

FINDERS KEEPERS?
THE MACHU PICCHU COLLECTION

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We think of “finders keepers” as a saying left over from our childhood; an adage that usually pertained to a highly valued trinket with no known owner. When it comes to museum collections, it appears that some institutions are still playing a game of finders keepers. In the early twentieth century, Hiram Bingham III, a Yale University professor, led several expeditions into the Peruvian Andes (Bingham 1912, 1914, 1948; Harrison 2009). In search of ancient cities of the Inca Empire, Bingham stumbled upon the previously discovered Machu Picchu. Supported by the government of Peru and the National Geographic Society, Bingham eventually brought thousands of artifacts from Peru to Yale University in New Haven, Connecticut (Bingham 1912, 1914, 1948; Harrison 2009). Initially believed to be a short-term loan for research purposes, the government of Peru has spent years seeking the return of these artifacts. Contentious debates have made little progress in negotiating a conclusion. Nearly a century has passed since Bingham’s discovery and thousands of Peruvian artifacts remain in the possession of Yale University. Beginning with an official request in 1920, Peru has sought to secure the return of these artifacts ever since (MacQuarrie 2007:451).

Unlike artifacts that have been illegally looted, the artifacts from Machu Picchu were *legally* excavated and removed as part of a Peruvian Government-sanctioned archaeological dig. This brings new questions to the ethical boundaries of museum practices. This paper will examine the multi-faceted dimensions of the arguments surrounding this collection. Just as illegally looted artifacts are returned to their patrimonial owners, should the legally obtained Incan artifacts be returned under similar auspices of cultural heritage?

Bingham’s Discovery

In order to understand the arguments surrounding this case, we must first examine the historical record. The most controversial aspect to the Peru versus Yale University argument is

that the cultural objects in question were legally removed from Peru. A brief examination of the historical record of this case will demonstrate that these artifacts don't necessarily qualify as "stolen" cultural property. This important aspect differentiates this case from most other repatriation cases. I will discuss later that the implications of this differentiation are a prime example of legal and ethical issues within museum studies.

The Inca city of Machu Picchu sits nestled on a plateau within the Andes Mountain range. Without a written record to go by, modern science and archaeology have determined that Machu Picchu was erected in the fifteenth century (Bingham 1948). It is believed that the city of Machu Picchu was only inhabited for approximately 100 years due to the arrival of Spanish conquistadors. Despite this short amount of time and lack of written record, Machu Picchu has come to symbolize the cultural heritage of Peru and its indigenous population. Concepts such as nationalism and identity help to explain the voracious nature of Peru's century-long quest. The mystery of the Inca and their "lost" city draws tourists, historians, and revolutionaries alike. The focus of this paper will center on Hiram Bingham's arrival in 1911. Bingham's arrival in Peru set in motion a century-long dispute between Peru and Yale University over the legal ownership of Peruvian cultural property.

Following several trips to South America in the early 1900s, Hiram Bingham assembled the Peruvian Expedition (Bingham 1912, 1948). Approved by the Yale Corporation, the Peruvian Expedition consisted of professors, archaeologists, geologists, topographers, and naturalists (Bingham 1912:20, 1948:112-113). In the 1912 *American Geographical Society* article entitled "Preliminary Report of the Yale Peruvian Expedition" Bingham (1912:20) states, "The Peruvian Government, acting on the initiative of President Leguia, gave the expedition free entry ..." With his discovery of Machu Picchu during this initial reconnaissance exploration, Bingham returned

to Yale, proposing that future expeditions should be made in order to thoroughly examine the area. (It is important to note here that although Bingham took credit for the scientific discovery of Machu Picchu, there have also been various documentations of earlier discoverers [Harrison 2009:64], including Melchor Artega, owner of the land, and Agustin Lizarraga, a Peruvian explorer).

After sharing the results of his 1911 expedition, Bingham obtained the academic and financial support of Yale University and the National Geographic Society, making it possible for him to return to Machu Picchu for a more extensive examination of the site (Bingham 1948:viii). The 1912 Peruvian Expedition took place over a two-year period in search of additional ruins, new styles of architecture, artifacts and other remains (Bingham 1914:679). The expedition, Bingham (1912:679) wrote, “. . . ought to result finally in unraveling the puzzle of the ancient civilization of South America.” Again, with the permission of the Peruvian Government, Bingham’s expedition collected skeletal remains and archaeological materials. Bingham made a final trip to Machu Picchu in 1914-15, discovering additional outlying sections of the Inca Empire (Thomson 2001:284). The various dates of these expeditions are significant to deciphering the legalities of the case. Under the umbrella of the broader Peru versus Yale University case, there are several smaller disputes, each pertaining to specific expeditions.

Who Owns the Collection?

Large quantities of artifacts left Peru and were brought to Yale University as a result of Bingham’s series of Peruvian expeditions. Currently, both sides contest the exact number of artifacts with Peru estimating 40,000 (more than ten times their initial claim) and Yale suggesting the number is much closer to 5,000 (Cuno 2008:B6-B7; Yale University Office of Public Affairs 2008a). Both sides also continue to contest the stipulations concerning the

legalities centering on the artifacts and their permanent placement. Conflicting reports and sources give full title to Yale, while others assert that Peru should be the rightful owner of all artifacts removed during Bingham's expeditions (Cuno 2008; McIntosh 2006; Yale University Office of Public Affairs 2008a, 2008b). The following section will discuss some of the legal arguments both sides have employed over the last century to demonstrate rightful ownership.

Both Peru and Yale University agree on one thing: Hiram Bingham was legally permitted to conduct archaeological excavations at Machu Picchu and to then return to Yale with the collection of excavated artifacts (Kennedy 2007; Mangino 2006b). Both parties benefited from this symbiotic relationship: Peru received media attention at an international level, thus increasing tourism and cultural awareness. Yale benefited as well, conducting scientific and archaeological research in a part of the world that was new to academia (Mangino 2006b). At its initiation, Bingham's discovery and subsequent research was a success for all parties involved. Following these initial years, however, legal arguments surrounded the collection of artifacts at the center of this debate. The nexus of the argument lies in whether the disputed collection was permanently transferred to Yale or merely on loan until the Peruvian Government requested its return (McIntosh 2006:201).

Critics of the Yale position claim that legal contracts, written at the time of Bingham's expeditions, stipulate that the collection of artifacts was merely on loan to Yale by Peru (Eakin 2006; McIntosh 2006:201; Mangino 2006a, 2006b). One document, obtained by the *Yale Daily News* (Mangino 2006b), reported to have been signed in 1912 by both Bingham and the Peruvian Government states, "The Peruvian Government reserves to itself the right to exact from Yale University and The National Geographic Society of the United States of America the return of the unique specimens and their duplicates." Yale, however, counters this argument with two

responses: First, the University cites an 1852 Peruvian Civil Code, which Yale interprets as giving full ownership rights to the University (McIntosh 2006:202; Yale University Office of Public Affairs 2008a). Explained in “The Protection of Cultural Patrimony in Peru”, by Jack Batievsky and Jorge Velarde (2006:100), the 1852 Civil Code established that archaeological finds belonged to the discoverer, except when they had been discovered on private land, in which case they belonged to the discoverer and the landowner. Second, Yale claims that the provision allowing Peru the right to request any artifacts from the 1912 expedition had a statute of limitations, and Peru did not exercise this right in the ensuing time (Yale University Office of Public Affairs 2008a). Since the objects were removed from Peru nearly 100 years ago, the statute of limitations bars the country from making any new claims (Mangino 2006a). At this juncture, the government of Peru and Yale University were at a legal standoff, each waiting for the other side to acquiesce. With multiple academics and politicians weighing in on the arguments, the most unlikely candidate of all – Hiram Bingham – gave support to the Peruvian viewpoint. The *Yale Daily News* obtained a copy of a letter, dated November 28, 1916, written by Bingham, which states that the objects “do not belong to us, but to the Peruvian Government, who allowed us to take them out of the country on condition that they be returned in eighteen months” (Mangino 2006a; McIntosh 2006:202). Over the course of this research I extensively investigated for more sources that could support Bingham’s claim to have been given “eighteen months” before returning the artifacts to Peru became mandatory. I could not find any such source directly linking this specific time-frame stipulation to the 1912 expedition; however, I did find sources that attributed this time frame to a subsequent 1916 expedition, when Bingham conducted archaeological excavations in another region of Peru (Eakin 2006). It is my opinion that as this dispute began to play out, even in those early years while excavations were still

underway, Peru recognized that initial legal agreements with Yale and Bingham may not have been strict enough and thus, any subsequent excavations were subject to far more stringent agreements. This explains why an “eighteen month” stipulation would have been attached to any agreement for the 1916 excavation. Some research asserts that negotiations commenced by Bingham in 1912, would have granted Yale a 10-year concession of any excavated artifacts (Eakin 2006). No proof of this negotiation can be made, and it is therefore believed to have fallen through. Consequently, the failure to come to any agreement concerning the 1912 Peruvian Expedition and any relevant legal contracts is pivotal to the Peru v. Yale argument since the bulk of the collection still possessed by Yale are artifacts from the 1912 expedition.

The collections of artifacts excavated during the 1914-15 expeditions were returned to Peru without issue. In fact, Yale University claims to have returned all objects from this expedition, due to the more stringent stipulations. By that time, Peru’s policies regarding archaeological findings had changed and the 1852 Civil Code could no longer be applied (Yale University Office of Public Affairs 2008a, 2008b). Although, Peruvian sources are unsure if they have received all artifacts recovered during the 1914-15 expedition, Yale assures the courts and the media that all artifacts were returned following World War I. Additionally, in *Lost City of the Incas*, Bingham (1948:229) reports that all archaeological material excavated in 1914-1915 was returned to the Peruvian Government.

Current Proceedings

Beginning in 2005, court proceedings involving this case have increased and still no resolution has been made. A perusal of relevant newspaper articles highlights the main points of the arguments and ensuing lawsuits. At the outset of these current proceedings, negotiations were undertaken as a means of averting any impending lawsuits. In late 2005 and early 2006, Peru

threatened suing as a means of instigating serious negotiations with Yale University and the Peabody Museum of Natural History, Yale's repository for the artifacts. Simultaneously, Peru had entered a new era in its cultural and political history: in 2001, Alejandro Toledo became the first indigenous president of Peru. Adding fuel to this already emotionally charged fire, Toledo and his wife Eliane Karp-Toledo fought to seek the full return of the Machu Picchu collection, citing the cultural heritage of Peru and its people as the most underlying reason (Karp-Toledo 2008). Toledo's administration made clear that it intended to not only seek the full return of all artifacts but to also come to an agreement stating that Peru would be the legal owner of all artifacts henceforth. In a 2008 op-ed piece in the *New York Times*, former Peruvian First Lady Eliane Karp-Toledo asserted that the primary reason the 2006 negotiations broke down was due to Yale's refusal to accept Peru's first condition: "recognition that Peru is the sole owner of the artifacts" (Karp-Toledo 2008). Thus negotiations halted and did not resume until later in 2006, under the new political direction of President Alan Garcia.

In 2007 both Yale University and Garcia's government signed a preliminary Memorandum of Understanding (MOU) (Karp-Toledo 2008; Yale University Office of Public Affairs 2007). Opponents of the MOU revealed its stipulations to be counterproductive to restoring Peru's cultural patrimony. For instance, provisions of the MOU stated that Yale would continue to retain a majority of the disputed collection according to a 99-year lease, under the auspices that there was still more research to be undertaken. Additionally, any future legal actions regarding the collection would be subject to Connecticut laws disallowing Peru to file grievances with Peruvian courts or international organizations. The MOU also stipulated that Peru would absolve Yale of any previous legal claims regarding the collection (Needham 2008). These stipulations were in direct opposition to any previous negotiations undertaken by the

Toledo administration. The MOU gave both parties a 60-day time frame to sign a final agreement; this time came and went without reconciliation (Needham 2008).

In 2008, more than a year after signing the preliminary MOU, Peru officially filed a lawsuit against Yale. In the lawsuit, Peru seeks the return and rightful title of all artifacts excavated during Bingham's expeditions. Peru also seeks monetary compensation for any proceeds resulting from previous Yale University traveling exhibitions, involving the Machu Picchu collection. The complaint alleges that Yale's conduct is in violation of the 1970 UNESCO Convention, the 1972 UNESCO Convention on Protection of the World Cultural and Natural Heritage and the UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects (McIntosh 2006).

The Collection

At the center of this argument is a collection of artifacts from Machu Picchu. This collection is predominantly comprised of ceramic, metal (mostly bronze and silver), faunal, and osteological artifacts. Over the years, Yale University has exhibited a number of artifacts from the collection at the Peabody Museum of Natural History. Additionally, the exhibit traveled nationally, bringing everyday Inca life at Machu Picchu to over one million visitors (Yale University Office of Public Affairs 2008a). Funded by grant money from the National Endowment for the Humanities, the Connecticut Humanities Council, and the National Science Foundation, Yale claims to have not profited from this traveling exhibit (Yale University Office of Public Affairs 2008a). This is just one of many discrepancies surrounding the specifics of this collection. The following section will attempt to highlight inconsistencies of both Peru and Yale's descriptions of the Machu Picchu collection.

Exact number of artifacts in the collection has been one of the main disparities of this argument. The gap between both parties estimation is large, to say the least. Yale estimates the collection is comprised of approximately 5,500 objects, while Peru estimates there are more than 46,000 artifacts at issue (Whalen 2008; Yale University Office of Public Affairs 2008a). Yale attributes this vast difference to Peru's incorrect methodologies for inventorying artifacts. While Yale grouped individual fragments of a single object into a single lot, Peru counted each fragment as a single artifact. By Yale's estimations, a single "lot" could contain two or three fragments of a single ceramic vessel or two to three hundred fragments of one vessel (Yale University Office of Public Affairs 2008a). This results in a large discrepancy in the inventory numbers. One might think that going directly to the source – Hiram Bingham – could help clarify these discrepancies; however, Bingham's (1948) book *Lost City of the Incas*, reads more like an Indiana Jones novel than it does a scientific publication. Bingham (1948:204) describes his finds as a "veritable buried treasure" yielding Inca pottery, assorted pieces of bronze, and numerous skeletal remains. Thus, Bingham's account does little to reconcile the estimation discrepancies.

In 2008, Yale University's Office of Public Affairs published a list of "Myths and Facts" surrounding the Machu Picchu case. The first point on this six-point list is most surprising. "Myth: The Machu Picchu materials are valuable and unique 'treasures' " (Yale University Office of Public Affairs 2008a). Yale asserts that the artifacts are not unique and have been found in multiple other archaeological investigations in Peru. In Yale's opinion, because the collection is not "one-of-a-kind" its quality should be of little importance to the government and people of Peru. Furthermore, of the aforementioned 5,500 objects in Yale's possession only 329 are of "museum-quality" (Yale University Office of Public Affairs 2008a). I believe herein lies the fundamental incongruity between the parties. Yale's position and attitude toward this

collection of artifacts wholly opposes the fact that whether or not these artifacts are one-of-a-kind or museum quality, they are still relics of another country's cultural heritage. In addition, if they are merely fragmentary shards and not museum-quality, then why not send them back to their country of origin? After 100 years, why does Yale need to retain such useless artifacts?

At the start of my research for this paper, I knew obtaining a certain key piece of information could help illuminate the overall intentions of Yale concerning the permanent placement of this collection. According to the American Association of Museums (Gardner and Merritt 2004:82) and the *AAM Guide to Collections Planning*, to accession an object or collection of objects is to create an immediate and permanent record for such objects. Furthermore, accessioning demands that the museum has "custody, right, or title" of the objects (Gardner and Merritt 2004:82). Assuming that Yale University and the Peabody Museum of Natural History follow these guidelines, accessioning the Machu Picchu collections would reveal Yale's intentions for the collection. In 2008, the Office of Public Affairs at Yale University, published to their website a list of 329 "museum quality" Machu Picchu artifacts, all of which have been assigned Peabody Museum of Natural History accession numbers (Yale University Office of Public Affairs 2008b)! This provides evidence of Yale's intentions, inferring that Yale has never intended to acknowledge that Peru has rightful ownership and title to this collection.

Who Owns the Past: Theoretical Frameworks

In the last several decades, issues concerning cultural heritage and cultural property have exponentially increased. As scholarship in subjects like anthropology and ancient civilizations strengthen, questions concerning centuries of archaeological excavations and illegally looted objects race to catch up with current legal and ethical thought processes. The more educated and interested the public becomes in cultural heritage, the faster questions arise concerning who

owns the rights to antiquity. The establishment of programs and organizations such as UNESCO and NAGPRA has given a voice to indigenous cultures, marginalized peoples, and humanity in general. As laws become more restrictive, leaving less room for collectors and museums to assume ownership, the voices of indigenous peoples and their rights become louder. Unfortunately, not all arguments of cultural property fall under the umbrella of specific laws and restrictions. As with the case of *Peru v. Yale University*, there are always going to be cases with ambiguous outcomes. In reference to such cases, it is essential to look beyond the legalities and highlight the ethical implications. Karen J. Warren (1999:21) suggests that the time has come to make a shift from adversarial, win-lose perspectives to ideas of stewardship. Emphasizing preservation of a collection while keeping in mind the cultural perspectives of its original owners are essential to balancing the ideas of ownership, stewardship, and patrimony.

In the article “A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues” Warren (1999:1-26) navigates through legal and ethical issues regarding cultural properties. She suggests arguments both for and against the repatriation of cultural properties. Arguments condoning Yale’s perspective are ideas of foreign ownership and scholarly access. Warren’s (1999:4-5) explanation for foreign ownership relates directly to the *Peru v. Yale* case, stressing that what is legal may not always correlate to what ought to be legal. As Warren (1999:4) explains, questions of legality are not straightforward and often have subsequent implications. In instances of ambiguity, it is often important to recognize that ethical perspectives should supersede legal outcomes. Although the Machu Picchu collection was legally removed from Peru, after 100 years of ownership perhaps Yale should relinquish the collection to Peru on the basis of ethical obligation. Additionally, over the course of the last 100 years, there have been vast reformations to cultural property laws, thus is it even appropriate to

apply such antiquated laws to issues of modern dilemmas? Can Yale University appropriately cite the 1852 Peruvian Civil Code as a basis for current ownership of the collection, if that law is no longer in effect?

Applying Warren's (1999:7) argument of scholarly access is equally as thought provoking. Assuming that Yale has constructive intentions and is consistently utilizing the collection as a means of education, should Peru not allow Yale to retain ownership? After all, isn't the promotion of cultural scholarship of indigenous peoples of the world, such as the Inca, invaluable? Warren (1999:7) argues that restitution and return of the collection to the country of origin can often impede academic scholarship. In this argument, responsibility of scholarly access becomes the essential matter for discussion. This is a difficult decision to have to make as it has the potential to imply that the country of origin might not have the ability (or desire) to research and preserve its own culture. In the Yale University Office of Public Affairs (2008a:5-8) "Myths and Facts" statement, Yale attempts to defend its actions by citing the multiple scientific studies and publications which have been undertaken utilizing material from the Machu Picchu collection. Among other publications, the work of Yale anthropologists Richard Burger and Lucy Salazar (2004) stand out as having demonstrated the profitability of scholarly access to the collection. Yale claims that curatorial attention and scholarly studies began on the collection as soon as the materials arrived in New Haven and further retention of the collection will ensure continuation of this type of research (Yale University Office of Public Affairs 2008a). Conversely, Yale has had 100 years to conduct research on this collection. Many would assert that the country of origin should now be granted the same opportunities.

According to Warren (1999:9), rejecting the argument for foreign ownership, the country of origin ownership argument has an equally strong claim. The most underlying fact to this entire

case remains that this collection has come from Peru and expresses antiquated Peruvian ways of life. If we assume that a specific past belongs to its people, then we must also assume that objects from this past belong to its people. Clearly defining the past by *both* material assemblages and perceptions, suggests that one without the other eliminates a country from having the capability to own its respective past. Thus, is it possible for Peru to own Incan history if it does not have access to the representative cultural property? Here, the framework to the theme of nationalism has the potential to better illuminate who owns the past. Used as a justification for repatriation, nationalism consists of the fundamental principle that cultural items belong to the country of origin (McIntosh 2006:210).

In direct opposition to ideas of nationalism, actions of colonialism can be used to explain the irreverence of Yale. For decades, archaeological excavations and illegal pillaging has plagued Native American sites found all over the United States. Legal excavations conducted by universities claim scholarly research as their motive. However, Roger Atwood (2004) suggests that this research has a counter-productive purpose. Removing cultural material from a site and then exhibiting it in a museum far beyond the cultural and political boundaries of its people cannot possibly advance knowledge of this culture. How can an outside perspective better explain the insider's knowledge? Instances of colonialism have allowed dominant cultures the right to excavate, pillage, and exploit weaker cultures with the idea that scholarly access will erase and excuse any wrongdoing. After 100 years, Yale maintains that they would like to retain ownership of the Machu Picchu collection because the University is a more capable owner than the original Peruvians. Yale's assertion employs a highly debated paradigm within anthropological theory.

One of the most fundamental theories of anthropology employs the use of emic and etic expressions. Utilized by Marvin Harris (1966) to better explain the paradigm of cultural materialism, emic and etic refer to the insider and outsider's perspectives, respectively. An emic understanding is culture-bound, explaining one's own culture through insider knowledge (McGee and Warms 2004:304). Conversely, an etic understanding prioritizes the outside observer's perspective as the most valid view. Within the scope of anthropology the opposition of emic and etic has long been debated. At the core of this debate, anthropologists question whether solely emic or etic approaches have the ability to adequately analyze culture. While an emic approach will demonstrate culture through the insider's point of view, an etic approach has the ability to empirically study the culture (McGee and Warms 2004:304). At the time of Harris's (1966) initiation of this argument, anthropology and the ethnographic approach were becoming very popular. The focus on the emic perspective allowed anthropologists to understand culture the same way as their informants (McGee and Warms 2004:314). Anthropologists would combine the emic and etic for a versatile understanding of the culture that employed both insider and outsider perspectives. Harris disagreed with this approach, citing that an emic view relied too heavily on the bias of the particular culture. Harris (1966) suggested that an etic approach, which relies heavily on scientific data, could be used to explain culture in general. In other words, the use of the etic perspective can demonstrate pan-cultural generalizations. Removing the emic cultural-biases makes Harris's (1966) approach more scientific. In terms of the Peru v. Yale case, Yale has employed Harris's (1966) etic-focused approach, removing the Incan cultural property from its country of origin, thus disallowing an emic approach to take place. While some scholars applaud this scientific approach, proponents of Peru's argument claim that the Machu Picchu collection cannot be holistically interpreted without the Peruvian (insider) knowledge.

Conclusion

Modern examples of repatriation cases are helpful in demonstrating legal and ethical trends. Native American tribes across the United States have seen much progress when seeking the return of artifacts and human remains. Greece and Italy have also begun aggressively campaigning for the return of their ancient treasures scattered across the globe (McIntosh 2006:204). World-renowned museums, like the J. Paul Getty Museum in Los Angeles and the Metropolitan Museum of Art in New York, have found themselves entangled in contentious debates over artifacts scattered to the far corners of the globe. The premise of these debates, however, differs considerably from the *Peru v. Yale* case: the artifacts in question at the Getty and Met are looted antiquities. These objects were obtained by museums, having no known provenance because they had been illegally pillaged and smuggled out of their patrimonial regions. Instances such as the case of Getty curator Marion True and her acquisition of millions of dollars worth of undocumented Roman, Greek, and Etruscan antiquities present definite examples of illicit acquisitions within the museum industry (Eakin 2007; McIntosh 2006:206). In terms of legal outcomes, cases involving illegally looted objects lean strongly towards the repatriation of such antiquities.

These cases of illegal looting and illicit acquisition differ greatly from the Machu Picchu dispute. The legality of the removal of this collection of artifacts has never been doubted (McIntosh 2006:206). Similar to the *Peru v. Yale* dispute is the case of the Elgin Marbles. In the early 1800s, while Greece was under control of the Ottoman Empire, Lord Elgin of Great Britain received Turkish authority to remove these Greek sculptures from the Parthenon (Greenfield 1996:42; McIntosh 2006:207). Collectively known as the Elgin Marbles, these sculptures are currently housed in the British Museum. Like Peru, Greece began formally requesting the return

of these cultural artifacts soon after their removal. The British Government, taking a similar stance to Yale University's position, has repeatedly denied the Greek requests, maintaining that Lord Elgin's transaction had legitimate authority (Greenfield 1996:74). Proponents of the British stance view the removal of the Elgin Marbles as an act of preservation, thus invoking the previous discussion of ownership and stewardship. The parallels between the case of the Elgin Marbles and the Machu Picchu collection are numerous: both Lord Elgin and Hiram Bingham were given legal authority to remove these artifacts and both the British Museum and Yale University maintain that the artifacts will receive better conservation in their current locations. Conversely, Greece and Peru continue to argue for the return of these collections, asserting that the materials will hold greater cultural and patrimonial value if viewed in the context of their countries of origin.

The Peru v. Yale University dispute over the Machu Picchu collection spans approximately 100 years and employs a multitude of arguments. Utilizing the ideas of ownership, stewardship, and heritage, both sides continue to make demands regarding the legal title of this collection. Repatriation of cultural property has become a significant and common practice within national and international museums and communities. Equally as significant in the museum world is the idea of access and custodianship. Opponents of Yale concur that this collection of cultural property belongs to the Peruvian people as an example of indigenous history. Opponents of Peru, however, argue that the Machu Picchu collection should remain under the custodianship of Yale, where it will be preserved correctly and used for ongoing scientific research. While the arguments for scientific and scholarly benefit of cultural property are beyond dispute, current notions of cultural patrimony mandate the collection's return to Peru (McIntosh 2006:220-221). Yale has claimed to take great lengths to interpret the Machu Picchu

collection. Despite these efforts, it is not possible for Yale to holistically interpret this collection better than its country of origin. As one of the timeliest debates in museum collection history, an end result to this dispute could become a significant example for cultural heritage collections.

References Cited

Atwood, Roger

2004 *Stealing History: Tomb Raiders, Smugglers, and Looting of the Ancient World*. St. Martin's Press, New York.

Batievsky, Jack and Velarde, Jorge

2006 The Protection of Cultural Patrimony In Peru. In *Art and Cultural Heritage: Law, Policy and Practice*, edited by Barabra T. Hoffman, pp. 100-104. Cambridge University Press, Oxford.

Bingham, Hiram

1912 Preliminary Report of the Yale Peruvian Expedition. *Bulletin of the American Geographical Society* 44(1):20-26.

1914 New Peruvian Expedition under the Auspices of Yale University and the National Geographic Society. *Science* 39(1010):679-680.

1948 *Lost City of the Incas*. Duell, Sloan and Pearce, New York.

Burger, Richard L. and Salazar, Lucy C. (editors)

2004 *Machu Picchu: Unveiling the Mystery of the Incas*. Yale University Press, New Haven.

Cuno, James

2008 Antiquity Belongs to the World. *Chronicle of Higher Education* 4 July: B6-B7, Washington, D.C.

Eakin, Hugh.

2006 Inca Show Pits Yale Against Peru. *The New York Times* 1 February: Arts section, New York.

2007 Treasure Hunt: The Downfall of the Getty Curator Marion True. *The New Yorker* 17 December, New York.

Gardner, James B., and Merritt, Elizabeth E.

2004 *The AAM Guide to Collections Planning*. American Association of Museums, Washington, D.C.

Greenfield, Jeanette

1996 *The Return of Cultural Treasures*. Cambridge University Press, Cambridge.

Harris, Marvin

1966 The Cultural Ecology of India's Sacred Cattle. In *Anthropological Theory: An Introductory History*, edited by T. Jon McGee and Richard L. Warms, pp. 302-315. McGraw-Hill, New York.

Harrison, Regina

2009 Machu Picchu Recycled. In *Telling Ruins in Latin America*, edited by Michael J. Lazzara and Vicky Unruh, pp. 63-76. Palgrave Macmillan, New York.

Karp-Toledo, Eliane

2008 The Lost Treasure of Machu Picchu. *The New York Times* 23 February: Opinion section, New York.

Kennedy, Randy

2007 Yale Officials Agree to Return Peruvian Artifacts. *The New York Times* 17 September: Arts and Design section, New York.

MacQuarrie, Kim

2007 *The Last Days of the Inca*. Simon and Schuster, New York.

McGee, R. Jon and Warms, Richard L. (editors)

2004 *Anthropological Theory: An Introductory History*. McGraw-Hill, New York.

McIntosh, Molly

2006 Exploring Machu Picchu: An Analysis of the Legal and Ethical Issues Surrounding the Repatriation of Cultural Property. *Duke Journal of Comparative and International Law* 17(1):199-221.

Mangino, Andrew

2006a Elections Could Avert Peru's Lawsuit. *Yale Daily News* 12 April, New Haven.

2006b Peru Dispute Has Long, Murky Past. *Yale Daily News* 14 April, New Haven.

Needham, Paul

2008 Sept. Memo Reveals Peru Concessions *Yale Daily News* 14 February, New Haven.

Thomson, Hugh

2001 *The White Rock: An Explanation of the Inca Heartland*. The Overlook Press, Woodstock, New York.

Whalen, Andrew

2008 Peru Sues Yale for Disputed Inca Artifacts. *ABCNews* 10 December, Lima, Peru.

Warren, Karen J.

1999 A Philosophical Perspective on the Ethics and Resolution of Cultural Property Issues. In *The Ethics of Collecting Cultural Property: Whose Culture? Whose Property?*, edited by Phyllis Mauch Messenger, pp. 1-26. University of New Mexico, Albuquerque.

Yale University Office of Public Affairs

- 2007 Memorandum of Understanding. 14 September, electronic document, <http://opa.yale.edu/opa/mpi/Machu-Picchu-MOU.pdf>, accessed November 16, 2009.
- 2008a Myths and Facts About the Machu Picchu Materials at Yale University. 20 June, electronic document, <http://opa.yale.edu/opa/mpi/Machu-Picchu-Myth-Fact-Sheet.pdf>, accessed November 15, 2009.
- 2008b Yale Seeks Collaborative Relationship with Peru. 9 December, electronic document, <http://opa.yale.edu/peru/>, accessed November 15, 2009.