

Ancient Coins and the Cultural Property Debate

Introduction

Rick Witchonke

In the last issue of the ANS Magazine, we inaugurated a series on the ongoing debate regarding cultural property and its impact on numismatics. In that issue, Dr. Sebastian Heath provided the perspective of archeologists on these complex and contentious issues.

This issue features the comments of Mr. Peter K. Tompa, who presents arguments from the point of view of collectors of ancient coins. Peter is a practicing attorney who provides lobbying services and advice to the International Association of Professional Numismatists and the Professional Numismatists Guild. He has also represented the Ancient Coin Collectors Guild in litigation related to the import of coins from Cyprus and China. He has written a number of articles on these topics, and even authors a blog on the subject. He serves on the Board of the ANS, and has personally collected ancient coins for many years.

In the next issue, we will hear from Dr. Roger Bland, of the British Museum. Roger is a respected numismatic scholar and author of many books and articles on ancient coinage. Moreover, since the 1997 inception of the Portable Antiquities Scheme in England and Wales, Roger has been responsible for the administration of the Scheme, as well as Treasure Act. Thus, he is well-qualified to describe the English approach to these issues, and how successful this approach has been.

It Should Be About Conservation, Not Control: A Collector's Perspective

Peter K. Tompa

It seems odd writing for an audience comprised of ANS members, many of whom are collectors, in defense of collecting and the idea that what we collect should not be subordinated to the whims of cultural bureaucrats and their allies in the archaeological establishment. Yet, legal trends suggest otherwise. For, based on the dubious assumption that import restrictions promote the preservation of archaeological context, these “archaeology over all” activists are assiduously working to make it so difficult to import coins that collecting ancients—here in the United States at least—may once again become “the Hobby of Kings” within a generation.

That would be a shame for anyone who truly loves numismatics. In the draconian regulatory scheme the activists envision, only the very wealthy, who can afford to pay for coins with established collecting histories, will be able to put together collections of ancient coins. Such a sea change in coin collecting would be devastating not only for most collectors and dealers, but to numismatics itself. Access to coins is essential for numismatics to thrive. Smother the legal trade in ancient coins in red tape and soon there will be no one to fund the ANS or the study of ancient numismatics in this country.

Of course, I would like to know the provenance of the coins in my collection, and I certainly support the protection of archaeological sites. But, I also feel that the archaeological community goes way too far when it claims that unprovenanced “orphaned” artifacts should be deemed stolen and that there should not even be a trade in duplicates.

If you believe I am overstating my case, here is what the Archaeological Institute of America (AIA) itself has to say on these two subjects in a document on its website that addresses “frequently asked questions:”

Q: What about the orphaned object that is out of the ground and circulating in the market with its context already destroyed and its provenance uncertain? Shouldn't this object be acquired and given a good home?

A: The acquisition of these objects encourages looting. Objects like this are likely stolen. When confronted with an object like this, the best thing to do is to contact the authorities. You would not buy a hot car or a diamond watch from a disreputable source—why buy an antiquity from a disreputable salesperson?

Q: In many cases there are multiple copies of certain antiquities, some with so many duplicates that they cannot all be displayed. What is wrong with the trade in multiples?

A: Some countries do allow trade in duplicates, including Israel. But it is difficult to identify a duplicate from a country that allows trade, and it's difficult to prevent the sale of new objects as duplicates. Furthermore, most museums and private collectors are interested in high-



Fig. 1: A typical coin show bourse. [Image Courtesy of Coin World]

end, unique objects, not “duplicates.” It's primarily the trade in expensive, unique artifacts that drives the illegal market.

As the website also points out, these positions are not solely the views of a few so-called “radical archaeologists”, but rather represent the official position of our nation's oldest and largest archaeological organization.

Let's be clear. Coins by their very nature are duplicates, and most, if not all, coins in our personal collections, as well as most coins in the trays of the ANS are unprovenanced artifacts, or “orphans.” Thus, according to the AIA at least, we are all criminals holding presumptively stolen goods.

This would all be quite amusing, except for the fact that such outlandish claims have started to gain the force of law. Right now, due to an “archaeology over all” bias within the State Department's “Cultural Heritage Center” that has perverted the statutory process for imposing import restrictions on cultural goods, the State

Department and Customs and Border Protection (CBP) now considers undocumented ancient Cypriot, Chinese and Italian coins [of which there must be millions] to be stolen cultural property subject to seizure and repatriation. And, if the AIA has its way, all ancient coins struck in Greece and Egypt will be added shortly to an ever growing list of coins barred from entry into the United States unless they are accompanied by detailed provenance information that simply does not exist for most coins.

This is yet another case of regulatory overkill where the supposed cure is far worse than any alleged disease. Import restrictions are designed to drive unprovenanced artifacts from the marketplace because that supposedly helps protect archaeological context, but in the case of coins, that as a practical matter means a bar on the import of virtually everything. There are millions of collectors' coins circulating in the marketplace both here and abroad, and virtually none of them are sold with the information required to allow for their legal import.

ILLUSTRATIONS OF THE CATEGORIES OF OBJECTS SUBJECT TO U.S. IMPORT RESTRICTIONS

CYPRUS

ARCHAEOLOGICAL OBJECTS REPRESENTING PRE-CLASSICAL AND CLASSICAL PERIODS

SECTION OF THE DESIGNATED LIST:
III. D. COINS OF CYPRIOT TYPES

Silver Tetradrachm of Alexander the Great (332 - 323 BC)															
	<table border="1"> <tr> <td>Time Period</td> <td>Hellenistic Period (332 - 30 BC)</td> </tr> <tr> <td>Culture</td> <td>Paphos</td> </tr> <tr> <td>Material</td> <td>Metal</td> </tr> <tr> <td>Weight</td> <td>257.8 grams</td> </tr> <tr> <td>Type of Object</td> <td>Coin</td> </tr> <tr> <td>Date of Import Restriction</td> <td>7/16/2007</td> </tr> <tr> <td>Subsection of the Designated List</td> <td>III.D.2. Issues of the Hellenistic Period</td> </tr> </table>	Time Period	Hellenistic Period (332 - 30 BC)	Culture	Paphos	Material	Metal	Weight	257.8 grams	Type of Object	Coin	Date of Import Restriction	7/16/2007	Subsection of the Designated List	III.D.2. Issues of the Hellenistic Period
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Description of Designated List Category:

When Alexander the Great became the ruler of Cyprus in 332 BC, he replaced the local coinage and system with his own and introduced Greek weights and dominations. During the period in which Cyprus became a province of the Ptolemies, rulers of Egypt, the Cypriot monetary system was incorporated into the royal Ptolemaic coinage. The three main cities of Cyprus minting royal coins were Paphos, Salamis, and Kition.

The obverse ("heads" side) of this coin shows the head of Hercules beardless and facing right. He is wearing a lion's skin with the front paws knotted around his neck. There is a line for a border.

The reverse ("tails" side) of this coin shows the god Zeus wearing a cloak over his lower limbs and seated on a throne facing left. In his right hand is an eagle. His left hand rests on a scepter. To the left is a dove with spread wings flying to the left. There is an inscription in Greek to the right and below Zeus. Around the image is a border of dots.

AUGUST 17, 2007

U.S. DEPT OF STATE

PAGE 11 OF 24

Fig. 2: Illustrations of the Categories of Objects Subject to U.S. Import Restrictions, from the U.S. Department of State website.



Fig. 3: Airport customs agent.

Archaeologists and cultural bureaucrats claim that import restrictions are justified because they assert that unprovenanced artifacts are likely recently looted. However, that is simply not a valid assumption for ancient coins. Ancient coins have been avidly collected since the Renaissance. Few coins are sold with any detailed collecting history because of the costs involved in establishing it. And frequently, what basic information about a coin's collecting history is provided tends to get lost over time. Thus, though it is unreasonable to assume that any coin that lacks an ownership history "must be recently looted," that unfortunately is the exact presumption the law now makes for Chinese, Cypriot and Italian coins now on the CBP's "designated list."

Frankly, I might feel a bit better about all this if I had evidence that the archaeological community as a whole makes every effort to not only record the coins they find, but to publish them. Both are critical to the preservation of numismatic knowledge. Even if a coin is recorded in an excavation notebook, it does little good if it is never published, and, if the notebook or computer data file is not backed up in some way, the information about its provenance could easily be lost. That, of course, would render the coin for all practical purposes,

"an orphan" of the sort members of the archaeological community roundly condemn—at least when held in a collector's trays.

This is not a hypothetical concern. A recent study prepared at the behest of the numismatic trade for the use of the State Department's Cultural Property Advisory Committee (CPAC) concluded,

The publication record for coins found in Italian excavations is poor.

What has been published is thanks to a few dedicated individuals, not to the encouragement of the archaeological community.

Without publication it is almost impossible to know what has been found and what has become of the material.

Let me give just one concrete example. Some 60,000 - 70,000 ancient coins from the City of Rome, which were recovered during the 19th century, have still not been fully studied. One would have thought coins excavated in Roman contexts would be of utmost importance, but the fact that they are still awaiting publication after over a century speaks volumes about the hypocrisy behind

self-righteous claims that import restrictions are necessary to encourage numismatic research.

Beyond this, of course, is the fact that Italians (along with Greeks, Cypriots and Chinese) themselves collect unprovenanced ancient coins and wouldn't dream of giving up the practice. Indeed, the President of the Italian Numismatic Society recently wrote to CPAC to oppose any extension of import restrictions to coins as part of the MOU. Apparently, based upon this, and the thousands of comments of collectors, CPAC (for the third time) agreed that coins should not be restricted, but this recommendation was then overturned by unelected State Department bureaucrats. Instead of listening to CPAC or the public, they would rather simply accept the AIA President's recommendation made at a CPAC hearing that "manageable" restrictions could be put in place on Greek, Roman Republican and early Imperial city coins of Italy-- this despite the fact that, if anything, looting is on the decline in Italy based on the aggressive police efforts of the Carabinieri.

Rather than taking their cue from the "archaeology over all" extremism of the AIA, I would advocate that State Department and CBP decision makers consider the values in the ANS's own mission and "cultural property" statements when it comes to coins.

According to the ANS Mission Statement, *The object and mission of the Society shall be the creation and maintenance of the preeminent national institution advancing the study and public appreciation of coins, currency, medals, orders and decorations, and related objects of all cultures as historical and artistic documents and artifacts; by maintaining the foremost numismatic collection, museum, and library; by supporting scholarly research and publications; and by sponsoring educational and interpretive programs for diverse audiences.*

According to the ANS Cultural Property Statement, *It is unreasonable to assume that a coin is stolen, illegally exported, or illegally imported merely because the holder cannot establish a chain of custody beyond receipt from a reputable source. Taken together, such considerations argue that within the world of artifacts, coins as a class do, in fact, stand apart.*

What should we take away from this? Well, I believe we must conclude that the study of coins is not dependent on a coin's provenance, and that it is simply unreasonable to assume that unprovenanced coins should be deemed stolen. And so it should be. "Advancing the study and public appreciation of coins" cannot be achieved when legal availability of those coins, and sometimes even the coins themselves, are held hostage to unreasonable demands for provenance information.

What then can and should be done to ensure that individuals and institutions like the ANS can continue to collect, study, preserve and display ancient coins in a manner that coexists with efforts to preserve provenance information? Let me urge the following.

Collectors should be encouraged to only purchase coins from reputable sources and ensure that they retain the history of their coins with the coins themselves so it does not get lost. Records about who owned the coin in the past acts as both a tribute to those who held the coin in trust for future generations, and can be used to document the fact that the coin is not "fresh from the ground." All these efforts should be voluntary, however. Proposals for mandatory registries and the like would rightly be viewed with suspicion, and would likely in any case be impractical due to the sheer number of coins in private collections.

Dealers should be encouraged to do the same, and to make sure they comply, to the best of their ability, with the laws of each country in which they do business.

The U.S. Government should be advised to drop the idea of imposing import restrictions based on a coin's type. The U.K. authorities have the right idea. Restrictions should only be imposed on coins reasonably suspected to be "straight from the ground" in violation of national laws or coins of the highest rarity. Restrictions based on coin type, such as "all coins struck in Cyprus belong to Cyprus", suggests that assuaging nationalistic impulses rather than the furthering archaeology is really the motivating force. Under no circumstances should restrictions be allowed to discriminate against American collectors and institutions. The U.S. Government should not entertain any request for broad restrictions from a country that allows its own citizens to collect unprovenanced coins or other artifacts. It is plainly unfair to place burdens on Americans that source countries will not place on their own citizens.

Foreign countries should be encouraged to allow the free sale and export of common coins. They should also investigate the U.K.'s Treasure Act and Portable Antiquities Scheme (PAS). These programs help preserve context, provide museums with a right of first refusal over material and give collectors access to coins, complete with information about the coin's find spot. They are undoubtedly successful. Recently, for example, British and Welsh authorities publicized the recording of some 90,000 finds in 2010. Yet, many archaeologists remain dismissive of the U.K.'s program, claiming that it "pays people to loot."

The archaeological community should avoid ideological approaches to the question of how best to preserve prov-

enance, foster the recording and publication of coins from any source (including those that do not come from official excavations) and encourage debate on how best to foster the preservation of provenance information without negatively impacting the study and publication of coins as important objects from ancient times. The AIA should, in particular, end its aggressive campaign for import restrictions on ancient coins. Such restrictions are by their nature controversial: they bar import into the U.S. of artifacts legitimately sold abroad merely because the importer cannot produce detailed provenance information. The preservation of archaeological context may be a worthy societal goal, but the AIA's support for import restrictions confuses "conservation" with "control," to the detriment of both collectors and numismatics itself.

Finally, the ANS should act as a bridge and honest broker for the various interest groups involved in this debate, and fosters constructive dialogue that furthers the values in the ANS's own mission and cultural property statements.

The Society was founded in 1858 as the American Numismatic Society, but in 1865 it was incorporated as the American Numismatic and Archaeological Society, a name which it retained until 1907, at which time the name reverted back to the original one. As this history suggests, numismatics and archaeology are related disciplines, but certainly archaeology's desire to preserve provenance information should be harmonized with the continued private and institutional study of numismatics. The noble mission of the ANS cannot be upheld when unreasonable demands concerning provenance are allowed to dominate the debate. Instead, common sense, fairness, and a practical approach should prevail with an eye towards advancing the study and appreciation of coins, not just by archaeologists, but by all those interested in numismatics.