

## Provenance Problems

### What is Provenance?

#### Good Provenance from Archaeological Excavations

Science

What does the word "provenance" mean in the context of old stuff dug up somewhere? Well, according to the Cambridge dictionary, provenance means:

**Provenance:  
the place of origin of something**

You knew that. However, when we talk about archaeological objects, we expect that the provenance of an object does not just give the place where it was found (e.g. Mönkeberg near Kiel / Germany) and, of course, what it is (e.g. a human) but also its time horizon (e.g. found 2021) and how old it was then (e.g. 72 years). In regions and times when there was a lot of turmoil (like in South Germany during the [migration period](#)), you would like to know if that sword from the 4th century grave was Alemanni, Roman, Celtic or possibly Frankish? In the above example you would also like to know if the human remains in the grave were [male or female](#) (or anything in between, we are talking 2021 here), a native or foreigner, and so on.

The provenance of the swords displayed in the [Moesgaard Museum](#), Aarhus; Denmark seems to be rather clear: They were found in the near-by [Illerup Adal](#) bog and we also know when they were thrown in (e.g. around 210 AD) We are rather sure that they are actually of Roman origin, but we don't know where, when and by whom they were made and how they got to be pitched into a Danish bog, rather far away from where the Romans roamed in 210 AD.

In short: The provenance of something dug out in a *careful modern* excavation by *experienced* and *unbiased* archaeologists is known to some extent but not necessarily to the full extent we would like to have. If the unearthed object is subjected to a full analysis by modern methods after the exhumation, we may learn a lot more about the finer details of its provenance but still not necessarily all we would like to know. Sounds a bit gloomy but that is actually the *good news*.

Now to the bad news. An *ideal* excavation (careful, modern, experienced, incorrupt archaeologists...) is one thing; *real* excavations may be something else. Excavations conducted long ago might have been sub-standard even then, and the archaeologists may not have been very interested in ugly pieces of rusty iron but in other things. Then we have inexperienced or unmotivated archaeologists who do not properly record and write up what they did. Not to mention archaeologists who don't mind to make some money on the side....

All of this conspires to the following

**The full provenance of many objects  
from "legal" excavations is not always  
fully known and often debated**

#### No Provenance from illegal Digs?

How about objects from illegal diggings or actually legal but **unrecorded diggings** ([see below](#)) like most of the Luristan bronzes and in particular the iron mask swords? As far as orthodox archaeology is concerned (and that seems to be most of archaeology) it is simple:

## Objects from illegal digs have no provenance and thus are worthless

Those objects might even be fakes! They are thus completely without merit for science and should be ignored. Don't look at them, don't buy them, and simply pretend they do not exist.

Moreover, not ignoring them or even buying them, helps to provide a market for antique objects and that encourages present-day and future looters, endangering valuable sites not yet looted and scientifically investigated by proper scientists.

Is that the point of view one should take? Not a simple question!

We need to be careful. Above I have actually stated two *unrelated* reasons why one should abhor objects from illegal diggings:

1. Their *scientific value* is supposed to be zero.
2. Buying them *encourages more illegal digging* and thus helps to destroy our common past.

The two points are unrelated because the value of some object illegally unearthed in the past is what it is and does not depend at all on somebody digging illegally now. The word "value" in this context does not only contain the *scientific value* but also the *aesthetic value*, the *collector obsession value*, and in particular the *monetary value*.

Both points quite obviously do have some merit - but they do not project general truths! This becomes quite obvious if you look at some examples. I will do that right away by looking at the following objects:

1. Some Roman silver coin (denar).
2. A Roman or Greek marble sculpture portraying some Venus, hero, or god(des).
3. A "Bactrian" chlorite vessel or "idol".
4. An iron Luristan mask sword or a north Iran bi-metal sword

### Roman Coin

Is there any scientific value in an unprovenanced *standard coin* of the Romans? No! The coin will for almost sure hold nothing of scientific interest. These things must be around by the thousands and unprovenanced ones tell you nothing besides the trivial fact that they are from the time when the guy shown was emperor.

If the coin would have been unearthed at a proper dig, it would have told you that the Romans were there or at least that their coins made it there. Most likely you knew that already or could deduce it from all the other stuff you unearthed. So not much scientific value either.

The value of the coin rests almost exclusively in providing some bliss for a collector.

We can look at the situation also from a different point of view: Do you, dear archaeologists or museum directors, *really* need to have *all* the 100.000 or so standard Roman coins that are still around today? Or *all* the other standard stuff (like pots) that you have in your possession hundreds of times over? Is it better that all these unimportant things are moldering in your basements instead of being treasured by some collector?

The conclusion is

- Scientific / aesthetic value: almost zero. Monetary values: small. Collector obsession value: large
- Trade encourages illegal digging now? Hardly
- Needs to be removed from private owners? No

### Greek / Roman Marble Sculpture

What is the *scientific* value of a "legal" Roman or Greek marble, like the ones displayed in the Vatican museums or [here](#). Quite a few of them actually came into the possession of some pope by blackmail or worse, but let's not dwell on this but assume that they are provenanced. We know well enough who made them when and where. .

Well - there is hardly any *scientific* value but a lot of *aesthetic* value. And the *aesthetic* value of some sculpture is the same for provenanced ones or unprovenanced ones.

Of course, the unprovenanced one might be a fake (i.e. it was not made by Phidias but be somebody else some time later) but as long as you don't know this, its aesthetic value is what it is. Arguing against trading these objects thus cannot be based on their scientific merits but must be based on robbing the general public of the pleasure to view them in a public place like a museum. It's fleeting enjoyment for many versus permanent enjoyment for the owner and his clan.

That is a good but dangerous argument. Many major works of art are privately held and dispossessing their owners would not go down well with most of us. Moreover, this argument would make all those marbles and other pieces of major art that are presently rotting away in *all* museum basements morally even more illegal than the privately owned ones. *Nobody* can see and enjoy them!

The conclusion is

- Scientific value: Zero. But the aesthetic value might be large.

- Trade encourages illegal digging now? Hardly
- Needs to be removed from private owners? Just as much as all other aesthetically pleasing objects presently in private hands.

**Bactrian Chlorite Vessel or "Idol"**

Below is a picture of what I mean, more pictures can be found [here](#). Chances are that these things go back to the [Jiroft culture](#) and were excavated rather recently and more or less illegally, in south-east Iran. Chances are that history repeats itself once more and that a happy coalition of local guys and corrupt officials are looting tombs and other sites in order to make some money. The Jiroft "chlorite" objects are as distinctive in their appearance as the Luristan Master of animal sculptures or the iron mask swords. Why they are addressed as "Bactrian" in the antique trade is easy to guess.

Digging takes place possibly right now because there is a market for these objects. So don't buy them?

As far as I'm concerned, I would indeed not buy these things. However, I have no illusions that this will decrease the illegal digging and trading in Iran. There will always be a market, no matter how illegal buying and selling is made in Germany. Last time I looked, there were still plenty of illegal drugs around and trading is as brisk as ever. That does not mean that one shouldn't try to "be good" but one also should be realistic.

What is the scientific and aesthetic value of these objects? As far as aesthetics are concerned, you must judge for yourself. As far as science is concerned, I would assign some scientific value to these objects. As long as we know very little about the Jiroft culture, it is just possible that these things hold a key to a deeper understand of what it was all about. That's why they belong into museums and research institutions. If the present-day (2021) Islamic Republic of Iran runs such institutions properly is a question that opens a large can of worms.

The conclusion is

- Scientific value: Yes, up to a point. But not excessively large.
- Trade encourages illegal digging now? Yes!
- Needs to be removed from private owners? Yes, up to a point. Best done by encouraging donations to suitable institutions.





**"Princess de Bactrian"**

according to the Louvre, Paris. From around 2000 BC

Source: Photographed in the Louvre. Paris, Nov. 2021

### ● Luristan Iron Mask Swords and North Iran Bi-Metal Swords

Are the Luristan mask swords of scientific value? You bet! A lot of serious scientists would not have dedicated a lot of time (and money) to unravel their secrets if they would not be of scientific interest. But what about their unclear provenance? Couldn't they be fakes? Well:

1. They could be fakes (and there are fakes, indeed) but it is rather easy to show metallurgically if an iron object is old or not. And we have radiocarbon methods even so one must take them with a grain of salt.
2. There is not much doubt about their general origin. It's from "robbed" graves in Luristan or some neighboring area in present-day Iran. It actually doesn't matter all that much. Even if we would know the position of a particular grave, the mask sword it contained might have come from somewhere else.
3. These swords are the most enigmatic objects from the early times of regular iron use and so far we *only* have the "worthless" ones from unrecorded digs.
4. We can be rather sure that in the (near) future analytical techniques will progress to a point where a detailed analysis of a mask sword can produce a wealth of provenance-related data.
5. If scientists just find one of these swords in-situ, establishing unassailable provenance data, all the existing unprovenanced ones will acquire a decent provenance too, since all mask swords are closely related.

In other words: There are about 100 or so mask swords out there. Maybe about 30 are in museums, the rest is in private hands. They might not be highly regarded right now but they are a veritable treasure trove for research in the (near) future.

It would be good to transfer as many as possible from private hands into the safe haven of a museum (basement) to make sure that they survive until that point in time when their full scientific potential can be realized.

The conclusion is

- Scientific value: Large. In-depth analysis of these objects will produce new knowledge about the early history of iron
- Trade encourages illegal digging? Hardly. Present-day illegal digging in Luristan, if taking place at all, is not motivated by the search for mask swords. Their commercial value is low since their aesthetic value is rather small.
- Needs to be removed from private owners? Yes! Since there is hardly any aesthetic value and private owners cannot do much scientific analysis, they come cheap and many private owners could probably be induced to donating them to a suitable institution.

● As far as bi-metal swords go, pretty much the same reasoning applies.

The message is clear:

1. Objects from illegal or unrecorded digs cannot be dismissed summarily as having no intrinsic value, scientific or otherwise.
2. Markets for antique objects do encourage illegal and unrecorded diggings.
3. Trying to stop illegal and unrecorded diggings by restricting trade in antiquities is well-meant but just as effective as trying to stop the trade with illegal drugs.

## How Illegal was the Early Digging in Iran?

The usual story about the large number of Luristan (and Amlash) bronzes (not to mention iron objects) traded "on the market" is simple: Locals looted thousands of graves and other sites and objects deemed valuable made it (via Bazars, e.g. in Teheran) to collectors in the West (or Japan). This went on until stopped by the government. While this is not wrong, it is only a part of the truth

● **Christian Konrad Piller** in his 2008 [Ph.D. work](#) "*Untersuchungen zur relativen Chronologie der Nekropole von Marlik*", gives a short but highly interesting account of what really happened. Here are a few excerpts (in the [true language](#)):

### ● **Kommerzielle Grabungen**

1930 wurde das Denkmalschutzgesetz in Persien durch Reza Schah geändert. Das Archäologiemonopol Frankreichs, im Jahre 1895 für die Summe von 50.000 Goldfrancs vom Kadscharenherrscher Naser ad-Din Schah erkauft, wurde aufgehoben. Der Weg war frei für Expeditionen anderer Staaten, leider aber auch für unselige „kommerzielle Grabungen“ von Geschäftsleuten, Basarhändlern und so genannten „Privatgelehrten“. *Hierbei konnten beim iranischen Kultusministerium offizielle Grabungsgenehmigungen gegen Zahlung einer gewissen Summe erkauft werden.* Die Funde aus den Grabungen waren zur Hälfte Eigentum des Lizenznehmers, der im Anschluss das *Recht hatte, diese im nationalen oder internationalen Kunsthandel zu veräußern.* Abgesehen davon, dass diese kommerziellen Grabungen im Regelfall weder in Anwesenheit eines Beamten des zuständigen Ministeriums noch unter Aufsicht eines wissenschaftlich qualifizierten Grabungsleiters durchgeführt wurden, war es insbesondere für Kunsthändler ein Leichtes, ihre auf anderen Wegen erworbenen Handelsobjekte mit einer scheinbar verifizierbaren und damit legalen, den Wert steigernden Herkunftsbezeichnung zu versehen. Eine Dokumentation nach wissenschaftlichen Gesichtspunkten wurde so gut wie nie erstellt. Derartige Aktivitäten fanden vor allem in Westiran statt, da seit 1928 die vermeintlich aus dieser Region stammenden *Luristanbronzen* im internationalen Kunsthandel und der Fachwelt Aufsehen erregt hatten. Nordiran lag hingegen (noch) nicht im Zielbereich professioneller Raubgräber und Kunsthändler. Dennoch dürften auch hier vereinzelt entsprechende Maßnahmen stattgefunden haben, denn bereits in den 30er Jahren finden sich im Fundmaterial kommerzieller Grabungen durchaus Objekte, die wohl aus Nordiran stammen, denen aber aus verkaufstechnischen Gründen das Etikett „Luristan“ sozusagen übergestülpt wurde. Vor allem Bearbeitern, die mit der Materie nicht allzu eng vertraut sind, ist es deshalb manchmal bis in die jüngere Zeit nicht immer möglich gewesen, deutlich zwischen den iranischen „Kunsthandsprovinzen“ und den tatsächlichen Fundorten der von ihnen besprochenen Fundstücke zu unterscheiden.

Negahban 1996 beschreibt eindrücklich die damaligen Verhältnisse. Demnach bestand bei den meisten Beamten des neu geschaffenen Antikendienstes kein großes Verlangen, eine unbestimmte Zeit weitab der pulsierenden Metropole Teheran auf einer einsamen und vermutlich nicht ganz staub- und schmutzfreien Ausgrabung zu verbringen. Stattdessen wurde den Lehrern der örtlichen Schulen die Aufgabe übertragen, die Vertretung des Antikendienstes zu übernehmen und die Funde aus den kommerziellen Grabungen für den Handel frei zu geben. Im Jahre 1959 wurden 96 % der kommerziellen Grabungen auf diese Art und Weise betreut. Mahboubian 1997 betont jedoch, dass diese Grabungen in völligem Einklang mit den damaligen Gesetzen des Landes standen und keineswegs heimlich durchgeführt wurden.

● We learn that most "illegal" diggings were in fact perfectly legal under Iranian law. The Iranian authorities allowed (or better encouraged) "commercial" digging - for a fee. The intended supervision was superficial or did not take place at all.

The picture below shows how that perfectly legal digging for commercial purposes took place:



Abb. 5: Kommerzielle Grabung Ende der 20er Jahre des 20. Jahrhunderts in Iranisch-Aserbaidschan.

### Digging for purely commercial reasons in Iran - perfectly legal in the 1930ties

The picture also makes clear why these guys unearthed so much more than the archaeologists

#### Die „Amlash-Bronzen“

Im Jahre 1953 besuchte der Schah das Iran Bastan Museum, zeigte sich stark beeindruckt von den Goldobjekten aus Kalar Dasht und ordnete archäologische Untersuchungen in ihrem Herkunftsgebiet an. Daraufhin machte sich im Folgejahr eine iranische Expedition unter Leitung von H. Samadi in die Hochebene von Kalar Dasht auf, um im Umfeld des Fundortes archäologische Untersuchungen durchzuführen. Die Grabungen erbrachten zur Enttäuschung der Ausgräber jedoch nur einige Keramikgefäße, die in den betreffenden Publikationen auch später niemals näher beschrieben wurden. Man wechselte deshalb in das nur wenige Kilometer entfernte Garmabak, wo der Bürgermeister des Ortes zufällig bei Arbeiten auf einem seiner Felder eine Stierfigurine und fünf Gefäße aus Keramik sowie zwei Dolche und zwei Armreifen aus Bronze gefunden hatte. Dort wurden innerhalb von zwanzig Grabungstagen 31 Gräber freigelegt. Es handelt sich um vergleichsweise kleine, einfache Erdgräber ohne Grabarchitektur, die oft mehrere Skelette enthielten. Da auch diese Ergebnisse die Ausgräber nicht zu befriedigen mochten, zog man schließlich weiter zur Kleinstadt *Amlash*, die sich in der Provinz *Gilan* an den Nordhängen des Elbursgebirges befindet. Von dort waren ebenfalls Zufallsfunde bekannt geworden, so dass sich die Expedition entschloss, ihr Glück in den beiden Dörfern Tomadjan und Emam im Gebirge südlich von Amlash zu versuchen. Hier war man ein wenig erfolgreicher, denn es fanden sich immerhin einige steinerne Grabbauten mit vergleichsweise ansehnlichen Metallobjekten. Leider wurde durch diese Grabungen auch das Interesse des Kunsthandels auf die Region gelenkt. Ab den späten 50er Jahren wurde der internationale Markt geradezu mit Bronze- und Keramikfunden überschwemmt, die sich deutlich von den bisher mehrheitlich gehandelten Luristanbronzen unterschieden. In Anlehnung an diese entstand der Begriff „*Amlash-Bronzen*“, da man den meisten Objekten eine Herkunft aus der eben dieser Region zuschrieb.

Im Spätherbst des Jahres 1962 kam es in Iran zu einem der in damaliger Zeit nicht gerade unüblichen Regierungswechsel, der sich auch auf die Ministerien auswirkte, welche für die archäologische Erforschung des Landes zuständig waren. *Einflussreiche Personen aus dem Umfeld der Regierung erwirkten eine Einstellung der Grabungen in Gilan. Das Feld wurde erneut den Raubgräbern überlassen.* Als Negahban ein Jahr später in das Tal des Gohar Rud zurückkehrte, konnte er nur noch feststellen, dass das gesamte Gebiet intensiv von illegalen Grabungen betroffen war. Bei einem kurzen Survey wurden mehr als *2000 Raublöcher* im unmittelbaren Umfeld des *Tepe Marlik* verzeichnet. Bei gutem Wetter hatten sich hier bisweilen bis zu 400 Personen versammelt, um sich „ihren“ Anteil an den wertvollen Grabbeigaben der verschiedenen Nekropolen zu sichern

Same story once more - but now in the 1960ties and in north Iran ("*Amlash*"). Legal commercial digging or looking the other way by the authorities. I'm rather sure that we have the same story once more right now in the *Jiroft* area.

Of course, all this legal but unrecorded digging took place because one could make money, i.e. because there was a legal market for the objects unearthed. No doubt. Just as there is no doubt that all the more or less legal poppy farming in Afghanistan takes place because there is a market for Heroin, even so it's strictly illegal. The illegal market actually makes poppy farming even more attractive because it leads to high prices.

### The German "Kulturgutschutzgesetz ". Will it Stop Illegal Digging?

Now let's look a bit closer at the second point from above: Buying objects from illegal or legal commercial digs *encourages more undesirable digging*. In the light of what I stated above this would be pretty much the *only* valid reason for restricting the trade with antique objects.

● So let's be radical and pass a law that makes selling, buying and possession of *antique objects* illegal, with some tough penalties for violations. Not just in Germany but in all or at least most countries of this planet. That would certainly put an end to all that illegal digging!  
Or would it? Just replace *antique objects* by *illegal drugs* in the sentence above and you see that even an all-out war against illegal digging is bound to fail.  
As you know, the war against drugs is not only rather inefficient, it has serious side effects that can be worse than the drugs. Ask the Mexicans or countries that legalized certain drugs because they are the lesser evil. I know that this analogy is warped - drug addiction is real and utterly destructive while addiction to collecting antiquities is not a serious personal or social problem. Nevertheless, the analogy holds in two ways: The "war" against illegal digging was rather inefficient so far and it is about to produce unwelcome side effects too. We see that if we look at the present German "**Kulturgutschutzgesetz**".

▶ The Kulturgutschutzgesetz or "law for protecting cultural heritage items" is a complex law and I will only look at one facet that I could experience myself.

The law makes it illegal to buy antique objects with unclear provenance. "Unclear" is defined more or less as "not proven to have been on the market before a certain date". That appears to make some sense because it makes sure that the object does not come from more recent illegal digs. Objects not meeting this requirement are impounded and returned to the legal owner.

This is all well meant but the joke about the superlative of "bad" comes to mind: "What is the superlative of bad? Well, it goes: bad - worse - well meant". Let me enumerate some side effects and problems, to some extent based on my own experience.

1. The longer an object has been on the market, the more difficult it will be to prove that.  
When the grandson finally offers his grandfather old junk up for sale, he will most likely not be able to produce the old bills of sale or other papers relating to grandfather's junk that he inherited. The USA auction house gives the provenance as: "ex-William Froelich collection, New York, USA, acquired in the 1970ties". The German authority that has impounded the package on its way to the German customer correctly ascertains that this claim is unsupported by objective evidence and thus moot. Figuring this out and notifying the customer that his goodies are deemed to be illegal takes many month - up to a year.  
**Consequence:** Most of the Luristan / Amlash / ... objects will be deemed to be illegal. Selling them will become more difficult.
2. "Ugly" objects like heavily corroded iron mask swords, bi-metal swords or unassuming dirty bronzes often are not sold at auctions and eventually picked up at a low price by some connoisseur. In the case of the swords it might be me with the intention to hand them over to science (see above). Selling this stuff now becomes more difficult and chances are that the owner destroys them if they can't be sold.  
**Consequence:** The "Kulturgutschutzgesetz" will lead to the destruction of antique objects, in particular those of little monetary but large scientific value.
3. Old objects already held by a private person are not illegal. Selling them might be illegal and also having them investigated. For example, radiocarbon dating of wood remains on a bi-metal sword from (probably) north Iran is no longer possible; the Lab fears legal entanglements if it investigates objects with unclear provenance. This is a clear loss to science (that dating would have been the first (if indirect) dating of such a sword).  
**Consequence:** The "Kulturgutschutzgesetz" impedes scientific progress just at a point in time when advances in analytics would have allowed to obtain much information from many unprovenanced items.
4. People (like me) who buy antique stuff with the intention of furthering science, e.g. by doing something like the "[Luristan project](#)" or by donating the items to a suitable institution or museum, will be reluctant to do so in the future. Just mailing an item to another country might get you into hot water when custom officials suspect a case of dealing with potentially illegal objects. Museums will be reluctant to accept these things for the same reason.  
**Consequence:** Science suffers once more.
5. The law created a bureaucratic monster that will be very expensive. Imagine you are the official who impounded a Luristan bronze or a south Caucasus bi-metal sword. You did everything exactly as the law specifies. What are you going to do with these things? The Luristan bronze originated clearly from what is now the Islamic Republic of Iran. So you send it to the Iranian government? Are you allowed to do that? There are many sanctions considering dealing with Iran, after all. The bi-metal sword might be from Iran, Azerbaijan, Armenia, Georgia or Turkey. What are you going to do?  
**Consequence:** For most "illegal" objects it is impossible to identify the present legal owner. If one can determine the place of origin, it might be rather unwise to return it to its present administration. But you can't keep the stuff forever. What to do?

▶ One way of dealing with the last question is to allow the customer to respond to your verdict of illegality and let him have the goodies. Just cover your tracks.

● That's what happened to me. Impoundment of antiquities sent from the USA to me in March. Decision of objects being illegal (formally quite correct) in November; my response in December, package delivered to me out of the blue in July next year with no communication or papers of any kind. Does that make these objects now officially legal? I don't know.

▀ I do not know how the balance of the Pro and Cons of the Kulturgutschutzgesetz will come out in the end. But I'm not hopeful. In my opinion most restrictions on the trade with these objects will not noticeably influence the amount of illegal digging in most countries. The local looters typically know nothing about these markets, they sell their finds to local middlemen or corrupt officials who will always find a buyer.

Let's not forget that "big politics" often does far more damage to antique places and objects than all digging looters combined. The Irak war, based on lies and deceptions, caused not only the plundering of the Baghdad museum but launched large-scale illegal digging in all the famous places until the IS took over. They didn't stoop to the nitty-gritty but went to it on a large scale: Blowing up Nimrud and Hatra, parts of the wall of Nineveh, the ruins of Bash Tapia Castle and Dair Mar Elia, and artifacts from the Mosul Museum certainly did more damage in a short time than the trade with antiquities in a century.

Not to mention the Buddhas of Bamiyan blown to smithereens by the Taliban.

● I rest my case.