

Contested Patrimony: The Iraqi Jewish Archive

[Not to be cited without permission of the author]

Webster's Third New International Dictionary defines “archive” (in the singular) as: (1) A place in which public or institutional records are systematically preserved, or (2) A repository for any documents or other materials, especially of historical value, and (3) any repository or collection, especially of information (e.g. the archives of memory).” Other dictionaries provide a similar range of meanings, although sometimes for “archives” in the plural form. If implied in all of these definitions is the presence of intentionality, it is not at all clear that what is now called the Iraqi Jewish Archive manages to conform to any of these definitions, strictly speaking. What is clear is that the materials it comprises are stray but meaningful textual vestiges of a once thriving people, the Jewish community of Iraq, which are now constituted as a collection, however adventitiously it came into being.

I will briefly describe the character of the Iraqi Jewish Archive, and the events and circumstances that make it a matter of concern to us today. I will address and weigh the merits of alternate viewpoints regarding its fate, as I understand them, in the light of those circumstances.

The Iraqi Jewish community could trace its antecedents back as far as 586 BC and the Babylonian Captivity of the Old Testament, when King Nebuchadnezzar raised the Temple and removed the population of the Kingdom of Judah to Babylon, where, in what is now Iraq, it persisted and at times flourished right into the 20th century. It is surely the most tragic of all the Jewish communities of the Middle East, resulting from the consequences of one of the scourges of modernity, nationalism, in unhappy reaction to its Jewish equivalent, Zionism. The first pogrom came in 1941 after Rashid ‘Ali al-Gaylani led an anti-British, pro-fascist military coup, which was quickly suppressed by British forces, some already in Iraq, some sent in from India, which proceeded to occupy Iraq well into 1947. Before

their active engagement, Iraqi mobs, with the complicity of the police and the army, had murdered 180 Jews, and wounded nearly a thousand more. However, it was the establishment of the State of Israel that sealed the fate of this large and vibrant community, although its consequences were played out over the next twenty years. According to Mitchell Bard, in 1948 the estimated Jewish population of Iraq was 150,000, the majority living in Baghdad, where Jews had comprised a third of the city's population at the beginning of the British Mandate. Anti-Jewish riots became common starting in 1947, and Zionism became a capital crime in 1948. In 1950, Iraqi Jews were permitted to leave the country provided they forfeited their citizenship. A year later, however, the property of Jews who emigrated was frozen, and economic restrictions were placed on Jews who chose to remain in the country. By 1951, 104,000 Jews had evacuated Iraq for Israel, while another 20,000 left via Iran.

With the initial rise of the Ba'ath party in 1963, additional restrictions were placed on the remaining Iraqi Jews. The sale of property was forbidden, and all Jews were forced to carry yellow identity cards. After the Six-Day War in 1967, Jewish property was expropriated, and Jews were effectively forced out of public life as they had been in Germany in the course of the 1930s under the Nazi regime. Jews were placed under house arrest for long periods of time and restricted to the cities. Persecution was at its worst at the end of 1968, when the reinstated Ba'ath Party government instituted show trials after scores of Jews were jailed for participation in an alleged "spy ring". Fourteen men, eleven of them Jews, were sentenced to death, and hanged in the public squares of Baghdad. In response to international pressure, the Iraqi government quietly allowed most of the remaining Jews to emigrate in the early 1970's, bringing the community effectively to a close. Thirty-five were left in the country in 2003, none younger than 41. It is a feature of this community's legacy that we address here.

FIRST IMAGE: Torah scroll (initial effort at drying)

The Iraqi Jewish Archive Preservation Report of October 2 2003, produced by staff of the U.S. National Archives and Records Administration (NARA), describes a complex accumulation of manuscripts, printed materials, and documents either related to Judaism or the Jewish community in Iraq, discovered in early May 2003 short weeks after the fall of Baghdad. What did the cache consist of? According to that Report, it comprised rare books, correspondence and document files, pamphlets, modern books, audio tapes, and parchment scrolls. Languages represented in the collection include Hebrew, Judeo-Arabic, Arabic and English. The Hebraica include holiday and daily prayer books, Bibles and commentaries, sections from a damaged Torah scroll, illustrated here, books on Jewish law, as well as children's Hebrew language and Bible primers. The printed books were published in a variety of places, including Baghdad, Warsaw, Livorno, and Venice, and most date from the late 19th and early 20th centuries, although the earliest is dated 1568. Arabic materials, both printed and in manuscript, governmental and private, include the law of the Jewish community #77 for 1931, and the organization of the Jewish community #36 of 1931, published by the Jewish Charitable Organization in 1932. This review of the situation also relies upon the more recent *Iraqi Jewish Archive Status Report of May 25, 2007*.

SECOND IMAGE SET: Removal from Basement

This agglomeration of materials had been sequestered in the basement of the Mukhabarat, the State Security Services, and had been subjected to flooding, the direct result of a "Shock and Awe" strike that broke water pipes, leaving the Judaica lying in three feet of water, according to an article, "Saddam's Secret Jewish Archives", in *Moment Magazine*. This article also described the way in which Harold Rhode, a member of Secretary of Defense Rumsfeld's staff present in Iraq directly after the invasion, appealed to Ahmed Chalabi for emergency funds to drain the water. Funds privately provided by Chalabi, and by Harvey Krueger, a Lehman Brothers investment banker, achieved the desired result, although it was 16 US soldiers from a special Mobile Exploitation Team, whose primary task was

searching for Weapons of Mass Destruction and the like, who helped with the work. Thus a seat-of-the-pants operation involving individual and private initiative at a time of tremendous flux—and in the absence of normal rules and protocols—precipitated the effort to save these materials, shown in the accompanying images in the process of being removed from the basement.

One wonders what the secret police thought they had in these texts, many of which are written in Judeo-Arabic, since no objective evidence is available concerning their motivations in keeping them. Was it simply the mystery of texts in a familiar script but unknown language that resulted in their incarceration? Were they considered potential keys to knowledge about their owners, who had perhaps also been incarcerated, and which were confiscated at the time of arrest? Was it malice, and another perverse exercise of power: control over objects that had been prized by their despised owners? However modest as cultural artifacts, they do recall the strange uses to which the Nazis intended to put much more systematically collected Jewish artifacts, with their aim of creating a museum to what they intended to become an extinct Jewish race. They also recall the Jewish art works—once part of the Jewish Museum in Berlin of the 1930s—discovered after WWII in the cellars of the former Ministry of Culture for the Reich, which ended up in the hands of JRSO (the Jewish Restitution Successor Organization) at the end of the war, and are now in the Israel Museum. However, these latter were art works and artifacts which had already been constituted as a museum, and which the Nazi state had declared could only hold the work of Jews, before they shut it down altogether after Kristallnacht in November 1938, whereas few if any of the works on paper in the Iraqi Jewish Archive appear to rise to the status of museum pieces.

THIRD IMAGE SET: Materials drying in the sun

The initial and follow-up reports by the NARA staff, include a description of the preservation efforts taken subsequent to the initial examination of the documents in Iraq by Doris Hamburg, Director of Preservation Programs for NARA, and Mary

Lynn Ritzenthaler, Chief of NARA's Document Conservation Laboratory, on June 20th-23rd, 2003. After the sodden Judaica were removed from the basement, exposure to the environment, including being left in the hot sun, as you see here, led to serious problems with mold, compounding the negative consequences of soaking.

FOURTH IMAGE SET: Frozen Materials

A freezer was subsequently found for them in Iraq, but the conservation specialists determined that the threatened materials required vacuum freeze-drying prior to conservation, and it was proposed that the documents be flown to the NARA Southwest Regional facility near Fort Worth, Texas for that purpose. These images show some of the frozen materials.

FIFTH IMAGE SET: Preliminary Assessment of Books and Documents

SIXTH IMAGE SET: Freezer Truck with its Trunks

To achieve this end, an agreement was reached between the Iraqi State Board of Antiquities and Heritage (SBAH) and the Coalition Provisional Authority. According to Dr. Donny George, at that early time in 2003. Since there was no functioning Iraqi institution, even the Ministry of Culture, only the State Board of Antiquities and Heritage was in the position to act, so the CPA contacted the SBAH, and asked for permission to take the archives to the States for stabilization and conservation. At that time the head of the SBAH, Dr. Jaber Khalil Ibrahim, gave his approval for the materials to leave Iraq for that purpose for two years, starting on August 17, 2003.

SEVENTH IMAGE SET: Devastated Iraq National Library and Archive

The Iraq National Library and Archive (INLA) was a devastated, twice-torched wreck at the time, as can be seen here, with an absent, moribund staff, and its new

Director-General, Dr. Saad Eskander, would not be appointed until November, 2003, so that institution was not in the picture.

A formal agreement was made, in turn, between the CPA and NARA. From that point forward, these archival materials have been officially under the control of NARA. Dr. George also stated that, at a later date, when it became clear that two years was not going to suffice to achieve the hoped-for results, a meeting was held in Berlin between Doris Hamburg, Drs. René Teijgeler, first and last Senior Consultant for Culture in the US embassy in Baghdad after the demise of the CPA, and Dr. George, then President of the State Board of Antiquities and Heritage. Its main was to discuss the possibility of an Iraqi delegation formally visiting Washington to address the future work, the eventual repatriation of the archive to Iraq, and to reformulate the agreement. This has not taken place, thus far. However, the *Status Report* of 2007 indicates that the CPA designated the Ministry of Culture as the partner to the understanding in June 2004, and, with the demise of the CPA, that communication between the ministry and representatives of the US Department of State and Embassy have continued as the project has proceeded. A somewhat different perspective on this question was provided by René Teijgeler, who reported that the expiration of the original agreement led to an Iraqi demand for the repatriation of the materials under various internal pressures and inspired by inaccurate press accounts. The upshot of this was an anticipated new understanding to be signed in 2006 “to continue the preservation activities in the USA in full co-operation with Iraqi conservators and to ensure the safe return of the archive to Iraq” (based on personal communication between Teijgeler and Donny George, Berlin, November 2005). Given the state of flux in the very character of the governance of Iraq during this period, it is no surprise that a clear view is difficult to come by. It appears that an official understanding is in place, if elastically observed, and that it permits continued efforts at conservation with the at least de facto acquiescence of the Iraqi authorities concerned with the matter. As of January 2008, the Iraqis have appointed a high-ranking delegation, including Dr. Eskander of the INLA, who will visit Washington at some as yet undesignated point

to investigate the situation directly, with the intention of resolving any continuing issues regarding the status of the Iraqi Jewish Archive. However, Dr. Eskander has just informed me that the Cultural Section of the American Embassy in Baghdad had not heard of this plan, so he is not sanguine that the State Department will speedily promote this process. Given that there are other profound questions concerning the custodianship of millions of Iraqi archival documents of incontrovertible national significance, presently held by the U.S. government in and outside Iraq, the Iraq Memory Foundation and its ally, the Hoover Institution, and others, I would like to think that such a delegation would have a broader brief if they should come.

Since their arrival in the US, the Judiaca have remained in the National Archives building in Texas. When agreeing to the transfer from Iraq, NARA committed itself to cover overhead costs for administrative functions, lab use, storage and utilities as an in-kind contribution to the project, while the US Military provided the courier and transport for the collection to come to the United States, amounting to many hundreds of thousands of dollars of assistance. As is stated in the 2007 *Status Report*, “However, because this [the Iraqi Jewish Archive] is not a U.S. government collection, NARA funds [could not] be used for [the preservation and cataloguing functions of] this project. Accordingly, funding [needs to] be provided by private donors or other government agencies with authority to do so.”

Contacts between NARA and the Center for Jewish History, based in New York, eventuated in the latter receiving a grant for \$94,000 from the National Endowment for the Humanities (NEH). A conservator and conservation assistant were hired by the Center to work under NARA supervision to make a basic conservation assessment of each item or group of materials, as the first part of Phase II (Phase I having culminated in the freeze drying). This entailed removing each item from the metal trunks in which they had been transported, giving each an identification number, vacuuming each to remove the first surface layer of dirt and mold, and taking several digital photographs of each (including title page and covers for books,

and up to five folios of any item), and rehousing each item in an archivally sound manner. This work was preliminary to using the photographs to achieve either bibliographic or subject identification of each item. According to Robert Sink, Chief Archivist of the Center for Jewish History, this first systematic process revealed that the materials comprised not the estimated 800-plus, but over 3,000 items or sets of items (such as related texts that had been kept in a single file), compounding cataloguing and complete conservation challenges.

Virtually all of the cataloguing work remains to be done, and much of it will require the attention of experts conversant in Judeo-Arabic. Robert Sink also reports that, as of March 2008, the Center is preparing to seek graduate students capable of doing this work, using the unexpended balance of the original NEH grant. This, in turn, is preliminary to the full conservation of the archive's materials, and will also serve to establish priorities in that work.

It is a regrettable fact that the millions of dollars necessary to achieve comprehensive conservation and complete digital capture of all texts have yet to be secured. The original contract with the Iraqis had called for microfilming, but Mr. Sink considers comprehensive scanning to be more efficient and promising given the condition of the materials. It is abundantly clear that questions concerning the status of the archive have made fund-raising difficult. Those sources that the Center for Jewish History could most readily tap would either like to see the collection come to New York or Israel, and are not likely to be keen on providing the funds were the originals to be returned to Baghdad. There has been talk of an exhibit, which could be a single site or traveling show, but that itself will demand further funding and negotiation even if there is some possibility that it would make the return of the materials easier for funders to accept. Ezra Chwat of The Institute of Microfilmed Hebrew Manuscripts, Jewish National and Hebrew University Library has informed me that his institution might be interested in supporting the scanning work. That leaves the most expensive part, the full conservation, to be

accounted for. The Center remains in a Catch-22 situation. So do days, months, and years pass by.

Even with the uncertainty regarding ultimate funding, the Iraqi Jewish Archive provides a special case, with which much else that has been done and not done in Iraq could be and has been compared. According to a recent article by Nabil al-Tikriti, there has been some resentment in Iraqi circles—and, it might be added, expressed elsewhere by him as well—that special attention appeared to be given to these Jewish materials while important archival documents and rare books belonging to the Iraq National Library and Archive, and flooded at much the same time were neglected. The simple answer is that the archival materials removed from the INLA were far more extensive than the Jewish documents held by the Mukhabarat, that no safe and well-endowed venue for their treatment existed, that they did not have such well-connected advocates, and that they were left subject to the prevailing chaotic situation, and the pervasive incompetence and misplaced funding priorities of the CPA, however well-meaning and personally competent some of its representatives may have been.

There are certainly those who find it difficult to accept that these Jewish materials, interred for decades by a feared and loathed secret police, and representing the legacy of a people destroyed by hatred born of an essentializing ideology should return whence they came. However, they remain part of the Iraqi patrimony as well. As most clearly enunciated by Dr. Eskander, it is exceptionally important that these signs of the complete cultural heritage of the land of the two rivers remain as a testament to the richness of its past, for the Iraqi people as a whole and their culture have been victims of the grim political process that not only singled out the Jewish community for particular attention, but made it a state project to obscure the realities of the near and further past in the service of ideological ends. Dr. Eskander sees these materials as one of many supports for a true history of Iraq. Furthermore, Dr. Eskander has double standing to address this question, for not only is he Director-General of the INLA, he is also a member of another group

targeted by the Iraqi nationalists and the Ba'ath, the Faili Kurds, who are Shi'a, not Sunni as are most Kurds. While the majority of them lived up against the Iranian border, a large Faili community resided and flourished for centuries in Baghdad, and engaged in the same process that made the Jews of Baghdad so successful in the modern era: emphasizing education, progressive values, and commercial and professional success. In 1980, at the beginning of the Iran-Iraq war, this community was declared by Saddam Hussein to be really Iranian, and summarily expelled to Iran, sometimes directly across minefields. 8,000 Faili men and boys aged between 16 and 36, and resident in Baghdad were imprisoned in 1981. In 1987, at the beginning of the infamous Anfal campaign, they were all shot. So, Dr. Eskander, belonging to another destroyed community, hopes to see its memory preserved as well, and is sympathetic to the concerns of the dispersed Jewish community while remaining dedicated to his positive goals for the INLA as a servant of the Iraqi people as a whole.

Dr. Eskander has cited previously existing Iraqi archival law in promoting general and specific claims of his institution. As he states, "The Iraqi archival law of 1983, No. 70 (i.e. the Preservation of Documents) and the previous one, the Law of 1963, No.142 (i.e. the National Centre for the Preservation of Documents) make clear that the duty of the National Archive is to preserve official records of government departments as well as semi-official documents and private records of individuals." In the latter instance, one might wonder whether the giving up of private records was voluntary under a totalitarian state, and what it would signify in a democratic one.

Trudy Huskamp Peterson, the noted authority on archives, has recently weighed in on the question of the status of Iraqi archives generally. She makes it clear that "the principle of inalienability" requires that any documents reasonably considered governmental, including Ba'ath Party records, must be returned to Iraq's National Archive. On the other hand, she states that, in principle, "Any materials obtained from non-government bodies and private persons should be deposited where the

creating entity or its legitimate successor decides.” This is easier to uphold when such persons and entities remain in situ, and have not been swept aside by historical events, but it does add weight to the rights and concerns of the diasporic community. One must, of course, contend with the question of who legitimately speaks for that community. A search of the web brought me to a statement from 1995 by Mordechai Ben-Porat titled “Meetings with Iraqi Jewish Communities in New York and Toronto,” in which he states, “there are a great number of Iraqi immigrants the world over who are thirsty for information regarding their heritage and for a breath of fresh air which enables them to enjoy such nostalgic experiences.”

In weighing competing claims, two irreducible facts cannot be avoided: (1) A commitment was made between the responsible governmental entities when the Iraqi Jewish Archive was flown out of Baghdad that may not be abrogated absent clear assent on the part of the Iraqi authorities without adding another to the countless blows to Iraqi integrity, heritage, lives, and sensibilities that have been inflicted or caused by various entities and representatives of the US since the invasion; and (2) Despite the devastating loss, and historic debt owed by Iraq to its dispersed Jewish community, the continued oppression and incremental dispossession of the Palestinian people on the part of the State of Israel would make it untenable for any representative of the Iraqi government to consider transferring any of the materials in question there on a permanent basis. In relation to such unrealizable hopes, I cite an article by Judy Lash Balint in the August 12, 2005 *Jerusalem Post* discussing the interest of the Babylonian Jewry Heritage Center near Tel Aviv “to house and display the recovered books and community records,” predicated on the unfounded notion expressed in this article that the US authorities were in the position to make this determination. If such a transfer should ever happen, New York is the only likely venue. Discovered too late for me to fully digest, but directly addressing this case is an article by Dana Ledger in the *George Washington International Law Review* of 2005, where he casts doubt on the applicability of The Immunity from Seizure Act to the Iraqi Jewish Archive. This

law was enacted in 1965 in order to promote international cultural exchanges by making objects involved in such events immune from seizure for cause, and was invoked when the materials now characterized as the Archive were brought into the country.

The original 2003 understanding dictated the return of these materials to the Iraq National Museum after they were catalogued, conserved, and visually documented. [Parenthetically, it is worth noting in passing that, according to René Teijgeler, some 360 other Jewish manuscripts, largely Torah scrolls, survived the looting of the Iraq Museum, while the INLA has 836 books in Hebrew dating back as far as the 17th c., which have been conserved under Dr. Eskander's direction, and information about which is available on the INLA's website.] Nevertheless, a case can be made that the Iraq National Library and Archives is the proper place for these materials, and the discussion among concerned Iraqi officials appears to be trending in this direction due to the fact that the vast majority are less than two hundred years old, and conform in character more to the collections of the INLA. Dr. Saad Eskander has made a major case for the INLA to be the resting place for all important documents of Iraqi governance and heritage, a place, furthermore, committed to preservation and access, given the means to achieve these goals. Dr. Donny George, who, himself, was once Director of the Iraq Museum, has declared, "I personally believe that the National Library and Archives should be involved in all this, because the archives should go back to them and not to the Iraq Museum, because the Iraq Museum holds material, according to the Iraqi Law of Antiquities, that is two hundred years and older, and all that archive is not that old."

A fundamental value of access is served if the Center for Jewish History can succeed in finessing the funding Catch-22 it faces. Comprehensive digital documentation is not possible without full conservation of the materials in the Archive, and thus without full funding of the project. The complete digital documentation would create a permanent record that will know no boundaries, and can stay in the US or

be sent to Israel, or placed on the internet—not to mention shared with the INLA—as circumstances permit, when the original materials have been returned.

What remains important to acknowledge in making these decisions is that the original objects have a compelling facticity and materiality about them. They were owned, and sometimes treasured by people who lived in a particular place at a particular time; they are links to a life imbued with centuries of development in that place—Iraq—and recall their owners in a way that no surrogate of them ever will. Thus it is improper not to recognize the powerful symbolic character of the original objects, the tug on memory that they exert, and we should not pretend that digital images—even if entirely adequate for the purposes of scholarship, and important for widely transmitting knowledge of this collection—are the same thing. It is precisely these memorial facts that make the counter claims compelling. I cannot presume a Solomonic role here, but it is worth mootng a gesture of goodwill such as the gift of an object like the Torah scroll to an appropriate institution in New York, and, perhaps, other items as well. Not as the result of legal necessity, but as reciprocity for much hard work in the resurrection of these relics of the past for the good of all who care about them.

Jeff Spurr
Aga Khan Program for Islamic Architecture
Fine Arts Library
Harvard University
2 April 2008 (emended 6 April 2008)