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INDEX

Editorial e1

Jaime Almansa-Sánchez

ARTICLES

Entertainment outreach projects without losing scientific content: A Neolithic puppet show by senior citizens and Roma women in Barcelona (Spain) a1

Millán Mozota, Santiago Higuera, Vanesa Guzmán, Gerard Remolins and Juan F. Gibaja

Modeling Municipal Heritage Management: The example of Oliveira de Azeméis, Portugal a17

Adriaan De Man and João Tiago Tavares

Assessing endangerment of archaeological heritage in Latvia: legal framework and socio-economic aspects a39

Andris Kairiss and Irina Oļevska

SHORT ARTICLES

The Gods die in museums s1

Jaime Delgado

POINTS OF YOU

Objects as battlefields in the struggle for civil rights: The archaeology and analysis of contemporary material culture and heritage in Chile y1

Dafna Goldschmidt Levinsky and Javiera Letelier Cosmelli

Building heritage communities online: The experience of the Summer School Program 'Engaging Communities in Cultural Heritage' y7

Claudia Uribe Chinen

REVIEW

Educación y divulgación del patrimonio arqueológico

r1

Eduardo Cerrato-Casado

Editorial: 2021, a new decade starts

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We have just celebrated ten years of open access public archaeology, and now we carry on with our venture. Volume 11 brings with it a new layout and format, as well as a new timing for publication. Since our inclusion in Scopus, improving quality goes in hand with the improvement of publication time. This is why, from now on (although this year is still a transitional period), volumes will open in January and close in October, with articles being published when they are ready. We are also starting a new section for shorter articles, aimed at the reporting of projects or ideas with a more formal format than our section Points of You, which will continue to retain its op-ed style. Of course, the philosophy does not change. We want to continue to be an opportunity of wider accessibility for authors and readers, and to continue exploring the physical and thematic frontiers of the discipline.

Unlike in previous Editorials, we will no longer explain what is forthcoming, as, under the new system, we probably will not know this at the time the Editorial is written. Instead, this will simply provide an opportunity to address some timely topics and invite you to continue following and supporting us, as you have been doing all these years.

At the time of writing these lines, some distressing news is emanating from the UK. Chester, Leicester, and now Sheffield, seem to be considering a restructuring that will make their archaeology departments (and staff) redundant. We can appeal to feelings, and the impact this will have on friends and colleagues at those departments, but the impact goes further, and we cannot stand by and allow this continuous attack upon the social sciences in general, and the heritage sector in particular. And, with a stance identical to that of many colleagues worldwide, we can only hope that administrators reconsider these nonsensical plans, and allow the good research and teaching undertaken at these institutions to continue.

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Being a public archaeology journal, we cannot stay silent about the latest events in the Levant. When the disaster of Daesh seemed to have been abated, violence between Israel and Palestine reappeared on the horizon. Staying silent is not an option, and we strongly condemn the relentless violence of the Israeli state against the Palestinian population, currently with bombs, but tomorrow once again with the usual structural violence witnessed over the last decades. We understand that the conflict is incredibly complex, and we also sympathise with the many Israeli citizens affected by it, especially those that continue to strive for peaceful relations and coexistence. In 2004 we suffered the pressure of the system in a forum exploring peace-making in which the main piece was withdrawn days before publication (see Volume 4: 31-50). Last year, Rafi Greenberg (Volume 10: 91-100) collaborated in the Futures' Forum addressing the use of public archaeology in 'digwashing' and the emancipatory possibilities of a public contemporary archaeology. Archaeology can be one of the tools used to ameliorate the conflict, but right now it is also being used in the wrong direction. Let's reconsider what we are doing and work for a better world.

We would like to finish with better news, but very recently we heard of the death of a very dear friend, Don Henson. As devastating as such news always is, we want to celebrate his life, his energy and his legacy within archaeology and education. He wrote a review of the Birmingham TAG back in our second volume, but unfortunately we will never get to receive a paper about his later work on the presentation of the Mesolithic (which Jaime persistently asked for at every conference they both attended). But his memory will always remain with us, and he will be a truly missed presence at in-person conferences, once they resume again. Rest in peace Don, this volume is dedicated to you.

Finally, it is also time for a farewell and a huge THANK YOU to our co-editor Elena Papagiannopoulou. She has been an essential part of this journal since the very beginning, and her attention to detail has been fundamental in getting us to where we are today. Finding balance between life and work is always difficult, and we must choose life first. But she will always be a part of this family.

For this volume, we welcome our colleague Andrew Lawler as copyeditor and see the promotion of Alejandra Galmés to reviews editor. Soon we will open a call for new roles to continue improving content, both in terms of numbers and quality. Meanwhile, please remember that, although costs are still covered by JAS Arqueología, we are a non-profit venture, and all help is always welcome. You can contribute directly via the 'Donations' button on the website, or by acquiring printed volumes of the journal. But the best form of contribution is the submission of quality content, so send us your manuscripts and become a part of the family, too!

Entertainment outreach projects without losing scientific content: A Neolithic puppet show by senior citizens and Roma women in Barcelona (Spain)

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ABSTRACT

In this paper, we present the genesis, development and results of a set of inclusive outreach activities developed through a puppet theatre play about the Neolithic. We present our methodology and techniques for outreach activities, showing the advantages of collaborative work and bottom-up approaches. The text also explains how the initiative was born and how the contacts for its realization were consolidated. All the activities were carried out with the utmost care for the scientific content, since it is essential that the public comes to understand the archaeological information presented and is able to differentiate it from the entertaining and dramatic elements.

KEYWORDS

Community Archaeology; Bottom-up; Scientific Outreach; Inclusion; Neolithic

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This work is dedicated to the memory of María Casas and the women of El Raval

Introduction

In recent years, many archaeology-related studies have shown an interest in the benefits of disseminating and socializing our discipline: i.e., there is a trove of publications using such terms as ‘public archaeology’, ‘community archaeology’ and ‘democratization of archaeological communication’ (Matsuda and Okamura 2011; Almansa 2013; Almansa *et al.* 2015; Richardson and Almansa 2015; Moshenska 2017).

These works are relevant as they give rise to an awareness of the importance of scientific dissemination and the democratization of archaeology, which is a positive advancement by all means. Further, they have highlighted many deficiencies and needs of the scientific community related to our interaction with society at a multitude of levels.

However, one might think that researchers actually implementing outreach programmes design them for all kinds of public. But in our experience, this is not always true. Most activities focus on very specific mainstream groups: children, teenagers, middle-class and upper-middle-class families, or, in some cases, tourists. This leaves aside numerous collectives that do not enjoy science in the way that many others are regularly able to. For example, people with disabilities, newly arrived immigrants, the prison population, senior citizens and communities in permanent danger of social exclusion, such as the Roma community with which we are currently working.

How many people are not usually able to participate in outreach activities due to the fact that they belong to such groups? This is a difficult figure to quantify but, as a starting point, we can consider the demographic weight of the aforementioned social groups: according to Eurostat data¹, in 2015, one in every seven people in the European Union (i.e. about 64 million people) suffered from some disability. Information for 2019 shows that 21.8 million non-EU-27 citizens live in the EU-27 states. In the same year, citizens over 65 years of age represented 19.2% of the population. Finally, the ‘Fundación Secretariado Gitano²’ estimates that throughout Europe live about 11 million Roma individuals.

We note that many educators, academic staff, politicians and museum curators, among others, rarely think of those groups when they design their outreach programmes. The exclusion of these collectives is so widespread that society, in general, does not think about them visiting a museum or an exhibition.

1 <https://ec.europa.eu/eurostat/statistics>

2 https://www.gitanos.org/la_comunidad_gitana/marco_europeo.html.es

What can we do to change this situation? There are possibly many venues and options, but in this paper we want to contribute by elaborating one example in a highly detailed manner: a case study from our experience within a project of bottom-up archaeological outreach. This case shows the activities developed for and by a group of Roma women and a group of senior citizens from the El Raval neighbourhood of Barcelona. Our role as scientific educators and researchers was to provide context, scientific rigour, global support and the insertion of otherwise excluded collectives and social agents in a net of collaborative work aimed towards community-based outreach.

This case study has been partially covered in other papers from our team (Gibaja *et al.* 2018; Guzmán *et al.* 2019; Gibaja *et al.* 2022) but to date it has never been presented with the depth of the present work. It is important to note that contribution from scientists-educators was ever-present, ensuring the content and scientific rigour of the activities, so that all individuals participating directly or indirectly could differentiate the scientific knowledge from playful, entertaining, humorous, dramatic or narrative elements.

We hope that our experience will be a guide for other researchers and educators so that, ultimately, we can achieve a more inclusive science, in which all the collectives in our society can participate and enjoy.

El Raval neighbourhood and the research and outreach specialists from Institución Milá y Fontanals (IMF-CSIC)

Barcelona is the capital of Catalonia and the second-most-populous municipality of Spain, with 1.6 million habitants within the city limits. It is a city of wild contrasts, with very rich neighbourhoods and gentrified areas lying side-by-side with other districts with high levels of poverty, unemployment and prevalence of drug addiction. El Raval neighbourhood, within the Ciutat Vella district, is one such area where poverty, unemployment and drug addiction are serious problems.

The CSIC institute "Institución Milá y Fontanals de Investigación en Humanidades" (IMF-CSIC) has been located in El Raval since 1968. Its researchers and outreach specialists have always been acutely aware of the social problems of the surroundings. Therefore, when a senior researcher of the institute, Juan Gibaja, initiated a science education program centred on the El Raval neighbourhood, many other researchers and outreach specialists followed his steps. These dynamics generated a working group that attracted members of other social institutions and associations from the neighbourhood.

Due to the idiosyncrasies of the social groups and communities from El Raval and our interest in social inclusion and accessibility, we focused our efforts on carrying out inclusive outreach activities from the very beginning. We

were inspired by the work of other colleagues who have worked with different collectives. These experiences not only come from archaeology, but also other scientific disciplines such as astronomy, geology, biology, etc. In any case, they act as a benchmark for how such activities are undertaken, the tools used, and the ethical and methodological principles applied (Phillips and Gilchrist 2012; Gómez *et al.* 2014; Kajda *et al.* 2015; Arias-Ferrer and Egea-Vivancos 2017; Iglesias *et al.* 2017; Fesharaki *et al.* 2016; Herrero *et al.* 2017; Masriera-Esquerra 2020; Feliu-Torruella *et al.* 2020).

Additionally, El Raval has a rich historical, cultural and archaeological heritage. Most of the researchers participating in the outreach activities also work on archaeological, anthropological or historical projects in the neighbourhood. For example, the PhD dissertation of Juan Gibaja (2002) included the study of many artefacts from the Neolithic necropolis of Sant Pau del Camp. This is one of the most important funerary contexts from Catalonia, and therefore we decided to include the site in many outreach activities in El Raval. In this way, El Raval communities and social groups also benefit from our ongoing research programs.

This works the other way around too. In most cases, the researchers and outreach specialists started their collaborations in the neighbourhood with a top-down perspective. We offered science education “packages” and activities to different groups and communities. But soon we realized that these groups and communities were more interested in appropriating the science education and outreach activities for and by themselves. They preferred to build a collaboration with us with a bottom-up perspective. The researchers and outreach specialists of the science education team were delighted with the situation: we learned the lesson and adapted our methods to include this new and refreshing perspective. Nowadays, the bottom-up approach is a core element of our programs. Nevertheless, we understand that sometimes a starting spark, or even some help, is necessary. In some cases, the individuals from these groups have been isolated from science throughout their entire lives, and they are unable to conceive that they have a right to it; that science is also for them.

Methods and techniques

From our working experience, we have elaborated a series of phases based on our practical know-how. This represents an empathic and gradual approach to different groups. We use this approach as a general guide for collaboration with a collective. In this way, scientific outreach becomes inclusive and empowering.

- Phase 0: Exploration of the concepts that participants already know, and their previous ideas, as well as their interests, activities and idiosyncrasies.

- Phase 1. Trust and participation. In the presentation of the activities, we establish a positive environment and trust among the participants, educators and researchers. This facilitates everyone's contribution and participation.
- Phase 2. Promotion of values through activities. Integration and cooperation among participants is encouraged, as well as their self-esteem, their collective value, and their willingness to acquire new knowledge.
- Phase 3. Transfer of knowledge. We critically evaluate the transmission of scientific knowledge, while encouraging participants to transmit the concepts, experiences and knowledge acquired to their immediate social circles.

All these phases require simple and clear language. This is essential in any outreach activity, but it is even more important for people who have not completed their education or have any functional or sensory diversity.

Difficulty in understanding some concepts can be minimized through a broad range of educational tools and active participation. In our experience, practical and experimental activities achieve the best results.

It is also important to maintain the rigour of scientific information. Facts, theories, data and interpretations must be differentiated from purely playful or artistic elements in the dissemination activities carried out with these groups. Furthermore, language must take into account aspects such as gender relations and roles, religious beliefs, cultural and social differences, etc.

The places where we carry out the dissemination activities are also important. It is vital to bring outreach activities to the locations where these groups go about their livelihoods. Activities can be offered in public spaces such as streets and squares, social centres, cultural or neighbourhood associations, commercial premises, etc.

On the other hand, the evaluation has become one of our key elements in dissemination. It provides the tools and knowledge to evolve and improve. For the activities we describe here, the evaluation included:

- Participant observation of an educational psychologist during some of the activities.
- Detailed documentation: Recording of notes, photos and videos of the activities.
- Direct consultations with the participants, social workers, educators and families that accompany the different groups and audiences (Fig. 1). This started as a satisfaction questionnaire (Fig. 1b), but we are currently working on more detailed surveys about knowledge transfer and other aspects.

- Detailed questionnaires and interviews of the researchers-educators participating in the activities by the educational psychologist (Fig. 1a).

a

NOMBRE:
ESPECIALIDAD DE LA PERSONA QUE HACE EL TALLER:
FECHA DEL TALLER:
ENTIDAD:
COLECTIVO:

1. ¿EN QUE HA CONSISTIDO LA ACTIVIDAD QUE HAS HECHO?

2. ¿QUE COSAS HAS TENIDO EN CUENTA A LA HORA DE EXPLICAR LOS CONTENIDOS DEL TALLER (TEORICO Y PRÁCTICO) CON EL COLECTIVO QUE HAS TRATADO?

3. ¿CONSIDERAS QUE HAN RESPONDIDO BIEN? ¿SE HAN MOSTRADO ACTIVOS/AS Y HAN PARTICIPADO?

4. ¿CONSIDERAS QUE TU METODOLOGÍA HA SIDO LA ADECUADA A LA SITUACIÓN? ¿PROFICARIAN O HABERIA ALGUNA ADAPTACION TENIENDO EN CUENTA LA RELACION ENTRE VUESTROS OBJETIVOS Y LA RESPUESTA POR PARTE DEL GRUPO?

5. OTROS COMENTARIOS (REFLEXIONES, VALORACIONES...)

Feedback: grup (respostes individuals) | Activitat:

↪ Professionals:
 ↪ Doctors:
 ↪ Nurses:
 ↪ General/centre:
 ↪ Other:

	😊	😐	😞?	COMENTARIS
Les explicacions són clares				
T'ha agradat?				
Ho recomanaries?				
T'ha semblat interessant i útil?				

Altres comentaris:

Fig. 1: (a) Questionnaire for the researcher-disseminator, designed by the educational psychologist V. Guzman. **(b)** Questionnaire for the participants of the activities, also designed by V.Guzmán.

After collecting all this information, the educational psychologist examines the data. The analysis produces an assessment that incorporates all positive and negative aspects.

Bottom-up approach

From our point of view, the bottom-up approach is an extremely effective one, even if it sometimes needs an initial spark (Clark, Smith and Seals 2019; Pierce 2018). In such a context, the communities themselves endorse scientific dissemination and become agents of outreach and protection of heritage. While at the beginning they receive such knowledge, later they research and develop it for themselves. In this sense, we have been working for almost a decade on proposals that promote this kind of outreach approach with groups of senior citizens, people with neurological diseases, young people at risk of social exclusion (especially recently arrived migrants) or groups traditionally marginalized, as in the case of the Roma people.

All these projects have been of great interest for us, but we can highlight two groups from El Raval neighbourhood in Barcelona (Spain) with whom we

collaborate very actively, and whose work in the field of bottom-up outreach is quite impressive. We refer to the group of senior citizens from the Josep Trueta social centre and to the Roma community from El Raval. The Josep Trueta social centre, often in collaboration with the Casal de Barri Folch y Torres (another social centre), has a very active community of senior citizens with a strong interest in intellectual and artistic concerns (Gibaja *et al.* 2018), as do the Carabutsi and Inter-Acció associations of the Roma people that work in the Raval neighbourhood.

These associations aim to recover the historical memory of the Roma community in Barcelona, as well as to encourage young people to get involved in cultural activities and continue with their basic and secondary studies. The dropout rate of Roma youths in Spain (Parra Toro *et al.* 2017; Gabarre *et al.* 2020), and in certain neighbourhoods of Barcelona in particular, is extremely high, and the support work of these associations serves to mitigate this effect.

Both groups worked in an encouraging and proactive way on the development of a Neolithic puppet show, whose plays are still being enacted today, becoming a new tradition and a milestone for social actions carried out in the neighbourhood.

For the following sections, we divide the explanation into two parts: in the first, we detail the experience of working with the collective of senior citizens and the origin of the puppet show. We explain the genesis, objectives, tools and mechanisms created to develop the activities, their trajectory and the assessment of the results. In the second part, we expose the reformulation of the actions with the group of Roma people: what they and we (researchers-disseminators) changed, how the activity evolved, and its present-day situation.

Starting context and creation of the play with senior citizens

Since 2013, we have collaborated in outreach activities in the El Raval neighbourhood of Barcelona (within the urban area designated as the Ciutat Vella district). In our activities, we have attempted to integrate with the local social fabric and the different social agents for a more inclusive scientific outreach. The initial spark that led to the creation of the puppet theatre arose in the celebration of a festival in the Raval neighbourhood: The Festa Major del Raval (held in mid-July). On these days, a parade of “capgrossos” takes place: these are traditional and often parodic figures of social life. The neighbours craft them with traditional materials such as textile, wood and cardboard, and then paint the figures by hand.

In 2014, within the framework of collaboration with social centres such as Casal Folch i Torres and Casal Josep Trueta, we proposed creating a “capgrossa” of a Neolithic woman. We suggested that the crafters could adapt her appearance and clothing to scientific knowledge about that period, within this festive and carnival atmosphere. Thus, we contacted a group of senior citizens who participated in

the activities of the aforementioned centres. This group designed and crafted the figure with the input of researchers from our team (Fig. 2).



Fig. 2: (a, b, c) The Neolithic capgrossa participates in the Festa Major del Raval festival, in a parade that walks and dances through the streets of the neighbourhood. (d) The senior citizen Maria Casas talks to young people and children from El Raval about the Neolithic Capgrossa.

Given the interest shown by this group, we proposed undertaking another joint activity. The group had experience in performing critical and social puppet plays. With that background, they decided to develop a puppet theatre about the Neolithic with the aim of disseminating scientific knowledge. And they did so

from scratch: they crafted the stage, props and puppets. The senior citizens also wrote a script, advised by the researchers-educators, through which to explain the livelihoods of the first Neolithic societies that lived in the Barcelona area (Fig. 3).



Fig. 3: (a) The Neolithic Puppet Theatre with the senior citizens that were its original creators showing all their materials. (b, c) Performance of the play for children. (d) The play at the 2017 Sant Jordi festival.

The authors of the play wanted to create content adapted for the youngest audiences, so it was a story perfectly adapted to tell to children. Through dialogues, the actors explained a story about archaeologists and Neolithic peoples. The action began with two archaeologists, a man and a woman, talking about the Neolithic, before moving into prehistory, where the protagonists were a girl and a boy from that period, as well as their pet dog.

During the show, certain elements that did not exist in the Neolithic appeared: a dinosaur, a mammoth, and a glass bottle. They designed the play to be very interactive with the audience: children were asked questions, and they collaborated to keep the elements that belonged (or not) to the Neolithic period inside (or outside) the narrative. When each show was over, a professional archaeologist answered the questions that the attendees might have, clearly and simply, referring to elements of the play as examples.

The first performance of the play was in 2015, and performances continued until 2018. They were held in social centres and schools throughout Barcelona. The audience that came to the play was mostly children, often accompanied by their parents, other relatives and/or social workers, educators and tutors.

While the puppet theatre activities are the focus of this paper, it must be mentioned that this was not the only area of collaboration with senior citizens from the El Raval neighbourhood. On the contrary, we organized, advised or supported other initiatives with said collective. For example, "open-doors" visits to the Institució Milà y Fontanals (CSIC) research centre and a series of pottery workshops organized with the collaboration of Casal Folch i Torres and Casal Josep Trueta (Gibaja *et al.* 2018, Guzman *et al.* 2019, Gibaja *et al.* 2022).

Reformulation and continuation of the activities with Roma people

The Neolithic theatre could have continued without changes until today, or it could have ended after several sessions. We were open to both possibilities from the beginning, as we always wanted the senior citizens to decide on the fundamental aspects of the initiative. But what happened, in the end, was something quite unexpected: a transferral and reformulation of the show. This reinterpretation of the play was born, once again, from a bottom-up approach, through the interaction of researchers-educators and the different collectives from El Raval.

In 2018, the senior citizens expressed their desire to quit performing the play for various, mostly personal, reasons. At that time, the researchers-educators of our team worked with two associations of Roma people in different initiatives. The associations were Carabutsi and Inter-Acciò, both representing the Roma community from El Raval. The main collaborative project was about the preservation of the historical memories of the Roma people from El Raval, Barcelona, and Catalonia in general. In this context, we learned that a group of young women from the Roma community were also actresses in popular theatre. They performed short plays of a moral nature in the context of their church services, usually shadow-play puppet shows. Therefore, we suggested to both collectives that, instead of abandoning the initiative of the Neolithic theatre, it could be transferred from one group to the other. Both parties met the proposal with enthusiasm, and began immediately to make it happen.

The senior citizens took up the role of expert advisors and provided all the know-how and the practical experience with the script and the materials. The researchers-educators provided once again the scientific supervision, to ensure the validity of the contents. This transitional period happened around the final months of 2018 (Fig. 4a).



Fig. 4: (a) The Roma group works on the adaptation of the play. (b) The puppet theatre and materials. (c, d) Performance of the play for children with live music.

An important detail is that the Roma women didn't just inherit the materials continue to perform the play in its original form. They modified the script and made it longer and fresher, always with the complicity of the senior citizens. They also enriched the play with recorded and live music (Fig. 4d). Their musical style is the Catalan rumba, which is a particular style of the Roma communities in the city of Barcelona. The genre originated in the city and is, to some extent, representative of the Roma peninsular community in general. The Rumba was included by adding a musical number performed by Roma musicians, both men and women (usually singers, guitarists and "cajón" percussionists; and sometimes with the participation of dancers, "bailaoras"). Other modern music samples were added to the play, as recurring gags and humorous elements of complicity with the spectators.

In the end, the Roma group has rejuvenated the play and offers a great, fun spectacle which still maintains all of its scientific outreach value. The plays resumed in 2019. The audience that comes to the performances is still mostly children accompanied by their parents, relatives, social workers, teachers, etc. (Fig. 4). In the performances made in El Raval, the attendants are predominantly local newcomers, but when the Roma women have taken the play to other neighbourhoods and districts of Barcelona, they have found different audiences

of diverse social extraction: outside El Raval, most audiences were middle-class children from public schools, both of whose parents were born in Spain.

Results

Between 2015 and 2018, the senior citizens carried out performances in the Casal Folch y Torres, Casal Drassanes and El Mil.lenari Day Center, in addition to participating in the 2017 Sant Jordi festival. Their performances appeared in a micro-documentary filmed in the context of our outreach projects that can be viewed on YouTube (Gibaja *et al.* 2017b).

Roma women carried out a number of performances in 2019, in the Casal Folch y Torres, within the framework of various holidays and festivals of local interest. In November 2019, several European researchers participating in the ENE2019 (Early Neolithic of Europe) international congress attended one of their plays, interested in their content and dissemination techniques. Additionally, both groups have occasionally brought the theatre to the squares and streets of El Raval.

As explained before, the public was mostly young children, with ages generally ranging between 4 and 12 years. Sometimes parents, educators and social workers accompanied them. The attendees' previous levels of knowledge varied, but we found that many of the children knew little about prehistory, other than some distorted ideas derived from television films and cartoons with almost no scientific basis. Therefore, their pre-existing image of prehistoric societies was very different from the current scientific models proposed by researchers. When asked questions prior to the activities, many of them were unable to locate the Neolithic chronologically, and knew very little about the tools and objects that these societies made. They generally thought that dinosaurs and humans had lived at the same time, and did not know the difference between an archaeologist and a palaeontologist.

Based on the questions posed to and by the researchers-educators at the end of the performances, we can conclude that after the activity the children had interiorized these basic concepts. This means that our core goals were successfully met after each iteration of the puppet play. The questionnaires completed by the participants showed an overwhelming satisfaction with the activity. While we agree with this judgement in general terms, we can't believe everything we did was perfect, so we are working upon new, more detailed questionnaires, and also upon complementary protocols and channels for feedback.

Final remarks

At the time of writing this paper, the Neolithic puppet show has become a milestone of the popular culture life of the El Raval neighbourhood, and each performance draws significant attention from local and regional media. The initiative is continually cited in news from traditional media, websites, blogs and social networks, especially at the local level and in the context of scientific dissemination in Spain.

On the other hand, during these years of working with different groups we have learned a series of important lessons:

- Often, researchers are surrounded by groups that they fail to take into consideration when it comes to scientific outreach. This is mainly due to unconscious biases and preconceptions about outreach and said groups. Therefore we, the researcher-educators, must make a conscious effort to identify these groups and forge contacts with them.
- It is very important to take an interest in the activities of these groups to discover what hobbies and concerns they have. The outreach proposals that work best are, almost always, those inserted within the framework of their concerns, interests and activities.
- Being open to criticism and assessment is a core condition for success, whether it is formal and organized or spontaneous from the participants. Therefore, we must work at all times to create and keep open all possible channels by which we could receive feedback.

On the other hand, we want to emphasize that innovation and renewal of our activities, plans and projects are vital for us. We believe that it is important not to settle with carrying out the same actions with reduced numbers or types of groups. On the contrary, we must continue expanding the groups with which we collaborate. In this sense, in addition to the elderly and the Roma community, we work with people with intellectual disabilities, recently arrived immigrants, children and young people from a variety of social backgrounds, etc. (Gibaja *et al.* 2016a, Gibaja *et al.* 2016b, Gibaja *et al.* 2017a, Gibaja *et al.* 2018, Guzmán *et al.* 2019, Gibaja *et al.* 2022). And very recently we have started working with support groups that help people with mental illnesses and also with the prison population of Catalonia studying in formal education programs. We hope that these new actions will bear fruit and consolidate in the coming years.

Finally, we believe that our general model of collaboration in scientific outreach can be adapted to the dissemination of all types of research, that is, to any discipline. Therefore, we encourage researchers-educators from all fields of science to propose more actions with an inclusive and bottom-up philosophy.

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Modeling Municipal Heritage Management: The example of Oliveira de Azeméis, Portugal

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ABSTRACT

The resources that medium-sized municipalities allocate in the process of both creating and maintaining instruments for heritage management have grown over recent decades. There are first and foremost legal reasons for this, as European national laws have come to reflect societal concerns regarding the preservation and commodification of the past. Sustainable solutions may be achieved through the understanding of heritage assets, and their use in the support of responsible, data-driven choices. This paper analyzes a case of local tangible heritage administration in Oliveira de Azeméis, Portugal.

KEYWORDS

sustainable management; tangible heritage; archaeology; Portugal

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Introduction

Portuguese heritage management structures reflect the nation's administrative organization, which differs significantly from many other European countries, such as neighboring Spain, as it lacks supra-municipal autonomous decision-making entities. Political regionalism is indeed non-existent in continental Portugal, and sporadic attempts to discuss it in the recent past were met with little enthusiasm. This reality directly affects the functional structure of the Directorate-General for Cultural Heritage (*Direção-Geral do Património Cultural* - DGPC), an entity tasked with conserving, preserving and inventorying national heritage. The institution also directly manages some major monuments and sites, and has regionally based staff that oversees, among other things, archaeological fieldwork, yet lacks full operational autonomy. In fact, even from a broader angle, most heritage-based activity, in terms of commodification and daily use, remains a local issue. It is true that, worldwide and in general terms, both the academic and the practical framework for municipal heritage administration are usually fairly broad, and engage communities more easily than ever before through the use of digital applications. Cultural heritage databases are nowadays a mainstream reality, and they find applications not only in everyday civic life, but also in sometimes extreme circumstances, such as conflict or disaster zones, or politically fragile regions (Isakhan 2015, Silver *et al.* 2016; Sheldrick and Zerbini 2017), with corresponding umbrella analyses, training efforts, and supranational collaboration (Fontal & Gómez-Redondo 2016; Chiabrando *et al.* 2018). National heritage agencies around the globe naturally rely on usable interfaces for their inventories too, although they rarely articulate electronically with other national entities. One may however find many good such examples in inconspicuously routine tools for local development, albeit less mediatized, with applications for matters of energy performance (Fabbri *et al.* 2012), seismic prevention (Milosevic *et al.* 2018), or hydraulic impacts (Lundy *et al.* 2018) interfering with historical built environments in a municipal context. This sort of coherent digitized register is achievable even at the neighborhood scale (Angel *et al.* 2017), from where heritage surveys can aid the creation of a macro-level strategy from the bottom up. The potential for municipal e-government practice is considerable (Batlle-Montserrat *et al.* 2014); namely, it can enable the delivery of more cohesive services for citizens' understanding of territorial realities.

Managing the cultural sustainability of local resources is therefore fundamental to enhancing participative citizenship. This concept is to be understood within a multidisciplinary scope, which fundamentally stems from permanent changes in urban growth (Pandit *et al.* 2012) and in the wider economic network (Farley 2012). The latter, in turn, looks to heritage for social cohesion (Karim 1997), and to forms of community-led digital commitment for the local – as opposed to the

national – identity (Mutibwa *et al.* 2018). Cultural sustainability in fact depends on some degree of activism, based not only on growth but also on ethics and equity (Mason and Turner 2020). But a combination of cultural, social, and economic contradictions makes it so that heritage sustainability is hard to define and therefore complex to plan. Barthel-Bouchier (2013) pointed out that, despite some enthusiastic, universal metanarratives on the advantages of sustainable heritage, namely in the tourism industry, in practice this remains a complex relationship. The case study below focuses on the municipality of Oliveira de Azeméis, in northern Portugal. It encloses an abundance of heritage resources, which are identified and managed through an integrated local development plan. This also encompasses intangible heritage, as well as movable objects; the current text centers on the articulation of built environment, archaeological sites, and cultural landscapes.

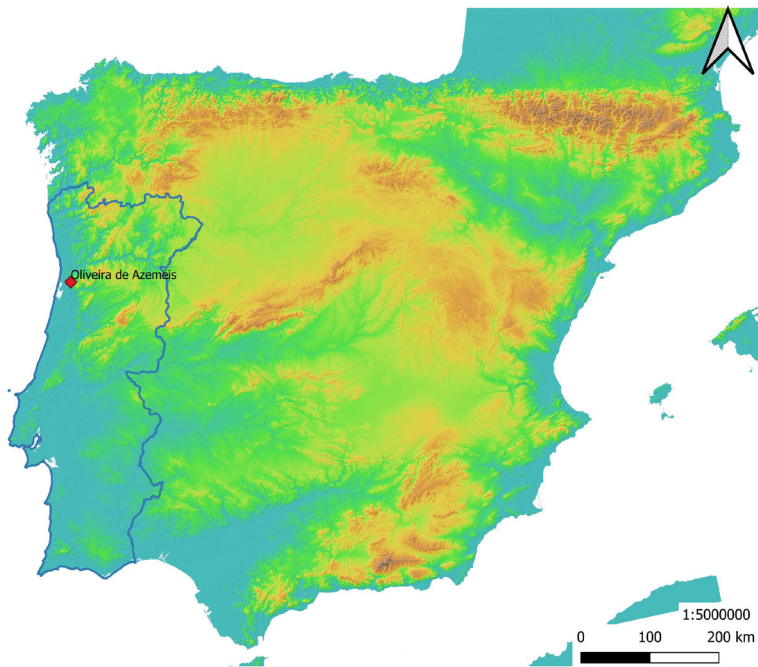


Fig. 1: Location of Oliveira de Azeméis.

Administrative context

As mentioned above, a major part of the responsibility for heritage management in Portugal falls to the local level, although this is largely dependent on procedural approvals and decisions by the DGPC in Lisbon. Such a state of affairs represents a diverse range of challenges for individual cities and towns that are demographically

and economically unique. As an example, Oliveira de Azeméis is a municipality of the Porto Metropolitan Area, covering an area of little more than 160 sq. km, and with a population of just under 70,000 (figure 1). Politically, a city councilor oversees the field of heritage, museums and archaeology, while an office of archaeology and museology deals with technical matters, including the systematization of data on local heritage. The primary level at which municipal heritage databases need to operate is not that of the technological potential; no digital platform is useful to a city council unless it builds on a clear legal groundwork. In the particular case of the Portuguese Republic, municipalities find themselves bound by a legal structure (Law 75/2013, of 12 September 2013), namely that of having to ensure the administration and maintenance of local heritage, as well as the promotion of written documents that may “protect and perpetuate the history of the municipality”. This regulation does not provide specific details on how such an outcome is to be achieved, viz. in terms of management. Another law (107/2001, of 8 September 2001) is more general, and outlines the conservation principles for cultural heritage, including a section on archaeology, but in this case the authority is not specified, and the law does not even mention the municipalities directly. The terminology is partly convergent towards urban and territorial planning, by default largely in the hands of local power, but still remains contingent on the approval of a heritage authority, implied to be national or at least supra-regional, with regard to potential impacts. Practical, sustainable initiatives do gravitate toward the municipality level, notwithstanding a few regional actors (Branco 2019), mainly for oversight purposes, such as the regional directorates for Culture, which in fact are decentralized entities of the Ministry of Culture. As also mentioned above, the administrative structure in Portugal remains heavily centralized, giving rise to serious limitations for sub-national (i.e. municipal and regional) governance (Silva 2019), with these levels at the same time being bound by the enactment of the Municipal, Intermunicipal and Regional Corporations Act of 1998. In practice, this entails that local elected officials do have a number of instruments by which to choose their own governance structure (Tavares and Camões 2010).

It has been demonstrated that key differences in culture-focused expenditures stem from “non-neutrality” (i.e. ideology) in the Portuguese municipalities (Cruz 2007), and therefore have a serious impact on sustainable heritage policies. Still, local political decisions affecting heritage constantly require central permission and scrutiny, even for minor bureaucratic plans. This comes in the wake of decades of inventories on municipal heritage, mainly archaeological and artistic, and city planning (through the so-called *Planos Directores Municipais*, or PDM), all of which deal directly with tangible heritage. Such plans include, in one form or another, the concept of sustainable development, its strategic component and assessment of implementation (Amado *et al.* 2011). Indeed, the creation of these legally

required plans was directly responsible for the initiation of a growing number of archaeological activities, albeit not specified in national legislation (Pereira 2019), and the recruitment of municipal archaeologists, in the absence of regional structures that, in countries with more decentralized administrative contexts, act as regional bodies carrying out a multiplicity of direct archaeological tasks. Despite the supra-local importance of several Portuguese tangible and intangible resources, often supported by collaborative networks, heritage management, simply put, remains a municipal concern (Silva 2014).

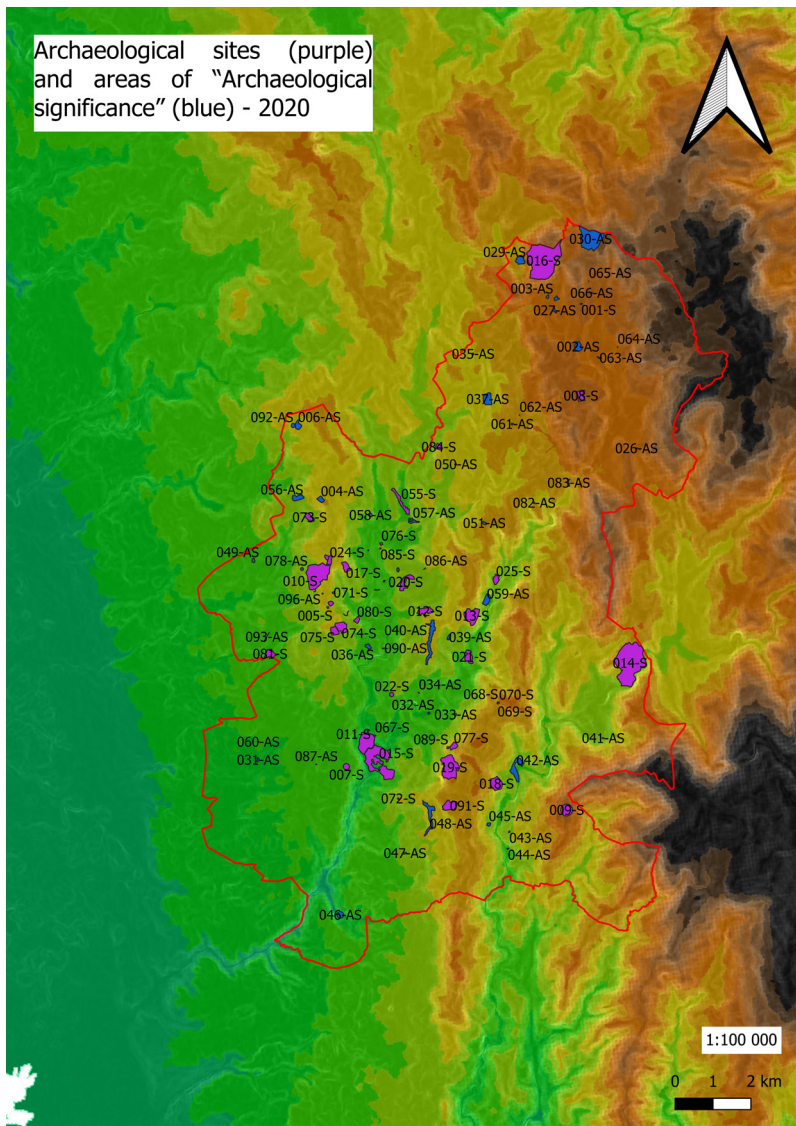


Fig. 2: Mapped locations with archaeological sites in the municipality.

Developed against this legal and political background, the municipal archaeological map of Oliveira de Azeméis functions as an implement for city planning purposes, and was reviewed for the second time in 2019. In the last quarter of a century, between the first PDM and the one currently in preparation, one finds a significant number of changes, as a result of successive methodological approaches, and of a better understanding of the historical landscape, with many more known sites present upon it today (Tavares and De Man 2018). More precisely, the total number of mapped locations has grown substantially, from just twenty-one in 1995, to sixty-six in 2013, and ninety-seven in 2019 (figure 2). Additional, unconfirmed sites may also be identifiable through place names or written sources, but would require further investigation and are therefore not included at present. In any case, a major reason for the noteworthy increase in numbers is the inclusion of not only archaeological sites, but of areas of “archaeological significance” as well, which allowed for a more flexible and functional directory. Another great advantage of late is the inclusion of such elements in digital cartography, through their integration into a GIS environment, and the creation of geo-referenced polygons of each individual heritage entry (De Man and Tavares 2019). It is precisely this heritage database that broadens the options available in urban development projects, through the office of archaeology and museology, and provides a tool for defining minimization and preservation measures.

Municipal options

Cultural oversight within a rational heritage policy takes many forms, however, and a combination of resources is instrumental to the execution of a political strategy. In addition to library, gallery and cinema infrastructures, the municipal archive functions as a hub for reading and exhibitions, but also as the location of the archaeological and museum services. It publishes a scientific journal on local history (Patrimónios de OAZ), and implements a project (Memórias de OAZ). The latter has been translated into an electronic platform for the identification and assessment of archaeological, built and intangible heritage. For each of these categories, a specific form was created, taking into account the level of information provided. Only relevant, user-oriented data is accessible to the general public, namely an overall description of chronological and typological aspects of each site. The system allows images to be added, as well as other types of files and hyperlinks to external sources, such as the “SIGA-nos” section of the municipality website, whereas access to the full technical information on each site remains restricted. This is all manifested in the frame of a 2013 Municipal Cultural Plan, created in collaboration with a number of stakeholders, with the purpose of offering durable guidelines in the field of cultural actions. One of the preliminary

procedures in this consisted of thematic working groups with local politicians, cultural agents, and representatives of social entities. During the working groups' sessions, a questionnaire was circulated, to acquire data on how the community would envisage the implementation of policies, and the definition of priorities. An online survey was directed at all residents, followed by a public participation period, during which individual citizens could access all working documents to prepare suggestions or comments. The notion that the creation of heritage policies requires inclusive, participative methods is deeply rooted in European practice, and has been furthered by EU funding programs that aim at (inter-) regional robustness. Local empowerment is taken as the most efficient formula for social development, and for improving forms of cultural autarky, uniqueness and distinctiveness. When it comes to heritage, the text of this municipal plan states explicitly the value of elements that may reflect local identity.

In the same light, the municipality's investment in a support structure for local heritage endorsed a series of initiatives, integrating best practices in a wider community empowerment effort, as compelled by international standards (Kyriakidis 2020). One such project involved the study and requalification of archaeological sites, as referred to above. It is true that the gap between scientific research and cultural commodification is often irrelevant, the latter taking precedence when it comes to communicating a cultural product. In practice, the visitor does not care about subtle chronological intricacies during excavation, or the software used in remote detection, to outline just a few procedures lacking immediate profit for tourism or community enhancement. In fact, a fundamental level of knowledge supports and precedes such processes, and consists of basic data improvement. Previous work and scattered information on individual sites required an effort of re-systematization. For Oliveira de Azeméis, the work of Fernando Pereira da Silva needs to be mentioned (Silva 1995) as the very beginnings of surveying the local landscape, leading to a substantial assortment of information being made available by the early 2000s, although this mostly lacked a satisfactory level of detail. In other words, recent challenges consisted above all of generating usable data for sites identified only through surface finds or literature. The Memórias de OAZ project and the DGPC database did help situate priorities in terms of prospective fieldwork.

A significant step in this process was the selection of locations on which to focus, in the scope of a feasible development initiative. Some sites had been partially excavated in the past, which would allow for a comparison with old information, both published and unpublished, and research hypotheses set decades ago. Other sites were chosen taking into account criteria such as legal, financial, and physical practicality, and also geographical diversity. For instance, both Recarei and Monte Calbo had provided some quite suggestive

but unsubstantiated preliminary indicators, basically surface finds and a number of sporadic references from the early 1900s. In contrast, Ul had already been subject to some test trenches in the 1980s, resulting in the discovery of a few still-visible structures. An ethnographic mill park, which attracts a not-insignificant number of visitors, is adjacent to the site and makes this hilltop both symbolically and logistically a central site for the entire project. Common goals consisted of gaining an understanding of the settlement chronologies, and then assessing the extent to which these occupations were synchronic, implying potentially competing or cooperative roles upon the territory. Briefed on these results, the municipality opted for further investment in archaeological fieldwork, through the POVOAZ - Povoamento em Oliveira de Azeméis project. Excavation and additional survey work was planned and scheduled according to a four-week-long season annually.

Fieldwork

Part of the initial fieldwork confirmed that, on occasion, older information needed to be thoroughly reconfirmed, instead of just taken as fact. The first trench at Ul was opened at the site's upper platform, and revealed an extremely disturbed stratigraphy with limited and scattered material. This observation contrasted sharply with the indications from Marques (1989), who had described the foundations of a Roman building and a Bronze Age hearth adjacent to the eastern slope. Later campaigns shifted the focus to lower sectors, where several structures, and more coherent materials were identified, in articulation with the settlement's outer wall. Overall, the materials point solidly to the (later) Imperial period, yet a few incoherent elements also indicate both previous and later occupations. A similar situation and chronology became apparent at Ossela, where some century-old references (Carqueja 1909) had described orthogonal and circular structures, as well as a few graves, which had been attributed to the Roman period, the Iron Age and the late medieval/modern times respectively. In 2013, public works next to a chapel resulted in the identification of some Roman coarse ware, and a 5th-century red slip form, which lent some credibility to Pereira da Silva's claim regarding the late antique use of the hilltop. But in the end, no clear pre-medieval occupation layers were observed. At some 600m north of the chapel, agricultural activity did bring up some pottery consistent with types found at Monte Calbo. This site, in turn, revealed a large dispersion of surface finds, which led to the definition of three separate excavation areas, quite far apart from each other. No structure whatsoever was identified, but very large quantities of Bronze Age pottery were recovered in what ended up being a stratigraphy heavily disturbed by recent forestation and agriculture. A similar conclusion was drawn, although on later chronologies (residual very late Bronze Age but essentially Iron Age), reflecting

distinct types of occupation, and based on just one test trench, at Recarei, where over the years some occasional Roman pottery had been recovered, without much information on context.

Two geophysical survey campaigns were carried out following initial excavation, and served to refine and orientate subsequent fieldwork (figure 3). These deserve an overview, as much in regard to their rationale as to their practical dimensions, as they are in fact costly and complex arrangements, and require a significant amount of planning. From a technical perspective, electromagnetic and geo-radar procedures were conducted separately, and their results combined and compared. The electromagnetic survey yielded considerable data of high quality and density, at Ossela and at Ul. The process basically consists of defining contrasts in magnetic values, which are obtained by inducing electromagnetism within the soil at regular intervals, in this case a conventional grid forming sq. m areas. The purpose was scanning the subsoil at different depths, the first sweep between 0.25m and 1.50m for Ossela; 1.25m for Ul (where presumably any archaeological elements would be identified), the second and third until 6m and between 15m and 20m at Ossela, and only one second sweep, to 3m, at Ul, due to a much lower distance between the surface and bedrock. Frequencies used were 47,075Hz, 17,975Hz and 275Hz (Ossela) and again 47,075Hz and 35,775Hz (Ul), simultaneously on both electrical and magnetic bands. This configuration led to the establishment of samples at regular distances of 15 cm along the survey lines. At both Ul and Ossela, the onsite measurements and their interpretation were presented as geo-referenced surface maps, to facilitate interpretation. Data analysis was processed using GEM-2, WinGEMv3 software, and then Surfer9.0 and Matlab6.5 for the graphical rendering. The technical reports (López Jiménez and Sobral 2016a, 2016b) mention several procedures employed to optimize the readability of results, namely the application of filters or the highlighting of certain contrasts, and the selective removal of certain value sets. The main means of obtaining data for much of the mapping was through electrical conductivity, measured in mS/m, as it provides comparatively good clarity, hence a more coherent magnetic susceptibility. The results were provided with the itinerary followed during data collection, identified through UTM coordinates in datum WGS84, and the maps also use a UTM reference system.

On the other hand, the purpose of using GPR was to obtain parallel, longitudinal profiles, and to contrast these with the electromagnetic results. Grid dimensions therefore had the same 1m configuration. Methodologically, short duration electromagnetic impulses were created by an emitting antenna, with the returning signals being affected by refraction, scattering, or attenuation whilst passing through the subsoil. Also, the intensity of the returning signal captured by a receiving antenna constitutes an indicator of depth, as well as certain other

features of distinctive elements. At Ossela, residual humidity in the sediments affected the readability, and as a result, in some parts of the grid, the selected frequencies, 900MHz and 500MHz, yielded negative readings, as the signal bounced off the subterranean water. The equipment used at both locations was a Radas Systems Inc. GPR, with a double channel Zond12e signal acquisition unit, and a 500Hz antenna, in this case functioning both as emitter and receiver; an attached odometer allowed for a precise measurement of distances.



Fig. 3: Some images of the fieldwork campaigns.

In the case of Ossela, the combined survey results determined a number of potential archaeological features, concentrated in front of the chapel. Recent public works had created a layer of heavily disturbed soil, resulting in superficial anomalies. In addition, a sequence of longitudinal structures was identified at different depths, and this superposition indicated the possibility of sequential phases. These structures were interpreted as being funerary in nature, directly related to the chapel, although excavation failed to fully reach these structures. Two areas surveyed at Ul, on the other hand, demonstrated the existence of a few alignments with some perpendicular features, which also suggested some

toppled structures at a specific point, although most of the area seemed to correspond to a heavily disturbed stratigraphy. This hardly came as a surprise, given the widespread mechanical tree plantation that was evident across the site. Still, a coherent structure, linked to the rampart, was excavated in a comparatively well-preserved state.

From knowledge to practical applications

Alongside the strict archaeological fieldwork, the project is also very focused on the wider landscape, not only for scientific reasons, but primarily for the purpose of classification of impacts and risks. An exploratory, internal exercise undertaken by one of the authors, João Tiago Tavares, is looking at each site and its immediate surroundings, catalogued according to the established polygons, in an effort to record them in accordance with fairly universal agents of deterioration, both natural (fire, water, geological, meteorological and biological factors, vegetation) and anthropic (soil use, vandalism, pollution, social/daily use). The characterization of such impacts is to be translated through a simple set of steps, determining origin, probability, regularity, and intensity, in order to determine a degree of vulnerability. This will provide extra methodological robustness as the database develops into a more complex structure. In some instances, the polygons are to be optimized, as they required a set of micro-adjustments between the cartographic register and a set of actual landscape features. The main challenge, as was the case in other situations, was that of adjusting the polygons so as to ensure the conservation of heritage elements while not adding the imposition of fieldwork in areas with comparatively low potential. Such action is influenced by several factors, namely obtaining an improved understanding of the on-the-ground situation of the terrain, a more developed historical analysis, and plausible damage to structures inside the polygons. In any of the cases, maintaining the initial delimitation would potentially be inappropriate. In addition, this systemic reassessment warrants the inclusion of several sites identified in more recent years, many through isolated finds reported to the municipality. The validation and reconfirmation of sites implies a permanent exercise of optimizing polygons' outlines, reflecting both an increase in knowledge and territorial changes. Often the convention followed is that of establishing central points, around which an automatic area of protection is added. Polygon-based areas are more precise, in the sense that the dispersion of surface materials, along with the configuration of structures, or even of the topography, is never fully concentric. A limitation to highly precise delimitations may be the unnoticed exclusion of unknown heritage components. On the other hand, opting for a central dot may be considered a reasonable approach when no survey is possible, or if a variety of sites are concentrated – oftentimes overlapping – in a small area, in which case the definition of polygons is of little

use. But even then, limitations remain, and a perfectly concentric space around an arbitrarily chosen central point can become excessive, as it may include areas with no archaeological importance.

In the case study of Oliveira de Azeméis, the heritage site inventory was transposed to a controllable database. In short, it articulates technical inventory features with the type of heritage elements and their legal and administrative circumstances. In addition to providing a structured background for strict academic research, a daily application is of course related to urban management, and in particular to construction and agriculture. It forms a potential operational backbone for local authorities to plan the future of the territory under their custodianship. Moreover, a clear and mapped identification of heritage resources provides developers with a degree of certainty when planning, which therefore promotes a climate conducive to growth (Rautenbach *et al.* 2009). While all photogrammetric and spatial information on the municipal tangible heritage is transposed into a GIS environment (using QGIS, a free and open-source cross-platform desktop application; figure 4), the effectiveness stems from the integration of this with the Geographical Portal, an incorporated geolocation system used by other municipal services (figure 5). This portal is publicly accessible through the municipality website, and provides a user-friendly interface, allowing the selection of twenty-eight different layers, with corresponding sub-layers, aggregating information on themes such as census data, topography, cartography, land division, traffic and transportation. Further opportunities consist of densifying the use of complex data, namely by superposing trends in environmental, anthropogenic, and even socio-economic factors at the municipal level (Spiridon 2016), as they often are studied at a larger or geographically more integrated scale. But even from a merely visual perspective, GIS allows for a better definition of the place of heritage in urban growth (Bushmakina *et al.* 2017). Another pervasive challenge, managed through the site inventory, is that of the conservation and restoration of excavated structures. In some cases, they are considered to be inadequate for commodification, and are therefore covered with a protective layer, which provides a solution to some of the technical issues. In other situations, when structures become part of a leisure itinerary, preventive and remedial actions are required to ensure continued structural integrity. Few municipalities have permanent conservation services, with these sometimes being attached to a museum. In the case of Oliveira de Azeméis, this sort of activity is privately contracted, and therefore depends on budgetary cycles. As far as archaeological conservation is concerned, several structures underwent reinforcements and herbicide treatments, the results being continuously monitored by the office of archaeology and museology, through the site database, which here also plays a fundamental role.

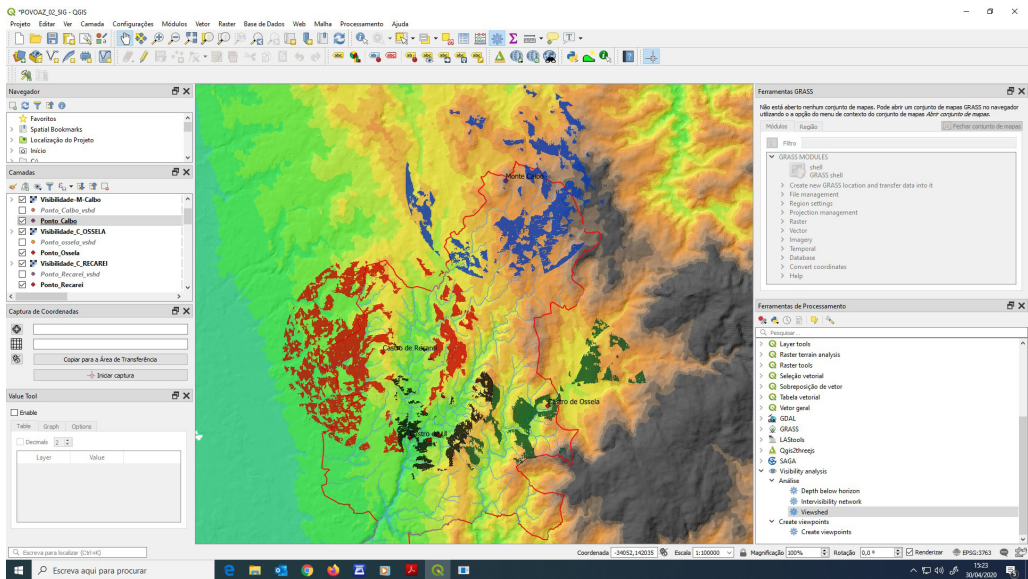


Fig. 4: A screenshot of visibility analysis in QGIS of several hillforts in the municipality.

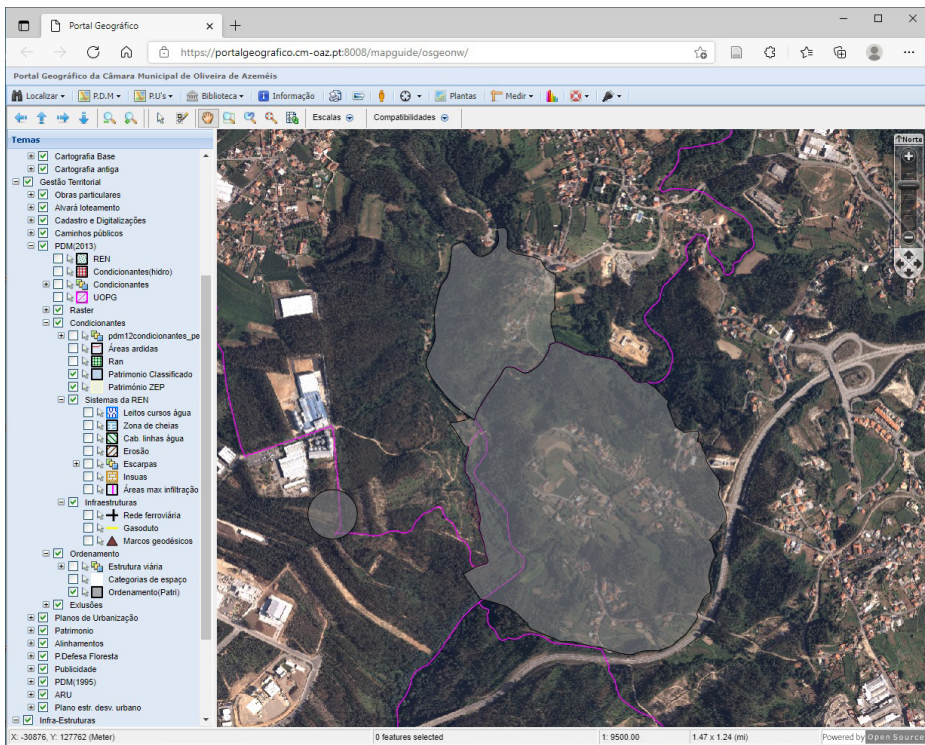


Fig. 5: A screenshot of the Geographical Portal of the municipality integrated with the archaeological data.

Knowledge and its processing on digital platforms constitutes of course an essential starting point for executing daily work on heritage, in particular that related to fragile, vulnerable sites, which face specific problems that require tailor-made solutions. One of the most common challenges resides in property issues, and the practical impossibility of the municipality expropriating and then managing dozens of private parcels with some degree of heritage relevance. It is in many cases materially unrealistic, procedurally unfeasible, and socially improper to enforce strict protection on poorly understood archaeological realities, especially in a territory with minute, heavily forested land parceling and agricultural micro-properties. Experience has shown that community awareness efforts and, more specifically, educational outreach actions targeting sensitive areas, give rise to a solid return on investment. The former is permanently put into practice by the municipality, to a large extent through the office of archaeology and museology; such activities typically consist of exhibitions, talks, or promotional campaigns, to inform the general public, residents or not, often partially including some sort of tourism product integration. The latter usually aims at bringing on board small groups that are directly affected by archaeological fieldwork and/or permanent limitations to construction or agriculture work due to the presence of a site on or adjacent to their property. A situation that in fact combines both approaches is that of UI. The decades-long awareness that the hilltop has archaeological value reduces the need to start explaining the practical basics, as there has been a legal protective framework in place for a long time, together with some commodification, such as signs and paths for hikers. What remains lacking, however, is a clear explanation to the concerned landowners as to why a certain form of heritage matters, especially when preventive measures may directly affect their livelihoods.

All this refers to dynamic, qualitative outcomes, not absolute rulings, with the purpose of supporting municipal decisions on either site conservation itself or on non-archaeological development projects. At a primary level, such an exercise also articulates with the Directorate-General of Cultural Heritage, through their *Inventário Geral dos Sítios Arqueológicos*. A progressive digitization effort since the 1990s has led to a fully operational, searchable information and management system, named Endovélico (after a Lusitanian deity), as well as the connected Archaeologist's Portal (*Portal do Arqueólogo*), which ultimately feeds the database. This has different levels of access authorization, from the general public to individual archaeologists authorized to undertake fieldwork, and registered entities that need information on archaeological sites. Over time, this has potentiated further tools, for instance an online ArcGIS application that provides a free geo-referenced interface to the information contained in the Portal itself. In fact, the modernization of all public services at State level

includes a focus on archaeological heritage, by including citizens, instead of keeping information confidential, which in fact conforms to general international trends at the European level. The correlated optimization and flexibility of digital instruments was shaped at the DGPC level, in collaboration with their regional services, resulting in the Arqueosia project (an acronym for Modernization of the Archaeological Digital Services, in English). The two main purposes were those of boosting digital management and creating content. This was pursued, between 2017 and 2019, culminating in better usability regarding the mobile version, enhanced submission criteria for archaeologists, improved search options and information on visitable sites, with an English-language version also being added (Neto and Costeira 2019). The inventory of Oliveira de Azeméis is naturally included in this effort; it both benefits from it and contributes to its continuous update.

This is true as much for individual as for institutional cases, for instance at the infra-municipal level. The *Juntas de Freguesia* fall into this latter category. This term is usually translated in official documents as “parish council”, and in some cases they correspond loosely to a London borough or a Parisian *arrondissement* (in the sense that a *freguesia* in Lisbon is demographically much larger than many cities in the rest of Portugal), although most are rural, and basically act as administrative sub-units within a municipality. Of importance to this text is the fact that they also have their own elected officials, and a budget that sometimes allocates resources to activities impacting both tangible and intangible local heritage. Common occurrences that require archaeological services to step in preventively are related to construction, ranging from public infrastructure projects to private building renovations. In fact, excavation at Ossela started when archaeological materials were found during the installation of water pipes in front of the chapel. Most sites recently identified are indeed a result of more careful monitoring, sometimes by the population itself, including that of activity on farmland and forested areas. Geo-referenced information on these often small surface finds is somewhat evocative of the traditional municipal archaeological maps, which basically aggregate coordinates and typology. The opportunity to more closely interconnect such raw data with integrated (e-)services is nowadays a technological reality that goes unnoticed to the average visitor. Another incorporated application relates to intangible dimensions, such as religious celebrations or traditional culinary festivals. This naturally has applications for the robustness of the tourism offer, but also for civic engagement and participatory citizenship.

Towards a strategic coherence

An intersecting matter here is the articulation and optimization not only of municipal services but of multi-year strategic options, which are first and

foremost conditioned by ideological, then financial and operational, options. All these levels are subject to legislation and to sociopolitical negotiation, and in that sense they all face heritage-based constraints. Two practical lines of action illustrate a socially relevant outcome. The first consists of supporting research projects, including archaeological surveys and excavations, logistically supported by the municipality. The incorporation of databases currently allows a good estimation of the potential for impacts on the landscape and property rights. As seen above, fieldwork has been intensified in the last six years, through two successive multi-year projects, and the polygonal areas of protection allow for community-sensitive approaches. Even heavily impactful actions, such as open area excavation following geophysical survey (e.g. De Man *et al.* 2017), tap into a municipal structure (legal, public works, museum, and other departments) for the agile dispatch of municipal resources, for instance in cases where farmland has been classified as having archaeological significance. Preliminary conclusions are based on geo-statistical inferences, which provide synchronic overviews for what would otherwise remain individual sites, separated by considerable distances. Also, common GIS applications for site dominance assessment in the historical landscape are establishing visibility ranges, which depend not only on topography but also on vegetation and, occasionally, on the built environment. If the archaeological inferences of such a linear application are not absolute (settlement dynamics do relate, albeit not in any way exclusively, to visual control between features), the applications on heritage commodification are immediate. Not only the site, but also the surrounding landscape, constitutes an integral heritage resource, which can be negatively affected by visually impacting elements such as power cables, antennas, wind turbines, or construction.

This leads to a second effect, namely the territorial coherence, as groundwork for economic development in the heritage tourism industry. The notion of “cultural landscape” depends as much on the intangibles providing cohesion as it relies on individual archaeological sites. In other words, the purpose of municipal investment is that of not only methodology in itself, but ultimately of social robustness. Such a reasoning links to forms of modern, intangible, “living” heritage, reinforced by historical landmarks: the festivities of Nossa Senhora de La Salette, centered on an urban hilltop park topped by a revivalist gothic style church and surrounding features, or the water mill park of UI, adjacent to a visitable archaeological site, and in addition connected to traditional bread production (Paiva 2013), for which the municipality is seeking to obtain EU Protected Geographical Indication status. Not only is the smooth convergence of physical and intangible aspects important here, but above all that of authenticity, as felt by consumers, and the commodified construction of that same heritage. It has indeed been pointed out that town heritage plans sometimes unintentionally perceive this connection artificially

(Swensen *et al.* 2013), when in fact local communities are the key participants in the preservation of their heritage, especially when that heritage is not of major national interest (Mydland and Grahn 2011). The municipal aim for far-ranging sustainability goes some way to narrowing the gap between the academic, popular and political understandings of community heritage (Waterton and Smith 2009), and this is as much a social as a technological challenge. Oliveira de Azeméis's overarching municipal strategy consists of rendering these separate resources usable in a shared cultural network, spearheaded by what is called an Environment and Leisure Route. The PDM incorporates the integrity of immediate tangibles, such as forestry and archaeology, in a combination with education, religious festivities, outdoor sports, hiking and hunting, traditional arts and crafts, and then the economic tissue on the macro scale; this includes hospitality and other private and public initiatives, not only in tourism and other tertiary sectors, but in the construction and transformative industry as well. All this is to ultimately serve the common good, by establishing relationships of continuity, between the urban center and the administrative peripheries, physically connected through an arrangement of pedestrian routes, archeological interpretation hubs, and heritage-inspired events.

A sustainable heritage strategy for social and economic development at the municipal level needs to remain based on solid, integrated data management. This requires a longstanding interdisciplinary effort, to be sanctioned by successive elected officials, in the updating of knowledge systems, namely based on fieldwork and on public data disclosure through outreach activities. Oliveira de Azeméis has been investing in tangible heritage policies, which are in turn built on cohesive territorial awareness. At the micro level, it is the daily fieldwork, surveys, on-site verification and conservation procedures that feed into a cross-thematic database. In the end, information technology provides back office agility for municipal services, as well as open access knowledge, facilitating public involvement. This corresponds to an effort witnessed in municipalities elsewhere, as some form of heritage management plan is needed transversally, between culture, public works and tourism departments. Regardless of the precise configuration and operational tools, the integration of municipal resources always constitutes a factor for social optimization, as much in the technical substrate as in the delivery of a product or service itself. This is where an articulation with industry, and in practice also with non-commercial, institutional or private stakeholders, becomes relevant. From both the supply and the demand sides, cultural tourism represents one obvious social interface of the abstractness of pottery studies, conservation, and archaeological investment in a purely academic exercise.

Conclusion

The purpose of a municipality investing in a coherent heritage strategy is local communities' direct use and enjoyment of their unique resources, and ultimately their validation of what is a shared, local, cultural resource. A major requirement for success is predicting the territory's dynamic nature, the continuous transformation of its heritage, and the changing relationship residents and visitors have with the built heritage, cultural landscapes, and individual heritage elements. The office of archaeology and museology has, since the very beginning of the fieldwork activities, invested in outreach events, such as evening talks, on-site visits, non-specialized publications, and finally a small exhibition proposal. The purpose is to deconstruct generally unattractive, complex and often monotonous procedures in an attempt to create a narrative of the overall results. The chronological brackets, between the end of the Bronze Age and that of the Roman Empire, reflect the settlement dynamics identified at the selected hilltop sites, therefore representing a local reality able to engage the population. Externally, the project outcomes produce branding advantages, thereby providing an added layer of municipal identity.

In the end, efforts put specifically into rehabilitating tangible resources address but a few select social bubbles, namely in the case of small, non-commodified sites. Apart from Ul, which is identified by most residents in association with heritage, very little significant cultural overspill is noticeable in other locations with archaeological potential. This is where a wedged integration may add considerable value, through ethnographic activities providing context and meaning to such locations. The festivities of Nossa Senhora de La Salette, of Cesar, of S. Brás de Ul, or of Nossa Senhora do Crasto de Ossela represent a powerful form of local heritage celebration and entertainment in which archaeology can participate as a meaningful element. Other cultural actions also create similar connections, which are promoted and, to a certain extent, managed as well by non-State actors such as the Association for Integrated Rural Development of the Lands of Santa Maria (ADRITEM in its Portuguese acronym). The aim of this entity is to promote inter-territorial coherence, mainly through cultural approaches (language, gastronomy, creative arts, lifelong education and, simply put, tangible and intangible heritage for the common good; one successful example with regard to Ul is the participation in the *Há Festa na Aldeia* network of villages). Without these community-led activities, any municipal strategy would lack traction, especially in the field of heritage management.

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Assessing endangerment of archaeological heritage in Latvia: legal framework and socio-economic aspects

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ABSTRACT

The aim of the article is to reflect the currently existing regulatory environment for damages caused to archaeological sites by illegal human intervention and its implementation by law enforcement sector and the courts in Latvia. The article is mostly focused on legal and socio-economic consequences of endangerment of archaeological sites. It analyses liability aspects, examines case law, determines the existing challenges and proposes basis for improvement in administrative and legal procedures. Methods applied in the research are literature review, legal framework and documentary analysis, statistical and case law analysis. The results of the research could be used inter alia for the purposes of criminal, civil and administrative proceedings, amending legal regulation and damage assessment mechanisms.

KEYWORDS

Archaeological heritage; cultural heritage; cultural monuments; damage assessment; liability; looting; socio-economic benefits

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General description of the situation in Latvia

Latvia is a small country in North-Eastern Europe, in the Baltic Sea region. Despite its modest size, Latvia can be proud of its rich history and, as a testament to this, also many archaeological monuments, a large number of which date back to the Viking and Crusader eras.

As of 1 September 2020, according to the information from the SPCMR¹ there were 7361 immovable cultural monuments in Latvia, with 2520 (or 34%) of these immovable monuments being archaeological.² Archaeological monuments mainly include ancient burial sites (1246), hillforts (479), settlements (236), and cult places (168).

A large number of archaeological monuments, especially ancient burial grounds, due to their location in less populated areas, combined with their insufficient protection³ have been the focus of activities targeting the illegal acquisition of antiquities. As a result of these activities, particularly in the period from 2012 to 2016, a significant amount of Viking-era antiquities of Latvian origin entered the illegal market on online trading platforms (IR, 2006).

In 2015-2016, with the development of preventive measures⁴ and the training of staff of controlling institutions, increased activity of the NCHB and the State Police, and initiation of work on improvement of the regulatory framework, the situation started to improve. The number of offences against the archaeological heritage decreased, and the number of illegally traded antiquities of Latvian origin also decreased significantly. At the same time, despite the progress in the improvement of the regulatory framework, difficulties were identified in the implementation of the relevant legal norms in practice, which was primarily related to the complexity of proof of certain illegal actions and lack of methodology for objective determination of losses and damages (Kairiss, Olevska, 2020; Kairiss, 2017; SP Interview, PO Interview).

In the first half of 2020, more cases of damage caused to archaeological monuments were registered in Latvia than in 2019, which indirectly indicated the performance of illegal activities, most likely due to the COVID-19 pandemic. At

¹ According to Section 12, Protection Law, the SPCMR is maintained and updated by the NCHB

² 1508 (60%) of the archaeological monuments are of state significance, while 1012 (40%) monuments are of local significance. According to the Protection Law, state significance status may be granted to objects of national or international significance with outstanding scientific, cultural and historical, or educating significance. Local significance status (based on the amendments to the Protection Law as of 2018, local significance status has been divided into regional and local significance) is granted to objects with a special scientific, cultural and historical, or educating significance characteristic to a particular region or territory. The entries in the SPCMR have not yet been updated to reflect the mentioned amendments.

³ Lack of administrative capacity has been manifold, as mentioned in the ARs of the NCHB (AR 2018, AR 2017, AR 2016)

⁴ For example, by developing and distributing the Catalogue of Endangered Latvian Archaeological Artefacts

the broader level, the focus on sanitary measures and restriction of movement reduced the surveillance of cultural sites and museums, leading, in turn, to an increase in illegal excavations of archaeological sites and trafficking activities, including online transactions (UNESCO, 2020). A dangerous trend was also identified by the NCHB, which published relevant warning information (NCHB, 2020).

The aim of this article is to provide an insight into the Latvian regulatory framework and undertaking of criminal proceedings in relation to offences in the field of archaeological heritage, as well as to look at the assessment of damage caused by such offences in both legal and socio-economic contexts. The study makes use of thematic literature, the legal framework, criminal cases, documentary and statistical analysis, as well as interview materials.

Legal framework

According to the current legal regime in Latvia, different illegal actions causing damage to cultural monuments can be subject to civil, administrative or criminal liability.

Civil liability

The umbrella substantive law for torts and civil disputes in Latvia is Civil Law. According to it, the compensation of losses to the victim is the main civil remedy available for the consequences of infringement. Its purpose is to ensure that the situation which would have existed in the absence of the infringement has been restored as fully as possible (Torgāns, 2006). If a person suffers losses from the illegal actions of another person outside the scope of contractual relations (e.g., as a result of a tort), the person causing the losses shall be liable for all losses,⁵ which may be direct, indirect and/or accidental.⁶ Those losses, which have already arisen, may be in a form of diminution of the victim's present property or a decrease in his or her anticipated profits⁷.

Reference to civil procedure is also provided for in special legislation directly applicable to cultural monuments. Thus, Cabinet Regulation 474⁸ states that a person *who has caused damages to a cultural monument or has illegally modified*

⁵ Section 1784, Civil Law

⁶ Section 1773, Civil Law. A loss shall be considered: **direct** where it is the natural and inevitable result of an illegal act or failure to act; **indirect** where it is caused by an occurrence of particular circumstances or relationships; and **accidental** where caused by a chance event or force majeure.

⁷ Section 1772, Civil Law; Section 1787, Civil Law, states that *mere possibilities shall not be used as the basis for calculating lost profits, rather there must be no doubt, or it must at least be proven to a level that would be credible as legal evidence, that such detriment resulted, directly or indirectly [...], from the act or failure to act which caused the loss.*

⁸ Par.59, Cabinet Regulation 474

the cultural and historical environment in the territory of the cultural monument or in the protection zone thereof shall renovate the cultural monument and the environment to the previous condition. If renovation is not possible, the person referred to shall compensate the losses in accordance with the procedures specified by the Civil Procedure Law.

Section 1792, Civil Law, in its turn, states that *if a claim for compensation of losses has arisen [...] from acts which are of themselves illegal, then the loss valuation shall correspond to the value of the subject-matter at the time the loss was occasioned.*

The regulation mentioned above unambiguously provides for the proper determination and precise assessment of the subject matter of the dispute (e.g., damages/losses caused to the archaeological site) in order to justify the claim for compensation of losses.

Referral to civil procedure for compensation of losses may also occur in the context of compensation requests in criminal cases. According to Criminal Procedure Law⁹ *if a victim believes that the entire harm caused to him or her has not been compensated with a compensation within the criminal proceedings, he or she has the right to request the compensation thereof in accordance with the procedures laid down in the Civil Procedure Law.* In determining the amount of consideration (which is to be precisely assessed and justified), the compensation received in criminal proceedings shall be taken into account.¹⁰

No statistical information is available about the compensation requests (their volume and money judgments) made within or outside of criminal proceedings regarding the damages caused to archaeological sites by illegal actions of third parties. Similarly, no statistics are being gathered on whether and in which cases there are persons, other than the State, recognized as aggrieved parties in the respective cases (CA Information). However, according to the information provided by the State Police, there have been no cases in which the owner of the archaeological site, other than the State (whether it be the municipality or a private person) has ever submitted a request for compensation of damages caused to the site by the illegal actions of third parties within the criminal procedure (SP Interview). Consequently, there have been no cases of this kind where compensation had been requested within the civil procedure according to the section mentioned above.¹¹

⁹ Section 350, Criminal Procedure Law

¹⁰ Section 350, Criminal Procedure Law

¹¹ According to Section 24 of the Protection Law, *conservation, maintenance, renovation and restoration of a cultural monument shall be performed by the owner (possessor) of the cultural monument at his or her own expense.* If the owner for any reason has not requested/received a monetary judgment for conservation of the damaged cultural monuments from the offender, the Protection Law provides for allocation of State/municipal

Administrative liability

In the middle of 2020, the Latvian administrative system underwent substantial changes. On 1 July 2020, the Administrative Violations Code, in force since July 1985,¹² was replaced by the Law on Administrative Liability. Based on the latter, the Protection Law was supplemented by the new chapter on Administrative Violations in the Field of Protection of Cultural Monuments and Competence in the Process of Administrative Violations,¹³ with certain changes transposing administrative violations in the field of cultural monuments into the Protection Law.

Corresponding norms related to offences against (i.e. causing damages to) cultural monuments are presented in Table 1:

Table 1. *Transposition of administrative violations' norms*

Latvian Administrative Violations Code (in force until 1 July 2020)		Law on Protection of Cultural Monuments (Chapter 7, in force as of 1 July 2020)	
Section¹⁴	Sanction	Section	Sanction¹⁵
Section 89. Violation of the rules for the protection of cultural monuments	Fine Natural persons – EUR 140-700 Legal persons – EUR 1100-4300	Section 32. Violation of the rules for the protection of cultural monuments	Warning or fine Natural persons – EUR 100 -1000 Legal persons – EUR 1000-10000
Section 89.¹ Violation of the rules for the restoration, conservation and repair of cultural monuments, as well as for the performance of research and archaeological excavations	Fine Natural persons – EUR 140-5570 Legal persons – EUR 700-1400	Section 33. Violation of regulations for transformation, research and archaeological excavations of cultural monuments, their territories and protection zones	Warning or fine Natural persons – EUR 500 -2000 Legal persons – EUR 2500-20000

budgetary funds for conservation of cultural monuments under certain (quite strict) conditions. According to the AHD Answers, JSC Latvian state forests (AS Latvijas Valsts Meži) applied for such program funding to carry out conservation works upon the destroyed archaeological monuments. It should be noted, however, that the conservation of the destroyed monument took place more than 3 years after the destruction (LETA, 2019).

¹² According to Annotation 2014, the Administrative Violations Code was amended more than 150 times from 1985. Most of the problems currently identified are due to unclear and inefficient administrative violation procedures. Therefore, the main emphasis on system reform is to create a new, clear, fast and efficient process.

¹³ Chapter 7, Protection Law

¹⁴ Sections 89, 89.¹ and 89.² provide for basic and aggravated elements of the respective offences.

¹⁵ According to Section 16 of the Law on Administrative Liability, the amount of a fine is expressed in the units of fine, where one unit equals EUR 5 (according to the wording in force as of July 2020). The amounts of fines are provided in euros in the table for the purpose of ease of comparison.

Latvian Administrative Violations Code (in force until 1 July 2020)		Law on Protection of Cultural Monuments (Chapter 7, in force as of 1 July 2020)	
Section ¹⁴	Sanction	Section	Sanction ¹⁵
Section 89.2 Damage, transformation and unauthorized economic activity in the territories of cultural monuments and protection zones	Fine Natural persons – EUR 70-500 Legal persons – EUR 350-1400	(in general, transposed into Section 33)	-
Section 89.5 Damage to a grave	Fine Natural persons – EUR 140-570 Legal persons – EUR 350-1100	Omitted	-

The main changes include the omission of aggravating elements in disposition of the sections (the broader scope of fines is foreseen instead of one for each individual offence). Some violations (e.g. damage to a grave) have been omitted, while others (e.g. damage, transformation and unauthorized economic activity in the territories of cultural monuments and protection zones and unauthorized performance of research and archaeological excavations) have been merged under one section. While the Latvian Administrative Violations Code provided only for fines as sanctions, now the sanctions provide for both warnings and monetary penalties (fines), with the latter being much broader in range.

Within the last 1.5 years of operation of the Latvian Administrative Violations Code (2019 and the first half of 2020), 8 administrative proceedings have been initiated, including 4 cases for damage, transformation or unauthorized economic activity in the protection zones of cultural monuments, 2 cases for the damage, transformation or unauthorized economic activity in the territories of cultural monuments, 2 cases for violation of the rules for the protection of cultural monuments, and 3 cases for violation of the rules for the protection of cultural monuments, if the cultural monument is damaged; some offences cumulatively qualified under two or more sections or parts of sections (NCHB Statistics). NCHB undertakes full administrative procedure, except in cases where additional investigation is needed and where State Police officers become involved.

Criminal liability

The current Criminal Law of Latvia has been in force since 1999. Certain norms have provided for criminal liability for the damage of cultural monuments from the

day of adoption of the law, while the others have been added through amendments. Here is the short overview of the existing legal regime, while the overall statistics on the number of criminal offences from the registration to the court's decision is provided at the end of this article.

Section 79: Liability for **Destruction of Cultural and National Heritage**¹⁶ was provided for in the Law from the moment of adoption, and still remains in force with no changes in disposition. The norm does not provide for any form of aggravating element. It foresees criminal liability for a person who commits intentional destruction of such values which constitute part of the cultural or national heritage. Despite the fact that over the last decade there have been no criminal offences registered that qualify under this norm (IC statistics 2011-2019), and the norm has never been analysed by the court (LSC Information), as an overall tendency, the imprisonment sanction has, over the years, been decreased from an initial 17 years (in force up to 2012) to the current 12 years of deprivation of liberty.¹⁷

Section 228, Part 3: Liability for **desecration of graves and corpses**, if the offence is related to stealing of a monument or funerary urn, or other object(s) placed on or in a grave or at a funerary urn,¹⁸ has also been part of the Criminal Law from the moment of adoption (this is the aggravation of basic elements of the offence by desecration of graves, funerary urns or interred or uninterred corpses). Similarly to the norm related to destruction of cultural and national heritage discussed above, there have been no changes in disposition, while the initial sanction (from 3 to 15 years with or without confiscation of property, in force up to 2013) was gradually decreased to the present-day deprivation of liberty for a period of up to 5 years or a lesser sentence with or without confiscation of property.

Until 2018, when the norm on illegal acquisition and turnover of antiquities came into force, desecration of graves related to the theft of objects was the qualification most frequently applied to the illegal obtaining of antique objects from ancient burial grounds. The norm was hard to apply, however, partially due to the impossibility of determining the offender¹⁹ and partially (in the absence of

16 Section 79, Criminal Law LV, Chapter IX, Crimes against Humanity and Peace, War Crimes and Genocide

17 Part 6, Section 7 of the Criminal Law provides that *if the deprivation of liberty for a period not exceeding five years is foreseen for a crime, also a type of lesser punishment may be provided for therein for the relevant crime*. This means that, for those crimes where sanctions provide for imprisonment exceeding 5 years, no alternative basic punishments – community service or a fine – can be applied instead of imprisonment. Additional punishments, however, may be added.

18 Part 3, Section 228, Criminal Law LV, Chapter XX, Criminal Offences against General Safety and Public Order
19 Almost 80% of criminal offences initiated under Part 3, Section 228, were suspended, since the offender was not ascertained; for details see Table 2 below.

witnesses) due to the difficulty of proving the guilt of a particular person.²⁰ The newly adopted norm on illegal acquisition and turnover of antiquities (in force since 1 January 2018) acts as a way around this, since it does not require direct evidence of desecration of a grave or looting of antiquities; the very fact of possessing antiquities is enough to apply the latter norm and prove the guilt of the offender.

The probable inconsistency of court-applied punishments based on Section 228, Part 3 should be pointed out. According to information provided by the LSC, there have been 8 judgments delivered based on the mentioned norm over the last 5 years.²¹ In 5 cases out of 8, the criminal offence took place at actual (i.e. active) burial grounds. Only in one case was community service (amounting to 160) hours applied; for the looting of flower plants evaluated as having a value of EUR 50.²² In other cases, penalties ranged from 4 months and 20 days of imprisonment (for the looting of grave curbs evaluated at EUR 415²³) up to 1 year of imprisonment (suspended sentence, for cutting off the branches of the grave hedge and digging out a bush²⁴). In comparison, in cases where such offences were perpetrated at ancient burial grounds – as will be shown further in the case analysis part of this article – the most severe final punishment was a monetary fine in the amount of EUR 4300 without confiscation of property²⁵ (the total damage in the case was assessed by NCHB to amount to EUR 17,784.47) and 160 hours of community service for every convicted person in the group of three²⁶ (the total damage in the case was assessed by NCHB to amount to EUR 3,235).²⁷ Therefore, it may be concluded that desecration of active burial grounds is, in the opinion of the court, a more serious crime compared to the desecration of ancient burial grounds, even in cases where the latter caused damage to archaeological heritage and greater losses in monetary terms.

20 Less than 2% of criminal offences initiated under Part 3, Section 228, within the period of 2015-2019 were sent to prosecution; for details see Table 2 below.

21 3 cases out of these (archive Nos. K71-0249-18/25; KA05-0099-18/13; K08-0176-15) are discussed in detail below; by 07.08.2020, only 3 cases related to ancient burial grounds had been reviewed by the courts where criminal proceedings were initiated in 2015 or later (CA Information).

22 Archive No. K23-0145-17; Judgment as of 12 December 2017

23 Criminal case No. 11331053519, Archive No. K26-0687-19/2; Judgment as of 13 December 2019

24 Criminal case No. 11092056416, Archive No. K32-0447-16/8; Judgment as of 10 August 2016

25 Criminal case archive No. K71-0249-18/25; Criminal case archive No. KA05-0099-18/13

26 Criminal case archive No. K08-0176-15

27 It should also be noted that for the incriminated offence foreseen in Part 1, Section 228 (basic components of the offence, the desecration of graves evaluated at 50 EUR), the accused person was applied 200 hours of community works and material compensation of EUR 80 in one case (Criminal case No. 11261005417, Judgment as of 24 January 2017) and 80 hours of community works, material compensation of EUR 50 and moral compensation of EUR 500 in the other case (Criminal case No. 11096019816, archive No. K28-0212-16/3, Judgment as of 5 April 2016).

Section 229: From the moment of adoption, the Criminal Law provided for liability **for destruction or damaging of a cultural monument**, (with up to 4 years of imprisonment for basic component elements of the offence, and up to 10 years if committed in a dangerous manner (e.g., arson, use of explosives).²⁸ The norm has been amended several times, with the most recent wording being adopted in 2018, providing for liability for destruction,²⁹ damaging³⁰ or desecration³¹ of a cultural monument protected by the State, illegal bringing out of the Republic of Latvia of a cultural monument protected by the State, or its illegal alienation, if this has resulted in substantial harm to the interests of the State or the public. Under the latest wording, these offences are considered less serious crimes, for which imprisonment for up to two years is provided for³² (while aggravation – destruction, damaging or desecration of a cultural monument protected by the State, if such has been committed by arson, use of explosives, or in another generally dangerous manner, or if it has been committed by a group of persons – is a serious crime with up to 5 years of imprisonment.³³ It should be noted that if any aggravating element is present, no proof of the caused substantial harm is required).

As regards practical applicability of the norm, of 44 criminal offences and events registered during the period of 5 years (2015-2019), which were qualified under Part 1, Section 229, only two were ever sent for prosecution, with neither of these eventually reaching the court (IC statistics; CA statistics).³⁴ For Part 2, Section 229 (aggravation of the crime, where proof of substantial harm is no longer required), out of 3 registered criminal offences in the period 2015-2019, also two cases were sent to prosecution, again with neither of these eventually reaching

28 Section 229, Criminal Law, wording in force until 2012, retrieved from: <https://likumi.lv/ta/id/88966-kriminallikums>.

29 Destruction is the physical or mechanical action upon the object against which a criminal offence is committed, as a result of which it either ceases to exist completely as an object of the material world or becomes completely unfit for its purpose and can no longer be repaired or restored (Krastiņš, Liholaja, Hamkova, 2019, p.283).

30 Damaging is a change in the characteristics of the object against which a criminal offence is committed which significantly impairs or reduces its value (Krastiņš, Liholaja, Hamkova, 2019, p.283).

31 Desecration of cultural monuments can take the form of the excavation and destruction of archaeological sites, whether inside or outside a State-protected cultural monument, thus prohibiting the use of a particular place to explain the past, the placement of various offensive inscriptions and drawings on cultural monuments, and similar cynical, immoral acts (Krastiņš, Liholaja, Hamkova, 2019, p.283)

32 Criminal offences in Latvia are divided into criminal violations (deprivation of liberty from 15 days to 3 months) and crimes according to the nature and harm of the threat to the interests of a person or society. Crimes are divided as follows: less serious crimes (deprivation of liberty 3 months – 3 years), serious crimes (deprivation of liberty 3 years – 8 years) and especially serious crimes (deprivation of liberty 8 years – life imprisonment). For more details, see Section 7, Criminal Law.

33 Part 2, Section 229, Criminal Law

34 About 70% of registered criminal offences initiated under Part 1, Section 229 of the Criminal Law during the period 2015-2019 were suspended due to an inability to ascertain the offender; for details see Table 2 below.

the court. Therefore, in the period studied, there were no cases where a person was convicted of destruction, damaging or desecration of a cultural monument protected by the State, illegal bringing out of the Republic of Latvia of a cultural monument protected by the State, or its illegal alienation under Section 229, Criminal Law.

Two specific issues have to be discussed in analysing the applicability of the norm to the damage of archaeological sites: the need to prove criminal intent and the cause of substantial harm.

Criminal intent

Based on the wording of the Section, the actions by which a cultural monument is destroyed, damaged or desecrated must be deemed to be intentional, because the offender must be aware of the harmfulness of their actions, either wanting to cause significant harm through these, or by knowingly allowing such consequences to occur (Krastiņš, Liholaja, Hamkova, 2019, p.284). In other words, criminal intent to destroy the archaeological site (ancient burial ground, for instance) needs to be demonstrated and proved. However, not all cultural monuments (and this is especially the case for ancient burial grounds) are marked or delineated as such at their location,³⁵ with this only happening in instances where the owner agrees to mark the particular place. A reluctance to mark cultural monuments as such is generally justified by an unwillingness to attract unnecessary interest from treasure hunters or general visitors (AHD Interview). A lack of visible boundaries or other markings therefore makes it more difficult to prove the criminal intent of the offender to destroy or cause damage to the ancient burial ground, while to a layperson they are poorly visible (if not entirely invisible) (please see Fig. 1).

The concept of substantial harm

Any of the illegal activities *per se* – destruction, damaging, desecration, illegal export or alienation of a cultural monument – is not enough alone to be classified as a criminal offence under Section 229 of the Criminal Law, but it must also be proven that certain (substantial) harm has been caused to the interests of the State or the public. A correct understanding of substantial harm is a prerequisite for establishing the composition of a criminal offence, and for delimiting a criminal offence from a tort, administrative or disciplinary violation (Hamkova, 2018). The qualification process must not only prove the existence of significant harm, but also a causal link between the act or omission and the harmful consequences.

³⁵ This was also an argument of the accused in the court case No. K73-1745-19/22 described below. Any fences or signs signifying that the territory was state- or otherwise protected were absent (ZDC Case materials).



Fig. 1: Ancient cemetery in Alūksne municipality, Alsviķi parish. © Courtesy of Digital Collection of Alūksne Museum.

Section 23 of The Criminal Law Enforcement Act provides definition of substantial harm caused by a criminal offence, which forms physical element (objective aspect) of the offence.³⁶ According to the Law, substantial harm shall be presumed if any of the following consequences have arisen:

1) *The suffered property loss is equal to or exceeds five minimum monthly wages (i.e., 2150 EUR in 2020)*³⁷ and also other interests protected by law have been threatened. In order to apply this part of the norm, besides the losses measured in monetary terms in the specified amount, other endangered interests are to be additionally clarified, and the means of this endangerment shall be precisely elaborated (Krastiņš, Liholaja, Hamkova, 2019.; Hamkova, 2018).

2) *The suffered property loss is equal to or exceeds ten minimum monthly wages (i.e., 4300 EUR in 2020).* The mentioned monetary loss is in itself considered significant harm, and, if proved, no other evidence is required.

³⁶ Section 23, Criminal Law Enforcement Act

³⁷ The minimum monthly wage applied in Latvia is that which was in place at the time of committing a criminal offence; in 2020, the minimum monthly wage was EUR 430.

3) *Other interests protected by law have been significantly threatened.* Here it must be established that significant harm has been caused to at least one of the interests – State or public – individually (the sum of less significant damages caused to several interests is not applicable here). In order to apply this norm, an accusation cannot be limited to general wordings, vague statements, assumptions and references to well-known facts (Hamkova, 2018). When assessing whether the harm caused to the interests protected by law is substantial, it must be taken into account that the harm or threat thereto must be significant, and must be assessed in connection with the actual circumstances of the specific offence (Krastiņš, 2012; SC judgment SKK-190/2016). For substantial harm to be proved, the significance of the cultural monuments and therefore the need for and basis of the particular monument being protected by the State is to be clearly justified. An inability to adequately define the endangerment deprives the criminal offence of the opportunity to be qualified under the norm of destruction, damaging or desecration of a cultural monument in its basic composition (A) Interview). In this case the type (manifestation, nature) of the threat to the interests is important, as well as the severity of the threat to the interest, the nature of the act or omission, the characteristics of the interest carrier (i.e. endangered person) and the perception of the threat (Krastiņš, 2012; SC judgment SKK-190/2016).

According to the information provided by the police (SP Interview) and NCHB (AHD Interview), and the court cases analysed below, up until the middle of 2020 qualification of the offences had been based only on the monetary evaluation of the damage caused.³⁸ Based on the above, no interests of stakeholders have ever been taken into consideration or mentioned in petitions for compensation, and the respective endangerment to State or public interests had never been reviewed by the court. Taking into account the small number of court cases, it is not possible to draw a conclusion on the level of difficulty involved in formulating the particular interest of the State or society, evaluating the substantiality thereof, and justifying the interests/losses caused thereto by the illegal actions of the offenders. However, it is apparent that, in cases where an archaeological site has been damaged, regardless of monetary assessment thereof, the concept of significant threat to the interests protected by law should be applied, since destruction or damaging of archaeological sites is always accompanied by harm to the archaeological heritage as a whole, often irrecoverably, therefore precluding the people and the State from acquisition of knowledge and preservation of history for current and future generations.³⁹ This leads to the necessity of development of

38 According to Par.60, Cabinet Regulation 474, the NCHB shall prepare the materials related to the determination of damage caused to a cultural monument, if necessary, by inviting the relevant specialists and the owner (possessor) of the cultural monument, or the representatives thereof.

39 Representatives of the State Police and the Prosecutors' Office indicated that a more in-depth definition of 'substantial harm', as well as justification of the caused damage would facilitate greater efficiency of the

pre-defined damage assessment criteria for such cases, which should be known to law enforcement agencies, prosecutors' offices and the courts.

Two new sections of Criminal Law came into force on 1 January 2018, providing special regulation for **illegal actions involving state-owned antiquities**⁴⁰ and the **release of a person from criminal liability** for illegal acquisition, storage, movement, and transfer thereof.⁴¹ Each of these sections requires a more in-detail review.

Section 229.1: According to this Section, illegal acquisition,⁴² storage,⁴³ movement,⁴⁴ transfer,⁴⁵ and alienation⁴⁶ of State-owned antiquities or their illegal bringing out of the Republic of Latvia is subject to criminal liability by a sanction of deprivation of liberty for a period of up to one year or a lesser sentence (which makes it a lesser serious crime). State-owned antiquities (unless declared according to law) are antiquities found in archaeological sites in the ground, above the ground or in water dated until 17th century included⁴⁷.

According to the information provided by the State Police (SP Interview), acquisition, movement, transfer and alienation of antiquities request recording of a particular illegal activity during the process, otherwise an evidential basis alone is insufficient for the prosecutors' office to accept the case for prosecution. Even though the number of registered criminal offences under this criminal norm is comparatively high (9 overall in 2018-2019), meaning that the regulation as such is working, in practice only the activity of illicit storage has been incriminated during the mentioned period. This is due to the fact that storage, when compared to other illegal activities (e.g., transfer), is easier to prove (SP Interview). As a result, only four cases qualified under Section 229.1 were sent for prosecution in 2019

respective criminal proceedings concerning archaeological heritage and make the work of investigative and prosecutorial institutions and courts more effective (SP Interview, PO Interview).

40 Section 229.1, Criminal Law

41 Section 229.2, Criminal Law

42 Acquisition of antiquities is the obtaining of antiquities in any form, including the excavation of archaeological antiquities without research and recording of context, in violation of the law, or so-called 'treasure-hunting' (illegal digging), which is considered the illegal acquisition of State-owned antiquities whether or not excavated from the territory of a State-protected cultural monument or in ancient burial grounds and hillforts outside it. (Krastiņš, Liholaja, Hamkova, 2019, p.286).

43 Storage of antiquities means their actual possession and their overt or covert keeping in a place known to that person (Krastiņš, Liholaja, Hamkova, 2019, p.287).

44 Movement of antiquities is the act of moving antiquities in a space by means of a vehicle or by any other means, such as carrying (Krastiņš, Liholaja, Hamkova, 2019, p.287).

45 Transfer of antiquities means the transfer of antiquities from one place to another by post, luggage or through a third party (Krastiņš, Liholaja, Hamkova, 2019, p.287).

46 Alienation of antiquities means any transfer thereof to another person by sale, gifting, exchange, pledge, donation, etc. (Krastiņš, Liholaja, Hamkova, 2019, p.287).

47 Part 4, Section 7, Protection Law

(zero in 2018⁴⁸), with only two making their way to court, and only one having a verdict finally rendered (CA statistics). However, a general growing trend in case materials submitted for court review under Section 229.¹ can be observed. Thus, in the first half of 2020, three cases had already been submitted to the court, with one verdict rendered.⁴⁹

Table 2. Registered criminal offences which concern/may concern archaeological sites/antiquities (2015-2019), absolute numbers (Kairiss, 2020).

Qualification of the offence	Registered criminal offences in total ⁵⁰	Out of criminal proceedings initiated since 2015			
		Suspended criminal proceedings ⁵¹	Sent to prosecution ⁵²	Cases received by courts ⁵³	Courts' decisions rendered ⁵⁴
Section 228, Part 3 ⁵⁵	352	279	7	7	7
Section 229, Part 1	44	31	2	0	0
Section 229, Part 2	3	1	2	0	0
Section 229 ¹ (2018-2019)	9	0	4	2	1
Total	408	311	15	9	8

Section 229.² in its turn provides for release of a person from criminal liability for illegal acquisition, storage or turnover of State-owned antiquities. This norm was added to the Criminal Law upon the proposition of the then-Minister of Justice for the last (third) reading, with no publicly available annotation or justification

48 See Table 2.

49 1 January 2020 – 6 August 2020, CA statistics

50 Public statistics of the Information Centre of the Ministry of Interior

51 Part 1, Section 400 of the Criminal Procedure Law states that if the necessary criminal procedural actions have been taken in criminal proceedings and **ascertainment of the person who has committed the criminal offence has not been successful**, an investigator may, with the consent of the supervising prosecutor, take a decision in the form of a resolution on suspension of criminal proceedings. The decision is not subject to appeal. Data source: IC information.

52 IC Information

53 CA Information. CA statistics do not include penal orders drawn up by prosecutors.

54 CA Information

55 Registered offences qualified under Part 3, Section 228 of the Criminal Law comprise of offences committed in both actual and ancient burial grounds; according to the State Police (SP Information) and court statistics (LCS Information), the majority of such offences concern actual burial grounds. No statistics are gathered separately for ancient burial grounds and/or cultural monuments and other burial grounds (IC Information).

for the introduction of such a regulation (Amendments to Criminal Law). No case has ever been initiated under the norm, and respectively the norm has never been reviewed/implemented at any of the procedural phases of the criminal process.

It should also be noted that if the person is released from liability under one of the grounds mentioned in the Section, they are not automatically to be released from liability for other corresponding offences, e.g. for damaging the monument or property from which the antiquities originate (A) Interview).

Offences qualified by several sections of the Criminal Law

From the materials associated with criminal cases or court judgments in several cases it can be established that the committed criminal offence may be initially qualified by several sections of the Criminal Law, forming a so-called conceptual aggregation of criminal offences.⁵⁶ Such a case arises, for example, if a person performs illegal excavations upon a cultural monument (damaging a cultural monument, Section 229 of the Criminal Law), in ancient burial grounds (desecrating a burial place, Section 228 of the Criminal Law) and acquires, stores, moves, transfers or performs other illegal activities with state-owned antiquities (Section 229.¹ of the Criminal Law).

In practice, however, conceptual aggregation of criminal offences is not frequently applied in the pre-trial investigation process (Table 3), and persons are instead usually convicted under one Section. This may be due to the fact that in practice difficulties exist in linking criminal activities together and proving that they were committed by the same person (e.g., the fact of illegal possession of state-owned antiquities is relatively easy to establish and prove, but it is more difficult to link illegal storage of antiquities with their illegal acquisition at the relevant cultural monument (ancient burial ground)).

Table 3. *Offences initially qualified by several sections of the Criminal Law (2015-2019)*⁵⁷

Qualification of the offence	Section 228, Part 3	Section 229, Part 1	Section 229, Part 2	Section 229 ¹ (2018-2019)
Section 228, Part 3		2	0	0
Section 229, Part 1	2		0	0
Section 229, Part 2	0	0		0
Section 229 ¹ (2018-2019)	0	0	0	

⁵⁶ Part 2, Section 26, Criminal Law

⁵⁷ IC Information. This is the initial qualification in the pre-trial process; it is possible that within the process of prosecution and/or trial, re-qualification took place and the offence was re-qualified under one Section.

Unauthorized economic activity on the territory of cultural monument

The general regulation prohibits performance of any economic activity on territory of a cultural monument or its protection zone, unless permissions from the NCHB and the owner of the respective monuments are received.⁵⁸ Nevertheless, the analysis shows that different types of economic activities are being performed upon the territory of poorly visible ancient burial grounds.

In a 2019 case before the ZDC,⁵⁹ discussed below, the field (where a medieval cemetery was located) was periodically ploughed over an extended period of time. The deepest burials, however, according to the NCHB, were not affected as a result of ploughing (ZDC Case materials).

In a 2018 case before the VRC, the field (where the ancient cemetery was located) was used as sheep pasture, while unauthorized logging was carried out to the north of the ancient burial mound. The owner of the archaeological monument acknowledged that he knew about restrictions on performing logging activities due to the existence of the cemetery, but nevertheless decided to do it (VRC case materials). The NCHB concluded that substantial harm had not been caused to the cultural monument by the logging activity, however the activity itself was in violation of the law (VRC case materials).

While it is seen from the above cases that the NCHB was aware of the economic activity on the territories of the state-protected cultural monuments, it cannot be seen from the criminal case materials whether the possible negative impact of such activity and the amount thereof in material terms was ever evaluated by the land owner or state authorities, nor whether any administrative proceedings had been initiated on such grounds.

Although the situation requires further research, it can be assumed that some owners try to use the area of cultural monuments for unauthorized economic activities without realizing or taking into account the damage that such activi-

⁵⁸ Section 3 of the Protection Law states that [...] *immovable cultural monuments may be [...] modified only in an exceptional case with the permission of the NCHB.*

Section 10 states that *economic activity and any other type of activity in cultural monuments which may affect the preservation of cultural monuments [...] shall be permitted only with the consent of the owner of the cultural monument.*

Section 19 provides that *Cultural monuments shall, as a priority, be used for purposes of science, education and culture. Use of cultural monuments in economic activities shall be permitted only if such activity does not damage the monument, and does not reduce the historical, scientific and artistic value thereof.*

Section 22 states that *before commencing [...] economic activity the commissioning party thereof must ensure surveying of cultural values in the area of intended activity. Natural persons and legal persons who as a result of economic activity discover archaeological or other objects with cultural and historical value shall immediately notify the NCHB thereof, and further activity shall be suspended.*

Section 23 states that [...] *any activity within the protection zone of cultural monuments which affects the cultural and historical environment (for example, construction, artificial modification of terrain, forest management activity, retrieval of such previously unidentified objects which might have historical, scientific, artistic or other cultural value from the ground or water) may be performed only with the permission from the NCHB.*

⁵⁹ Judgment of ZDC as of 17 July 2019, case No. K73-1745-19/22

ties may cause to the archaeological heritage. Presumably, the performance of unauthorized economic activities is based on a lack of understanding of the socio-economic value of the archaeological heritage, perception of the ownership of cultural monuments as an encumbrance, as well as insufficient explanatory work and control by the responsible institution.

Damage assessment

In criminal proceedings concerning archaeological sites, the State, which is usually represented by the NCHB, is recognized as the victim (or, at least, one of the victims). The analysis of court cases below shows that the NCHB claims only losses of (1) material value, and (2) scientific value of the damaged archaeological site within the criminal proceedings. The table below reflects the calculation methods used for the claimed losses:

Table 4. *Types and monetary estimation of losses*

Type of loss	Basis for monetary estimation	Calculation method
Material value	average insurance value of antique collections found in analogous cemeteries	number of graves damaged x value of one grave
Scientific value	scientific analysis of anthropological material, i.e., morphological and chemical analysis	number of graves damaged x analysis costs of anthropological material of one grave

The material value of the grave inventory is comprised of the value of archaeological antiquities, discovering and identifying them in the context in accordance with the methodology of archaeological research, and then restoring and storing them in appropriate conditions (ZDC Case materials). According to para.59 of Cabinet Regulation 474, *the cultural and historical value of a cultural monument is an assessment of a cultural monument, which includes the sum of the material, historical, scientific, cultural, aesthetic and market (international market of art and antique objects) value thereof*. In Latvia, antiquities are excluded from civil circulation (except for duly declared antiquities⁶⁰). Due to the absence of a relevant

⁶⁰ Part 4, Section 7 of the Protection Law states that *antiquities found in archaeological sites in the ground, above the ground or in water (dated until 17th century inclusive) shall belong to the State, and they shall be stored by public museums. This provision shall not apply to antiquities on which the person has reported to the NCHB until 30 March 2013, as well as to antiquities the legal origin of which has been proved by the person after 30 March 2013 and has received a written certification from the NCHB thereon.*

market, their market prices in Latvia cannot be determined (an approximate market price for antiquities can be determined, for example, from estimates and sales prices of auction houses located abroad, which legitimately sell the respective antiquities). Therefore, the insurance value is used to determine their financial value (ZDC Case materials; VDC/VRC Case materials). Information on the insurance value is provided by Latvian museums, which have collections of archaeological antiquities and which insure antiquities in the cases specified in regulatory enactments (VRC Case materials). There is no other methodology available to or used by museums to determine the value of a destroyed grave in an archaeological monument (ZDC case materials). So, the museum determines the value only for each item individually, and does not evaluate the grave as a whole.

In the criminal proceedings analysed, expenses for the research of material potentially obtained from the burial site (e.g., morphological and chemical analysis of anthropological material determining gender, age (if possible), as well as if any special features and/ or pathologies are visible) were taken as the basis for determining the loss of scientific value in monetary terms. The evaluation of anthropological material is the minimal extent of research performed by archaeologists when a new burial is discovered.

Other losses (e.g. expenses for inspection, documentation, emergency conservation of the archaeological site (at least burial, reburial of mortal remains, etc.), losses for further research/use of the archaeological site and loss of profit) were not included in calculations by the NCHB in the analysed criminal cases, and no compensation for such was claimed. This suggests that the actual losses in monetary terms in the reviewed criminal proceedings were greater than what was actually claimed. The above leads to the conclusion that, in order to make the investigation, prosecution and prosecution of criminal offences more efficient, the calculation of damages should be based on clearly defined, objective and known criteria for determining damage, to archaeological site owners, the NCHB, law enforcement, prosecutors and courts.

In the absence of such criteria, as is shown in the VRC judgment analysed below, it is hard for the judge to appraise the damage caused to an archaeological site. In the below case, the court arrived at the conclusion that the indictment did not show that the accused, through their actions of damaging a cultural monument, caused significant harm to the interests of the State or society, nor in which way this harm was manifested. Therefore, it decided to terminate criminal proceedings against the accused under Part 1, Section 229 of the Criminal Law (VRC Case materials). Consequently, the offender was eventually not charged with damaging a cultural monument, but rather only Part 3, Section 228 of the Criminal Law (desecration of graves).

Besides, unassessed losses and unclaimed compensation for the emergency conservation of the archaeological site resolves in a later obligation of the owner at his/her own expense. The Protection Law states that *conservation, maintenance, renovation and restoration of a cultural monument shall be performed by the owner (possessor) of the cultural monument at his or her own expense.*⁶¹ However, in practice, if the owner is not guilty for the damage caused, the NCHB does not request emergency conservation from the owner, but rather engages specialists from the NCHB to perform the necessary activities within the capacity of the authority (AHD Answers). In certain cases, archaeologists, pupils and volunteers are engaged in these works, which may take place years after the damage was caused ([...] *archaeologists, together with pupils and volunteers, [conducted] archaeological research in the ancient burial grounds of Login. Hillock cemetery is located in Vilaka region and **four and a half years ago** most of it was destroyed by illegal diggers* (Lrtv.lv, 2019)).

Analysis of criminal cases

Criminal case No. 11817006218; archive No. K73-1745-19

Judgment of Zemgale District Court as of 17 July 2019, case No. K73-1745-19/22

Facts of the case

In August 2018, the NCHB received an email stating that the online Latvian Collectors' Forum contained information about a YouTube video where a person was seen with a metal detector looking for and unearthing a medieval burial place. Based on the provided information, the NCHB identified and fixed damage done to the State-protected cultural monument of local significance; Klibju medieval cemetery. A subsequent inspection of the site found 61 pits, whose character was suggestive of a search for historical artefacts using a metal detector (ZDC Case materials), with 55 such pits being located upon the territory of the cultural monument and 6 within the protection zone (ZDC Case materials). The NCHB asked the State Police to initiate criminal proceedings based on Part 3, Section 228 (looting of objects in graves) and Part 1, Section 229 (damaging of state-protected cultural monument, if substantial harm has been caused) of the Criminal Law.

In October 2018, the State Police initiated criminal proceedings under Part 3, Section 228 (looting of objects in graves) and Section 229.¹ (storage of State-owned antiquities) of the Criminal Law (ZDC Case materials); the NCHB was recognized as a victim (ZDC Case materials).

⁶¹ Part 1, Section 24, Protection Law

Findings of relevance in the case materials:

Damage assessment. Within the criminal proceedings, the NCHB applied for compensation of damages caused to cultural and historical value of the archaeological monument in the amount of *at least* EUR 21,675, comprising of loss of material value in monetary terms, i.e. EUR 18,105, and loss of scientific value, i.e. EUR 3,570.

1) Material value. It was concluded during the inspection that 51 graves were damaged by the 55 pits made on the territory of the cultural monument (the damages caused by digging on the territory of the protection zone of the cultural monument were not considered).

Taking into account the above, the LNMH⁶² stated that the lowest insurance value of one burial of the medieval cemetery in 2006 (the last time a chronologically comparable burial inventory was legally exported and therefore insured by the museum) was EUR 355, which was taken by NCHB as a basis for assessing material damage caused to the cemetery.⁶³ Therefore, the total material value of the damage was calculated as a multiplication of the total number of burials damaged (51) and the value of one grave (EUR 355 per burial), giving an amount of EUR 18,105.

2) Scientific value. For a monetary assessment, the NCHB referred to information provided by ILHUL, where the costs of basic analysis for anthropological material of one grave are cited in the amount of EUR 70⁶⁴ (ZDC Case materials). Therefore, the total loss of scientific value of the particular archaeological monument is EUR 70 per burial, multiplied by the total number of burials damaged (51), giving an amount of EUR 3,570.

Re-qualification of the offence. During the investigation, the offence was partially re-qualified from Part 3, Section 228 (looting of objects in graves) to Part 1, Section 229 (damaging of state-protected cultural monument, if substantial harm has been caused), with criminal proceedings later being in part terminated for Part 1, Section 229. Thus, finally, the offender was only charged with illegal possession (storage) of State-owned antiquities (Section 229.1, Criminal Law; ZDC Case materials). Taking into account the amount of initial compensation applied for by the NCHB (the victim), which exceeded the criteria of 10 minimal monthly wages (Part 2, Section 23, Criminal Law Enforcement Act), the grounds for re-classification and later in part termination of the proceedings for damage of a cultural monument remain unclear from the case materials.

⁶² The LNMH possesses the analogous objects in its collections.

⁶³ It should be noted that the NCHB refers to the letter of the LNMH as of 2015, which in its turn refers to the insurance values of 2006, with no coefficients applied or other additional calculations provided.

⁶⁴ It should be noted that the NCHB refers to the letter of the Historic Institute as of 2015, with no coefficients applied or other additional calculations provided.

Taking into account the fact that the proceedings were in part terminated for Part 1, Section 229 of the Criminal Law, the NCHB no longer maintained (i.e. withdrew) its request for compensation in the indicated amount for the pits dug in the Klibju Medieval Cemetery (ZDC Case materials);

Admission of guilt and punishment. The prosecution ended with an agreement for an admission of guilt and a punishment concluded between the prosecutor and the accused person, which was subsequently reviewed and approved in a written procedure by the court. According to the agreement (ZDC Case materials), the accused person admitted guilt of committing the alleged lesser serious crime – namely that they committed the illegal acquisition, transfer and possession (storage) of state-owned antiquities in the total amount of EUR 839⁶⁵ – in full, thus committing a crime covered by Section 229.¹ of the Criminal Law. Additionally, this agreement documented the existing aggravating circumstance; i.e. that the criminal offence was committed out of a desire to acquire property.⁶⁶

It is unclear from the case materials why the losses of material and scientific value calculated by the NCHB within the criminal proceedings were not taken into account. Even though it might be due to the re-qualification of the offence mentioned above, it seems that the damage caused by the offender was not redressed.

Final decision of the court. The prosecutor and the accused person agreed on the punishment – community service in the amount of 150 hours (ZDC Case materials). The court later approved the agreement bargain and associated punishment (ZDC Judgment).

Criminal case No. 11817004716;

Judgment of Vidzeme District Court as of 10 April 2018, case No. K71-0249-18/25

Judgment of Vidzeme Regional Court as of 13 December 2018, case No. KA05-0099-18/13⁶⁷

Facts of the case

In July 2013, during the inspection of the State-protected archaeological monument of State significance – the Asari ancient burial ground – the NCHB⁶⁸ fixed

⁶⁵ According to the protocol of the NCHB's Archaeological Antiquities Evaluation Commission, the value of archaeological antiquities received for evaluation within criminal proceedings shall correspond to the insurance value which is determined by a commission from a specific state-accredited museum (ZDC Case materials). The LNMH evaluated 28 archaeological antiquities in question, evaluated at a total amount of EUR 839 (ZDC Case materials).

⁶⁶ Par.11, Part 1, Section 48, Criminal Law

⁶⁷ This is, as of August 2020, the only case that has ever been reviewed by the court of appeals under the criminal law norms concerning cultural heritage protection.

⁶⁸ Until 2018 known as the State Inspection for Heritage Protection

damage caused by searching for and removing archaeological antiquities from the ancient burials with a metal detector (VDC/VRC Case materials).

State police initiated criminal proceedings under Section 229 (destruction and damaging of cultural monuments) and Section 228 (desecration of graves and corpses) of the Criminal Law⁶⁹ (VDC/VRC Case materials).

According to the Judgement,⁷⁰ the accused person was *[for] more than 10 years engaged in collecting antiquities, which he dug out of the ground. He had also excavated antiquities in ancient cemeteries. He knew that digging in ancient cemeteries was forbidden; did not touch the excavated bone fragments, returning them back where he found them, but took only antiquities* (VDC Judgment). The accused person had also traded antiquities on the internet from 2014 to 20 June 2016 (VDC Judgment).

Findings of relevance in the case materials:

Damage assessment. Within the criminal proceedings, the NCHB applied for compensation of damages caused to the cultural and historical value of the archaeological monument to the amount of at least EUR 17,784.47⁷¹ (VDC/VRC Case materials), comprising of loss of material value in monetary terms, i.e. EUR 14,918.81, and loss of scientific value, i.e. EUR 2,865.66. Justification for both types of values predominantly mirrors those analysed in the ZDC case above.

1) Material value. During the inspection, it was determined that the number of damaged burials corresponded to the number of pits and their size; a total of 6 damaged burials. The calculation of material value was based on the LNMH's letter as of 2013⁷² (VDC/VRC Case materials), equalling EUR 2,486.47 for one grave, which was taken by NCHB as a basis for calculating material damage caused to the cemetery. Therefore, the total material value of the damage was EUR 2,486.47 per grave (burial place) multiplied by the total number of burials damaged (6), giving a total amount of material damage of EUR 14,918.82.

2) Scientific value. The grounds of assessing damage caused to the scientific value of the archaeological monument is precisely the same as the

69 Wording of Sections as of 2016

70 With reference to interrogation file, VDC/VRC Case materials

71 The calculation was performed in October 2013, when the Latvian national currency was the Latvian lat (LVL). The total amount of damage was appraised at LVL 12,499.20 which was rounded down to LVL 12,499 and then exchanged into EUR at the fixed rate of 1:0.702804, thus totalling EUR 17,784.47. Further in the text, all sums will be correspondingly transposed into EUR for easier references.

72 According to the letter of the LNMH, the price of the objects was based on the insurance value of equivalent objects insured for exhibitions in Russia in 1999, Poland in 2007 and Latvia in 2012. No coefficients or other additional calculations were applied by the NCHB in reference to calculations for damage caused to scientific value in 2013 and later in 2016 (VDC/VRC Case materials)

one in the ZDC judgment analysed above, except for the actual value of the analysis of the anthropological material from one burial place, which was taken as a cost of total analysis (as opposed to basic analysis),⁷³ which, based on the information provided by ILHUL as of 2013, amounted to EUR 447.61⁷⁴ (VDC/VRC Case materials). Therefore, the total loss of scientific value of the particular archaeological monument was given as EUR 447.61 per grave (burial place) multiplied by the total number of burials damaged (6), giving an amount of EUR 2,865.66.

At the court hearing, the representative of the NCHB stated that the actual damage was much larger; however, the amount claimed was limited to that which could be claimed based on the existing case materials (VDC/VRC Case materials).

Decision in the first instance. The court of first instance found the accused person guilty according to Part 3, Section 228 and Part 1, Section 229 of the Criminal Law, determining a final penalty of 280 hours of community service. The court also decided to recover in favour of the State the requested compensation in the amount of EUR 17,784.47. Material evidence (archaeological antiquities obtained from the particular cultural monument, from other places, and those that were not archaeological antiquities (i.e. 17th century and earlier), as well as metal detectors) were to be confiscated.

Substance of appeal. The decision of the court of first instance was appealed by the lawyer of the accused in relation to the part of the sentence dealing with the material evidence. Objections to the appeal were submitted by the prosecutor and the NCHB (VRC Case materials), with both objecting to the return of the metal detectors.

Decision of the court of appeals. The court of appeals decided to reverse the judgment of the court of first instance insofar as it related to conviction pursuant to Part 3, Section 228 and Part 1, Section 229 of the Criminal Law, and to terminate criminal proceedings pursuant to Part 1, Section 229 of the Criminal Law. The judgment was also reversed insofar as it concerned the recovery of damages and as it decided on the action on evidence - archaeological antiquities and other artefacts dated to the 18th century or earlier.

Termination of proceedings. The court terminated criminal proceedings against the accused under Part 1, Section 229 of the Criminal Law due to insufficient evidence of significant harm caused to the interests of the State or society.

⁷³ It remains unclear from the case materials as to why the NCHB took the total cost of analysis of anthropological material in this case and only basic costs in ZDC case.

⁷⁴ It should be noted that the NCHB refers to the letter of the LNMH as of 2013, with no coefficients applied or other additional calculations provided.

Recovery of damages. Given that the archaeological antiquities that the accused looted from the cultural monument were confiscated and transferred to the LNMH, the court of appeals acknowledged that the judgment in the first instance should be reversed and that no compensation could be awarded (VRC Case materials). Taking into account that the requested compensation comprised of two elements – lost material and scientific value – it is unclear from the judgment why at least the loss of scientific value was not to be awarded.

Return of material evidence. The court of appeals further stated that, due to the fact that the collection of items other than antiquities (i.e., dated to the 18th century or earlier) in the Republic of Latvia is not forbidden by law, all such items were to be returned to the accused. It should be noted here that, according to Civil Law, those *who search for concealed property on the land of another person, shall not acquire any of or anything from the concealed property they have found, and all such property shall accrue to the person who owns the land.*⁷⁵ In the cases analysed in the article, no claims were put forward by landowners regarding artefacts dated to the 18th century or earlier found on their territory.

Final penalty. The court of appeals acknowledged that the accused was a person with a disability, who therefore, according to the Criminal Law, could not be punished with community service. Taking into account the above, the fact that the accused was finally incriminated only according to Part 3, Section 228 of the Criminal Law, and the fact that the court of second instance was unable to apply a more severe verdict for the accused and to apply imprisonment, the court finally applied a monetary fine in the amount of EUR 4,300, without confiscation of property (since there was nothing to confiscate from the accused) (VRC Judgment).

Criminal Case No. 11100009615

Judgment of Alūksne District Court (current title: Vidzeme District court (Alūksnē)) as of 30 November 2015, case No. K08-0176-15⁷⁶

Facts of the case

The regional inspector of the NCHB received information from a police officer about digging activity at a location which later, upon inspection, appeared to fall within the protection zone of a State-protected cultural monument; Asaru ancient cemetery. The offenders used metal detectors. They were arrested at the site.

State Police initiated criminal proceedings according to Part 1, Section 229 of the Criminal Law.

⁷⁵ Section 953, Civil Law

⁷⁶ The first case in the Republic of Latvia where a group of persons accused of Part 3, Section 228, Criminal Law for desecration of graves on the territory of state protected cultural monument received an actual penalty.

Findings of relevance in the case materials:

Newly found cultural monument. *Taking into account the specifics of archaeological ancient sites, the protection zones of archaeological and cultural monuments are determined taking into account the possibility of a substance of cultural and historical value in connection with the specific archaeological and cultural monument [...]. Thus, the destruction of archaeological ancient sites in the protection zone of an archaeological monument affects the cultural-historical value (composition) of a particular archaeological cultural monument (ADC Case materials).* Based on the objects found in the protection zone of Asaru ancient cemetery, a State-protected cultural monument, the NCHB assigned the status of a newly-found cultural monument to the territory where the illegal activities took place, and subsequently gave a name to the ancient archaeological site: Asaru Ancient Cemetery II.

Re-qualification. Due to the fact that the site was not considered a State-protected cultural monument at the moment of commission of the crime, the offence was re-qualified from Part 1, Section 229 to Part 3, Section 228 of the Criminal Law.

Damage assessment. In this case, the NCHB evaluated the damages caused to the newly-found object – the ancient archaeological site Asaru Ancient Cemetery II – as corresponding to the monetary value of the archaeological objects found at the archaeological site, equalling EUR 3,235⁷⁷ (ADC Case materials).

Decision of the court. All the three accused persons agreed to the extent and legal qualification of the offence committed, fully acknowledged their guilt of the criminal offence, signed an agreement regarding an admission of guilt and punishment with the prosecutor, being given 160 hours of community service each.

Final remarks

Limitations

The research conducted here has several limitations that should be taken into account. The main limitation relates to the lack of sufficient case law in Latvia that prevented the authors from undertaking a deeper analysis of the qualification aspects and effectiveness of assessment of substantial harm caused to archaeological monuments. According to the information available to the authors, this is the first research in Latvia dedicated to the applicability of Criminal Law norms regulating damage caused to archaeological sites. Therefore, there is an apparent lack of theoretical and practical foundation. Besides, Section 229.¹ of the Criminal Law

⁷⁷ The total value of the antiquities was based on the insurance value of equivalent antiquities in the LNMH's collections when they were transferred to the Moravian Museum (*Moravské zemské muzeum*) in the Czech Republic in 2013 (ARC Case Materials).

is a relatively new norm, so more time is required to test its effectiveness in cases of illegal actions involving State-owned antiquities.

Conclusions and recommendations

The Latvian legal framework concerning protection of archaeological heritage against damage and illegal acquisition of antiquities is generally aligned to the on-the-ground situation (in certain cases it is possible to initiate criminal proceedings, forward them for prosecution and trial), but practical implementation of the legal norms presents challenges. These challenges include qualification of offences simultaneously under several Sections of the Criminal Law (e.g., desecration of burials and illegal acquisition of antiquities), aspects of proof (e.g., illegal acquisition and/or transfer of antiques), damage assessment, and application of appropriate penalties.

The analysis of criminal case materials and case law shows that no objective criteria for assessing damage have been introduced, i.e. material value of the damage caused to ancient burial grounds has been calculated only as an average insurance value of antiquities typically found in analogous burial grounds, thus causing the following imperfections:

- a) the value of antiquities typically found in analogous burial grounds is not determinative for all types of ancient burials, and value may therefore vary depending on the looted burial ground;
- b) other losses (e.g., expenses for inspection, documentation, putting in order the archaeological site (at least burial, reburial of mortal remains, etc.), losses related to impossibility of further research/potential use of the archaeological site) are not calculated, and no compensation for these is claimed. Besides, it is not clear, for example, at whose expense the destruction caused to the archaeological site is to be remedied, and who is to put in order for this, while transferring this task to volunteers is unjust. This makes it possible to conclude that the actual monetary damage is greater than that determined and claimed in criminal proceedings;
- c) no coefficients are applied to the insurance values of relatively old exhibitions.

Scientific value of the damage caused to ancient burial grounds has been calculated only in terms of the price of analysis of the anthropological material. It should be noted, however, that not only is anthropological material to be found in a grave, and therefore morphological and biochemical analyses do not reflect the whole value of the burial place.

This indicates that, in order to objectively assess the caused damage in monetary terms, it is necessary to develop and implement damage assessment criteria. These criteria have to be available and explained to the NCHB, law enforcement agencies, the prosecutor's office and the courts. The issue of public availability of these criteria is also important.

The application of Section 229 of the Criminal Law (destruction or damaging of a cultural monument) is inextricably linked with the cause of significant damage to the interests of the State or society. However, the examination of the criminal case materials and the case law shows that the material damage suffered is not objectively or exhaustively justified, thus creating difficulties in the application of the Section itself. Cooperation between the NCHB, law enforcement agencies and the prosecutor's office (preferably also the courts) is needed in order to develop and implement basic criteria for establishing significant harm (in non-monetary terms) related to the destruction or damage of cultural monuments.

Approximately 70% of criminal proceedings initiated under Section 229 of the Criminal Law (destruction or damaging of a cultural monument) have been suspended under Section 400 of the Criminal Procedure Law due to the impossibility of identifying the offenders. At least in part, this may be caused by the delayed provision of information to law enforcement agencies about the caused damage to cultural monuments, which makes it difficult to identify the offenders. Increasing the awareness of the owners of cultural monuments about the need to report the detected damage as soon as possible, while simultaneously strengthening the monitoring of the territory, could lead to greater success in the investigation of the relevant criminal offences. Another important factor would be the higher priority afforded by law enforcement agencies to investigations of the relevant offences.

Statistics on the damage detected in archaeological sites show that the most endangered sites in Latvia are ancient burial grounds (Kairiss, 2020). Thus, it is reasonable to assume that a significant proportion, if not most, of the antiquities that are illegally acquired and stored come directly from illegal excavations in ancient burial grounds. This, combined with the study of court practice, allows to conclude that a significant proportion of offences against the archaeological heritage can be qualified according to several articles of the Criminal Law, if antiquities have been illegally acquired from cultural monuments (ancient burial grounds). Obviously, the solution to the issue relates to the clarification and proof of the circumstances of the illegal acquisition of antiquities. This can be achieved, at least in part, through appropriate training and awareness-raising among law enforcement agencies, prosecutors and the courts.

A study of case law shows that offences in actual (active) burial grounds are subject to more severe sanctions than offences in ancient burial grounds, although in both cases the desecration of burials (modern or ancient) is at stake. Besides, in the case of ancient burials, the material damage caused is frequently greater, with damage also being caused to scientific interest. Obviously, the solution is to raise awareness among law enforcement agencies, prosecutors and the courts.

One of the most important factors in preventing and combatting crimes against cultural heritage is inter-institutional cooperation and exchange of information. If, for example, controls over items delivered through the postal service were to be strengthened and law enforcement authorities were informed about prohibited items, proof of illegal activity related to the transfer of antiquities within the framework of Section 229.¹ of the Criminal Law would be significantly facilitated. This indicates a current need for increasing the awareness of the institutions involved, as well as for providing training on relevant issues. Training and awareness-raising would allow *inter alia* the effective sharing of best national and foreign practice in the aspects of cultural heritage protection (including criminal law).

The facts that indicate unauthorized long-term economic activity in the territory of archaeological monuments reflect on the one hand the ignorance or lack of information of the owners of cultural monuments, while on the other the possible insufficient monitoring of the situation by the responsible institutions. Owners of land (cultural monuments) may be in a difficult economic situation, so they want to broaden their economic activities as much as possible. It is likely that this situation cannot be effectively addressed through bans and restrictions alone, and so a dialogue needs to be developed between landowners, responsible public authorities and municipalities, in order to provide appropriate support to landowners and prevent unauthorized economic activities from affecting archaeological sites. It is important that the landowners' perception of archaeological monuments on their land is changed from that of a burden or hindrance to economic activity to one of socio-economic opportunity provided by such monuments.

Offences against cultural heritage pose a significant threat to the public interest, not only from a legal and cultural-historical point of view, but also from a socio-economic point of view. If a castle mound is destroyed, it does not mean that only a specific castle mound or its direct owner has suffered, as various interests of stakeholders at the local, regional, and even national and global levels may be affected. These interests can encompass not only economic (e.g., attracting tourists), but also social, symbolic, environmental and other aspects (Kairiss, 2020; Kairiss, Olevska, 2020). An analysis of the case law shows that, at present, compensation covers only material or scientific damage caused to a specific archaeological site, but the range of interests affected is wider. In view of the above,

further research should be carried out, with the aim of extending the concept of serious harm caused by criminal offences to difficult-to-quantify but important socio-economic interests.

Abbreviations used

Latvian Administrative Violations Code	Latvian Administrative Violations Code of the Republic of Latvia
AHD Interview	Interview with the Head of Archaeological and Historic department of the NCHB
AHD Answers	Written answers submitted by the Head of Archaeological and Historic department of the NCHB
AJ Interview	Interview with Andrejs Judins, the Head of Criminal Law Policy Subcommittee of the Legal Committee of the Saeima (Parliament of the Republic of Latvia) from 11.12.2018
Amendments to Criminal Law	Draft law "Amendments to the Criminal Law" addressed to the Parliament Presidium, as of 1 June 2017
Annotation 2014	Preliminary Impact Assessment Report of the Draft Law "Administrative Violations Procedure Law" of 2014
AR	Annual work report of the State Inspection for Heritage Protection (from 2018 the National Cultural Heritage Board)
ADC	Vidzeme District Court (Alūksnē) (Former title: Alūksne District Court), criminal case No. 11100009615, judgement in case No. K08-0176-15
CA Information	Information received from the Court Administration
Cabinet Regulation 241	Cabinet Regulation No. 241 adopted 29 April 2003 "By-Law of the Ministry of Culture"
Cabinet Regulation 474	Cabinet Regulation No. 474 adopted 26 August 2003 "Regulations Regarding the Registration, Protection, Utilisation and Restoration of Cultural Monuments and the Granting of the Status of an Environment-Degrading Object"
Cabinet Regulation 916	Cabinet Regulation No. 916 adopted 9 November 2004 "By-law of the National Cultural Heritage Board"
Civil Law	Civil Law of the Republic of Latvia
Civil Procedure Law	Civil Procedure Law of the Republic of Latvia
<u>Criminal Law</u>	Criminal Law of the Republic of Latvia

Criminal Law Enforcement Act	Law On the Procedures for the Coming into Force and Application of The Criminal Law of the Republic of Latvia
Criminal Procedure Law	Criminal Procedure Law of the Republic of Latvia
IC Information	Information received from the Information Centre of the Ministry of Interior
IC statistics	Criminal statistics of the Information Centre of the Ministry of Interior
ILHUL	Institute of Latvian History at the University of Latvia
Law on Administrative liability	Law on Administrative Liability of the Republic of Latvia
LCS Information	Official information of the Latvian Court System available at manas.tiesas.lv
LNMH	Latvian National Museum of History
NCHB	National Cultural Heritage Board of the Republic of Latvia
NCHB statistics	Information received from the NCHB
PO Interview	Interview with a prosecutor from the Prosecutor's Office of the Republic of Latvia
SPCMR	State Protected Cultural Monuments Register
SP Information	Statistical Information submitted by the State Police
SP Interview	Interview with inspectors of the 2nd Department (combatting property crimes) of the Criminal Investigation Board, of Main Criminal Police Board of the State Police
Protection Law	Law of the Republic of Latvia on Protection of Cultural Monuments
VDC	Vidzeme District Court (Alūksnē), criminal case No. 11817004716, judgement in case No. K71-0249-18/25
VRC	Vidzeme Regional Court
ZDC	Zemgale District Court (Bauskā)

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The Gods die in museums

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ABSTRACT

Recently, Johannes Neurath's book, titled *Subdue the gods, doubt the images* (2020) was published, which, among other things, warns that, in the archaeological museums of Mexico, including the National Institute of Anthropology and History of Mexico City, there has been an "ontological mistreatment" of the sacred images of the pre-Hispanic era through their removal from their original locations and indistinct placement in large and cold rooms packed with monoliths, without any consideration for the fact that some were – and continue to be – images bestowed with power and influence by many communities today.

KEYWORDS

Ontologies; Museums; Gods; rituals; visitors

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As an archaeologist, I am already aware that many of our classificatory methods are undertaken regardless of the absurdity that they may give rise to in the short and medium term: for example, when identifying a pre-Hispanic burial, we almost instinctively devote ourselves to drawing, recording and removing it from its place of origin by wrapping each of its parts in aluminum foil. The operation is considered to have been completed successfully once we have assigned a number to the burial and then placed it in a basement for time immemorial, while the gathered bones slowly turn to dust.

The problem with this “procedure” is that, except in extraordinary cases (in which the specimen exhibits unique pathologies, deformation practices, regenerations, etc.), it should be considered absurd to remove a human skeleton to then simply condemn it to oblivion in a cellar, while at the same time disregarding the fact that, at the time of interment, the body was the subject of sacred treatment, that it was mourned, anointed and consecrated to the deities, in a space that was also sacred. Therefore, we should consider being more professionally respectful and think about on-site sampling and recording solutions, as is done in the United States with NAGPRA.¹



Fig. 1: The museum death of deities occurs when they are denied their influence. Photograph from the official website of INAH.gob.mx

¹ Since 1990, federal law has provided for the repatriation and disposition of certain human remains, funeral objects, sacred objects, and objects of cultural heritage of Native Americans. In enacting NAGPRA, Congress recognized that human remains of any ancestry "must be treated at all times with dignity and respect." Congress also recognized that human remains and other cultural items removed from federal or tribal lands belong, first of all, to direct descendants, Native American tribes, and Native Hawaiian organizations. With this law, Congress sought to foster an ongoing dialogue between museums and Native American tribes and Native Hawaiian organizations and promote greater understanding among groups while recognizing the important role museums play in society by preserving the past (NAGPRA: 2021)

In this sense, I agree with Hamilakis that we are a strange species of professionals who have been educated in a visual sensory world, which favors “evidence” to the detriment of that which cannot be seen, touched, quantified and demonstrated. We are victims of what he terms an “epistemology of evidence” (2015: 20). Blanca Cárdenas’s remark reflects a similar way of thinking, when she reminds us that, although it is not evident, the ritualism surrounding images and figures of gods undertaken by the communities existed – and in many cases continues to exist – largely in order to invoke respect for their capabilities and powers, and this fact alone should force us to imagine other ways of exhibiting them (Cárdenas 2021).

Now, in museographic terms, we must point out that once these deities pass through the filter of the museum/academia, they become the subject of a conversion that transforms them from a corporeal ritual image to a patrimonial object guarded by the State, all while passing through a series of crossed intellectual operations undertaken through the lens of the hierarchical, linear and chronological thinking of the modern academic, a phenomenon that we will analyze below.

The result of these actions is what we have termed “museum death”, with the creation of large and cold galleries of monoliths duly sanitized and dispossessed of all their capacities and symbolic powers, separated from their worshippers, their shamans and their communities of origin. In return, these monoliths are given a showcase and special lighting, along with an abstract card that indicates their origin, temporality, shape and type.

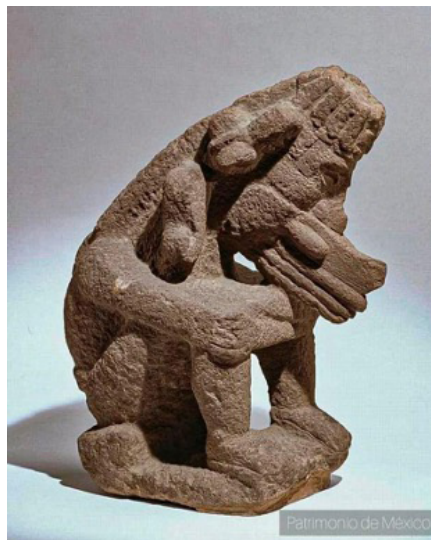


Fig. 2: Sacred images separated from their abilities, influence, worshippers and shamans. Photograph courtesy of the Philadelphia Museum of Art.

A case that comes to mind is the teponaztli of Tepoztlán, Morelos State, which was signified by the local community as a living creature, corporeal and capable of action, which, according to the tradition of the town, dates back to pre-Hispanic times. Its discovery was – and continues to be – considered key to maintaining the good health of the current Tepoztec communities. However, this little “wooden god” was transferred by government decision to the National Institute of Anthropology and History of Mexico City as heritage, with the authorities of the National Institute of Anthropology and History providing a replica to the town of Tepoztlán in return.

In the Tepozteca tradition, it is said that this replica tried to flee at dawn to meet the original teponaztli, which is why its front legs have been cut off, which attests to the psychic powers that the local inhabitants attribute to these objects.

The same occurs with the objects of the offerings, which, according to the available ethnographic and ethnohistorical references, not only represented the gods, but were also key in attempts to contain the deities and the forces of the cosmos. To better illustrate these cases, we want to cite the work of López Austin, who tells us that during the Mexica New Fire Ceremony, the indigenous people used to remain in a perpetual state of anguish and expectancy, looking towards the Cerro Huizachtepetl, and awaiting the arrival of the new sun, “warning that, if it did not rise, many grinding implements, such as metates and molcajetes, would come to life and reveal themselves to their owners” (personal communication, during an interview at IIA-UNAM 2014).

Another example comes from Preus’s ethnographic work among the Huichol and Coras, where the Huichol pilgrims transform themselves into their own ancestors embodied in objects such as bowls (women) and arrows (men): this is not a simple metaphor, but rather a form of presentification. In this same ritual pilgrimage, the Huichols ask the gods to sit down and rest, offering them chairs, mats or beds, since they believe that it does not bode well for anybody if the gods move around too much (1998).

He warns that these precautions are necessary, since there is always the risk that fire will spread from the campfire, “or the gods will come out of their gourds or beds, and that the statues will come to life and fly out to attack people” (Johannes 2020, citing Preus).

On the other hand, in Teotihuacan, Von Winning pointed out the existence of some trees painted on the “Mural of the Tepantitla palace” (located east of the ceremonial civic center of Teotihuacan), where small characters can be seen living inside and among the roots, probably as a symbol of the soul of the tree or its psychic abilities (1987: 567).

Finally, we must not forget the “medical” practices known as “air games” in the present-day town of Tlayacapan, Morelos State, in which a small group of female

healer-shamans perform activities of “cleansing the spirit and evil eye” using a series of figures that, through ritual, come to life and ask the mountain gods to accept the bad air of the patient in exchange for food (Granados 2009).

These examples are enough to establish that not only the gods themselves, but also associated objects, could be key in complex negotiations with beings from other worlds, coming to life and having a will of their own, and even becoming deities themselves.

On the other hand, and returning to the subject of the theft of these deities as a result of archaeological exploration, we must mention that, on some occasions, the custody and safeguarding of these pieces by the Mexican state is fully justified, due to the endangerment of such objects’ physical integrity, but, on others, it is a procedural expropriation protected by the academic tradition “because it has always been this way”, while at other times still, it has been the product of the personal whims of politicians or officials of each government in turn.

Such was the sadly famous case of the monolith known as “Tláloc”, stolen from the Coatlinchán community, State of Mexico, to be placed next to the National Institute of Anthropology and History in Mexico City. In this regard, we must emphasize that this deity had remained semi-buried since pre-Hispanic times, and up to its removal, the local community of Coatlinchán used to offer it corn, flowers and seeds of crops from the previous year to ask for rain or to give thanks for the previous year’s harvest.

Removing Tláloc or Chalchitlicue from that community can be considered a form of the above-mentioned mistreatment, and essentially a form of looting; this time internal, legal and on behalf of the nation, but with the same victims as always: the community (Delgado 2021b).

Given this, it seems pertinent to ask ourselves: Would a visitor interested in the pre-Hispanic history of Mexico prefer to see this monument in its place of origin with the local cults, or would they prefer to continue seeing it alongside an avenue beside a parking lot?

A comparable case occurred in the small community of Eleusina in Greece with the sculpture of the goddess Eleusis, a Greek deity rediscovered in the late 17th century by the local community, and the subject of agricultural rituals. Hamilakis describes how offerings of animal excrement, symbolizing agricultural manure, were made to this semi-buried sculpture. It did not take long for such a practice to scandalize the academic community of the 20th century, with conservators declaring that the sculpture was at risk, an argument that was used to justify its transferal to National Archaeological Museum in Athens, where it can be seen today alongside hundreds of other perfectly clean monoliths, but dispossessed of all its sacred ties (2015: 59).



Fig. 3: Relocation of the monolith known as “Tlaloc” to the National Institute of Anthropology and History, a televised event. From <https://www.maspormas.com/ciudad/tlaloc-en-el-museo-de-antropologia/>

The passive worshipper and the proactive worshipper

For some authors, the problem we describe here is not procedural, but rather reveals a structural collision between two different ontologies: the community versus the academic-institutional, a description I generally agree with. But, to further develop this argument, I want to start by saying that an initial difference is the way in which we perceive the cosmos. For many contemporary scholars, the Mesoamerican cosmos is very similar to the Greek cosmos, that is, a great family of gods plagued by personal tragedies, but with rules that they themselves abide by and whose principles they respect to maintain order (Alsina 1991).

These scholars celebrate an ordered, dual and complementary cosmos, which is why they conceive of the worshipper as passive, reverential and minuscule in relation to their gods (in a conception also similar to that of the Catholic faith). When thinking about this type of worshipper, it is perhaps the case that the academic or museum designer conceives worshippers as static and undifferentiated entities.

Running counter to this is another current, headed by Johannes Neurath, to which I ascribe myself, which postulates that the Mesoamerican cosmos does not conform to this order, but is rather an unstable, uncertain cosmos, full of ruptures and with forces that threaten to break out of control and affect the communities. For this reason, Neurath describes a proactive believer who has to use rites, objects and practices to contain, condense and control these forces (2020). In this case, the believers are proactive worshippers, often represented by the figure of the shaman.

As an example of this proactivity, we want to cite the research of Leopoldo Trejo (2015) with the healers of the southern Huasteca, in the Mexican state of San Luis Potosí, who cut effigies out of paper to offer to the different gods, who are hungry and desire to take the bodies of humans. These healers are key to alleviating the anxiety of the gods.

Another example comes from Teotihuacan, where a small community museum can be observed attached to a restaurant located just behind the Pyramid of the Moon, and managed by Mrs Ema Ortega, who often places a series of offerings on the floor, intended to correct or restore the forces and energies recklessly released by all the archaeologists who have broken into sacred places within the archaeological site, without even realizing their “insolence”.

Finally, Fujigaki (2015) points out that such rituals are not always celebratory, but may also be intended to question the deities themselves, and can even annul or ritually kill them, a fact possibly attested to by the marble sculptures broken into hundreds of pieces in the palace complex of Xalla Teotihuacan (López et al., 2004).

Our ritual syntheses

Another possible explanation for the mistreatment that is inherent within our academic/classificatory system is our categories of form-function analysis that we usually use to “identify” Mesoamerican deities, which are clearly reductionist, as pointed out by Neurath (*ibidem*).

The “naturalists”, represented by scholars who reduce the ritual action of a deity to a simple association with some element of nature, for example, associate a mask with fangs before its eyes with the god of water, a hunched old man with the god of fire, a bird’s beak with the god of wind, a woman with corncobs with the goddess of corn, and so on.

With what has been stated so far, we need to ask ourselves an important question: What is the underlying explanation for the academic or museum designer’s reluctance to accept the ethnographic approach to deities, and incorporating this

into the museological process? To try to give an answer, we start from the premise that, at the ontological level, our common sense has been colonized by the modernity of the West, which is underscored by the idea of a linear, chronological and historical time. We presume ourselves to be scientists, and we do not believe in ritual or religious magical thinking, because we believe that each community of believers ended with its own era.

However, Mesoamerican peoples and communities believed that time was a circle, where the same spirit would continuously start new cycles. According to this concept, the dead went through different stages, and faced numerous challenges in the hope of transcending and returning in a new manifestation (López Austin personal communication 2018).

Within this cycle there was also a mythical time, very remote, in a “time before time”. Here, Mircea Eliade tells us that Mesoamerican calendars tried to establish dates for the performance of rituals, festivals and ceremonies that would allow us to recreate the times of the beginning or end of a cycle, sometimes related to the formation of the social group (Eliade 2009).

But approximately three centuries ago, Western civilization broke with this idea, and a social order appeared on the scene that wanted to believe itself to be the creator of history, and with this, the conception of time underwent a transcendental change, since the belief in a linked linear time was imposed, along with the notion of indefinite progress.

This idea was reinforced by the appearance of monotheism and the Bible, in which we observe a linear history that begins at the moment when God makes a pact with the Israelites to seek the Promised Land, in which material and earthly time will never return.

Then an event occurred that affected our common sense and evolutionism, with Charles Darwin and his famous *Origin of Species* postulating that humanity as we know it arose on the planet through chance, adaptation and survival, as opposed to by means of a metaphysical force or will of an omnipotent being, as had been believed up until that point. In this same sense, Marxism also took up Darwin’s linear idea, pointing to religious rituals as “the opium of the masses” and promoting humanity’s conquest of nature through work, technique and technology.

Perhaps these are the seeds of our secular scientific thinking, which lead us to disqualify or folklorize any form of ritualism towards the gods, symbolism and cyclical beliefs of transcendence.

Conclusions

After what we discussed so far, a clarification becomes necessary: I am not ignoring the role of the Mexican government as a custodian and guarantor of these vestiges, or the public and social usefulness established by law, and even less so the creation of institutions that study, showcase and safeguard pieces.

What I am saying is that the policy of removing and gathering archeological objects is an obviously neo-colonialist concept that, as before, does not recognize the cultural plurality of the country and ignores the right of communities to be consulted before such actions, as conferred by the Political Constitution of the United Mexican States and Convention 169 of the International Labour Organization:

IX. Consult indigenous peoples' opinion and recommendations while preparing the National Development Plan, the State plans and the local plans and, if appropriate, incorporate their recommendations and proposals. (Political Constitution of the United Mexican States 2020: Article 2)

Additionally, Article 4 mandates the Mexican government to recognize the cultural plurality of the nation and its right of cultural expression:

Every person has cultural rights, has the right of access to culture and the right to enjoy state cultural services. The State shall provide the means to spread and develop culture, taking into account the cultural diversity of our country and respecting creative freedom. The law shall provide instruments that guarantee access and participation of any cultural expression. (Ibidem: Article 4)

For this reason, and to address the arguments that could be used against these mandates, I want to point out that nowhere in the Constitution or in federal and state laws regarding monuments and archeological sites is it mentioned that the Mexican government has the right to relocate or gather pieces in Mexico City or state capitals without previously consulting the peoples and communities concerned.

However, is a strategic return of a few pieces to their communities of origin possible, as a symbol of a new era in the relationship between the National Institute of Anthropology and History and civil society?

Not only is the answer affirmative, but it also has already been done. Therefore, I will below present three cases that happened from 2020 onward, which can be taken as signs of changes in our way of maintaining and understanding archeological museums:

CASE 1.- The National Institute of Anthropology and History returns pre-Hispanic original pieces to the bottom of the Nevado de Toluca lake.

2020: 52 ritual objects made of copal (a type of resin) that had remained under scientific investigation for more than a decade were put returned to the site where they were discovered in 2007 by experts from the National Institute of Anthropology and History: at the bottom of the Luna lake, inside the crater of the Nevado de Toluca, more than 4,000 meters above sea level.



Fig. 4: Returning sacred artifacts to the bottom of Luna lake. Photograph from the official website INAH.gob.

From pre-Hispanic times, the present-day Nevado de Toluca National Park, with its 53,590 hectares, has been a sacred place seen as a deity that gifts water and endows the soil with fertility. An idea that, as ethnographic study has demonstrated, persists in the beliefs of many indigenous communities, who see the mountains as places that provide food, water and abundance.

In addition, small archeological sites have been discovered on the sides of the crater as well as all around the volcano, which may have been “altars” where people would stop for a moment on their way to the lakes, which they would perhaps visit to ask or thank for a good harvest.

According to the National Institute of Anthropology and History, Mario Castañeda Rojas, director of the National Park, trusts that the same people who petitioned for the return of the pieces will be the first to ensure that they are protected, even though the institute urges tourists to research the specificities of the protected natural area before any visit: these include recommendations about the altitude and environmental conditions, as well as the rules issued by the National Commission on Protected Natural Areas to protect this precious heritage site (INAH 2020a).

CASE 2.- Fossil material from a glyptodon is returned to its place of origin in Puebla

2021: Fossil material from a glyptodon, a giant species of armadillo, was found in 2017 in the Analco neighborhood of Santiago Tenango and, after being extracted by researchers Zaid Lagunas and Sergio Suárez in 2018, was secured, reconstructed and studied in the National Institute of Anthropology and History annex of Puebla, finally being returned last year to its neighborhood of origin, Analco.



Fig. 5: Return of fossil material to the Analco neighborhood, Puebla, by the National Institute of Anthropology and History. Photograph from the *La Jornada de Oriente* newspaper.

On this subject, Iván Alarcón Durán, a paleontologist from the National Institute of Anthropology and History, notes that the return of this fossil “is really iconic”, as it helps put an end to the idea that the National Institute of Anthropology and History “owns” heritage, when in reality it is the institution that protects, studies and displays this rich heritage. (Photograph 5)

He notes that while it was kept at the National Institute of Anthropology and History annex of Puebla, a local association conducted a series of administrative and operational tasks, until it became a contributing organization, which allowed it to be trusted with the artefact, and to subsequently display it in a space made available by the community.

Likewise, it demonstrates the paleontological wealth of the Valsequillo area as, from the 1960s onward, important megafauna discoveries numbering at least 15 animal species have been made in its ancient wetlands: from carnivores like the Pleistocene wolf and the sabre-toothed tiger, to the large proboscidean herbivores like the mammoth, gomphothere and mastodon, making it an area of great biological diversity (La Jornada 2020).

CASE 3.- The remains of the Red Queen return to Palenque.

2020: The skeleton of the Mayan sovereign was returned to Palenque, Chiapas, after 18 years of physical anthropological study. It was discovered in 1994 and, according to the latest results, the remains may belong to the wife of Mayan ruler Pakal, and not to his mother as previously believed. After extensive study in a laboratory in Mexico City, the bone remains of the Red Queen were returned to the Mayan city of Palenque, Chiapas, where they were discovered in 1994.

After the completion of the skeletal analysis and the presentation of the results, made public both in various publications and a documentary, the National Institute of Anthropology and History decided that the remains should be returned to Palenque, in accordance with the policy of keeping everything that is discovered in its archeological area of origin, in order to avoid the scattering of pieces across multiple collections and museums, declared archeologist Emiliano Gallaga, director of the National Institute of Anthropology and History annex of Chiapas. (INAH 2020b).

Based on what has been presented and discussed above, we believe that a federal program of strategic and organized devolutions is possible, a program that would take into account the cultural rights of the communities as stated in Articles 2 and 4 of the Constitution and that would become a symbol of a new era in the relationship between the National Institute of Anthropology and History and civil society, pushing for the creation of clear mechanisms of co-participation and co-responsibility.

Above all, however, it is now necessary for us specialists in anthropology, ethnology and museography to discuss, imagine and implement new strategies to include ethnographic perspectives in current exhibitions and, if need be, to also incorporate an ethnohistoric perspective.



Fig. 6: The remains of the Red Queen are returned to Palenque. Photograph from the official website INAH.gob.

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Objects as battlefields in the struggle for civil rights: The archaeology and analysis of contemporary material culture and heritage in Chile

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On October 18, 2019, Chile joined a local and global phenomenon, when a popular movement exploded following student protests over an increase in public transportation fares in Santiago, the capital. Since that day, the streets have been home to public defiance of the foundations of neoliberalism. The neoliberal system was established during the dictatorship of Augusto Pinochet, and has intensified in the subsequent years of democracy, fomenting economic and social inequity.

In Chile's case, this social phenomenon, dubbed by the people as *Revuelta* (Revolt), *Estallido* (Eruption), or *Despertar Social* (Social Awakening), has a material correlate, analyses of which allow us to place ourselves within the social, political, and cultural dynamics that are playing out in the streets. In the trash bins on main streets, popular protests and subsequent police repression are reflected in the remains of spoons and pots from so-called *cacerolazos*. These kitchen implements took on a new significance as instruments of protest,¹ joining other objects in the trash, including the small bullets and tear gas canisters that the police use on a daily basis to repress the protesters.

¹ *Cacerolazo*: A manner of protesting that consists of banging a pot or pan with a spoon (typically made of wood) or other object. The origin of this style of protest is unclear, but in Chile it can be traced back at least to the *Marcha de la Cacerolas Vacías* (March of the Empty Pots) in 1971 (Crummett 1977). It originated with women's groups protesting Popular Unity's leftist government, using domestic objects related to food to signify the lack of food (Matterlat 1975, Crummett 1977). Later, the *cacerolazo* was repurposed to be used against the dictatorship (Telechea 2006). This type of protest also has been documented in other countries, including Argentina and Colombia (Telechea 2006, Equipo Jurídico Pueblos 2020).

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Although these objects usually are considered trash, their value is being recognized. The public has raised them up in acts of remembrance and resistance to memorialize the cost of police repression since October 18,² with such items inviting a contemporaneous archaeological analysis.

As another form of protest that has gained popularity, graffiti of diverse slogans related to the protesters' demands cover the city's walls and monuments. Depending on their location, the graffiti are constantly painted over by local political authorities, generating a symbolic struggle of painting and repainting, a stratigraphy that reflects the conflict between the protesters' demands and the prevailing political system.

This tension has been demonstrated explicitly on several national monuments in Chile. For example, a number of very old churches have been set on fire, and statues of conquerors and military heroes have been damaged and even removed from public spaces by protesters. One of the most emblematic cases of late involved a monument to General Manuel Baquedano located in Baquedano Plaza, popularly known today as Dignity Plaza, the epicenter of the social protests.

The monument to General Baquedano itself is a battlefield, pitting different aspects of traditional ideas against each other. Baquedano participated in Chile's northern and southern expansion in the nineteenth century, leaving thousands dead, principally Mapuche people and rank-and-file soldiers.³ Considering this history, the protests around this monument represent an active societal examination of the country's historical debt to its native people and its workers.

An example of this reckoning was the installation across from Dignity Plaza of *rewes* (Mapuche altars), which bear great importance within the Mapuche community. The *rewes* were removed during one of the constant monument "cleanings", while the monument to General Baquedano remains in place, its multiple layers of paint laid one over another as testimonials to the opposing bands of protesters and state power seeking to preserve hegemonic ideas of cultural heritage⁴.

At the same time, the monument has relevance not only due to whom it represents, but also primarily due to its location in Dignity Plaza, which historically has been the site of social protests (Orozco 2018), particularly after the return to democratic government in 1990. Dignity Plaza also has become the landmark

2 <https://villagrimaldi.cl/noticias/exposicion-de-fotografia-y-objetos-de-la-actual-revuelta-social-y-politica-chilena-se-exhibira-en-sitio-de-memoria-parque-por-la-paz-villa-grimaldi/>

3 Baquedano participated in the state-sponsored Campaign to Pacify the Araucanía from 1862 to 1883, which sought to extend the country's southern border and reduce the indigenous population.

4 The monument to General Manuel Baquedano was removed on March 12th 2021 for conservation and security reasons, according to the Consejo de Monumentos Nacionales (CMN), the state institution that cares about national heritage. A metal wall was installed around the statue's pedestal.

that geographically and symbolically separates the lower and middle classes from the upper class in a highly segregated city.

All of this material evidence leads us to question the role archaeology has played in perpetuating a hegemonic vision of the past, which in Chile has been built upon official history that highlights republican milestones since the nineteenth century and obscures much of the existing cultural diversity. Traditionally, this has left archaeologists to consider only some of this diversity, limited to the study of those societies in existence prior to the arrival of Europeans in America, disconnected from current society and relegated to the notion of distant past or "prehistory".

For this reason, we believe it is vital to reframe and redefine certain concepts that we use daily in our discipline, such as those of prehistory or historical archaeology. To endorse archaeology that relies on colonial and republican milestones as "history" means to continue denying and delegitimizing the history that predates the arrival of the Spanish, with peculiar, out-of-date processes that often eclipse or minimize the monumental archaeology of the Mayas, Aztecs, and Incas and that reinforce Western imperialist ideas. As such, in the context of the time in which we are living, we must be conscious of the term "historical archaeology" as a colonial concept.

As professionals in the area of archaeology and cultural heritage, we have witnessed how quickly social change mixes with material culture, in a constant interaction and tension across society, objects and space. In this way, material culture can be understood as a historical source (Hicks 2003). No longer simply a piece of the past, material culture is part of society, and therefore also part of modernity and post-modernity. It is in this context that material culture can be understood as "the social life of things" (Schávelzon 2002 p. 201).

This leads to a series of questions about how to include the public in determining what is recognized as cultural heritage and what is not, particularly with the understanding that archaeology regulates itself through scientific articles written in technical and inaccessible language. These scientific publications often are supported by public funding, yet remain exclusively within the same academic circles.

Additional questions arise about how we have recognized different communities and integrated them into history, and the value judgements inherent in that process, since our work often focuses on the past of others. This provokes other questions about how to avoid falling into indifference or condescension, and how archaeology can assume its role in revealing the diverse social spectrum beyond dominant binary concepts, including aspects of social class, ethnic diversity, age ranges, and gender identity, among others.

In recent years, archaeology has been evolving, thanks to the development of diverse approaches. Postcolonial approaches and intersectional studies performed through a gender lens, like queer/cuir theory, have given rise to challenges to the construction of the past. However, these remain the exception. Archaeology is relevant as a tool by which to analyze contemporary society in relation to its material and spatial perspectives, whose meaning varies depending not only on the time period, but also their social context. In this way, analyzing contemporary material culture, and the protests in particular, allows us to bring ourselves close to the various social movements of recognition and resistance, and leads us to challenge ourselves about archaeology's social responsibility.

Acknowledging our lack of clarity and contradictions, which have been amplified by new approaches to material culture related to social movements for civil rights, above all (since October 18 in Chile's case), and in the context of a pandemic that has raised more questions than answers, we believe it is imperative to reexamine certain concepts we employ, and all the perspectives and interpretations of our monuments and material culture in general, as well as the value judgments involved and our role in that process.

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:: Goldschmidt & Letelier - Points of You: Objects as battlefields... :: y5

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Figs.: Rubber shot cartridges and tear gas canisters used for repression. Marbles used by protesters against the police; Pot discarded as trash on the floor, remnant of a *cacerolazo* protest; Monument to *General Baquedano* during the protest.

Building heritage communities online: The experience of the Summer School Program 'Engaging Communities in Cultural Heritage'

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1. Introduction

The summer school program entitled 'Engaging Communities in Cultural Heritage' was held from 21 June to 5 July 2020, as part of the Executive Leadership Development in Heritage Management Workshops organized yearly by the Heritage Management Organization. This year in particular, the course was held entirely online due to the ongoing pandemic and subsequent worldwide responses that enforced preventive measures and social distancing. Amid these challenging circumstances, the 2-week program was successfully conducted, taking advantage of digital resources to materialize a syllabus designed to combine theoretical and practical perspectives regarding community engagement in heritage projects in Greece. The series of online meetings gathered 13 students from six countries in total (Greece, Iran, Kenya, Peru, Puerto Rico and Serbia) with different backgrounds and career experiences. This diversity enriched the dynamics of the workshop, where group discussions and assignments played a substantial role, and fostered a unique and fertile environment of intercultural and multidisciplinary work.

The relevance of capacity-building in heritage and community engagement is more than evident in the current global context of the pandemic. Firstly, it is necessary to raise awareness of local issues, but also to understand the varieties of experiences in other places in the world to gain a broader perspective that can lead to better-informed decisions. Secondly, the hiatus represented by the current lack of mass tourism and development projects is a critical moment to reflect on and rethink common heritage management issues, some of which originate in the

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inequalities stemming from structural deficiencies, such as the over-centralization of heritage in the hands of the state, governmental agencies or experts, and the exclusion of community participation. The program of the workshop favoured spaces of encounter with Greek cultural heritage and community engagement projects, particularly the Paros Festival on the Greek island of Paros, and offered students diverse opportunities to learn, discuss and think creatively together with professors and persons involved in such heritage-related initiatives.

2. The 2020 Workshop: form and contents

The workshop was composed of seven meetings of two-to-three hours (starting at 15:00 Greek time) held on the Zoom online platform. Each of these meetings comprised lectures on core topics given by professors: Evangelos Kyriakidis, Aris Anagnostopoulos, Lena Stefanou and Katerina Konstantinou, from the Heritage Management Organization, alongside reflections, group activities and presentations of assignments, with logistic support continuously provided by Ms Fotini Giannoulidi. Despite the challenges of conducting lectures and activities in a non-physical, purely virtual environment, the workshop benefited from the possibilities of working synchronically and asynchronously with digital tools. The meetings were held with the simultaneous participation of lecturers and students, with the possibility of screen-sharing enabled to display materials, as would be the case in physical class attendance. Students were able to discuss and exchange opinions when interventions were allowed, and to work in groups in Zoom's breakout rooms or Google Docs in a way that could equate to face-to-face interaction to a certain degree. The fact that a 'chat box' was available in the online platform helped the questions and answers to be organized in a manner that would not interrupt the flow of the class. This particular aspect engaged professors and students in an interactive way; questions posed by students in the chat box were answered as soon as the lecturer found a space for them, and many ideas were exchanged in this process.

The program of the summer school was comprehensive and provided a fertile ground for learning a variety of topics, approaches and tools that are essential for working in community engagement projects and for problematizing the contexts limiting the participation of communities in cultural heritage management. Each of the lectures presented the topics of community engagement, ethnographic methods, oral history, and digitization respectively, and shared a consistent corpus of theory and praxis: not only did they explore theoretical and methodological frameworks, but they also introduced professors' experiences with various forms of relationships between people and heritage through their research programs, art projects and museum curatorship. A particular case study that allowed

students to understand key concepts, assess context-based community engagement processes and develop activities for the workshop was the Paros Festival. This is a three-day cultural event celebrated every year on the Greek island of Paros, where local communities participate and engage in a variety of activities to explore and interact with the island's cultural values embodied in its tangible and intangible heritage.

Thanks to this structure, students could grasp fundamental concepts and reflect on the effectiveness, advantages, successes and ethical principles of certain tools when working with communities. Besides the online meetings with professors, students could access bibliographic references prepared by the organization on the Moodle platform, as well as the workshop's recorded lectures to reinforce the learning sessions. The workshop also represented an opportunity to foster skills central to an executive education, such as teamwork, communication, leadership, and innovation.

3. The perspective gained through the lens of Community Engagement and the role of Ethnography

Community engagement represents a means by which to democratize heritage and foment communities' abilities to have not only a say but also a central role in the management of their heritage; therefore, it paves the way for a more inclusive, multivocal and bottom-up approach to heritage. In the first lectures of the workshop, the principles of community engagement were explored through theoretical and practical perspectives. Understanding these principles is crucial to identifying the aspects that may become problematic in cultural heritage management projects, especially in those where participatory processes appear as a mandate of pre-established top-down models. In some cases, these projects assume communities to be agents by which standard procedures of management are fulfilled, or moreover, as a monolithic segment that will take responsibility for (their own) heritage while adopting imposed regulations. The lectures and assignments of the workshop allowed students to understand the diversity and complexity of communities as dynamic, context-dependent and variable agents, as well as to look into the key processes for identifying and working with them. It was emphasized that, since the varieties of communities' needs, priorities and expectations influence their views towards heritage or heritage management projects, it is important to consider that engagement should not be taken as a given, but instead it has to be worked toward and negotiated through an oftentimes long process. The adoption of community engagement, therefore, challenges the notion that communities blindly and passively assimilate heritage conservation frameworks. Such an engagement recognizes the divergent opinions and perspectives that

may not necessarily be aligned with heritage official discourses. Conversely, it offers a chance to build heritage management projects from real dialogue, consensus, and the dynamism of communities themselves, while avoiding exclusion and disenfranchisement. Furthermore, it represents an opportunity for communities to be actively involved in the different stages of heritage management, as in some cases they are legally impeded from participating in decision-making processes in the elaboration of heritage management plans.

The applicability of community engagement in cultural heritage management finds a necessary ally in ethnographic methods. In the early stages of the workshop, ethnography was introduced as an essential tool by which to approach and involve communities in cultural heritage projects given its principles based on an immersion in the community itself in order to observe, study and understand behaviours and points-of-view. Based on a hypothetical mapping of communities involved in the Paros Festival, students were able to learn the importance of audience segmentation to organizing and systematizing the population to be addressed for ethnographic research. Further insights were gained from the outcomes of projects conducted in Greece by the professors. A highly important lesson from this methodological approach was the pivotal role ethnographic research plays in giving invisible or marginalized voices a chance to be heard. Thus, ethnographic research for community engagement results in two major changes to the conventional way of managing heritage: (1) experts decentralize their role and authority in the interpretation, communication and management of heritage values, and (2) local communities are assumed to also be experts, repositioning them from stakeholders who have to listen to the main stakeholders who have to be listened to. In this process, heritage can serve to reflect on what truly matters and is important to communities, and also serve to enable spaces for co-creation and synergies for mutual benefits.

4. Digging into personal stories: the power of oral history

Alongside community engagement and ethnography, oral history also constitutes a means for the fostering of bottom-up approaches to heritage and for overcoming a monolithic view of the past and its material remains. When working in heritage or archaeology projects, experts usually position themselves on the side of an official discourse, which, besides silencing and excluding alternative visions from communities or non-official actors, disguises the multiple grounds of encounters, contestations or even conflicts in the heritage process. Oral history is not the antidote, but rather a chance to de-centre from official discourses by hearing the voices of actors from the local level and giving them roles as authors of history themselves. It also provides insights into how heritage, its values, and its

narratives, are entangled with memory and identity. The testimonies of oral history, together with their affective and emotional dimensions, are highly valuable to understanding history at a distance from the hegemonic perspective and from angles of very personal experiences.

Within the group activities, students explored the multiple layers of history and social processes intertwined in personal memories in an assignment that required the use of personal photographs. In another assignment, after being instructed on the principles of oral history and guidelines for interview questions, students were put into three groups to conduct interviews with three local residents of the island of Paros. As introduced in the lectures, any study based on ethnographic or oral story works essentially depends on the ways the researcher strategically defines their methods of entering a community and gaining access to informants. In this sense, and in order to follow a respectful approach as outsiders, relying on the support of a gatekeeper that helps the researcher to connect with informants is essentially an unavoidable step. This process was facilitated by the professors, who acted as gatekeepers for the students, and aided in the selection of the three interviewees, based on their networks and knowledge of their active involvement in the local cultural life and, more particularly, in the Paros Festival itself. The individuals who collaborated this time as interviewees were as follows: Mr Jeffrey Carson, a local promoter of arts and culture who has been based on Paros for over 50 years; Dimitra Skandali, a contemporary artist born and raised on Paros; and Monique Mailloux, a ceramic artist based on Paros. The teams prepared their own questions, taking into consideration the profiles of each of the interviewees and the ways their personal stories could be intertwined with the heritage values of Paros.

The interviews were conducted via the Zoom platform upon three different days assigned for each of the teams. Students could interact with the interviewees, asking questions in turns and developing wider conversations. Despite the lack of in-person interaction with the interviewees, the process went smoothly, and the questions were enthusiastically answered. One of the interviewees, Mr Jeffrey Carson, who is a US citizen permanently based on Paros, shared his memories of his arrival, engagement in the local cultural life and intellectual works in Greece. Through testimonies like this, students could read different layers of history, as well as the values and meanings of places, landscapes and practices for people living on the island. Furthermore, in getting to know these values, it was also possible to understand the preoccupations of local residents like Mr Carson regarding the impacts of mass tourism on local heritage and identity. Following the interviews, there was a session for the presentation of results and discussions on the technical aspects, considerations and challenges of video-recorded interviews.

5. The relevance of digital resources in the current context

The current context of the global pandemic is a critical moment to reflect on the inconsistencies of the *modus operandi*, as well as to reinvent habitual protocols, practices and tools. In this workshop, a particular locus of reflection was the relevance of the use of digital and multimedia resources for arts and heritage projects. In the past decade, digitization of heritage, tangible and intangible alike, has been an important initiative undertaken by museums, cultural institutions, research centres and similar in order to not only secure the documentation of places, collections and traditions but also to increase their public accessibility, exploration, outreach and awareness. Amid the pandemic, as many activities are migrating to virtual spaces, the continuity and sustainability of projects would be highly reliant on the use of digital tools.

The lecture about the digital world placed an emphasis on the ways in which heritage can be presented and experienced through digital resources. In one assignment, students worked on the design of a digital application where the history of tourism in Paros could be introduced to visitors and to participants in the Paros Festival. An important aspect to this activity was the user-friendliness of the application with regard to the effective navigation through the contents and the legibility of the story being told. In another assignment, participants reflected on how the Paros Festival could work on digital world alternatives to engage the public that follows the activities of this event every year. Moreover, students were also invited to co-design the structure and contents of a podcast of the Paros Festival based on the interviews conducted as part of the session focused on oral history. In the podcast activity, not only was it possible to think about how the history of Paros could be presented through local and foreign eyes, but also how the narratives of the heritage values of the island could be conveyed.

6. Results of the workshop

The two-week program provided an enriching space for learning through lectures, discussions, exchange of ideas, collaborative work and creativity with a vibrant community of professors and students. Throughout meetings, where the mentoring role played by professors was crucial, students could gain a solid corpus of knowledge and skills to work on communities' engagement in heritage management projects. They were able to learn to distinguish, address and observe communities using ethnographic methods, understand the value of contributions of oral history, and expand their knowledge of the benefits of the use of virtual spaces and resources. Furthermore, each of the assignments worked as a laboratory of ideas, where students used their creativity and backgrounds in the co-design of hypothetical activities and resources for communities of locals

on and visitors to Paros. The module on oral history and the interview sessions allowed students to compare and contrast the multiple ways in which historical processes, experiences and places are internalized in memory, finding similarities and divergences in the testimonies collected. Despite being virtual interactions, these interviews emulated the real fieldwork involved in an oral history project; therefore, they gave a glimpse of what forms ethnographic research may take in the 'new normal'. Finally, through collaborative work, the summer school's community of professors and students delivered a podcast for the Paros Festival, into which contents from the interviews were integrated to narrate how the local and the global interact on Paros to create a unique artistic landscape.

7. Conclusion

The topics explored in the workshop were geared towards a transformative practice in heritage management, where communities – or people in general – lie at the centre as opposed to the periphery when thinking about heritage research, conservation, interpretation and presentation. Communities are not to be included in heritage management projects solely due to official mandatory requirements, but rather because they are at the heart of building narratives, memories and identities attached to things, places, practices and landscapes of value to themselves, and these are fundamental aspects in strengthening their sense of place and well-being. Community engagement projects, ethnographic research and oral history can act as means to challenge the hierarchical and authoritative perspectives and frameworks that hinder the involvement of communities in heritage processes due to such processes' failure to consider their voices. By giving voices to communities, their fluidity, dynamism and even contradictions are also recognized; therefore, it is possible to build a broader range of context-based heritage management models that see heritage not in a fixed and agreed sense, invariable in time and space, but as a space for negotiation.

The theoretical, methodological and practical tools provided by the program pave the way for a major commitment in ethical and adaptive responses to current global issues. The importance of working with communities and giving them voices is understood not only because of the possibility for diversifying the narratives of heritage, but, more importantly, for materializing social justice in heritage practice. In a similar way, community engagement projects are venues for decolonizing heritage and communities themselves: heritage is understood in terms of its multi-temporality, and as a space where communities have a say and can be heard as authors of history, as opposed to a phenomenon monopolized by 'experts' in the field. Furthermore, in the context of the current pandemic, where multiple responses are emerging creatively to ensure the continuity of projects

in the fields of culture, heritage and arts, most initiatives have begun to gravitate around the digital world. In general, our world at present demands large-scale awareness regarding the uses and advantages of virtual spaces and multimedia. The lessons learned in this workshop encourage participants to think about more ways to enrich the relationship between communities and heritage through digital resources in the 'new normal' and the post-COVID world.

8. Personal reflection

I would like to use this section to express my sincere gratitude to the Heritage Management Organization, its professors and members for giving us the chance to strengthen our capacities in heritage management with a solid commitment to socially engaged practice. Being trained in archaeology, but primarily in the positivist tradition, I constantly questioned myself as to the extent to which I attempted to grow my awareness of the social, reflexive and ethical dimensions of the discipline. In this process, I encountered barriers in the form of conceptions such as the prevalence of objectivity in archaeology and archaeology's engagement with social justice being limited to forensic archaeology projects dealing with cases of conflict, memory and human rights. For my graduate studies, I decided to enter the field of heritage studies with the aim of broadening my perspective and learning new approaches from which to understand the past, its material traces and how these relate to present-day societies. By focusing on 'heritage', or, more specifically, on the tangible and intangible embodiments of heritage values, my work would necessarily address the social dimension of the material past in contemporary times. I am more than grateful for the wonderful knowledge and lessons learned in this workshop; they will not only open new gates and expand horizons in my future endeavours, but also motivate me to look once again at past potential projects that were never implemented due to a lack of adequate perspective, which can now be developed from a fresh point of view.

Review: Educación y divulgación del patrimonio arqueológico

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A popular proverb states 'Don't play with your food'. This maxim that not only concerns those of us who have the immense fortune of dedicating our working hours (and more if possible) to the noble discipline of archaeology and historical research. If anything is really clear to us, it is that Heritage (from the perspective of investigation, safeguard and management) is more than the 'food' of a couple of professors and four tourist guides, but of many thousands whose income depends on it essentially through tourism. In fact, tourism in Spain in 2019 before the pandemic yielded 154,487 million Euros to the economy, representing 12.4% of its GDP. In fact, dear reader, please reflect on what drives you to go on vacation? And what leads you to choose one tourist destination over another? The response is simple: diversity. It represents a search for something that is unknown where you reside, something unique and unrepeatably that is only found at a particular destination, a unique setting offering an aesthetic or gastronomic experience that otherwise would not be worth the visiting. This book under review delves precisely into the question of this diversity we seek when traveling as it is Heritage (either material or intangible, artistic, monumental, archaeological or natural) that gives an identity to each city, each community. Heritage renders them different from other neighbouring cities. From a material point of view, Heritage is what attracts tourists and, even more, from a sentimental point of view, it is what offers signs of identity to locals. Thus in the end we are not only talking about 'things to eat'.

But Heritage requires maintenance. Both society and administrations must learn to care for it (or at least not destroy it) to guarantee its continuity for future generations. Heritage professionals have sold out if they fail to apply the virtuous circle of managing it. It is only through a correct dissemination of research that we can achieve social support (awareness and financial commitment) to re-finance research and dissemination. The authors of this volume of proceedings whose title translates as *Education and Disseminating Archaeological Heritage: Socialisation of the Past as a Challenge for the Future* have understood it in this manner and initiated work with the clear objective that society participate in its management and protection to guarantee its conservation. For this reason, this book is, in a certain manner, a code for good Heritage practices as it gathers a series of interdisciplinary experiences (Archaeology, Didactics and Tourism) targeting this objective. In fact, the training and professional dedication of the coordinators of these proceedings is a declaration of intent in terms of interdisciplinarity. The coordinators are in fact three young women with brilliant academic careers in disciplines which although different are complementary: archaeology (Ana Ruiz Osuna), didactics of social sciences (Silvia Medina Quintana) and tourism (Leonor Pérez Naranjo).

This monograph likewise does not spring out of the blue and is not improvised, but stems from a long trajectory of heritage dissemination and, more specifically, the research project *PATTERN: (P)atrimonio (A)rqueológico, Nuevas (T)ecnologías,*

(T)urismo, (E)ducación y (R)entabilización social: un (N)exo necesario para la ciudad histórica (Ref. HAR2015-68059-C2-1- R) directed by Desiderio Vaquerizo Gil between 2016 and 2019, and funded by of the State Research Programme of the Ministry of Economy and Competitiveness. The *Sisyphus* Research Group (PAIDI HUM-236) of the University of Córdoba stands out throughout the last decade as the main agent of archaeological dissemination of the Province of Córdoba. The group organises children's workshops, conference cycles, archaeological excursions and expeditions, historical re-enactments workshops, etc., through the renowned scientific culture project entitled *Archeología Somos Todos*, (We are all Archaeology) which was awarded, among other prizes, a special mention from the *Europa Nostra* jury (2014) of the European Union.

The monograph comprises a prologue by Prof. Vaquerizo himself and 14 contributions by different professionals from the fields of Didactics, Tourism and Public Archaeology who present their respective experiences of Heritage dissemination. José Antonio Fernández from the field of didactics (University of Córdoba) theorises on the need for proper heritage training for primary school teachers (pp. 1-19); Belén Calderón (University of Malaga) resorts to cases of contemporary Malaga graffiti as a tool to foment heritage education for students of secondary schools (pp. 21-36); Roberto García-Morís (University of La Coruña), Silvia Medina and Montserrat Reina (University of Córdoba) analyse, from a didactic point of view, twelve literary resources for children dedicated to the heritage of Córdoba (pp. 37-52); Luis Alberto Polo (Rey Juan Carlos University) delves into the role of ICTs (virtual reproductions and 3D prints) as didactic resources (pp. 53-64); Silvia Medina and Miguel Jesús López (University of Córdoba) share their thoughts on applying the gender perspective, a notion currently in vogue for conveying Cordoba's archaeological heritage in primary schools (pp. 81-95). The final article concerning didactics is by Rubén Pérez, Silvia del Mazo and Francisco José Rufian, the main promoters of the *Pequeños Arqueólogos* (Little Archaeologists) project. It relates their experiences at the head of a business initiative that offers programs in Castilla-La Mancha aimed at educational centres, parks and archaeological sites, museums, and public and private institutions consisting of workshops, activities, resources and quality teaching materials linked to Historical, Archaeological and Craft Heritage (pp. 96-114).

The analysis of the phenomenon of archaeological tourism leads to two compelling and valuable contributions that resort to the tools of demoscropy. The first, by Leonor Pérez Naranjo (University of Córdoba), delves into the responses of more than 500 individuals potentially interested in archaeotourism. Its aim is to identify their intentions, preferences and tastes, to develop a specific, complete and valuable profile of this type of tourist (pp. 127-140). The second article is by M^a Isabel Rodríguez Zapatero (University of Córdoba) who resorted to the visitors of the Archaeological Museum of Córdoba as a sample to clarify which attributes and

areas to prioritise and where to invest resources to improve levels of satisfaction (pp. 141-152). It is more than desirable that the conclusions gleaned by these authors not fall on deaf ears and taken into consideration by the different administrations.

The next contribution, by Carlos A. Hiriart (Universidad Michoacana de San Nicolas Hidalgo), a key international spokesperson, advances research on heritage conservation of minor archaeological sites in Mexico and their management as resources of tourism through a focus on the site of Tzintzuntzan in Michoacán. He warns of the necessity to rethink collaborative strategies so as to involve all levels of the administration and insists on the need of participation of the community (pp. 153-164). Nuria Huete and Miguel Ángel Valero (University of Castilla La Mancha) in the twelfth contribution claim Archaeological Heritage as a factor serving the local development of the region of La Alcarria (Cuenca) highlighting its dynamic potential in an area suffering from a depressed economy and declining population (pp. 165-177).

The two contributions dedicated to experiences in the field of Public Archaeology merit special mention above all because of the novelty of their inclusion in a monograph in Spanish. Public Archaeology is in fact a very recent discipline in Spain and still in the process of defining itself¹. It is a concept with origins dating back to about 50 years in the United Kingdom that has yet to receive recognition in Spain². It can be defined as a branch of Archaeology charged with analysing the relationships between archaeology and current society in order to improve and facilitate a mutual understanding between the two, a task that has not always been possible. In this sense, most of the Public Archaeology initiatives undertaken by the *Sisyphus* Research Group (including this monograph)³ are playing a pioneering role within Spanish borders. This is very much in tune with the research by Jaime Almansa of the CSIC who can be considered the father of Spanish Public Archaeology⁴.

The first of these Public Archaeology contributions, authored by Belén Vázquez (University of Córdoba), recalls by resorting to the example of the Arab baths in the city of Córdoba, the role 3D reconstructions can play in facilitating

1 In reality the Didactics of archaeological heritage and studies on Archaeotourism when taking this definition into account should each fall into the field Public Archaeology as they concern society as a whole. However, due to their specificity, each constitute independent thematic groups.

2 The Mediterranean world in this aspect, as in many others, lags behind that of the Anglo-Saxons as the publication of contributions such as those of this monograph is a novelty here. Moreover, many British and North American universities offer an MA in Public Archaeology since about a decade.

3 Certain recent milestones worth mentioning are the publication of this monograph followed by the celebration of the *PATTERN* international congress, November 19-21, 2019, and the 1st Fair of Archaeological Heritage Diffusion (November 22-23, 2019). There is likewise the creation of a digital viewer of the archaeological itineraries of Córdoba (<http://www.arqueocordoba.com/rutas/>) and a Geographic Information System regarding the Archaeological Excavations of Córdoba (SIGEAC) (<http://www.arqueocordoba.com/sigeac/>).

4 I apologise to Jaime Almansa if, due to his title, someone were to assume him to be older than he actually is. Along these lines, there is also the research of J. Santacana in didactics and heritage education and J. J. Tresserras in archaeotourism. The influence of these pioneers is very present in the different articles of this monograph.

the transmission of Heritage (pp. 65-80). The second authored by Rafael Blanco (University of Córdoba), serving to close the monograph, once again refers to a case in Córdoba, specifically the restoration of the Caliphal Minaret of San Juan de los Caballeros. This site in fact serves its author to theorise as to the nature of the relationship between society and its historical-archaeological heritage (pp. 192-220).

Halfway between Public Archaeology and Archaeotourism is the project presented by Marta Gómara, Carolina Ruiz and Enrique Rojas (*Asociación Cultural Amigos de Cascante Vicus*) (Friends of Cascante Vicus Cultural Association) carried out in the town of Cascante (Navarra) (pp. 179-191). Along these lines is also the contribution by Miguel Serra, Eduardo Porfirio (University of Coimbra) and Rafael Ortiz (University of Seville) relating their diffusion experiences of the last 10 years in the framework of the excavation of the Late Bronze Age fortified settlement of Outeiro do Circo (Beja, Portugal) (pp. 115-126). Although each of the two dissemination projects target residents of their territories (local visitors), they no doubt ultimately intend to attract foreign tourists that are essential to promote the region's sustainable development.

In short, and giving free rein to our most poetic side, this monograph forms part of the prow of an icebreaker entering into the tempestuous seas of Spanish Public Archaeology. It not only incorporates articles that theorise on certain aspects that must be taken into account when disseminating Heritage, but also collects practical experiences that should inspire future actions. A final warning to the readers. If you form part of the select group of brilliant academics who deem diffusion to the public as a shameful activity unworthy of scientists, you still have time to reconsider. Likewise, there is still time for public servants who view diffusion as a waste of budget to correct their myopia and put on their glasses and see that these are long-term investments whose fruits are ripening in cities such as Mérida and Tarragona and, more recently, Cartagena. Don't lose hope! And let's not let this opportunity pass!

BLOG REVIEWS WITHIN VOL 11

There were no blog reviews during 2021

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