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ment outlets in the near future. Education teams have also been working in areas where looting is prevalent, hosting large gatherings of locals. The purpose of these sessions is outreach, explaining the value and importance of cultural heritage. These activities have been greeted positively and after meeting surveys indicate a change in participants' attitudes. Heritage Watch is currently

applying for funds to work at Koh Ker Archaeological Park, a grouping of temples northeast of Angkor dating to the tenth century. The Sustainable Development and Heritage Preservation Project seeks to involve the local community in heritage preservation in return for training in small business management, tourism, craft production, English language and land rights.

The circumstances and consequences of the British Library's 1994 acquisition of some Kharosthi manuscript fragments

Neil Brodie

In 2004 a documentary programme made for the Norwegian television company NRK claimed that the British Library's 1994 acquisition of some Kharosthi manuscript fragments had created a market for central Asian manuscripts and triggered off a campaign of looting in Afghanistan and perhaps also in Pakistan (Lundén 2005, 7). The British Library (BL) refused to answer the claim on screen and has not answered since. The BL had also failed in 2003 to answer a letter from the IARC requesting information about the acquisition. Documents relating to the acquisition obtained from the BL under the 2000 Freedom of Information Act, together with ongoing publication of the manuscript fragments, now throw more light on the circumstances of the acquisition and its consequences. The BL has also supplied a statement on the acquisition.

British Library statement

The scrolls — written on birch bark in the ancient script of Kharosthi in the language of Gandhara, an important centre of early Buddhism in central Asia which straddled the western borders of Pakistan and the eastern borders of Afghanistan — came to the Library in 1994 at a time of great uncertainty in Afghanistan. The Library was approached by a reputable London dealer for advice on the conservation of the scrolls which had been forced into a number of modern pickle jars. Knowing that the Kabul Museum had been looted, I understand that checks

were made at the time to make sure these items had not been part of the collection of that institution; however, with the civil war continuing, it was not possible to contact institutions in Afghanistan to discuss the scrolls. (The current scholarly position remains that 'No reliable information is available as to the circumstances, location and date of the discovery of the manuscripts and associated materials'; Salomon, Richard. *Ancient Buddhist Scrolls from Gandhara*, British Library, 1999 [page 20]).

As perhaps the only body with the necessary specialist expertise, and faced with the very real prospect that the scrolls would disintegrate entirely and be lost to research forever, the Library took the difficult decision which it considered justifiable under these circumstances to acquire these unprovenanced items. In view of the absence of clear provenance, and the possibility of future claims for restitution, the Library did not apply Grant-in-aid in the acquisition of the scrolls. Instead, a benefactor funded the acquisition in full cognisance of the background and in recognition of the conservation rescue imperative. This approach was sanctioned by the Library's Director of Special Collections at the time. The Board is aware of the unclear provenance of the scrolls.

The skilled conservation work undertaken by the Library subsequently has meant that this material has remained available to the international scholarly community. The Library has also been very active in informing scholars about the scrolls and their significance (in fact they were featured in the cover photograph of the Library's 1995/96 Annual Report).

Following the *Times* report ('Library pressured to return scrolls', Monday 13 September 2004) that a documentary by the Norwegian Broadcasting Corporation had raised the issue of the Library's ownership of these Kharosthi scrolls and that the Library was facing calls for their return from the Government of Afghanistan, the Library met with the Deputy Head of Mission at the Afghan Embassy in November 2004 to set out the background to the British Library's acquisition of the scrolls with a view to opening a dialogue with the Government of Afghanistan on the issues raised. I have attached a copy of the letter sent to Dr Abdul Wahab following, what was, a constructive meeting. To date the Embassy has not yet taken up the Library's offer to inspect the manuscripts *in situ*.

British Library documents

The covering letter supplied with the documents notes that ‘there appears to be no substantive contemporaneous documentation relating to the authorisation by the Library’s senior management of the acquisition’ or ‘to the provenance checks that were undertaken at the time’. The letter also notes that the BL’s interpretation of two exemptions in the Freedom of Information Act has caused several items of information to be redacted from the documents. The documents fall into two distinct groups. The first group dates from the period April to October 1994 and relates to the acquisition of the scrolls. The second group dates from August to November 1995 and relates to the negotiations that led up to the establishment of the joint British Library/University of Washington Early Buddhist Manuscripts Project (EBMP). A few miscellaneous documents were also supplied, including a letter written to the London embassy of Afghanistan in November 2004.

The earliest document is what appears to be an internal memorandum dated to 28 April 1994. It records that two pickle jars containing rolled-up birch bark scrolls had been deposited at the BL, followed by a further 11 jars containing similar scrolls. It also notes that discussions had taken place within the BL about the source of the scrolls and that concern had been expressed that the BL could ‘run into political trouble with illegally exported material’. Various unspecified telephone and verbal enquiries into the scrolls’ provenance had ascertained that they had probably been discovered in an inscribed pottery jar in Jalalabad, Afghanistan, and brought to the UK by a dealer (no name provided, henceforth Dealer 1). Once in the UK, the scrolls had been offered to another dealer (name redacted, henceforth Dealer 2), but the high asking price had caused him/her to refuse them. At a second meeting between the dealers, Dealer 2 had been alarmed at the damage caused to the documents over the intervening period — they had been soaked in some sort of liquid ‘consolidant’ and then packed in cotton wool in the pickle jars and sealed with brown adhesive tape. Dealer 2 had agreed to take two of the jars on approval to the BL, and subsequently the remaining 11. The BL then undertook tentative but ultimately successful conservation measures on scrolls from the first two jars.

A letter dated 9 May 1994 from the BL to presumably Dealer 2, though name and address have been redacted, asks if a donation agreement can be concluded. It also asks for a copy of a photograph of what remained of an earthenware pot carrying a Kharosthi inscription and confirmation that the pot would be part of the putative donation.

An internal e-mail exchange dated to 11 May 1994 seems to have decided the acquisition. The exchange repeated the account of provenance — the scrolls had been found in an earthenware jar carrying a Kharosthi inscription that had been dug up by a farmer near Jalalabad — but also noted that this account was simply what Dealer 2 had been told by another dealer, presumably Dealer 1, and that in fact the scrolls could have been found anywhere in Afghanistan, Pakistan or Tajikistan. This e-mail exchange also reveals that Dealer 1, who had brought the material to London, was Pakistani and at the time was doing regular business with Dealer 2. The advisability of accepting the manuscripts as a donation was discussed. Against acceptance was the fact that there were ownership claims outstanding against the BL by India and Pakistan for material in pre-1947 collections, and that in general the BL would not want to accept material that might have been smuggled out of an Asian country. In favour of acceptance it was argued that the prime consideration was to preserve the documents before they disintegrated further and to make them available to scholarship. The suggested solution was that, ‘in the interests of scholarship’, the BL should acquire the scrolls as a donation but be prepared to consider any future claims for restitution should it be clearly shown that they had been illegally exported.

An internal communication dated to 28 July 1994 reveals that Dealer 2 had bought the manuscripts from Dealer 1 for £10,000, and could not therefore afford to donate the material to the BL. Various purchase options were outlined. Subsequent documents make clear that because of their deficient provenance the BL was not prepared to purchase the manuscripts outright, but would be keen to acquire them as a donation from a benevolent third party ‘sponsor’.

A letter dated 11 August 1994 approaches a potential sponsor (name and address redacted, henceforth Sponsor). It describes the manuscripts as being in the hands of a ‘well-wisher’, and em-

phasizes the BL's concern that the manuscripts should be properly conserved and made available to scholarship. No mention seems to have been made in this letter of the uncertain provenance and doubts over title, though one sentence has been redacted.

An invoice for £10,000 (presumably from Dealer 2) dated 1 September 1994 and addressed to the BL records that 'I confirm that we have full title to sell these scrolls'. There is nothing in the documents supplied by the BL to suggest that any other documentary proof of title was received. The fact that the invoice was addressed to the BL makes clear that the BL must have bought the manuscripts with money donated by the Sponsor, and did not accept them as a gift after independent purchase by the Sponsor, as originally intended. This transaction seems confirmed by a letter of 14 September from the BL to the Sponsor acknowledging receipt of a cheque for £10,000 that had made the purchase possible. Thus what had originally been offered to the BL as a donation was ultimately acquired through purchase.

The first group of documents is concluded by a 'Note for the file' dated 2 October 1994. This note recognizes that 'acquisition of items without clear provenance is contrary to the BL's accepted good practice in carrying out its collection development responsibilities as a publicly-funded national cultural institution. It can only be justified in very exceptional cases.' It goes on to state that the acquired scrolls did constitute an exceptional case, because of their brittleness and their urgent need for conservation (noting again the damage that had been caused to the scrolls by their storage and transport in the pickle jars), together with the fact that they were already in London. The note also confirms that attempts made by the BL to establish the provenance of the scrolls had been unsuccessful, but that they must have come from either eastern Afghanistan or western Pakistan (the territory of ancient Gandhara). The note also makes clear that the BL had by then explained the problem of provenance to the Sponsor, and that the Sponsor would not demand the return of his/her money should a future claim on the material by a foreign institution or country require their restitution. In November 2004 the *Art Newspaper* revealed that the Dealer 2 was Robert Senior and that the Sponsor was Neil Kreitman (Bailey 2004).

The first document from the second group is an internal note appropriately entitled 'Kharosthi manuscripts: update'. It records a preliminary meeting that had taken place in July 1995 between BL staff, Professor Richard Salomon of the University of Washington and a name-redacted individual, presumably Dealer 2, about the possible research and publication of the manuscripts. A name-redacted sponsor had agreed to part fund the work if the University of Washington would be prepared to match his contribution. Other possible sponsors were also discussed. The note records that during Professor Salomon's stay a name-redacted person, again presumably Dealer 2, had donated a 'fourth clay pot', suggesting that three other pots had by then already been accepted by the BL. The issue of provenance was only briefly touched upon with mention of 'the vendor's reference to Jelalabad'.

Another possible clue to provenance is offered in a study proposal for the joint British Library/University of Washington EBMP dated 2 October 1995 where the pickle jars that originally contained the manuscripts were identified more precisely as 'Pakistan pickle jars'. A heavily redacted sentence in this document also records that the BL had received another donation allowing it to buy four clay pots that were probably contemporary to the manuscripts, and that the Sponsor had by then donated £18,500.

A minute dated 30 October 1995 of a visit to the University of Washington by BL staff to negotiate the terms of the proposed joint EBMP reveals that a name-redacted private sponsor had pledged £75,000 to the project. An undated document that was probably written about the same time notes that the project sponsor was the same sponsor who had supported the purchase of the scrolls. By 15 November 1995 the project had been agreed.

An internal memorandum of 29 March 1996 records that the BL had purchased 26 potsherds inscribed in Kharosthi from a name-redacted person, as well as something referred to as Pot 5, which was presumably a fifth pot thought to accompany the previous four.

As already noted, the letter accompanying the BL documents states that there appears to be no documentation on record at the BL relating to provenance checks. The simple reason for this absence might be that no real provenance checks were made. In several of the documents,

when concerns are expressed about deficient provenance the suggested course of action is to ask Dealer 2 if more information might be forthcoming. No other checks are mentioned. Clearly there are people who know more about the trading history of the scrolls than is generally admitted, Dealer 1, for example, who brought the manuscripts to Britain, but no attempt seems to have been made to interview them, or through them to make further enquiries in Pakistan.

British Library press release

On 26 June 1996 the BL issued the following press release announcing the establishment of the EBMP:

The British Library has acquired birch bark scrolls which are believed to be the earliest known Buddhist manuscripts. The Library was able to make the purchase with help from an anonymous donor.

The scrolls contain sixty fragments of about 25 texts from various parts of the Buddhist canon. They are written in Gandhari, the language of the ancient region of Gandhara (modern Afghanistan/Pakistan), an important centre of early Buddhism with links to East Asia along the Silk Route.

Birch bark is one of the most fragile mediums for writing on and the task of unrolling the scrolls was a delicate and complex one. The British Library's conservation experts at the Oriental and India Office Collections have now completed this work.

The scrolls are written in an ancient script 'Kharosthi' and Prof Richard Salomon, one of the world's leading Kharosthi experts, is leading a project to study the scrolls which he has described as being potentially 'the Dead Sea scrolls of Buddhism'.

The Early Buddhist Manuscripts Project has now been set up between the British Library and the University of Washington in Seattle — the British Library has digitised the birch-bark documents; and the university has created 2 post-graduate research assistantships to work on the project. There are plans for a series of publications over the next decade. The British Library has secured a further donation from the same source to support this research.

Preliminary publication

The first publication of the EBMP was the preliminary publication of the BL scrolls which revealed more about their nature and the circumstances of their acquisition (Salomon 1999). The material comprises between 21 and 32 fragmentary birch bark scrolls carrying Gandhari texts written in Kharosthi (Salomon 1999, 20). The BL had also acquired four inscribed clay pots (pots A–D) and 26 inscribed potsherds (Salomon 1999, 15). The scrolls had arrived at the BL in 13 glass pickle

jars, but it is thought that they might have been discovered inside one of the clay pots (pot D). The basis for this surmise is a photograph said to have been taken in 1993 that 'became available' after the BL purchase (reproduced as Salomon 1999, pl. 5). It was not revealed where the photograph was taken, how it was known to have been taken in 1993, nor how it 'became available', though it has since been said to have been taken by Japanese antiquities dealer Isao Kurita in 1992 in Peshawar (Matsuda 2000, 99). Nevertheless, although the photograph was most likely taken at a point of transit rather than at the point of discovery, it was taken as evidence that the scrolls had been discovered in pot D, though it was also accepted 'remotely' possible that the scrolls might have been placed together in the pot by the discoverer or a subsequent handler (Salomon 1999, 21).

No other evidence relating to findspot or find constitution was forthcoming. It is not certain that all or any of the pots were found together, and indeed from the inscriptions on pots B and C it seems that they were discovered at different sites (Salomon 1999, 153). After full consideration and evaluation of all the information made available to him, Salomon's tentative verdict on provenance — and he was careful to say that it is provisional — was that the scrolls probably originated in a Buddhist monastery located on the Jalalabad Plain in eastern Afghanistan, possibly in the neighbourhood of the village of Hadda (Salomon 1999, 20, 83, 177, 181).

Discussion

The archaeological case for not acquiring and studying unprovenanced artefacts is based upon two arguments. First, the artefacts' reliability and value as historical documents are hopelessly compromised by the destruction of contextual relations and associated material that their unrecorded extraction has caused. Second, their acquisition and study will create or sustain a market conducive to further unrecorded and destructive excavation. Thus any knowledge gained through the acquisition and study of unprovenanced material is inherently unreliable and outweighed by the loss to knowledge caused by the circumstances of its extraction and the consequences of its study. In the case of written materials, however, the first argument could lose some of its strength, as the artefact or document

might in itself contain historical or linguistic information whose reliability and value are not compromised by the absence of find context. The Rosetta Stone is the classic example. Thus when considering the acquisition of unprovenanced written material it would appear that there are two questions that need to be answered. First, does the intrinsic information contained in the document outweigh what has been lost through its excavation and trade? Second, is the acquisition likely to legitimize or otherwise promote a market in the material in question?

Non-specialists are not in a position to judge the historical or linguistic importance of the BL Kharosthi manuscripts, but it is hard to escape the impression that they are in fact a bit of a disappointment. In the BL's June 1996 press release reproduced above, Salomon was quoted as saying that he thought the scrolls might potentially be 'the Dead Sea scrolls of Buddhism'. An internal BL document dated 18 October 1996, however, was less optimistic, suggesting that 'they are unlikely to revolutionise Buddhist studies in the way the Dead Sea Scrolls pushed back the date of a Hebrew bible and enabled the reconstruction of the pre-Christian history of Palestine'. This downbeat assessment was later echoed by Salomon, when with the benefit of preliminary study he stated that 'The survey of the new fragments carried out to date ... has revealed nothing that is startlingly at odds with early Buddhist doctrine as previously understood, nor is there much reason to expect that further analysis will turn up anything that will be' (Salomon 1999, 9).

But if it is hard to assess the real significance or importance of the scrolls, it is no easier to ascertain what material damage might have been caused by their recovery and trade. It is clear that the scrolls were damaged by their transfer into the pickle jars and during their subsequent transport. Another photograph said to have been taken in 1993 of a fragment out of pot D showed several lines of text that no longer survived when the fragment was studied after its acquisition by the BL (Salomon 1999, 21, pl. 6). There was also a large amount of 'debris' recovered from the jars, said to be significant for study of two of the scroll fragments (Salomon 1999, 52). It was also discovered, however, that the scrolls had probably already suffered damage before being buried in pot D, so it was not possible to ascertain from the

surviving fragments what had been lost prior to original deposition, and what had been lost since (Salomon 1999, 70). Some idea of what might have been lost during their excavation can be gained from an interview conducted by the NRK programme with a shepherd near the Pakistani town of Gilgit. He told of the devastation caused on the ground by one gang of looters who had visited his area looking for ancient manuscripts — pots were broken into pieces to retrieve manuscripts and more than 500 manuscript fragments were left behind scattered on the ground (Lundén 2005, 5). No doubt this scenario has been repeated at many sites in Afghanistan, including wherever it was that the BL scrolls were discovered. It is impossible to estimate how many manuscripts have been destroyed, or what archaeological and architectural damage accompanied their extraction. The Buddhist site of Hadda itself and its museum are said to have been destroyed by a combination of fighting and looting in the 1980s (Lee 2000). The Buddhist literature and the monastic landscape of Gandhara have no doubt both suffered grievously during the hunt for saleable manuscripts, but just how grievous the damage actually is will only become clear when the political situation normalizes and it becomes possible once more for archaeological projects to work in the area and to assess the damage.

In its statement the BL does not address archaeological concerns about the destruction of context and material or about the economic nexus of its acquisition. Instead the acquisition is justified by reference to the so-called 'rescue argument' — the scrolls would have disintegrated if the BL had not moved to acquire them, and as a positive result of the BL's intervention they have now been expertly conserved and made available to the scholarly community. No assessment is made of what damage might have been caused by the initial recovery and subsequent trade of the scrolls, nor of the effect on the market of their acquisition, or of how scholarship may have suffered in consequence. The BL develops the rescue argument further in a letter dated 22 November 2004 to the Afghan Embassy in London that makes reference to the BL acting in a 'world stewardship' role by providing a 'safe haven' for the manuscripts. These are concepts that are glaringly absent from the new DCMS due diligence guidelines for museums, libraries and archives on

collecting cultural material (DCMS 2005). The basic principle underpinning these guidelines is clear. Museums (including libraries) should only acquire material if it is legally and ethically sound (DCMS 2005, 4). While these guidelines have no retrospective force it is clear that in future the BL should not use the 'rescue argument' as a justification for acquiring any material with such a dubious provenance.

The BL statement also reveals an interesting ethical twist of the rescue argument when it describes Dealer 2, who mediated the acquisition, as 'reputable'. It seems a curious use of the term to describe a dealer who approached the BL with material he believed to have been smuggled out of Afghanistan, but when the dealer is considered to have taken part in a 'rescue' his reputation remains intact and is even enhanced.

The most controversial allegation of the NRK programme, however, was that the BL acquisition triggered off a campaign of looting in Pakistan and Afghanistan. The allegation was based on the testimony of a London-based Pakistani smuggler, who claimed that when manuscripts were first discovered in Afghanistan, it was not certain that there was a market for them. In the past looters had been intent on recovering sculpture and artefacts for the 'art' market, and manuscripts were something new. He maintained that this situation changed after the BL acquisition when manuscripts had come to be targeted too. The NRK allegation can probably never be verified, though there is independent confirmation that the BL's acquisition prompted the Norwegian collector Martin Schøyen to start assembling his several thousand Buddhist manuscripts including 238 fragments written in Kharosthi script (Matsuda 2000, 99).

It is clear that the BL manuscripts probably comprised the first large collection of its kind to appear on the market in recent times. With the exception of a single manuscript that was discovered in 1892, at the time of their acquisition the BL scrolls constituted the only known corpus of Gandharan Buddhist literature. Since then, a lot more material has appeared, including the Schøyen collection, and, interestingly, the so-called Senior collection of 24 birch bark scrolls or scroll fragments also in Kharosthi script. These scrolls are the property of Robert Senior and are said to have been found inside an inscribed clay pot that may have been discovered in or

around Hadda, although the exact provenance is unknown (Salomon 2003, 73–4). On its website, the EBMP estimates that the amount of material it has available for study has 'approximately tripled since the project began in 1996'.

But the fact that the BL collection was acquired before those of Schøyen and Senior and apparently heralded a flow out of Afghanistan of Gandharan manuscripts does not in itself prove that the BL created the market. As noted above, archaeological sites around Hadda were looted in the late 1980s, and if manuscripts first began reaching Britain soon after that time they might have been sold anyway without the BL's acquisition. Nevertheless, for some collectors and institutions the BL must surely set a legitimizing example, and if it had acted firmly when first offered the scrolls by publicly rejecting their acquisition and denouncing the illegal removal of manuscripts from Afghanistan, it would surely at least have exerted a dampening effect on the market. By failing to take such timely and decisive action it is probably true to say that the BL is at least partly responsible for what presently seems to be a buoyant market in smuggled manuscripts.

Another worrying consequence of the BL's acquisition might be its role in the establishment and continuing support of the EBMP, which has now turned into a small academic industry for processing unprovenanced manuscripts from Afghanistan or Pakistan. While the scholarship and industry of the EBMP are beyond reproach, it appears to be working in an ethical vacuum. Its website claims that the project has 'placed the highest priority on publishing the manuscripts as quickly as possible without compromising appropriate scholarly standards', but nowhere is there any consideration of the ethical implications or material consequences of studying material that has in all probability been removed illegally out of Afghanistan.

It is not clear what involvement the BL currently has with the EBMP, and whether it is continuing to provide financial or expert support. It is known that the so-called Senior collection which is being studied by the EBMP was conserved at the BL (Salomon 2003, 74), presumably sometime after 1994, though it has not been made public whether this was a commercial arrangement or in any way connected to the BL's acquisition of its own scrolls. It is now

government policy in the UK that libraries should not acquire or borrow material that has been illegally excavated or illegally exported since 1970 (DCMS 2005, 4)¹, and if the BL is continuing to support the trade in such material by contributing money or expertise to the EBMP, or facilitating such support, it should stop immediately.

As a result of the NRK programme, in November 2004 the BL approached the Afghan Embassy in London and indicated that it would be prepared to return the scrolls to Afghanistan if the Afghan government could 'evidentially substantiate' a claim for restitution. But it is clear that for the purposes of scholarship the BL and the EBMP have already been happy to accept an Afghan provenance. The BL is wrong to claim in its statement that the current scholarly position is that there is no reliable information available as to the provenance of the scrolls. The Salomon quote the BL statement provides is incomplete. The complete relevant section of text is as follows:

No reliable information is available as to the circumstances, location, and date of the discovery of the manuscripts and associated materials. This is highly regrettable, as the loss of a proper archaeological context seriously diminishes their scholarly value. To a certain extent, however, this damage can be undone, since some of the missing information can be partly reconstructed through comparative research. A few of the relevant points concerning this are introduced briefly in this section, and these issues are discussed at greater length in the relevant places in the following chapters.

As to the original provenance of the jars and scrolls, oral reports, received indirectly, suggested that they had come from Afghanistan. Although such reports are by no means necessarily reliable, subsequent analysis of these relics has confirmed that they are very likely to have come from eastern Afghanistan. The abundant Buddhist stupa sites in the Jalalabad Plain (the ancient Nagarahara) and particularly those in the neighbourhood of the village of Hadda have yielded many specimens of both inscribed jars and Buddhist manuscripts in Kharosthi script that seem closely to resemble the new materials, although few of the former and none of the latter have ever been properly published. Thus, as will be discussed in sections 3.2 and 3.4, the new relics can be presumed to have come from somewhere in this region, possibly from the Hadda area itself. Given the difficult conditions that have prevailed in this area for many years and continue to do so as of this writing, it has been impossible to investigate the matter on-site or even to obtain any kind of reliable information about it, so that for the foreseeable future at least, we must be content with this circumstantial but highly probable hypothesis.

Thus the current scholarly position is that it is highly probable that the scrolls came from Afghanistan and indeed they are currently listed on the EBMP's website with a 'Hadda' provenance. The government of Afghanistan should not be asked to 'evidentially substantiate' what has already been accepted for the purposes of scholarship, and the BL should start negotiations now to arrange for the return of the scrolls to Afghanistan when conditions permit, or at least as an interim measure to transfer title.

The looting and destruction of archaeological sites are now common accompaniments of modern warfare, and the fate of cultural material from war zones that is thrown up on the international market, particularly the fate of written materials such as the Buddhist manuscripts from Afghanistan that are the subject of this paper, continues to pose problems for the international community. The BL chose to 'rescue' the Kharosthi manuscript fragments by buying them, but it has since been criticized for that decision on the grounds that its purchase might have exacerbated an already parlous situation.

The archaeological perspective developed during this paper is that it cannot be known what has been lost to scholarship as a result of the scrolls' extraction and trade and thus the value of what has been 'saved' by their acquisition cannot be judged. But there is also a public security dimension. The NRK programme alleged that one Pakistani antiquities dealer then living in London had in the past dealt in guns and drugs and had subsequently maintained contacts with the Taliban regime, exchanging weapons for artefacts (Omland in press). Links between artefact looting and the mujahideen and other armed groups in Afghanistan have been known since at least the mid-1990s (McGirk 1996; Lee 2000), 'most notably in the east near the Hadda museum' (Dupree 1996, 47), and it has since been claimed that within Afghanistan the purchase and subsequent sale abroad of looted antiquities is being used to launder drugs money (Kluyver 2001). To be fair, back in the early 1990s the BL was probably unaware of these possible connections between the drugs, weapons and antiquities trades, but unfortunately today when considering an acquisition of unprovenanced material the exercise of due diligence must extend beyond ensuring the legitimacy of an object to investigat-

ing the affiliations of dealers and the destination of any money that may change hands. It is not clear from the documents supplied by the BL if the name of Dealer 1 is known to them, whether he might be the same dealer identified in the NRK programme, or if the BL is aware of who his principals might be in Pakistan and Afghanistan.

The BL has consistently defended its acquisition of the scrolls by claiming to have acted in the interests of scholarship. But there are scholars interested in subjects other than Buddhist literature, subjects that are arguably more socially relevant. The cultural and material damage caused by the extraction of the scrolls and the legal, economic and social contexts of their trade and reception are all legitimate areas of study for archaeologists, sociologists, criminologists and lawyers, and by failing to enter into a full and open debate about the circumstances of their acquisition the BL has in effect helped to stymie scholarship. If the resources that have been expended on the conservation and study of Buddhist manuscripts recently moved out of Afghanistan had been used instead to investigate their trade, the interests of scholarship and of the public would both have been better served.

Note

1. The British Library is recommended in the DCMS guidelines as a source of specialist advice on the issue of due diligence despite its reluctance to engage in discussion about the acquisition of the Kharosthi manuscript fragments.

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In the News

JENNY DOOLE

Robert Hecht and the Getty

On the 16 November 2005 in Rome, antiquities dealer **Robert Hecht** and J.P. Getty Museum curator **Marion True** were charged in court with **conspiring to receive stolen art** and, in the case of Hecht, with the **illegal export of antiquities**. The charges arise out of evidence obtained during the investigation of Italian antiquities dealer **Giacomo Medici**, who was himself convicted in December 2004

of receiving and illegally exporting stolen antiquities ('In the News', *CWC*, Issue 16). The court reconvened in December and dates were set for further proceedings in 2006 (M. Lufkin, 'Ex-Getty antiquities curator appears in Italian court', *Art Newspaper*, December 2005). The trial itself, however, was largely overshadowed by the associated media furor as internal Getty documents and evidence produced in court during the trial of Medici were made available to the press, including a handwritten 'memoir' of Robert Hecht, seized during a raid on his Paris apartment in 2001.

In September 2005, the *Los Angeles Times* gained access to hundreds of pages of what