



The Foreign Interference in Governing the Archaeological Work in Egypt Following the Discovery of Tutankhamun's Tomb

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Abstract

The early beginning of the Twentieth Century witnessed many major foreign archaeological expeditions in Egypt. All bodies engaged in excavation work in Egypt had worked under the “Antiquities Law of 1912” since the date of its enactment in 1912. Accordingly, the excavator had the right to get half of the discovered objects. In 1922, the Egyptian Antiquities Service announced their intention to amend this Law so that the Cairo Museum had the right to take what it wanted without any formalities. This paper illustrates the causes of the Egyptian Antiquities Law amendment, the opposition to the Law amendment proposal by persons and institutions engaged in archaeological work in Egypt, the justifications of the Egyptian authorities for such a change in policy regarding the division of discovered objects, and the attempts of foreign institutions and governments to obtain the Egyptian official approval for the assurances given by the Director General of the Egyptian Antiquities Service Pierre Lacau to the scientific institutions working in Egypt. Whilst the new proposed law was not ratified, excavators’ presumed entitlement to 50% of finds ended. The article relies mainly on investigating the relevant historical documents in the National Archives of the United Kingdom.

Keywords: Foreign archaeological expeditions; Antiquities Law; Tutankhamun’s tomb discovery; governing the archaeological work in Egypt; excavations in Egypt

Introduction

Since the early beginning of the Twentieth Century, a number of important foreign scientific societies and museums were interested in archaeological research and excavation in Egypt. Many major foreign projects were active during that time, most of which were American. The American authorities considered the excavation work of the American institutions in Egypt as of signal importance to a scientific understanding of the humanity history. This work was rendered by the appropriations of money made by such American institutions.¹

¹ Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, March 1926. United Kingdom National Archives, FO141/487/3.

The major foreign projects included the project of the Egypt Exploration Fund (a British organization later renamed the Egypt Exploration Society, EES, in 1919) headed by Flinders Petrie at Abydos, the excavations of the Museum of Fine Arts of Boston at Giza conducted by George Reisner, the expeditions of Albert Lythgoe for the Metropolitan Museum of Art of New York at Lisht, and the work of Clarence Fisher for the University of Pennsylvania at Memphis.¹

Until the discovery of Tutankhamun's tomb in 1922, all bodies engaged in excavation work in Egypt had worked under a law known as the "Antiquities Law of 1912." The article of this Law regarding the division of discovered antiquities between the excavators and the Egyptian Government stated that the excavator of a movable antiquity shall receive as a reward "one-half of the objects so discovered or of their value."²

Following Britain's declaration of Egyptian partial independence on 28 February 1922, the Egyptians became concerned that no pieces of great value should leave Egypt. In 1922, Pierre Lacau, the Director General of the Egyptian Antiquities Service, announced that the Egyptian Government intended to modify the Antiquities Law article with regard to the division of discovered antiquities.

The proposed modification of the Egyptian Antiquities Law was opposed by foreign archaeologists and institutions conducting excavations in Egypt as they considered it as a complete ruin of their archeological interest. They asked the diplomatic support of their own governments, which in turn had made representations to the Egyptian Government. The relevant Egyptian authorities tried to justify this proposed modification of the Law and to find a way out to reassure the foreign expeditions working in Egypt by reaching a satisfactory *modus vivendi*.

The present article focuses on the causes underlying the proposed modification of the Egyptian Antiquities Law in the 1920s, the constant expressions of dissatisfaction by persons and institutions engaged in archaeological work in Egypt, how the Egyptian authorities justified such a change in policy regarding the division of discovered objects, and the attempts of foreign institutions and governments to obtain the official recognition of the Egyptian Government of Lacau's assurances.

This paper depends on the historical and analytical research methods. It relies mainly on investigating the relevant historical documents which are archived in the United Kingdom National Archives. These documents were studied by virtue of analytic endeavors that sought to gain insights through a systematic interrogation of those documents.

The Antiquities Laws in Egypt until the Discovery of Tutankhamun's Tomb

Many western museums received numerous Egyptian artefacts that were removed on a massive scale as a result of the French Military Expedition to Egypt (1798–1801). This sparked a lifelong

¹ Geoff Emberling, *Pioneers to the Past: American Archaeologists in the Middle East 1919-1920* (Chicago: The University of Chicago, 2010), 18.

² Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, March 1926. United Kingdom National Archives, FO141/487/3.

interest in ancient Egypt and prompted the Egyptians to call for the protection of their cultural heritage.¹

Mohammed Ali had issued an ordinance on 15 August 1835 which prohibited the export of antiquities, established the Egyptian Antiquities Service, and suggested the establishment of a national museum.² Other laws were passed in 1869 and 1874 stating the regulations of the antiquities export and that all unearthed antiquities would belong to the Government.³ On 16 May 1880, Khedive Tawfik issued a decree which stated that “all the monuments and objects of antiquity, recognized as such the regulation governing the matter, shall be declared the property of the public domain of the state.”⁴

In or about 1910, Gaston Maspero, the then Director General of the Egyptian Antiquities Service, used to keep the unique objects for the Cairo Museum, and to give the excavator the rest in return for the vast sums of money he had spent. This procedure continued until about 1912, when the Egyptian Antiquities Law No. 14 was issued. According to that Law, the objects discovered each year would be divided equally into two shares between the Cairo Museum and the excavator.⁵ Article 11 of the Antiquities Law of 1912 stated that the discoverer of a movable antiquity shall receive as a reward “one-half of the objects so discovered or of their value.”⁶

The British archaeologist Reginald Engelbach, a keeper at the Cairo Museum, claimed that the result of this new procedure was “to load the Museum with large quantities of pottery and other unimportant objects for which they had no proper place to store or exhibit.” It seems that the Cairo Museum had been lenient on the few excavators engaged in excavations in Egypt until about 1919 as a result of the reduced personnel. From 1920 until the discovery of Tutankhamun’s tomb, the Egyptian Antiquities Service used to take the important objects to about half the total value of those discovered, while the small objects were given to the excavator.⁷

All scientific bodies engaged in excavation work in Egypt had worked under the “Antiquities Law of 1912” since the date of its enactment in 1912. Based on that law, both the Egyptian Antiquities Service and the excavator had to sign an annual contract (the “Regulations” or “Autorisation de Fouilles”) subject to renewal at the beginning of each excavation season on the 1st of November.⁸

¹ Maya Jasanoff, *Edge of Empire: Lives, Culture and Conquest in the East 1750-1850* (New York: Random House/Vintage Press, 2005), 230.

² Donald M. Reid, *Whose Pharaohs? Archaeology, Museums and Egyptian National Identity from Napoleon to World War I* (Berkeley: University of California Press, 2002), 93.

³ Alice Stevenson, *Scattered Finds: Archaeology, Egyptology and Museums* (London: University College London Press, 2019), 259.

⁴ Emberling, *Pioneers to the Past*, 87.

⁵ A report by Reginald Engelbach, Keeper at the Cairo Museum, to Maurice Peterson, First Secretary in the British Embassy in Cairo, on 12 May 1928. United Kingdom National Archives, FO141/487/3.

⁶ Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, March 1926. United Kingdom National Archives, FO141/487/3.

⁷ A report by Reginald Engelbach, Keeper at the Cairo Museum, to Maurice Peterson, First Secretary in the British Embassy in Cairo, on 12 May 1928. United Kingdom National Archives, FO141/487/3.

⁸ A letter from Edward Robinson, Director of the Metropolitan Museum of Art, to Frank B. Kellogg, Secretary of State, State Department, Washington, on 25 July 1925. United Kingdom National Archives, FO141/487/3.

Reasons for Amending the Egyptian Antiquities Law of 1912

The half-sharing system proved inconvenient when the Metropolitan Museum Expedition in 1920–1921, conducted by Herbert E. Winlock, discovered the limestone sarcophagus of Aashyt in her tomb in the mortuary temple of the 11th Dynasty king Nebhepetre Mentuhotep II at Deir el-Bahari, which was a unique piece of art and their only object of real value.¹ According to the Antiquities Law of 1912, the excavator had the right to half the objects or their monetary equivalent and the Cairo Museum had the right to half. The final decision was to keep the sarcophagus and to give to the Metropolitan Museum a statue from Luxor Temple.²

On 28 February 1922, Britain had declared partial Egyptian independence when the British Protectorate over Egypt was ended formally. This means that there would be, theoretically, no British officials to whom the excavators could appeal. The foreign archaeologists had been concerned about the new restrictions because the western museums would no longer finance the excavations in Egypt as they could not enlarge their own collections in return for the large sums of money they had spent.³

Since the Egyptian independence, the Egyptians had been very concerned that valuable and important pieces should not leave Egypt. They made a series of urgent calls to the Director General of the Antiquities Service to explain why such valuable objects appearing in the newspapers had been allowed to leave Egypt.⁴

Lacau's announcement of his intention to amend the Egyptian Antiquities Law in October 1922, about three weeks before the discovery of Tutankhamun's tomb, strengthened the viewpoint in favor of amending that Law. The discovery of Tutankhamun's tomb caused the Egyptians to be more convinced of the necessity of changes in the Antiquities Law and that the division of objects should be more strictly controlled in the future. Some scholars argued that if this discovery was ten years earlier, the objects of Tutankhamun's tomb would have been distributed among many museums in the world and would not have been taken only by the Cairo Museum.⁵

¹ H. E. Winlock, "The Egyptian Expedition 1920–1921: III. Excavations at Thebes," *The Metropolitan Museum of Art Bulletin* 16, no. 11 (1921): 36–52, figs. 18–20, 22; idem, *Excavations at Deir El Bahri, 1911–1931* (New York: The Macmillan Company, 1942), 38–42, fig. 4, pl. 8; idem, *The Rise and Fall of the Middle Kingdom in Thebes* (New York: The Macmillan Company, 1947), 26; Dieter Arnold, *The Temple of Mentuhotep at Deir el-Bahari* (New York: Metropolitan Museum of Art, 1979), 1, 63, pl. 39. For Aashyt's sarcophagus, see Dieter Arnold, "The Tombs of the Queens of Mentuhotep II," in *Queens of Egypt from Hetepheres to Cleopatra*, ed. Christiane Ziegler (Paris: Somogy Art Publishers, 2008), 99; Kate Liszka, "Discerning Ancient Identity: The Case of Aashyt's Sarcophagus (JE 47267)," *Journal of Egyptian History* 11 (2018): 194–95, 198, figs. 1, 2. For the titles of Aashyt, see Lisa Kuchman, "Titles of Queenship Part II: The Eleventh Dynasty and the Beginning of the Middle Kingdom: The Wives of Nebhepetre Mentuhotep," *Journal of the Society of the Study of Egyptian Antiquities* 9 (1978): 22; Lisa K. Sabbahy, "The Titulary of the Harem of Nebhepetre Mentuhotep, Once Again," *Journal of the American Research Center in Egypt* 34 (1997): 164.

² A report by Reginald Engelback, Keeper at the Cairo Museum, to Maurice Peterson, First Secretary in the British Embassy at Cairo, on 12 May 1928. United Kingdom National Archives, FO141/487/3.

³ Margaret S. Drower, *Flinders Petrie: A Life in Archaeology* (Madison: University of Wisconsin Press, 2014), 356.

⁴ A report by Reginald Engelbach, Keeper at the Cairo Museum, to Maurice Peterson, First Secretary in the British Embassy in Cairo, on 12 May 1928. United Kingdom National Archives, FO141/487/3.

⁵ Donald M. Reid, *Contesting Antiquity in Egypt: Archaeologies, Museums & the Struggle for Identities from World War I to Nasser* (Cairo: AUC Press, 2015), 52.

John Grenfell Maxwell, President of the Egypt Exploration Society (EES, first called the Egypt Exploration Fund), stated that all these changes in the Antiquities Law resulted from the 1924 Tutankhamun troubles, “but why scientific societies and institutions should suffer because of this,” he wondered.¹ Although the proposed new law of antiquities was never ratified, the excavators’ supposed claim to 50% of the discovered objects ended. The funding mechanism for foreign excavations through the provision of antiquities to western museums was disrupted as a result of Lacau’s strict control over the distribution of finds.²

The bust of Nefertiti, which was discovered during the excavations of Ludwig Borchardt at Tell el-Amarna, was shipped to Berlin in 1913. The bust was granted to the Egyptian Museum in Berlin in 1920 by James Simon, the sponsor of the archaeological work at Tell el-Amarna and the owner of the German share of finds. Borchardt’s fear of causing problems to German archaeologists in Egypt delayed its display until early in 1923. The appearance of Nefertiti’s bust in Berlin led Lacau to make attempts to return it to Egypt on a moral not legal basis, admitting that allowing the bust to be exported to Berlin was a mistake made by Gustave Lefebvre, the inspector of the Antiquities Service who was responsible for the division of discovered objects with Borchardt in 1913. During the division of finds, Borchardt deceived the Egyptian administrators of ancient artifacts into underestimating the worth of the bust. Consequently, Egypt refused to give concessions to Borchardt and German institutions until 1929. After King Fuad’s successful visit to Berlin in May 1929, Egypt suggested that they resume the bust in return for two statues from the Cairo Museum. Lacau obtained the approval of the Prussian minister of culture in Berlin in October 1929. However, the agreement between Lacau and the director of the Berlin Museum Heinrich Schäfer in May 1930 regarding the return of the bust to Egypt was opposed by Borchardt and the German press.³

It seems that the discovery of Ashayt’s sarcophagus, the knowledge of the existence of Nefertiti’s bust in Berlin, the disagreements following the discovery of Tutankhamun’s tomb, and the objection of the Egyptians to give priceless objects to the foreigners since the independence of Egypt in 1922 encouraged the Egyptian Government to revise the Antiquities Law, so that the Cairo Museum could have the right to keep what it wanted without any formalities.⁴

¹ A letter from John Maxwell, President of the EES, to W. H. M. Selby, British Foreign Office, on 29 September 1924. United Kingdom National Archives, FO141/487/3.

² Clare Lewis, “Inaugural Lectures in Egyptology: T. E. Peet and His Pupil W. B. Emery,” *Bulletin of the History of Archaeology* 26 (2016): 8.

³ Reid, *Contesting Antiquity in Egypt*, 87–93.

⁴ A report by Reginald Engelback, Keeper at the Cairo Museum, to Maurice Peterson, First Secretary in the British Embassy at Cairo, on 12 May 1928. United Kingdom National Archives, FO141/487/3.

The Antiquities Law Amendment Proposal

On 10 October 1922, the Egyptian Antiquities Service informed the concessionaires, then conducting excavations in Egypt, that the Egyptian Government intended to modify the article of the “Antiquities Law of 1912” regarding the division of discovered antiquities between the excavators and the Egyptian Government. Accordingly, the Government would no longer grant half of the uncovered objects to the concessionaire of an excavation, but would remain free to give only the objects that it would not need for its collections. The half-division system was planned to be applied for the last time during the 1922–1923 season, while the new rule without mandatory sharing by half was intended to come into force from the 1923–1924 season onwards.¹ The amended law was intended to be passed by the Egyptian Parliament in October 1924.²

In the summer of 1924, Lacau, who was unable under the then political conditions to obtain the promulgation of his proposed new Antiquities Law, managed to obtain authorization from the Egyptian Government to put into effect new regulations governing the archaeological work in Egypt on the 1st of November 1924. To summarize, the old “Antiquities Law of 1912” became inoperative. The new Antiquities Law proposed by Lacau had not been promulgated, but the new regulations based on his proposed law had been put into effect at the beginning of the 1924–1925 season.³

On 26 July 1924, the Egyptian Antiquities Service sent a copy of the new excavation permit which all the excavators were expected to sign for the next season (1924–1925) on November 1st, 1924. The Egyptian Government put new conditions of two kinds in this new contract. There were the conditions concerning the excavation staff (Article 3), visits (Article 4), surveillance (Article 5) and publication (Articles 7 and 8). The Director General of the Antiquities Service illustrated that these conditions had resulted from the difficulties that occurred since two years between the Service and an excavator, and that the reciprocal rights of the state and the excavators were not sufficiently defined and needed to be more clarified. There was also the condition regarding the division of found objects (Article 10). According to that condition, the Egyptian Government would no longer grant half of the found objects to the excavators who had been informed of this proposed regulation by a circular note in October 1922.⁴

¹ A circular letter of G. Daressy, the Service of Antiquities, dated the 10th October 1922. United Kingdom National Archives, FO141/487/3; Drower, *Flinders Petrie*, 355.

² A letter from the Acting High Commissioner in Egypt to James Ramsay MacDonald, British Secretary of State for Foreign Affairs, on 14 September 1924. United Kingdom National Archives, FO141/487/3.

³ A letter from Edward Robinson, Director of the Metropolitan Museum of Art, to Frank B. Kellogg, Secretary of State, State Department, Washington, on 25 July 1925. United Kingdom National Archives, FO141/487/3.

⁴ A circular letter of the Director General of the Antiquities Service, dated the 26th July 1924. United Kingdom National Archives, FO141/487/3.

A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to Owen Tweedy, the liaison officer at the British Residency in Egypt, on 26 August 1924. United Kingdom National Archives, FO141/487/3.

The Egyptian new excavation permit included a number of rules regarding the excavation work and staff members of those expeditions. Any possible change in the person conducting the excavation work must be accepted in writing by the Director of the Antiquities Service. Similarly, any change in research and executive staff attached to the excavation must be approved by the Service of Antiquities. It was only permitted to persons who were carrying out the excavation work and the agents of the Service of Antiquities to have access to the excavation site. The Service of Antiquities reserved its right, if necessary, to prohibit access to the excavation site to all visitors, whoever they might be. It also reserved its right to issue visit permits to foreign persons to the excavation site. The Service of Antiquities would exercise, through its agents, its absolute right of surveillance and control, whether in terms of the conservation of the place and the discovered objects or the scientific conduct of excavation. The right to publish scientific results of the excavation was reserved to the permitted beneficiary, but the Government would be able to publish all the facts of general and non-scientific interest regarding the excavation. The permitted beneficiary was responsible for publishing the results of their work in a scientific manner, within a period of five years from the expiry of the permit. The Government reserved the right of commercial reproduction of the discovered objects, but it would exercise this right only after the scientific publication of those objects. In the case of contravention of any of the conditions of this permit, the excavation work might be suspended by the Director General of the Antiquities Service or by any agent of the Service authorized for this purpose.¹

The scientific institutions engaged in excavations in Egypt expressed their objection to Article 10 of the new excavation permit/regulations issued by the Egyptian Government in 1924 and replacing the old rule of equal division of archaeological finds. This article stated: “Toutes les antiquités trouvées pendant toute la durée des travaux seront remises au Service des Antiquités. A l’exception de celles que le dit Service décidera, dans sa discrétion, de donner au bénéficiaire, elles feront partie du domaine public.”² According to that article, all the discovered objects during excavations would be handed over to the Antiquities Service with the exception of those antiquities which the Service would decide to hand over to the excavator while the rest would be of the public property.

Foreign Archaeologists’ Response to the Proposed Amendments to the Antiquities Law

The British archaeologist Flinders Petrie and other British and American archaeologists called for a meeting at University College London (UCL) to make a British-American cooperation to suspend Lacau’s proposed new Antiquities Law and his plan to end the half-division system. The meeting was held on 5 December 1922, a month after the discovery of Tutankhamun’s tomb, and was attended by the President of the EES and the Secretary H. R. Hall as its representatives. Albert Lythgoe, Arthur Cruttenden Mace and Alan Wace represented the Metropolitan Museum of New York, while Petrie represented the British School of Archaeology in Egypt. The British and American archaeologists issued a formal protest against the proposed law at this meeting, which was sent to the Egyptian Council of Ministers, the British High Commissioner Allenby, and Lacau.³

¹ Copy of the new contract between the Service of Antiquities and excavators, dated the 26th July 1924. United Kingdom National Archives, FO141/487/3.

² A letter from Edward Robinson, Director of the Metropolitan Museum of Art, to Frank B. Kellogg, Secretary of State, State Department, Washington, on 25 July 1925. United Kingdom National Archives, FO141/487/3.

³ Drower, *Flinders Petrie*, 356; Reid, *Contesting Antiquity in Egypt*, 82.

In December 1922, Herbert E. Winlock of the Metropolitan Museum of New York and other American archaeologists who were working with Carnarvon examining the found antiquities in Tutankhamun's tomb issued a protest against a bill which was being drafted by the Egyptian Government. They claimed that the Director General of the Egyptian Museum, under the proposed law, would have the right to cede any objects which he considered not necessary to retain in Egypt.¹

Winlock warned of the consequences of ratifying this law. He claimed that it would end all excavation work in Egypt, since the foreign expeditions in Egypt were supported by public subscribers who expect to receive a portion of the discovered objects. The expedition of Winlock alone was spending \$25,000 per year. Winlock declared that this money went to Nile villages through trading with the excavating parties. He believed that Egypt would suffer financially, but the world of science would suffer more if the archaeological work was suspended in Egypt.²

The American archaeologist James Henry Breasted, who headed the Chicago expedition and raised money for new digging by subscription in Chicago, had delayed his expedition until the situation would be clarified and he would be sure of getting an adequate share of his finds.³

The foreign archaeological expeditions in Egypt protested that the expeditions' financial flows would be cut off if all the antiquities uncovered in Egypt were to be the property of the Egyptian Government. They argued that the expeditions financed by international museums "obviously cannot afford to spend money to enrich the Cairo Museum."⁴

In March 1923, the American press declared that the Egyptian Government was ready to promulgate the new Antiquities Law, which provided that all discovered antiquities in the future by anyone, regardless of nationality or for whom they were working, were wholly and unconditionally the property of the Egyptian Government.⁵

Foreign representatives such as Morton Howell, the American Minister to Egypt, received assurances from the Egyptian Government that the archaeological expeditions in Egypt would receive a careful consideration.⁶ In March 1923, Morton Howell stated that the new antiquities regulations would not be promulgated until Autumn 1924. The Egyptian Government's decision to delay the new regulations was influenced by protests of the foreign archaeological expeditions in Egypt and by diplomatic representations that supported their demands.⁷

¹ "Scores Egypt's Plan to Hold Antiquities: American Archaeologist issues protest against proposed law," *New York Times*, December 27, 1922, 2.

² "Scores Egypt's Plan to Hold Antiquities," 2.

³ "Scores Egypt's Plan to Hold Antiquities," 2.

⁴ "Egypt to Promulgate Excavation Law: Protests have been made that it would stop all archaeological work there," *New York Times*, March 29, 1923, 11.

⁵ "Egypt to Promulgate Excavation Law," 11.

⁶ "Egypt to Promulgate Excavation Law," 11.

⁷ "Egypt to Delay New Law," *New York Times*, March 30, 1923, 3.

The British Egyptologist Alan Gardiner similarly rejected the law amendment proposal and informed the British authorities that the Cairo Museum received more objects than it was capable of supporting, arguing that the Museum's official registers had only one third of the objects, that the staff was "ludicrously inadequate," and that the few European officials there had to leave by 1927.¹ He stated that the Cairo Museum was the richest, but at the same time the worst managed museum in the world. He claimed that the Egyptian antiquities in many cases had been saved only by the personal efforts and money of private individuals who were mainly British or Americans.²

Gardiner supported the concept of distributing antiquities throughout the world which would contribute to the educational purposes through forming good representative collections in the international museums. He argued that other countries should contribute to the preservation of Egyptian cultural heritage which should be of concern for the international community of mankind.³

In July 1926, Petrie decided to suspend his archaeological work in Egypt and to excavate in Palestine, which was under the control of the British mandate officials, because of the new regulations which were put into force by the Egyptian Government.⁴

A number of foreign archaeologists considered that the new contract gave the Department of Antiquities "practically despotic powers over almost every detail of their work." Petrie stated that the Egyptian authorities made it impossible for him to continue his work. He declared in an interview "the situation there from the viewpoint of archaeology is nothing short of farcical." He argued that the new regulations forced them to put all their discoveries at the disposal of the Director of the Antiquities Service.⁵

H. G. Lyons, Treasurer in the EES, although regretting Petrie's decision, testified that the Egyptian Antiquities Service retained certain objects of special interest from the EES finds at Abydos and Tell el-Amarna, but they allowed the greater part of finds to be given to the EES and to be transferred to the United Kingdom; these objects were exhibited in the Society of Antiquaries at Burlington House in London where the public could see them before their distribution to various museums. Lyons expressed the vision of the EES in the Egyptian Government's attitude to foreign archaeological expeditions in Egypt during that period: "the Society feel that the Egyptian Government have in this matter acted not only fairly but even generously towards them."⁶

¹ A letter from Alan H. Gardiner to J. Ramsay MacDonald, British Secretary of State for Foreign Affairs, on 12 September 1924. United Kingdom National Archives, FO141/487/3.

² A letter from Alan H. Gardiner to the British Prime Minister on 24 November 1924. United Kingdom National Archives, FO141/487/3.

³ A letter from Alan H. Gardiner to J. Ramsay MacDonald, British Secretary of State for Foreign Affairs, on 12 September 1924. United Kingdom National Archives, FO141/487/3.

⁴ Reid, *Contesting Antiquity in Egypt*, 81, 356; Stevenson, *Scattered Finds*, 146.

⁵ "Petrie Forced to Quit Excavating in Egypt: British Egyptologist will transfer work to Palestine because of the new restrictions," *New York Times*, July 7, 1926, 15.

⁶ "British Excavation Work", *The African World*, July 7, 1926, 15.

On 26 February 1927, the President of the EES asked the help and sympathy of the British High Commissioner Lord Lloyd for archaeologists, whose work, as he stated, was greatly affected by the new regulations and the “ungenerous treatment by M. Lacau.” He complained about the division of the objects discovered by the EES in the 1926–1927 season. He claimed that Lacau “takes practically all, and gives us very little.”¹ According to the procès verbal of the examination of the antiquities discovered by the EES in this season, 38 objects were reserved by the Cairo Museum, and 10 objects were given to the EES.²

The President of the EES considered the new division of discovered objects as “unfair interpretation of the Law” by Lacau and stated that they could not trust him. They feared that public subscriptions for the Society would cease unless they could ensure a result for the money subscribed. The President of the EES informed Lloyd that they would probably have to stop their excavations in Egypt and to wind up their Society as a result of this narrow and ungenerous interpretation of the Law. This was described as “disastrous” since the American and other institutions might do the same.³

The British archaeologist Reginald Engelbach, a keeper at the Cairo Museum, informed the First Secretary in the British Embassy in Cairo in May 1928 that if the Egyptians would insist on their attitude that no valuable objects should be given to the institutions who spent large sums of money for the financing of their excavations, the archaeological expeditions would stop.⁴

Criticism of the Administration of the Egyptian Antiquities Service

Gardiner criticized the defective administration of the Antiquities Service which “has gone from bad to worse” during the last few years. He described the Antiquities Service as being incompetent and that the situation had got worse with the arrival of the then director Lacau. He also criticized the treatment of Howard Carter, whose work was held in high regard even by his opponents, describing it as a blow to science which archaeologists thought they would never witness. He asked the British Secretary of Foreign Affairs to take steps to ensure an adequate administration of the antiquities of Egypt through the coming talks with Prime Minister Saad Zaghlul Pasha, considering those antiquities as the cultural heritage of mankind which should be of concern for the international community of mankind. He called for a real international control of the Egyptian antiquities which “would be enthusiastically welcomed by Egyptologists.”⁵ He blamed Lacau for his sympathy and support to the demands of amending the Antiquities Law.⁶

¹ A letter from President of the EES to British High Commissioner to Egypt Lloyd on 26 February 1927. United Kingdom National Archives, FO141/487/3.

² Procès verbal of the Examination of the Antiquities discovered by the EES in 1926–1927, signed by P. Lacau, Director General of the Egyptian Museum, and H. Frankfort, Field Director of the EES, on 3 February 1927. United Kingdom National Archives, FO141/487/3.

³ A letter from John Maxwell, President of the EES, to British High Commissioner to Egypt Lloyd on 26 February 1927. United Kingdom National Archives, FO141/487/3.

⁴ A report by Reginald Engelbach, Keeper at the Cairo Museum, to Maurice Peterson, First Secretary in the British Embassy at Cairo, on 12 May 1928. United Kingdom National Archives, FO141/487/3.

⁵ A letter from Alan H. Gardiner to J. Ramsay MacDonald, British Secretary of State for Foreign Affairs, on 12 September 1924. United Kingdom National Archives, FO141/487/3.

⁶ A letter from Alan H. Gardiner to British Prime Minister on 24 November 1924. United Kingdom National Archives, FO141/487/3.

Frederick Kenyon, the Director of the British Museum, criticized the administration of the Egyptian antiquities during that time and expressed his concerns regarding the Egyptian intention in 1927 to replace the European administration of the Service of Antiquities by “the hands of Egyptians” who had no adequate knowledge of archaeology. Kenyon urged the British Foreign Office to adopt the idea of keeping the administration of Egyptian antiquities in European hands and to be regarded as a “foreign interest entitled to the protection of His Majesty’s Government,” which he believed would rescue the Egyptian archaeology from ruin.¹

The President of the EES informed the British Foreign Office that the Service of Antiquities wanted to have the Antiquities Law their own way, while the excavators got no guarantee. He alleged that the Egyptian Government had not acquired the world confidence and that there was no guarantee that the new amendment would only be exercised in case of necessity. He did not think “archaeologists have any confidence in Lacau the Director-General.”²

Excavators feared that the Service of Antiquities would be completely taken over by Egyptians. However, P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, believed that no Egyptian could fill the post of Director General of Antiquities or replace the European members of the Service’s staff.³ Tottenham informed Lacau that if important scientific bodies interested in Egyptian archaeology made claims to their respective foreign offices urging the British Government to use its good offices to persuade the Egyptian Government to agree to leave the direction of the Antiquities Service in European hands, the Egyptian Government would consider the funds and work of those scientific bodies a foreign interest.⁴ Austen Chamberlain, the British Secretary of State for Foreign Affairs, thought that it did not appear to him to assert that as foreign interest within the meaning of the declaration of 1922.⁵

The American archaeologist James Henry Breasted criticized Lacau, the French Egyptologist who led the Egyptian Antiquities Service, describing him as a fine researcher, but unsuccessful administrator. He blamed Lacau for his support for the Egyptian vision regarding the ownership of the Egyptian antiquities “Egypt for the Egyptians” and for his intention not to continue the old policy of the division of findings between the Egyptian state and the excavator.⁶

¹ A letter from Frederick Kenyon, Director of the British Museum, to Foreign Office, on 9 January 1925. United Kingdom National Archives, FO141/487/3.

² A letter from John Maxwell, President of the EES, to W. H. M. Selby, British Foreign Office, on 29 September 1924. United Kingdom National Archives, FO141/487/3.

³ A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to P. Lacau, Director of the Service of Antiquities, on 4 December 1924. United Kingdom National Archives, FO141/487/3.

⁴ A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to P. Lacau, Director of the Service of Antiquities, on 4 December 1924. United Kingdom National Archives, FO141/487/3.

⁵ A letter from Austen Chamberlain, Secretary of State for Foreign Affairs, to Lord Allenby, British High Commissioner to Egypt, on 19 January 1925. United Kingdom National Archives, FO141/487/3.

⁶ Emberling, *Pioneers to the Past*, 36.

It is worth noting that the British archaeologist Cecil M. Firth protested against what he called a campaign which was carried out by Breasted against the Department of Antiquities in general and against Lacau in particular. He sent his protest to the British High Commissioner in Egypt on 29 January 1926 justifying his opposition that this campaign was partly on account of the proposed new law of antiquities in Egypt and partly “on account of personal feeling with regard to M. Lacau.” Firth claimed that Breasted’s expedition at Megiddo in Palestine was working without protest under more severe conditions governing scientific work in Palestine than those in force in Egypt. He recognized the right of Egypt to resist “undue spoliation” by American or European museums, to be the arbiter with regard to the custody of her national treasures, and to have the same privileges which the scientific conscience of the world had long since accorded to Greece and Turkey and which had been adopted in Palestine and Mesopotamia. He criticized the old Antiquities Law which Breasted sought to revive, arguing that this Law made the Egyptian Government unable to deal with any foreign or native excavator who might get an excavation permit through influence.¹

The EES stated that they did not have bothers with the Egyptian authorities before Lacau. They claimed that they did their best to support the laws, decrees and ordinances of the Egyptian Government. They declared that Lacau enforced new laws that had not been yet ratified by the Egyptian Government.²

Justifications for Amending the Law and Attempts to Reassure the Foreign Expeditions

Under the Antiquities Law of 1912, the discovered antiquities should be halved between the Cairo Museum and the excavator. The Service of Antiquities justified the proposed modification that the excavator usually got the bulk of ordinary objects and less than a half of important objects. They considered that Law as more generous to the digger than that of any other country, but the law had been very difficult to apply many times in the late years. Sometimes, a digger found only one important group of objects which should be kept together in Egypt, while the rest of discovered objects might be of less value. A real division in this case was impossible and money compensation to the excavator was inadequate. Therefore, a modification of the law had been proposed, so that the Cairo Museum would have the right to keep all objects needed to complete its collections and the digger would get the rest. The Service of Antiquities assured that the Egyptian Government did not mind that the diggers keep even pieces of first importance if Egypt had similar objects, but “the claim to a half-and-half division is no longer tolerable.”³

¹ A letter from Cecil M. Firth to British High Commissioner to Egypt Lloyd on 29 January 1926. United Kingdom National Archives, FO141/487/3.

² A letter from President of the EES to British High Commissioner to Egypt Lloyd on 26 February 1927. United Kingdom National Archives, FO141/487/3.

³ Explanatory of the proposed amendments to the Antiquities Law. United Kingdom National Archives, FO141/487/3.

The Service of Antiquities ascertained that there was never any intention on the part of the Egyptian Government of keeping everything. They stated: “that would be absurd both from a practical point of view and from a scientific point of view.” They confirmed to the excavators that the Government would be happy to give to scientific institutions, authorized to excavate, all categories of objects, even important ones, and that the Government would encourage those diggers whose assistance is invaluable and would facilitate the study of ancient Egypt in foreign universities centers.¹

The representatives of the Metropolitan Museum of New York, Edward Robinson and Albert Lythgoe, had conducted negotiations in Egypt with the Director of the Antiquities Service Lacau, regarding the administration of Egyptian antiquities and the division of discovered objects between the excavator and the Antiquities Service. They tried to alleviate the difficulties that might confront the foreign expeditions in Egypt.²

Lacau tried to reassure the scientific institutions engaged in archaeological work in Egypt about the reasons and scope of the new form of contract. In his letter addressed to the President of the Metropolitan Museum on 1 April 1925, Lacau clarified that the Egyptian Government intended to take freely the objects it would need to form complete and logical series of antiquities representing the whole Egyptian civilization for its own national collections; that the Government undertook to recognize the efforts of the scientific institutions in the discovery, study and publication of material and facts regarding ancient Egyptian history and civilization; and that the Government would facilitate the study of ancient Egypt in foreign centers by assisting scientific institutions in conducting excavations in Egypt to form collections representing that civilization. Lacau emphasized that the old rule of sharing discovered objects, which was neither rational nor practical, was suspended.³ However, he undertook, once the needs of the Egyptian national collection were completed, to give all the remaining objects to the excavator.⁴

Although Lacau sent them some assurances which they were prepared to accept “as satisfactory,” they asked that these assurances should be embodied in an official form either in a ministerial decree or in the proposed law itself, so that the Egyptian Government might be committed to them, and that they could be looked upon as an acceptable basis upon which the foreign archaeological excavations could be resumed again. It seems that they considered these promises as personal viewpoint of Lacau.⁵

¹ A circular letter of the Director General of the Antiquities Service, dated the 26th July 1924. United Kingdom National Archives, FO141/487/3.

² A letter from Frederick Kenyon, Director of the British Museum, to John Murray, British Foreign Office, on 2 December 1925. United Kingdom National Archives, FO141/487/3.

³ A letter from P. Lacau, Director of the Service of Antiquities, to President of the Trustees Committee of the Metropolitan Museum, on 1 April 1925. United Kingdom National Archives, FO141/487/3.

⁴ A letter from Edward Robinson, Director of the Metropolitan Museum, to Frank B. Kellogg, Secretary of State, State Department, Washington, on 25 July 1925. United Kingdom National Archives, FO141/487/3.

⁵ A letter from Frederick Kenyon, Director of the British Museum, to John Murray, Foreign Office, on 2 December 1925. United Kingdom National Archives, FO141/487/3.

The American Response to the Law Amendment Proposal

George Foucart, Lacau's successor as Director of the Institut français d'archéologie orientale du Caire (IFAO), stated that the lack of archaeological expeditions in Egypt funded by the French Government caused French archaeologists to retreat and frequently to be replaced by Americans. During that period, the influence of American excavators increased rapidly in Egypt. They consistently appeared to be wealthier than the Europeans. As a result, by the beginning of the 1920s, American institutions were funding seven out of eight foreign expeditions to Egypt. For this reason, American archaeologists were more interested than others in the matter of amending the law.¹

On 10 October 1922, the American concessionaires had been informed by the Egyptian Antiquities Service of the Egyptian Government's intention to modify "the Antiquities Law of 1912" and the end of the equal division system after the 1922–1923 season, and that the Director of the Antiquities Service would be free to keep everything that he considered important for the national collections.²

The Director of the Antiquities Service Lacau was described as the "bête noire" of American archaeologists and those who financed them as well.³ As a result of the application of the new regulations governing the archaeological excavations in Egypt on the 1st of November 1924, the Trustees of the Metropolitan Museum of New York had decided to suspend their excavations at Lisht and Deir el-Bahari in November 1924,⁴ despite Lacau's attempt to reassure them in his letter of 26 July 1924, which "was insufficient to satisfy the Trustees requirements."⁵ Lacau also expressed his sincere desire that the Museum's excavations would be resumed again and gave assurances in his letter dated the 1st April 1925.⁶ The Metropolitan Museum had asked the support of their own government. At an interview on 20 May 1925 with W. C. Osborn and Edward Robinson of the Metropolitan Museum, the American Secretary of State in Washington Frank B. Kellogg promised to seek the cooperation of the Governments of Great Britain and France to improve the conditions governing the archaeological work in Egypt. The Board of Trustees of this Museum had decided at their meeting on 11 June 1925 that the Museum could resume archaeological work in Egypt, once there is a permanent and official form by the Egyptian Government confirming Lacau's assurances.⁷ Edward Robinson, the Director of the Metropolitan Museum of Art, asked the American Secretary of State to give his diplomatic support to Lacau's

¹ James F. Goode, *Negotiating for the Past: Archaeology, Nationalism, and Diplomacy in the Middle East 1919-1941* (Texas: University of Texas Press, 2007), 93.

² Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, March 1926. United Kingdom National Archives, FO141/487/3.

³ Goode, *Negotiating for the Past*, 94.

⁴ A letter from P. Lacau, Director of the Service of Antiquities, to President of the Trustees Committee of the Metropolitan Museum, on 1 April 1925. United Kingdom National Archives, FO141/487/3.

⁵ A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to P. Lacau, Director of the Service of Antiquities, on 18 December 1924. United Kingdom National Archives, FO141/487/3.

⁶ A letter from P. Lacau, Director of the Service of Antiquities, to President of the Trustees Committee of the Metropolitan Museum, on 1 April 1925. United Kingdom National Archives, FO141/487/3.

⁷ A letter from Edward Robinson, Director of the Metropolitan Museum of Art, to Frank B. Kellogg, Secretary of State, State Department, Washington, on 25 July 1925. United Kingdom National Archives, FO141/487/3.

assurances and the official form in which these assurances were desired to be embodied.¹ They sought from the Egyptian Government adequate assurances under the new regulations as to fair conditions for future work in Egypt.²

In March 1926, the American Minister to Egypt Morton Howell was instructed by his Government to address a note to the Egyptian Government including the American representations regarding the proposed new Antiquities Law. He sent a copy of this note to Lord Lloyd, the British High Commissioner to Egypt, asking him to support those American claims.³

The American Ambassador tried to clarify the extent of the interest which had been taken by a number of American scientific institutions and museums in archaeological work in Egypt, and how the work of those American societies in Egypt, which was accomplished through generous appropriations of money, was of signal importance to a clearer understanding of the history of antiquity. He enumerated the benefits of Egyptology to the American society, stating that the various American museums had been enabled to create representative collections illustrating the history and art of ancient Egypt. These collections proved of educational value to the schools and universities of the United States. They caused a strong interest among the American people in the history of Egypt which led to an increasing number of American travelers to Egypt.⁴

The Metropolitan Museum's excavations at Thebes and Lisht were suspended on 1 November 1924. Albert Lythgoe, who conducted the Metropolitan Museum's expeditions at Lisht, claimed that between 300 and 400 Egyptian workmen had been dismissed.⁵

From the American point of view, the American scientific societies and museums were assured under the Law of 1912 that they would get a fair share of the discovered objects which was appropriate compensation for the money they had spent on the archaeological discoveries in Egypt.⁶

The British Response to the Law Amendment Proposal

James Ramsay MacDonald, the British Secretary of State for Foreign Affairs, was called to pay his attention to the growing number of attempts in various countries to monopolize fields of archaeological research to the detriment of British archaeological interests. He asked Lord Allenby, the British High Commissioner to Egypt, to report any attempts on the part of archaeological institutions or individuals "to obtain such monopolies."⁷

¹ A letter from Frederick Kenyon, Director of the British Museum, to John Murray, Foreign Office, on 2 December 1925. United Kingdom National Archives, FO141/487/3.

² "Museum's Excavations in Egypt Stopped: Metropolitan reveals suspension since 1924 – seeks fairer conditions," *New York Times*, March 17, 1926, 28.

³ A telegram from Austen Chamberlain, Foreign Office, to British High Commissioner to Egypt Lloyd on 3 March 1926 at 6.25 p.m. United Kingdom National Archives, FO141/487/3.

⁴ Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, in March 1926. United Kingdom National Archives, FO141/487/3.

⁵ "Museum's Excavations in Egypt Stopped," 28.

⁶ Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, in March 1926. United Kingdom National Archives, FO141/487/3.

⁷ A letter from J. Ramsay MacDonald, British Secretary of State for Foreign Affairs, to Lord Allenby, British High Commissioner to Egypt, on 28 May 1924. United Kingdom National Archives, FO141/487/3.

The British Under-Secretary of State in the Egyptian Ministry of Public Works P. M. Tottenham had informed the British authorities in Egypt that no attempts on the part of Egypt were being made to monopolize fields of archaeological research to the detriment of British interests and that no British application to excavate had been refused. He clarified that the great and efficient involvement of American excavators in the archaeological work in Egypt was due to their ample resources and that perhaps “their encouragement has given rise to the idea that monopolies are being created.”¹ The British High Commissioner reported the information provided by Tottenham to the British Secretary of State for Foreign Affairs.²

The British Egyptologist Alan Gardiner and the Archaeological Joint Committee headed by the Director of the British Museum Frederick Kenyon had made representations to the British Foreign Office to obtain diplomatic support in order to secure an adequate administration of the Egyptian antiquities. They had complained of the complete ruin of their archaeological interests, particularly because of the Anglo-French agreement of 1904, which restricted the direction of the Egyptian Antiquities Service in French hands, and the subsequent inefficient French control of the Egyptian antiquities. He stated: “We feel that we have a real grievance.”³ The British Foreign Office replied that the Secretary of State for Foreign Affairs would bear this matter in mind once there would be an opportunity of mentioning the subject to Saad Zaghlul Pasha.⁴

The Archaeological Joint Committee had a series of observations on the new form of contract, because it was attempted to impose conditions on the excavator in advance that were not yet included in the then existing Antiquities Law (though they were planned to be included). Firstly, the Committee recognized the principle that the national museums in countries have a prior claim to a full representation of all their antiquities. Consequently, they acknowledged the right of the Egyptian Government to amend their Antiquities Law. Secondly, they considered the principle that the excavator should be given an adequate share of the discovered objects for encouraging excavations in Egypt and for the benefit of science in other countries. They had argued for a large distribution of Egyptian antiquities abroad with an adequate representation in the Cairo Museum.⁵

¹ A letter from P. M. Tottenham to Owen Tweedy, the liaison officer at the British Residency in Egypt, on 20 July 1924. United Kingdom National Archives, FO141/487/3.

² A letter from the Acting High Commissioner in Egypt to James Ramsay MacDonald, British Secretary of State for Foreign Affairs, on 1 August 1924. United Kingdom National Archives, FO141/487/3.

³ A letter from Alan H. Gardiner to J. Ramsay MacDonald, British Secretary of State for Foreign Affairs, on 12 September 1924. United Kingdom National Archives, FO141/487/3.

⁴ A letter from the British Foreign Office to Alan H. Gardiner, on 18 September 1924. United Kingdom National Archives, FO141/487/3.

⁵ A letter from Frederick Kenyon, Director of the British Museum, to the British Foreign Office on 9 January 1925. United Kingdom National Archives, FO141/487/3.

In reply to the letter of John Maxwell, President of the EES, dated the 29th September 1924 with regard to the amendments of the Egyptian Antiquities Law,¹ the British Foreign Office clarified that the British were hardly in a position to prevent the Egyptian Government from amending their Antiquities Law. They expressed their opinion that the Egyptians would be the main sufferers in case of unfair treatment of excavators and that the spirit in which the law would be applied is more important than the actual letter of the amendments.²

P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, was convinced that the proposed modification was practically certain to become law in due course. He tried to find a way out to reassure the foreign expeditions working in Egypt by reaching a satisfactory *modus vivendi*. He proposed that the Minister of Public Works, who was entrusted with the execution of the Antiquities Law by the Government, could issue a ministerial decree which would embody the principles of fair and liberal treatment. This ministerial decree would have the same legal force as the law itself, so as long as it was in force.³ He believed that this ministerial decree was an essential complement to the amendment of the Law and that they should be issued together.⁴

However, there were concerns that this ministerial decree could be cancelled by a new Minister of Public Works. Tottenham suggested that a concessionaire could be fully safeguarded against that by an article in his contract stating the application of the provisions of the ministerial decree for the duration of his contract. He added that in case of unfair interpretation of the proposed ministerial decree or the Law itself, the matter could be sent to the mixed courts. Albert Lythgoe, Curator of Egyptian Department of the Metropolitan Museum of Art, believed that this proposed ministerial decree would satisfy the Trustees of the Metropolitan Museum.⁵

Frederick Kenyon, the Director of the British Museum, asked the British Government to direct Lord Allenby to give his support to Tottenham in his efforts to secure fair conditions for excavators.⁶

¹ A letter from John Maxwell, President of the EES, to W. H. M. Selby, British Foreign Office, on 29 September 1924. United Kingdom National Archives, FO141/487/3.

² A letter from W. H. M. Selby, British Foreign Office, to John Maxwell, President of the EES, on 4 October 1924. United Kingdom National Archives, FO141/487/3.

³ A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to P. Lacau, Director of the Service of Antiquities, on 18 December 1924. United Kingdom National Archives, FO141/487/3.

⁴ A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to John Maxwell, President of the EES, on 17 February 1925. United Kingdom National Archives, FO141/487/3.

⁵ A letter from P. M. Tottenham, British Under-Secretary of State in the Egyptian Ministry of Public Works, to P. Lacau, Director of the Service of Antiquities, on 18 December 1924. United Kingdom National Archives, FO141/487/3.

⁶ A letter from Austen Chamberlain, Secretary of State for Foreign Affairs, to Lord Allenby, British High Commissioner to Egypt, on 19 January 1925. United Kingdom National Archives, FO141/487/3.

In 1927, the British High Commissioner Lord Lloyd had made discussions with Lacau in which he illuminated that his attitude to archaeologists was considered by the EES and other institutions working in Egypt as “obstructive” and that it would cause the suspension of the archaeological work in Egypt. As the discussion with Lacau seemed useless, Lloyd had informed him that he would suggest to these institutions that they should continue their work for a further year hopefully things would be better soon. In his letter of 27 April 1927 to the President of the EES, Lloyd stated: “I fear I can do no more.” He expressed his opinion that they should not withdraw entirely from Egypt, hoping that the “Society will see its way to continue working for a further year in the hope that matters may improve during that period.”¹

The British American Cooperation to Suspend the Law Amendment

A growing anxiety started to appear among foreign archaeologists over the proposed new Antiquities Law. American archaeologists participated in the protest against the proposed law at UCL in December 1922. They signed a joint document of protest with their British counterparts. This document was sent to the Egyptian Cabinet, the Director of the Antiquities Service Lacau, and the British High Commissioner Lord Allenby.²

The British and American archaeologists were jointly interested in securing a proper basis for the archaeological work in Egypt. Both the American Minister at Cairo Morton Howell and the British High Commissioner Lord Allenby had made representations to the Egyptian Government on the matter of the proposed amendment of the Antiquities Law. Morton Howell had told Lord Allenby that their joint efforts “have made more flexible the work of those engaged in excavations in Egypt.”³

A number of American scientists found Lacau’s declaration not wholly reassuring because of the generality of its terms and the absence of an official form by the Egyptian Government confirming Lacau’s assurances. Consequently, the American Minister at Cairo proposed that Article 10 of the new archaeological permit should be supplemented by a statement explaining the scope and intentions of this article.⁴

¹ A letter from British High Commissioner to Egypt Lloyd to President of the EES John Maxwell on 27 April 1927. United Kingdom National Archives, FO141/487/3.

² “Stop Egypt Explorations: Law Nationalizing Antiquities is being protested,” *The Washington Post*, December 28, 1922, 6.

³ A letter from the British Foreign Office to the Archaeological Joint Committee, British Museum, on 19 June 1924. United Kingdom National Archives, FO141/487/3.

⁴ Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, March 1926. United Kingdom National Archives, FO141/487/3.

The Trustees of the Metropolitan Museum of New York suggested a new form of explanation to be appended to Article 10 of the new regulations, regarding the division of discovered objects, as follows:

“le systeme scientifique exige d’une maniere claire que nous conservions librement tout ce que nous ne possédons pas. Mais ce même intérêt scientifique exige également que nous donnions largement tout ce que nous possédons déjà.

Nous ne voulons pas conserver pour vendre, ce qui serait tout a fait désobligeant pour les fouilleurs. Nous voulons uniquement garder ce qui doit faire partie définitivement du domaine public égyptien”. We do not wish to keep “des doubles ou des equivalents déjà bien représentés puisque nous nous interdisons de les vendre. De même nous ne voulons pas garder des doubles pour constituer des réserves qui nous serviraient a dédommager un fouilleur avec les doublee trouvée par un autre fouilleur. Dans ces conditions nous devons logiquement donner aux fouilleurs tout ce dont nous n’avons pas besoin. Ceci implique: 1. que nous donnerons meme des objets de premiere importance si nous avons déjà l’équivalent dans nos collections (le mot équivalent est plus clair que le mot double): 2. que nous donnerions tous les objets que nous ne voulions pas conserver, c’est-a-dire parfois plus de la moitié des objets trouvés.”¹

The previous statement illustrates that the Egyptian Government would be able to keep freely in accordance with scientific interests all material which it did not already possess, but should give largely in the case of material which it already possessed. Accordingly, the Service would only keep what should definitely be part of the Egyptian public domain. Likewise, it would not keep duplicates or equivalents already well represented in its national collections for purposes of sale nor in order to build up reserves which would serve to compensate an excavator with the duplicates discovered by another. Under these conditions, the Government would logically give to the excavators everything it would not need. This implied that the Government would give even objects of first importance if it already had the equivalent in its collections, and would give all the objects which it would not wish to keep, whether or not in excess of the half of the found objects.

The American Government sought to introduce the former principles in an interpretation of Article 10 of the new form of excavation permit in order to obtain the official recognition of the Egyptian Government of the assurances given by Lacau in his letter of the 1st April 1925 addressed to the Metropolitan Museum of New York and sought by American excavators and museums. The American Government emphasized the importance of strengthening the friendly encouragement and cordial support of the two governments through the work of American archaeologists in the field of Egyptian archaeology.²

On 17 December 1925, the British Foreign Office had received copies of the documents regarding the assurances given by Lacau in 1925.³ They pledged that the British Government would support

¹ Suggested form of explanation to be appended to Article 10 of the new regulations, which would then render the conditions as to the division acceptable to the Metropolitan Museum, on 25 July 1925. United Kingdom National Archives, FO141/487/3.

² Draft of proposed note to be presented to the Egyptian Foreign Office by the American Minister at Cairo, 5 March 1926. United Kingdom National Archives, FO141/487/3.

³ A letter from Frederick Kenyon, Director of the British Museum, to John Murray, Foreign Office, on 17 December 1925. United Kingdom National Archives, FO141/487/3.

the American Government representations in order to secure permanent recognition on the part of the Egyptian Government of the assurances obtained from Lacau.¹

The American Minister at Cairo made representations to the Egyptian Government to obtain official confirmation of the assurances given by Lacau to the Metropolitan Museum in 1925.² The French Minister at Cairo M. Gaillard firstly opposed the American proposals for a modification of the Egyptian Antiquities Law, but after discussing the matter with Lacau agreed that it would be better to obtain official confirmation of his assurances. Accordingly, the French Minister was prepared to provide general support to the American Minister's representations to the Egyptian Government in the matter of the Antiquities Law.³ He had received instructions to support the American representations.⁴ Having received a request from the American Minister,⁵ the British High Commissioner to Egypt Lord Lloyd similarly expressed his intention to support the American Minister's proposals in concert with the French Minister.⁶ He addressed a note to the Egyptian Government asking official approval for Lacau's personal assurances.⁷

The British High Commissioner to Egypt Lord Lloyd sent a note to Ahmed Ziwar Pasha, the Egyptian Prime Minister and Minister for Foreign Affairs, on 3 April 1926, regarding Article 10 of the revised excavation permit issued in 1924, which was a modification of the Antiquities Law of 1912. He stated that this article afforded no guarantee of fair and liberal treatment of foreign excavators, especially in the absence of some definite assurance as to the way in which this article would be interpreted.⁸

¹ A letter from John Murray, Foreign Office, to Frederick Kenyon, Director of the British Museum, on 29 December 1925. United Kingdom National Archives, FO141/487/3.

² A letter from Lord Lloyd, British High Commissioner to Egypt, to Morton Howell, American Minister at Cairo, on 13 April 1926. United Kingdom National Archives, FO141/487/3.

³ Minute on Residency Paper No. 7436/130, High Commissioner to Egypt, on 24 March 1926. United Kingdom National Archives, FO141/487/3.

⁴ A letter from Robert Crewe-Milnes, British Ambassador in Paris, to Austen Chamberlain, Secretary of State for Foreign Affairs, on 13 April 1926. United Kingdom National Archives, FO141/487/3.

⁵ A letter from Morton Howell, American Minister at Cairo, to Lord Lloyd, British High Commissioner to Egypt, on 5 March 1926. United Kingdom National Archives, FO141/487/3.

⁶ A telegram No 114 from Lord Lloyd, British High Commissioner to Egypt, to Austen Chamberlain, Secretary of State for Foreign Affairs, on 29 March 1926. United Kingdom National Archives, FO141/487/3.

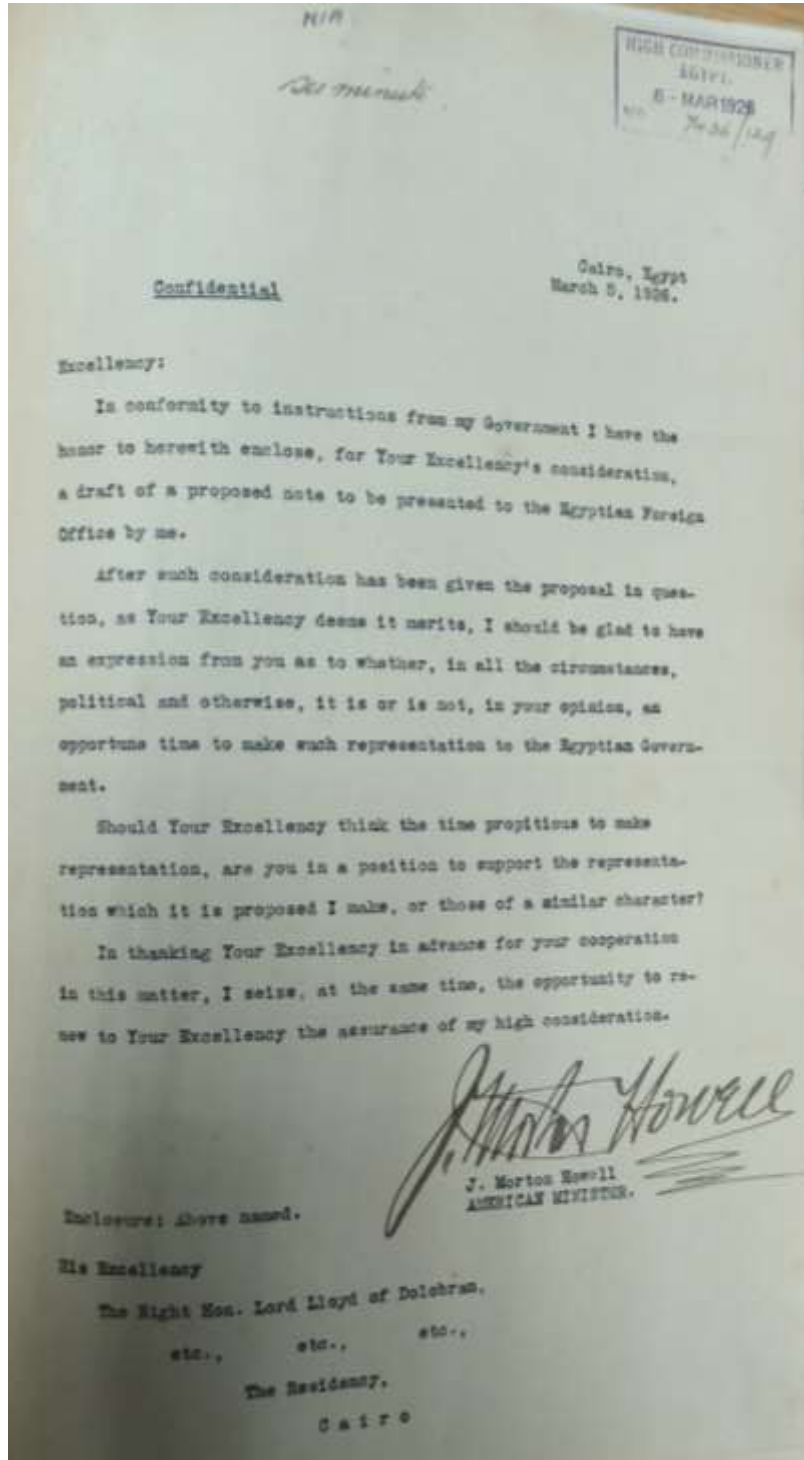
⁷ A letter from Lord Lloyd, British High Commissioner to Egypt, to Morton Howell, American Minister at Cairo, on 13 April 1926. United Kingdom National Archives, FO141/487/3.

⁸ A note from the British High Commissioner to Egypt to Ahmed Ziwar Pasha, Egyptian Prime Minister, on 3 April 1926. United Kingdom National Archives, FO141/487/3.

On 26 May 1926, Ahmed Zivar Pasha informed Lloyd that the Egyptian Government accepted to give assurances of liberal treatment of foreign excavators and to add an interpretation note to Article 10 of the revised excavation permit signed annually by the excavators. Article 10 was proposed to be interpreted by the following note:

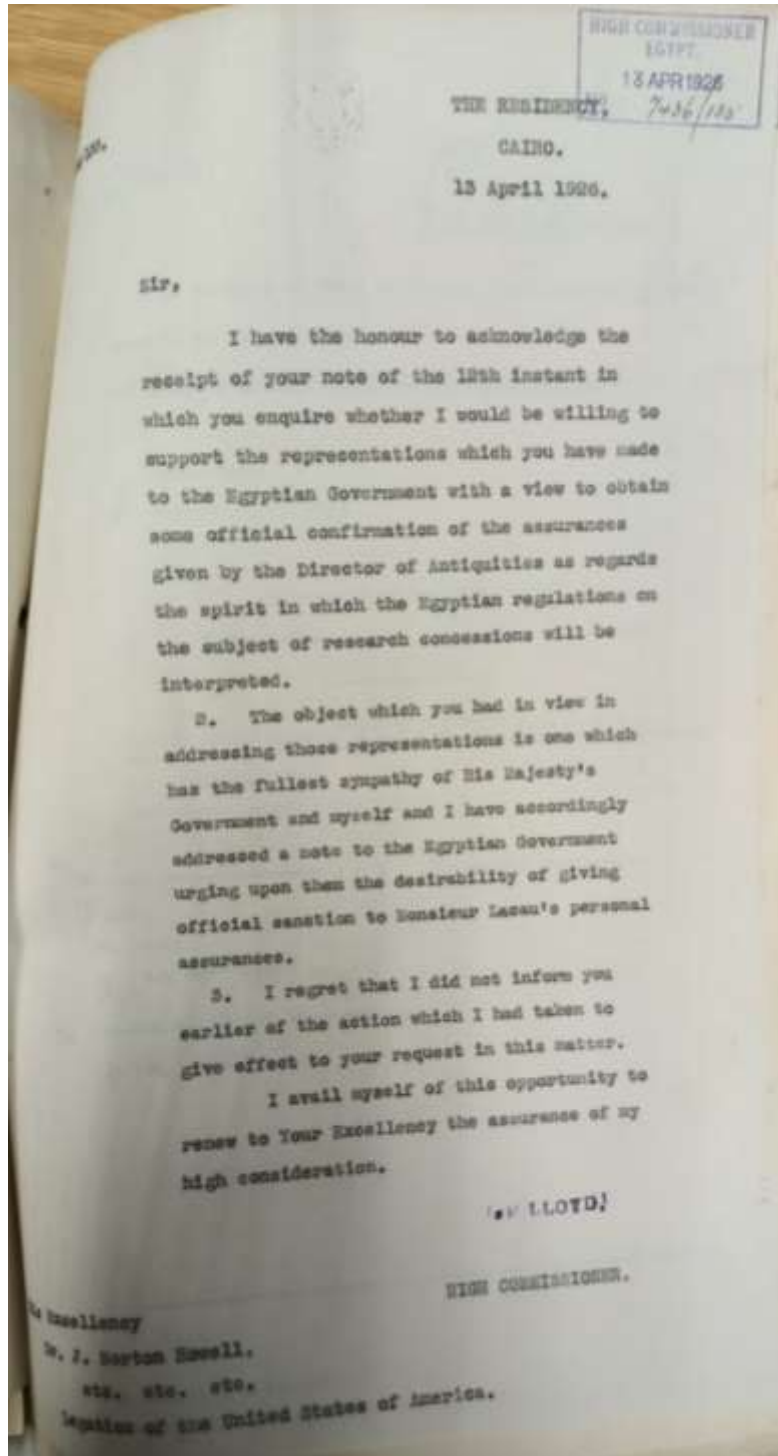
“Les principes scientifiques veulent que le Service des Antiquités puisse réserver librement tous les objets dont il estime avoir besoin pour ses collections. Ces mêmes principes veulent également qu’il donne largement les objets même de première importance dont il n’a pas besoin pour ses collections. Le Service, s’inspirant des dits principes, ne veut ni vendre les objets trouvés par les fouilleurs ni en faire des réserves pouvant être données à d’autres fouilleurs. Au contraire, le Service est disposé à donner au bénéficiaire de l’autorisation tous les objets dont il n’aurait pas besoin pour les collections de l’Etat tant au Caire que dans les autres villes et quelque soit l’importance des dits objets. Il est toutefois expressément entendu que le Service constituera les dites collections en toute liberté et qu’il décidera souverainement de l’octroi ainsi que du choix des objets qui seront donnés au bénéficiaire de l’autorisation.”¹

¹ A letter from Ahmed Zivar Pasha, Egyptian Prime Minister and Minister of Foreign Affairs, to Lord Lloyd, British High Commissioner to Egypt, on 26 May 1926. United Kingdom National Archives, FO141/487/3.



Morton Howell, American Minister at Cairo, asking the support of Lord Lloyd, British High Commissioner to Egypt, regarding his representations to the Egyptian Government.¹

¹ A letter from Morton Howell, American Minister at Cairo, to Lord Lloyd, British High Commissioner to Egypt, on 5 March 1926. United Kingdom National Archives, FO141/487/3.



The response of Lord Lloyd, British High Commissioner to Egypt, to Morton Howell, American Minister at Cairo, asking for Egyptian official approval for Lacau's personal assurances.¹

¹ A letter from Lord Lloyd, British High Commissioner to Egypt, to Morton Howell, American Minister at Cairo, on 13 April 1926. United Kingdom National Archives, FO141/487/3.

According to the proposed addition to that article, the Egyptian Government would have the right to take freely all the objects it deemed necessary for its own national collections and would give even the objects of first importance which it would not need for its collections. Accordingly, the Government would not sell the objects found by the excavators or store up reserves that can be given to other excavators, but would be ready to give to the excavator all the objects which it would not need for national collections both in Cairo and in the other cities and regardless of the importance of these objects. However, the Government would have the sole decision on the granting and the choice of the objects which would be given to the excavator.

Although the British High Commissioner Lloyd considered the proposed note to Article 10 as satisfactory, because it was in agreement with the American Minister's proposals, he felt uncomfortable at the last sentence which might cause a "highly arbitrary interpretation of the terms of that article." He was also afraid that the Egyptian Government would take advantage of the sentence referring to the formation of national collections not only in Cairo but in the other Egyptian cities, which might lead to an extreme reduction in the number of found objects given to the foreign excavators.¹

Frederick Kenyon, the Director of the British Museum, agreed with Lloyd's point of view regarding the same sentence referring to the possible needs of Egyptian museums other than that of Cairo. He stated that although the recognition of the rights of the excavator was clear, the allusion to the possible needs of national collections in different parts of Egypt than at Cairo "is somewhat ominous." He suggested that the British Government should express satisfaction at the clear recognition of the rights of the excavator and confirm their readiness to recommend the archaeological societies to continue their work provisionally in Egypt. However, he recommended that the working of the regulations in practice should be carefully observed through the addition of a very definite caveat. He clarified that if the excavator would not take an adequate share of the discovered objects in return for his work and expenditure as a fair treatment, he would not continue his excavation work for the sole benefit of Egyptian museums.²

The representative of the Metropolitan Museum in Egypt stated in his report to the Museum's trustees that the terms offered by Ziwar Pasha were certainly final. He also stated that the Museum's trustees were inclined to accept the offered terms and to continue their excavation work in Egypt based on these assurances.³

¹ A letter from Lord Lloyd, British High Commissioner to Egypt, to Austen Chamberlain, Secretary of State for Foreign Affairs, on 29 May 1926. United Kingdom National Archives, FO141/487/3.

² A letter from Austen Chamberlain, Secretary of State for Foreign Affairs, to Lord Lloyd, British High Commissioner to Egypt, on 24 June 1926. United Kingdom National Archives, FO141/487/3.

³ A letter from Austen Chamberlain, Secretary of State for Foreign Affairs, to Lord Lloyd, British High Commissioner to Egypt, on 24 June 1926. United Kingdom National Archives, FO141/487/3.

Conclusions

The beginning of the 21st century witnessed the participation of many foreign expeditions in the archaeological excavation work in Egypt, most of them were either American or British. When Tutankhamun's tomb was discovered in 1922, the Antiquities Law of 1912 was in force. All the foreign institutions excavating in Egypt worked under that Law which stated that the excavator had the right to take half of the discovered objects or of their value. During that period, a number of events occurred that greatly contributed to the Egyptians expressing their desire to amend the Antiquities Law, particularly the article concerning the division of archaeological finds, to allow the Egyptians to exercise more control over the objects granted to the excavators in terms of both quantity and quality.

The dispute over the division of the discovered objects began with the discovery of Ashayt's sarcophagus, which was a unique piece of art, during the excavations of the Metropolitan Museum of Art in 1920–1921. The Egyptian Antiquities Service insisted on keeping such an important object and gave the Metropolitan Museum a statue from Luxor Temple as a compensation.

After the declaration of Egypt as an independent state, with some reservations, in 1922, the Egyptians adopted new restrictions regarding the division of the objects discovered by foreign expeditions, and became concerned not to let master pieces leave Egypt.

In October 1922, about three weeks before the discovery of Tutankhamun's tomb, the Egyptian Antiquities Service announced the intentions of the Egyptian Government regarding the modification of the Egyptian Antiquities Law of 1912, so that the discovered objects would not be divided equally between the Cairo Museum and the excavators.

Following the discovery of Tutankhamun's tomb in 1922, Lord Carnarvon, the financial sponsor of Howard Carter, believed that he would get part of the archaeological finds in the tomb. He told Alan Gardiner that they discovered enough objects in this tomb to fill the whole Egyptology section of the British Museum.¹ It seems that Egypt had some of the claws to impose its opinion on foreign expeditions not to return again to the old system of dividing the discovered objects. At the end Egypt kept all the findings from Tutankhamun's tomb as a unique national heritage.

In July 1924, the Egyptian Antiquities Service sent to the excavators a copy of the contract which they are expected to sign for the next season, stating that the Government would keep all the discovered objects with the exception of the antiquities which the Service would decide to hand over to the excavator while the rest would be of the public property. The foreign archaeologists and institutions opposed the new form of contract which contained new conditions that were not included in the Antiquities Law; they considered the new form of contract as violation of the existing law. A number of archaeologists issued a formal protest against this proposal, others postponed their expeditions in Egypt, and a number of foreign expeditions in Egypt stated that if all the antiquities discovered in Egypt would be the property of the Egyptian Government, their financial support would be cut off. Many foreign archaeologists believed that the Antiquities Service had practically totalitarian powers over almost every detail of their work under the new contract.

¹ Stevenson, *Scattered Finds*, 146.

Foreign archaeologists criticized the administration of the Egyptian Antiquities Service, describing it as being incompetent, and stating that the matter became worse with the arrival of the French archaeologist Lacau as a Director of the Service. They condemned Lacau because of his support to the demands of amending the Antiquities Law.

The Service of Antiquities tried to reassure the foreign archaeologists who had a fear that the Egyptian Government would not want to grant any of the discovered objects to the excavators. They assured the excavators that the Government would be happy to provide all categories of objects, even important ones, to scientific institutions that were granted permission to conduct excavations. Additionally, the Government would support those excavators whose work is a great contribution to the study of ancient Egypt in foreign universities centers.

Lacau tried to clarify the Egyptian point of view regarding the proposed modification of the Antiquities Law, arguing that the Egyptian Government planned to build a complete and orderly collection of artefacts that would, in terms of general scientific interests, represent the history of Egyptian culture. He pledged to give the excavator the remaining objects after fulfilling the demands of the Egyptian national collection.

The foreign archaeologists tried to do their best to gain a formal diplomatic support from their relative governments. They made representations to the British and American foreign offices pointing out that they faced with complete ruin of their archaeological interests. The British and American governments expressed worry about the challenges facing the individuals and institutions working in Egypt.

It seems that the British authorities had recognized Egypt's right to control the Egyptian antiquities. In response to the excavators' concerns, the British Foreign Office stated that they were in no position to stop the Egyptian Government from changing their Antiquities Law. They believed that the spirit in which the law would be applied was likely to be more important than the actual wording of the amendments.

At the same time, the Egyptian Government accepted to give assurances of liberal treatment of the foreign excavators working in Egypt and to add a note to Article 10 of the revised excavation permit granted annually by the Egyptian Antiquities Service to the excavators, stating that the Egyptian Government would give all the objects that it would not need to keep for its own national collection, whether or not in excess of the half of the found objects. It is clear then that the Egyptian Government had a remarkable control over foreign excavations in Egypt by this period. The conditions under which Howard Carter was permitted to complete his work in the Valley of the Kings were also specified by the Egyptians. The entirety of Tutankhamun's treasures was kept in Egypt despite the fact that it was the greatest discovery of the period. The 50/50 split was now just a distant memory.

التدخل الأجنبي في إدارة الآثار المصرية بعد اكتشاف مقبرة توت عنخ آمون

المستخلص

شهدت بدايات القرن العشرين تواجد العديد من البعثات الأثرية الأجنبية في مصر التي كانت تقوم بأعمال الحفائر تحت مظلة "قانون الآثار لعام 1912"، وقد نص هذا القانون على أن المستكشف له الحق في الحصول على 50% من المقتنيات الأثرية التي يتم اكتشافها على أن تحصل مصلحة الآثار المصرية على النصف الآخر. أعلنت مصلحة الآثار المصرية عام 1922 نيّتها لتعديل قانون الآثار بحيث يسمح لها الحصول على ما تريده من الآثار المكتشفة بواسطة البعثات الأجنبية دون التقيد بنسبة 50% كما نص قانون الآثار عام 1912. توضح هذه الورقة البحثية الأسباب التي دعت إلى محاولة تعديل قانون الآثار المصري ومعارضة هذا المقترح من قبل الأفراد والمؤسسات الأجنبية ذات الاهتمام بالعمل الأثري في مصر. يركز البحث أيضا على مبررات السلطات المصرية لمثل هذا التغيير في السياسات المتعلقة بتقسيم القطع الأثرية المكتشفة بواسطة البعثات الأجنبية والتنظيمات التي حاول المدير العام لمصلحة الآثار المصرية بيير لাকাو Pierre Lacau أن يقدمها للمؤسسات الأجنبية التي كانت تعمل في الحقل الأثري بمصر في ذلك الوقت وقد هدّدت بوقف أنشطتها نتيجة لمقترح تعديل قانون الآثار. وعلى الرغم من أن ذلك التعديل لم يتم التصديق عليه بشكل رسمي، فإن استحقاق البعثات الأثرية الأجنبية والذي تمثل في الحصول على نصف المكتشفات قد انتهى بشكل فعلي. اعتمد هذا البحث بشكل أساسي على دراسة الوثائق التاريخية ذات الصلة في الأرشيف الوطني للمملكة المتحدة في لندن.

الكلمات الدالة: البعثات الأثرية الأجنبية – قانون الآثار – اكتشاف مقبرة توت عنخ آمون – إدارة الآثار المصرية – الحفائر والكشف الأثري في مصر

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