

PERSEPOLIS FORTIFICATION ARCHIVE PROJECT

MATTHEW W. STOLPER

If you are interested enough to read this, you probably already know the year's big news: the legal process that has put the future custody of the Persepolis Fortification tablets in doubt since 2004 has come to an end (fig. 1).

On December 4, 2017, the Supreme Court of the United States heard oral arguments in the case of *Jenny Rubin et al. v. The Islamic Republic of Iran et al.* (transcript: https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-534_if5n.pdf; audio: https://www.supremecourt.gov/oral_arguments/audio/2017/16-534). On February 21, 2018, the Court handed down its ruling against the plaintiffs, hence in favor of the University of Chicago, the Oriental Institute, and the Islamic Republic of Iran. The vote was 8–0 (Justice Elena Kagan, who had submitted briefs in the case when she was Solicitor General, did not participate in the proceedings). Justice Sonia Sotomayor wrote the terse and unequivocal opinion (https://www.supremecourt.gov/opinions/17pdf/16-534_6jfm.pdf).

The ruling does not treat the broad question of whether cultural materials as such are subject to legal attachment. It decides a comparatively narrow point of foreign sovereign immunity law, so the benefits for other cultural heritage cases are uncertain. For the Oriental Institute this ruling removes the legal obstacle that has blocked returning the Fortification tablets to Iran. For the Persepolis Fortification Archive Project it means changes of emphasis. On one hand, we allocate new effort to completing, correcting, and preparing the data that we have collected as we prepare the objects for return. On the other, we learn how to negotiate the necessary licenses, customs requirements, insurance, shipment, and the unknown unknowns — all that is needed for a smooth transfer.

Awaiting these developments during 2017–18, the Persepolis Fortification Archive Project continued to pursue its often-stated aims: to



(Slip Opinion) OCTOBER TERM, 2017 1

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

RUBIN ET AL. v. ISLAMIC REPUBLIC OF IRAN ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

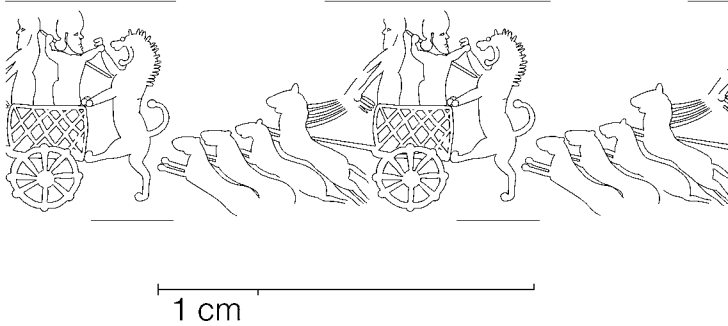
No. 16–534. Argued December 4, 2017.—Decided February 21, 2018.

The Foreign Sovereign Immunities Act of 1976 (FSIA) grants foreign states and their agencies and instrumentalities immunity from suit in the United States and grants their property immunity from attachment and execution in satisfaction of judgments against them, see 28 U.S.C. §1604, 1609, but with some exceptions. Petitioners filed an action in the District Court to attach and execute against certain Iranian assets—a collection of ancient clay tablets and fragments housed at respondent University of Chicago. The District Court concluded that §1610(g)—which provides that certain property will be “subject to attachment in aid of execution, and execution, upon [a §1605A] judgment as provided in this section”—does not deprive the collection of the immunity typically afforded the property of a foreign sovereign. The Seventh Circuit affirmed.

Held: Section 1610(g) does not provide a freestanding basis for parties holding a judgment under §1605A to attach and execute against the property of a foreign state; rather, for §1610(g) to apply, the immunity of the property at issue must be rescinded under a separate provision within §1610. Pp. 4–15.

(a) Congress enacted the FSIA in an effort to codify the careful balance between respecting the immunity historically afforded to foreign sovereigns and holding them accountable, in certain circumstances, for their actions. As a default, foreign states have immunity from the jurisdiction of the courts of the United States and of the States. §1604, but there are express exceptions, including the one at issue

ABOVE: Figure 1. The syllabus of the Supreme Court's decision upholding the Seventh Circuit's ruling against the plaintiffs in the case of the Persepolis Fortification tablets.



LEFT: Figure 2. Back to the future at Persepolis: Erin Daly's collated drawing of PFUTS O250 (impressed on at least two unscribed Fortification tablets and also on the Demotic document illustrated in the annual report for 2016–17, p. 155, fig. 1), depicting a hunt from a quadriga: “just crazy,” comments Mark Garrison, “like something out of the 4th century.”

compile an exhaustive record of the PFA, and to make the results available through online presentation of work in progress, through academic publications and presentations of studies arising from these results, and eventually through authoritative editions of all categories of Fortification documents.

On the long march to these definitive editions, the PFA Project editors continued the tasks described in previous annual reports.

Annalisa Azzoni (Vanderbilt University), finalized or improved readings of Aramaic epigraphs on cuneiform texts (about 250 identified until now), monolingual Aramaic documents (about 840), and Aramaic seal inscriptions (about 80).

Elspeth Dusingberre (University of Colorado Boulder), assisted by graduate student Erin Daly (Classics, University of Chicago), completed a draft catalog of the seals on the monolingual Aramaic documents, including final collated drawings (about 570 seals specific to the Aramaic documents, and about 145 that co-occur on Elamite and unscribed documents). Mark Garrison (Trinity University, San Antonio) began to review and edit this draft for consistency with other work on PFA seals.

Mark Garrison also continued to supervise student workers supported by an ongoing grant from the Roshan Cultural Heritage Institute. Erin Daly, in addition to her work on the Aramaic tablets, identified seals on about 80 unpublished texts first recorded by Charles E. Jones (Pennsylvania State University) and about 50 first recorded by me, identifying almost 50 previously unknown seals (fig. 2). Emma Petersen (University of Minnesota) recorded about 100 of the unscribed tablets between June and August 2017, documenting 100 new seals along with identifiable impressions of almost 100 previously cataloged seals. During summer 2017 and short visits in autumn and winter, Christina Chandler (Classical and Near Eastern Archaeology, Bryn Mawr), working on the ca. 175 inscribed PFA seals that are the topic of her doctoral dissertation, made final collated drawings of 25 seals, final copies of 30 seal inscriptions, and draft catalog entries of about 110 seals. Garrison and student workers continued to update and correct a FileMaker database of thematic seal types, currently including thematic identifications and drawings or sketches of more than 3,500 analytically legible seals (along with numbers assigned to another 730 illegible seals).

Wouter F. M. Henkelman (École Pratique des Hautes Études, Paris) continued to collate, recollate and annotate about 2,500 unpublished Elamite texts first recorded by the late Richard T. Hallock, about 80 first recorded by Charles E. Jones, and about 2,100 Elamite texts fastidiously published by Hallock in 1969 and 1978 but now in need of much updating on the basis of new knowledge.

I recorded about 45 new Elamite texts and fragments (most of them registers from the late stages of information-handling at Persepolis), and collated and corrected my first-draft editions of about 340 of the journals and accounts recorded in previous years. Teagan Wolter (Near Eastern Languages and Civilizations, University of Chicago) entered 195 of the new draft editions, glossed and parsed for presentation in the On-Line Cultural and Historical Research Environment (OCHRE). Rhyne King (Near

Eastern Languages and Civilizations) corrected many glossary entries from about 755 collated texts. After training by King, Yanxiao He (Near Eastern Languages and Civilizations) entered corrections for 12 collated texts. The backlog of newly read texts to be entered in OCHRE has shrunk to under 100. The backlog of collated texts to be corrected — often drastically corrected — has swollen to over 500.

Ami Huang, Alexandra Hoffmann, and Eric Aupperle (all Near Eastern Languages and Civilizations) and Thomas Chiodini (Center for Middle Eastern Studies, University of Chicago) made, edited, and uploaded to OCHRE conventional images of about 80 new Elamite tablets and fragments (fig. 3). Kimia Maleki (School of the Art Institute of Chicago) re-edited conventional images of about 40 previously photographed items. Young Bok Kim and Theresa Tiliakos (both Near Eastern Languages and Civilizations) made dynamic Polynomial Texture Mapping (PTM) image sets of about 220 new items and high-resolution scans to supplement earlier images of about 50 Aramaic items. Monica Phillips (Near Eastern Languages and Civilizations) oversaw post-processing of PTM sets until Ashley Clark (History, University of Chicago), returning from research travel abroad, succeeded her in autumn 2017. Aided by Oliver Nataranj (Williams College), Clara Dandy (University of Chicago Laboratory School), and Matthew Foster (unaffiliated) they processed and uploaded to OCHRE PTM images of about 700 more items, reducing the long-standing backlog of unprocessed images from about three years to about fourteen months.

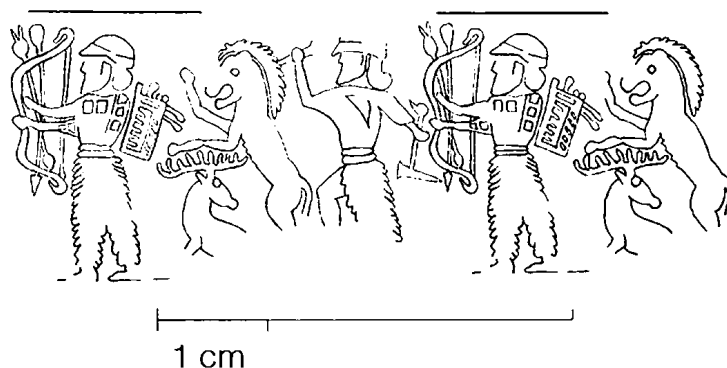
After the Conservation Laboratory's portable x-ray fluorescence (pXRF) scanner was repaired in January 2018, Thomas Chiodini scanned about 80 more Persepolis tablets (fig. 4), concentrating on documents composed at way-stations along the routes that passed through Persepolis, including a sample of the Aramaic documents and Elamite records of outlays of travel rations.

Noteworthy among eighteen public and academic presentations of PFA-related material and results are a joint presentation by Azzoni, Chandler, Daly, and Garrison on the inscribed seal PFS 535*, at the meeting of the American Schools of Oriental Research in Boston, in November 2017



LEFT AND ABOVE: Figures 3–4. Thomas Chiodini photographs a newly cataloged Fortification tablet (left) and positions a Fortification tablet on the Bruker x-ray fluorescence scanner (right).

RIGHT: Figure 5. Emma Petersen's collated drawing of PFUTS 0311, an innovative seal design with an extraordinary combination of iconographic themes.

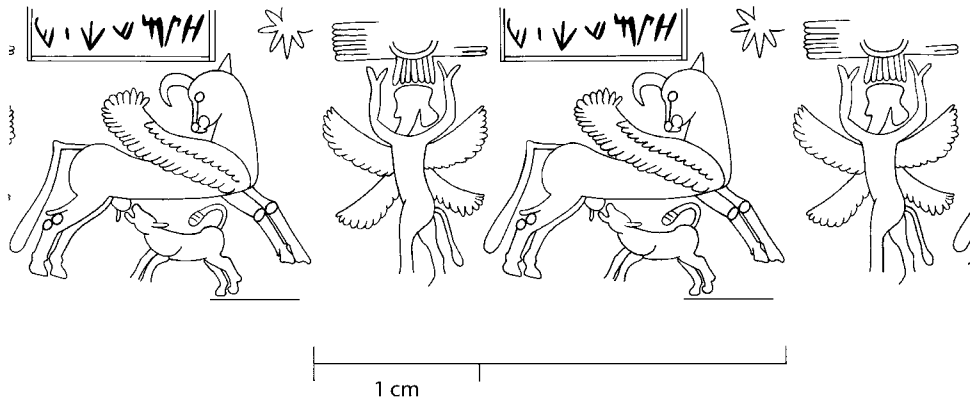


(their proposed presentation on the inscribed seal PFS 981* has been accepted for the program of the November 2018 meeting); Garrison's invited lecture on glyptic imagery from the PFA, at the *Societas Iranologica Europaea* Conference in Naples, December 2017; Henkelman's presentations on Achaemenid elites at the same conference, on the Persian funerary cult at the Iran Heritage Foundation in London (October 2017), on Elamite and Achaemenid topics at the Academy of Persian Language and Literature and Pārs University in Tehran (February 2018), on Achaemenid palaces and the institutional network at the 11th International Conference of the Archaeology of the Ancient Near East in Munich (April 2018); Azzoni's invited lectures on PFA Aramaic at the Universities of Buenos Aires and Córdoba in Argentina (May 2018); and King's paper on Lycians under the Achaemenid empire at the Association of Ancient Historians in Williamsburg, VA (April 2018). Noteworthy new PFA-related publications are Henkelman's essay connecting Achaemenid evidence with Neo-Elamite religious imagery in the catalog of a magnificent exhibition on the fruits of archaeology in Iran (in Hellwing [ed.] 2017: 214–19); a joint treatment by Garrison, Jones, and me on the text and seal on an isolated Achaemenid Elamite administrative tablet in the British Museum (Garrison et al. 2018); and Dusinberre's interpretation of a newly found seal from pre-Achaemenid Sardis (Dusinberre 2017).

Indicative of the future of PFA-related scholarship are Emma Petersen's BA paper on the seals PFUTS 0311 and 0923 (accepted December 2017; fig. 5); Rhyne King's PhD dissertation proposal on satrapal households in the Achaemenid empire, including the holding of a satrap of Arachosia attested only in the PFA (defended January 2018); and Tytus Mikołajczak's completed dissertation on the accounting texts and seals in the PFA (supported by grants from the Roshan Cultural Heritage Institute, defended December 2017).

The Project weblog (<http://persepolistablets.blogspot.com>), maintained by Charles E. Jones (Pennsylvania State University), added eleven new postings in the past year, for a cumulative 255 entries (including the annual reports of the PFA Project), 217,927 page views since 2010, 90 subscribers, and 1,300 followers on Facebook and other social media.

Accounts of the year-to-year accumulation of PFA Project data of now-familiar kinds can be dimly repetitive, so I ask Project workers to mention surprises and discoveries that can enliven these progress reports. Some of these discoveries are dramatic, like the unique Old Persian tablet illustrated in the Project's annual report for 2006–07, the seal of prince Arshama discussed in the report for 2012–13 and illustrated in the report for 2014–15, or the Demotic tablet announced in the report for 2016–17. Others, though, seem like inside baseball — findings that warm the heart of a tablet nerd (as the report for 2015–16 puts it) but of real interest only to people who are immersed in the details, struggling to connect or interpret them. Who else really cares about a new reading, a new



lexeme, a new document form, a new seal identification, a new bit of administrative procedure, and so on?

And yet new findings, connections, and interpretations accumulate, sometimes tentative and sometimes unsettling. Azzoni reports a probable second Demotic tablet (being prepared for joint publication with Oriental Institute Egyptologists Janet Johnson and Brian Muhs) and reading the Aramaic transcription of the name of the deputy director of the Persepolis administrative institution in the inscription on the seal PFS 0083* (Garrison 2017, pp. 339–49; fig. 6). Henkelman reports unraveling the administrative relationship between Hystaspes (Elamite *Mišdašba*), satrap in Hyrcania, and Hydarnes (Elamite *Miturna*), satrap in Media, both players in early Achaemenid history attested in the apologia of Darius at Bisotun (a solution he first reported in his presentation at the conference of the *Societas Iranologica Europaea* mentioned above). And I sometimes find joins among fragments, in fact, more joins in the last six months than in the ten years preceding. One such join produces a tablet of an unfamiliar kind. Its shape and handwriting standing out instantly from the ordinary range of Fortification tablets (fig. 7). It is nearly complete, but also nearly incomprehensible, except for a clear reference to an order issued by Aspathines (Elamite *Ašbazana*), another eminent Persian named by Darius, who succeeded to control of the Persepolis administrative institution in the last attested years of the PFA. The order was given in year 35, May 487 BC, six and a half years after the latest dated text of the PFA. This indicates that the highest level of the Persepolis administrative institution continued to consult the PFA after the Archive as we have it was closed and deposited.



TOP: Figure 6. Mark Garrison's corrected collated drawing of PFS 0083*, showing Annalisa Azzoni's full reading of the Aramaic inscription, which represents the name of the deputy director of the Persepolis administration, Elamite *Ziššawiš*, Iranian *Čičava(h)uš as Aramaic *Ššwš*. ABOVE RIGHT: Figure 7. Joined fragments of an exceptional Fortification document from 487 BC or later, well after the closing of the preserved PFA: Fort. 1270-101+1348-103, obverse and lower edge.

After the Supreme Court ruling came down, our legal team applied to the Office of Foreign Asset Control for the export license required by ongoing sanctions on the Islamic Republic of Iran. I began to review tablets selected for the first installment to be returned, checking images for completeness, prioritizing the processing of PTM images, completing some catalog information, updating some readings, and adding and correcting some glossary items and parses. Miller Prosser and the OCHRE team are preparing to export this information to accompany the tablets in a form that can be easily accessed in Iran. We aim to return not just a collection of mute clay artifacts, but also a working body of data and research tools. As the tablets leave the custody of the Oriental Institute, the National Museum of Iran will have the means to become the world center for ongoing primary research on the most important body of new information on all aspects of the Achaemenid Persian empire, the Persepolis Fortification Archive.

REFERENCES

- Dusinberre, Elspeth R. M. 2017. "Administration, Interaction, and Identity in Lydia before the Persian Empire: A New Seal from Sardis," *Bulletin of the American Schools of Oriental Research* 378: 95–111.
- Garrison, Mark B. 2017. *The Ritual Landscape at Persepolis*, Studies in Ancient Oriental Civilization 72. Chicago: The Oriental Institute.
- Garrison, Mark B.; Charles E. Jones; and Matthew W. Stolper. 2018. "Achaemenid Administrative Tablets, 4: BM 108963," *Journal of Near Eastern Studies* 77: 1–14.
- Hellwing, Barbara (ed.) 2017. *Iran: frühe Kulturen zwischen Wasser und Wüste*. Bonn.
-