

**COLLECTING PAPYRUS IN THE 21<sup>ST</sup> CENTURY:  
A COMPARISON OF EXISTING AND EMERGING TRADE MARKETS**

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## **DECLARATION**

I, Lauren Dundler, certify that this thesis has not been submitted for a higher degree to any other university or institution.

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## **SUMMARY OF THESIS**

In the past two decades, the emergence of an Internet market for antiquities has invited new challenges and concerns for policing and regulating the trade of cultural artefacts. Surprisingly, few have responded to these issues with research output. This thesis responds to this research shortfall by providing a detailed analysis of the contemporary market for papyrus as it is realised on the Internet. The Internet market for antiquities is prolific and profitable for dealers. Subsequently, existing dealers – antiquarians and auction houses – have transitioned their business to online platforms competing with new, inexperienced sellers.

This thesis will provide a systematic examination of the Internet market for papyrus, with a focus on the relationship between these two markets and how the existing practices and values of the modern antiquities trade have been translated to the unique retail context of the Internet. Ultimately, this insight will be useful in the development of the necessary regulatory policies and strategies designed in response to the Internet market for antiquities. Whilst this comparative examination explores the ways in which the emerging market has developed out of traditional market practices and values, it demonstrates that the Internet market for antiquities is a unique entity and needs to be treated as such.



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## I. INTRODUCTION

“It is tempting to treat them as survivals from the traditional, symbolic order. Yet for all their distinctiveness, these objects do play a part in modernity, and that is what gives them a double meaning.”

Jean Baudrillard, *System of Objects*, p. 77<sup>1</sup>.

The ownership and acquisition of objects are central to our relationship with the material world. Objects are capable of possessing multiple values, functions, and meanings in all of our lives. These social meanings are produced in both the mental and physical processes of possessing, accumulating, storing and collecting objects. When dealing with objects that have survived for thousands of years, contrary to natural processes of deterioration and decay, these social meanings become multifaceted and more emotionally charged. In recent years, the emergence and salience of the Internet has further complicated the situation. Those who desire to possess, accumulate, store and collect certain objects are facilitated by websites like eBay and Etsy; curating from the comfort of their own homes. Within this context the buying and selling of antiquities has undeniably changed, inviting the participation of a new generation of collectors and dealers who will further contribute to the construction of these ‘double meanings’.

Whilst this thesis is an investigation into the contemporary collecting of papyrus, it is situated within a broader framework concerned with our relationship with the material world and the related social value of objects. In her examination into the tradition of European collecting<sup>2</sup>, Susan M. Pearce identified three overlapping perspectives in which objects operate socially: firstly, objects as artefacts involving “lumps of the physical/natural world transformed into artefacts by social process/culture”<sup>3</sup>; secondly, objects acting as signs and symbols as they are capable of creating categories and transmitting meanings which can be read<sup>4</sup>; and thirdly, objects as meaning involving “things to which both individuals and

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<sup>1</sup> BAUDRILLARD, J. *The System of Objects*, London & New York, Verso, 1996, p. 77.

<sup>2</sup> PEARCE, S. M. *On Collecting – An investigation into collecting in the European Tradition*, (Collecting Culture) London, Routledge, 1995.

<sup>3</sup> PEARCE, *On Collecting*, p. 14-5.

<sup>4</sup> PEARCE, *On Collecting*, p. 15

societies attach differing moral and economic values as a result of their historical experience, both personal and communal”<sup>5</sup>

When we regard objects that are vestiges from the ancient world, the discussion of these perspectives become more complex and interesting. Cultural theorist Jean Baudrillard dedicated a significant portion of his *The System of Objects*<sup>6</sup> to the unique role ancient objects possess in the modern world. According to Baudrillard, ancient objects run counter to the traditional requirements of functional calculation assigned to objects. Instead they respond to other kinds of demands, like witness, memory, nostalgia or escapism<sup>7</sup>. In this context, the ancient object has a dual status in the modern world. On one hand, “the ancient object no longer has any practical application, its role being merely to signify”<sup>8</sup>. But this does not mean the ancient object is afunctional, for it has a very specific function within the system, “namely the signifying of time”.<sup>9</sup> Thus in the modern world ancient objects “serve less as possessions than as symbolic intercessors – as ancestors, so to speak.”<sup>10</sup>

The modern status of ancient objects is tied to our obsession with origins. Baudrillard suggests that our curiosity about our origins prompts us to place such objects – “the signs of a previous order of things” – alongside the more functional objects, which “are the signs of our current mastery.”<sup>11</sup> As the ancient object represents (im)memorialisation in the concrete form of an object “the mythological object is fully realized” and the “fully realized event that the object signifies is birth.”<sup>12</sup> In the case of ancient objects, the site of birth is in antiquity and the older an object is, the greater its symbolic value. This obsession with origins also extends to a fixation with authenticity, certainty, and the moment of creation that is particularly prominent in a post-industrial and increasingly digital world. To quote Baudrillard:

“The mere fact that a particular object has belonged to a famous or powerful individual may confer value on it. The fascination of handicraft derives from an object's having passed through the hands of someone the marks of whose labour are still being inscribed thereupon: we are fascinated by what has been created, and is therefore unique, because the moment of creation cannot be reproduced.”<sup>13</sup>

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<sup>5</sup> PEARCE, *On Collecting*, p. 16.

<sup>6</sup> BAUDRILLARD, *System of Objects*.

<sup>7</sup> BAUDRILLARD, *System of Objects*, p. 77.

<sup>8</sup> BAUDRILLARD, *System of Objects*, p. 77.

<sup>9</sup> BAUDRILLARD, *System of Objects*, p. 78.

<sup>10</sup> BAUDRILLARD, *System of Objects*, p. 85.

<sup>11</sup> BAUDRILLARD, *System of Objects*, p. 88.

<sup>12</sup> BAUDRILLARD, *System of Objects*, p. 80.

<sup>13</sup> BAUDRILLARD, *System of Objects*, p. 81.

With these attitudes in mind, it is unsurprising to see that objects from antiquity have been the source of many private collections and intense obsessions since the 16<sup>th</sup> century<sup>14</sup>. The existence of antiquities in the modern world has long been connected to a global antiquities market, resulting in “the past in its entirety has been pressed into the service of consumption.”<sup>15</sup> Private collecting has driven the activity of the modern antiquities market, and thus it is worthwhile to momentarily dwell on some of the more salient features of the pathology of collecting. In her contribution to this field, Pearce recognises a difference between collecting, accumulating, and hoarding with the act of collecting distinguished by a ‘rational’ purpose, and selective approach to possessing and curating objects<sup>16</sup>. In his modern psychoanalytic approach to collecting<sup>17</sup>, Werner Muensterberger emphasises the significance an individual collector attaches to the objects themselves and the meaning of what they are collecting depends on “individual character, on personal taste and sentiment” as much as it does wider social trends, values, and practices<sup>18</sup>.

According to art crime lawyer Erin Thompson, a “remarkably consistent set of motivations and beliefs”<sup>19</sup> have been shared by antiquities collectors, including a belief that their love of antiquities gives them special powers of understanding the ancient past through contact with these objects<sup>20</sup>. But this approach to the past is ‘voyeuristic’. Pearce argues “there is an unquestioned element of the peep-show in all our strained relationship with the objects of the past, and the way in which we feel that these things can open doors to hidden places is one measure of our fascination with them.”<sup>21</sup>

The 20<sup>th</sup> century changed everything for the global antiquities market. A growing rise in the demand for antiquities could be attributed to the fetishising of antiquity, emerging in the 18<sup>th</sup> and 19<sup>th</sup> centuries, combined with the greater ease in which both information and people could travel. In response to this increased demand, there was an introduction of national ownership laws for cultural property in Italy and Greece, and almost every other source

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<sup>14</sup> There are many examples of proto-antiquities collectors prior to this period, but Thomas Howard, Earl of Arundel (1585–1646) is considered to be the first ‘real’ antiquities collector for a number of reasons, including that he was the first to use a private antiquities collection to display wealth and power; he established a preference for imported rather than local antiquities of Roman Britain; he introduced the habit of heavily restoring works in less than perfect condition; he demonstrated a willingness to obtain antiquities both through purchase and through new excavations; and he openly held the “belief that the collector was in a better position to appreciate and cherish the antiquities than the current possessors” and thus the collector was justified in circumventing export restrictions and all other manner of laws and regulations in order to acquire his antiquities. See THOMPSON, E. L. *Possession: The Curious History of Private Collectors from Antiquity to the Present*. New Haven & London, Yale University Press, 2016, p. 27.

<sup>15</sup> BAUDRILLARD, *System of Objects*, p. 89.

<sup>16</sup> PEARCE, *On Collecting*, p. 21–22.

<sup>17</sup> MUENSTERBERGER, W. *Collecting – An Unruly Passion*. Princeton University Press: New Jersey, 2014.

<sup>18</sup> MUENSTERBERGER, *Collecting*, p. 25.

<sup>19</sup> THOMPSON, *Possession*, p. 2.

<sup>20</sup> THOMPSON, *Possession*, p. 104.

<sup>21</sup> PEARCE, *On Collecting*, p. 248.

country<sup>22</sup>. However, these new regulations did little to decrease the demand for antiquities, resulting in the increase of black market activity, and the number of antiquities smuggled out of Italy and Greece grew exponentially.<sup>23</sup> Thompson notes that this change in the legal setting did not improve the ethics of acquisitions and ownerships, but instead resulted in “a growing secrecy” that “cloaked the source of antiquities” with dealers becoming reluctant to speak openly about the origins of the antiquities they were trading.<sup>24</sup>

These emerging behaviours and practices of the 20<sup>th</sup> century antiquities market, combined with the pervasive beliefs and motivations of antiquities collectors, have created a landscape rife with ethical and legal concerns. For whilst these objects carry with them the accounts of the ancient world with which we seek to forge connections, they now simultaneously are burdened with the dubious narratives of modern ownership also. In his *Theses on the Philosophy of History*<sup>25</sup>, Walter Benjamin reminds us of the origins of these objects which cannot be contemplated “without horror” as these objects “owe their existence not only to the efforts of the great minds and talents who have created them, but also to the anonymous toil of their contemporaries.”<sup>26</sup> In other words, not only do ancient objects possess ‘double meanings’, but they also are capable of representing multiple, and sometimes competing, narratives belonging to both antiquity and the modern world.

Antiquities inspire deep emotional connections for many groups of people. These objects symbolise ancient narratives which modern people seek to use to shape their present. In the case of colonised nations that have been culturally (and otherwise) plundered during periods of imperialist invasion, the (re)possession of these objects is seen as a form of social justice. Through interrogating these relationships individuals and institutions share with the material remains of antiquity, we can gain insight into how different people position themselves in relation to the past and position the past in relation to themselves.

These ideas about the value, meaning, and function of antiquities provide the theoretical framework for this research project. This investigation into the ownership and acquisition practices of papyri in the 21<sup>st</sup> century is part of a broader attempt to unravel the (un)ethical foundations of the modern antiquities market. Whilst this project will provide a systematic and rigorous analysis of the Internet market for papyrus, its primary purpose is to

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<sup>22</sup> Egypt, however, had forbade the exportation of their antiquities since 1835. See: Decree of 1835, ‘Banning the unauthorized removal of antiquities from the country,’ August 15, 1835. Available at INTERNATIONAL COUNCIL OF MUSEUMS, ‘Emergency Red List of Egyptian Cultural Objects at Risk – Red List – Legislation.’ <http://icom.museum/resources/red-lists-database/red-%20list/egypt/legislation/>

<sup>23</sup> THOMPSON, *Possession*, p. 156.

<sup>24</sup> THOMPSON, *Possession*, p. 156.

<sup>25</sup> BENJAMIN, W. *Illuminations – Essays and Reflections*, trans. Harcourt Brace Jovanovich, Inc., New York, Schocken Books, 1968, p. 67.

<sup>26</sup> BENJAMIN, *Illuminations*, p. 256.

problematised the role and function antiquities possess in the modern world, ultimately providing ethical and honest alternatives to some of our existing approaches to the material remains of antiquity.

Before addressing the specifics of the Internet market for papyrus, the complex historical and interdisciplinary background that frames this project must be acknowledged. The second and third chapters are devoted to this task, involving a literature review which situates this research in the context of existing scholarship and a thematic account of modern antiquities collecting. These chapters deal with diverse historical and disciplinary narratives, demonstrating a failure within the cultural heritage community to effectively address the ethical and legal issues related to the emergence of the Internet market for antiquities.

With this foundation established, the following three chapters provide examinations of specific facets of the Internet market for papyrus: price, provenance, and persona. Starting with an analysis of the intersection between value, price formation, and authenticity in the antiquities market, Chapter 4 reveals connections between the dataset and the broader commodification of the past. Specifically, it is concerned with how cultural value is translated into economic value within this framework. These discussions of value naturally transition into an examination of provenance in Chapter 5. This examination involves challenging current applications of provenance and addressing the incompatibility between existing legal approaches and the modern antiquities market. Ultimately, this chapter demonstrates how provenance does not actually function as it is intended to, by acting as legal testimony or archaeological context, but rather becomes a ‘performance of taste and judgement’. The next chapter is thematically linked with the preceding two, connecting the value of authenticity and the ‘performance of taste and judgement’ with the construction of ‘dealer personae’. In addition to providing an assessment of the level of expertise associated with the Internet market for papyrus, it also considers the ethical and legal realities connected with the role of scholarship in the market.

This thesis concludes with the acknowledgement of the educational opportunities the Internet market for antiquities presents. Despite the obvious relationship between the traditional antiquities market, the Internet market is clearly a unique entity and needs to be treated as such. Not only does this require the development and implementation of regulatory policies responsive to the unique context of the Internet market, but the introduction of new market participants should be seen as fertile ground for ethical and honest educational initiatives.

## II. LITERATURE REVIEW AND METHODOLOGY

### Literature Review

Academic discussion engaging with cultural heritage issues has been extensive, diverse, and highly emotional. Emerging in collaboration with numerous disciplines and international stakeholders, the existing body of research is abundant but divisive and limited. These restrictions can be traced to the seminal publications that have shaped our relationship with the material world since the middle of the 20<sup>th</sup> century. Whilst source nations have been aware of the importance of protecting their cultural patrimony for centuries, the real corpus of scholarship emerged following the mass Nazi plundering and destruction of cultural heritage in World War II. In response to these atrocities, the 1954 Hague Convention<sup>27</sup> provided the initial scope for understanding what constitutes cultural heritage. Since the 1950s, cultural heritage research output has been prolific.

At the very centre of these discussions is the question of ownership. In 1986, John H. Merryman's seminal publication<sup>28</sup> formally codified existing approaches to the ownership of cultural heritage. Using key UNESCO documents<sup>29</sup> as his framework, Merryman identified two ways of thinking about cultural heritage: cultural property as part of national heritage and cultural property as "components of common human culture"<sup>30</sup>. Merryman argued that the existing approaches – labelled as Cultural Nationalism and Cultural Internationalism or Cultural Universalism respectively – to cultural heritage policy are too divisive to be effectively implemented. Whilst Merryman was accurate in his assessment that the 1954 Hague Convention and 1970 UNESCO Convention offer two very conflicting sets of cultural heritage guidelines, his contribution has left us with unfortunate limitations.

Cultural heritage law scholar Derek Fincham notes "by framing the debate as a dichotomy, Merryman may have unwittingly contributed to the gulf dividing the extreme claims of both nationalists and internationalists, and prevented a discourse which would lead to a

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<sup>27</sup> UNESCO, (First) Protocol to The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, May 14 1953. U.N.T.S. 240.

<sup>28</sup> MERRYMAN, J. H. 'Two Ways of Thinking About Cultural Property,' *American Journal of International Law* 80 (1986), p. 831-53.

<sup>29</sup> Merryman's publication is framed by the 1954 Hague Convention and the 1970 UNESCO Convention: UNESCO, (First) Protocol to The Hague Convention; UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Paris, November 14, 1970. 823 U.N.T.S. 231, 10 I.L.M. 289.

<sup>30</sup> MERRYMAN, 'Two Ways of Thinking About Cultural Property,' p. 831.



compromise.”<sup>31</sup> One only has to look at recent repatriation debates to see Fincham’s point; museums and source nations are locked in constant debates about rights to ownership and retention without any chance of compromise because cultural heritage ownership has been framed as an all-or-nothing situation.

These divisions are not the only limitations of existing cultural heritage policy. A significant amount of cultural heritage scholarship is devoted to identifying the failures of national and international approaches to protecting cultural heritage and regulating the trade of illicit antiquities. Despite the attempts at regulation and intervention from major international organisations and institutions, the trade of cultural objects persists and is now thriving in the Internet market. Guidelines like the 1954 Hague Convention and the 1970 UNESCO Convention arguably are the most broadly influential documents in cultural heritage scholarship; however, they are also the most criticised. In conjunction with these UNESCO guidelines, the International Council of Museums (ICOM)<sup>32</sup>, the Association of Art Museum Directors (AAMD)<sup>33</sup>, the American Schools of Oriental Research (ASOR)<sup>34</sup> and, many others, have implemented restrictive guidelines for the acquisition and publication of cultural heritage. Unfortunately, these subsidiary documents appear to have inherited the failings of the preceding UNESCO policies and are criticised in similar ways.

The most common critiques of these policies include that there are not enough ‘important’ countries have ratified the conventions; there are too many international ‘loopholes’ to deal with and too many exceptions to the rules (e.g. museum acquisitions without verifiable provenance are appropriate if they are donations); and penalties for cultural heritage crimes and violating these laws and agreements are not severe enough. Further, current legal approaches are limited by the high evidentiary standards for any prosecution. In cultural heritage cases a prosecutor must prove beyond a reasonable doubt the elements of the offense requiring information about the origins and sales history of an artefact. However, Fincham suggests “this evidentiary hurdle becomes almost impossible to overcome when dealers, buyers and regulators cannot routinely check the provenance of a piece of cultural property.”<sup>35</sup>

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<sup>31</sup> FINCHAM, D. ‘Why U.S. Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective, and a Pragmatic Alternative,’ *Illicit Cultural Property* 25 (2007), p. 606.

<sup>32</sup> INTERNATIONAL COUNCIL OF MUSEUMS, ‘ICOM Code of Ethics for Museums,’ Adopted by the 15<sup>th</sup> General Assembly of ICOM on November 4, 1986. Amended by 20<sup>th</sup> General Assembly of ICOM on July 6, 2001. [http://icom.museum/fileadmin/user\\_upload/pdf/Codes/code\\_ethics2013\\_eng.pdf](http://icom.museum/fileadmin/user_upload/pdf/Codes/code_ethics2013_eng.pdf)

<sup>33</sup> ASSOCIATION OF AMERICAN ART DIRECTORS, ‘Code of Ethics,’ Adopted by the membership of the AMMD, June 1966; amended 1971, 1973, 1974, 1991, 2001, and 2011. <https://aamd.org/about/code-of-ethics>

<sup>34</sup> AMERICAN SCHOOLS OF ORIENTAL RESEARCH, ‘The ASOR Policy on Professional Conduct,’ April 18, 2015. <http://www.asor.org/wp-content/uploads/2017/03/professional-conduct-4-18-15.pdf>

<sup>35</sup> FINCHAM, ‘Why U.S. Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective,’ p. 644.

In response to these failures and limitations, scholarship has directed its attention to varying – and often contradictory – methods of analysing, monitoring, and policing the antiquities market. The effectiveness and purpose of restrictions and regulations in the antiquities market is central to these discussions. There remains, however, a failure to agree on a cohesive approach within the community. Opponents to source regulations argue, “by not allowing a legitimate outlet for these inherently valuable objects, restrictions cause the illicit trade to flourish.”<sup>36</sup> But advocates for strong source regulations insist, “archaeological sites are a limited resource which cannot be commercially exploited.”<sup>37</sup> The ineffectiveness of international law and agreements combined with the failure to agree on a regulatory approach within the cultural heritage community has stifled much progress in implementing successful policies for policing the illicit trade of antiquities.

Criminologists have subsequently introduced a more ‘flexible’ approach to regulation inspired by Professor Ian Ayres and John Braithwaite’s ‘enforcement pyramid’<sup>38</sup>. Moving away from punishment to persuasion, these approaches involve “discouraging wrongdoing” by “improving normative standards.”<sup>39</sup> The idea of autoregulation emerged in this context, suggesting the “market might regulate itself through the aggregate expression of collector preferences”<sup>40</sup>. In 1994, the champion of antiquities market autoregulation, Peter Cannon Brookes, argued for a “mechanism of the marketplace itself to create a trading environment which finds illegally excavated, stolen and unlawfully exported cultural property less profitable and thus less attractive.”<sup>41</sup> Only a year later, his ideas were extended by Lisa Borodkin who introduced the risk of fakes and forgeries in the antiquities market as an incentive for collectors to pay a premium for provenance in guarantee of authenticity<sup>42</sup>.

Initially, the idea of autoregulation was embraced by market participants and deemed successful. In a period between 2008 and 2013, commentator and critic Souren Melikian produced a number of articles<sup>43</sup> allegedly demonstrating the success of autoregulation through

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<sup>36</sup> FINCHAM, ‘Why U.S. Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective,’ p. 601.

<sup>37</sup> FINCHAM, ‘Why U.S. Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective,’ p. 601.

<sup>38</sup> This model was first proposed by Braithwaite in BRAITHWAITE, J. ‘To Punish or Persuade: Enforcement of Coal Mine Safety,’ *Contemporary Sociology* 15.2 (1986), p. 221-2.

<sup>39</sup> BRODIE, N. ‘Provenance and Price: autoregulation of the antiquities market?’ *European Journal on Criminal Policy and Research* 20.4 (2014), p. 428.

<sup>40</sup> BRODIE, N. ‘Provenance and Price,’ p. 428.

<sup>41</sup> CANNON-BROOKES, P. ‘Antiquities in the market place: Placing a price on documentation,’ *Antiquity* 68 (1994), p. 350.

<sup>42</sup> BORODKIN, L. ‘The economics of antiquities looting and a proposed legal alternative,’ *Columbia Law Review* 95 (1995), p. 377-417.

<sup>43</sup> MELIKIAN, S. ‘A wake-up call for the antiquities market,’ *New York Times*, June 12, 2008.

<http://www.nytimes.com/2008/06/14/arts/14iht-melik14.1.13666041.html?pagewanted=all>; MELIKIAN, S.

‘Wanted: Antiquities beyond reproach,’ *New York Times*, December 17, 2010.

<http://www.nytimes.com/2010/12/18/arts/18iht-melik18.html?pagewanted=all>; MELIKIAN, S. ‘How UNESCO’s

observing high prices being paid for well-provenanced pieces. For example, in one article he concludes “with the slow but unstoppable force of a juggernaut, the UNESCO Convention for the protection of cultural property [...] is reconfiguring the market.”<sup>44</sup> Unfortunately, a study produced by archaeologist Neil Brodie in 2014 suggests that an autoregulation approach runs contrary to the nature of the antiquities market and its tenuous relationship with provenance<sup>45</sup>. The greatest incompatibility relates to the questionable value of provenance in the market. Brodie suggests “what slight evidence there is of an association between provenance and price seems more likely to be because of the higher quality of objects with long provenance.”<sup>46</sup> The value of provenance in the antiquities market will be discussed extensively in Chapter 5.

Currently approaches to antiquities trading are more aligned with market interference strategies. This includes the recent initiatives of Mexico’s Instituto Nacional de Antropología e Historia, which Donna Yates contextualises within the practice of discouraging the illicit trade by engaging with the value of authenticity<sup>47</sup>. Such case studies reveal that a deeper understanding of the mechanics of value and collector preferences is required to adequately regulate and monitor the antiquities market. The emergence of an Internet market for antiquities, however, invites new challenges and concerns for policing and regulating the trade of illicit antiquities. In July 2017, Brodie highlighted these challenges and concerns in a policy brief for the Antiquities Coalition, an organisation uniting global heritage experts.<sup>48</sup> In his report, he notes the vicious cycle of Internet sales of antiquities involving an increased demand for antiquities which further drives looting creating a greater supply of artefacts for the market, further increasing demand<sup>49</sup>. Ultimately, Brodie highlights an existing failure to regulate the online antiquities trade with public policy as inaction is making it impossible to address the issue on a global scale<sup>50</sup>.

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1970 Convention is weeding looted artifacts out of the antiquities market,’ *Blouin ArtInfo*, 2012. <http://www.blouinartinfo.com/news/story/822209/how-unescos-1970-convention-is-weeding-looted-artifacts-out-of-the-antiquities-market>; MELIKIAN, S. ‘Antiquities with a proven record, drive auction market,’ *New York Times*, June 14, 2013. <http://www.nytimes.com/2013/06/15/arts/15iht-melikian15.html?pagewanted=all>.

<sup>44</sup> MELIKIAN, ‘How UNESCO’s 1970 Convention is weeding looted artifacts out of the antiquities market’.

<sup>45</sup> BRODIE, ‘Provenance and price’.

<sup>46</sup> BRODIE, ‘Provenance and price,’ p. 440.

<sup>47</sup> YATES, D. ‘Value and doubt: the persuasive power of “authenticity” in the antiquities market,’ *Platform for Artistic Research Sweden* 2 (2015), p. 71-84.

<sup>48</sup> BRODIE, N. ‘How to Control the Internet Market in Antiquities? The Need for Regulation and Monitoring,’ *Antiquities Coalition Policy Brief No. 3*, July 2017. <http://thinktank.theantiquitiescoalition.org/wp-content/uploads/2017/07/Policy-Brief-3-2017-07-20.pdf>

<sup>49</sup> BRODIE, ‘How to Control the Internet Market in Antiquities?’

<sup>50</sup> BRODIE, ‘How to Control the Internet Market in Antiquities?’

Surprisingly, few have responded to these emerging issues with research output. Whilst UNESCO, ICOM, and INTERPOL have jointly published preliminary guidelines<sup>51</sup> in response to the burgeoning market, there has been minimal scholarly contribution to the discussion. Brodie, who has produced studies into the Internet market for Iraqi<sup>52</sup> and Precolumbian Antiquities<sup>53</sup>, finds this research shortfall ‘surprising’ due to the transparency of the Internet creating an ideal opportunity for accessing vital information about the antiquities market. He rightly laments the “regrettable lack of systematic research providing answers to even basic questions about the number and types of Internet businesses, the physical locations of vendors, the origins and prices of material sold, the standards of provenance, the appropriateness and effectiveness of ameliorating regulation.”<sup>54</sup>.

This is not to say, however, that scholarship is not concerned with the Internet market for antiquities. Numerous scholars who are either engaged with cultural heritage discussions or interact with material remains from the past are providing crucial commentary on the burgeoning Internet market. For instance, bioarchaeologist Damien Huffer has recently demonstrated how the Internet has changed how the ‘red market’ operates in the context of the wider illicit trade of human remains. His contributions include a collaborative exploratory study with lawyer and criminologist, Duncan Chappell<sup>55</sup>, with further publications imminent<sup>56</sup>.

In a papyrological context, the buying and selling of papyri on the Internet is a topic of great concern. Some modern commentators, Hany Takla<sup>57</sup> and Robert Kraft<sup>58</sup>, have subsequently offered their insight into the burgeoning Internet market for papyrus. Takla’s article recounts his personal experiences buying papyrus on eBay and Kraft suggests that the papyrus e-market is a ‘puzzle’ for modern papyrologists. Whilst their publications are of great

<sup>51</sup> UNESCO, ‘Basic actions concerning Cultural Objects being offered for Sale over the Internet,’ 2006. <http://portal.unesco.org/culture/en/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf>

<sup>52</sup> BRODIE, N. ‘The Internet Market in Antiquities,’ in F. DESMARAI (ed.), *Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World’s Heritage*, Paris, ICOM, 2015.

<sup>53</sup> BRODIE, N. ‘The Internet Market in Precolumbian antiquities’ in J. KILA AND M. BALCELLS (eds.), *Cultural Property Crime: An Overview and Analysis on Contemporary Perspectives and Trends*, Leiden, Brill, 2014, p. 237-62.

<sup>54</sup> BRODIE, ‘The Internet Market in Precolumbian antiquities,’ p. 244.

<sup>55</sup> HUFFER, D. & CHAPPELL, D. ‘The mainly nameless and faceless dead: an exploratory study of the illicit traffic in archaeological and ethnographic human remains,’ *Crime, Law and Social Change* 62.2 (2014), p.131-53.

<sup>56</sup> In an interview with Kristina Killgrove for Forbes, Huffer discusses a number of future projects including a collaboration with the National Museum of Health and Medicine in D.C., and an examination of specific language used in human remains marketing and sales on Instagram, in collaboration with the Carleton University in Canada. See: KILLGROVE, K. ‘This Archaeologist Uses Instagram to Track The Human Skeleton Trade,’ *Forbes*, July 6, 2016. <https://www.forbes.com/sites/kristinakillgrove/2016/07/06/this-archaeologist-uses-instagram-to-track-the-human-skeleton-trade/>

<sup>57</sup> TAKLA, H. N. ‘The Massacre in San Jose – The Sale of Dismembered Manuscripts of Christian Egypt on eBay,’ *Orientalia – Patrisca – Oeucumenica* 6.2 (2014), p. 705-16.

<sup>58</sup> KRAFT, R. ‘Pursuing Papyri and Papyrology by way of eBay: A Preliminary Report,’ 25<sup>th</sup> International Congress of Papyrology, August 3, 2007, University of Michigan.

value, they are primarily anecdotal studies and do not offer the ‘systematic research’ that Brodie highlights as necessary to understanding this new incarnation of the antiquities market. Elsewhere, prominent papyrologists, Roberta Mazza<sup>59</sup> and Brice C. Jones<sup>60</sup>, are furthering our understanding of the market in their public blogs. Currently, their updates track the progress of specific auction lots and ethical issues that emerge in relation to buying unprovenanced papyri from Internet dealers. Mazza also offers a curated glimpse of the Internet market for papyrus via her Pinterest account<sup>61</sup>.

These contributions not only generate valuable insight into the developing Internet market for papyrus, but they also indicate the level of interest the papyrological community invests in this situation. Recent meetings of the Society of Biblical Literature addressed these issues with panels titled ‘Provenance in an eBay world: Does the Provenance of Ancient Artifacts Matter?’ in 2015<sup>62</sup> and ‘Archaeology of Religion in the Roman World: Issues of Provenance,’ in 2014<sup>63</sup>. These panels provided papyrologists with a forum to discuss their concerns with 21<sup>st</sup> century papyrus acquisition practices, indicating the value and necessity of a systematic examination of the Internet market for papyrus.

### **Approach and Methodology**

To better understand how the Internet market has emerged out of an existing antiquities market, a comparative analysis of the two markets will be conducted. A comparative analysis was chosen due to the flexibility of the comparative method suiting multi-disciplinary research. As discussed, a complex interdisciplinary context is germane to cultural heritage issues and a comparative approach allows for a balance between the interests and discourses of the individual disciplines. Additionally, the comparative method sharpens the scope of the analysis to the relationship between the two markets. As the goal of this project is to identify how the Internet market emerged from the existing values of the traditional antiquities market, a comparative framework, which is focused on the similarities and differences between two contexts, is ideal.

The multi-disciplinary and collaborative nature of cultural heritage issues necessitates this project’s interdisciplinary approach. As this research takes place within the broader context of cultural heritage scholarship, it is subject to the standard accepted guidelines from policies

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<sup>59</sup>MAZZA, R. ‘Faces & Voices: People, Artefacts, and Ancient History.’ <https://facesandvoices.wordpress.com>

<sup>60</sup>JONES, B. C. ‘Brice C. Jones – Blog.’ <http://www.bricecjones.com/blog>

<sup>61</sup>MAZZA, R. ‘Papyri’. <https://uk.pinterest.com/facesandvoices/papyri/>

<sup>62</sup>SOCIETY OF BIBLICAL LITERATURE, ‘Provenance in an eBay world: Does the Provenance of Ancient Artifacts Matter?’ 2015 SBL Annual Meeting Session S23-235a, November 23, 2015. [https://www.sbl-site.org/meetings/Congresses\\_ProgramBook.aspx?MeetingId=27](https://www.sbl-site.org/meetings/Congresses_ProgramBook.aspx?MeetingId=27)

<sup>63</sup>SOCIETY OF BIBLICAL LITERATURE, ‘Archaeology of Religion in the Roman World: Issues of Provenance,’ 2014 SBL Annual Meeting Session S22-301, November 22, 2014. [https://www.sbl-site.org/meetings/Congresses\\_ProgramBook.aspx?MeetingId=25](https://www.sbl-site.org/meetings/Congresses_ProgramBook.aspx?MeetingId=25)

and agreements like the 1970 UNESCO Convention<sup>64</sup>. In addition to a cultural heritage context, this project is heavily influenced by existing criminological approaches to the antiquities market. As the focus of this project is on the dealers and collectors and their interaction with the market, research about their pathologies and practices are of great use. The market mechanisms which actively conceal criminal activity are germane to discussions of provenance and ownership, making this interdisciplinary approach a significant component of Chapter 5 in particular. Finally, as this project is a study of papyrus, it involves the use of papyrological conventions and standards for describing and treating papyri. It also aligns the market with the current acquisition and publication standards offered by the American Society of Papyrologists (ASP)<sup>65</sup> and the Society of Biblical Literature (SBL)<sup>66</sup>. Ultimately, the buying and selling of papyrus on the Internet is a concern for diverse communities and an interdisciplinary approach to the Internet market for papyrus is not only noteworthy, but a necessity.

The dataset for this project consists of public online auctions and static sales selling papyrus. There are currently 176 sales lots from auction houses (Sotheby's, Christie's, Bonhams, Dreweatts & Bloomsbury, and Charles Ede), independent websites of antiquarians, and auction hosting websites (eBay, Live Auctioneers, and Invaluable). This dataset is presented in a supplementary appendix hosted by Google Drive, with the sales lots referred to specifically in Chapters 4, 5, and 6 as P.1 – 176<sup>67</sup>. The scope of investigation stretches from June 1993 to sales contemporary to the completion of this project in 2017.

It is worth highlighting that the dataset is somewhat skewed due to the varied approaches to archiving previous sales across the different websites in question. For instance, eBay does not publically share past sales information for longer than six months and websites that utilise static sales rather than auctions tend to outright remove the past sales information as soon as the sale is finalised. Traditional auction houses tend to retain sales information the longest, giving a false suggestion that the majority of sales have occurred in the existing market. These limitations could be overcome in future studies if a longitudinal approach was possible for the research environment. All information used for this project is publicly accessible<sup>68</sup>. Further, there will be no direct communication with any living participants due to the time constraints

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<sup>64</sup> UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

<sup>65</sup> AMERICAN SOCIETY OF PAPYROLOGISTS, 'ASP Resolution Concerning the Illicit Trade in Papyri,' June 2007. <http://www.lib.berkeley.edu/sites/default/files/asp-resolution.pdf>

<sup>66</sup> SOCIETY OF BIBLICAL LITERATURE, 'SBL Policy on Scholarly Presentation and Publication of Ancient Artifacts,' September 2016. [https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy\\_20160903.pdf](https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy_20160903.pdf)

<sup>67</sup> For access to the dataset, see:

<https://docs.google.com/document/d/104Bz1ulftz5D09LLJLESEorQLXGuilH9vH7MFblOQ8s/edit?usp=sharing>

<sup>68</sup> Accessing the realised sales information from invaluable.com did, however, require a profile. The establishment of a profile is open to anyone with an email address.

of the Master of Research thesis, which requires ethics clearance for research involving immediate contact with living participants. However, further studies would benefit from directly contacting the dealers after ethics approval is attained.

The existing and emerging markets were identified through the following criteria:

Emerging dealers are amateur or casual sellers. They are antiquities dealers who have exclusively operated through the Internet. Their business might be devoted to the buying and selling of other objects and selling papyrus is incidental. eBay, invaluable.com, liveauctioneers.com, and other auction-hosting websites facilitate the majority of their business. Due to their lack of experience, they may rely on the expertise of academics, connoisseurs or make reference to the existing market in order to assert their legitimacy.

Existing dealers, on the other hand, are experts in the buying and selling of papyrus and other antiquities. They are individuals or institutions with businesses that were established and conducted prior the emergence of the Internet market. Their business is devoted to dealing antiquities and subsequently they have the experience to provide expert valuation to guarantee authenticity and quality. These dealers are antiquarians, connoisseurs, and auction houses with extensive legacies in the antiquities market, and relationships with renowned scholars, private collectors, and public collecting institutions. Additionally, the practices and values of many of these dealers are well-established in an academic context<sup>69</sup>.

The comparative analysis is targeted at identifying the relationship between these two markets. To compare the two markets, the acquired information will be organised into categories related to the price, provenance and persona of the papyrus e-market. Discussions of price in Chapter 4 will generate insight into the value of the market and also how authenticity is understood and performed. Exploring provenance in Chapter 5 will demonstrate how the market positions itself to the ethics of modern antiquities trading. And an examination of the personae of Internet antiquities dealers in Chapter 6 intends to illuminate their level of expertise and previous engagement with the antiquities market.

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<sup>69</sup> Of particular note is journalist Peter Watson's investigation into the acquisition practices of Sotheby's. See: WATSON, P. *Sotheby's – The Inside Story*, New York, Random House, 1997. The ongoing research efforts of forensic archaeologist Christos Tsirogiannis are also of great significance, see: TSIROGIANNIS, C. 'Something is confidential in the State of Christie's,' *Journal of Art Crime* 9 (2013), p. 3-19; TSIROGIANNIS, C. "'Due diligence?'" Christie's antiquities auction, London, October, 2015,' *Journal of Art Crime* 14 (2015), p. 27-37; TSIROGIANNIS, C. 'Mapping the Supply: Usual Suspects and Identified Antiquities in 'Reputable' Auction Houses in 2013,' *Cuadernos de Prehistoria y Arqueología* 25 (2015), p. 107-44; TSIROGIANNIS, C. 'Reasons to Doubt: Misleading Assertions in the London Antiquities Market,' *Journal of Art Crime* 15 (2016), p. 67-72. Other noteworthy contributions include: BRODIE, N. 'Auction houses and the antiquities trade,' in S. CHOULIA-KAPELONI (ed.), 3<sup>rd</sup> International Conference of Experts on the Return of Cultural Property, Athens, Archaeological Receipt Funds, 2014, p. 71-82; DAVIS, T. 'Supply and demand: exposing the illicit trade in Cambodian antiquities through a study of Sotheby's auction house,' *Crime, Law and Social Change* 56.2 (2011), p. 155-74.

Due to the standards of anonymity that websites like eBay and the traditional auction houses insist on, garnering any information about whom the buyers of the Internet market for papyrus is not possible. Thus, this project is focused on the dealers who – whilst still protected by the relative privacy of the Internet – are required to disclose enough information to guarantee the success of their sales. Any insight into Internet antiquities collectors is purely speculative based on the information publicly accessible combined with the considerable corpus of research dedicated to the history and pathology of antiquities collecting<sup>70</sup>. It is also necessary to acknowledge that due to the word and time constraints of the thesis project, discussions of antiquities collectors will be devoted to individual, private collecting and not public, institutional collecting. This is not to imply that the collecting practices and values of museums and other collecting institutions are less significant, but rather a reflection of how the Internet market for antiquities appears to appeal to a wider audience of inexperienced buyers, presumably unaffiliated with traditional collecting organisations. However, further studies would benefit from considering how the Internet market may have influenced the acquisition policies of these public institutions<sup>71</sup>.

Within this research framework, this rigorous comparative analysis provides valuable and new insight into the relationship between the two markets, which is crucial for future attempts to regulate and monitor the Internet antiquities market. By understanding the similarities and discrepancies between the two markets, we are better equipped to adapt existing approaches and develop new strategies for this new incarnation of antiquities trading. Ultimately, this comparative analysis will demonstrate that although the Internet market evolved out of the existing practices and values of the traditional market, the Internet antiquities trade is a unique entity and needs to be treated as such.

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<sup>70</sup> This corpus of scholarship includes the following specific works: MACKENZIE, S. & YATES, D. 'Collectors on illicit collecting: Higher loyalties and other techniques of neutralisation in the unlawful collecting of rare and precious orchids and antiquities,' *Theoretical Criminology* 20.3 (2016), p. 340-57; MUENSTERBERGER, W. *Collecting: An Unruly Passion*, New Jersey, Princeton University Press, 1994; PEARCE, S. M. *On Collecting – An Investigation into Collecting in the European Tradition* (Collecting Culture), London & New York, Routledge, 1995; THOMPSON, E. L. *Possession: The Curious History of Private Collectors from Antiquity to the Present*, New Haven & London, Yale University Press, 2016.

<sup>71</sup> For recent examinations of the acquisition practices and policies of public collecting institutions, see: AMINEDOLLEH, L. 'Protecting Cultural Heritage by Strictly Scrutinizing Museum Acquisitions,' *Fordham Intellectual Property, Media and Entertainment Law Journal* 24.3 (2014), p. 729-81; BRODIE, N. & BOWMAN PROULX, B. 'Museum malpractice as corporate crime? The case of the J. Paul Getty Museum,' *Journal of Crime and Justice* 37.3 (2013), p. 399-421; FELCH, J. & FRAMMOLINO, R. *Chasing Aphrodite – The Hunt for Looted Antiquities at the World's Richest Museum*, New York, Houghton Mifflin Harcourt, 2011; YATES, D. 'Museums, collectors, and value manipulation: tax fraud through donation of antiquities,' *Journal of Financial Crime* 23.1 (2016), p. 173-86.



### III. BACKGROUND – THE ANTIQUITIES MARKET

#### Introduction

The presence of antiquities in the modern world evokes strong emotional responses and heated debates concerning the legal, political, and ethical status of cultural objects. At the very heart of these discussions is the illicit trade of cultural heritage which facilitates a global antiquities market. Within this moral quandary the ownership, acquisition, and publication of cultural artefacts have been constantly re-examined. For ancient historians, archaeologists, and museum professionals the challenge has been reconciling our ways of understanding the past through its material remains with these concerns.

This chapter will provide the historical and legal context for the modern antiquities market, drawing out the ethical implications of a market tainted with criminal activity. The focus will then narrow to the development of the market for papyri in the 19<sup>th</sup> and early 20<sup>th</sup> century, coinciding with the emergence of papyrology as a discipline. Finally, the chapter will conclude on the rise of the Internet market for antiquities, presenting some of the challenges and concerns that have emerged for those seeking to police and regulate the illicit trade of cultural heritage. Ultimately, this chapter demonstrates the complex, interdisciplinary context that frames the study of the Internet market for papyrus, which is united by a number of shared ethical and legal concerns.

#### The traditional market

Following the systematic destruction of sites of historical and religious significance during World War II, cultural heritage has been recognised as a fundamental human right; both an expression of national patrimony and a part of the shared, universal experience of all humans, regardless of time or location<sup>72</sup>. In the words of archaeologist Laurie Rush: “Heritage is an essential fiber in the woven fabric of a healthy society and the foundation of its identity.”<sup>73</sup><sup>74</sup> Despite the introduction of numerous laws and agreements designed to protect cultural heritage, the risk of its destruction remains a serious concern for modern society. Not only are these objects and monuments at risk to the natural processes of deterioration and decay, but

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<sup>72</sup> These two ideas are captured in the Nationalist and Internationalist/Universalist approaches to cultural heritage. See MERRYMAN, J. H. ‘Two Ways of Thinking About Cultural Property,’ *American Journal of International Law* 80 (1986), p. 831-53.

<sup>73</sup> RUSH, L. ‘Looting of Antiquities: Tearing the Fabric of Civil Society,’ in N. CHARNEY (ed.), *Art Crime: Terrorists, Tomb Raiders, Forgers and Thieves*. Hampshire & New York, Palgrave Macmillan, 2016, p. 132.

<sup>74</sup> For a discussion of the differences between ‘history’ and ‘heritage’, see: LOWENTHAL, D. ‘Fabricating Heritage,’ *History and Memory* 10.1 (1998), p. 5-24.

their existence in a modern world filled with conflict renders them vulnerable to acts of deliberate violence and unrestrained looting. Whilst the violent destruction of monuments at Palmyra in Syria and Timbuktu in Mali by the Islamic State are of great concern to the cultural heritage community, they cannot compare in scale to the damage caused by the systematic looting of heritage sites which facilitates the modern antiquities trade. By seeking a connection with the ancient past through its material remains, antiquities collectors generate a demand for cultural objects from source countries.

The modern antiquities market consists of source nations and market nations. Criminologist Simon Mackenzie suggests the market can be split into three stages, including the supply of antiquities emanating from source nations, the demand created by consumers in market nations, and the chain of transportation which links the two<sup>75</sup>. Derek Fincham identifies source nations as having “an amount of domestic cultural property that exceeds the amount imported” and lists Mexico, Peru, Guatemala, Egypt, and Italy as examples. In contrast, market nations “import more cultural property than they export”, for example the United States, France, Germany, the United Kingdom, and Japan. Fincham argues “much of this import and export is illegal” as “most source nations in the less developed world restrict the export of cultural property.”<sup>76</sup>

These legal restrictions that have existed at the domestic level since the early 20<sup>th</sup> century for most source nations – and, indeed, earlier in the case of Egypt – are further supported by a number of international policies and agreements, such as 1970 UNESCO Convention<sup>77</sup> and the 1995 UNIDROIT Convention<sup>78</sup>. Since a very limited number of antiquities entered the market prior to these domestic legal restrictions the market has access to very few fully legal antiquities, encouraging clandestine archaeology<sup>79</sup>. Whilst most antiquities collectors actively protest their involvement in any criminal activity<sup>80</sup>, the trade is motivated by profit and thus

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<sup>75</sup> MACKENZIE, S. ‘Regulating the Market in Illicit Antiquities,’ *Trends & Issues in Crime and Justice* 239, Canberra, Australian Institute of Criminology, 2002.

<sup>76</sup> FINCHAM, D. ‘Why U.S. Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective, and a Pragmatic Alternative,’ *Illicit Cultural Property* 25 (2007), p. 600.

<sup>77</sup> UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Paris, November 14, 1970. 823 U.N.T.S. 231, 10 I.L.M. 289.

<sup>78</sup> UNIDROIT, Convention on Stolen or Illegally Exported Cultural Objects. Rome, 24 June, 1995. 2421 UNTS 457; 34 ILM 1322 (1995); 8 AJICL 239.

<sup>79</sup> YATES, D. ‘Value and doubt: The persuasive power of “authenticity” in the antiquities market,’ *Platform for Artistic Research Sweden* 2 (2015), p. 72.

<sup>80</sup> For studies into the dynamic of denial and neutralisation theory in the antiquities market, see: MACKENZIE, S. ‘Transnational Crime, Local Denial,’ *Social Justice* 34 (2007), p. 111-24; MACKENZIE, S. ‘Conditions for Guilt-Free Consumption in a Transnational Criminal Market,’ *European Journal on Criminal Policy and Research* 20 (2014), p. 503-15; MACKENZIE, S. & YATES, D. ‘Collectors on illicit collecting: Higher loyalties and other techniques of neutralisation in the unlawful collecting of rare and precious orchids and antiquities,’ *Theoretical Criminology* 20.3 (2016), p. 340-57.

“the rate of looting should respond to the basic law of supply and demand”.<sup>81</sup> Through the extension of this logic, “if the collectors in the market nations refuse to buy undocumented artefacts, then incentives for the looting of artefacts will decrease.”<sup>82</sup>

It is important to remember that culture is a finite, non-renewable resource. The denial of access to cultural patrimony is especially problematic in impoverished source nations. Whilst locals do profit immediately from engaging in subsistence digging, this short-term gain is in exchange for a permanent loss to the entire community and the gain is substantially less than the economic value of the objects they obtain for antiquities dealers. Neil Brodie, in his study of the ‘Poor Middlemen’ in the antiquities trade, concludes “these figures reveal the simple truth of the illicit trade of antiquities – there are large sums of money to be made, more than by legitimate trading, and very little of the proceeds ever reach the original finders.”<sup>83</sup>

A significant number of antiquities in the modern market arrive through illicit means, suspected to have been illegally smuggled across international borders. Mackenzie draws connections between shared networks of transportation in the illicit market for drugs, diamonds, stolen vehicle parts, abalone, plastic payment cards, and antiquities. Further, the shared structure of these networks of transport and distribution and the nature of skills required to successfully navigate underground trading links suggests “it is not unreasonable to ask whether the same personnel are involved in the movement of some or all of these illicit goods.”<sup>84</sup> As it is an accepted practice in the modern antiquities market to trade and acquire cultural objects without provenance, stolen and illegally traded objects are mixed in with legitimate, legal ones. This creates what criminologists call a ‘grey market’.<sup>85</sup> According to Jessica Dietzler, this moniker is earned by “the confusing mix of both licit and illicit items on the market in conjunction with the constantly shifting legal status of those items from supply/source country to demand/destination location.”<sup>86</sup> Unfortunately, as a result of these factors, the modern antiquities market makes it impossible “for a potential good-faith buyer”<sup>87</sup> to ascertain the legal status of an antiquity.

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<sup>81</sup> GERSTENBLITH, P. ‘Controlling the international market in antiquities: reducing harm, preserving the past,’ *Chicago Journal of International Law* (Symposium: Antiquities Law) 8.1 (2007), p. 174.

<sup>82</sup> GERSTENBLITH, ‘Controlling the international market,’ p. 174.

<sup>83</sup> BRODIE, N. ‘Pity the Poor Middlemen,’ *Culture Without Context* 3 (1998), p. 9.

<sup>84</sup> MACKENZIE, S. ‘Organised Crime & Common Transit Networks,’ *Trends & Issues in Crime and Criminal Justice in Crime and Justice* 239, Canberra, Australian Institute of Criminology, 2002, p. 2.

<sup>85</sup> Mackenzie and Yates interrogate the liberal use of this terminology, providing a definitive explanation of the meanings and implications of ‘greyness’. See: MACKENZIE, S. & YATES, D. ‘What is Grey about the “Grey Market” in Antiquities,’ in BECKER, J. & DEWEY, M. (eds.), *The Architecture of Illegal Markets: Towards an Economic Sociology of Illegality in the Economy*, Oxford, Oxford University Press, 2016, p. 70-86.

<sup>86</sup> DIETZLER, J. ‘On ‘Organized Crime’ in the illicit antiquities trade: moving beyond the definitional debate,’ *Trends in Organized Crime* 16.3(2013), p. 332.

<sup>87</sup> BRODIE, N. DOOLE, J. & WATSON, P. *Stealing History: The Illicit Trade in Cultural Material*, Cambridge, McDonald Institute, 2000, p. 29.

Since World War II the connections between the market and organised crime have been well noted. The authors of the *Stealing History* report identify the market as proximate to drug trafficking, terrorist financing, violence, corruption, money laundering, and tax fraud<sup>88</sup>. Unfortunately, unethical participants in the global art market have taken advantage of crisis situations and have targeted the vulnerable cultural heritage of source nations. As antiquities are traded within the still unregulated art market, the market makes an appealing opportunity for money laundering and terrorist financing in particular. On March 24, 2017 the United Nations Security Council unanimously passed Resolution 2347<sup>89</sup> in which they expressed serious concern “about the links between the activities of terrorists and organized criminal groups that, in some cases, facilitate criminal activities, including trafficking in cultural property.”<sup>90</sup> In response to these issues, they have condemned the “systematic campaigns of illegal excavation, and looting and pillage of cultural heritage” particularly those committed by terrorist groups.<sup>91</sup>

Despite these numerous ethical and legal concerns, participants in the modern antiquities market actively deny their proximity to any criminal activity. In his study of shared denial in the transnational antiquities market, Mackenzie identifies how collecting activities are supported by narratives that frame collecting as: the “preservation” of cultural heritage; an act “cultural edification”; and an extension of “private right.”<sup>92</sup> Interacting with tangible cultural heritage is justified as an acceptable pursuit for historians and archaeologists due to their right to academic freedom<sup>93</sup>. It is also common to suggest, whether implicit or otherwise, that source nations are not capable of protecting and preserving their own cultural heritage and rely on the market to aid them<sup>94</sup>. These arguments are pervasive and contribute to what Mackenzie would call ‘shared denial narratives’ and “denial in this sense is a necessary component in the symbolic discourse that limits and defines the social conditions of the possible.”<sup>95</sup> Although Mackenzie is representing the opinions of dealers and collectors in his research, it cannot be denied that a similar epidemic of silence infects our own academic discourse. One of the clearest examples of this is in existing publication guidelines and acquisitions policies developed in response to cultural heritage issues. Whilst many

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<sup>88</sup> BRODIE, DOOLE, & WATSON, *Stealing History*.

<sup>89</sup> UNITED NATIONS SECURITY COUNCIL, Security Resolution 2437 (2017) [on Maintenance of international peace and security], March 24, 2017, S/RES/2437/2017.  
[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2347](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2347)

<sup>90</sup> UNITED NATIONS SECURITY COUNCIL, Security Resolution 2437.

<sup>91</sup> UNITED NATIONS SECURITY COUNCIL, Security Resolution 2437.

<sup>92</sup> MACKENZIE, S. ‘Transnational Crime, Local Denial,’ *Social Justice* 34 (2007), p. 120.

<sup>93</sup> BRODIE, N. ‘Congenial bedfellows? The academy and the antiquities trade,’ *Contemporary Criminal Justice* 27 (2011), p. 428.

<sup>94</sup> MACKENZIE & YATES, ‘Collectors on illicit collecting,’ p. 12.

<sup>95</sup> MACKENZIE, ‘Transnational Crime, Local Denial,’ p. 120.

institutions, associations, and publications now have formal responses to these issues, few directly engage with the criminal and ethical aspects of academic involvement in the antiquities trade. These issues are deliberately kept at a distance through means of what Mackenzie calls ‘passive denial’ or ‘silent denial.’<sup>96</sup> There are also far too many loopholes in these formal responses. For example, many museums still allow for the acquisition of unprovenanced antiquities<sup>97</sup>, as long as they are donations<sup>98</sup>. Additionally, some associations, including ASOR, allow the publication and presentation of cuneiform objects as an exception to their policy regarding professional conduct.

When we narrow the focus to the trade of papyrus, the relationship between the market and scholarship is of even greater concern. In his study into the market for illegally trafficked Iraqi antiquities, Brodie concludes “the involvement of academics in the antiquities trade, and particularly the trade in ancient written materials, must be more pervasive than is generally recognized”<sup>99</sup>. The next section of this chapter will focus on the history of owning and trading papyri, identifying some of the unique issues and challenges that modern papyrologists face.

### **Papyrus collecting**

Prior to Napoleon's Egyptian expedition (1798–1801), papyrus finds were minimal; the Charta Borgiana, which was reputedly found with fifty others and bought by an anonymous Italian merchant at Giza in 1771, was a rare known exception<sup>100</sup>. Following the expedition, Egypt was left in a state of political chaos, resulting in the reign of Mohamad Ali (1805–1848) who opened the country to Western influence. The French and English presence in Egypt at the time led to a problematic engagement with the Egyptian material culture. To quote papyrologist Hélène Cuvigny: the French and English “discovered an archaeological El Dorado and became antiquities hunters and dealers.”<sup>101</sup> In response to the widespread plundering, Ali ordered the suspension of all excavations in Egypt and forbade the exportation of antiquities in 1835<sup>102</sup>. However, this order was deemed ineffectual due to the high demand for Egyptian antiquities and the indifference of the authorities.

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<sup>96</sup> MACKENZIE, ‘Transnational Crime, Local Denial,’ p. 116.

<sup>97</sup> AMERICAN SCHOOLS OF ORIENTAL RESEARCH, ‘The ASOR Policy on Professional Conduct,’ April 18, 2015. <http://www.asor.org/wp-content/uploads/2017/03/professional-conduct-4-18-15.pdf>

<sup>98</sup> ARGYROPOULOS, V., ET AL. ‘Ethical issues in research and publication of illicit cultural property,’ *Journal of Cultural Heritage* 12.2 (2011), p. 215.

<sup>99</sup> BRODIE, N. ‘The Market in Iraqi Antiquities 1980-2009 and Academic Involvement in the Marketing Process,’ in S. MANACORDA AND D. CHAPPELL (eds.), *Crime in the Art and Antiquities World: Illegal Trafficking in Cultural Property*, Springer, 2011, p. 130.

<sup>100</sup> CUVIGNY, H. ‘Finds of Papyri: The Archaeology of Papyrology,’ in R. S. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford & New York, Oxford University Press, 2011, p. 31.

<sup>101</sup> CUVIGNY, ‘Finds of Papyri,’ p. 32.

<sup>102</sup> Decree of 1835, ‘Banning the unauthorized removal of antiquities from the country’, August 15, 1835. Available at INTERNATIONAL COUNCIL OF MUSEUMS, ‘Emergency Red List of Egyptian Cultural Objects at Risk – Red List – Legislation.’ <http://icom.museum/resources/red-lists-database/red-%20list/egypt/legislation/>

During these years, most papyri that were shipped to Europe were acquired – “rather ruthlessly by today's standards”<sup>103</sup> – as parts of collections of other, more valued antiquities. The driving forces of these acquisitions, both through purchase and excavation, were diplomats like Giovanni Anastasi (1780–1860)<sup>104</sup>; Bernardino Drovetti (1776–1852)<sup>105</sup>; and Henry Salt (1780–1827)<sup>106</sup>. Other important figures in this period of early papyrus acquisitions include Reverend Henry Stobart<sup>107</sup>; Joseph Sams<sup>108</sup>; and Sir John Gardner Wilkinson<sup>109</sup>. The number of acquisitions grew exponentially in 1877 when, during the period of an ambitious Egyptian modernisation programme at the end of the 19<sup>th</sup> century, sebbâkhîn (sebbâkh diggers) discovered marketable antiquities including massive finds from Fayyum. Most of these finds were purchased by Austrian dealer and collector, Theodor Graf (1840–1903), who sold them in 1884 to Austrian politician who served as Minister-President of Austria from 1861 to 1865, Archduke Rainer Ferdinand (1827–1913)<sup>110</sup>. Rainer later commissioned Graf to make further purchases on his behalf. Ten years later the archduke donated his acquisitions to the Austrian National Library, “creating in one stroke what is now the world's second or third (after Berlin) largest collection.”<sup>111</sup>

From the 1880s onwards, nationalist troubles led to British military occupation of Egypt. The increased access resulted in the creation of the Egypt Exploration Fund (EEF) in 1882: “a

<sup>103</sup> KEENAN, J. ‘The History of the Discipline,’ in R. S. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford & New York, Oxford University Press, 2011, p. 61.

<sup>104</sup> Anastasi served as a Swedish-Norwegian Consul General from 1828 until his death. He sold large collections of antiquities to the Dutch Government, the British Museum, and the French. See: CHRYSIKOPOULOS, V. I. ‘A l’aube de l’égyptologie hellénique et de la constitution des collections égyptiennes: Des nouvelles découvertes sur Giovanni d’Anastasi et Tassos Neroutsos’, in P. KOUSOULIS & N. LAZARIDIS (eds.), *Proceedings of the Tenth International Congress of Egyptologists*, Peeters, Leuven 2013 [In press].

<sup>105</sup> Drovetti’s most famous acquisition was the Turin Royal Canon papyrus. He significantly contributed to three of the largest European collections of Egyptian antiquities, selling to Kings Charles Felix of Sardinia, King Charles X of France, and Karl Richard Lepsius. See: RIDLEY, R. T. *Napoleon’s proconsul in Egypt: the life and times of Bernardino Drovetti*, London, Rubicon Press, 1998.

<sup>106</sup> A rival of Drovetti, Salt accumulated a collection of Egyptian antiquities during his time as British consul-general in Cairo at the beginning of the 19<sup>th</sup> century. He sold numerous collections during his career, selling to the British Museum, and King Charles X of France. See: MANLEY, D. & REE, P. *Henry Salt. Artist, Traveller, Diplomat, Egyptologist*, London, Libri, 2001.

<sup>107</sup> Stobart collected antiquities (including two well-known hieratic papyri: “Mayer A and B” and the “Stobart Tables”) during his visit to Egypt in 1854-5, which he later published: STOBART, H. *Egyptian antiquities collected on a voyage in Upper Egypt in the years 1854 & 1855*, Berlin, Vörsch & Happ, 1855. His collection can now be found at the British Museum, the Liverpool Museum, and Brighton Museum & Art Gallery.

<sup>108</sup> Acquired his collection of Egyptian papyri during many visits abroad, which he later offered to the British Museum. Some of his collection was also purchased by Joseph Mayer in c. 1850. See: SMITH, C. F. ‘Sams, Joseph,’ in ELDER, SMITH, & CO. *Dictionary of National Biography, 1885 – 1900*, vol. 50.

<sup>109</sup> Often referred to as ‘the Father of British Egyptology’, Gardner Wilkinson acquired his collection during numerous visits to Egypt starting at the age of 24. He also inherited the collection of his amateur antiquities enthusiast father, Reverend John Wilkinson. At the time of his death Gardner Wilkinson bequeathed his collection to his cousin, which now is owned by the National Trust. See: THOMPSON, J. J. *Sir Gardner Wilkinson and his Circle*, Austin, University of Texas Press, 1992; FLYNN, S. J. A. *Sir John Wilkinson: traveller and Egyptologist 1797 – 1875*, Oxford, Bodleian Library, 1997.

<sup>110</sup> KEENAN, ‘The History of the Discipline,’ p. 62.

<sup>111</sup> KEENAN, ‘The History of the Discipline,’ p. 62.

private learned society whose purpose was to finance excavations in Egypt”<sup>112</sup>. During this period foreigners were granted authorisations for excavations by the French Director of the Antiquities Service of the Supreme Council of Antiquities (1881–1886), Gaston Maspero<sup>113</sup>. Further, Maspero persuaded the Egyptian government to divide the antiquities discovered between the foreign excavators and the Egyptian Museum, of which he was also the director.

In 1889, Egyptologist Flinders Petrie (1853–1942) discovered mummies covered in cartonnage of demotic and Greek papyri in the Ptolemaic cemetery of Gurob. According to Cuvigny, “from then on, Ptolemaic cemeteries were systematically plundered”<sup>114</sup>. In response to the wide-spread looting, early papyrologists and archaeologists developed ‘saviour-narratives’ to justify their emerging disciplinary practices and values, which became synonymous with pre-World War I excavations. Instead of passively waiting to purchase papyri from “second or third hand” dealers and “encouraging illicit traffic”, these pioneers considered it both more “satisfactory” and “perhaps in the long term more economical” to go straight to the source and excavate for themselves<sup>115</sup>. Papyrologists of the EEF, however, had to satisfy their donors, resulting in the unashamed preference for papyri that most interested the donors to the EEF Graeco-Roman branch, namely Greek papyri, especially literary and theological texts<sup>116</sup>.

The development of papyrology as a discipline presumes the existence of these substantial number of papyrus finds. Prior to these finds in the mid-to-late 19<sup>th</sup> century, there were instances of published editions, which are generally attributed to the ‘protohistory of papyrology’<sup>117</sup>. There is a case to be made for dating the beginning of papyrology 1788<sup>118</sup>. In that year Danish philologist Niels Iversen Schow published the so-called Charta Borgiana: a Greek papyrus, that recorded a series of receipts for work performed in 193 CE on the irrigation dikes in the Fayyum district of Egypt. The credit, however, for the first modern edition of an integrated series of papyri goes to Amedeo Angelo Maria Peyron (1785–1870), an Italian Jesuit scholar of Coptic and Greek. Peyron published a set of papyri from the so-

<sup>112</sup> CUVIGNY, ‘Finds of Papyri,’ p. 34.

<sup>113</sup> THE SUPREME COUNCIL OF ANTIQUITIES, ‘A Brief History of the Supreme Council of Antiquities (SCA): 1858 to present.’ [http://www.sca-egypt.org/eng/sca\\_history.htm](http://www.sca-egypt.org/eng/sca_history.htm)

<sup>114</sup> CUVIGNY, ‘Finds of Papyri,’ p. 35.

<sup>115</sup> Quotes extracted from Hunt’s obituary for his colleague, Grenfell: “During the course of 1895 a project was shaped which was destined to have a far-reaching effect on the development of papyrology. The flow of papyri from various districts to the antiquity-dealers was obviously proceeding. Might it not be more satisfactory, perhaps in the long term more economical, to go to the source and dig them for oneself instead of buying them at second or third hand, thereby encouraging an illicit traffic?” HUNT, A. S. ‘B. P. Grenfell 1869-1926,’ *Proceedings of the British Academy* 22 (1927), p. 3.

<sup>116</sup> MONSTERRAT, D. “‘No Papyrus and No Portraits’: Hogarth, Grenfell and the First Season of the Fayum, 1895-6,’ *Bulletin of the American Society of Papyrologists* 33.1/4 (1996), p. 133-76.

<sup>117</sup> KEENAN, ‘History of the Discipline,’ p. 61.

<sup>118</sup> VAN MINNEN, P. ‘The Century of Papyrology,’ *Bulletin of the American Society of Papyrologists* 30 (1993), p. 7.

called chochytai dossier in 1826–1827<sup>119</sup>. Recently his edition was judged a ‘miracle’ in both the context of the “nonexistent standards of his own day but by universal standards as well.”<sup>120</sup>

The years 1891–1892 (‘annus mirabilis’<sup>121</sup>) were major turning points for the emerging discipline, marked by a number of significant publications: the first volume of the Petrie papyri by John P. Mahaffy<sup>122</sup>; editions by Frederic G. Kenyon of the British Museum’s ‘Constitution of Athens’<sup>123</sup>, and papyrus rolls with mimes of Herodas<sup>124</sup>. In 1892 the first fascicle in an extensive series of Greek documentary papyri from the Berlin Museum was published, which led to the coining of the word papyrologists by Jules Nicole in 1896: ‘les papyrologistes de Berlin’<sup>125</sup>. In the English language, ‘papyrology’ – after a hesitant appearance in 1898 (“... in the department of papyrology, if we may use such a word...”)<sup>126</sup> – achieved full acceptance by 1900 (“Papyrology is the Greek study which is devouring all the rest”)<sup>126</sup>. A year later it became a “science”.<sup>127</sup> At first papyrology constituted the decipherment and presentation of texts written on papyrus (and ostraca), especially in Greek, whilst texts in Egyptian languages remained the preserve of the field that came to be known as Egyptology. But the discipline soon developed a meaning that extended beyond the editing of papyrus texts to include their use in the study of Egyptian history, society, and economy from approximately 3<sup>rd</sup> century BCE to the early 8<sup>th</sup> century CE<sup>128</sup>.

The Oxyrhynchus excavations (1896–1907), and subsequent publications (from 1898 onwards), conducted by Bernard P. Grenfell and Arthur S. Hunt were an enormous boost to the burgeoning discipline. Not only did Grenfell and Hunt produce the world’s largest collection of papyri but they also offered a new template for editions, which made the “Oxyrhynchus papyri more accessible than those published in antiquated, less congenial formats.”<sup>129</sup> The other significant early 20<sup>th</sup> century development was the formation of the first journal devoted exclusively to papyrology by German scholar Ulrich Wilken in 1900. The publication of the first fascicle of *Archiv für Papyrusforschung* meant that papyrological

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<sup>119</sup> PEYRON, A. *Papyri graeci Regii Taurinensis Musei Aegyptii editi atque illustrati*, Turin, 1826.

<sup>120</sup> KEENAN, ‘The History of the Discipline,’ p. 61.

<sup>121</sup> KEENAN, ‘The History of the Discipline,’ p. 61.

<sup>122</sup> MAHAFFY, J. P. *The Flinders Petrie papyri: with transcriptions, commentaries and index*, Dublin, 1891–1905.

<sup>123</sup> KENYON, F. G. Ἀριστοτέλους Ἀθηναίων Πολιτεία: *Aristotle on the Constitution of Athens*, London, British Museum, 1891.

<sup>124</sup> KENYON, F. G. Ἡρώδου Μιμίαμβοι: *Herodas facsimile of papyrus CXXXV in the British Museum*, London, 1892.

<sup>125</sup> NICOLE, J. *Les papyrus de Genève* I, fasc. 1, Geneva, 1896.

<sup>126</sup> MURRAY, J. A. H. *Oxford English Dictionary*, vol. 7, Oxford, Oxford University Press, 1933, p. 422. Both citations were from anonymous reviews in the literary journal *Athenæum*.

<sup>127</sup> ROBINSON, J. J. ‘Review of Otto Gradenwitz, *Einführung in die Papyrskunde*,’ *American Journal of Philology* 22 (1901), p. 210–4.

<sup>128</sup> KEENAN, ‘The History of the Discipline,’ p. 62.

<sup>129</sup> KEENAN, ‘The History of the Discipline,’ p. 62.



research had its own *Vereinigungspunkt*, “not only for papyrological research in the strict sense but also for all studies related to papyrology (ancient history, epigraphy, numismatics, theology, philology).”<sup>130</sup>

The early 20<sup>th</sup> century saw a significant increase in the number and size of private collections of papyrus. Prior to then, private collections were limited but still notable, including the Crawford Collection<sup>131</sup>; the Amherst Collection<sup>132</sup>; and the collection of Sir Thomas Phillipps (1792–1872)<sup>133</sup>. With the emergence of papyrology as a discipline and the importance of Grenfell and Hunt’s excavations and subsequent publications, the desire to privately own papyrological material grew significantly. This upsurge in collecting activity was institutionally sponsored by both buying programs and illicit acquisition practices, involving looting and smuggling. By the 1920s, huge amounts of papyri were being circulated worldwide, at high prices and with little regard for their legal status. The development of this market resulted in the formation of a ‘cartel’ or ‘syndicate of buyers’, which was headed by the British Museum with British papyrologist Harold I. Bell (1879–1967) as the principal keeper of records<sup>134</sup>. Bell inventoried and oversaw the dispersal of papyri to member institutions with the purpose of controlling the prices of papyrus on the market. However, the competition from nonsyndicate institutions and amateur buyers continued to drive prices upward<sup>135</sup>.

In more recent years, a number of ethical concerns have been presented to the papyrological community, many of which can be attributed to the unethical nature of early papyrus collections. Most issues are related to the acquisition and publication of papyrus without verifiable provenance, an idea that will be explored in greater detail in Chapter 5. Due to the amount of poorly provenanced circulating the market, there are a number of examples that could be discussed here. The remainder of this section, however, will explore some very

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<sup>130</sup> KEENAN, ‘The History of the Discipline,’ p. 64.

<sup>131</sup> The Crawford collection of manuscripts from Egypt was started by the 25<sup>th</sup> Earl of Crawford, Alexander William Crawford Lindsay (1812–1880) and then built upon by the collecting activities of his successor, James Ludovic Lindsay, 26<sup>th</sup> Earl of Crawford and 9<sup>th</sup> Earl of Balcarres. See CHOAT, M. ‘Lord Crawford’s Search for Papyri: On the Origin of the Rylands Papyrus Collection,’ in P. SCHUBERT (ed.), *Actes du 26e Congres international de papyrologie* (Geneve 16-21 aout 2010), Geneva, Droz, 2012, p. 141-47.

<sup>132</sup> The extensive collection of Egyptian manuscripts and antiquities includes the famous acquisition and publication of the Amherst-Leopold Papyrus. The lower half of the papyrus was purchased by Lord William Tyssen-Amherst, 1<sup>st</sup> Baron Amherst of Hackney (1835–1909). See NEWBERRY, P. E. *The Amherst Papyri: being an account of the Egyptian papyri in the collection of the Right Hon. Lord Amherst of Hackney, F.S.A. at Didlington Hall, Norfolk*, London, 1899.

<sup>133</sup> Phillipps was an English antiquary and book collector who amassed the largest collection of manuscript material in the 19<sup>th</sup> century. For an examination of Phillipps’ collecting behaviours and practices, see MUENSTERBERGER, W. *Collecting: An Unruly Passion*. New Jersey: Princeton University Press (1994), particularly Chapter 6: “One Copy of Every Book!”, p. 73-100.

<sup>134</sup> For a discussion of Bell’s control of the papyrus cartel, see: SIJPESTEIJN, P. M. *Shaping a Muslim State: Papyri related to a mid-eight-century Egyptian official*, Princeton University, ProQuest Dissertations Publishing, 2004, 3136702.

<sup>135</sup> KEENAN, ‘The History of the Discipline,’ p. 67-8.

recent events have challenged the papyrological community to confront the ethical issues of their discipline.

In September 2012, eminent Harvard historian of Early Christianity, Karen L. King, presented a fragmentary papyrus of Coptic text at a conference in Rome, which bore the phrase “Jesus said to them, My wife.”<sup>136</sup> The so-called Gospel of Jesus’s Wife prompted heated discussions in the papyrological community as the fragment’s dubious provenance and ownership history compounded the sense many had that the text was a modern forgery, and an “inept” one at that<sup>137</sup>. Central to these debates were the dubious origins of the papyrus, identified by journalist Ariel Sabar. Sabar’s article for *The Atlantic*<sup>138</sup> revealed the “warren of secrets and lies” associated with the papyrus’ history, highlighting the lack of initial investigation into its provenance.

Poorly conducted provenance research is not unique to this example. In a *Markers of Authenticity* blogpost titled ‘Lessons from the “Gospel of Jesus’ Wife” Affair’, papyrologist Malcolm Choat highlighted the relationship between our poor standards for provenance and the dissemination of papyrus forgeries<sup>139</sup>. Whilst Choat noted that disputed provenance does not automatically equal a forgery, he suggested that at the bare minimum “there must be as full as possible transparency about how, and from where, papyri (and related textual artefacts) were acquired.”<sup>140</sup>

The need for transparency is particularly apparent when we regard the acquisition practices of the Hobby Lobby corporation and the Green family, and the publication practices of the Scholars Initiative (formerly known as the Green Scholars Initiative), the research arm of the Museum of the Bible. Hobby Lobby has been the subject of federal investigation since 2011, as first reported by Candida Moss and Joel Baden in October 2015<sup>141</sup><sup>142</sup>. Their article details how a shipment of somewhere between 200 to 300 small clay tablets in cuneiform script were seized by U.S. Customs Agents in Memphis, whilst on route to Oklahoma City from Israel. These tablets, like the 40 000 or so antiquities owned by the Green family, were intended for

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<sup>136</sup> TRIFUNOV, D. ““Gospel of Jesus’s Wife” revealed in Rome by Harvard scholar,’ *Global Post*, September 18, 2012.

<sup>137</sup> POVOLEDO, E. ‘Vatican Says Papyrus Referring to Jesus’ Wife is Probably Fake,’ *New York Times*, September 28, 2012. <http://www.nytimes.com/2012/09/29/world/europe/vatican-says-papyrus-referring-to-jesus-wife-is-probably-fake.html>

<sup>138</sup> SABAR, A. ‘The Unbelievable Tale of Jesus’s Wife,’ *The Atlantic*, July/August 2016.

<https://www.theatlantic.com/magazine/archive/2016/07/the-unbelievable-tale-of-jesus-wife/485573/>

<sup>139</sup> CHOAT, M. ‘Lessons from the “Gospel of Jesus’ Wife” Affair’, *Markers of Authenticity*, June 19, 2016.

<https://markersofauthenticity.com/2016/06/19/lessons-from-the-gospel-of-jesus-wife-affair/>

<sup>140</sup> CHOAT, ‘Lessons from the “Gospel of Jesus’ Wife” Affair’.

<sup>141</sup> MOSS, C. & BADEN, J. ‘Exclusive: Feds Investigate Hobby Lobby Boss for Illicit Artifacts,’ *Daily Beast*, October 26, 2015. <http://www.thedailybeast.com/exclusive-feds-investigate-hobby-lobby-boss-for-illicit-artifacts>

<sup>142</sup> Moss and Baden have recently published an in-depth investigative account of the Green family’s rapid acquisition of an unparalleled collection of biblical antiquities. See: MOSS, C. & BADEN, J. *Bible Nation: The United States of Hobby Lobby*, New Jersey, Princeton University Press, 2017.

the Museum of the Bible, the giant new museum, which is funded by the Greens and is set to open in Washington D.C. in November 2017. On the July 5, 2017, the United States filed a Civic Action for the forfeiture of thousands of ancient artefacts illegally imported from Iraq by Hobby Lobby, in which Hobby Lobby consented to the forfeiture of the artefacts in the complaint, approximately 144 cylinder seals and an additional sum of \$3 million USD<sup>143</sup>. Hobby Lobby further agreed to adopt internal policies and procedures governing its importation and purchase of cultural property, provide appropriate training to its personnel, hire qualified outside custom counsel and custom brokers, and submit quarterly reports to the government on any cultural property acquisitions for the next 18 months<sup>144</sup>.

Roberta Mazza has closely followed the publication and acquisition activities of the Museum of the Bible and related entities in her blog, *Faces and Voices: People, Artefacts, Ancient History*. Not only has she drawn attention to the potentially illegal acquisition of a Coptic fragment of Galatians<sup>145</sup> – acquired from eBay<sup>146</sup> – but she has also given careful consideration to the treatment that scholars and apologists associated (at varying removes) with the Museum of the Bible, or the enterprise lying behind it, give to their antiquities. In a post from January 2015 titled ‘Destroying mummy masks: “Since we own it, it’s ok”. Maybe not...’,<sup>147</sup> Mazza shares an edited version of a video posted online detailing Josh McDowell extracting papyri from mummy mask cartonnage with the help of Palmolive soap, which, according to American and other legislations, is legal but only if the ownership itself is legal in the first place. In an earlier post<sup>148</sup>, Mazza summarises the issue as follows:

“I am not a law expert, but it appears that in the United States owners of antiquities are entitled to do whatever they like with them, including dissolving mummy masks in Palmolive soap, as long as they have been legally acquired. However, in the case the ownership is later discovered to be illegal the legal owner (e.g. the Egyptian government) in principle could ask for restitution and damages.”

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<sup>143</sup> UNITED STATES DEPARTMENT OF JUSTICE, ‘United States Files Civil Action To Forfeit Thousands of Ancient Iraqi Artifacts Imported by Hobby Lobby,’ U.S. Attorney’s Office Press Release, July 5, 2017. <https://www.justice.gov/usao-edny/pr/united-states-files-civil-action-forfeit-thousands-ancient-iraqi-artifacts-imported>

<sup>144</sup> UNITED STATES DEPARTMENT OF JUSTICE, ‘United States Files Civil Action’.

<sup>145</sup> See MAZZA, R. ‘Update on the new Sappho fragments and the Green Collection,’ *Faces and Voices*, May 20, 2014. <https://facesandvoices.wordpress.com/2014/05/10/update-on-the-new-sappho-fragments-and-the-green-collection/>; MAZZA, R. ‘The Green collection and the Museum of the Bible: 443, 000 square meters of mess,’ *Faces and Voices*, July 10, 2017. <https://facesandvoices.wordpress.com/2017/07/10/the-green-collection-and-the-museum-of-the-bible-443000-square-meters-of-mess/>; MAZZA, R. ‘Green papyri: Egypt steps in,’ *Faces and Voices*, July 20, 2017. <https://facesandvoices.wordpress.com/2017/07/20/green-papyri-egypt-steps-in/>

<sup>146</sup> The connections between this purchase and eBay user mixantik/ebuyerrr will be explored in greater detail in Chapter 4.

<sup>147</sup> MAZZA, R. ‘Destroying mummy masks: “Since we own it, it’s ok”. Maybe not...’ *Faces and Voices*, January 25, 2015. <https://facesandvoices.wordpress.com/2015/01/25/destroying-mummy-masks-since-we-own-its-ok-maybe-not/>

<sup>148</sup> MAZZA, R. ‘Josh McDowell, Scott Carroll and the Green Collection,’ *Faces and Voices*, December 7, 2014. <https://facesandvoices.wordpress.com/2014/12/07/josh-mcdowell-scott-carroll-and-the-green-collection/>

Mazza is not the only papyrologist concerned with the dubious acquisition and publication of unprovenanced papyri. In fact, the papyrological community is currently impressively engaged with these issues and have responded to them accordingly, implementing appropriate guidelines for their discipline. Following the ASOR Policy on Professional Conduct, both the Society of Biblical Literature and American Society of Papyrologists have issued formal responses to the illicit trade in papyri<sup>149</sup>. These resolutions are an encouraging step forward in resolving the ongoing ethical issues the papyrological community face and must be met with a commitment to honest and ethical research practices.

### **The Internet market**

In September 1995 auction-hosting website eBay was founded. Facilitating online consumer-to-consumer and business-to-consumer sales, eBay defined the online shopping landscape. Since launching, eBay seeks to provide a “global online marketplace where practically anyone can trade practically anything, enabling economic opportunity around the world.”<sup>150</sup> ‘Practically anyone’ came to include antiquities collectors and dealers; and ‘practically anything’ involved an abundant corpus of cultural objects, like ancient coins, ceramics, and papyrus. This section examines how the emergence of the Internet market for antiquities has generated new concerns and challenges for monitoring the illicit trade of cultural heritage.

eBay and subsequent auction-hosting websites changed how the antiquities market operated. The public and accessible nature of the Internet seems to have removed some of the exclusivity and seclusion of the antiquities market. The Internet allows for the participation of collectors and dealers from a much broader range of socioeconomic backgrounds and geographic locations than the traditional market. It also allows dealers to store large inventories at low-cost locations “thus making it financially viable to trade in low-value and potentially high-volume material.”<sup>151</sup> It is easy to see how the transactional format provided by eBay and similar sites would be as appealing to antiquities collectors and dealers as it was to people seeking to sell household items, collectables, and fake designer handbags.

According to Brodie, the Internet market now consists of private sellers on eBay and other auction-hosting websites, and more traditional businesses “including companies selling directly to the public from virtual galleries (termed here Internet dealers), and companies

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<sup>149</sup> SOCIETY OF BIBLICAL LITERATURE, ‘SBL Policy on Scholarly Presentation and Publication of Ancient Artifacts’. [https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy\\_20160903.pdf](https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy_20160903.pdf); THE AMERICAN SOCIETY OF PAPYROLOGISTS, ‘ASP Resolution Concerning the Illicit Trade in Papyri,’ Adopted June 2007. <http://www.papyrology.org/resolutions.html>

<sup>150</sup> This was eBay’s former mission statement. See FARFAN, B. ‘Mission Statements of Technology Companies,’ *The Balance*, October 14, 2016. <https://www.thebalance.com/tech-companies-mission-statements-4068549>

<sup>151</sup> BRODIE, N. ‘The Internet Market in Antiquities,’ in F. DEMARAI (ed.), *Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World’s Heritage*. Paris, ICOM, 2015, p. 11.

offering material for online auction (termed Internet auctions).”<sup>152</sup> These categories are not static as many dealers utilise the multiple platforms available to them in order to maximise their sales opportunities. Sotheby’s has recently used eBay auctions in conjunction with the auctions facilitated by their website and public in-house auctions. Further, independent dealers, like Gabriel Vandervort of California based operation Ancient Resource Auctions, use Invaluable, Live Auctioneers, and eBay interchangeably as well as selling through their own sites. The Internet affords a level of flexibility and saturation that the traditional antiquities market cannot.

But these changes have not all been positive for the participants of the antiquities market. Due to the increase in access, the Internet market is even more vulnerable to fakes and forgeries than the traditional market. Internet sales are not routinely assessed by experts in the way that catalogues of the major auction houses are. Further, not all Internet vendors have a long-established reputation for good faith business to uphold. If they are caught selling fakes, the anonymity of the Internet allows them to start over. This is not an option for major auction houses or even some of the more established Internet dealers who “do regard and protect their reputation as a commercial asset.”<sup>153</sup>

The development of the Internet market for antiquities has been of great concern to those concerned with the illicit trafficking of cultural heritage. In response to these concerns, ICOM, UNESCO, and INTERPOL issued a joint statement in 2006<sup>154</sup>. As a prelude to their proposed ‘Basic Actions to counter the Increasing Illicit Sale of Cultural Objects through the Internet’, they suggest the “significance, provenance and authenticity of the cultural objects offered for sale on the Internet vary considerably” and that “most countries do not have the means to review all Internet sales nor to investigate all offers of a suspicious nature.”<sup>155</sup> In spite of these limitations, they argue “all countries should attempt to respond to the illicit trade in cultural objects via the Internet by taking appropriate measures.”<sup>156</sup> Such appropriate measures include: ‘strongly’ encouraging Internet sales platforms to post a disclaimer<sup>157</sup> on all their cultural objects sales pages; requesting the cooperation of Internet platforms during investigations of suspicious sales conducted by law enforcement agencies; establishing a

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<sup>152</sup> BRODIE, ‘The Internet Market in Antiquities,’ p. 11.

<sup>153</sup> BRODIE, N. ‘The Market in Iraqi Antiquities 1980-2009,’ p. 130.

<sup>154</sup> UNESCO, ‘Basic actions concerning Cultural Objects being offered for Sale over the Internet,’ 2006. <http://portal.unesco.org/culture/en/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTr>

<sup>155</sup> UNESCO, ‘Basic actions concerning Cultural Objects’.

<sup>156</sup> UNESCO, ‘Basic actions concerning Cultural Objects’.

<sup>157</sup> “*With regard to cultural objects proposed for sale, and before buying them, buyers are advised to: i) check and request a verification of the licit provenance of the object, including documents providing evidence of legal export (and possibly import) of the object likely to have been imported; ii) request evidence of the seller's legal title. In case of doubt, check primarily with the national authorities of the country of origin and INTERPOL, and possibly with UNESCO or ICOM*”. See: UNESCO, ‘Basic actions concerning Cultural Objects’.

central authority (within national police forces or other), which is “responsible for the protection of cultural properties” and “in charge of permanently checking and monitoring sales of cultural objects via the Internet”; establishing legal measures to “immediately seize cultural objects in case of reasonable doubt concerning their licit provenance”, subsequently assuring the return of seized objects of illicit provenance to their rightful owners when appropriate; and ongoing cooperation with national and foreign police forces and INTERPOL as well as other authorities of other States concerned<sup>158</sup>.

These ‘basic actions’ exist in conjunction with the numerous guidelines and policies in place that are designed to protect and preserve cultural heritage. This particular document, however, demonstrates that the unique context of the Internet provides unique challenges for those seeking to police and regulate illicit antiquities trafficking. For example, the cooperation of Internet platforms that host the sales of antiquities is notable. In the traditional market, auction houses provide a similar function, however, their experience and expertise in antiquities trading renders them aware of the ethical responsibilities and legal issues related to dealing with cultural heritage. These aforementioned Internet platforms do not have the same background with antiquities trading and thus would presumably be unfamiliar with these responsibilities and issues. As a result, one of the greatest challenges with regards to the Internet market for antiquities is ensuring these new market participants – Internet platforms, dealers and collectors – are sufficiently educated and made aware of the inherent ethical responsibilities and legal issues belonging to the trade of cultural heritage.

## **Conclusion**

The modern antiquities market exists in a complex landscape fraught with historical and contemporary criminal activity. With the acquisition of cultural objects enmeshed with conflict and colonialism it must be recognised that the repatriation and return of cultural heritage to source countries is ultimately an act of social justice; of righting wrongdoings. The emergence of the Internet market, however, has further complicated the situation, allowing for a greater range of market participants. Antiquities are routinely traded, both within the traditional and Internet market, without verifiable provenance and/or consideration for their proximity to criminal activity. When dealing with a potentially entirely new group of antiquities dealers and collectors, there is a responsibility, especially for academics who work with the material remains of the ancient world, to educate these new market participants of the realities of illicit antiquities trafficking. Before this can be done, a thorough understanding of who these new market participants are and how this new market operates is necessary.

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<sup>158</sup> UNESCO, ‘Basic actions concerning Cultural Objects’.

## IV. PRICE – VALUE, AUTHENTICITY, AND FORGERY

### Introduction

In the conclusion of his paper titled ‘The antiquities market: it’s all in a price’, Neil Brodie offers the following assessment of the antiquities market: “at the end of the day, the antiquities market might not be about art, it might not even be about lost archaeology, because in reality it might be all about money.”<sup>159</sup> The questions that naturally follow this statement include: how much money and how does the market assign this value to antiquities in the first place?

Research into the financial aspects of the modern antiquities market should always be connected to the broader commodification of the past and how cultural value is translated into economic value within this framework. This chapter addresses the financial aspects of the Internet market for papyrus, offering a comparative examination of the realised and average prices in the existing and emerging markets. These results will demonstrate how ideas of economic and cultural value are enmeshed with the discourse of authenticity, which is inherent in the antiquities market.

### Value

Firstly, it is necessary to draw a distinction between value and price. In the aforementioned study of price formation, Brodie argues the question is “not aimed at interrogating the mechanisms of price formation as such, but rather at examining the creation of value; it asks why antiquities are awarded a price in the first place.”<sup>160</sup> Antiquities undeniably have cultural value, which feeds into the formation of their economic value. Ideas about what constitutes ‘important’ or ‘good quality’ antiquities are social constructions, often involving the relationship between scholarship, connoisseurs, and the objects they engage with. Economic value is inherently tied to expertise, allowing one to translate the intangible cultural value of objects, which have also been bought for investment purposes as tangible assets.

According to Donna Yates<sup>161</sup>, a number of factors can contribute to the value of an antiquity on the market: beauty, rarity, pop appeal, sex appeal, legality, and provenance (for some)<sup>162</sup>. But for all authenticity is the ‘deal-breaker’<sup>163</sup>. If an antiquity cannot be proven to

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<sup>159</sup> BRODIE, N. ‘The antiquities market: It’s all in a price,’ *Heritage and Society* 7.1 (2014), p. 44.

<sup>160</sup> BRODIE, ‘It’s all in a price,’ p. 35.

<sup>161</sup> YATES, D. ‘Value and doubt: The persuasive power of “authenticity” in the antiquities market,’ *Platform for Artistic Research Sweden* 2 (2015), p. 71-84.

<sup>162</sup> YATES, ‘Value and doubt,’ p. 73-74.

be authentic it is subsequently worthless to the market<sup>164</sup>. Through comparing the prices of the emerging and existing papyrus markets, questions of value and price formation are generated, including why does papyri in traditional auction houses realise significantly higher prices than those sold in eBay auctions? And what does this suggest about the value of authenticity and the fear of forgery in the market?

### ***Data Analysis: A Comparative Examination of Price***

Of the 176 papyrus lots examined, 68 were from the emerging market and 108 from the existing market. The average and realised prices vary significantly across the two markets, but also within the markets themselves and thus the results of this examination will reflect these differences in the presentation of price. Within the markets, the lots were further categorised based on the type of papyrus being offered, including whether the lot is a single, small papyrus fragment or a collection of multiple fragments. The nature of the papyrus being sold was also taken into consideration, in accordance to market trends that award literary and liturgical documents greater economic value than documentary and funerary papyri. This categorisation is derived in the first instance from the description provided by the dealers themselves.

For the following discussion of value in the Internet market for papyrus, a comparison of both the highest and lowest realised sales figures and the average realised sales figures will be used. The results are organised based on their currency, to avoid inaccuracies of retroactive currency exchange. For the most part, the auctions were located in London and New York and thus the sales figures are in USD and GBP. There were, however, a few instances of sales in EUR and, surprisingly, AUD. Due to the nature of the market and format of some of these websites, there were considerable constraints in accessing data for price. Not all results for sales are published (some are withheld; others just missing for no apparent reason) and only some dealers continue to advertise the estimated/asking price after the sale has finalised. As this data was collected from mid-2015 onwards, anything prior to this period was inaccessible. This research limitation could be overcome with a longitudinal study, which was not possible due to the constraints of the thesis project.

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<sup>163</sup> YATES, 'Value and doubt,' p. 74.

<sup>164</sup> YATES, 'Value and doubt,' p. 75.



## Results

### By Internet dealer

#### Existing Market –

Dealer	Number of lots	Lowest realised price	Highest realised price	Average realised price
Barakat Gallery*	8 (USD)	3000 USD	9000 USD	5667 USD
Bonhams**	21 (GBP)	540 GBP	16 250 GBP	4381 GBP
Charles Ede Ltd.	1 (GBP)	3250 GBP	3250 GBP	3250 GBP
Christie's***	39 total 1 (EUR) 10 (USD) 28 (GBP)	1875 EUR 1200 USD 115 GBP	1875 EUR 125 000 USD 81 250 GBP	1875 EUR 20 712 USD 12 931 GBP
Dreweatts & Bloomsbury****	3 (GBP)	992 GBP	29 000 GBP	14 996 GBP
Sotheby's*****	36 total 8 (US) 28 (GBP)	8125 USD 3750 GBP	220 800 USD 457 250 GBP	54 528 USD 49 009 GBP

\*Barakat Gallery has 5 of their 8 papyrus sales offered as 'Price on Request'.

\*\*3 papyrus lots offered by Bonhams did not reach a realised price.

\*\*\*1 papyrus lot offered by Christie's did not reach a realised price.

\*\*\*\*4 papyrus lots offered by Dreweatts & Bloomsbury did not reach a realised price.

\*\*\*\*\*2 papyrus lots offered by Sotheby's did not reach a realised price.

#### Emerging Market –

Dealer	Number of lots	Lowest realised price	Highest realised price	Average realised price
Ancient Resource Auctions.com*	2 (USD)	399 USD	399 USD	399 USD
Artemission.com	4 (USD)	1200 USD	1800 USD	1450 USD
eBay user: ebuyerrr	1 (USD)	700 USD	700 USD	700 USD
eBay user: eckhardebuy	1 (USD)	1785 USD	1785 USD	1785 USD
eBay user: evangelist75	Total 6 3 (GBP) 3 (EUR)	27 GBP 12 EUR	78 GBP 32 EUR	51 GBP 24 EUR
eBay user: dic.caesar**	2 (GBP)	175 GBP	175 GBP	175 GBP
eBay user: heliosantiquities	2 (GBP)	59 GBP	100 GBP	79.5 GBP
eBay user: mantosilver	1 (USD)	910 USD	910 USD	910 USD
eBay user: xselect55***	1 (USD)	Withheld	Withheld	Withheld
invaluable user: Ancient Resource Auctions****	34 (USD)	190 USD	25 000 USD	2070 USD
invaluable user: Artemission*****	1 (USD)	Unsold	Unsold	Unsold
invaluable user: Palmyra Heritage Gallery	1 (USD)	225 USD	225 USD	225 USD
invaluable user: Pierre Bergé & Associés*****	1 (EUR)	Unsold	Unsold	Unsold
invaluable user:	1 (?)	Withheld	Withheld	Withheld

Sadde				
invaluable user: Swann Auction Galleries	1 (USD)	1375 USD	1375 USD	1375 USD
invaluable user: Sydney Rare Books Auctions	7 (AUD)	100 AUD	200 AUD	121 AUD

\*The asking and realised price for 1 of the 2 papyrus lots offered on Ancient Resource Auctions.com was withheld.

\*\*The realised price for 1 of the 2 papyrus lots offered by eBay user dic.caesar was withheld. It was offered with a starting bid of 150 GBP.

\*\*\* The realised price for the papyrus lot offered by eBay user xselect55 was withheld. It was offered with a starting bid of 99 USD.

\*\*\*\* 9 of the papyrus lots offered by invaluable user Ancient Resource Auctions did not reach the realised sales price.

\*\*\*\*\* The papyrus lot offered by invaluable user Artemission did not reach the realised sales price. It was offered at the estimate price of 1400 – 2000 USD.

\*\*\*\*\*The papyrus lot offered by invaluable user Pierre Bergé & Associé did not reach the realised sales price. It was offered at the estimate price of 1000 – 1500 EU.

### *By lot type*

#### *Existing Market\* –*

Lot type	Number of lots	Lowest realised price	Highest realised price	Average realised price
Single fragment*	Total 58 19 (USD) 39 (GBP)	1800 USD 598 GBP	125 000 USD 301 250 GBP	18 228 USD 9450 GBP
Single sheet/scroll	Total 7 2 (USD) 5 (GBP)	27 500 USD 11 250 GBP	59 375 USD 157 250 GBP	43 437.5 USD 56 450 GBP
Multiple fragments***	Total 18 1 (USD) 17 (GBP)	21 250 USD 115 GBP	21 250 USD 51 650 GBP	21 250 USD 15 220 GBP
Multiple sheets/scrolls	4 (GBP)	992 GBP	9000 GBP	5425.5 GBP
Collection of various/mixed papyri	18 1 (EUR) 17 (GBP)	1875 EUR 540 GBP	1875 EUR 457 250 GBP	1875 EUR 37 258.5 GBP

\*2 papyrus lots, both sold by Sotheby's, did not indicate the type of papyrus included in the lot, nor were any photos included to reveal this information. They are not included in this analysis due to this lack of information, but sold for 220 800 USD and 108 000 USD respectively.

\*\*5 papyrus lots offering a single fragment did not reach the realised price; 5 papyrus lots, all offered by Barakat Gallery, were 'Price on Request'.

\*\*\*3 papyrus lots offering multiple fragments did not reach the realised price.

#### *Emerging Market –*

Lot type	Number of lots	Lowest realised price	Highest realised price	Average realised price
Single fragment*	Total 41 32 (USD) 2 (GBP) 7 (AUD)	200 USD 59 GBP 100 AUD	25 000 USD 59 GBP 200 AUD	2284 USD 59 GBP 121 AUD
Single sheet/scroll**	Total 8 1 (USD) 3 (GBP) 4 (EUR)	Unsold 27 GBP 12 EUR	Unsold 78 GBP 32 EUR	Unsold 51 GBP 24 EUR

Multiple fragments***	Total 10 9 (USD) 1 (GBP)	190 USD 100 GBP	1500 USD 100 GBP	799 USD 100 GBP
Multiple sheets/scrolls	Total 2 1 (USD) 1 (GBP)	4000 USD 175 GBP	4000 USD 175 GBP	4000 USD 175 GBP
Collection of various/mixed papyri	Total 2 1 (USD) 1 (EUR)	1000 USD Withheld	1000 USD Withheld	1000 USD Withheld

\*11 papyrus lots offering a single fragment did not reach the realised price.

\*\*Two papyrus lots offering a single sheet/scroll did not reach the realised price. These papyri were both offered by invaluable users, one from Pierre Bergé & Associé and the other from Ancient Resource LLC. The former was offered at the estimated price of 1000 – 1500 EU and the latter at 50 – 75 000 USD.

\*\*\*1 papyrus lot offering multiple fragments did not reach the realised price.

### *By nature of lot*

#### *Existing Market –*

Lot type	Number of lots	Lowest realised price	Highest realised price	Average realised price
Documentary	2 (GBP)	5000 GBP	6000 GBP	5500 GBP
Funerary*	Total 28 5 (USD) 23 (GBP)	7500 USD 1410 GBP	125 000 USD 81 250 GBP	43 000 USD 12 032 GBP
Legal/Commercial**	4 (GBP)	805 GBP	157 250 GBP	55 602 GBP
Literary***	1 (USD) 9 (GBP)	33 600 USD 7500 GBP	33 600 USD 55 250 GBP	33 600 USD 30 433 GBP
Magical	1 (GBP)	863 GBP	863 GBP	863 GBP
Mythological	2 (USD)	108 000 USD	220 800 USD	164 400 USD
Ostrakon	1 (GBP)	3250 GBP	3250 GBP	3250 GBP
Religious: Biblical and Liturgical****	Total 13 4 (USD) 9 (GBP)	18 750 USD 3750 GBP	27 500 USD 301 250 GBP	23 125 USD 48 425 GBP
Tachygraphy	1 (GBP)	1250 GBP	1250 GBP	1250 GBP
Unspecified*****	Total 28 14 (USD) 14 (GBP)	1200 USD 115 GBP	21 250 USD 22 500 GBP	7588 USD 6667 GBP
Various	16 1 (EUR) 15 (GBP)	1875 EUR 540 GBP	1875 EUR 457 250 GBP	1875 EUR 41 082 GBP

\*3 papyrus lots in the Funerary category did not reach the realised price.

\*\*1 papyrus lot from the Legal/Commercial category did not reach the realised price. It was offered for sale by Bonhams (18/06/03) for the estimated price of 1000 – 1500 GBP.

\*\*\*3 papyrus lots in the Literary category did not reach the realised price.

\*\*\*\*2 papyrus lots in the Religious category were from the Barakat Gallery and offered as POA, so sales figures cannot be determined. Further, 1 papyrus lot from this category did not reach the realised price. It was offered for sale by Sotheby's (3/12/08) for the estimated price of 200 000 – 300 000 GBP.

\*\*\*\*\*3 papyrus lots in the Unspecified category were from the Barakat Gallery and offered as POA, so sales figures cannot be determined.

### *Emerging Market –*

Lot type	Number of lots	Lowest realised price	Highest realised price	Average realised price
Documentary	0	N/A	N/A	N/A
Funerary	0	N/A	N/A	N/A
Legal/Commercial	0	N/A	N/A	N/A
Literary	1 (USD)	25 000 USD	25 000 USD	25 000 USD
Magical	1 (AUD)	100 AUD	100 AUD	100 AUD
Mythological	0	N/A	N/A	N/A
Ostrakon	1 (USD)	1750 USD	1750 USD	1750 USD
Religious: Biblical and Liturgical*	4(USD)	225 USD	225 USD	225 USD
Tachygraphy	0	N/A	N/A	N/A
Unspecified **	Total 58 5 (EUR) 6 (AUD) 40 (USD) 7 (GBP)	12 EUR 100 AUD 190 USD 27 GBP	32 EUR 200 AUD 4000 USD 175 GBP	24 EUR 125 AUD 1122 USD 81 GBP
Various	0	N/A	N/A	N/A

\*3 papyrus lots from the Religious category did not reach the realised price.

\*\*9 papyrus lots from the Unspecified category did not reach the realised price. Further, 3 additional lots had sales information withheld.

### ***Discussion***

Firstly, there is a clear and substantial discrepancy between the maximum and average prices in the two markets. The existing market consistently commands significantly higher prices than the emerging market. This is particularly explicit when comparing the results by lot type. Further, the majority and most profitable sales are from the best-known existing market dealers: Christie's and Sotheby's.

The distribution of different categories of papyrus lots is also of interest. The existing market offers much greater diversity than the emerging market does, with papyrus represented in each category. This comparison, however, might not be as extreme if the dealers of the emerging market possessed greater papyrological expertise as their most represented category is Unspecified. If the emerging market dealers were able to provide better descriptions of the lots on offer, there would undeniably be a more evenly distributed spread across the categories of papyri.

Finally, the majority of sales in the emerging market appear to be from invaluable.com. However, these figures are skewed due to the nature of the other emerging market dealers: eBay sales are not archived after six months, and thus any sales before 2015 were not accessible for examination. The sales from Ancient Resource Auctions and Artemission are static sales, meaning they are offered for sale at a fixed price and when the sales are realised,

they are not archived on their websites. These factors limit the amount of data accessible from the emerging market, limiting the scope of comparison.

### **Authenticity**

Authenticity is the most central factor in shaping value in the antiquities market. In her 2015 article titled ‘Value and doubt: The persuasive power of authenticity in the antiquities market’<sup>165</sup>, Yates examines this intimate relationship between authenticity and value. She argues, “while beauty, form, function, and rarity are important factors in determining the price of an artefact will fetch on the market, none of these matter to most buyers unless the object is ‘real’ If the antiquity is not ancient, it loses its meaning to buyers: it is valueless.”<sup>166</sup> The authenticity of an antiquity is what guarantees this connection with the past; with the ancient world. Collectors of antiquities collect the past through its physical objects and thus seek this connection above all other qualities. A fake, even if it is beautiful and expertly crafted, lacks this connection with the ancient world and what Yates calls ‘past-based value’<sup>167</sup>.

Due to the immense value of authenticity, the market has developed a number of strategies to prove the legitimacy of antiquities. These include authenticity photos (photographs given to potential buyers of the objects in-situ as it is being looted, covered in soil before conservation, or in a similar state that suggests the object is not modern<sup>168</sup>); expert and academic evaluation; scientific testing; verifiable provenance; and references to scholarly publications which feature the object in question. Understanding the value of authenticity has proven to be a useful tool for those seeking to monitor and regulate the illicit trade of antiquities. For example, source countries concerned about the trade of their cultural heritage have been publicly questioning the authenticity of objects for sale at public auctions to disrupt the transaction.<sup>169</sup> These are known as ‘soft control measures’ which emphasise social behavioural change rather than criminal penalties<sup>170</sup>.

As authenticity is so central to the antiquities market, a thorough examination of how authenticity is understood and performed in the existing and emerging papyrus Internet markets is necessary. This qualitative analysis will address the following questions: how do the dealers in each market engage with a discourse of authenticity? What strategies do they employ to determine authenticity? What policies do they have to support their clientele?

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<sup>165</sup> YATES, ‘Value and doubt’.

<sup>166</sup> YATES, ‘Value and doubt,’ p. 72.

<sup>167</sup> YATES, ‘Value and doubt,’ p. 75.

<sup>168</sup> YATES, ‘Value and doubt,’ p. 77.

<sup>169</sup> YATES, ‘Value and doubt,’ p. 80-1.

<sup>170</sup> YATES, ‘Value and doubt,’ p. 79.

### ***Authenticity Discourse in the Existing Market:***

In their series of videos titled *The Value of Art*, Sotheby's declares their services as capable of identifying the 'true originals'. In the first episode of the series, titled 'The Value of Authenticity', their Chinese art expert Nicholas Chow states "authenticity is the soul of the object" and "anything that is worth something is worth being faked."<sup>171</sup> The existing market has a clear awareness of the significance of authenticity in this business and works to demonstrate this awareness in a variety of ways.

Firstly, the existing market distinguishes itself by offering valuation services provided by experts. These services – offered by Christie's, Sotheby's, Bonhams, Charles Ede, and Dreweatts & Bloomsbury Auctions – imply that any object that is offered by these dealers in an auction or private sale has been examined for its authenticity and quality. Additionally, Christie's boasts 'industry standard' fully illustrated valuation documents.

In the existing market, the emphasis on expertise is paramount. For example, Christie's 'Letter from the CEO' states:

"expertise is our main asset. In whatever area they work in or role they have in the company, the people at Christie's have to be experts in their field. As more clients in more places around the world are captivated by art and seek to acquire it, our knowledge, judgment and service is ever more relevant. Whether they are buying, selling or dealing, our customers count on us to understand both the cultural and commercial value of art."

Due to the value of expertise, direct references to academic publications are quite common in the existing market. Of the 108 existing market lots, 33 made reference to academic publications. The texts referenced include publications featuring the object being sold; or a similar object; or for the purpose of providing historical or textual context. For example, a "very early Manichaean psalm text" sold by Christie's London on the 13<sup>th</sup> of June 2012 (P.54), includes a description from Lawrence Feinberg, who published the text in the *Harvard Theological Review* in 1969<sup>172</sup>. The description includes the following claim: "Feinberg posits that this must be ONE OF THE EARLIEST COPTIC LITERARY TEXTS EXTANT."<sup>173</sup>

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<sup>171</sup> SOTHEBY'S, 'Episode 1: Authenticity,' in *The Value of Art*, 2016. <http://www.sothebys.com/en/news-video/videos/2016/12/value-of-art-episode-1-authenticity.html>

<sup>172</sup> FEINBERG, L. 'A Papyrus Text of I Kingdoms (I Samuel) (P. Feinberg 1),' *Harvard Theological Review* 62 (1969), p. 349-356.

<sup>173</sup> Alin Suciu, in collaboration with Wolf-Peter Funk, confirm the significance of this papyrus, considering it to be "of high interest, being perhaps one of our earliest Coptic literary manuscripts". But Suciu questions why the piece was given the descriptor a "Manichean Psalm": "since it does not feature any clear Manichean theme. Furthermore, the dialect of the text is not Akhmimic, but rather a variant of the so-called "dialect I."". Wolf-Peter Funk also identified the papyrus roll as the same as that edited by Belgian Coptologist Louis-Théophile Lefort in 1939 in *Le Muséon* (LEFORT, L.-T. 'Fragments d'apocryphes en copte akhmimique,' *Le Muséon* 52 (1939), p. 1-10.) See: SUCIU, A. 'Christie's Auction of an Early Christian Papyrus document,' *Patristics, Apocrypha, Coptic*

The allusion to academic expertise reinforces the perceived value of the object, implying that not only has an individual acknowledged the quality and authenticity of the papyrus in question, but entire institutions and scholarly audiences also through the processes of publication. The dealers also make reference to the papyrus in the context of well-known collections, acknowledging when the papyrus has belonged to a collection or is similar to a piece in a collection. Again, this reinforces the authenticity and quality of the piece.

Finally, the existing market demonstrates their commitment to authenticity through the development and implementation of authenticity guarantees and warranties. Christie's in their Terms and Conditions includes an Authenticity Warranty:

"If your lot is not authentic, subject to the terms below, we will refund the purchase price paid by you (our authenticity warranty). The meaning of authentic can be found in the glossary at the end of these conditions of sale."

In their glossary, they consider authentic to be:

"a genuine example, rather than a copy or forgery of: (i) the work of a particular artist, author or manufacturer [...]; (ii) a work created within a particular period or culture [...]; (iii) a work for a particular origin source [...] or (iv) in the case of gems, a work which is made of a particular metal [...]."

Sotheby's in their Terms of Use express that their Authenticity Guarantee is governed by individual auctions. Dreweatts & Bloomsbury Auctions offer a Warranty in their Terms and Conditions involving the issue of authenticity, alongside ownership, condition, provenance, attribution, and import or export history. The Barakat Gallery does have a refund policy only in the "case of online misrepresentation or lack of authenticity." Their Terms & Conditions states:

"Barakat Gallery guarantees the authenticity and ownership history of every item. Any claim disputing authenticity must be made in writing by the original purchaser upon discovering the lack of authenticity. The original purchaser must return the item to Barakat Gallery, along with proof of test results and expert reports, in the same condition and state as it was received."

According to their websites, Bonhams and Charles Ede Ltd do not appear to have any such policies.

### ***Authenticity Discourse in the Emerging Market:***

In the 68 lots belonging to the Emerging Market there are no valuation services or references to academic expertise. There are, however, multiple references to the existing market to prove value and authenticity. For instance, in an eBay auction posted in December 2014 (P.116), seller eckhardebuy describes the value of the piece:

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*Literature and Manuscripts*, May 31, 2012. <https://alinsuciu.com/2012/05/31/christies-auction-of-an-early-christian-papyrus-document/>

“Such fragments are extremely rare! A comparable piece was sold with Sotheby’s for 17, 500 GBP on July 10, 2012 Lot no.5”.

Dealers are also more likely to claim a personal relationship with a previous owner as proof of authenticity. For example, the “Rare Papyrus fragment Greek John I 50-51 MS Collection Harold R Willoughby”, sold by eBay user xselect55 on January 7, 2015 (P.117) offered the following provenance:

“This case with fragment, literally fell out of a stack of letters. I’m sure it was tucked away for security. Mr Willoughby was a relative, and I attest this info to be true.”

Other strategies include the inclusion of certificates of authenticity and authenticity guarantees. Some eBay lots and sales from Artemission.com come with a certificate of authenticity. However, there is no context given to explain who has inspected the object or how the authentication process might work. With the exception of invaluable.com, the dealers of the emerging market provide refund policies and warranties based on authenticity. For eBay, this includes both items that do not match the listing description and counterfeit objects. Artemission offers a lifetime authenticity refund and Ancient Resource Auctions offers a refund, but only if “a letter from a recognized expert in the field pertaining to the item in dispute” is presented.

Finally, there is a notable awareness of the risk of fake and counterfeit goods within the eBay community. As a result of this concern, there are numerous articles internal to eBay – like ‘How to Get Your Money Back After You Buy a Fake Bag’<sup>174</sup> with 71k views – and external – such as the WikiHow article titled ‘How to Identify Good Sellers and Authentic Items on eBay: 5 steps’<sup>175</sup> – about purchasing authentic objects. More direct responses to these concerns are evident in the blogpost of eBay dealer ebuyerrr/mixantik<sup>176</sup>:

“Don’t believe anyone buyer ! [sic] We are big antique store in instanbul [sic] he buy it a ot [sic] of leafs [sic] from us bur [sic] last time he gave us a lot of bad feedback please checking another buyers they are professoinel [sic] collector I have a lot of similar leafs [sic] there is not any fake products and any

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<sup>174</sup> johncitizen-2008, ‘How to Get Your Money Back After You Buy a Fake Bag,’ *eBay Buying Guides*, July 9, 2008. <http://www.ebay.com.au/gds/HOW-TO-GET-MONEY-BACK-AFTER-YOU-BUY-A-FAKE-BAG-/10000000007914914/g.html>

<sup>175</sup> WikiHow, ‘How to Identify Good Sellers and Authentic Items on eBay: 5 steps,’ 2015. <http://www.wikihow.com/Identify-Good-Sellers-and-Authentic-Items-on-eBay>

<sup>176</sup> Papyrologist Roberta Mazza has closely followed the online activities of ebuyerrr who has also gone by the user name mixantik. Mazza has connected the Turkish papyri dealer to numerous acquisitions of the Green collection, including a Coptic fragment of Galatians (see MAZZA, R. ‘Update on the new Sappho fragments and the Green Collection,’ *Faces and Voices*, May 10, 2014. <https://facesandvoices.wordpress.com/2014/05/10/update-on-the-new-sappho-fragments-and-the-green-collection/>; MAZZA, R. ‘The Green collection and the Museum of the Bible: 443, 000 square meters of mess,’ *Faces and Voices*, July 10, 2017. <https://facesandvoices.wordpress.com/2017/07/10/the-green-collection-and-the-museum-of-the-bible-443000-square-meters-of-mess/>; MAZZA, R. ‘Green papyri: Egypt steps in,’ *Faces and Voices*, July 20, 2017. <https://facesandvoices.wordpress.com/2017/07/20/green-papyri-egypt-steps-in/>)



problem you can ask to them. But will resolve soon hopefully.if [sic] there are professional [sic] official man I can send him a leaf for testing this is ORIGINAL like before items Mixantik”

### **Forgery<sup>177</sup>**

eBay has a reputation for fake and counterfeit goods due to their lax monitoring of authenticity, which has led to a suspicion of the Internet market as a whole, rather than just a criticism of eBay<sup>178</sup>. In his study of the Market in Iraqi Antiquities, Brodie suggests that this perception has greatly influenced how Internet dealers have conducted their businesses. He argues “most Internet dealers, in fact, do seem to be concerned about the problem of fakes, presumably because if the public believes the market is badly compromised by fakes, customer confidence will deteriorate and business will decline and collapse.”<sup>179</sup> It is important to recognise, however, that this concern has always existed in the antiquities market, but there are some key factors that make the Internet market more vulnerable to fakery and forgery. For instance, in her 2000 study of counterfeit artefacts, Karen Olsen Bruhns concludes since unprovenanced objects for sale on the Internet are not open to physical examination prior to sale, it facilitates the dissemination of fakes instead<sup>180</sup>.

Most buyers lack the expertise or access to expertise to accurately determine authenticity independently.<sup>181</sup> These factors combined with the desire for real artefacts creates what Yates calls “an incomplete toolkit for determining authenticity.”<sup>182</sup> Antiquities dealers and auction houses are thus “tasked with quelling buyers’ fears”<sup>183</sup> by proving the authenticity of their wares. As discussed in the previous section, Internet dealers have developed a series of strategies to guarantee authenticity and remove themselves from any potential association with forged or fake goods.

Archaeologist Charles Stanish has argued “electronic buying and selling has actually hurt the antiquities trade” as the low-end of the antiquities market is now realised on the Internet and is badly compromised by fakes. Although in his 2009 publication Stanish is primarily discussing Andean artefacts, he appears to proposing that 30% of all antiquities offered on eBay as genuine artefacts were either outright fakes or replicas originally produced as tourist art; 5% were authentic and the remaining 65% were ambiguous due to the information

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<sup>177</sup> For working definitions of forgery and fakery, and the differences between them in an art crime context, see: CHAPPELL, D. & POLK, K. ‘Fakers and Forgers, Deception and Dishonesty: An exploration of the Murky World of Art Fraud,’ *Current Issues in Criminal Justice* 20.3 (2009), p. 393-412.

<sup>178</sup> BRODIE, N. ‘The Market in Iraqi Antiquities 1980-2009 and Academic Involvement in the Marketing Process,’ in S. MANACORDA AND D. CHAPPELL (eds.), *Crime in the Art and Antiquities World: Illegal Trafficking in Cultural Property*, New York, Springer, 2011.

<sup>179</sup> BRODIE, ‘The Market in Iraqi Antiquities 1980-2009,’ p. 130.

<sup>180</sup> OLSEN BRUHNS, K. ‘www.plunderedpast.com,’ *SSA Bulletin* 18.2 (2000), p. 17.

<sup>181</sup> YATES, ‘Value and doubt,’ p.75.

<sup>182</sup> YATES, ‘Value and doubt,’ p.75.

<sup>183</sup> YATES, ‘Value and doubt,’ p.75.

provided by the vendor in support of the sale. Whilst Stanish is certainly correct that there is a significant amount of material offered on eBay as ‘genuine artefacts’ that are clearly replicas originally produced as tourist art, one must ask whether anyone, even the most inexperienced of collectors, would consider them to be authentic antiquities? Further, Stanish’s comment that 65% of the market he examined was ambiguous due to the information provided by the vendor in support of the sale is hardly unique to the Internet market. As will be explored in Chapter 5, the antiquities market is notorious for providing very limited information about the origins and ownership history of an antiquity. Ultimately, the success of Stanish’s argument is dependent on whether the emergence of the Internet antiquities market has had an influence on the traditional market at all.

It is entirely possible that Stanish’s comments were very pertinent to the Internet antiquities market of 2009. But with even highly reputable dealers, like Sotheby’s, utilising eBay to facilitate sales now, the market appears to have developed and overcome some of these negative connotations. A fear of forgery and the value of authenticity remains pervasive in the Internet market for antiquities, but this is no different to the traditional market.

### ***Forgery in the Emerging Market***

In the context of the Internet market for papyrus, only six obvious forgeries were identified. These papyri (P.171 – 6) were offered by the same seller, eBay user evangelist75, in 2017. They were posted on social media and declared to be fakes by both papyrologists such as Roberta Mazza, and specialists in Coptic manuscripts such as Alin Suciu.<sup>184</sup> According to their profile, evangelist75 is based in Hof, Germany, and has been a seller on eBay for a decade although only these recent six listings were available for examination. There is nothing in the seller feedback to indicate customer dissatisfaction, with evangelist75 earning 100% positive feedback from 248 successful listings. Whilst not all of these sales were forged papyrus, this eBay user has previously sold other antiquities and it would be interesting to examine these different types of artefacts also.

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<sup>184</sup> A number of factors show them to be fakes, such as the difficulty the forger had in distinguishing between the Coptic letters *eta* and *nu*, and the nonsensical text and highly unusual format of several of the fragments. I owe these both to comments by Suciu and others on his posts, and personal communications from Malcolm Choat.

## **Conclusion**

The relationship between value, authenticity, and the fear of forgery are at the heart of the antiquities market, with the Internet market being no different. An obsession with authenticity is consistent between the two markets, however, the ways in which the existing and emerging dealers of the Internet market for papyrus engage with this obsession is noticeable. With so much uncertainty about the experience and expertise of the emerging market dealers (an idea that will be explored further in Chapter 6), their businesses appear distant to authentic antiquities and likely to be infiltrated with modern forgeries.

This fear of forgery and distance from authenticity is realised in the discrepant results revealed in the comparative analysis of realised prices in the Internet market for papyrus. With authenticity always at question, as is value. The existing market being associated with expertise and experience, ensuring the ability to prove authenticity and quality, connects existing market dealers with higher quality papyrus. Potential buyers will be prepared to pay more with the confidence that the papyrus they are purchasing from the existing market is a genuine, high quality antiquity. Further, collectors looking to sell are more likely to seek out the services of the existing market dealers if they have a valuable piece that will only be enhanced through the association of the experience and expertise of a known, established dealer.

## V. PROVENANCE: ORIGINS, MOVEMENT, AND OWNERSHIP

### Introduction

An examination of the Internet antiquities market requires close engagement with the concept of provenance. Acting as both a testimony to the origins of an object and a record of subsequent ownership history, provenance is a market mechanism that directly engages with the ethics of antiquities acquisitions. The origins and ownership history of cultural heritage is of crucial importance in modern legal contexts, but they are also important factors in establishing the value and authenticity of antiquities circulating the traditional market.

This chapter will examine this dual purpose of provenance, demonstrating how antiquities collectors and dealers have shaped this concept to align with their values and practices. A comparative analysis of the provenance narratives of the Internet market for papyrus will reveal how the origins and ownership history of ancient objects are disseminated in the emerging businesses of Internet dealers. Additionally, this chapter will also explore the tension between the applications of provenance to legal disputes and the actual function of provenance in the antiquities market, ultimately suggesting an incompatibility between existing legal approaches and modern antiquities trading.

### Defining Provenance

In its simplest terms, provenance is commonly understood as the original find spot of a piece and its subsequent sales history. It should ideally reveal whether an artefact was legally or illegally excavated, serving as testimony to the legal status of an antiquity. As dealers and collectors routinely trade without closely inspecting provenance, and as the standards of provenance are very low, thus making it simple to falsify, the antiquities market often conceals the dubious modern narratives of cultural objects. Influential archaeologist and art historian Clemency C. Coggins<sup>185</sup> argues these collective values are detrimental to the ethics of the market. She suggests “this total lack of documentation has traditionally been seen as sufficient evidence that such objects belong to no one, or more optimistically, to anyone.”<sup>186</sup>

Unfortunately, a result of this systemic lack of transparency is an incompatibility between cultural property disputes and general legal principles, especially related to high evidentiary

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<sup>185</sup> Coggins, of course, is credited with one of the earliest contributions to cultural heritage scholarship. Her seminal article precedes the 1970 UNESCO Convention. See: COGGINS, C. ‘Illicit Traffic of Pre-Columbian Antiquities,’ *Art Journal* 29.1 (1969), p. 94-114.

<sup>186</sup> COGGINS, C. ‘Cultural Property and Ownership: Antiquities,’ Cultural Property Rights Symposium, University of Connecticut School of Law, September 22, 2000, p. 184.

standards for any prosecution. Provenance becomes enmeshed with crucial elements of the offense, such as theft and smuggling, and thus a prosecutor must be able to accurately identify the provenance of the object they are investigating. According to cultural heritage legal expert Derek Fincham this “evidentiary hurdle” is our greatest limitation in cultural heritage legal disputes and “until there is a comprehensive way to check the provenance of an object, the criminal regulation will continue to prove ineffective.”<sup>187</sup>

Antiquities are often identified as ‘unprovenanced’ by market participants and also within a scholarly context. Clichéd references to possible origins – ‘bought on the London market’ and anonymous previous owners – ‘the property of a gentleman’ – are “worse than useless” as they “engender a feeling of certainty, a feeling that something is known about a piece when, in reality, it is not.”<sup>188</sup> It is important to remember that antiquities without provenance are not truly ‘unprovenanced’; they have a provenance that has been deliberately withheld from the public, most likely for legal reasons. To quote the authors of the *Stealing History* report:

“When these objects come to market, someone knows where they originated but isn’t saying. As far as antiquities are concerned, archaeologically important information is deliberately withheld. A more accurate phrase here would be ‘antiquities with an undisclosed provenance’.”<sup>189</sup>

In the dataset of 176 papyrus sales examined, 57 lots were of withheld provenance. 27 of these were belonging to the emerging market, with the remaining 30 from the existing market. Of course this figure is skewed by the nature of the dataset limiting access to past auctions on eBay after a certain period and this archival format would have definitely concealed numerous sales with the same provenance. The high percentage of papyrus with an undisclosed provenance is not surprising given the nature of papyrus acquisitions in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, as discussed in Chapter 3.

This is not to suggest that the market does not discuss provenance, because it does. However, in the context of the modern antiquities market, it appears to have taken a new form. Rather than connecting an object with a modern legal status, provenance becomes a mechanism for linking ideas of quality, authenticity and the refined taste of collectors who have previously owned the artefact. According to Neil Brodie, “any object appearing on the market in the 2000s with a pre-UNESCO provenance will have passed through the hands of one or more collectors, and will therefore have been subject to the filtering effects of their

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<sup>187</sup> FINCHAM, D. ‘Why U.S. Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective, and a Pragmatic Alternative,’ *Illicit Cultural Property* 25 (2007), p. 644.

<sup>188</sup> BRODIE, N., DOOLE, J. & WATSON, P. *Stealing History: The Illicit Trade in Cultural Material*, Cambridge: McDonald Institute, 2000, p. 10.

<sup>189</sup> BRODIE, DOOLE & WATSON, *Stealing History*, p. 26.

tastes and budgets. Successive collectors would have chosen ‘good’ objects and rejected ‘poor’ objects.”<sup>190</sup>

So, instead of thinking of provenance as the history of an object and its origins, in the context of the antiquities market it is understood as ownership history and what Pierre Bourdieu would call a ‘performance of taste and judgement’<sup>191</sup>. Provenance has a number of manifestations in the antiquities market. This chapter will use varying interpretations of provenance as a framework for analysing the Internet market for papyrus including provenance as origins or provenience; provenance as movement; and provenance as ownership and a ‘performance of taste’.

### Provenance as origins

In *The System of Objects*, Jean Baudrillard identifies one of the distinct features of the mythology of the antique object as a “nostalgia for origins”<sup>192</sup>. According to Baudrillard, this arises “from the mythical evocation of birth which the antique object constitutes in its temporal closure.”<sup>193</sup> In other words, the origin of an object is a testimony to its moment of creation. In the antiquities market, however, the meaning can extend to the moment of modern discovery, a kind of rebirth. This moment of discovery, termed here as an object’s provenience<sup>194</sup>, is the site of modern origin that will subsequently be examined<sup>195</sup>.

Of the 176 papyri sales in the dataset, only nine had details about the provenience of the papyrus. These sales with provenience were entirely from the existing market. There were no mentions of provenience in the emerging market. Two were from the Oxyrhynchus collection: the first being P. Oxy. 1780, the Gospel of John, which was recovered by Grenfell and Hunt on September 28, 1922 (P.77); the second the Letter of commendation to Hermione, which

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<sup>190</sup> BRODIE, N. ‘Provenance and Price: Autoregulation of the Antiquities Market?’ *European Journal Criminal Policy Research* 20 (2014), p. 434.

<sup>191</sup> BOURDIEU, P. *Distinction: A Social Critique of the Judgement of Taste*, trans. R. NICE, United States, President and Fellows of Harvard College and Routledge & Kegan Paul Ltd, 1984.

<sup>192</sup> BAUDRILLARD, J. *The System of Objects*, London & New York, Verso, 1996, p. 80.

<sup>193</sup> BAUDRILLARD, *The System of Objects*, p. 80

<sup>194</sup> R. L. Lyman defines provenience as the “physical location of an artifact in four-dimensional space” (p. 212) which is ‘empirical and absolute’. For further discussions of the definition of provenience see: LYMAN, R. L. ‘A Historical Sketch on the Concepts of Archaeological Association, Context, and Provenience,’ *Journal of Archaeological Method and Theory* 19.2 (2012), p.207-40.

<sup>195</sup> I acknowledge here that any cultural object can have multiple, and often competing, origins. When discussing the material remains of the antiquity, the moment of creation, the cultural context of a particular type of artefact, and the original owners are all considered equally valid claims to origins. These narratives are of particular relevance in modern repatriation debates, particularly when more than one community claims to be the original owners of an artefact. This particular discussion will be limited to the modern origins of antiquities, the origin situated in the initial moment of discovery in the modern world, whether it be during official archaeological excavation, clandestine archaeology or a chance-find. For further discussions of cultural origins, competing claims of ownership, and repatriation debates see: ANDERSON, M. L. *Antiquities – What Everyone Needs to Know*, New York, Oxford University Press, 2017, at p. 154-66; APIAH, K. A. ‘Whose Culture Is It, Anyway?’ in NAFZIGER, J. A. & NIGORSKI, A. M. (eds.), *Cultural Heritage Issues – The Legacy of Conquest, Colonization and Commerce*, Brill | Nijhoff, Leiden, 2009, p. 207-22; WAXMAN, S. *Loot: The Battle over the Stolen Treasures of the Ancient World*, New York, Henry Holt & Co., 2010, at p. 343-67.

was published in Grenfell and Hunt's *Oxyrhynchus Papyri* XIV, 1920, as P. Oxy. XIV 1767 (P.87).

The Gospel of John was auctioned by Sotheby's London on December 3, 2008, listed at the estimated price of 200 – 300 000 GBP. The lot information, in addition to providing a comprehensive record of provenience and sales history, included a detailed description and analysis of the text by Grenfell and Hunt and Professor Philip Wesley Comfort. The realised price was not listed, indicating that the bidding failed to reach the reserve price and the lot was passed unsold. The Letter of commendation to Hermione was also sold by Sotheby's London on December 7, 2010 listed at the estimated price of 4000 – 6000 GBP. In comparison to the other *Oxyrhynchus* papyrus, the lot information was not as detailed. The Letter of commendation did reach the estimated price of 6000 GBP.

Other well-known collections include the Adler papyri archive, excavated in Gebelein and sold by Sotheby's London on July 10, 2012 (P.92). The archive, consisting of 53 documents, far exceeded the estimated price of 150 – 200 000 GBP, reaching the realised price of 457 250 GBP. In addition to a comprehensive essay on the text and extensive list of references, it offers the following detailed provenance:

“Excavated at Gebelein (ancient Pathyris in the Thebaid of southern Egypt, Strabo's Aphroditopolis) and sold in 1924 by the antiquities dealer, Hadjr Mansur Mahmud of Luxor, to Elkan Nathan Adler (1861-1946). Adler published an account of them in 1937 and an edition of them in 1939. He was the first European to enter the Cairo Genizah, and brought over 25 000 fragments from that storehouse back to England. His personal collection of 4500 manuscripts was partly sold and partly bequeathed to the Jewish Theological Seminary, New York. The papyri here, however, was acquired by Dr. Martin Bodmer (1899-1971), Geneva and sold in 1970 to H. P. Kraus: his cat.126 (1971), no. 96; Schøyen MSS 128-179.”

There are also a couple of papyri associated with the Napoleonic invasion of Egypt: The Martyrdom of Saint Chamoul sold by Sotheby's London on the July 10, 2012 (P.98) and a fragment from the Book of the Dead sold by Christie's London on the October 25, 2006 (P.51). The former lot provides much more detailed provenance information than the latter, attributing the papyrus to the library of St. Pisentius (569 – 631/2), the bishop of Coptos. St Pisentius' vast papyrus archive was discovered following the Napoleonic occupation of Egypt and was brought to France, where most of it is now in the Louvre. However, this piece was owned by Guglielmo Libri (1803-1869) who sold it to Sir Thomas Phillips in Sotheby's rooms in 1862<sup>196</sup>. There is no information disclosed about the text's existence for the following

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<sup>196</sup> The papyrus archive of St Pisentius (also known as Bishop Pesynthios, among other names) has been reconstructed by Renate Dekker. In her contribution to the 11<sup>th</sup> annual symposium for Current research in Egyptology (DEKKER, R. 'Reconstructing and re-editing the archive of Bishop Pesynthios of Koptos/Keft (7<sup>th</sup> century) in HORN, M. (ed.), *Current research in Egyptology 2010: proceedings of the eleventh annual symposium*, Leiden University, The Netherlands, January 2010, p. 33-41), she specifically discusses the papyri

century until modern manuscript collector Martin Schøyen acquired it in 1999<sup>197</sup>. In contrast, the latter text offers the following vague provenience:

“Found with (or in) a mummy at Thebes by archaeologists from Napoleon's expedition in 1800; Swiss private collection, Zurich 1990s.”

Provenience does not always guarantee certainty about archaeological context. For instance, the Gospel of Mark sold by Sotheby's New York on December 5, 2016 (P.68) provided the following provenance:

“this leaf likely derives from the White Monastery near Sohag in Upper Egypt, named after Saint Shenouda the Archimandrite.”

In the case of the White Monastery, the uncertainty around the origins of this text is appropriate given the scattered nature of the White Monastery Library<sup>198</sup>. In contrast, the fragment from the Book of the Dead sold by Christie's London on October 25, 2007 (P.40) does not have the same reason for its ambiguous provenance. This piece, which sold above the estimated price at 2000 GBP, offered the following provenance:

“English private collection, acquired in the early 19<sup>th</sup> century; and thence by descent to the present owner; ink inscription on frame reading ‘Egyptian painting from cartonnage of a mummy from Thebes.’”

Other pieces may offer more detail, but they share the same uncertainty and cannot act as legal testimony for the object. The Wyman Fragment sold by Sotheby's London on July 10, 2012 for 301 250 GBP (P.71) provided the following provenance:

“Dr Leland C. Wyman (1897–1988), anthropologist of Jamaica Plain, Massachusetts, who had bought it from an antiquities dealer in Cairo on 3 July 1950. The dealer reported it had been found by Arabs at Fustât, now in the north-eastern part of Cairo, near the site of the Roman fortress of Babylon, where the so-called ‘Hanging Church’ (El Muallaqa) is one of the oldest Christian sites in Egypt, at least as early as the third century. The acquisition of the fragment is described by Hatch (see below)<sup>199</sup> and D. M. Brugge

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formerly belonging to the Phillipps collection: “Phillipps purchased the papyri in London in 1862, during a sale of the collection of count Guglielmo Libri [...] Because of the direct relations between the two sets of documents, it would be tempting to think that Libri also ‘took’ Pesynthios-papyri from the Louvre, but there is no proof for this theory.” DEKKER, ‘Reconstructing and re-editing’, p. 35.

<sup>197</sup> Again, this is supported by Dekker's article: “Since Phillipps' death his family had administered his collection, but from 1946 onwards it was gradually sold by means of public sales.” (DEKKER, ‘Reconstructing and re-editing’, p. 36.) According to Dekker, some of this collection were acquired by the Robinson Brothers in London, which were later offered for sale by Charles Ede. The remainder of the Pesynthios-papyri “presumably still complete before the sale, was gradually scattered over the world.” (DEKKER, ‘Reconstructing and re-editing’, p. 36.)

<sup>198</sup> For insight into the distribution of the White Monastery Library, see: EMMEL, *S. Shenoute's Literary Corpus*, 2 vols, Leuven, Peeters, 2004, Vol. 1, p. 18-24.

<sup>199</sup> Hatch offers the following description of the acquisition of the fragment: “The dealer from whom it was purchased said that the fragment was brought to him by some Arabs; and that it was found at Fustât, which lay a little to the northeast of the modern of Old Cairo (Masr el-Qadîmeh). The site of Fustât is now covered with mounds of rubbish, which doubtless contain many relics of antiquity. The Roman fortress of Babylon, which was called Qasr esh-Shamm'eh by the Mohammedan conquerors for Egypt, stood in the eastern part of Cairo; and it was only about a hundred yards south of Fustât. There were Christians in Babylon, and old or worn out



and C. J. Frisbie, eds., *Navajo Religion and Culture, Selected Views, Papers in Honour of Leland C. Wyman*, 1982, p. 5.<sup>200</sup> It was sold by Wyman's heirs in our rooms 21 June 1988, Lot 47, to Martin Schøyen; Schøyen MS113.”

The sales history of this piece may be comprehensive, but the details around its origins are ambiguous and factually incorrect concerning the location of Fustât (which is in the south of the city). Whilst it does disclose the alleged find-spot of this piece, there is no information to confirm the specifics of discovery and whether it was an official, legally sanctioned acquisition.

Although these lots do indeed offer provenience in their sales information, the quality of verifiable information about the legal status of the papyrus is contestable. With the exception of the papyri from the Oxyrhynchus collection and the Adler papyri archive, there is no detail about the conditions of discovery associated with the remaining papyri sold. Mentions of Napoleonic expeditions do situate the discovery in the broader context of papyrus finds but they do not offer any information that could translate to archaeological insight or legal testimony. There is also a consistent lack of certainty in the provenience of the majority of these sales, diminishing the information provided and certainly not offering what could be constituted as verifiable provenance.

### **Provenance as movement**

Often provenance is so vague we can only gain an understanding of the location of collections and the movement of antiquities in the modern world. Whilst this information is limited and does not provide any archaeological insight nor legal testimony, it still contributes to our understanding of the modern antiquities market. Of the 176 papyrus lots, 26 offered a provenance of movement and location. 15 lots were from the existing market with the remaining 11 belonging to the emerging market. 11 papyrus lots were attributed to Northern American collections; six to European collections; and five to United Kingdom collections. There were four from the Barakat Collection that offered Egypt and Qumran as provenance (P.167; P.168; P.169; P.170), but there is no clarification to determine whether this is a vague provenience or attesting to the location of the collection these papyri came from.

Unsurprisingly, apart from the four Barakat Collection papyri, the sales represent the most prominent destination markets in the antiquities trade: European countries, the United

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books may have easily found their way from Babylon to Fustât. Hence, although the story told by the Cairo dealer in antiquities has a familiar sound, it may well be true.” (HATCH, W. P. ‘A Recently Discovered Fragment of the Epistle to the Romans,’ *Harvard Theological Review* XLV (1952), p. 81.)

<sup>200</sup> Unfortunately, the cited work (BRUGGE, D. M. & FRISBIE, C. J. (eds.), *Navajo Religion and Culture: Selected Views. Papers in honour of Leland C. Wyman*, Santa Fe, Museum of New Mexico Press, 1982) cannot be located outside of three citations in Google Scholar and three book reviews. These book reviews and references are concerned with the anthropological perspectives of Wyman’s career and make no mention of his acquisition of the Wyman fragment, or any other texts.

Kingdom and North America. For the most part, the information provided is very limited. A typical example of this type of provenance is demonstrated in the following formula: ‘Ex (Insert country/city here) private collection’. Occasionally, there is further context provided in the form of a date and/or location of acquisition, like in the case of an Egyptian papyrus fragment from the Book of the Dead sold by Bonhams on the October 6, 2010 for 4080 GBP (P.14). The following provenance is provided:

“English private collection; Acquired at Warwick Antiquities Centre in 1996, from an English liquidated property.”

The only exception to this formula is The Gospel of Mark sold by Sotheby's London for 18 750 GBP (P.83). This piece, dated to the 5<sup>th</sup> century, offers the following provenance:

“From an important cache of early fragments, discovered in 2003 and reported to have been from a pre-war Armenia collection of antiquities and manuscripts in France.”

Additionally, Sotheby's cites Peter M. Head's numerous publications that this papyrus was reported in, including a 2008 article in the *Journal of Theological Studies*<sup>201</sup>. In that particular article, Head offers valuable insight on the quality of provenance provided for this papyrus and the other texts from the cache, reporting “evidence of provenance for the individual manuscripts is lacking”<sup>202203</sup>. Based on the condition of the manuscripts, Head concludes “it might be therefore that the fragments were extracted at some point from Armenian bindings, but there is no solid evidence for their original provenance, nor is there definite proof that the separate pieces are related in their provenance.”<sup>204</sup>

So, with the exception of the ambiguous provenance attributed to Egypt and Qumran from the Barakat collection, these papyri are exclusively attributed to collections in countries that represent the destination market in the antiquities trade. Whilst this information is not verifiable, it does confirm what is understood about the modern antiquities market: once antiquities reach destination countries, they stay there.

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<sup>201</sup> HEAD, P. M. ‘Five New Testament Manuscripts: Recently Discovered Fragments in a Private Collection in Cambridge,’ *Journal of Theological Studies* 59.2 (2008), p. 520-45.

<sup>202</sup> HEAD, ‘Five New Testament Manuscripts,’ p. 521.

<sup>203</sup> Sotheby's, however, offers the following speculation of the ultimate source of the fragment: “Clearly these fragments of six early Bibles, a pseudo-Apostolic Church Order, and records of imperial edicts were once in a large and important library of the ancient world, in scope of chronological range far beyond that of a wealthy individual e.g. large institutional libraries in Upper Egypt, Roman North Africa, Milan and Alexandria. But the Eastern Empire was increasingly centred on Constantinople as its outlying territories fell prey to invasion; Jerome notes that the Lucianic recension of the Septuagint was current only in Constantinople and Antioch in the early 5th century and the collection of imperial edicts has been tentatively identified as also coming from the city. If so, it seems likely that they come from the Imperial Library in Constantinople, founded by Emperor Constantius II; Armenians, unlike many of their neighbours, use vellum fragments in their bindings and it may be that the parent codex of the present manuscript was kept for its valuable vellum after the destruction and dispersal of the Imperial Library and reused in the binding of a 15th or 16th century Armenian book.”

<sup>204</sup> HEAD, ‘Five New Testament Manuscripts,’ p. 522.

## Provenance as ownership

In his 1984 work *Distinction: A Social Critique of the Judgement of Taste*<sup>205</sup>, Pierre Bourdieu considers material possessions as capable of representing an individual's possession of social, economic, and cultural capital. Within this framework, the public display of these objects becomes a visible performance of taste and judgement. Given the importance of connoisseurship in the world of antiquities collecting, it is unsurprising to see provenance attesting to ownership history in such a prominent fashion. Of the 176 papyrus sales in the dataset, 88 offered a provenance that is best described as ownership or sales history. 36 belong to the emerging market, with the remaining 52 to the existing market.

Within this group of provenance narratives, a number of well-known papyrus and antiquities collectors are present amidst the lesser-known individuals. By citing a specific and renowned collector or collection in the provenance information provided publicly, dealers are displaying their refined taste as a testimony to the quality of the object for sale. To quote Donna Yates, “provenance research may have the side benefit of potentially proving that an antiquity is not illegal, but its primary purpose is to establish an impeccable chain of connoisseurship and thus authenticity.”<sup>206</sup>

So who are these collectors and connoisseurs that are identifiable in these provenance narratives? In the case of the emerging market, there is no way of really knowing. The names associated with these provenance narratives are not recognisable outside of this context. For instance, there are 25 auctions that were hosted by invaluable.com from Ancient Resource Auctions LLC, attributed to the Ex Hamdy Sakr Collection, London, acquired in the 1960s–1970s. In a blogpost published in 2014, British archaeologist Paul Barford problematised the ownership history offered in these sales. Barford suggests “it is rather odd that it seems this alleged former collection is represented only as the given provenance of a series of objects from a single dealer and, as far as I can see nowhere else.”<sup>207</sup> Barford is accurate that this provenance does not seem to appear elsewhere in the market and there is no way to confirm the existence of this alleged collection outside of these sales.

The only known individuals cited in the provenance of the emerging market were American theologian and scholar of Greek and the New Testament, Edgar Goodspeed, who collaborated with Harold R Willoughby, an early 20th century Biblical scholar who taught at the University of Chicago. A fragment of John I 50-51 from Willoughby's manuscript collection

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<sup>205</sup> BOURDIEU, *Distinction*.

<sup>206</sup> YATES, D. ‘Value and doubt: The persuasive power of “authenticity” in the antiquities market,’ *Platform for Artistic Research Sweden* 2 (2015), p. 72.

<sup>207</sup> BARFORD, P. “‘Hamdy Sakr collection’ of Egyptian artefacts,” *Portable Antiquity Collecting and Heritage Issues*, December 5, 2014. <http://paul-barford.blogspot.com.au/2014/12/hamdy-sakr-collection-of-egyptian.html>

was offered for auction on eBay in January 2015 by eBay user xselect55 (P.117). In addition to providing information about Willoughby and Goodspeed, the seller offers the following provenance narrative:

“This case with fragment, literally fell out of a stack of letters. I'm sure it was tucked away for security. Mr Willoughby was a relative, and I attest this info to be true.”

In contrast, the existing market is distinct to this world of potential pseudonymity and personal testimonies, but offers equally problematic provenance narratives. There are a number of well-known contemporary antiquities collectors associated with the existing market. Such names include American Bible scholar and Christian theologian, Dr Charles Ryrie (1925–2016); Norwegian businessman and collector Martin Schøyen (1940–); Swiss collector and bibliophile, Dr Martin Bodmer (1899–1971); and Austrian book dealer, H. P. Kraus (1907–1988). In some cases, the size of their collections and the significance of their names is so great that the auction houses dedicated an entire auction to them, suggesting the marketing potential that famous collectors offer.

On some occasions, this type of provenance becomes a celebrated biography of the previous owner. The Dreweatts & Bloomsbury sales of a fragment of Dinarchus (P.66) and of Homer (P.67), attributes the provenance to ‘Egyptologist and prolific scholarly author’ Christiane Desroches Noblecourt (1913–2011). According to the provenance, Noblecourt “became enthralled as a child by the study of ancient Egypt after Howard Carter's expedition to excavated Tutankhamun's tomb in 1922, and went to join the Egyptian department of the Louvre.” This style of provenance indicates how these objects come to represent modern narratives of ownership and connoisseurship in the same idealistic way that they are capable of acting as a conduit for the ancient world.

Whilst the dealers are quick to cite the names and credentials of these collectors, they rarely, if ever, divulge any details into how these collections came to be. Within this context, the origins of an artefact are not in the initial act of creation nor in the moment of discovery, but rather from the moment of collection and curation, regardless of how it came to be. Susan M. Pearce discusses this idea at length in her work *On Collecting*. According to Pearce the selection process is what causes ‘separateness’ as “collection objects have passed from the profane to the sacred, taken to be extraordinary, special and capable of generating reverence.”<sup>208</sup> This act of transformation is one of sacrifice as the process changes the nature

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<sup>208</sup> PEARCE, S. M. *On Collecting – An Investigation into Collecting in the European Tradition* (Collecting Culture), London & New York, Routledge, 1995, p. 24

of the thing being sacrificed, which “passes by way of death from life to eternity.”<sup>209</sup> For Pearce, this is the “central paradox of all collected pieces”:

“They are wrenched out of their own true contexts and become dead to their living time and space in order that they may be given an immortality within the collection. They cease to be living goods working in the world and become reified thoughts and feelings, carefully kept by conscious preservation.”<sup>210</sup>

These ideas are well represented in the provenance narrative from the sale of *The Martyrdom of Saint Chamoul* by Sotheby's London on the July 10, 2012 for 17 500 GBP (P.98). This codex comes directly from the Schøyen collection, but had once belonged to Guglielmo Libri. Libri was a 19<sup>th</sup> Italian count and mathematician who was appointed as the Inspector of Libraries in France<sup>211</sup>. He used his position to take advantage of the chaotic state of provincial and state libraries, which had been in a state of disarray since the French revolution, and began stealing books he was responsible for. Libri was highly critical of the way the libraries he oversaw had been handling rare books and manuscripts, considering them to be safer in his possession due to his expertise<sup>212</sup>. He worked hard to conceal the thefts, forging recollections and receipts of actual book purchases to include items acquired illegally<sup>213</sup>. Library philosopher Barbara McCrimmon suggests “so skillful at deception was Libri that the total number of items he acquired extra-legally will never be known.”<sup>214</sup> It is worth mentioning, that in 1848 the revolutionary government accused Libri of stealing books, manuscripts and autographed letters to the estimated value of 400 000 francs<sup>215</sup>.

So why would anyone cite someone like Libri in a provenance narrative? Because to participants of the market, these criminal proclivities are either irrelevant or the justified acts of a true collector. In these communities shared denial narratives are not only pervasive, but necessary. Collecting is the ultimate act of concealment, creating a new origin story that removes an object not only from the criminal activity that is synonymous with its existence in the modern world, but also, ironically, eclipsing any authentic traces of its ancient past in the process.

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<sup>209</sup> PEARCE, *On Collecting*, p. 24.

<sup>210</sup> PEARCE, *On Collecting*, p. 24-5.

<sup>211</sup> For information on Libri see: MACCIONI RUJU, P. A. & MOSTERT, M. *The Life and Times of Guglielmo Libri (1802-1869), scientist, patriot, scholar, journalist and thief. A nineteenth-century story*, Hilversum, 1995.

<sup>212</sup> MCCRIMMON, B. ‘The Libri Case,’ *The Journal of Library History (1966-1972)* 1.1 (1966), p. 21.

<sup>213</sup> MCCRIMMON, ‘The Libri Case,’ p. 7.

<sup>214</sup> MCCRIMMON, ‘The Libri Case,’ p. 7.

<sup>215</sup> MCCRIMMON, ‘The Libri Case,’ p. 7.

## **Conclusion**

Provenance is an important but complicated market mechanism. In this examination of the Internet market for papyrus, a number of existing ideas about provenance in the modern antiquities trade are confirmed. These are, firstly, that whilst the function of provenance in a cultural heritage legal framework is to act as the legal testimony of an object, this is not the reality of its use in the businesses of dealers and collectors. In both the existing and emerging market there is very little verifiable information about the provenience of any papyrus. Ultimately, this suggests a fundamental incompatibility between existing legal approaches and prevailing traditional market values.

However, provenance is still capable of providing valuable information about the trade of antiquities. Provenance narratives convey information about the movement, ownership, and sales history of papyrus and antiquities. Whilst this information is often limited and irregular, it still provides some insight that allows us to draw conclusions about the distribution and acquisition of papyrus in the 20<sup>th</sup> and 21<sup>st</sup> centuries. Finally, the use of provenance in the Internet market for papyrus provides a fascinating example of how dealers and collectors negotiate a dialogue between origins and authenticity whilst still managing to conceal criminal activity – a practice which is germane to the modern antiquities trade.

## VI. PERSONA: INTERNET IDENTITIES, EXPERTISE, AND ACADEMIC INVOLVEMENT IN THE MARKET

### Introduction

The previous two chapters have focused on how the Internet dealers of papyrus generate value through appeals to authenticity and taste, but so far little attention has been given to the public identities of these individuals and institutions. This chapter turns to the dealers and their role in the market, especially in the context of the Internet. Antiquities dealers share privileged relationships with collectors. According to Werner Muensterberger, collector-dealer relationships “often feature a finely tuned interplay between the needful collector-acquisitor and the astute, and indeed empathetic, dealer-provider.”<sup>216</sup>

The dealers are central to this study of the papyrus market, but as we only know them through the lens of the Internet, we must confine our examination to their online identities. Aptly predicted in 1999 by digital narrative and digital humanities expert, Janet H. Murray, the ability to assume new identities and present oneself through the mask of an Internet persona was, and still is, one of the strengths of the new, emerging narrative forms of cyberspace<sup>217</sup>. In the context of the Internet market for papyrus, these constructed identities will be understood as their ‘dealer personae’. Dealer personae are varied and dependent on factors like expertise, connoisseurship, ethics, and legacy. This chapter will provide a comprehensive examination of the existing and emerging markets, ultimately drawing conclusions about their level of expertise and experience, and how this connects with the role of scholarship in the market.

### Internet Identities

Despite its public nature, the Internet offers a shield of anonymity. Dealers can hide their actual identities behind user names whilst buyers of antiquities are completely protected by the non-disclosure format of online retail transactions. The difficulty in sourcing information about the buyers has shaped this project into focusing on the dealers rather than collectors of Internet market antiquities. In order to successfully operate in the Internet antiquities market, dealers need to disclose at least enough information to the public to develop consumer confidence and guarantee sales. As discussed in Chapter 4, antiquities collectors are often not

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<sup>216</sup> MUESTERBERGER, W. *Collecting: An Unruly Passion*, New Jersey, Princeton University Press, 1994, p. 238.

<sup>217</sup> MURRAY, J. H. *Hamlet on the Holodeck: The Future of Narrative on Cyberspace*, New York, The Free Press, 1997.

able to determine the authenticity and quality of an antiquity and antiquities dealers are thus “tasked with quelling buyers’ fears”<sup>218</sup> by proving the authenticity of their wares.

This requires the construction of a dealer persona. Deriving meaning from its theatrical Latin origins, a *persōna* is commonly understood as the social role/s we consistently perform. In the context of the Internet, “the digital realm provides the opportunity to strip back the formal masks that conceal the expressive features behind. It also provides opportunities to engage in the child’s game of dressing up, assuming a different persona, and taking on new identities.”<sup>219</sup> In their contribution to *Building Virtual Communities*, Architectural theorists Dorian Wisznieswki and Richard Coyne draw connections between the Internet, persona, and Heidegger’s concept of *Dasein*<sup>220</sup>. Within this framework, masking and unmasking (concealing and revealing) is perceived as a way of understanding the truth<sup>221</sup>. In their words, “as one thing is revealed so another is concealed, much as the spotlight operates through the relationship between the background field of darkness and roving the concentration of illumination.”<sup>222</sup>

In the context of the Internet market for papyrus, the issue of concealing and revealing is of great importance. To an extent the Internet acts as a public, permanent archive; but the opacity of this archive is deceptive as it exists in this digital realm filled with carefully constructed personae, which may not always align with our identities in the offline world. In the case of much of the existing market for papyrus, we are able to observe consistencies between their dealer persona on and off the Internet. But when we consider the emerging market, these judgements are not entirely possible to make due to frequent use of pseudonymous user names. Whilst the emerging dealers who use their own websites in conjunction with sales and auction hosting websites appear to be open about their identities, the remaining dealers of the emerging markets opt for a pseudonymous user name in the construction of their dealer persona.

Of the 16 individual dealers in the emerging market, seven use pseudonymous user names. Six of these seven dealers only utilise eBay, with the remaining one being a user of invaluable. The other dealers – Alexander Historical Auctions<sup>223</sup>, Ancient Resource

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<sup>218</sup> YATES, D. ‘Value and doubt: The persuasive power of “authenticity” in the antiquities market,’ *Platform for Artistic Research Sweden 2* (2015), p. 75.

<sup>219</sup> WISZNIEWSKI, D. & COYNE, R. ‘Mask and identity: The Hermeneutics of Self-Construction in the Information Age,’ in A. K. RENNIGER & W. SHUMAR (eds.), *Building Virtual Communities: Learning and Change in Cyberspace. Learning in Doing: Social, Cognitive, and Computational Perspectives*, Cambridge University Press, 2002, p. 194.

<sup>220</sup> HEIDEGGER, M. *Being and Time*, trans. J. MACQUARRIE & E. ROBINSON, London, S.C.M., 1962.

<sup>221</sup> WISZNIEWSKI & COYNE, ‘Mask and identity,’ p. 198.

<sup>222</sup> WISZNIEWSKI & COYNE, ‘Mask and identity,’ p. 202.

<sup>223</sup> <http://auctions.alexautographs.com/asp/cataloguesearch.asp>



Auctions<sup>224</sup>, Artemission<sup>225</sup>, Helios Antiquities<sup>226</sup>, Palmyra Heritage Gallery<sup>227</sup>, Pierre Bergé & Associés<sup>228</sup>, Swann Auction Galleries<sup>229</sup>, Sydney Rare Books Auctions<sup>230</sup> – opt for the use of the names of their businesses, which all exist on the Internet outside of eBay and invaluable. Further, as these dealers offer websites in addition to the information disclosed in their auction lots on eBay and invaluable, a much clearer understanding of their dealer persona is possible. In the case of these six pseudonymous papyrus dealers, the task is much more difficult, especially considering that two of this group use multiple user names: ebuyerrr, who signs off in an eBay blogpost as mixantik, and mantosilver, has the secondary user name ElevenElevenBooks. Whilst the use of pseudonymous user names somewhat conceals our understanding of the dealers of the emerging market, we can still garner significant insight about their expertise via information provided in the papyri sales.

## Expertise

Expertise is the most common way to assert authenticity and quality in the antiquities market. The careful eye of the connoisseur or the authority of a trained scholar generates consumer confidence, resulting in antiquities dealers shaping their reputations around their exposure to these fields of knowledge. The role of expertise in the antiquities market is not a modern innovation, with a professional industry of expertise emerging in the context of collecting in the Roman Imperial Period. By the first century BCE, “Rome had a busy art market, complete with professional dealers, restorers, appraisers, and forgers.”<sup>231</sup> Muensterberger attributes the importance of expertise as stemming from the need to determine the difference between connoisseurship and mere accumulation. He argues “the need for authentication and approval by experts is a reflection of two forces existing within the collector – the desire of self-assertion through ownership and a sense of guilt over narcissistic urges and pride.”<sup>232</sup>

In the Internet antiquities market, dealer personae are constructed to demonstrate levels of personal expertise or proximity to the expertise of others. A number of different types of experts provide an authentication and valuation role in the antiquities market. As they are seen as the height of expertise and experience, academics are the most privileged in this group of experts. As the role of scholarship in the antiquities market is so significant, academic

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<sup>224</sup> <http://www.ancientresourceauctions.com>

<sup>225</sup> <http://www.artemission.com>

<sup>226</sup> <http://www.heliosgallery.com/antiquities.php>

<sup>227</sup> <https://www.palmyraheritagegallery.com>

<sup>228</sup> <http://www.pba-auctions.com>

<sup>229</sup> <http://www.swanngalleries.com>

<sup>230</sup> <http://sydneyrarebookauctions.com.au>

<sup>231</sup> THOMPSON, E. L. *Possession: The Curious History of Private Collectors from Antiquity to the Present*, New Haven & London, Yale University Press, 2016, p. 10.

<sup>232</sup> MUENSTERBERGER, *Collecting*, p. 53.

involvement in the context of the Internet trade of papyrus will be discussed in its own section.

Connoisseurs are another type of industry expert that exists in conjunction with scholarship. Connoisseurs are more concerned with the development of a collection, rather than the dissemination of knowledge. Yates and Mackenzie offer the following description of a connoisseur:

“the selective eye of the collector, combined with his or her rationale and values for choosing to create a particular type of collection, makes in effect for historical and informally scholarly statements, encapsulated and disseminated through a grouping of objects that are considered to bear a certain relation to one another.”<sup>233</sup>

Another type of industry expert is the ‘celebrity historian’, who have thrived in the intersection between media interest and the commodification of the past. Whilst some of these historians have pursued celebrity-hood in addition to academic careers of varying success, others have forged careers entirely in the entertainment and media industries. Internet antiquities dealer, Gabriel Vandervort of Ancient Resource Auctions is the perfect example of this type of industry expert.

As the role of expertise and experience is so central to the values of the modern antiquities market, an examination of expertise in the dataset is necessary. The relationship between persona and expertise raises a number of questions pertinent to an examination of the Internet market for papyrus, including the level of expertise in the existing and emerging markets and how it translates to consumer confidence and value. It is also worth considering how dealers actively assert their own experience and the appeals to authority they make in lieu of their own experience.

### ***Data Analysis***

The 176 papyrus sales lots were examined with a focus on the following elements: lot description, translations, and academic references. Each lot was assigned the following categories indicative of their expertise:

Poor – the dealer did not provide enough information to indicate expertise; the dealer openly acknowledges a lack of expertise; no lot description provided.

Limited – the dealer provides a vague or simplistic lot description e.g. measurements, number of lines of text; the dealer attempts to identify the language and/or provide a rough dating for the piece.

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<sup>233</sup> MACKENZIE, S. & YATES, D. ‘Collectors on illicit collecting: Higher loyalties and other techniques of neutralisation in the unlawful collecting of rare and precious orchids and antiquities,’ *Theoretical Criminology* 20.3 (2016), p. 7.

Fair – the dealer provides a satisfactory lot description e.g. measurements, number of lines of text, condition; the dealer accurately and confidently identifies the language and/or provides a rough dating for the piece; the dealer provides a partial translation of the text.

Good – the dealer provides a detailed lot description e.g. measurements, number of lines of text, condition, description of hand; the dealer refers to an academic publication to provide context for the lot

Excellent – the dealer provides a lot description which aligns with papyrological conventions; the dealer provides a full translation of the text; the dealer refers to an academic publication which features the papyrus being presented for sale; the dealer refers to a public papyrus collection that the papyrus being presented for sale is featured in.

In addition to an examination of the dataset, a study of the supplementary information provided by the dealers on their websites or user profiles is used to enrich the insight into the relationship between persona and expertise.

## ***Results***

### *Emerging*

Dealer	Poor	Limited	Fair	Good	Excellent
Ancient Resource Auctions	1	20	16	1	0
Artemission	0	5	0	0	0
eBay users	2	11	1	0	0
invaluable users	1	11	0	0	0

### *Existing*

Dealer	Poor	Limited	Fair	Good	Excellent
Barakat Collection	8	0	0	0	0
Bonhams	0	6	14	1	0
Charles Ede	0	0	0	0	1
Christie's	0	16	15	4	3
Dreweatts & Bloomsbury	0	0	1	1	1
Sotheby's	3	5	7	8	13

## ***Discussion***

As expected, the emerging market represents the lower end of the expertise categories and the existing market the middle-to-higher. Even in the existing market, the expertise level regarding papyrus is not exceptionally high. It would be interesting if a subsequent study applied the same assessment of expertise to a different facet of the Internet antiquities market.

The majority of the emerging market is represented by Ancient Resource Auctions and the expertise of owner, Gabriel Vandervort. Vandervort's career began as a producer and writer of ancient history documentaries for the History Channel, the Discovery Channel, and History

International. According to his biography on his website, it is in this context that his passion for collecting and expertise in antiquities developed. This alleged expertise, however, is quite varied. For example, in the sale of a papyrus scroll fragment offered on his website for 399 USD (P.1), he offers the following description: “Unsure of the language but likely in Demotic or Aramaic script.” This example contrasts with the description he offers for the Apocryphal Letter of Jesus to Abgar, King of Edessa on vellum, which was presented for sale at the estimated price of 50 000 – 75 000 USD on May 22, 2016 (P.148). The lot, which did not reach the realised price, offered a brief description followed by a textual analysis and translation of the letter. Does this discrepancy in the expertise of Vandervort suggest he is more experienced with Coptic papyri? Or is it possible that the papyrus came to Vandervort with this information already provided?

Expressions of expertise are often inconsistent within the practices of individual dealers. The example of Sotheby's represents this well, with the highest representation of Excellent expertise, interspersed with lots that offer very simplistic lot descriptions. Rather than being indicative of changes over time or inconsistencies in the effort of the dealer, this could actually be revealing the expertise of the collectors who previously owned the lots. If the collector is knowledgeable about the industry and the particular papyri they are selling, they will obviously pass this information onto the dealer. On the other hand, if the previous owner is lacking in expertise, this may be reflective in the lot description of that particular sale.

The results from the sales offered by the Barakat Collection/Barakat Gallery are noticeable in contrast to the results from the other existing market dealers. Despite the significant requested prices for the papyri they are selling – with five out of their eight offered lots presented as ‘Price on Request’ (P.164; P.167; P.168; P.169; P.170) – they provide minimal information about the nature of the lot and absolutely no information about condition or provenance. These results exist in opposition with the dealer persona constructed elsewhere on their website. In their ‘About’ section, they offer the following description of their expertise:

“The Barakat Gallery is a purveyor of museum quality ancient art specializing in Classical, Near Eastern, Biblical, Chinese, Pre-Columbian, Byzantine, Asian, African and Primitive arts. We also specialize in ancient Numismatics and fine jewelry. Our clientele is varied, including museums, corporations, private collectors and investors from all over the world. For the past century, the Barakat Family has been fortunate enough to have assisted in the formation of some of the most important art collections in the world.”

It is, of course, possible that this dealer is not as experienced with papyrus as other types of antiquities, and is therefore unable to provide a satisfactory amount of information to a

potential buyer about the quality, condition and authenticity of the papyrus they are selling. The relationship between the Barakat Collection and text-based antiquities will be elaborated further in the following section on Academic Involvement in the Market.

### **Academic Involvement in the Market**

In a market obsessed with expertise and experience, the role of scholarship is paramount. Whilst there are a number of ways in which scholarship interacts with the trade of antiquities, there are reoccurring patterns in these interactions that can be observed. Brodie identifies these patterns as: participation in price formation by object identification; promotion of market confidence by object authentication; and obstruction of scholarly or police investigation of the trade by provenance suppression<sup>234</sup>. The role of scholarship in the trade of text-based antiquities, like cuneiform tablets and papyri, is even more prominent and ‘pervasive’<sup>235</sup> due to the level of expertise required to provide translations in addition to authentications and valuations. In his study of the market for illegally looted and exported Iraqi antiquities, including cuneiform tablets, Brodie argues academics “support a credible pricing regime by establishing the quality, interest and rarity of pieces on offer, and maintain customer confidence by keeping the market free of fakes.”<sup>236</sup> Sometimes the benefits are mutual, both financially and professionally. Not only are they provided unique access to objects from private collections for study, but they would also receive academic credit through publication.

Unfortunately, the relationship between the market and scholarship can be problematic. Both Mackenzie and Brodie recognise academics as ‘facilitators’ of legitimate and illegitimate markets that require protection through codes of conduct or licensing requirements. In response to these valid concerns, Vasilike Agryopoulos and colleagues have proposed an immediate response to these issues, involving the presentation of all antiquities with their provenance; the development of institutional policy on these issues; and suggest introducing a disciplinary standard for the “promotion and protection of cultural property in terms of research and publication involving tangible problematic cultural remains.”<sup>237</sup> Their proposed model resembles ethical guidelines in place involving the experimentation on

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<sup>234</sup> BRODIE, N. ‘Congenial bedfellows? The academy and the antiquities trade,’ *Journal of Contemporary Justice* 27 (2011), p. 215.

<sup>235</sup> BRODIE, N. ‘The Market in Iraqi antiquities 1980-2009 and Academic Involvement in the Marketing Process,’ in S. MANACORDA & D. CHAPPELL (eds.), *Crime in the Art and Antiquities World: Illegal Trafficking in Cultural Property*, New York, Springer, 2011, p. 130.

<sup>236</sup> BRODIE, ‘The Market in Iraqi antiquities,’ p. 129.

<sup>237</sup> AGRYPOULOS, V., ET AL. ‘Ethical issues in research and publication of illicit property,’ *Journal of Cultural Heritage* 12.2 (2011), p. 218.

human and animal subjects. However, Brodie argues “although professional codes of ethics proscribing such practices do exist, they have little normative force.”<sup>238</sup>

There are some interesting parallels between the role of scholarship in the papyrus market observable in the market for cuneiform objects illegally exported from Iraq following the Gulf War. During this period, political instability and ongoing conflict created ideal conditions for widespread cultural looting, which resulted in the market for cuneiform objects increased in volume at such a rapid size and rate that it could only be attributed to the introduction of freshly excavated material. In an investigation<sup>239</sup> published in 2011 into the state of the antiquities market between 1990 and 2003, Brodie concludes that this “new material could only have been moving out of Iraq through illegal means.”<sup>240</sup>

The nature of this material was challenging to a market unfamiliar with Sumerian script and the broader context of the cuneiform writing system. Due to their inexperience, collectors, and dealers required access to expert knowledge for translation, authentication and valuation of these objects. Such expertise was found in individuals like Professor Wilfred Lambert, who described 32 of the 142 cylinder seals offered for sale in 2008 by the major auction houses<sup>241</sup>. In addition to these descriptions, he also translated 211 of the 332 cuneiform objects on offer in this period<sup>242</sup>. As Lambert is Professor Emeritus of Assyriology at Birmingham University and a Fellow of the British Academy, his reputation and expertise would have had a tremendous impact on the consumer confidence in the trade of cuneiform objects.

Further, Lambert has a close relationship with one of the dealers of the existing market for papyrus, The Barakat Gallery. The Barakat Gallery offers the following description of this relationship:

“The Barakat Gallery has secured the services of Professor Lambert (University of Birmingham), a renowned expert in the decipherment and translation of cuneiform, to examine and process the information on these tablets.”

All of the 35 cuneiform tablets offered for sale by the Barakat Gallery in 2017 provide a description and translation from Lambert. These descriptions and translations are incredibly detailed, especially when compared to the papyrus lots offered for sale by the Barakat Gallery, which were discussed in the previous section. Was the dealer not able to secure the services of a skilled papyrologist to provide a higher quality description of the papyrus they offered? This is indeed possible as, according to Yates, there is an “increased reluctance of

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<sup>238</sup> BRODIE, ‘The Market in Iraqi Antiquities,’ p. 132.

<sup>239</sup> BRODIE, ‘The Market in Iraqi Antiquities’.

<sup>240</sup> BRODIE, ‘The Market in Iraqi Antiquities,’ p. 119.

<sup>241</sup> BRODIE, ‘The Market in Iraqi Antiquities,’ p. 129.

<sup>242</sup> BRODIE, ‘The Market in Iraqi Antiquities,’ p. 129.

scholars to participate in market authentication” resulting in a greater need for the “skills of in-house ‘experts’”.<sup>243</sup>

## **Conclusion**

The construction of online identities and dealer personae is a necessary task for anyone seeking success in the Internet market for papyrus. Examining these personae provides insight into the range of expertise and experience the emerging and existing market offers, as well as the intersection between these markets, scholarship, and connoisseurship. One of the most interesting features of this analysis is the variety in expertise and experience expressed in the papyrus sales of individual dealers. These results infer the possibility of papyrus coming to the dealers with different levels of information, most likely provided by academics or other experts at some point in the text's modern existence.

For the existing market, these online identities are an extension of their existing persona, which are well-aligned with the traditional values of the antiquities market. To an extent they are limited to the expectations of collectors and market participants; they must be the astute, empathetic dealer-providers, and provide the service of connecting the needful collector-acquisitor with high quality, authentic antiquities. In contrast, the emerging market dealers possess a greater deal of freedom. They are not burdened with the same obligations as the dealers of the existing markets. Whilst they are still required to present themselves as capable of identifying quality and authentic antiquities, the standards applied to their businesses are not on the same scale as the existing market dealers and the use of pseudonymous user names is acceptable due to their existence as only internet identities.

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<sup>243</sup> YATES, ‘Value and doubt,’ p. 75.

## VII. CONCLUSION

This comparative examination of the Internet market for papyrus has generated a number of insights into the ownership and acquisition of antiquities in the 21<sup>st</sup> century. The analyses of the price, provenance, and personae of the online trade of papyrus have demonstrated that although the emerging market has developed out of the existing behaviours and values of the traditional antiquities market, the Internet market is a distinct manifestation of modern antiquities trading. Whilst it presents its own challenges to the cultural heritage community, it also offers opportunities for reforming the unethical practices of the modern antiquities trade.

The most notable feature of both the existing and emerging markets for papyrus is the salience of authenticity and its related value. Authenticity is not only ubiquitous, but it also has a profound influence on how market mechanisms such as economic value, provenance narratives, and dealer personae are developed. The relationship between authenticity and value in the antiquities market is well established, however, it is interesting to see how it has been manifested in this new incarnation of the market. Considering Internet selling platforms like eBay are retail environments associated with counterfeit goods, it is unsurprising to see the emerging market connected with the low-end of the antiquities trade. Further, the expertise of dealers in the emerging market is clearly so insufficient that they are generally incapable of proving, or even determining, authenticity independently.

These findings have significant implications in the development of educational approaches and regulatory policies aimed specifically at the Internet market for antiquities. There are already existing and successful strategies targeted at the value of authenticity, such as the public questioning of the authenticity of antiquities sold at auctions discussed in Chapter 4. The introduction of a similar approach to the Internet market for antiquities could be equally successful and potentially easier to implement. Such an approach could involve the development of educational materials demonstrating the prevalence of forgeries and poorly provenance antiquities in the Internet market.

Currently the Antiquities Coalition has developed some resources in this style<sup>244</sup> which could be built on and further implemented by cultural heritage communities. Specifically, resources could be aimed at the value of authenticity and how the inexperience of Internet dealers renders the market more vulnerable to forgeries. It is, of course, entirely possible that

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<sup>244</sup> The Antiquities Coalition contributed an infographic and policy briefing, authored by Neil Brodie, in response to the Internet market for antiquities. See BRODIE, N. 'How to Control the Internet Market in Antiquities? The Need for Regulation and Monitoring,' *Antiquities Coalition Policy Brief No. 3*, July 2017. <http://thinktank.theantiquitiescoalition.org/wp-content/uploads/2017/07/Policy-Brief-3-2017-07-20.pdf>



such a strategy could increase demand for antiquities associated with the existing, traditional market. However, such educational approaches should not be introduced independently and should be supplemented with initiatives targeted at addressing the numerous ethical issues germane to the modern antiquities trade, such as the lack of verifiable provenance.

Despite the numerous differences between the existing and emerging markets, they are clearly alike in their approach to provenance narratives. In the Internet market for papyrus, and in the wider antiquities market, the standard for provenance is consistently very poor, allowing for the easy concealment of criminal activity. Not only does this lack of transparency render the market vulnerable to forgeries and fake antiquities, but it actively contributes to the production and continuation of shared denial narratives. Existing approaches to provenance that celebrate renowned collectors whilst denying the dubious modern origins of antiquities are not ethically nor legally acceptable and need to be addressed with a genuine spirit of openness by market participants.

In order to see a necessary ethical shift in the acquisition and ownership of antiquities higher standards for provenance – both in scholarship and in the market – is essential. Whilst many collecting institutions and academic communities have responded to these concerns through the development of ethical guidelines, there are still too many exceptions to these loosely enforced rules. Further, the shared language around antiquities without verifiable provenance actively contributes to the concealment of the ethics of the market. By describing antiquities as ‘unprovenanced’, rather than of an undisclosed or withheld provenance, there is a denial of accountability.

A more transparent and ethical approach to provenance would include a refusal to acknowledge the value of antiquities without verifiable provenance. Brodie's definition of verifiable provenance is a good starting place:

“the earliest date of provenance of a lot is determined either from the conjunction of a previous owner's name and date of ownership, or from a publication date. In theory, this information would provide a potential customer with the wherewithal to verify independently the facts being offered about provenance.”<sup>245</sup>

Ideally this information would be able to connect an object to its original find spot, but given the quality of provenance information is so poor in the market, this may not always be possible. At the very least we should be endeavouring to trace these ownership narratives as far back as possible and rejecting the use of cliché terms like: ‘the property of a gentleman’ or ‘Ex-Old German collection.’

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<sup>245</sup> BRODIE, N. ‘Provenance and Price: Autoregulation of the Antiquities Market?’ *European Journal of Criminal Policy Research* 20 (2014), p. 432.

Further, educational approaches should be targeted at raising the awareness of provenance and related ethical issues. In his 2017 policy brief for the Antiquities Coalition, Brodie concludes “improving customer awareness of the need for good provenance is key to diminishing the number of antiquities sold on the Internet.”<sup>246</sup> Whilst this approach obviously harks back to the unsuccessful autoregulation strategies introduced by Peter Cannon Brookes<sup>247</sup>, the key difference is situated in the need for education initiatives targeted at improving market understanding of what constitutes good, verifiable provenance.

One of the most distinct features of the emerging market is its inexperience and lack of expertise. A comparative examination of the expertise consistently demonstrated a discrepancy between the two markets. The emerging market was almost exclusively represented in the Poor, Limited, and Fair categories of expertise, with only one outlier in the Good category. Further, none of the dealers of the emerging market offer valuation services. In comparison with the existing market, where all dealers offer such a service, this is a noticeable discrepancy in their levels of expertise.

There is nothing, however, to indicate that the emerging market is less successful than the existing market in selling papyri. Whilst there is an obvious variance in the economic value of the two markets, both groups of dealers appear equally capable of finalising sales. Much of the success of the existing market is associated with their longstanding reputations as institutions and individuals with high levels of experience and expertise, which naturally generates questions about who the buyers of the emerging market might be. It is possible, of course, that some of the buyers of papyrus from the emerging market are established antiquities collectors who are capable of authenticating the objects they purchase independently. But it is also equally possible, considering how the Internet has opened up the accessibility of the antiquities market to a much wider audience, that these customers are new to the collecting of antiquities and possess the same level of (in)experience as the dealers of the emerging market.

This suggests that when considering the Internet market for papyrus, we are dealing with a new group of buyers and sellers who are potentially unaware of the ethical, legal, and even criminal ramifications of their businesses. Whilst some concerned with the policing and regulating of the antiquities market may consider the influx of new antiquities collectors and dealers a disaster, it is worth looking at this situation as an educational opportunity. Existing antiquities collectors and dealers who are deeply entrenched in their traditions and values are well-aware of the legal realities of trading cultural heritage in a post-UNESCO 1970 world. In

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<sup>246</sup> BRODIE, ‘How to Control the Internet Market in Antiquities?’

<sup>247</sup> CANNON-BROOKES, P. ‘Antiquities in the market place: Placing a price on documentation,’ *Antiquity* 68 (1994), p. 427-444.

contrast, the emerging market is fertile ground for educational initiatives targeted at raising awareness of the ethics germane to the modern antiquities trade.

Despite the clear connections between the traditional antiquities market, the Internet market is clearly a unique entity in its own right and needs to be treated as such. Not only does this call for the development and implementation of educational initiatives targeted at the Internet market dealers and collectors, but it also demands specific policies responsive to the unique context of the Internet market for antiquities. These approaches would not only need to consider the buyers and sellers but also the websites that host the sales, which may be equally unaware of the ethical and legal responsibilities involved in the trade of cultural heritage.

There is also a need for a greater understanding of the Internet antiquities market as a broader phenomenon. As current research output is so limited, there is high demand for studies similar to the one presented here, but extended to different facets of the antiquities market. Brodie's examination of Precolumbian antiquities<sup>248</sup> and cuneiform objects<sup>249</sup> looted from Iraq offer ideal frameworks for such research endeavours. Ideally this research would be conducted by archaeologists and historians with expert-knowledge of a specific type of antiquity, in collaboration with scholars from other disciplines. With our knowledge of the Internet market for antiquities being enriched by these studies, we have a better chance of developing and implementing successful educational strategies and regulatory policies targeted at controlling the Internet trade of antiquities.

Our knowledge of the Internet market for antiquities would also benefit from longitudinal studies to mark shifts in values and practices as the market further develops. It is difficult to conduct such a study retroactively, as many antiquities dealers of the Internet do not keep detailed, public records of past sales in the manner that auction houses like Christie's and Sotheby's do. Unfortunately, this discrepancy in archival practices creates a false image that the majority of activity in Internet antiquities trading occurs in the businesses of the more traditional dealers. A longitudinal approach to the Internet market for antiquities would remedy this limitation, allowing research to be conducted as the sales occur rather than retroactively. We should also be looking to the recent technological developments in other grey and black markets. Research into the trade of drugs, arms, and other illegal products on the Dark Net and Silk Road<sup>250</sup> should be looked at pre-emptively and proactively.

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<sup>248</sup> BRODIE, N. 'The Internet Market in Precolumbian antiquities' in J. KILA AND M. BALCELLS (eds.), *Cultural Property Crime: An Overview and Analysis on Contemporary Perspectives and Trends*, Leiden, Brill, 2014, p. 237-62.

<sup>249</sup> BRODIE, N. 'The Internet Market in Antiquities,' in F. DESMARAIS (ed.), *Countering Illicit Traffic in Cultural Goods: The Global Challenge of Protecting the World's Heritage*, Paris, ICOM, 2015.

<sup>250</sup> For recent research into the Dark Net, Silk Road, and how Cryptomarkets are transforming the global illicit trade of drugs see MARTIN, J. *Drugs on the Dark Net: How Cryptomarkets are Transforming the Global Trade in Illicit Drugs*, United Kingdom, Palgrave Macmillan, 2014.

One of the greatest modern challenges for historians, archaeologists, and museum professionals is reconciling our ways of understanding the material world with the ethical and legal issues associated with the contemporary trade of antiquities. This challenge must be addressed in a radical shift of disciplinary values and practices. Not only is it necessary for our community to embrace these issues with sincere and severe changes in our existing disciplinary contexts, but there is also a need for individuals and institutions to contribute to increasing public awareness of these issues.

Our development of educational approaches and regulatory policies needs to be responsive to the rapidly changing technological contexts of the 21<sup>st</sup> century. The fact that the Internet market for antiquities has existed for two decades with only minimal scholarly commentary is ultimately a wasted opportunity for change and reform. The illicit trade of antiquities is a complex ethical, legal, and social issue that involves multiple stakeholders and interdisciplinary perspectives. By better understanding how the technological changes of the past two decades have influenced the antiquities market, we are presented with an opportunity to gain insight into how different people position themselves in relation to the past and position the past in relation to themselves. Antiquities have long-possessed a complicated role and function in the modern world and the time has come for us to address how the material remains of antiquity can be more ethically situated in the 21<sup>st</sup> century.



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## APPENDIX

For access to the appendix containing the entire dataset used for this project, see:

<https://docs.google.com/document/d/104Bz1ulfzt5D09LLJLESEorQLXGuilH9vH7MFblOQ8s/edit?usp=sharing>