

## Archaeological Looting and Economic Justice

NEIL BRODIE

### The Problem

The illegal and destructive appropriation and trade of archaeological heritage is a well-documented phenomenon. It causes economic loss and cultural dislocation for the dispossessed “source” communities and countries, balanced by corresponding economic and cultural gains for the acquiring communities and countries. States and international NGOs have developed legal and other normative instruments aimed at controlling the trade, and relevant professional bodies are beginning to explore the ethical dimension. Nevertheless, laws and ethics have fallen short of their purpose, and the problem persists. The design of more appropriate legal and ethical responses is hampered by a poorly developed conceptual framework (with an imprecise terminology to match) founded upon a patchy evidence base of uncertain reliability. There is an urgent need for more empirical research and some innovative theoretical input.

The problem can be theorized as one of value. There are various stakeholder interests in archaeological heritage: the interests of those who trade in it, those who study it, those who collect it, and those who have a religious, ethnic, or other attachment to it. These interests give rise to the differently constructed composites of cultural (symbolic, spiritual, aesthetic, educational) and economic value that are assigned to heritage (Lipe 1984; Throsby 2001:28–29) and expressed as sometimes contradictory claims for property rights.

Recent research into what has been called subsistence digging has drawn attention to the economic value of archaeological heritage and emphasized the economic interest of all stakeholders, even though that interest is sometimes obscured or denied. The economic value of archaeological heritage is also being exploited through cultural tourism and has provided the incentive for some recent traveling museum exhibitions. Yet despite these manifestations, existing ethical and legal approaches to the protection of archaeological heritage overlook or ignore its economic dimension, and this might be one reason why they have not been totally effective. In view of this possibility, this chapter will

investigate the economic value of archaeological heritage and make some tentative suggestions as to how it might be utilized in such a way as to improve the current protective regime.

### Subsistence Digging

The term “subsistence digging” was introduced by Staley (1993) in his study of St. Lawrence Islanders and is used to describe the undocumented and usually illegal<sup>1</sup> excavation of artifacts from archaeological sites that are then sold for subsistence purposes (Hollowell 2006a, 2006b; Matsuda 1998, 2005). Any effort to stop such digging in order to maintain the integrity of archaeological sites can then be construed as valuing archaeological heritage over human life. Meanwhile, cultural “specialists,” whether they be administrators, lawyers, archaeologists, museum curators, or art historians, may also derive economic benefit from their legitimate access to archaeological heritage while at the same time ignoring or denying its economic value, a point not lost on subsistence diggers (Barkan 2002:35; Matsuda 1998:93; Rao and Walton 2004:21). Thus it is argued that the characterization of subsistence digging as “looting” criminalizes what are already deprived communities, and subsistence diggers should instead be regarded as legitimate stakeholders in archaeological heritage. In fact, in situations of extreme poverty the digging and selling of artifacts might even be construed as a human right, as was debated at the World Archaeological Congress in 2003 (Hollowell 2006a:73–74).

The financial returns from subsistence digging can be significant. It has been estimated, for example, that the hypothetical sale of all artifacts that might be obtained from Roman-Byzantine tombs in northern Jordan would raise in total U.S.\$10–18 million (Rose and Burke 2004:8). The sale of material from Bronze-Age tombs would add to this figure. It is important to remember, however, that this is a total figure and not an annual one, so that if the tombs were emptied over a ten-year period, for example, they would generate U.S.\$1–2 million worth of artifacts annually. Recent work on St. Lawrence Island has suggested that digging generates U.S.\$1.5 million per year for the island, or about U.S.\$1,000 per person (Hollowell 2006b:105). These sums are substantial and go a long way to explaining the prevalence of subsistence digging and illicit trade. Nevertheless, though substantial, they are finite, limited by the facts that eventually the sites are worked out and the artifacts are exported.

The argument in favor of subsistence digging is one of economic justice, but subsistence digging is not an equitable enterprise, nor is it a long-term solution to economic deprivation. Subsistence diggers typically receive only a small portion of the final sales price of an object and the income is not sustainable. Atwood (2004:36) talks of the “neglected, embittered communities” in Peru,

where now “there is nothing to show for it except tales of a few looters who struck it rich, bought a fancy pick-up, and moved out of town.”

## Economic Value

Economic value is usually held apart from cultural value, not because it is not a cultural value, but because economists have developed sophisticated techniques of measuring it. Thus economic value has the appearance of being an objective or at least quantitative attribute, as opposed to the apparently more subjective and qualitative cultural values (Mason 2002:12, 15). The economic value of archaeological heritage derives from its conjunct private and public utility, which means that the economic value of its cultural content can be measured directly in financial terms and indirectly by contingent valuation methodologies designed to measure public “willingness-to-pay” (Darvill 1995; Mason 2002).

There is a growing literature on the economic importance of archaeological heritage and of decisions that relate to the heritage’s definition, conservation, and use. Most work to date, however, has focused on public utility in situations where the economic outcomes (costs and benefits) of archaeological projects are contained within a single economic domain (for example, a country or a municipality). The economic assessment of projects carried out across economic domains, whether officially in source countries by archaeologists from acquiring countries, or illicitly to provide artifacts for the international market, is more complex for two reasons: first, because the artifacts present in an unlooted archaeological site have value as commodities and can be bought and sold, but they also have asset value because of the flow of services that they may generate; and second, because the costs and benefits of exploitation are distributed transnationally but unequally among the countries involved. Nevertheless, any resolution of the problems posed by looting and subsistence digging will probably need to take account of these broader economic contexts. As a very preliminary step toward providing those contexts, in what follows comparative accounts are provided of what might be the salient economic characteristics of official and illicit excavations, and a provisional assessment is made of the respective economic outcomes for both source and acquiring countries.

## The Economics of an Illicit Excavation

When artifacts are taken from a site by unrecorded excavation and sold locally, their value as commodities is realized monetarily. Repeat sales within the same country will generate more money. This money is ultimately derived from acquiring countries abroad, and, as already described, can make a substantial contribution to a source community’s economy. The magnitude of the contribu-

tion is ultimately limited by the export of material abroad, after which time it is no longer available for transacting within the country of origin. Once in the acquiring countries, artifacts provide long-term economic benefit through their continuing circulation as commodities and also by their curation in museums. In museums, artifacts are taken out of commerce, gathered together, and conserved and displayed, with a view to attracting visitor income and public and private subsidies. In effect, they become a capital resource. They also comprise the subject matter of academic research and of specialist and popular publications, which produce further income streams. These economic benefits are not limited in time so long as the artifacts remain within the acquiring country, and so, in the long term, they can be substantial. Against these benefits must be set the equally long-term costs of storage and curation.

The comparative public utilities of illicit excavations are harder to assess. Research has shown that public utility is positively correlated with income and educational attainment (Mourato and Mazzanti 2002:61), so that a priori it would be expected that consumers in developed acquiring countries would benefit more than those in developing source countries. Art museums have public utility in acquiring countries. In source countries, archaeological sites and monuments that have been vandalized or destroyed must have only minimal public utility, if any at all, and the same can be said of artifacts that have been lost through illegal export.

In sum, although in the short term a source country's economy might profit from illicit digging, in the long term the economic benefits are experienced mainly in the acquiring countries. It is one of the inequities of the trade, and one typical of the global economic process, that at the source the economic potential of archaeological heritage is realized through unsustainable commodity production, while in the developed acquiring countries, the durability of artifacts and their accumulation in museums as physical capital generate sustainable economic flows.

### **The Economics of an Officially Sanctioned Excavation**

The situation with archaeological sites in source countries that are legally excavated to a professional standard by foreign archaeologists is harder to assess. In general, all artifacts recovered remain in the source country. Some might be displayed in museums and, together with archaeological monuments and excavated sites that are conserved and presented for public viewing, generate income through tourism. Again, though, many artifacts will remain in storage, and the relative costs of storage are probably higher in source countries than in acquiring countries, because typically source-country museums will be expected to curate all excavation finds, while many museums in acquiring countries will only be curating high-quality objects acquired on the market.

In the acquiring countries, museums derive no direct economic benefit from official excavations abroad, as none of the excavated artifacts will actually be acquired, but academics will be employed and the academic press will thrive. The intellectual product can be marketed through the popular media. There are no empirical studies that have measured the monetary value of these activities, but they are likely to be significant and might outweigh any financial benefits that accrue to the source country from retaining control over the excavated material, particularly when storage costs are taken into account.

Public benefits are probably more equally distributed; the material products of excavation, in the form of revealed architecture and curated artifacts, are available within the source country for public viewing and are able to provide the subject matter of educational programs and media productions. They might also promote social cohesion.

The economic outcomes of official and illicit excavations are provisionally compared in Tables 20.1 and 20.2 under the headings of Sales (sales of artifacts), Visitor (visitor and tourist income), and Academic and Media. These comparative tabulations are preliminary at best and are in urgent need of empirical substantiation and quantification, but they do suggest that although any excavation will produce economic benefits for both source and acquiring communities, in the long term those benefits accrue disproportionately in favor of the acquiring communities. In the short term, for the source countries, there is a significant financial gain to be made from illicit digging, though in the long term, the potential economic benefits of official excavation probably outweigh those of illicit excavation. The costs of curating material might be significant, however, and eat into any revenue generated by other means. What confounds this comparison is that within source countries income streams generated through different agen-

Table 20.1. Economic Outcomes of an Illicit Excavation (✓ = benefit; x = cost; size of symbols indicates relative magnitude)

	Acquiring country	Source country
Sales	✓	✓
Visitor	✓ x	
Academic and media	✓	

Table 20.2. Economic Outcomes of an Official Excavation (✓ = benefit; x = cost; size of symbols indicates relative magnitude)

	Acquiring country	Source country
Sales		
Visitor		✓ x
Academic and media	✓	✓

cies benefit different constituencies. The proceeds from illicit excavation flow through the black market, while licit excavations tend to benefit government employees and academics and, more diffusely, the public at large.

Recent thinking in development economics has added another dimension to the problem. Social connectedness (theorized as social capital) has an important role to play in improving public welfare by facilitating flows of information and material. It improves access to markets and employment, and it offers insurance against economic shortfall. It has been argued that the goal of development projects is now moving away from improving material well-being toward inculcating what Rao and Walton (2004:3) term “equality of agency” through initiatives aimed at increasing social capital. The possible uses of archaeological heritage for generating social capital have hardly been explored, though social cohesion was listed above as a possible public benefit of official excavation. Nevertheless, there are projects that, deliberately or not, do seem aimed at increasing social capital. At the site of Kuntur Wasi in northern Peru, for example, an archaeological museum built in 1994 with the participation of local people now acts as a community center and library and forms the focus of a community association. In 1997, the United Nations Development Program drew attention to the political empowerment that had been articulated around the archaeological site and its museum (Onuki 1999, 2007). Thus, while illicit excavation depletes what might be a viable source of economic capital, it might also attenuate social capital.

It is increasingly being argued that it should be an ethical prerogative of good archaeological practice to ensure that the cultural and thus economic value of excavated sites is maximized for public benefit by combining appropriate site conservation and presentation with curation and display of the associated artifacts. There are many successful examples of this type of project, but also of projects that fall short of the ideal. One reason for this failure is that project directors do not always have the expertise and/or resources necessary to conceive and to implement the necessary arrangements. It is easier to attract funding for a project with a recognizable product of intellectual significance (an excavation report) than for associated conservation and educational initiatives that have a less well-defined public utility. The importance of the contingent valuation methodologies described above, however, is that they are quantifiable, and when they are quantified by economists they do provide measures of public utility (defined as economic value) that are finding increasing acceptance. It may well be that if archaeological project proposals itemize economic as well as research outcomes, it will enable funding agencies, particularly those with a development slant, such as the World Bank, to assess more accurately the returns on their investments. Crucially, it might then allow project directors to obtain the necessary funding to enhance the cultural and thus economic value of archaeological sites.

## Cultural Property Law

National and international “cultural property” law has grown ad hoc since the nineteenth century. As its name suggests, cultural property law is framed in terms of ownership. It is designed to ensure that objects of cultural importance remain in the exclusive possession and control of their rightful owners, whether private or public.<sup>2</sup> It has taken this form because of the historical circumstances of its formation: to prevent or to rectify the illegal transport of objects by military or market forces.

There is a developing opinion that cultural property law has fallen short of its purpose in that it does not prevent the destruction and depredation of cultural heritage in war or in peace (Lowenthal 2005; Merryman 2005; Nafziger and Paterson 2004; O’Keefe 1997:18; Shapiro 2005:3). Many reasons are given for this shortfall. One reason is poor subscription, as major acquiring countries have not or have only recently acceded to the relevant international conventions (O’Keefe 1997:23). Another reason is poor enforcement of existing laws. Although many states have acceded to the major conventions, and enacted national laws, they have done nothing to enforce them. A major problem is that cultural heritage is usually not a funding priority, so that the resources necessary for effective law enforcement are simply not available (O’Keefe 1997:18–20).

There is also much disagreement about what should be the fundamental philosophy of cultural property law. Although there is a general consensus that the trade in archaeological artifacts as it is presently constituted is inequitable and causing irreversible harm to the archaeological heritage, there is considerable dispute about how best to resolve the problem, whether by placing the trade under what might be characterized as “weak regulation,” or under “strong regulation.” According to proponents of weak regulation, the apparent failure of cultural property law is due to the simple fact that it tries to place too much control on the international market. They argue that, with the exception of a limited number of exceptional or otherwise significant pieces, most cultural objects should be made freely available for international trade. Free trade would increase the amount of cultural material in circulation, thereby improving public access, and profits generated at the source could be used to protect important cultural sites. The strong regulation perspective is that a free market would not assure an equitable circulation of cultural objects, nor would it increase public access. Instead it would cause a flow of cultural objects into a limited number of acquiring communities. The trade would not be sustainable, any money generated at the source would need to pay for oversight, and none would “trickle down” to site protection. In effect, the debate over regulation is about whether the conservation of archaeological heritage would be best served by public ownership or by private ownership. There is hardly any common ground for constructive dialogue, and with discursive recourse to emotive appeals to “com-

mon sense” or “morality,” that either betray a personal conceit or are designed to mobilize public and political support, the problem persists.

As far as the economic value of archaeological heritage is concerned, the weak regulation perspective recognizes it, but only in a limited sense, in terms of its commodity value. Weak regulation has nothing to say about the full economic value of heritage and makes no recommendations about how it should be preserved, realized, or apportioned. The strong regulation perspective seems to discount economic value altogether. One way out of this public versus private impasse might be to admit discussion of economic value, in its broadest sense, and this would entail discussion of what alternative property regimes might be available.

What distinguishes cultural property from ordinary property is its designated cultural value, so that the exclusion of economic value from legislative consideration is probably deliberate. Paul Bator, for example, wrote about it in his influential book *The International Trade in Art* (1983). Bator had served as a member of the U.S. delegation that participated in the drafting the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention of 1970, and he wrote his book in support of the United States ratifying articles 7(b) and 9 of that convention, which it subsequently did as the Convention on Cultural Property Implementation Act (CCPIA) of 1983. Bator acknowledged the public value of art and recognized the economic imbalance of the international trade, specifically noting that “private vendors are highly unlikely to include the social costs of losing national art in their selling price” (1983:27 n. 55). He concluded, however, that world trade generally might be unfair, but to consider the economic dimension alone would be an “incomplete” characterization of the problem. His interest was cultural conservation (Bator 1983:28).

Bator’s opinion was probably typical of the time, and it would probably be the same today. In 2004, for example, the International Law Association (ILA) suggested eight draft principles for “cooperation in the mutual protection and transfer of cultural material” (Paterson 2005). The express purpose of these principles is to achieve a compromise between the positions characterized here as weak regulatory and strong regulatory, and thus provide less adversarial methods of dispute resolution (Nafziger and Paterson 2004). Again, however, the principles make no allowance for the economic dimension. It was suggested in their support that “most disputes over cultural property . . . reveal concerns . . . that go beyond those of monetary value” (Paterson 2005:70).

Bator was right that the outcomes of the trade cannot be measured simply in economic terms, and the ILA is correct to say that there are concerns apart from monetary ones, but, equally, the economic value of heritage cannot simply be ignored. When this happens, it becomes a covert value, helping to shape proprietorial attitudes and claims, while at the same time preventing their legitimate expression. This means that disputes over economic access might be obscured

and confounded through their negotiation in an inappropriate cultural idiom. It is a curious feature of the literature on subsistence digging, for example, that while the outsider research perspective emphasizes the economic rationale, the diggers themselves are often reported using identity claims to legitimize their actions by describing artifacts as an ancestral bequest (Hollowell 2006b:104; Matsuda 1998:8).

Part of the problem is that cultural property law is anachronistic in terms of its economic context. The UNESCO Convention of 1970 remains the benchmark for cultural property law because it sets out general principles of protection and cultural equity that continue to have contemporary relevance. The recent ratifications by countries such as the United Kingdom and Switzerland have emphasized that, more than 30 years after its adoption, the convention is still a viable and important piece of international legislation. But the convention was drafted in the late 1960s and since then there have been many theoretical advances in developmental and environmental economics that are relevant to archaeological heritage, including some of the concepts and metrics that have been discussed here. For example, although the concept of a public good was described in 1951, it was not until the 1990s that the contingent valuation methodologies used to measure public utility achieved some measure of general acceptance among economists (Throsby 2001:25). The importance of social connectedness was first noted in the 1970s (Douglas and Isherwood 1979:63–65) and later formalized as the concept of social capital (Bourdieu 1997). It is possible that the full economic value of cultural property was not recognized by the convention because at the time it could not be measured. But that is no longer the case.

### A Comparative Perspective

Just how or even if economic value should be admitted into cultural property law remain open questions, but there are perhaps legislative lessons to be learned from the United Nations Convention on Biological Diversity (CBD) of 1992, which aims to regulate the intellectual exploitation of animal and plant resources for their genetic content. At first sight, the purpose of the CBD might seem far removed from the issues being discussed here, but at least one expert in the field has included genetic resources under the heading cultural property (Posey 1998:42), and the motivating issue for legislation was again the exploitation of source communities and countries for the economic and sociocultural benefit of the developed world.

The demand for new biological materials developed in the 1980s as pharmaceutical and agricultural companies began to explore the scientific and economic potential of new gene-sequencing technologies. By the 1990s, numerous expeditions around the world were searching (bioprospecting) for previously

unknown (to the researchers at least) organisms (Parry 2004:31). Many of these expeditions made use of local or indigenous knowledge to identify and locate suitable material, and concerns were expressed within the scientific community that the one-time monetary payments made to source communities in return for their expertise were out of all proportion to the profits that could be made from the long-term commercial exploitation of genetic information. It was argued that there should be mechanisms in place to ensure that the source communities continued to profit from long-term commercial successes, perhaps through royalty payments (Parry 2004:40). At the same time, it was obvious that successful bioprospecting depended upon the existence and thus conservation of native flora and fauna, even as large areas of land were being made over to agricultural production. Thus conservation and ultimately bioprospecting would require viable economic alternatives to farming (Posey 1998:46), and they could be provided in part by a fairer distribution of commercial income.

It was against this background that the CBD was agreed upon at the United Nations Conference on Environment and Development in 1992. The CBD has three main objectives: the conservation of biodiversity; sustainable use of the components of biodiversity; and sharing the benefits arising from commercial and other utilization of genetic resources in a fair and equitable way. It is not hard to see that these objectives, redefined toward archaeological heritage, would be a desirable component of any new cultural property law.

Experience gained from the legal and ethical regulation of bioprospecting has confirmed that conservation at source is improved by a fair distribution of income. Another important point is that a lot of bioprospecting takes place on land that is communally owned by source communities, and agreements have to be negotiated that will benefit the community, as opposed to individual persons or regional or national governments. By customary law, heritage resources in sub-Saharan Africa, and among indigenous peoples more generally, have been common property, and they cannot be sold or surrendered without communal agreement (Shyllon 1998:105–10). Communal ownership of archaeological artifacts also seems to have been recognized by the U.S. Native American Graves Protection and Repatriation Act of 1990. John Carmen has discussed the positive implications of common property regimes for archaeological conservation at some length (Carmen 2005:81–99), but it is enough to note here that they offer a “third way” between the polarized opposites of public and private ownership, although communal ownership of resources may be at odds with the presumed public ownership of the national or regional governments (Hayden 2004:120).

Communal ownership has not worked to protect archaeological sites from subsistence digging on St. Lawrence Island. St. Lawrence Island is owned by the Sivaqqaq and Savoonga Native Corporations, which allow their members to dig and sell any artifacts they can find, while excluding outsiders (Hollowell

2006b:105). But communal ownership is only one part of the equation. There also needs to be equitable distribution of long-term economic benefit, and in the case of St. Lawrence this does not seem to be happening. Material is sold direct to dealers for one-time payments (Hollowell 2006b:105), and at that point the islanders lose control of economic potential of the material.

## Ways Forward

Cultural (including archaeological) tourism has been suggested as one possible solution to the underemployment and deprivation that drives people to dig up saleable artifacts, and seems particularly appropriate in the archaeologically rich areas where illicit excavation and/or subsistence digging is endemic. In theory, cultural tourism is a sustainable strategy of economic exploitation, though there are material and sociocultural costs to be mitigated, and for it to draw people away from digging, any revenues would need to be fairly distributed through the relevant community and not siphoned off by socially or geographically distant authorities.

Nevertheless, in theory, the income derived from cultural tourism might be substantial. The previously mentioned site of Kuntur Wasi—along with sites such as Sipán and Batán Grande—is one of the archaeological sites constituting the archaeology-focused northeastern tourism circuit of Peru. In 2003, the circuit attracted 69,000 foreign tourists and 1.2 million Peruvians, with a projected annual growth of 3 percent. The average length of stay was five days.<sup>3</sup> In 2001 it was estimated that international visitors spent U.S.\$119 per day while domestic visitors spent U.S.\$19 per day (Goodwin and Nizette 2001). Thus in 2003, the input into the northern Peruvian economy from foreign tourism would have been in the area of U.S.\$40 million, with Peruvian visitors adding more. This figure sits well with a rough estimate made in 1999 that archaeological tourism generated U.S.\$14 million per year for Chiclayo, the largest town on the circuit (Watson 1999).

In 2000, the International Council of Museums (ICOM) held workshops in Peru and Bolivia in an effort to impose order on the rapidly expanding and, from the museums' point of view, potentially disruptive commercial environment of cultural tourism, and the Charter of Principles for Museums and Cultural Tourism was proposed (International Council of Museums [ICOM] 2000). While reaffirming that a museum is a not-for-profit institution, and that preservation of cultural and natural heritage should take precedence over economic interests, the charter also develops the innovative "economic point of view" that cultural tourism should include "profitability in its economic, social and environmental dimensions" (principle 5), provided that there is local involvement and that socioeconomic benefits are distributed fairly in the community (principle 1). The ICOM charter, perhaps for the first time in the cultural property arena, has

broached the issue of fair distribution of economic proceeds. Perhaps it offers a framework that could be developed to guide museums through other commercial involvements.

One involvement might consist of museums in acquiring countries renting material for display from source communities or countries. Loan or exchange agreements as they are presently constituted between museums or other cultural institutions in acquiring countries and those in source countries typically involve material and expertise, but not money (Heilmeyer 1997). For museums in acquiring countries, borrowing material for display eliminates the need to acquire material on the market, and presumably it also makes financial sense as constantly changing exhibitions will attract more repeat visitors than permanent ones. Source countries receive in exchange comparable material or “payment-in-kind” in the form of technical or educational support. But while such loan agreements provide a less destructive and perhaps more profitable route than the market for museums to acquire material, there is no real economic incentive for source countries or communities to participate. Some recent international “loan” exhibitions, however, have gone beyond the exchange of material and expertise, and have been more in the nature of rental or lease agreements, with the source countries receiving hard cash in return for their artifacts.

In June 2005, for example, a five-month exhibition of artifacts from the ancient Egyptian tomb of Tutankhamun opened at the Los Angeles County Museum of Art. About 300,000 advance tickets had been sold at up to U.S.\$30 each, and the museum hoped to attract 800,000 or more visitors during the exhibition’s stay. More money was made through gift marketing with unusual items such as King Tut candy and a Tut tissue box offered for sale in the museum’s shop. After Los Angeles, the exhibition moved on to the Fort Lauderdale Museum of Art, the Field Museum of Chicago, and the Franklin Institute in Philadelphia. Part of the income from the 27-month tour was destined for Egypt, with Zahi Hawass, the secretary general of Egypt’s Supreme Council of Antiquities, estimating that Egypt would receive about U.S.\$35 million, to be spent on training staff and improving the country’s museums (Haithman 2005; Reynolds 2005).

The Tutankhamun tour was organized by a commercial company in collaboration with the National Geographic Society and other organizations. Commercially organized exhibitions are not without their critics, however, who include some important ones within the museum community of the United States. The Association of Art Museum Directors (AAMD), for example, has expressed concerns that an increasing flow of private income might undermine the charitable and public (and tax-exempt) philanthropy that has traditionally supported museums, and that the commercial requirement to attract visitors might undermine curatorial standards and adversely affect the museum’s mission by placing an inappropriate emphasis on entertainment (Association of Art

Museum Directors [AAMD] 2006). The domestic perspective of the AAMD is different from the international one being articulated here, so it is not surprising perhaps that the AAMD has little to say about the ultimate destination of exhibition revenue, or the economic justice of the arrangement. Nevertheless, it does emphasize that there are two separate issues. One is the role of commercial organizations in arranging museum exhibitions, as addressed by the AAMD. The other is the practice of renting artifacts for display. The AAMD's silence on the second issue might be taken as a sign of tacit approval—or not. Either way, exhibitions such as the Tutankhamun one open up prospects for source communities to raise money by entering into commercial agreements with foreign museums, with or without the intercession of a commercial company, and there are already precedents. The museum at Kuntur Wasi, for example, was paid for with money raised through an exhibition of site finds that toured Japan in the early 1990s (Onuki 1999:43; 2007).

The use of museum exhibitions to raise money for source communities suggests a further strategy—that museums in acquiring countries should rent (rather than borrow) material for extended periods of time. This strategy would achieve three things: first, it would meet the museums' need to acquire new and interesting material for display (and thus keep up the number of visitors); second, it would not deprive source communities or countries of their property; third, it would constitute a sustainable, long-term mechanism of income generation for the source communities or countries, and thus be in accord with the principles developed in the ICOM cultural tourism charter. The rent to be paid would depend upon a full assessment of the economic benefits to be gained by the renting museum, with due consideration of the costs involved in transport, insurance, and conservation. There would need to be at least two provisos, and probably more: first, the material provided for display should conform to an acceptable standard of provenance; second, source country museums should not be emptied simply to attract foreign currency. While it is unrealistic to expect that the sums of money involved would be anything like those generated by the Tutankhamun exhibition, they might still be worthwhile from the perspective of a source country.

What might be wanted now to govern the kind of international leasing arrangements suggested here is a charter of the type proposed by ICOM for cultural tourism. It could include an explicit statement of the socioeconomic rationale and justice underpinning such agreements; an agreed-upon set of standards to govern curatorial aspects of exhibition; guidance as to what might constitute acceptable provenance; and perhaps guidance about financing. Such a charter would go a long way toward allaying fears within the museums community about the possible negative consequences of rental agreements.

While these suggestions are fine in theory, and the example of Kuntur Wasi confirms that they can work in practice, it is hard to see how they would benefit

the St. Lawrence Islanders. Many museums will not buy St. Lawrence artifacts, even though they are legally for sale, for fear of stimulating the market. But even if any good-quality objects that are found in the future are offered for rent to interested museums, in the short term, the income obtained would not match that to be made through digging. One reason Kuntur Wasi seems to have succeeded is because of the willingness of an international partner, in this case the Tokyo University Archaeological Mission, which since 1998 has excavated the site, to work constructively with the local community. But perhaps the bottom line is simply that the gold and exposed architecture of Kuntur Wasi are more enticing for tourists than the middens and ivories of St. Lawrence Island.

## Conclusion

In the age of the global economy, it is perhaps inevitable that the economic value of cultural heritage will achieve a greater salience (Baram and Rowan 2004:3). Unless the economic benefits that flow from archaeological heritage can be properly characterized and quantified, and unless steps are taken through law and ethical practice to ensure that those benefits are maximized over the long term for the benefit of source communities, the problem of illicit excavation and trade will persist and, presumably, grow worse. Any new cultural property law that makes no provision for fair economic distribution stands the chance of being perceived by a large constituency as irrelevant at best and oppressive at worst.

## Notes

1. However, this is not the case of St. Lawrence Island.

2. The term “cultural property,” despite its enshrinement in two major international legal instruments and their ensuing national laws, remains a controversial one. Because of its property connotations of alienation and trade, the term “cultural heritage” is often preferred, with its different, and anti-market, heritage connotation of preservation (Blake 2000; Prott and O’Keefe 1992; Shapiro 2005:4–5).

3. Figures quoted in Inter-American Development Bank 2004 were obtained from the Centro Turístico Nor-Oriental del Perú and the Centro de Estudios para el Desarrollo y la Participación.

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