

Heritage, Crisis, and Community Crime Prevention in Nepal

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Abstract: Following Nepal's 2015 earthquake, there was speculation that sacred art would be looted from the ruins of severely damaged temples due to a 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. Based on fieldwork conducted in Nepal shortly before and after the earthquake, we ask: 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, an earthquake ranging in magnitude from 7.8 to 8.1 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 heritage sites in the Kathmandu Valley and beyond

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were damaged or destroyed. In the immediate aftermath of the earthquake, there was intense speculation by cultural heritage organizations that sacred art would be looted. This speculation resulted in a flurry of panicked reports in the Nepali and international media. This assumption of vulnerability was not unfounded as the quake should have created the sort of security breakdown that allows for undetected theft. However, the speculation proved incorrect. No sacred art theft was recorded in the three months following the earthquake: not by the government, by preservation non-governmental organizations, or by communities. A year and a half after the quake, however, thefts of sacred art from Nepali sites have escalated. 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 the local and informal cultural protective social control regimes exercised by populations living near the sacred sites that use them as part of their cultural practices, on the other hand. 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, they have complemented them; and, in other cases still, they have eroded them. This article seeks to examine more closely this range of interactions between formal and informal social control measures 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 third form of interaction—erosion—is the more quixotic. We can begin to unravel some of the theoretical possibilities involved in that process now in order to set the context for a full understanding of the post-quake heritage protection scene in Nepal that will follow.

Collective efficacy, defined by Robert Sampson, Stephen Raudenbush, and Felton Earls as “social cohesion among neighbors combined with their willingness to intervene on behalf of the common good,”¹ 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.² Research has produced persuasive evidence that collective efficacy 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

¹Sampson, Raudenbush, and Earls 1997.

²Gau 2014.

³Sampson 2006.

social resources to identify, deter, or reduce crime.⁴ Thus, collective efficacy is the “efficacy” (the capacity to function) of a given “collective” (a group of people), which often occurs in the field of crime prevention.

By contrast, situational crime prevention (SCP) looks to “target hardening”: changes to the physical environment that can protect objects, sites, and areas against crime.⁵ 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 and built to minimize blind spots and increase natural surveillance by users of the space.⁶ 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 than might otherwise be the case, as pro-social 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 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,” then what are the processes by which government intervention in terms of well-meaning crime prevention initiatives can be destructive of that community dynamic that maintains the fabric of local crime prevention on an informal and unofficial level?⁷

Critiques of SCP and CPTED, generally railing against the rather thin social conception of the rational actor at its base, have been taken forward recently in an interesting article by Thomas Raymen, who proposes that “attempts to design out crime create environments which are not only doomed to fail in their primary objective, but actively create environments which perpetuate and exacerbate the decline in symbolic efficiency and the narcissistic, competitive-individualist and asocial subjectivities which ... have the capacity to significantly contribute to forms of harm, crime and deviance.”⁸ In post-disaster Nepal, while it would clearly not be appropriate to forcibly import Western academic conceptions of neoliberal

⁴Sampson 2004.

⁵Clarke 1992.

⁶Newman 1973.

⁷Gau 2014.

⁸Raymen 2016.

consumerist forms of individualism, we do see a comparable process of the social effects of environmental–legal interventions that diminish, rather than enhance, local protective regimes with respect to 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 worshiping Hindu and Buddhist deities in the form of statuary. Or, as Raymen puts it, “when we employ SCP and CPTED strategies in our city spaces, are we designing-*in* the decline of symbolic efficiency and the development of potentially harmful subjectivities by designing-*out* the social?”⁹

CULTURAL HERITAGE CRIME, CORRUPTION, AND POLICING IN NEPAL

Nepal is a landlocked country that runs along the spine of the Himalaya, sharing borders with India to the south and west, Tibet to the north, and Bhutan to the east. Known most as a high mountain country, Nepal also extends into 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 percent and Buddhism representing a visible minority at 9.04 percent of the country’s 26.5 million people, according to the 2011 census.¹⁰ Both religions have long histories in Nepal and, accordingly, are both represented in several thousand years of sacred art and architecture.¹¹ 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 United Nations Educational, Scientific and Cultural Organization’s (UNESCO) World Heritage List and as living sacred locations that are in constant use by devotees.¹² The sheer number of religious heritage sites and the amount of sacred art in the country cannot be understated; Jürgen Schick, while documenting the vulnerability of sacred sites, likened the entire Kathmandu Valley to “a large open-air museum.”¹³ Ancient sculptures can be found in small shrines along every roadside and in every neighborhood courtyard. Most villages have several temples and sacred sites, many of them ancient. Cities have thousands. Most are at least nominally protected by the country’s heritage law, and 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 research on the theft of sacred cultural objects from Nepal was conducted by

⁹Raymen 2016 (emphasis original).

¹⁰Nepal 2011.

¹¹Bangdel 1998.

¹²UNESCO, “Kathmandu Valley,” <https://web.archive.org/web/20160916082344/http://whc.unesco.org/en/list/121/> (accessed 15 May 2018).

¹³Schick 1998.

the late and revered scholar Lain S. Bangdel.¹⁴ As an art historian with a specialty in Nepal's sacred art, Bangdel was witness to what he recorded 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 not only to show that certain objects were missing but also 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.¹⁵

There is some indication of the involvement of high-level antiquities and rare commodities smuggling from Nepal during this time and through the 1990s, with plausible allegations made of extended royal family and elite corruption as a facilitating factor.¹⁶ Sources close to Bangdel at this time report that he faced death threats for his work on the topic of sacred art theft and that seeking the return of stolen sacred art in foreign collections was rarely a government priority.¹⁷ At this time, post-1951, the police service was controlled directly by the Ministry of Home Affairs, ensuring the non-investigation of crime related to the 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."¹⁸ This situation shifted in the 2000s with changes in the country's political structures and some limited success in anti-corruption measures, but since the earthquake, Nepal has fallen from an already poor place in various assessments of global corruption, with Transparency International, for example, rating it "more corrupt" compared to other countries on their Corruption Perceptions Index.¹⁹ Furthermore, as Deepak Prakash Bhatt notes in regard to corruption cases, 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."²⁰

¹⁴E.g., Bangdel 1998.

¹⁵Ancient Monument Preservation Act 2013 (AD 1956) (Fifth Amendment).

¹⁶Retired Department of Archaeology official, personal communication, June 2015; see also Bhatt 2009, 121.

¹⁷Dina Bangdel, personal communication, May 2015.

¹⁸Bhatt 2009. In this article, we use the term idol but note that it is not unproblematic. A more accurate term to refer specifically to Hindu sacred statuary is *Murti*, which indicates that the statue and the deity have become the same thing—in other words, that the statue is the deity. This is an important concept toward understanding the importance of these objects that are living Gods. "Idol," with no negative connotation, is the most frequent English term used in Nepal and abroad in reference to *Murti*, both in the academic and popular press. The term "idol" can include Buddhist statuary as well, which is a common target of theft in Nepal.

¹⁹See Transparency International, "Corruptions Perceptions Index 2017," https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed 15 May 2018). Nepal's most recent Transparency International corruption score of 31 represents a worsening of corruption factors since the earthquake and places Nepal in the middle of the "more corrupt" end of the scale.

²⁰Bhatt 2009.

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 are meant to be seen as more approachable.²¹ While the intention of these reforms was 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 into many communities. The police are still perceived as being corrupt and as engaging in “regular extortion.”²²

Within this political context, many Nepali individuals and communities harbor a deep distrust of the government and government institutions, particularly those located outside of their local context. For example, from a survey of nearly 2,000 households conducted before the earthquake, Steinar Askvik, Ishtaiq Jamil, and Tek Nath Dhakal 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.²³ Hopeful predictions for a move toward 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 earthquake,²⁴ with confidence dropping to 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.²⁵ 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 drafted.

CONTRASTING PRIORITIES IN THE SACRED HERITAGE SPACES OF NEPAL

The following analysis stems from field research conducted in Nepal four months before the earthquake in December 2014 and three months after the earthquake in June 2015.²⁶ The dichotomy between formal security (government-level legislation and regulation) and alternative or informal networks of community-level security

²¹Bhatt 2009.

²²Bhatt 2009.

²³Askvik, Jamil, and Dhakal 2011.

²⁴E.g., Tsering Dolker, “Earning Back the People’s Trust,” *Nepali Times*, 8–14 May 2015, <https://web.archive.org/web/20151002092300/http://nepalitimes.com/regular-columns/Between-the-lines/government-earning-back-people-trust-after-earthquake,483> (accessed 15 May 2018).

²⁵Sharma 2016.

²⁶The names and titles of most informants have been omitted from this article due to the sensitive nature of the information provided, in line with the approval of our research ethics committee at the University of Glasgow.

is reflected, perhaps, 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 article, 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's UNESCO world heritage site. Nepal's temples and shrines must fulfill at the same time all three of the following functions:

- They must be sites of preservation, which have been formally judged to be significant to all humanity, to be “world heritage” beyond the state-level context of Nepal. 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.²⁷ This generally means an emphasis on the preservation of physical, built objects over any intangible heritage uses.
- They must be sites of tourism, which are significant tourist attractions 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; this need has taken a significant hit since the 2015 earthquake.²⁸
- They must be sites of worship, which, as the homes of living gods or as direct portals to the divine, are parts of the vibrant religious and social identities of Nepal's communities and of individual Nepalis.²⁹ Removal of significant ancient sculptures to museums, locking or blocking access to parts of temples, and preventing the application of 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 to be 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

²⁷Kathmandu-based heritage professionals, personal communication, 2015.

²⁸E.g., in June 2015, when Donna Yates visited several of the major Kathmandu Valley sites, there were nearly no foreign tourists present; a noticeable difference from her December 2014 visits to the same sites.

²⁹E.g., Bangdel 1998; Schick 1998.

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.³⁰ Official security powers require the documentation of cultural property since 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.³¹ The same cultural objects must be preserved by the state and serve their cultural and spiritual functions for the public. Both preservation and use are carried out under conditions of poverty and the specter of extreme international art market demand. Lawmakers, heritage professionals, and community members, then, are forced to make nearly impossible choices about which set of values should be given primacy. On paper, the governmental preservation approach is clearly emphasized. In practice, the community protection-through-use approach has had 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 2013 Ancient Monument Preservation Act,³² which has been amended several times, most recently in 2052 (AD 1992). It defines ancient monuments as any of a number of structures, including temples, stupas, and so on that are over 100 years old, and archaeological objects, including all sacred art, that also is over 100 years old. The government may declare any place to be a preserved monument. To modify or use these monuments in any way requires permission from the government via the Department of Archaeology, except explicitly under 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

³⁰Numerous informants interviewed in both 2014 and 2015 expressed that the potential for a god to be moved into a museum was a constant worry in Kathmandu Valley communities. While only a handful of specific cases could be cited about this, the fear is great enough that it warranted comment across the social spectrum.

³¹Such a photography ban can extend to publically displayed statues—e.g., at the seventeenth-century Katesimbhu Stupa in the middle of Kathmandu, signs advise tourists not to photograph certain statues.

³²Ancient Monument Preservation Act. Nepal uses the Bikram Samvat calendar so 2013 is AD 1956.

them. Private ancient monuments must be conserved by their owners, which may be collectives, communities, or individuals, but the Department of Archaeology retains the right to conserve privately owned monuments of national and international importance itself and to mandate conservation activities by monument owners. Owners must seek the approval of the Department of Archaeology before modifying the features of any ancient monument. Owners of temples, which in many cases are treated as private ancient monuments, are required to use up to 50 percent of offerings and donations to fund the conservation of the structure and grounds.

The government claims in section 4(1) of the Ancient Monument Preservation Act the right to purchase any ancient monument “if it deems necessary from the point of view of protection of the monument.” Through the chief archaeology officer, it can 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 made 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 the 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 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 the Ancient Monument Preservation Act. Furthermore, the Act stipulates that any person may enter a religious site if they wish to do so—and this includes privately owned sacred sites—provided they do not disturb “the religious feeling of the concerned person or the traditional practice.” The imposition of “improper restrictions” on entry into sacred sites are to be punished by exacting fines. 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 (€206–826) on top of the valuation of the monument and five to 15 years in prison. Theft or vandalism of an archaeological object results in a fine of 5,000–100,000 rupees (€41–826) on top of the valuation of the object and up to five years in prison. Objects covered by the Ancient Monument Preservation 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

cases where the objects are *kul devata* (family gods).³³ Fines for not registering objects range from 500 to 5,000 rupees (from €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 information that leads to an arrest and guilty verdict for violations of the Act are entitled to 10 percent of the fine imposed.

Ultimately, the Ancient Monument Preservation Act proclaims the government's power to make all decisions related to heritage sites and objects. Although the government allows for the private ownership of monuments and related objects, owners are stripped of all rights regarding modifications, transfer, movement, and, in the case of religious artifacts, 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 aspects of which relate to sacred sites and objects.

SACRED SITES AND ADVERSARIAL POLICY

The continued focus on religious sites in the Ancient Monument Preservation Act not only reflects the sacred nature of much of Nepal's heritage but also may signify that religious heritage is what the government tends to have the least control over. The government 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, can order preservation or removal if it decides that active worship is harming the piece. 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 or the religious needs of the owners and community members.

This forced yielding to government determination sometimes places communities in an adversarial role against the state, and this friction is made more salient by the ongoing political issues outlined above in the history of the country's regimes. This can be characterized as a generalized cynicism toward the government's legitimacy and good intentions that spills over into public attitudes toward the heritage security issue. The Ancient Monument Preservation 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 being inferior to 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

³³In India, *Mullick v. Mullick* (1925 27 BOMLR 1064) established that family gods were legal entities in their own right, rather than moveable property, and thus could have their interests represented in court. Nepal appears to treat *kul devata* in a comparable way, at least within cultural heritage law.

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 the access to sacred sites and the 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 but, rather, subverts it. Aspects of site or object security that are created and maintained by traditional and non-preservational use—informal social control, in other words—are not regarded as valid at the regulatory 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 partially predicated on the structure of the Ancient Monuments Protection Act in that they sometimes fill gaps in the Act or directly challenge its authority and are partially a function of the long-standing social and cultural uses of these sites. In the first instance, the types of non-state-level security patterns that are observable at Nepali sacred sites include decisions made by community members or religious caretakers either without consulting the government heritage authorities or in violation of their orders. We consider this to be a “replacement” effect, where community-level controls replace, supersede, circumvent, or resist official policy. These usually involve changes in the physical fabric of a 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 (for further discussion, 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. Such removal is perceived by communities as theft, and the prevention of government removal is perceived 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 Ancient Monument Preservation 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 3:00 am 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. The constant flow of people and the direct interaction that devotees have with the sites afford a kind of protection to which limited government security under the Act cannot aspire.

Of course, this is not the case for all Nepali heritage sites. Disused temples and shrines naturally do not have the benefit of protection from the presence of visitors, 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. However, some might 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 divine punishment believed to be 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.³⁴

It is clear that the state heritage protection structure does not reach these local, social, and cultural security activities. Not only are these activities not protected under the law, but they are also directly challenged in key passages of the government’s primarily legislative tool. Top-down and bottom-up structures can therefore exist in tension, even when the relationship between official and informal control models is what we have called “replacement” and “complementarity.” Where the issue is the “erosion” of informal social controls by perhaps ill-advised state interventions, there is more tension still.

³⁴“500-Year-Old Conch Stolen,” *Kathmandu Post*, 15 November 2015, <https://web.archive.org/web/20151117055005/http://kathmandupost.ekantipur.com/news/2015-11-15/500-year-old-conch-stolen.html> (accessed 15 May 2018); “Four-Faced Shiva Idol Found at Bhaktapur,” *Kathmandu Post*, 7 August 2016, <https://web.archive.org/web/20160808161030/http://kathmandupost.ekantipur.com/news/2016-08-07/four-faced-shiva-idol-found-at-bhaktapur.html> (accessed 15 May 2018); “Police Recover 400-Year Old Stolen Idols, Ornaments,” *Kathmandu Post*, 21 August 2016, <https://web.archive.org/web/20160822183154/http://kathmandupost.ekantipur.com/news/2016-08-21/police-recover-400-yr-old-stolen-idols-ornaments.html> (accessed 15 May 2018).

THE EARTHQUAKE AND AFTERMATH

The 2015 earthquake destroyed significant parts of the important heritage sites of the Kathmandu Valley. To cite one example out of hundreds, the Kasthamandap, a sixteenth-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. Collapse is the typical form of earthquake-related destruction of Nepal's wooden and stone heritage sites, burying carved deities and architectural elements in rubble or launching them off the sides of falling temples. Even the gods, it has been said, lost their homes in the quake.

After the earthquake, noting the fragile security situation that accompanied the inevitable social upheaval and physical destruction, many people widely expressed fear for the exposure of cultural heritage sites to looting.³⁵ 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; police and military officials would be concerned with the pressing need to save people trapped in the rubble rather than with preventing looting and theft. It was also assumed that closed-circuit security televisions and alarms (although non-existent in nearly every Nepali heritage location) would not be functional due to electricity disruption and that community members would be distracted with other issues and not necessarily keeping an eye on their cultural sites. It followed that sacred art thieves would identify this situation as their big chance.

Fortunately, however, the potential for despoliation manifested in these fears did not in fact materialize. During the informal interviews with residents as well as local and government officials that we conducted about 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 and then to pull gods out of the rubble. The form and organization that this salvage took differed greatly from site to site. In Patan, for example, local individuals and heritage professionals (often one and the same) brought sculptures and carved architectural pieces from in and around the heavily damaged Durbar Square area 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 into the local museum, and

³⁵E.g., "After Damage, Nepal Quake-Ravaged Temple Faces Threat from Looters," *Hindustan Times*, 4 May 2015, <https://web.archive.org/web/20151227211322/http://www.hindustantimes.com/world/after-damage-nepal-quake-ravaged-temple-faces-threat-from-looters/story-OSjW86zv8igYnLVLbf1ZjI.html> (accessed 15 May 2018); "Looters Prowl as Nepal's Treasures Spill into View," *The Nation*, 7 May 2015, <https://web.archive.org/web/20151002161543/http://www.nationmultimedia.com/opinion/Looters-prowl-as-Nepals-treasures-SPILL-INTO-VIEW-30259479.html> (accessed 15 May 2018); Sarthak Mani, "Protecting the Ruins," *Nepali Times*, 14–30 July 2015, <https://web.archive.org/web/20150830101824/http://nepalitimes.com/article/Nepali-Times-Buzz/religious-objects-of-Kathmandu-vulnerable-to-threat-after-the-earthquake,2437> (accessed 15 May 2018).

architectural elements were also preserved in an unused covered palace structure and in a shed owned by the Rabindra Puri Foundation. At each location, security was quickly established, usually by community members, and sacred art was protected from theft and, when possible, from further earthquake-related damage. In some locations, the military and police participated in the art salvage operations, signifying a complementarity between the 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 and from the community. This was, therefore, primarily a situation of the replacement of state protection regimes with informal community social controls.

In the Nepali year before the earthquake,³⁶ only four sacred art thefts were recorded by police,³⁷ although it is likely that this figure is far below the number of actual heritage thefts that took place that year. In the year following the quake, as mentioned, there were no thefts. At the time of writing, just over a year since the quake, we are beginning to once again see the theft of sacred art from Nepali temples, including, for example:

- a trident and a bell, which were stolen from a Shiva Temple in Ujjwal Tole, Pepsicola, Kathmandu in September 2015;³⁸
- a 500-year-old sacred conch shell, which was stolen from the Bhagwati Temple of Marbhung, Gulmi, in November 2015;³⁹
- a seventeenth-century idol of Digu Bhairav, which was stolen from the Balkumari Temple in Digu Tole, Madhyapur Thimi, Bhaktapur, in December 2015;⁴⁰
- two idols, at least one of them of Brahmayani, which were stolen from the Brahmayani Temple at Taulachhe, Bhaktapur, in May 2016;⁴¹
- a four-faced Shiva idol, which was stolen from an unknown location and concealed on the premises of the Chwanga Ganesh Temple in Bhaktapur in August 2016; and⁴²
- two idols, which were stolen from a temple in Naudobahal, Lalitpur, in August 2016 and subsequently recovered with three arrests made.⁴³

³⁶The Nepali new year falls in mid-April.

³⁷Sewa Bhattarai, "The Gods Are Still Leaving," *Kathmandu Post*, 9 January 2016, <https://web.archive.org/web/20160916080402/http://kathmandupost.ekantipur.com/news/2016-01-09/the-gods-are-still-leaving.html> (accessed 15 May 2018).

³⁸"Four Theft Cases Reported in Capital," *The Himalayan*, 16 September 2015, <https://web.archive.org/web/20160916082347/https://thehimalayantimes.com/kathmandu/4-theft-cases-reported-in-capital/> (accessed 15 May 2018).

³⁹"After Damage."

⁴⁰Ojha 2015.

⁴¹Samiti 2016.

⁴²"Looters Prowl."

⁴³Mani, "Protecting the Ruins."

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 “[t]here 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.”⁴⁴ He believes that the thefts were due to reduced security, and he 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 thefts. In discussing the idol thefts from the Brahmayani temple, the 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.”⁴⁵

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 informal community-level social controls that underwrites the site preservation reality.

Sometimes, as happened immediately following the earthquake 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 that do not have the same world heritage status, the community crime control regime performed its function in an accelerated way in the immediate aftermath of the disaster. However, after a period of time, as the earthquake damage leads to incremental community displacement from some sites, those local controls have dissipated, and thefts are increasing.⁴⁶ The accentuated state response in the immediate aftermath has subsided to the point that now the usual cultural heritage protection regime has been largely reinstated. However, the regime is now missing the community-level complementarity necessary to achieve effect on the ground. What 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 the 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.

⁴⁴Quoted in Bhattarai, “Gods Are Still Leaving.”

⁴⁵Rastriya Samachar Samiti, “Ancient Brahmayani Statues Stolen from Bhaktapur Temple,” *Himalayan Times*, 11 May 2016, <https://web.archive.org/web/20160916081951/https://thehimalayantimes.com/kathmandu/ancient-statues-stolen-from-brahmayani-temple/> (accessed 15 May 2018).

⁴⁶The International Organization for Migration has estimated that approximately 2.8 million people were displaced due to the earthquake. See International Organization for Migration 2016.

THE THEORETICAL LANDSCAPE FOR REPLACEMENT, COMPLEMENTARITY, AND EROSION OF FORMS OF CONTROL

Informal social control therefore appears to be at the core of the pattern of post-quake site protection followed by diminished 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.”⁴⁷ In this well-known schema, “guardians” supervise “suitable targets,” thereby discouraging crime against them through surveillance and through 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. The 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 the 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, which is 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. Thus, 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.

With respect to the first issue—informal social control—the concept of the “place manager” has been developed by John Eck and David Weisbud⁴⁸ and subsequently integrated into the broader theory of routine activities.⁴⁹ Marcus Felson divides responsibility for place management into: (1) personal; (2) assigned; (3) diffuse; and (4) general types of responsibility, corresponding in order to (1) places you own or use; (2) places you are employed to protect; (3) places you and others work in and share a responsibility in maintaining; and, finally, (4) 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

⁴⁷Felson 1995.

⁴⁸Eck and Weisbud 1995.

⁴⁹Felson 1995.

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 so as to support their protection by community members on this level: ‘[E]xtra 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,’⁵⁰

With respect to the second issue—the ideological consensus around the social meaning of sacred objects—we can observe that, while this certainly underlies 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 rested 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, including:

- an initial few days of shock and idiosyncratic individual reactions to attack;
- one to two weeks of establishing standardized displays of solidarity symbols;
- two to three months of high solidarity plateau; and
- gradual decline toward normalcy in six to nine months.⁵¹

In a 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 that 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 for our purposes—namely, 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.”⁵²

CONCLUSION

The protection of culturally important heritage sites against theft in a particular moment of crisis 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

⁵⁰Felson 1995.

⁵¹Collins 2004.

⁵²Collins 2004.

to both the official government control regime for site protection and preservation and some of the criminological theory that supports an explanation of the patterns of crime prevention that 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, that this was especially true in the immediate aftermath of the Nepal 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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