

Yates, D. and Mackenzie, S. (2018) Heritage, crisis, and community crime prevention in Nepal. *International Journal of Cultural Property*, 25(2), pp. 203-221.

This is the author accepted manuscript.

There may be differences between this version and the published version. You are advised to consult the publishers' version if you wish to cite from it.

The published version is available:

doi:

<https://doi.org/10.1017/S0940739118000140>

<http://eprints.gla.ac.uk/137649/>

Deposited on: 28 September 2018

Cultural Heritage, Crisis, and Community Crime Prevention in Nepal

Abstract

Following Nepal's 2015 earthquake there was speculation that sacred art would be looted from the ruins of severely damaged temples due to breakdown in formal security. Although pillage did not immediately occur, the months following the earthquake have seen the theft of sacred heritage items. As Nepali sacred art remains under threat of theft, we explore the processes by which government intervention can be destructive of the community dynamic that maintains local crime prevention on an informal and unofficial level. Can situational crime prevention measures when imposed in a top-down fashion upon communities by state actors be corrosive of collective efficacy, and therefore ultimately self-defeating in crime prevention terms? The case of post-quake Nepal seems to suggest that the answer to this question is, in some circumstances, yes.

Introduction: community heritage crime prevention and the earthquake in Nepal

On 25 April 2015 a 7.8 to 8.1 magnitude earthquake hit central Nepal. Nearly 9,000 people were killed and 22,000 injured in the quake and its major aftershocks and hundreds of thousands of people lost their homes to landslide and collapse. Significant portions of the heritage sites of the Kathmandu Valley and beyond were damaged or destroyed. In the immediate aftermath of the earthquake there was intense speculation that sacred art would be looted, resulting in a flurry of panicked reports in the Nepali and international media. This assumption of vulnerability is not unfounded as the quake should have created the sort of complete security breakdown that allows for undetected theft. Such speculation proved incorrect. No sacred art theft was recorded in the immediate aftermath of the earthquake, either by the government, by preservation NGOs, or by communities. A year and a half after the quake, however, thefts of sacred art from Nepali sites appear to be escalating. What explains this post-disaster period of heritage site integrity, followed by an escalating crime rate in relation to site thefts more than a year later?

The answer, we suggest, lies in the nexus of effects of government-mandated formal legal and crime prevention measures on the one hand, and on the other hand the local cultural protective informal social control regimes of populations living near sacred sites and using them as part of their cultural practices. In other words, ‘law’ has at times interfered with, rather than supported, ‘order’ in this situation. Progressive community-level activities have been disrupted by forms of legal cultural heritage protectionism that have not adequately recognized the important role local people have been playing in post-disaster heritage protection. Government legal and situational crime prevention initiatives have in some cases replaced the collective efficacy of local communities in deterring art thefts from sacred sites, in other cases complemented them, and in other cases still, eroded them. This paper seeks to examine more closely this range of interactions between formal and informal social control measures (i.e. between the law on one hand and on the other the extra-legal or sub-legal crime-preventive social routines of local communities), in the context of the recovery period after a natural disaster.

In terms of the three categories of interaction listed above between formal (state) and informal (community) crime controls – replacement, complementarity, and erosion – the first two are reasonably uncomplicated and we will examine their evolution in the case study in question. The latter form of interaction, erosion, is the more quixotic and we can begin to unravel some of the theoretical possibilities involved in that process now, to set the context for a full understanding of the post-quake heritage protection scene in Nepal to follow.

Collective efficacy has emerged as a concept from studies of the relationship between social disorganization and crime, broadly drawing together two separate but mutually compatible ideas: informal social control and social cohesion.¹ Informal social control refers to social actions that encourage and support conformity with the law, including proactive bystander interventions as well as more passive and routine community or peer group norm-setting and –enforcing activities. Social cohesion is a measure of the ‘closeness’ of a community or social group, in terms of the nature of social bonds and in

¹ Gau, "Unpacking Collective Efficacy".

particular the ‘willingness of members of a society to cooperate with each other in order to survive and prosper’.² Research has produced persuasive evidence that collective efficacy (the variable constructed out of ‘informal social control’ and ‘social cohesion’) acts as a mediator between concentrated disadvantage and crime rates at the neighborhood level.³ The proposition is that collective efficacy measures the extent to which people would intervene to exercise a degree of control aimed at preventing crime locally. Highly collectively efficacious neighborhoods therefore experience lower crime rates because they are more able to mobilize a variety of social resources to identify, deter, or reduce crime.⁴

By contrast, situational crime prevention (SCP) looks to target hardening and changes to the physical environment which can protect objects, sites and areas against crime. The theory is quite functional in orientation: it is about reducing opportunities for crime through changes to the settings in which those crimes take place. It may be seen to have a relationship with informal social control where, for example in Crime Prevention Through Environmental Design (CPTED) buildings or areas are specifically planned to be built to minimize blind spots and increase natural surveillance by users of the space. It may also have a relationship to the higher-level concept of collective efficacy if, for example, communities mobilize to demand SCP measures, or perhaps alternatively the use of SCP lowers neighborhood fears and anxieties to the extent that collective efficacy becomes a more realistic prospect, as prosocial community interactions are more freely undertaken, and previously closed and guarded social actors begin to open up to their social surroundings.

The interesting question that emerges in the present case study is whether situational crime prevention measures, when imposed in a top-down fashion upon communities by state actors, albeit with the best intentions, can be corrosive of collective efficacy, and therefore ultimately self-defeating in crime prevention terms. The case of post-quake Nepal seems to suggest that the answer to this question is, in some circumstances, yes. If

² Stanley, “What Do We Know about Social Cohesion”.

³ Sampson, "Collective Efficacy Theory".

⁴ Sampson, "Neighbourhood and Community".

collective efficacy holds that 'mutual trust and commonly held values unlock a community's latent capacity to self-regulate and to prevent crime and disorder'⁵ then what are the processes by which government intervention in terms of well-meaning crime prevention initiatives can be destructive of that community dynamic which maintains the fabric of local crime prevention on an informal and unofficial level? In post-disaster Nepal we see the social effects of environmental-legal interventions as sometimes diminishing rather than enhancing local protective regimes in respect of heritage sites and objects that have historically been exercised and maintained as part of the cultural and religious daily practices at the community level of living with, using, and worshipping Hindu and Buddhist deities in the form of statuary.

Nepal's social and cultural heritage

Nepal is a landlocked country that runs along the spine of the Himalaya, sharing borders with India to the south, east and west, and Tibet to the north. Known best as a high mountain country, Nepal also extends into the lowland jungle regions making it a country of sharp contrasts. Hinduism and Buddhism are the two primary religions of the country, with Hinduism representing 81.34% and Buddhism representing a visible minority at 9.04% of the country's 26.5 million people according to the 2011 census.⁶ Both have long histories in Nepal and, accordingly, are both represented in several thousand years of sacred art and architecture.⁷ Temples and shrines are Nepal's most iconic heritage sites. They are equally valued as so-called World Heritage, as can be seen in the listing of many of the Kathmandu Valley's sacred and royal precincts on the UNESCO World Heritage List,⁸ and as living sacred locations that are in constant use by devotees. The sheer number of religious heritage sites and amount of sacred art in the country cannot be understated; Schick, while documenting the vulnerability of sacred sites, likened the whole Kathmandu Valley to "a large open-air museum".⁹ Ancient sculptures can be found in small shrines along every roadside and in every neighborhood courtyard. Villages have

⁵ Gau, "Unpacking Collective Efficacy"; Sampson et al. "Neighbourhoods and Violent Crimes".

⁶ Nepal, *Census Info Nepal*.

⁷ Bangdel, *Stolen Images of Nepal*, 23.

⁸ UNESCO, *Kathmandu Valley*.

⁹ Schick, *The Gods are Leaving the Country*, 15.

several temples and sacred sites, many of them ancient. Cities have thousands. Most are at least nominally protected by the country's heritage law. Most are in use.

There is a long and documented history of antiquities theft in Nepal, specifically pieces of sacred art stolen to meet the demands of the western, and now eastern, art market. This demand increased in the 1960s and 1970s when pop versions of both Hinduism and Buddhism entered into the Western mainstream. Much of the early work on the theft of sacred cultural objects from Nepal was conducted by the late and revered scholar Lain S. Bangdel.¹⁰ As an art historian with a specialty in Nepal's sacred art, Bangdel was witness to what he records as a massive exodus of Nepali sacred art onto the international market in the 1970s and 1980s. Revisiting sites he had photographed in the past, Bangdel was able to not only show that certain objects were missing, but he was able to identify them in foreign private and public collections. All of the pieces identified by Bangdel as missing were stolen and exported in violation of Nepal's Ancient Monuments Protection Act of 1956; Cultural property that left Nepal after 1956 without an official government export permit is, unambiguously, illegal.¹¹

There is some indication of high-level involvement in antiquities and rare commodities smuggling from Nepal during this time and through the 1990s, with feasible allegations made of extended royal family and elite corruption as a facilitating factor. Sources close to Bangdel at this time report that he faced death threats for his work on the topic of sacred art theft and seeking the return of stolen sacred art in foreign collections was rarely a government priority. At this time, post-1951, the Police service were controlled directly by the Ministry of Home Affairs, ensuring non-investigation of crime related to corrupt elites. To some observers, "the police service were reduced to being a mere onlooker to crimes ranging from rape [...] to the theft of idols".¹² This situation shifted into the 2000s with the changes in the country's political structures and some limited successes in anti-corruption measures, but since the earthquake, Nepal has fallen from an already poor place in various global corruption measures with Transparency International, for

¹⁰ e.g. Bangdel, *Stolen Images of Nepal*.

¹¹ Nepal, Ancient Monument Preservation Act 2013 (1956 AD) [Fifth Amendment].

¹² Batt, "Public Security Challenges," 121.

example, rating it as "highly corrupt". Furthermore, as Bhatt notes, Nepal's "judiciary is not very effective in awarding severe punishment to those who are involved in these kinds of activities, because of its long-highlighted link with political and power elites".¹³

In an effort to reform the image of the Police and related civil structures, community policing has been a government initiative since 1982, with the introduction of neighborhood police who were meant to be seen as more approachable.¹⁴ While the intentions were positive, the intended cooperation between local and traditional authority structures and civil administration did not materialize in many locations, particularly during and after the Maoist insurgency when government-level administration could not extend in to many communities. The police are still perceived as corrupt and as engaging in 'regular extortion'.¹⁵

Within this political context many Nepali individuals and communities harbor a deep distrust of the government and government institutions, particularly those located outside their local context. For example, from a survey of nearly 2000 households conducted before the earthquake, Askvik et al. found that public trust is high for local institutions such as schools, hospitals, and village development committees, but low for the courts, the civil service, parliament, and government.¹⁶ Hopeful predictions for a move towards stronger institutions and increased public trust in non-local government has likely been dashed by the government's inability to respond adequately to the long term effects of the earthquake¹⁷ with confidence at such a low level that prime minister K. P. Sharma Oli resigned in July 2016, ending his "struggling" nine-month-old government ahead of a no confidence vote.¹⁸ It is within this climate of weak government, local distrust of distant authorities, and ongoing insecurity through perceived police corruption, that post-earthquake heritage preservation decisions are being made, preservation policy is being enforced, and, potentially, new heritage legislation is being crafted.

¹³ Batt, "Public Security Challenges," 118–119.

¹⁴ Batt, "Public Security Challenges," 122.

¹⁵ Batt, "Public Security Challenges," 122.

¹⁶ Asvik et al., "Citizens' trust in public and political institutions in Nepal," 14.

¹⁷ e.g. Dolker, "Earning back the people's trust".

¹⁸ Sharma, "Nepal's Prime Minister, K. P. Sharma Oli, Resigns".

Contrasting priorities in the sacred heritage spaces of Nepal

The dichotomy between formal security (government-level legislation and regulation) and alternative or informal networks of community-level security (the forms and mechanisms of which are alluded to further below) is, perhaps, reflected in the conflicting preservation needs of many heritage sites. This is certainly the case at heritage sites throughout the developing and developed world, and Nepal, the focus of this paper, is a clear example. The challenges that Nepal faces in protecting its sacred heritage sites are a study in contrasting stakeholder needs with little room for compromise.

At the heart of this discussion is the tension caused by competing interests at sites of sacred heritage, particularly those within the Kathmandu Valley UNESCO World Heritage Site. Nepal's temples and shrines must, at the same time, be:

1. Sites of Preservation: The sites have been formally judged to be significant to all humanity, to be 'World Heritage' beyond the state-level context of Nepal. Thus they must be preserved to an international standard, largely defined by such intergovernmental organizations as UNESCO, which have been criticized as being overly 'Western' in construction. In other words, an emphasis on preservation of physical, built objects over any intangible heritage uses.
2. Sites of Tourism: The sites are a significant tourist attraction and, alongside outdoor sports which are intermingled with visits to sacred sites, are the primary reason that most foreigners visit Nepal. Tourism is one of Nepal's most important industries and there is immense pressure on government preservation authorities to present sacred heritage sites in a manner that tourists expect; a need that has taken a significant hit since the 2015 earthquake.
3. Sites of Worship: The sites, as the homes of living gods or as direct portals to the divine, are part of the vibrant religious and social identities of Nepal's communities and of individual Nepali's.¹⁹ Removal of significant ancient sculptures to museums, locking or blocking access to parts of temples, and preventing the application of

¹⁹ e.g. Bangdel, *Stolen Images of Nepal*; Schick, *The Gods are Leaving the Country*.

food and other offerings to pieces of sacred art in the name of preservation and security challenge the central role that sacred art plays in the daily life of many Nepalis.

Simplified to its most basic form, the needs of government-level preservation authorities, which we can consider as associated with written and formal security policy, may contrast with the needs of religious communities, which we can associate with non-legal community-level security associated with day-to-day use at sacred heritage sites. The official security powers naturally prioritize the preservation of heritage objects and the prevention of theft. Religious communities prioritize cultural use and access. On the ground, this may become a controversy over, for example, locking temple doors or moving idols from shrines into museums for safekeeping and/or tourism purposes. Official security powers require the documentation of cultural property, as inventories improve security planning and assist in recovery following theft. Religious communities may consider such handling to be sacrilegious and often have a complete ban on photographing what they consider to be living gods. The same cultural objects must be, under the law, preserved by the state, and must serve their cultural function to the public, both under the spectre of poverty and extreme international art market demand. Lawmakers, heritage professionals, and community members, then, are forced to make nearly impossible choices about which set of these values they give primacy to. On paper, the government approach is clearly a stronger presence. In practice, the community protection-through-use has the greater social effect.

Nepal's formal heritage protection framework

The primary legislative tool that concerns the security of sacred art in Nepal is the Ancient Monument Preservation Act, 2013[1956],²⁰ which was amended various times, most recently in 2052 (1992 AD). It defines ancient monuments as any of a number of structures including temples, stupas, etc. that are over 100 years old and archaeological objects, including all sacred art, that too is over 100 years old. The government may declare any place to be a preserved monument. To modify or use these monuments in any

²⁰ Nepal uses the Bikram Samvat calendar so 2013 is AD 1956.

way requires permission from the government via the Department of Archaeology, except explicitly in section 3(5) "to conduct and perform traditional dancing and singing or organize a fair or festival," in other words certain but not all religious uses require no prior permission.

The Act classifies ancient monuments into three categories: those of local importance, those of national importance, and those of international importance, with those of international importance being granted the most state-level protection. With regard to ownership, the Act recognizes two types of ancient monuments: public ancient monuments and private ancient monuments. The Department of Archaeology owns public ancient monuments and is charged with conserving them. Private ancient monuments must be conserved by their owner, which may be an 'institution'²¹ or an individual, but the Department of Archaeology retains the right to conserve privately owned monuments of national and international importance themselves and to mandate that conservation. Owners must seek Department of Archaeology approval before modifying the features of any ancient monument. Temples, which in many cases are treated as private ancient monuments, are required to use up to fifty percent of offerings and donations to fund conservation of the structure and grounds.

The government claims in section 4(1) of the Act the right to purchase any ancient monument "if it deems necessary from the point of view of protection of the monument". It can, through the Chief Archaeology officer, force the owner of a private ancient monument to enter into a deed of responsibility to preserve the site; refusal to enter into the deed results in a local official being named as responsible for the site. This deed states what level of security the owner must provide and may list supervision responsibilities, the hiring of guards, a prohibition against alterations or object removals, and a ban on sale or transfer of the monument. Failure to abide by a deed of responsibility may result in the Department of Archaeology assuming ownership of the monument without payment to the owner. Local chiefs are charged with inventorying archaeological objects

²¹ 'Individual' and 'Institution' are the terms used in the Act. It is assumed that any entity (be it an individual, a community, or a collective) which is able to be a 'private owner' of property under Nepali law is able to own an Ancient Monument under this Act.

located within their jurisdiction and forwarding the details of those objects to the department of archaeology.

Citing preservation as the goal, the government retains the right to prevent "misuse or any kind of ill-treatment" of sacred sites that are either of archaeological importance or are under the supervision of the government as described in this Act. Furthermore, the Act stipulates that any person may enter a religious site if they wish to do so provided they do not disturb "the religious feeling of the concerned person or the traditional practice"; this includes privately owned sacred sites. The imposition of "improper restrictions" on entry into sacred sites can result in a fine. Specifically, the Chief Archaeological Officer has the power "to inspect as to whether or not the statue of the God or Goddess that is being worshiped is being kept properly". If they determine it is not, they "may cause it to be adequately preserved". No suit can be filed against government employees for actions performed under the powers vested in the Act.

Theft or vandalism of an ancient monument results in a fine of 25,000 to 100,000 rupees (€206 to €826) on top of the valuation of the monument and 5 to 15 years in prison. Theft or vandalism of an archaeological object results in a fine of 5,000 to 100,000 rupees (€41 to €826) on top of the valuation of the object and up to 5 years in prison. Objects covered by the Act may not be exported or even transferred from one place to another within Nepal without prior government consent. Anyone in possession of an object that is over 100 years old, even objects inherited via families, must register with the government, except in such cases where the objects are *Kul Devata*, family gods²². Fines for not registering objects range from 500 to 5000 rupees (€4 to €40) and failure to pay the fine may result in government seizure of the object with no payment made to the owner. There can be no legal trade in objects over 100 years old. Individuals who offer

²² It is unclear why *Kul Devata*, which translates as 'family god', are not required to be registered with the government. In Hinduism, *Kul Devata* protect particular family lines and the worship of *Kul Devata* can span generations. They are conceived of as a family's protector and the family god belongs to the family as much, perhaps, as the family belongs to the family god. It may be that the private and family-specific nature of the physical *Kul Devata* warranted them a 'special lack of protection', under the Act, but without guidance on this exception, this remains speculation.

information that leads to an arrest and guilty verdict for violations of the Act are entitled to ten percent of the fine imposed.

Ultimately, the Act proclaims the government's power to make all decisions related to heritage sites and objects. Although the government allows for private ownership of monuments and related objects, owners are stripped of all rights regarding modifications, transfer, movement, and, in the case of religious artefacts, acceptable use. To put it simply, The Ancient Monument Preservation Act seeks to apply a state-controlled international standard of preservation to Nepal's complicated and contested heritage space, the most contested of which relate to sacred sites and objects.

Sacred sites and adversarial policy

The continued focus on religious sites in the Act reflects the sacred nature of much of Nepal's heritage, but also signifies that religious heritage is what the Government tends to have the least control over. The government, thus, can force the non-state caretakers of religious sites to enter into a state-defined management plan and to allow state officials (and, in essence, anyone) access to all sacred sites even when this violates access restrictions as mandated by religious observances. It can also determine if idols are being improperly cared for, and in theory if it decides that active worship is harming the piece, it can order preservation or removal. Violation of any of these directives results in fines or object seizure. The government's right to impose international preservation models on religious heritage sites, then, supersedes the active cultural functions of those sites which may involve forms of worship that are seen as destructive (e.g. feeding the statues or covering them with pigment) or the religious needs of owners and community members.

This forced yielding to government determination places communities sometimes in an adversarial role against the state, and this friction is made more salient by ongoing political issues in the recent history of the country's regimes that might be summarized as close to a generalized cynicism in respect of the government's legitimacy and good intentions - which spills over into the heritage security issue. The Act acknowledges that communities may oppose state-level heritage preservation measures and clearly spells out

that the state wins such disputes. Community rights to heritage are approached as lesser than the state's right to heritage within the law, and the state is cast as the enforcer of the law and the appropriate body to control and reprimand illicit activity. Strangely, the inventorying of objects and sites covered by this Act is left to local authorities, community members who one may assume might be the least willing to violate social norms related to access to sacred sites and photography of sacred objects. This likely accounts for Nepal's uneven official registering of sacred art and exposes the Act's inherent weakness: it does not protect the intangible and social heritage of these sacred cultural sites, rather it subverts them. Any aspect of site or object security that is created and maintained by traditional and non-preservational use (some aspects of the extant web of informal social control that surrounds sites-in-use, in other words) is not approached as valid at a state level, and are likely not officially recorded or supported.

Nepal's informal heritage protection reality

Informally, protection and security at sacred sites in Nepal are a function of the long-standing social and cultural uses of these sites. Sometimes this fills gaps in the structure of protection provided under the Ancient Monuments Protection Act, and in some cases it challenges the law's authority.

The types of non-state level security patterns that are observable at Nepali sacred sites include decisions made by community members or religious care takers either without consulting the government heritage authorities or in violation of their orders. This is a 'replacement' effect, in our schema: where community level controls replace, supersede, circumvent or resist official policy. These usually relate to changes in the physical fabric of the sacred heritage site, such as the installation of protective screens, locks, walls, and other security features in a manner that is considered to violate best practices in Western-style heritage preservation. It may also include the refusal to add security features such as those listed above in violation of government orders, placing emphasis on continued access to sacred objects and spaces. Beyond the religious argument for such access, it may be argued that the physical presence of devotees within sacred spaces prevents theft (on which see our theoretical notes on guardianship below). In other cases, communities

and religious leaders may bar government access to sacred sites, arguing that under the Act, these inspections may lead to the removal of sacred art to museums. This action is perceived of as theft, and prevention of government removal as securing the deities.

Beyond direct and knowing violation of the government heritage protection framework in favor of community-defined security, a significant amount of sacred site protection in Nepal comes from actions beyond the Act. This is the situation we refer to as ‘complementarity’ between the official and the community crime prevention regimes. The cultural uses of many sacred Nepali sites ensure that they are monitored and that changes including theft and damage are noticed. Interaction with active shrines and temples begins in the early hours of the morning, with priests or members of the community performing *puja* (prayer ritual) to either invoke the deity or, in the case of temples where the deity resides, awake them in order to honor them. This first prayer, which also includes unlocking the temple or shrine if it is normally closed during the night, can happen as early as 3am and marks the start of a complete day of human presence at the site. Community members offer short prayers as they pass, others visit at various times for longer interactions with the deity, and priests perform their functions until the site is closed for the night. Thus the constant flow of people and the direct interaction that devotees have with the sites afford a sense of protection that limited government security under the Act cannot aspire to.

Of course this is not the case for all Nepali heritage sites. Disused temples and shrines naturally do not have the benefit of protection via footfall and suspicious behavior or theft at these sites may not be detected for quite a long time. Some sites as well may have religious access restrictions, with only limited groups being allowed to view the deity or sacred item held within, potentially shielding theft or damage from detection. Yet others argue that these access restrictions are, in themselves, a form of protection: if potential sacred art thieves do not know what (if any) targets exist in a temple, they may be unlikely to rob the temple, especially if they are looking for certain types of antiquities. In both of these cases, and at sacred sites generally, communities and religious groups depend on the social stigma and the belief in divine punishment associated with sacred art

theft and destruction, in other words, potential thieves may fear the social or religious penalties of theft. This is evidenced by several cases, recorded by the authors, of thieves returning stolen sacred art to temples, believing that 'bad luck' and other tragedies in their lives had their source in the theft. Such guilt or 'bad luck' returns are also possibilities in two recent idol theft cases.²³

It is clear that the state heritage protection structure does not reach these local, social, and cultural security activities. Not only are they not protected under the law, they are directly challenged in key passages of the government's primarily legislative tool. Replacement and complementarity in the interface between official and informal control models can both therefore exist within a context characterized by some tension between the top-down and bottom-up structures identified, and in the issue of erosion of informal social controls by perhaps ill-advised state interventions, there is more tension still.

The earthquake and aftermath

The 2015 earthquake destroyed significant areas of the important heritage sites of the Kathmandu Valley. To cite one example out of hundreds, the Kasthamandap, a 16th century pagoda-style temple said to be built from the wood of a single tree and from which the city of Kathmandu gets its name, completely collapsed and, essentially, no longer exists. Even the gods, it has been said, lost their homes in the quake.

After the quake, noting the fragile security situation that accompanied the inevitable social upheaval and physical destruction, fears were widely expressed for the exposure of cultural heritage sites to looting.²⁴ As previously stated, there is a strong international demand for Nepali art and a market for potentially looted sacred statuary. Following the earthquake, it seemed reasonable to assume that official guards and caretakers would leave sacred sites unattended. That police and military officials would be concerned with the pressing need to save people trapped in the rubble rather than deal with preventing

²³ Kathmandu Post, "500-year-old conch stolen."; Kathmandu Post, "Four-faced Shiva idol found at Bhaktapur."

²⁴ e.g. AFP, "After damage"; Deutsche Presse Agentur, "Looters prowling"; Many, "Protecting the Ruins".

looting and theft. That community members wouldn't be keeping an eye out. That sacred art thieves would identify this as their big chance.

Fortunately, however, the potential for despoliation manifested in these fears did not in fact materialize. During informal interviews with residents as well as local and government officials we conducted just under three months after the earthquake, all reported that the immediate public reaction to the earthquake was to save: to pull people out of the rubble, then pull gods out of the rubble. The form and organization that this salvage took differed greatly from site to site. In Patan, for example, sacred objects from in and around the heavily damaged Durbar Square area were brought in to the courtyard area of the Patan Museum with the help and expertise of the Kathmandu Valley Preservation Trust. In Bhaktapur, objects from damaged sacred spaces were also brought in to the local museum, and architectural elements were also preserved in an unused covered palace structure and in a shed owned by the Rabindra Puri foundation. At each, security was quickly established, usually by community members, and sacred art was protected from theft and, when possible, further earthquake related damage. In some locations the military and police participated in art salvage operations, signifying a *complementarity* between levels of protection, but this support was not available everywhere and certainly was not available immediately. In a moment of crisis, then, security came largely from unofficial sources, from community, and this was therefore primarily a situation of *replacement* of state protection regimes with community informal social controls.

Officially, in the Nepali year before the earthquake²⁵ only four sacred art thefts were recorded by police,²⁶ although it is likely that this figure is greatly below the number of actual heritage thefts in the year. In the year following the quake, as mentioned, there were none. At the time of writing, just over a year since the quake, we are beginning to again see sacred art theft from Nepali temples, for example:

²⁵ The Nepali New Year falls in mid-April

²⁶ Bhattarai, "The Gods are still leaving."

- September 2015: a trident and a bell were stolen from a Shiva Temple in Ujjwal Tole, Pepsicola, Kathmandu.²⁷
- November 2015: a 500-year-old sacred conch shell was stolen from the Bhagwati Temple of Marbhung, Gulmi.²⁸
- December 2015: a 17th century idol of Digu Bhairav was stolen from the Balkumari temple in Digu Tole, Madhyapur Thimi, Bhaktapur.²⁹
- May 2016: two idols, at least one of them of Brahmayani, were stolen from the Brahmayani Temple at Taulachhe, Bhaktapur.³⁰
- August 2016: a four-faced Shiva idol stolen from an unknown location and concealed on the premises of the Chwanga Ganesh Temple in Bhaktapur.³¹
- August 2016: two idols stolen from a temple in Naudobahal, Lalitpur which were subsequently recovered with three arrests made.³²

There is speculation emerging that the onset of these new post-quake thefts is related to some of the lasting effects of the earthquake. While discussing the theft of the Dighu Bhairav statue in December 2015, Bhesh Narayan Dahal, the Director General of the Department of Archaeology, stated that sacred art theft had increased since the earthquake, saying that "There have been incidents of antiques that were stolen and left lying around, and also of the police intercepting sales and negotiations in the past three months."³³ He believes that the thefts were due to reduced security and went further to say that 50 to 100 "items of archaeological importance" are stolen each year, but that law enforcement may not always be notified of the theft. In discussing the idol thefts from the Brahmayani temple, police stated that "it became easier for the thieves to lift the statues from the temple as local people living around the temple had migrated elsewhere following the 2015 earthquake".³⁴

²⁷ The Himalayan, "4 Theft Cases Reported in Capital."

²⁸ Kathmandu Post, "500-year-old conch stolen."

²⁹ Ojha, "Police draw blank in idol theft case."; Bhattarai, "The Gods are still leaving."

³⁰ Samiti, " Ancient Brahmayani Statues Stolen".

³¹ Kathmandu Post, "Four-faced Shiva idol found at Bhaktapur."

³² Kathmandu Post, "Police recover 400-yr old stolen idols."

³³ Quoted in Bhattarai, "The Gods are still leaving."

³⁴ Samiti, " Ancient Brahmayani Statues Stolen".

Although it is early to speculate about a specific pattern of post-earthquake sacred art theft in Nepal, the observations of both state-level archaeological officials and local police regarding security raise important questions about the true nature of heritage site security in Nepal. Is it the state that protects these sites from theft, sites that the government legally claims the right to preserve, or is it the informal networks of individual and community use that protect them? It appears that the answer is that it is the underlying constant presence of community level informal social controls that underwrites the site preservation reality.

Sometimes, as happened immediately post-quake at a few of the internationally significant world heritage sites, the state can saturate the area with agents of formal control and thereby *replace* or *complement* the usual community protections. At the majority of other sites which do not reach such heights of world heritage status, the community crime control regime performed its function in an accelerated way in the immediate aftermath of the disaster. Now, as the earthquake damage has led to incremental community displacement away from some sites, those local controls have dissipated and thefts are increasing. The accentuated state response in the immediate aftermath has subsided to the point that now the usual regime has been largely reinstated, and missing the community-level complementarity necessary to enable this regime to achieve purchase on the ground, what rather seems to be happening is a process of further erosion of already attenuated informal social control, as the government's 'business as usual' approach to inventory, situational crime prevention, and removal of sacred objects to museums clashes with what is left of the community's various attempts to use, and therefore protect, idols and shrines.

The theoretical landscape for replacement, complementarity and erosion of forms of control

Informal social control is therefore at the core of the apparent explanation for the pattern of post-quake site protection and then the diminution in that protection and the rise of incidents of theft. As a central component of the Routine Activities Theory, 'the capable guardian against crime serves by simple presence to prevent crime, and by absence to

make crime more likely'.³⁵ In this well-known schema, 'guardians' supervise 'suitable targets' thereby discouraging crime against them through surveillance, and intervention where necessary. The crux of the theory is that while guardians can of course intervene actively to prevent crime, in most situations it is simply their visible or known presence that operates to discourage would-be offenders. Ritual use of sacred heritage sites can provide this visible display of guardianship and therefore protect the sites against thefts.

There is more to it than that, though. Cultural practices at sacred sites bind community members into forms of worship that embed the religious value of the component parts of the site in the collective consciousness of the local community. Therefore, as well as discouraging crime by the kind of informal social control envisaged by day-to-day guardianship in Routine Activities Theory, the manifestation and reinforcement of a socially constructed respect for the sites-in-use can alter the perceptions of local community site users. This is less about capable guardianship than it is about social perceptions of the suitability of the target, and perhaps the third issue in the Routine Activities triad, the motivation of offenders. Objects that might otherwise be seen as unsecured, valuable, portable, attractive targets come instead to be seen as inviolable, practical and vital community foci. So there are various levels on which the daily religious routines we have observed in Nepal protect cultural objects against crime, all of which are aspects of both the active and the passive implications of the concept of informal social control, including collective efficacy, and the ideological consensus around the social meaning of sacred objects.

In respect of the first issue above, informal social control, the concept of the 'place manager' has been developed by Eck,³⁶ and subsequently integrated into the broader theory of Routine Activities.³⁷ Felson divides responsibility for place management into: (a) personal, (b) assigned, (c) diffuse and (d) general types of responsibility, corresponding in order to (a) places you own or use, (b) places you are employed to protect, (c) places you and others work in and share a responsibility to maintain, and

³⁵ Felson, "Those Who Discourage Crime."

³⁶ Eck and Weisburd, "Crime Places in Crime Theory".

³⁷ Felson, "Those Who Discourage Crime."

finally (d) bystanders and other casual users of places. It is clear that personal responsibility for place management and protection against crime is one of the most powerful of these operational categories of social control. It is also apparent that the integration of shrines and other sacred places into everyday community life can imbue them with the requisite sense of 'personal' meaning such as to support their protection by community members on this level: 'extra emphasis is given to personal ties, which impels more responsibility than any of the other three categories... primacy decreases in this order: personal, assigned, diffuse and general responsibility'.³⁸

In respect of the second issue - what we have called the ideological consensus around the social meaning of sacred objects - we can observe that while this certainly underlines much routine cultural practice in Nepal, it appears to have taken on a particularly heightened salience in the immediate aftermath of the earthquake. Here, local communities mobilized to 'save' their gods, in a proactive and symbolic effort that rests on but goes well beyond the normal emotions of daily worship. Parallels can be drawn here to observations made by Randall Collins on the topic of 'rituals of solidarity and security' in the wake of the 9/11 attack in New York. He identifies four phases of group solidarity as a response to 'conflict', or one might equally say perhaps, disaster. These are:

1. An initial few days of shock and idiosyncratic individual reactions to attack;
2. One to two weeks of establishing standardized displays of solidarity symbols;
3. Two to three months of high solidarity plateau; and
4. Gradual decline toward normalcy in six to nine months.³⁹

In very broad outline, this model and timeline seems quite instructive in helping to understand our case study. In terms of the more nuanced specifics of the theory, there are items which we would need to discuss, amend, manipulate, and so on at greater length than would be valuable here. However, the general proposition is valuable and relevant

³⁸ Felson, "Those Who Discourage Crime."

³⁹ Collins, "Rituals of Solidarity and Security."

for our purposes: that community level emotional responses to crisis are dynamic processes with particular and somewhat generalizable ‘shapes in time... that sweep people up at one moment and bring them down at another’.⁴⁰

Conclusion

The protection of culturally important heritage sites against theft in a particular crisis moment after a natural disaster is hardly the first context that springs to mind for a useful case study of the relationship between formal and informal social controls. In this research we have gathered data that has allowed us to make some relatively broad observations about the ‘shapes’ of group response to crisis which Collins has written about in another context, and to consider the relationship of those shapes to both the official government control regime for site protection and preservation, and some of the criminological theory which supports an explanation of the patterns of crime prevention we have observed. In the heuristics of replacement, complementarity and erosion we have considered the complexity of relationships between formal and informal control in this particular context, and essentially observed that the state’s regime is less important in practice for the majority of sites than the community’s routine activities are, that this has been especially true in the immediate aftermath of the earthquake, and that the longer term effects of the disaster on the dilution of these community level controls is only now beginning to become apparent.

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⁴⁰ Collins, "Rituals of Solidarity and Security."

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