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## Gentleman Smugglers: Towards a New History of Ancient West Asian Archaeology

Erhan Tamur

The Iraq Museum in Baghdad has two main staircases. By the morning of 12 April 2003, both were significantly damaged, and a trail of cracks suggested that two heavy objects had tumbled down them (fig. 1).<sup>1</sup> One was a diorite statue of 220 kilograms from southern Iraq; the other was a copper statue of about 160 kilograms from northern Iraq. These were two of the most celebrated artworks from ancient Mesopotamia, and the heaviest objects amongst the thousands looted from this museum at the beginning of the US-led invasion of Iraq.



**Figure 1.** One of the damaged staircases in the Iraq Museum in Baghdad, 2003 (photo: courtesy of John Russell)

Both statues already had long lives. The diorite one represented Enmetena, ruler of a city-state called Lagash around 2400 BCE (fig. 2). The Sumerian inscription carved on this statue indicates that it was placed in a temple to stand in for Enmetena before the gods.<sup>2</sup> However, the statue was not excavated in Lagash but in the city of Ur, where workers hired by the British archaeologist Leonard Woolley found it in 1922 in a Neo-Babylonian layer (seventh to sixth centuries BCE), thousands of years after Enmetena's time. How the statue lost its head and ended up in Ur is uncertain, but another set of workers hired by the Neo-Babylonian king Nabonidus (r. 556–539 BCE) may have been responsible for its excavation. Following *partage* (i.e., the division of finds between the source country and the foreign archaeologist or institution) in February 1923, it was ceded to the Iraqi government, represented by the British intelligence officer Gertrude Bell.<sup>3</sup> Apart from a short stay in

London for study, the statue remained in Baghdad until the looting in 2003, after which it was smuggled into Syria, recovered there, and brought to a warehouse in Queens, New York. Bearing a fresh set of dents and scratches, it was repatriated to Iraq in July 2006, and is now back on display on the second floor of the museum.<sup>4</sup>



**Figure 2.** Statue of Enmetena, c. 2400 BCE, diorite, H. 76 cm, from Ur (modern Tell el-Muqayyar), Iraq. The Iraq Museum, Baghdad, IM 5 (photo: Osama Shukir Muhammed Amin FRCP(Glasg), CC BY-SA 4.0, via Wikimedia Commons)



**Figure 3.** The Bassetki statue after it was recovered and cleaned, c. 2254–2218 BCE, copper, H: 43 cm, pedestal diameter: 67 cm, The Iraq Museum, Baghdad, IM 77823 (photo: courtesy of John Russell)

The second statue was found in 1975 during road construction near a village called Bassetki, which was situated on top of a mound later identified to be ancient Mardaman.<sup>5</sup> Dating to the late Akkadian period (c. 2254–2218 BCE), this partially preserved statue is one of the earliest examples of the lost-wax casting technique and depicts a naturalistically modelled figure holding a gatepost standard (fig. 3). The Akkadian inscription on its round base suggests that the statue was placed at the entrance of a temple in the city of Agade, the unidentified capital of the Akkadian state hundreds of kilometres south. How the statue ended up in Mardaman is uncertain. Recent excavations at its reported findspot have revealed a city gate from the Akkadian period, where this statue might have stood guard.<sup>6</sup> Following its looting from the Iraq Museum, a raid organized by US army military police found it coated in axle grease and placed in a cesspool.<sup>7</sup> It is now back on display on the second floor of the museum.

Coverage of the looting of the Iraq Museum, and of similar incidents, has been marked by two seemingly contradictory threads. The first is the tendency to regard looting and smuggling as ordinary chapters in the millennia-long biographies of objects, where displacement, repurposing, violence and destruction were commonplace.<sup>8</sup> The second is the notion that looting and smuggling were extraordinary acts carried out by local people, which leads to the omission of this topic from disciplinary histories prioritizing major archaeological excavations.<sup>9</sup> Combined, these two threads create a feeling of helplessness as to finding potential mitigating measures. As one leading voice has remarked:

Calling for more and ever more restrictive laws will make no difference.

Archaeological sites will continue to be looted so long as there are people anywhere in the world willing to pay money for looted antiquities, and so long as there are people living in poverty and the chaos of war and sectarian conflict who are willing to break the law to uncover and sell them.<sup>10</sup>

This seemingly objective diagnosis, the likes of which can be found in numerous academic and popular works, appeals to common sense by keeping responsible both the ‘demand’ and the ‘supply’ sides of the equation.<sup>11</sup> Since ‘restrictive laws’ do not work, the argument goes, the only option is to reinstate *partage*, which benefited both the law-abiding foreign archaeologists (and their institutions) as well as local museums. It is further argued that the resulting dispersal of antiquities to Western museums helped reduce the risk of destruction in cases of armed conflict in West Asia, and enabled the dissemination of universalist and humanistic values, rather than rampant nationalism.<sup>12</sup>

When such arguments were popularized in the 1990s – ‘the golden age for collecting’<sup>13</sup> – and again in the midst and aftermath of the invasion of Iraq, they generated significant backlash from a large part of the academic community, which led my generation to think we had left them behind. Yet it only took the next conflict, namely the destructions by ISIS and the looting in Syria, for these arguments to resurface with full force on the walls of major museums, in newspapers, and in legal arguments.<sup>14</sup> The specificity of the problem was then placed on the back burner, as neither the direct causes of increased looting in Iraq, such as the sanctions of the 1990s and early 2000s,<sup>15</sup> nor longer historical trajectories of colonialism were taken into consideration.

The latter will be the focus of my treatment here, namely the painfully close relationship between the onset of European excavations in the nineteenth century and the establishment of systems of large-scale looting and smuggling of antiquities. This is when the age-old local engagement with the antiquities of these lands was drastically transformed into a transactional practice for monetary gain. That we are still living in this brave new world is the reason why some looters of the Iraq Museum even thought it possible to sell two of the most famous (and heaviest) pieces of sculpture, mentioned in every textbook.

Historicising this phenomenon also helps us see a fundamental flaw in the diagnosis that I quoted earlier. In the history of ancient West Asian art and archaeology, large-scale looting and smuggling were often initiated, committed, encouraged and sustained not by ‘people living in poverty’ but by the ostensibly most upstanding of citizens: diplomats, military officers, engineers, archaeologists, curators, museum directors, collectors, representatives of auction houses, university presidents and professors. Regardless of the existence of generous *partage* laws or strict export bans, many of these reputable people profited from and/or actively engaged in looting and smuggling, often taking advantage of their countries’ imperial ambitions. Therefore, a strict separation between ‘demand’ (foreign collectors) and ‘supply’ (local looters) has always been an illusion. Placing them on an equal footing today only serves to obscure the historical responsibility of the West. In other words, modern, large-scale looting and smuggling in West Asia are neither ordinary and timeless phenomena, nor exceptional acts of desperation. They are the result of specific historical processes that can be traced back to nineteenth-century colonialism.

Although there is a growing literature on the colonial origins of our discipline,<sup>16</sup> we have yet to go beyond exploring primary sources in European languages towards fully integrating local accounts – especially in Ottoman and Arabic – into our narratives. In the face of this new-found love for nineteenth-century practices such as *partage*, I would like to analyse three well-known yet surprisingly understudied cases of looting and smuggling – involving Luigi Palma di Cesnola, Wallis Budge, and Edgar James Banks – which had a tremendous impact on the dispersal, study, reception and exhibition of ancient art. In that sense, the history of the modern discipline of ancient West Asian art and archaeology cannot be separated from histories of looting and smuggling.

### The Merchant of Cyprus

Fourteen years before his appointment in 1879 as the first director of the Metropolitan Museum of Art (the MET) in New York, Luigi Palma di Cesnola (1832–1904) arrived in Cyprus as the United States consul. Over the course of eleven years, Cesnola obtained and exported about 35,000 objects, which almost single-handedly led to the formation of ancient Cypriot sculpture as an area of study (figs. 4–5). In addition to his own book,<sup>17</sup> his life and deeds have been the topic of numerous studies.<sup>18</sup> Since the rich documentation in the Ottoman archives has yet to be fully integrated into these narratives,<sup>19</sup> I would like to take this opportunity to address several misconceptions and factual inaccuracies, some of which still feature in museum displays and websites.<sup>20</sup>



**Figure 2.** Sculpture from the ‘Cesnola Collection’ on display in the ‘Hall of Ancient Statuary’ at the Metropolitan Museum of Art, 1880, from *Harper’s New Monthly Magazine*, no. 360, May 1880.

It is now clear that when Cesnola started the excavations and secured his first sales,<sup>21</sup> he did not hold an excavation or export permit from the Ottoman government. Local officials such as Cenap Efendi attempted to stop Cesnola's unauthorized excavations, to which the consul responded by escalating the situation with the American Embassy in Constantinople. Faced with two American warships appearing in the Bay of Larnaca and the threat of military action, the Ottomans agreed to remove Cenap Efendi from his post and replace him with friendlier officials.<sup>22</sup> It was only after the initial finds in Idalion (Dali) that Cesnola applied for a permit, with the assurance that the excavations would be carried out 'for the museum of the city of New York', and that the finds would be shipped to the United States.<sup>23</sup> Yet Cesnola was not affiliated with any museum at the time – this was two years before the incorporation of the MET – and as he would write to his friend Hiram Hitchcock, 'I know very well I shall never sell it to the United States.'<sup>24</sup> Prematurely fabricating this affiliation, however, allowed Cesnola to take advantage of the fact that foreign officials working on behalf of museums were deemed more reputable in the eyes of the Ottoman bureaucracy.<sup>25</sup>

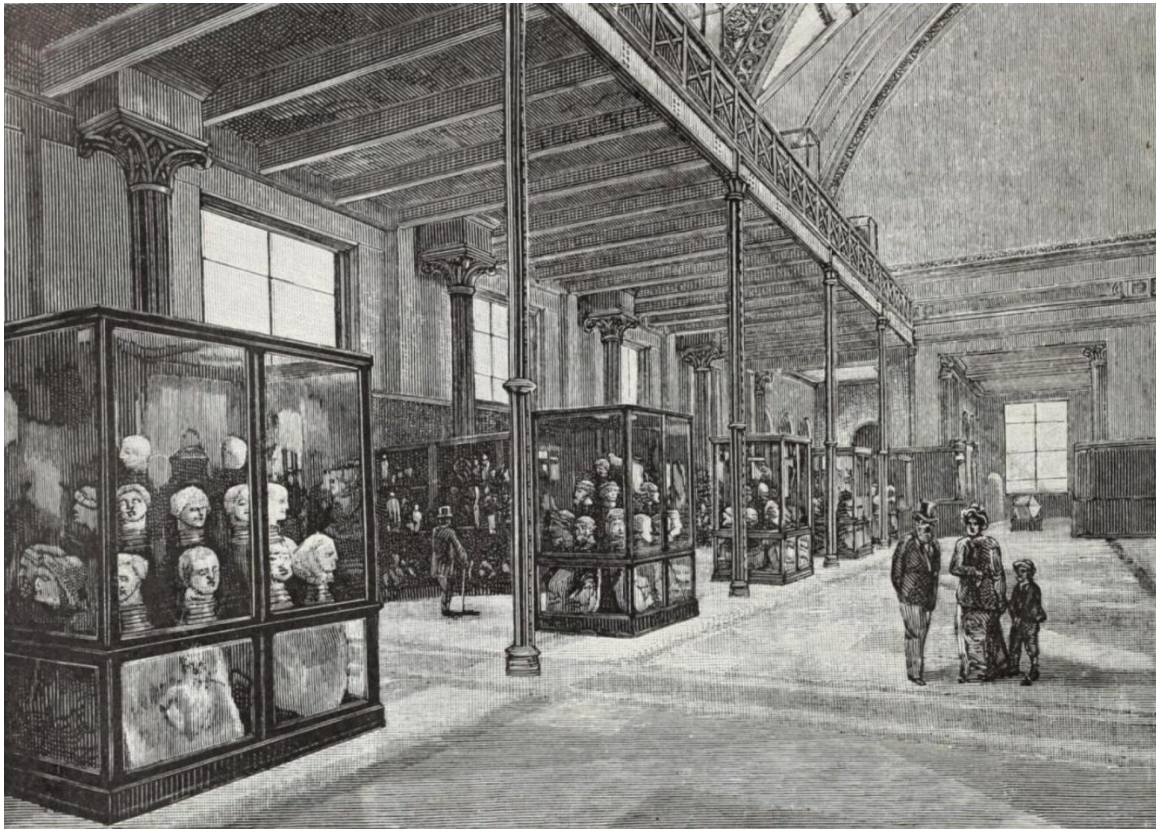


**Figure 3.** Sculpture from the 'Cesnola Collection' on display under the North Gallery at the Metropolitan Museum of Art, 1880, from *Harper's New Monthly Magazine*, no. 360, May 1880.

In the meantime, thousands of objects kept flooding into Cesnola's residence-cum-museum in Larnaca, and he continued to ship them abroad on a small scale with the hope of securing a profitable sale through auctions. The news of an auction organized by Sotheby's in London in January 1871 alarmed Ottoman officials, as a bylaw passed in February 1869 had established state ownership of all excavated antiquities and banned their export.<sup>26</sup> Furthermore, Cesnola's excavation permit did not contain a clause allowing him to export antiquities.<sup>27</sup> After much intra-governmental deliberation, the Ottoman Ministry of Foreign

Affairs wrote a memorandum to the American Embassy, which accused Cesnola of ‘trafficking in antique objects’: ‘this is obviously a course of action that the United States Legation would be the first to prohibit its agent from engaging in. It will therefore be kind enough to instruct Mr. Cesnola to henceforth strictly comply with the provisions of the aforementioned regulations.’<sup>28</sup> In response, Cesnola claimed that he had never heard of the 1869 regulations, although he had joined the French and Italian consuls in Cyprus several months earlier to petition against this very bylaw.<sup>29</sup> Taking offense at being treated as a ‘vile dealer in antiquities’, he stressed that he had been made an honorary member of various European academies and that ‘nothing is further from my mind than the idea of dealing in antiquities now’.<sup>30</sup> He concluded his letter by offering to sell his collection to the recently founded Ottoman Imperial Museum.<sup>31</sup>

The bulk of antiquities dug up by Cesnola’s workers still lay in his official residence in Larnaca, where he ‘knew they would be safe under the American flag’.<sup>32</sup> However, sustained Ottoman attention to his activities put future exports at risk. After consulting with Edward Goold, the director of the Ottoman Imperial Museum, the Ottoman authorities determined that Cesnola would be given an export license only if he agreed to cede half of his finds to the museum.<sup>33</sup> The timeline of his shipments indicates that Cesnola expanded his export operations upon receiving this order.<sup>34</sup> The next major shipment, dated 4 October 1871, must be the one he refers to in his book, where he details how he circumvented Ottoman regulations by implementing an ‘oriental solution’ proposed by his dragoman.<sup>35</sup> Since the export ban was issued for and delivered to the ‘American consul in Cyprus’ – the consul is not named – and since Cesnola also undertook the role of the Russian consul, he applied at the last minute for an export license using his Russian credentials. This gave his shipment an air of legality. On the other hand, Cesnola’s applications for excavation permits as well as the diplomatic memorandum quoted earlier did include his name, and more importantly, it is often forgotten that the ‘Russian’ consul never received an *excavation* permit in the first place.

A day after completing his last major shipment in 1871, Cesnola wrote a long letter to the American Embassy, declaring his refusal to adhere to the stipulations of the Ottoman government.<sup>36</sup> He insisted that the objects he wished to export (which we know had already been exported illegally) derived from excavations carried out prior to the promulgation of the 1869 law – which was false because his collection included objects from Golgoi, where large-scale excavations began only in February–March 1870.<sup>37</sup> After lengthy deliberations, the Ottoman authorities issued a one-time export permit – a ‘favour’ based on Cesnola’s and the Embassy’s assurances that the finds predated the regulations and that the entire collection would be delivered to the ‘American museum’ that he claimed to be working for.<sup>38</sup> In truth, Cesnola was in communication with several potential buyers, including the British Museum, and the MET decided to purchase the collection only several months later, at the end of 1872.

While Cesnola was overseeing the installation of the collection in New York, the trustees of the MET applied for a new excavation permit on his behalf, stressing that as a public institution – and unlike individuals – they had the right to do so.<sup>39</sup> A permit was granted nine months later, though in the meantime not only had Cesnola already returned to the island and been excavating at several sites, but his agreement with the MET was suspended due to the financial crisis of 1873. Moreover, the new permit, valid for a year,

required Cesnola's excavations to be supervised by local authorities and half of the finds to be ceded to the Ottoman government.<sup>40</sup> Cesnola was not pleased: 'such is my personal influence here with the Turks, that ever since I reached Cyprus, I have been digging without showing to the Governor the obtained firman which I do not like.'<sup>41</sup> Yet it was standard practice on the part of the Ottoman bureaucracy to send a copy of that 'obtained firman' to the governor (*mutasarrıf*) of Cyprus, and Cesnola's activities remained under the surveillance of the authorities.<sup>42</sup>

When it was time for another large-scale export, Cesnola first attempted the tried-and-tested justification, namely that the objects stemmed from excavations carried out prior to the issuance of his one-time export permit.<sup>43</sup> When the Ottomans did not buy this argument a second time, he proposed to donate half of his finds to the Ottoman Imperial Museum. Yet there was no love lost between Cesnola and the government, and Philipp Anton Dethier, the new director of the Ottoman Imperial Museum, was tasked with overseeing the *partage* to make sure that no 'worthless' objects were received.<sup>44</sup> After some resistance, Cesnola was obliged to allow Dethier into his residence, and the latter packed away about half of the collection.<sup>45</sup> Although permission was granted to Cesnola to export the rest, he was banned from conducting further archaeological activities.<sup>46</sup>

Cesnola continued the excavations. The finds included the notorious 'treasure' from Kourion (Curium), which he claimed to have found in a series of subterranean stone vaults under a temple (fig. 6).<sup>47</sup> As it later turned out, the stone vaults in question never existed, and the provenance of the 'treasure' was completely fabricated.<sup>48</sup> In fact, Cesnola purchased this material from local people around Kourion and across the island, having encouraged them to bring him their finds. Indeed, from the late 1860s to the mid-1870s, the island was suffering from drought, famine and locust invasions, and many residents profited from Cesnola's (and other diplomats') explorations in Cyprus. Others were intimidated by Cesnola into selling their lands, and those who did not let his workmen trespass upon their properties were punished through diplomatic pressure from the consul.<sup>49</sup> In a later letter to the French scholar Salomon Reinach, Cesnola wrote that his excavations in this period were 'by virtue of the Grand Vizir's telegramme', and that 'the discovery was truly my property alone and that the Turks had no right to a share of these objects'.<sup>50</sup> The assumed authority of this telegram, relieving Cesnola of legal responsibility, has been repeated throughout the secondary literature.<sup>51</sup> However, the said telegram survives in the Ottoman archives and merely allowed Cesnola to continue the excavations in the name of 'the Museum of New York' *until* a new permit was issued.<sup>52</sup> It did not include an export permit either.

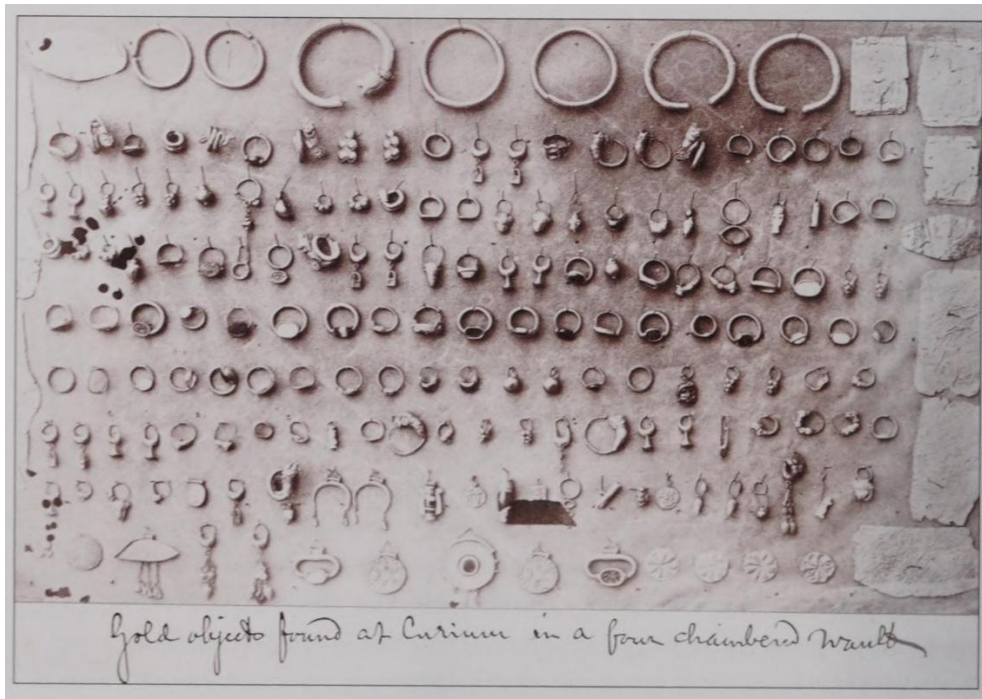


**Figure 4.** ‘Gold objects found at Curium in a four chambered vault,’ photographed by Cesnola in 1875 or 1876, from A. G. Marangou, *The Consul Luigi Palma di Cesnola, 1832-1904: Life & Deeds*, Nicosia, The Cultural Centre of the Popular Bank Group, 2000, p. 276.

The new permit was issued on 24 January 1876 and stipulated a three-way *partage* between the excavator, the state, and the landowner, in line with the 1874 regulations.<sup>53</sup> At this point, Cesnola’s excavations at Kourion had already come to an end, and he exported those finds in their entirety in May 1876, except for the gold objects which he personally took with him when he left the island for good a month later. In November, he was playing the British Museum against the MET again – and the latter won once more – while the Ottoman administration followed these developments in the newspapers.<sup>54</sup> They revoked his permit and demanded restitution.<sup>55</sup> Writing from his office at the MET, where he had recently been made an unpaid secretary, Cesnola refused: ‘At the time specified in the Turkish dispatch, I did not dig under or by virtue of any Firman from the Porte and therefore could not have failed to comply with its conditions. That the assertion that my Firman had been revoked is false, the truth being that I refused to accept the one delivered to our Legation and returned it to the same.’<sup>56</sup> Needless to say, ‘refusing to accept’ a ‘firman’ and continuing to export objects with impunity was only possible in colonial conditions characterized by asymmetrical power relationships.

The British Empire took over Cyprus in 1878; Cesnola took over the MET the year after. Reading about the revelations in Cesnola’s newly published book, Gregory Aristarchi, the Ottoman ambassador to the United States, placed Cesnola’s exports on a par with ‘the pillage of Schliemann at Troy’.<sup>57</sup> It took multiple scandals and lawsuits about Cesnola’s excavation and restoration practices for the Cyprus display to lose its privileged place in the MET and for a large part of the Cesnola Collection (the ‘duplicates’) to be auctioned off in 1928 and dispersed around the world.<sup>58</sup> The main wall text and the website dedicated to the Cesnola Collection at the Department of Greek and Roman Art in the MET has yet to touch upon the history outlined here. These galleries are currently under renovation.

## ‘Smuggling Justified’

Let us now shift from Cyprus to Mesopotamia, where mud-brick architecture was the norm. Even after the demise of ancient Mesopotamian cities, mounds consisting of superimposed layers of mud-brick structures remained prominent features in the alluvial landscape that was defined by the Tigris and Euphrates rivers. For millennia, sandstorms and heavy rains exposed the mounds’ eroding faces, at times revealing what lay within.<sup>59</sup> A common find was what we now call cylinder seals – spool-shaped objects usually made of stone and engraved in intaglio with intricate scenes and sometimes inscriptions (fig. 7). In ancient Mesopotamia, they were worn around the neck or attached to a garment, and used to authenticate rooms, goods and documents, often acting as signatures. Moreover, many seal stones were considered to have amuletic properties, imported from as far as Afghanistan and India.

When the British Museum curator Wallis Budge (1857–1934) asked his unnamed dealer in Hillah (near Babylon) to bring him cylinder seals,

He replied that although a considerable number of such things were found in the *tulûl*, or mounds, they rarely drifted into the towns, because the peasants who found them kept them and wore them as amulets. Men and women alike threaded them on strings, and fastened them to their bodies under their left arms, where, after a few years’ contact with the sandy garments of their wearers, the figures on them lost all their sharpness, and the inscriptions became indistinct.<sup>60</sup>

These age-old practices of reuse inevitably clashed with the reality of the mounds becoming seemingly endless sources of income. Therefore, Budge not only gave his dealer the locations of promising mounds to loot, but also urged him to get in touch with those who lived in the vicinity of those sites. Although the appeal of monetary gain often led individuals to sell their seal necklaces and other repurposed ancient objects to dealers, archaeologists, and travellers,<sup>61</sup> it is clear that the majority of the supply feeding the antiquities market was sustained through organized looting.<sup>62</sup>



**Figure 5.** Cylinder seal with modern impression, c. 2334–2154 BCE, carnelian and gold, 1.9 x 1 cm, from Ur (modern Tell el-Muqayyar), University of Pennsylvania Museum of Archaeology and Anthropology, PG 871, from S. Babcock and E. Tamur (eds), *She Who Wrote: Enheduanna and Women of Mesopotamia, ca. 3400–2000 BC*, New York, The Morgan Library & Museum, 2022, p. 206.

Due to their portability, seals, along with clay tablets, have been among the most sought-after objects by looters, smugglers and collectors – about 5,000 seals from the Iraq Museum (over two-thirds of the collection) were looted in 2003. In Budge’s time, the most common way to smuggle such objects out of Ottoman Iraq was to put them on a steamship as

diplomatic cargo or disguise them in regular postal packages. Budge himself relied on the steamship *Comet*, which belonged to the British consulate in Baghdad and served as an extension of its diplomatic immunity. When an inspector from the Ottoman Imperial Museum, Bedri Bey, kept him under surveillance, Budge echoed Cesnola's lines: 'I acquired their [dealers'] tablets all the same, and knowing that once on board the "Comet" they could not be seized by the authorities, I was not alarmed.'<sup>63</sup>

A convenient opportunity to send his purchases to England appeared when *Comet* was assigned to bring the retinue of a visiting statesman to Basra. Arriving in Basra disguised as the belongings of this statesman, the objects were first transferred to a British India mail steamship, then to a vessel bound for England via the recently opened Suez Canal. The entire journey demonstrates how well developed the know-how of smuggling was in this period, being facilitated by the efficient use of bureaucratic subtleties, fraudulent bills of lading and export licenses, and diplomatic immunity. As an agent of the British Museum, Budge was a key player in this complex system composed of contracted looters, landowners, intermediaries, dealers, steamship companies, and various transit and destination markets – the very foundations of the systems of looting and smuggling that are in place today.

There is, however, a significant element that sets these nineteenth-century transactions apart. Today, a smuggled artifact is often 'laundered' so successfully that it emerges at the other end of the tunnel as a legitimate commodity with a fictional but legal provenance – origins such as 'from an old private collection' are one way to accomplish this.<sup>64</sup> The end buyer or the auction house can then engage in an open and legal transaction. However, in the nineteenth century, neither the smugglers nor the buyers had any doubts about the illegal aspect of their practices. This is admitted by Budge himself on a page with the header 'Smuggling Justified':

I had a perfectly clear conscience about this bit of smuggling, and besides this, I felt that I had only done what anyone would have done who had the welfare of Babylonian and Assyrian Archaeology and his employers' interests at heart. [...] At all events, the only alternative to smuggling was bribery [...] If the Turkish authorities could not enforce their own laws and take possession of the tablets, and make the Ministry of Instruction send them to their own museum in Constantinople, I could not see that it was my business to help them.<sup>65</sup>

Budge faced intense criticism on his return to England, but he had a point about one thing: 'the only alternative to smuggling was bribery', because he was operating in a legal climate enabled by the 1884 bylaw on antiquities, which abolished *partage* and reinstated a complete export ban.<sup>66</sup> At the same time, the supervision network of the Ottoman government had expanded significantly. Inspectors of the Ottoman Imperial Museum were accompanying almost all foreign excavations, while an array of civil servants ranging from district governors to middle-school teachers were instructed to keep an eye out for unauthorized excavations in their provinces.<sup>67</sup> Legal action was taken against dealers and collectors, and the movements of foreign archaeologists or visiting scholars were closely tracked. There are cases where even an Ottoman governor's personal cargo was searched for smuggled antiquities.<sup>68</sup> Under these circumstances, extensive, wholesale illegal exports – on the same scale as Cesnola's shipments several decades ago – were rare,<sup>69</sup> but increasing regulation inevitably led to more sophisticated methods of evasion. It is particularly important to grasp

how looting and smuggling took place within an *authorized* excavation under governmental supervision, which brings us to another understudied case featuring ‘the oldest statue in the world’.

### ‘The Forgotten Indiana Jones’

On the afternoon of 27 January 1904, a young man named Abbas Belkis came across a limestone statue at a mound called Bismaya (ancient Adab) in southern Iraq (fig. 8). Together with most of his family and friends from the al-Bedir tribe, he had been working there over the previous three months for an American named Edgar James Banks (1866–1945), who had arrived in those lands as the U.S. consul in Baghdad.<sup>70</sup> Banks’s work was sponsored by the University of Chicago, which received a permit after significant political pressure – which again included two American warships appearing in the Eastern Mediterranean – and with the assurance that the excavations would be carried out ‘in precise accordance’ with the 1884 regulations.<sup>71</sup> A condition of the permit was the on-site presence of an inspector from the Ottoman Imperial Museum, and a young man named Haydar Bey took on this job. After studying fine arts in Paris, he had joined the Imperial Museum in the same year that Banks was appointed consul, and this was his first major assignment in the field.<sup>72</sup>



**Figure 6.** Statue of Lugaldu, c. 2500 BCE, limestone, H: 78 cm, from Adab (modern Bismaya), Iraq. Istanbul Archaeological Museums, ESEM 3235 (photo: Mark Ahsmann, CC BY-SA 3.0, via Wikimedia Commons)

Everyone involved instantly recognised the significance of the statue. Belkis hoped to receive double pay for the day, Haydar Bey immediately telegraphed his superiors, and Banks started promoting the object as the ‘oldest statue in the world’.<sup>73</sup> Depicting a figure with clasped hands and a tufted skirt, it bore a Sumerian inscription on its shoulder, which was initially read as ‘King David’ by Banks as part of his promotional campaign, but in fact named Lugaldu, the ruler of Adab (c. 2500 BCE). Along with the statues of Gudea from Tello, it was among the few representatives of large-scale sculpture from the south of the country. According to Banks, Haydar Bey valued the statue at ‘a million dollars’ and ‘stood

long by the king, bending over him, patting him on the shoulder and talking Turkish to him. Even as I returned to the ruins to examine other discoveries, he was still chatting away to the statue and smiling.<sup>74</sup>

Once the summer heat arrived, the finds were placed inside a walled-up storeroom at the dig house, guards were assigned, and Banks and Haydar Bey retreated to Baghdad.<sup>75</sup> In August, Banks claimed to have received word from the governor of Baghdad that their ‘camp had been plundered’ due to the raids of a rival group led by Sa‘dūn al-Manşūr,<sup>76</sup> and instructed his servant Ahmed and the consular guard Hüseyin ‘if the house had been robbed, to save whatever they could, but if it were still intact and guarded, to return, leaving it as it was’.<sup>77</sup> About two weeks later, Ahmed and Hüseyin returned with the statue of Lugaldu, and Banks ‘chided them for not investigating more thoroughly, and for not leaving the statue, if it were safe, where it was’.<sup>78</sup> Banks did not inform Haydar Bey about these developments.

When the expedition returned to Bismaya in September, Banks found out that their dig house ‘had been robbed, not by the Arabs in revolution [i.e., Sa‘dūn al-Manşūr’s group], but by the men employed to protect it’.<sup>79</sup> Windows were broken, goods and medicine were stolen, and the walled-up storeroom was breached. The leaders of al-Bedir told Banks that they had already identified the thief, a site guard named Hanesh who was found selling goods and antiquities with his brother in a town nearby. Seeing Hanesh imprisoned, Banks continued the excavations but held off taking any action on this matter until the arrival of Haydar Bey on 20 September. Upon interviewing the leaders of al-Bedir, Haydar Bey informed his superiors that it must be the two men – Ahmed and Hüseyin – secretly sent by Banks from Baghdad who were responsible for the theft of Lugaldu.<sup>80</sup> Although Banks produced two witnesses – unsurprisingly, Ahmed and Hüseyin – who swore Hanesh was guilty,<sup>81</sup> Hanesh was released, the excavations were terminated, and a special committee consisting of several high-level officials was formed to investigate the matter.<sup>82</sup>

In a letter to Chicago, Banks wrote that when this committee arrived in Bismaya, Haydar Bey ‘attempted to extort hush money’ from him.<sup>83</sup> In a consular report, he accused Haydar Bey of conspiring with Hanesh regarding the robbery.<sup>84</sup> In his Day Book, he noted that he would pay Haydar Bey’s ‘living expenses here and try to pay his bills’ so that the latter would ‘report [to the Ottoman Imperial Museum] only the things which I do not want’.<sup>85</sup> Yet elsewhere, he wrote that Haydar Bey actually knew nothing of his smuggling activities, and that his sponsors at Chicago should avoid ‘extensive publicity’ about the objects that he ‘secreted’ and marked as such in his object lists.<sup>86</sup>

Although some of these statements have been presented as fact in the secondary literature,<sup>87</sup> Ottoman sources complicate their veracity. For example, it would have been too late for Haydar Bey to ‘extort hush money’ from Banks on that day, because he had already informed his superiors and relevant governmental bodies that Banks and his men were the prime suspects.<sup>88</sup> Similarly, the accusation that Haydar Bey requested a bribe for his ‘living expenses’ does not seem probable, as Banks and the Chicago expedition were already obliged to pay his salary and all travel and living expenses (per diem) as a condition of the permit.<sup>89</sup> However, the objects ‘secreted’ by Banks indeed do not occur in Haydar Bey’s lists, which may either be a sign of additional bribery, or of the success with which Banks managed to hide smaller objects with the help of his foremen. Indeed, Banks focused primarily on smuggling objects that were small enough to be concealed in date boxes and carpets (e.g.,

clay tablets, seals, jewellery, figurines, statuettes, and often inscribed fragments of statuary and pottery), and had already shipped two crates of such antiquities to Chicago marked as containing ‘honey and manna’.<sup>90</sup> Thus it appears that when it came to the theft of the large-scale statue of Lugaldu, accusing Haydar Bey was a calculated attempt to muddy the waters.

Indeed, soon after leaving Bismaya ‘with as much of the valuable stuff as [they] could carry’,<sup>91</sup> Banks and Ahmed were searched by the local police and eighty-one pieces of antiquities were confiscated.<sup>92</sup> Seventeen other pieces – fourteen of which were clay tablets – were later found in Banks’s trunk.<sup>93</sup> What followed was a months-long standoff between the Ottoman authorities, who wanted to prosecute Banks, Ahmed, and Hüseyin, and the American vice-consul in Baghdad, Rudolf Hürner, who utilized diplomatic immunity to prevent such efforts at every turn.<sup>94</sup> In fact, Haydar Bey had established early on Hürner’s role in the theft – Hürner was notoriously corrupt<sup>95</sup> – but it seems that no one on the Ottoman side imagined that the statue they were looking for everywhere in Iraq and beyond was hidden in the American vice-consul’s home the entire time.<sup>96</sup>

In the meantime, Banks downplayed these seizures and expressed his desire to continue the excavations.<sup>97</sup> It appears that he was still counting on using tribal warfare as a cover for the theft of the statue, as he wrote to Chicago: ‘If there is trouble it may be necessary to cause it [the statue of Lugaldu] to be found, but if the loss is attributed to the Saadun [Sa‘dūn al-Manṣūr], as it is almost certain to be, we may send it away when all danger is over.’<sup>98</sup> However, the investigation had already revealed that Sa‘dūn al-Manṣūr had nothing to do with the theft of Lugaldu, and the Ottoman side insisted that Banks had to resign if the Bismaya excavations were to continue. Failing to leverage this ultimatum to drop the charges against him, Banks left the country ‘on account of pressing personal affairs’ soon after.<sup>99</sup> The excavations did continue under the leadership of Victor S. Persons who, together with Hürner and William Rainey Harper (scholar, Baptist clergyman, and president of the University of Chicago), continued to look for an opportunity to smuggle the statue abroad. Just when the Ottoman administration was beginning to lose hope of recovering it,<sup>100</sup> they found an ally in the American minister (and later ambassador) John G.A. Leishman who, to the surprise of Hürner, Persons, and Harper, requested that they adhere to the 1884 regulations and deliver the stolen statue to the authorities.<sup>101</sup> Hürner stalled and attempted to smuggle the statue again,<sup>102</sup> all while writing to his good friend, Inspector Bedri Bey, that he was doing all he could to return the statue with the hope of receiving an official commendation from the Ottomans.<sup>103</sup> Under immense pressure, Hürner delivered the statue to Haydar Bey and Bedri Bey, and Lugaldu became the centrepiece of the galleries of ancient Mesopotamian sculpture at the Ottoman Imperial Museum (fig. 9).<sup>104</sup>

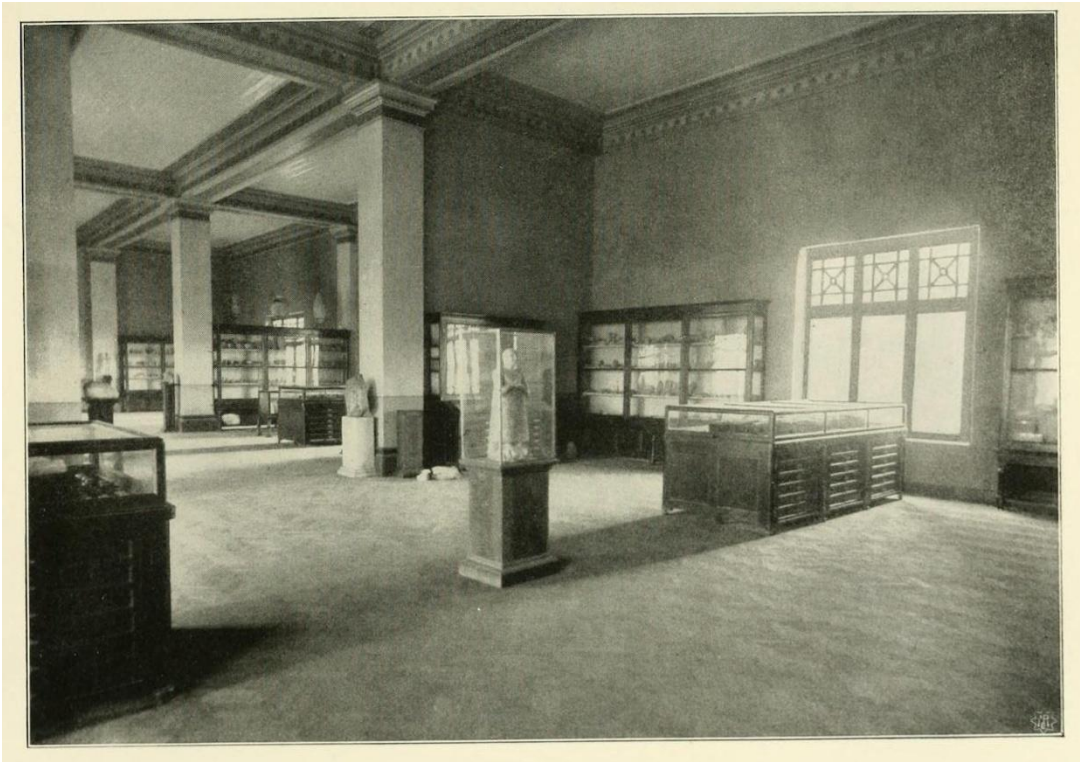


**Figure 7.** Room 15 of the Ottoman Imperial Museum, with the statue of Lugaldalu standing in the centre, c. 1909, from H. Edhem, 'Das osmanische Antikenmuseum in Konstantinopel,' in *Hilprecht Anniversary Volume*, Leipzig, J.C. Hinrichs'sche Buchhandlung, 1909, fig. 4.

Meanwhile, the investigation had already concluded, and the details of the theft became clearer.<sup>105</sup> Banks had corresponded from Baghdad with none other than Abbas Belkis, the worker who had excavated the statue. After securing the help of the leaders of al-Bedir, Banks sent Ahmed and Hüseyin to steal the statue and to stage a fake robbery on-site. It appears that the guard Hanesh was involved in this as well, possibly paid to take the blame. Ahmed, Hüseyin, the leaders of al-Bedir, Hanesh, and two other site guards were sentenced to three years in prison. It is not certain if any of them were caught to serve their sentence.

On his return to Istanbul, Haydar Bey received official commendation from Osman Hamdi Bey, the director of the Ottoman Imperial Museum. He continued as an inspector for the museum for forty-three years, witnessing its transformation into the Istanbul Archaeological Museums in the Republican period and himself taking on the last name 'Sümerkan' (the descendant of Sumer). He also wrote a short account of his reminiscences in the field.<sup>106</sup> Edgar James Banks went on to publish his own popular account of the excavations, with Lugaldalu on its cover, and gave public lectures titled 'King David, the oldest statue in the world, discovered at Bismaya by Dr. Banks'.<sup>107</sup> In the meantime, Persons's excavations at Bismaya had come to an end, not because his coffee was poisoned by treacherous authorities as dramatically narrated by Banks, but because the Chicago expedition decided to move its activities to Egypt.<sup>108</sup> The objects smuggled out of Bismaya or purchased from the antiquities market were placed in the Haskell Oriental Museum, which later became the Oriental Institute of the University of Chicago, and was recently renamed as the Institute for the Study of Ancient Cultures (ISAC). The status of these objects must have caused some concern, as was the case when Chicago hesitated with a payment and Banks threatened them with collaborating with the Ottoman government to support its restitution

claim.<sup>109</sup> Banks became a prolific antiquities dealer, responsible for the trafficking of thousands of objects, and years later wrote to the socialist millionaire and philanthropist J. G. Phelps Stokes that ‘the natives’ who provided him with antiquities ‘during the past forty years or more [...] have been trained, some of them by myself, to search among the ruins and to take to Bagdad whatever they find’.<sup>110</sup> After producing movies with ancient themes, and dabbling in real estate and construction, Banks died a wealthy man.<sup>111</sup> One biographer dubbed him ‘the forgotten Indiana Jones’ and claimed that he was ‘never involved in shady things’, with which the adventurous Banks – not to mention Indy – would probably disagree.<sup>112</sup>

### **Looting and Smuggling as Disciplinary History**

These three men – Luigi Palma di Cesnola, Wallis Budge, and Edgar James Banks – did not comply with the regulations, no matter how generous or strict they were, nor did they adhere to the agreements that they made with the Ottoman government. They encouraged organized looting and carried out or profited from large-scale smuggling. They forged bills of lading, fabricated provenance, and arranged false witnesses. They bribed Ottoman officials, or attempted to frame them and remove them from office. They utilized their sponsors’ institutional prestige, diplomatic immunity, or imperial might to apply for permits, to hide and smuggle antiquities, and to escape prosecution. Throughout their careers, they collaborated with auction houses, dealers, collectors, the trustees of museums, academies, scholars, diplomats, and philanthropists.

Not *every* archaeologist or curator of the time did such things. Yet if we consider some of the most famous artworks that we teach in our classes or display in our museums – ranging from the looted statues of Gudea (including the one studied by Henry Moore) to the looted Assyrian reliefs cut into portrait sizes by the merchant Alexander Hector – we will notice that our experience and understanding of ancient West Asian art, as scholars, students, and members of the public, has fundamentally been shaped by these troubled histories. It is time that we stop treating looting and smuggling as an ordinary chapter in object biographies, or an extraordinary act committed only by impoverished locals or nefarious criminals operating in the shadows. Instead, we should consider looting and smuggling an integral part of our own disciplinary history, the mechanisms of which go back to nineteenth-century colonialism and are still alive and well. In fact, the severity of the problem is increasing,<sup>113</sup> and apart from advocating for a fundamental shift in acquisition strategies,<sup>114</sup> funding mechanisms, and the composition of cultural institutions’ boards, we need to face the historical intertwinement between looting, smuggling, and archaeological research. This necessitates writing new histories of West Asian archaeology, which should go beyond the enumeration and analysis of celebrated excavation campaigns and critically engage with these dark histories through a diverse set of sources.

Given ongoing political interventions in the curatorial direction and programming of cultural institutions, as well as explicit directives to remove or gloss over histories of colonialism, we should be extra-diligent in foregrounding these histories in both academic and public-facing settings. The Iraq Museum may now be open to visitors again, but the faint trail of cracks still running down its repaired staircases should continue to haunt us.

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- <sup>1</sup> J. Russell, 'A personal account of the first UNESCO Cultural Heritage Mission to Baghdad, May 16–20, 2003', *Publications and New Media, Archaeological Institute of America*, August 2003. I thank John Russell and Jeiran Jahani for photographs of the staircases.
- <sup>2</sup> D. Frayne, *Presargonic Period (2700–2350 BC)*, Toronto, University of Toronto Press, 1998, pp. 220–22.
- <sup>3</sup> R. H. Dyson, Jr., 'Archival glimpses of the Ur expedition in the years 1920 to 1926', *Expedition*, 20.1, 1977, p. 13.
- <sup>4</sup> B. Meier and J. Glanz, 'U.S. helps recover statue and gives it back to Iraqis', *The New York Times*, 26 July 2006.
- <sup>5</sup> A. Abdul-Hadi, 'Bassetki statue with an Old Akkadian royal inscription of Naram-Sin of Agade (B.C. 2291–2255)', *Sumer*, 32.1, 1976, pp. 63–76.
- <sup>6</sup> P. Pfälzner and B. Faist, 'Eine Geschichte der Stadt Mardama(n)', in J. Baldwin und J. Matuszak (ed.), *mu-zu an-za3-še3 kur-ur2-še3 he2-gal2: Altorientalistische Studien zu Ehren von Konrad Volk*, Münster, Zaphon, 2020, pp. 355–59; P. Pfälzner, 'From Hurrian kingdom to Middle-Assyrian provincial capital', lecture delivered at the Collège de France, 1 July 2022.
- <sup>7</sup> J. M. Russell, 'The MPs do it again: Two more antiquities from the top 30 are back in the Iraq Museum', *Publications and New Media, Archaeological Institute of America*, November 2003.
- <sup>8</sup> For example, S. Rutherglen, 'The sack of Baghdad,' *The American Scholar*, 75.3, 2006, pp. 33–40; J. Cuno, *Museums Matter: In Praise of the Encyclopedic Museum*, Chicago, The University of Chicago Press, 2011, pp. 65, 68; T. Gihring, 'Confronting the legacy of looting: from colonialism to Nazis, Mia is reckoning with the ancient problem of plunder', blogpost, Minneapolis Institute of Art, 19 May 2020.
- <sup>9</sup> For example, R. W. Rogers, *A History of Babylonia and Assyria*, vol. 1, New York, Eaton & Mains, 1902; H. V. Hilprecht, *Explorations in the Bible Lands during the 19th century*, Philadelphia, A.J. Holman and Co., 1903; S. Lloyd, *Foundations in the Dust*, London, Oxford University Press, 1947; S. A. Pallis, *The Antiquity of Iraq*, Copenhagen, Ejnar Munksgaard, 1956; M. T. Larsen, *The Conquest of Assyria. Excavations in an Antique Land, 1840–1860*, London, Routledge, 1996; J. Bottéro and M.-J. Stève, *Il était une fois la Mésopotamie*, 2<sup>nd</sup> ed. Découvertes Gallimard, 2009; G. Emberling (ed.), *Pioneers to the Past. American Archaeologists in the Middle East, 1919–1920*, Chicago, The Oriental Institute of the University of Chicago, 2010; A. Thomas and T. Potts, *Mesopotamia: Civilization Begins*, Los Angeles, Getty Publications, 2020.
- <sup>10</sup> J. Cuno, *Who Owns Antiquity? Museums and the Battle over our Heritage*, Princeton, Princeton University Press, 2008, p. xxxiii.
- <sup>11</sup> There were, of course, those who kept only one side of the equation responsible, exemplified by the notorious statement by the CENTCOM Spokesman U.S. Brigadier General Vincent Brooks: 'I don't think anyone anticipated that the riches of Iraq would be looted by the people of Iraq.' See CENTCOM Briefing Transcript, 15 April 2003.
- <sup>12</sup> The literature on this topic is vast, but James Cuno and Philippe de Montebello, partially based on John Henry Merryman's work, were the leading voices. See J. Cuno, *Who Owns Antiquity*, pp. xxxvii–xxxiv, 154; Cuno, 'View from the universal museum', in John Henry Merryman (ed.), *Imperialism, Art and Restitution*, Cambridge, Cambridge University Press, 2006, pp. 33–34; P. de Montebello, 'Philippe de Montebello on the sack of the Iraq Museum: "Is it sensible for all the eggs to be in one basket?"' *The Art Newspaper*, 30 April 2003.
- <sup>13</sup> M. Gibson, 'The looting of the Iraq Museum in context', in G. Emberling and K. Hanson (eds.), *Catastrophe! The Looting and Destruction of Iraq's Past*, Chicago, The Oriental Institute Museum of the University of Chicago, 2008, p. 14.
- <sup>14</sup> Wall text, 'How the reliefs came to Brooklyn', Brooklyn Museum, New York (this text remains on view); Educational Resource for Young Learners, 'Explore ancient Assyrian reliefs', Bowdoin College Museum of Art, Maine; J. Cuno, 'Deploing ISIS, destroyer of a civilization's art', *The New York Times*, 11 March 2015; C. Banta Jr., 'Finding common ground in the antiquities trade debate to promote pragmatic reforms', *Houston Law Review*, 2016, pp. 1113–1148.
- <sup>15</sup> For an overview of the impact of sanctions, see Z. Bahrani, 'Historical destruction in a forgotten war', *War Essays*, London, UCL Press, 2025, pp. 231–237. On the more immediate causes, such as the U.S. Army's failure to protect the museum and the timeline of events, see D. George and M. Gibson, 'The looting of the Iraq Museum complex', in G. Emberling and K. Hanson (eds.), *Catastrophe! The Looting and Destruction of Iraq's*

*Past*, Chicago, The Oriental Institute Museum of the University of Chicago, 2008, pp. 19–27; J. M. Russell, ‘A personal account’. See also M. Bogdanos, ‘The casualties of war: the truth about the Iraq Museum’, *American Journal of Archaeology*, 100, 2005, pp. 477–526.

<sup>16</sup> For example, Z. Bahrani, ‘Conjuring Mesopotamia: imaginative geography and a world past’, in Lynn Meskell (ed.), *Archaeology Under Fire*, London, Routledge, 1998, pp. 159–74; F. N. Bohrer, *Orientalism and Visual Culture: Imagining Mesopotamia in Nineteenth Century Europe*, Cambridge, Cambridge University Press, 2003; S. Pollock and R. Bernbeck, (eds.), *Archaeologies of the Middle East: Critical Perspectives*, Malden, Blackwell, 2005; Z. Bahrani, Z. Çelik, and E. Eldem (eds.), *Scramble for the Past: A Story of Archaeology in the Ottoman Empire, 1753–1914*, Istanbul, SALT, 2011; Z. Çelik, *About Antiquities: Politics of Archaeology in the Ottoman Empire*, Austin, University of Texas Press, 2016; M. Kathem and D. Kareem Ali, ‘Decolonising Babylon’, *International Journal of Heritage Studies*, 27.9, 2021, pp. 831–45.

<sup>17</sup> L. P. di Cesnola, *Cyprus: Its Ancient Cities, Tombs, and Temples*, 2<sup>nd</sup> ed., New York, Harper & Brothers, Publishers, 1878.

<sup>18</sup> For example, O. Masson, *Les inscriptions chypriotes syllabiques*, Paris, E. de Boccard, 1961; E. McFadden, *The Glitter & the Gold*, New York, Dial Press, 1971; A. G. Marangou, *The Consul Luigi Palma di Cesnola, 1832–1904: Life & Deeds*, Nicosia, The Cultural Centre of the Popular Bank Group, 2000; R. S. Merrillees, ‘Cypriote antiquities in late Ottoman Istanbul and Smyrna – I’, *Cahiers du Centre d’Études Chypriotes*, 47, 2017, pp. 43–120; J. Conlin, *The Met: A History of a Museum and its People*, New York, Columbia University Press, 2024, pp. 33–52.

<sup>19</sup> The few sources that refer to parts of the Ottoman documentation include M. K. Kasapoğlu, ‘Kıbrıs’ta bir Amerikan konsolosu’, in *IV. Uluslararası Kıbrıs Araştırmaları Kongresi Bildirileri*, Famagusta, Doğu Akdeniz Üniversitesi Yayınları, 2002, pp. 153–170; Ö. Feyzioğlu, ‘Osmanlı arşiv belgelerine göre Sultan Abdülaziz dönemi Osmanlı Amerika ilişkileri (1861–1876)’, unpub. M.A. dissertation, Kocaeli Üniversitesi, 2009; G. Dinç, ‘Başbakanlık Osmanlı Arşivi’nde konsolosluk yazışmalarının tek toplu kataloğu: Kıbrıs Mutasarrıflığı konsolosluk yazışmaları (T.Ş.R.KB.KNS)’, in *2. Uluslararası Osmanlı Coğrafyası Arşiv Kongresi*, vol. 1, Ankara: T.C. Çevre ve Şehircilik Bakanlığı, 2019, pp. 441–451; C. Çelik, ‘The American consul Cesnola brothers and the fate of antiquities in Ottoman Cyprus’, *Bingöl Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 22, 2021, pp. 265–296; S. Doğançay, ‘Amerika konsolosu Cesnola’nın Kıbrıs’taki arkeolojik çalışmaları’, *Gaziantep University Journal of Social Sciences*, 21.3, 2022, pp. 1680–1698. In her otherwise well-researched book, Koçak unfortunately mistranscribed Cesnola’s name as ‘Johnson’, confusing him with Jeremiah Augustus Johnson, the American consul general in Beirut. See A. Koçak, *The Ottoman Empire and Archaeological Excavations: Ottoman Policy from 1840-1906, Foreign Archaeologists, and the Formation of the Ottoman Museum*, Istanbul, The Isis Press, 2011, pp. 61, 64–65.

<sup>20</sup> For example, wall text, ‘The Cesnola collection’, Department of Greek and Roman Art, The Metropolitan Museum of Art, New York; Online essay, ‘The Cesnola Collection at the Metropolitan Museum of Art’, Timeline of Art History; <https://www.metmuseum.org/essays/the-cesnola-collection-at-the-metropolitan-museum-of-art>; Wall text, Museo Archeologico Palermo. I thank Amanda Lillie for sharing with me a photograph of the Palermo wall text.

<sup>21</sup> Marangou, *Cesnola*, pp. 164–67.

<sup>22</sup> Cesnola, *Cyprus*, pp. 58–59; Çelik, ‘The American Consul’, pp. 271–272. See also HR.MKT.549/12 (10 Safer 1283/24 June 1866). Unless otherwise noted, all archival material cited in this article are from the Ottoman State Archives (BOA) and all translations from Ottoman Turkish and French are mine.

<sup>23</sup> HR.MKT.601/29.2 (17 Ramazan 1284/12 January 1868).

<sup>24</sup> Cesnola to Hitchcock, 22 November 1868, quoted in Marangou, *Cesnola*, p. 171. Cesnola’s primary focus was the European markets. Only following the financier Henry Hulbert’s visit to Cyprus would opportunities in New York appear in the horizon (Marangou, *Cesnola*, p. 181).

<sup>25</sup> See the distinction made by the Ottoman Ministry of Education as detailed in HR.İD.1444/26.5 (17 Rabiülevvel 1289/25 May 1872).

<sup>26</sup> For the full text of this bylaw, see *Takvīm-i Vekāyi* ‘on 1 Şubat 1284/13 February 1869 (in Ottoman Turkish) and G. Aristarchi, *Législation ottomane*, vol. 3, Constantinople, Demétrius Nicolaïdes, 1874, pp. 161–162 (in French). This overarching export ban did not apply to coins. Numerous public and private collections in Europe purchased objects in these auctions organized for Cesnola.

<sup>27</sup> İ.HR.247/14672 (15 Ramazan 1287/9 December 1870). This was the fourth excavation permit that Cesnola received.

<sup>28</sup> HR.İD.1444/26.7 (28 February 1871).

<sup>29</sup> Cesnola’s response can be found in HR.İD.1444/27.3 (1 April 1871). For the petition, see HR.İD.1444/26.2 (16 Şevval 1287/9 January 1871). This is the French translation of Cesnola’s letter as filed by the Ottoman Ministry of Foreign Affairs.

<sup>30</sup> HR.İD.1444/27.3 (1 April 1871).

<sup>31</sup> Ibid. Cesnola also claimed to have given two crates of antiquities to the governor of the Archipelago, Kayserili Ahmed Paşa, to be relayed to the Ottoman Imperial Museum, which at the time was still located in the Hagia Eirene. Upon hearing about this, the authorities started an internal investigation in early 1872, but as of May 1872 the crates still had not arrived at the museum (HR.MKT. 730/27; HR.MKT. 765/50.4). Cesnola would later raise the possibility that the governor had sold them to antiquities dealers (Cesnola, *Cyprus*, p. 172). To the best of my knowledge, there is no evidence for or against that claim, and the fate of those two crates remains uncertain. This topic will be investigated further in my book in preparation, *The Merchant of Cyprus: Luigi Palma di Cesnola vs. The Ottoman Government*.

<sup>32</sup> Cesnola, *Cyprus*, p. 148.

<sup>33</sup> HR.MKT.717/22.2 (7 Cemazeyülahir 1288/24 August 1871). The decision was delivered to the American Embassy on 6-7 September 1871 (HR.İD.1444/27.4).

<sup>34</sup> For a timeline of these shipments, see *G. L. Feuardent vs L. P. Di Cesnola: Testimony of the Defendant*, New York, John Polhemus, 1884, p. 7.

<sup>35</sup> Cesnola, *Cyprus*, p. 174.

<sup>36</sup> HR.İD.1444/28.1 (25 November 1871).

<sup>37</sup> S. G. Schmid, M. Recke and W. Filser, 'From Paul Schröder's archives on Cyprus, V. The first (?) photographs of Cesnola's Golgoi finds', *Cahiers du Centre d'Études Chypriotes*, 51, 2021, pp. 143–81.

<sup>38</sup> For a summary of these deliberations, see HR.MKT.765/50.4 (17 Rabiülevvel 1289/25 May 1872). A *note verbale* dated 14 August 1872 conveyed the news of this 'favour' to the American Embassy (HR.İD.1444/30.1). More information on the rationale can be found in HR.MKT.765/50.1 (29 Recep 1289/2 October 1872). The American side objected to the use of the word 'favour', but the extraordinary nature of this 'favour' was stressed in the one-time export permit issued later. See HR.İD.1444/31 (17 May 1873); HR.MKT.854/41.2 (24 Cemazeyilevvel 1290/20 July 1873).

<sup>39</sup> HR.İD.1444/30.3 (24 July 1873). U.S. Department of State forwarded this request to the Ottoman Ministry of Foreign Affairs on 4 August 1873. See HR.İD.1444/30.2.

<sup>40</sup> For the full text of this permit, see İ.HR.262/15725 (6 Rabiülevvel 1291/23 April 1874).

<sup>41</sup> Cesnola to Hitchcock, 30 August 1874, quoted in Marangou, *Cesnola*, p. 261.

<sup>42</sup> For example, see the vizirial letter to the Ministry of Education about Cesnola's ongoing excavations and sale of antiquities (HR.MKT.840/75.1, 28 Cemazeyilevvel 1291/13 July 1874). Around the same time, Cesnola himself was complaining about the presence of Ottoman inspectors in his excavations. See Marangou, *Cesnola*, p. 257.

<sup>43</sup> Cesnola was referring to the one-time export permit of 20 July 1873. See HR.MKT. 854/41.2.

<sup>44</sup> ŞD.2379/65.6 (19 Recep 1291/1 September 1874); MF.MKT.20/25.1 (20 Recep 1291/2 September 1874); HR.İD.1444/32.2 (27 Recep 1291/9 September 1874).

<sup>45</sup> The *partage* took place on 10 October 1874. As noted earlier, the Ottoman request for half of the excavated finds went back to 1871, and Dethier's visit had the appearance of a confiscation rather than a donation. Upon Cesnola's request, part of the finds ceded to the Ottoman state – possibly those objects that allegedly predated the one-time export permit – was marked as a donation on Cesnola's part. On this *partage*, see E. Eldem, 'Philipp Anton Dethier'nin Schliemann ve Cesnola ile Mücadelesi (1874)', *ST Sanat Tarihi Araştırmaları* 2, 2013, esp. p. 34, n. 30. I thank Nuran Tamur for providing me with a scanned copy of this article.

<sup>46</sup> ŞD.2379/65.6 (19 Recep 1291/1 September 1874). The reasons given for this ban were Cesnola's earlier trafficking of antiquities and the regulations banning foreign officials from excavating in their own name in the areas that they serve. The latter rule was also specified in paragraph 17 of the 1874 bylaw on antiquities. For the full text of this bylaw, see *Düstur*, 1. Tertib, 3. Cilt, Maṭba'a-yi 'Âmire, 1293/1876, pp. 426–430 (in Ottoman Turkish); G. Aristarchi, *Législation ottomane*, pp. 162–167 (in French).

<sup>47</sup> Cesnola, *Cyprus*, 301–341.

<sup>48</sup> The literature on this forged provenance is extensive. See O. Masson, 'Cesnola et le Trésor de Curium (I)', *Cahiers du Centre d'Études Chypriotes*, 1, 1984, pp. 16–26 and Masson, 'Cesnola et le Trésor de Curium (II)', *Cahiers du Centre d'Études Chypriotes*, 2, 1984, pp. 3–15.

<sup>49</sup> Cesnola, *Cyprus*, pp. 125–126, 236.

<sup>50</sup> S. Reinach, 'Nouvelles archéologiques et correspondance', *Revue Archéologique*, Quatrième Série, 5, 1905, p. 304 (translation from Merrillees, 'Cyprïote antiquities', p. 79–80).

<sup>51</sup> For example, Merrillees, 'Cyprïote antiquities', p. 77; Çelik, 'The American Consul', p. 280.

<sup>52</sup> HR.MKT.873/86.1 (11 Rabiülevvel 1292/17 April 1875). Another indicator of the temporary nature of this telegramme is the fact that Cesnola's previous permit dated 23 April 1874 was about to expire. The local government continued following the Kourion excavations closely and sent reminders to Istanbul about the need to issue a new permit. See HR.MKT.888/51.3 (23 Cemazeyilahir 1292/26 July 1875) and MF.MKT.32/54.1 (19 Şevval 1292/18 November 1875).

<sup>53</sup> MF.MKT.33/103.1 (27 Zilhicce 1292/24 January 1876).

- <sup>54</sup> MF.MKT.45/91.1 (13 Zilhicce 1293/30 December 1876); MF.MKT.45/101.1 (15 Zilhicce 1293/1 January 1877). The authorities also requested to see the documentation on the *partage* undertaken by Dethier (MF.MKT.46/36.1, 28 Muharrem 1294/12 February 1877). On Cesnola's correspondence with the British Museum and the MET, see Marangou, *Cesnola*, pp. 273–283.
- <sup>55</sup> MF.MKT. 38/28.1 (27 Cemazeyilevvel 1293/20 June 1876). See also HR.İD.1444/34.1 (15 February 1877), where the date of the 1876 permit is mistakenly given as 24 January 1875. In addition to the illicit export and sale of antiquities, the Ottoman Ministry of Foreign Affairs accused Cesnola of failing to commence the excavations within three months as stipulated by the 1874 regulations.
- <sup>56</sup> HR.İD.1444/34.4 (22 May 1877).
- <sup>57</sup> HR.İD.1444/35.1 (28 December 1877). Aristarchi also sent a copy of Cesnola's book to Istanbul and requested to see his excavation permits. See HR.İD.1444/36 (3 June 1881) and HR.İD.1444/37 (9 August 1881).
- <sup>58</sup> *Cypriote & Classical Antiquities: Duplicates of the Cesnola & Other Collections. Sold by Order of the Trustees of the Metropolitan Museum of Art*, two parts, Anderson Galleries, Inc., New York, 1928.
- <sup>59</sup> For example, heavy rains were reported to have revealed the foundations of the Temple of Ishtar in Agade to the Neo-Babylonian king Nabonidus. See I. J. Winter, *On Art in the Ancient Near East*, vol. 2, Leiden and Boston, Brill, 2010, p. 463; and Z. Bahrani, *Infinite Image: Art, Time and the Aesthetic Dimension in Antiquity*, London, Reaktion Books, 2014, pp. 223–24.
- <sup>60</sup> W. E. A. Budge, *By Nile and Tigris*, vol. 1, London, John Murray, 1920, p. 271. See also C. J. Rich, *Narrative of a Journey to the Site of Babylon in 1811*, London, Duncan and Malcolm, 1839, p. 190.
- <sup>61</sup> For example, Budge, *By Nile and Tigris*, p. 273; V. Scheil, *Une saison de fouilles à Sippar*, Le Caire, Imprimerie de l'Institut français d'archéologie orientale, 1902, pp. 14–15; J. P. Peters, *Nippur, or Explorations and Adventures on the Euphrates*, vol. 2, New York, G.P. Putnam's Sons, 1897, p. 305.
- <sup>62</sup> See N. A. Saïd-Ghanem, 'Ibrahim Elias Gejou: putting a name to a face', *Journal Asiatique*, 311.1, 2023, pp. 145–152; E. Tamur, *The Discovery That Never Was: Art, Politics and Time in Tello (Ancient Girsu)*, Chicago, The University of Chicago Press, forthcoming.
- <sup>63</sup> Budge, *By Nile and Tigris*, p. 235.
- <sup>64</sup> O. W. Muscarella, *Archaeology, Artifacts and Antiquities of the Ancient Near East*, Leiden and Boston, Brill, 2013, p. 846.
- <sup>65</sup> Budge, *By Nile and Tigris*, pp. 239–41.
- <sup>66</sup> For the full text of the 1884 bylaw, see *Düstur*, 1. Tertib, 4. Zeyl, Dersaadet, Matba'a-yı 'Osmaniye, 1302/1886, pp. 89–97 (in Ottoman Turkish) and Nicole Chevalier, *La recherche archéologique française au moyen-orient: 1842–1947*, Paris, Editions recherche sur les civilisations, 2002, pp. 497–500 (in French).
- <sup>67</sup> Çelik, *About Antiquities*, pp. 152–153.
- <sup>68</sup> DH.MKT.1279/82 (29 Temmuz 1324/11 August 1908); ZB.371/53 (30 Temmuz 1324/12 August 1908).
- <sup>69</sup> Exports took place through special arrangements with the sultan and/or with the director of the Imperial Museum (e.g., the sculptures of Ephesus presented to Franz Joseph I of Austria, or a section of the Mschatta gate given to Kaiser Wilhelm II of Prussia).
- <sup>70</sup> Banks resigned from his position due to the aforementioned Ottoman regulations banning foreign officials from leading excavations in the areas that they preside over. Wilson also gives financial concerns as a reason. See K.L. Wilson, *Bismaya. Recovering the Lost City of Adab*, Chicago, The Oriental Institute of the University of Chicago, 2012, pp. 5–6.
- <sup>71</sup> MKF.MKT.542/6.4, undated, signed by William R[ainey] Harper, and processed on 26 Teşrinievvel 1316 (8 November 1900). For an overview of Banks' application process and the role of the U.S. Navy, see A. Sönmez, 'Osmanlı Devleti'nde Başarısız Bir Eski Eser Kaçakçılığı Teşebbüsü: Edgar James Banks ve Bismaya Kazısı', *SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi*, 27, 2012, pp. 39–50. A copy of the American memorandum listing the demands can be found in Y.PRK.EŞA.42/57 (29 Zilhicce 1320/29 March 1903).
- <sup>72</sup> İ.HUS.62/51.1 (17 Şevval 1315/11 March 1898).
- <sup>73</sup> MÜZ.ARK.8/169.1 (16 Kanunisani 1319/29 January 1904); E.J. Banks, *Bismaya; or The Lost City of Adab*, New York, G.P. Putnam's Sons, 1912, pp. 185–206; Banks, 'The oldest statue in the world', *The American Journal of Semitic Languages and Literatures*, 21.1, 1904, pp. 57–59; Banks, 'David, the Sumarian king', *The Los Angeles Herald*, 4 June 1905, p. 30. The body and head of the statue were excavated separately on 27 January 1904 and 16 February 1904, respectively. Both finds were recorded in Haydar Bey's object lists under their respective excavation dates, which refutes Banks's claim that he initially managed to hide the body of the statue from Haydar Bey. See MÜZ.ARK.8/174 and 8/175.
- <sup>74</sup> Banks, *Bismaya*, pp. 194, 206.
- <sup>75</sup> MÜZ.ARK.8/188 (7 Haziran 1320/20 June 1904).
- <sup>76</sup> On the attacks of Sa'dün al-Manşūr and the Müntefik tribal confederation, see H. Fattah and C. Badem, 'The sultan and the rebel: Sadun al-Mansur's revolt in the Muntafiq, c. 1891–1911', *International Journal of Middle East Studies*, 45, 2013, pp. 677–93 and G. Çetinsaya, *Ottoman Administration of Iraq, 1890–1908*, London,

Routledge, 2006, pp. 88–92. On the involvement of al-Bedir, see DH.TMIK.M.199/48.4 (12 Temmuz 1321/25 July 1905) and 199/48.5 (16 Temmuz 1321/29 July 1905).

<sup>77</sup> Banks, *Bismaya*, p. 371.

<sup>78</sup> Ibid. p. 372.

<sup>79</sup> Ibid. p. 375.

<sup>80</sup> MÜZ.ARK.8/192 (9 Eylül 1320/22 September 1904).

<sup>81</sup> J. N. Haque, 'The "Frame" at Adab. American Archaeological Misbehaviour in Late Ottoman Iraq (1899–1905),' *Anthropology of the Middle East* 15.1, 2020, p. 26.

<sup>82</sup> MÜZ.ARK.8/193 (11 Eylül 1320/24 September 1904); MÜZ.ARK.8/194 (12 Eylül 1320/25 September 1904).

<sup>83</sup> Wilson, *Bismaya*, p. 18.

<sup>84</sup> Haque, 'The "Frame"', p. 26.

<sup>85</sup> Wilson, *Bismaya*, p. 14.

<sup>86</sup> Ibid. p. 14.

<sup>87</sup> Wilson, *Bismaya*.

<sup>88</sup> For example, MÜZ.ARK.8/192 (9 Eylül 1320/22 September 1904); MÜZ.ARK.8/189 (11 Eylül 1320/24 September 1904); MÜZ.ARK.8/193 (11 Eylül 1320/24 September 1904); MÜZ.ARK.8/190 (11 Eylül 1320/24 September 1904); MÜZ.ARK.8/194 (12 Eylül 1320/25 September 1904); MÜZ.ARK.8/195 (12 Eylül 1320/25 September 1904). In addition, the official investigation was carried out collectively by the said committee, not by Haydar Bey only.

<sup>89</sup> The permit, a photograph of which was published in Banks's book (Banks, *Bismaya*, pp. 29–31), specifically included a clause on covering the inspector's 'salary' (*maaş*) and 'traveling and living expenses' (*harcırah*). The receipts of such payments made by Banks's successor Victor Persons to Haydar Bey have survived in the Ottoman archives (MÜZ.ARK.8/399.21 and 8/399.22, 27 June 1905). This condition was in line with paragraph 21 of the 1884 bylaw on antiquities.

<sup>90</sup> Wilson, *Bismaya*, p. 17.

<sup>91</sup> Ibid., p. 18.

<sup>92</sup> MÜZ.ARK.8/197 (20 Eylül 1320/3 October 1904); MÜZ.ARK.8/199 (21 Eylül 1320/4 October 1904).

<sup>93</sup> MÜZ.ARK.8/222 (3 Teşrinisani 1320/16 November 1904); MÜZ.ARK.8/231 (22 Teşrinisani 1320/5 December 1904); MÜZ.ARK.8/235 (25 Teşrinisani 1320/8 December 1904). See also the list located in MÜZ.ARK.8/386.1, which gives the number of tablets as 12.

<sup>94</sup> MÜZ.ARK.8/191 (12 Eylül 1320/25 September 1904); MÜZ.ARK.8/205 (24 Eylül 1320/7 October 1904); MÜZ.ARK.8/209 (30 Eylül 1320/13 October 1904). The British consulate in Basra also served to harbour Banks and his men (Banks, *Bismaya*, p. 439).

<sup>95</sup> On Haydar Bey's opinions on Hürner, see MÜZ.ARK.8/223 (3 Teşrinisani 1320/16 November 1904). For an overview of Hürner's practices, see Haque, 'The "Frame"', p. 26.

<sup>96</sup> Haydar Bey assumed that Banks must have already smuggled the statue abroad. See MÜZ.ARK.8/220 (30 Teşrinievvel 1320/12 November 1904).

<sup>97</sup> MÜZ.ARK.8/227 (14 Teşrinisani 1320/27 November 1904).

<sup>98</sup> Wilson, *Bismaya*, p. 18.

<sup>99</sup> MÜZ.ARK.8/399.3 (25 January 1905). In his book (Banks, *Bismaya*, p. 442), Banks gave his failing health as a reason.

<sup>100</sup> DH.MKT.899/9.3 (16 Zilkade 1322/22 January 1905).

<sup>101</sup> Wilson, *Bismaya*, p. 23; Haque, 'The "Frame"', p. 28. The Director of the Ottoman Imperial Museum is reported to have invited Leishman to the museum to explain the situation. See O. Sümer, 'Adab Kralı Lugaldalu'nun Heykeli Hakkında,' *Türk Arkeoloji Dergisi*, 7.2, 1957, pp. 38–39.

<sup>102</sup> MÜZ.ARK.8/382.5 (24 Temmuz 1321/6 August 1905).

<sup>103</sup> MÜZ.ARK.8/399.2 (27 July 1905). Bedri Bey had promised Hürner this commendation in exchange for his help. See MÜZ.ARK.8/398.12 (25 Temmuz 1321/7 August 1905).

<sup>104</sup> MÜZ.ARK.8/398.13–14 (1 Ağustos 1321/14 August 1905). For more on the display of Lugaldalu, see Erhan Tamur, "All significant and worthy of preserving": ancient Mesopotamian art in the Ottoman Imperial Museum', *Muqarnas*, 43 (forthcoming).

<sup>105</sup> MÜZ.ARK.8/386.3 (1 Temmuz 1324/14 July 1908); Sümer, 'Adab Kralı', p. 38, n. 10.

<sup>106</sup> H. Z. Koşay et.al., *Osmanlı İmparatorluğu ve Türkiye Cumhuriyeti Çağlarında Türk Kazı Tarihi*, vol. 2, Ankara, Türk Tarih Kurumu, 2013, 398–401.

<sup>107</sup> Wilson, *Bismaya*, p. 27. The name of Abbas Belkis appears to have disappeared in the titles of Banks' public lectures.

<sup>108</sup> Banks, *Bismaya*, 443–44. Persons himself informed Haydar Bey about their decision to end the Bismaya excavations and their move to Egypt. See MÜZ.ARK.8/398.10 (29 Mayıs 1321/11 June 1905). See also a letter from James Henry Breasted to Persons on this topic in Wilson, *Bismaya*, p. 21.

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<sup>109</sup> Wilson, *Bismaya*, p. 24.

<sup>110</sup> Banks to Phelps Stokes, 31 May 1937 (Edgar James Banks Papers, Columbia University, Rare Book & Manuscript Library, MS 1947, Box 34). There is, of course, the possibility that Banks exaggerated his continued involvement to boost his credibility in the antiquities trade, as Wilson implies (*Bismaya*, p. 28).

<sup>111</sup> Ibid. pp. 28–30.

<sup>112</sup> E. Wasilewska, 'The Forgotten Indiana Jones: From Ancient Mesopotamia to Hollywood,' <https://www.worldandi.com/the-forgotten-indiana-jones-from-ancient-mesopotamia-to-hollywood/>; Gary Corsair, 'Forgotten Indiana Jones was man of many mysteries,' *The Villages Daily Sun*, 19 June 2007.

<sup>113</sup> See A. Barker, 'Looting, the antiquities trade, and competing valuations of the past', *Annual Review of Anthropology* 47, 2018, pp. 455–474; N. Brodie et al., 'Why there is still an illicit trade in cultural objects and what we can do about it', *Journal of Field Archaeology* 47, 2022, pp. 117–130.

<sup>114</sup> For example, the Department of Ancient West Asian Art at the Metropolitan Museum of Art has already 'stopped collecting from the auction market because of its reputation for illicit trafficking' (Z. Small, 'The Metropolitan Museum of Art's repatriation problem is only getting bigger', *Artnews*, 20 January 2023).