

CHAPTER 2

When Theory, Practice and Policy Collide, or why do Archaeologists Support Cultural Property Claims?

Alexander A. Bauer, Shanel Lindsay and
Stephen Urice

CONTEMPORARY ARCHAEOLOGY AND REPATRIATION

Archaeologists who advocate export controls and the return of cultural property to their countries of origin tend to do so for one or both of the following reasons. First, they hope that such policies will serve to counteract and discourage the illicit looting and destruction of archaeological sites that feed the antiquities market. But in the more than three decades since the UNESCO Convention of 1970, it is not at all clear that the increase in controls and repatriation has stemmed the looting (see Renfrew 2001). Second, archaeologists explain support of return for moral reasons: to make amends for past injustices committed through colonial and imperial practices and to empower the groups whose property has been taken. This view is increasingly held by archaeologists and anthropologists and is called in a recent essay by Elezar Barkan (2002:17) a “prime moral issue in the international community.” He continues:

Control of one’s patrimony is seen as a mark of equality and has become a privileged right in today’s world. Restitution of cultural property, therefore, occupies a middle ground that can provide the necessary space in which to negotiate identities and a mechanism to mediate between the histories of perpetrators and victims. (Barkan 2002:16–17)

Indeed, current policy supporting return fits well within contemporary ‘postcolonial’ criticism of the Western hegemonic power structures that have dominated global politics in general and anthropological research in particular since the field’s inception. Some archaeologists endorse this view partly out of respect for cultural diversity and partly in sympathy for less-powerful and non-Western groups against the

appropriation and 'pillaging' of their culture by Westerners. And when anthropologists mount the rare challenge to repatriation efforts, international or domestic, such as in the celebrated "Kennewick Man" case (Harding 2005), it causes tension within the discipline (see recently Watkins 2004; Zimmerman 2005).

Problems emerge, however, when these latter 'morality-based' reasons are examined in the context of contemporary anthropological theorizing about culture and cultural rights. For one, the notion of 'retaining' or 'returning' culture assumes that culture can both be partitioned and alienated in the first place (Weiner 1992; Welsh 1997). It ignores the point widely recognized in anthropology that cultural meanings shift among contexts and that prioritizing some sort of 'original' cultural meaning over all others may be simplistic and reductionist. Second, the fact that support for embargoes and repatriation in practice often means supporting nation-states motivated by a desire to use the archaeological record in creating a national identity makes archaeologists' support difficult to reconcile with simultaneous critiques of nationalism. The distinct possibility that materials belonging to indigenous groups and other disempowered minorities will not be under their control in such circumstances raises the question, In whose possession would the objects best serve to advocate their rights?

Here, we examine how archaeologists' support of export regimes and repatriation policies in light of contemporary theorizing about culture and cultural rights risks undermining the field's own theoretical program and larger ethical goals. In particular, we discuss this problem in light of the two sets of assumptions just mentioned: first, that return restores the integrity of a culture and/or the object belonging to it, and second, that return corrects injustices and effects support for disenfranchised groups. We then take as an example the recent US support of Peru's cultural property claims to illustrate the contradiction at the heart of this view, ie, that return does not necessarily achieve the ends or benefit the groups archaeologists hope it will. Finally, and by way of explanation, we suggest that archaeologists support return for reasons of political economy that usually go unacknowledged or are explicitly avoided in most academic discourse, and we consider theoretical and practical risks in continuing to maintain these positions.

Assumption 1: National Control Maintains the Integrity of a Culture and/or the Object Belonging to it

One of the most often cited reasons for supporting retention or the return of cultural material to another country or group is that the object naturally 'belongs' there. The very word 'return' implies an

'original' state, to which both the material and the culture may be restored through that return. This is the perspective that underlies the policies following the UNESCO 1970 Convention, as well as claims for the return of particular objects such as the Parthenon/Elgin Marbles (Merryman 1986, 2005; Prott 2005).¹

An immediate problem with this view, at least insofar as anthropological thinking is concerned, is that it is based on an essentialist concept of culture long critiqued within the discipline (Handler 2003). Is culture a set of specific objects and traditions that do not change, or is it dynamic, fluid, and continually developing in new ways, with new material manifestations, or at least new understandings of old ones? If culture is the latter, then a given object is not what makes that culture whole, if 'whole' is even attainable.

Is it accurate to say that a culture is somehow 'diminished' or not 'whole' when it lacks a specific object? More than that, since we do not make similar assertions about our own, modern Western culture, what is it that distinguishes between the two? For example, when the London Bridge was moved to Arizona, neither English nor London's cultures ceased to exist, even though one of its most recognizable landmarks had been taken away. When the World Trade Center collapsed, New York City's cultural identity was not diminished. On the contrary, to a degree New Yorkers developed a greater sense of pride and community despite the loss to its skyline. We are not condoning either the theft, displacement, or destruction of cultural property, which many export laws and repatriation efforts are aimed at remedying; we simply raise the question to what degree other cultures have the same capacity to survive such losses. Put another way, assuming that other cultures are less resilient than Western ones is not only inaccurate, but may be seen as replacing one form of paternalism with another. Anthropologists working in Papua New Guinea and elsewhere in the Pacific have demonstrated that for some cultures objects are more effective at maintaining cultural identity when kept in circulation (Leach 2003), raising the possibility that the retention of objects (at least in some sort of state-managed depot) is in some cases antithetical to cultural well-being.

Similar problems arise when arguing that repatriation restores the integrity of the object being returned. Anthropologists and archaeologists uniformly posit that objects taken unscientifically out of context cease to be meaningful. But this general claim ignores the now widely accepted view that objects themselves have 'social lives' (Appadurai 1986) and develop new meanings in new contexts. In fact, accepting that the life of material culture does not just 'stop' when appropriated into Western contexts (which, again, is a view that maintains a paternalistic regard for 'authenticity'), we should at least recognize the

contemporary theorizing that the movement of artifacts – and even looting – constitutes another re-use, or ‘cultural-transform’ to use Michael Schiffer’s (1976) term, in the life history of an object (Kopytoff 1986). As Hamilakis (1999) points out in his study of the life history of the Parthenon/Elgin Marbles, the removal of the sculptures from Athens by Lord Elgin was only one episode in a long and complex history of individual, community and national relationships with the objects, including those that have emerged as a result of their removal and subsequent installation in the British Museum.

A similar point is made by Gavin Lucas (2001) when he rightly observes that excavation is not really ‘destruction’ but the ‘transformation’ of a site, albeit a dramatic one. His regard for excavation as part of, rather than separate from, prior social engagements with an archaeological site parallels our contention here that we should not separate contemporary activities from similar ones conducted in the past, or by non-Western groups. Archaeologists study the removal and re-use of materials in the past as part of their endeavor, but contemporary removal of material from a site is called ‘looting’ and rarely studied as a social phenomenon (but see Migliore 1991; Staley 1993; Matsuda 1998; Hollowell-Zimmer 2003). True, looting is usually conducted purely for monetary gain, causes the extensive destruction of sites and archaeologically important data, and is occurring on a scale unprecedented in earlier times, all of which may condemn it as morally wrong. But our point here is the disjunction between morality and epistemology. Do we similarly condemn the undocumented digging up of material by ‘indigenous’ groups for their own re-use, or is this still to be considered an ‘authentic’ or ‘primary’ cultural use of an object? The loss of historical information due to looting is undeniably a tragedy, and archaeologists are right to mitigate such loss however possible. But to claim that a looted object ceases to be meaningful denies the validity of any way of ‘knowing’ that is not in line with Western ‘scientific’ archaeological discourse. In other words, is looting as much a tragedy for local communities as it is for archaeologists? While in many cases the answer may be yes, this question is worth asking. As Larry Zimmerman (2000 [1995]:72) points out with regard to the “stewardship principle” at the heart of the Society for American Archaeology’s ethics code, this view

seems to hinge on a unilateral declaration of the ‘archaeological record as a public trust’... Were I a member of a group of nonarchaeologists, I might have a very different view, especially if I saw the heritage as the intellectual property of my people or if I saw the artifacts and their sale as a normal way to make a living.

One case where the assumption might hold that an object and culture are ‘whole’ only when together, occurs in cases meeting what Merryman

(1988:495ff) calls the test of 'essential propinquity.' The essential propinquity standard asserts that there are indeed objects so necessary to the existence of a culture and its practices, that without the object the culture ceases to function fully. In Merryman's view, few objects meet this standard, and he cites the Afo-a-Kom sacred to the Kom of Cameroon as a rare example. This case illustrates the importance some objects have for a social group's identity and continuing cultural practices, but at least in anthropological terms it is appropriate to ask whether the absence of such objects truly effects the end of a culture. Rather, we suggest that what is at issue in most cases is not this loss of cultural identity, not the essentialist cultural designation of a disputed object; rather, the issue is one of fundamental respect (Shapiro 1998).

Assumption 2: Support for Export Controls and/or Repatriation Efforts Puts Right Past Injustices and Offers Support to Traditionally Disenfranchised Groups

The second assumption that tends to shape anthropological and archaeological views on the movement of cultural property is that support for policies such as export controls or repatriation is morally right with respect to the living communities that feel most closely connected to it (eg, Barkan 2002). This is to make amends for past injustices and offer both support and respect (as well as the prospect of monetary gain, in some cases) to groups disenfranchised by the loss of the property and their disempowered political status. From the standpoint of an ethically engaged archaeology, these aims are significant and at best provide what Barkan (2002:17) calls the "necessary space in which to negotiate identities and ... mediate between the histories of perpetrators and victims." Repatriation can and should promote dialogue about contested and often unsavory histories, with the aim of moving toward reconciliation and respect among individuals and communities. Such a pragmatic goal underlies the two most significant policy developments affecting museums at the end of the 20th century: NAG-PRA and the restitution of 'Holocaust Art' (see Nason 1997; AAMD nd). These policies, one enacted through legislation, the other through codes of practice, are both aimed at returning objects directly to individuals or groups that maintain a close connection to them, and thus are not the kinds of policies we wish to criticize here.

In contrast are the cases of export controls and international repatriation efforts undertaken by nation-states, which largely enjoy the support of archaeologists for moral reasons, but often without a more careful consideration of their ethical and political impacts. These efforts typically follow one of two patterns: one, there may be a call

for the return of specific objects, such as the Parthenon/Elgin Marbles or the Rosetta Stone, which in some circumstances may promote the kind of positive dialogue mentioned above. Italy's recent return of the Aksum Obelisk to Ethiopia may prove to be such a case. A second method nation-states use to reclaim objects internationally is through the ratification of treaties or other legislation to prevent further movement of cultural property, such as the recently renewed Memorandum of Understanding (1997) between Peru and the United States, which prohibits the import of any cultural material from Peru dating before 1532.²

Support for repatriation policies of either kind raises epistemological contradictions that anthropologists and archaeologists have generally ignored, issues that are implicated by the very terms 'patrimony' and 'repatriation'. First, the notion of *patria*, which forms their root, calls to mind many of the same assumptions regarding a 'normative' view of culture raised earlier. When we are confronted with the duty to return an object, it is not always clear what the object's actual 'homeland' is, particularly since borders and cultures tend to change over time. A simplistic understanding of *patria* as 'nation' may not adequately address the needs of cultural minorities or groups outside current national borders. To whom, for example, should we return an important medieval Armenian artifact, if the site it is from now lies in Turkey?³ Cases such as these, hypothetical or real, should encourage us to think more carefully about what 'repatriation' accomplishes, and consider defining it more broadly than where an object resides. This broader definition is precisely what NAGPRA attempts to do with its provisions to prioritize 'affiliation' over geography.⁴

The issue of control leads us to a second point regarding the term *patria*. Namely, it is the relationship of *patria* to nationalism that is even harder to reconcile with the post-colonial stance of a discipline equally skeptical of nationalist programs. Many cultural property policies – either to reclaim specific objects or to enact and enforce national 'patrimony' laws prohibiting export – are undertaken by nations seeking to retain their cultural heritage (Merryman 1988). While important reasons exist for respecting such efforts, it is equally important to identify and understand the unanticipated and perhaps less beneficial ramifications, such as promoting nationalist perspectives and inhibiting the development of alternative discourses (the complexities of this conundrum are nicely illustrated in McIntosh *et al* 1996 [1989]). In some cases (as in the Peru example below) these efforts result in the state's ownership and control over cultural materials most closely affiliated with indigenous groups largely disempowered within their own country. Unquestioning support for the return of objects and for national patrimony laws thus have the potential to undermine rather than secure the rights of the groups archaeologists intend to help.

REPATRIATION FOR WHOM? THE CASE OF PERU

Archaeologists' support of other nation's patrimony laws are most difficult to understand when such legislation fails to serve the best interests of groups culturally linked to the material in question. Most modern nation-states include multiple ethnic groups whose diverse traditions contribute to the nation's cultural patrimony. But it is rare for all such groups to share political power. Thus it is common that a nation declares itself owner or steward for the nation's entire cultural patrimony even while it ignores, disenfranchises, or oppresses its own minority populations. Peru may serve as an example, although other countries, including the United States, could be equally illustrative. We choose Peru because the USA and Peru, with support of the Cultural Property Advisory Committee, a national advisory group which includes archaeologists, recently renewed their Memorandum of Understanding (MoU) which creates an embargo on the import into the USA of all Peruvian material dating before 1532 A.D. and selected material dating between 1532 and 1821 (MoU 1997).

At first glance the MoU may seem a good approach for discouraging the US market in Peruvian antiquities: It makes US policy explicitly supportive of Peru's cultural patrimony laws, which, inter alia, declare all such cultural material property of the state. The question that emerges, however, is whether Peru's domestic laws and policies serve the best interests of the indigenous communities whose ancestors created and used the very cultural property that modern-day Peru has nationalized. The history of indigenous rights in Peru suggests that these laws and policies do not (Strong 1992; Poole 1994a). 'The thrust of both past and present [Peruvian] governments ... has been to integrate "the Indian" into the national culture as a modern Peruvian "Western" man' (Sharp 1972:230). Even the movement known as *Indigenismo*, which sought to reclaim the past greatness of pre-Hispanic culture for the sake of the groups that continued to exist, all but died out by the 1950s in the face of urban migration and the Peruvian government's assimilation policies (Coggins 2002:111). To cite one example, on 24 June 1969, which had been the annual holiday celebrating Peru's indigenous past, the government passed the Agrarian Reform Law, eliminating the word *indio* from the national vocabulary (Poole 1994b:20). Cultural diversity was no longer to be recognized, and only a single, national Peruvian culture was to remain. In recent years, the Peruvian government has paid little attention to indigenous groups, in effect ignoring their continuing presence, and the indigenous populations continue to be disproportionately poor and underserved (see eg. Psacharopoulos and Patrinos 1996; Coggins 2002). Relevant to the arguments here, Peru's 1929 patrimony law (Law 6634)

52 | Chapter 2

vests ownership of all pre-Columbian objects in the government of Peru, preventing existing indigenous groups from curating what is arguably their heritage on their own terms.

One may legitimately ask why the Peruvian government would be so anxious to retain and control the cultural legacy of the communities its policies have so effectively marginalized. As put into practice, Peru's assimilation policies have enabled the government to co-opt the cultural legacy of indigenous groups for nationalistic benefit: Peru's patrimony laws effectively function to support a multibillion-dollar tourism industry, the benefits of which are not shared with indigenous communities (Silverman 2002; for a similar example from Egypt, see Meskell 2000). The 1929 vesting law thus enables the government to use these objects to develop a sense of national identity, as well as benefit from them monetarily, without either financial or cultural regard for its indigenous communities.

A different situation is presented by Peru's recent request that Yale University return artifacts in its collection gathered from Machu Picchu by Hiram Bingham. Over the course of three expeditions in 1911, 1912, 1915, Peru claims that Bingham brought back some five thousand objects, some in contravention of Peruvian laws at the time, and others as temporary loans.⁵ Peru is now asking for the objects back, and given that most if not all of the site's most important pieces are half a world away, it seems a reasonable request for archaeologists to support, particularly if laws were violated. This case may demonstrate that repatriation is often justifiable and in some cases not only an important mechanism for redress but also a proper remedy for an illicit act. But even in those situations, the question arises whether return is all we should hope for or expect. In cases where repatriation is supported on moral or legal grounds, should supporters of repatriation not use the opportunity to push for greater justice? In the case of Machu Picchu, for example, it is worth asking what kind of rights or economic benefits might be forthcoming to neighboring communities upon the objects' return, and pushing for such policies in exchange for archaeologists' support.

Peru is not alone in claiming national ownership of cultural objects within its borders, and actively seeking the return of those outside. Many nations have similar patrimony laws and domestic policies, and the United States has concluded agreements with several to help enforce them internationally. The question for archaeologists is whether we should continue to support such laws, policies, and international agreements. If other nations' cultural patrimony laws fail to benefit indigenous communities linked to the material purportedly protected, and if those nations' domestic policies explicitly or implicitly minimize cultural diversity, what is the rationale for supporting those laws and

policies?⁶ Where state interests are representing national sentiment as a whole, it may be difficult to criticize such action. But at best, repatriation should be aimed at opening the space for debating political asymmetries and injustices, both in the past and present.

WHAT'S AN ARCHAEOLOGIST TO DO?

Obviously we do not suggest that repatriation is never warranted or that there are not important grounds for supporting export controls. But as legal scholar Paul Bator concluded over twenty years ago, there are also tangible benefits to maintaining cultural materials in circulation (Bator 1982). Most broadly, recognizing the value and meanings that cultural products have for a variety of communities – nations and decent groups as well as those across the globe without so ‘direct’ a claim – may act to encourage respect for cultural diversity and for cultural dynamics such as hybridity and creativity (Sen 2004). Indeed, most anthropologists have little trouble supporting acts of resistance such as the counter-appropriation of Western objects in the developing world, which in a general sense is just the ascription of value to other cultures’ products, confirming the notion that groups culturally unrelated to those products nevertheless have valid interests (Brown 2005; Madhavi Sunder, personal communication).⁷ Nor are we saying that there are not occasions when the United States or other governments should appropriately work in concert with the world community to staunch crises in the looting of archaeological materials. What we are saying is that blind support of blanket repatriation requests and export controls from other nations deserves more careful analysis, including an assessment of the requesting government’s own commitment to its minority and indigenous groups.

This conclusion brings us back to the question we pose in the title of this paper: In light of the potential negative effects of repatriating materials to other nation-states in some cases, why do archaeologists rarely critically examine such claims? While colonialist discourses about the past hidden in a cloak of objectivity may be countered by local, politically contextualized ‘nationalist’ ones, supporting the latter may only serve to ‘exchange one set of limiting conditions with another’ (McIntosh *et al* 1996 [1989]:189). To walk the fine line between these two poles requires replacing discourses of objectivity with ones that respect differences in worldview and ways of knowing the past. But while relativism has taught us to question the authority of science, it is equally problematic to cede authority (and also possession of objects) based on *any* single way of knowing, whether nationalist or colonialist, or even ‘indigenous’, ‘non-Western’, and those of ‘descendant communities’.

Clearly there are dangers in going down this road, and we would need to proceed carefully. But as Joe Watkins (2003:132) remarks in a recent essay, what is at issue is not really ownership as much as control over the presentation of the past. This is what makes NAGPRA both so difficult to deal with and yet potentially so productive: Its attempt to balance interests forces all parties to communicate and work toward compromise and sharing control.

We suggest that archaeologists need to question critically support for cultural property claims, particularly those from nation-states. Most of us now accept that our work operates in a political context. With that realization comes the obligation to examine the political impact our work and support of other nations' laws and policies have. As Anne Pyburn (2004:289–290) points out, 'Here is where the serious housework needs to come in, because gender equality, nation building, economic development, and ethnic pride are not programs that can be built on good intentions.' By discussing frankly and openly the merits of any specific claim, we will strengthen our ability as a profession to promote the end results – support for indigenous communities, support for cultural diversity, support for repatriation in appropriate circumstances – better than we are now accomplishing. Put another way, we need to examine carefully our 'nice' approach to the policies of the nation-states whose claims we are supporting:

[archaeologists should not] try to 'be nice' to the locals, at least not without some subtle understanding of what is the local definition of 'nice'... It is nice to be in good standing with the national governments where we work; it is not nice to let the local authorities use the project vehicle to transport political prisoners. (Pyburn 2003:170; see also Kohl 1998:240–241)

CONCLUSION

Contemporary archaeological attitudes tend to favor the retention and return of cultural property to other nations in accordance with their patrimony laws. Part of the rationale for this support has been a desire to help historically disenfranchised groups (re-)claim their heritage, although in some cases the laws clearly do not achieve these ends, but rather serve to further disenfranchise these groups within their own countries. The current archaeological position, well intended though it may be, must thus be re-evaluated and more critically examined, and may further illustrate why all archaeologists must strive to be more fully aware of the particular political and social contexts in which they work.

Beyond this, it is important that we take a critical look at the assumptions underlying archaeologists' support of certain cultural property policies because the current view risks undermining its own theoretical position. What is at issue is not simply a matter of resolving an epistemological inconsistency. Rather, there are important 'real world' implications at stake. Theoretical 'purity' or consistency may deserve to be cast aside for the sake of greater ends. As Robbins and Stamatopoulou (2004) point out, the irony that the concepts of 'culture' and 'ethnicity' are being deconstructed by academics just as ethnic groups are beginning to assert themselves politically is not lost on indigenous activists. Such 'strategic essentialism' has an important place in political discourse. However, cultural property claims require careful scrutiny and evaluation on a case-by-case basis. In situations where indigenous or minority groups are disenfranchised (or worse) by national governments, supporting repatriation or national retention policies may undermine efforts to protect those groups' efforts for greater recognition, autonomy, and control of their cultural heritage. Those situations may present an opportunity where the archaeological community may have a valuable tool for fighting cultural and human rights abuses by more critically assessing the nation-states' claims.

Second, our support for policies that benefit the kinds of nationalist agendas we also criticize is an incompatibility that does little to enhance our credibility outside the discipline. It has been said, likely many times, that there are as many definitions of culture as there are scholars of the subject, and policymakers, who probably do not find this diversity so endlessly entertaining, might not agree with any of them. But while we archaeologists and anthropologists may resent the fact that our concept of 'culture' has been expropriated and subsequently misunderstood by policymakers (Brown 2004), some of the blame surely must lie with us: In cases such as those involving national patrimony policies, when we become involved in issues of policy we ignore our own arguments. By doing so, we do more than aid in maintaining simplistic views of culture in policy; worse, we risk relegating our academic discussions to irrelevance.

The damage done to our ethical goals is thus twofold. There is the specific point that our support for repatriation may not benefit those we hope it will, particularly those disempowered groups whose heritage, once returned, may be co-opted into dominant nationalist discourses. On a more general level, however, is the fact that our failure to adequately scrutinize such inconsistencies in our own views undermines our ability to productively engage in policy debates. This is a problem we must consider seriously, as it has implications for all issues we hope to raise in the public sphere, now and in the future.

ACKNOWLEDGMENTS

We wish to thank Michael Brown, Philip Duke, Yannis Hamilakis, and Niklas Hultin, and two anonymous reviewers for their thoughtful comments on earlier drafts of this paper. As usual, we are to blame for the views expressed as well as any errors of fact.

NOTES

1. As observed by Shapiro (1998), among others, the very name one decides to use for the sculptural frieze now housed in the British Museum is seen to imply on which side of the debate one falls.
2. The import of selected material dating between 1532 and 1821 is also prohibited (MoU 1997). See discussion later in this paper.
3. Though a rare example, the Taliban's destruction of the Bamiyan Buddhas illustrates what can happen when a nation controls the fate of material important to a minority constituency or extra-national group.
4. 25 U.S.C. § 3002(a) et seq. Another interesting development worth noting UNESCO's is recent decision to recognize the first multi-national 'World Heritage' site, the "Frontiers of the Roman Empire World Heritage Site" (Jilek 2004).
5. Parsons, Claudia, 'Peru to sue Yale for Inca treasure 'theft'', *The Scotsman*, 5 March 2006 (<http://scotlandonsunday.scotsman.com/international.cfm?id=332772006>).
6. Interestingly, at the time of revising this paper, the Peoples' Republic of China made a request to the United States to enter into an MoU similar in scope to Peru's. At the Cultural Property Advisory Committee's public hearing on the request, a large number of the objections raised focused on China's poor record respecting and safeguarding minority culture and rights, most notably that of Tibet. The final decision is pending.
7. What Bator (1982:31–32) called 'a general interest in the breakdown of parochialism' can be more fully understood to encompass the recognition that cultures are not static, 'normative' entities but continually re-form and renegotiate their existence through daily practices, which includes responding to new circumstances brought about by, and enacted through, the circulation of culture through the world (see Urban 2001).

REFERENCES CITED

- AAMD (n.d.) Art museums and the identification and restitution of works stolen by the Nazis, New York: Association of Art Museum Directors www.aamd.org/pdfs/Nazi%20Looted%20Art.pdf
- Appadurai, A (ed) (1986) *The Social Life of Things: Commodities in Cultural Perspective*, Cambridge: Cambridge University Press
- Barkan, E (2002) Amending historical injustices: the restitution of cultural property – an overview, in Barkan, E and Bush, R (eds), *Claiming the Stones/Naming the Bones: Cultural Property and the Negotiation of National and Ethnic Identity*, Los Angeles: Getty Research Institute
- Bator, PM (1982) *The International Trade in Art*, Chicago: University of Chicago Press
- Brown, MF (2004) 'Heritage as property', in Verdery, K and Humphrey, C (eds), *Property in Question: Value Transformation in the Global Economy*, Oxford: Berg
- (2005), 'Heritage trouble: recent work on the protection of intangible cultural property' *International Journal of Cultural Property* (12) 40–61

- Coggins, C (2002) 'Latin America, Native America, and the Politics of Culture', in Barkan, E and Bush, R (eds), *Claiming the Stones/Naming the Bones: Cultural Property and the Negotiation of National and Ethnic Identity*, Los Angeles: Getty Research Institute
- Hamilakis, Y (1999) 'Stories from exile: fragments from the cultural biography of the Parthenon (or "Elgin") Marbles', *World Archaeology* 31, 303–320
- Handler, R (2003) 'Cultural property and culture theory', *Journal of Social Archaeology* 3, 353–65
- Harding, S (2005) 'Bonnichsen v. United States: Time, place, and the search for identity', *International Journal of Cultural Property* 12, 247–261
- Hollowell-Zimmer, J (2003) 'Digging in the dirt ethics and "low-end looting"' in Zimmerman, LJ, Vitelli, KD and Hollowell-Zimmer, J (eds), *Ethical Issues in Archaeology*, Walnut Creek, CA: Alta Mira
- Jilek, S (2004) 'Session and working party – the frontiers of the Roman Empire: defining a World Heritage Site', Annual Meeting of the European Archaeological Association, Lyon, France
- Kohl, PL (1998) 'Nationalism and archaeology: on the constructions of nations and the reconstructions of the remote past', *Annual Review of Anthropology* 27, 223–246
- Kopytoff, I (1986) 'The cultural biography of things: commoditization as process, in Appadurai, A (ed), *The Social Life of Things: Commodities in Cultural Perspective*, Cambridge: Cambridge University Press
- Leach, J (2003) 'Owning creativity: cultural property and the efficacy of custom on the Rai coast of Papua New Guinea', *Journal of Material Culture* 8, 123–144
- Lucas, G (2001) 'Destruction and the rhetoric of excavation', *Norwegian Archaeological Review* 34, 35–46
- Matsuda, D (1998) 'The ethics of archaeology, subsistence digging, and artifact "looting" in Latin America: point, muted counterpoint', *International Journal of Cultural Property* 7, 87–97
- McIntosh, RJ, McIntosh, SK and Togola, T (1996 [1989]) 'People without history', reprinted in Vitelli, KD (ed), *Archaeological Ethics*, Walnut Creek, CA: Alta Mira
- Merryman, JH (1986) 'Two ways of thinking about cultural property', *American Journal of International Law* 80, 831–853
- (1988) 'The retention of cultural property', *21 U.C. Davis Law Review* 477–513
- (2005) 'Cultural Property Internationalism', *International Journal of Cultural Property* 12, 1–29
- Meskill, LM (2000) 'The practice and politics of archaeology in Egypt', in Cantwell, AM and Friedlander, E (eds) *Ethics and Anthropology: Facing Future Issues in Human Biology, Globalism, and Cultural Property*, New York: New York Academy of Sciences
- Migliore, Sam (1991) 'Treasure hunting and pillaging in Sicily: acquiring a deviant identity', *Anthropologica* XXXIII, 161–175
- MoU (1997) Memorandum of understanding between the Government of the United States of America and the Government of Peru concerning the imposition of import restrictions on archaeological material from the prehispanic cultures and certain ethnological material from the colonial period of Peru. 52 Federal Register 31713
- Nason, JD (1997) 'Beyond repatriation: cultural policy and practice for the twenty-first century', in Ziff, B and Rao, PV (eds), *Borrowed Power: Essays on Cultural Appropriation*, New Brunswick, NJ: Rutgers University Press
- Poole, D (ed) (1994a) *Unruly Order: Violence, Power, and Cultural Identity in the High Provinces of Southern Peru*, Boulder, CO: Westview
- (1994b) 'Introduction: anthropological perspectives on violence and culture – a view from the Peruvian high provinces', in Poole, D (ed), *Unruly Order: Violence, Power, and Cultural Identity in the High Provinces of Southern Peru*, Boulder, CO: Westview
- Prott, L (2005) 'International Movement of Cultural Objects', *International Journal of Cultural Property* 12, 225–248

58 | Chapter 2

- Psacharopoulos, G and Patrinos, HA (eds) (1996) *Indigenous People and Poverty in Latin America*, Avebury: Brookfield
- Pyburn, KA (2003) 'Archaeology for a new millennium: the rules of engagement', in Derry, L and Molloy, M (eds), *Archaeologists and Local Communities: Partners in Exploring the Past*, Washington, DC: Society for American Archaeology
- (2004) 'We have never been postmodern: Maya archaeology in the ethnographic present', in *Continuities and Changes in Maya Archaeology: Perspectives at the Millennium*. New York: Routledge
- Renfrew, AC (2001) 'Foreword', in Brodie, N, Doole, J and Renfrew, C (eds), *Illicit Antiquities: The Destruction of the World's Archaeological Heritage*, Cambridge: McDonald Institute for Archaeological Research
- Robbins, B and Stamatopoulou, E (2004) 'Reflections on culture and cultural rights', *South Atlantic Quarterly* 103, 419–434
- Schiffer, MB (1976) *Behavioral Archaeology*, New York: Academic Press
- Sen, A (2004) 'How Does Culture Matter?', in Rao, V and Walton, M (eds), *Culture and Public Action*, Stanford: Stanford University Press
- Shapiro, D (1998) 'Repatriation: a modest proposal', *NYU Journal of International Law and Politics* 31, 95–108
- Sharp, DA (ed) (1972) *U.S. Foreign Policy and Peru*. Austin: University of Texas Press
- Silverman, H (2002) 'Touring ancient times: the present and presented past in contemporary Peru', *American Anthropologist* 104, 881–902
- Staley, DP (1993) 'St. Lawrence Island's subsistence diggers: a new perspective on human effects on archaeological sites', *Journal of Field Archaeology* 20, 347–355
- Strong, S (1992) *The Shining Path: Terror and Revolution in Peru*, London: Harper Collins
- Urban, G (2001) *Metaculture: How Culture Moves through the World*, Minneapolis: University of Minnesota Press
- Watkins, J (2003) 'Archaeological ethics and American Indians', in Zimmerman, LJ, Vitelli, KD and Hollowell-Zimmer, J (eds), *Ethical Issues in Archaeology*, Walnut Creek, CA: Alta Mira
- (2004) 'Becoming American or becoming Indian? NAGPRA, Kennewick and cultural affiliation', *Journal of Social Archaeology* 4, 60–80
- Weiner, AB (1992) *Inalienable Possessions: The Paradox of Keeping-While-Giving*, Berkeley: University of California Press
- Welsh, PH (1997) 'The power of possessions: the case against property', *Museum Anthropology* 21, 12–18
- Zimmerman, LJ (2000 [1995]) 'Regaining our nerve: ethics, values, and the transformation of archaeology', in Lynott, MJ and Wylie, A (eds), *Ethics in American Archaeology* (2nd Edition), Washington, DC: Society for American Archaeology
- (2005) 'Public heritage, a desire for a "White" history for America, and some impacts of the Kennewick Man/Ancient One decision', *International Journal of Cultural Property* 12, 263–272