact block in the British Museum.



Circular saws are not the tools of archaeologists, and traces of their use are clear evidence that the “bricks” were removed destructively from their architectural context and cut down in size to facilitate their illegal transport from Iraq. The question is, when? Larsa has suffered badly from illegal digging in recent years. The site guard was murdered in 1991 and the site was heavily looted in 2003. A National Geographic-sponsored team of archaeologists visited Larsa in the immediate aftermath of the 2003 Coalition invasion and reported severe damage to some large brick buildings of a type that often contained cuneiform archives. A British Museum team visited the site in 2008 and reported little evidence of recent looting (Wright *et al.* 2003; Stone 2008, 76; Curtis *et al.* 2008, 14, 17). Nevertheless, there is no concrete evidence at the moment to show that the sawn-down Nebuchadnezzar bricks were removed from Larsa in 2003.

Figure 15. Aweidah Gallery brick. Back view.



Figure 16. Treasuregate Gallery brick. Back view.



Figure 17. Ancient Resource brick. Back view.



Table 7. Stated provenances of Nebuchadnezzar bricks

<i>Dealer</i>	<i>Provenance</i>
Aweidah Gallery	None
Treasuregate Gallery	Old English collection
BidAncient	Mayhue
Harlan Berk	Mayhue
eBay	Artemission
Ancient Resource	None

The stated provenances of the bricks are shown in Table 7. Two bricks were provided with a provenance traced back to a Mr Mayhue of London, though this provenance has not yet been verified. Harlan Berk's full provenance is: "Purchased from the estate of the late Mr. Mayhue of London, acquired by him in London, late 1960's". (<http://www.harlanjberk.com/currentbbs/details.asp?inventorynumber=16645&inventorygroup=aq&linenum=12&file=text.asp>; accessed September 23, 2008). When contacted, Harlan Berk stated that the piece had been obtained from a London dealer and had come accompanied by a letter from the daughter of Mr Mayhue stating that her father had bought the piece in London in the 1960s. There was also a thermoluminescence certificate dating to 2007. BidAncient's full provenance is: "This is one of a number of bricks purchased from the London art market in the late 1960's by the late Mr Mayhue in London. Passed by descent to his daughter and purchased by BIDANCIENT". (<http://www.bidancient.com/highly-important-framed-biblical-cuneiform-brick-500-bc-1601-p.asp>, accessed September 23, 2008). When contacted,

BidAncient stated that it had bought a “few” pieces directly from the daughter, that the advertized piece had been sold, but that it had only been accompanied by copies of the documents apparently in Harlan Berk’s possession. There seems reason to suspect here that documents accompanying one brick have been copied and are being circulated as “provenance” with other bricks carrying the same inscription. It would be interesting to know the identity of the London dealer who originally owned the Harlan Berk brick, and also whether any photographs accompany the letter from Mr Mayhue’s daughter.

Figure 18. LMLK brick 1.



A website entry of LMLK Blogspot dated July 8, 2006

(<file:///C:/Documents%20and%20Settings/nbrodie/Desktop/Iraq%20market%202008/LMLK%20Blogspot%20Barakat%20Brick.htm>) carries images of three more bricks said to carry the same inscription which appeared on eBay “over the past few years” (ie the few years before 2006). Brick no. 1 on the LMLK website is the same one as the September 2008 eBay brick, but otherwise the bricks are all different. Thus there are at least eight examples of this inscription that have been in circulation since 2003, and that do not seem to have been documented before that date.

Figure 19. LMLK brick 2.

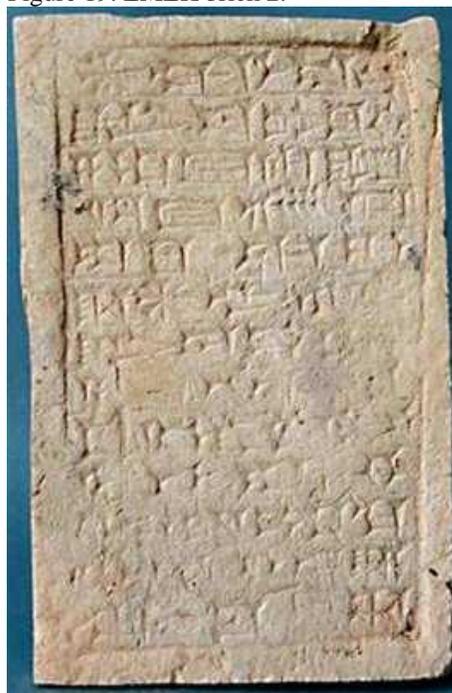
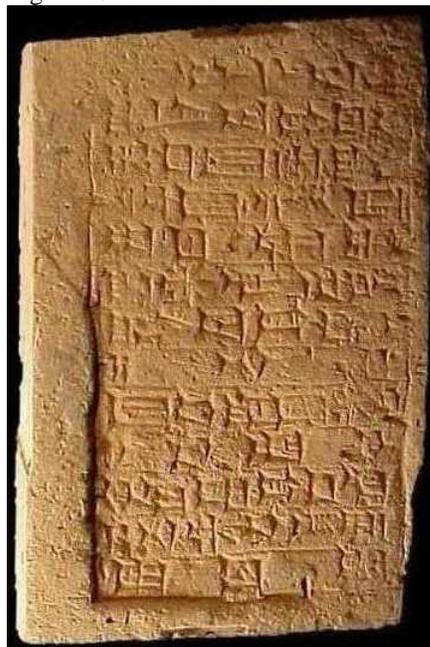


Figure 20. LMLK brick 3.



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<sup>1</sup> Provenance is defined here as ownership history, and verifiable provenance in a catalogue entry is considered to be a named previous owner, publication or sale, thus providing a means to establish at what date an object was outside Iraq. Unprovenanced means that there was no verifiable provenance included in the catalogue entry. It is important to note that when defined in this way provenance does not necessarily equate to legality, it

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would be possible for example for the provenance of an artefact to date back only to the mid-1990s.

<sup>2</sup> The search included websites selling ancient Mediterranean or "Classical" antiquities, either solely or in part, but excluded websites that specialise in, for example, Precolombian or African artefacts.