CHALLENGING THE DICHOTOMY

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CHALLENGING THE DICHOTOMY

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The Licit and the Illicit in
Archaeological and Heritage Discourses

♾ This paper meets the requirements of ANSI/NISO Z39.48-1992 (Permanence of Paper).

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PART II. ETHNOGRAPHIES OF DUALITIES

ACKNOWLEDGMENTS

FIGURE I.1. The Wenner Gren Workshop, January 2011, at La Guaca in Villa de Leiva, Colombia; *(from left to right)*: Juan Carlos Piñacue, Alejandro Haber, Lena Mortensen, Julie Hollowell, Les Field, Cristobal Gnecco, Joe Watkins, Yannis Hamilakis, Wilhelm Londoño, Fernando López, Nick Shepherd, Paul Tapsell.

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CHALLENGING THE DICHOTOMY

ENTRANCE

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The Museo Nacional, Bogotá

LES FIELD, CRISTÓBAL GNECCO,
AND JOE WATKINS

I N 2010, IN THE LEAD-UP to the workshop upon which this volume is based, Les Field (one of the three editors) once again visited the Museo Nacional (National Museum) in Bogotá, Colombia. The first floor of the museum is focused upon prehispanic Colombia and features an extensive set of exhibits about the San Agustín site, indisputably Colombia's most renowned archaeological treasure and a UNESCO World Heritage Site as well. The exhibit features both artifacts and historic photographs of Colombian and foreign archaeologists and anthropologists who participated in the early excavation of the area in the 1940s.

As Field inspected the photographs, one of the museum guards initiated a conversation with him about San Agustín. The guard told Field that he came from San Agustín and pointed out that in several photos his own grandfather and stepfather were standing next to the famous scholars Paul Rivet and Luis Duque Gómez. The guard laughed. "They didn't do any of the digging!" he said, referring to the scholars. "It was all my *abuelito*—a *guaquero*!"

A *guaquero* in Colombia and Ecuador is someone who engages in nonarchaeological, nonscientific excavation, or *guaquería*, an activity which at various points in Colombia's history has been considered a legitimate occupation but has also been, now and in the past as well, considered illicit and criminal. The watchman continued. The scholars had relied on his grandfather and stepfather to determine if and where there were tombs at a part of the San Agustín complex, already internationally famous and treasured, where the Colombian state was building the first tourist hotel in the area. His family members had used a *media-caña*, a sort of digging rod that guaqueros have traditionally used: hardly a scientific tool. They had indeed found

tombs at the spot where the hotel was to be constructed. What had happened to the objects that were found, fabulous gold objects, including a gold crown, according to the watchman? Some ended up in the collection that became part of the Museo del Oro (Gold Museum); but many of them, said the watchman, again with a laugh, were sold by the very same scholars, who came back to San Agustín the next year with much fancier cars and clothing.

This striking and disjunctured conversation about archaeology, guaquería, legitimacy, illegality, museums, private collections, commodification, tourism, state intervention, national heritage, and international status embodies and is a fitting starting point for an elaboration of the themes of this volume, which explore similar, resonant relationships among what appear to be diametrically polar opposites. While a great deal of critical analysis has been written and published in the last fifteen years about heritage, nationalism, commodification, and looting, this volume approaches these same issues against the backdrop of a very different canvas, one that does not take for granted the deeply naturalized polarities between licit and illicit, scientific and nonscientific, private and public but challenges those dualities from the multiple and diverse perspectives offered by ethnographic cases.

Like much recent literature, the chapters in this volume challenge the national character of heritage and increasingly its characterization as a global feature of humanity in multicultural times. Authors in the volume recognize that from national/transnational, scientific/academic, and institutional perspectives, heritage is defended, promoted, and protected; and that is why any relationship with heritage outside of institutional channels is criminalized and punished. However, such discourses are being increasingly questioned and challenged by local activists and scholars alike from a variety of situated political activisms. The chapters comprising this book share this critical intervention by historicizing the modern dichotomies that support heritage discourses; they do so through collaborative research agendas and/or via indigenous activism.

The ethnographic descriptions of several of the case studies presented here (Julie Hollowell on St. Lawrence Island; Paul Tapsell in Aotearoa / New Zealand; Alejandro Haber in Argentina; and coauthors Cristóbal Gnecco and Juan Carlos Piñacué, as well as Les Field, in Colombia) cannot be categorized using conventional disciplinary frameworks. Their work instead underscores how polar dichotomies such as licit/illicit, state/nonstate, scientific/nonscientific have been constructed and how they are being challenged from multiple agentive forces; their analyses have developed in collaboration with a wide variety of local points of view. The work of Lena Mortensen (Honduras), Ioanna Antoniadou (Greece), Wilhelm Londoño (Colombia), Joe Watkins (United States), Khaldun Bshara (Palestine), and Nick Shepherd (South Africa) offers critical perspectives from another angle by exploring the deeply symbiotic relationships between nation-states and archaeological-institutional truth

and legitimacy. Four of the authors—Watkins, Tapsell, Bshara, and Piñacué—hail from different indigenous peoples, and their scholarship reflects dialogic exchanges between Western and non-Western epistemologies and ontologies. In all of these case studies, the authors discuss the licit/illicit dichotomy challenging both disciplinary bonds and the limits imposed by national or transnational historical discourses.

The chapters in this book resonate deeply in their understanding of the contemporary relationships sustaining heritage as reflecting, deriving from, and graphically exemplifying relations of global inequality and the legacies of ongoing colonialism. As these chapters show, polar opposites or dualisms, such as archaeology vs. looting or public museums vs. private collections, serve the interests of nation and transnational elites, the owners of capital, and the values of colonialism. Above all, these dualisms are clues to understanding the reproduction of the ontology of modernity of which dominant heritage and archaeological discourses partake. Two issues are prominent in this regard: (1) the way in which one part of the dualism is culturally enforced as real, true, right, and creative and the other as unreal, false, wrong, and destructive; and (2) the way in which the latter serves the existence of the former. Indeed, in modernity all things illicit/illegal serve well all things licit/legal by being negative, stigmatized, and punished referents always looming above the normalized existence of modern entities.

The overt historicizing intention of the chapters in this book is part of a growing trend in critical studies of heritage; the book moves those discussions a step forward by confronting the foundational dichotomies of those discourses head-on by questioning their most stable ontological and metaphysical core. Indeed, the processes that naturalize the conceptualization of heritage, as well as the licit/illicit divide, have hinged upon a grave ontological rupture between the material evidence of "the past" and its context. Recognizing the historicity and plurality of heritage discourses is a task to which this book is devoted. Yet, this is not only a work of contextual analysis whose aim is to inscribe heritage discourses in the social context that gave them birth. For authors in this volume, conceptions of heritage and their attendant dichotomies do not appear as the consequence of contextual necessities (such as nation building) but as a practice that "invents a science, a context, and a demarcation between the two" (Latour 1993:16).

COLOMBIA, A WORKSHOP

Among the eleven chapters that compose this volume, three chapters focus at least in part on complex relationships in the territory of Colombia (such as those that the opening vignette denoted) between what in other treatments are considered irreconcilable dualisms: licit and illicit, scientific and nonscientific, private and public, heritage and commodity, national and international, and so on.

The Wenner-Gren Foundation funded a workshop entitled "Illicit Excavation, Archaeology, Communities and Museums: An International Workshop on Complex Relationships and Future Perspectives" that took place in January 2011 in Bogotá and Villa de Leiva, Colombia. The workshop's two organizers, Les Field and Cristóbal Gnecco, had in different ways come to focus upon these themes in their ethnographic and archaeological research in Colombia.

The workshop participants agreed that understanding the complex relationships among heritage, archaeology, history, museums, protection, and national and international agents is possible first by dissecting what "licit" and "illicit" mean from a historical point of view. Participants emphasized that the reified utterances in both archaeological and bureaucratic discourses about the licit/illicit polarity arise from colonial difference, in which the *other* is only present through the kind of nonmodern behaviors that ontologies of the modern condemn and penalize. In a marked departure from modern dualisms, we addressed these questions by disentangling what heritage is: how it has been conceived and fetishized by vertical, legal provisions; how it can be redefined from the base up; how to advocate for different conceptions that highlight life rather than things; and emphasizing that life is the most important asset to be protected. We thus set out to disentangle the threads that unite apparently disparate categories by contesting dichotomies that replicate colonial outcomes and to suggest points of resistance that make other ideas and practices possible. In doing so, we questioned how such critical work could resist the semiconspiratorial perspective that underlies the argument for complicity between apparently opposed forces such as archaeology and guaquería, which therefore sees the enduring dualism as mystifying deeper forces that reproduce colonial relationships.

More than simple happenstance accounts for the location of the workshop and the presence of chapters that detail Colombian case studies in this volume. Colombia's past and present encompass particular and singularly salient examples of these dualisms, their naturalization, and their increasingly important role in many aspects of economic, political, and sociocultural life in that country. The historically dynamic practice of guaquería, the relationship between the state and illicit economies, and archaeology's peculiar history in Colombia bring into high relief—in different ways in each of the three case studies in this volume—constellations of relationships that in turn resonate with other case studies in other countries. The Colombian case histories help to elaborate the relationships between archaeology, the work of guaqueros, nations and nationalism, museums, indigenous communities, and the concept of heritage. The diverse case studies from Colombia therefore further unpack the comparative dimensions of this volume. Above all, the Colombian cases helped to focus the workshop on ethnographically informed critiques of the foundational categories: the licit and the illicit.

THE STATE, LEGALITY/ILLEGALITY, THE NATION

In *States and Illegal Practices* (1999), editor Josiah Heyman brought together ten authors whose work rejects the idea that illegal practices exist outside of the state and its projects and are repressed by states so that the rule of law may reign unchallenged. Rather, the authors in Heyman's volume found that illegal practices and the organizations that pursue their goals through illegal practices are actually organic to the state and its functioning throughout history, as well as the purposes and intentions pursued by local, national, and global elites. A thematic question the authors addressed throughout the Heyman book was: If the state is so dead set upon repressing illegal practices, why do they persist? They persist, as each case study demonstrated, precisely because licit and illicit practices are inextricably intertwined in the politics and power of nation-states and contemporary multicultural states and because the protection of the power and fortunes of elites necessitates a mixture of legal and illegal practices.

Unlike the effort made by authors in Heyman's volume, the extant literature on archaeology and illicit practices such as guaquería has thus far not critically historicized or challenged the licit/illicit dichotomy that undergirds them. Such a critical consideration of the very oppositions in which modern and postmodern heritage discourses are situated hinges upon a deconstruction of their ontology. As Merrill Singer (2008) has also shown in his analysis that brings together the worlds of illegal drugs and legal pharmaceuticals, licit and illicit are the two parts of a reified divide, and the functioning of the institutional apparatus actually requires the operations of both. In the worlds of heritage and "the past," the apparent natural opposition between licit and illicit is continually reproduced by legal systems in both national and international contexts, legal systems whose interlocking frameworks engage the legitimation of expert knowledge controlled and reproduced by academic disciplines. For those reasons, probing the very ontology in which the dichotomy rests demands ethnographically sensitive accounts; such accounts explore and push the limits of collaborative research that enlists both critical practitioners of the disciplines that have dominated the study of heritage and the peoples—indigenous, marginalized, colonized, occupied, impoverished, and disempowered—who have historically been the "objects" of such studies.

Therefore, a critical consideration of the polar dichotomies on which heritage discourses are based cannot thrive if the ontology supporting that polarity is left untouched. The case studies in this volume shake up that ontology and show its contingency. However, let us also make abundantly clear: neither the coeditors nor the participants in this volume or the workshop that inspired it are apologists for, much

less defenders of, the horrendous acts and ideologies that are intrinsic to the realm of the illicit with respect to heritage. In no manner whatsoever are the shocking and profoundly disturbing acts of looting and the wanton destruction of sites, museums, and objects in Syria, Iraq, and elsewhere in the world underwritten by our efforts here. Challenging the licit/illicit binary is rather an effort to understand (and supersede) the cultural specificity of the duality through historicizing and accommodating alternative perspectives and experiences, the ethnographies of which may lead to understanding and engaging conceptions of materiality, relatedness, care, life, and temporality from the ontological peripheries. The chapters in this book seek to understand such alternative practices of relating to the materiality of the past that have been normatively condemned and obscured by the governmentality exercised by nation-states.

Legality and the realm of the illicit are mediated by states' monopoly control over nation building, nationalist ideology, and national identity, as archaeologists have described now for some decades (see, e.g., Hodder 1991; Kohl and Fawcett 1998; Meskell 1998; Hamilakis 2009; Kohl et al. 2007; among many other sources). A very salient example of these mediations has been described by authors exploring the Israeli state's use of archaeology for the purposes of rooting the Jewish presence in—indeed, Jewish dominion over—Palestine while simultaneously erasing the long-term historical presence of other peoples and periods, particularly the successive Islamic civilizations of the past 1,400 years. Nadia Abu El-Haj (2002) has traced the complex skein of relationships between archaeology, Zionism, and the bureaucratic functioning of the Jewish National Fund, the Israel Antiquities Authority, and other arms of the Israeli state; the analyses elaborated by Neil Silberman (1989), Meron Benvenisti (2002), Uzi Baram (2007), among others, provide deep analysis of the important role played by archaeology in Zionist ideology and Israeli nation building, and vice versa. In the El-Haj work, defining and policing the realm of the illicit is central to the Israeli state's definition of itself, its history, and its citizenry, thereby highlighting the broad significance of the licit/illicit dualism and its ontology. Authors in our volume take as their point of departure the relationships of power between the state, legality, and the nation, and their case studies offer descriptions of practices and knowledges that fail to conform to the categories those relationships of power have created and disseminated. The licit/illicit polarity is thus central to the ongoing definition of heritage by the nation and via archaeology.

HERITAGE, ARCHAEOLOGY, COMMODIFICATION

Investigations of heritage have flourished in the last two decades, ranging from the empirical to the theoretical, from the local to the global. Interdisciplinary in scope

and covered under the name "critical heritage studies," these investigations make extensive use of ethnographic perspectives to understand heritage not as inert things (or intangibles) upon which a general historical interest is bestowed but as active meanings that have consequences in the social, political, and economic arenas. Traditional archaeological studies tried to understand just what heritage was about, highlighting its function alongside collective histories, such as national histories, while strenuously arguing in favor of heritage promotion and protection (Prats 1997). Others have adopted a critical stance that examines the entanglement of heritage with politics, identity, and knowledge (see Eriksen 2014; Harrison 2010; Silverman 2014; Silverman and Ruggles 2007; Smith 2006; Waterton and Watson 2014). As a result, at least in scholarly analysis, the focus upon empirical, technical, and legal concerns (research, protection, and exhibition of objects and sites) has to a certain extent shifted to issues of narratives, publics, and even performances that attract the participation of actors other than the state and its serving disciplines. An increasing body of literature (e.g., Cojti 2006; Ashworth et al. 2007; Harrison 2013) therefore documents the struggle for key sites, goods, and narratives and the different positioning of the actors involved, which are most frequently local communities, on the one hand, and the institutional establishment—museums, heritage experts, scholars of various kinds, state and multilateral agencies—on the other.

The multiple, conflicting meanings of archaeological heritage have been explored from an ethnographic point of view since the groundbreaking studies of Barbara Bender (1998) and Quetzil Castañeda (1996). New relational analytical approaches use ethnographic strategies for trying to understand heritage practices (Castañeda and Matthews 2008; Mortensen and Hollowell 2009; Edgeworth 2010; Hamilakis 2011; Meskell 2011). Their philosophical core is constituted by relations and meanings between beings, not things. They share a concern with the effects of heritage activities, which include promotion, exhibition, curation, and dissemination, upon local publics and, conversely, with how local publics engage heritage discourses. The places of interaction between those discourses and local publics in museums, books, videos, flyers, and other variously configured locations are considered, then, as constructed spaces where the materiality of the social and the political unfolds. These approaches attempt to understand (1) how heritage agents produce knowledge from their positioned perspectives; (2) how different publics relate to them (e.g., ironically, selectively, in opposition, etc.); and (3) how heritage representations are deployed (and many times contested) as social facts. The authors in our volume take these insights as points of departure as well.

Another line of inquiry investigates the mounting commodification of heritage by the tourism industry with the political, legal, and academic support of transnational agencies such as UNESCO. The complicity of academic disciplines and heritage

management agencies has effectively created what Mary-Catherine Garden (2006) called "heritage-scape" (see Di Giovine 2009). Research has documented how heritage is defined and promoted by transnational agendas linked to development and tourism and how local concerns and conceptions are thus suppressed (Silverman 2002; Rowan and Baram 2004). It also shows the impact of the heritage industry upon the lives of local peoples, who are in many instances uprooted from their lands and converted into commodities by the avid touristic greed for the exotic and authentic (e.g., Silverman 2006; Angelo 2010). Commodification for authors in our volume plays just as central a mediating role in the foundational ontological dualisms we are challenging as the nation-state and nationalist ideologies. Since the nation-state comes into existence in historical tandem with the advent of industrial capitalism and its many crises and reinventions, this should hardly come as a surprise. Yet commodification is distinct—for example, its mediation of the dualism between museums and private collections—and plays an essential role in the relationship between archaeology and illicit practices of excavation that is different from that of nationalist ideology. Chapters in this volume specifically tease apart these intricately intertwined processes that maintain the dualisms in heritage discourse, dualisms that are simultaneously intrinsic parts of historically dynamic systems.

INDIGENEITY, SOVEREIGNTY, ALTERITY

The ontological/epistemological assault on the dichotomies supporting the dominant conceptions of heritage that threads through this volume cannot be sustained without diverse indigenous points of view, especially when the latter have been formed by a critical activism engaged with heritage projects and politics outside the well-guarded gates of disciplinary knowledge about time, materiality, and life. Indeed, a growing resistance to the humanistic/capitalist conception of heritage—espoused by mainstream archaeology, UNESCO, NGOs, and state-run heritage agencies worldwide—cannot be ignored. These forms of resistance have been articulated by grassroots organizations, particularly in indigenous communities that are determined not only to rectify the wrongdoings that an unchecked heritage wave can cause in local communities but also to formulate alternatives to mass tourism, top-down heritage policies, and the related breaking of social bonds. Examples of such efforts are found in numerous chapters in this volume.

In indigenous communities the practice of resistance is deeply linked to the struggle for sovereignty, which presents a challenge to the hegemony of nation-states, the control multicultural states exercise over heritage, and the nature of commodification of heritage, all under the banner of the licit/illicit dualism. Many efforts to coalesce

resistance to the configuration of nation-state–archaeology–commodity and its foundation in the licit/illicit dualism with the struggle for sovereignty have been emplaced through a broad-based and decentralized movement to create tribal museums, cultural centers, and archaeology programs (Lonetree 2012). In North America, the creation of the Makah Cultural and Resource Center in northwestern Washington State (see Erikson and Bowechop 2005) and the A:shiwi A:wan Museum and Heritage Center in Zuni, New Mexico (see Isaac 2007), provide instructive examples of the development of ideas that critique heritage, commodity, and archaeology. In these institutions, ontological challenges to modernity's dualisms do not seek simply to reform or somehow open up one or more facets of those dualisms but rather play out in the effort to build and expand conditions of Native sovereignty.

In Susan Sleeper-Smith's edited (2009) volume, Native and non-Native scholars assess whether it is possible to use the museum as a site for decolonizing heritage and its attendant forms of knowledge and truth. Among their critical interventions, scholars looked at the ideological significance of what appears to be "only" epistemology: the curatorial practices, archaeological and ethnographic typologies and taxonomies, and archiving systems that are built into the institutional fiber of museums and that deeply naturalize the licit, the illicit, the scientific, and the nonscientific and what counts as heritage. But no success can be achieved if the efforts strengthen one side of the dualism instead of undermining the polarity itself. Efforts in Sleeper-Smith's volume to critically describe the emerging expressions of indigenous sovereignty and alterity resonate in whole and in part with the eleven chapters in our volume.

THE PAPERS IN THIS BOOK

The authors in this volume, who were with two exceptions (Khaldun Bshara and Ioanna Antoniadou) also participants in the workshop, were chosen because of their insights into historicizing the modern discourses of heritage. Drawing on examples from the jungles and mountains of South America and Central America, the North American "heartland," the frozen Arctic, the occupied West Bank of Palestine, the antiquities of Greece, the vast historical chronoscape of South Africa, and the museumscapes of Aotearoa / New Zealand, they offer compelling case studies that illustrate new interpretations of the licit/illicit divide and the relationships between governments, museums, indigenous populations, and other interlocutors.

In part 1, authors elaborate profound and complex relationships between nation-states, archaeological-institutional truth, and the legitimacy conveyed by law and science. The opening chapter by Nick Shepherd develops a philosophical discussion as a means to approach the concept that heritage is shared, while at the same time the

governing body excludes local voices, all under the rubric of maintaining a socially legitimate control over heritage. In this elaboration of the "licit" management of heritage, Shepherd considers the historical entanglement and mutual constitution of three spheres of thought and practice under his consideration—the law, the market, and the discipline—and the ways that they interrelate one to the other. He posits that their entangled, conditional emergence becomes naturalized or normalized to form the "licit" of the present moment. Additionally, he argues that law and the market act to legitimate and authorize certain practices of excavation and regimes of care under the heading of the discipline while they simultaneously delegitimate other practices of excavation and regimes of care, placing them under the sign of tradition/belief/superstition or, more broadly, under the sign of culture. Using instances from the uniquely variegated history of heritage management and archaeology in South Africa, Shepherd's inquiry prevents the easy ascription of "licit archaeological practice" within a conventional set of ethics; he therefore openly questions the manner in which the discipline (archaeology) names itself the guardian of a specific, partial, and sometimes questionable regime of power/knowledge.

In the following chapter, Wilhelm Londoño uses two practices related to excavations and the search for "archaeological" materials in Colombia in his analysis of the excavation of the past in Colombia. The first practice—the aforementioned guaquería—displays a certain logic that can be understood according to a peasant value system. In this sense, guaquería is a symbolic system involving magical-religious dimensions, socially instituted in specific contexts. The second practice—archaeology—is the scientific way of performing excavations that has been defined as the "correct" way to access past materialities and spatialities. However, little research has been done to understand the generation of constraints that make it possible to distinguish scientific ways of digging from others that are not. Using Clifford Geertz's (1983) distinction between fact and law, his examination of the relationship between licit and illicit excavations allows one to elucidate the contradictions created by attempting to regulate facts through the law, as well as to locate legitimate practices in the field of legality. Guaquería is customary and penalized, yet it is a "fact" that enjoys social recognition despite its unlawful character. Archaeology thrives on the side of the "law" that, although it is not socially popular, is enforced by national legal regulations as the appropriate way to access past materialities. In this way, Londoño calls attention to the logic of the "fact" of guaquería, the attempts to regulate it, and the strategies by which the "law" of archaeology is naturalized. In doing so, he shows the violent universalism of legal heritage practices and, at the same time, their utter parochialism.

Lena Mortensen writes about the contradictory circumstances in Honduras, where many of the relations among artifacts and others exist alongside and against the state-sanctioned category of "patrimony" and the regulatory architecture entailed

within that construction. Within the national legal regime, artifacts, as part of the cultural patrimony, are the property of the state, regardless of whether or not those objects are currently held in private collections, museums, or laboratories or how artifacts were recovered from particular contexts. Cultural patrimony legislation is positioned as a form of "care" that ostensibly restricts artifacts from circulating beyond national borders and "protects" them from becoming commodities in the international antiquities market. Commodification, in this scenario, is a destructive force that depletes a country of its material heritage, which the state recognizes as an important resource for promoting national belonging. Yet such logics and classificatory moves mask the complexity of artifact relations and commodity forms historically at play in the Honduran context, as well as the myriad ways in which material pasts figure into present-day social relations of labor and belonging. By drawing on research at the internationally renowned site of Copán and the long history of state-sponsored excavation there, Mortensen demonstrates how patrimony is produced and functions as a commodity, though free from the specter of the "illicit" that attaches to unsanctioned forms of artifact recovery.

Joe Watkins looks at the ways that "heritage," as an abstract notion, can be used to unite one group of people to a shared narrative ("nation building"), while at the same time it can be used to separate another group from the cultural remnants of its ancestral culture. While the United States, through the passage of heritage protection laws such as the National Historic Preservation Act, has determined that its role is to protect the heritage of all its citizens, the 1992 amendments to the act provided American Indian tribes with a specific role in the process as well. However, because of the way heritage is viewed in this law, the true dichotomy can be argued to be the licit/illicit divide, determined in large part by whether the interested community member ("stakeholder") is operating within the federal laws and regulations that relate to the heritage under consideration. Watkins argues that the relationships inherent between interested members of the various communities as defined in the historic preservation process in the United States hinge on the underlying relationships defined by differential power constructions, as well as on this licit/illicit divide. Ultimately, he posits that changes in a community's empowerment alter the very relationships that exist between the community and its heritage and the interpretative structures in play in the processes. As such, he sees a purposeful shifting of this power structure as the leading mechanism whereby real change could take place in making historic preservation a democratic process.

Ioanna Antoniadou examines how the blanket and often uncritical condemnation of "looting" by most archaeologists and others is problematic because such a stance fails to reflect critically on the contingencies that led to the construction of (official) archaeology as a modernist European project, heavily implicated in the colonial and

nationalist enterprise. In this instance, she argues, the concept of "looting" also disguises a great variety of social practices conditioned by specific frames of power—from the localized struggles for survival and livelihoods to the knowledge/power nexus of professional, official archaeology; the political economy of aesthetic taste; and the circulation of commoditized material objects. These "looting" practices can also be framed as unofficial alternative encounters with the material past, as transcultural practices that derive from hybridity but also from distinctive local epistemic conceptions of the materiality of the past and of the engagement between humans, the land, and other animate and inanimate beings. In this chapter, Antoniadou uses examples from Greece to show that the legal and institutional order and regime of truth established by the nation-building enterprise project a performance of veneration of the sacred icons of the nation, icons that should stay outside of commercial transactions. Paradoxically, this precept of national heritage conceals not only the transactions around the symbolic capital of antiquities in the global cultural economy but also their direct entanglement with economic capital and with commodification, which, in Greece, is constantly disputed. The clash between capital and community inherent in nationalism and the indigenous conceptions of the material past emphasizes the anthropomorphic and animate nature of ancient things. Ultimately, she argues, a decolonized archaeology should rethink its ontological and epistemic premises, its own ancestral myths, and its public justification on the basis of problematic notions such as "the archaeological record," "curation," and "stewardship."

The chapter by Khaldun Bshara is concerned with the immovable built heritage in Palestine and the historical factors that have endangered it, especially as it is subject to intense commodification. His arguments revolve around two general issues: the historicity of heritage, on the one hand, and the situated relationship of people with their material past, on the other. He analyzes the former by showing the different conceptions of heritage in Palestine through the years and how they relate to changing colonial practices and interests; the latter is discussed through the relationship Palestinians have with the material past, not as heritage (a Western/modern concept anyway) but as a part of everyday lived practices. He reflects on the ontological/metaphysical foundations of heritage and explores how Palestinians' challenges to and contestation of what is deemed licit/illicit in dealing with antiquities under the Israeli occupation is not limited only to current restrictions imposed by the Israeli military but extends into deep history and knowledge production as well. In this sense, both looting and academic research are seen in new ways: their definition is not natural but historical; therefore, what they mean in one time may not be the same in another. Looting, for instance, can be seen as a form of political resistance and also as an economic activity. For these reasons Khaldun argues for a redefinition of *heritage* in Palestine in order to encompass expressions that have been neglected and that he

finds important. He argues that in the built environment, Palestinian identity can find additional elements upon which both to base resistance to colonial occupation and to support Palestinians' efforts in nation building. For him the tragic events of the Nakba, which altered the symbolic relationship of Palestinians to the built environment in their land, can be reshuffled not through the law but through conscious processes that he calls ethical and we also call political. He is concerned with the lived practices that "might change the 'historiography' and 'ontology' of heritage in Palestine." At last, by shifting the focus from the legal realm to a critical examination of the ontology of heritage (specifically including the licit/illicit dichotomy), he strives to redefine for the Palestinians what is worthy of protection.

Part 2 presents ethnographic descriptions of case studies that cannot be categorized using conventional disciplinary frameworks. Julie Hollowell's discussion of subsistence digging by the Native people living on both the Alaskan and Siberian sides of the Bering Strait provides an example of the deep histories, complexities, and some of the consequences associated with an unrestricted legal trade in archaeological materials. The Native people's tradition of digging in ancestral archaeological sites and selling objects and materials they find is "licit," yet this legal market in excavated walrus ivory, whalebone, and other materials clearly transgresses many of the standard and commonly accepted dichotomies between licit and illicit, art and artifact, private and public. The notions of "archaeological value" that are often invoked in discussions about undocumented or "unscientific" digging fail to adequately take into consideration the shifting nature of these categories. Drawing from ethnohistorical and ethnographic research that looked at the entanglements between Bering Strait diggers and excavated materials, on the one hand, with museums, archaeologists, state policies, and regional and global markets, on the other, Hollowell looks at the policies, processes, and beliefs that both support and challenge the commodification of these "old things," with special attention to where various actors draw the line between what is ethical, licit, or "transgressive" and what is not.

Through an ethnographic analysis of a recent event in Colombia, Cristóbal Gnecco and Juan Carlos Piñacué examine the historicity of the licit/illicit divide. In a very unusual situation, an indigenous community in whose ancestral land a UNESCO-backed archaeological park was created by the Colombian state challenged time-honored heritage practices. By declaring "illegal" the actions of the Colombian Institute of Anthropology and History (ICAHN) related to a proposed management plan of the park, the authorities of the local indigenous Nasa community proposed and acted upon alternative conceptions of heritage, the past, and the ancestors. Moreover, by declaring illegal ICAHN's institutional actions, they set forth a resistance to hegemonic practices that is both political and semiotic. By analyzing the cosmological foundations of the declaration of illegality of

state-sanctioned heritage practices by the community, the authors show that this is a particular instance of a general occurrence: the imposition of modern concepts that disregard cultural specificities, thus enacting a violence (epistemic and otherwise) legitimated by expert knowledge.

Alejandro Haber's chapter is a study of the ways that the excavation of antiquities can be situated within a discussion of colonial difference and the borders of the West. Haber uses local vignettes to confront discourses and practices of the archaeological discipline, heritage legislation, and cultural categories. Using local theories of related-ness, he shows how hegemonic frames are contested by local theories of relatedness. He considers local coresearchers the theorists who provide the intellectual frame-works for the understanding of intercultural relations. Derived from fieldwork with the Antofalla Kolla-Atacameño community from the Atacama plateau in Catamarca, Argentina, Haber elaborates how archaeological excavations and local excavations in the same archaeological sites highlight their respective and divergent theoret-ical frames, but he also underscores how that divergence is constructed differently. He argues that for local populations, their interventions are not the reverse side of archaeology's disciplinary interventions, in stark contrast to the assumptions codified in "ethical science" procedures.

Les Field explores the ways that one form of illicit excavation—guaquería in Colombia—came to coexist side by side with archaeology in Colombia's national space. His argument is that these heterogeneous practices, disciplines, and institu-tions came to form a kind of system that reflects two markedly fetishized and reified systems of value and power in which gold played essential and central roles. With the establishment of the Gold Museum in Bogotá as a highly respected repository for precolumbian gold, almost all of which has been excavated by guaqueros, the gov-ernment of Colombia created its own forms of "licitness." The advent of the Gold Museum did not end guaquería but rather created a new situation where it became more lucrative for guaqueros to sell gold objects as is rather than melt them down for their gold content. At the same time, the Gold Museum's scholarly work and extensive description and analysis of precolumbian gold objects added tremendous value and importance to the objects in private collections. The final section of Field's paper confronts gold as a fetishized measurement and totem of value by comparing it to another such fetish: wampum. The comparison underscores that historical align-ments between archaeology and illicit excavation are complexly contingent, unpre-dictable, and dynamic.

Finally, Paul Tapsell elaborates an analysis of the historical trajectory of the fate of Ancestral Human Remains (AHR) and associated grave goods in Aotearoa / New Zealand in the last half century that is profoundly anchored in both academic and indigenous Maori epistemologies. Tapsell thematically questions the "licit" character

of academic enterprises, showing how it has been built at the expense of source communities. He traces major sea changes in the complex relationships among major museums in New Zealand (principally the Auckland War Memorial Museum and the Museum of New Zealand / Te Papa); a university-educated, professional, urbanized Maori social sector; and the rural Maori communities from which the museums' collections derive. With an ethnographic perspective located inside both the museum world and the leadership circle of Maori elders, Tapsell compares and contrasts the underlying principles in three key fields—archaeology, museology, and indigenous development—that have shaped the changes that have occurred since the 1970s. His chapter tracks a fleeting moment in the early years of the current century in which it seemed that source communities were having a transformative impact on the museum world's ownership of Maori ancestral remains and associated grave goods, an impact that, by the end of the chapter, was clearly transitory. The possibility for reformulating the licit and the illicit, and therefore control over Maori heritage, remains within reach, however. Tapsell's discussion therefore refocuses the negative character of contestations about ownership, illicit acquisition, and cultural genocide to one of shared origins, coproduction, and kin accountability in Aotearoa / New Zealand and elsewhere.

IN SUMMARY: THE IMAGINARIES OF THE PAST, THE PRESENT, AND THE FUTURE

The chapters in this volume complicate, challenge, and critique established dominant understandings of heritage, archaeology, and the epistemology of "the past." If our efforts intend to destabilize conventions of licit, illicit, legitimate, and illegitimate, they clearly do not do so to advance destruction and commodification or to undermine the importance of a collective public's role in determining the fate of places and things that exist in the present but are rooted in the past. Our broad optic of the dark illicit is not an effect of a magical enlightened act but instead reads the oppositions historically, showing that those things that modernity considers illicit are not simply practices but also the lives of individual and collective "nonmoderns." The illicitness of alterity is one of the most basic master tropes of Western narratives. Such a macroscopic view is indeed a challenge to capitalist/humanistic conceptions of heritage and the licit/illicit divide that feeds those conceptions and is fed by them. By the same token, the critical interventions in this volume highlight how heritage experts face career building, prestige, and symbolic capital, all normally removed from their context (licit and/or illicit excavation), as if these contexts were mere epiphenomena unassociated with either mundane or despicable practices.

What then can these works of complication and critique hope to accomplish? Some might say that to the extent that our work erodes the power of centralized authorities—from nation-states, to institutions, to science itself—to control the past, we do in fact contribute to looting and destruction. These activities are increasing in any event, and the proximate cause is clearly violent armed conflict and, specifically, civil war. Centralized authority of whatever kind is not preventing the destruction of life and heritage. To the extent that critical interventions in this book support transformative change, they aim to increase, rather than further corrode, the relationships between various collective publics—localities, peoples, communities—and the landscapes of the past. As Arturo Escobar (1995:14) wrote in his book against development, "The goal of the analysis is to contribute to the liberation of the discursive field so that the task of imagining alternatives can be commenced." The release of the discursive field initiates thinking historically, denaturalizing the master concepts of the disciplines and their ontological scaffolding. For that reason the ultimate purpose of the chapters that compose this book is to free heritage discourses from their modern matrix so "the imagining of alternatives can begin"; that means, above all, to read heritage discourses differently, upsetting their position in modernity. Dramatically altering these modern meanings could support ever more complex networks that increase the significance of all that is considered heritage and create new forms of protection and care for and in the future.

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PART I

NATION-STATES, TRUTH, LEGITIMACY

❧

THE LAW, THE MARKET, AND THE DISCIPLINE OF ARCHAEOLOGY

❧

An Undisciplined Reading

NICK SHEPHERD

"THE ILLEGAL TRADE IN ANTIQUITIES"

L ET US TAKE AS OUR STARTING POINT a characteristic phrase: "the illegal trade in antiquities." In a compressed space it brings into association three structures or spheres of thought and practice: the law, the market, and the discipline. The "law" appears in terms of questions of legality and illegality. The "market" ("trade") appears both as forms of exchange, regarded as acceptable or unacceptable, and in terms of the kinds of value that attach to material objects as antiquities. The "discipline" appears in the guise of a characteristic object ("antiquities"), an object that has both market value and epistemic value ("truth value") in a complex relationship that is itself ruled by (or subject to) the law.

Set in the context of a single formulation, brought into association in this way, these three structures become mutually reinforcing. A surface reading of the phrase results in an obvious meaning; to that extent it is intended to be a self-evident statement. At the same time, this surface reading is based on a set of assumptions that we are required to accept in advance and that direct our enquiry along certain familiar lines. We know where we stand with a phrase like this. We picture a scene: someone, perhaps a peasant dressed in a flowing robe and a skullcap, is digging. This is a scene of illicit digging. We note the general dustiness; this is one of the earth's dry places. He (we feel sure it is "he") expresses excitement. He reaches into the hole. An object emerges. We track the object on its journey from peasant digger, to shady middleman, to auction house. Along the way it acquires new forms of value (as well as a scaled-up market value) and participates in complex networks of exchange and signification.

Finally, it achieves its apotheosis as an object on display, emplaced in a private collection or even a museum.

Like all such discourses, the law, the market, and the discipline are socially and historically situated structures. They are the product of particular times and places. At the same time, they aspire to a kind of transcendence. They speak from (or for) a kind of universality and a set of values that is transhistorical and even transcendent (or such is the claim). This universalizing, transhistorical tendency finds expression in notions of ethics understood as universal, even in notions of moral right and wrong. At the same time, we are required to accept that these three structures are, to an extent, homologous. The phrase "the illegal trade in antiquities" requires the lining up of the intricate precepts of the law, the market, and the discipline to bring about a kind of convergence, even if this is only a temporary convergence.

This convergence becomes the starting point for further thought and action. We are asked to consider that "the illegal trade in antiquities" is wrong (unethical, a moral wrong, destructive) and to take appropriate measures. Both in its universalizing aspect and in the homologies (or points of connection or traffic) that it proposes between the three structures, the phrase "the illegal trade in antiquities" acts to normalize or naturalize a particular state of affairs. Forms of exchange are accepted as legal or illegal. Forms of digging are accepted as licit or illicit (the peasant in his robe, contrasted with the archaeologist in her khaki trousers). We feel OK about some objects and their histories of acquisition, less sure about others. We accept that each of these structures is, to an extent, disinterested and works according to the imperatives of its own sphere of practice (justice, the acquisition of wealth, the acquisition of truth). Like three wise fathers (or kings) they rule in their separate realms, although they sometimes hold hands.

The law regulates aspects of disciplinary practice, just as it regulates some market operations. We are less sure about the idea that the market should regulate the law or act back on disciplinary practice. Disciplinary practice is understood to operate in compliance with the law but at arm's length from the market; finally, the pursuit of truth trumps all comers. Law and discipline act to authorize certain practices, forms of curation, and regimes of care invested in the person of the archaeologist, just as they declare other practices and regimes of care illegitimate or illegal. In so doing they produce epistemic effects: they authorize an economy (or a regime) of knowledge. In the rule of the fathers, disciplinary practitioners appear as children, albeit privileged children (favored sons), who must, however, remain within the limits of the law set down by the benign patriarch.

Conspicuously omitted from such a story or fable are the local and global trajectories, histories of practice, and entanglements that have established the law, the market, and the discipline as spheres of thought and practice through the course of that broad

set of historical processes we call colonial modernity. Each is the result of an intensely contested set of processes, complex accommodations, and negotiations and a temporary stasis (or the appearance of a temporary stasis). Moreover, their development as discourses has been marked not by separation but by mutual entanglement in a complexly entwined historical relationship. The development of the discipline of archaeology has itself taken place in a complex relation to both law and the market and continues to do so. A phrase like "the illegal trade in antiquities" becomes a veil that hides histories of mutual implication and interest, a device to fix a contested relation into a temporary stasis. It is precisely these histories and trajectories that are stripped out (or flattened out) in the telling of the tale in its transhistorical version, leaving the three structures to confront one another in a fiction of coherence and rectitude.

So what happens when we force these structures back on themselves not as mutually reinforcing discourses but through their aporia and instabilities? What happens when we deliberately destabilize or denaturalize the meanings on which they depend to achieve their effects? What happens when we deliberately and perversely refract these structures and their assumptions onto the particularities of a local scenario and a specific set of histories and struggles? This reading, which I would characterize as an undisciplined reading and an example of a decolonial move, has the potential to take us in several directions. We could question the nature of the law as it exists in relation to notions of social justice, for example, or we could question the nature and mechanisms of the market. I want to engage in such a reading here as a way of examining the discipline of archaeology as a disciplinary practice that exists in relation to both the law and the market and that authorizes a particular regime of truth and an order of knowledge.

My concerns in this chapter run in two directions. In the first place I want to consider the historical entanglement and mutual constitution of the three realms or spheres of thought and practice under consideration here: the law, the market, and the discipline. Rather than thinking about them as separable or independent discourses, I want to think about the complex ways in which each realm conditions the emergence of the other and about how, in a retrospective way, this entangled, conditional emergence becomes naturalized or normalized from the perspective of the present moment.

In the second place I want to think about the epistemic consequences of this mutually constituting emergence under conditions of colonial modernity. I argue that the law and the market act to legitimate and authorize certain practices of excavation and regimes of care, which are gathered under the heading of the discipline. Simultaneously, they act to delegitimate other practices of excavation and nonexcavation and regimes of care, placing them under the sign of tradition/belief/superstition or, more broadly, under the sign of culture. In the geopolitics of knowledge attendant on conditions of colonial modernity, such illegitimate or unauthorized knowledges

and practices typically include local and indigenous knowledges and practices in rela-tion to sacred sites, historical landscapes, and the remains of the dead (the ancestors).

My intention through this exercise is not to relativize all discussions and practices in relation to the law, the market, and the discipline. Rather the opposite: to histori-cize them and to interrogate and problematize an easy—or surface—reading of the relation between these spheres of thought and practice. Finally, I wish to problema-tize the move toward an easy or conventional ethicality that places legitimate or legal practice under the sign of the discipline, leaving unquestioned and unexamined the manner in which the discipline itself polices a specific, partial, sometimes question-able regime of power/knowledge. More interesting to me are the questions: How do we push beyond a surface reading of the relation between the law, the market, and the discipline, placing them back in a trajectory of history and a story of local emergence and entanglement under conditions of colonial modernity? In what ways do the law and the market penetrate and speak from within the space of the discipline? What happens when we step outside the space of those knowledges and practices allowed and legitimated by the discipline and the law, and valorized by the market, into the space of border thinking and the practices and regimes of care of life?

In the body of this chapter I pursue these questions by examining a set of four "moments" or scenarios drawn from histories of practice in South Africa in relation to human remains. Human remains are not the first set of materials that come to mind under the heading of antiquities, but this may be part of their value for an undisciplined reading. Their problem might be characterized as one of having simultaneously too lit-tle and too much value (too little market value, too much sentimental or human value). In fact, in South Africa, as in many other contexts, human remains have constituted a key category of evidence for the discipline of archaeology. They have also existed—and continue to exist—in a strong and direct relationship to both the law and the market. Each of my four "moments" has been described in detail elsewhere (Shepherd 2007, 2010, 2012, in press). For present purposes I will sketch an outline of events, pointing up their significance for the kinds of questions that I have in mind here.

SKELETONS IN THE CUPBOARD: THE TRADE IN HUMAN REMAINS

My first moment takes us to the opening decades of the twentieth century and the "incipient trade in human remains" of persons described as San/Bushman and Khoikhoi/Hottentot (or Khoisan). In a landmark study, historians Martin Legassick and Ciraj Rassool (1999) have uncovered the nature and extent of this trade, link-ing it to key institutions (notably the South African Museum in Cape Town and the

McGregor Museum in Kimberley). They describe the trade in human remains as a largely unexamined part of disciplinary histories in archaeology and anthropology and of histories of practice in museums. Rather than being peripheral to scientific concerns, this trade, together with the racial science that it fed, was central. Legassick and Rassool write: "At the heart of the institutional history of the museum in South Africa in the twentieth century lies a competitive and insatiable trade in human remains, largely of the newly dead, and in some cases of the still living. . . . The southern Kalahari and northern Cape more generally were part of an enormous field site, stretching from southern Namibia across to then Bechuanaland, for the acquisition of human remains which were central to racial research in South Africa and Europe" (1999:6).

The systematic collection of human remains by scientists in South Africa apparently began later than similar efforts directed toward the indigenous peoples of North America and Australia. For example, in the United States the physical anthropologist Samuel Morton began to collect human remains in the 1820s and the Army Medical Museum in the 1860s. In South Africa the preconditions for such a project were set in 1905 in a visit by the British Association for the Advancement of Science. In his keynote address to the Anthropological Section, Cambridge anthropologist A. C. Haddon called for the development of reliable anthropometric data on persons that he described as "Bushmen and Hottentots." They represented "very primitive varieties of mankind" and were "rapidly diminishing in number." The "memory of these primitive folk" needed to be "saved from oblivion" (Legassick and Rassool 1999:7). In the disciplinary logics of the time, this translated into a project aimed at collecting and curating the bodies of the newly dead.

People like Louis Peringuey, director of the South African Museum between 1906 and 1924, acted as facilitators, sending agents into the field, corresponding with colleagues, setting prices, and dispatching remains to museums in Europe, as well as building up the South African Museum's own collections. Such was the demand for "specimens" of Khoisan physical types that the bodies of living persons were sometimes spoken for prior to their deaths. From 1909 Peringuey followed up cases of murder, looking for the skeletons of the victim and, if condemned to death, the perpetrator. In a representative piece of correspondence cited by Legassick and Rassool, he wrote to the magistrate of Carnarvon (a town in the northern Cape), asking for the body of "the Bushman Jan Strijp, who was killed last month in your district" (1999:45). Peringuey writes: "You might perhaps enlist the sympathies of the District Surgeon and if the cost of the disinterment is not great, we shall defray it ourselves. I trust that you will help me in this matter. I can assure you that the skull of such an aboriginal has at present great scientific value" (1999:44). In a subsequent letter he gives detailed instructions for the preservation and transshipment of the body: "The relics should be simply dug out and placed in a packing case which need not be large

and if well besprinkled with paraffin in case carbolic were not handy and left to the action of the sun in the veld—of course in the box—for a few days, it would not prove offensive and could be sent by rail—contents of the package of course not divulged but termed specimen of natural history" (1999:45). Of particular interest from the perspective of an emergent disciplinary discourse is the manner in which the body of a newly dead individual is described as a "relic" and the manner in which the term "specimen of natural history" is understood to hide the stigma and horror of the act. The field coronet who exhumed Strijp's body was paid five pounds. The magistrate writes that the field coronet later asked for more money, since "he did not think when he made the agreement that it would be such an unpleasant piece of work" (1999:45).

With rising demand, prices for "skeletons" rose steeply. Independent operators like George St. Leger Lennox (aka "Scotty Smith") and the sinister "Dr." Mehnato set up their own networks of supply and transshipment, dealing directly with museums and collectors in Europe. Legassick and Rassool write that South Africa's first heritage legislation, the Bushman Relics Protection Act of 1911, was designed in part to bring the trade in human remains under the control of state institutions like the South African Museum. The South African Museum would continue to grow its collection of human remains and associated material (like body casts) through the 1920s and 1930s.

REMEMBERING AND FORGETTING PEERS CAVE

The incipient trade in human remains across parts of southern Africa has been disavowed in official histories of anthropology and archaeology, as it has in accounts of the development of heritage legislation in this part of the world. My second "moment" or case study places us right on the edge of disciplinary archaeology as it was developing through a formative period in the 1920s and 1930s. Peers Cave is a large and imposing cave site situated on a south-facing kopje above the town of Fish Hoek, due south of the city of Cape Town. It is the most obviously promising archaeological site in the chain of mountains that forms the Cape peninsula. At the time of its excavation it had an exceptionally deep deposit. It also contains the most southerly rock paintings on the continent of Africa (Shepherd in press). Victor Stanley Peers (1874–1940), a railway worker, and his son Bertie (1903–1939), lived in the Fish Hoek valley. They had a number of enthusiasms, including archaeology, paleontology, and, in Bertie's case, collecting snakes. Janette Deacon and Mike Wilson (1992) report that the University of Cape Town–based archaeologist John Goodwin (1900–1959), who had dug a trench in the cave in 1925, met the Peers father and son and encouraged them to continue with this work. The Peerses excavated the cave between 1927 and 1929, working on weekends and public holidays and during their annual week of

leave. They used spades, picks, and dynamite to shift the larger boulders. In the upper levels they found a shell midden, up to 1.5 m thick, dating to the Later Stone Age. The remains of six persons—two nearly complete female skeletons and four children—were found buried in this layer, "tucked into cavities in the rear wall" (Deacon and Wilson 1992:3). They were buried with marine shell pendants, ostrich eggshell beads, bone awls, arrow points, bored stones, and, in one case, a small leather bag filled with herbs. Two more skeletons were found in the Still Bay (Middle Stone Age) deposits below the shell midden but were judged to have been buried from the midden level.

A ninth skeleton was recovered from the deposit below the Still Bay layer (layer 3). This individual was described by Sir Arthur Keith, the British anatomist, as a male, about thirty years old and 1.57 m tall. The remains immediately achieved celebrity as the "Fish Hoek Man." His fame depended on his having been associated with the Middle Stone Age layer at a time when human remains from the MSA were extremely rare. Such was the interest in this find that when visiting archaeologists attending the joint meeting of the British and South African Associations for the Advancement of Science arrived in Cape Town in 1929, they "went direct from the mail steamer to the cave before going anywhere else" (Deacon and Wilson 1992:2). On the cover of a booklet on Peers Cave issued by the Fish Hoek Municipality in 1941, Sir Arthur Keith is reported to have said: "It will be a long time before so perfect a discovery as that made by the Peers is repeated."

The Peerses' methods were haphazard, and the progress of their excavation was poorly documented. They kept only representative samples of the stone implements from each layer, and these became mixed with finds from other sites. The vast majority of the stone implements—likely numbering in the tens of thousands—and almost all the nonhuman bones were tipped down the talus slope, where they lie to this day. Bertie Peers died of a snakebite in 1939, and Victor died the following year. Keith Jolley, a student of Goodwin's, undertook further work at the cave between 1946 and 1947; however, he "was unable to finish the work satisfactorily" (Deacon and Wilson 1992:3). In 1963 an American doctoral student, Barbara Anthony, carried out further excavations, but her work was also never completed or fully published. Following Anthony's excavation, bone from the postcranial skeleton of Fish Hoek Man was dated to about 12,000 B.P., placing it well within the Later Stone Age "and showing the great antiquity earlier claimed for it to have been incorrect" (Deacon and Wilson 1992:3). Deacon and Wilson title their short account of Peers Cave "The Cave the World Forgot," referencing a history of sloppy excavation and incomplete publication.

Peers Cave occupies an unstable place in a local tradition of archaeology and Stone Age studies. It was probably occupied on and off for the last 200,000 years. Prior to its excavation it existed as a living site, a sacred site, and a site of ancestral burial. It also existed as an unparalleled archive of life on the southern peninsula, but

an archive whose meaning and unfolding are not readily apparent. In the wake of the site's destruction, one of the questions that we might ask is: What are the terms of our engagement with a site like Peers Cave? Do we think of it as a place of discoveries and secrets? And are these secrets best pried loose with dynamite and shovels?

The status of Victor and Bertie Peers needs further comment as well. They were fringe actors in a discipline under formation, but they also throw a revealing light on archaeology itself. It is interesting that Goodwin, who arrived at the University of Cape Town in 1923 to take up a post in archaeology and ethnology, should not have taken up the task of excavation. He was in correspondence with the Peerses and offered to have casts made of the skull of Fish Hoek Man (which the Peerses planned to sell).

Perhaps the most salient feature of the site is that it should have lived so powerfully in the mythos of the town that it overlooks and that this mythos should have been based on a misapprehension (the false attribution of Fish Hoek Man to the Middle Stone Age). Fish Hoek was laid out as a township in 1918. With its radial street plan, its proximity to the ocean, and its rail link to the city center, it promoted itself to a growing white middle class as a model town on the urban periphery. The figure of "Fish Hoek Man" becomes a powerfully imagined trope, bringing the past into the present and the cave on the hill into the valley below. I offer two images by way of conclusion: the first was published in a supplement to the *Cape Times* of March 3, 1928, on "The Fish Hoek Excavations" and reprinted in *The Story of Peers Cave* with the caption: "While Bertie was proud as punch about his skeletons, the neighbours shuddered at the ghoulish figures, and the strange pets that this young man was for ever bringing home" (Greenland 1978:14). Bertie has his arms draped around two of the skeletons from Peers Cave. The three face the camera, the living man and the dead but rearticulated skeletons, brought back into the world of the present through their exhumation, through the figure of the "Fish Hoek Man," and through the symmetry of their poses. In a second image Victor's daughter Dulcie, who was eleven when they started digging Peers Cave, shakes hands with one of the skeletons. The gag here is about how short the adult hunter-gatherer is: Dulcie in her bobby socks and party dress towers over him.

DEATH AND INTIMACY AT OAKHURST CAVE

My third "moment" takes us into the disciplinary mainstream. It has its unfolding on the southern Cape coast in the years immediately following the Peerses' excavation in Fish Hoek. Oakhurst Cave is a large and productive site on the southern Cape coast, remarkable for the number of burials found there and the richness of the associated material culture. It was excavated by Goodwin and his coworkers over the course

FIGURE 1.1. Bertie Peers posing with his arms draped around two of the skeletons from Peers Cave. Source: *Cape Times*, March 3, 1928.

FIGURE 1.2. Victor Peers's daughter Dulcie, who was eleven when they started digging Peers Cave, shakes hands with one of the skeletons. Source: *Cape Times*, March 3, 1928.

of six field seasons between 1932 and 1935. The extended report on Oakhurst Cave published in the *Transactions of the Royal Society of South Africa* is a model of timely reportage. Goodwin was its principal author, with sections by J. F. Schofield (1937) on the pottery and M. R. Drennan (1937a, 1937b) on the skeletal remains. Goodwin reports that the "greatest care" was taken in excavating "skeletons." Each skeleton took an average of twelve hours, using a small bricklayer's trowel and a rubber-mounted distemper brush. This careful practice made it possible to recover "grave furniture," including ostrich eggshells, arrow points and linkshafts, stone implements, grind- stones, tortoise shells containing pigment, ocher, ostrich eggshell beads, marine shells, and bored stones. Many of the bodies were flexed in fetal position. Some lay on beds of sea grass (*Zostera capensis*), material "used as bedding, both by the living and the dead" (Goodwin 1937:238). Indeed, the dead mirrored the living, whose sleeping hollows lay just above them.

The photographs from Oakhurst Cave occupy a number of folders in the Good- win Collection. Some are mounted on cards and annotated. A number are reprinted in large format, 6-by-8-in black-and-white prints. It was Goodwin's practice with the better-preserved graves to take photographs at regular intervals during the excavation, in some cases as close as ten minutes apart. To the contemporary eye there is something haphazard about the progress these photographs, meant to indicate order, method, and control, detail. Sections are cut roughly, rootlets emerge and spread their tendrils, a scatter of tools is left lying about, a skull is rolled out of context and lies gape-jawed on the deposit. The photographs chosen for publication are the most diagrammatic. They show more complete exposure, fewer signs of the work of exhumation. Yet even in these images, meanings threaten to overwhelm their purpose as our responses move in unintended directions (horror, curiosity, sympathy, interest). The nature of the revealed material is profuse and threatens to outrun attempts to impose order and meaning. In contrast, what emerges in the written report is thin, attenuated, a mixture of empiricism and what might be called "bare description." Here, chosen more or less at random, is a description of Grave III: "Buried beneath a horizontal white sealing layer at a depth of 48 inches. Fully flexed, lying on right side, facing south, head to east. The entire skeleton was intact and undisturbed . . . Smithfield B or C" (Good- win 1937:248). Of the opening of Grave VII Goodwin writes: "The skeleton proved to be that of a child of about seven years. Most of the skull was broken. The body was flexed and lay on its right side, facing east, head to the south. A number of shells of Donax serra lay along the spinal column. A girdle consisting of a single strand of ostrich eggshell beads was strung round the waist. Red ochre was present on the skull and the neighbouring bones" (1937:252). The most dramatic find at Oakhurst was "a large broken crystal, roughly an inch in diameter, and with a diamond facet as large as an eye" found in the left orbit of Skeleton IX, one of a pair of children buried together.

Goodwin writes: "This may be due to chance, or may have been placed in position at the burial. No other crystals were found, nor beads or ornaments" (1937:253).

Drennan's reports consist of diagrams of the skulls and tables of measurements. Much of the discussion is taken up with the vexed question of assigning the remains to a "tribe" or "race." Although they resemble "modern Hottentots," he decides that they are better described as part of a "Wilton race" or "pre-Bushman type." In his tables he describes them as an "Oakhurst tribe."

As a set of representative objects, the photographs from Oakhurst Cave textualize the experience of exhumation in ways that allow for a more complex response. In my rereading of the archive around Oakhurst Cave I have been interested in questions of epistemic violence. Our inescapable impression is of the sanctity and intimacy of the grave site and the violence of the act of exhumation and exposure. The archive, the photograph, and the grave double and repeat one another. They become sites of emergence of particular kinds of knowledge. The resurfacing of the photograph from the intimate depths of the archive mirrors the act of exhumation. The ghostliness of the grave is repeated in the archive, a site replete with traces where we simultaneously confront the presence of the past and its irreducible absence. Haunted sites, sites of objectification, intimacy, and violence, deliver up the disappearing past as bone/light/text. The different modalities of these traces speak to the inner workings of the discipline: the archive, home of the declarative voice of text, site of emergence of a particular kind of knowledge; the grave, sign of an assertive presence, site of fugitive knowledges; the photograph, brimming over with meanings, as intimate as a voice whispered in the ear and as enigmatic as the bone in the grave.

Tenderly interred in life, the bodies of the buried dead are exhumed "with the greatest care" by the archaeologist. The sweeping actions of the rubber-mounted distemper brush mirror, in reverse, the actions of the hand that patted the soil home. Bared by excavation, the bodies are subject to a different regime of care and to the logic of the archive. They are numbered, accessioned, boxed, shelved, and cataloged. Their reanimation takes place within the strict limits of this logic.

FROM PRESTWICH STREET TO THE TRUTH CAFÉ

My three case studies so far have dated from the period of inception of a disciplinary project in archaeology in the opening decades of the twentieth century. My final "moment" updates these concerns by looking at the contested exhumation of an early colonial burial ground in Prestwich Street, Cape Town, between 2003 and 2005 and the events that followed. Prestwich Street became the most publicly contested instance of archaeological work in the postapartheid period. In an extraordinary set

of events, it drew contract archaeologists and professional heritage managers into open conflict with community activists, faith leaders, slave-descended city residents, and victims of forced removal, who organized as a social movement to protect the site and its remains. Using antiapartheid "struggle" tactics, they framed a challenge to disciplinary archaeology and a discourse on cultural resource management that struck at core issues of value and accountability.

The story of Prestwich Street begins in the period of Dutch occupation when the area to the north and west of the growing town was the site of a number of formal and informal burial grounds, including the notorious White Sands. Those interred in the informal burial grounds included a cross section of the underclass of colonial Cape Town: slaves, free blacks, artisans, fishermen, sailors, maids, washerwomen, and their children, as well as executed criminals, suicide deaths, paupers, and unidentified victims of shipwrecks (Hart 2003). In the 1820s this area—District One—was divided up for real estate and renamed Green Point. Later still, light industry moved into the area, and the district fell into disrepair. In the late 1960s and early 1970s black and Coloured residents of the inner-city, working-class neighborhood of Green Point were forcibly removed under terms of the notorious Group Areas Act, a form of ethnic cleansing. In the property boom of 2000–2008 Green Point was reborn as De Waterkant, part of the city's glitzy international zone and a center of "pink Cape Town." In May 2003, in the course of construction activities at a city block in Prestwich Street, human bones were uncovered. The developer, Styleprops Ltd., notified the South African Heritage Resources Agency (SAHRA) in accordance with the newly passed National Heritage Resources Act of 1999, and construction was halted. An archaeological contractor was appointed to handle the management of the site and to run a public consultation process.

Three public meetings were held in which it became apparent that there was considerable opposition to the exhumations. People questioned who would benefit from the exhumations and why archaeological protocols were given precedence in the management of the site. Mavis Smallberg (2003) from the Robben Island Museum said, "My strong suggestion is to cover up the graves. . . . Apart [from] the recently renamed Slave Lodge, there is no other public space that respectfully marks or memorialises the presence of slaves and the poor in Cape Town society. . . . Only scientists are going to benefit from picking over these bones—of what purpose and use is it to the various communities to which the dead belong to know what they ate 150 years ago or where they came from?" At the second public meeting an unnamed respondent said, "There are multiple implications for this burial ground and its naked openness in the centre of the city. . . . [I]n this city there's never been a willingness to take up [the issue of genocide and the] destruction of human communities that were brought from across the globe. . . . This is an opportunity to get to the bottom of that and time means

different things to different people, institutions, stakeholders. Time for the dead: we need to consider what that means" (SAHRA 2003:17–18).

On September 1, 2003, despite a clear weight of public opinion opposed to the exhumations, Pumla Madiba, the CEO of SAHRA, announced a resumption of archaeological work at the site. On September 4 the Hands Off Prestwich Street Committee (HOC) was launched. At that point opposition to the exhumations shifted outside the officially mandated process of public consultation to civil society and the politics of mass action. On September 12 the Hands Off Committee lodged an appeal with SAHRA calling for a halt to the exhumations and "a full and extended process of community consultation" (HOC 2003). The HOC organized regular candle-lit vigils at the Prestwich Street site on Sunday evenings. A billboard was erected outside St. George's Cathedral, a symbolic site of antiapartheid protest, with the slogan: "Stop the exhumations! Stop the desecration!" Lunchtime pickets were held in the city center. The appeal to SAHRA was turned down, as was a subsequent appeal to the Minister of Arts and Culture. Terry Lester of the HOC is reported as saying: "We're acting the whore in this instance, bowing down to the god of development and selling a segment of our history" (Gosling 2004:1). Over two thousand bodies were exhumed from the Prestwich Street site. They were stored first in the Woodstock Day Hospital on the other side of the city and later in a purpose-built ossuary, the New Prestwich Memorial Building, about half a kilometer from the site.

In my analysis of the events around Prestwich Street I sought to emphasize three points. The first concerns the extent to which Prestwich Street acted as a "point of fracture" (Edwards 2001; Hayes et al. 2001) through which we were able to glimpse the working out of a range of forces and interests in postapartheid society. These had to do not only with issues of culture, identity, and memory but also with issues of citizenship, the possibilities and limitations of participatory politics, and the emergent shape and nature of a postapartheid public sphere. In this sense there was more at stake at Prestwich Street than the ultimate provenience of the dead.

A second point concerned the emergence of rival discourses through the course of these events. The first and more familiar of these was a disciplinary discourse articulated in terms of notions of the rights of access of science, the value of the remains as a source of "hidden histories," and the ability of archaeology to deliver "the truth of the past." More interesting to me, however, was the manner in which the activists of the Hands Off Committee articulated and mobilized a counterdiscourse both as a way of conceptualizing their own relationship to the remains and as a way of mounting a public and legal challenge to the exhumations. In public statements, submissions, and appeals they emphasized the language of memory, experience, and empathetic identification. They sought to articulate an alternative set of values and alternative notions of space and time. This included notions of the site as a site of memory and conscience

(rather than an archaeological site) and, in one memorable intervention, the notion of "time for the dead." Most of all, they contested the notion of a distanced and objectified past whose relationship with the present is mediated by expert knowledge. In their own more complexly imagined version of this relationship, the reemergence of the Prestwich Street dead in the world of the living is not described through the trope of discovery (as it is in disciplinary accounts) but rather as a "learning moment."

A third point concerns questions of history and representation. I have in front of me a glossy brochure titled *The Rockwell: Luxury De Waterkant Living* (Dogon and Gavrill 2005). The Rockwell, which was constructed on the Prestwich Street site, consists of 103 "New York–style" apartments, plus parking bays, a private gym, a restaurant, a deli, and a swimming pool. The historical point of reference for the development is the Harlem Renaissance, or, as the brochure has it, New York's "Jazz Age." According to the brochure: "Inspired by the early 1900 buildings of downtown Manhattan, The Rockwell displays an inherent richness and warmth." This is because "at the turn of the previous century, they did design right. Not only because it was classical in form and function . . . [b]ut because they did it with soul" (Dogon and Gavrill 2005:1). Doing it "with soul" becomes a refrain, and the rest of the brochure makes reference to "Rock & Soul," "Pure Soul," "Rich Soul," "Style & Soul," and "Rhythm & Soul." The accompanying images show clean, depopulated interiors dusted free of history, unwelcome associations, and the stain of the earth below.

If the Rockwell suggests a loosening of the forms of historical representation and the bonds of obligation that bind the present and the past, or the living and the dead, then subsequent events confirm this. Faced with the challenge of making the New Prestwich Memorial Building economically sustainable, the city council turned over most of the public space of the memorial for the establishment of a coffee shop. The website *Bizcommunity.com* reports: "Charismatic leader and coffee evangelist David Donde launched his new coffee brand and café, Truth Coffeecult, on Wednesday 24th March 2010, at the Prestwich Memorial." Truth Coffeecult's own website invites you "to experience the simple elegance of micro-lots of artisanal roasted relationship coffees prepared by geek baristas." It continues: "Not all coffees are created equal. At Truth, the bitter horror of the over-roasted bean is avoided. . . . Experience Truth. Coffee as religion." Baristas at the Truth Café wear T-shirts with the legend "Truth." At the cash register one is invited to give "Tips for Truth." A recent promotion invited you to "get a free cup of Truth." In a more direct set of references, coffee grinders at the Truth Café bear the image of a human skull crossed by the letter *T*, and stacked cardboard boxes of coffee beans reference the stacked boxes of human remains in the vault next door. Visit the Truth Café on an average day and you will find city-center hipsters, tourists, and members of Green Point's bohemian elite sipping coffee, taking advantage of the free Wi-Fi, and enjoying Cape Town's fickle weather.

A REGIME OF TRUTH, A PLACE OF VIRTUE, AND AN ORDER OF KNOWLEDGE

The story that I have been telling here has been concerned with the capture and "disciplining" of human remains as a category of evidence by the discipline of archaeology. It is also the story of the disqualification, subalternization, and extirpation of other/rival regimes of care, scales of value, and ways of knowing. Historically—that is, under conditions of colonial modernity—these processes of capture/disciplining and subalternization/extirpation were brought about by a complexly entangled interrelationship between the law, the market, and the discipline such that each set up and presided over a realm or sphere of thought and practice. Disciplines like archaeology developed and continue to practice in a complex relation to both the law and the market, whose net effect is to instantiate what Foucault (1995) calls a "regime of truth" within which certain practices and ideas are permitted while others are disallowed/disavowed. This in turn forms part of an order of knowledge and of things whose deep architecture gives meaning to the term "coloniality" (as in "the coloniality of archaeology") and that we might paraphrase as "an order of knowledge forged under conditions of colonial modernity." Ways of knowing that fall outside of this order of knowledge not only are disqualified as knowledge per se but also frequently fall outside of the law. The rule of law upholds (or underwrites) a disciplinary regime of truth, just as disciplinary regimes of truth authorize and valorize some ideas and actions as virtuous, "ethical," and "scientific" and others as unethical and unscientific.

At the same time, the mutually constitutive relationship between the law, the market, and the discipline has its own trajectory and has undergone important shifts in emphasis. My first three moments take us to the opening decades of the twentieth century and to a formative period in the development of the discipline of archaeology. In southern Africa, archaeology developed in relation to two significant contexts. The first was a discourse on biological or "scientific" racism in which human remains, especially crania, were prized as evidence of racial types. In what is a paradigmatic instance of colonial biopolitics, individuals described as Bushman/San or as Khoikhoi/Hottentot were especially prized as evidence of primitive human types, literally as "living fossils." A second framing context was the developing settler modernity in South Africa. Archaeology offered its professional and amateur practitioners a window into deep time, African landscapes, and the materiality of the past in the present. In a set of complexly imagined relationships, this in turn spoke to notions of place and home and to "claims to the country" (Shepherd in press).

To a significant extent, the response of the settler state in this period was expressed through the law and through the elaboration of heritage legislation. This extended

the sovereignty of the state over archaeological/sacred sites, material cultures, and human remains, placing them under the control of the discipline of archaeology and the institutional care of a growing network of museums. The Bushman Relics Protection Act of 1911 was followed by the National and Historical Monuments Act of 1923. This extended legislative protection to monuments and built structures, as well as to "areas of land having distinctive or beautiful scenery, areas with a distinctive, beautiful or interesting content of flora and fauna, and objects (whether natural or constructed by human agency) of aesthetic, historical or scientific value [including] waterfalls, caves, Bushman paintings, avenues of trees and old buildings" (Shepherd 2008:119). It also established the first statutory body responsible for heritage management, the Commission for the Preservation of Natural and Historical Monuments of the Union, or the Historical Monuments Commission, as it was known. Eleven years later, the Historical Monuments Commission was given increased powers in terms of the Natural and Historical Monuments, Relics and Antiquities Act of 1934. The same year saw the founding of the Bureau of Archaeology under the directorship of Peter Van Riet Lowe, a civil engineer turned archaeologist. The director of the bureau also served as secretary to the commission, an arrangement that gave archaeologists a particular prominence in the conceptualization and management of heritage.

At the same time as the discipline of archaeology was elaborating a theoretical and methodological apparatus, the state was acting to establish legal frameworks and a set of distinctions around forms of authority, rights of access, and claims to ownership and control that would both enable and condition the unfolding of the scientific process. Archaeology became a "settler science," meaning a form of science practiced on black bodies under the rule of a particular regime of truth and order of knowledge.

My fourth "moment" brings us to contemporary times and into the postcolony. Here the significant development has been the rolling back of the state and the reconfiguring of archaeology in relation to the market under the influence of contract archaeology and the discourse of cultural resource management. In direct ways, archaeology becomes an instrumentalized form of practice in the service of multinational mining and energy interests, state-driven infrastructure projects, and the kind of speculative capital invested in property development. The rapid global rise and ascendency of contract archaeology as the predominant form of archaeological activity in turn reorganizes accountabilities, sets in place new value scales, and produces new forms of virtue. In common with neoliberal globalization in general, archaeologists now speak the language of realism and development. If the archaeology of the opening decades of the twentieth century was driven by a complex relation to place and the construction of a habitus under the sign of settler science, then contemporary archaeology takes place in relation to neoliberal modernization and development. I have argued that this is not so much a break as a recapitulation of the

essential coloniality of archaeology in an updated format. Returning to an opening image, the three wise fathers continue to hold hands: first one takes the lead, then another. The magic circle remains unbroken, the order of things remains intact. We can name the circle differently (capitalism, patriarchy, colonial modernity), but the point is this: the discipline develops within its charmed interior. Part of the nature of the enchantment is that we are blind to the existence of the circle; indeed, we strenuously deny its existence in the name of the "freedom" of knowledge and the autonomy of science. As a closing thought, I leave you with this: in however provisional a way, the activists of the Hands Off Committee sought to break the circle and to open out to other orders of knowledge, scales of value, and regimes of care. Their story is a story of failure. Attempting to work at a slantwise angle to the law, the market, and the discipline, they were instead engulfed (or devoured) by a combination of disciplinary virtue, heritage legislation, and the discourse of cultural resource management.

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FACT AND LAW

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Guaquería *and Archaeology in Colombia*

WILHELM LONDOÑO

T HIS CHAPTER DISCUSSES TWO PRACTICES related to the excavation of
and search for archaeological materials in Colombia. The first one is *guaquería*,
which responds to a peasant-based value system and involves magical-religious
dimensions.[1] The second one is *archaeology*, defined by scientific parameters. Since
the latter has been characterized as the only appropriate way to access past materi-
alities and spatialities, little research has been done to understand how it generates
boundaries that make it possible to distinguish scientific forms of excavation from
others that are not; such a delimitation is both political and epistemological. Since
guaquería is a customary practice, it has been referred to as "fact," even though it is
penalized. Archaeology is equated with "legality"; though not necessarily valued in
the lower echelons of society, it is nevertheless legitimized by national legal regula-
tions as the only appropriate way to access the past.

The relationship between legal and illegal excavation practices can be fruitfully
understood using Clifford Geertz's distinction between facts and law. This distinc-
tion highlights the dialectic that results from regulating facts by means of the law, as
well as the attempts by local practices to place themselves in the realm of the legal.
Accordingly, this chapter will explore the logic of the "facts" of guaquería and the
institutional attempts to regulate this practice; it will also explore the strategies
through which the "legality" of archaeology is naturalized. Geertz showed that how
"facts" are defined in the West is neither the only nor the best manner in which to do
so. That definition corresponds to a specific cultural tradition related to specific his-
torical processes, hence the need to compare this legal tradition with other, even older
traditions—such as that of Islam. Underscoring the history and nature of the Western

legal discourse from a relativist position (as Geertz does) facilitates an understanding of why *guaca* is, from a Western perspective, a feminine, magical-religious, nonhuman, sensitive entity that is part of the natural world. It also permits an understanding of the legitimacy of guaquería in local contexts where it is an acceptable form of communication with nonhuman beings, despite its formal or legal illegitimacy. In this vein, archaeology can be seen as illegitimate because, as a discipline, it contravenes local customs and understandings, despite its formal or legal legitimacy.[2]

ANALYTICAL TOOLS

In a suggestive essay, Clifford Geertz (2000) reflected on the relationship between anthropology and the law as both have revolved around the local. Despite being linked by the central role that *place* plays in their analyses—in ethnography by the intrinsic role of geography in description, in jurisprudence by the eagerness to generalize from the particular—Geertz noted the abysmal distance separating these two forms of knowledge. To bridge this gap Geertz suggested thinking about the legal sphere in a given culture using the difference between fact and law, and he presented three legal sensibilities (Moroccan, Indian, and Malaysian), all based on religious prescriptions. In a sense, a legal sensibility is defined as the relationship that a particular society establishes between fact and law.

In his ethnography of Morocco, Geertz referred to the concept *haqq*; in his analysis of the Hindu case, he used *dharma*; and for the Malaysian case, he used *adat*. Referring to Islamic legal sensibility, Geertz noted how penalties in Morocco were established following protocols in which certain individuals were authorized to speak not because of the body of evidence available but because of their prestige. Geertz argued that while in Western law credibility is supported by documents, in Islamic law it is supported by subjects. The consequence of this difference was clear to him: the West is full of experts, and the Islamic world is full of notaries. Writing about the Hindu concept of dharma, he noted that it turned the facts into a kind of law. He also noted that the concept *adharma* meant, in some contexts, the absence of that which allows a person to behave according to his or her place in the world. In this sense, the possibility to appreciate the law occurs in practice rather than through a set of procedures thought to be righteous, the great epistemological dilemma of Western law. Finally, adat is related to a number of protocols that prescribe the proper way to behave in most realms of life; these prescriptions, which must be strictly followed, exclude those individuals who turn away from them. Such an exclusion led Geertz to believe that in this legal sensibility, prescription is constructed in practice, turning Malayan law into a "judgmental" science (Geertz 2000:195–215) as the realm of the law lies in "doing-by-saying."

These three examples highlight the observation that the distinctions between fact and law, widely accepted in the West, are not universal. In Morocco the facts are constructed in the light of a relationship with a subject of prestige; the fact is a kind of product of a law that is embodied in those who can speak in a legal process. In this legal sensibility, the law is not an abstraction but a general form of acknowledgment of legal powers situated in a subject. While this may look similar to the situation in the West, where the law resides in the judge, it differs from it in the sense that individuals involved in legal processes are not trained in formal education but in local networks of prestige. In the Hindu case, the difference between fact and law is less clear in that behaviors are also a kind of law. The law does not reside in a world of abstractions but in acts that may be judged to the extent that they correspond to the dharma of the individuals involved. In this legal sensibility, there is no notion of universal justice but rather a suitable correspondence between actions and individual dharmas. In the Malaysian tradition, the law is sensitive to details; more than imparting justice, Malaysian law rejoices in the plotline of the legal case.

At this point in the chapter I want to make explicit why I elaborate these forms of legal sensitivity to understand guaquería. The latter is penalized to the extent that its local practice does not conform to legal provisions concerning the management of the archaeological record. This is a global and abstract interpellation to specific local and concrete conditions facilitated by the relationship between fact and law in Western legal tradition. Following this argument, archaeology is not a "natural" practice but a product of the capacity for abstraction that occurs in a specific legal tradition. I shall explain, therefore, how this form of discursive production works.

In Western law, things are quite different as compared to other legal realms. With the globalization of the Western theories of the modern state, effort has been devoted to the construction of a set of rational rules. What is right is independent of the chaos of daily human life. In this sense, Thomas Hobbes (1983 [1651]) noted that a civil state must replace the state of nature, in which man is wolf to man (*homo homini lupus est*). In the Western tradition, the facts are outside of the law, and, ultimately, they are regulated by the legal system: the facts must be reconciled with the law, the latter being a shadow projected upon the facts in order to establish the "rule of law." This separation between facts and law is perceptible, as Geertz noted, in today's globalized world, where facts abound and global normative frameworks are built to facilitate the expansion of capitalism, the *lex mercatoria* that Boaventura de Sousa Santos (1991, 1998) referred to. Transnational corporations investing in the nation-states of the global periphery hire law firms to grapple with labor, environmental, and heritage issues.[3] The fear of the facts has created conciliation courts, where, as Geertz warned, the parties agree to a set of facts in such a way that the state is no longer responsible for configuring the facts, associating them with social norms, or determining sanctions

for those who contravene such facts. In this period of globalization, the idea that the judiciary system dispenses justice has collapsed; we are now facing a form of justice run by private companies that can establish conciliation courts.

Having in mind the different approaches to the relationship between facts and law that define different legal sensibilities, I will analyze the relationship between guaquería and archaeology in Colombia, considering the former as a fact to be regulated by the law. However, I will draw attention to events that defy the definition of guaquería as an illegal practice and of archaeology as merely legal.

WESTERN LAW AS A FACT PRODUCER AND THE FACTS AS CHALLENGING WESTERN LAW

The 1991 Constitution comprised the turning point in the legal construction of Otherness in Colombia with its adoption of multiculturalism. Yet an inquiry into its colonial and republican roots (Gnecco and Londoño 2008) showed that the law, as a political entity capable of prescribing identity, constituted an idea of national identity and citizenship that acted upon Indigenous societies in order to declare them extinct; in this way, individuals must leave the Indigenous condition in order to enter the condition of citizenship. The homogenization of Colombian society may not have occurred through the extermination of Indians and a sustained immigration policy, as in Argentina (Scarzanella 2003), but the construction of Colombian citizenship certainly prescribed the relationship between race and profession (Castro 2005); only the "whites" could be physicians and lawyers. The knowledge systems of Native peoples were banned because they lacked Western standards. Issues relating to health, education, and justice remained in the hands of educated elites, yet they were sometimes challenged. A notable case was that of Manuel Quintín Lame, who opposed the expropriation of Indigenous lands and the educational and political policies destined to eradicate Indigenous identities (Espinosa 2009). Lame's struggle was based to a large extent in opposing facts by using legal instruments such as appeals and the right to self-defense.

The policies that racialized professions and impoverished Indigenous peoples both by opening land markets and by physical extermination were accompanied by the formation of national historical traditions (Colmenares 1987). After Independence, Latin American intellectuals had to choose between glorifying the Republic or the Spanish tradition. In the choice between the old and the new emerged the idea of a Colombian nationality built on a cultural similarity with Europe and, simultaneously, on a geographical difference (see Mignolo 2005). This idea of a shared identity

with the North Atlantic world produced a concept of Colombia as a white, Catholic, and androcentric country. Given the obvious geographic difference in relation to Europe, the cultural difference of the American Other began to be represented through iconographies representing America as a naked woman sitting in silence, the perfect picture of submission (cf. König 1994). No wonder this pictorial display came to highlight the Creole ego, which eventually became the source of national identity and which materialized in the celebration of Republican heroes; their representations even prescribed the form of their nose, forehead, and skull as symbols of the values that they ought to project (Colmenares 1987:62). With the production of these materialities, archaeology began to make sense as a practice devoted to the appreciation of the objects of the past; it also made necessary the emergence of legislation regarding "archaeological materials." The conjunction between legality and area of interest allowed the constitution of archaeology as a discipline with its own concerns.

Quite another vision of the American Other predominated in Europe. The geographic difference was also cultural, but the Americas were bound to remain a periphery because civilization was impossible. With the possible exception of the Central Andes and Mesoamerica, in the rest of the continent the low degree of civilization proved that life in the jungle prevented human evolution. Given the environmental determinism that made the American continent responsible for its own backwardness, an interest in the antiquities of the Indians emerged (Langebaek 2003). Monumentalism was the Creole response against the primitivist arguments of the Enlightenment in Europe. Another front of attack was formed around the circulation of prehispanic Indigenous objects in a growing antiquities market among Creole elites. As a result, in the 1930s the Colombian government enacted the first regulations declaring as a national heritage the objects found in archaeological contexts. Such was the context that demanded the emergence of archaeology as a discipline and of heritage as a reality.

The legal configuration of a phenomenon (heritage) was the prelude to the formation of a research field controlled by a discipline, archaeology, and to the emergence of a discursive object, the archaeological record. After initial normative enunciations—which would see their strongest development with the enactment of the Culture Act some seventy years later—a professional knowledge field was formed that would determine the legal forms of digging. In spite of this demarcation, which generated positive and negative sanctions around the correct ways of excavation, the social value accorded to guaquería did not diminish, and neither did archaeology become universally valued. To develop these arguments I will present information I have collected at different times and spaces, hoping to document these hybrid and border areas.

THE LEGITIMACY OF GUAQUERÍA

The legitimacy of the guaquería occurs in a symbolic space in which facts (as experience) are indistinguishable from their normative expression. In this legal sensibility, facts (experiences) and laws (principles) are fused into a phenomenological horizon. Luis Suárez (2009) noted that in the countryside, especially in Central Colombia, guacas are generally associated with prehispanic burials and represent magical-religious phenomena. When one finds a guaca one is encountering not only a thing but also a sign or an omen that evokes a transcendent order. The guaca as a thing becomes an exchange value. Yet, its discovery is simultaneously an event, something that is not just found but experienced. Many cultural proscriptions teach how to handle guacas whenever they are found, and ignorance of these practices can cause diseases. The possibility that incorrect contact with a guaca can cause sickness suggests that guacas belong to a belief system that composes a worldview. In rural contexts, guacas are living entities that move and manifest; they appear to the unwary and are opaque to the ambitious. They are things-events-concepts (Suárez 2009:403). Carlos Páramo (2011) has even suggested a gender connotation for guacas in some local contexts. For example, among emerald miners in Boyacá, located to the northeast of Bogotá, a mine is a kind of guaca equivalent to a vagina that can only be penetrated by men. In this context one of the important values accorded to this vagina is its relationship with the savage Muzos, a colonial construction of Otherness in that region. The guaca is thus related to feminine principles and to the savage world. The guaca embodies not only economic power but also the power to reproduce and destroy society. Given this situation in the case of Boyacá and in the context of emerald mining, guaquería implies a negotiation with a feminine entity that is similar to the wild Muzos. In this region, guaquería entails not only finding gemstones but also approaching the powers hidden in the wild and the feminine. In these worlds there is no separation between fact (digging in the ground) and law (negotiating with the entity), because this practice bears witness to a law of things that is perceptible only in the doing. At any rate, this worldview is not as protocol driven as the Malaysian, Moroccan, or Asian legal systems described above, nor is it essentialist or humanist. In fact, in the emerald-mining region, a network of violence exists where economic and political powers circulate, using various means to attack any sort of enemy, including firearms, magical-religious rites, and terror (see Taussig 2002).

In the examples discussed by Suárez and Páramo, the guacas suggest a hermeneutics of nature, as they are signs, experiences, and things. The guaca is a "prose of the world," to use the expression Michel Foucault (2002:20) coined to refer to the sixteenth-century episteme. Because a guaca is an expression of nature, it stands in

opposition to archaeology's academic and scientific knowledge. While archaeology seeks to understand the past, guaquería is a reading of the present; while archaeology describes the archaeological record, guaquería reads the signs of nature; while archaeology describes geological matrices, guaquería negotiates with nonhuman beings.

This negotiation implies a state of existence in which the world is taken at face value, where nothing is left to chance; in such a way, the hierarchy of things and people is as natural as the morning dew. Wealth is not a consequence of the ability to do business but the result of prescriptions that make guacas appear. The study of the appearance of guacas has not received due attention in Colombia. The work of Suárez and Páramo are iconic in this sense because they provide information about local epistemes and how they establish relationships between the facts of guaquería and the prescriptions (law) of the guacas.

In the Cauca River valley of southwestern Colombia, a region studied by Michael Taussig (2002), it is widely believed that guacas are agents that can alter the economic conditions of the people. The possibility of finding a guaca occurs to individuals sensitive to signals appearing primarily during Easter. On several occasions I visited villages located near the archaeological sites of Darién and Calima and saw people sitting during the evening of Holy Thursday hoping to spot a flame burning over the prehispanic terraces that fill the valleys of the Western Cordillera. I also saw quartz crystals empowered by prayers that helped detect archaeological sites. The legitimacy of guaquería is obviously related to issues of territoriality and to ways of experiencing time and space. In most Colombian villages, the *guaquero* is certainly more prominent than the archaeologist. In fact, the correct way of digging has to do with the legitimacy of engaging dangerous nonhuman forces but not with heritage preservation policies nor with the systemic understanding of the past. This situation challenges the premise that states that the scientific understanding of the archaeological record is legitimate in and of itself. That premise is also broken insofar as the national territory in Colombia is not entirely controlled by the state. Any archaeologist who has done fieldwork in Colombia knows that archaeological research does not require permission from the civil authorities as much as from the army, the guerrillas, or the paramilitaries. The premise implying that archaeology is the only way to approach these materialities becomes real only in specific scenarios such as university classrooms and institutes of anthropology. Thus, despite very large worldwide networks, archaeology is as local as any other knowledge; its abstract and extralocal character is due to such networks, which are themselves not always all that powerful and global after all.

In Candelaria, a village in southwestern Colombia, well known for the abundance of prehispanic gold objects mostly recovered by guaqueros, some villagers pointed me to the existence of specialists who read the signs of guacas. In 2013 a woman told me that she was the third witch in an unbroken lineage that began with her grandmother.

She recounted that her house in Candelaria was located atop a graveyard and that it was possible to see flames during Epiphany, a synonym for "burials, ills, and stuff like that." She also told me about her ability to speak with *duendes* (goblin-like beings). The week before she had left a duende in a neighborhood park in Cali because it was misbehaving: "It was hiding things; then I was forced to disable it." She was also mining gold in a placer mine; to do so she had to pay fees to the paramilitaries guarding the area and had to give offerings to the beings that reward those who dig with gold.[4] The example of the witch from Candelaria is relevant because her actions represent the premise that implies that wealth is a result of good relations with nonhuman beings who possess wealth and power. This woman not only is able to read the signs of the guacas but also engages in part-time gold mining in areas controlled by paramilitary groups. In this activity she has to deal not only with the illegal armed groups that control the region but also with the nonhuman entities that own the mineral. She told me that she did some gold mining in Santander de Quilichao, a town about 50 miles south of Cali where she not only had to deliver food and beverages to the paramilitaries but also had to offer alcohol to the earth "for the mineral to spring out."[5] These facts take place despite attempts by national and regional authorities to control "illegal" mining in these areas of the country.

As these stories show, guaquería is legitimate because it is a part of local ways of reading the signs of the world. Such a hermeneutics of nature involves keeping the balance between the good and evil forces that govern the universe.

THE ILLEGITIMACY OF ARCHAEOLOGY

The examples accompanying the previous section show that in the everyday life of many Colombian communities (and perhaps in other places of the world), archaeology is not the instrument that defines relations with past materialities resting underground. In Candelaria the extant witches testify to a belief system that associates guacas with nonhuman entities that facilitate wealth or produce pain. That is why guaqueros exist: individuals that have abilities to mediate with those forces. Archaeology, on the other hand, represents an external and strange knowledge, an unacceptable point of reference for building relationships with guacas. I am not arguing that archaeology is bad because it is global and abstract and that guaquería is good for being local and concrete. Due to the local nature of all knowledge, archaeology cannot and will not be the benchmark that defines the actions in relation to the materialities of the past on a global scale. As a local knowledge, archaeology is doomed to be a knowledge whose functioning requires skills that only a small number of people can possess. To the extent that archaeology thrives on a global scale, local conflicts will

emerge in which situated (local) epistemes will resist the global demands of archaeological heritage management.

A relevant case regarding what I foresee as a conflict about "the archaeological" happened recently in Colombia around precolumbian stone statues from the San Agustín Archaeological Park (Arcadia 2013), a UNESCO World Heritage Site. In 2013 the Colombian Institute of Anthropology and History (ICANH) and the Colombian National Museum had planned an exhibition in Bogotá featuring statues that would have had to be flown to Bogotá from San Agustín, some 400 miles to the south. The exhibition, with the grandiloquent name *The Return of the Idols*, failed because the local community objected to what they considered an intrusion of outsiders into their own affairs. The community challenged the idea that a group of professionals from Bogotá, representatives of the omniscient power of science, could go to San Augustín to take the statues.

The journal *Arcadia* (2013) featured the voices emerging from the conflict: a representative of the community and the director of ICANH. Representing the community, Diego Fernando Muñoz stated that ICANH officials had committed two illegitimate acts: on the one hand, they had not consulted the community, in no way taking into account that the statues were a part of the heritage of that community; on the other hand, the community's participation was reduced to a series of workshops during which residents were told what to do. According to Fernando Muñoz,

> We recognize the enormous importance of the National Museum, but we are against the abusive way they wanted to do things. Our anger is due to the fact that we have not received the treatment they promised. We were told we would be consulted, but it didn't happen. What they have done is come here to impose a series of activities in which we have to participate. . . . We believe that all Colombians have the right to know their heritage. Yet, we don't find that it is necessary for the sculptures to be taken out of their context. The sculptures and their environment are part of a cultural landscape. They should show them here. We don't want them to take them out of their context. Why don't they use replicas instead, displaying them in different parts of the country together with panels explaining the history of our land? (Arcadia 2013)

The journal published a manifesto from the group Minga Integral Agustinense y del Macizo Colombiano Pro Defensa del Patrimonio Ancestral that signaled the group's claim to both the ancient past and local tradition.[6] In its statement the group made public its involvement in the cancellation of the transfer of the statues to Bogotá:

> The Committee for the Defense of Cultural Heritage informs the public that as a result of citizen resistance, the enduring exposure of [the failures of] technical and scientific

arguments, and the legitimacy of the committee's demands, the Ministry of Culture has been successful in its struggle to cancel the transfer of twenty sacred symbols of the San Agustín culture to Bogotá for an exhibit at the National Museum. We believe that this achievement has set a precedent for the authority of the people and for participatory democracy, on the basis of which we intend to keep building a civic culture that generates collective management plans and decision-making processes regarding public policies on culture and development and in this way to curtail centralism, abuse of power, and arrogance, which have endangered the archaeological heritage and social harmony of the Agustinian people. (Arcadia 2013)

The first paragraph linked citizen resistance to sacred symbols; it was crucial in challenging the pretension of expert knowledge centered in the country's capital and in boosting local resistance. The second paragraph is even more explicit. Centralism, authoritarianism, and arrogance are castigated to show that they threatened social harmony by jeopardizing the archaeological heritage. This would certainly be the dream of any heritage education program: getting local populations to consider heritage as almost sacred. But that was not the attitude that ICANH wanted, and it responded rapidly.

Appealing to an old rhetorical device that Johannes Fabian (1983) called "alochronism" (the denial of the contemporaneous existence of the West and the Other), the Ministry of Culture and ICANH lamented that the nation as a whole would not be able to appreciate the work of extinct sculptors because of the opposition of certain people who were not even related to the artists of the past:

Given the deep sadness we feel as promoters and defenders of heritage faced by recent events, having complied with national and international protocols, and considering that our World Heritage Site cultural initiative only wanted to pay tribute to a sculptor people who hundreds of years ago carved in stone a testimony to sanctify death and life, we are obliged to modify the proposed exhibit, regretting that the Colombian people have been deprived of this initiative, because culture should never be trampled by violence. Thus, the exhibit at the National Museum of Colombia will take place without the sculptures and on schedule to show the country the silence and the void left when a few abrogate the "right" to stand above the freedom and cultural rights of all. (Ministerio de Cultura–ICANH 2013)

To leave no doubt that it was simply not possible for any contemporary Indian to claim the heritage of San Agustín's statues, ICANH's director declared that the Yanaconas, the indigenous group that had constituted the main source of opposition to the exhibit (as they were behind the Minga Integral), "arrived in the region no more

than two decades ago and are unrelated, either historically or culturally, to the stone sculptors of San Agustín" (Sanabria 2013).

In opposition to these statements, María Victoria Uribe, former director of ICANH, noted that the current ICANH director ignored the fact that by the time San Agustín was declared a World Heritage Site it was clear that the natural custodian of its archaeological heritage had for some time been the local citizenry. According to Uribe (2013): "It now turns out that for the director of ICANH, who wanted to move several statues of San Agustín for an exhibition in Bogotá, the natural custodians of that heritage are backward and uneducated minorities, precisely because they did not allow the statues out of their natural habitat. This is unfortunate and shows a lack of common sense in that he did not foresee what was going to happen around a heritage site whose local stakeholders do really care about it." Uribe's assessment is well situated in the anthropological literature concerning the Yanaconas of the Colombian Massif, which clearly recognizes the capacity of these populations to articulate their belief systems amidst the changing conditions created not only by colonialism but also by the national project of the Republic of Colombia (Zambrano 1993). Anthropologists have documented important cases in southwestern Colombia in which processes of cultural revitalization take "archaeological" references as part of their political and symbolic productions (Gnecco and Hernández 2008). The arguments that disqualify these historical connections do not undermine these processes as much as they reveal hegemonic and disciplinary agendas in which the licit/illicit dichotomy unveils its historicity.

Indeed, this example serves to show how the legal field operates in the definition of the proper way to handle the materiality of the past. For Fabián Sanabria (2013), it was sad that some "minorities" imposed their will over the scientific wish to exhibit the national heritage. Sanabria implied that heritage is national and thus does not belong in particular to the people of San Agustín; so it could be moved, excavated, exhibited according to what expert knowledge determined. According to Sanabria, the people of San Agustín, or at least the activists in this case, did not obey the disciplinary rules appropriate to the management of objects in a place as important as the San Agustín Archaeological Park, a World Heritage Site. Thus, it is one thing to critically identify processes of strategic appropriation, which might be the case for the San Agustín activists, and another thing to discredit such processes because they do not conform to a series of principles established by a discipline such as archaeology.

Archaeologists discussing these issues at professional conferences in Colombia routinely state that they have nothing to do with oppression or social inequality. Many archaeologists argue that critiques of this kind are something like theoretical delirium of scholars lost in the whirlwind of intellectual fashions. But beyond the minor issue of whether to give credit either to disciplined archaeologists or to

postmodern delirium, it is important to consider how the academic specialization of archaeology is centered in a legislative logic (from which it emerges) and configures and constructs a horizon of reality. In this regard, Marc Augé (1992) has proposed *supermodernity* as a cultural period in which the anthropological sensibility (which I have here called local) is displaced by the sense of no-place (which I have here called global). In this scenario, highways (i.e., senses of the global) proliferate, giving order to territory. The landscape designer thinks in terms of connectivity and mobility and designates places to rest, souvenir shops, museums, and garages. The more mobility, the more contact with the past as experience and consumption. That is why not only highways proliferate but also museums and local festivals, everything capable of linking a place with a global network. This proliferation of history as consumption experience is not isolated to the increase in heritage legislation issued by increasingly specialized instances for heritage management.

The story of San Agustín, for example, highlights the local opposition to a modern management of the statues, highlighting them as an extension of the local sense of dwelling, which implies that moving the former would be tantamount to moving the latter. The statements issued by ICANH emphasized the legitimacy of its actions, since the statues were an "archaeological record" and a "national heritage." Local peoples stressed the relationship of the statues with the landscape and the sense of dwelling that identifies the community in relation to its geography. In this sense, archaeology appeared to the locals as a violent and thoughtless institutional instrument, illegitimate in any case.

IN CLOSING

Guaquería, as a magical-religious phenomenon in certain Andean areas of Colombia, is a sociocultural phenomenon that allows particular experiences in the process of being-in-the-world. Suárez (2009) made this observation when speaking of guacas as things-concepts-experiences. Heritage policies have tried to undermine the legitimacy of this "prose of the world" and the transformative marks it makes in the world by imposing regulations over practice, codes over actions, and laws over facts. In spite of the fact that this has reduced illegal excavations and that guaqueros are prosecuted, these transformative marks endure, signaling sudden good fortune to some and misery to others, because, in the end, a guaca is not just a thing. In this process, it becomes increasingly clear that archaeology is an illegitimate manifestation that ignores local practices. Cristóbal Gnecco and Carolina Hernández (2008) have shown the manner in which decolonization is generating innovative ways of

incorporating the "archaeological heritage" into political projects. The claims made by various ethnic groups in this regard are becoming more and more frequent and cannot be ignored.

Although Michel Foucault (1999), with the pride that applies to anyone because of the myopia of one's own historical era, condemned the taxonomy of resemblance and similitude as a relic embedded in the books of Paracelsus about gnomes, mermaids, sylphs, and salamanders, the world of similitude is more alive today than ever. Given that these belief systems endure, it is legitimate to consider the legal sensitivities they evoke, the meaning of justice they mobilize, and, in general, the meaning of the world around which they revolve. These local belief systems, based on a sense of place, question the existence of abstract periods such as modernity or postmodernity and point to academic trends as mere local projects that aim for global significance. Academic attempts to impose their interpretive frameworks over local meanings will surely create conflicts, such as the one in San Agustín I have described. These conflicts are not anomalies but the condition of a global practice; therefore, they are as illegitimate as archaeology. In many places, archaeology will remain illegitimate and incorrect, no matter how legal it is.

NOTES

1. In Spanish the suffix *-ería* marks a location, a particularity. Therefore, *guaquería* could be defined as a local practice that involves reading signals that indicate the presence of *guacas*. Although it is hard to define *guaca* given the local character of its practice, it can be understood as a nonhuman entity whose contact can generate wealth and poverty, health and disease, union and separation. In any case, the examples I present in this chapter provide ethnographic content to this plausible definition.

2. My understanding of the relationship between guaquería and archaeology owes much to my conversations with Les Field.

3. Constitutional and legal reforms in Latin America in recent decades, with the exception of Ecuador, Bolivia, and Venezuela, were consonant with the interests of transnational corporations (Santos 1998).

4. For an anthropological analysis of magic in southwestern Colombia, see Taussig (2002).

5. For an ethnographic analysis of gold as a living entity in southwestern Colombia, see Taussig (2004).

6. *Minga* is a traditional form of collective labor found throughout the Andes; thus, the group's name—Community-Wide Augustinian Minga of the Colombian Massif for the Defense of Ancestral Heritage.

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ARTIFACTS AND OTHERS
IN HONDURAS

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LENA MORTENSEN

T HE HONDURAN GOVERNMENT, LIKE ITS counterparts across the region, has developed a suite of patrimony legislation that works to regulate the relations among objects of archaeological interest and various others. Within the national legal regime, artifacts are classified as part of the cultural patrimony and are therefore the property of the state, regardless of whether or not those objects are currently held in private collections, museums, or laboratories; whether they are registered or unregistered; or how they were recovered from particular contexts. Cultural patrimony legislation is positioned as a form of care that ostensibly restricts artifacts from circulating beyond national borders and "protects" them from becoming commodities in the international antiquities market. Commodification, in this scenario, is a destructive force that depletes a country of its material heritage, which the state recognizes as an important resource for promoting national distinction on the global stage and fostering collective identification among citizens at home. According to this same schema, excavation practices are typically classified according to a logic that sanctions some as legitimate and condemns the rest, and artifacts themselves are positioned into the categories of licit or illicit, a rather simplistic binary that leaves little room to consider the complex relations that the contingent practices of excavation, circulation, and curation necessarily involve.

In the following, I question these logics and classificatory moves, working instead to expose a fuller range of artifact relations and commodity forms historically at play in the Honduran context that exist alongside and against the state-sanctioned category of "patrimony" and the regulatory architecture this category entails. Drawing on ethnographic research with heritage making, archaeological practice, and cultural

policy in Honduras ongoing since the late 1990s, I show how official patrimony itself has been produced and functions as a commodity, though free from the specter of the "illicit" that attaches to unsanctioned forms of artifact recovery. In turn, the production of an official patrimony, undergirded in this case by a narrative focus on "the ancient Maya," appears to have set the conditions for calibrating the value of (or, often, devaluing) material pasts positioned outside this frame. The result is a historical process in which "illicit" is, in fact, contained within and perhaps is even a direct product of sanctioned or licit artifact relations and a nationalist ideology that has assigned asymmetrical values to a range of possible material pasts. Finally, I consider recent state-led efforts to shift the terms of these values by focusing on more intimate foundations for heritage than state-sanctioned relations with patrimony have conventionally envisioned.

PRODUCING NATIONAL PATRIMONY

The territory of Honduras is notable for representing a prehistoric "cultural crossroads," resulting in diverse indigenous histories reflected in the rich archaeological record that spans the country (Hasemann and Lara 1993; Joyce 2013a). Despite the interest and energies that many have directed toward exploring this complex history, the development of state attention and investment in cultural patrimony follows a much more restricted path that has privileged a single monumental site, the site of Copán, and the cultural narrative that links it to "the ancient Maya," above (and some would say, "at the expense of") other archaeological histories and localities in Honduras (Lara Pinto 2006). This path originated in the 1840s, when the Honduran government first placed the "ancient monuments" of the Copán valley, located on the country's western margins, under the protection of the state, a response in part to the attempt by the notorious American explorer John Lloyd Stephens to purchase the site wholesale (a story that stubbornly lives on in tourist retelling). This inaugural act of antiquities legislation simultaneously inscribed Copán as the first official and soon preeminent monument of cultural patrimony of the incipient nation (Rubín de la Borbolla and Rivas 1953). Over the next 150 years, this act was echoed and solidified in subsequent iterations of patrimony legislation, bolstered through physical reconstruction and development of the site, elaborated through intellectual analysis of the material and symbolic resources through archaeological and related scientific research programs, and enshrined in the public imagination through the development of a massive tourism infrastructure magnified by media attention and repeated public ceremony. The history, dynamics, and effects of this privileging are intimately connected to the broader regional and transnational histories of discovery,

research, and production of fame for the international stage, processes that have generated "the ancient Maya" as a celebrated cultural whole and transformed this identity into a valuable commodity as both an archaeological subject and a tourism object (Mortensen 2009; see also Castañeda 1996).

The story of Copán's construction (literal and ideological) through what I have described elsewhere as an "archaeology industry" (Mortensen 2009) and its links to nation building in Honduras offers an excellent example of the kinds of historical alliances and "mutual complicities" (Castañeda 1996) between archaeological research and the promotion of nationalism that characterize much of the history of excavation in the nineteenth and early twentieth centuries in many parts of the world (e.g., Kohl and Fawcett 1995; Hamilakis 2007; Díaz-Andreu 2007). In the Honduran case, this trajectory of investments in the site over time has positioned Copán—the principal material expression of the ancient Maya cultural narrative in Honduras—as the anchor for an ongoing project of constructing a unifying sense of national identity and belonging among its diverse citizens, primarily through the discourse and ideology of *mestizaje* (Euraque 2004; Joyce 2008). In Honduras, as elsewhere in Latin America (e.g., Alonso 2004; Gould 1998), mestizaje functions as a rubric for absorbing the dissonance of individual indigenous histories by substituting a singular and idealized indigenous past (represented in this case by the *ancient* Maya) to serve as the nation's collective original culture in the public narrative of national history. Since the 1920s political investment in building national identity through the discourse of mestizaje has resulted in what historian Darío Euraque (2004, 2010) has termed the de facto "Mayanization" of the Honduran past. As Euraque uses the term, "Mayanization" describes the ways in which nationalist agendas have fostered coordinated institutional support for research, education, and tourism development focused overwhelmingly on a particular, singular cultural referent—"the ancient Maya"—such that it has come to dominate the sense of past and patrimony within the Honduran national project, even though "the ancient Maya" (however that term is configured) only make up a small portion (physically and temporally) of this territory's complex indigenous history (Joyce 2003; Mortensen 2007).

The initial mobilization of the Copán site in this schema was propelled forward through a series of high-profile, transnational alliances. First came major excavations at the site beginning in the late nineteenth century carried out by foreign institutions (the British Museum, followed by Harvard's Peabody Museum) (Agurcia 1989; Veliz 1983). These early archaeological projects produced a wealth of artifacts and interpretations that helped provide the material and intellectual foundation to position Copán at the core of a nascent archaeological imagination in the country. The physical architecture of the Copán park, largely intact today, was laid out in the 1940s, when the Honduran government partnered with the Carnegie Institute of

Washington to transform the site into a "world-class destination," adding to the roster of new archaeological parks throughout the region that showcased the outcomes of the Carnegie's well-supported Maya Research Program (Castañeda 2013). In the 1970s and 1980s, funding from the Central American Bank of Economic Integration (BCIE), new partnerships with international research institutions such as Harvard University, the Sorbonne, the University of Pennsylvania, and others, together with recurrent attention from National Geographic and, especially, the site's successful nomination to the UNESCO World Heritage List in 1980, have elaborated these foundations to generate a truly global profile for Copán. Over the past decade, the Copán archaeological park has seen as many as 150,000 visitors a year, making it the single most popular cultural tourism destination in the country and a dominant force in the local economy, even in the face of declining tourism receipts in most recent years. For Honduras, investing in research and creating tourism infrastructure at Copán did more than simply create a park for visitors, it helped to inscribe the monumentality of Maya culture into the genealogy of the nation, marking this celebrated and internationally recognized "civilization" as the legitimate cultural precursor of the modern nation-state.

In more recent years, especially since the 1990s, political interests have fostered a more multicultural vision of Honduran citizen identity (Anderson 2007). In both nominal and substantive ways, the government now officially promotes more diverse reference points for constructing personal and collective identity among contemporary Honduran citizens both in the present and in visions of social futures, including explicit support for a wider range of historical research programs (Euraque 2010; Joyce 2013b) (I discuss some of these efforts below). However, *Mayanization*, solidified within the institutional interests of the heritage tourism sector, still dominates the backward temporal focus, with the Copán site serving as its ideological core. Today, the massive architecture of promotion focused on the single site of Copán continues to overshadow the public valence of these newer efforts.

MONUMENTAL LABOR AND ARCHAEOLOGICAL COMMODITIES

The story presented above is necessarily brief and offers a big-picture lens from which to view the genesis of monumentality in terms of both physical presence and commemorating a past that dominates the national narrative. But the formation of the monumental, in both senses, comes about only through substantial investment, effort, and labor. And it is this labor in its myriad and mundane forms, more than any other mode or idiom, that forms the basis for the ways in which contemporary

Copanecos—local residents in and around Copán, most of whom identify as *ladino* and do not claim direct biocultural descent from the ancient Maya—make claims upon the site and its products as a kind of heritage.[1] On a daily basis, most people don't think actively about "the past," even at a place like Copán that figures decisively into the regional economic and social landscape. Generations of local families have grown up working in various forms of archaeological production and its iterations through tourism on projects, as referenced above, that began in the nineteenth century and have continued, with only short periods of interruption, through the present day. Such work has, of course, included excavation but also activities ranging from raking leaves to mounting exhibits, washing artifacts to reconstructing sculptural facades. It also encompasses many forms of work provisioning archaeological expeditions, including providing housing, food, transportation, and materials, all activities that set the stage for the emergence of a thriving tourism sector in the regional economy anchored by the successful continual operations of Copán as an archaeological park (Mortensen 2009).

Rather than thinking about the past in the everyday, the everyday past at Copán is instead configured through a heritage of these and other laboring relations. The rhythms of work occasioned by archaeological tourism—be they interacting with tourists, sweeping visitor center hallways, caring for the museum collection, or maintaining the manicured lawns in the Copán Park—offer alternate pathways to the site and the past it represents, as well as to the futures these relations might promise. And in this way the intimacy of the day-to-day work that maintains the monumental has always prefigured notions of heritage, but not necessarily the sanctioned, publicly visible kind (Byrne 2011). The spaces and relations of work are contexts that allow for the emergence of particular, locally based modes for conceiving value in the past. In turn, these grounded systems of value cannot easily be appropriated by the forces of commodification operating in parallel registers (which often work to alienate products from producers). The significance of these connections, however, is largely framed through historical, intimate relationships with the business of archaeology and tourism, rather than grand narratives about the ancient Maya, the global framework of World Heritage, or the discourse of Honduran national patrimony.

Most residents in the vicinity of Copán do understand the work of *producing* the past, through the archaeotourism complex in particular, as providing an important source of income (sometimes sustainable) that allows people to survive and perhaps even thrive in the present. Following this perspective upon the work of archaeological production, we can also reconceive the kinds of "products" it generates, many of which operate according to a commodity logic or even function directly or indirectly as commodities themselves, though they are not typically understood in this way. In this discussion, I adapt a concept of commodity based on Arjun Appadurai's

(1994) and Igor Kopytoff's (1986) formulation, wherein "commodity" refers more precisely to a condition, situation, or phase rather than a stable description of a good as a result of the conditions of its production. As Appadurai explains, "The commodity situation in the social life of any 'thing'" can "be defined as the situation in which its exchangeability (past, present, future) for some other thing is its socially relevant feature" (1994:82–83). This framing of commodities recognizes the fluidity of commodity forms and the key function of exchange as the locus of determining or assigning value. It also shifts analytical focus to the contexts that create the conditions of exchange and, more importantly, the "regimes of value" or "standards of criteria that define exchangeability in a given social and historical context" (Appadurai 1994:84). Here I want to emphasize that the label "commodity" does not imply an exclusive state. It is precisely the tension between a good or a "thing" as a (potential) commodity and simultaneously as protected from the sphere of commodity exchange that generates a fundamental contradiction in much legislation governing the care and disposition of artifacts gathered under the sign of patrimony.

To some extent, the state's choice to invest in and focus on the sanctioned labor of archaeological excavation at Copán and to discourage or even criminalize other forms of artifact recovery (as "illicit" excavation and "looting") does not erase the commodity potential of artifacts, such as that which characterizes antiquities circulating in art markets or in other private, money-based exchange networks. More accurately, this emphasis has worked to encourage a different set of commodity potentials subject to market logics all the same. Government policies framed as protecting cultural patrimony from private networks of exchange highlight and enshrine a specific set of "artifact relations," removing them from the specter of the illicit while simultaneously protecting the economic forms more central to the state's endeavors.

To elaborate, take, for example, the case of archaeological reconstructions of past human activity in the Copán valley—glossed here as "archaeological knowledge."[2] Such reconstructions ostensibly take shape as public goods that contribute to the advancement of science, as well as, in many cases, the goals of nation building or community history. But archaeological knowledge also functions as the primary commodity that mobilizes the tourism complex of the Copán Park. Further, it can also operate as capital both for its more immediate intellectual producers (sometimes, following Marx, ghosting other forms of contributing labor referenced above) and for the development of additional commodities. Archaeologists, ethnographers, art historians, paleoecologists, and a range of experts benefit from the elaboration of their own expertise and credentials, producing theses, monographs, edited volumes, numerous journal articles, and conference papers that circulate as key goods in an academic economy, contributing to providing a livelihood for those who participate in it (including, it should be acknowledged, myself and most other contributors in this

volume). The data sets of artifacts, architecture, epigraphy, and skeletal and botanical remains—which can be understood at least in part as products of archaeological labor—form the basis for secondary products as well; in addition to products geared toward the academy, there are also other derivatives such as guidebooks, documentaries, tour scripts, promotional materials, newspaper articles, political essays, children's books, and even souvenirs. Artifacts themselves, as well as the histories to which they testify, provide content for local, national, and international museums. In museums, artifacts function dialectically as the raison d'être for the conservation mission of the institution and as the materials by which such institutions are justified, operate, and stay solvent, thus contributing further to the network of economic relations wherever they are located. The ultimate commodity-product in this case is the experience of the Copán site itself, an edutainment complex that channels and organizes both financial and collective symbolic capital that maintains the heart of these industrial endeavors and from which so many ancillary businesses derive their own profitability. In these ways, artifacts, archaeological knowledge, and their subsidiary products can be understood to operate as commodities, the value of which is negotiated through instances of exchange, and can be traded upon, if not traded directly (Harvey 2002). These symbolic goods are thus subject to consumption across a widely dispersed field, well beyond the confines of what is typically ascribed to the domain of tourism.

EVERYDAY ARTIFACT RELATIONS

Commodity logic is prevalent within the monumental frame, yet it does not govern the full range of artifact relations. Even with such substantial investment from the state in promoting the tourism qualities of Copán, the public archaeological narrative, and its national symbolism, other, more private ways of claiming and relating to the material aspects of this internationally famous past persist, most of which have little, if anything, to do with commodification at all. Well before archaeologists arrived in the nineteenth century, Copanecos had already been making their own use of the material remains of the ancient Maya for hundreds of years, and some of these forms of engagement are ongoing in the present day. One of the most visible is the repurposing or reuse of cut stone from fallen monumental structures; a variety of sizes and styles of such blocks have made their way into building material for contemporary houses, fences, and other utilitarian structures for at least a century. Within the last few generations, as the population of Copán Ruinas, the town that neighbors the archaeological park, has grown, and new construction and remodeling have become common, families have frequently turned up artifacts under their own floors. Many

of these accidentally discovered objects of the past remain on shelves and inside drawers and eventually go on to become part of personal collections. I have spoken with a number of local residents who reference such objects, often unremarkable on their own, as forming part of their individual family's heritage, sometimes literally inherited across generations. Though they do not originate from legally sanctioned forms of artifact recovery, accidental objects like these do provide touchstones of connection to place (cf. Colwell-Chanthaphonh 2004), signaling a material form through which the locally configured intimacy of heritage may offer counterpoints to the larger public project.

Take, for example, the experience of Fito, a resident of Copán Ruinas who for a time ran a small business providing a variety of services for both tourists and locals near the center of town. One afternoon, late in the summer of 2001, I was visiting Fito, taking stock of the rhythms of visitors who passed this corner before they moved on to seek out the attractions that had motivated their travels. We stood and chatted by his desk as we often did while customers came and went. As business was somewhat slow this day, he offered me some coffee and invited me to come and sit with him in the interior patio of his house. The back door of his shop opened into a lush garden bordered on three sides by tile-roofed corridors interrupted by a collection of weathered chairs and benches, small brightly painted wooden tables, and potted tropical plants. As I walked along one of the corridors I noticed several pieces of badly eroded stone sculpture of ancient origin decorating the concrete floor, propping open doors, and peeking out from behind bushes in the garden. Once adorning ancient public architecture, these small carved blocks now decorated a modern Copaneco's private domestic space. Arranged according to an individual logic that bore little relation to either formal classification or historical genre, the ancient sculpture provided both personal aesthetic pleasure and a tangible connection to the place of the past.

Fito was not shy about his small collection of artifacts and assured me that many local families boasted similar collections, some of which I had seen myself. Most of the houses in this section of town were built over a once-important barrio of ancient Copán, which the shopkeeper illustrated by showing me a section of his garden where a hole revealed the profile of an ancient plaster floor. He explained that when he was young and many properties around his family's house were still wild, that area of town had been surrounded by *monticulos* (mounds), recognizable archaeologically as the remains of fallen structures, though most of them had not survived the modern expansion of the town. In the everyday rhythms of midcentury town life, they were unremarkable beyond their topographical qualities and for the curious objects they would occasionally yield. As a child, Fito and his friends ran to the top of these monticulos to look out over the valley and fly their kites on any given afternoon. It is in

this way that the tangible objects of history are part of the landscape inscribed in the lived memory of his generation, well outside an archaeological frame (Breglia 2006; Colwell-Chanthaphonh 2004; Hollowell 2009; see also Bender 1998).

Some Copaneco individuals and families who have personal collections of artifacts have registered them with the state, as they are required to do by law (Decreto No. 81-84, Ley para la Protección del Patrimonio Cultural de la Nación). But many have not done so, nor do they show much inclination to. This was the case with my friend, who was well aware of the cultural patrimony laws but had no intention of letting these personally appropriated pieces "disappear" into the hands of the state. We touched again, as we had during previous conversations, on the mistrust that many Copanecos seemed to feel toward the Instituto Hondureño de Antropología e Historia (IHAH), the national organization that is in charge of caring for cultural patrimony and that officially manages the Copán Park. He told me that many in Copán Ruinas talk about IHAH "stealing" artifacts from locals, although they readily acknowledge, and without any sense of contradiction, that cultural patrimony legally "belongs" to all Hondurans. This kind of framing sets up an oppositional tension among different registers of artifact relations and divergent notions of stewardship or care (Hollowell 2009). Fito and other Copanecos with artifact collections seem to think of themselves as stewards of a "local," though still public, heritage expressed through and informed by living connections with landscapes and their material extensions. They believe that artifacts are in fact "safer" in their own hands than under the care of the state, where their ultimate disposition is obscured and therefore suspect (cf. Hart and Chilton 2014).

Some Copanecos are reluctant to register their collections because they fear that doing so would lead to an obligation to physically hand over artifacts, which would never be seen again. As Fito explained, "It's not as though they put them in a museum with your name on it." He speculated that if residents received a guarantee that artifacts would be exhibited locally, they would be much more likely to comply with the law. But this has not typically been IHAH's practice. As far as most "local stewards" are concerned, once artifacts enter IHAH's possession, "se hace humo"—they essentially vanish into thin air—and Copanecos never hear about them again. Artifacts "salga y no regresa"—they leave and don't come back, many explained to me, a perspective that applies equally to artifacts that circulate as part of national and international exhibitions and those that are stored in national collections facilities, both of which are, of course, legally sanctioned contexts for archaeologically recovered pieces. The sense of distrust on the part of Copanecos toward the patrimonial state is pervasive; at points I have even heard some locals accuse IHAH of selling artifacts that were turned over to it and then claiming never to have heard about them.[3] In

this scenario, the antiquities market for precolumbian objects serves as the illicit foil for both local and nationally positioned heritage rather than delimiting a conceptual boundary between public patrimony and private commodity.[4] Local storage in a secure facility managed by the state is apparently not preferable to the local sense of ownership, care, and connection that comes from displaying these pieces on a central patio or behind a glass case in one's own home. For many, these private collections are part of family history, material culture elements in the social landscape of their domestic space, positioned in opposition to the commodity potential the antiquities market offers.

SANCTIONED STEWARDSHIP AND UNSANCTIONED TRADE

Laws prohibiting the removal and exportation of artifacts from Copán have existed since 1900 (Decreto No. 127), but modern cultural property laws limiting private Honduran ownership of artifacts were not passed until 1984 (Decreto No. 81-84). Around that time, in conjunction with the elaboration of major archaeological projects that marked the modern era of excavation and tourist development at Copán, IHAH developed an education campaign to transform the local population from individual owners into *national* stewards (Veliz et al. 1989). This campaign was heavily informed by the current standards of archaeological science and the evolving codes of ethical practice later enshrined in the Society for American Archaeology Principles of Ethics (1996). By redirecting the local intimate category of curios into the legally sanctioned category of cultural patrimony, IHAH and its associated researchers hoped to end what they saw as a long history of destroying archaeological context. And already by 1984, IHAH representatives had claimed success in this mission: "People are no longer excavating sites or removing the stone for construction, but rather are helping by notifying the caretakers of any anomaly" (Veliz et al. 1989:55).

Today, several generations later, most Copanecos know that trafficking in artifacts is illegal, a practice or relation that is unsanctioned and illicit, to use the terms of this volume's framework. Since my initial fieldwork at Copán in the late 1990s and on most subsequent visits, whenever I go into a local souvenir store, especially if I do not already know the owner, I inquire about the availability of artifacts. Almost universally the response is to inform me, as a would-be buyer, that artifacts are not for sale, and thus this dimension of their commodity potential is denied. My shopkeeper friend told me that tourists who notice his collection as they peer into his garden through his back door often assume he is an antiquities dealer and sometimes approach him

about buying objects. He tells them instead, without any sense of contradiction, about the nation's cultural patrimony laws, hoping to discourage further enquiries here or elsewhere. Of course, simply because locals publicly display awareness of government cultural property policy does not mean there is no private trade in artifacts. Rumors of backroom deals facilitated by well-connected individuals—including town officials, guides, tourism operators, hotel owners, and even some archaeologists—lurk beneath the official community face of both local and institutional archaeological steward-ship. Guides and other members of the local tourism establishment have assured me that the illegal antiquities market for Copán artifacts is, unfortunately, quite healthy, although archaeologists and IHAH officials claim that the frequency of activity and volume of traffic have decreased dramatically since the mid-1980s.[5] Many Copanecos, when asked privately, will acknowledge that illegal artifact sales take place, but, unsur-prisingly, I have met no one who admits to participating in the trade. While formally suppressed and denied, this specific commodity potential of artifacts implicitly per-sists, and the specter of its realization continues to condition other forms of artifact relations among citizens and what they label as patrimony.

In the past, some guides who work (and have worked) at the Copán Park have openly and actively engaged in the artifact trade. I met two in particular who, for a time, saw no inherent problem in facilitating commerce in artifacts. Some years ago I spoke at length with one of these guides over drinks one afternoon at a local restau-rant. Though not originally from the area, he had made Copán Ruinas his home for over fifteen years and now owns his own business in town. As an archaeological tour guide, he has developed an intimate understanding of the connection between the labor of excavation, interpretation, and his own work in translating those products into the saleable goods upon which his livelihood is now based. Our conversation that afternoon roamed from the practice and politics of guiding into the specific events surrounding a tomb that was looted earlier that year. As he leveled accusations against and blame upon others involved in the antiquities market, which may have served as the catalyst for the robbery, he revealed that for a time he, too, used to buy artifacts. He explained that in those days he thought he would be "saving [artifacts] for the future," presumably by removing them from the commodity stream. "Now," he said, having internalized the discourse of archaeological stewardship that locates market demand as the destructive force driving undocumented excavation (Brodie et al. 2001), "I realize that I was just contributing to the problem."

Another guide at Copán, also not originally from there, told me that he contin-ues to buy artifacts, again with the idea to "protect them." This guide expressed no guilt about his actions, archaeological or otherwise. On the contrary, when the topic came up as we sat chatting on a street corner one day, he raised his voice so that any passerby might overhear. As he put it, "I don't feel bad about it. This way I am saving

pieces from the market—they are my heritage." He went on to tell me about land that his family owned in central Honduras that yielded "all kinds of pretty things" when they plowed it. This was private land, he asserted, and collecting artifacts from it was a normal, even expected activity, and most definitely "not looting."[6] Moreover, he explained, he was from the area where this land was located, and his family's connection to that place justified and extended his own sense of entitlement to the material objects the land contained. He had given many of the artifacts he had sourced from this property to another family member who was a collector. He noted that he wasn't interested in selling the artifacts—"I don't need the money"—and this way he could go see them whenever he wished. He reiterated that there was no shame in having these pieces; he even gave some as gifts to his girlfriend. Yet he made a clear distinction between artifacts from Copán and archaeological objects that originated in other regions. He was quick to explain that he never collected anything from the Copán Ruins (where he worked). Although he recognized all these objects of antiquity as archaeological artifacts, those from Copán occupied a separate operative category, one that was protected and enhanced by the ascription of international value and distinction the site's status conferred.

In both these examples, the artifact relations that connect the guides with the pieces they believed they were "saving" express a register of heritage that both conforms to and challenges the sanctioned state narrative of belonging. On the one hand, the guides I spoke with framed these artifacts as products of a generalized indigenous past, a past they shared through the substance of "blood" of their Indian ancestors from different parts of Honduras. This vague idiom of descent forms the folk expression of the official mestizaje narrative. This connection, they reasoned, gave them license to do what they would like with artifacts; if anything, they argued, their working knowledge of archaeology enhanced their appreciation for ancient objects. And while one had changed his opinion about how to deal with objects of cultural patrimony through commercial exchange, primarily as a result of conversation with archaeologist friends, the other felt very strongly that artifacts (at least outside of Copán) were an intimate part of his personal heritage, a legacy from his ancestors, and the principles of archaeological stewardship and state regulation had little bearing upon this relationship.

RECONSIDERING AND RECONFIGURING ARTIFACT RELATIONS

This brings us to the question of artifact relations beyond the Copán zone, which I turn to briefly in this final section. In most other parts of Honduras, in fact, the vast

majority, there is no history of archaeological tourism development and little visible public inscription of value for archaeological remains.[7] The artifact trade has ravaged several regions of Honduras, most notably areas of the North Coast, as amply documented and discussed by Christina Luke (2006, 2007; Luke and Henderson 2006). In these regions, IHAH has worked to mitigate the damage caused by looting, but the local archaeological landscapes have more often been ignored by public officials and local residents alike. According to Euraque (2010), such conditions of neglect (or differential value) exist in part because archaeological history in so much of the country has yet to find its way into the national narrative. He and others have argued that the historical dominance of the Copán site in the public heritage imaginary is to blame for what they perceive as a persistent "negative" sentiment among many Hondurans outside of Copán toward their local historic patrimony, including objects of archaeological interest. Archaeologist and former IHAH official Carmen Julia Fajardo has even singled out the peculiar role of archaeological tourism development, commenting that Hondurans "associate the absence of an archaeological park with the non-existence of remnants of their past that deserve to be known and preserved" (2001:35, my translation). This situation suggests that the history of state sanctioning and the disproportionate support for artifact recovery in the service of a past with proven commodity value (all that is associated with Copán and the ancient Maya discussed above) may have also set the conditions for "illicit" artifact relations elsewhere. In other words, the manner in which archaeological sites are *not* commodified for tourism and related regimes of value may have contributed to how artifacts from these landscapes become available as candidates for other, unsanctioned commodity forms (see Appadurai 1994).

The web of relations among artifacts, patrimony, and commodification (for tourism) in Honduras that I have begun to trace here suggests that the ways archaeological value figures into relations of belonging at both local and national levels is much more complex than the state has historically envisioned. In 2006 a new administration in IHAH set out to confront and experiment with this complexity by putting into place an agenda to actively encourage citizens across the country to forge new connections with their local histories, including the archaeological resources already part of residential landscapes (IHAH Metas 2006). Under the newly appointed director, Darío Euraque, who coined the term "Mayanization," the institution formulated a campaign to literally "de-Mayanize" the Honduran past, seeking a way to recalibrate the nationalist project by ascribing value (the operative policy term was *valorizar*) to a more diverse and socially inclusive range of historical reference points. These efforts built upon institutional momentum that had begun to gather steam in the 1990s, when state recognition of multiculturalism began to influence cultural policy initiatives across the civic sector (Anderson 2007). Moving forward, IHAH initiated a series

of community history training workshops, supported and encouraged community-based archaeological projects that opened up the archaeological process, established local cultural centers, and supported publication and distribution of research and writing on a broad range of previously ignored historical topics, including translation of existing English-language works into Spanish (Euraque 2010).

Among these initiatives, IHAH also aggressively targeted development of new archaeological parks but consciously sought to avoid replicating the Copán formula. Rather than generating international destinations, the new model for developing archaeological resources envisioned the resulting heritage parks as centers for local education and community involvement, where citizens would increasingly participate in defining and managing their heritage. In this model, "[archaeological] parks would be places of identity in which the people around the parks and Hondurans in general would see themselves inscribed not in a tourist-produced Mayaness but in one that in some ways harks back to the textured histories that are very, very real" (from the videocast of a public lecture given by Dario Euraque at the Center for Latin American Studies at the University of California Berkeley, November 3, 2009).

At the heart of all these efforts was a recognition of the salience of intimacy in the workings of heritage as meaningful practice, such as described in the examples above. Thus, the basis for new cultural policy was not new laws—legal inscription and regulation of patrimony already existed—but efforts to engender new forms of invested connection. To this extent, IHAH staff worked to decentralize and personalize the various patrimony initiatives across the country, especially to create opportunities for people to participate in the production of historical and archaeological knowledge, as well as to share their already developed local expertise.[8] From a patrimony perspective, and in contrast to the mode of stewardship education the institution had previously undertaken at Copán, IHAH was now laying the groundwork for generating local cultural stewards by drawing on existing modes of engagement with grounded, "textured" history and encouraging the internalization of a new (sanctioned) sense of self based in the historical landscape.

All in all, the cultural policy agenda described above constituted something of a radical departure from the business as usual tradition of state approaches to heritage management. The exercise of top-down cultural policy that invests in grassroots paradigms is also unlike programs that privilege community-based heritage management, oriented more squarely on the principle of divesting control from state and other external institutions (Hollowell and Nicholas 2009). However, it should be noted, the initiatives were not conceived or implemented out of whole cloth. Rather, they found synergy with surging interest among small groups of Hondurans who had already started grassroots efforts to exert greater control over the production and presentation of local history (Joyce 2013b:307). They also moved forward through active

partnerships with community-based cultural councils that had their own momentum and with foreign professionals (mostly archaeologists) and their institutions who aligned research agendas to support the changing institutional norms (Euraque 2010; Martínez Ordóñez 2012).

Taken together, this kind of engagement, and especially the unprecedented level of state support, is an encouraging scenario for evaluating how experimenting with modes of valuing the past in the present might actually contribute to a transformative civic project, let alone reconfigure the unproductive binaries of licit/illicit, public/private, and patrimony/commodity that continue to inform the field of heritage. Such questions are necessarily open-ended, but even more so in this case, since the cultural policy agenda described no longer receives explicit state support. In 2009 a coup d'état removed Honduran president Manuel Zelaya from office. In the aftermath, the primary architects of the new cultural policy agenda, Culture Minister Rodolfo Pastor Fasquelle and IHAH director Darío Euraque, were forced out of their positions (Euraque 2010). One of the reasons given for Euraque's removal, forwarded by agents of the country's economic elite, was his lack of attention to the country's primary cultural attraction, Copán. Replacements in these positions refocused energies on further mobilizing the sanctioned commodity values already established for Copán and its associated monumental patrimony, and many of the initiatives begun under Euraque's directorship were either canceled or left suspended without resources.

Although this situation has significantly derailed the progressive momentum that IHAH and its agents had embraced, the Honduran case remains instructive for the larger question of how material pasts figure into present-day social relations of belonging. As this discussion has shown, even within the monumental frame, alternative pathways to heritage based on local modalities of intimacy have always existed alongside, in opposition to, and as a consequence of the production of official patrimony. And it is likely that such local modes will continue to press against and challenge the legally sanctioned constitution of patrimony, as well as its unacknowledged commodity forms and effects.

NOTES

1. There are indigenous Maya-Chortí residents as well, a historically marginalized population that over the past decade and a half has mobilized as a recognized minority ethnic group and gained further visibility through political organizing. Maya-Chortí descendant relationships with and claims upon Copán substantially complicate this picture but are beyond the scope of the current discussion. See Metz et al. (2009) for details.

2. An extended and more detailed version of this argument is presented in Mortensen (2009).

3. Accusations made against the institution usually invoke IHAH as a unitary bureaucratic agent rather than a collection of individual staff who might participate in corruption or illegal acts. Sometimes, however, the director of IHAH is the particular target of community distrust, as was the case during the directorship of Olga Joya (1996–2002) and of Darío Euraque (2006–2009).

4. The market for precolumbian antiquities, particularly from Central America, is widespread and well documented. See Luke (2007) and Luke and Henderson (2006) for discussion of the antiquities market in Honduras more generally.

5. I have not collected specific data that support either position.

6. It should be noted that current cultural property law in Honduras makes no distinction between private and public lands. All subsurface artifacts are considered cultural patrimony, and the law is retroactive. Upon the death of an individual in possession of a private collection of artifacts construed as cultural patrimony, the collection must be transferred to the state and cannot be inherited by another family member or transferred to other individuals. However, IHAH officials recognize that policing this aspect of the law is nearly impossible, given the limited resources of the institution, and they focus instead on the act of sale as a prosecutable criminal offense.

7. Beyond the areas bordering the Copán zone (in which several additional archaeological sites have recently been developed for public visitation) there are only three other archaeological sites open to the public: Los Naranjos in Yojoa, the Caves of Talgua in Olancho, and, most recently, Currusté near San Pedro Sula, though the operating status of this last park is currently unclear.

8. See Euraque (2010) for a detailed discussion of the various initiatives carried out under this mandate.

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LOOTING THE OKLAHOMA PAST

❧

Relationships and "Relation Shifting"

JOE WATKINS

SARAH HARDING (1999) WRITES ABOUT the debate between the "cultural internationalists"—those who believe that cultural heritage is the property of all humankind—and the "cultural nationalists"—those who believe that it is first and foremost the property of source nations. I carried the discussion one step further (Watkins 2005) to draw attention to groups within those "source nations" that serve as fodder for the "internationalist appetite" for cultural property, naming them "cultural intranationalists." These are distinct groups within a larger governmental body, often galvanized by social, cultural, religious, or other factors.

For every single group that has some relationship with the material culture of the past, it is all about the context. To the tribes whose ancestors created the item, it is the social context; for archaeologists, it is the archaeological context; for museums, it is the heritage context; for diggers, it is the economic context; for collectors, it is the artistic context. Ultimately, however, the change in power available to a community alters the very relationships that exist between the community, its heritage, and the interpretative structures in play in the processes. Thus, the increase in power can be the leading mechanism whereby real change can take place in making historic preservation a democratic process.

The indigenous people of the United States are currently defined by law and have a special relationship with the federal government, a relationship described by Supreme Court Justice John Marshall in 1832 (see D'Errico 2000 for a more detailed discussion of the history of the concept of tribal sovereignty in Indian law). The federal government has maintained that relationship while at the same time trying to find ways to do away with that relationship (see Prygoski 1995). Ultimately, however, the situation

of American Indians and their relationships with the federal government are legacies of colonialism within a political system in which tribal sovereignty, though acknowledged, remains limited.

Identified in a general sense as American Indian or Native American, each group of indigenous people is also known by a specific tribal name, such as Choctaw, Caddo, or Wichita. These groups share common general histories regarding relationships with the government of the United States, and as "federally recognized tribes" they continue to maintain a special relationship with the contemporary government. Some groups, however, no longer have formal relationships with the federal government for various reasons and are therefore "unacknowledged" or "nonrecognized" tribes.

The state of Oklahoma, in the south-central portion of the United States, is home to 38 federally recognized American Indian tribal groups. Many of the groups that now have their tribal headquarters within the state's boundaries were forcibly relocated or voluntarily moved here from their aboriginal territories and homelands during the nineteenth century when the U.S. policy of removal and relocation was in full swing (see Keller 2000; Magliocca 2003; and Wall 2010 for recent discussions of representative topics on Indian removal and attendant policies). This influx of people from other parts of the country created an amalgam whereby newly arrived tribes established settlements and governmental control over the lands of the tribes that had previously existed within the area. Thus, the heritage of one group was subsumed under the management concerns of another group in a scientific colonialism deriving from the political colonialism of conquest.

The members of one such tribal group—the Choctaw Nation—began a series of treks from their aboriginal homelands in central and northern Mississippi, Tennessee, and Alabama to what is now southeastern Oklahoma as a result of the agreement known as the Treaty of Dancing Rabbit Creek of 1832. This "relocation" was to lands that had been occupied by groups of people historically identified as Caddo and/or Wichita but that had been ceded to the federal government through the treaty process. As a result of this relocation, some of the aboriginal homelands (and the material heritage contained therein) of the Caddo and Wichita are now under the shared administrative and jurisdictional control of the Choctaw Nation of Oklahoma (which is responsible under current U.S. heritage laws for the protection of the cultural heritage of these tribal groups on tribally owned and controlled lands) and the Oklahoma state historic preservation officer (who has oversight of the cultural heritage of materials on nontribally owned or controlled lands).

Because of the ways that various colonial governments have operated, there are similar situations across the globe wherein current landowners are not those whose ancestors created the archaeological material culture that resides in the ground and that is occasionally encountered in archaeological investigations. In addition, many

centralized governmental cultural protection laws do not adequately protect materials on private property from impacts by landowners or by those who dig without permission. Rather than attempt to discuss the wide range of policies and laws through which governments perceive the material cultures of the archaeological past, I will focus here on the situation as it exists in the United States.

The passage of the National Historic Preservation Act in 1966 declared, in essence, that the federal government was taking the responsibility to ensure that America's past—including the archaeological past created before European colonization—was protected from systematic destruction. In 1992 amendments to the act allowed American Indian tribes to participate more fully in the preservation system. In 1996 12 tribes were approved by the National Park Service to assume the responsibilities of the state historic preservation officer to carry out activities on tribal lands required under the act. As of June 2014, 150 tribes have taken over some aspect of federally mandated responsibilities on their lands. In Oklahoma, fifteen tribes (including the Choctaw and the Caddo) have created tribal historic preservation offices under this program. (For a more current listing of all tribal historic preservation officers, consult the website of the National Association of Tribal Historic Preservation Officers at www.nathpo.org.)

The tribal historic preservation officer of the Choctaw Nation of Oklahoma has regulatory responsibility over federally funded projects that impact (or might impact) cultural resources on tribal land and also provides recommendations to federal agencies on projects that might impact lands owned or controlled by tribal members. The land over which the Choctaw Nation exercises authority under the federal program contains archaeological sites created hundreds, perhaps thousands, of years prior to the relocation of the Choctaw to Oklahoma. Archaeologists recognize that some of the archaeological sites created or occupied prior to the Choctaw movement into southeastern Oklahoma were created by ancestors of the contemporary Caddo Nation of Oklahoma and that some of the preremoval archaeological sites were created by ancestors of what is now known as the Wichita and Affiliated Tribes of Oklahoma. While archaeologists are not certain which ancestral group created every specific preremoval archaeological site, there are specific traits associated with sites occupied after A.D. 1200 that allow better assignment to a particular tribal group.

Currently, when preremoval archaeological sites are encountered in Choctaw country in Oklahoma, the Choctaw tribal historic preservation officer contacts the appropriate officials of the Caddo Nation and the Wichita Tribe to notify them of the situation. This procedure works well for archaeological sites in general, but in the instance of extremely significant archaeological sites, the situation can get complicated. Take the case of materials from the Spiro Mound complex in eastern Oklahoma. I have written on this in more detail elsewhere (Watkins 2002, 2008), but a bit of background is important for context here.

The Spiro Mounds complex in the Arkansas River valley of eastern Oklahoma is one of the best-known mound complexes in the southeastern United States, known for extraordinarily rich burials of the elite and for shameless looting during the Depression. In 1935 unemployed coal miners hired by the "Pocolo Mining Company" (a spurious commercial enterprise created to remove the archaeological treasures) dug craters and tunnels into the mounds in search of artifacts and even resorted to dynamite to gain quicker access to the graves within the burial mounds.

A partial list of some of the types of grave goods that were found with the burials include monolithic stone axes, engraved shell cups and gorgets, beads of shell and copper, freshwater pearls, carved stone pipes, fabric robes, and even embossed copper plates. Many of the artifacts were sold to private collectors and to representatives of museums immediately upon excavation; some of these artifacts now reside within the collections of the University of Oklahoma's Sam Noble Museum of Natural History. While these artifacts are special in their size and workmanship, they also meet the definition of "funerary objects" under federal repatriation legislation (the Native American Graves Protection and Repatriation Act of 1990). As such, they are eligible for repatriation to tribes that can demonstrate cultural affiliation with them.

The Wichita and the Caddo are the tribes that can most likely demonstrate "cultural affiliation" to the Spiro artifacts (Watkins 2002). Both of these tribes share linguistic aspects that indicate the likelihood of a shared ancestral group, but they are distinct political entities today. The likelihood of identifying the tribe *most likely* to be culturally affiliated under NAGPRA is fraught with historical and political aspects that make that determination problematic.

In 1996 tribal leaders and university officials met to discuss the disposition of the Spiro artifacts that were in the museum's possession. Each group had disparate intended uses for the artifacts: the university wished to exhibit the artifacts as part of Oklahoma's "shared heritage"; the Caddo Nation felt that the artifacts should be proudly displayed as an example of the tribe's ancestral technological and artistic accomplishments; the Wichita felt that these grave goods should not be exhibited but instead reburied.

Each group has valid arguments concerning its use of the artifacts within the cultural context within which the group operates. The museum has an obligation to *all* the people of the state of Oklahoma, not just its American Indian inhabitants, to protect Oklahoma's shared heritage for future generations. The Caddo Nation has an obligation to its tribal membership to encourage Caddo identity and pride in its past accomplishments. The Wichita Tribe believes that if the artifacts are grave goods and were never meant to be displayed, it is the tribe's responsibility to respectfully reinter the artifacts.

While the artifacts themselves never physically change throughout this process, they initiate change from the hub of an intricate web of interconnecting relationships.

The state (in this case, Oklahoma) and the tribes act upon and are acted upon by the artifacts, which carry multiple layers of meaning and differing aspects of representation within their reified state. It is thus not the artifacts but the *cultural context within which they are situated* that creates the crux of the issue. These artifacts are not made of gold, but they represent a "golden" age to the Caddo, a "golden" responsibility to the Wichita, and a "golden" opportunity to the museum.

SHIFTING RELATIONSHIPS

The complex relationships to the artifacts operate within a series of larger relationships. In a generalizable abstract situation, the relationships among the groups have the appearance of relative equality, wherein each group shares a similarly weighted relationship with the artifacts at the center of the relationship. However, within most Western scientific-tribal relationships in the United States, such is not the reality. Tribal institutions (or any indigenous institution), because of the continuing legacy of political and scientific colonialism, operate within the constraints of physical, fiscal, and philosophical inequalities derived from centuries of institutionalized discrimination. More power generally accrues to better-financed, well-established, non-Native institutions that have better lobbyists or access to platforms to espouse their views.

In these circumstances, the relationships between the artifacts and the various parties operate within an overarching concept of "heritage," generally defined by the dominant culture. Various groups operate within the "stewardship" of shared heritage: "tribes" (and other culturally appropriate groups worldwide), "science" (groups that hold academic interests in the artifacts), and "museums" (institutions with control over or various interests in the artifacts). While the term "tribes" clearly indexes particular cultural groups, "science" and "museums" appear as neutral and not culturally marked; in reality, both "science" and "museums" represent particular subjects and specific interests that derive from the inequalities created by colonialism and the settler states that were established by colonial conquest and domination.

But even within the terms set by existing relationships between stakeholders, if one or another of the partners in the heritage enterprise tries to assume a stronger role concerning the artifacts, the relationships become strained. Strains on the relationship can occur if a museum retains an artifact without concern for its scientific value but instead focuses on the artifact for the artifact's sake. The art historical approach has offered some utility regarding technology, artistic expression, and so forth for artifacts without archaeological context, but those artifacts generally are not considered to have scientific value to archaeology. As Alex Barker (2010:303) has noted, art historians work from assigned or assumed contexts, while archaeologists focus on

multiple kinds of contexts (such as archaeological, aesthetic, and pedagogical patrimonial) that allow the validity of extrinsic classifications to be assessed.

The relationship between the tribe and the scientific community can become disrupted if the scientific community supports the museum's control of an artifact at a level deemed unnecessary by the tribe. This is possible when items (such as the Spiro artifacts) are seen to be of major importance to a museum's collections. These iconic objects take on meaning far beyond the archaeological information they might provide; they also take on different meanings to different tribal groups.

If a tribe makes a stewardship claim on such iconic objects, or if a tribe refuses to allow exhibition of the artifacts within the museum collections on the basis of cultural, religious, or spiritual sensibilities, the relationship between the museum and science also changes. Science likewise may be impacted by the lack of access to the artifacts within the collection. The relationship between the museum and science may remain solid and in some cases strengthened due to the idea of a "common enemy" (i.e., tribes) that might be threatening the resource. This is a perception that exists among some tribes that believe that archaeologists and museum personnel are against aspects of repatriation legislation because of the patent desire to maintain control over the artifacts that form the collections or that are perceived to be of "scientific importance." Tribes are concerned that even the Native American Graves Protection and Repatriation Act allows the repatriation process to be delayed if the materials requested are "indispensable to the completion of a specific scientific study, the outcome of which is of major benefit to the United States" (43 CFR 10.10[c] *Exceptions*). Even though the materials under consideration must be returned no later than 90 days after completion of the study, some tribes have indicated concern that the "scientific study" clause could be used to prevent or delay repatriation.

It should be noted that the exercise of tribal authority does not always indicate a position contrary to the scientific protection of the artifacts, nor does it automatically signify the intention to gut museum collections (see Ferguson et al. 1996:262–264). However, the potential shift of "control" over the artifacts from the museum to the tribe is one that creates uncertainty, especially if the physical custody or location of the objects does not change, because the museum becomes the repository of someone else's materials.

Additionally, there are situations when scientists take on the self-appointed role of the sole guardian of the artifacts. As "keepers of knowledge" scientists might perceive their relationship with the artifacts to be of paramount importance, and this can strain relationships among all parties involved. Here, the power behind the apparent neutrality of science is revealed, as David Kojan has remarked: "The degree to which archaeologists are granted and hold authority, and to which archaeological narratives are believed or trusted above others, is a matter of contemporary power dynamics, not

an inherent quality of the past" (2008:77). Tribal people, as "keepers of the treasures" of their culture, often see such scientific need for guardianship as a continuation of scientific colonialism, where the value of the material is ascribed by nonindigenous people, often at odds with the indigenous perspectives. In this manner, sacred objects become merely collections of technological production or social identity markers.

This role as guardian or keeper can create situations in the United States where archaeologists and tribal groups find themselves at odds over the interpretation and creation of "knowledge" about the past. The conflict between tribes and scientists can indirectly strengthen the relationship between a museum and archaeologists as the two groups work together to "protect" continued access to and or possession of the objects under consideration or, from the tribal perspective, to maintain the power that derives from the colonial legacy.

The addition of any new stakeholder makes the relationships more complex. The new stakeholder can be another tribe, another agency, another organization, or perhaps even a subset of any one of the existing groups. For example, within general heritage preservation processes, government officials are required by law to communicate and consult with elected tribal officials; within the repatriation arena, however, traditional religious leaders are also to be included. Often the perspectives of the traditional religious leaders are not the same as those of the elected officials, especially in matters related to objects that take on religious significance. The number of relationships increases, and, even if all parties seem "equal" under the law, it takes more time, energy, and money to maintain those relationships, which less powerful and wealthy parties—the tribes—have much more difficulty mobilizing. It also requires time for new partners to gain the trust of the others, especially if those partners enter the situation late in the process.

Bringing looters into the situation creates even more problematic relationships. Looters are perceived by archaeologists as operating outside any concept of stewardship and function as threats to most other stakeholders, especially tribes and scientists. Interestingly, though, the relationships between museums and looters can be less problematic, depending on the museum: if provenience and archaeological context are not issues, then the relationship between the two may become one of commerce rather than one of scientific stewardship. When competing interests revolve around economic value, then seemingly esoteric values such as scientific information and religious or cultural importance often get lost. These sorts of issues are to be expected when money enters the situation, especially within an economically depressed region.

Julie Hollowell's work on the fossil ivory trade in North America and Russia is a case in point (see Hollowell, this volume). Even though the people who are "mining" the archaeological sites for carvings deeply understand the importance of the materials to the archaeological understanding of the past, they also see the artifacts as a

means of survival in the present. Hollowell notes: "On St. Lawrence Island, where the mining of archaeological sites has been an important part of the local economy since archaeologists first purchased specimens in the 1920s, the native community has made a conscious choice, for now, to prioritize the economic value of these unique resources over their value as archaeological 'heritage'" (Hollowell-Zimmer 2003:49–50).

THE ILLICIT AS POWER BROKER

The archaeological and museum communities continue to act as the legislative and self-appointed protectors of a nationalized heritage. They undertake the battle against the illicit diggers of archaeological materials and the destroyers of archaeological sites, curate the heritage material that emerges from the earth, and educate the public about what their concept of "heritage" is. Their concept of the heritage preservation enterprise springs from the colonialist history within which their disciplines have developed as they operate under their mantle of stewardship.

In their battle against the unscientific destruction of national heritage, archaeologists develop working relationships with the landowners on whose property heritage materials are removed and also try to convince the casual weekend digger that illicit digging is harmful to heritage, disrespectful, and an insult to the public of which they are a part. Most often, however, the goal of the historic preservation professional is to remove the market for illicitly obtained goods by educating collectors and buyers about the negative consequences of illicit excavation to the preservation and interpretation of the national heritage.

The well-established, often state-funded museums, as the institutionalized caretakers of society's materials, also take seriously their responsibility to educate the public about the importance of the material reminders of society's heritage. While it is difficult to match the economic rewards that people can gain through the conversion of artifacts into collectors' items, museums try to compete by catering to the "public trust" aspect of their mission. No one is really sure what drives people to collect, but museum personnel work on creating a sense of common heritage stewardship among the general public that at least in some ways does not demand the alienation of indigenous groups from archaeological materials that their ancestors might have created.

But in spite of this overarching desire to combat looting by maintaining sole control over the heritage industry, and perhaps because of their perspective of themselves as the authorities on heritage issues, archaeologists and museum professionals generally have failed to convince the "subjects" of their research—and those groups that could be their strongest supporters—that archaeology and museums have relevance in contemporary society. The museum has become one of the lynchpins in the web of

relationships that exists within the concept of stewardship. Archaeologists have given themselves the responsibility to protect the archaeological record, and museums are the societally recognized physical locations where the material remnants of the past are preserved, but how "proper" is it to excavate material, study it, and then keep it hidden in boxes, crates, or paper bags out of sight of the public—or specific publics—whose legacy and heritage it evidences?

In contrast to the underlying perspectives of heritage professionals within archaeology and museums, cultural groups generally see themselves as having responsibilities to the material remains of the past, and often those responsibilities appear to conflict with scientists' perceived responsibilities. For some groups, the materials represent a "golden age" of the group; for others, cultural responsibilities recognize the spiritual aspects of the materials and require not study but cultural "disposition." In this manner, tribes in the late twentieth century and into the twenty-first have been developing a new institutional framework for museums, shifting from the colonial legacy to one that strengthens tribal identity development, which will be discussed in the next section.

But let us return to the broader question of examining power relations and heritage management with respect to looters, who generally operate outside of the recognized nodes of power. In reaction to the illicit activities of looters, can tribal communities, through local, national, or international museums, provide the conceptual and physical space that can effectively supplant the destructive nature of illicit excavation? Can sufficient levels of stewardship with the ancient past be developed, thereby reducing and ultimately eliminating illicit forms of excavation?

Ostensibly, the primary tool that archaeologists have used in their attempt to influence illicit excavators has been education. Professional societies have worked to try to educate those who dig for artifacts about the scientific information that is held by each artifact, but it is a losing battle for at least two reasons. On the one hand, it has been difficult to convince the general public that the value of the artifact does not lie within the artifact itself but within the information held within the archaeological context of that artifact in relation to all the other artifacts within the archaeological site. On the other hand, when college-educated nonarchaeologists "mine" archaeological sites for the artifacts and then equate their actions with those of professional archaeologists—and even claim that archaeologists are "jealous" because they didn't find the "goodies" themselves—the educational project breaks down. As I have written elsewhere (Watkins 2001), this nexus highlights the general conflict between archaeologists and indigenous groups over the utilization and interpretation of "the past." Devon Mihesuah notes that American Indians "often place scientists in the same category as grave robbers. To them, the only difference between an illegal ransacking of a burial ground and a scientific one is the time element, sunscreen, little whisk brooms, and the neatness of the area when finished" (2000:99).

The Society for American Archaeology does not publish the first descriptions of artifacts known to have come from looted contexts for fear of adding a blush of "respectability" to the actions of those who own the collections. In fact, the current Principles of Archaeological Ethics grew out of concerns of the SAA's board of directors over a situation regarding a proposed paper dealing with looted collections (see Wylie 2000:151). While the ethical liabilities and responsibilities are not under discussion here, the question of scientific reliability remains important.

In 1999 two prominent archaeologists, George Frison and Bruce Bradley, published a description of a collection of 56 bifaces known as the Fenn Cache. According to Forrest Fenn (who gave the collection its name), the collection came to him in 1988 attached to a large wood frame with heavy copper wire, and he bought it from the family of the supposed discoverer (Frison and Bradley 1999:22). Theoretically, the cache was discovered "soon after the turn of the century, possibly in 1902" (Frison and Bradley 1999:22), apparently in "the general areas where Wyoming, Idaho, and Utah meet" (Frison 1999:272–273). With no other provenience beyond this, the two archaeologists produced a marvelously illustrated volume that firmly established the materials as one of the most important Clovis caches. Yet while the materials exhibit classic Clovis technological features, the absence of scientific provenience *should* make the analysis tenuous and the scientific value minimal.

It is quite obvious that neither of these two professionals did anything "illicit" in analyzing and reporting on the materials from the Fenn Cache. However, in some ways, they stepped outside of the "accepted" norms of the Principles of Archaeological Ethics of the SAA when they created the volume. It was not the action of working with a collector, for many professional archaeologists do so, but the act of publication, which might be interpreted as having tainted their work as "illicit" in an ethical sense.

It becomes even more difficult to convince the general public that archaeological materials without context are "worthless" when professionals such as Frison and Bradley publish high-quality volumes that ascribe value to artifacts regardless of archaeological context, provenience, or provenance. But even materials with tight scientific provenance can be taken out of that context and "converted" from artifact to art.

In 2004 the Art Institute of Chicago mounted an exhibit of American Indian art of the ancient Midwest and South titled *Hero, Hawk, and Open Hand*. It focused on "300 masterpieces of stone, ceramic, wood, shell, and copper created between 2000 B.C. and A.D. 1600 and presented them in the context of large-scale plans and reconstruction drawings of major archaeological sites" (http://www.artic.edu/aic/exhibitions/herohawk/overview.html). This exhibit focused on the artifact as "symbolic code" associated with the cultures of the past, with evidence of the code derived from contemporary and ethnographic cultures. While contemporary people and scientists cannot truly know the symbolic meaning of those artifacts to the cultures

that produced them, art historians imbue them with meaning that may or may not be valid.

In southeastern Oklahoma, archaeological sites of Caddoan origin are often the target of vandalism and looting. The materials encountered are not made of gold, but they are nonetheless valuable as artifacts made by Caddoan ancestors; they are valuable in terms of scientific information, and they are valuable on the black market to collectors of archaeological material. In that region, illicit digging is often tied to illicit drug markets, with marijuana and methamphetamine often either the stimulus or the item of barter for illegally excavated materials (Rickett 2012). Other regions of the United States are not immune from the threat from illegal excavation, however.

On June 11, 2009, the *Denver Post* noted: "A federal investigation into the theft of more than 250 ancient Indian artifacts from public and tribal lands in the Four Corners area led to the indictment Wednesday of two dozen people, including three Colorado residents" (Draper 2009). While some people were surprised at the extent of the looting, others were not. Jennifer Goddard (2011) places the context of "looting" in the Four Corners area within a larger context of socioeconomic community values and identity, noting the similarities with "folk crimes" such as traffic law violators and "folk outlaws" such as game poachers and the ways that repeating justifications of archaeological crimes in local discourse builds social cohesion—an "us versus them" mentality.

Goddard's analyses of online discussions posted by self-identified residents of Four Corners communities revealed two main themes: (1) a repeated devaluing of artifacts as "trash" and (2) an overt disinheritance of Native American connections to artifacts. Devaluing artifacts in this sort of social context supports a victimization complex that tends to picture the federal government as an evildoer and to place the looter in the role of victim. Additionally, it disenfranchises American Indians by redefining the *value* of the artifact from a cultural or scientific value to a locally determined economic value outside of and above that of other perspectives.

Yet even if illicit diggers today are seen as operating outside the law and are deemed to be destructive by professional archaeologists, this has not always been the case. As Goddard notes, in the early days of the University of Utah, Andrew Kerr paid local artifact hunters for archaeological pots to build up the University of Utah museum, accumulating "more than 2,000 pots within 5 years" (2011:178).

SHIFTING THE POWER BASE: TRIBAL MUSEUMS AS POWER BROKERS

As noted above, since 1996 American Indian tribes have worked in administrative roles within legal systems to influence the historic preservation management of their

resources. While these administrative systems have made it appear that the groups were on equal footing, this has obscured the historical power relations that have existed since the colonization of North America and the subsequent establishment of settler states.

In spite of the limitations under which tribal groups operate, working within existing legal structures is not the only method whereby Indigenous groups can influence change. Power shifts can occur when attitudes and perceptions of the dominant society about a group change (e.g., the notion of reparations for Japanese Americans interned during World War II or for the descendants of slaves) or when a group's changing economic fortunes enable political power via lobbying and political donations.

In August 2010 Patricia Erikson wrote about the widespread development of tribal museums and cultural centers in North America as "places of negotiation between 'autoethnographic' (or self) portraits and representations framed by anthropological or natural history paradigms." Other scholars such as Linda Coombs (2002), Gwyneira Isaac (2007), Amy Lonetree (2012), and Kaila Cogdill (2013), to name a few, have documented some of the effects of increased tribal involvement in taking on the power inherent in museum representation. The construction of heritage centers and museums by other tribes, including the Makah Cultural and Research Center, the Chickasaw Cultural Center, the Navajo Nation Cultural Center, and so many others, has increased not only the visibility of tribal heritage worldwide but also the possibilities that the tribal nations can take on the responsibility of protecting their individual cultural heritage, thereby increasing their power within the heritage management field. This increase in power allows the tribe to shift the relationship from one with the museum at the point of control to one where the tribe attains the seat of power.

As the tribal museum takes on more control of artifacts, the tribe also gains power. The Makah Cultural and Research Center, for example, allows the tribe to regulate research activity conducted on the reservation and to have input in many circumstances off the reservation as well (Bowechop 2002:xii). The museum and cultural centers, rather than negotiating for equal space to present alternative perspectives, take the stage front and center to "counter unequal relations of power between Native American and Euro-American societies" (Erikson et al. 2002:214), alleviating the vestiges of colonialism maintained by the dominant culture. "Science," placed as an outside "stakeholder" and assuming the role that had more commonly been taken by tribal groups, is now tasked with having to justify its vested interest in the materials. Many archaeologists do not feel that operating as an outside stakeholder is necessarily problematic, and recent volumes such as those by Sonya Atalay (2012) and Chip Chanthaphonh and T. J. Ferguson (2007) are witness to this idea of expanded collaboration.

One of the greatest examples of such an amazing shift in tribal fortunes is that of the Mashantucket Pequot Tribe of Connecticut. A colonial census of 1774 indicated

that there were 151 tribal members in residence at Mashantucket and that during the early 1800s only 30 to 40 members remained, with the majority moving away to try to find work. By 1856 illegal land sales had reduced the reservation to 213 acres. In the early 1970s tribal members began the process of regaining their land through court cases against the state of Connecticut. On October 18, 1983, President Ronald Reagan signed the Mashantucket Pequot Indian Land Claims Settlement Act, granting federal recognition to the tribe.

As the tribe sought to settle its land claims, it initiated a series of economic ventures, including the sale of cord wood, maple syrup, and garden vegetables, as well as a swine project and a hydroponic greenhouse. Once the land claims were settled, the tribe undertook new and larger economic ventures, including the purchase and operation of a restaurant, a sand-and-gravel business, and a bingo operation. The bingo operation was expanded and in 1992 led to the Foxwoods Resort Casino (http://www.mashantucket.com/tribalhistory.aspx).

Using revenues derived from casino income, the tribe established the Mashantucket Pequot Museum and Research Center to "conduct and support research and the development of ethnographic, archival, library, and archeological collections and provide programs and exhibits that encourage interaction with and among indigenous peoples, the general public, and the scholarly community" (http://www.pequotmuseum.org/AboutTheMuseum.aspx). The museum itself is a 308,000-square-foot complex, consisting of permanent exhibits, the Mashantucket Gallery (a gallery for temporary exhibits), classrooms, a 320-seat auditorium, a restaurant, a museum shop, and administrative offices. It houses collections, a library, a children's library, archives, and archaeology and conservation laboratories.

In this manner, the Mashantucket Pequot Tribe increased its power within the heritage domain through the construction of its own museum and culture center and also increased its power within the local and regional heritage structure.

CONCLUSIONS

Artifacts, as the material remains of cultures of the past, have a different meaning for each of the groups that are involved with them. Museums, as the primary repository where those artifacts reside, have generally been responsible for maintaining control of the physical and esoteric information contained in the tangible products of heritage. In the past, "scientists" have been fully invested in a stewardship relationship with the artifacts, since the scientists' research (and the associated benefits of that research, such as publications, tenure, and professional status) relied on the information contained therein. Tribes (and other stakeholders) were generally seen to be

peripheral to the stewardship circle, even when direct cultural connection could be shown, primarily because the tribal connections were often seen to be a threat to the museum and scientific realms.

In recent times, the illicit excavator has always been seen as operating outside of the "acceptable" and as a direct threat to the heritage views of museums, scientists, and tribes. In the past, qualified scientists were given the authority under the Antiquities Act to conduct excavations on federal land provided they applied for (and received) an antiquities permit; tribes have become more actively involved in the archaeological permitting process for scientific excavations on federal and tribal lands. It is possible (though not likely) that professional archaeologists could be placed within the realm of the illicit should tribes wish to exercise their sovereign authority to exclude all but a select few from excavations on tribal lands. Whether any professional archaeologist would excavate without a permit seems unlikely, but the fact remains that situations could exist where professionals were placed in that situation.

Writing in response to the early years of the repatriation movement, Clement Meighan said: "What the activists know about the Indians' past depends almost entirely on the records of European explorers, missionaries, and settlers, and on the studies of past and present historians, ethnographers, anthropologists and archaeologists" (1994:64). While the repatriation movement still lumbers forward, contemporary American Indian activists are acting far outside of that narrowly focused field of activity. Tribes today are much more involved in maintaining and creating their own history through tribally focused stewardship and research programs that build upon power structures unimagined in the past; the growing number of tribal museums and cultural centers attests to the increasing power of American Indian perspectives told by American Indians.

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ARCHAEOLOGY, NATIONALISM, AND "LOOTING"

❧

Lessons from Greece

IOANNA ANTONIADOU

T HIS CHAPTER DEPARTS from the idea that the blanket and often uncritical condemnation of the phenomenon that is often referred to as "looting" is problematic. I believe that such a stance fails to reflect critically on the contingencies that link the development of "looting" practices with the constitution of official archaeology as a modernist European project. The term "looting" also disguises a great variety of social practices that are conditioned by specific frames of power, from the localized struggles for survival and livelihoods to the knowledge/power nexus of professional, official archaeology, the political economy of aesthetic taste, and the circulation of commoditized material objects.

Looting practices can be reframed, certainly under specific circumstances, as unofficial, alternative encounters with the material past, transcultural practices that speak of hybridity but also of distinctive and local epistemic conceptions of the materiality of the past and of the engagement between humans and the land. The fertile field of the ethnographies of looting itself (see Hollowell 2009), part of the recent "ethnographic turn" of official archaeology, has contributed enormously to shaping our thinking with regard to looting and helping us reconceptualize the phenomenon along the above lines.

In this discussion, the ethnographic examination will bring into sharp relief not only the specificity of these practices but also the historicity and the political contingency surrounding their development. More importantly, however, the phenomenon holds a mirror in front of all of us who are implicated in the field of officially sanctioned archaeology, forcing us to reflect critically on the constitution of this specific

device and its relationship not only to colonial and nationalist heritage and the legal apparatus but also to capitalism and the mentality and workings of the market.

In engaging with people who interact with material traces of the past outside the confines of official archaeology, we deal with living humans who have established specific relationships with the material past, often beyond and outside financial transactions, and have produced their own archaeological, aesthetic, genealogical, and museographic discourses about them. Such a perspective on looting could reconstitute official archaeology as an ethically and politically sensitive archaeological ethnography (see Hamilakis and Anagnostopoulos 2009) and pave the way for the appreciation of alternative conceptions of materiality and temporality.

NATIONALISM, CRYPTOCOLONIALISM, AND ARCHAEOLOGY

Greece was constituted in the early nineteenth century as a nation apart, as an allochronic entity that embodied its resurrected classical glory. It was not a contingent social and political formation but was part of the nineteenth-century national movements of the Balkans following the decline of the Ottoman Empire, along with the emergence of new forms of wealth such as trade and maritime capital (Hamilakis 2007). National intellectuals, who were often closely linked to emerging international trade, and the merchant middle classes and their Western counterparts imported these notions into the multiethnic and multicultural world of the eastern Mediterranean. These intellectuals imagined a completely different society organized along the lines of Western modernity; it would be ethnically homogeneous and genealogically linked to classical Greece. Thus they imported, together with economic capital, the symbolic capital of classical antiquity, which became the ideological and the cosmological basis for the new nation-state (Hamilakis 2007).

This making of Greece by Western antiquarians, scholars, and intellectuals led to a huge wave of travelers to the Balkan peninsula, especially in the eighteenth and early nineteenth centuries, whose practices involved not only the recording of classical ruins but very often their violent removal from their original context and their transportation to Western museums and private collections (Simopoulos 1993). This pillaging, or looting, often encountered stiff opposition from local people, which is at times recorded in the various travelers' accounts (Hamilakis 2008, 2009). This opposition reveals not so much a desire for national resistance against colonial appropriation but rather *a clash of archaeologies*: on the one hand, the colonial archaeology of the Western scholars, who often prioritized disembodied aesthetic values and the pursuit of scholarly knowledge, and, on the other, the indigenous archaeologies of

local people, who had constructed their own discourses concerning ancient objects and their own practices of exhibition and veneration, often emphasizing the fully embodied appreciation of artifacts and objects (Hamilakis 2007, 2008, 2009). For these local, indigenous archaeologies, antiquities were living; they had agency. They were also often embedded in everyday spaces, either houses or places of worship.

The colonial routes of the national project that brought about the establishment of modern Greece were strong. "Colonial routes" are also indicated in the practical constitution of the archaeological, the museographic, and the legal apparatuses of scholars who came with the entourage of the first Bavarian king, Otto, in 1833. Interestingly, many of the Western antiquarians who excelled in the pillaging and appropriation of antiquities were also instrumental in establishing some of the key professional archaeological bodies for the protection and study of antiquities, such as the Athens Archaeological Society (Athanassopoulou 2002). At this time, Greece can be seen as having become a cryptocolony (a term used by Herzfeld 2002), and the Western discourse of Hellenism was modified and recast into an "indigenous Hellenism," especially at the end of the nineteenth century (Hamilakis 2007, 2009). As a result, a hybridized national narrative merged the ideas of the supremacy of the classical with the enshrinement of Christianity and the cultural and civilizing role of the Byzantine heritage. Indigenous Hellenism performed at the same time a tactical bridging of the gap in the national narrative, a chronological and cultural gap between the classical and the neo-Hellenic, which had given rise to various Western attacks on the genealogical and ancestral connections of the citizens of modern Greece with the ancient Greeks. Official national archaeology as part of this hybrid project of indigenous modernity gradually constituted itself as both a scientific device and a field that embraced indigenous ideas on the properties and attributes of ancient material culture. Antiquities became sacred entities not only as a result of the sacralizing properties of nationalism and the Western discourses on the sacredness of the classical but also because of the merging of Hellenism with Orthodox Christianity, an essential element of the neo-Hellenic and of indigenous Hellenism (Hamilakis 2007; Hamilakis and Yalouri 1996). Objects and artifacts from another time acquired some of the properties of Christian icons, and at times they were treated as such.

The entanglement of official archaeology with the national-cum-colonial project has meant that such a clash is omnipresent in most public performances involving antiquities. Ancient objects have become *symbolic capital*, which can be exchanged for other forms of capital and for national esteem and global recognition (Hamilakis 2007). But these transactions need to be misrecognized as such, especially since antiquities were also seen as sacred icons. The commodification of the material past often causes huge public resentment, especially when it involves international bodies and multinational private companies. But the notion of the political economy of

antiquities and of symbolic capital also means that the *centralized accumulation* of this capital is often a matter of public dispute—by nonarchaeologists, by local societies, and by regional entities and authorities.

"Elginism," denoting cultural vandalism, has now entered the vocabulary. The term refers to the British lord who removed the Parthenon marbles from the Athenian Acropolis in 1801 (Zois 1990). But accusations of (internal) Elginism are at times directed by local people and authorities toward archaeologists and the government, which are seen as failing in their mission to protect the sacred icons of the nation or as depriving local societies and regions of their locally unearthed antiquities in favor of the centralized museums.

Indeed, centralization of the workings of archaeology has become a major source of resentment. The state Archaeological Service maintains the exclusive right to management and tightly controls the material past, and most policies and decisions involving antiquities are decided by the Central Archaeological Council. Legislation declares all antiquities as state property and as objects outside the commercial sphere. The small number of private collections are regulated and inspected by the state, although a number of large, organized private museums set up by wealthy families enjoy wide recognition and explicit state support. Despite these legal proclamations, the state Archaeological Service itself was always linked to private capital through the entrance fee for sites and museums, funding and sponsorship of research and museum exhibition, and, increasingly, leasing out archaeological sites for commercial enterprises. While not fully privatized as an operation (as, e.g., in the U.K., the United States, and other Western countries), professional archaeology in Greece maintains a delicate balance between its national mission and its largely unacknowledged and disguised commodified and commercialized dimension.

The interpretive limits of the symbolic capital emphasizing symbolic transactions, however, are evident. In certain discourses, some by professional archaeologists and others by various nonprofessional social actors and publics, antiquities are not the feats of the ancestors but are the ancestors themselves (Hamilakis 2009; Tapsell 1997). They are not symbolic commodities but living and breathing entities (Hamilakis 2009). Antiquities looted and housed abroad are especially seen as the exilic members of the national body that were illicitly abducted, such that the national body demands their repatriation. This anthropomorphic and highly emotive discourse originates in the indigenous archaeologies of the pre-nation-state period, but it is encountered in official state discourses today, especially in the context of celebrated campaigns such as the restitution of the Parthenon marbles.

So what does "looting" mean today in Greece, given this background? Who are the "looters," and what are their motivations? Finally, what can the case of Greece teach us as we strive to reconstitute archaeology as a decolonized practice?

ALTERNATIVE ARCHAEOLOGIES
IN NORTHERN GREECE

> Thirty years ago, in the village of Metamorphosi, a man accidentally unearthed a small marble figurine from his vineyard. It was a statue of an ancient goddess. Her body was nude, partly covered by a gossamer fabric. The man took the figurine home, cleaned it, placed it on the table, and then left the house for a few hours. When he returned, he asked his wife where the marble figure had disappeared. His wife responded, "You should be ashamed for putting a naked woman on our table! I broke it into pieces!" (Nikos, personal communication, 2007)

This passage belongs to a conversation that took place during my ethnography in Kozani, in northwestern Greece. What the speaker wanted to emphasize was his frustration about the fact that "ignorance" (as signified by the wife) was once the dominant attitude toward antiquities, with the exception of only a few, who, like the man in the story, were "aware of their significance," as he later added. My first thought at the sound of these words was the distance separating this concept of awareness from the one defined by archaeologists. What was viewed from Nikos's perspective as an "aware" behavior is proclaimed as "looting" by a professionalized steward.

In the important words of Colin Renfrew, looting is "the illicit, unrecorded and unpublished excavation of ancient sites to provide antiquities for commercial profit" (2000:15). However, it is the primary act of undocumented excavation and the consequent destruction of archaeological context that violate official archaeological practice so deeply that the term "looting" is applied "whenever archaeological materials are removed from their context without proper scientific documentation" (Hollowell-Zimmer 2003:46). As shown in the first part of the chapter, in Greece discourse on looting is embedded within an ideology of state archaeology that prioritizes the protection of national symbolic capital. Effectively, destruction caused by looting cuts archaeological morals deeply in this case because it damages not only the archaeological record but all that antiquity symbolizes for the nation.

Is "looting," however, a useful characterization? In the story of the marble goddess, there was destruction of the archaeological context, as well as illegal removal and unauthorized withholding of the statue. However, it would be unconstructive to frame this act under the label of looting. It would be misleading, because it would presuppose its equivalence with acts involving the sale of objects for financial profit. Moreover, it would fail to reflect how official archaeology could have been implicated in its instigation and performance. The man engaged with the symbolic capital that official archaeology had created while behaving in a way that imitated

professionalized interventions: the focus on "classical" antiquity; its removal from context; and its purification, display, and veneration.

Moving beyond the scope of this example, one could argue that each time archaeological discourse conflates nonprofessional engagements under the term "looting," it fails to acknowledge and represent the whole spectrum of "other" forms of digging and their complexities, social realities, power inequalities, and diverse moral codes or priorities. It fails to consider the context in which such acts took place, the conditions that led to them, their purpose, their unique process/performance, and their implications. Concurrently, it ignores official archaeology's implication in their instigation and form.

Social practices labeled as looting reveal a great diversity that impels us to address their misrepresentation by and its power struggle with dominant archaeological discourse. I will illustrate such examples of nonprofessional engagements with the material past; consider some of the contexts, purposes, and implications entailed; and attempt to illustrate the ways in which they intersect with official discourse. These examples are based on my extensive, long-term ethnographic research at the villages around the city of Kozani (Antoniadou 2009).

OFFICIAL ARCHAEOLOGY IN KOZANI

Kozani, a town in northwestern Greece, is the capital of the regional unit of the same name in western Greek Macedonia. Its antiquity has drawn the attention of many scholars and travelers from as early as the nineteenth century. Kozani, however, was a marginal area in many respects until it came into relative archaeological prominence following the first systematic archaeological excavations in 1983 in Aiani, located 23 km south of the city of Kozani.

Aiani was established as one of the most archaeologically significant places in Greek Macedonia. Such prominence followed the groundbreaking archaeological discoveries of late classical and Hellenistic antiquity in Vergina, discoveries that were claimed by official archaeology and the state in general as providing the material truths for the Hellenic character of Greek Macedonia. An archaeological mission to provide the "facts on the ground" in the shape of Greek inscriptions and skeletons adorned with names of prominent historical personalities was deemed crucial, especially in the face of intense political and diplomatic disputes with the Former Yugoslav Republic of Macedonia for the last 20 years or so (Hamilakis 2007).

The involvement of the region's material past in the dominant national narratives and the nation's symbolic capital is very prevalent in Kozani. Particular emphasis was

placed upon the site of Megali Rachi and its Archaic and classical phases (sixth and fifth centuries B.C.) for its numerous built tombs and pit graves, as well as its architectural remains and public buildings. The excavations led to the identification of the site of Megali Rachi with the ancient city of Aiani, the latter further identified with the ancient capital of the Hellenistic kingdom of Elimeia (Karamitrou-Mentesidi 1996). Elimeia was considered an important reference to the Hellenistic world of Alexander the Great, as it was believed to be one of the districts of Upper Macedonia that predated the formation of the Macedonian Kingdom of Phillip II revealed at the sites of Vergina (Karamitrou-Mentesidi 1999).

Today the site of Megali Rachi, together with the entire archaeological heritage of Kozani and Grevena, the regional unit west of it, is managed by the Thirtieth Archaeological Ephorate of Prehistoric and Classical Antiquities, located in the town of Aiani. The jurisdiction of the ephorate and its affiliated museum—also in Aiani—covers all matters regarding the excavation, protection, conservation, study, and heritage representation for both regions in western Greek Macedonia.

Before the commencement of systematic archaeological excavations, local knowledge regarding Kozani's antiquity was scarce. Scattered ruins lingering in the rural landscape provided some level of awareness regarding their antiquity. As to their significance, however, that started to be felt much later, with the celebration of Vergina's past, and was realized only when systematic excavations followed in Aiani. The celebration of Aiani's antiquity, as well as the area's involvement in the national narrative, were largely implicated in the development of local conceptions of the past and local experiences of official archaeology. Long-held behaviors such as treasure hunting were adjusted, and new types of physical engagements with antiquity started to develop. Some of these were still active when I conducted my ethnographic research in 2007.

HUNTING FOR TREASURE

Before 1983 (the date of the commencement of the excavations), physical interaction with antiquities was largely pursued in the context of treasure hunting. With regard to this phenomenon, the treasure-centered oral accounts that had long surrounded and instigated it were crucial. These accounts date from the Greek resistance against the Axis occupation during World War II and refer to the golden sovereign coins sent by the British to the members of the Greek People's Liberation Army (ELAS) in support of their war. These coins, which eventually were hidden within secret locales and marked with secret codes, could only be identified by the guerrilla fighters. Many

residents of the rural regions where the guerrilla fighting had taken place became avid treasure hunters, in pursuit of deciphering the guerrilla codes and discovering the gold. Finding that treasure was a difficult and almost impossible aspiration for most of the treasure hunters I encountered in my ethnography.

Ilias, a seventy-seven-year-old ex–treasure hunter, recalled: "Before archaeology arrived, we searched for coins, and from time to time we would find some— peculiar things [i.e., antiquities], but we did not know that they were essential, that they were ancient. And because we dug, we opened a lot of graves in order to find the sovereign coins, but we did not care about the ancient stuff. We were looking for sovereign coins" (personal communication, 2007). As the account illustrates, the chance of discovering treasure was very unlikely, and in my ethnography I noted that, because of this, a great number of treasure hunters eventually pursued the illegal hunt for "the ancient stuff." As a forty-year-old ex–treasure hunter succinctly put it, "In most cases, your first contact [with antiquities] happens by chance or while treasure hunting" (Makis, personal communication, 2007). The frequency of encountering ancient material culture as opposed to sovereign coins was so extensive during the hunters' search that it eventually lured them into changing their target. Of course, the frequent appearance of ancient artifacts was not the only reason behind this development in western Macedonia. Further factors concerned the impact of the material past's effect upon the local imagination and awareness of the symbolic significance of antiquity. In the circles of antiquities hunters, this awareness linked to the development of a certain knowledge regarding objects' potential market value.

Official conceptions of high artistic development and official constructions of antiquity's value played a decisive role in the way that antiquities hunters attributed value to their collected objects and categorized them accordingly. An example of a "good" object is described below in a conversation between two sixty-year-old treasure hunters, Panagiotis, a plumber, and Mihalis, a herdsman:

M: You look at a geometric [i.e., Geometric Age] horse, and . . . it is ready to speak to you. You place it upright with its tail, . . . and these geometric horses always have their head turned leftward. . . .

P: The geometric and the classical, for example . . . when you look at such objects and you hold them in your hands . . . you get the feeling they will speak to you. You think they are speaking to you. Do you remember that ram we had? A ram . . .

M: Just its head.

P: And anywhere you stood, it would stare back at you. From anywhere you stood. Those were artisans, as opposed to the mass production of things today.

Concurrently, some objects were devalued and considered worthless because of their lack of "classical beauty" or lack of treasure-like appearance. Such artistic insignificance was also associated with "low" cultural achievement or class, and the objects in question were rendered insignificant in terms of monetary value. The following accounts illustrate this:

> I am not fond of Byzantine stuff. Judging from their tombs, I see that they [the Byzantine people] were poor folks just like us. Instead, I like the Mycenaean stuff. Mycenaean tombs are full of beautiful and interesting objects. (Panagiotis, personal communication, 2007)

> We set off [on foot] in the night with a torch to find it. We dug, and through the hole we stuck our heads inside, and we pulled the earth from its interior to see what is there; we found two pots. Rubbish. We were searching for sovereign coins. We cleared the pots; there was nothing there. What a poor guy he [the dead] must have been. (Ilias, personal communication, 2007)

However, not all cases of hunting were pursued in the hope of making a profit. Triantafyllos, a seventy-year-old retired employee of the Public Power Corporation, dreamed of treasure and "glorious" objects rather than their actual discovery.

> I dig, although I know that I will not find anything important. But it is the hunt for the treasure that is crucial to me. When I am searching, nothing stops me—not even the very knowledge that there is no hidden treasure there anyway. But I continue searching for it. My wife tells me that I am crazy. But when I go to sleep I dream about finding those treasures . . . which I know I will probably never find. . . . They may not even be out there. But when I "hunt" I create all these fictional stories about large armies and glorious armory and of places that big battles took place between different nations . . . and strategic tactics that were followed. . . . But don't ask me to tell you any of these stories. . . . They are just fiction. (Triantafyllos, personal communication, 2007)

As archaeological activity became more established and systematic in the region of Kozani, one seminal development marked the local practice of treasure hunting. A preexisting legal right (Law 6133/1934) grew in popularity as more and more hunters started to make use of it. According to this law, they were permitted to excavate in places that they indicated, but only under the supervision of a special committee comprised of governmental officials and members of the Archaeological Service. Any hunter who made a "hidden public treasure" discovery received a financial reward

corresponding to half of the treasure's estimated value. As a result, any former treasure hunter could still exercise his nonprofessional knowledge and make a profit, yet in an authorized context.

This was positive news for official archaeology and its effort to confine looting. On the other hand, putting a "price tag" on any item echoed ambiguous messages in terms of the antiquities' connection to capital and commercialization. In the meantime, glorious finds were being featured at the heart of Aiani's heritage.

RESISTING THE CENTRALIZED
ACCUMULATION OF OFFICIAL CAPITAL

Some less ordinary yet evocative forms of illegal antiquities collecting were instigated by the need to resist certain aspects of official archaeological practice. These could also be identified as forms of reaction against the "internal Elginism" discussed earlier in this chapter. Indicative was this one case of a local who illicitly excavated ancient objects, attempting at the same time to imitate professional archaeological practices of recording, cataloging, research, interpretation, and exhibition. He even published his results in local publications and a book, disputing professional archaeological opinions and interpretations. He also ferociously promoted his desire for a local archaeological museum to house his collections, against state policy, which discouraged such rendering of local museums. This hybridized practice not only challenged the exclusive, self-proclaimed right of official archaeology to act as the steward of the material past but also resisted the centralized accumulation of the symbolic capital and project and valorized a regional and local discourse that clashed with the homogenizing national one. In a sense, this was an act of resistance to the practice of internal colonization of official archaeology, but one that seemed to be performed by the very same tools and devices.

Resisting the centralization tendency of official archaeology did not always, however, lead to strictly unendorsed implications. Indicative is the case of Makis, "an obsessed treasure-hunter since the age of 15" (Makis, personal communication, 2007). He initially pursued treasure hunting with the hope of making money, but later, as he explained to me during my ethnographic research, he started to illegally collect antiquities for ideological reasons as a way of resisting official archaeology's centralization. He wanted to resist, therefore, what he understood as archaeology's tendency to remove artifacts from their sites of discovery and relocate them in central museums, away from their local contexts. Makis and others argued that the centralized accumulation of archaeological objects deprived local communities of all the financial and

social implications and advantages that the promotion of the artifacts' heritage could have brought in their local environments.

Once archaeological excavations began in Aiani in the 1980s, however, Makis, like many other nonprofessionals interacting with antiquities at the time, came for the first time into direct contact with the official workings of archaeology. He in particular was affected after he witnessed the meticulous work entailed in the process of scientific, professional excavation and the devotion of the excavation director. He decided it was ethically wrong to keep antiquities in an inappropriate environment that compromised their preservation, and so he handed them over to the archaeological authorities.

Makis was in his forties when he decided to assist the state Archaeological Service in its fight against looting. He was employed by the Public Power Corporation, but, as he explained to me, he "caught the bug of archaeology" and decided to voluntarily assist the Archaeological Service, even though his knowledge regarding antiquities had stemmed from his experience in illegal excavations. However, it was this particular background that enhanced his skill in preventing nonprofessional excavations, which, to his understanding, threatened Kozani's material past. He would drive around Kozani's countryside in order to ensure and monitor the safety of familiar archaeological sites by discouraging potential treasure hunters and looters. He would also inspect the levels of farmers' plowing in order to prevent it from reaching depths that would disturb unidentified or known archaeological sites.

TREASURE HUNTING IN OFFICIAL CONTEXTS

> When I went to work for archaeology, the things we dug up, the pots, the tombs, and the bones even, I paid a lot of attention to them. They were not trivial [anymore]. I paid a lot of attention. (Ilias, personal communication, 2007)

Ilias first engaged with ancient materiality when he started treasure hunting at the age of 15 with the hope of breaking out of poverty. When excavations began in Aiani, Ilias, 53 years old at the time, was hired as an excavation worker, and his perception of antiquity changed, as the quote above illustrates. A few years later, he wrote a memoir on his perception of and engagement with official archaeology. His narrative made a fundamental distinction between the "history" that official archaeology promoted for Aiani and the "story" that he had experienced and wanted to communicate. It revealed an assessment of the past that in many ways did not fit in with the official discourse involving rigid notions and values of the past and went beyond fixed nationalistic feelings. The following passage illustrates this:

The stress as well as the passion that the archaeologist and the rest of the guys felt [about our work], all of whom worked without the necessary tools or methods. Nothing was found in the first day, a few stones unfit for construction and a few potsherds. The second day we started work while feeling passion and desperation. As we were working, sometime in the afternoon I was lucky enough to find a large tub. I called immediately for the archaeologist . . . and with tears of joy she saw it. We immediately cleaned it from inside and outside, and we found more of them nearby, and then she took a photo of me and the tubs. The next day we started from the foundation of the houses, and proper work began. We were anxious, and the weather was against us, rain, lightning, and fog. But we did not have a roof to protect our heads; there was a hole in the caves, but we were scared of the lightning. One day it was raining a lot, and we had to leave. We set off on foot. . . . There was a flood, and we could not cross over. We got drenched, and the place was flooded because of the rain. We went through the swampy fields, holding only our shoes in our hands in order to cross over from the bridge. . . . We carried a heavy load, and we struggled for an hour in order to get to the village. There I realized the weight that Georgia [director of excavations] was carrying with the photographic cameras and the books, while we only carried our food; she would only eat some dry bread with tomatoes. (Ilias, personal communication, 2007)

The features that he repeatedly emphasized did not concern the material past itself but the emotional and physical embodied encounters with objects, the landscape, and people. Ilias therefore constructed and represented his physical engagements with the past not by evoking a passive adoption of official codes and language but by focusing on and recalling the sensory and affective connections.

CHALLENGING THE AUTHORSHIP AND SELECTIVITY OF OFFICIAL SYMBOLIC CAPITAL

Kozani's symbolic capital was formed according to directions prescribed by the nationalist ideology. For that reason, it was limited to select concepts and select material forms. Even though thousands of finds had surfaced from the archaeological excavations across the region of Kozani, attention was mainly focused upon artifacts from the sites of Aiani, which dated to particular historical periods and indicated high aesthetic and technological quality. Aiani's museum and the archaeological ephorate facilitated this selection of concepts and materiality through the way objects were discussed and displayed. Specimens of certain golden epochs were instilled with notions about the continuity, homogeneity, and rootedness of Hellenism. Dominant features

such as the out-of-context display of objects accentuated a self-evident uniqueness and artistic significance.

Local people in the villages of Kozani were not interested in disputing the broader national narrative. At the same time, however, some asserted their active role in its material representation as they pursued physical contact with ancient artifacts against official approval. Some sought to engage with officially established constructions of meaning (antiquity as art, antiquity as treasure), while others strived to instill their own meanings into the material past, emphasizing local and less grand objects that were often excluded from the official representation of Kozani's heritage.

One man, after returning from one of his collecting expeditions, held a bag full of animal bones. He had dug them up from a prehistoric site, and as he was showing them to me, he said: "These are toys. We used to play with these as children. And as you can see, so did the ancients." The fact that this person was the son of refugees from Asia Minor (coastal Anatolia, present-day Turkey) who settled in northern Greece in the 1920s is of significance here. Engaging with the land through digging, working with the soil, and finding familiar objects created a connection that he was seeking with the demographically, ethnically, and linguistically diverse land that only recently came to be construed as his homeland. He was not digging to find artifacts; he was digging to plant his own roots. This was not a perception of the past that one encountered in the official narratives of Kozani; neither were these local and less grand objects included within its material representation and national symbolic capital.

POINTS FOR FURTHER DISCUSSION

While the national and institutional order controlling heritage presents itself as naturalized, dehistoricized, and depoliticized, it in fact conceals its connections with local behaviors that fall outside the endorsed categories of engagement with the past.

Practices that official archaeologists classify as looting often reveal a desire for a direct, intimate, and embodied engagement with material objects, as well as a need for active participation in the cultural production of archaeology. "Looting," especially when it does not involve financial transactions, can be seen as a challenge to the exclusivity and the centralized and often authoritarian character of the official archaeological apparatus. At times it can even offer insights into alternative conceptions of materiality and temporality.

Thus, a decolonized archaeology should rethink its ontological and epistemic premises, its own ancestral myths, and its public justification based upon problematic

notions such as "archaeological record," "curation," and "stewardship." Such decolonized archaeologies will be about presence, not absence or representation, and they will have dispensed with the *archaeo-* in favor of multitemporality.

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THE STRUCTURES AND FRACTURES OF HERITAGE PROTECTION IN PALESTINE

❧

KHALDUN BSHARA

The only way to save Gaza's Apollo is to tell its story, to let its images circulate, so nobody can say, "I didn't know where it came from."
—HAMDAN TAHA, PALESTINIAN MINISTRY OF TOURISM AND ANTIQUITY[1]

It is better that illicit diggers run away and don't reach the courthouse, because we'll be embarrassed and lose face; the penalties, like the procedures, are ridiculous.
—AHMAD RUJOOB, PALESTINIAN MINISTRY OF TOURISM AND ANTIQUITY[2]

Politically speaking, there is an innate relationship between antiquities markets and nation building or the national imagination. It is common to relate the phenomenon to the rise of nation-states. Scholars argue that the antiquities market has existed "to facilitate the transformation of archaeological, ethnographic, and other cultural artifacts into art, and in so doing has helped fashion the ontological terrain of European modernity" (Brodie 2012:248). Practically, it was in the sixteenth century that "Roman demand for papal and princely collectors caused its ancient ruins to be mined for marble statues" (Brodie 2012:230), starting a trend that extends into current times. Much earlier in Palestine, "pilgrims were encouraged by church officials to acquire relics, establishing the mechanisms for buying and selling sacred paraphernalia and creating an important source of revenue for the monastic and religious establishments in the Holy Land" (Kersel 2008:22). This market expanded from sacred or holy to earthly goods, driven by market dynamics and a supportive historical, political, and legal environment.

Throughout the West Bank, it is common to see architectural elements missing from historic buildings.[3] This includes but is not limited to arches, columns, capitals,

elements of olive presses, decorative stones, door or window frames, and iron and wooden works. This chapter is concerned with the overlooked phenomenon of looting the immovable built heritage in Palestine and approaches the problem by looking into "deficient" notions of heritage—deficient in the sense that legal protection is lacking but, more importantly, that ongoing, dynamic historical relationships between the built architectural environment and social life are left unacknowledged and diminished.

There is no clear definition of what constitutes "heritage" in Palestine. The current legal definition focuses mainly on antiquities and ignores historic buildings, the subject of this chapter. "Looting" of nonprotected and nonclassified architectural heritage, therefore, is paradoxical, since looting refers only to predemarcated protected sites or objects. My concern with the "nonprotected" portion of architectural heritage in Palestine looks toward a revaluation of architectural heritage that not only protects but also invests in the living relationships between communities and their architecture.

LOOTING OF THE ARCHAEOLOGICAL, LOOTING THE ARCHITECTURAL

There is a stark difference between the trade in antiquity and the trade in architectural heritage elements. While laws have criminalized the trade in antiquities since the Ottoman era, the trade in nonarchaeological (nonclassified) elements is not outlawed. Rather, it is open, aboveground, and flourishing.

Yet in Palestine and Israel, where material manifestations of the past are writ large, material heritage acquires special value. While Morag Kersel argues that "issues of conflict are endemic to an examination of the trade in archaeological artifacts" (2011:2), Simon Mackenzie believes that "the cultural objects trade in particular, is indicative of a symbolic power" (2011:139). And while "dealers exhibit a 'need not to know' about potentially incriminating object provenance" (Mackenzie 2011:144; see also Brodie and Kersel 2012:110), there is no such concern about the strata and location of architectural "merchandise." Furthermore, while the target for the antiquity trade is mainly tourists, who "take much advantage of the moral distance that accompanies geographical distance from the sites where harm is located" (Mackenzie 2011:142), architectural heritage is trafficked mainly within the territories of Israel and Palestine.

Since the trade in architectural heritage is not criminalized, the legal availability of the material has led to continued destruction of nonprotected heritage and illustrates almost a casual relationship between the demand for material and destruction, to paraphrase Kersel's (2012:76) argument concerning the looting of antiquities in

Israel, Jordan, and the Palestinian Territories. I can safely add that the market in legal goods encourages the looting of protected goods and laundering of them in the licit market. In effect, stones and arches cannot be authenticated as nonprotected material unless there is a detailed inventory of thousands of archaeological sites and more than 50,000 historic buildings. The continuity of forms and types from ancient (protected antiquity) epochs to the historic (nonprotected and traditional) structures adds to this complexity.

The associative objects and context apparently become irrelevant when the subject of trade is an architectural element that will find its way to another architectural form, destroying the source and falsifying the target. And while "artifacts can function both as capital and as commodities" (Brodie and Kersel 2012:113), architectural heritage, once relocated, functions as architectural elements per se. By relocating heritage goods from *supply* place to *demand* place, a heritage theme park is forged at the conjunction of the destruction of the original setting.

THE PALESTINIAN ANTIQUITIES LAW

The epigraphs at the beginning of this chapter show high-ranking bureaucrats of the Palestinian National Authority (PNA) not relying on legal instruments to combat looting. While the deputy minister of the Ministry of Tourism and Antiquities (MOTA) calls for the popular media to take the lead in preventing the trade in the Apollo of Gaza, the head of MOTA in Hebron district believes that relying on the legal instruments will not prevent the looting of archaeological sites in Palestine, let alone the trade in nonclassified heritage. Adel Yahya, the director of the Palestinian Association for Cultural Exchange, writes, "By and large, criminal penalties in the Palestinian areas and in Israel are not deterrents to pillage. If convicted, illegal diggers receive short or even suspended sentences, usually a small fine, although the law's maximum penalty is up to three years in prison. Courts in both countries are usually lenient on offenders of this kind" (2008:51). The debilitating political geography of Palestine has had irreversible consequences on the built and unbuilt environment (Amiry and Bshara 2007). Lessons learned from Iraq, Syria, and Palestine show that times of political unrest contribute to the flourishing of looting and illicit trade in antiquities.

In Palestine, trade in antiquities and immovable elements of historic buildings is an established practice. Morag Kersel and Raz Kletter (2006:317) show that legal trade in antiquity goes back to the Ottoman Antiquities Law of 1874, which regulated such trafficking. Ten years later, chapter 1, article 8 of the 1884 Ottoman Law specifically prohibited the exportation of artifacts without the permission of the Imperial Museum (Kersel 2008).

In 1920 the British Mandate civil administration established the Department of Antiquities (DOA) with the objective of overseeing archaeology in the region, including the sale of material deemed nonessential for the national repository. In 1929 the high commissioner for Palestine enacted Antiquities Ordinance No. 51 (AO1929), which was accompanied by the Antiquities Rules of 1930 (AR 1930), article 4 of which regulated matters of market licensing. The Nakba of 1948 encouraged looting of archaeological sites,[4] and after 1967, Israeli military commanders implemented a series of military orders organizing the sale or transfer of antiquities in addition to excavation, preservation, and licensing, turning Palestine into a "collector's paradise" (Kersel 2008:29).

During the ongoing occupation, Israeli military commanders have administered the Palestinian Territories with exclusive powers, including legislative ones. In 1973 the Israeli occupation authorities in the Gaza Strip introduced Military Order No. 462. The order forbids the sale or transfer of any antiquity to a person who does not reside in the Gaza Strip without permission from the director of the DOA. In 1986 the Israeli occupying authorities introduced Military Order No. 1166, concerned with antiquities in the West Bank. The order authorized the Israeli antiquities staff officer for the West Bank to exercise most of the regulations contained in the Jordanian Law of 1966. Article 7 states: "Export permission must be granted by the antiquities staff officer" (Kersel 2008:28). In between these two orders, Israel enacted the Antiquities Law of 1978, which made Israel into Kersel's "collector's paradise" (2008:28). The 1978 law established a system of registered antiquities dealers licensed to sell artifacts from collections accumulated before 1978 (Brodie 2012:246). In conjunction with the military orders, which potentially encourage the movement of material out of Palestine, "this ironic situation ensures the perpetuation of the market in antiquities—there is a seemingly unending supply" (Kersel 2008:29).

With this cascade of laws and sanctions concerned with the antiquities trade, there has been no corresponding legal instrument concerned with the immovable architectural nonclassified heritage. The ontology of heritage has therefore led to the phenomenon of looting of the architectural environment. For this purpose, I believe there is an urgency to redefine the concept of "heritage" in Palestine—and not only from the perspective of the law.

RECONSIDERING THE NOTION OF HERITAGE IN PALESTINE

According to *Collins English Dictionary*, the word "heritage" has a variety of meanings, ranging from "something inherited at birth, such as personal characteristics,

status, and possessions," to "anything that has been transmitted from the past or handed down by tradition." It can refer to "evidence of the past, such as historical sites, buildings, and the un-spoilt natural environment, considered collectively as the inheritance of present-day society." It can be "something that is reserved for a particular person or group or the outcome of an action, way of life, etc.: *the sea was their heritage; the heritage of violence*." The Bible refers to heritage as "the Israelites regarded as belonging inalienably to God" and "the land of Canaan regarded as God's gift to the Israelites." Finally, in a legal sense, heritage can be "any property, esp. land, that by law has descended or may descend to an heir."

Derek Fincham argues, "Heritage should be defined as the physical and intangible elements associated with a group of individuals which are created and passed from generation to generation" (2011:642). Material heritage, he explains, includes "buildings, work of art, as well as antiquities and their archaeological context" (Fincham 2011:643). The heritage objects attain special significance in relation to communities and their political and social identities because the "bonds that groups create with objects can be very powerful" (Fincham 2011:667). Acknowledging the fact that "heritage is not an objective fact about the world but a social construction" and that heritage "tends to increase intragroup conformity and intergroup intransigence in the face of cultural conflict," it is a logical conclusion that heritage can be destroyed "to remove the material culture of a group" (Fincham 2011:670, 664, 684; see also Amiry and Bshara 2007).

Because of the dialectical relation between heritage and identity, heritage in the Occupied Palestinian Territories acquires special significance in the economy of resistance and nation building. While Palestinians have been collecting and archiving their "historical" losses, the physical landscapes, including the built environment as a living archive that has been continuously and precipitously changing, have not been part of such activities. If what makes heritage is the collective and generational, the material and immaterial, I contend that Palestinians have been more successful in collecting the intangibles while overlooking the physical heritage, particularly, the built environment, as a resource for national identity and collective claims. This, I argue, is both a legal colonial legacy and due to the practical difficulties of regarding architectural heritage as collectable archival materials worthy of preservation in situ.[5]

Heritage in Palestine, I have argued elsewhere (Bshara 2013:302–305), was defined by a colonial law of the British Mandate era, particularly the Antiquities Law of 1929. This law was slightly modified during the Jordanian era (1948–1967), adopted by the Israeli occupying forces, and enacted by the "civil" administration through military orders. After the Oslo Accords signed between Israel and the PLO in 1993, the PLO revoked the Israeli military orders and reenacted the Antiquities Law of 1966. The

1966 law is identical to the 1929 British law. The main deficit of the 1929 law has to do with the definition of "antiquities" and hence what is worthy of protection: "any object, whether movable or immovable or a part of the soil, which has been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by human agency earlier than the year 1700 A.D., together with any part thereof which has at a later date been added, reconstructed or restored" (PRO CO 733/159/7:1).[6] In this way, the law excludes thousands of structures and features that constitute Palestine's vernacular and traditional built environment.

Irrespective of this legislation, did Palestinians consider vernacular, traditional, or even modern built forms as heritage, as part of *their* heritage? To answer such a question, I will detour around the legal definition via traditions and practices that have been historically overlooked.

The power of "legal text" is that it neutralizes and masks the innate contradictions of its production. To understand how these laws come about, one needs to look into the geopolitical landscapes that influenced their making. If the discipline of archaeology was "metamorphosed" (Kersel 2008:29) into a national hobby of the state of Israel (Abu El-Haj 2001; Kersel 2008), this hobby was concerned with operationalizing biblical text to justify both destruction and construction, what Ariel Sharon immortalized as "facts on the ground." Archaeologically excavated material objects that appear to authenticate biblical events assume central importance in this process, and there is no better way to support the instrumental use of biblical text than with legal text that adjudicates those material objects. A *language* (structure) was created anticipating all the *speech* (practices) to come. One good example is the set of quotations from *Collins English Dictionary* at the beginning of this section, illustrating the concept of "heritage" by a "common sense" reference to biblical text that regards "the land of Canaan regarded as God's gift to the Israelites." Archaeology as a discipline and practice in Israel became an ideology-laden apparatus creating special bonds between specific groups of people (of Jewish faith) and a specific past (biblical) that are associated with a predefined space (Palestine and Israel). In such a context, the pretext for facts-on-the-ground practices was born.

I use "common sense" in Antonio Gramsci's sense of the word, meaning that certain values, practices, and meanings are not questioned as a result of long-lived practices and certain group investments in making these practices ethical:

It needs to be recognized that since a deterministic and mechanical conception of history is very widespread (a common sense conception which is connected to the passivity of the great masses of people) each individual, when he sees that despite his lack of intervention something happens all the same, is led to think that precisely above

individuals there exists a phantasmagorical entity, the abstraction of the collective organism, a sort of autonomous divinity, which does not think with specific head but which thinks all the same, which does not move with the legs of specific men but which moves all the same, etc. (2000:244)

Legal and discursive demarcations of heritage that include the tangible and the intangible and are understood as necessarily collective and passed from generation to generation cannot encompass or capture the essence of heritage in Palestine because of the geopolitical circumstances that Palestinians have experienced. The catastrophic fate of Palestine and Palestinians as the result of the 1948 War, I argue, undermined the Palestinians' attempts to realize a collective that is also material. Instead, the Nakba turned the relation between Palestine and Palestinians almost entirely toward the realm of the symbolic. According to the Palestinian writer and lawyer Raja Shehadeh (1982:86–89; see also Benvenisti 2000:251–252), rather than having a concrete or nonsymbolized relation to Palestinian landscapes, the Nakba turned Palestine into a set of symbols through which the Diaspora Palestinians relate to Palestine. Palestinians have become "land . . . pornographers . . . like falling in love with an image of a woman" (Shehadeh in Benvenisti 2000:251–252). They have become preoccupied with the olive trees and the sacred places rather than the "earthly" practices made possible around and through these physical landscapes, practices that are both collective and cross-generational (Amiry and Tamari 1989).

The question of heritage, then, hinges upon the cultural construction of value, which is subject to change. The value of age (i.e., historical significance) that dominates the 1929 law proved insufficient to capture the value of heritage objects in a holistic manner. In the next sections, I will deploy events from the colonial era, when the law was being written, and from the post-Oslo era, when new proposed legislation is being written, to show that because the law cannot capture the dynamics of value-laden issues, a discursive shift toward the ethical (not juridical) individual citizen is necessary to address the issues of heritage in Palestine.

TOWARD AN ALTERNATIVE ONTOLOGY OF HERITAGE

Thus far my analysis has underscored the manner in which heritage is entangled in the colonial legal legacy, such as the Antiquities Law of 1929, as well as in the consequences of the Nakba of 1948. Let us return to questions about lived practices that might change the historiography and ontology of heritage in Palestine. For example, did the Palestinians before the 1929 law and Nakba consider the built environment as

a significant element in their identity politics? Was built environment part of the collective imagination? Have Palestinians thought of heritage as a common or collective capital for future generations?

In "Sacred Landscape," Meron Benvenisti claims that Palestinians, unlike the Israelis and Jews, have not established connections between the material past and themselves as a collective, that is, as a distinct group or nation. While Benvenisti (2000:252) follows the Palestinian historian Abu Hadaba in acknowledging individual efforts to register and document a relationship of livelihood between Palestinians and both their physical landscapes and their sacred places, he sees these efforts as sporadic ones that have never occupied space in the collective consciousness. This is true mainly because, as the prominent Palestinian scholar Sharif Canaaneh argues, "Palestine did not use to exist within the borders we know today. . . . Despite the fact that in the twenties and up until 1948 the Palestinians had had unique experiences that united them, they regarded themselves more as Arabs possessed of an Arab consciousness and identity than as possessing a Palestinian identity" (quoted in Benvenisti 2000:260; see also Abu El-Haj 2001:51; Khalidi 1997). Zionists, Orientalists, and others have perceived Palestinians as newcomers—Arab or Muslim invaders. Therefore, the connection between the people and the material past has never been "materialized." Abu El-Haj persuasively argues, "If there was such a lack of [Palestinian] interest in archaeology it might not signify a disregard for their history but instead a lack of excitement about *archaeology*. There are, after all, other ways of relating to one's past and other ways of constructing or practicing nationhood" (2001:256, emphasis in the original).

According to Benvenisti (2000:253), there were attempts to record Palestinian village life in the 1920s and 1930s, such as Tawfik Canaan's work, which was concerned with the disappearance of an "innocent, picturesque, and pristine world." Palestinian scholar Abdul Latif Barghouti (Benvenisti 2000:261) takes an anthropological approach to assert the relation between current Palestinian villagers and the Canaanites, the pre–Iron Age inhabitants of Palestine. Taking the route of historical analogy, he sees the continuity of social and spatial practices in the Palestinian villages from the time of the Canaanites as evidence of rootedness and sustained relationships between Palestinians and the physical landscape of Palestine.

These scholarly debates call for Palestinians to embrace approaches to material heritage similar to those of the Israelis and, therefore, reproduce colonial discourse. Israeli archaeologists such as Amnon Ben-Tor, who critiques the "disinterestedness" of Palestinians in the archaeology of the country, noted in the December 12, 1993, issue of *Arkheologiya ve-Politika* that "Palestinian researchers will be harnessed in the near future—and with enthusiasm—to study the remains of their past in the country" (quoted in Abu El-Haj 2001:252).

The question is, Can Palestinians recognize a relation to the physical landscapes of Palestine, landscapes that have been already always multilayered and never exclusively connected to one specific people or history nor disconnected from the natural broader landscapes and surroundings, as Sharif Canaaneh might have argued?

It has never been an easy or straightforward endeavor to establish such connections to the material past for several reasons: first, because Palestinians have been called upon to glorify connections to objects and events that have played major roles in their dispossession and subjugation; second, because they have been drawn into everyday concerns amid rapid changes affecting their physical landscape; third, because the Nakba significantly altered Palestinians' relation to "concrete" Palestine, moving them into the realm of the symbolic; fourth, because they established a different relationship to the material past as a resource of subsistence (digging for sale, not for knowledge) as early as the colonial attempt to establish "facts on the ground"; and fifth, and most importantly, because Palestinians have lived the built and unbuilt environments as part of their social and spatial practices and not as "heritage." Everyday life, including the construction of homes, shrines, neighborhoods, agricultural terraces, and monuments, has derived from an assemblage of social and embodied practices that gave Palestinians' lives meaning and significance without embracing the Eurocentric aesthetic value system that has transformed the earthly to the sacred and the mundane to the metaphysical. In this context, Nadia Abu El-Haj argues that Palestinians did not cooperate in the protection of heritage precisely as part of their "anticolonial politics of resistance," as described in an article in *Ha'aretz* (in Abu El-Haj 2001:254). For her, "looting could be analyzed as a form of resistance to the Israeli state and archaeological project, understood by many Palestinians, to stand at the very heart of Zionist historical claims to the land. In James Scott's words, looting may be understood as 'a weapon of the weak'" (Abu El-Haj 2001:255). Yet even this argument, and its insights into how Palestinians have looked at and treated artifacts of archaeological significance, relies upon the legalistic definition of what constitutes heritage, a definition that has excluded very large portions of the built environment.

I argue that Palestinians lived the built and unbuilt environment as part of their everyday life. Their spatial practices not only structured spaces but also structured their community and materially and symbolically reproduced norms and social cohesion à la Pierre Bourdieu (1972). Furthermore, if the Palestinians have not yet explored the relationships between themselves and past material forms, it is worthwhile to question the *historiography* of the architecture in Palestine that conditioned the overlooking of these connections. In other words, along with Abdul Latif Barghouti, let us ask how obvious relationship between traditional and vernacular architectural forms of the last three centuries and ancient forms of earlier epochs have been overlooked.

HAVE PALESTINIANS THOUGHT OF MATERIAL CULTURE AS PART OF THEIR IDENTITY?

"Historical consciousness," Brodie and Kersel argue, "is forged at the nexus of history, memory, and imagination . . . this consciousness being realized as 'tradition' or 'collective memory'" (2012:116; see also Anderson 1983; Nora 2001 [1984]; Slyomovics 1998; Hodder and Cessford 2004). However, historical consciousness and national imagination have always been accompanied by material implications. James Clifford suggests that "to 'have' a culture . . . is to be a collector" (quoted in Abu El-Haj 2001:256). In what follows, I turn to Wasif Jawhariyeh's memoirs of Mandate Jerusalem (Tamari and Nassar 2005) to show that, prior to Nakba, Palestinians had a "historical consciousness" that was also material, collective, and generational. Such an understanding of their history shifts the heritage discourse toward the overlooked nonsymbolized relationships of Palestinians to Palestine and helps us broaden the meanings of heritage, establishing an alternative value system for nonprotected and nonclassified built forms.

THE CLOCK TOWER OF JAFFA GATE IN JERUSALEM

The Jawhariyeh memoirs shed light on Palestinian historical consciousness and its relationship to material objects. The following incident is from the second book of the memoirs and is worth quoting at length. Wasif Jawhariyeh, as assistant to the city engineer, Charles Ashby, tells the story of the first dispute between the Jerusalem Municipal Council and the Association of Jerusalem Lovers concerning modern planning for the city:

> In 1901, under the presidency of Faydi Afandi al-'Alami, the Ottoman authorities ordered the construction of the prominent clock tower at Hebron-Jaffa Plaza at the western gate of the city on the occasion of the twenty-fifth jubilee of Sultan Abdul Hamid. The clock tower was designed in the Baroque style by the city's engineer, Pascal Afandi Saroufim. . . .
>
> When [engineer Charles] Ashby was appointed as the head of the Association [of Jerusalem Lovers], he made the decision to remove and destroy the tower because it conflicted with his vision of the ancient walls of the city. . . . The clock tower was a monument that was a hybrid of different architectural styles, and it reminded me [Wasif] of [the Egyptian] Abdul Wahhab's music when he was composing in the Franco-Arab style. In spite of this, I believed that it was our duty to move the tower to another place (instead of destroying it), perhaps to the new municipal building near Barclays Bank.

Some years later, Wasif recommended the construction of a wooden model of the Ottoman Tower and the plaza so that future generations would get an idea of how one of Ottoman Jerusalem's plazas looked before the alterations carried out by the British Mandate Authorities, and he placed it in his private museum at the Nikforyeh house. . . .

Thirty years later, professor and archaeologist Mayzel visited Jawhariyyeh's house and wrote a flattering article about the model, which Wasif kept as part of his collection. The article appeared on August 10, 1945, in the *Palestine Post*. (Tamari and Nassar 2005:5, 4, 50, my translation)

This anecdote tells an alternative narrative of the relationship between the material past and the national imagination that takes future generations into account and shows that the built environment, although not inscribed as antiquity, was part of the spatial discourse concerned with knowledge production about past events (in the future).

What makes Jawhariyeh's memoirs important to the current argument is that the above-mentioned incident took place during the British Mandate era prior to the Antiquities Law of 1929. Furthermore, the subject of the anecdote is an Ottoman era monument built in 1901, not an antiquity, according to the Ottoman Antiquities Law of 1884. Therefore, like this chapter, the memoir is concerned with nonprotected architecture.

The incident also took place before Nakba in 1948, the cataclysmic event as a result of which hundreds of Ottoman era villages were vacated and leveled. Therefore, what occurred had to do with Palestinians' relationship with the built landscapes independently of what happened later, which so deeply affected their physical landscape and their relationship with the material past. Unlike the "archive fever" (Doumani 2009) that intensified mainly but not only in the 1980s and that aimed at making visible the pre-Nakba era (e.g., in the scholarly work of Abu-Sitta 2004 and Khalidi 1992), Jawhariyyeh was concerned with a built environment threatened by modern planning in the city and was driven by a concern with future generations' right to knowledge rather than by the heritage theories and practices of our time.

THE PREMISES OF THE MINISTRY OF EDUCATION DIRECTORATE IN BETHLEHEM

In 2013 the Palestinian Ministry of Tourism and Antiquity issued a permit for the demolition of the "modern" building of the Ministry of Education Directorate in Bethlehem. Built around the mid-twentieth century, the building is characterized by the use of Bauhaus forms but with local stone as the main construction material. The building had had emotional ties not only with Bethlehem inhabitants but also with thousands and thousands of high school Palestinian students, who had made the

trip to the Directorate to ratify their secondary school certificates before joining one of the universities and proceeding with life. On one weekend, the building was torn down by the owner, who spared only the curved reddish façade, which is emblematic of the International Style in Palestine.

Social media circulated the incident, and newspapers picked up the story, and one day after the destruction, a symbolic funeral was held for the building. The funeral commenced with the building site. Hundreds of participants from no specific cultural or political background carried a symbolic coffin in their march to the Nativity Church, where a ceremonial prayer took place. The demonstrators carried banners with slogans such as "Bethlehem calls for you," "Bethlehem heritage is not a slave for capital," and "We will preserve our grandfathers' heritage."[7]

To this moment, the remaining façade still carries its own load, waiting for future plans. Meanwhile, the Bethlehem Municipal Council has been preoccupied with designing and implementing by-laws that would protect the heritage of Bethlehem without waiting for the proposed national legislation.

This anecdote about modern architectural heritage in Bethlehem shows that (1) people are emotionally tied to the built environment that is not necessarily classified as heritage by the current legislation; (2) heritage law does not always capture significance beyond "age" value, ignoring the lived practices and their relationship with the built environment as a value by itself; and (3) bureaucrats are aware of the deficits in the current legislation and, as a result, plan their local by-laws accordingly.

A reasonable analogy can be made between what was lost in the Jaffa Gate clock tower incident and what has been affecting the traditional setting of the built environment in Palestine (similar to the concerns of Wasif Jawhariyyeh and Tawfik Canaan). While the British engineer followed his European aesthetics, the legal frame in place at the time of the incident did not hinder the miserable fate of the clock tower. This is almost identical to the current situation: the current legal frame in place in the Palestinian Territories, as the incident regarding the modern architectural heritage of Bethlehem, has not been helpful in the protection of what can be considered the cultural heritage of Palestine.

No one contends that Palestinians have ever held static attitudes about their built environment; they have worked their built environment over and over again. The legal frame has never been able to stop alterations of the physical environment. This is due to practicalities and enforcement mechanisms that accompany the law. The Antiquities Law of 1884 required that all excavations be approved by Ottoman authorities and also "effectively outlawed the everyday practices of the lands' inhabitants," such as building on top of ancient structures and altering them for other purposes. Article 4 stipulated that "the monuments of antiquity which happen to be in the private property or house of private persons, either loose or built in the walls, cannot be moved

by the proprietors of the property, and for the keeping of those antiquities in their original place" (Abu El-Haj 2002:42–43). But the practices of everyday life have taken precedence over the rigid, albeit unenforced, legal structures. My questions, therefore, are not in essence legal but rather cultural and social. Why has architectural heritage in Palestine become a lucrative commodity in the market? Why are the current legal structures incapable of protecting the architectural heritage in Palestine?

CINEMA STUDIO AL-ASSI IN NABLUS

In February 2016 the Municipal Council of Nablus took the decision to demolish the building of al-Assi Cinema. The modernist building with the emblematic horizontal lines and free-standing columns bearing the loads of the upper floors and the use of a variety of materials, including reinforced concrete columns, drop-beams, cantilevers, stone, and iron works in contemporary forms, make the building one of the most interesting examples of the early second half of the twentieth century (more probably the 1950s). Once the news broke about this decision, media and social media were furious about an act that would eliminate important memories of a whole generation. One of the main newspapers' articles was entitled "A Nablus Municipality Decision to Demolish the Building of Al-Assi Cinema Evokes Debate in the City" (*al-Quds*, February 4, 2016, http://www.alquds.com/articles/1454610749695648400/). On February 5, 2016, a segment on Wattan TV appeared with the title "Nablus . . . Will the Heir of Cinema Al-Assi Block the Demolition Decision" (http://www.wattan.tv/news/162670.html).

Nablus is known not only for the historic town but also for its modern planning and buildings. During the Jordanian Rule in Palestine (1948–1967), Nablus witnessed tremendous urban development, manifested in the planning of a huge street network and the construction of public and civic buildings that are considered masterpieces of modern architecture in Palestine, such as the municipality building, the post office building, al-Najah University old campus, Cinema Rivoli, and Cinema al-Assi, as well as hundreds of residential buildings and villas. Architects who had just completed their studies in Egypt and elsewhere abroad (such as the city's engineer, Hani Arafat) brought with them visions of modern cities with wide boulevards and architectural forms that echo the current architectural trends in the world at large.

Young people like myself who never entered the cinema, since it was closed during the first intifada (uprising) in 1987, lived the memories of lively cultural life of Nablus through fathers and mothers who flatteringly talked about an era that we only experienced through black-and-white Egyptian movies on TV screens. Our parents watched these movies firsthand on the silver screen, women dressed in miniskirts and men in formal attire.

As a result of the public pressure and some owners' opposition (http://www
.wattan.tv/news/162670.html), the decision to demolish the cinema to enable the
construction of yet another shopping center was put on hold. I visited the cinema
building in March 2016. A fiftyish man guards the building and does not allow pho-
tography of the edifice. Though the building used to be open to the public and the
space in front is used currently as a parking lot, the guard makes sure that nobody
takes photographs of the site unless accompanied by a written letter from the mayor,
which we could not obtain.

As an NGO working in the field of documentation, protection, and restoration
of heritage in Palestine since 1991, the Riwaq Centre for Architectural Conserva-
tion proposed in a letter addressed to the mayor of Nablus on February 13, 2016, "to
explore the possibility to restore the cinema and protect it as an important historical
monument of the city of Nablus." Once the director of the municipality read the let-
ter, he exclaimed and rejected the idea that the building was an important historical
monument, since "it is just a contemporary structure with no such values." At the
time of publication of this book, Riwaq had still not heard from the municipality.

The story of Cinema al-Assi can be understood in the context of the current
real-estate fever in the Palestinian Territories and the quest for extracting monetary
surpluses from what is seen as a dead property. For the argument I present in this
chapter, it is worth paying attention to the statement by the director, who associates
history with deep time and heritage with traditional techniques that simultaneously
give history and heritage values. In a way, there is already an existing aesthetics code
that defines what is worth inscribing as "heritage." The same director, who is part of
the demolition decision, has just put it on hold as a result of pressure exerted by the
residents of Nablus. Those residents have an alternative value system that calls for
revisiting the heritage concept itself and extending it to concrete forms, social prac-
tices, and lived history—memories.

LEGAL IMPOTENCY

In 1993, after signing the Oslo Agreements, the Palestinian National Authorities
returned to pre–1967 war legislation: the PNA enacted the 1966 Jordanian Law,
which is identical to the 1929 British Law. The current legislation and mechanisms do
not criminalize the destruction of nonclassified heritage, and they contribute to the
messiness of the state of protection of classified antiquities in Palestine.

The power asymmetry between Palestinians and Israelis and the historical injus-
tices that began with the Nakba contribute substantially to the illicit antiquity mar-
ket and to the destruction and relocation of nonprotected architectural heritage in

Palestine. Nadia Abu El-Haj argues, "The entire regulations and control over antiquities in the occupied territories were under the rubric of military power and its institutional structures: those of the so-called Civil Administration. . . . Palestinians have no interest in conferring legitimacy on Israeli archaeological practices" (2001:254). While Abu El-Haj allots more weight to the Palestinians' agency in responding to the structural injustices, in effect rejecting them, the legal structures, I argue, have been equally "productive" in the negative sense; a law that was put together by a colonial authority and functioned to confer legitimacy upon both the British and Israeli colonial projects' historical and political claims to the land of Palestine intentionally created animosity between the legal text and its objects/subjects (i.e., Palestinian communities and individuals), virtually guaranteeing that those objects/subjects would breach that law. What does it mean to put together a law with such enormous gaps that ensure its own failure?

For example, according to the Antiquities Law of 1929, antiquities as a category also include "(*b*) human and animal remains of a date earlier than the year A.D. 600" and "(*c*) any building or construction of a date later than the year A.D. 1700 that the director may by notice published in the *Official Gazette* declare to be an antiquity" (PRO CO 733/159/7:1). In other words, the law has a provision that allows the director of the Department of Antiquities to expand the list of the protected heritage sites. This provision has not been exploited or exercised in the last two decades, since the signing of the Oslo Agreement. Why? In addition to the decades-old resistance to the colonial law and its consequences described above, the PNA's priorities, the ongoing Israel-Palestine conflict, the lack of civil society advocacy, and powerful landlords who think about commodities (heritage included) in terms of what they can be sold for instead of their other values all contribute to a deepening detachment of Palestinian communities from what is legally—and archaeologically—defined as "heritage."[8]

CONCLUSIONS

In 1996 the PNA banned the legal trade in antiquities in the areas under its jurisdiction. Legalizing or banning the trade in cultural objects is the most debated issue in the proposed antiquities legislation. For me, it is not about banning or tolerating the trade in cultural objects but about a political will translated into policies and enforcement mechanisms. If many diggers or dealers violate the law, we will need to ask different questions. Why would Palestinians violate a law that is meant to protect cultural objects and by extension their economic sustainability, let alone the (potential) role heritage objects and sites play in their sociocultural and political consciousness?

While antiquities are subjected to legal structures that have been put in place by consecutive administrators of Palestine since 1874, there are no instruments or mechanisms that prevent the destruction and trade in nonclassified or nonprotected architectural heritage. Notwithstanding the deficits in the enforcement of the law, the presence of legal text that criminalizes the trade in heritage objects would define anew the relationships in the antiquities market. The presence of such legislation would support the PNA demands for the return of the objects to the Palestinian landscapes or museums in a final peace treaty or resolution. Adel Yahya, building on the Israel-Egypt experience, believes that restitution of the looted or excavated heritage of Palestine during Israeli occupation is possible (2008:54; see also Abu El-Haj 2001).⁹ But as Christa Roodt rightly argues, "Restitution is inappropriate when the desire to control cultural property is absent" (2013:301).

While under article 2(3) of the Oslo II agreement the Palestinian Authority is "obliged" to prevent damage, safeguard sites, and ensure free access, Palestine has not yet enacted heritage legislation prohibiting the movement of archaeological material across borders. Morag Kersel (2008) shows that there is a positive and direct correlation between legal trade and looting of archaeological sites. It does not take an effort to draw a similar conclusion concerning the looting and destruction of nonclassified architectural heritage, encouraged by the "decriminalizing" of such trade. If the political environment in Palestine and Israel does not help the realization of protection mechanisms, there is no excuse for not passing a law that criminalizes the trade in heritage objects, including nonclassified architectural heritage.

Looting of the built heritage in Palestine is a complex and messy enterprise that takes place at the conjunction of deficient bureaucratic and juridical structures and the absence of political will. Shifting the focus from mere absence or, for that matter, the presence of an "antique" legal system to the ontology of heritage sheds light upon and questions both the licit and illicit trades, helping us to redefine what is worthwhile for the Palestinians to protect. Learning the lessons from antiquities, the demarcation of looting and illicit trade must be expanded to include the architectural heritage. If a nation "would be defined in terms of the physical and cultural landscapes" (Kersel and Rowan 2012:203; see also Silberman 2001), even if Palestinians are reluctant to engage with colonial discourses, they are condemned to accept the challenge of the material culture that awakens their collective consciousness and generates knowledge, as explained earlier.

As the Jaffa Gate clock tower, the Education Directorate in Bethlehem, and Cinema al-Assi incidents show, particular individuals are at the forefront of a cultural battle that presumes a marked political, cultural, and historical consciousness. Fifteen years ago, Nicola Lacey eloquently expressed it: "A primary gatekeeper between social behavior which might be defined as criminal and the process of formal

criminalization is the ordinary citizen" (quoted in Mackenzie 2011:148). But in Palestine, to facilitate the "reproduction" of an "ordinary citizen" who is conscious about a collective memory and an identity that is multilayered, symbolic, and, moreover, material is a distant dream. The fulfillment of such a dream is hindered by the long-established practices of continuous and rapid changes in Palestine's physical landscapes, the absence of both material and symbolic compensation for individuals and owners who own heritage items or properties worthy of protection, and the pitfalls of the colonial legal system still in place, passively if not actively encouraging the destruction of heritage. The scarcity of land, urban sprawl, and the increasing monetary value of landed property all factor into the precarious character of preservation amidst the individually interest-driven redevelopment schemes taking place in the Palestinian territories nominally under the control of the PNA.

If the looting of antiquities and the destruction of heritage are ever to come to an end, we need to ask why and how legal instruments create and maintain unquestionable "facts on the ground," including the impoverished ontology of what constitutes heritage. The discursive reproduction of colonial conditions and the value systems upon which those conditions are based need to be transformed if a more dynamic and vital concept of heritage is ever going to play a role in the formation of Palestinian national consciousness. Heritage in such a politically contested environment can be an important resource to draw upon for the re-creation of a collective identity that is engraved in a common material past.

ACKNOWLEDGMENTS

NOTES

1. Quoted in Hardy 2013.
2. Informal interview, February 2014.
3. Adel Yahya argues that "objects with writing, or stone works such as columns, ossuaries and sarcophagi, antiquities can be sold and even shipped abroad, providing that they

are registered and shipped through a licensed dealer" (2008:50). Morag Kersel found that "artifacts, many from the West Bank and Gaza, routinely make their way into the legitimate marketplace through a system of laundering and reuse of inventory numbers" (2008:30).

4. "Reports of military looting of archaeological sites and museums at places like Megiddo and Caesarea led to the establishment of an Antiquities Unit in July of 1948" (Kersel 2008:27).

5. RIWAQ's Registry for Historic Buildings in Palestine contains information about 50,320 historic buildings in 422 towns and villages. By and large, these properties are not protected by legal text because they were constructed after A.D. 1700 (see www.riwaq register.org).

6. The Palestinian Antiquities Law of 1929 was amended in 1934, 1937, and 1946 (during the British Mandate) and again in 1966 by a decision of the Jordanian cabinet. The law was amended further through a series of nine Israeli military orders.

7. The structures of the Oslo Agreement call for postponing the controversial issues to final status, including areas with a high density of heritage goods and sites. Article IV, titled "Jurisdiction," states, "Jurisdiction of the [Palestinian Legislative] Council will cover the West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations" (Oslo Agreement 1993).

8. Adel Yahya (2008:50–51) argues that the current antiquities law enacted in the Palestinian Territories is not capable of protecting archaeological sites and halting illicit digging, especially when Israeli law allows for trade in antiquities and has only a tiny antitheft unit that monitors the work of registered antiquity dealers.

9. "Restitution implies the return of the object to the legal owner in accordance with what the law prescribes" (Roodt 2013:300). "In 1994, Israel returned to Egypt all antiquities from excavations conducted in Sinai since 1967, up to the last pottery sherd, accompanied by scientific reports, drawings and photos" (Yahya 2008:54).

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PART II

ETHNOGRAPHIES OF DUALITIES

❧

DIGGING FOR IVORY ON BERING STRAIT

❧

A Long History of Licit Excavation

JULIE HOLLOWELL

S T. LAWRENCE ISLAND and the Chukotkan coast of Russia share a rich and unique archaeological heritage, yet it would seem that how people have chosen to draw upon that heritage could hardly be more different. St. Lawrence Island supports an extensive legal market in old ivory, artifacts, archaeological art, and bone that Siberian Yupik residents dig from sites around the island. Along the coast of Russia, only just over 60 km (37 mi) away, the same activities are highly illegal. This chapter explores the social, political, and economic conditions that have created, supported, and sustained an extensive legal market for excavated materials in one place and a very different outcome in the other. It looks at the history of digging and commodification of archaeological materials in the broader context of what was happening in Bering Strait to encourage these activities. What influenced people to dig in archaeological sites? Under what circumstances did archaeological artifacts become commodities? At times, state policies have drawn the line between licit and illicit in interesting ways that have promoted digging for the market. Also significant are certain shifts in global markets, taste, and fashion that have affected demand for archaeological ivory.

To understand the traditions of digging for "old things" in Bering Strait, it's important to look at the deep history of walrus ivory, long-buried "fossil" ivory in particular, in trade and as a commodity and its entanglement with local resource use, archaeological investigations, and regional and global political economies. Of particular interest is how archaeology proceeded on St. Lawrence Island in contrast to investigations in Chukotka and the consequences of this for the archaeological record. This also calls attention to the different trajectories of objects removed from sites and where they have ended up. I end by mentioning a recent art exhibition of materials from both

St. Lawrence Island and Chukotka that attempted to address social and ethical issues of digging at the risk of stimulating the market and what happened as a result.

OLD IVORY

The origins of a market for excavated ivory in the Bering Strait region go back 10,000–15,000 years, to times when the land bridge was gradually submerging. Herds of walrus began hauling out, predominantly along the western coast and islands of the strait. Inevitably, some animals are smothered or crushed during haulouts, and sometimes mass mortalities occur, leaving deposits of ivory and bone. These ancient remains have served as raw materials for local production and trade over the past 2,000 years and more.

Archaeological evidence indicates that people inhabited the Chukchi peninsula at least 8,000–9,000 years ago (Gusev 2002). Over the millennia, they perfected the skills and technologies for successful marine mammal hunting. St. Lawrence Island, just 61 km (38 mi) off the coast, is an excellent place to find walrus, seal, and whale as they migrate through the strait. Walrus was not just a primary source of sustenance; hides were made into tents, boat covers, roofing, flooring, ropes, and nets. Ivory teeth and tusks were carved into hunting and fishing implements, boat fittings, fasteners, combs, and many other tools and ornaments. By A.D. 1000 a rich ivory-carving tradition had developed, with polymorphic animal and human forms and a distinctive artful iconography that combines skill, imagination, and function. These early Arctic maritime carving styles, later named Okvik and Old Bering Sea by archaeologists, bring six-figure prices on the art market today.

EARLY INTERCONTINENTAL TRADE

Centuries before Westerners arrived, Bering Strait was a nexus for intercontinental trade. Coastal peoples acquired exotic goods through Chukchi "reindeer-men," whose herding lifestyles brought them in contact with trade routes to the west. Along with their own reindeer products, the Chukchi brought tobacco, tea, and iron to Inuit on the coast, trading for furs, ivory, sea mammal oil, and walrus-hide products. Goods were transported across the strait between Ungaziq (East Cape) and Kingigan (Cape Prince of Wales), a distance of 82 km (51 mi), via the Diomede Islands in large walrus-hide-covered umiaks that could carry several tons. As early as the 1500s, trade fairs on either coast served as nodes for regional networks of goods coming from hundreds of miles away (Bockstoce 2009:92; Burch 2005).

St. Lawrence Islanders always had closer connections with the Asian continent than with North America, over 240 km (150 mi) to the east across treacherous Arctic seas (Krupnik 1983). These connections show up in family ties, oral histories, a common language, and many other shared aspects of material and intellectual culture. Oral histories from the island tell of visiting Siberia each spring to gather special plants and bring home reindeer meat, fat, and skins for summer parkas (Apassingok et al. 1985:133; Silook 1976:20). There were (and still are) similar annual visits from Siberia to the island, with mock fighting, games, singing, and feasting. Siberians thought of St. Lawrence Island as a "land of plenty" and called the island *aliganaq*, "the place one yearns to go" (*Kaniqsirugut News* 2000). Relations were not always friendly, however, and sometimes involved raiding or taking slaves. Because of their location, the people of St. Lawrence Island participated only indirectly in intercontinental trade across the strait. They supplied walrus ivory, hides, and meat to the Siberian mainland and were known for specializing in walrus-skin boats, bird-skin parkas, and waterproof gut clothing.

EUROPEANS IN BERING STRAIT

As early as the tenth century A.D., the darkened, mineralized tusks of long-buried walrus ivory were highly sought by emperors of Persia and India and considered to have special powers. Russia always considered buried fossil ivory—both mammoth and walrus—one of Siberia's most valuable resources. In 1649 Russian Cossacks established a fort and trading post on the Anadyr River to capture Siberia's lucrative trade in furs and ivory (Bockstoce 1977:2). Deposits of "fossil" walrus tusk had already been found near the mouth of the Anadyr, which would ensure the success of the post (Ray 1975:11).

Unlike their dealings with interior Siberian tribes, the Russians' plans to exact tribute from Bering Strait Natives and control their long-existing trade in furs and ivory were unsuccessful. By 1745 the Russian Empire had turned instead to sending hunters and traders south into the Bering Sea, where they decimated the fur seal population and subjected Aleut and Sugpiak peoples to disease, torture, and enslavement.

After the Napoleonic Wars, British and Russian ships seeking a Northwest Passage arrived in the North Pacific with orders to chart the last unmapped regions of the globe and collect "rare and curious specimens" for national museums that might fill "missing links" in the natural history of humankind. When explorers stopped in Bering Strait villages, they found confident traders who had metal from Asia, a strong desire for tobacco, and a wealth of goods to exchange (Beechey 1831; Chamisso 1986; Merck 1980). Far from being representative, the collections made during

these encounters consisted only of things that people were willing to exchange (Ray 1975:96–97). Nothing, for example, could convince people to barter their drums or dance regalia (Merck 1980:191). The only archaeological items in these assemblages are some fishing lures cleverly made from mineralized ivory, with its shiny mottled patina (Bockstoce 1977:61–62). Some expeditions collected human skulls from burial sites along the coast. This was always done in secret or under cover of darkness, since such acts were immoral by local standards.

WHALERS AND TRADERS

Between 1848 and 1914 over 90,000 men entered Bering Strait on the decks of more than 2,700 whaling ships (Bockstoce 1986; Braund 1988:98). Close behind came traders and trading vessels loaded with supplies and ready to barter. The American whaling fleets frequently anchored off the Siberian coast so that for decades people at East Cape and the Diomedes had more contact with Americans than with Russians. St. Lawrence Island was the first and last stop for many ships heading through the strait.

This was a time of profound social and economic change in the region.[1] The centuries-old indigenous trade networks began to fade as people started saving their furs, ivory, and baleen to barter for Western goods. New means of livelihood emerged, notably wage labor aboard ships and the production of made-for-sale curios. People on both sides of the strait had always scavenged old dwelling sites for building materials, tools, and chunks of ivory to rework, but now they started mining sites for chunks of fossil ivory to sell to whalers as carving material or to refashion into marketable curios themselves. Some collections from this time come from whalers who would spend their leisure time collecting "grave goods" from burial cairns when their ships stopped along the coast. Although this was rationalized as a scientific—and therefore licit—pursuit, superstitions and omens tended to surround these activities.

ALASKA TERRITORY AND FIELD COLLECTORS

In 1867, with the fur seal population decimated and whalers controlling the region's trade, Russia sold Alaska to the United States. American traders, tourists, adventurers, missionaries, and government officials poured into the new territory. Walrus tusks, oil, "fossil ivory," and furs could now enter American ports duty-free. Traders started making regular stops at villages, bartering Western goods for baleen, ivory, and curios to sell in the south. Guns and liquor, outlawed under the Russian flag, flooded the region. Within the decade, the U.S. government outlawed the sale of

liquor and breech-loading rifles to "Eskimos" in Alaska Territory. These policies transformed guns and liquor into valuable contraband and Bering Strait into a region of lawlessness and illicit trade. In 1879 ships of the United States Revenue Cutter Service (later the Coast Guard) started policing the strait. Traders would simply anchor along the Russian coast, where the cutters had no jurisdiction, and then make illicit jaunts to Alaskan villages.

Field collectors, hired by museums to buy "traditional" cultural objects (not the made-for-sale curios that people were now used to producing) with the idea of salvaging remnants of precontact lifeways, also inundated the territory.[2] By the 1890s the voracious appetites of field collectors had made traditional ethnographic objects scarce in many parts of Alaska (Cole 1985). People turned to digging in old village sites or raiding burials for objects to trade for Western goods. By 1898 the customary practice of placing personal tools and possessions on a grave had ceased in many Bering Strait communities (Ray 1966:51–52).

The Smithsonian's Edward Nelson (1983 [1899]) was the only major field collector to make it to St. Lawrence Island before the twentieth century. Traveling on the U.S. Revenue Cutter *Bear*, he stopped at the village of Kukulik in 1881 to find it uninhabited less than two years after famine had swept the Siberian coast. Nelson left with several crates of human remains and a handful of other objects. A request from St. Lawrence Islanders to repatriate and rebury these remains was among the first honored by the Smithsonian after the National Museum of the American Indian Act passed in 1989.

A TASTE FOR CURIOS AND RELICS

The discovery of gold in Nome in 1899 created a bustling city on Bering Strait with 20,000 residents. Indigenous trade networks from East Cape to Norton Sound refocused on supplying Nome with goods and services (Ray 1966:19–20). Some Natives moved seasonally to Nome to work for wages or produce curios for a market fueled by popular interest in the gold rush. Charlie Madsen (1957), a trader living near Nome in 1907, remembers people on both sides of the strait constantly digging in old village sites for ivory to carve or sell. Long-buried "fossil" walrus ivory was always more valuable than new white tusks, and the heavily mineralized "black" ivory from Siberia brought the highest prices of all.[3] By 1910 "Eskimo relics" were for sale in curio shops from Nome to Seattle. This was in part a mark of the rising interest in antiquarianism, inspired by investigations into ancient civilizations in the Americas and worldwide. Closer to home, a display of thousands of old ivory tools dug from sites near the whaling station at Point Hope, Alaska, had created a stir at Seattle's Alaska-Yukon-Pacific Exposition in 1909. People marveled at the idea that a "stone age culture" had

survived in the Arctic, and archaeological "specimens" were windows into a purer, ancient past that seemed to sorely contrast with what the "poor Eskimo" had become upon contact with Western civilization.[4] Many of Nome's elite—doctors, teachers, government officials—were ardent antiquarians who enjoyed getting together for outings to old village sites to search for relics. One local story tells how Daniel Neuman, a doctor and collector in Nome from 1910 to 1920,[5] traded medical care for information about where to dig: "Dr. Neuman knew that there were Eskimo and Indian villages buried in the Arctic, so he went up to see if he could find them. An old Eskimo woman who had sore eyes told him if he cured her eyes she'd tell him where they were buried. He said that he never worked harder on any case, and he effected a cure. . . . He dug up the villages and found a wealth of treasures" (Long 1978:16).

Around the same time, field collectors started hiring Native people to dig and paying them for "specimens" they found. The first occurrence of this appears to be in 1907, when a field collector working for the University of Pennsylvania Museum hired a young Native boy to dig a shaman's grave. Before long, digging was taking place on a large scale in the name of archaeology and science at a time when the line between archaeology and field collecting was virtually nonexistent. In 1912 Vilhjalmur Stefansson arrived in Barrow to collect archaeological specimens for the American Museum of Natural History. He paid diggers for artifacts in credit at the local store and in six weeks left with 12,000 specimens. His zeal was contagious; Captain Joseph Bernard of the *Bear* credited Stefansson with teaching him "what to look for, where to find it, how to determine the value of what he had found, and how to preserve it" (Barry 1973:246). Bernard quit the Coast Guard in 1914 and spent the next decade opening hundreds of Bering Strait graves, mostly on the Siberian side. He sold the contents to curio dealers and museums and at amusement parks.

Another person worthy of mention both for stimulating digging in the region and for the publicity he generated for Arctic archaeology is William Van Valin. In 1914 Van Valin convinced the University of Pennsylvania Museum to hire him to collect specimens from sites along Bering Strait. In his book *Eskimoland Speaks* (1944), Van Valin boasts that he had Native people digging burials for him up and down the Alaskan coast in exchange for "white man" food. He describes an encounter a few years later with a boatload of people from Little Diomede who arrived in Nome after a secret raid on a graveyard near East Cape, Siberia (1944:132–133). Van Valin quickly purchased everything they had, gloating that he got to the goods before his competitors.

What made Bering Strait people so willing to dig and sell "old things"? Economic necessity was one important factor. At the turn of the century, whaling communities like Point Hope, East Cape, and St. Lawrence Island had experienced several decades of relative prosperity from the trade in baleen, worth over $7 per pound in 1904. In 1908, with changes in fashion and the invention of spring steel, the global market for baleen

collapsed. In the villages, debts to traders increased to dangerous levels (Koonuk et al. 1987:41). By 1917 the gold rush had ended, and the last whaling ships left the region. Fox furs replaced baleen as a trade commodity, and people living near ivory-rich sites supplemented their subsistence by digging for ivory to trade.[6] The primary market was for larger chunks of old ivory (pick and axe heads) and deeply mineralized pieces of any size. Traders took these to Japan, Hawaii, or San Francisco to be reworked into jewelry, cutlery, and other luxury goods. Curio shops, collectors, and museums had become interested in old tools and more unusual, decorated "specimens."

Unlike the people of East Cape and the Diomedes, St. Lawrence Islanders had little contact with Nome during the gold rush except through trading ships and the U.S. revenue cutters, which provided transport to teachers, doctors, government officials, and researchers, most of them interested in buying curios or relics. Harley Stamp arrived on the island in 1917 specifically to acquire archaeological specimens for the Smithsonian and for private collector George Heye. Over the next few years, Heye purchased several large collections from the island for his Museum of the American Indian—one from a teacher and another assembled for him by an ivory trading company. By this time, Seppilu, manager of the Native store in Savoonga, had started stocking plenty of old ivory for sale, from polished tusks to axes, wedges, and a few smaller artifacts, and encouraging diggers to supply him with more.

SOVIET AUTHORITY

The long arm of Soviet authority reached Chukotka around 1919. Initially, postrevolution Soviet policies had minimal effect on Bering Strait trade relationships (Sablin 2013). American traders could continue to operate in Chukotka under contracts with the Russian state. The state attempted to set prices and tax foreign trade, but with uneven success. These arrangements continued until 1930. By then, Soviet authorities had forcibly organized the people of Chukotka into collectives of sea mammal hunters, reindeer herders, and fox farmers. The state now owned both the means of production (boats, rifles, ammunition) and the products of labor (meat, tusks, furs). Other subsistence activities, like berry picking and mushroom hunting, resisted state control and remained part of an informal economy (Kerttula 2000:108–113, 120). Digging for old ivory must have fallen into this category, since "Siberian fossil walrus" continued to reach American traders through the Diomede Islands until the strait closed in 1948 (Rudenko 1972:23; Ray 1980:31). The Russian government allowed Siberian Yupik people from the United States to cross the Russian border as long as they didn't bring printed material, religious items, or guns, but the FBI put a stop to this when the strait closed in 1948 (Krauss in Hopkins 2014).

ARCHAEOLOGISTS ON ST. LAWRENCE ISLAND

Bering Strait archaeology grew out of what scholars called "the Eskimo Problem"—questions about the origin and movements of Inuit peoples in the Arctic (which are still under discussion today). In 1926 these questions led archaeologist Diamond Jenness to excavate at Cape Prince of Wales, but it was the older, highly ornate specimens that people shared with him on Little Diomede Island that aroused interest about an ancient "Bering Sea Culture" (Morrison 1991). Smithsonian anthropologist Aleš Hrdlička visited Jenness that summer, stopping also in Nome and on St. Lawrence Island. He was astounded not only by the artifacts but by the extensive digging for materials that ended up sold, reworked, and lost to science (Hrdlička 1930:88–89). Upon returning to Washington, Hrdlička pushed for scientific investigations before there was nothing left to study. In 1928 the Smithsonian sent archaeologist Henry Collins to St. Lawrence Island.

Otto Geist, funded by the Alaska College to excavate and make collections, arrived a year ahead of Collins. Geist found people in Gambell reluctant to talk about old sites and unwilling to dig for wages (Keim 1969:114). He finally recruited some diggers by offering to buy artifacts they found at higher prices than diggers would receive at the store. He was, however, unable to control their digging or keep accurate records of what they found there (Geist and Rainey 1936:31–32). At the end of the season, Gambell resident Paul Silook, Geist's assistant, wrote to the Alaska College in support of Geist's return: "It helped the people very, very much . . . because we can sell him the things that our store could not buy. . . . There's lots of specimens around that the people would let him have."[7] Geist returned to excavate for several seasons at Kukulik. In 1932, despite the disapproval of village elders, he persuaded five or six young men from Savoonga to dig for 30 cents an hour, paying extra for artifact finds. In 1934 the value of fox pelts plummeted, and almost 40 men showed up to work at Kukulik. During his last season, in 1935, Geist had trouble getting any workers at all after a successful winter of trapping. Little did he know that the people of Savoonga had handpicked young men strong enough to cope with his disregard for local taboos. These young men went through cleansing rituals every day after work (Vera Metcalf, personal communication, July 1995).

Froelich Rainey had the frustrating job of writing up Geist's excavations (Geist and Rainey 1936; Rainey 1941). Rainey traveled to St. Lawrence Island several times to double-check Geist's conclusions. On a visit in 1939, he wired ahead about his plans to collect a few more specimens from the Okvik site. Rainey arrived on the Coast Guard cutter to find that some local ivory hunters had already taken care of the site, saving him the trouble of digging. What's more, Coast Guard officers insisted on going ashore first

so they could have first pick of the artifacts (Rainey 1941:460). By the end of his visits, Rainey had noticed a change in digging: "The Eskimos now know the value of these fine ivory specimens and a few sharp businessmen like Horace and Ataaka at Savoonga want to exploit the old sites not so much for carving ivory as for the implements they can sell to ships at a much higher price than carvings, without the work."[8]

Henry Collins had spent the summers of 1928–1931 excavating at several locations on the island, keeping his distance from Geist. Collins also paid people for specimens, but in contrast to Geist, Collins's excavations were more systematic, with documented stratigraphic levels. This allowed him to develop a cultural chronology for the Bering Strait maritime region based on diagnostic artifact styles from five sites in Gambell that spanned at least 2,000 years of continuous occupation (Collins 1937). Collins's work stimulated archaeological investigations across the region, particularly in Russia. At the same time, his detailed descriptions of Old Bering Sea art caught the attention of museum curators who were eager to assign a place in the canon of art history to this newly surfaced ancient art of the Americas (Vaillant 1939; Douglas and d'Harnoncourt 1941).

WORLD WAR II AND THE
CLOSING OF BERING STRAIT

World War II put a halt to archaeology in Alaska, but military personnel stationed in the region purchased specimens at higher prices than archaeologists ever paid. Some were amateur archaeologists whose collections later found their way into museums or the market. One such character was Norman Potosky, who, on Geist's advice, requested a post in Gambell so he could "make a study" of St. Lawrence Island archaeology.[9] In 1949 Potosky sold his massive collection to Frederic Douglas, curator of Indian Art at the Denver Art Museum. DAM exchanged several pieces with other art museums and traded a few others to up-and-coming "primitive art" dealers in New York and Los Angeles, who found homes for them in prestigious collections.

Just before the war, the Alaska Native Service (ANS), a branch of the federal Bureau of Indian Affairs, started marketing arts and crafts with the idea of helping Native Alaskans earn income and adjust to a cash economy. In Bering Strait villages, the ANS actively encouraged digging and expected people to use all available old and new ivory to carve animal figurines and souvenirs for the tourist market. Until 1949 the ANS also circulated price lists for "old tools and relics excavated from the middens of ancient Bering Sea villages."[10] The autobiography of a boy growing up in Gambell during the war tells how he and his mother would dig at the old village when his father needed to carve so they could buy necessities at the store: "It was very hard

work, but that was the only way to get the badly needed ivory. With no ivory we would have to go without the things we needed" (Hughes 1974:295–296).

In Chukotka the war years focused on exploiting local resources and the labor of the collectives to supply and support the war effort. Increases in militarization, infrastructure development, and mineral exploitation initiated during the war only intensified after it ended, bringing more outsiders and greater administrative oversight. This was the time when many coastal villages were relocated to government housing, closer to roads and workplaces and away from old village sites. St. Lawrence Islanders also experienced a postwar boom, with government-funded projects for social services and construction. In contrast to Chukotka, where indigenous self-determination was effectively suppressed, the Native village councils, formed in 1939 and 1940 as a result of the Indian Reorganization Act, started to exert more power in decisions affecting their communities.

In 1948 the U.S.-Soviet border in Bering Strait closed due to the Cold War. St. Lawrence Islanders were officially cut off from relatives and their closest neighbors, but they continued to meet at sea during seasonal hunts. Two permanent army bases were established on the island, providing a source of income for local people along with some unwelcome influences. Many people say that digging for artifacts really took off only after the army bases provided someone to sell to on a regular basis. Another important consequence of closing the strait was the end of the supply of "Siberian fossil" ivory. The resulting scarcity made old ivory even more valuable and stimulated digging at sites up and down Alaska's Bering Strait coast (de Laguna 1952:54–55; Ray 1980:35, 107).

ARCHAEOLOGY ON THE RUSSIAN SIDE

Archaeological investigations on Chukotka's Bering Strait coast began in earnest after World War II. By then, Russian archaeologists wanted to understand how sites in Chukotka related to the Okvik, Old Bering Sea, and Punuk cultural typologies that Collins had described. They especially wondered about Okvik, which they knew had been defined almost entirely on the basis of objects purchased from local diggers (Rudenko 1972:14). When Sergei Rudenko surveyed the coast from Uelen south to Sireniki in 1945, he found Okvik artifacts at a site near Uelen where local people had been digging for ivory for many years (Rudenko 1972:23). Nearby, a decade later, two soldiers encountered burials while digging a trench. They stopped and showed the contents to Dorian Sergeev, a local history teacher and self-taught archaeologist, who reported the find (Arutiunov 2010). Excavations sponsored by the Russian Academy of Sciences began in 1957, and over the next several years a large cemetery with Okvik and Old Bering Sea–style materials was unearthed (Arutiunov and Sergeev 2006a).

In 1960, only 24 km (15 mi) away and not far from East Cape (Ungaziq), geologists located an even larger cemetery at Ekven. Russian teams excavated 210 burials here between 1961 and 1974 (Arutiunov and Sergeev 2006b), and, beginning in 1987, a second expedition documented 120 more (Bronshtein and Dneprovsky 2009; Leskov and Müller-Beck 1993). The cemetery at Ekven had been in use over a 1,000-year period, beginning early in the first millennium.

These excavations, which occurred a generation later, still present a significant contrast with how archaeology proceeded on St. Lawrence Island. Local Native people were hired to assist, but they were never paid for artifacts. Excavations until 1995 concentrated solely on ancient cemeteries, where the finest objects are typically found.[11] Once exposed, each burial was meticulously drawn and photographed in situ. Finally, everything was taken to state institutions in Leningrad (now St. Petersburg) or Moscow for conservation and study.[12] These comprehensive collections with precise contextual data have sparked many further studies and insights about early Bering Strait peoples, their material culture, and particularly their art. A few mysteries raised by the less complete record on St. Lawrence Island have been answered by findings from Ekven.[13] In general, the work at Uelen and Ekven has substantiated Collins's chronology for the region with modifications, such as the addition of an earlier Okvik style in Russia. Another critical discovery is that artistic styles that were thought to represent a linear succession of discrete cultures over time actually overlapped and existed simultaneously. The result is a much more multicultural picture of early Bering Strait peoples than previously imagined.

Other research in recent years along the Chukotkan coast includes the excavations conducted by Sergey Gusev of Moscow's Institute for Heritage in 1990–1993 at Deshnev (Kaniskak) and in 1999 at Naivan, near Chaplino. In 2007 Gusev and the U.S. National Park Service excavated together at Un'en'en (near Nuligran) with a team that included students and Chukotka residents.[14] These excavations focus on even earlier settlements and subsistence patterns instead of cemeteries loaded with fine art. Thanks to support from the National Park Service's Beringian Heritage Program for conferences and translations, archaeologists, researchers, and museums from both sides of Bering Strait have had opportunities to share their work since the strait reopened in 1989.

ST. LAWRENCE ISLAND ARCHAEOLOGY AFTER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Archaeology had a different trajectory on St. Lawrence Island. In 1967, Swiss archaeologist Hans-Georg Bandi came to the island specifically to find burials to compare with the contents of those at Uelen and Ekven. His time on the island came on the

cusp of Native land claims and the arrival of art dealers. Bandi was disturbed by the extensive "pot hunting" but acknowledged its importance for subsistence and purchased specimens himself. He attributed the situation to the remoteness of the island and the lack of supervision. Bandi had trouble getting people to divulge the location of burials. He also could not always rely on his helpers, members of Gambell's summer Youth Corps, showing up. It turned out that their parents didn't want them excavating graves (Bandi 1968:8, 15). When he left at the end of the summer, Bandi had taught people to locate burials with a metal probe (Staley 1993:350).

When Bandi returned a few years later, things had changed. He now needed consent from the village council to excavate, and they asked him to pay for artifacts he found.[15] With the settlement of Native land claims in Alaska in 1971, St. Lawrence Island was now officially private property, owned by the island's two Native Corporations (Arnold 1976). As long as the corporations allowed it, Native shareholders could legally dig and sell materials from sites on the island. Between 1972 and 1974, Bandi excavated 149 graves; none of them had ivory objects nearly as old or as intricately carved as those from Russia. It almost seems as if people directed him to graves of the later Punuk period, which would have fewer and less decorative artifacts (Bandi and Blumer 2002:35), and kept him away from sites with Old Bering Sea and Okvik–style materials, which diggers had started selling to museums and art dealers for hundreds of dollars each.

Bandi had agreed to return the materials he took from burials after study. Twenty years later, the University of Alaska Museum demanded the return of these materials from Switzerland (invoking the U.S. Antiquities Act of 1906), then repatriated everything to St. Lawrence Island (under NAGPRA [1990]). The human remains were reburied on the island in 1996, but the island's Native Corporations asked the museum to curate the artifacts for them, away from the lure of the market.

In 1974 George Smith of the National Park Service received permission from the village council to excavate at Kialegak in return for his role in the rescue and reburial of an Old Bering Sea woman from the permafrost the year before (*Alaska Magazine* 1974:23). Smith found himself working alongside a dozen men and women who were digging for materials to sell to art dealers, who had started coming to the island on buying trips every fall (Smith et al. 1978:52). Since Smith, the only excavating by archaeologists on St. Lawrence Island has been related to Section 106 compliance with the National Historic Preservation Act, which requires monitoring of federally funded construction projects for impacts on archaeological sites. In 1984 the Smithsonian partnered with St. Lawrence Island's Sivuqaq Native Corporation to survey archaeological sites around the perimeter the island (Crowell 1985). The Smithsonian hoped that the corporations might decide to protect a few of the most significant sites from further digging.

But the art market for "ancient Eskimo ivories" was booming at the time among collectors of American Indian art and "primitive" or tribal arts. In 1986 primitive art scholar Allen Wardwell put together the first solo exhibition. He had wanted to do this for more than 25 years, but until now, "there wasn't enough material available" (Wardwell in Reif 1987). Many of the objects (70 percent) were from private collections, supplied by St. Lawrence Island diggers and a handful of dealers.

Given the situation, it's hardly surprising that in 1987 the National Park Service withdrew National Historic Landmark (NHL) designation from the five sites in Gambell that had formed the basis of Collins's cultural chronology. It's doubtful that people in Gambell cared much about the removal of the designation, since they hadn't participated in the nomination or received any real benefits from it; in fact, site boundaries were causing problems with the location of a new school. The news, however, put St. Lawrence Island in the media spotlight. Archaeologists called the situation "cultural cannibalism"—a Native community that was "destroying their own heritage" and "pillaging the past" (Eppenbach 1991a, 1991b; Enders 1990; Perala 1989; Yesner 1989). These comments are interesting, considering how deeply implicated archaeologists have been in the commodification and cannibalism of St. Lawrence Island's archaeological past. One of the diggers on St. Lawrence Island replied in an interview, "It's gone too far; maybe when we get some jobs" (in Perala 1989).

THE ICE CURTAIN LIFTS: SMUGGLING ACROSS THE STRAIT

In 1989 U.S. president George H. W. Bush and Soviet leader Mikhail Gorbachev reopened Bering Strait to commerce, tourism, and cultural exchanges, with visa-free travel for Native people between Alaska and Russia.[16] The existence of a lucrative legal market in ancient ivories just across the strait made smuggling a tempting proposition. Culture fairs, weddings, business conferences, and religious meetings became opportunities for illicit exchanges of ivory and artifacts. Russian businessmen or officials were as likely to do this as diggers. The situation was exacerbated by the economic crisis that accompanied the dissolution of the Soviet Union in late 1991.[17] Previously undisturbed sites along the coast started showing signs of digging. Today the regional museum in Provideniya has a collection of archaeological materials donated by local people. Not surprisingly, it doesn't include any examples of finely decorated Okvik or Old Bering Sea objects.[18] St. Lawrence Islanders sometimes make fun of how cheaply they can obtain artifacts from their less fortunate Russian relatives. When they do, they mirror and reproduce the exploitation they themselves have experienced at the hands of dealers.

In Chukotka by the 1990s, digging in an archaeological site for artifacts to sell would have been a highly illicit venture—especially if the artifacts were pieces with significant art or archaeological value to the state. I was in Nome in 1999 when a Russian citizen was detained for smuggling high-end artifacts in the gunwales of his boat. He had already sold several pieces to a Nome shopkeeper who was keeping them in a back room to show to dealers. Years later, visiting private collectors of ancient Bering Strait ivories across the United States, I would sometimes come across an object of obvious Russian origin. In every case, the collector was already aware of the illegal source of the piece—a fact that only seemed to enhance its attraction.

The vast public lands in Alaska are another illegal source of old ivory and artifacts, as are private lands of a Native Corporation that doesn't allow digging.[19] Once in a while something from these illegal findspots might enter the market claiming to be from St. Lawrence Island. This almost never happens, however, except with pieces of lower value, because materials from St. Lawrence Island are so distinctive.

EFFECTS OF THE BAN ON ELEPHANT IVORY

When the ban on international trade in elephant ivory went into effect in 1989, diggers on St. Lawrence Island experienced increased demand for "St. Lawrence Island fossil ivory" as a legal alternative (Silook 1997:3). Exports of old ivory from Alaska to countries known for carving elephant ivory skyrocketed. Today dozens of Internet businesses sell "fossil walrus" to collectors and custom craftsmen. Their websites generally explain why excavated materials from St. Lawrence Island are legal, often adding that purchasing them not only supports subsistence livelihoods of Native diggers but also is a good moral choice.

Today in Russia, a scenario with uncanny similarities to artifact digging on St. Lawrence Island is playing out along Siberia's far northern coast, where, since the ban on elephant ivory, the legal trade in fossil mammoth tusk has risen to over 60 tons a year (Larmer 2013). Reindeer herders, oil and gas workers, and professional ivory hunters search for ancient tusks eroding from seacliffs and melting tundra, aided by global warming. Tusk hunting has become as important to many of the region's Yakut people as old walrus ivory is to St. Lawrence Islanders. Most of the mammoth ivory (90 percent) goes to China, where prices and demand continue to rise. Local tusk hunters, like St. Lawrence Island diggers, want to eliminate middlemen and sell directly to buyers in China. But unlike in St. Lawrence Island, in Siberia government permits are required, and Native tusk hunters compete with well-outfitted private companies. Like fossil walrus, mammoth ivory, once thought to be virtually unlimited, already shows signs of playing out. Paleoanthropologists object to the loss of context and

scientific value, while conservationists call mammoth "ethical ivory" and advocate its use (Kramer 2008). The biggest difference may be that St. Lawrence Island diggers do not sell only raw materials; some of the objects they sell are heavy with the weight of ancestral connections and human heritage.

THE PRINCETON EXHIBITION

In 2009 I agreed to cocurate an exhibition of ancient Bering Strait ivories for Princeton University Art Museum (PUAM), one that would go beyond simply showcasing aesthetics by calling attention to the consequences of collecting and commodification and that would bring source communities and diggers into the picture. PUAM had a large collection, donated by an alumnus, assembled when art dealers first started making buying trips to St. Lawrence Island. The museum agreed to borrow several pieces from Russian institutions, many of which had not been in the United States before.[20] It seemed strange to reflect on the very different paths these objects, all from the same corner of the world, had taken to come together in two rooms at Princeton. The display of some materials from Ekven would ideally illustrate the role of in situ context in what can be known from digging up the past.

From the start, planning the exhibition raised many ethical questions.[21] One of the most troubling, especially from the standpoint of archaeological ethics, was whether the exhibition would stimulate the market and incite more digging. Related to this was the question of whether or not to include objects from private collections, since this would lend them value and legitimacy. Although many objects in public museums have pasts as problematic as any private collection, they are far less likely to make a reappearance on the market. One institution—the Museum of the North, where Otto Geist's materials are curated—refused to participate for these reasons. We took the stance that this was an opportunity for an art exhibition to wrestle openly and critically with these very issues and that this would be more effective than not engaging at all.

The fact is that any exhibition, or any publication, even if all of the contents come from a well-documented licit source, increases the intellectual and economic value of the entire genre it represents.[22] Some archaeological journals today have policies against publishing articles that feature objects from undocumented excavations, but *whenever* an archaeologist or scholar publishes, it lends prestige and value to an entire genre. Art dealers and auction houses will "undiscipline" any available source to find comparables or create an identity for an object.

As the exhibition came together, we struggled constantly to keep social issues visible alongside aesthetics, particularly in the exhibit design. These issues came through most clearly in the catalog (Fitzhugh et al. 2009), which had many contributions

from archaeologists and Indigenous authors (a first for PUAM), as well as chapters on the social context of digging and an information-packed website devoted to educational materials.

The event also succeeded, literally, in bringing diggers and source communities into the art world frame. People from St. Lawrence Island and Point Hope were among the guests for two days of opening events, and several participated as speakers in symposiums and programs. Their presence in an Ivy League art museum was exciting for everyone in more ways than expected. A few months later, I heard that one of the private collectors present at the opening was now purchasing objects directly from a digger. In retrospect, it seems obvious that diggers and collectors would use the opening as a chance to connect.

Then, in December 2013, a "magnificent and important Okvik Eskimo ivory head" and two other related pieces had top billing at a Bonham's auction in San Francisco. This would not have been very unusual, except for the provenance: "Consigned by the Eskimo family who excavated it on Punuk Island off St. Lawrence Island in summer 2012." This was a first, both for an art auction house and for St. Lawrence Island diggers. It probably will not be the last, since the "magnificent" piece sold for $197,000. If anything could stimulate more digging on the island, this would certainly do it. For a long time people had wanted to connect with an auction house.[23] There's no indication that the exhibition stimulated the market for ancient Bering Strait ivories, but it may have been an opportunity for St. Lawrence Island diggers to make their own direct connections to the art world in unexpected ways. It would be presumptuous to believe that the exhibition had an effect on dealers or art collectors, many of whom also attended the opening. Something, however, could be read into the fact that several of them whom I had considered my friends are still not speaking to me six years later.

CONSEQUENCES OF THE MARKET: A SKEWED ARCHAEOLOGICAL RECORD

One of the most significant consequences of digging for the market on St. Lawrence Island became obvious when we put together the exhibition at Princeton. Archaeologists and scholars do not have a coherent, consistent, or representative view of what has been found on the island. This is because the majority of objects—the finest ones in particular—have gone, piece by piece, into private collections all over the world. Making matters worse, many archaeologists consider objects from unauthorized digging (whether licit or illicit) or in private collections as illegitimate to study—not really even part of the archaeological record. Information that accompanies these objects is suspect and, by default, unreliable. For these reasons, the "archaeological

record" of St. Lawrence Island is dramatically skewed. This stands in stark contrast to the excavations in Chukotka, where complete sites and assemblages have been meticulously documented in situ, and every object is available for study. Today, dealers and diggers have more knowledge about the range and frequency of artifact forms and styles from St. Lawrence Island than archaeologists.

Bandi's findings, after years of excavating, are a good example of the skew. He concluded that, in comparison to Chukotka, the material culture of St. Lawrence Island during the first millennium was relatively poor. Decades later, in his eighties, he was convinced otherwise by some photographs sent to him by anthropologist Edmund Carpenter, one of the first big collectors of ancient Bering Strait ivories. The photographs depicted an Old Bering Sea burial, exposed where it lay, with artifacts as impressive as any from Uelen or Ekven (now all in Carpenter's possession). This, along with Carpenter's testimony that he was present when the photos were taken, was enough to convince Bandi that his conclusions had been premature (Bandi and Blumer 2002:42, 157). My research on the market for archaeological goods from St. Lawrence Island (Hollowell 2004, 2009) attempted to track materials that came from the island. Based on what I noted in private collections, photos taken by dealers who purchased objects on the island, illustrations in auction catalogs, and other sources, St. Lawrence Island carving traditions are clearly as rich, prolific, and distinctive as those so well documented from Ekven and Uelen. It's just that most of them bypassed becoming a licit part of the archaeological record.

CONCLUSION

From the standpoint of history, it's easy to see how the market for archaeological materials developed in Bering Strait. The extensive licit digging in archaeological sites on St. Lawrence Island today contrasts strongly with what takes place in neighboring Chukotka. These differences are not simply the result of differing political jurisdictions, the remote character of the region, or its entanglement with shifting global markets. Official policies, especially at the state or national level, have at times blurred the line between licit and illicit and often promoted digging for the market. These lines have been conceived differently for different types of archaeological materials, depending on how their value is imagined.

For example, the tradition of digging for "fossil walrus" was always a search for raw materials to carve or trade and has often been treated by the state as a legitimate economic use of local resources. Laws protecting archaeological sites eventually intervened, but today the state of Alaska staunchly supports commerce in legally excavated "St. Lawrence Island fossil ivory," which plays a significant role in the Alaskan

tourist market, in the face of protests from archaeologists. With large chunks of ivory becoming more difficult to find, in recent decades the market for raw materials on St. Lawrence Island expanded to include walrus and whale bone, pulled from old sites and sold by the ton. Ironically, much of this material gets carved into "Native-style" products that compete with Native-made carvings in gift shops and galleries.

The market for archaeological artifacts or "specimens" has had a very different trajectory. The activities of Stefansson, Van Valin, and Geist that encouraged uncontrolled digging and the purchasing of archaeological artifacts from diggers were completely licit and conducted with federal permits issued under the U.S. Antiquities Act of 1906, which existed primarily to ensure that objects excavated from federal lands ended up in public institutions instead of in private hands or on the market (Browning 2003). Outside of their work with archaeologists, for St. Lawrence Islanders, finding artifacts was typically a by-product of the search for old ivory. This started to change in the 1940s, when visitors on the island wanted to purchase individual pieces at ever-higher prices, and escalated in the 1970s, when art dealers started coming to the island. Today St. Lawrence Island is recognized worldwide as a rare licit source for excavated antiquities. At the same time, anyone can own a piece of the "ancient Eskimo past," and even the smallest fragments of artifacts and old tools are for sale in Alaskan gifts shops and on Internet sites.

In Chukotka, licit state-sponsored excavations didn't start until the 1950s, with well-documented excavations, and the tradition of paying diggers for specimens never really developed. During the days of Stefansson and Van Valin, villagers along the Russian coast seem to have spent their time guarding graveyards from raids by parties from the American side. Today the market for Bering Strait archaeological materials from Chukotka is restricted to carvings made from old ivory by the state-sponsored workshop in Uelen and to smuggling across the strait.

A final category of archaeological materials to mention in regard to shifting lines of licit and illicit digging is human remains. Early explorers and field collectors considered collecting human "specimens" a licit scientific enterprise, but to Bering Strait peoples, this was viewed as a highly contentious and immoral act. When archaeological excavations started on St. Lawrence Island, people were reluctant to work as paid diggers or informants when they realized that the search for museum-quality artifacts meant digging in graves whose contents would be removed and taken away. It's not that people never encountered burials while searching for old ivory but that a certain respect was observed—a blue bead left in exchange for artifacts, prayers to the ancestors for the gifts they offered. Human remains were left where they were found. On St. Lawrence Island today, people know that the most valuable artifacts are found in graves, and some are deeply concerned about the harms this can cause. The Native Corporations on the

island and many other places in Alaska have worked tirelessly to repatriate human remains that ended up in museum collections and rebury them at home.

In the end, the licit nature of the market for archaeological materials on St. Lawrence Island owes its existence to the islanders' idiosyncratic choice in 1971, faced with federally imposed choices for negotiating Native land claims, to reject even a partial monetary settlement and instead hold clear title to all of the island as private property—including its subsurface rights, which in most other nations, including Russia, are considered the property of the state. No other Alaska Native Corporations chose the same path. The decision was related to far more than assuring a legal right to dig and sell old ivory and artifacts; it was an act of sovereignty and self-determination, involving all of the island's resources and the right to manage them. Looking back at the long history of licit and illicit digging in Bering Strait and the fact that diggers have recently engaged with the art world in new ways, it's safe to say that the story is far from over. I hope that a more nuanced understanding of the roles that museum collecting, archaeologists, global markets, and nationalist policies have played in this history, of what is at stake for communities at the source, and of the consequences for what can be known about the past can inform these relationships in the future.

NOTES

1. One of the greatest effects of foreign penetration came in the form of epidemics and disease (Krupnik 1983). In 1838 smallpox erupted on both sides of Bering Strait and on the Lower Yukon, killing 20–50 percent of inhabitants. In 1900 an epidemic of tuberculosis and influenza left St. Lawrence Island with a population of 245.

2. For example, Dall (1884); Nelson (1983 [1899]); Jacobsen (1977); Krech (1989).

3. In 1910 a Nome curio dealer could purchase "black" ivory for $5 a pound, compared to 25¢ a pound for yellowed or "punk" ivory (Krug and Krug 1998).

4. This notion reeks of "imperialist nostalgia" (see Rosaldo 1993:69–70), yet similar attitudes continue to pervade the market for "primitive" or tribal art today.

5. Neuman's extensive collections, primarily ethnographic, later formed the nucleus of the Alaska State Museum.

6. In 1923 the trade value of fox skins in Bering Strait ranged from $25 to $250 a pelt. These prices had started falling by 1930 (Hutchison 1934:127).

7. Paul Silook to President Bunnell of the Alaska Agricultural College and School of Mines, October 20, 1927, Geist Papers, section V, box 3a, folder 89: Letters and Notes, Archives of Alaska and Polar Regions, Rasmuson Library, University of Alaska–Fairbanks (hereafter cited as AAPR).

8. F. Rainey to C. Hirst, General Superintendent, Bureau of Indian Affairs, May 5, 1939, Dr. Froelich Rainey Papers, box 1, folder 4, BIA Correspondence, AAPR.

9. Norman Potosky to Denver Art Museum from Unalakleet, Alaska, March 8, 1947, Potosky Accession Files (1949), Denver Art Museum.

10. D. Foster, 1947 letter to distributors, box 16, file 904, Native Arts and Crafts Clearing House, BIA, Juneau Area Office, Record Group 75, National Archives, Anchorage, Alaska.

11. This changed around 1994, when some residents of Uelen, supposedly influenced by an activist who was familiar with recent grave protection and repatriation legislation in the United States, raised objections. Beginning in 1995, archaeologists refocused on excavating a nearby dwelling site instead (Dneprovsky 2002).

12. Materials from Uelen and from the first expedition at Ekven (through 1974) are housed at the Museum of Anthropology and Ethnography (Kunstkamera) in St. Petersburg. Materials excavated after 1987 are curated at the Museum of Oriental Art in Moscow.

13. For example, intricately carved "winged objects," once considered too decorative to have other than a ceremonial use, were found in situ as harpoon counterweights.

14. University of Alaska Fairbanks, "Prehistoric Cultures Were Hunting Whales At Least 3,000 Years Ago," *Science Daily*, April 8, 2008, www.sciencedaily.com/releases/2008/04/080404160335.htm (accessed February 24, 2015).

15. Department of the Interior, Permit to Conduct Work upon Lands of the United States under the Act for the Preservation of American Antiquities, June 9, 1969, Director's Office, F. G. Rainey, box 5/1, Arctic: Bockstoce, 1968–71, University of Pennsylvania Museum Archives.

16. Visa-free travel between St. Lawrence Island and the Russian coast was halted years ago after several people were lost at sea. In August 2014, with permission from Homeland Security, two boats from Provideniya made a legal journey to the island—the first in 14 years (Hopkins 2014).

17. The election of wealthy Russian businessman R. A. Abramovitch as governor of Chukotka in 2000 brought some relief to the district.

18. The Museum of Oriental Art in Moscow has begun discussing long-term loans with the regional museum in Provideniya.

19. Very few other Alaskan Native Corporations allow digging on their lands—but very few other places have anywhere near the abundance of ivory or high-value artifacts as found on St. Lawrence Island (Point Hope is one).

20. Ivories from both sides of Bering Strait had appeared together in an exhibition twice before. The first was *Crossroads of Continents*, the largest traveling exhibition ever mounted by the Smithsonian (Fitzhugh and Crowell 1988), which brought to life the culture, arts, and archaeology of tribal groups across Siberia and Alaska. The second was *Upside Down*, organized at the Musée du Quai Branly in 2008 by Edmund Carpenter (2008), which treated the ivories as art objects, devoid of text or context.

21. Fortunately, an exhibition planning grant from the National Endowment for the Humanities allowed a group of archaeologists and anthropologists from Russia and the United States and Native cultural experts from Alaska and St. Lawrence Island to meet for several days (once at Princeton and once in Anchorage) to plan the exhibition and discuss these issues and more.

22. Former Metropolitan Museum of Art director Thomas Hoving estimated that exhibiting a work in a "place of stature" increases its value by 15–20 percent (Peers 1989).

23. When I was in Savoonga in 1999, this was often a topic of discussion.

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THE (IL)LICIT, THE ARCHAEOLOGICAL

❧

An Ethnographic Story of Profanation

CRISTÓBAL GNECCO AND JUAN CARLOS PIÑACUÉ

WRITING ABOUT HIS EXISTENCE in South Africa, his country by birth but the place where his colonial ancestors established a violent regime of racial segregation, John Maxwell Coetzee expressed his own liminal condition: "He and I shared an attitude towards South Africa and our permanence there. Such an attitude, to say it in a few words, consisted in considering that our presence in that territory was legal but illegitimate. We had an abstract right to be there, a birth right, but the basis of such a right was fraudulent. Our presence was grounded on a crime, that of colonial conquest, perpetuated by apartheid" (2010:205). This bold statement hits home for two reasons: first, by establishing a distance between what is legal and what is legitimate; second, by questioning rights received from forebears who committed horrendous atrocities. Such boldness is rare, however. Inherited rights, consecrated by legal systems, are seldom discussed, even if they have been produced and protected by colonial policies premised upon vicious violence. Although legal systems are historical, their historicity is routinely ignored. The reification of the legal gets around its legitimacy—or its illegitimacy, for that matter—and operates by pulling it out from power and politics. Yet legal systems are not innocent epiphenomena; they are part of a vast network of violence that some individuals exert against others. This is the case of historical discourses. The legitimacy and legality of (post)national discourses on heritage and archaeological issues are taken for granted. It is widely accepted—institutionally, academically, and even among the society at large—that the state has the right to protect, promote, and even define the materiality of the past. Yet although archaeological and heritage discourses may be legal (they have a very strong institutional, cognitive, and moral support), are they legitimate, being as they are a part of colonial violence? What happens when such legality is challenged, when the state and academia are confronted

by alternative discourses about history, the past, the ancestors? We want to respond to these questions by recalling an event that occurred in Colombia a few years ago (and that is still happening), an event that confronted the institutional historical apparatus of the state with the collective will and expectations of an Indigenous community.

The latter challenged the rights the Colombian state enacted for decades over Tierradentro Archaeological Park, a UNESCO World Heritage Site, and showed that establishing the legitimacy of subalternized perspectives, neglected by the law and by government institutions that find them illegitimate vis-à-vis dominant discourses, is a political issue. Simultaneously, establishing the legitimacy of subalternized perspectives provokes a confrontation of legalities/legitimacies grounded in worldviews. Legitimizing subalternized perspectives cannot be accomplished just by appealing to legal norms, moral principles, or good intentions—consultation with Indigenous and tribal peoples, for instance, as defined by ILO Convention No. 169.[1] It can be firmly established by unveiling the metaphysical and ontological conditions upon which institutional legalities and legitimacies are based in the first place. In other words, the legitimacy of subalternized perspectives can only be established by a radical *profanation*, as Giorgio Agamben (2005) put it, that is, by confronting established and naturalized separations (legal vs. illegal, legitimate vs. illegitimate, in this case), which amounts to confronting whatever keeps the separations functioning, such as academic disciplines and, ultimately, the cosmology of modernity. Profanation thus implies a double action: first, to *unseparate* the separated;[2] and second, to act against what fuels the separation, that is, repression—also called disciplining and censorship. But "profaning does not simply mean to abolish and to do away with the separations but to learn to use them anew, to play with them" (Agamben 2005:113). Profanation is not the sacrilegious act religions talk about but a creative and libertarian action: "Profanation does not simply restore something like a natural use, which pre-existed a separation in the religious, economic, or legal realms. Its operation . . . is more subtle and complex, and is not limited to abolishing the form of the separation to rediscover, in this side or beyond it, an uncontaminated use" (Agamben 2005:111). Profanation is thus political action, an intervention against discipline, repression, subjection; it is a practice of freedom inscribed in an agonistic exchange. The profanation we will narrate—in which the subalternized party in a semiotic struggle profanated modern separations, enacted and defended by the other party, the institutional establishment—was successful for a time yet ended up being curtailed by reactionary forces.

The story of profanation we want to convey can be said to have a starting date. In 1945 the Colombian state established the Tierradentro Archaeological Park in the ancestral lands of the Nasa, then known as Paeces.[3] For decades, the archaeologists and the Colombian Institute of Anthropology and History (ICANH, its Spanish acronym) reigned with no opposition: no official or nonofficial body impeded their

work; no one challenged their expert pretensions. Tierradentro became an iconic place for the realization of the archaeological dream: glamorous vestiges (unparalleled painted and sculpted tombs, decorated pottery, and stone statues) in a lush landscape inhabited by Indians, those strange subjects whom the archaeologists did not strive to get to know but whom they secretly thanked for providing the touch of authenticity that redeemed their imperialist nostalgia.[4] A circle of exclusive interests was solidly sealed: the Indians didn't ask what those foreigners were doing; if they asked, the answers were not disturbing; if they were, they did not produce opposition to the labor of archaeology. The archaeologists didn't ask why the Indians circumvented their work; they didn't ask why the Indians permitted them, the archaeologists, to freely traffic with the human remains and artifacts of those who could be the Indians' ancestors. The lack of questions—and the concomitant lack of answers—created the conditions for the relationship: the archaeologists excavated, exhibited, filed, displaced whatever they called archaeological; in the meantime, the Indians went on with their lives, ceaselessly fighting not to succumb to the onslaughts of civilization, letting the archaeologists do what they pleased. Such an idyllic and ideal archaeological situation began to change some years ago. The indigenous upheaval of the 1970s and the subsequent state adoption of multiculturalism were responsible for shaking the solid ground of the archaeologists.

In 1995 Tierradentro Archaeological Park was declared a World Heritage Site by UNESCO. The declaration prompted ICANH, years later, to design a technical plan to manage related archaeological, ecological, institutional, social, and political issues in and around the park. The management plan was envisioned "as an administrative, technical, social, and financial management tool for guaranteeing a coherent, efficient, and sustainable planning of ICANH's activities in the park in the next ten years, by itself or in cooperation with other institutions and social organizations" (ICANH 2009:1). The plan was communicated to the local community of San Andrés de Pisimbalá, where the park is located, in June 2009. On July 24, 2009, the governors of several Nasa communities of Tierradentro issued a letter stating their views about ICANH's desire to implement the plan. Indigenous authorities rejected it because it had not been developed in consultation with them; indeed, it excluded them and seemed harmful to them. They demanded ICANH and the archaeologists to

> consider the operations, expression, or opinions and knowledge of the Indigenous
> communities, represented by their traditional authorities, regarding any intervention
> implying diagnoses, study, research, or investment referred to archaeological, anthropological, ethnographic, linguistic, and historical aspects, specifically as they relate to
> the so-called Archaeological Management Plan, an action that will take place without
> the previous knowledge and authorization of legitimate Indigenous communities,

repository of the right to participate in those decisions affecting them, especially if they are scientific or research-oriented. Considering these aspects, we state to you that while discussing the Life Plan of the communities of Inzá we will also analyze, discuss, and propose activities related to archaeology, ethnography, and tourism. Thus, until the conceptual components legitimized by the maximum assembly of Inzá communities are established, any previous intervention lacks legal and administrative recognition and validity. (Asociación de Cabildos Juan Tama 2009:1)

The governors' declaration highlights four points: first, they set forth the opinions of the community regarding issues that the academic establishment and the state considered exclusive domains of expert knowledge; second, they put forward the will to discuss these issues in terms of their own conceptual frame, the Life Plan; third, they stated the legitimacy of the communities; and finally, they declared illicit ICANH's management plan. It was the first time that the Colombian institution in charge of the so-called national archaeological heritage had been confronted so thoroughly and directly by a grassroots organization. It was the first time that the actions of an institution working from within a reified legal frame had been declared illegal.

In this chapter we want to reflect about the political and cultural meaning of such a declaration of illegality from the intertwined points of view of insurgent politics and Nasa worldview. In the last four decades of insurgent struggles in the global arena, the Nasa's political assertion may have seemed separate from (and might be considered more visible than) the defense of beliefs; yet the latter have always been part of the former, although they have not been asserted as explicitly. Considering politics and worldview as a unity, as part and parcel of Indigenous agendas, provides a way to understand Nasa opposition to (and rejection of) institutional pretensions, an opposition that otherwise may look like meaningless obstinacy. We want to examine the insurgent side of the relationship between the establishment and the communities, a relationship in which the most visible side (that of the establishment) has traditionally prevailed. We want to dig into the historicity of those actions deemed legal (or illegal) in archaeological and heritage discourses, drawing upon the aforementioned statement about the legitimacy of the communities of Tierradentro—and about the resulting illegitimacy of the state and academia.

THE FATE OF A MANAGEMENT PLAN: A BRIEF ETHNOGRAPHY

The Nasa have long followed the teachings of Manuel Quintín Lame, an Indigenous leader of the first half of the twentieth century who turned upside down two venerable forms of domination: culture over nature, and the West over the Indians. In a

manifesto Lame wrote in 1939 (it was not published until 1971; see Lame 2004), still known as *La doctrina* (The doctrine), negative Western connotations toward nature (and its inhabitants, the Indians) instead were presented in a positive and affirmative light. Lame stated that he was educated by nature, the only school he found valid, and made it clear that the Indians were good and the whites bad. The equilibrium broken by the mischievousness of the whites over the goodness of the Indians could only be restored by the *law of compensation*, divine ills that would befall those who mistreated Lame's people. Lame's rhetorical convulsion, political as it was, was the loudest declaration ever uttered in Colombia up to that time by an Indigenous leader regarding the historicity of vernacular pretensions, those of the West, turned universal by colonial means. Yet his voice was silenced, jailed, exiled. More than half a century would elapse before his teachings finally found appropriate soil in which to grow: the legitimacy (political and otherwise) achieved by Indigenous communities by sustained, decades-long struggles and by the concessions of the multicultural state by the end of the twentieth century. While constitutional and legal provisions (e.g., in the Constitution of 1991) recognized limited and circumscribed ethnic autonomies in Colombia, the communities pushed for their opinions to count in defining public policies, even concerning contentious issues that the multicultural state was not so willing to discuss, such as history and the hitherto unquestioned rule of the market. In the hands of the communities, those issues, traditionally confined to the solemn institutional spaces of the state and academia, became central elements in the definition of so-called Life Plans, blueprints not only for better community living but also for the relationships with the (post)national society at large.

It was from the Life Plans of the Nasa of Tierradentro that the rejection of the management plan of ICANH emerged. At the heart of the governors' rejection of ICANH's plan was their consideration that it "lacks legal and administrative recognition and validity," that is, they considered the plan illegal/illicit. On what grounds did such a declaration of illicitness construct its meaning? Further, what is illicit for the Nasa? In the Nasa language (Nasa Yuwe), there is no conception of "bad"; instead, there is the conception of "not good": *ewme* is a composed word that points, simultaneously, to "good" and "not good." The prefix *ew-* denotes the category of "good," while the suffix *-me* is the "lack of" that points to the absence of good in the content of an action. The good and not good manifest in the way thinking *becomes*. A fact or an action can lack *ewme*; that is, it can lack the content of good. *Ewme kayatxisa* means the emptiness of good thinking that creates no good in the realization of an action. *Ka* means to think about that which brings about thinking the not good, while *yatxisa* comes from the word *yatxnxi*, to think from memory. It points to the illicit, that which must not be, that which is rejected because it upsets the equilibrium of the cosmos. The rejection lies in the Nasa conception of thinking as memory-

making actions. Remembrances are always present in reaching decisions. It means that all new things arbitrarily presented or imposed, such as ICANH's management plan, fracture equilibrium; such is the origin of illicitness or illegality.

The degree of illegality is cosmologically measurable in *jeb* (left, negative) and *paç* (right, positive). For the non-Nasa, positive and negative can be equated to good and bad; yet the Nasa conceive both left and right as both good and not good at the same time. It is pointless to simply assert that left is negative and right is positive. Both contain the energies of the sacred and are to be administered equitably as self-control mechanisms of collective life. An action put before a Nasa gathering or assembly for consideration is illegitimate if it tilts to one extreme or the other.[5] Overloading either of the extremes creates not good. For that reason, something good can also be (partially) not good. The Nasa consider left as good/dangerous because it receives the not good, especially during body-cleansing rituals. Imbalance occurs when the energy of the right is overloaded by other energies; the left then becomes a depository of the energy liberated by the right, and it is ultimately responsible for reestablishing equilibrium. In sum, the Nasa consider the illicit to be the absence of what-really-ought-to-be, that is, the legitimate content of an action. What-really-ought-to-be is an action respectful of their *yatxnxi* (thinking). Threats to *yatxnxi* are countered by actions that seek to preserve their world and collective life.

ICANH's plan touched sensitive aspects of Nasa life and thus was met with rejection: it didn't take into consideration the Life Plan of the communities, and it was based upon concepts (heritage, archaeology, national, objects, past, park) alien to the Nasa worldview. For instance, the concept of heritage does not exist for the Nasa. Institutional discourses differentiate between tangible and intangible heritage, while for the Nasa the "intangible" are the spirits contained within the "tangible." They are not independent but inseparable; better, they cannot be conceptualized as such, and thus Nasa Yuwe lacks words for them as separate entities. They are not two members of a duality but a unity. Besides, the market-fed heritage boom that elevates "tangible" and "intangible" assets as wealth to be exploited upsets the Nasa worldview because it objectifies the past, turns it into a commodity, and builds upon a conception of history harmful to their worldview. Indigenous peoples in Colombia, as elsewhere worldwide, are now concerned about the commoditization of the teachings of their ancestors and how they have been reduced to alien categories and concepts. Specifically, the way the heritage market exhibits heritage for sale insults the restricted character of sacredness. A Nasa leader went as far as to suggest that "the tombs exhibited in the archaeological park should have never been opened in the first place and should be now closed" (personal communication, 2009). This statement is based on a cultural principle of the Nasa people. Put in political and legal terms, the "archaeological" is not a part of Nasa cosmology; its cultural equivalent is a locus of cultural intimacy that remains in the

present. For that reason, ICANH's management plan was at odds with the Life Plan of the Nasa; it was seen as a form of wrongdoing presented under a legal banner that violated their intimacy with the ancestors and their territory. "What for some was a place for storage, was for others a place of discovery"; this is how Colombian artist Santiago Gómez described one of his artworks, which he called "inner forest" (personal communication). That intimacy that the territory maintains and that is hidden from view is the "underworld" of Nasa cosmology—what Western academia calls the "archaeological record." The gap between the intimate secrecy of Nasa's underworld and the archaeological drive to expose (dig) the buried record signals a confrontation of worldviews that the management plan of ICANH simply ignored.

The Nasa conceptualization of the licit and the illicit, of the legitimate and the illegitimate, makes quite clear that the Nasa interlocutors were neither thinking nor talking about the same things that ICANH and the archaeologists were talking about. This is an instance of what Eduardo Viveiros de Castro (2004:9) has called *equivocation*, "a type of communicative disjuncture where the interlocutors are not talking about the same thing, and know this." Although equivocation is at the heart of the anthropological encounter, some interlocutors often disregard it knowingly, especially when hegemonic positions are at stake. This is what ICANH and the archaeologists did with the management plan, which was conceived without the opinions of the Indigenous communities amidst whose land the archaeological park was established. Once the plan was crafted, it was communicated to the communities. The ICANH officials (anthropologists and archaeologists for the most part) responsible for the plan may have known that its terms included concepts alien to Nasa cosmology (such as heritage and archaeology, to name but two), but if they did, they disregarded this fact. Such disregard is not anthropological ignorance but colonial arrogance. Disregarding equivocation is at the origin of a colonial violence that is reproduced in the epistemic privileges accorded to academic knowledge. Further, it circumvents conflicts by presuming that they simply do not or should not occur. As Mario Blaser noted, "These are conflicts that fester under the assumption that parties to the conflict agree on what is at stake, when actually that is not the case. In other words, what is at stake in these conflicts is precisely the differing 'things' that are at stake" (2009:879). These "differing things" are what modern discourses on heritage and archaeology bypass and by doing so produce conflicts with which they are already fully complicit but that they try to ignore, usually retreating to a pacific humanism that paralyzes action and condemns all forms of activism; science is politically neutral, after all.

ICANH's management plan was issued by the academic establishment and communicated vertically from above. There was neither dialogue with nor understanding of the Other involved in its conception. Modernity prevents interontological communication. How can there be any understanding using communication that is not

dialogical, that does not hear and respect the voice of the Other but only conveys the message of the Self (civilization, progress, development, heritage, tourism)? It is precisely from this place of nonunderstanding, from this lack of dialogical, transformwative communication, that violence erupts with force, as Michael Taussig (1987) so masterfully showed. In the field of knowledge, (un)communication ends up reproducing the violence enacted by all kinds of epistemic privileges: directional understanding, imposition, universalization, naturalization. In this case, there was a systematic and violent imposition of legal concepts from heritage and archaeological discourses upon the Nasa. This fact infuriated them and forced them to take a defensive position, a radical position with a political edge expressed as discontent toward and about ICANH, which had ignored the principles of Indigenous governance over the territory. ICANH and the archaeologists never attempted to understand what the Nasa thought and felt about the concepts and entities that the establishment enacted, performed, and implemented. They only imposed their cosmology, with an utter disregard of Nasa cosmology. Yet this lingering attitude was modified for a time due to the force and determination exhibited by the authorities and the people of San Andrés.

THE MANAGEMENT PLAN REVISITED

In September 2010 the authorities of San Andrés and ICANH got together to talk about the failed management plan, with the understanding that the latter had abandoned the parameters of its initial plan and was willing to define new terms. The Indigenous authorities expressed their interest in participating in a wide-reaching and open process of reflection and consultation about heritage, tourism, history, and territory and the relationship of the community with the state and non-Indigenous neighbors. In doing so the Nasa authorities proposed to adopt the methodology that had proven successful in mobilizing their people around a recent heated topic: education.[6] Educational strategies had been based upon general assemblies and workshops complemented by specific taskforces. The discussion about tourism was considered especially relevant because it was not addressed by the Life Plan, notwithstanding the fact that the Nasa community is not seeking to reject tourism entirely but rather to engage it differently. The preservation of sacred sites—some of which coincide with what the academic establishment calls "archaeological sites"—is a common preoccupation among the Nasa, undertaken by *mingas* (collective works), especially in two places with pre-Hispanic tombs and stone statues in poor condition.

The slow consensual discussion between ICANH and the Nasa community of San Andrés produced a "plan" conceived and formulated at the grassroots level, with wide participation, to recover, recognize, and appropriate memory and knowledge

about the ancestral territory (*wêdx yu'*). The plan would permit the identification of critical factors in terms of conservation, protection, and knowledge of "heritage" as understood from a locally based conception; it would also help to consolidate Indigenous education, based upon the spiritual relationship with the territory; and it would contribute to the formation of territorial teams (*pu'yaksa*). The Nasa strive to strengthen history by enacting what the ancestors taught. Underworld beings, the ancestors among them, buried themselves along with Nasa cosmology to escape the European invasion. Nasa history—and justice, economy, and the like—is thus recovered by reaching out into the underworld through lakes, waterfalls, and streams. The Nasa equivalent to heritage preservation would be something like the recovery and care of hidden life as good living, not a thing, not a finished concept, but an ongoing process. For the Nasa, good living (*buen vivir*) is not one among many alternatives to capitalist development but a way of life that calls into question the conceptual foundations of Western cosmology. In the same vein, what the community proposed was not an "alternative management plan" but an entirely different conception of the issues the establishment was interested in. However, there was an interest among the Nasa and ICANH interlocutors in finding areas of overlap, commonality, and possible agreement, themselves to be negotiated.

Nasa interest in *the archaeological* is basically coincidental in some locations and objects. More precisely, the Life Plan of the Nasa, as the governors' rejection of the ICANH management plan indicates, opposes archaeology and the state/scholarly conception of heritage. Further, this coincidence toward *the archaeological* was intentional. The Nasa, like many indigenous and minority communities that confront archaeology and want to know nothing about it, raise their voice from a discursive emergence, from a distance, even from an assumed exteriority. They expose and challenge what the West has done and drag its institutions, including academia, into the fight. The good intentions of multicultural archaeologists, convinced that their sharing of archaeological secrets is the ultimate concession pluralistic democracy can dispense, bounces back against a solid wall of rejection in local arenas. The ethnic Other, the paradigmatic outsider of modernity, places Western legality and legitimacy at the precise semiotic spot where they shed their mystery: they need the illegal and the illegitimate for the same reason that the self needs the Other, that is, as "negative" devices designed and sustained as a means of controlling the "positive" side of the equation, that side where modern referents dwell. Yet the exposed kernel of the matter is red hot. Can the reified legality/legitimacy of the West simply be circumstantially circumvented, exposed in precise arenas, while preserved in others? Returning to Tierradentro: challenging ICANH and getting it to accept the terms of the community may be seen as an important triumph—or, from the institutional point of view, as a gracious concession—but in the long term it is not equivalent to breaking the ontological and

metaphysical foundations of the licit/illicit, legal/illegal as defined by institutional discourses. This would amount to a thorough profanation.

For the Nasa, the illegality/wrongfulness of ICANH's plan derived from conflicting worldviews and divergent conceptions of history. Nasa history does not reside in the past but in the present; it lives in those who enunciate it, whatever their status or condition. Talking with a Nasa about the historical/relational in the realm of the archaeological is an unequal dialogue because it supposes that the archaeological contains the past, which is thus remembered in temporal segments—of which archaeologists are so fond. If the archaeological were to be read from the vantage point of the Nasa worldview—a weird proposition, however, because the Nasa do not share the temporal thinking of the archaeologists—it would say that it does not contain the past because the latter is implicit and gains relevance only in the spirit. Nasa history has no time in the Western, lineal sense. Nasa temporality is place-bound: history resides in living or dead beings as place. Beings are always in the territory of memory. The territory as place is the realization that all that lives there has life/spirit. Historical time does not elapse; only what stays in place elapses. The topoi of their thinking live in facts; they eventuate. Nasa temporality is summarized by the concept *neesnxi* (permanence): one does not stay in time but in the territory.

For the Nasa, the state and its institutional pretensions to advance the management plan of an archaeological park located in their territory was also illegal on two more counts: first, because the plan proposed to supersede a constitutional autonomy (that of local jurisdictions) backed by international mandates (ILO Convention No. 169, among them), and second, because it treated Nasa temporality as just an anecdotal element of the exotic. In one of several meetings between ICANH and the San Andrés community during 2009, a Nasa leader said that "ICANH and its plan ought to abide to Indigenous time." The fundamental message was that any institutional intervention lacking Nasa participation and agreement—not as a peripheral involvement, as multiculturalism would have it, but as a structural feature—also lacks legality in terms of the Nasa conception of the legal.

Ultimately, the Nasa rejected ICANH's plan because it was not fair, unfairness being the ultimate source of the illegal/illicit. It was unfair because it created tensions, breaking a wide-reaching equilibrium. The Nasa combat unfairness by defending place, permanence, justice, and life, not so much their own as that of the territory, conceptualized as an *uma* (mother). The resolution of conflicts created by unfair (illegal/illicit) behaviors and actions so conceived on the basis of the intertwined realms of politics and beliefs may lie in understanding and respecting local worldviews—that is, taking *equivocation* seriously, the first step toward intercultural understanding and dialogue, which is inherently transformative—in order to build a programmatic or even methodological agenda respectful of Nasa conceptions of comprehensive, just,

righteous, correct, legitimate, licit ways. Nonauthoritarian, nonlogocentric attitudes can help bridge the gap long created by imposition and arrogance, by the thoughtless operation of vertical, top-down, police-like conceptions of heritage, archaeology, justice, and well-being.

POSTSCRIPT: REACTIONARY FORCES IN ACTION

In 2012 the administration of ICANH changed hands; so did the position of governor of San Andrés.[7] The new director of ICANH, a ruthless right-wing anthropologist, decided to halt the agreements reached with the community; in turbid negotiations, backed by the new governor, the plan put forward by the authorities and the people of San Andrés and already accepted by the previous administration was shelved. A unique and unprecedented opportunity was wasted. But the composition of forces is rapidly changing, and the time will soon come when such an opportunity will have a second chance. This seemed to be happening as we completed this chapter. In January 2015 ICANH's director resigned, and the governor of San Andrés was replaced. The new governor was willing to engage with the process that had been brought to a standstill, and the voices that demanded the enactment of the terms of the community regarding the management plan are resurgent. The time is ripe, it seems, to advance the profanation we described in this chapter.

NOTES

1. "Governments shall . . . consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly" (International Labour Organization 1989). Although this may be considered a step in the right direction (the direction of social justice), consultation is not a panacea in and of itself. When implemented in contexts in which one of the parties wields more power (economic and otherwise) than the other(s), consultation is a simulation of respect and democracy, a bureaucratic formality besieged by threats, pressures, and corruption.

2. We don't conceive *unseparation* as an exact equivalent of uniting because it is not just about rejoining or restoring a lost unity—a naive purpose, anyway, given the operation of power and hegemonies. Unseparation is about making a statement and an action upon existing hegemonic separations; it is about confronting the separation as a political action. To *unseparate* is much more political, more radical, than simply uniting what is separated.

3. Some 200,000 Nasa live mostly in the region of the Andes of southwestern Colombia known as Tierradentro (inland) because of its inaccessibility until a few decades ago.

4. Renato Rosaldo called *imperialist nostalgia* a particular mood of colonial agents who "often display nostalgia for the colonized culture as it was 'traditionally' (that is, when they first encountered it). The peculiarity of their yearning, of course, is that agents of colonialism long for the very forms of life they intentionally altered or destroyed . . . a particular kind of nostalgia, often found under imperialism, where people mourn the passing of what they themselves have transformed" (1993:69).

5. The assessment of what is illegitimate in such a context is a prerogative of spiritual authorities, invested with knowledge resulting from experience and collective memory.

6. In 2010 the community of San Andrés seized the local school, attended by Indigenous and non-Indigenous kids, in the frame of a comprehensive discussion about "own education" (*educación propia*), structured by the Nasa worldview and challenging to the education designed by the state. The seizing, aimed to force an agreement with the state, finally reached a resolution a few months later.

7. Since colonial times the term of the governor and all other Indigenous officials has been just one year. This short term has had as a practical consequence that some policies lack a necessary continuity.

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EXCAVATION, *WAKAS*, AND ILLICITNESS

❦

Changing Frames

ALEJANDRO F. HABER

FIRST FRAME

AFTER 20 YEARS conducting archaeological research in the Atacama plateau of northwestern Argentina in the Antofalla territory of the south-central Andes (where I also live and teach), I wanted to undertake a test excavation near the recently modified stone fence of an agricultural plot. I asked Severo Reales, the owner of the plot, for permission, though I had already acquired legal authorization from the state anthropology bureaucratic agency. Severo said that he had no problem at all and that he would come with us (a small group of students and myself) on the first morning of work. The next morning he came along with wine, alcohol, coca leaves, and cigarettes; he dug a hole beside the spot I wanted to dig and gave the ritual food to the *antiguo*. After lighting a cigarette he invited each person present to feed the earth through the hole and share some of the food (i.e., smoke a cigarette, drink some wine and alcohol, chew some coca leaves) while he addressed the excavation site: "Pachamama Santa Tierra, que se críen lindos antiguos para don Alejandro" (Holy earth Pachamama, beautiful old things shall be bred for Mr. Alejandro). Severo was severe enough: with these words of friendship he also provided me with a theory of relatedness, including relationships with antiguos, that is completely different from the theory of relatedness I assumed to be valid.

According to Severo's theory, antiguos are not vestiges from a perfect past but are rather still alive and breed under the soil; the past is not gone and distant; the past is not the past in a perfect sense; and the relationship with the past is not mainly about extracting knowledge but about reciprocal feeding, care, respect, and love.

Archaeological objects are considered by the archaeological discipline (as well as heritage legislation and international agreements) to be its exclusive domain, variously named but always referring to vestigial matter originating in the more or less distant past. For Severo, such objects instead exist and act upon people in the present, demand obligations of them, and, rather than being accessible or inaccessible in absolute terms, modulate their relationships—including access and avoidance—through ritual.

Severo's meaningful practice challenged my common understandings of the relationship I had during 20 years of working with the antiguos of Antofalla. But he also challenged the central assumptions of the archaeological discipline, its apparently solid foundations, and, together with them, every piece of legislation (provincial, national, international, and multilateral) that shared with the archaeological discipline the same basic set of assumptions: the materiality of the archaeological object; vestigiality from a past located at a distance along a time vector; the archaeological discipline as the medium for relating with the past; asymmetrical knowledge as the normal relationship; and the illicitness (and displacement along the vector) of relations-other-than-disciplined (Haber 2009a). Working with Severo, I realized that it is not that there are simply other possible interpretations of history but that history—the past and its objects—is interrelated and related with other things (people, the earth, the sun, the moon, food, etc.) in completely different ways according to Other theories of relatedness. Those Other theories of relatedness are made through and by the relationship to the Other.

This Other is not the West's Other, that is, the cultural Other that the West places at a different point along a vector of time, culture, or development outside its own borders, "out there," to be reflected negatively in the configuration of a self-image and finally captured as an object of science, tourism, or social or international aid. Neither is it the negative image of Western ways of creating alterity, an "alterization" that would assume a local perspectival point for making of the West another alterity. The Other from the perspective of the Other-to-the-West is both metaphysical and immanent in a particular moment, given that its relation to those animated powerful beings is itself the fabric of those implied in the relationality (in other words, given that everyone is relationally made, the other is never completely outside the self's constitution). These theories of relationality are based on local ontologies (local epistemes) and are grounded locally; but at the same time they are not isolated from the Western hegemonic episteme, which includes the archaeological discipline (Haber 2009a). Severo knew quite well what I was thinking about the archaeological site, what my ontological assumptions were, what I was looking for, and what kind of praxis I would develop with respect to the antiguos. That is why he came to intervene before I started my excavation; he placed my relationship with the antiguos within the terms of the local theory of relatedness, and through our involvement in a ritual

conversation with the antiguo he implicitly explained to my students and to me what kind of relations they—antiguos—expected from us.

In doing so, Severo implied that he understood that from the locus of where we stood as archaeologists, we had no choice but to ignore the local episteme, and he intervened to put things in order. We were epistemically eaten by the local relationality. Archaeological objects are enmeshed within local theories of relationality and are themselves actively related.

Being neither a copy nor an inversion of Western alterization, the interepistemic relation between locality and the nation (or the West, science, or whatever equivalent position as seen from locality) is constructed in time as hegemony/subalternity. Subaltern local theory includes its own positionality with respect to the hegemonic episteme, a perspective on its relation to hegemony, but its main feature regarding the hegemonic episteme is that it can either incorporate Western beings (objects, concepts, gods) within its own episteme (*phagocitosis*, since Kusch 1962), or actively ignore hegemonic agents (*ignoration*, after Londoño 2012). Phagocitosis and ignoration are two different attitudes to hegemony that preserve local theories of relationality. According to the local theory, there is no outer space of alterity where the self can draw its own contours and expand, as is the case with the modern West. Alterity as a condition of relationality is already thought and practiced among each being with each other being. Parents and children, people and Pachamama, upper winds and lower winds, alive and deceased, and so forth are relations of alterity already patterned within the local theory of relationality.

SECOND FRAME

While in Antofalla, Antolín and his family asked me to excavate their plot of land. It was the first time I was asked to excavate by local people. They irrigate their plot, flooding it for a period lasting one to several whole days, with water from a canal. They told me that the water "se pierde por un agujero" (gets lost through a hole). When they saw some large stones inside the hole, they presumed that it had something to do with archaeology; being the "expert," it was "obviously" my duty. My inspection of the spot gave me the impression that the hole constituted a tomb, similar to the underground slab-stone, false-vaulted chambers common in the area (Haber 2009b). The presence of two large slab stones in the bottom of the valley suggested they were carried from the upper slopes, where there are quarries with the same size and kind of stones. Never fond of excavating tombs myself, and assuming that excavating human remains would arouse similar feelings, I talked to Antolín and his family about the possibility that the hole might be a tomb before excavating it. To my surprise,

Antolín asked me if, in case it were a tomb, would it be Christian or Gentile (i.e., non-Christian), and he showed no particular interest when I said that in my opinion it would be Gentile. He was almost upset when I suggested discussing the issue of excavating a tomb with the rest of the people in the community. He perceived my suggestion as challenging the exclusivity of his rights to that plot of land; neighbors had nothing to say about what happened on his plot, and asking them would be admitting their inadmissible intervention. Rights to a plot result from taking care of that particular place, a relation again enmeshed with the idea of reciprocal breeding, a meta-pattern that I have previously called *uywaña* (Haber 2011a). In time, the goodness of that relationship would be evident to everyone in terms of land well tended, many and fat sheep, and a big and healthy family.

With our conversation in mind, I spent the following two days "excavating the hole," where I fortunately found nothing else but a broken pottery bowl, the two big slabs, and the idea that if it indeed was once a tomb, the amount of water running through it during several years had probably been responsible for the displacement of the slabs from their original chamber-like positioning and the consequent washing out of any organic remains. Having reported my conclusions and findings to Antolín, the job was not yet finished, given that the hole—by then neatly brushed and photographed—needed to be filled in to let the water flood the plot instead of running through it. I managed to leave the filling part to Antolín, who also wanted to take out the big slabs in order to use them in a building plan.

While I remained, a spectator to the lifting of those two gigantic stones from a hole in the soil, I was again taken by surprise. The following morning, Antolín and two neighbors gathered around the hole prepared to do the job, first pouring alcohol and coca leaves, sharing them with the earth, lighting a cigarette for her and for each person present. To take out the stones from the earth demanded a ritual payment for them in the very same spot where the possible tomb of a Gentile was unimportant for the very same people.

Nevertheless, I should say that the relationship to land enacted in this scene seems much closer to local than to Western Christian epistemes. These epistemes are meshes of relationships, ways of thinking about and acting upon relationships among things, gods, and beings, not mere numbers of things. To be Christian or Gentile is a matter of identity, but Christianity as practiced within local indigenous epistemes is a kind of relationship that can illuminate the way we think about things and *wakas*. In this second vignette, the waka (the sacred) is not the tomb (nor the would-be tomb) but the earth that is asked to relinquish the big stone slabs. I suggest that we think about the wakas not as things but as relational agents who are themselves made via meshes of relationships, or meshes of relationships made through conversation among many agents. While the waka as a tomb can be the object of scientific knowledge and

legislation (as the objects within the tomb are as well), the waka as agent is a subject to be related with, not merely as knower but as related being. The earth, that particular piece of soil in the familial plot, was a relational agent that took care of the family, providing them with food, and they gave her attention in the form of work and food in the form of ritual. Antolín's plot itself is a god that breeds his family through relations of uywaña, but it is not a god before those relationships but because and through those relationships. Relationality in motion is itself sacred and pedestrian at once. The apparent paradox appears when relationships of uywaña take precedence over fixed object-centered identities, and while Antolín is Christian in a local indigenous way, maybe he is not indigenous in a Western way.

The gods Severo asked to breed beautiful things for me were already related to the gods of the water and the earth and to the people of Antofalla. Wakas are everywhere. They are not objects but animated things (gods) that act upon their relationships with other things (humans) (Vilca 2009). As in any conversation, any utterance is a reply to the other's real, imaginary, or expected utterance.

Archaeological objects (what the wakas are called in the disciplinary language) have power only in instrumental terms: as media for obtaining knowledge. The same can be said for the collectors' version of wakas: they have power only as media for obtaining money or prestige. But for Antolín and Severo, antiguos and wakas in general are not media for obtaining another aim; neither are antiguos there to represent some absent reality, such as vestiges of the bygone past. For Antolín, Severo, and their neighbors, archaeological objects/sites do not mean the past;[1] they are purposeful and powerful actors whose social relations are embedded within the rest of things in the (local) world.

If the local episteme was normative in the Western sense, my archaeological excavations would be illicit as seen from the perspective of the local episteme; but the local theories are not normative but rather relational. Being in Antofalla, even conducting excavations, is always an occasion for relating myself to the local theory of relatedness—in other words, an instance for learning. While local relationships with wakas would be classified as illicit from the hegemonic episteme, post-Western relationships with archaeological things are occasions for semiopractical theorizing of cultural/colonial difference (Grosso 2008), of enmeshing myself in being there and relating with antiguos within the local theory of relatedness.[2]

THIRD FRAME, IN TWO PARTS

While conducting an excavation in Ingaguassi, Antofagasta de la Sierra, Catamarca, Argentina, an eighteenth-century indigenous gold mine site, the staff of archaeologists and students slept at a nearby elementary school at 40 minutes' walking distance. Every

morning, the team was accompanied by Benita, who was herding sheep while taking care of her granddaughter, one of the students at the school. Benita asked everyone to pick up a white stone when starting the walk and to pile them near the excavation when they arrived. She said that the stones would condense the tiredness caused by the 40 minutes' walk at an altitude of 4,000 m (13,125 ft) above sea level, and when the stones were deposited in the pile (*apacheta*), the tiredness would stay with the stones. At the same time, and as the pile grew day to day, it was the very spot where we were indicated to pour alcohol and coca leaves each morning before starting the archaeological tasks.

Several months after the field season, I went back to Ingaguassi, now with some 60 people from the closest town, Antofagasta de la Sierra. The visit to Ingaguassi was organized as part of the activities called the Week of the Museum, in which I was asked to participate. One bus and several smaller vehicles went to the site with the idea of having a picnic lunch and then visiting the site. The organizers wanted everybody there to share lunch with the earth, and consequently the first task as the people arrived was to choose the spot for the Pachamama (the mouth of the earth). People wandered around for a while, and then they decided that the white-stone pile beside the excavation, formed during the last field season, was the correct place. A hole was dug close to the pile, and one by one everybody offered the earth alcohol, coca leaves, and cigarettes and enjoyed some of it themselves, sharing with the gods.

The archaeological excavation in Ingaguassi was irrelevant, both for myself and for the local people, as far as any vestiges of the past that were found.[3] But it was really important as an occasion for entering into relationship with a local episteme, something that entails relating oneself through the local theory of relatedness. Remaining in the conceptual place from which one can say that my archaeological excavation was legal (I had the legal permits in order), the excavation of the hole for Pachamama right by the excavation was illicit; such a perspective does nothing more than reinforce violence on the subaltern episteme. The waka in Ingaguassi was again not a tomb but a god. And the difference between considering the waka to be a tomb or a god is again a matter of relatedness, not of objects themselves. Both kinds of relations with the tomb—on the one hand, as an archaeological object, on the other hand, as a god or an ontologically powerful subject—are within two epistemes, already related interculturally. The two epistemes are not just related as examples of different cultures in contact but also differentially constituted as hegemonic and subaltern. Hegemony and subalternity are not only ranked positions within a hierarchical scale but also mutually constituted relationally. Hegemony condenses the place of utterance of subalternity (*à la* Foucault, Said, Spivak, and other authors); it also is seen as the desired place of normality (*à la* Butler). As such, hegemony is constituted as an impossible but certainly attractive place, while subalternity remains understated. Thus, what constitutes both hegemony and subalternity is not just their ranking along the same

hierarchical scale (which is in fact only one of the features of the relation) but also their differential of power, representation, and desire; "illicitness" itself can be said to be an artifact or instrument of the composition of hegemony. At the same time, subalternity is the place of other relationalities produced in political, semiopractical, and erotic countercurrent, uttered from a nonhegemonic position and capturing the intercultural relation. The illicitness of excavations by local peoples should be thought of as emplaced within the intercultural hegemonic/subaltern form of relations that derive from the production of (colonial) difference (Gnecco and Hernández 2008). The language of disciplinary archaeology understands antiguos as vestiges that originate in the distant past and the means through which disciplinary expert knowledge can transcend that gap. Such a language is at the same time the occlusion of local epistemes, within which those same "objects" and "practices" act according to local theories of relatedness. These local theories are not isolated from hegemonic languages (such as disciplinary and legal languages) but have been constructed within long-term (five centuries) relationships of subalternity. Thus, placing the pit of Pachamama beside the stone pile (apacheta) built by archaeologists in observance of local theories of relatedness while they were conducting an archaeological excavation is a semiopractical utterance of the importance of the local episteme vis-à-vis hegemony. As one of the elders shouted while offering coca leaves in that same spot at the very time captured in the Third Frame, "¿Quién se anima a decir que la Pachamama no existe?" (Who can afford to say that Pachamama doesn't exist?).

Not only local excavations are illicit in this region. Local relationships to vicuñas (the herd of Pachamama) are interdicted by faunal protectionist legislation; local relationships to the vein of gold ore (the god of the mine, el Tío, el Diablo) are interdicted by mining legislation; local relationships to coca leaves (the Holy Leaf) are interdicted by antidrug legislation; local relationships to land are at risk from land-property legislation; and even the belief in Pachamama remains unrecognized by the Argentine state. If it was not redundant, it could be said that being epistemically subaltern is itself illicit. The very idea of "illicit excavations" could be thought of within the frame of understanding legality as a way of disciplining the Other. Tracing back the wakas to their place within colonialism may help in acknowledging the need for an alternate place from which to understand the difference between proper and illicit excavations, legality and illegality, tombs and wakas. That place is the place of (colonial) difference itself.

FOURTH FRAME (OLD ONE)

It was within the initial stages of European expansion over Tawantinsuyo that the first European discourses about wakas arose. In 1551 the first Concilio Limense (a

convention of priests that gathered in order to agree on the best ways to eliminate local beliefs and foster conversion into Christianity) launched what was called the Campaña de Extirpación de Idolatrías (Idolatries Extirpation Campaign, IEC). Such an epistemicidal (Santos 2005) policy included a whole set of instructions for destroying Andean wakas, the first of them dating from 1545.

> And they (the priests in charge of the extirpation process) will take great care and require surveillance in order to keep them (the Indians) from removing the corpse after it is buried to take it elsewhere and conduct there their ceremonies. . . . In order that they in some way wake up to the knowledge of God, tell them [about] the blindness and errors in which they have lived, worshiping stones and other creatures or works of their hands and that, because of the anger and because of the errors and other vices into which they have lived, God has been angry with them and has not delivered priests and clergymen to teach them and to make them depart from those errors. (IEC instructions, quoted by Duviols 1977:96)

Additional instructions followed and refined the first ones, including physical punishments and tortures for the Indians not willing to reveal the locations of the wakas and/or collaborating in their material destruction. The word *huaquero* (Quechua root *wak'*, written *huaqu* using Spanish phonetics, meaning "god," suffixed with Spanish *-ero*, meaning occupational noun) appeared in this context, designating the Indians who, anticipating the arrival of the extirpators to their locality, conducted excavations to take the wakas to some concealed remote spot in order to protect them from destruction. While the IEC was the onset of a continued policy of epistemicide, it impelled counterhegemonical semiopraxis in the form of early huaqueros and also in the form of the Taki Onqoy revolt. This 1556 uprising, manifested through collective dance trances, was said to form a pan-Andean alliance of wakas that would fight against the Christian God and throw him and Europeans out of Tawantinsuyo.

I have not introduced the colonial genealogy of *huaqueo*—what huaqueros do— here because I want to imply that it conserves identical meanings through the ages. What I am trying to say is that huaqueo, or "illicit" archaeological practices in general, should be viewed through the lens of colonial difference. In this sense, the archaeological discipline implies an epistemic violence against local theories of relatedness. It is obvious that this does not automatically imply that the black-market antiquities trade should be understood as a counterhegemonic practice. On the contrary, notwithstanding its apparent contradiction with disciplinary archaeology, the antiquities trade is the necessary corollary of the colonial disciplining of the relationships with wakas. It is the archaeological discipline that introduces a metaphysical gap between the distant past and the present, desecrates the relationship with the gods,

and justifies the need for external expert knowledge in order to bridge the gap with the past. Moreover, the archaeological discipline is the very discourse that introduces an instrumental relationship with archaeological objects and sites: these are seen as media for knowing the past. Postcolonial recapitulations of the archaeological discipline—postdisciplinary archaeology (Haber 2012)—transforms the discipline from only knowledge oriented to a variety of purposes, often directly or indirectly related with the production of marketplace goods. Heritage tourism and Cultural Resource Management (CRM) are the most visible postdisciplinary developments of archaeology, both intimately related to marketplace expansion over areas previously neglected by capitalism/colonialism (Haber 2012). Thus, the idea that archaeology is oriented toward knowledge while the antiquities trade is related to market exchange is no longer tenable, if it indeed ever was, beyond the self-representations of the discipline. The archaeological discipline and the antiquities trade, together with archaeological museums, heritage tourism, and so on, are within the same (post)modern Western episteme, described by the same theory of relatedness. This theory includes the ideas of vector-lineal time, anthropocentrism and materiality of objects, and increasing rationalism, defining relationships with its interiority, that is, with the self; and attribution of values (representation) and hierarchical intervention (civilizing / development / humanitarian aid), defining relationships with its exteriority, that is, with the other.

FIFTH FRAME

It is common in the southern Andes to visit *antigales* (archaeological ruins) on Holy Friday during Christian Easter festivities. Families carry their children, lunch, drinks . . . and spades. Knowing that God is dead on Holy Friday, they find it a propitious time for their ritual obligations with antiguos. Feeding and sharing alcohol and coca leaves with "archaeological" gods may induce the antiguos to reveal *tapados* (concealed treasures) in exchange. Miniature stone-walled "caves" with the Virgin Mary in them and little shrines of other gods such as Difunta Correa and Gauchito Gil are often found in these places. Being located in archaeological sites, both this paraphernalia and the excavations are illegal and often denounced by archaeologists (e.g., Raffino 2004:191–193) and punished by the police. But in most of the cases, this rituality, which defines popular relationships with antiguos, remains unnoticed by the state and disciplinary knowledge.

What seems to be illicit is not merely to excavate an archaeological site without proper state authorization but to live within a mesh of relationships different from the hegemonic ones. And the very idea of what is to be considered illicit or not is also

a disciplinary mechanism that builds hegemony. Almost by definition, to be subaltern is illicit, or, in other terms, law is the hegemonic state's demarcation of the contours of normality (again, hegemony).

ILLICIT ME?

The discussions proposed in this volume are about things "out-there": archaeological objects, black markets, museum collections and displays, excavations, and so on. As I have tried to suggest through the (intended) unframing effects of the five frames and my discussion of them, what should be (but is rarely) discussed is the relationship of those things "out-there" and the "place-here" from where each one intervenes in the discussion. That relationship is informed by coloniality. In order to see the ways coloniality is codified and recapitulated in academic discourse and to eventually have the opportunity to turn this discourse against colonialism, the place, the home address, of the discussion should be moved to the colonial difference (Haber 2011b). From the frame of colonial difference, disciplinary archaeology and marketplace instrumentalities are not seen as oppositions but as complicit within the same epistemicidal episteme (Haber 2013). A move toward the exteriority of that epistemic framing could be desirable both for epistemological and political decolonial aims—even knowing that such a move would imply entering into relationships with what is subnormal, illegal, and/or illicit.

From that place of exteriority things appear otherwise; from there the varied manipulations of the gods conducted by archaeology (both disciplinary and postdisciplinary), museums, collectors, and dealers appear unbearable. The violence against local communities because of the illicitness of their relationships with antiguos (and coca, water, animals, mineral ore, etc.) is irrational. It is complicit with epistemicide to frame the discussion on objects and the access to them as if they were inert, disposable, exchangeable instruments of knowledge or of some other goal. It could be thought that if one moves to the other side of colonial difference and looks back at archaeological excavations, they would be seen as illicit. This has mostly not been possible, though: the intercultural relation is not reversible. Such irreversibility is the measure of its coloniality.

MOVING FRAMES

A well-known iconographic scene of classic Moche pottery (figure 9.1), decorated with fine line drawings, shows humans running away from the persecution of instruments
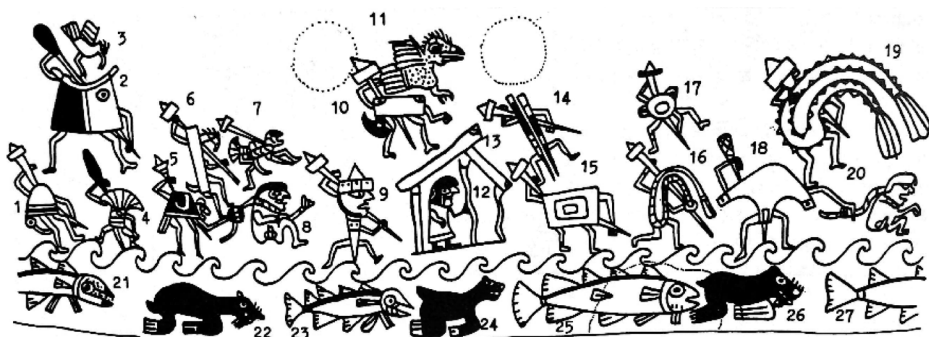
FIGURE 9.1. The "rebellion of the objects" scene from Mochica iconography. Source: Quilter (1990).

(weapons, agricultural, domestic, and other) (Quilter 1990). The instruments have legs and arms and are almost catching their human prey. This scene strongly conveys the idea that instruments can act upon those who treat them as instruments. What is considered to be an instrument for obtaining knowledge (by archaeological discipline and heritage law) or money (by the heritage industry, museums, antiquities dealers) or prestige (by archaeologists, museums, collectors) may be instead sentient and agentive beings. And to relate to and with those things as sentient and agentive beings implies being acted upon by them according to local theories of relatedness. That is why to decolonize the view implicit in the idea of "illicit excavations" may be more a matter of helping oneself (letting oneself be helped) in order to move from an episteme where wakas are tombs (and we can manipulate/collect/know them) to another where wakas are gods (and we should observe proper relations with them in order to negotiate our lives), instead of merely helping someone else (or "humanity") overcome the "destruction of cultural heritage." I would like to stress the *religious* sense of what I mean by the phrase "wakas are gods" in terms of *re-ligare*, that is, reconnecting. I would say that to reconnect, to relink things and feelings in the world—severed from their mutual connections by coloniality and modernity, and particularly by disciplinary discourses such as archaeology and heritage law—is a task within a decolonial practice and within a counterhegemonic cultural mobilization. Regarding the discussion proposed in this volume, this would mean growing the local knowledge and cultural skills to relate with wakas in ways different from the assumption of instrumentality; that is, as gods of the place and people in locality. It is only in terms of a place-based epistemology (Escobar 2005) that something like cultural heritage can make sense.

From the Antofalla episteme, there are no illicit or legal practices but relations properly or improperly negotiated among related beings. While an Other's view of archaeological excavation would be illicit if anticipated from a hegemonic representation of alterity (as anthropological and multicultural discourse often does), moving frames to the other side of the colonial epistemic border would show us the centrality of semiopractically theorizing the Other (i.e., the West), bringing would-be illicit procedures within proper negotiation among local beings according to local theories of relatedness (phagocitosis). In this sense, while hegemonic archaeology understands the relationships with wakas in terms of disciplining objects and subjects (Western domination of alterity through discipline), I would ask for a place-based relational epistemology, including an understanding of the relationship with wakas in terms of relational negotiated modulation—in this case, Andean modulation of alterity through ritual.

Time and space are not dimensions in the Western modern sense but conversations among animated beings, relationality codifying alterity. Space and time are the same as "the place," that is, my lived-in place. And the idea of soil—not, as in the Western episteme, a dimension—is not even a thing, as in Western thought of the others. *Pacha*, a concept of "space/time" and "this place" and the noun root of Pachamama, the so-called Andean mother goddess, makes sense only as a web of lived relationships in which each one is becoming. But, again, not just as an object but as a sentient and powerful being, a god. Thus, the lived relationships within the cosmic community of beings, in which each one is bred, grows, reproduces, and dies, are themselves agentive and sacred. Life itself, being a god, acts upon each being through reciprocal and asymmetrical relationships of breeding and eating, creation and destruction.

Life cannot simply be known but must be lived; relationality cannot simply be known but must be related with. The interepistemic trip that begins by undisciplining archaeology ends with its own epistemological/philosophical consequences. Local theories of relationality can act upon the knower that comes from afar as much as the knower is related to and becomes through those relationalities. In theoretical and political terms, this implies a standpoint from which to decolonize oneself of Western modern assumptions as codified in the disciplines of knowledge.

ACKNOWLEDGMENTS

NOTES

1. In the modern logocentric sense of *meaning* as an explanation, a description of a word or significance that is absent is represented by a meaning or signifier. In Severo's theory, "antiguos" *are* the past as much as the past is the "antiguos": both are copresent, continuous, material, and immaterial at once.

2. *Semiopraxis* makes reference to nonnecessarily linguistic discursive interaction, expressed in nonofficial discursive records as a way to reestablish appropriate relationships within a subaltern life-world. In this case, the cultural/colonial difference is theorized not as an intellectual endeavor linguistically expressed (and alphabetically written down) but as a matter of bodily practice, where oneself is related in practice with a mesh of relationships that simultaneously implies connections with a subaltern relationality and disconnections with hegemonic standpoints.

3. In fact, it was just as "archaeologically" irrelevant as the other excavations included in this text: the test pit by Severo's agricultural plot stone fence and the hole in the middle of Antolín's agricultural plot. The three excavations were occasions for intercultural interpellations and events for theorizing; I wonder what the antiguos' intentions were in these cases.

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DYNAMISM NOT DUALISM

❧

Money and Commodity, Archaeology and
Guaquería, *Gold and Wampum*

LES FIELD

I N THIS CHAPTER I WILL ARGUE that precolumbian objects made of gold have had and still possess such specific cultural and historical trajectories that both the archaeological and nonarchaeological excavation of such objects is therefore distinct from the archaeological and nonarchaeological excavation of objects made of other materials.

In a general sense, I contend that dualistic distinctions made between archaeology and nonarchaeological excavation (which I refer to using the Andean term *guaquería*) do not accurately apply to precolumbian gold artifacts.[1] This dualism, as many of the chapters in this volume both describe and contest, has been historically linked to other dualisms, such as legal versus illegal, science versus nonscience, preservation in museums versus exploitation as commodities, that form the foundations for contemporary hegemonic discourses about heritage and archaeology's role in defending it. I will discuss how a chronological succession of ways in which precolumbian gold artifacts from what is now Colombia were treated in the 500 years since Europeans arrived in South America, illuminating the shared derivation of both archaeological and nonarchaeological treatments of gold artifacts via the colonial appropriation of gold artifacts according to European value systems. Archaeological and nonarchaeological treatments of gold artifacts share far more in common with each other than with the archaeological and nonarchaeological treatment of other kinds of artifacts, precisely because of the distinctive qualities of artifacts made of gold in the dominant system of value. That value system is isomorphic with the development of the money commodity, as determined by the history of colonialism and the

contemporary coloniality. The implications of such an analysis, I contend, suggest an on-the-ground effacement of the generalized dualistic distinction between archaeology and guaquería. The alliance between nation-states and nationalist archaeologies maintains that distinction in law and other hegemonic institutions, substantiating national identities through control over heritage; but in my work in Colombia and North America, I see multiple archaeologies and guaquerías, distinctive both in and of themselves, historically and in the present, and in relation to one another.

After describing the succession of treatments of gold out of which both the archaeology and guaquería of golden objects derive, I will underscore the distinctive nature of this history by employing a brief comparison with a very different material and its very different historical trajectory in the history of money: wampum. In short: in the case of gold, the nature of the European money ideology conditioned the complete rupture with and extirpation of the semiotics of precolumbian gold for indigenous societies in which gold did not have a money function and their replacement by historically dynamic European gold semiotics in which it did. This in turn shaped the unique gold system involving both a particular guaquería and particular archaeology. The case of wampum, by contrast, concerns a substance imbricated in money functions for both indigenous and European societies; these money functions (as well as other functions) continued to develop in both separate and hybridized ways after the European arrival. This multiply intermingled symbolism conditioned the development of a history of wampum, in which archaeology has had a subdued role and guaquería almost none.

The contrasting case highlights functions and ideologies in the making of the money commodity and gold-as-money, on the one hand, and of ancient objects as commodities, on the other, that shaped distinctive guaquerías and archaeologies that have a systemic character. Such an argument does not deny that either a specific guaquería or a specific archaeology might not be destructive of the artifacts of the past and anyone's ability to understand that past in the present. But this study complicates the notion of opposition between a generally characterized archaeology versus a generally characterized guaquería by illustrating specific forms of both and their continued trajectory of development in specific ways: the recovery of wampum by tribes in the U.S. Northeast leads to distinctive treatments of indigenous histories, whereas the private collecting of precolumbian gold artifacts via guaquería is not necessarily all that different from the official archaeology present in the main site of fieldwork I conducted for this project, Bogotá's Museo del Oro (the central, largest and best known of Colombia's Gold Museums is located in Bogotá; other Gold Museums are found in Cali, Cartagena, Armenia, Santa Marta, and Pasto). As I will show, that official archaeology is not quite describable as "scientific," and the Gold Museum is also a Museum of Guaquería.

HISTORICAL SEQUENCES IN THE MAKING
OF THE GOLD SYSTEM IN COLOMBIA

In Marx's discussion of gold's instrumental role in the European imagining of value and of money, he observed that money serves "as the form of manifestation of the value of commodities, or as the material in which the magnitudes of their values are socially expressed." In addition, he wrote, "The money-commodity must be susceptible of merely quantitative differences, must therefore be divisible at will, and equally capable of being reunited." In his discussion of how money takes on the character of capital, Marx therefore distinguishes "the first chief function of money," which is "to supply commodities with the material for the expression of their values, or to represent their values as magnitudes of the same denomination, qualitatively equal and quantitatively comparable. *It thus serves as a universal measure of value. And only by virtue of this function, does gold, the equivalent commodity par excellence, become money*" (McLellan 2000:481, emphasis added).

Marx's analysis of the historical derivation, fetishization, and reification of money and capital took for granted the domination of European concepts and values over the concepts of value manifested historically in the rest of the world; but the actual historical outcome of that domination was what universalized the meaning and the behavior of money and the significance of gold-as-money. Gold-as-money is thus historically specific and contingent, rather than (as Marx would be the first to observe) an innate or predestined characteristic (see also Graeber 2001). One of the most important periods in the specific, contingent history of gold (and of money) was the extirpation of precolumbian semiotics of gold following the arrival of Europeans in what became the Americas. That extirpation shaped the future treatments of any and all artifacts made of gold that survived the destruction of their precolumbian semiotics and thus created the conditions for both a very specific archaeology and a very specific guaquería unlike other archaeologies and guaquerías.

Gold's profile in the precontact indigenous civilizations of the Americas was radically distinct from and did not intersect with the development of money in Europe until Europeans arrived on these shores. Analysis of the significance and meaning of precolumbian gold derives from materialist, mostly Marxist theory, on the one hand, and hermeneutical analysis, on the other. The former, elaborated by Carl Henrik Langebaek (1992), pays close attention to archaeological analysis that reveals the development of technologies used to purify, alloy, cast, hammer, and shape gold and evidence concerning the abundance of food produced by cultivation systems that could support economic diversification, specialization, and increasing social complexity. Under such economic and political regimes, according to Langebaek, artisans

of all kinds, including those manufacturing gold objects, accelerated the specialization of manufacturing technologies, which in turn were part of expansive, diversifying markets. By contrast, hermeneutical analysis, in the influential work of Gerardo Reichel Dolmatoff (1988), links the development of gold manufactures to the development of shamanic religion in precontact Colombia and the use of gold in specific esoteric, complex rituals. Gold in these analyses is linked to the semiotics of the sun, fertility, masculinity, flight, and jaguars. The evidence in this latter case comes from ethnographic analogies with more contemporary Amazonian indigenous societies.

The hermeneutic approach offers perspectives for understanding the fetishization of gold as a substance in precolumbian times, which in turn creates the basis for discussing the reification of gold as a symbol of political and spiritual power in societies whose agricultural productivity and inegalitarian social structure appear to have been accelerating over time (see Gaitán Amman 2006; Cooke et al. 2003). Another important area in which the two approaches are complementary concerns the profound changes in gold manufactures that occurred throughout the territory of what is now Colombia starting around 500 years before contact. Langebaek observed that "between the 10th and 16th centuries AD . . . we observe the disappearance of interest in manufacturing extraordinary pieces in favor of intensification of the production of smaller objects" (1992:47–48). Before A.D. 1000, Langebaek (2003; see also Gnecco 2006) contends, the manufacture of gold artifacts focused upon the elaboration of a few monumental, unique, technologically sophisticated and aesthetically magnificent pieces, which are now the center of attention at the Museo del Oro. These artifacts were made of pure or almost pure gold and required intensive labor. In the final period before contact, gold-working societies in what is now Colombia developed technologies for mass-producing small objects, such as earrings, nose rings, beads, and implements used for ingesting hallucinogens, cast in great quantities and often out of gold-copper alloys that were later plated with very thin layers of pure gold. As conquistador accounts attest, within the value systems of these societies, alloys were not considered less valuable than pure gold, since their coppery shimmer was also attributed to possess tremendous importance (Falchetti 2003).

Thus, not one but two markedly fetishized and reified systems of value and power in which gold played essential, central roles suddenly and violently clashed after Europeans arrived. While the European system subjugated the precolumbian system, that subjugation was not a single event or even a long-term series of events in which the valuation of gold stayed the same. The first transformative period followed the conquest and lasted until the early nineteenth century, the second spanned the entire nineteenth century and ended in the early 1940s, while the third period covers the 1940s to the present.

The first period, which lasted more than 300 years, was characterized by two distinct yet interrelated processes: the search for the mythic El Dorado, on the one

hand, and zealous efforts by the Catholic Church to eliminate any and all traces of precontact religious beliefs and practices, on the other (Botero 2006). The story of El Dorado, "the golden one," encapsulates the strongest version of what might be called "the colonial treasure complex," a narrative that promises a rich hoard of fabulous wealth to the clever, cunning, brutal, and unscrupulous European protagonist, who is either lucky, able to outsmart innocent, foolish, subjugated native peoples, or both. While El Dorado was an image that taunted the Spaniards' desire, luring them as far north as what became New Mexico, there is a specific significance to the story of El Dorado with respect to the territory that became Colombia. It is the tale of a people so rich in gold that during their most important ceremony their king was covered in gold dust and then plunged into a sacred lake, where the gold particles floated down to the lake's bottom, accumulating there over the centuries as an offering to their heathen gods. This story identified the high-alpine plateau around what is now the city of Bogotá (the Sábana de Bogotá) and Lake Guatavita as the likely locations of this ritual, the areas in which dense populations of precontact indigenous people now identified with the ethnonym Muisca lived.

At the same time the Spaniards and their descendants, the criollos (persons of Spanish descent born in the Americas), were captive to this narrative and the promise of wealth to those who discovered the gold of El Dorado, the Catholic Church was intent on destroying images and icons that represented the precontact religious belief systems. The extirpation of such objects, whether made of gold, ceramic, textiles, or stone, was a constant preoccupation of the colonial administration for hundreds of years. Gold objects were treated very differently from objects made of other materials, according to the specific reification and fetishization of gold the Spaniards brought with them to this hemisphere. Thus, not only were precolumbian gold artifacts systematically and almost without exception melted down to make ingots and coins, they were also sometimes transformed into reliquaries for Catholic rituals. In the colonial city of Popayán, founded in 1537, the Museo de Arte Religioso (Museum of Religious Art) has an extensive collection of pure gold, jewel-encrusted *custodias*, reliquaries in which the consecrated Host is kept and publicly venerated in Catholic churches, cast with the gold recovered from melting older precolumbian artifacts. The relics are held in a vault and shown to the public only during Holy Week; this other "Gold Museum," although it is not referred to as such, showcases the victorious refetishization and reification of gold that resulted from the conquest.

Starting at the end of the eighteenth century, Clara Isabel Botero (2006) identifies an "incipient valorization" of the precolumbian world that led to the second transformative period in the postconquest status and treatment of precolumbian gold. Much of the initial intellectual work in this respect was elaborated by Catholic padres influenced by Enlightenment rationalism and empiricism, then sweeping

European intellectual circles. The process of validating precolumbian material culture as a permissible area of investigation and interpretation under a heretofore-unknown kind of relativism was from the very first additionally legitimized by the early interest of important European scientist-explorers. In the early nineteenth century, such legitimation was provided most famously by the investigations of the German naturalist Alexander von Humboldt, who was particularly drawn to Lake Guatavita, creating a new scientific interest in exploring the lake's depths for precolumbian artifacts through a variety of means. The process of criollo nation building following South American independence struggles during this time also framed the transformation of attitudes toward and treatment of precolumbian gold artifacts. The publication in 1854 of *Memoria sobre las antigüedadedes neogranadias* by Ezequiel Uricoechea, a naturalist, philologist, chemist, geologist, and astronomer who embodied the nineteenth-century polymath, further elaborated a new concept of precolumbian societies. Comparing Colombia's antiquities and ruins with those of Rome, Egypt, and Greece, Uricoechea argued that precolumbian societies had to be considered civilizations rather than forms of "barbarism," a term he used to characterize indigenous peoples of the South American lowlands (see Botero 2006).

During and after the 1850s, a mixture of local and foreign interests converged as precolumbian artifacts became the subjects of scientific interest and research. The Italian geographer Agustin Codazzi's excavations in Antioquia province uncovered a number of spectacular gold objects, among them a stupendous *poporo*, a recipient for alkali used when chewing coca leaves, an object whose iconic character went on to play an extraordinary role in the ongoing narrative of precolumbian gold. In the ensuing decades, thickly forested land in the highlands of the Antioquia region were colonized both to plant coffee, the new fabulously lucrative export crop, and to systematically search for and excavate precolumbian tombs, graves, dwellings, and settlements specifically to find gold artifacts. Guaquería at this time developed into a recognized and respected profession in Colombia, with its own tools, jargons, apprenticeships, specialized knowledge, and official state-recognized status (Arango Cano 1924).

The professional *guaqueros* of the early nineteenth century, like those who had searched for gold objects since the conquest, looked for gold mainly to melt it down and sell bullion, thus transforming precolumbian gold objects into the raw material for European and other currencies, literally converting gold from one form of reified congelation of value to another. But starting in the mid-nineteenth century, the impact of scientific discourses and research in an independent Colombia led guaqueros to increasingly sell intact gold objects to wealthy individuals, both Colombian and foreign. Among the Colombian collectors, this new practice was best exemplified by the collection of the merchant Leocadio María Arango. Arango accumulated an immense collection of precolumbian gold and ceramic artifacts (Arango Cano

1924), established a private museum for his collection, and published catalogs of exhibited objects. As the new compulsion to collect precolumbian artifacts grew among wealthy and powerful Colombians, important examples of unique, monumental gold sculpture were unearthed, such as the previously mentioned poporo, but also the iconic golden *balsa muisca* (Muisca raft), which seemed to authenticate once and for all the reality of the narrative of El Dorado. The first golden balsa, an elaborate sculptural object, oval shaped with a diameter of 17 cm and at least 80 percent pure gold, was discovered in 1856 at Lake Siecha near Bogotá. The German consul in Colombia purchased it, which reflected the rising tide of European demand and desire from collectors, museums, and scientists alike for precolumbian artifacts. In transit to the Ethnographic Museum in Berlin, the balsa burned in a warehouse in the port of Bremen, although another one, of roughly equal size, gold content, and magnificence, was found in Cundinamarca province in 1969.

From the end of the nineteenth century and into the early twentieth, the focus of foreign exploration, excavation, and research upon Colombia's precontact material culture continued to intensify. The British Museum, Berlin's Ethnographic Museum, the Musée del Homme in Paris, and Chicago's Field Museum were accumulating increasingly large collections of magnificent precolumbian gold objects from Colombia. The culminating moment of this period was the 1890 discovery of the horde of gold objects that became known as the Quimbaya Treasure. The purchase of the monumental pieces of this treasure by the Banco de la República, a semiautonomous entity of the Colombian state, was followed by the Colombian government's decision to give the vast majority of them to the queen of Spain. Botero's work and Pablo Gamboa Hinestrosa's (2002) volume strongly suggest that the decision reflected the common sensibilities of educated elite Colombians at that time: the exhibition of Colombian antiquities in European museums, they believed, would in fact demonstrate the highest honor that could be paid to these objects. Placement of these objects in Madrid (as well as in Paris, London, and Berlin) would in effect signify that the material culture of precontact peoples was on par with the material culture of Old World antiquity. This constituted a high-level legitimation of precontact history and culture that placing the objects in Colombia's National Museum simply could not match. The objects of the Quimbaya Treasure, excavated by guaqueros, became high-level congelations of commodified national pride. As Marx described, like any commodity, the value of these objects was revealed through their circulation as both money and commodity.

The fate of the Quimbaya Treasure and the continued exit of antiquities from Colombia in the first two decades of the twentieth century, I would argue, created a subtle but real sense of panic among the country's small but growing community of archaeologists, anthropologists, and historians. In 1938 the Colombian government established the National Archaeological Service and in 1941 created the National

Ethnological Institute (now the Instituto Colombiano de Antropología y Historia Nacional); the latter came under the direction of well-known French ethnologist Paul Rivet, whose presence in Colombia buttressed the possibilities for serious scholarship within the country. These developments coincided with new ideological currents of *indigenismo* being articulated in Mexico and Peru, which created additional intellectual ferment for preservation, curation, and analysis of precontact legacies (see Field 1999 for a discussion of Latin American indigenismo). Impelled by the considerable energies and intellect of the Colombian archaeologist and ethnologist Gregorio Hernández de Alba, the Museo del Oro opened its doors in 1944. The Banco de la República donated its collection of gold objects, the vast majority of which had been purchased from Leocadio María Arango's famed private collection—all of which, it must be stressed, had been excavated by guaqueros or via the techniques of guaquería rather than by archaeologists (see Piazzini 2009). Codazzi's famous poporo became the museum's founding object and to this day its most recognizable icon.

This ended the second period of the postcontact history of precolumbian gold. The establishment of the Gold Museum created a highly respected repository for precolumbian gold, such that it was no longer conceptually necessary to remove gold objects from the country to show esteem for them, as had previously seemed to be the case. Iconic objects in the museum's collection, considered both the crown jewels of the nation and the most important archaeological treasures in Colombia, all derive from guaquería. Given the intertwining between national patrimony, archaeology, and guaquería, the advent of the Gold Museum did not end guaquería. The Gold Museum's existence instead created a new situation in which it was now in almost all cases more lucrative for guaqueros to sell gold objects as is rather than melt them down for their gold content. At the same time, the Gold Museum's scholarly work and extensive description and analysis of precolumbian gold objects added tremendous value and importance to the objects in private collections. It therefore became possible, indeed quite logical, for affluent private collectors to simultaneously support the work of the Gold Museum and quietly continue to buy artifacts from guaqueros for their own collections.

The gold system that coalesced in the twentieth century again refetishized and reified the value of precolumbian gold artifacts as singular and prestigious objects after hundreds of years in which their value derived from their conversion to European reified and fetishized forms of gold. In the mid- and late twentieth century, the collection at the Gold Museum grew. At the same time, guaqueros hawked their wares not only to the ultra-affluent collectors but to families and individuals of much more modest means who became interested in decorating their homes with antiquities. The museum, like archaeologists, purchased artifacts from guaqueros, and archaeologists themselves sold artifacts to the museum. Once the gold pieces were on exhibit,

their origins became invisible. The illicit commodified character of precolumbian gold excavated by guaqueros was "cleansed" of that character as they became part of the national patrimony in the halls of the museum (see also Gaitán Amman 2006). In this way, gold artifacts did not pass through either a continuous C-M-C circuit, which describes the consumption of commodities through the money-form circuit, or the M-C-M circuit, in which money becomes capital and then money again in order to continuously expand as capital, both of which Marx described (McLellan 2000:482–488). Rather, precolumbian gold objects that were transformed into commodities under postindependence regimes became a form of nationalist cultural capital, "frozen" in the Gold Museum, where their circulation as commodities ceased even as their value as commodified symbols of the Colombian nation grew. All this was created and sustained by guaquería rather than archaeology.

In the twentieth century, guaquería maintained multiple and divergent practices, ranging from forms of excavation practiced for generations in the coffee-growing zone, to the explosion of excavation that was a by-product of the marijuana boom of the 1970s in the Sierra Nevada de Santa Marta. Guaquería in the Santa Marta region now seems a harbinger of social and economic patterns that later became much more widespread in Colombia. The slopes of this immense massif, which rises from sea level to glaciated peaks at above 5,700 m (almost 19,000 ft), became the focus of cultivation of high-grade marijuana destined for U.S. markets. Thousands of peasants converged upon the mountain to grow marijuana, for which they received much more cash than any other crop. In the course of clearing dense forests, many precolumbian sites were suddenly visible and vulnerable. A flood of gold and ceramic objects hit the antiquities market in the late 1970s. The cultivation of marijuana soon brought armed conflict between guerrilla groups seeking to profit from the lucrative trade and paramilitary groups seeking to combat the guerrillas and also profit. According to one source (Wilhelm Londoño, personal communication, 2011), at least two-thirds of the total collection of gold objects in the Gold Museum originated in the guaquería ongoing in the Sierra Nevada de Santa Marta region, while the overall supply of gold objects also greatly expanded. Those private citizens who could afford to buy gold artifacts—mostly small things like earrings and nose rings—could find them on sale in upscale galleries. One gallery had (and still has) its own museum, with original gold and ceramic pieces, which gives the shopping experience the luster of participating in the cultural heritage of the nation. All the elements of the system—the Gold Museum, the guaqueros, the private collectors, and the archaeologists—seemed to thrive, and the lines separating them and making distinctions between them were dynamic and provisional.

I would argue that the contradictions within this system reached an unbearable and appalling crossroads during the events following the discovery of the treasures at

the Malagana sugarcane hacienda in 1992. The assault on the tombs holding gold and ceramic artifacts at this site in the northern region of the Valle de Cauca continued unabated for many months. Guaquería during the Malagana disaster looked different from the "traditional" forms. On the one hand, video documentation shows hundreds of people, including office workers from Cali, policemen, nuns, and teenagers who probably had never before engaged in guaquería, excavating precolumbian artifacts, although professional guaqueros were also present. Soon the site also became known for the brutal violence erupting among those excavating and especially among those who were buying up the artifacts and attempting to sell them (personal communication 2008, Oscar Dorado), as organized syndicates controlling narcotics trafficking, kidnapping, and other high-profile criminal activities in the Cauca Valley moved to dominate the buying and selling of the precolumbian gold being unearthed in astonishing quantities at the Malagana hacienda.

Archaeologists found the despoliation of the site an extraordinarily traumatic tragedy, and one that they were understandably eager to overcome and get past by transforming the site from a disaster to a scientific endeavor (see Archila 1996; Bray et al. 1998; Bray et al. 2005). Warwick Bray, Leonor Herrera, and Marianne Cardale Schrimpff (1998), who were involved in the archaeological work at Malagana after 1994, describe the events from the vantage point of the Gold Museum, which was offered gold objects from what was initially in 1992 an unknown site. These authors observed that "the site became internationally famous for the way it was plundered, often by people living in great poverty to whom the finds represented not a fascinating chapter of history but a chance to satisfy some of their basic economic needs" (Bray et al. 1998:143). These comments suggest the culmination of the contradictions of the third period of the gold system. The excavators apparently viewed these artifacts not as historical and cultural objects but primarily as gold, a resource commodity (rather than a form of national capital as commodity), and they were convinced that it was their right to exploit this natural resource in pursuit of their own and their families' economic well-being. Despite or perhaps because of the Museo del Oro's work in preserving and exhibiting precolumbian gold as national capital, a great many Colombians by the 1990s continued to consider guaquería as a legitimate activity and to view archaeology, to the extent that they considered it at all, as intricately intertwined with guaquería in very practical ways.

The plunder at Malagana led to a new acceleration in the commodification of precolumbian artifacts, many of which left the country. In turn, during the late 1990s and early 2000s, the Banco de la República supported the renovation and expansion of existing outlying branches of the Museo del Oro in several larger cities, including Cartagena and Cali. A large new building and infrastructure for the Museo del Oro was constructed in Armenia, near the location of the Quimbaya Treasure's discovery.

In Santa Marta, seemingly the only place in Colombia where contemporary indigenous peoples still utilize ancient gold artifacts in their ceremonies and narratives, the Museo del Oro also underwent extensive and significant renovation.[2] These museums were designed to instruct a broad cross section of the Colombian public that guaquería is a destructive threat to the nation, presumably to decrease both the activities of guaqueros and the demand for private consumption of such objects, social changes that the events at Malagana strongly suggested were not coming to pass (personal communication 2008, 2010 from museum staff in Armenia, Santa Marta, Cali, and Cartagena). The Colombian government completely banned trade in national patrimony artifacts, including precolumbian material culture, under Decree 833, passed in 2002 (personal communication, 2008, 2010, from museum staff in Armenia, Santa Marta, Cali, and Cartagena). Private collectors in Colombia can no longer legally buy new objects, and they must register what they already own with the Instituto Colombiano de Antropología y Historia Nacional. They may pass on what they currently own to their descendants, but they cannot sell their collections to anyone else. The ban, according to curators in the Gold Museums whom I interviewed in Armenia, Santa Marta, Cartagena, and Cali, also makes it illegal for the museums to acquire objects unearthed by guaqueros. In this way, the new law has driven up the price for all precolumbian artifacts, especially those made of gold, making it all the more likely that they are smuggled out of the country to ultrarich foreign collectors.

In sum, guaquería, the source of the vast majority of precolumbian gold artifacts, has shaped their commodification and their current role as national capital in the Museo del Oro; with respect to precolumbian gold objects, guaquería continues to dominate archaeology in the sense that guaqueros are generally the first to find the sites where gold artifacts are uncovered, and archaeologists, to the extent that they can ever access such sites, do so after extensive destructive plunder has already taken place. Under current legal restrictions, these gold objects can no longer circulate from the commodity form to the frozen form of national capital but are instead frozen in the collections of private wealthy individuals, or continue to circulate in international markets, or are once again circulating to be melted down, obliterated by the domination of gold-as-money. Archaeology's most active role seems to be to cleanse the artifacts of their origins in the practices of guaqueros, in museums, and no doubt in private collection as well in order to ensconce those artifacts within the practices of classification and curation. This situation, as I have elucidated, could only occur under conditions in which the precolumbian fetishization of gold was almost without exception extirpated and under successive iterations of the gold-as-money regime, on the one hand, and the commodification of gold objects by guaquería, on the other. In the next section, these characteristics are highlighted by way of comparison with the pre- and postcontact history of wampum.

WAMPUM: MONEY, DIPLOMACY, COMMODITY, HERITAGE

Why did the multiple meanings of the shell artifacts known as wampum in the precontact era intersect with the use of wampum in the postcontact era as a tool of diplomacy and a form of money employed and accepted by indigenous peoples and Europeans alike all over colonial New England and the mid-Atlantic? By contrast, in Colombia (and everywhere else in Latin America) the multiple precolumbian meanings of gold artifacts were entirely extirpated, literally liquidated, making way for a strictly European concept and form of money and commodity. If in the case of gold such transformative processes created the conditions for the ensuing five centuries of guaquería and its strange relationship with archaeology, did wampum's transformative processes also lay conditions for unique forms of archaeology and guaquería-like activity?

In the northeastern Atlantic region of North America, wampum is defined as "a small and short tubular shell bead. The beads were strung into strings or woven into belts. White beads were made from the inner whorl (columella) of the whelk. Purple (also called black) beads were manufactured from the dark spot or 'eye' of the quahog clam shell" (Barreiro 1990:10). Late nineteenth-century Anglo social scientists, such as philologist-ethnologist Horatio Hale and ethnologist Frank Speck (one of Franz Boas's students), queried the historical development of wampum's uses, focusing in particular on the interface between indigenous and European understandings of this unique substance. The racial and racialist frameworks shaping anthropological discourse at that time cannot be ignored, yet, following Lewis Henry Morgan, Iroquoianists recognized the achievements of Iroquois civilization even while their scholarly work operated within the confines of settler colonial states (the United States and Canada). Speck (1919, 1925) and Hale (1897) demonstrated that in the precontact period, indigenous Iroquoians and Algonquians produced and used wampum as the most desirable material for certain personal ornaments and therefore deployed it as a symbol of indigenous concepts of wealth and as insignias of chiefly power.[3] Wampum, they found, was also used as a pledge of sincerity, especially in marriage proposals; as a gift between friends; as a demonstration of sympathy; as a condolence for those who were grieving; and perhaps as compensation to indemnify those who had lost family members due to crimes and murder. Additionally, wampum could also be used as payment for shamanic services, as ransom for captives, and as tribute.

Following the arrival and settlement of the Dutch and English in the northeastern Atlantic region, wampum in the form of elaborate belts assumed new characteristics: as the embodiment of treaties between indigenous groups and between whites and indigenous groups; as bringer and binder of peace and as incentive to peace; as an

instrument for concluding treaties and facilitating negotiations; as regalia in ceremonies; as symbols of speeches and proclamations; as mnemonic devices or documentation of the terms of treaties and negotiations; and finally as actual currency, money as Marx has described it, manufactured and circulated by and between indigenous groups and whites alike. Some of the beads used in making the wampum belts were quite ancient, and their manufacture preceded the arrival of Europeans (Barreiro 1990). Discussing the circulation of wampum-as-money, Marc Shell (2013) emphasizes the polysemy of wampum through its transactionality, writ both small, in commodity transactions as money, and large, as a tool of diplomacy, across multiple sociocultural frontiers and borders. He considers wampum a kind of "lingua franca" (Shell 2013:39, 47–56).

Contemporary anthropologist Audra Simpson (Kahnawà:ke Mohawk) emphasizes the role of wampum in seventeenth-century diplomacy and treaty making:

> The Two-Row Wampum Treaty is a treaty of co-existence between the Dutch and Iroquois represented by a belt of purple and white wampum shells. There are rows of purple wampum parallel to each other with white wampum between and around them. The white represents the sea of life that each row metaphorically shares. One purple row represents an Iroquois vessel and the other a European vessel. Although they share the same sea, they are separate and parallel; they should not touch or disturb each other or try to steer the other's vessel even though they share the same space. (2014:221)

In general, Simpson defines wampum belts as "representation of law and agreements . . . and in some cases currency used by Indians and settlers in the sixteenth and seventeenth century" (2014:222). But when metallic forms of currency came to dominate in North America, as they had immediately following conquest in South America, wampum's transactionality began to narrow in favor of its deployment also as a form of money. Already by the eighteenth century, the elaborate wampum belts that had been used so effectively as tools of diplomacy between Indian peoples and between Indians and Europeans were often broken apart to be utilized instead as money. Because wampum was both money and tool of diplomacy and the former could lead to the erasure of the historic deployment of the latter function, museums became repositories of wampum as a way of preserving their historic documentary and mnemonic functions. Wampum may also have ended up in museums, Simpson writes, when the Canadian government seized historic wampum belts as part of disarticulating Iroquois forms of governance and their autonomy from the settler colonial state. In either case, wampum in museums constituted historical materials, *not* archaeological artifacts; in turn, a guaquería of wampum did not substantively develop as either a plunder of the past or a commodification.

Since the 1970s Algonquian and Iroquoian peoples have initiated processes to have historic wampum belts repatriated from museum repositories, and this repatriation constitutes a transfer of the responsibility for preserving wampum's historicity from museum curation to tribal homes (see Barreiro 1990; Fenton 1989). Repatriated wampum returns it to certain aspects of its former transactionality as a tool of diplomacy and peace making both within the indigenous groups receiving it and between European American institutions and indigenous groups. All of this takes place, again, within the orbit of wampum's historicity rather than through either its objectification by archaeology or a commodification by a kind of guaquería. The contrast with the history of precolumbian gold objects in Colombia could not be more stark. The differences between the fates of gold and wampum artifacts certainly underscore exactly how much indigenous sovereignty weighs heavily upon how archaeology, guaquería, and mixtures thereof develop and control the material cultures of indigenous civilizations in settler colonial states. But there is still the unique character of gold itself to be accounted for: while both wampum and gold can be used as money, can become the commodity par excellence in which the value of all other commodities is measured, redeemed, and transacted, the fetishization of gold exceeds that of wampum by a very great measure. And because of that, I have argued, there is both an archaeology and a guaquería of precolumbian gold artifacts from which indigenous sovereignty has been entirely evacuated.

CLOSING COMMENTS AND ANXIETIES

As Marx delineated, commodification of the world, the money commodity itself, and the enshrining of gold-as-money are historically intrinsic and necessary characteristics of the capitalist mode of production. In Colombia, a particular kind of guaquería and its partner, a particular kind of archaeology, have played a role in the European-derived reification of gold as commodity, money, and capital through a chronological succession of treatments of precolumbian gold artifacts. That partnership vividly illustrates why considering archaeology and guaquería as inherently dualistic is—at least in this case—highly inaccurate. The comparison with wampum, another commodified substance, another money commodity, illustrates how, under very different circumstances, such commodities might be considered "part of ('our') history" rather than subject to the treatment of either archaeology or guaquería. Like the original copy of the Declaration of Independence on display at the U.S. National Archives or the British crown jewels in the Tower of London, objects such as wampum can reside in a realm of sovereign history; although in the case of wampum, that fate must be contextualized within an overall history of indigenous peoples who

have been subjected to hundreds of years of colonial expropriation of their material culture.

The comparison between precolumbian gold artifacts and wampum also provokes for me unsettling anxieties about the extraordinary overdetermination of fetishized gold. I am left unsure how to understand gold's historical trajectory without also consenting to fetishize it, as both archaeology and guaquería have done, as well as almost the entire armature of hegemonic cultural systems in the world—not only European but also West African, Chinese, Indian, and so on. As one friend confided to me recently, anthropologists are afraid to discuss gold because they do not think they can escape the spell of it as a fetish. Holding a piece of wampum crafted and given to me by a Wampanoag friend in one hand and a precolumbian gold sculpture a guaquero sold me in 1989 in the other, I cannot imagine anything except the extirpation of indigenous relationships and worlds inhering in the gold object and the act of prestation that represented friendship in the wampum.

NOTES

1. I define *guaquería* as the excavation of objects made in the past, frequently using methods that are not scientifically rigorous, primarily for the purpose of commodifying them. I define *archaeology* as an intensive study of human activity that occurred in the past, using defined scientific excavation methods, primarily for the purpose of elaborating the human past within certain analytic parameters.

2. Several scholars (e.g., see Oyuela-Caycedo 2002) have remarked upon the use of old, perhaps even quite ancient, gold artifacts in the ongoing ceremonial life of the Kogi people living in villages on the slopes of the Sierra Nevada de Santa Marta. Such use was confirmed to me personally by several of the staff members working at the Santa Marta Museo de Oro, who added that these artifacts were hidden away from public view with tremendous care and attention by local Kogi.

3. While it is often misleading to conflate language groups identified by scholars, such as Iroquoian and Algonquian, with tribal or any other kind of emic indigenous identities, here I use these terms as shorthand to reference the indigenous peoples inhabiting the northeastern Atlantic littoral and interior regions before and after European arrival.

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MUSEUMS AS CEMETERIES

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Do the Living Really Matter?

PAUL TAPSELL

T HIS CHAPTER FOCUSES on the repatriation trajectory of illicitly acquired
Maori ancestral human remains (AHR) and associated treasures (*taonga*) into
the early twenty-first century (Tapsell 1997). Presented in two parts, it opens with a
historical overview of the New Zealand (NZ) cultural landscape, particularly from
the time of the *Te Maori* art exhibition (1984–1987) through to 2000, when NZ muse-
ums began to address Maori values, especially concerning past acquisitions (Mead
1984). In part 2 the chapter builds on a previous AHR publication (Tapsell 2005a)
that drew on my eight years of experience (2000–2008) as director Maori (*tumuaki*)
at Auckland War Memorial Museum / Tamaki Paenga Hira (AWMM). In particu-
lar, it reflects on the inherent political complexity of managing repatriation of AHR
and taonga in a decade of evolving Indigenous scholarship and the consequent redef-
inition of licit and illicit legacies of the past and practices in the present and future
with respect to Maori heritage (Smith 1999). The chapter's historical trajectory ends
in 2007, at which point the emergence of source communities as coproducers in
museum contexts (Peers and Brown 2003), as well as contributing to museological
research, was particularly influential. This coproduction opened the door to new epis-
temological and ontological possibilities in the treatment of AHR and taonga in NZ,
based upon a whole-scale transformation of the licit and the illicit (Tapsell 2011a).

Respect for ancestors is an emotionally powerful belief system, strongly underpin-
ning all cultures. Whether in Europe, Australia, or the Pacific, the dead still frame the
living. Resources inherited from the dead are critical to descendant survival. But what
happens when boundaries of difference are transgressed so that one group can gain
access to new resources, of the *other* via regimes of imperialism? Previous inhabitants'

association with ancestrally framed landscapes—memories of place—are erased or assimilated under new regimes. Museums as citadels of European colonization carry a history that reflects imperial conquest: subjugating the living by desecrating the dead. Until the 1970s, NZ's museums authenticated—made licit—a nation built on fatal contact, land and water alienation, and cultural genocide. By the 1980s the colonial narrative had become less sustainable as a nation in crisis began shifting away from its British roots toward accepting Maori as founding bicultural partners of Aotearoa / New Zealand. Not until 2000, however, was the unwavering Maori view that all museum-held ancestral remains and grave goods were illicit acquisitions legitimated, clearing the way for source communities to receive home their dead for reburial.

This chapter stops at what might be called the high tidemark of change; but that process has not yet come to fruition, and in 2015 the national manifesto of righting a colonial wrong remained unfinished. With the assistance of local tribal communities like Orakei and Te Ati Awa and backed by thorough research, a growing number of AHR are returning to their source communities. For now, the Museum of New Zealand (MONZ / Te Papa) has taken the lead after AWMM's trailblazing came to an abrupt halt in 2008. Still not addressed are the burial items that once contained or were worn by the now-repatriated dead. They continue to be held tightly by museums, hovering somewhere between illicit (in that museums accept they were inappropriately acquired) and licit (museums refusing to release such significant artifacts and risk losing them forever). The living descendants continue to wonder if their opinion really matters.

AWMM's proactive development of its mid-2000s repatriation program reflected the dramatic shifts in what have been variously considered illicit/licit collection activities in NZ's museum contexts. From 2005 AWMM took the unprecedented step of inviting source communities to colead the return of AHR to their home communities. The foundation of this program was the completion of NZ's first comprehensive AHR database and the development of NZ's first online taonga database. By 2006 the repatriation program was on track to delivering home 92 percent of AHR within four years. The local tribe on whose ancestral lands AWMM stands agreed to protect the remaining 8 percent unidentified AHR in a specially built crypt on their ancestrally restricted land (*wahi tapu*). An unpredicted event in 2006, however, dramatically impacted scheduled repatriations, triggering erosion of previously governance-agreed illicit/licit boundaries. Without clear leadership, AWMM began wilting under the complexity associated with returning AHR, a complexity magnified by source communities' urban-raised indigenous diaspora.

At what point must institutional paternalism cease, letting an evolving globally kin-connected community take responsibility for its own identity, especially in relation to its dead? With the constraints of space, it was not possible for this chapter to recount

the five-year-long international stand-off surrounding a media-heightened Maori AHR repatriation from France that brought to a halt the process of transforming the whole definition of the licit and illicit with respect to AHR and taonga. The chapter concludes by summarizing the current state of NZ museum repatriations, reinscribing the outlines of how the illicit/licit boundary was being reset in the late 1990s and early 2000s and reemphasizing the vectors of a continued process of transformation.

PART 1: PEOPLE OF THE SOIL[1]

PRE-1980S

Until very recently (the 1980s), AHR repositories (e.g., museums, colleges of surgeons/medical schools, and universities) appeared above criticism concerning the storage and display of Indigenous dead and their possessions (Fforde et al. 2002). The 1984 opening of the international Maori art exhibition titled *Te Maori* represented a major shift in museum-indigenous relations (Mead 1984). The seeds of this awakening began in the 1920s and then accelerated after World War II, when young Maori began exercising the individual choice to no longer live in rural poverty (Ngata n.d.).

Prior to World War II the majority of Maori lived in isolated *marae* communities well beyond the British colonial descendants' (Pakeha) townships and developing cities (Kawharu 1977).[2] For over 100 years the go-to place for Pakeha to learn about the Native Maori other in relation to the civilized colonial self was metropolitan museums. These British-model institutions provided romanticized exhibits of the old-time Maori in which AHR and taonga represented a bygone era of NZ's natural history. Often accompanying these displays were colonial nation-confirming cocktails of ideological narratives, celebrating successful Maori assimilation by the British Empire (see McCarthy 2011; Tapsell 2014).

In 1945 World War II came to an end, and young Maori began migrating to the cities in the thousands, seeking a less impoverished modern way of life. This critical population shift, aided by government relocation programs, peaked in the 1970s. By then it was estimated that 70 percent of Maori lived away from their marae communities (Walker 1990).[3] The peacefully assimilated Native Maori *other* not only had arrived on metropolitan museums' doorsteps but was now walking their corridors of curiosities. The urban-raised Maori did not find an accurate mirror in these exhibits, which ignited an inevitable cultural awakening for both Maori and Pakeha. *Te Maori* was about to provide the catalyst for national reformation (Mead 1986).

In the early 1970s the first urban-raised Maori began attending universities, coming into direct contact with the Western disciplines of politics, law, history, and anthropology, as well as with museums. This new urban-savvy generation became acutely

aware of their people's continuing colonial oppression, not least the obfuscation of the Treaty of Waitangi (Walker 1990; Tapsell 2011a).[4] By the late 1970s a new style of anger-edged Maori activism emerged, mirroring similar indigenous and civil rights protest movements like the ANC in South Africa and the Black Panthers in North America.[5] After a century of illicit collecting beyond source community oversight/accountability, NZ's metropolitan museums—citadels of colonization—became targets of Maori activism (Tapsell 2011a). Museums avoided being targets by quickly removing AHR from public display, especially Maori cured heads (*moko mokai*), hiding them within scientifically justified—licit—archaeological collections (Tapsell 2005a).

THE 1980S

In 1984 an unexpected vote of no confidence led to the collapse of the conservative National government. This precipitated a landslide snap election in which the Maori-supported third Labour (center left) government came into office (Kelsey 2012). This represented a critical moment in NZ history and identity reformation. Only weeks later new politicians and Maori tribal community elders came together at New York's Metropolitan Museum of Art to open *Te Maori*, which was a joint initiative of the Met, Art Galleries and Museums of NZ (AGMANZ), and the American Federation of Arts (AFA). While new 1985 legislation in NZ was giving tangible recognition to the constitutional foundation of the treaty, on the other side of the world Maori elders were captivating international audiences with never-before-seen Maori cere-monial openings (Mead 1986). The far-reaching success of *Te Maori* (seven venues between 1984 and 1987) resonated with all New Zealanders as they came to realize they were no longer British but citizens of a unique and independent treaty-forged nation of the Pacific (Dibley 1996; Tapsell 2011a).

Whereas *Te Maori* awakened international museums to the magnificence of Maori art, it positively shocked NZ museums' attitudes into the twentieth century, with some commentators even calling it a national watershed (McManus 1988). The larger institutions raced to come to grips with the treaty and its implications, not least giving voice to Maori (see the essays in Kawharu 1989a). Active resistance of the late 1970s transformed into legal participation of the 1980s. Academically trained Maori were eagerly finding ways to contribute to a newly imagined, culturally inclu-sive nation.[6] The Treaty of Waitangi Tribunal, its powers greatly expanded under its 1985 legislation, provided one such avenue, promising to investigate Crown-alienated lands and taonga since its 1840 signing. This new focus of redress and proposed rem-edies sensationally revealed to a previously ignorant Pakeha majority the depth and brutality of colonization right up to modern times (see Waitangi Tribunal Reports).

Meanwhile, the majority of elders who provided *Te Maori*'s underlying point of difference quietly returned to their mostly isolated marae communities. While some participated in the early tribunal hearings, within a decade they had mostly passed on and been buried beside their ancestors in graveyards (*urupa*) surrounded by farming, fishing, and forestry ventures owned and operated by foreigners (nonkin) on former tribal estates (*mana o te whenua*). Between 1840 and 1970, 63 of NZ's total 66 million acres had been, by Crown admission, illicitly acquired by force, either at gunpoint and/or followed by legislated confiscations, survey liens, and involuntary sales.[7] The majority of these acquisitions were immediately resold to private developers and land-hungry colonists, extinguishing almost any possibility of some future return to original kin communities.[8]

It appears that many AHR and taonga once directly associated with alienated tribal estates also left kin control around the same time.[9] The post–World War II urban tsunami of young Maori seeking—being lured to—a better way of life in the cities only added to depressed marae communities' ongoing depopulation. The cross-generational migration was an inevitable response to long-term colonial-imposed isolation, deepening the political, social, and economic poverty of tribal Maori source communities. In contrast, the urban Maori generation flourished, accessing vastly improved state-run health, education, housing, and employment services.

On the completion of *Te Maori* (August 1987) the government captured public sentiment by announcing its Museum of New Zealand (MONZ) Project, which was designed to ideologically represent an evolving bicultural nation.[10] At the same time the Te Maori Manaaki Taonga Trust was established, utilizing over a million dollars of sponsor and visitor donations (*koha*), with the aim to assist young Maori to become academically qualified specialists in fields like museology and conservation.[11]

The government also promised to support the wider museum sector, seeking to create Maori-aligned positions (McCarthy 2011; Tapsell 2014). Missing from the promise, however, was any formal inclusion of source (origin of AHR and taonga) and local (on whose landscapes each museum rests) communities' voices. Not surprisingly, this lack of clarity led to metropolitan museums recruiting individuals who were mostly urban raised and not expected or requested to maintain any accountability to wider Maori kin groups. By 1989 the MONZ project had recruited a dozen or so young Maori cadets. AWMM also followed suit. While this enabled museums to appear biculturally aligned, it gave rise to the establishment of new "Maori" boundaries within and beyond their walls. Maori employees began prescribing who could or could not engage anything Maori that they deemed tapu (restricted under lore), equally confusing museum, source, and local communities as to who exactly was now in control of museum-held AHR and taonga (Tapsell 1998).

By contrast, smaller provincial museums that lacked resources to employ new staff instead actively engaged elders from nearby local marae communities, seeking their voluntary advice to better exhibit taonga.[12] This very different regional approach facilitated wider local Maori support, resulting in taonga being exhibited as ancestors to whom kin communities belonged, rather than as disconnected objects of art or artifacts owned by an institution.[13]

With the reestablishment of the treaty as a founding document of nationhood, the new idea of bicultural difference in one nation space began to be explored and tested by both cultures (for an example of this tension, see King 1985). A wider range of Maori and Pakeha were now also curious as to what role museums might play in an imagined treaty-framed NZ (Dibley 1996; Williams 2005). Whereas the tax-paying majority's focus was on MONZ budget overruns and whether museums should become user-pay institutions, Maori were keen to learn how and why museums came to be in possession of hundreds of Maori dead and tens of thousands of their taonga. What trajectories brought them into museums? If demonstrably stolen—illicit— were museums willing to repatriate?

During *Te Maori*, elders from numerous tribes came face to face for the first time with their ancestors, represented by taonga that had left their communities before they were born. For some communities these taonga trajectories were still remembered (e.g., Pukaki; see Tapsell 2000), but for others their first *Te Maori* encounter with their taonga came as a shock. This was the reality for Te Roroa elders when they gazed upon their waka koiwi from Kohekohe. These taonga were very restricted (tapu) and never meant for public display (see Te Roroa Waitangi Tribunal Report 1992; Te Roroa Claims Settlement Act 2008). How did they end up in AWMM ownership? Who gave permission for one of them to be paraded—made common (*noa*)—before the world in *Te Maori* (Mead 1984:184 cat. no. 33)? And most alarming, where were the AHR of their leaders these taonga once contained?

In 1987, three months after *Te Maori* concluded, Te Roroa elders discovered their AHR were stored in AWMM. The elders then approached the minister of Maori affairs, seeking return of their dead, their possessions, and the waka koiwi over which the government had claimed ownership since initial collection in 1902.[14] As a result of this meeting, the minister made these same elders interim trustees, clearing the way for AWMM's newly recruited Maori curatorial assistant to facilitate the return home of their Kohekohe AHR (*koiwi*, "skeletal remains"; see Te Roroa Waitangi Tribunal Report 1992:S6.4.3). Not secured, however, were the taonga in which the dead had originally been contained (waka koiwi) and which had also accompanied them in death (*hei pounamu*, "greenstone adornments"; see Te Roroa Waitangi Tribunal Report 1992:S6.4.3, S6.4.4). Nevertheless, this unexpected 1988 repatriation— in no small way influenced by the successes of *Te Maori*—was unprecedented.[15] It

represented the first attitudinal change by NZ museums toward museum-held dead. This shift, however, only went so far: curators at both the National Museum (predecessor to MONZ / Te Papa) and AWMM convinced the government that associated taonga (waka koiwi, wakatupapaku, hei pounamu) continued to be of scientific importance and must "be preserved for posterity" (Te Roroa Waitangi Tribunal Report 1992:S6.4.4 [D17:61]). Through its interim trust the government advised that the Kohekohe taonga remain at AWMM until a modern and appropriate museum could be established in the Hokianga where they could be repatriated (Te Roroa Waitangi Tribunal Report 1992:S6.4.4 [D17:61]).

THE 1990S

A conservative National government took power in 1990 after New Zealand's central financial institution, the Bank of New Zealand, entered a major crisis, requiring a $740 million government bailout. The new government immediately tightened public spending and responded to escalating treaty-based tensions fueled by fears that proposed treaty settlements of the late 1980s would completely bankrupt the nation. The National government's fiscal measures included resource cuts, reviews of all tribunal recommendations, and the introduction of a direct negotiation—fast track—settlement process. It also alleviated majority Pakeha anxiety by introducing the "billion dollar" fiscal cap on all treaty settlements, representing less than 1 percent of the real value of confiscated Maori estates, not to mention other assets such as fisheries and forests and loss of economic opportunity.

Not surprisingly, the new government's redirection of treaty settlements reignited widespread Maori criticism. Tribunal cutbacks, curtailed research, clustering of tribal adversaries into global settlements, and the opportunistic rise of contract negotiators heightened internal Maori tensions. Within museums at least, Maori employees and sympathetic curators were able to conduct limited research regarding obscured taonga acquisitions. Research about the hundreds of AHR, however, proved far more difficult. Most were contained in unidentified cardboard boxes and stacked away in the archaeology storerooms. The timely release of the tribunal's 1992 Te Roroa report reminded museums of Maori attitudes toward illicitly collected dead and their possessions. Although the Kohekohe burial chests had long been removed from display (Te Roroa Waitangi Tribunal Report 1992:S6.4.4), other chests remained openly accessible to the public in all the metropolitan museums.[16] As Maori began to realize the sheer scale of museums' AHR holdings the Kohekohe taonga provided a useful repatriation focus, underscoring the unresolved colonial legacy of desecration housed in museums.

During this period of uncertainty, the tribes of Te Arawa copartnered with their regional museum in Rotorua and successfully negotiated the 1993 ceremonial return

of four prized taonga from AWMM. The repatriation occurred under a long-term renewable loan agreement between the two institutions, an agreement that continues to this day. In the agreement, both museums recognize the descendants as the spiritual owners, negating the need to test the illicit nature of acquisition of at least one of the taonga. Ultimately, Te Arawa were happy their ancestors were home and accessible in Te Whare Taonga o Te Arawa (Rotorua Museum of Art and History). Often visited by descendants, on occasion they are also released to participate in life crises, like mourning ceremonies (*tangihanga*) and any other relevant occasions (*hui*). This novel approach—tribes utilizing museums as copartners—created a win-win situation for all parties and set the precedent for many similar reciprocity agreements, enabling taonga to more freely circulate from metropolitan museums back into the regions.

While the 1992 Te Roroa finding had placed repatriation on the political agenda, it took another three years before parliament had to confront implications of repatriation publicly. The Taonga Maori Protection Bill precipitated this debate when it was introduced into the House as draft legislation. It sought to address all illicitly acquired AHR and taonga on the premise that Maori rights of ownership to taonga had never been extinguished. The bill, however, proved to be poorly researched and lacked definitional clarity; ultimately, it was poorly received by the House and by the wider legal fraternity. Maori elders also struggled with its indiscriminate terminology and why law should prescribe lore, that is, unqualified exercise of chieftainship (*tino rangatiratanga*), over lands (*whenua*), communities (*kainga*), and taonga rather than the reverse, as the treaty had promised. The parliamentary debates fueled a growing backlash against Maori, and it appeared that the treaty goodwill of the 1980s had receded. The hundreds of claims still waiting to be heard were now being openly challenged by racially fueled personal opinions presented via talk shows, editorial opinions, tabloid sensationalist headlines, polemic publications, and misinformed political rhetoric.

Throughout a decade of political ambiguity, tribal elders guided their people to maintain respect and dignity regarding any request for the return of revered ancestors (AHR and taonga), illicitly acquired or otherwise. Granted, increasing evidence suggested that many museum acquisitions appeared "illicit," at least from a Maori perspective, but the law suggested otherwise.[17] While curators wrestled with the morality of dubious-at-best acquisitions, elders were less concerned about legal ownership and more focused on the relationships taonga represented, not least between the dead and their living: Who are the living to be telling their ancestors what was best for them?[18] Nevertheless, the urban generation heightened their repatriation demands, and museums reacted in equal measure, stubbornly clinging to taonga as legally owned specimens of archaeological, ethnographic, and/or ethnological sciences. Museums' research trajectories regarding which taonga had come into their collections were

time-consuming and not a priority. Some Maori working in junior museum positions were able to quietly continue researching, passing on information to descendants on occasion. However, they soon found themselves in a difficult position as their coworkers, directors, and governing bodies retreated from all that *Te Maori* promised and as employment loyalties were tested. These individuals, supported by wider urban relations, initially turned to their representative museum organizations for assistance.[19] Core to their concerns was museums' reluctance to accept the Maori-framed boundaries—tapu by virtue of ritual—they were attempting to enforce in their workplace, not least around access to AHR and taonga.

This ideological treaty split within museums further alienated Maori working in metropolitan institutions. The lack of any local tribal accountability by Maori employed at AWMM contributed to their employment issues. From 1988 these staff drew on elderly individuals with genealogical connections to the south of Auckland to conduct all ceremonies in AWMM.[20] This effectively undermined the authority (*mana*) of a very bemused local marae community,[21] not least its principal leader, who happened to sit as an academic appointment on the AWMM's governing council.[22] By 1994 these Maori employees were marginalized by their new director, who was also chair of MDF. These employees publicly leaked information about AWMM-held AHR and taonga, stirred up anti-AWMM sentiment, and on at least one occasion broadcast their personal views on Maori Television (Tapsell 1998).

MONZ was also under similar pressure and turned to its newly appointed director Maori (*kaihautu*) to manage internal Maori relationships. AWMM followed suit, appointing an *iwi* values manager to provide a similar service but from a middle management position. Not addressed, however, was the underlying cause of Maori unrest at NZ's two largest metropolitan museums: lack of local kin community engagement. In similar fashion to *Te Maori*, they each failed to recognize their on-the-ground treaty partners and inadvertently created the opportunity for Maori-descent employees (office) to prescribe and proscribe Maori kin values (lore) on another tribe's ancestral landscape (mana o te whenua) without mandate from or making themselves accountable to the local tribe/marae community (*tangata whenua*, people of the soil) (see Kawharu 1975; Tapsell 1998, 2005b, 2011a).

The culmination of AWMM's 1996 amended legislation, followed by three high-profile repatriations and further Maori employment disputes, was the catalyst that brought the newly reconstituted Auckland Museum Trust Board (AMTB) face to face with its tangata whenua, Ngati Whatua o Orakei (Orakei), on their marae in 1997. This meeting exposed the common purpose of service each party sought to fill for wider museum stakeholders. For Orakei, it was paramount that they made themselves kin-accountable (kinship/lore) to all tribal source communities of AHR and taonga resting on their ancestral soil, particularly in AWMM (office/law). The AMTB

recognized this customary duty (lore) by constituting its legally required Maori Advisory Committee, or Taumata-a-Iwi (TAI), with a majority Orakei membership.

The timely 1997 O'Regan Report highlighted the treaty obligation deficiencies of NZ museums, noting failure by the sector as a whole to fulfil their post–*Te Maori* engagement/employment promises (O'Regan Report 1997). Above all else, the 1997 AWMM return of the gateway taonga named Pukaki was a pivotal moment in a nation coming to grips with the two opposing value systems the treaty embodied (Tapsell 2000). This high-profile return reawakened the general public to the deeper values taonga can represent in a nation space. From an elders' perspective AHR and taonga are ancestors: How could anyone own them? If anything, the living belonged to the ancestors (see, e.g., Tomairangi in Tapsell 1997:343). Initially reluctant, AWMM leadership came to appreciate firsthand the healing power of taonga returning home. Accompanied by their local tribe from Orakei, the chair and director of AWMM returned Pukaki to his descendants, Ngati Whakaue / Te Arawa, in front of thousands of descendants. This event was later broadcast as national headline news across all major TV and radio stations of NZ. Nation-building moments like this—Pukaki has since been minted on New Zealand's currency—began breaking down widely held misunderstandings among Pakeha and urban-raised Maori, shifting taonga from contested spaces of ownership to ones of belonging, obligation, and accountability.[23]

After a decade of bicultural confusion, political upheaval, unpredictable media attention, legislative reengineering (the Museum of New Zealand / Te Papa Tongarewa Act of 1992, and the Auckland War Memorial Amendment Act of 1996), and two damning reports (Whaanga 1999), a long-overdue realignment of NZ's museum sector began occurring. This late 1999 realignment coincided with a resurgent economy and the return of a Labour government in November 1999. The two feuding museum representative bodies (MAANZ/KM and MDF) reconciled their philosophical differences, and in 2000 Museums Aotearoa (MA) was formed, uniting the NZ museum representative sector for the very first time. Most significantly, for the first time ever a local tribal community was invited to recommend appointment of a director to a major international museum resting on their ancestral soil.

PART 2: RETURN TO THE SOIL

2000–2004

In May 2000 I was appointed the inaugural director Maori (tumuaki) at AWMM. The top priority was tackling AWMM's unresolved holding of AHR and associated taonga. A key component of my position was to assist AMTB, TAI, and the director in rebuilding Maori trust and engagement with AWMM. Initially, I was expected to

meet the same tribal authorities previously visited by the director and develop mem-
oranda of understandings over use and control of their museum-held taonga. It was
already apparent from the boycott of the Maori Court reopening in 1999 that this was
not going to be productive. The guardianship (*kaitiakitanga*) of taonga has always
rested with kin-qualified leadership families over which legally defined tribal author-
ities had no customary jurisdiction. In other words, every taonga in AWMM was
uniquely located within a particular matrix of marae-framed relationships and kin
(genealogical) accountability beyond MOU capture. Furthermore, taonga descen-
dants were still smarting over their 1999 exclusion from the Maori Court consultation
process. Without exception, tribes' primary focus had shifted to one matter above
all others: return of illicitly held dead and their possessions. Until that occurred,
AWMM was in no position to negotiate any agreements of access or taonga use.

Within weeks of taking up the Tumuaki position I realized that recent ontologi-
cal development around taonga focused on Maori values that needed integrating into
AWMM governance and operations. A key aspect to successfully managing AHR and
taonga in museum contexts is the establishment of ethically sound policies, especially
concerning the return of the dead and their possessions. Key to these policies suc-
ceeding is research, especially concerning origination and by what pathway AHR and
taonga had taken to arrive in the museum. First priority was differentiating AHR from
taonga, not least unmodified versus modified, and drafting policy accordingly. The
former automatically fell into the category of illicit, at least from a Maori perspective,
while the latter became a useful category of debate with which the staff were willing to
engage. Only after definitions of what constitutes AHR and taonga were institution-
ally acknowledged—ancestral/illicit versus artifactual/licit—could actual pathways
of acquisition be operationally addressed, categorized, and managed accordingly.

Also requiring clarification was the governance relationship between AMTB and
its TAI. Of particular concern was the status of the TAI Guiding Principles (Kau-
papa), to which the AMTB finally responded in early 2002 with its own guiding
principles toward things Maori in AWMM. In essence, this document formally rec-
ognized Orakei as the widely accepted tangata whenua (local kin community / peo-
ple from the soil) on which AWMM stands (mana o te whenua) and from which the
TAI derives its customary obligation (*manaaki*) of ensuring that all AHR and taonga
are appropriately returned and/or managed on behalf of their source communities—
the greater tribes of NZ and the Pacific.

Within a month of the 2002 Guiding Principles being adopted, the TAI joined
with Orakei to ceremonially welcome AMTB and its executive onto Orakei marae
for an all-day workshop. This critical moment represented the turning point in
AWMM's governance approach to its stored dead and their possessions. Out of this
workshop evolved new AHR and taonga operational policies, formal clarification of

what AWMM now considered illicit (unmodified ancestral human remains) and licit (modified or artifactual human remains), and, not least, clearer lines of communication and accountability between TAI and AMTB. The resulting policies were ratified in May 2002 (Tapsell 2005a). AMTB also agreed that after AHR had been deaccessioned from AWMM, Orakei would be responsible for guiding repatriation to source communities (Tapsell 2005a).

Bundled into these new policies was an agreement that any artifactual human remains of Maori origin would be classified and managed as taonga.[24] Thereafter, through careful research of archives scattered throughout various departments across AWMM (e.g., ethology, archaeology, botany, human history, war records, the library, etc.), the policy stated:

> The Museum will categorise, inventory and manage every [taonga] according to the acquisition pathway by which it originally entered the Museum:
> • Gift: where taonga have been gifted the cultural obligations of the gift will be upheld;
> • Purchase: where taonga have been purchased the Museum will exercise the responsibilities and authorities of normal ownership;
> • Loan (deposit): where taonga have been loaned or placed on deposit, the Museum will act as trustee consistent with the terms of loan or deposit where known, or the conventions of trusteeship where unknown;
> • Contested acquisitions: where dubious acquisition of taonga is proven the Museum will do everything in its power to redress history;
> • Exchange: where taonga have entered the Museum by way of formal exchange with another institution the Museum will exercise the responsibilities and authorities of ownership as if the taonga had been purchased.[25]

Over the coming years, identifying those taonga that fell into the fourth pathway category—inappropriate acquisition—became the main focus of Maori research at AWMM. Using scholarly research, the Tumuaki and TAI joined forces to advise its AMTB of those taonga that were demonstrably illicit and recommended best methods by which AWMM might contact source communities—usually elders—to open up a line of communication and offers of repatriation. The goal was to engage in proactive discussions, not unlike what occurred with Pukaki, that built relationships of trust over and beyond the yet-to-be-agreed future location of each illicitly acquired taonga (Tapsell 2002).

AMTB willingly supported Maori curatorially funded research and new staffing by which AHR and taonga databases began to be developed as part of AWMM's engagement with its wider stakeholders and communities. Taonga with demonstrably licit pathways of acquisition began to be publicly showcased on NZ's first web-based

taonga database. The database was developed as a core delivery service of AWMM's new Pacific Resource Centre, reaching into the lower-income Maori suburbs of South Auckland via the community library network. Nestled among the taonga of Maori and the wider Pacific, this youth-friendly educational hub remains a core feature of AWMM's Maori Court.

The TAI and I were now armed with an AMTB mandate, Orakei's blessing, and a three-year budget line to begin searching for an AHR facilitator. This person would engage the completed AHR database to assist repatriation of all the stored dead, re-forming AWMM from a cemetery to a spiritually safe place for the living. This person needed to be someone special, someone who still lived in the world of Maori spirituality (*taha wairua*). Furthermore, he or she had to be of a recognized genealogy (*whakapapa*) respected by all tribal leaders, fluent in the language (*te reo Maori*), and able to skillfully negotiate the delicate boundary between kinship obligations (lore) and office requirements (law). At any moment this person would be balancing opposing epistemologies and ontologies concurrent in one unique historical moment. For one party, the theft of their dead remains an unforgivable desecration, the root of unresolved cross-generational injury by a treaty partner; and by holding over 1,000 ancestral remains, AWMM was widely viewed as the symbolic representative of more than 100 years of colonial subjugation. On the other hand, AWMM, the beneficiary of that unique historical moment of AHR collection, could no longer justify its objectified distance and recognized that the actions of its forebears were now beyond any scientifically based rational defense (Tapsell 2005a).

The challenge of finding such a person was daunting. Who was there in the Maori world who carried the requisite skills and qualifications and could comfortably differentiate and articulate the shifting illicit/licit dichotomy of ancestor/artifact in front of a potentially hostile descendant source community? Thus the need for this person to not only be Maori and of a respected lineage but also be able to handle the dead and museum culture was critical to any hope of AHR repatriation success. The appointee would need to embody AWMM's willingness to heal the deep cross-generational injury (*mamae*) by inviting source communities to work with Orakei and TAI in directing the return home of AHR. Of course, such processes would be measured by AWMM in terms of return completions, key performance indicators (KPIs), and the demonstrable establishment of new museum-held taonga coproduction/partner relationships (Tapsell 2011a).

2005–2007

It took over six months to find the right person to fill the AHR facilitator role. Her name was Rangiiria Hedley, and she belonged to the senior (*ariki*) lineage of Te

Heuheu Tukino of the Tuwharetoa people of Taupo. While an appropriate legal contract was a key part of her proposed employment, this was nevertheless secondary to the kin-based agreement that was negotiated between Orakei (on whose soil the AWMM-held AHR rested) and Tuwharetoa. It was critical that the tribes reach an agreement with which the TAI, AWMM (represented by me), and Rangiiria were also comfortable. Negotiations were successfully concluded when the Te Heuheu uncles ceremonially prestated their tribal daughter (*hine ariki*), Rangiiria, into the safekeeping (*manaakitanga*) of Sir Hugh Kawharu and his Orakei community, with TAI, AMTB, and AWMM (director, Tumuaki and Maori Values Team) in attendance. On completion of her AHR duties, it was agreed that the Te Heuheu whanau would return to AWMM to receive their daughter from Orakei, freeing her to return home to lead development of Tuwharetoa's newly proposed tribal taonga center.

The future looked promising, and Rangiiria began three years of exhaustive consultative meetings with a wider range of NZ tribes (iwi). To begin, Rangiiria and I privately agreed with Sir Hugh that the last tribes to receive home AHR before her departure home would be our own tribes of Tuwharetoa, Te Arawa, and Ngati Whatua. We were all born into families where leadership is measured in service to others (manaaki) before one's own, even if it means the cost of one's own life (tino rangatiratanga). This customary meeting of minds was critical to Sir Hugh providing his protective Orakei mantle over Rangiiria and me for the duration of AHR repatriations, thereby delivering AWMM / Tamaki Paenga Hira back to the living.

In 2001, some years prior to Rangiiria's engagement, Orakei elders, clergy, and Maori staff had ceremonially transferred all AHR out of archaeology storage and carefully placed them in a consecrated space named Te Urupa (The Cemetery) at the front of AWMM. In 2002, with the gentle persuasion of Sir Hugh and the TAI, the AMTB agreed to deaccession all AHR before repatriation commenced. Thus when Rangiiria began her work in 2005 these critical matters of customary and official import had been resolved. All that was required now was the return home of the ancestors.

Under TAI guidance, Rangiiria's consultation radiated out to all of the 50 or so identified AHR source communities (marae) across NZ. By mid-2006 the museum's 13 identified Pacific source communities were also locked into discussions, which I led alongside Rangiiria. Most of these hui (tribal meeting) with qualified descendant elders were conducted within ancestral meeting-houses (*whare tupuna*) on marae located close to the original sites of desecration. Time and again Rangiiria was received both as a senior descendant of the Te Heuheu Tukino lineage (Tuwharetoa ki Taupo) and as a representative of the Auckland Museum under the customary protection of Ngati Whatua's senior leader, Sir Hugh. As predicted, this unique kinship-office combination played no small part in facilitating AWMM's unanimous source community

engagement. Sir Hugh's vision for AWMM—of finding a way for its governance (law-prescribed duties of office) to recognize the value of kin accountabilities (lore-prescribed duties of kinship) in a museum space—was beginning to be realized.

At each hui, Rangiiria's sharing of all associated records was essential to building trust before any return strategy could be developed, let alone agreed upon. Time and again, after reviewing the museum's records it became apparent to elders that those AHR originating from their nearby burial caves (*ana koiwi*) had already been ritually committed to the afterworld (Hawaiki / Te Po). While the spirit (*wairua*) had long since ascended to the heavens to dwell in the realms of Sky-father (Ranginui), the reintegrating journey of the deceased's mortal remains (koiwi) back into Earth-mother (Papatuanuku) had been disrupted by the museum, relocated to another tribe's landscape without either kin group's knowledge or consent. The TAI—itself comprising elders of three major tribes—were themselves of similar mind and had already briefed AWMM Maori staff at an Orakei hui that this would likely be the widely accepted position of source communities (February 17, 2003, hui on Orakei marae; see Tapsell 2005a:168). AMTB accepted the TAI's advice to view AHR as having been interrupted in their journey of reintegration into Papatuanuku and agreed that future AHR returns—after deaccession—should be co-led by Orakei (home community), as represented by TAI, and source community elders. With my support, Rangiiria's role was to facilitate this co-led (home and source community) repatriation.

Without exception, the detailed AHR background information release was overwhelming to source community elders, requiring Rangiiria to revisit marae at least twice before a return process was resolved. The intercultural space of bringing AWMM—Rangiiria as the face of TAI and myself—onto the marae highlighted the tensions between licit/illicit, past/present, specimen / human being, and office/kinship. At each interaction these dichotomies were exposed, tested, accommodated, and/or renegotiated as part of resolving a key moment: that time when a community's dead and possessions had been unceremoniously ripped from the living and placed in a disparate value system of ownership, public display, art canon, and/or scientific objectivity.

Returning AHR to their originating value system after a century or more of obfuscation was not something done lightly. Four or more generations of once suitably qualified elders had since passed on. With each passing, the spiritual risks were now being magnified due to post–World War II colonial erosion of population base, kin values, rituals, and practices. Common to all marae discussions was elders' concern for the living, not least how best to protect (manaaki) and serve (rangatiratanga) first, descendants carrying any guilt, blame, or anger associated with original removal; second, Ngati Whatua o Orakei, relieving them of the burden of carrying another tribe's

dead through no fault of their own; third, the museum's employees managing the preparation and transmission of their AHR home; and finally, those charged with the ceremonial responsibilities from museum departure to reinterment.

Rangiiria was very understanding of the critical fragility of relationships being built with elders, some of whom were very elderly and frail. Between 2005 and 2007 more than one key elder passed away, setting negotiations back, sometimes to the beginning. Her presence at the mourning ceremonies (tangihanga), often accompanied by TAI and/or me, was essential to demonstrating trustworthiness in negotiations as prescribed by the source community. In some instances, a respectful delay of at least one year was requested, and of course AWMM agreed. To do otherwise would undermine all the relationship building previously accomplished by Rangiiria.

More often than not Rangiiria would be absent from the museum for up to two months as she traveled from one marae hui to the next. On her return she would debrief me, TAI, and Sir Hugh, keeping us informed of each community's state of readiness. Rangiiria would also quietly maintain her lines of kin accountability to her uncles, who ensured she was properly serving Sir Hugh and his tribe. Based upon Rangiiria's many hui, a schedule of returns was developed between the registrar, TAI, and myself that began to challenge the museum's strictly required nonaccrual accounting practice. The apparent slowness of repatriations created alarm within AMTB, as some members questioned why the process was not just a matter of boxing up bones and dropping them off before the end of the fiscal year. As a fellow trustee, Sir Hugh diplomatically guided AMTB to a more enlightened understanding of Maori values and what might be required to repay the debt of their museum forebears' illicit activities. Nevertheless, AMTB's ongoing discomfort perennially resurfaced when the AHR budget allocation was debated and reluctantly accrued across another year.

Rushing any repatriation process risked making mistakes, which AMTB could ill afford. From a Maori values perspective, returning stolen precontact era ancestral remains—where the restrictive element of ancestral presence (tapu) was at its height—is spiritually dangerous, requiring due care and preparation by all involved lest the living be affected. Once a return date was finalized, specially prepared boxes (waka koiwi) were built; Ngati Whatua was alerted so that they might attend the departure ceremony; and a Taumata-a-Iwi representative was appointed to accompany the return alongside Rangiiria and me. In a couple of instances, the receiving communities requested Maori media attendance, but in almost all other cases, between 2005 and the end of 2007 the returns were mostly predawn transfers—quiet reinterments within each community's local cemetery, followed by a cup of tea at the marae. All the while, the *Ko Tawa* exhibition tour was in full swing, providing an opportunity at each tribal venue for the Maori Values Team to assist me and Rangiiria in building Auckland Museum trust and facilitating AHR returns.

When a return finally occurred, it represented layers of negotiated agreements, melding host/home tribe Orakei obligations of service with the expressed wishes of receiving source community / marae elders. Without exception, Orakei elders would create a marae-like space either in the museum foyer or in the Maori Court, where AHR would be ceremonially passed back into the custodianship of their visiting descendants. Each of these moments represented a unique turning point in AWMM history, yet time and again the AMTB and its director remained conspicuously absent without apology. Nevertheless, the genealogical past, present, and future were collapsed into one successfully negotiated moment of action, releasing AHR home, surrounded by kin, while steering a still obviously reluctant AWMM one step closer to the living.

CONCLUSION: RETURN TO THE LIVING

How was the process of reconfiguring licit and illicit and in that way transforming the treatment of AHR and taonga derailed and brought to a halt? As mentioned, for reasons of space the analysis of that chronology awaits another opportunity. Suffice it to say, Sir Hugh's vision of returning AWMM to the living remains unfulfilled. AWMM continues to be viewed by many Maori as a cemetery (urupa) illicitly holding AHR where every day the living walk beneath the unreturned dead.

Raised consciousness regarding museums' past collection activities, which are now considered illicit, has not only precipitated a new era of repatriations but also triggered opportunities to develop more meaningful relationships with source communities. Less obvious but equally important is the need for museums to recognize the ongoing burden and obligations carried by local communities like Orakei and Te Ati Awa. The colonial era resulted in the accumulation of thousands of AHR and associated possessions originating from kin communities throughout the Pacific. For over 100 years these were stored, researched, and exhibited within New Zealand's museum collections, all the while resting on a local tribe's mana o te whenua. Although these activities occurred beyond any tangata whenua (people from the soil) oversight, the very presence of foreign ancestors and taonga resting on their land without mandate evokes a deep sense of shame (*whakama*). This spiritual disruption is transferred cross-generationally. How one tribe's AHR came to rest on another's ancestral soil is immaterial. It happened, and now their descendants must live with the intangible consequences of spiritual unrest. Guiding repatriation becomes a very tangible way to make descendants accountable to source kin communities from which the illicitly acquired ancestors originated. It also opens up new lines of trust, not only between the source community and the museum, but also between the museum and its local community.

By shifting debate from the illicit/licit dichotomy to a more generative intercultural zone of shared responsibilities with source communities—measured in ontological terms of accountability (rangatiratanga), service (manaakitanga), guardianship (kaitiakitanga), and reciprocity (*utu*)—museums and their local tribal community can forge a formidable partnership of treaty-framed common purpose where the dead and their possessions might complete their return home to the living.

NOTES

1. *Tangata whenua* means "local tribe," kin descendants born and raised on home ancestral lands or as Kawharu best explained: "people of the soil" (1975:15).
2. Marae represents the core genealogical identity of a tribe. Once common throughout the Pacific, only Maori still maintain a marae culture. The marae is a ceremonial courtyard centered in the heart of over 700 kin communities across NZ. It represents the living and the dead, focusing kin identity to surrounding ancestral estates since the first Maori arrival some 800 years ago.
3. It is estimated that 25 years later in some tribal regions nearer 90 percent of descendants live away from their home communities. See, for example, Robinson (2014).
4. The Treaty of Waitangi was signed in 1840 by 512 tribal leaders, giving the British Crown the right to govern in NZ. In return it promised to protect the absolute and unqualified leadership of the tribal chiefs and grant all Maori the rights and privileges of British citizenship. By 1843 the Crown's colonizing agenda had become apparent; this marks the beginning of NZ's civil wars. By 1872 Maori were mostly economically and politically isolated on the margins, subject to brutal land-alienating laws and a declining minority. In 1877 Judge James Prendergast declared the treaty a nullity, which it remained until the 1975 Treaty of Waitangi Act and its subsequent 1985 amendment.
5. See Walker (1990) for a full description of previous Maori activism against the NZ government, including armed resistance, letters and petitions, tribal delegation visits, civil disobedience, and conscription refusals.
6. In particular Maori lawyers, but also Maori-trained social scientists (i.e., anthropologists, historians, and archaeologists).
7. Since 1991 the Crown (the NZ government) has signed more than 50 negotiated deeds of settlement with different Maori tribal groupings, each opening with an unreserved

Crown admission and apology for the illicit/illegal taking of a tribe's lives and/or confiscations, compulsory acquisitions, and resource exploitation. See Belich (2007); Kawharu (1977); Walker (1991).

8. An exception is clause 9 of the State Owned Enterprise Act, 1986, under which the tribunal could seek resumption, reversing still-government-owned lands to native title. If any SOE lands were sold after 1986, the government could be ordered to compulsorily purchase them back from private owners to be offered as part of any future settlement package.

9. See Tapsell (1997); see also Tapsell (2006) for in-depth discussion and examples of links between the acquisition of taonga and colonial land alienations.

10. This initiative was championed by Dr. Peter Tapsell, minister of Internal Affairs and most senior Maori in the third Labour government (1984–1990) and later first Maori to become speaker of the House of Representatives (1993–1996). See Dibley (1996); Williams (2005); McCarthy (2011); Tapsell (2011).

11. See http://www.mch.govt.nz/funding-nz-culture/agencies-we-fund/heritage/te-māori -manaaki-taonga-trust. I was a recipient of this fund, which enabled me to read for a D.Phil. in museum ethnography at Pitt Rivers Museum, Oxford University.

12. For example, museums in Rotorua, Waikato, Gisborne, Manawatu, and New Plymouth drew on local marae community elders and later succeeded in employing curators and other staff descended from local Maori communities, for example, the 1990 appointments of Barbara Moke, Waikato Museum; Paora Tapsell, Rotorua Museum; and Manu McGrath, Taranaki Museum.

13. For example, "The New Dawn Exhibition," *Daily Post*, April 5, 1991, Rotorua.

14. The delegation was led by Sir James Henare, Reverend Piri Kingi Iraia, and John Klaricich.

15. Interred at Te Ahuriri, Waimamaku, on May 13, 1988.

16. For example, Ruapekapeka chests at AWMM; Piwakawaka chests at the National Museum; Maketu burial tomb at Canterbury Museum; Banks Peninsula chest at Otago Museum.

17. The 1901 Antiquities Act granted the Crown exclusive rights of ownership over all Maori antiquities (or taonga) and any subsequent redistribution. This law was finally amended in 2008 (within the Protected Objects Act of 1975), providing Maori communities' right to contest ownership of taonga tuturu through the Maori Land Court. See http:// www.legislation.govt.nz/act/public/1975/0041/latest/DLM432116.html (accessed January 30, 2015).

18. For examples, see elders' presentations, Te Roroa claim, December 1990, in Te Roroa Waitangi Tribunal Report (1992).

19. Kaitiaki Maori (KM) and Museums Association of Aotearoa NZ (MAANZ).

20. Tainui confederation of tribes.

21. In 1841 Ngati Whatua o Orakei gifted 3,500 acres of land to the Crown specifically for the building of NZ's then capital city of Auckland.

22. Auckland Institute & Museum Council was the precursor to the 1996 AMTB. Sir Hugh Kawharu ended up serving 29 years, the last 10 of which he was the Taumata-a-Iwi representative on the new AMTB.

23. With the mandate of his descendants Pukaki's image is now minted on NZ's twenty-cent coin. See Tapsell (2011b:43).

24. See https://www.aucklandmuseum.com/getmedia/ffab7e0e-f4c2-4ba3-957b-f643016 1072f/auckland-museum-governance-policy-human-remains, section 3.2.

25. See www.aucklandmuseum.com/getmedia/6fa540aa-34ca-40f3-b05f-38b950712c2a/ auckland-museum-governance-policy-guardianship-of-taonga.

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