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# The 'Art World' of the Auction Houses: The Role of Professional Experts

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**Abstract:** Auction sales of unprovenanced, likely stolen, cultural objects continue to generate controversy. But while auction houses can appear to be relatively passive agents in the sales process, providing a platform for bringing together buyers and sellers, in reality their business practices are more complex. With reference to three recent disputed auctions of cultural objects, this paper explores in more detail the 'art world' of auction house business practices, exploring in particular the central role of professional experts in supporting auction sales and the legal and ethical implications of their involvement.

**Keywords:** antiquities; auctions; Bonhams; Christie's; Sotheby's; Syria; Turkey; Cambodia

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## 1. Introduction

In this paper, I look at three cultural objects of disputed ownership that have been offered for sale by auction houses, and ask what can be learned from them about auction house business practices, about how those practices are situated within a larger 'art world', and in particular about how that art world embroils and otherwise benefits from the participation of scholarly and other professional experts. To trade outsiders such as myself, auction houses can appear to be to be passive enablers: offering space and expertise for buyers and sellers to come together and agree price at public auction (Brodie n.d.). Perhaps they once did fulfill such a function, but in the twenty-first century it is obvious they are active commercial agents, in business to increase profits for their owners or shareholders, and their activities in pursuing that goal extend far beyond passive enabling. Sotheby's, for example, is probably representative when it describes its business model as follows:

Through its Agency segment, Sotheby's accepts property on consignment, stimulates buyer interest through professional marketing techniques, and matches sellers (also known as consignors) to buyers through the auction or private sale process.

Prior to offering a work of art for sale, Sotheby's specialists perform significant due diligence activities to authenticate and determine the ownership history of the property being sold (Sotheby's 2014, p. 3).

Thus, in addition to simply holding auctions, Sotheby's is actively engaged in attracting buyers by 'employing professional marketing techniques' and is employing 'specialists' to foster customer confidence by investigating through 'significant due diligence' the legitimacy and authenticity of objects offered for sale. These 'specialists' are central to the auction process, and are brought in when the necessary expertise is not available in-house. The other large auction houses do not publish annual reports, and so their business practices cannot be directly compared, but are likely to be similar.

In what follows, I examine auction house business practices more closely using information made available through scholarly publications, police investigations, court cases and media coverage following the sale or attempted sale of three disputed objects. The quality and quantity of available

information are unusually good for these particular objects, offering unique insights into auction house practices. The moments of crisis have made visible what is normally kept invisible. The objects have been chosen deliberately from sales at the three major auction houses of Sotheby's, Christie's and Bonhams. From presentation of these case studies, I consider what auction house business practices reveal about the social production of art and by extension cultural objects (Wolff 1981) within a broader 'art world' (Becker 2008) or 'art system' (Alsop 1982). The actors and agencies of the art world act culturally to create and sustain consensual belief in the symbolic (including aesthetic) qualities and values (including monetary) of cultural objects, and socially and materially to construct and maintain the market for their exchange. I explore how scholarly and other professional experts are caught up, unwittingly or not, in the art world of the auction houses, and express some concerns about the material, legal and ethical implications of their involvement.

## 2. Case Studies

### 2.1. *The Stele of Adad-nerari III*

Christie's New York described lot 491 in its 13 June 2000 'Antiquities' sale as a 'Neo-Assyrian stele of Shamsi-Adad V 824–811 BC', with a provenance 'Inherited from owner's father in 1960s'. The object is a large, rectangular, stone piece, 137.5 cm high and weighing 930 kg, comprising the lower half of a stele. The front of the piece is decorated with a carved relief of the king, broken off at the waist, and overwritten by 12 lines of cuneiform text. There are a further 25 lines of cuneiform text down its left-hand side. The catalogue description included previously unpublished translations of both texts, which assigned the stele to King Shamsi-Adad V. The name(s) of the scholar(s) responsible for the translation was not provided. The stele half failed to sell.

In 2012, a university Assyriologist published an authorized translation of the stele texts, in which she declared the lower half to be in a private collection in Geneva (Radner 2012). She assigned the piece to Adad-nerari III (810–783 BC), confirmed that it had first come to public notice at the Christie's 2000 sale, and identified a joining fragment from the top half of the stele, which had been in the British Museum since the nineteenth century. Hormuzd Rassam had discovered the British Museum fragment in 1879 at Tell Sheikh Hamad in what is today eastern Syria. Rassam reported at the time his belief that the lower part of the stele (the part offered in 2000 at Christie's) remained buried at the site (Radner 2012, p. 266). The Assyriologist reported that German excavations at Tell Sheikh Hamad from 1978 to 1988 had discovered no evidence of large-scale illegal digging, so she believed the piece offered by Christie's must have been removed earlier, perhaps during the 1960s (Radner 2012, p. 269).

The lower half of the stele was next scheduled for auction as lot 99 in the 3 April 2014 Bonhams 'Antiquities' sale. The catalogue entry made extensive use of the Assyriologist's paper, describing the piece as 'A monumental Neo-Assyrian black basalt royal stele of Adad-nerari III of Assyria Circa 805–797 B.C.', with a provenance 'Private collection, Geneva, Switzerland, given as a gift from father to son in the 1960s'. The catalogue entry further noted that the German excavations had found no evidence of looting at Tell Sheikh Hamad in 1978, and that presumably the stele had been removed before the commencement of excavations there in 1975.

London's Metropolitan Police seized the lower half of the stele prior to auction (Sawyer 2017). What prompted the police action has not been made public, though it might have been in response to Syrian protests (Kanaan 2014). One unconfirmed report suggests that in September 1999, Hartmut Kühne, who had directed the German excavations at Tell Sheikh Hamad, provided photographs to the Syrian Director-General of Antiquities and Museums of some large looting pits that had appeared on top of the site mound earlier the same month (Lamb 2014). This report is hard to reconcile with the Assyriologist, however, who quoted a personal communication from Kühne that since 1978 he had never noticed evidence of illegal digging of the 'necessary large scale' (Radner 2012, p. 269).

In January 2017, the purported owner of the stele revealed himself as Geneva-based Lebanese antiquities dealer Halim Korban, when he commenced legal action against the Metropolitan Police in an attempt to recover possession (Sawyer 2017). It was reported at the same time that the police had charged Geneva-based dealer Emile Chayto with fraud for falsely representing the provenance

of the stele to disguise its theft and illegal export from Syria (Sawyer 2017). The relationship between Chayto and Korban was not made clear, though presumably Chayto consigned the stele for sale on behalf of Korban. It has not been reported whether charges were pressed against Chayto, nor has it been reported that any charges were made against Korban.

The lower half of the Adad-nerari III stele had not been published or seen publicly until its appearance in the June 2000 Christie's catalogue, where it was accompanied by a translation. This text could not have been taken from a translation published prior to consignment, or else the Assyriologist would not have obtained permission subsequently to conduct her own definitive study in 2012. The translation published in the Christie's catalog must have been made by a specialist in cuneiform inscriptions employed by Christie's, perhaps on a consultancy basis. The identity of the specialist has never been revealed.

The Assyriologist is a university scholar who conducted her research on an object of unknown provenance and uncertain find spot, and agreed to keep the owner's name out of her publication. Her identification of the match with the fragment in the British Museum was important for establishing the find spot of the stele, and enabling Syrian claims. But her work was used extensively in the Bonhams catalogue for promoting its sale of the stele, and by protecting the owner's anonymity, she has hindered efforts to reconstruct its recent trading history. It is not known whether she was working with Chayto, Korban, or another yet-to-be-named intermediary.

Bonhams' due diligence was either limited or secretive. The catalogue description reveals only what the Assyriologist had published previously in her paper. If Bonhams knew the identities of Chayto and particularly Korban, it did not publish them. The omission of Korban is particularly notable, as he had been involved in marketing the so-called Sevso Treasure (Brodie 2014, p. 5). Appropriate due diligence should uncover all circumstances of a transaction, including the 'character of the parties' (Prott 1997, p. 48). The inclusion of Korban's name in the catalogue would have been a red flag for many good faith buyers, and its omission by Bonhams, for whatever reason, was good for business, but not for preventing the sale of a potentially suspect object.

## 2.2. *The Orpheus Mosaic*

This mosaic was offered for sale on 9 December 1999 as lot 388 of the Christie's New York 'Antiquities' auction. Measuring 164 cm by 152 cm, it carries a central depiction of Orpheus seated playing his lyre and surrounded by animals. It was described in the catalogue as 'A Roman Marble Mosaic. Eastern Mediterranean, 204 AD'. No provenance was provided. The mosaic carries two short Aramaic inscriptions, and the catalogue entry included translations by two named specialists. An Internet search conducted in 2015 suggested that in 1999 at the time of the sale they had probably both been graduate students. The mosaic was bought by the Dallas Museum of Art for 85,000 USD.

At the time of the sale, Turkish authorities were aware of the mosaic and its probable origin in the Edessa (modern Şanlıurfa) region, but their enquiries addressed to Christie's about the identity of the purchaser were rebuffed, with the auction house asking for evidence of illegal export before complying with the request (Kuşseven and Yılmaz 2014, p. 137). Then, in 2006, a university epigrapher published the authorized translation and interpretation of the inscription (Healey 2006), where he identified the Dallas Museum of Art as owner. In 2008, an article in the Turkish magazine *Aktüel Arkeoloji* mentioning the epigrapher's paper caused the Turkish authorities to re-open their investigation (Kuşseven and Yılmaz 2014, p. 137). In 2012, they recovered some photographs of the mosaic in situ, which had been developed in 1998, taken by thieves before they removed it (Kuşseven and Yılmaz 2014, p. 140). The in situ photograph showed how the main figural panel of the mosaic had been detached from its framing decorative border, which presumably was left in the ground or destroyed (Kuşseven and Yılmaz 2014, p. 138, Figure 4, p. 140, Figures 6 and 7). Upon being presented with this new evidence of origin, on 29 November 2012, the Dallas Museum voluntarily deaccessioned the mosaic and returned it to the possession of Turkey, where it arrived back on 6 December 2012 (Kuşseven and Yılmaz 2014, p. 140).

The Christie's catalogue description said nothing about the mosaic's provenance. Yet if the 1998 in situ photograph dates the mosaic's extraction, less than two years would have passed between its

theft and subsequent sale at Christie's. It must have been fresh to the market, with little in the way of convincing documentation of previous ownership. Again, as in the case of Bonhams with the Adad-nerari III stele, Christie's due diligence was either very limited or else its results were kept secret.

There are other parallels with the case of the Adad-nerari III stele. In the first place, as it would again in 2000 for the stele, Christie's benefited from the input of scholars when preparing its catalogue entry. Again, as in the case of the Christie's catalogue entry for the mistakenly attributed Shamsi-Adad V stele, the scholars in question did not officially publish the inscriptions; that work fell to the epigrapher once the mosaic was in the possession of the Dallas Museum. The epigrapher's translation seems to have alerted the Turkish authorities by way of the *Aktüel Arkeoloji* article to the whereabouts of the mosaic. The Dallas Museum's acquisition of the mosaic had been publicly reported in the museum's annual review for 1999–2000, and it had been on display at Dallas since 2000. But it is unrealistic to expect staff of the Turkish Ministry of Culture and Tourism to be actively monitoring all foreign-language publications and museum displays for evidence of objects stolen from Turkish territory. Perhaps like the Assyriologist's publication, the epigrapher's was instrumental in prompting the identification of a potentially stolen object.

### *2.3. Auction House Specialists: The Fundamental Importance of Scholarly Expertise*

The examples of the Adad-nerari III stele and the Orpheus mosaic illustrate two types of involvement with auction houses for specialists with scholarly expertise. First, preparing catalogue entries for previously unpublished material might be characterised as direct or active involvement—actively helping the auction house to market previously unpublished or unknown material. Second, studying and publishing poorly provenanced material might be characterised as indirect or passive involvement—information provided in the publication can subsequently be used by an auction house to help market material.

Both types of involvement are subject to ethical and legal considerations. Direct involvement can entail participating in the marketing of stolen or illegally-traded material, as was shown to be the case with the catalogue description for the Orpheus mosaic, and suspected to be the case for the attempted Christie's sale of the Adad-nerari III stele. It is hard to see how such involvement might be justified as being for the public good, as the translations presented in the catalogues are not considered definitive and were soon superseded by authorized work. In the case of the Adad-nerari III stele, the catalogue attribution of Shamsi-Adad V was shown to be wrong. Nor would these scholars receive professional credit for non-definitive translations. In fact, the only reason for them becoming involved seems to be for private gain. Such action is proscribed by most codes of professional ethics. Article B.10 of the American Schools of Oriental Research (ASOR) April 2015 Policy on Professional Conduct, for example, requires that ASOR members should 'refrain from activities that contribute directly or indirectly to the illicit markets for antiquities and to the value of artifacts in such markets through their publication, authentication, or exhibition' (ASOR 2015). Furthermore, direct involvement with the marketing of unprovenanced and potentially stolen material would seem to render scholarly specialists vulnerable to criminal prosecution alongside the auction house and other suspect parties should such a circumstance ever arise (Ulph and Smith 2012, pp. 109–11).

The ethical accounting of indirect involvement is more finely balanced. For both the Adad-nerari III stele and the Orpheus mosaic it was the authorised publication that alerted concerned authorities to the existence or location of the object in question, and in the case of the stele the publication determined its find spot. Thus the publications contributed to the decisions made by the Metropolitan Police to seize the stele and the Dallas Museum to return the mosaic to Turkey. But by not enquiring too closely about provenance, neither scholar contributed much to knowledge of previous ownership and trading history, thereby obstructing further investigation and by extension scholarly research into the nature of illicit trade. Nevertheless, the publications seem broadly in accord with Article E.3 of the April 2015 ASOR Policy on Professional Conduct which states that 'authors of publications or presentations should identify clearly any artifact that lacks an archaeological find spot in a prominent manner in the text of the publication and the caption of its illustration'. But the Assyriologist was

employed by University College London (UCL) when she studied and identified the Adad-nerari III stele in November 2012. Three years earlier, in June 2009, UCL had adopted its Cultural Property Policy to guide scholars when engaging with cultural objects. For collaborative publishing projects, the Policy notes that scholars should be ‘mindful of the reputational risks, both to them as individuals and to UCL as an institution, that arise from working with material of questionable provenance’ (UCL 2009, para. 6.1). It asks that scholars should give consideration as to whether:

- (i). [the] cultural property would be likely to be acceptable for acquisition under the due diligence principles in para 5.2 above;
- (ii). it has been in a public collection since before 1970;
- (iii). it is in private ownership, it is well-known and is not subject to any claim relating to illicit export or spoliation;
- (iv). the collaborators would include, or would be acting on behalf of, a competent authority of a nation that has a legitimate interest in respect of the property; or ...

The paragraph goes on to state that:

Where none of these circumstances apply, or where there is doubt, the presumption should be that the scale of reputational risk would be so great that participation in the collaboration would be imprudent.

The due diligence principles referred to include a stipulation that a scholar should ensure that an object has not been exported illegally from its country of origin. The Assyriologist does not discuss the Cultural Property Policy in her paper, and arguably the stele was ‘well-known’ since its appearance in the 2000 Christie’s catalogue, but there is nothing to suggest that the Assyriologist saw any documentation confirming legal export, or involved a competent authority of a concerned nation, which in this case would have been the Syrian Directorate-General of Antiquities and Museums.

Indirect involvement through authorised publication would not attract criminal investigation, but there is a possible complication relating to intellectual property. Both the Assyriologist and the epigrapher conducted their research and publication with the permission of the respective object’s possessors. This reflects established practice whereby access to ancient texts for study and publication is within the gift of the owner of the text-bearing object—in these examples the ‘Geneva collector’, who turned out to be an antiquities dealer (Adad-nerari III stele), and the Dallas Museum (Orpheus mosaic) (MacQueen 2001, pp. 102, 104). The scholar then creates intellectual property in the form of copyright protected publications and draws professional credit from the moral right of authorship. But it is an open question whether intellectual property can be created in stolen property or should be recognised professionally. It remains to be ascertained legally and ethically to what extent copyright and moral right can flow from work conducted on texts without permission of the legitimate owner, or whether professional credit should be drawn from research permitted by an unlawful owner.

The Assyriologist noted that her research into the stele had been supported by the United Kingdom’s Arts and Humanities Research Council (Radner 2012, p. 265, note 1), highlighting once again the issue of public funding for the study and possible commercialization of objects in private collections (Brodie 2016), and how the ‘professional marketing techniques’ of auction houses have deep roots that can ultimately draw sustenance from the public purse.

#### 2.4. *The Prasat Chen Duryodhana*

The final object to be discussed is the sandstone statue of the Hindu warrior Duryodhana which appeared as lot 27 in the catalogue of the Sotheby’s New York March 2011 ‘Indian and Southeast Asian Art’ sale. It was described as ‘Athlete, sandstone, Khmer, Koh Kher period’, with a provenance ‘Spink & Son Ltd., London, 1975’. The accompanying text was written and signed by a museum researcher, another example of the active involvement of a scholarly specialist, in this case a museum-based one. Cambodian authorities believed the statue to have been looted from the temple of Prasat Chen at Koh Ker, where its feet are still visible *in situ*, sometime in the early 1970s (Davis 2015;

Hauser-Schäublin 2016). Complaints made by Cambodia to Sotheby's and the US State Department caused the sale of the statue to be halted, and US Immigration and Customs Enforcement (ICE) opened an investigation (Mashberg and Blumenthal 2012). Acting on behalf of Cambodia, ICE challenged Sotheby's in court over ownership of the statue (Mashberg 2013; USA 2012), and the discovery process caused some Sotheby's internal e-mails and other documentation related to the proposed sale of the statue to be released into the public domain. In December 2013, Cambodia and Sotheby's reached agreement whereby the statue would be returned to Cambodia rather than to the consignor (Mashberg and Blumenthal 2013; USA 2013a). It arrived back in Cambodia in June 2014.

The e-mails contain important information about different aspects of Sotheby's business practices (see Supplementary Materials). First, an e-mail dated 19 May 2010 records that Sotheby's retained an 'art advisor to major Level 1 clients' who was a curator at a major New York art museum and a professor at a New York college. A 'Level 1 client' saw the statue at a Sotheby's exhibition, and asked the museum-based specialist advisor to conduct 'research/groundwork' on the client's behalf (this was ten months before the final auction date). Apparently, the client was keen to establish that the statue had been exported from Cambodia prior to 1970. (In 2008, the Association of Art Museum Directors had agreed that member museums should only acquire objects with a provenance that could be traced back to before 1970. Perhaps the client was using that guideline as an ethical standard).

A following group of e-mails through May and June 2010 records Sotheby's attempts to obtain a statement of pre-1970 provenance from a collector resident in Thailand. An e-mail dated 21 May directs the company's London head of Indian and Southeast Asian Art to ask the collector 'to sign to say he had it in 60s before he sold it through Spinks in 75'. The collector was not so biddable, however, finally replying on 1 June 2010 that 'I had the Guardian figure on reserve from Spinks in 1970 by [sic] never actually bought it'. Presumably Sotheby's was not able to establish a pre-1970 provenance to the satisfaction of the client, as the statue was eventually scheduled for public auction in March 2011.

Another set of e-mails relates to the authenticity of the Duryodhana. Doubts set in with an e-mail dated to 23 September 2010 reporting suggestions that the statue might be 'incorrect'. The opinion within Sotheby's was that the statue must be genuine because of the feet still in situ at Koh Ker, but that there might be some issues with the head. To calm doubts, Sotheby's called upon another specialist, asking an independent conservator to conduct tests on the statue. His report dated 17 February 2011 confirmed its authenticity.

The documentation also included a Powerpoint presentation about the Duryodhana prepared by the museum researcher (who also wrote the catalog entry). As part of its original pitch to the statue's owner for handling the sale, Sotheby's had offered that the Duryodhana would be the subject of a scholarly lecture (New York 2012). Presumably this Powerpoint was prepared in fulfillment of that offer for a lecture to an audience of prospective buyers, or 'clients'. Surprisingly, one Powerpoint slide states that the statue had been 'First seen at Spink & Son by your speaker in the late 1960s while visiting London'. If that was indeed the case, it is hard to understand why Sotheby's had previously tried to obtain verification of a pre-1970 provenance from the Thailand collector when a pre-1970 provenance was readily to hand. (US investigators subsequently claimed to have established that the statue was looted in 1972 (USA 2013b)). The Powerpoint also advised potential buyers 'Don't miss this chance to buy the best', and assured them that the Duryodhana would be 'Easy to live with. Buy it and turn the light on'. Clearly, for Sotheby's, the promised 'scholarly lecture' by a specialist was more of a sales promotion—or, as Sotheby's would have it, an exercise in matching sellers to buyers.

These e-mails and the Powerpoint presentation together document the active, direct involvement of two external specialists, one associated with a college and both associated with art museums, in the marketing of a piece of dubious provenance, together with the conservator who confirmed authenticity. The e-mail dated 19 May 2010 is important as it shows that Sotheby's maintains a network of professional 'advisors' whose job seems to be—somewhat bluntly—drumming up custom by attracting potential buyers. The curator concerned does not mention a Sotheby's association on his CV, which is available on the Internet. Perhaps he does not regard it as part of his proper professional practice, and sees it more as a personal or private arrangement. This e-mail also

shows how auction houses are not constrained to sell material by public auction, they also arrange private treaty sales between consignors and purchasers. Sotheby's Annual Reports show that on average the company derives something like eight per cent of its total sales commission from private sales (Sotheby's 2014, p. 3), though do not offer breakdowns so it is not possible to know what the exact percentage is for antiquities. It is also not possible to know what kind of object Sotheby's chooses to sell by private treaty. Presumably, as the example of the Duryodhana suggests, the more expensive pieces. But the suspicion and possibility remain that an auction house might also choose to sell objects with potentially unsettling provenances away from public view. Some evidence of that practice can be found in the released e-mails. On 1 June 2010, on the day the Thailand collector refused to provide a pre-1970 provenance, the museum researcher advised Sotheby's that 'I have been doing a little catchup research on Koh Ker, and do not think that you should sell the *Dvarapala* at a public auction. The Cambodians in Phnom Penh now have clear evidence that it was definitely stolen from Prasat Chen at Koh Ker, as the feet are still in situ' (New York 2012). After visiting Phnom Penh and making discrete enquiries about possible Cambodian reactions to its sale, she subsequently advised Sotheby's on 28 June 2010 that 'I think that Sotheby can therefore go ahead and plan to sell the Koh Ker Guardian, but perhaps not good to show or mention the feet still in situ at Koh Ker in the catalogue'. From the evidence of these e-mails and the Powerpoint, due diligence for Sotheby's appears to have been more concerned to create a provenance acceptable to potential buyers than to 'determine the ownership of the property being sold', warts and all. Like Bonhams with the Adadnerari III stele, it was good for business, but not for preventing the sale of a suspect object. And again, the marketing of the Duryodhana engaged a range of professional experts external to the auction house itself.

### 3. Conclusions

An auction can be conceptualized more as a social process than as an event (Geismar 2001), with an auction house actively reaching out to create a community of buyers, sellers and other knowledgeable agents, including and of interest here scholarly and professional experts. The three disputed objects offered for sale at auction and discussed here demonstrate clearly that auction house specialists include university and museum scholars, alongside independent technical experts, such as conservators and restorers, presumably being paid as consultants, or perhaps on retainer. These specialists are actively involved in the marketing process, as the Sotheby's statement of business practice suggests, whether through writing catalogue entries for previously unpublished and unseen objects of uncertain history, acting as intermediaries for auction houses and potential clients, restoring and authenticity testing, or even, in the extreme case of the museum researcher, helping to suppress uncomfortable information about provenance. Indeed, by identifying and authenticating objects and preparing descriptions and other promotional material the participation of these experts seems critical to the ongoing operation of the auction house and maintaining customer confidence in its sales and other practices. Such activities are ethically proscribed by all professional organizations, and might even put a specialist at risk of criminal prosecution should an object be shown to have been stolen. Specialists are, after all, in possession of expert knowledge and paid to advise auction houses accordingly.

Scholars who do not work directly for auction houses but who study and publish unprovenanced objects may find auction houses hijacking their work for marketing purposes, and find themselves unintentionally and indirectly involved in commerce. The possibility that intellectual property rights in their publications might be open to challenge when 'unprovenanced' objects are discovered to have been stolen remains to be explored. There is little evidence that directly or indirectly involved scholars are conducting due diligence in a way that would benefit buyers or dispossessed owners. If anything, the reverse seems to be the case. Unsavoury information about the histories of objects is either not sought out or deliberately suppressed. This timid approach to due diligence very much favors the financial interests of sellers against those of buyers and discounts the legal rights of lawful owners.

The occasion of auction instantiates the social processing of the actors and agencies that comprise the art world of auction houses. Situated as they are within that world, scholars and other professional experts seem unaware of or unconcerned by the commercially ramifying effects of their work, or the possibility of legal jeopardy or reputational harm. With those risks in mind, employing institutions and public funding bodies would do well to concern themselves with the functioning of scholarly and other professional experts in auction house business, and attempt to exert an insulating or ameliorating influence. Policies such as UCL's 2009 Cultural Property Policy are a good start, though as the case of the Adad-nerari III stele shows, such policies are only as good as their associated mechanisms of oversight and enforcement, which for UCL appear to be deficient. Without adequate enforcement, such policies will remain symbolic and have little material effect.

**Supplementary Materials:** E-mails relating to the Prasat Chen Duryodhana, including those discussed in this paper, are available online on Jason Felch's blog Chasing Aphrodite at <https://chasingaphrodite.com/2012/12/09/inside-sothebys-auction-house-response-reveals-key-players-in-fight-over-khmer-statue/> (accessed on 8 July 2018) and associated posts. They are also extensively quoted in the US District Court Southern District of New York complaint (USA 2012).

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## References

- Alsop, Joseph. 1982. *The Rare Art Traditions: The History of Art Collecting and its Linked Phenomena*. New York: Harper and Row.
- ASOR. 2015. American Schools of Oriental Research Policy on Professional Conduct. Available online: <http://www.asor.org/about/policies/conduct.html> (accessed on 15 April 2016).
- Becker, Howard. 2008. *Art Worlds*. Berkeley and Los Angeles: University of California Press.
- Brodie, Neil. 2014. Thinking some more about the Sevso Treasure. *Journal of Art Crime* 12: 3–12.
- Brodie, Neil. 2016. Scholarly engagement with collections of unprovenanced ancient texts. In *Cultural Heritage at Risk—The Role of Museums in War and Conflict*. Edited by Kurt Almqvist and Louise Belfrage. Stockholm: Axel and Margaret Ax:son Johnson Foundation, pp. 123–42.
- Brodie, Neil. n.d. Through a glass, darkly: Long-term antiquities auction data in context. *International Journal of Cultural Property*. in press.
- Davis, Tess. 2015. The lasting impact of United States vs. Cambodian Sculpture. In *Countering Illicit Traffic in Cultural Goods*. Edited by France Desmarais. Paris: International Council of Museums, pp. 95–106.
- Geismar, Haidy. 2001. What's in a price? An ethnography of tribal art at auction. *Journal of Material Culture* 6: 25–47.
- Hauser-Schäublin, Brigitta. 2016. Looted, trafficked, donated and returned: the twisted tracks of Cambodian antiquities. In *Cultural Property and Contested Ownership*. Edited by Brigitta Hauser-Schäublin and Lyndel V. Prott. London: Routledge, pp. 64–81.
- Healey, John F. 2006. A new Syriac mosaic inscription. *Journal of Semitic Studies* 51: 313–27.
- Kanaan, Nadine. 2014. How the Saade Institute saved an Assyrian king. *Al-Akhbar English*, April 5. Available online: <http://english.al-akhbar.com/node/19295> (accessed on 15 April 2016).
- Kuşseven, Pinar, and Zülküf Yılmaz. 2014. Repatriating antiquities: the experience of Turkey. In *3rd International Conference of Experts on the Return of Cultural Property*. Edited by Suzanna Chouliia-Kapeloni. Athens: Archaeological Receipts Fund, pp. 135–44.

- Lamb, Franklin. 2014. A Syrian Victory at a Posh London Auction House? *CounterPunch*, April 9. Available online: <http://www.counterpunch.org/2014/04/09/a-syrian-victory-at-a-posh-london-auction-house/> (accessed on 15 April 2016).
- MacQueen, Hector L. 2001. Copyright law and the Dead Sea Scrolls: A British perspective. In *On Scrolls, Artefacts and Intellectual Property*. Edited by Timothy H. Lim, Hector L. MacQueen and Calum M. Carmichael. Sheffield: Sheffield Academic Press, pp. 99–115.
- Mashberg, Tom. 2013. Legal Tussle over Statue Turns Nasty. *New York Times*, September 13. Available online: <https://www.nytimes.com/2013/09/14/arts/design/legal-tussle-over-statue-turns-nasty.html> (accessed on 29 March 2019).
- Mashberg, Tom, and Ralph Blumenthal. 2012. Mythic Warrior Is Captive in Global Art Conflict. *New York Times*, February 28. Available online: <https://www.nytimes.com/2012/02/29/arts/design/sothebys-caught-in-dispute-over-prized-cambodian-statue.html> (accessed on 29 March 2019).
- Mashberg, Tom, and Ralph Blumenthal. 2013. Disputed Statue to Be Returned to Cambodia. *New York Times*, December 12. Available online: <https://www.nytimes.com/2013/12/13/arts/design/disputed-statue-to-be-returned-to-cambodia.html> (accessed on 29 March 2019).
- Prott, Lyndel. 1997. *Commentary on the Unidroit Convention*. Leicester: Institute of Art and Law.
- Radner, Karen. 2012. The stele of Adad-nē-rārī III and Nergal-ē-reš from Dūr-Katlimmu (Tell Šaiḫ Ḥamad). *Altorientalische Forschungen* 39: 265–77.
- Sawyer, Patrick. 2017. The Strange Case of the Ancient Assyrian Curse and the Commissioner of the Metropolitan Police. *Telegraph*, January 21. Available online: <https://www.telegraph.co.uk/news/2017/01/21/strange-case-ancient-assyrian-curse-commissioner-metropolitan/> (accessed on 29 March 2019).
- Sotheby's. 2014. Annual Report. Available online: [http://files.shareholder.com/downloads/BID/196686277x0x817588/A824E970-0B75-48F9-B835-EE7F28DC78F2/BID\\_2014\\_Annual\\_Report.pdf](http://files.shareholder.com/downloads/BID/196686277x0x817588/A824E970-0B75-48F9-B835-EE7F28DC78F2/BID_2014_Annual_Report.pdf) (accessed on 15 April 2016).
- UCL. 2009. *Cultural Property Policy*. London: University College London. Available online: [http://www.ucl.ac.uk/archaeology/research/ethics/docs/Cultural\\_Property\\_Policy\\_2009.pdf](http://www.ucl.ac.uk/archaeology/research/ethics/docs/Cultural_Property_Policy_2009.pdf) (accessed on 5 December 2018).
- Ulph, Janet, and Ian Smith. 2012. *The Illicit Trade in Art and Antiquities*. Oxford: Hart.
- USA. 2012. United States of America v. A 10th Century Cambodian Sandstone Sculpture, Currently Located at Sotheby's in New York, New York, Verified Amended Complaint. *United States District Court, Southern District of New York*, November 9.
- USA. 2013a. United States of America v. A 10th Century Cambodian Sandstone Sculpture, Currently Located at Sotheby's in New York, New York, Stipulation and Order of Settlement. *United States District Court, Southern District of New York*, November 9 and December 12.
- USA 2013b. Letter to Judge George B. Daniels, Southern District of New York. *United States Attorney, Southern District of New York*, September 11.
- Wolff, Janet. 1981. *The Social Production of Art*. New York: St Martin's Press.

