


Negotiating the Return. The Long Road to Repatriating Boğazköy's Hittite Treasures

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Abstract: The Boğazköy restitution case, which unfolded between 1906 and 2011, centered on the restitution of over 10.000 cuneiform tablets and two Hittite sphinxes unearthed from the Boğazköy archaeological site in modern-day Turkey. The case began in 1906 when the artifacts were discovered during excavations led by Hugo Winckler and Theodore Makridi Bey in a joint venture between the *Müze-i Hümayun* (now Istanbul Archaeology Museums) and the German Oriental Society. Between 1915 and 1917, the artifacts were transported to Berlin for restoration with the intention of repatriating them after cleaning, repair and decoding. Turkey's initial demand for the return of the sphinx occurred in 1938, but restitution was delayed due to wartime security concerns and the complex geopolitical landscape following the Second World War. In 1974, Turkey renewed its efforts to reclaim the tablets and the sphinx, ultimately appealing to the *Intergovernmental Committee for Promoting the Return of Cultural Property* in 1987. The tablets were repatriated in 1987, whilst the sphinx was returned in 2011. This case-study delves into the historical facts by examining archival documents from the Republican Archives of the Presidency of the Republic of Turkey and the Central Archive of the Berlin State Museums. It sheds light on the intricate negotiations and changing power dynamics between the respective museum authorities, underscoring the vital role of provenance research in comprehending the intricacies of cultural heritage restitution.

Keywords: Boğazköy Sphinxes; cuneiform tablets; restitution case; cultural property; provenance research

Introduction: The Restitution Case of the Boğazköy Tablets and Sphinxes

This case study scrutinizes the intricate restitution process of more than 10.000 objects unearthed in 1906 from the archaeological site of Boğazköy (see Figure 1), located in Anatolia, Turkey. Through examination of archival documents from the Republican Archives of the Presidency of the Republic of Turkey in Ankara and the Central Archive of the Berlin State Museums, the study aims to illuminate the agreements reached between the involved parties and the nature of communication between the museums regarding the ownership and possession of these objects.

The Boğazköy restitution case began in 1906 with the excavations led by Hugo Winckler (1863-1913) and Theodore Makridi Bey (1872-1940).¹ This collaborative venture between the *Müze-i Hümayun* (now Istanbul Archaeology Museums) and the German Oriental Society (Deutsche Orient-Gesellschaft) unveiled two Hittite Sphinxes (see Figure 2) and a trove of over 10.000 cuneiform tablets.² During the era of the Ottoman Empire, between 1915 and 1917, these artifacts were transported to

1 Avni Tarık Güçlütürk / Uğur Genç / Ali Osman Avcı: Boğazköy-Hattuşas Sfenksi'nin Türkiye'ye getirilişi ve koruma-onarım çalışmaları [The return of the Boğazköy-Hattusa Sphinx to Turkey and its maintenance-conservation], in: 21. Müze Çalışmaları ve Kurtarma Kazıları Sempozyumu (2012), 131-150, here: 132. <https://kvmgm.ktb.gov.tr/Eklenti/6111,muzecalis21.pdf?0>, <26.08.2023>.

2 Horst Klengel: Boğazköy – Berlin: Zur frühen Geschichte der Hethitologie, in: Gernot Wilhelm (ed.): Hattusa-Bogazköy: Das Hethiterreich im Spannungsfeld des Alten Orients. 6. Internationales Colloquium der Deutschen Orient-Gesellschaft, Wiesbaden 2008, 61-72.

Berlin for restoration with the intention of repatriating them to the *Müze-i Hümayun* after cleaning, repair and decoding.³ In the subsequent period, roughly 3.000 tablets were repatriated. However, of the two sphinxes, only one was returned to its original location (see Figure 3). Its counterpart, along with an estimated 7.000 tablets, remained housed in Berlin. Despite Turkey's initial demand in 1938 for the return of the sphinx from the Berlin State Museums, the restitution process faced numerous challenges including wartime security concerns and the complex geopolitical landscape that emerged after the Second World War.⁴ After Turkey was advised by the UK in 1946 to direct their claim for the Boğazköy Sphinx to the Soviet Union, which, as the relevant occupying power, was in control of the Berlin State Museums at the time, German authorities were of course not officially contacted.⁵ Following the division of Germany, the museum and the sphinx remained in the German Democratic Republic, with which Turkey had no diplomatic relations for a significant period. In 1974, Turkey renewed its efforts to reclaim both the sphinx and the cuneiform tablets. Turkey ultimately appealed to the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* in 1987 to seek restitution.⁶ While the clay tablets were repatriated, the restitution process for the sphinx persisted until 2011.

In this case-study, the focus lies on scrutinizing the relevant archival documents from the Turkish Republican Archives and the Central Archive of

the Berlin State Museums pertaining to the cuneiform tablets and sphinxes discovered in Boğazköy in 1906 and eventually returned to Turkey by 2011. By analyzing these records within the context of provenance research, the study seeks to unveil the agreements established between the two sides and the dynamics of communication between the museums concerning ownership and possession. The findings also facilitate future studies in this area with the sole focus on elucidating the mediation of the restitution case as documented in the archival records.

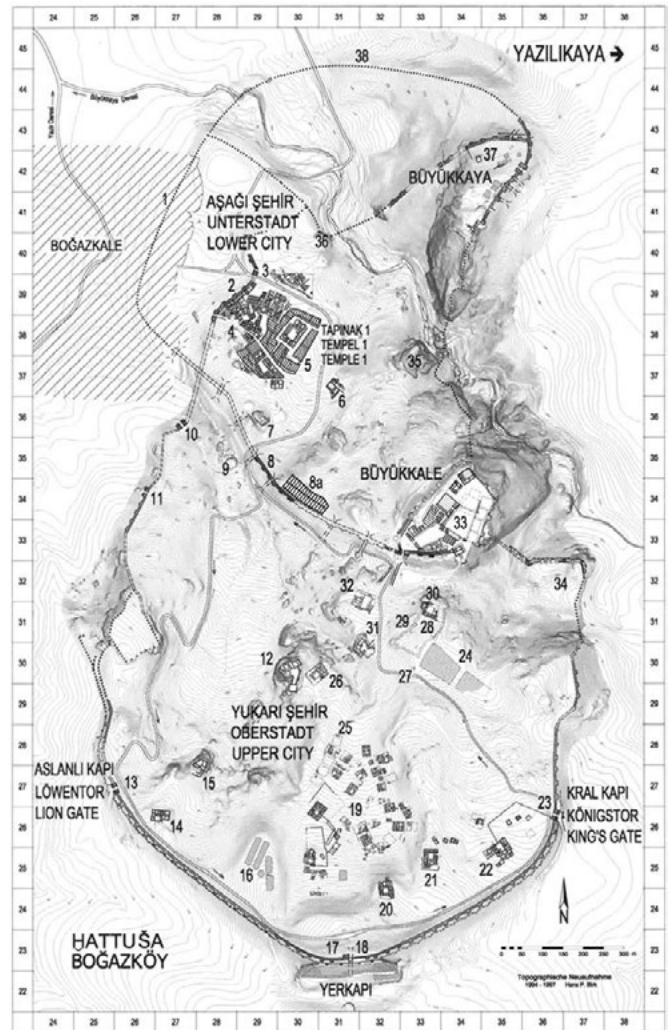


Figure 1: General plan of Boğazköy/Hattusa. Archive of the Bogazköy excavation, Deutsches Archäologisches Institut (DAI) Istanbul.

- 3 Veysel Donbaz: Bin kral bin anı: Bir sümeroloğun anıları [A thousand kings, a thousand memories: Memories of a sumerologist], Istanbul 2014.
- 4 Lars Müller: Returns of Cultural Artefacts and Human Remains in a (Post)colonial Context: Mapping Claims between the mid-19th century and the 1970s, in: Working Paper Deutsches Zentrum Kulturgutverluste (2021), 1-52, here: 30, <https://doi.org/10.25360/01-2021-00017>.
- 5 Biray Çakmak / İdris Yücel: Kültürel miras paylaşımında küresel rekabet: Almanya'da esir kalan Hitit sfenks ve tabletleri [Competition over the ownership of cultural heritage: The story of the Hittite sphinxes and tablets kept in Germany], in: International Congress on Cultural Heritage and Tourism (2017), 1025-1033, here: 1027, <https://avesis.hacettepe.edu.tr/yayin/29ed5d8d-12d3-4f01-9e84-febdc476fd54/kulturel-mirasin-paylasiminda-kuresel-rekabet-almanyada-esir-kalan-hitit-sfenks-ve-tabletleri>, <26.08.2023>.
- 6 Hasan Celal Güzel: Report to Prime Minister Turgut Özal, Ankara, October 5th, 1987, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/588.653.1.

Archival Investigations and Diplomatic Endeavors in the Boğazköy Restitution Case: The Turkish Republic Archives

As part of the necessary provenance research, an examination of pertinent documents held in the Turkish Republican Archives regarding the Boğazköy restitution case was conducted. The archival records unveil the Turkish government's efforts to repatriate the Boğazköy Sphinx and Hittite tablets from Germany with a notable emphasis on the contributions of Kurt Bittel (1907-1991), a German archaeologist who played an instrumental role in the Boğazköy excavations.

In 1931, Bittel conducted a six-week excavation under the aegis of the German Oriental Society (Deutsche Orient-Gesellschaft), authorized by the Turkish government.⁷ Subsequently, he obtained permission to transport approximately 300 cuneiform tablets unearthed in Boğazköy to Berlin for cleaning and restoration with the stipulation of their return within two months.⁸ With the formal approval of the Turkish government, Bittel persisted in conducting systematic archaeological excavations in Boğazköy throughout the course of the 1930ies, culminating in 1939.⁹ In 1950, Bittel was appointed as professor of Ancient History and Near Eastern Archaeology at Istanbul University.¹⁰ Bittel then lead a new excavation team in Boğazkale in 1952, consisting of Turkish archaeologist Halet Çambel (1916-2014), German archaeologist Rudolf Naumann (1910-1996) and students from Istanbul University's Department of Archaeology.¹¹ In 1960, Bittel's excavation team was granted permission to send specific ceramic pieces uncovered during the Boğazköy excavations to the University

of Tübingen for educational purposes.¹² In 1978, the Boğazköy excavation under Bittel's supervision was undertaken by German archaeologist Peter Neve (1929-2014).¹³

The Deputy Minister of Foreign Affairs, Hasan Celal Güzel (1945-2018), encapsulated the situation concerning the Boğazköy artifacts in a mis-sive dated October 5th, 1987. According to the archival records, Hugo Winckler, affiliated with Friedrich-Wilhelms-Universität zu Berlin and the German Archaeological Institute, conducted archaeological excavations in Boğazköy from 1906 to 1912. These endeavors resulted in the discovery of 10.400 Hittite cuneiform tablets and two sphinxes. With permission from Turkish authorities, the artifacts were transported to Berlin for cleaning, restoration, codification and publication. The relevant document discloses that approximately 3.000 tablets, one sphinx and one wing of the other sphinx were repatriated to Turkey between 1924 and 1943. However, due to precarious transportation routes during the Second World War, the remaining artifacts could not be returned and consequently remained in the Berlin museum. Following the establishment of diplomatic relations between Turkey and the German Democratic Republic in 1975, Turkey formally requested the repatriation of the remaining artifacts. After 12 years of fruitless negotiations and attempts, the Turkish government finally appealed to the *Intergovernmental Committee for Promoting the Return of Cultural Property* on April 23rd, 1987, for the restitution of these artifacts. As a consequence of this application, the East German authorities partly gave in and expressed their willingness to return the Hittite tablets while proposing negotiations regarding a possible restitution of the sphinx. Subsequently, Güzel suggested that a delegation, led by Nurettin Yardımcı (born 1944), the Director General of Antiquities and Museums, represent the Turkish government in negotiating a protocol with the East German authorities addressing the restitution and transportation of the Hittite tablets and discussing the return of the sphinx. According to the

7 Government Order, Ankara, July 12th, 1931, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/22.51.12.

8 Government Order, Ankara, November 4th, 1931, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/24.73.6.

9 Government Order, Ankara, May 25th, 1939, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/87.46.19.

10 Government Order, Ankara, June 22nd, 1950, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/123.54.18.

11 Government Order, Ankara, February 14th, 1952, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/128.13.12.

12 Government Order, Ankara, December 14th, 1960, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/157.33.8.

13 Government Order, Ankara, June 6th, 1978, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/373.143.1.

document, the committee consisted of three different members, namely, Ertuğrul Aytun,¹⁴ Aydın Sefa Akay (born 1950) and Veysel Donbaz (born 1939). Güzel requested the initiation of necessary procedures to authorize Nurettin Yardımcı to sign the protocol for the restitution of the Hittite tablets during the delegation's visit to Berlin from October 11th-15th, 1987.¹⁵

The final document in the Republican Archives, dated October 5th, 1990, is a letter by Ali Bozer (1925-2020) who served as Minister of Foreign Affairs during that time. The letter reveals that negotiations had failed to produce a result for the restitution of the Boğazköy cuneiform tablets and the sphinx until 1987. The restitution of the sphinx was discussed during the *Intergovernmental Committee for Promoting the Return of Cultural Property* meetings held in Paris in April 1989, with the East German authorities deciding to send a committee to Turkey to resolve the issue. Both parties agreed to hold meetings on the case in Ankara between March 28th and March 31st, 1990. In 1987, approximately 7.300 cuneiform tablets were repatriated to Turkey, but the Boğazköy Sphinx remained in Berlin.¹⁶

Veysel Donbaz's involvement in the 1987 negotiations prompted an examination of his book documenting the Turkish committee's arguments for the restitution of the objects unearthed in Boğazköy drawing on historical documents for provenance research. Donbaz, a member of the Turkish committee in 1987 and participant in the negotiations with Germany until his retirement in 2003, highlights the Turkish committee's use of a letter from Otto von Falke (1862-1942), the General Director of the Berlin State Museums in 1924, addressed to Halil Edhem Eldem (1861-1938), then Director General of the Istanbul Archaeology Museums. The letter, dated March 15th, 1924, allegedly emphasized that the Boğazköy Sphinx would be on loan to the Berlin State Museums. Furthermore, the Turkish authorities referenced a letter dated March 12th, 1938, from Walter Andrae (1875-1956),

Director of the Near Eastern Department of the Berlin State Museums, stating that German Hittitologist Hans Ehelolf (1881-1939) would visit Aziz Ogan (1888-1956), then Director of the Istanbul Archaeology Museums, to discuss the restitution of the sphinx. The Turkish authorities argued that these letters would confirm the sphinx would be on loan and should be returned to Istanbul.¹⁷

After it was revealed that the correspondence authored by Walter Andrae was transmitted to Aziz Ogan on March 12th, 1938, initiatives were launched to retrieve the document from Ogan's collection. Evidence shows that Hüseyin İnan (born 1945), Aziz Ogan's progeny, retained possession of the comprehensive collection, including the relevant correspondence which he had bequeathed to Boğaziçi University in Istanbul. Despite the availability of Aziz Ogan's compilation on Boğaziçi University's official online portal, the letter remained undiscovered in the collection.¹⁸ With regard to the 1924 correspondence from Otto von Falke addressed to Halil Edhem Eldem, the Turkish academic Edhem Eldem (born 1960) was consulted. On May 11th, 2021, Eldem explicated that the aforementioned letter would be conspicuously absent from both his private collection of Halil Edhem Eldem and the archival repositories of the Istanbul Archaeology Museums, owing to his meticulous scrutiny.¹⁹

The investigation into the Boğazköy restitution case thus far has been primarily focused on the Turkish archival records, providing a wealth of relevant information and context. However, to develop a comprehensive understanding of the case and evaluate the arguments from both sides, it is essential to also examine the German archival records pertaining to the restitution case. This will allow for a more thorough analysis of the complexities involved in cultural property disputes. By delving into the archival records held at the Central Archive of the Berlin State Museums deeper insights into the German perspective and rationale were acquired, thereby fostering a more balanced and informed approach to this intricate matter. In the following section of

14 The date of birth of Ertuğrul Aytun could not be ascertained.

15 Hasan Celal Güzel: Report to Prime Minister Turgut Özal, Ankara, October 5th, 1987, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/588.653.1.

16 Ali Bozer: Letter to the Prime Minister's Office, Ankara, October 5th, 1990, in: Republican Archives of the Presidency of the Republic of Turkey, BCA: 30.18.1.2/649.35.10.

17 Donbaz 2014 (see FN 3), 476-477.

18 The Aziz Ogan Collection can be found in the Boğaziçi University digital archive: <http://digitalarchive.boun.edu.tr/handle/123456789/1?locale-attribute=en>, <26.08.2023>.

19 Edhem Eldem, email message to author, May 11th, 2021.



Figure 2: Reconstructed sphinxes at the Boğazköy site. Bogazköy excavation archive, DAI Istanbul. Photographer: Andreas Schachner. The original sphinx sculptures are currently housed within the Boğazköy Museum.

this article, I will navigate the rich contents of the German archives to further elucidate the Boğazköy restitution case and shed light on the multifaceted nature of cultural heritage disputes.

Unraveling the Tangled Threads: German Archival Insights into the Boğazköy Restitution Case

Upon conducting an investigation at the Central Archive of the Berlin State Museums, a plethora of documents emerged, illuminating various aspects surrounding the return of the objects found in Boğazköy. One such document, dated March 14th, 1938, divulges a contentious issue between the museums pertaining to the ownership of the sphinx. The document written by Walter Andrae posits that Ehelolf should embark on a sojourn to Istanbul for verbal negotiations with Aziz Ogan due to his personal rapport with Ogan and his predecessor, Halil Edhem. Walter Andrae provides details on the proposed travel route, obtains necessary authorizations and elaborates on passport and currency requirements. Furthermore, the chronology for Ehelolf's excursion is indicated, prioritizing early April to accommodate for his teaching obligations at the university. Although the document does not explicitly state the German authorities' stance, it mentions that Ehelolf would discuss the ownership of a large stone sculpture which is defined as the Hittite sphinx from Boğazköy.²⁰

20 Walter Andrae: Correspondence with the General Administration, Berlin, March 14th, 1938, in: Zentralarchiv der Staatlichen Museen zu Berlin [Central Archive of the Berlin State Museums], I/VAM 6, Journal.-Nr. 159/38, 85.



Figure 3: Close-up of the better-preserved eastern sphinx, whose original was located in Berlin until its repatriation in 2011. Bogazköy excavation archive, DAI Istanbul. Photographer: Andreas Schachner.

Another document describes the presence of a cast of the grand warrior relief from the King's Gate in Boğazköy, housed in Hall 1 of the Near Eastern Department. The original artifact, located in Ankara, displays the craftsmanship of Turkish artisans and was obtained through an exchange of local casts.²¹ In a letter dated October 14th, 1938, Aziz Ogan conveys his appreciation for receiving the aforementioned cast of a Hittite warrior from Boğazköy. Ogan explicates that the cast arrived in pristine condition and is prominently displayed in the museum's Hittite-Aramean Hall. Adding to this, he emphasizes the amicable relationship between the museums and expresses gratitude for the collaboration in exchanging casts.²²

21 Letter to Dr. Möhle, Kupferstichkabinett, Berlin, September 12th, 1938, in: Zentralarchiv der Staatlichen Museen zu Berlin [Central Archive of the Berlin State Museums], I/VAM 6, Journal.-Nr. 427/38, 34.

22 Aziz Ogan: Letter to the Director General, Istanbul, October 14th, 1938, in: Zentralarchiv der Staatlichen Museen zu Berlin [Central Archive of the Berlin State Museums], I/VAM 90, Journal.-Nr. 507/38, 13. Special thanks to Jasmin Eder for her expert guidance and support in understanding the French text presented in this research.

In the correspondence between Aziz Ogan and Kurt Bittel, Ogan broaches the issue of cuneiform tablets that were dispatched to Berlin between 1914 and 1918 during the tenure of his predecessor Halil Edhem Bey. The official purpose of sending these tablets was for them to be cleaned, published and subsequently returned to the museum in Istanbul. Ogan mentions that he had written to Walter Andrae requesting him to either repatriate the tablets or inform him about the duration of their sojourn in Berlin, but to no avail. Ogan surmises that after his conversation with Bittel a missive was sent from Turkey to Berlin concerning this matter. He inquires whether a response had been received, and if so, requests to be informed of its content. In case no response would have been received, Ogan asks Bittel to reiterate the inquiry. Beyond that, Ogan states that the museum now would have new staff members capable of examining and publishing the cuneiform tablets belonging to their institution. He cordially requests Bittel's assistance in expediting the publication of the tablets that have not yet been published.²³

In his rejoinder to Aziz Ogan's letter, Kurt Bittel acknowledges receipt of Ogan's missive dated December 17th, 1943. Bittel elucidates that while he would have addressed the matter of the cuneiform tablets on numerous occasions, the tablets in question would not originate from his own excavations in Boğazköy, which were conducted between 1931 and 1939, but rather from the endeavors of Hugo Winckler and Theodore Makridi. As such, Bittel clarifies that he would only be able to assume an intermediary position in the matter. He further articulates that the loan of the tablets discovered in Boğazköy in the years 1906, 1907 and 1911 to Berlin would have been executed based on an accord between the Directorate of the Istanbul Archaeology Museum and either the German Oriental Society or the Directorate of the Berlin State Museums. Bittel argues that although the German Archaeological Institute would not have been directly implicated in this matter, he would repeatedly have facilitated correspondence between the two parties due to his interest in proper regulation in the mutual desire to offer collegial assistance. Bittel apprises Ogan

23 Aziz Ogan: Letter to Kurt Bittel [Translation], Istanbul, December 17th, 1943, in: Zentralarchiv der Staatlichen Museen zu Berlin [Central Archive of the Berlin State Museums], I/VAM 175, 6.

that he would have penned a letter to the Directorate of the Berlin State Museums on December 1st, 1943, underscoring the urgency of an expedited repatriation of the tablets.²⁴

In a letter dated December 17th, 1943, Kurt Bittel provides an intricate account of the Turkish Ministry of Education's endeavors to secure the return of clay tablets from Winckler's and Makridi's excavations in Boğazköy.²⁵ In a conversation with Aziz Ogan, Bittel conveys that despite Ogan's cordial demeanor, he would be compelled to take action in response to the demands from Ankara. Bittel suggests an appointment of an inspector to investigate the matter regarding the cuneiform tablets with the aim of obtaining clarification on several issues.

This section of inquiry pertains to various issues, including but not limited to: the quantity of cuneiform tablets dispatched from Istanbul to Berlin, the quantity of tablets returned from Berlin, the circumstances and legal stipulations surrounding the borrowing of the tablets, the identity of the recipients of the tablets and the means of conveyance to Berlin, and the individuals involved in the Boğazköy excavations of 1906, 1907, 1911 and 1912, including reports from Turkish participant Theodore Makridi Bey.

The letter asserts that the local museum's administration, under pressure from Ankara, felt compelled to take certain actions.²⁶ Bittel outlines the impediments in amassing information and documents, noting that cuneiform tablets would not have been enumerated during shipment with only indications of the number of crates. The dimensions and weight of the crates were unknown. The total number of cuneiform tablets returned to Turkey, slightly over 2.900, was determined by counting the pieces in Berlin.²⁷ The tablets were dispatched to the German Oriental Society in Berlin based on an accord with Halil Edhem, with the return transpiring post-scientific processing and publication. The shipment occurred partly as

24 Kurt Bittel: Letter to Aziz Ogan [Translation], Istanbul, no date, in: Zentralarchiv der Staatlichen Museen zu Berlin [Central Archive of the Berlin State Museums], I/VAM 175, 7.

25 Kurt Bittel: Letter to Walter Andrae, Istanbul, December 17th, 1943, in: Zentralarchiv der Staatlichen Museen zu Berlin [Central Archive of the Berlin State Museums], I/VAM 175, 1-5.

26 Bittel 1943 (see FN 25), 1.

27 Bittel 1943 (see FN 25), 1.

freight and partly via the German Embassy in Istanbul, devoid of customs control per Halil Edhem's directive.²⁸ The letter underscores the absence of reports from Makridi Bey on the Boğazköy excavations while the total number of tablets discovered by Winckler cannot be ascertained due to discrepancies in available accounts.²⁹ Bittel mentions testimonies from long-serving employees of the local museum and elderly locals in Boğazköy, suggesting that the crates might have been sealed in Boğazköy and then sent directly to Berlin.³⁰ If accurate, this would explain the lack of an exact count of the tablets at the time.

Kurt Bittel provides an account of the developing situation pertaining to the restitution of the cuneiform tablets. Bittel specifically notes the involvement of a Turkish official in the case, characterizing him as someone who places a strong emphasis on numerical data and legal agreements. He views this reliance on formal legal agreements as an adverse development in the ongoing negotiations. Bittel contrasts this approach with that of Halil Edhem, whom he characterizes as more generous while he characterizes the new official as lacking in collegiality and amiability.³¹ According to Bittel, the Turkish authorities sought the return of the cuneiform tablets for nearly three decades, the status of their property in Berlin causing constant unease. The basis of the Turkish claim expanded beyond mere return to include apprehensions about the safety of the property at its current location. The appointment of an official inspector elevated the matter beyond the purview of antiquities administration, reducing the prospects for a lenient approach based on factual or scientific considerations. Bittel stresses that the personal agreements that had led to the transmission of the tablets from the ancient Boğazköy excavation to Berlin would no longer be consistent with contemporary Turkish practices. Bittel cites the swift return of the 1933 Boğazköy excavation tablets as a model of proper management according to the Turkish perspective.³²

Bittel posits that the demand for the return of the tablets would have been inescapable and that the Turkish authorities would now believe that they would possess sufficient personnel to execute the scientific processing of the unpublished texts. This perspective was articulated orally and documented in Aziz Ogan's letter, countering the argument that the slow return of the tablets would be due to the limited number of editors or their preoccupation with other tasks. Bittel acknowledges that local experts in Turkey believe they have the capacity to scientifically process the unpublished texts. He mentions the obvious retort that the quality of these experts might not match those in Berlin, but advises against making such a comparison for tactical reasons.³³ He offers his recommendation concerning the repatriation of the cuneiform tablets and posits that the tablets should be returned expeditiously, presuming that crucial pieces were already photographed. If collations would be requisite during processing and publication, they could transpire on the originals in the local museum, facilitating the involvement of local scientists in Turkey. Bittel cautions that in the absence of a decisive measure the matter could escalate to diplomatic channels, rendering it a purely administrative issue.³⁴

Bittel articulates his personal conviction that the cuneiform tablets must be repatriated per the Turkish request, considering other local interests that should not be obstructed. Nevertheless, he insists on preserving the right to publication.³⁵ He acknowledges the plausibility of utilizing the old agreement's clause stipulating that the tablets should be returned only after publication as a legal foundation, but concedes that it would constitute a weak position for the Berlin State Museums. According to Bittel, the Turkish authorities might contend that the protracted publication process could entail waiting another 60 years for the return of their possessions.³⁶ Furthermore, he recognizes that insisting on the old agreement could precipitate a legal dispute that would be undesirable in light of the prevailing circumstances. He reiterates his recommendation to repatriate the tablets while

28 Bittel 1943 (see FN 25), 2.

29 Bittel 1943 (see FN 25), 2.

30 Bittel 1943 (see FN 25), 2.

31 Bittel 1943 (see FN 25), 2.

32 Bittel 1943 (see FN 25), 3.

33 Bittel 1943 (see FN 25), 3.

34 Bittel 1943 (see FN 25), 3.

35 Bittel 1943 (see FN 25), 3.

36 Bittel 1943 (see FN 25), 4.

retaining the right to publication and proposes to dispatch the respective editor to Turkey should collations be necessary.³⁷ Bittel maintains that the local department of the museum in Istanbul could only take on a mediating role as it was not in existence at the time the tablets were sent to Berlin and was also not involved in the excavations. He posits that the pending question would solely exist between the local museum and the Berlin State Museums. While he presents this view towards the Turkish authorities, his position differs with respect to German institutions, as he states openly that he would be highly interested in the matter and would aspire to advocate for a resolution that preserves the advantages of the Berlin State Museums as much as possible.³⁸

In the subsequent portion of the letter, Kurt Bittel discusses a circumstance that could potentially postpone the repatriation of the remaining cuneiform tablets which might appear plausible to the Turkish side: the uncertainty of the transport route. Bittel acknowledges that this argument would not result in a genuine settlement in their favor but would only achieve a temporary postponement and not a further implementation of the original agreement.³⁹ However, he does not consider it improbable that the Turkish authorities might adopt this line of argument. Bittel suggests that the response to the Turkish authorities might underscore the never-questioned right of the Turkish museum to the cuneiform tablets of Boğazköy and the understanding of the local museum's desire to receive the remaining tablets at an accelerated pace.⁴⁰ However, he states that it could be argued that due to the political situation in the Balkans, there might be grave concerns about entrusting the tablets to an imperiled transport route.⁴¹ Bittel asserts that in the interest of these scientifically significant and indispensable documents, it would seem more advantageous to retain the tablets at their current secure storage location until their repatriation to Istanbul can be executed without risk.⁴² He proposes to draw the

Turkish museums' attention to these concerns, which would predicate on force majeure, and dispatch a list with information about the number of tablets still in Berlin and the number of texts from Boğazköy returned to Istanbul.

Conclusion

Turkey's efforts to repatriate the Boğazköy Sphinx and Hittite tablets from Germany reveal her commitment to preserving and safeguarding her cultural heritage. By examining the archival records held at the Turkish Republican Archives, one can trace the Turkish government's diplomatic endeavors and negotiations with German authorities spanning several decades. These archival sources underscore the significance of Kurt Bittel's role in the Boğazköy excavations and Turkey's willingness to collaborate with many archaeologists and institutions to advance the study of their archaeological sites. Furthermore, the Turkish perspective highlights the importance of historical documents in establishing their arguments for the restitution of cultural objects. The Turkish authorities sought to use letters from Otto von Falke and Walter Andrae as evidence that the Boğazköy Sphinx was on loan in Berlin and should be returned to Istanbul. Although these letters could not be located in the archives examined, their mentioning in the negotiations demonstrates the reliance on documentation in this restitution case.

The perspective of the German authorities on the Boğazköy case is marked by a complex interplay of cooperation, negotiation and shifting power dynamics between the German and Turkish authorities. The archival documents reveal an intricate flow of correspondence and discussions that underscore the multifaceted nature of the case. It is evident that the German authorities were keen on maintaining an amicable relationship with their Turkish counterparts, as exemplified by the exchange of local casts and the collaboration in archaeological endeavors. However, the question of ownership and restitution of those artifacts presented contentious issues that required delicate diplomatic handling. The absence of relevant letters from Walter Andrae and Otto von Falke is notable, but the document from the Central Archive of the Berlin State Museums dated

37 Bittel 1943 (see FN 25), 4.

38 Bittel 1943 (see FN 25), 4.

39 Bittel 1943 (see FN 25), 4.

40 Bittel 1943 (see FN 25), 4.

41 Bittel 1943 (see FN 25), 4-5.

42 Bittel 1943 (see FN 25), 5.


March 14th, 1938, highlights the importance of Hans Ehelolf's journey to Istanbul. Although the exact details of his discussions with the Turkish authorities remain unknown, it is clear that the ownership of the sphinx had been a significant topic of conversation.

Kurt Bittel's letter to the Berlin State Museums offers crucial insight into the German perspective on the restitution of the cuneiform tablets. Bittel acknowledges that the tablets must be returned to Turkey, but he also laments the emergence of a new Turkish official who would focus solely on historical documents. This shift of focus put the Berlin State Museums in a weaker position vis-à-vis the Turkish authorities as they were unable to rely on personal relationships and informal agreements that had characterized previous interactions. Intriguingly, Bittel mentions the potential argument that experts in Berlin might be better suited to care for these artifacts than their Turkish counterparts but advises against making such a comparison for tactical reasons. This raises the question of whether Bittel's perspective might be shaped by a Eurocentric attitude, a point that warrants further scrutiny given ongoing debates around cultural restitution and the capacity of countries of origin to 'properly' care for returned objects. Although Bittel's letter does not directly address the ownership of the sphinx, it is apparent that he sought a persuasive argument that would allow the Berlin State Museums additional time to photograph or publish the cuneiform tablets prior to their eventual repatriation to Turkey. This demonstrates the museum's consciousness that the restitution of these artifacts was both necessary and inevitable. It is essential to recognize though that the eventual return of the cuneiform tablets in 1987 was realized only after the Turkish authorities had applied for it at the *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation*, indicating the importance of international pressure in facilitating the restitution process. However, the Boğazköy Sphinx remained in Berlin until 2011, highlighting the protracted and complex nature of such restitution cases.

In the exploration of the Boğazköy restitution case, provenance research stands as an invaluable tool. It systematically establishes the history

of ownership from the artifacts' discovery to their eventual repatriation, leaning heavily on archival documents and records that are central to this study. This research method illuminates the intricate dynamics of the negotiations, revealing both formal and informal agreements and their implications. Within the complex geopolitical landscapes that shaped the fate of the Boğazköy artifacts, provenance research not only contextualizes historical events but also underscores the ethical and legal considerations entwined in restitution debates. Furthermore, it serves as a means to identify and address gaps in existing knowledge, reinforcing the importance of comprehensive documentary evidence in discerning the multifaceted nature of cultural heritage diplomacy and restitution.

The findings of this case study show that further research is needed to locate and analyze the missing letters of Walter Andrae and Otto von Falke, as these could provide critical insights into the intricacies of the Boğazköy restitution case. Uncovering these documents would help to better understand the complexities surrounding the ownership and restitution of the Hittite artifacts, particularly the Boğazköy Sphinx. While the current archival evidence demonstrates that the demand for the return of the artifacts can be traced back until the 1940ies, the situation surrounding the sphinx appears to be more convoluted than that of the cuneiform tablets. As mentioned in Kurt Bittel's 1943 letter, he explicitly acknowledges that the tablets must be returned to Istanbul, but notably, he refrains from addressing the ownership of the sphinx. This omission raises intriguing questions about the underlying factors and motivations that may have influenced the parties involved. By conducting a thorough investigation of these missing correspondences, researchers could further illuminate the complexities of the Boğazköy restitution case and enhance our understanding of the multifaceted nature of cultural heritage diplomacy and restitution.

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