

Church Theft, Insecurity, and Community Justice: The Reality of Source-End Regulation of the Market for Illicit Bolivian Cultural Objects

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Abstract In 2012 two men were lynched in Bolivia, first because there is an illicit market for Bolivian cultural objects, and second because a small, poor community turned to desperate measures to protect themselves from that illicit market due to the failings of national and international regulation. This paper is a case study of the reality of source-end regulation of an international criminal market in a developing country. I will discuss what is known about thefts from Bolivian churches, the international market for items stolen from these churches, and how such thefts are meant to be prevented on-the ground. Following this, I will present lynching in Bolivia as the most severe community response to the issues created by local politics, ineffectual policing, unenforceable laws, and a history of oppressive racism. I will conclude with a discussion of what we can reasonably hope to accomplish with source-end regulation.

Keywords Antiquities trafficking · Bolivia · Church theft · Criminal markets · Lynching

Source-End Regulation of the Antiquities Trade: The Case of Bolivia

One of the most common criticisms levied against international regulation of the illicit antiquities trade is that so-called “source countries”, countries that exist at the supply side, do not adequately protect themselves.¹ Rather than depending on policing the demand side of the market (in this case, dealers and collectors), it can be argued that it is unreasonable to expect states to spend time and money enforcing the export and property regulations of others; that if a country is serious about its cultural property, it should focus on securing its heritage sites and securing its borders.

Just such a point was raised at the 2011 US State Department Cultural Property Advisory Committee about the extension of the Memorandum of Understanding that prohibits the

¹A classic argument for this can be seen, for example, in commentator Peter Tompa’s blog “Cultural Property Observer” under the label “Poor Stewardship”: <http://culturalpropertyobserver.blogspot.com/search/label/poor%20stewardship>

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import of Bolivian cultural objects into the United States (Yates 2011a; Yates et al. 2011). A member of the committee asked why the United States should spend an extensive amount of money to train border agents to recognise Bolivian cultural property if there was little evidence that Bolivia was investing in site protection and border control. Unfortunately, almost no academic research has been conducted into the on-the-ground application and enforcement of Bolivian cultural property regulation.

Bolivia is the poorest country in South America, but it houses a rich (and, unfortunately, marketable) past that spans from massive pre-Inka civilisations through the Colonial and Republican periods. It is also a turbulent place where modernity and history mix to form a complex and often unstable balance of politics, culture, race and identity (Yates 2011b; Sammells 2009). As a result of Bolivia's instability and poverty, there is a significant disconnect between law "on the books" and the law on the ground when it comes to the regulation of most criminal markets. The market in illicit and illegal cultural property is no different. What, then, does source-end regulation look like on the ground in Bolivia?

In an effort to answer this question I began to monitor incidences of church theft in Bolivia. Studying theft of cultural property from churches rather than archaeological sites has several advantages for this line of inquiry. While church objects are regulated by the same national and international mechanisms as archaeological objects, the Bolivian Ministry of Cultures has catalogued most church pieces; when a church is looted it is known what objects have been stolen, and if they turn up on the international market, they can be traced to a specific source. In contrast, a theft of unknown items from the ground at a remote archaeological site is nearly impossible to even detect. Focusing on stolen church objects may bring clarity to the usually-opaque world of antiquities smuggling, and could make any existing criminal networks easier to trace.

The study of church theft has revealed a dark side to source-end regulation in Bolivia that may have implications for what can reasonably be expected from developing countries. In March of 2012 news broke of a horrifying occurrence at the village of Quila Quila. Two men were allegedly caught stealing items from the village church and were lynched by the community. This was *justicia comunitaria*: lynching in the name of community justice. When faced with an ineffectual regulatory regime, a string of governments unable to police and protect heritage sites, and the existence of an international market for illicit Andean cultural property, what does the possibility of fatal lynching mean for heritage protection and justice in Bolivia? Is this source-end regulation of the market? This paper is a case study of the reality of source-end regulation of an international criminal market in a developing country.

Bolivian Church Theft

The construction of community churches was an integral part of the evangelising mission of the Spanish Conquest. Churches were often built on or very near major pre-Conquest religious and social locations, at times using stone taken from pre-Conquest structures.² The goal was symbolic replacement of Indigenous religion, even in communities where a church could not be effectively staffed. These communities produced various regional styles of religious art that are often only tangentially related to European or even Colonial Spanish styles. During the Colonial and Early Republican periods (so, up to the mid 1800s), the Bolivian highlands were

² The conquest era church at the World Heritage Site of Tiwanaku, Bolivia is a good example of this practice. It was built in the 16th century from stones taken from nearby temples. It has been robbed on multiple occasions in recent years.

the source of most of the world's silver. The devotional art from this period reflects the availability of this resource.

There are hundreds of very old churches in the Andes and many are located in remote or even abandoned communities. Often these buildings contain not only painting and sculpture, but also silver devotional objects. These churches are usually in extremely poor areas and have minimal security. They are often robbed.

Under Bolivian law, all ecclesiastical objects made before 1900 are the cultural patrimony of the nation: they cannot be exported under any circumstances.³ Their theft and illegal export is considered especially grievous under the penal code and incurs harsher penalties than other thefts (see Yates 2011b). These laws are both strict and aspirational: the reality of the security situation around Andean churches precludes enforcement.

According to information published in the newspaper *La Razón* (2012) there were 36 thefts of cultural property from churches committed between 2008 and 2012. Based on media reports and alerts sent to the Bolivian customs service, information about 34 church thefts and one attempted theft for the 2008 to 2012 period was collected. The following information has been compiled from these details as well as preliminary fieldwork conducted in Bolivia in July and August 2013.

Bolivia has a distinct highland/lowland divide which is physical, social, political and racial. The majority of church thefts in the past five years have occurred in the highlands in villages located on the inter-Andean plain known as the Altiplano. The average altitude of the Altiplano is around 3750 m, very close to the median altitude of sites of church robbery (3770 m).⁴ Only three thefts occurred outside the Altiplano.

Thirty-one of the church thefts occurred in locations classified as rural in the 2001 national census. As an indication of how rural these communities really are, church theft sites were on average 105 km from a population centre of more than 50,000 people, meaning that they were 105 km from a location that was likely to have a moderate police or governmental presence. This has implications for authorities' ability to monitor historic churches and to respond to complaints.

All 31 rural thefts occurred in villages with fewer than 1000 inhabitants, and 21 occurred in villages with fewer than 500 inhabitants. It is worth noting that the village with the fewest inhabitants, Quila Quila at 102 people, was the site of both an attempted church theft and a subsequent double lynching. The median population of a church theft site was 449 people.

The archetypal Bolivian church theft from 2008 to 2012, then, would occur in a village in the Altiplano at 3770 m above sea level. The village would be rural, approximately 105 km from a population centre, and would have an almost entirely Indigenous population of about 449 people. The majority of the residents of the village would be classified as in poverty or even extreme poverty.

In these areas electricity can be spotty, village centres are not lit, and even when a security alarm is present in the church, maintenance of the system is often an issue. It is typical for churches in these villages to only be opened once a week and some are only open during specific saint days or during the visit of a travelling priest. Many churches are in a poor state of repair due to Bolivia's serious funding limitations for preservation projects and, as such, fences, windows, locks and doors are breachable. A thief can reasonably expect to find an unoccupied and under-protected church that is relatively easy to enter. They are likely to not face any sort of security or law enforcement as they escape and the theft itself is likely to not be noticed for days, weeks, or months.

³ Resolución Ministerio de Educación No 1642: Normas Sobre Catalogacion y Resguardo del Tesoro Artístico de la Nación. 27 November, 1961.

⁴ According to the 2001 census; the community-level results of the 2012 census had not been released at the time of writing. The population figures used here only include the inhabitants of each village proper, not the associated hinterland.

It is assumed that the looting of Bolivian churches is done to feed a demand for illicit cultural property. However, poor investigation on the ground and the very low recovery rate for stolen church objects makes connecting thefts from small villages to the global illicit antiquities trade difficult. The trafficking networks that operate in this area are almost entirely unknown. That said, the few cases that have received public exposure indicate that the market for church objects is international. For example, in 2011 two paintings stolen from the church at San Andrés de Machaca in 1997 were recovered in London after a dealer, who said he received the works on consignment from an American collection, contacted the Art Loss Register (Art Loss Register 2011). In another case Pedro Díaz, a Peruvian former cultural attaché, and Dominique Scobry Leacey, a French citizen, were arrested in La Paz in 2000 for being in possession of over 200 works of Colonial art, including objects from churches in Peru and a painting stolen from the Bolivian church at Chuchulaya in 1997 (ANF 2000; El Diario 2002). Leacey was arrested again in 2001, but fled to France via Peru after being freed on bail. An extradition request failed (El Diario 2002).

To better understand the potential availability of Bolivian church objects on the international art market, a “snapshot” of South American church art made before 1900 available for sale on the internet was taken between 1 and 12 December 2012. Included in this snapshot were any objects listed as coming from a South American country, as well as any that looked South American stylistically. It is incredibly difficult to differentiate a Bolivian object from an object from another Andean country, and I did not attempt to make this distinction. All told, there were 348 lots for sale that could have come from Bolivia, all of which were said to originate from South America and most of which were said to be in the United States.⁵

Although most Bolivian churches contain a variety of objects, all of which appear to be in demand or at least for sale on the art market, only seven of the 34 studied thefts were combined thefts where both “art objects” and metal pieces were stolen. Theft of metal objects alone, potentially saleable as scrap, accounted for 18 of the church thefts and the theft of “art objects” alone (paintings, saint figures, etc.) accounted for seven thefts.⁶ This may mean that there are two entirely separate criminal networks and end markets for illicit Bolivian church items. If so, regulating these two markets will likely require context-specific measures.

Ideal Source-End Regulation: How Church Theft is Meant to be Prevented

Ideally, preventative measures would stop church theft from taking place in Bolivia. All historic and current Bolivian cultural heritage law indicates that it is the duty of the State (and, now, the autonomies) to protect the cultural patrimony of the nation.⁷ This is to be done by creation of an exhaustive registry of all heritage objects in the country, by thoroughly securing churches (via guards, security systems and keeping them in good repair), by removing cultural objects to protected locations when their security cannot be guaranteed in situ, by maintaining and auditing a mandatory list of antiquities dealers operating in the country and by fostering a sense of local and national pride in heritage items. While national regulation may promote these ideas, there is little evidence that they can be enacted effectively.

⁵ Several of these objects have since been linked to specific Bolivian church thefts. However, as these international investigations are ongoing, the details of these links have been purposefully omitted.

⁶ The remaining two were in some sense outliers: 88 jewels stolen from the museum of the cathedral at Santa Cruz, and an attempted church theft allegedly targeting paintings.

⁷ See Yates 2011a, b for a complete analysis of all current and historic Bolivian cultural heritage legislation.

The creation of a registry has gone well, at least for ecclesiastical objects located within Colonial churches. The Ministry of Cultures' cataloguing unit appears to have done a thorough job of photographing and recording nearly everything that could be considered 'cultural patrimony' within most Bolivian church collections. The documentation that exists for these objects makes them nearly impossible to sell openly on the art market, as evidenced by the previously mentioned recovery of Bolivian paintings in London. However, documentation does not prevent sale on the black market; neither does it appear to prevent theft, as all 34 thefts discussed here involved documented items. Furthermore, documentation does not prevent theft of metal objects that could theoretically be melted down.

The securing of churches has been more problematic, mostly because of financial and logistical issues. Hiring full-time guards is beyond the budget of both government and communities. Also, there are jurisdictional issues: who is in charge of hiring and managing guards? The Bolivian government? The community? The Catholic Church? There is no clear evidence that guards or security systems prevent church theft in Bolivia in the first place. During a number of recent thefts alarm wires were cut; in at least one other, thieves waited until on-site guards fell asleep before they struck.

One could argue that restoring churches and making them more impenetrable could be helpful. Most church thefts occurred via 'breaking and entering': breaking a lock, breaking through a door, or in one case pushing through the fragile wall of the church itself. However, the cost of restoration is beyond the capabilities of the Bolivian government, the replacement of Colonial construction with modern reinforced doors is ethically questionable, and there is no clear indication that either would make much difference.

The removal of heritage objects from the churches to secure locations, then, seems like the most viable of theft prevention measures. However, Bolivia does not have the museum facilities to store all of these objects properly. Perhaps more importantly, such action can be viewed as taking a community's heritage away from it and removing the objects from their context. These are functioning objects of religious devotion and are meaningful to the community in that capacity. Removal is neither financially tenable nor fair.

All indications are that the maintenance of a mandatory registry of antiquities dealers and their stock has been largely ignored. An investigative article in the newspaper *La Razón* (2012) found this list to be shamefully out of date and incomplete. No antiquities dealers were found to be on the premises listed on *La Razón's* version of the registry during fieldwork in 2013.⁸ Dealers do not register their stock, no one audits their inventory, no one checks for certification (required by law), and dealers do not fear penalties for noncompliance. The implication is that stolen objects could easily enter and exit these facilities with only a small chance of detection. Undocumented or unmonitored dealers who openly do business theoretically offer a place for church thieves to unload their spoils.

Pride in heritage objects, however, is not in short supply. The sense of communal ownership of church heritage in Bolivia, however, may be tied to a darker side of source-end regulation. Non-authorised and potentially lethal *justicia comunitaria* is a potential outcome of the insecurity and loss felt by communities who see government regulation of the antiquities trade as ineffectual.

Insecurity at the Source: Church Theft and Lynching

In Bolivia we have a situation where poor, Indigenous, highland villages experience major thefts of objects that affirm community identity and that are seen as community property. The strong

⁸ This, of course, may have been the result of negative publicity from the newspaper.

laws against this sort of theft as well as the massive social stigma against stealing from the church are known to the community. Yet, the unfortunate reality is that there will always be a disconnect between the ideal, exemplified by the law, and what is actually happening on the ground. When churches are robbed and thieves are not caught, communities conclude that authorities have failed; that although the laws exist, the government is not willing to enforce them.

While a single church robbery may be enough to create community insecurity, the problem is compounded by repeat robberies of the same church. To name a few of many examples, the church of San Salvador at Ayo Ayo was robbed in 2006, 2009, 2010 and 2011. The church of San Andrés de Machaca was robbed in 2008 and 2010. The church of San Miguel at Tomave was robbed in 2009, 2010 and 2012. Even the conquest-era church of San Pedro near the pre-Conquest World Heritage site of Tiwanaku was robbed in 2006 and 2011. Thus, even in cases where a clear threat to community heritage has been identified via a previous theft and investigated (to some degree) by the authorities, communities see little tangible improvement to their security situation (Fig. 1).

In one extreme example, the church of Nuestra Señora de Belén at Tinguipaya was robbed in 1981, 1987, 2008 and 2011. With each theft it is easy to imagine insecurity growing and faith in authorities decreasing. Goldstein (2012) found that Bolivians that have experienced multiple thefts are more likely to believe that lynching is an appropriate response to criminal acts. Sure enough, following the latest church theft in 2011, “the inhabitants of Tinguipaya announced that once the thieves are identified, they will apply *justicia comunitaria* against these committers of sacrilege” (El Potosí 2011). While the statement is purposefully ambiguous, the subtext is that this community justice might be fatal. Neither the community nor the authorities have yet identified anyone involved in the thefts at Tinguipaya.

Highland Bolivian communities are small, remote and poor. The “on the books” regulation of the supply end of the illicit market in church property is not effectively enforceable in these locations. It is exceedingly rare for church thieves to be caught by police⁹ and almost impossible for police to catch them in the act. It is not, however, impossible for a community to detect a church theft in progress and, faced with a lack of confidence in the proper authorities, this community may take matters into their own hands. Indeed in March 2012 this happened in the village of Quila Quila.

Although Quila Quila is only 40 km from the city of Sucre, it is difficult to get to: one must leave the main road and eventually cross a river, which is often flooded.¹⁰ On 6 March 2012, a Sunday, residents of Quila Quila noticed three strangers in the village. Some reports say that the men attended mass in the morning. As outsiders are seen to be the cause of crime in Indigenous communities, the strangers were deemed suspicious and the community placed the church under observation.

Sometime that night, two of the men were said to have been caught coming out of the window of the church. They had allegedly removed paintings and metal objects from the building; villagers claimed they found a stolen item and a gun in the pocket of one man. The community took the men into custody early Monday morning.

At some point a member of the community was able to contact the police in Sucre, informing the authorities that the two men were about to be lynched. Police officials attempted to reach Quila Quila that day but river flooding prevented access. Meanwhile what little

⁹ A notable exception proves the rule. In 2010 police in the city of El Alto stopped a car that was thought to be driving strangely. The three men inside were arrested when it was found that the car was filled with objects stolen from the church in the village of San Andrés de Machaca. The village had not even detected the theft at the time of the arrest as the church was shut.

¹⁰ This account of the events at Quila Quila is compiled from Aria Gutiérrez 2012, El Diario 2012a, and b.



Fig. 1 The Conquest-era church at Tiwanaku in 2004. The church was robbed in both 2006 and 2011 despite theoretically being better protected than most churches because of its location within a UNESCO World Heritage site. (photo by the author)

contact was made with the community did not produce confirmation that the suspected thieves were safe.

At 4 a.m. on Tuesday the authorities again tried to reach Quila Quila. News reports indicate that perhaps up to 80 police officers, officials and others were deployed. At 10:30 a.m. they reached the entrance to the village, which had been blockaded by the villagers. After a few hours of negotiation and upon promises that community members would not be prosecuted and that the theft would be investigated in order to find the suspected third thief, the villagers told the police the men had been killed.

In a shallow grave behind the church, the police exhumed the bodies of Severo Higuera Cruz of Potosí and Pablo Vilasaca Pallehuanca of La Paz. An autopsy confirmed that the men had been handcuffed, beaten and stoned and had died of manual strangulation. At the time of writing, debate continues as to whether the promises made by officials not to prosecute community members are binding. The third alleged thief has not been apprehended.

Other Incidences of Lynching and Church Theft

While Quila Quila may represent the only situation where an alleged Andean church theft has directly resulted in a fatal lynching, it is not the only case where the threat of lynching has been publicly voiced in response to the theft of cultural property. On 3 January 2011 the village of Pomata, Peru (about 45 km from the Bolivian border; a culturally similar community) experienced a particularly serious church theft: 129 objects were stolen and two caretakers

were severely beaten (Los Andes 2011; Sánchez 2011). Villagers felt that the police were not investigating this crime properly and resorted to setting up road blockades and attacking local police headquarters (Sánchez 2011).

In July 2011, villagers apprehended Elmer Evelio Ramos Lope who was allegedly robbing a home in the Pomata district (Almanza Luna 2011). He was bound and beaten and when interrogated he confessed to committing the Pomata church robbery (Almanza Luna 2011). Instead of being killed, he was turned over to police and in February 2013 he was convicted and sentenced to 22 years in prison for the church robbery (Los Andes 2013).

A Threat to Heritage After Heritage Disappointment

Sociologically, the events at Quila Quila conform to the more general pattern of lynching in Bolivia: a poor community with little access to state institutions responds to a systemic feeling of insecurity with lethal force (see below). From a heritage and preservation standpoint, Quila Quila has experienced further neglect and disappointment.

In 1999 the community received grants from the Inter-American Foundation and other sources to “build lodgings, a restaurant and a thermal bath area”; basically, to develop the area for tourists, who they believed would be interested in both the ancient rock art and the dinosaur footprints located within village territory (IAF 2014). They also wished to train local tour guides and archaeological labourers. The scheme was to be managed by community members who were trying to “restore traditional ways of administering indigenous territories” (IAF 2014). By 2011 this plan had imploded: tourism was not promoted, the ten tourist lodges were built but had never been used, and, perhaps worst of all, “of the 44 individuals trained to work as guides, security guards and in palaeontology, only one [had] ever been employed in any of these fields” (IAF 2014). The residents also never developed a plan to manage and protect the area’s historic sites.

This is a classic example of the failure of the panacea of heritage tourism in the developing world, and cannot be ignored when evaluating the 2012 lynching. Not only did the government fail to provide the security that the people of Quila Quila likely thought they were owed, not only were the proper authorities so distrusted that a lethal lynching was seen as preferable to police involvement, but what was threatened, the contents of the church, was a component of a greater heritage scheme that was built on community pride but that resulted in community disappointment.

Lynching and Community Justice in Bolivia

Since the mid-1990s, anthropologists and sociologists have documented the appearance of *justicia comunitaria* among the residents of Bolivia’s marginalised Indigenous communities. There are two sides to this concept and two definitions. The first, enshrined in the 2009 Bolivian constitution and, perhaps, a neutralised reinterpretation of the second, defines *justicia comunitaria* as inclusion of Indigenous definitions of social crime and acceptance of Indigenous tribunals and community ‘courts’ into the justice framework of Bolivia.¹¹ In the case of low-level crime and social infractions, communities can self-police according to their own needs, cultures and worldviews as part of a larger project of reforming the Bolivian State as

¹¹ Because of the connection between the term *justicia comunitaria* and lynching, the 2009 Bolivian Constitution favoured the phrase *justicia indígena originaria campesina*. This was meant to move away from the idea of lynching while still appearing inclusive and empowering of Indigenous communities.

‘plurinational’. This *justicia comunitaria* is conceptually located in rural areas (for better or for worse) and is meant to open a pathway to inclusion of Indigenous people in the workings of the country (Goldstein 2012: 169).

The second definition of *justicia comunitaria* is inextricably linked to the act of lynching a suspected criminal. These lynchings (*linchamientos* or *ajusticiamientos*) have been documented as occurring in poor Indigenous communities when criminals (*malhechores* or *antisociales*), usually thieves, have been caught in the act of committing a crime. Community members (*vecinos* or, later, *linchadores*) act quickly and follow a set progression of events where the accused are stripped, beaten, strung up, interrogated and immolated or buried alive. Both conceptions of *justicia comunitaria* implicitly accept that the normal justice system in Bolivia is unavailable.

For a population of approximately 10.4 million people, there are only 764 judges and courts in Bolivia. Forty-five percent of municipalities do not have a judge, 77 % do not have a prosecutor, and 97 % do not have a public defender (Consejo de Derechos Humanos 2012: 10; La Razón 2012). By the end of 2011 there were a projected 498,895 cases awaiting resolution and 653 open cases for the courts or tribunals (Consejo de Derechos Humanos 2012: 11).

Bolivian confidence in the police is one of the lowest in Latin America.¹² Only 38.9 % express confidence in their police force, on par with Mexico (39.9 %), a country whose police force has one of the worst reputations in the world. Lowland Bolivia (which has the largest concentration of white Bolivians) has the highest confidence in the police and highland Bolivia (which is largely Indigenous) has the lowest confidence in the police. Across the board, Indigenous Bolivians had the least confidence in the police (Ciudadanía 2012: 106). When asked if the police ask for bribes, 20.0 % of those surveyed reported that they did, the second highest figure for police corruption in the Americas after Mexico (20.5 %) (Ciudadanía 2012: 106).

When asked if they felt that authorities respected the law when capturing criminals, only 53 % of Bolivians thought they did, the lowest confidence level in the Americas (Ciudadanía 2012: 143). An astounding 44.8 % of Bolivians reported that they perceived themselves as being insecure: on par with famously-insecure Haiti at 44.2 % (Ciudadanía 2012: 138). When it comes to resorting to taking justice into their own hands, the study found that Indigenous Bolivians were far more likely than white or mestizo Bolivians to consider this an acceptable response to crime (Ciudadanía 2012: 142).

Researchers have identified what seems to be a direct causal relationship between the Bolivian state’s inability to provide a sense of security for poor, Indigenous, marginalised communities and incidents of lynching in those communities. Goldstein (2003: 22) has characterised lynching in Bolivia as a “moral complaint against state inadequacy”. Seen this way, those committing a lynching are not resisting the state but rejecting “their marginalization from the benefits promised by the modern democratic state, including security for persons and property” (Goldstein 2003: 24). He sees lynching not as vigilante justice,¹³ but as an assertion of citizenship and a demand for inclusion (Goldstein 2003: 25). Risør has characterised

¹² In 2012, Ciudadanía conducted personal interviews with 3029 men and women who were over 18 years of age and distributed throughout Bolivia. The margin of error at the national level was ± 1.78 %.

¹³ Johnston (1996) identifies six elements that comprise the criminological characterisation of vigilantism: 1. Planning, premeditation and organization; 2. Private voluntary agency; 3. Autonomous citizenship; 4. The use of threatened use of force; 5. Reaction to crime and social deviance; 6. Personal and collective security. While a full analysis of why Bolivian lynching falls outside of the criminological definition of vigilantism is beyond the scope of this paper, only elements 4, 5 and 6 can safely be identified within the practice in Bolivia. The practice has not yet been thoroughly evaluated from a criminological perspective.

lynching in Bolivia as a miming of the state's authority over justice through which "the state's inability to secure security and justice for the poor is exposed" (Risør 2010: 470).

In the wake of this difficult security situation it must be said that lynching is not uncommon in Bolivia. In just one year (2005), Goldstein and Castro counted 42 lynching incidents: "one every 8 or 9 days". They speculate that this number is too low as many lynchings are poorly reported (Goldstein and Castro 2006: 394).

The entire process of lynching is set against Bolivia's historic and culturally maintained racial divide. Goldstein (2004: 13) described the situation thus: "The division of national space [in Bolivia] between the rural and the urban, light and shadow, modernity and primitiveness, is accompanied by a corresponding racial distribution that located people of purportedly European descent... in cities, with people of indigenous origins... located in the countryside". In other words, lynching is rural, dark, primitive and Indigenous. Numerous scholars (e.g. Goldstein 2003: 29) state that non-Indigenous middle-class Bolivians see lynching as a sign of barbarism. It is associated in the press, a largely middle class institution, with backwardness and primitiveness (Goldstein 2005: 394). This is an important observation because the people doing the lynching and being lynched are Indigenous and this fits in with the historic characterisation of Bolivian Indigenous people as backwards and holding the country back from progress and modernity.

What Source-End Regulation is Possible in Bolivia?

Community-level interventions are often seen as an important component of the regulation of the global trade in illicit antiquities. Both the massive expense of national and international criminal investigations and legal proceedings and issues concerning the application of regulatory tools across various jurisdictions can be seen as arguments in favour of on-the-ground, source-end regulation of this criminal market. The proponents of community-level intervention fall into two broad groups: those who look to more effective police and security solutions, and those who believe the problem can be solved through community building initiatives that promote a local focus on cultural heritage, usually in the form of heritage tourism development. However, these sorts of initiatives are usually only theoretical and academic. The effectiveness of source-end intervention is rarely tested.

Turning again to Bolivian church theft, both the policing and the community initiative ideas seem to fall short. There is simply no feasible way for rural churches to be better policed at this time. The reality of Bolivia's financial situation is that there is little or no police presence in rural villages, no money for round the clock church guards, no infrastructure to support modern alarm systems in many locations, and no proof that any of that would make a difference. Better staffing and training of police and customs agents for detection post-theft also comes at a steep price and, to be blunt, Bolivia has bigger state-level problems.

The idea of cultural tourism community initiatives to inspire the protection of heritage sites as well as to generate much-needed income is fraught as well. As exemplified by the failed community initiatives at Quila Quila, neither the desire for tourism nor even development for tourism reliably attracts tourists. Indeed, the very remoteness and poverty that prevents more effective policing and security strategies in these villages also discourages tourism. Furthermore, the paternalistic tone of the entire idea of "helping" people to care about their heritage is problematic. The more realistic situation is that a community that already cares about its heritage has its hopes raised for additional income, and those hopes rarely pan out. Quila Quila received a large amount of money to protect and promote its church, among other heritage sites, but still experienced a church robbery and still resorted to lynching.

In these difficult circumstances the possibility of fatal community justice enters the conversation. The weakness of state intervention and the profound lack of trust that Indigenous Bolivians have in their own institutions,¹⁴ coupled with a desire to protect community property and a need to combat a prevailing sense of insecurity has led to a situation where lynching in the case of church theft has appeared as a type of “source-end” regulation. This is the darkest side of the market for illicit antiquities: a profound sense of threat and loss leading to the most extreme forms of retaliation.

Thus in 2012 two men were lynched in Bolivia, first because there is an illicit market for Bolivian cultural objects and, second, because a small, poor community turned to desperate measures to protect themselves from that illicit market due to the failings of national and international regulation. This is the connection between local theft and the global market for illicit antiquities; this is the effect that demand has on the source. The market makes people who are already in a difficult situation even more helpless and the outcomes can be gruesome.

Yet we must ask if the extreme emotions that underpin the act of lynching can be redirected towards non-lethal but effective community regulation of the sources of illicit antiquities in Bolivia. Any discussion of this possibility risks the paternalism inherent in outsider-supported “community-building” initiatives, however the existence of a state-sanctioned, supposedly non-lethal, alternative definition of *justicia comunitaria* may provide the sort of integrated, culturally acceptable and contextually effective form of source-end regulation that has been missing from most models proposed at an international level.

In Bolivia, this is *justicia indígena originaria campesina*: the now-constitutional right for an autonomous Indigenous community to police itself, to an extent, according to its own traditions and needs. Speaking in 2006, then Minister of Justice Casimira Rodríguez Romero stated that non-lethal community justice is “ancestral justice”; that it “is a tradition that comes from the ancestors” (Carpineta 2006; Goldstein 2012: 180). The government sees non-lethal *justicia comunitaria* as essentially Indigenous, ancient and rural, a situation that may exacerbate the alienation felt by urban Indigenous communities (Goldstein 2012: 171). However if, in modern Bolivian self-conception, *justicia indígena originaria campesina* “can be found only in the ancient (or, perhaps, timeless) spaces of the countryside” (Goldstein 2012: 171), perhaps this is the very justice system that we should look to for the protection of the ancient and timeless heritage sites of the countryside.

However, any system must necessarily be defined from within to be contextually effective in controlling the trade. What, then, can be done from the outside? We cannot make Bolivian communities less remote. We cannot make the country less poor. We cannot introduce the basic infrastructural elements that would improve the overall security situation in the country. We likely cannot change Bolivian law. Furthermore, we cannot yet even disrupt the middle of the market: we cannot begin to unpack the complex national and international networks that traffic in these objects unless these crimes are effectively investigated and thieves and traffickers are caught. This would require a level of effective on-the-ground investigative and policing infrastructure that simply does not exist in Bolivia.

What we can do is focus on what we can actually hope to control: the regulation of the demand side of the market. This is not a popular conclusion, but it is an expedient and practical one. The cultural objects within Bolivian churches have been on public display for nearly 500 years in some cases, but they have only become a target of major theft in the last 25 years. This evidences a clear connection between global demand and local theft: Latin American art

¹⁴ Every Bolivian interviewed by this project in 2013 reported a devastating lack of confidence in the justice system, not just Indigenous Bolivians. For example, a sociologist who does not self-identify as Indigenous quipped that it would be foolish for any Bolivian to trust the police.

became popular on the international market and an illicit supply was found in the rural highlands. Theoretically, then, a disruption of the demand for objects will eventually trickle down to the supply and the motivation to rob churches will be lost.

Furthermore, we can offer local communities support that is both specifically requested and realistic. Rather than provide money for unrealistic tourist initiatives, we can provide open access to information regarding heritage management so that communities can develop their own conception of the protection of cultural sites. In Bolivia this type of informed, context-specific intervention could be worked in to the growing idea of non-lethal *justicia indígena originaria campesina*, a concept that is so ill-defined at this time that it could expand to include the constitutional mandate that Indigenous communities now have to protect and promote their cultural heritage.

All told, source-end regulation of the market for Bolivian cultural property is not working well. During the first 4 months of 2013 alone there have been at least six reported church thefts, including a theft from Bolivia's most sacred shrine, the Virgin of Copacabana (Corz 2013), and there is every indication that a strong market exists both for Bolivian church objects based off of their availability on the internet. The demand-end of the market appears to be poorly regulated as well: objects which clearly came from Andean churches are sold openly and with no provenance to a market that rarely requires such things. Dealers and buyers of stolen cultural objects from Andean churches rarely face any penalties for their actions. With ineffectual regulation at both ends of the market, communities, many of whom have experienced multiple church thefts, are made to feel fundamentally insecure.

The horrific lynching at Quila Quila should serve as a warning: the market in illicit antiquities destabilises communities. We must continue to move towards context-specific justice solutions that are practical and that focus on the aspects of the market that we can reasonably hope to control.

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