EDITED BY
ROBIN SKEATES
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The Oxford Handbook *of* PUBLIC ARCHAEOLOGY

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ROBIN SKEATES, CAROL McDAVID,

and

JOHN CARMAN

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INTRODUCTION

QUESTIONING ARCHAEOLOGY'S PLACE IN THE WORLD

ROBIN SKEATES, JOHN CARMAN, CAROL McDAVID

More than a handbook

This volume reappraises the place of archaeology in the contemporary world by providing a series of essays that critically engage with old and new debates in the field of public archaeology. It does so by evaluating the range of research strategies and methods used in archaeological heritage studies, by identifying and contributing to key debates in this dynamic field, by critically exploring the history of archaeological resource management, and by questioning the fundamental principles and practices through which the archaeological past is understood and used today. In doing so, it enters into the overlapping domains of: 'public', 'community', or 'engaged' archaeology; heritage, or cultural resource management; and heritage and museum studies; as well as a wide range of related fields within the social sciences. In recent years, this subject area has seen a proliferation of published texts aimed primarily at the academic market, particularly in the UK and USA—including some written or edited by ourselves (see e.g. for the last decade alone: Skeates 2000; Carman 2002; Howard 2003; Merriman 2004; Smith 2004; Carman 2005; Mathers et al. 2005; Hunter and Ralston 2006; Smith 2006; Colwell-Chantonaphonh and Ferguson 2008; Fairclough et al. 2008; Naffé et al. 2008; Rubertone 2008; Smith and Waterton 2009; Sørensen and Carman 2009; Benton 2010; Harrison 2010; Messenger and Smith 2010; Smith et al. 2010; West 2010). This literature—conveniently if provocatively characterized by Carman (2002: 1–4) as either 'commentary', 'practice', or 'research'—has successfully described the diversity of archaeological resources, stakeholders, principles, and practices involved in public archaeology and the range of approaches taken to it. But what this volume does is somewhat different. In line with the ethos of the *Oxford Handbooks in*

Archaeology series, our volume comprises an extensive collection of commissioned essays, both from experienced practitioners and from established and 'younger' scholars, which critically engage with old and new debates in the field of public archaeology, to push thinking forward in interesting new directions that will provide a foundation for future work. Many of the chapters are consequently characterized by a questioning attitude, as opposed to narrative representations of the current state of play in public archaeology, in order to stimulate discussion about past, present, and future understandings of archaeology and its relationship to contemporary society. Some of our authors also adopt a self-critical attitude, not only by describing their own work, but also by clarifying the diverse principles and terminologies upon which their ideas and practices are based, and the intellectual and social contexts from which they are derived, in order to encourage debate and understanding concerning the impact of their work. Many (but by no means all) of our contributors are Anglo-American in nationality or residence, reflecting the dominance of anglophone discourse in this field. However, we believe that the relevance of our volume is global, particularly in terms of the ideas explored in general and through a number of case studies from around the world. More specifically, we envisage that our volume will be read by three sets of audiences with somewhat different requirements: first, as a key text for the many students engaged in archaeological heritage and museum studies; second, as a source of debate and point of reference for the growing number of academics working in the field of public archaeology; and third, as a stimulating resource for professional archaeologists working in the public and private sectors of cultural resource management.

There are many ways in which our volume could have been structured, for all of the chapters overlap in one way or another. We have chosen to divide it into four parts where the complementarities seem strongest, which should at least help you decide where you want to start reading.

The first part of this volume is on histories of public archaeology. Here, our contributors examine critically both the ways in which public archaeology has developed in different parts of the world and the consequences of those histories on our understandings of the past today. A general chapter on the unintended origins of current archaeological heritage management (Carman) is followed by others which explore the enduring significance of the 1916 'National Park Organic Act' (Soderland); the sometimes turbulent history of relations between archaeologists and metal-detector users in England and Wales (Thomas); the changing significance of the senses in representations of prehistoric Malta (Skeates); and the development of public archaeology in colonial and postcolonial Latin America (Funari and Bezerra) and India (Chakrabarti).

The second part is about researching public archaeology. The chapters here deal with the methods and strategies used in the field of public archaeology research, which, as recently argued by Sørensen and Carman (2009), are rarely—if ever—explicitly discussed. They range from archaeological historiography (Murray), to critical discourse analysis (Smith and Waterton), the application of the concepts of 'cognitive ownership' (Boyd) and 'heritagescape' (Garden), to participatory action research (McGhee), and the quantitative and qualitative methods used to uncover the antiquities market (Brodie), including multisited ethnography (Kersel). Other chapters in this volume adopt yet more approaches.

Part III is concerned with managing public archaeological resources. It examines some of the principles, policies, and practices involved in the heritage management of archaeological landscapes, sites, and collections, and some of their social implications. Individual chapters discuss: the relevance of the ideals of sustainability to the stewardship of archaeological sites (Pace), how the public can participate in the management of the historic environment (Schofield, Kiddey, and Lashua), the failures and successes of cultural resources management in California (Praetzellis), the place of archaeology in the debate over future land use in England (Trow and Grenville), and the formation, management, and use of archaeological fieldwork archives (Swain).

The fourth part is on working at archaeology with the public. It reveals some of the variety of ideals, practices, and issues affecting archaeology and its publics in contemporary societies. The first set of chapters underline the status of archaeologists as public servants: through an exploration of the complex and developing profession of archaeology (Darvill); a detailing of the myriad public benefits of archaeology (Little); and an assessment of the value of 'community service learning' to archaeological practice and pedagogy (Nassaney). The second set of chapters deals with the public interpretation and presentation of archaeology, seen through: a career spent publicizing archaeology in the UK (Aston); an analysis of archaeological communities and languages in Europe (Kristiansen); a critique of the public presentation of rock art at the Swedish World Heritage Site of Tanum (Gustafsson and Karlsson); a review of a participatory GIS-based research project undertaken in Levuka, the former colonial capital of Fiji (Purser); and a discussion of the socio-political context of historical archaeology research in the USA, with particular reference to participatory archaeology projects undertaken in working communities in Baltimore, Maryland (Gadsby and Chidester). The third set of chapters focuses on public learning and education in the USA, including: the gendered development of public archaeology in the USA (Kehoe); the application of constructivist learning theory in museum settings such as the Hermitage, home to the seventh President of the USA (Bartoy); the identification of key themes to be used in archaeology education to create an archaeologically literate public (Franklin and Moe); and a discussion of the implications for public archaeology education of the 'culture wars' between 'traditionalists' and 'secular progressives' over the shaping of American society (Jeppson). The final set of chapters concerns working at archaeology with particular publics, ranging from African-American descendant communities (Davidson and Brandon, and La Roche), to Native American groups (Watkins), to disabled persons (Phillips and Gilchrist).

Questions and debates

Thinking about these chapters in more detail, in this second part to our Introduction, we outline some of the wide range of questions and debates raised by our contributors in relation to archaeology's place in the world. We consciously do not offer firm answers here, since we hope that you will make your own judgements having encountered some

of the variety of opinions offered in the following chapters, and because the debates that we are engaged in are all ongoing.

One of the starting points for this volume is the recognition that 'public archaeology', as a term, concept, and practice, requires critical evaluation. This raises the questions, then, of what is meant by 'the public' and 'the public good' in relation to archaeological practice and heritage (and for previous discussions of this see e.g. Carman 2002: 96–112; Merriman 2004: 1–2). Certainly archaeologists and law-makers have different perspectives on this, and, as Soderland highlights, their conceptions have also changed over time. Likewise, a number of our authors question the definition and scope of public archaeology, and express different opinions as to its parameters in theory and in practice. Franklin and Moe, for example, ask whether 'public archaeology' should be equated with 'cultural resource management' or with 'public education' and, so, if 'public archaeology' should refer to archaeology *with* the public, *for* the public, *of* the public, or to archaeology of public resources. These are questions addressed as early as the late 1960s in the first substantive text on the topic (McGimsey 1972). Such questions lead to more concerning the acceptance and status of public archaeology, both within the archaeological profession as a whole (as reflected, for example, in archaeology ethics statements), and in the eyes of different kinds of archaeologists. Put more bluntly, why—as recognized by Catherine Hills and Julian Richards (2006)—have public archaeology programmes and practitioners been undervalued, dismissed, or derided, particularly by university-based archaeology teachers and researchers? Partly in response, public archaeologists point out that all archaeologists need to be able to respond persuasively to questions concerning the benefits of archaeological practice and knowledge to the public, particularly at a time in which public funding of archaeology is under threat. But public archaeologists could also raise their game when contributing to academic debates, particularly by critically evaluating their own qualitative and quantitative research methods, used, for example, to reconstruct the history of archaeology, or to uncover the antiquities trade, or to study 'heritagescapes', or when engaging in collaborative research with communities (although on this see Sørensen and Carman 2009).

Visions of future archaeologies are implied here, but in looking forward many of our authors also question the origins and development of archaeology and of public archaeology in different parts of the world. Far from neutral questions surround, for example: the historical circumstances in which networks of archaeologists and programmes of archaeological research were established with the help of private and state sponsorship; or in which ancient monuments and collections of other archaeological remains came to be investigated, represented, preserved, and managed as (often national) 'heritage' (Kohl and Fawcett 1995; Atkinson et al. 1996; Hunter 1996. Diaz-Andreu and Champion 1996; Jones 1997; and often at the expense of local communities and their histories (Layton 1989a, 1989b; Carmichael et al. 1994; Davidson et al. 1995; Swidler et al. 1997); or in which professionalized contract archaeology has come to comprise the majority of archaeological research and employment (King 2005; Everill 2009). In whose interest these developments have been is clearly a matter of debate.

This brings us to the multifaceted politics of the past, an issue raised especially by Gathercole and Lowenthal (1990) and more recently by Hamilakis and Duke (2007) among others. One might start by asking archaeologists to consider their own political viewpoints, both personal and shared (although archaeologists may not be the best judges here); for although archaeology as a scientific discipline may aspire to be impartial, in practice it does not exist outside of contemporary political concerns and power relations. Some of our contributors ask how politically conservative or liberal archaeologists and heritage managers are, while Kristiansen enquires why archaeology has become increasingly fragmented into national, regional, and local archaeological communities (and see Kristiansen 2001; Kobyliński 2001: 44–6). The status of archaeological interpretation is also open to question: as Murray puts it, how do archaeologists justify their claims to knowledge? Then there is the issue of how archaeologists should engage with the (often competing) interests of different political, social, ethnic, and religious groups and regimes, some of whom promote interpretations of the past that are at odds with those proposed by archaeologists. For example, Chakrabarti considers whether contemporary studies of ancient DNA should be abandoned, since their results might fuel ethnic conflicts, whereas some of our other contributors wonder whether archaeologists should not try harder to interest and influence politicians, for the good of archaeology. There are no easy answers, for there are so many (often contradictory) factors to consider. For example, while thinking about the constraints that authoritarian regimes have placed upon archaeological interpretation, archaeologists might also question whether democratic political regimes have always led to a flourishing of archaeology (and for some examples see Ucko 1995). And in attempting to right the wrongs of the past, is it not ironic that (outsider) archaeologists and heritage managers, having been implicated in the historic appropriation of culturally significant material and in the marginalization of closely associated communities throughout the world, should now feel responsible to help reinterpret, publicize, and enhance the value of native archaeology? Gadsby and Chidester ask, is it not the ethical duty of archaeologists to promote social justice, and to offer solutions to the problems of class, labour, and inequality in the contemporary global economy (e.g. McGuire and Paynter 1991; Little 2006; Saitta 2007)? But we can still question the extent to which dominant archaeologists and organizations continue to export their scientific techniques, interpretations, languages, and heritage values to other archaeologists, cultural resource managers, and Indigenous peoples in other parts of the world. Watkins is, therefore, justified in asking, first, what the use of archaeology is to Indigenous groups, and second, what form the methodological and theoretical characteristics of Indigenous archaeology should take (see e.g. Smith 2004).

One might expect national and international laws to provide a useful set of rules of conduct in relation to such potentially conflictual archaeological situations, but laws can be questioned and are broken. So, it is worth following Soderland's example to ask not only what laws and regulations apply to archaeology in different parts of the world, but also what interests and compromises have contributed to the legislative process, how effective legislation has been in safeguarding archaeological remains or mandating

archaeological heritage management, and in what circumstances laws have become outdated and unenforceable. Beyond this, it is possible to ask how laws 'work' on archaeological material and what the consequences are for archaeology when it is placed in the legal realm (Carman 1996). We can also explore how actively engaged archaeologists are with the legislative process and with working through the implications of new laws, relating, for example, to public education, or to the social inclusion of disabled persons. Looting, corruption, and the (illicit) trade in antiquities are of particular concern to archaeologists, who have increasingly sought to understand what impact the trade has had on the archaeological resource, why various stakeholders (including some archaeologists) become involved in this trade, what diverse meanings and values are ascribed to illegally excavated objects at various stages in the trade, what the changing size and shape of the market is, and how effective programmes to counter the illicit trade have been. Inevitably, legislation creates grey areas, populated by questions such as whether archaeologists should 'buy back' artefacts from looters, or what might be regarded as responsible metal-detector use by members of the public (see e.g. Renfrew 2000; Brodie et al. 2000, 2001, 2006; Brodie and Tubb 2002).

What to do with the dynamic heritage of the past in the present lies at the heart of most political, legal, and social debate relating to public archaeology, and is a question considered by many of the contributors to this volume. A complex starting point is to understand what is meant by terms such as 'heritage'—both 'tangible' and 'intangible' (see e.g. Smith and Akagawa 2009; Lira and Amoêda 2010), 'community' (Smith and Waterton 2009), and 'landscape' (see e.g. Johnson 2007; Hicks et al. 2007; Lozny 2008), particularly in different countries and cultures. One useful way of approaching this issue is to explore what Garden (2006, 2009) defines as 'heritagescapes', in order to gauge to what extent historic sites and landscapes are connected to (or marginalized from) their surroundings, and to understand how individuals, and especially Indigenous or local people, value and identify with those places and spaces, even if they do not 'own' them as property. It also leads us to ask whose heritage is put on the map by heritage managers, what role the public, and community groups in particular, might play in designating places as official heritage sites, and what the consequences of such designation are. This might prompt archaeologists to question the values that they, and the diverse public (ranging from Indigenous groups to visiting tourists to metal-detector users), assign to archaeological resources, including sites in the landscape and excavation archives in museums (issues that are also discussed in Smith et al. 2010). In practice, a fundamental question concerns precisely by whom, and how, heritage should be managed on behalf of the public, including future generations. Should archaeological remains be withdrawn from the public domain and managed by state-funded heritage 'experts' with a background in archaeology, or also controlled and interpreted by members of local communities (Smith 2004, 2006; Carman 2005)? And to what extent should threatened and fragile archaeological resources be mitigated by developer-funded archaeologists, developed then consumed by visitors as sensually stimulating heritage, preserved according to the ideals of conservation and sustainability, or left to decay and treasure hunting?

This helps put into context questions regarding the nature and status of the archaeological profession, including its public dimensions, particularly in different parts of the world (see e.g. for the UK, Aitchison 1999; Aitchison and Edwards 2003, 2008; Everill 2009). Questions that arise are: how attractive is archaeology as a career, and to what social groups? how well trained are archaeology students in applied, public archaeology? what is the age, gender, and disability profile of the archaeology workforce in general, and of archaeologists working, for example, in public education? how distinct are archaeologists employed in contract archaeology compared to those engaged in academic research, and what are the public aspects of their work? what is the scale of contract archaeology, and how can it be improved in practice: both for the good of archaeology and for the public? Overarching these questions is the issue of the principles by which the archaeological profession should be regulated.

A concern with the public lies at the heart of this volume: including questions relating to public perceptions of, and participation in, archaeology. Archaeologists still need to learn more about what members of the public know, do not know, and want to know about archaeology (Holtorf 2005, 2007), and how misconceptions are perpetuated about archaeological practice (as treasure hunting, for example) and research (as the study of dinosaurs, for example: see e.g. Schadla-Hall 2004; Kehoe 2008). As Kehoe asks, how well served is the public by the most easily accessed information about archaeology available on Google? Many people become interested in archaeology, but to what extent archaeologists actually want, or can be expected to have, public engagement in their work is a matter of debate. And, even for those archaeologists who do wish to create more inclusive programmes, there remains the problem of precisely how to make them succeed as genuinely participatory, collaborative, and equable ventures that make a difference to more than just a select group of people (Marshall 2002). Going one step further, should we expect archaeologists to contribute to activist histories aimed at social change, justice, and empowerment (see e.g. Saitta 2007; Little and Shackel 2007)?

A significant proportion of our contributors are involved with public education in archaeology, and their essays expose some of the tensions inherent in the objectives of public archaeology. It is more complicated than simply asking what archaeologists want children and adults to know about archaeology, for, as Jeppson highlights, there are politically competing kinds of history that can be told through archaeology, ranging from the heritage of Western civilization and nation states to the broader study of humanity, and from science-based processual archaeology and preservation-focused cultural resource management to more relativistic post-processual and Indigenous perspectives. Bartoy's call for archaeology education programmes to follow the constructivist theory of learning and to provide more active learning situations raises the question of how effective existing archaeology education programmes are, particularly in terms of producing a better-informed, more archaeologically literate, public. The same question also applies to archaeological publications (of all kinds), which are a well-established, but heavily conventionalized, medium through which archaeologists seek to disseminate their knowledge to audiences (see e.g. Hills and Richards 2006). Here, the questions of when, what, how, where, and for whom, to publish remain a dilemma for

archaeologists, particularly when their audiences have no specialist knowledge of archaeology. Furthermore, as Kristiansen reminds us, archaeologists, and especially native English speakers, should not take the language of archaeology for granted.

Having explored our book, then, we hope that you will have not only discovered what we know about public archaeology, but also questioned and debated our knowledge and opinions. In this way we might all contribute to redefining archaeology's place in the world.

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PART I

HISTORIES OF PUBLIC ARCHAEOLOGY

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CHAPTER 1

TOWARDS AN INTERNATIONAL COMPARATIVE HISTORY OF ARCHAEOLOGICAL HERITAGE MANAGEMENT

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John Carman is Senior Lecturer in Heritage Valuation at the University of Birmingham, UK. His interests concern how value is given to heritage objects, and the kinds of value ascribed in different contexts, and his most recent work has been a consideration of issues of ownership as it relates to heritage. Here, he returns to one of his early concerns: the development of what we call 'heritage' or 'archaeological resource' management. Like Smith and Waterton (this volume), he is suspicious of claims of the antiquity of AHM practice. The chapter highlights in particular how the elements that go to make up current AHM practice across the world—e.g. inventory, legal regulation, preservation, public access—each have their origin in particular historical circumstances, and that the creation of a system of AHM as we know it was not the intention of our predecessors.

A definitive—or indeed reasonably complete—history of Archaeological Resource or Heritage Management (ARM; AHM) that goes beyond the specifics of individual territories has yet to be written. In so far as broader histories of archaeology are concerned (e.g. Daniel 1978; Daniel and Renfrew 1988; Trigger 1989; Schnapp 1996) the management and preservation of remains generally form a minor element in a broadly evolutionary intellectual history. AHM appears more prominently in national stories of

archaeological endeavour as well as forming the content of more focused research. Useful—albeit brief—overviews often preface discussions of national AHM practice (see e.g. papers in Cleere 1984; Pugh-Smith and Samuels 1996: 3–7; papers in Pickard 2001) and occasionally form complete contributions in others (e.g. Boulting 1976; papers in Fowler 1986; Knudson 1986; Hunter 1996). Where specific papers are written on aspects of the history of AHM, they tend either to focus on particular moments (e.g. Chippindale 1983; Saunders 1983; Twohig 1987; Chapman 1989; Murray 1990; Evans 1994; Firth 1999) or are designed to support a particular view of archaeology (e.g. Carman 1993; Kristiansen 1996).

This chapter does not claim to offer the definitive global history that the field perhaps requires and deserves, but it does hopefully represent the first outlines of what such a history may look like. The history of AHM is interesting: more interesting than perhaps previous attempts at partial history have often made it appear. The aim of this chapter is therefore to provide a narrative of the notions that came together to create the global system of AHM we see today. This is approached from the perspective that AHM as we know it was not necessarily the intention of those who first created mechanisms to preserve objects from the past; indeed, it proceeds from the idea that this is exactly what they did not intend at all.

This chapter will celebrate the diverse origins of what is now AHM in different countries, under different regimes, and at different times. Although organized roughly chronologically—with the earliest instances of AHM-like practices first—it is more importantly organized thematically to show the different ideologies and contexts within which the idea grew, and some of the historical processes that have contributed to its rise. The inherent 'nationalism' of the field is an important element in AHM as it has developed (and see also Smith and Waterton this volume), and derives directly from its diverse historical origins; but it is still a potent force in the way AHM is practised, despite the global acceptance of common practices and principles.

Speaking of common principles, it can be noted here that general histories of archaeology (e.g. Trigger 1989: 27–31; Schnapp 1996: 13; Barker 1999) often begin by noting that an interest in and reverence for the past is the hallmark of many cultures. These are often described in modern terms: so that rededication of a much older statue in fourteenth-century BC Egypt is described as 'one of the oldest references to archaeological practice' (Schnapp and Kristiansen 1999: 3); collections of ancient objects in ancient Babylonia are identified as 'the first museum' (e.g. Woolley 1950: 152–4); or the reconstructions of ancient temples on the site of the original as an exercise in 'antiquarianism' (e.g. Woolley and Moorey 1982: 233–59; Schnapp 1996: 13–18, 41–2). Of course, these are nothing of the kind (see e.g. Thomason 2005: 219–20): nor do they have any real affinity with any interest in the past dating from more recent times in the Western world. The collection of objects—ancient or modern—and marking of them as somehow special is an activity carried out within the cognitive frame of a particular time and place. It is always a cultural activity, with all that implies in terms of cultural specificity, contingency, and contextuality: as Evelyn Welch (2005: 4–5) has said in relation to buying and selling in Renaissance Italy, 'far from pinpointing the start of ourselves[, it] challenges rather than

reinforces a sense of the linear transfer from past to present'. Whatever Ka Wab, King Nabonid, and Princess Bel-Shalti-Nannar were doing with ancient objects (Woolley 1950; Trigger 1989: 29; Schnapp and Kristiansen 1999), it was neither an exercise in museology nor in AHM as we understand it. In particular, none of these acts represents the idea that preserving things from the past is an expected and normal function of political authority, supported by appropriate laws and the establishment of bureaucratic agencies to oversee it, and responsible to the citizenry as a whole: these are instead the hallmarks of modern ARM.

Preserving the past—or at least the objects and structures that come to us from that past—and making decisions about how we should treat them as something that matters to us collectively, is essentially a very modern idea. It is arguably one of the key characteristics of the culture in which we live: rather than being distinguished from previous and subsequent manifestations of culture by the objects we use and discard (e.g. the idea current a few decades ago that future archaeologists would designate us 'the Coca-Cola culture' by virtue of the ubiquity of that product and its containers), perhaps we shall instead be remembered as the culture that preserved old things. It is therefore one of the aims of this chapter to emphasize the peculiar and distinctive nature of that particular obsession of our time and its diverse origins, providing a valuable jolt to commonly held assumptions that will prove a useful start point for further consideration of the AHM field as it presents itself today.

The elements of AHM of particular concern here are, especially, the grounding of preservation practice in law, systems of recording and inventory, the various types of and approaches to preservation, and issues of access. The earliest examples—late medieval Italy and early modern Scandinavia—show the emergence of the idea of preservation out of a different framework of thought, of understanding, and of legitimate authority from our own. Greece and Italy in the nineteenth century represent early—and, in the case of Greece, the first in Europe—examples of the creation of a state-controlled national heritage. Britain was relatively late in the game, in many ways atypical in the field, and other European states might be more indicative of certain processes; but Britain was an imperial state at the time of discovery of its national heritage, and the idea was not home-grown: instead it derived from the experience of British colonial administrators elsewhere and was transported into Britain from the territories of subject peoples. Finally, the USA and Australia represent encounters with an Indigenous population whose culture was capable, in the period being considered here, as being thought of as part of 'nature', resulting in a number of interesting if tragic consequences. The selection of historical examples is therefore highly Euro- and indeed rather Anglo-centric, and leaves out of account large parts of the globe. Together, however, they illustrate what are arguably the main processes involved in the development and spread of the idea of preservation of the past. These did not emerge anywhere in the world as a complete package to be handed down to us: rather they emerged rather haphazardly in different contexts. It behoves students of AHM to be aware of this in order that we should not fall prey to the belief that our approach to the past is the only one possible and justifiable.

Predecessors: papal Italy, Scandinavia

In medieval Europe, the ruined past was generally something to treat with suspicion. It represented a degenerate and pagan world, at odds with established biblical authority. Earthen mounds were thought to contain treasure or demons: ruined buildings were unholy and their material ripe for secular reuse. The medieval world view (neatly summed up by Trigger 1989: 31–5 and expanded upon by Schnapp 1996: 80–118) had no need of a distant past: it was locked in a present doomed to imminent replacement by divine intervention. There were nevertheless occasional attempts to protect ancient structures: as at Rome from 1162, reaffirmed in 1363 (Schnapp 1996: 94); or in England at Glastonbury Abbey in 1194, where the supposed burial place of King Arthur was found by monks rebuilding the great church after a fire.

Despite a general attitude that was disparaging of material from the past, the 'glorious pasts' of ancient Greece and Rome left abundant traces across the landscapes of Europe. The rediscovery of classical literature—and increasing literacy among the wealthy laity of Italy—provided ample evidence of the superiority of ancient republican states such as Athens and pre-Imperial Rome, ripe for application in justifying new city polities and secular non-royal government. The replacement of Gothic art and architecture, with its feudalist overtones and associations, meant the search for inspiration elsewhere, and this was found in the forms of classical ruins. Greek and especially Roman forms were therefore copied and emulated in the new building of the merchant prince rulers of Italian city-states. The political authority of popes—founded as it was in the Christianity of the late Roman Empire—also found its expression in classical forms and their reuse of ancient statutory and architectural features.

Part of this process was the promulgation of law to preserve ancient remains: in particular, a law of 1363 protecting ruins in Rome was reaffirmed by Pope Pius II in 1462, and subsequently reaffirmed and recast by successors. Such regulations concentrated on banning the reuse of monuments for building purposes, and the position of the administrator of antiquities was dubbed from 1573 the 'Commissioner of Treasures and other Antiquities, and of Mines' (Schnapp 1996: 123). For Schnapp (1996: 125) there was clear purpose in this: 'in putting treasures, antiquities and quarrying on the same level [of control], the papal administration revealed…that the control of antiquities was an instrument of power…because antiquities were one of Rome's resources.' As such, they were at once a realizable source of wealth as preformed building material (Welch 2005: 279), but could also be considered as in some sense 'natural' since they lay within the soil. Accordingly, control over their exploitation served to emphasize the authority of the Pope as a secular ruler; that the rulers of Tuscany in 1571 chose to follow their lead (Pellati 1932: 31; cited in Prott and O'Keefe 1984: 35) is not surprising. These laws of the popes can claim the status of the first efforts to legislate the protection of ancient remains anywhere in the world, but they are not really about preserving antiquities. Instead they control access to pre-cut stone and material to make lime (Welch 2005: 279).

The same is true of Renaissance Italian collections of antiquities from exploratory excavations. Digging was frequently carried out for the purpose of creating wealth from their sale, and a market in Roman antiquities was well established by the early years of the sixteenth century (Welch 2005: 281–3). On the death of the owner, such collections would normally be broken up and distributed amongst heirs or sold to settle debts: accordingly, they were initially seen as just another household object (Welch 2005: 291–2). However, as the value of these collections grew, the idea grew also of keeping them intact into the future. As Welch (2005: 292) explains it, in wills 'the language of family honour would become increasingly popular as testators urged their heirs to respect the integrity of their collections … To the notion that … antiquities were "virtuous riches" that demonstrated the owner's taste and intellectual standing was attached a strong sense of family obligation.' Where such calls on family duty failed, or were likely to, an alternative was donation of the collection to the state. These were not, Welch (2005: 294) notes, donations to the city-state or its citizens but efforts to preserve the memory of the donor in the corridors of power: in at least one case, destined for a room in the Ducal Palace which the Doge of Venice would pass on his way to and from his private apartments. These 'proto-museums' (as they have been called: Welch 2005: 295) were not about the material of the past as a public good but about the satisfaction of private concerns as to future memory. Where they presage our future—if indeed they do—is in the establishment of a realm of ownership where the concerns of the market do not penetrate (Carman 2005). But they were neither public collections nor museums as we know them.

It was, however, also during this period that the first systematic surveys of archaeological remains were being carried out. Trigger's 'first archaeologist', Cyriacus of Ancona, was a merchant travelling extensively in the late fifteenth century to make drawings and other records of monuments and inscriptions and, crucially for Schnapp in the development of archaeology, taking a critical attitude to interpretation (Trigger 1989: 36; Schnapp 1996: 110). However, the sixteenth century was the era for the first recognizable attempt to identify and record the monuments of Rome. In 1519 the artist Raphael urged on Pope Leo X the project of full architectural drawings of monuments, comprising external and internal elevations as well as detailed plans (Schnapp 1996: 126), and such plans were subsequently published by a series of individuals: Ligorio in 1533, Marliano in 1534, and Bufalini in 1551 (Schnapp 1996: 341–3), among others. Such was the influence of these works that the idea of seeking out and recording monuments spread to other lands further north: in France, across Germany, and to England, where, in newly founded states or where precarious dynasties had become newly established, the primary concern became one of identifying ancient origins (Trigger 1989: 45–52; Schnapp 1996: 133–53). Beyond the narrow confines of Rome, the idea of recording ancient features became combined with that of travelling to seek them out: this is a true beginning of the process of inventory.

Scandinavia—in the sixteenth and seventeenth centuries divided between two rival kingdoms, Denmark and Sweden—was the laboratory where these trends came together to form the earliest instances of an AHM as we might recognize it. Johan Bure

and his assistants travelled through Sweden in the early seventeenth century collecting runic inscriptions: as tutor to the heir to the throne, Bure had access to all the conveniences and resources of official royal patronage. The same can be said of Bure's Danish contemporary Ole Worm, who was given similar support. The underlying purpose of these surveys was to provide evidence of the antiquity of the Danes or Swedes and especially their priority over the people of the other state. Without written evidence from the classics, reliance was based upon runic inscriptions and the investigation of landscape monuments. Although it may be too much to claim for Bure's status, as Schnapp (1996: 159) does, that 'Sweden was thus the first state to endow an archaeological service', since Bure's team was not officially an organ of the state, nevertheless the model is that on which much AHM practice has been based in later times. The care that was put into the work and the equal concern for publication of results represent aspects of any modern system of inventory. Out of official recognition came also the precursor to a 'national' identity, although at this stage the nationalist ideology of the nineteenth century lay in the future (Hobsbawm 1990) and the service was that of monarch rather than citizenry.

By contrast with Italy, in Sweden legislation followed steps towards inventory rather than preceding it. An edict concerning the protection of antiquities was issued by the Danish king, and, so as not to be outdone, in 1630 the Swedish monarch published a statute covering Swedish antiquities (Schnapp 1996: 176). The destruction of ancient monuments and relics was expressly forbidden by a Swedish proclamation of 1666 and in 1684 a further decree declared all ancient objects found in the ground to be the property of the Swedish Crown (Prott and O'Keefe 1984: 35; Cleere 1989: 1; Kristiansen 1989: 25). Although not the first preservation legislation, and the fact of their regular renewal implies a level of ineffectiveness, these are the first laws which seek to place ancient remains under the control of the government and to deny them to private owners. Combined with the simultaneous creation of an Antiquaries College at Uppsala to continue the work begun by Bure and his associates, these laws also represent the earliest creation of an antiquities service as we would recognize it.

Schnapp (1996: 167–77) charts the development of the ordered collection of objects out of the Renaissance 'cabinet of curiosities', culminating in the publication of Ole Worm's *Museum Wormianum*, collections from which would go on to form the basis for the Danish Royal Collection (Trigger 1989: 49). Typical for such assemblages, it was an eclectic mixture of the natural and the fashioned. Less typically, at least as published in book form, it was organized in a hierarchy of progression from the less 'designed' to the greater: from mineral samples, through vegetable material, to animal forms. The major contribution comes in the section devoted to made objects, which for Schnapp (1996: 174) represents 'the first general treatise on archaeological and ethnographic material': it is divided essentially by the kind of material the object is made from, thus separating objects out not by assumed function but by form. In developing his *Museum*, Worm largely prefigured the synthetic work of the modern archaeological scholar, who sees a programme of research from its inception, through the gathering of data, to its analysis, and finally to publication.

By the early eighteenth century in Europe, three of the key components of a modern AHM system had, in various places, been invented: legislation to preserve and protect ancient remains, a service to carry out inventory and recording, and the publication and public display of results. Archaeology was not yet professionalized, had to develop many of its now 'standard' techniques and tools, and was the province of a few private individuals rather than of institutions and nations. As such, archaeological resource management as it is understood today was a long way ahead. These were in particular matters for the latter decades of the next century. But the question remains: if not ARM, what do these efforts at preserving, recording, and legislating the past represent?

In the case of the northern Lutheran countries, it is an exercise deriving from international rivalry. The context is the declining influence of Denmark in northern Europe and the rise of Sweden as a major military power; a wider context is the ongoing conflict between European Protestant states and Catholic ones in which both Sweden and Denmark were involved against Catholic German states and Spain. At the same time, 'in both [countries], the centralizing authority of the Crown was checked by an ambitious nobility.... [and each was led by] kings who intended by the encouragement of the merchant and professional classes to subdue the aristocracy' (Wedgwood 1957: 30). Royal claims on the past can be read in this context to be an effort to assert the legitimacy of the Crown over the nobility, by making a connection with a deeper past: the similarity in approach in both states may be an example of 'peer polity interaction' (Renfrew 1986) driven by identical religious and political ideology and similarity of circumstance. The end result is an effort to 'outdo' each other in similar fields of endeavour, and the investigation and control of the past is only one of these.

Understanding late medieval and Renaissance Italy is more problematic from a modern perspective. The nascent nationalism represented by Scandinavian activity is recognizable from the perspective of the twenty-first century as something akin to our own efforts. By contrast, the apparent confusion by popes of archaeological remains with mineral resources is less easy for us to identify with. It is clearly an exercise in power and control over material, as in Scandinavia, but here the relations of authority are less similar to those of our own day. The legal controls placed by the popes upon ancient remains represent a very different attitude to the material from that of today and indeed of seventeenth-century Scandinavia: we and the Danes and Swedes recognize this material as something deriving from and able to inform us about the past. For fourteenth and fifteenth century popes, however, they represent a resource in a more conventional and economic sense: as exploitable building stone which carries with it an aura of authority derived from a 'noble' past on which the papacy makes a direct claim by line of descent. It is in essence a 'royal' claim like that of Scandinavia; but, unlike the latter, not made in assertion of monarchical authority but of secular power combined with the spiritual. Whereas the Scandinavian kings asserted a collective past for Denmark and Sweden, thus confirming their status, the Roman past was exclusive to the popes and asserting their direct line of succession from the days of the Roman Empire.

The emergence of national heritage: Greece, Italy

The proto-nationalism of Scandinavia and some other territories in seventeenth-century Europe was replaced over the course of the nineteenth century by an outbreak of fully-fledged nation building (see e.g. Anderson 1983; Gellner 1983; Hobsbawm 1990; Hutchinson and Smith 1994). Archaeology—among other disciplines—was deeply implicated in the process since it could provide material on which to base an understanding of 'the nation' as something with a deep past (see e.g. Kohl and Fawcett 1995; Atkinson et al. 1996; Díaz-Andreu and Champion 1996; Graves-Brown et al. 1996). It was on this basis that nation states were able to establish national—rather than local, regional, or transnational—agencies for archaeological work and to legislate for control of archaeological remains at the national level. The models for this which emerged during the nineteenth century have persisted as the 'correct' way to do AHM to our own time.

The first country to make the point that ancient remains on its soil were the property of the state and not of foreign powers or individual visitors from overseas was Greece which, on gaining independence from Ottoman rule, immediately passed a law preventing the export of ancient remains. Even before achieving statehood, the provisional Greek government had prevented a French excavation at Olympia (Prott and O'Keefe 1984: 36), thus effectively defying their allies. The Greek self-vision was one founded upon the belief of a continuity of Hellenism from the classical through the Byzantine period to modernity: that the educated citizenry of other European states chose to explore and to enjoy Greece as the source of Western civilization and to mould their politics on classical models (at least as interpreted by them) gave support to this idea. Accordingly, the Greek past—and especially the ancient Greek past—represented the foundation of the modern Greek state. As Mouliou (1996) has stated, it did so in two ways. First, as 'heirs and guardians' of the classical heritage, Greeks were granted a special place of honour among European nations and were able to claim equality with the citizens of other European powers in their dealings. Second, it provided an idea of 'ethnos' that could be used to bind together a diverse and fractured mix of populations (Mouliou 1996: 179–80).

The Greek uprising against Turkey had not begun with a unified model of Greek ethnicity that could be offset against a Turkish one. The Orthodox Christian Church which acted as the binding agent and basis of support for the rising was itself supported by a range of different ethnic groupings: Serbs, Romanians, Bulgarians, Vlachs, Orthodox Albanians, and Arabs, as well as a loosely defined Greek population. As Gallant points out, any sense of identity in the Balkans prior to the nineteenth century was as much based upon social status as biological descent: 'it was very common for society at the time to label shepherds as "Vlachs", peasant farmers as "Serbs", and merchants as "Greeks" regardless' of other aspects of identity (Gallant 2001: 3). Accordingly, a sense of Hellenic unity and community needed to be created: it was not an organic force awaiting libera-

tion. Basing such a sense of identity upon the classical and Byzantine pasts had a number of advantages: it was an idea that would appeal to the wider European Romantic imagination, thus attracting overseas support for military intervention (which would turn out to be the final arbiter of Greek independence: Gallant 2001: 26); and it offered the citizens of the new state an identity that was older than and different from that of the rulers of the region since the Middle Ages (western European states from 1204; Ottoman Turkey from the 1400s). To be Greek was to be distinct and to be special: and the mark of that uniqueness was the ancient culture to which Greeks—and only Greeks—could lay direct claim.

This is not to say that Greeks took complete control of their cultural heritage—or indeed of their country—from the 1820s, for a series of international accords established Greece as a protectorate of Western powers, and appointed as its head of state a German prince. It was therefore a matter of several decades before the classical past was fully incorporated into Greek identity. Prott and O'Keefe (1984: 36–7) chart the role of German scholars in the establishment of Greek control over ancient remains: by an agreement in 1874 finds from German excavations at Olympia were to belong to the Greek state; the principle was enshrined in law from 1899, and the relationship of the Greek state to researchers from overseas has remained on this basis ever since. It is perhaps no accident that the 1870s also saw the official recognition of those figures who had led the Greek revolution by celebrations in Athens: despite the bitter disagreements that had divided them in life, the key figure of the Orthodox Church who led the revolt was to be established as a national martyr alongside the figure who had espoused the classical past as an appropriate model for the new nation (Gallant 2001: 71). The unity of the classical and Byzantine pasts was thereby granted official sanction.

Italy achieved its independence and unity some three decades later than Greece, in 1861, and although the rulers of parts of Italy had been early to place a claim on their material cultural heritage (see above), Italy as a modern nation state was slower to do so. Here, the argument was not between the proponents of an ancient versus a late antique past, but between a prehistoric and a classical tradition. Guidi, in his discussion of archaeology and Italian nationality, has summed up the unification of Italy into a single state as 'a true "annexation" of the country to the little kingdom of Piedmont' (Guidi 1996: 109) and 'Rome's conquest, [as] in reality an "annexation" of the central and southern region' by the north (Guidi 1996: 111; see also Riall 2000: 146–7; von Henneborg and Ascoli 2001: 7; Beales and Biagini 2002: 125–6). The fragmented political structure of Italy before unification—into seven pieces, two of which were ruled by Austria—was reflected in the earliest administrative procedures for governing archaeology, whereby under the influence of classical archaeologists responsibility was divided among twelve regional inspectorates (d'Agostino 1984: 73). A more unitary approach was reflected in Italian prehistory by the 'teoria pigoriniana' whereby waves of population movement from north to south in the Bronze Age superimposed themselves on the Neolithic populations: in due time, migration of the descendants of the Bronze Age colonizers crossed the Appenines to create the Villanovan and Latin cultures which came to dominate the Italian peninsular (Guidi 1996: 111–12). Here was a prehistoric model of the unification

process, giving long-term legitimacy to what had been a much more contingent (and negotiated) modern political process.

The regional structure for the administration of ancient remains was not supported by a body of national legislation until 1902. In part this was due to a series of political and constitutional crises, threats to stable government from radical political positions of both right and left, and indeed the alternation of governments from the right to the left of the political spectrum, all of which took priority over other issues (Clark 1984: 12–135; Hearder 1990: 198–207). Nevertheless, a programme of social welfare and compulsory education was introduced under governments of the left from 1877 (Hearder 1990: 206–7) and from 1896 a programme of industrialization took hold (Clark 1984: 119–35). From 1900, the social welfare and development programme of Prime Minister Giolitti, together with an extension of the franchise leading in 1911 to universal male suffrage, aimed to further unite the Italian people. This was the context within which the law of 1902 protecting monuments and its more developed successors in 1909 and 1912 came into being. As Gianighian (2001: 186) puts it: 'It is no coincidence that the law [of 1902] was passed [now: Giolitti's] was a more democratic government [than those preceding], and the economic conditions were more favourable to reform. Giolitti wanted to strengthen the powers of the central government, by asserting its right to protect public interests against private ones.' Accordingly, efforts to assert state control over ancient remains were part of a more general process of centralizing the Italian state and placing controls on private rights: although at odds with an apparent 'Liberal' agenda, in the case of a society riven by difference and economic inequality (as Italy in large measure still was: Clark 1984: 177), placing limits upon the rights of the wealthy to exploit both their fellow citizens and the common patrimony may have seemed reasonable.

Accordingly, by the early part of the twentieth century, both Greece and Italy had established more-or-less centralized state control over their ancient heritages, at the service of creating national unity through a sense of national identity. In Greece, this overcame the ethnic diversity of a 'polyglot' nation; in Italy, it overcame a more regionalized diversity. Both were constructed upon convenient myths that could be mobilized to give time depth to these identities: in Greece, that of continuity from the ancient classical 'Golden Age' through the medieval to the modern; and in Italy by a 'wave of conquest' model for prehistory that mirrored the political realities of Italian unification in 1861. Both of these myths in turn focused upon specific pasts: in Greece, upon classical and Byzantine pasts that could be claimed as exclusively 'Greek' in nature and origin; and in Italy—at least initially—upon a prehistoric past that could be seen as leading to the glories of the Roman Empire. Both chose—perhaps inevitably—to exclude any hint of disunity and later cultural mixing: as newly independent states both sought to assert 'Greekness' in the one case and 'Italianness' in the other, denying the influence of the Franks and Turks on Greece, and of Norman, French, Spanish, or Austrian conquerors on Italy. It is not to say that these influences were not evident or important, or even unrecognized, in terms of Greek and Italian culture and politics, but that the sense of being 'Greek' or 'Italian' was founded upon a

notion of cultural and indeed racial purity asserted by the construction of what was deemed to be the 'national' heritage.

That heritages are essentially 'nationalist' constructions is one of the ongoing criticisms of heritage and commonly recognized in the literature of the field. It is also a problem that the field needs to address: it is not entirely overcome by notions of 'world' heritage or attempts to create transnational (continental or regional) notions of common heritage. The legacy of the nineteenth-century creation of national heritages has, however, been to establish this as the norm for the way in which we treat the heritage, and it persists.

Bringing the Empire home: India, Ireland, Britain

At the same time as newly independent and unified European states were creating their national pasts, British imperial administrators were encountering the spectacular remains of conquered alien peoples. Although instances of reverence and endeavours to preserve material from the past were evident in Britain from the medieval period and the first attempt at some form of regulation dates from England in 1560 (Boulting 1976), it was not until the late nineteenth century that attempts to create and maintain an archaeological resource as we know it came into being. Whereas in other states—especially Italy and Greece as outlined above—the driving force lay in the creation of a sense of nationhood where one had not previously existed, in Britain such a sense of identity had already largely been created (Colley 1992; and see Hobsbawm 1990) leaving no perceived need to actively preserve a specifically British material past. A number of factors conspired, however, to bring about a change of attitude: the specifically domestic circumstances have been outlined elsewhere (Carman 1996: 69–91) and will be revisited below; those relating to British foreign relations are exemplified by the interest in British protective measures for monuments shown by the Austro-Hungarian Ambassador to Britain in 1875 (Boulting 1976: 17), the response to which served to reveal the shortcomings of Britain relative to continental neighbours and rivals. It was nevertheless the influence of Empire that had the greatest impact.

India

The interest of British colonial administrators in the physical remains of India's past exhibited itself relatively early with government-sponsored surveys of the antiquities of Mysore and eastern India from 1800. Throughout the later nineteenth century, however, as Thapar (1984: 63–5) makes clear, attitudes to the cultural heritage depended on the whim of individuals: while one governor would arrange for monuments to be surveyed and prepare for their care and protection, other plans for dismantlement of that

monument and its shipping to the UK would be prepared by their immediate successor. This alternation of concern for the study of monuments and interest in reaping their material benefits continued through several terms of office despite the establishment of the Archaeological Survey of India in 1861 (Thapar 1984: 64–5; Trigger 1989: 181). This provided for the accurate description and recording of monuments in northern India. In 1866, however, a new Indian government closed the survey and it was only restored by a further government in 1871.

Throughout this time, the task of preservation of monuments was kept separate from their recording, to the extent that the survey was not empowered to undertake any measures to conserve monuments. Preservation was only given recognition in 1873, but still kept separate from survey by making it the responsibility of local governments rather than central authority. An attempt to make this a central responsibility was refused by the home authorities in 1878, but successfully adopted albeit temporarily in 1881. This arrangement was then abolished after a three-year trial, but restored again with the appointment of a new head of the survey in 1885. A further period of local responsibility followed after a few years, until the matter was finally resolved in 1900 with the appointment of Lord Curzon as Governor-General. Curzon took matters firmly in hand with the creation of a newly constituted Archaeological Survey organized around five regions or 'Circles' (Thapar 1984: 64–5). In subsequent years, the passage of several pieces of legislation saw responsibility for archaeology become increasingly central to administrative concerns and the responsibility pass from regional and local authority to the centre. The creation of an independent federal India saw a redistribution of responsibilities but no loss of official concern for the material past (Thapar 1984: 65).

The story of the development of AHM in India—inevitably more complex and more interesting than this very brief coverage would suggest—reveals something of attitudes of Britain's political and administrative class to the material past: that it was something in which individuals were interested, rather than being automatically a matter for government. Nevertheless, the idea that government could and should take an interest in such matters is evident from an early date. Efforts to take government control of monuments pre-date similar efforts in Britain by ten years and are more firmly in place than in the home country by a similar amount (see below). The role of individuals should also not be underestimated, as the place of Lord Curzon in British AHM will indicate (see below). Essentially, in the case of Britain, the idea that the material remains of the past should be preserved and that this is a matter for government first takes firm root in India.

Ireland

Ireland can claim the status of the first part of the British Isles to have legislation in place relating to its ancient monuments, albeit more by accident than design. The 1869 Irish Church Act was specifically passed to disestablish the Irish Anglican Church, but in doing so was strongly pressed by leading Irish antiquarians—especially Lord Talbot de Malahide (of whom more below)—to make provision for historically important redun-

dant places of worship. It did so by providing for the state Office of Works to maintain them as National Monuments with funds diverted from the Church (MacRory and Kirwan 2001). The consequence was to provide a model for the state management of the archaeological resource that would become the system in place across the Irish Sea, in mainland Britain.

The concern for preserving religious monuments reflected in many ways an underlying theme of Irish archaeology and its links to a sense of Irish nationality. As Cooney (1996: 152) puts it, 'the vision of a glorious Christian past [as represented by such monuments] was used by national movements…in the 1830s and 1840s as the basis of an identity that was separate from and the equal (at least) of Britain'. Over the years from its foundation in 1849 to 1890, the Kilkenny Archaeology Society grew from local to national status as the Royal Society of Antiquaries of Ireland (RSAI), and as it grew in status its membership increasingly comprised members of Ireland's other leading cultural organizations, such as the Royal Irish Academy founded in 1782 (see e.g. McEwan 2003: 50–67). The primary interests of the society from its inception were in the medieval period, and especially ecclesiastical sites, but always with some interest also in prehistoric monuments, as reflected in the associations between members and Pitt Rivers who conducted work on sites while stationed in Ireland between 1862 and 1866 (Twohig 1987).

One function of the Irish antiquarian and archaeological societies was to record sites and objects, a function supported for sites by the Ordnance Survey Place-Names and Antiquities Section, the creation of which was 'based…on the assumption of a need to recover the past as a basis for Irish identity and to recreate it as a reality for the present' (Cooney 1996: 151). Arguing for the preservation of remains was also a key task, reflected in Pitt Rivers's concern that approximately half of the sites shown on the 1840s Ordnance Survey maps had since been destroyed (Twohig 1987: 37). Such concerns would underpin Talbot de Malahide's efforts with regard to ecclesiastical sites under the 1869 legislation and the support bodies such as the (then) Royal Archaeological and Historical Association of Ireland (the intermediate title of the RSAI) gave to John Lubbock's attempts at legislating the preservation of prehistoric monuments (see below) in 1879 (McEwan 2003: 63). In the 1860s, the society also made arrangements for the acquisition of portable antiquities by providing payment to finders who then gave them to the society, and by allowing members to sell their own finds through the society museum for a portion of the sale proceeds, thus giving the museum first choice and adding to its own funds (McEwan 2003: 64–5). These measures, although inadequate by modern standards, nevertheless pre-date those in mainland Britain by a decade.

Cooney (1996: 155–7) charts the 'institutionalisation' of archaeology in Ireland from the first university posts in the 1840s, through the legislative measures in the nineteenth century, to the creation of a specifically Irish law for the newly independent Republic in 1930. In the north of the island—remaining part of the United Kingdom—specific laws to cover the remains of that part of Ireland were promulgated in 1926 and again in 1937, serving to emphasize the political division between the two areas. In Ireland, efforts directed at the preservation of ancient remains—as elsewhere in Europe—were closely connected to ideas of national identity, and therefore inevitably serving the needs of

contemporary politics. This created the conditions under which protection would be afforded to Irish remains years earlier than in Britain, and also the basis on which Irish influence would be a significant factor in Britain.

Great Britain

The tradition of antiquarian research had its roots deep in mainland Britain by the time the first legislation was passed: from the interest of the medieval monks of Glastonbury in Arthur, through to Stukeley's researches into Druids in the eighteenth century, and on to the origins of 'scientific' excavation by Cunnington and Hoare, among others, in the late eighteenth and early nineteenth centuries (Trigger 1989: 45–8, 61–4, 66–7). While most surveys of efforts to protect ancient remains in Great Britain focus upon the English and sometimes Scottish personnel involved (e.g. Chapman 1989; Murray 1990; Carman 1997), the influence of other parts of the Empire should not be underestimated. The story as conventionally told is relatively straightforward. Leading figures in British prehistoric archaeology—John Lubbock and Augustus Henry Lane Fox Pitt Rivers in particular—agitated for the preservation of prehistoric monuments to protect them from damage by private landowners. Despite appeals based upon the public merit of offering such sites for the education of the population at large and as a generalized public good, a series of parliamentary bills were all defeated by the landed interest until Lubbock could force a vote in support of a government measure to achieve this. The subsequent legislation of 1881—although weak—provided a list of sites so protected, created the position of Inspector of Ancient Monuments to which Pitt Rivers was appointed, and it was through his efforts and willingness to go beyond the limits of the post that the principle of preservation and state-sponsored investigation took hold. Subsequent laws strengthened the principle, giving rise to the legislation currently in place.

The Irish connection

The relationship of those who would go on to become the leaders of efforts to provide for the preservation of ancient monuments and the promotion of British archaeology with others whose primary interest lay in Ireland has generally been treated as an accidental 'footnote' to the story of AHM in Britain (e.g. Chapman 1989). However, there are good reasons to presume some non-accidental significances to this. The first lies in the personal connections of key figures in the emergence of British legislation in this area to the Irish peerage. Contrary to popular imagining, those generally regarded as the first 'scientific' archaeologists in Britain and largely responsible for the first legislation—John Lubbock, Augustus Henry Lane Fox, and A. W. Franks—although closely linked to the intellectual elites of their time, were not also attached to the highest echelons of society until later in their careers. Lubbock, who would rise to become Lord Avebury, is in particular frequently represented as a member of the aristocracy from the outset, Lane Fox (later Pitt Rivers) as always the country gentleman, and the recognized professional status of Franks

at the British Museum is taken for granted. In fact, they represented new and rising but not yet established professions: banking (not yet a field with any status and still classed as 'trade') in the case of Lubbock, the army (not yet professionalized by the Cardew reforms, and as an engineer officer lacking the status of field command) in that of Pitt Rivers, and museology and anthropology (terms not yet invented) in that of Franks. As such, they were not yet attached to the highest echelons of society but could create useful connections elsewhere.

One of them was with Irish peers, excluded from the House of Lords and thus also not members of the upper layers of society, who nevertheless largely dominated the London-based learned societies (Chapman 1989). The close connection Lubbock and others thus made with James Talbot, Baron de Malahide, allowed them to rise through the ranks of relevant organizations. Talbot had been active in the service of archaeological preservation before he took Lubbock, Pitt Rivers, Franks, and John Evans (another associated with the application of science to archaeology) under his wing. Raised to the UK peerage in recognition of his service to government, in the late 1850s he had championed the cause of Treasure Trove as a device whereby those with antiquarian interests could gain access to otherwise privately owned material. His attempts at legislation in the area all failed, but after time and drawing upon precedent in Scotland and Ireland, he nevertheless wrung from the government the key concession to grant rewards to finders of Treasure Trove objects so long as the object itself went into a public collection (see Hill 1936: 239–41; Bland 1996; 2004: 273; Carman 1996: 49–55). Together, Talbot, Lubbock, and others sought to establish the importance of studying and preserving British material within the emerging archaeological establishment and to promote its links with anthropology. In these efforts they had limited success, but the entry of Lubbock to Parliament provided a new opportunity.

Despite early successes as a legislator, Lubbock's several efforts to create laws for the protection of ancient monuments, as mentioned above, all faltered largely at the hands of landed interest and the failure of support from government. At the same time as this, however, other concerns were dominant in British politics. Among them were concerns over the future of Ireland: whether to be incorporated in a fully United Kingdom or given a measure of Home Rule. Two anthropological theories of the make-up of the British population supported either case. For Prime Minister Gladstone, Britain contained four 'nations': the English, the Welsh, the Scots, and the Irish. The separation of the Irish from the others by sea indicated to him a case for Irish Home Rule. The alternative vision supported by Lubbock and others saw instead three 'races' in the British Isles, distributed identically through the two main islands of Britain: the Celtic in the west, the Anglo-Saxon in the south and east, and the Norse in the north and east. This indicated that the Irish people were, to all intents and purposes, identical to the rest of the UK population and therefore deserved full integration with them. Accordingly, Lubbock's draft laws on preservation included Ireland in their coverage. By contrast, the legislation he forced upon government specifically excluded Ireland from its provisions and a separate law provided for Ireland.

The impact of Ireland upon preservationist efforts in mainland Britain was accordingly threefold. First, by providing influential connections that allowed entry by newer,

younger scholars to influential positions within the emerging linked disciplines of archaeology and anthropology. Second, through figures such as Talbot, with the idea of legislating for control over archaeological material and using political position as a counter in achieving disciplinary authority. Thirdly, by providing a context within which cultural battles—especially about the fate of ancient sites—could be meaningfully fought: because the Irish issue mattered, other issues that related to it would matter also. Whether intended or not, defeat of efforts to legislate the preservation of ancient remains in both Ireland and the mainland supported the cause of promoting Ireland as distinct from Great Britain.

The Indian influence

As covered above, preservation of the monuments of India was achieved nearly ten years prior to that for Britain, although later than the accidental protection given to ancient churches in Ireland. As the most important and largest British imperial possession, India served as the model for governance and the training ground for many future aspirant leaders of the British state. Among these was George Curzon, who after a career as a Conservative Member of Parliament became Viceroy of India in 1898, described as a 'proconsular imperialist, notorious for his pomposity and aristocratic hauteur' (Shannon 1976: 481) and 'a man of enormous energy, intelligence and megalomaniacal belief in his own power to rule' (Cohn 1983). Apart from several efforts to create his own expansionist foreign policy independently of the government (both as a private MP and in India), Curzon is notable for developing an interest in the cultural heritage—especially the architectural heritage—of the subcontinent and finally giving permanent status to the Archaeological Survey (see above). Among other indications of this interest are the arrangements for an Imperial 'Durbar' in 1903, at which the new Emperor of India (also King of Great Britain) would be proclaimed. The style of the event reflected Curzon's own aesthetic choices: 'Indo-Saracenic' rather than 'Victorian Feudal' and 'more 'Indian' than the assemblage' (Cohn 1983: 208). This was an influence he brought home with him in the early years of the twentieth century.

The Act of 1881 had become defunct during the 1890s, on first the retirement and subsequent demise of Pitt Rivers. An Act of 1900, brought in specifically to protect so-called 'Eleanor Crosses' (medieval monuments raised across England to record the passage of Queen Eleanor of Aquitaine to her burial place in the thirteenth century) which were under threat from damage and destruction, extended the scope of protection beyond the specifically named prehistoric remains of the 1881 Act to anything that could be classed as an 'ancient monument'. Further legislation in 1910 created a public right of access to such monuments held in state or local government care. The crisis, of sorts, came in 1912, with the impending sale and removal to the USA of medieval Tattershall Castle, triggering new legislation which consolidated and extended the coverage of the existing laws. This new law was guided through the process by Curzon as the responsible state minister. In accordance with Curzon's own predilection for religious monuments, reflecting the inter-

ests he had developed and demonstrated in India, the Act greatly expanded the coverage of the legislation and placed the management of protected monuments on a sounder footing. The law as originally drafted also sought to include ancient churches, in a manner similar to the legislation of 1869 in Ireland. This was resisted, however, by the Church of England, and instead a compromise was achieved whereby the Church would manage its own properties in such a manner to meet the conditions required by secular law for other historic structures (Carman 1996: 102–5). This Act of 1913 created the system of monumental protection that remained in place in mainland Britain until 1990.

A parallel, not generally drawn in the literature of AHM in Britain, is between the creation of the Archaeological Survey of India and the equivalent bodies for the recording of historic monuments in Britain. In 1908, the first of these Royal Commissions—bodies appointed theoretically under the authority of the monarch and therefore independent of government—were established to record the monuments of England, Wales, and Scotland and to create a national inventory. In 1910–11, the state Office of Works was made officially responsible for the maintenance and management of monuments in state care. Between them, these two organizations undertook the same kind of work as the Archaeological Survey in India, and other national bodies elsewhere. The coincidence of form and of date is perhaps indicative of the influence being brought to bear: the model applied in India was the model applied in the United Kingdom, brought home by Curzon, now an influential member of government.

The influence of experience in India on protection of monuments in Britain was twofold. First, to expand the coverage of protection under law beyond that of certain named prehistoric monuments only, to any monument of any period. This allowed protection to be offered to medieval monuments in particular: only the resistance of the church interest prevented this being extended to church property. Second, through the work of the Archaeological Survey of India, to provide a model for the recording and management of sites in Britain. The system thus put in place would remain so—largely unchanged—for most of the twentieth century.

Taming the wilderness: USA, Australia

India and other parts of Asia were—and were recognized to be—host to ancient civilizations to which conquering Europeans could claim to be heirs and successors. By contrast, the lands of the American and Australian continents appeared empty and devoid of human interference: where this was evident it could be ascribed to 'lost' peoples or civilizations rather than to the existing non-European population. Such attitudes correspond most closely to what Trigger has referred to as 'colonialist' archaeology, defined as 'that which developed either in countries whose native population was wholly replaced or overwhelmed by European settlement or…where Europeans remained politically and economically dominant for a considerable period of time' (Trigger 1984: 360). Trigger's review of such archaeologies (Trigger 1984: 360–3) covers in particular North

America, Australasia, and sub-Saharan Africa, but his concern is more with intellectual developments than the establishment of systems of ARM.

The earliest legislation specifically on cultural remains in the USA dates from 1906, but this post-dates earlier laws which nevertheless impacted on Native American archaeology. Throughout the nineteenth century, the world of the Indigenous population was understood to be a world of unchanging ways with little or no evidence of progress or development from the earliest times (Trigger 1984: 361). Accordingly, ethnographic research in the present was used to interpret the past under the assumption that the past was exactly like the present. Where remains suggesting ways of life different from that of the present were encountered—as in the Mississippi and Ohio river basins—they were ascribed to a lost culture of 'Moundbuilders' (Trigger 1984: 361). The climate of belief was therefore one in which the Indigenous populations of North America had made little or no impact upon the land and therefore effectively constituted part of the 'natural' environment. This combined with a growing late nineteenth-century concern for America as an arena of natural wonders, and it was no accident that American 'Indians' were included in the coverage of museums of natural history rather than those concerned with cultural aspects.

Since the pre-European heritage of America was felt at this time to be one of nature rather than culture—a wilderness to be tamed by European colonizers—the earliest efforts at protection were directed towards that natural heritage by the creation of the first National Parks. These included places inhabited by Native Americans, and these protective laws therefore also regulated their ways of life there. In the discussions and debates concerning the passage of the 1906 Act and its unsuccessful precursors, a primary concern of objectors was not the preservation of archaeological material as such (a contrast with Lubbock's difficulties in Britain), but the amount of exploitable land it would remove from private ownership (Soderland 2009, and this volume). As Laurajane Smith argues for both the USA and Australia, the designation of the material culture of the Indigenous population as 'relics' under such legislation 'reinforced dominant perceptions that Indigenous peoples had either vanished or that they were no longer "real" Indians…because cultural practices had changed following the depredations of colonization' (Smith 2004: 18). She points out that the regulation of archaeological activity on public land by the Act served at once to professionalize archaeology as a discipline, and moreover to reposition Native American material as property of the federal government in a bid to make it part of a collective American history (Smith 2004: 129–30). She goes on (Smith 2004: 130–43) to outline how subsequent legislation and cultural resource management practice in the USA has perpetuated the privileging of scientific archaeological professionalism over other interests, especially claims of Indigenous knowledge, commercial exploitation of land, and amateur artefact-hunting.

Smith's analysis continues with a review of Australian legislation. She identifies certain differences between the USA and Australia—that whereas in the USA the governance of archaeological material mostly operates at the federal level, in Australia state law prevails; and that legislation in Australia covers all land, regardless of ownership—but nevertheless points out the fundamental similarity: that Australia exhibits the same underlying attitude

towards Indigenous cultural material as the USA (Smith 2004: 143–4). In Australia, the idea that the territory was devoid of human occupation was enshrined in the concept of *terra nullius* which declared that no ownership rights existed in Australian land until the advent of European settlers, implying also a completely empty land devoid of human intervention. Legislation on archaeological remains came relatively late to Australia, in the 1950s, despite a long-standing interest in the study of Aboriginal culture; indeed, the first legislation to directly concern itself with such remains was in New South Wales in 1967. This law was entitled the National Parks and Wildlife Act and was concerned to set aside 'primitive areas' that would be safe from damaging activity such as industrial development and mining: an amended version in 1969 provided for all Aboriginal 'relics' to become state property. The implicit association of concepts such as 'wild', 'primitive', and indeed of Indigenous material as automatically a 'relic', is clear, and reflects common attitudes at the time (Smith 2004: 145). Elsewhere in Australia—such as the state of Victoria in 1972—the concept of 'relic' was extended to include Aboriginal human remains, relegating them to the status of objects.

In both North America and Australia, the attitudes expressed by cultural resource legislation and the treatment of Indigenous peoples they represented led to significant challenges to archaeological authority (Smith 2004: 136–8, 152–4). Lobbying by Native Americans led to successive amendments to US federal legislation, granting recognition and authority to Native Americans over archaeological remains on tribal lands. At the same time, Native American groups became more vocal in challenging the rights of archaeologists and others to decide the fate of human remains. One result was the passage in 1990 of the Native American Graves Protection and Repatriation Act which provides for the return to Native American groups who can establish cultural links with it of the material, objects, and human remains from funerary contexts. In Australia, challenges to archaeological control over Aboriginal material took a similar turn and resulted again in significant legislative changes. In 1992 a decision in the *Mabo* court case overturned the concept of *terra nullius* and subsequent legislation has confirmed the right of Aboriginal Australians to lay claim to land so long as they can demonstrate cultural affiliation (Smith 2004: 25). The debate concerning issues of control is ongoing and remains unresolved at the time of writing, but evidence of a measure of accord is evident (see e.g. Carmichael et al. 1994; Davidson et al. 1995; Swidler et al. 1997).

Two key differences from European concerns appear in relation to the 'new worlds' of North America and Australasia so far as archaeological resource management is concerned. Universally in Europe, a concern for the preservation of cultural remains pre-dated any effort to protect areas of natural interest (e.g. for Britain, see the timeline, which emphasizes the point, in Carman 1996: 99–100), whereas in North America and Australasia it was the natural wonders that first excited interest and, especially, legislative action. The protection and designation of 'natural' areas inevitably included areas where the Indigenous populations lived and accordingly relegated them too to part of 'nature'. This ideological difference underpins the distinction shared in the USA and Australia between Indigenous 'prehistoric' material and postcolonization 'historical' remains, one that finds a place only rarely elsewhere. Nevertheless, the model of AHM

represented in the USA and largely exported to Australia has become a model which has been adopted across much of the globe.

Conclusion

Each of these examples, despite their variation in time and place, has highlighted certain common features of which we should be mindful when considering the history of AHM. The first is the importance of cultural context, which has varied considerably over time and across space. It is this which has determined the view taken of ancient remains, whether as sources of building material in late medieval Rome, or the building blocks of political supremacy in seventeenth-century Scandinavia, as the foundations of national identity in the later nineteenth-century Mediterranean, or within the British Empire, or as arguments for the colonization of territory and the conquest of Indigenous inhabitants by incoming people of European stock in 'new worlds'. Accordingly, while many of the current, highly sanctioned, practices of modern AHM were in place from a relatively early period—certainly by the seventeenth century in Italy and northern Europe—they did not represent a true system of AHM because the idea of managing for a generalized good the material of the past was not yet in place. This would emerge in association with the rise of nationalism in the nineteenth century and is most evident in the efforts in Britain, which in turn derive from experience elsewhere.

Together, the elements described in this chapter came together to form the current assumptions that underlie so much work in the heritage and public archaeology fields, and what Smith (2006; see also Smith and Waterton this volume) has called the 'authorized heritage discourse'.

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CHAPTER 2

AMERICA'S CHERISHED RESERVES

THE ENDURING SIGNIFICANCE OF THE 1916 NATIONAL PARK ORGANIC ACT

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Introduction

The national park is just as much a public asset of this Nation as the Capitol of the United States.

(Representative Denver S. Church (D-CA). Published Hearing, House Committee on Public Lands, 64th Cong., 1916, p. 21)

TODAY in the United States, as elsewhere, law and archaeology may not always collaborate in harmony but their interface is far from novel. Law is now unquestionably a vital instrument of management and governance within the discipline and practice of archaeology. Most nations have a legal framework to protect, preserve, and regulate the past. This is frequently, and ostensibly, for the 'public good'. Although the public is often an amorphous entity, ill defined at best, the 'public good' is nonetheless a compelling rationale commonly used for the enactment and execution of law. Yet, just how the public is used as justification for law and how such justification is inflected in legislation is a process not well documented but essential to the relationship between archaeology and law.

The regulatory rubric of 'public' archaeology directs policy as well as practice. It delimits the parameters of what warrants protection, who has legal standing to participate in that determination, and ultimate resource disposition and ownership title. The law-making process enshrines conceptions of archaeological heritage in statutory text. Such transplantation is not without limitations or hegemonic tendencies. It does however produce a textual resource from which a legislative history can be constructed. The legislative history of a statute temporally contextualizes law. It facilitates the documentation of public involvement and the role of the public within the fabric of archaeology. This, in turn, exposes how the enactment of law engenders a discourse not just of law, or of policy, but of people. Thus, even though it is the law and not the public that is the primary object of this study, employing a legal-historical approach illuminates the conception of the 'public'. It underscores how the meaning ascribed to the term 'public' shifts with time and context, and accordingly with what has been—and what has become—archaeology for the public or 'public archaeology'.

This chapter considers the 'public' in its focus on the legal regulation of United States archaeology. It asserts the enduring significance of the 1916 legislation that created the National Park Service. Utilizing a legal-historical approach, it uncovers the societal ideals, values, and sentiments critical in the law-making process of the 1916 National Park Organic Act (16 U.S.C. § 1, 1916). It situates these mores within the legal historiography of American archaeology. In so doing, it discloses the importance of the 1916 Act in expanding the legal regulation inaugurated by the 1906 Antiquities Act (16 U.S.C. § 431, 1906), in providing a foundation from which subsequent regulatory measures were to be constructed, and in safeguarding an untold number of archaeological sites through the extraction of vast areas from the public domain.

Emphasis expressly rests on the United States. The scope of the implications, to the contrary, is not confined by national boundaries or circumstance. The centrality of law in the establishment and operation of administrative agencies is of universal import to archaeologists and heritage managers. The compass of legality is managerial as well as protective. Even so, protection can eclipse management. Particularly in a field of non-renewable resources, the jurisprudence that mandates management tends to be less audible than its protective counterpart. This chapter addresses how this propensity resounds in United States archaeology. Within the legal-historical context, it calls for more substantive concentration both on the 1916 National Park Organic Act and the administrative apparatus it devised. In broader terms, it contends that the legal regulation of archaeology

must not overlook management. For in scores of nations, official agencies are imperative to the development of public archaeology and heritage management. The legislative directives, procedures, and standards that control administrative action and power clearly vary. The confluence of factors that influence legislating as well as the contexts within which management schemes operate retain national distinction. It is the ascendancy of law in management, however, that provides commonality and global relevance. Thus, while the 1916 law that created the United States National Park Service pertains to American archaeology, it is an instructive instance of the formation of an official agency to institutionalize management. Furthermore, a description of the many issues and compromises considered by the legislature in the enactment of the law demonstrates the necessary balancing of interests inherent in ceding jurisdiction to agency management. The pivotal role of such an agency in the development of archaeological resources and heritage warrants granting the law creating it heightened stature in the corpus of law regulating public archaeology.

In the United States, law concerning archaeology developed alongside the professionalization of the discipline. Archaeology initially intersected with law just over a century ago when the 1906 Antiquities Act extended protection to the nation's archaeology. The statute buttressed the advance of archaeology as an expanding field of science with adherence by professional practitioners to methodological frameworks and theoretical bases. Codified during the 59th Congress, the Antiquities Act was the first United States federal law expressly to address antiquities as its central concern and as such set ideological and procedural precedent. Saluted as the foundation stone in the legal preservation and protection of America's archaeological resources, it remains in effect today. Its legacy, which still resonates over a century later, is routinely attributed to its foresight and the concise yet broad scope of its three main provisions. Section 1 imposes penalties for the damage or destruction of 'any object of antiquity' on federally owned or controlled land. Section 2 grants executive proclamation powers to the President to declare national monuments, making a single unilateral action all that is necessary to set aside government land for preservation. Section 3 requires government issued permits in order to conduct archaeological investigations, excavations, or research on federally owned or controlled land, and also stipulates that objects removed by such endeavours are to be cared for permanently in a public facility. The import of the 1906 Antiquities Act is firmly ensconced in the minds of American archaeologists. It is recognized as fundamental in both historical and contemporary contexts and it marks the starting point for a legal-historical analysis of United States archaeology.

In contrast to its 1906 antecedent, the 1916 National Park Organic Act rarely has received recognition befitting its influence on, or connection to, the legal regulation of American archaeology. The landmark status of the 1916 law is closely aligned with nature. This association is logical. The purpose of the law was to establish a governmental agency to manage and conserve the nation's scenery, wildlife, and natural environment for the public and for posterity. Neither 'antiquity' nor 'archaeology' is specified under its aegis. When the statutory language of 1916 is juxtaposed with that of 1906, the divide is stark. The Antiquities Act preserved tangible aspects of culture. No term explicitly imbuing culture appears in the statutory language of the 1916 National Park Organic Act.

Pinpointing such terminological differentiation, however, can create an unnecessary line of demarcation between the natural and the cultural. This lacks appreciation for the greater effectuation and implementation of the statute. It can amount to construing the law narrowly. It certainly falls short of realizing the full framework of resource management embraced by the National Park Service. It also passes over the integral connection between the Antiquities Act and the National Park Organic Act. In contrast, this chapter calls attention to the strong complementary association between these two earliest statutes that together laid the foundation for the future direction of legal regulation. In questioning the entrenched norms that privilege protection over management, this chapter examines how the creation of the National Park Service has had far-reaching and, at times, unexplored implications for American archaeology.

In 1916, the National Park Organic Act expanded the legal foci from law that protected resources only to law that also stipulated provisions and set forth mechanisms (management, leadership, appropriations/funding) for future care of those resources. The concept and legislative origins of the National Park Service arose well before 1916. The painter George Catlin (1796–1872), whose paintings portrayed the West and its Native American inhabitants, captured the essence of a National Park system with his 1832 words: '… by some great protecting policy of government … in a *magnificent park.* … A *nation's park,* containing man and beast, in all the wild[ness] and freshness of their nature's beauty!' (Runte 1984: pp. 55–7; Mackintosh 1991: p. 10.) As well as America's preeminent environmentalist, John Muir (1838–1914), the great landscape architect Frederick Law Olmsted (1822–1903), famed for his urban parks, is also credited with '… much of the ground-laying of national park policy … [Olmsted] laid the philosophical foundations of preservation for inspirational purposes and made explicit recommendations on such matters as concessions, development, scientific protection, and interpretation' (Dilsaver 1994: p. 9). However, the focus of this chapter centres on the making of legislation during the 64th Congress (1st Session: 6 December 1915 to 8 September 1916), and on the societal milieu from which the National Park Organic Act emerged. The crux is thus on the legislative history of the Act. The legislative history is constructed through an analysis of the archives of the United States government that record the procedures through which legislation is effected. Legislative histories of laws of other nations can no doubt illustrate the unique course each country has taken on its own path to archaeological heritage management and protection.

The legislative history of the National Park Organic Act, for present purposes, is delineated not in strict or formulaic adherence to a chronological examination of the textual record produced by each bill at each point in the legislative process. The emphasis instead centres on the issues embodied in the bills and the ways in which those issues factored in the making of law during the 1st Session of the 64th Congress. Six bills were introduced with the intent to establish a National Park service. The precise trajectory of all six bills within the legislative process will not be probed. Congressional consideration revolved around the House of Representatives bill, H.R. 15522, which kindled fervent dialogue between the House and the Senate. Only after much debate, amendment, and the convention of a Congressional Conference did the bill pass Congress and, with the endorsement of President Woodrow Wilson (1913–21), culminate in the National Park Organic Act on 25 August 1916.

Such a legal-historical methodology therefore does not assume prior knowledge, or require a lengthy explanation, of the intricacies of the United States legislative process in order to achieve a clear and full synthesis of the legislative history. Nevertheless, several aspects essential to this mode of analysis must be noted. The issues fundamental to the legislative history of a United States statute are usually most fully explicated in Congressional Committee published and unpublished materials such as Committee Reports and Committee Hearings. When a bill of proposed legislation is introduced into either the House or the Senate, it is referred to the appropriate Committee for study and public comment. Should the Committee decide to consider the bill, the pursuit of such investigation produces a rich source of information that reveals and examines the pertinent issues. This process as well as Congressional floor debate divulges the extent to which the proposed bill is supported or opposed both in and out of Congress. Since the issues bound in specific legislation arise out of the philosophy or exigencies of the era of enactment, the legislative origin of law reflects a particular history and temporal reality.

It is within such a frame of reference that the construction of the National Park Organic Act's legislative history demonstrates how the issues of 1916 resound with those that shaped its precursor, the Antiquities Act, in 1906. This, in turn, not only demonstrates how the National Park Organic Act is linked to the Antiquities Act within the continuum of law governing archaeology but also provides the context to position the 1916 statute in the historiography of law regulating archaeology.

The first decade of legal regulation: from the 1906 Antiquities Act to the 1916 National Park Organic Act

> Congress has reserved for the benefit and enjoyment of the people small sections of our country that contain the finest scenery and many wonderful natural curiosities. When creating the national parks and monuments the people naturally presumed that Congress will create the machinery to care for the parks and make them accessible. This naturally costs money. But if they are not worth caring for properly they should be abolished and if they are to cost the people the least amount of money consistent with the proper management it is absolutely necessary to have some uniform administration…
>
> (R. B. Marshall, Superintendent of National Parks. Published Hearing, House Committee on Public Lands, 64th Cong., 1916, p. 78)

Prior to 1916 and the National Park Organic Act, National Parks and other protected areas, such as National Monuments, were created by singular Acts of Congress or by

FIGURE 2.1 Souvenir folder (postcard) of Yellowstone National Park mailed 12 August 1916. (Photo: National Park Service.) The postcard depicts Yellowstone's North Entrance Arch or the 'Roosevelt Arch' that welcomed visitors who arrived from the Gardiner, Montana train depot. President Theodore Roosevelt dedicated the Arch, which bears the inscription 'For the Benefit and Enjoyment of the People'—words from his 24 April 1903 speech.

executive proclamation—a piecemeal process that resulted in protected isolated 'islands' throughout the country without uniform administration or funding. Such inconsistency encumbered early conservation efforts and impeded the formation, operation, and development of National Parks. It in many ways also threatened to jeopardize the very existence of these relatively new units of the American landscape.

The earliest legislation to protect an outstanding natural feature in the American landscape was the result of Congressional action that formed Yosemite Valley as the first public park (deeded to the state of California in 1864). The next decade marked the initial extraction of land from the public domain with the explicit intent to preserve an outstanding feature of the natural environment in the form of a *National Park*. In 1872, Congress formed Yellowstone National Park from parts of the Territories of Wyoming and Montana (Figure 2.1). Since this land was not within the boundaries of any state to which its care could be entrusted, (as had been the case with Yosemite), the United States Department of the Interior was charged with its stewardship.

The legal extraction of land from the public domain in the form of National Parks to protect natural sites within the United States preceded reservation of land for its archaeological significance. This is the inverse of how conservation and public archaeology developed in many other nations where 'culture' was protected before 'nature'. It was not until twenty-five years after laws first safeguarded areas for their exceptional natural significance that protection extended to cultural features in the landscape. In 1889, Congress created the nation's first archaeological preserve at Casa Grande Ruin in Arizona. In 1906, over forty years after Congress first protected Yosemite, Mesa Verde became the first National Park to preserve the material culture of a past civilization when President Theodore Roosevelt (1901–1909) approved its establishment. Each of these was distinctly fashioned without heed for, or benefit of, a greater framework. Local variation, haphazard management, and scant (if any) appropriations were among the problems that beset these early reserves.

By 1916, America's thirteen National Parks were in a precarious state. These protected areas, along with the twenty-one National Monuments created by the Antiquities Act presidential proclamation provision—authority fiercely debated and still highly politicized—lacked any centralized or systematic management. This void in supervision exposed inconsistencies that could be, and were, manipulated by those with non-aligning interests in the same land and resources. In 1916, as also evident in the legislative history of the earlier Antiquities Act, disagreement existed even within the preservation movement. What exactly did preserving or conserving resources entail? In what way and by whom should such resources be managed or regulated for the public benefit? Did preservation preclude any form of development (harvesting timber, grazing livestock, drilling oil, damming for power/irrigation) or other economic endeavour? These questions, and the greater issues they represented, continued to loom large particularly when considering an undertaking as significant as establishing a new federal agency.

The making of the National Park Organic Act was analogous in many ways to that of the Antiquities Act. Progressive political philosophy remained an influential doctrine that received bipartisan support. Bolstered by the success of recent advocacy that aided the passage of the Antiquities Act in 1906, preservationists continued to advance the Progressive Era principles of scientific resource management and environmental conservation, turning again to the legislature to effect change. Congress was called upon to standardize the organization of the nation's National Parks and to ensure that the natural beauty and pristine environment would not be exploited or destroyed by private enterprise but instead reserved for the public. This forward-thinking sentiment is evident in the Congressional Hearing statement delivered by Mr J. Horace McFarland, President of the American Civic Association, an organization that ardently supported and lobbied for the establishment of a centralized agency for the nation's National Parks.

> Each one of these national parks in America is the result of some great man's thought of service to his fellow citizens. These parks did not just happen; they came about because earnest men and women became violently excited at the possibility of these great assets passing from the public control—these great natural curiosities, great recreation grounds…These great parks are, in the

highest degree, as they stand today, a sheer expression of democracy, the separation of these lands from the public domain, to be held for the public, instead of being opened to private settlement. (Published Hearing, House Committee on Public Lands, 64th Cong., 1916, p. 53)

Such ideals and values infused Congressional testimony and figured notably in the confluence of factors that coalesced in the enactment of National Park legislation in the summer of 1916. Codification represented yet another triumph for the preservation movement. For the first time, policies, appropriations/funding, and personnel were coordinated and authority was vested under a director in Washington, DC. The 1916 statute accorded the public a central role and created the National Park Service (NPS) under the auspices of the Department of the Interior in order to unify the previously disparate protected areas under a centralized agency responsible for the management, regulation, and promotion of the nation's heritage. Both early laws considered archaeology to be an element of national heritage, and a tenet of nation building and identity construction. Throughout the first decade of legal regulation a strong rationale existed that focused on preserving the treasures of the American landscape for the benefit of all Americans, present and future. The rhetoric of 'the public' or for 'the future' had not waned. Yet, broadening the conception of who comprised 'the public' in whose interests the law was enacted escaped revision. While the 'public' was not defined per se, neither law recognized the unique connection of Native American peoples to the nation's archaeological resources.

The 1916 National Park Organic Act

Codified on 25 August 1916, the National Park Organic Act established the National Park Service. It is comprised of four sections. Section 1 creates the National Park Service within the Department of the Interior and outlines its administrative structure. It also states that the cardinal '…purpose [of the National Park Service] is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations' (16 U.S.C. § 1, 1916). Section 2 consolidates the National Parks and National Monuments existing in 1916 and places them, along with other protected areas '…hereafter created by Congress…', under the leadership of the National Park Service Director, with jurisdiction over all such protected areas granted to the Department of the Interior (with certain exceptions). Section 3 grants the Secretary of the Interior authority to determine best management practices for National Parks in terms of (1) formulation of rules and regulations (that carry penalties for violations); (2) disposition of timber, animals, and plants; and, (3) utilization of National Park land for visitor development except when (a) impeding free public access or (b) grazing livestock in any park but Yellowstone. Section 4 stipulates that the 1916 Act shall not interfere with or obstruct a previous law relating to public rights of way on federal land.

The legislative history of the 1916 National Park Organic Act: 64th Congress, 1st Session

> The places of scenic beauty do not increase, but, on the contrary, are in danger of being reduced in number…and the danger is always increasing with the accumulation of wealth, owing to the desire of private persons to appropriate these places. There is no better service we can render to the masses of the people than to set about and preserve for them wide spaces of fine scenery for their delight.
>
> (Lord James Bryce, British Ambassador to the United States (1907–13). Published Hearing, House Committee on Public Lands, 64th Cong., 1916, p. 54)

Efforts towards the legal unification of America's National Parks long had pervaded the lobbying agenda of conservationists, environmentalists, and preservationists and had received Congressional attention prior to the 64th Congress. In the 1916 House Committee on Public Lands Published Hearing, advocates stressed the importance of the issue, noting that it had even occasioned prior presidential consideration when President William Howard Taft (1909–13) endorsed a National Park service in a special message to Congress in 1912.

> I earnestly recommend the establishment of a bureau of national parks. Such legislation is essential to the proper management of those wondrous manifestations of nature, so startling and so beautiful that every one [*sic*] recognizes the obligations of the Government to preserve them for the edification and recreation of the people. (*Compilation*, p. 7724; Published Hearing, House Committee on Public Lands, 64th Cong., 1916, p. 4)

Not even presidential support had roused Congress to enact legislation. It was not until the sentiments voiced in 1912 were directly affected by world events, which created economic incentive, that a National Park service was realized.

The making of the National Park Organic Act centred on the conservation ethic to secure the natural landscape for future generations, but coupled that with the economic exploitation of that environment. In 1916, world affairs catapulted economics to the forefront. The First World War barred Americans from vacationing on the other side of the Atlantic and consequently left millions of tourist dollars to be spent elsewhere. When money started flowing north to Canada, the realization became obvious that it would behove the United States to develop its tourist industry. National Parks were popular attractions and Canadian National Parks generated huge economic revenue. The economic potential of National Parks previously had been overlooked but the 1915 statistics of monies escaping to Canada galvanized nationalistic sentiment. There was imminent and good reason for the United States to develop tourism at National Parks

and that meant creating a centralized management entity. By international standards, the United States was falling short. Just as proponents of the Antiquities Act in 1906 had faulted America's failure to protect its antiquities, this time international comparison centred on the regulation, management, and development of the resources protected by law.

The concept of capitalizing on natural and cultural resources for economic gain (predominantly in terms of tourism) marked a major shift from the legislative history of 1906 to that of 1916. The economic incentives of a National Park service proved crucial in lobbying Congress and in attracting the financial backing of outside businesses such as the railroads. The expanding railroad industry was instrumental in promoting, by the funding of advertising campaigns, the National Parks to the American people and in providing tourism infrastructure such as transportation and hotels (Figure 2.2). The invaluable and priceless essence of America's natural, cultural, and historical resources—as so deemed by scientists and preservationists ten years previously—had by 1916 largely been reduced to tangible values and prices.

Economic consideration regarding instituting a new federal agency also gained increased emphasis in the 1916 legislative history. Since Congress in 1906 had failed to appropriate funds to implement the Antiquities Act, substantial attention now was given to personnel numbers and funding sufficient to care for and manage land withdrawn from the public domain for public use. In 1916, as in 1906, the country divided along geographic lines as the fate of a disproportionate number of protected areas in the West was being determined by the federal government in the more populated East. The divide between Eastern and Western priorities figured prominently in politics when the United States had a Western frontier with settlers whose needs and interests diverged from, and frequently clashed with, those of Eastern city dwellers. This gulf lessened as the emergence and widespread use of the railroad and the proliferation of automobiles overcame the isolation of distance and seclusion. Within this East/West discourse, arguments of public versus private rights to land and the circumstances under which the federal government should or could withdraw land from the public domain were made with vehemence. Grazing rights still held key importance. Although westward expansion continued to be a dominant issue, the focus in 1916 centred on the mobilization of tourists—not homesteaders, settlers, miners, or ranchers as previously had been the case. Transportation infrastructure featured prominently as did railroad and automobile access to, and use in, National Parks. (Figures 2.3 and 2.4 illustrate early efforts at streamlining tourist transportation.)

Much of the testimony presented to Congress (in Hearings, Reports, unpublished literature) exhibited a nationalistic undertone, deploring the loss of economic profits to other nations as the United States lagged behind in exploiting the economic potential of National Parks. Some statements notified Congress that the Department of the Interior was beginning to take advantage of the surplus of travellers now excluded from travel to Europe. In spite of this, much more was needed to transform the nascent tourist amenities at National Parks (Figure 2.5). This included constructing trails and roads to facilitate routes for automobile visitation, negotiating contracts with railroads to develop


A mile deep, miles wide,
& painted like a sunset
That's the Grand Canyon
of Arizona
You can go there in a Pullman to the rim
at El Tovar, en route to Sunny California
on the train of luxury
The California Limited
Santa Fe
All the way

FIGURE 2.3 Stagecoaches departing the Gardiner, Montana train depot for Yellowstone National Park 1904. (Photo: National Park Service.) In 1903, the railroad extended to Gardiner, Montana, increasing the accessibility of Yellowstone National Park. Yellowstone, like Mount Rainier, already had some of the highest visitor statistics of any National Park. Visitor numbers soared as tourists who arrived by rail in Gardiner, Montana were met with stagecoaches that orchestrated a 'grand tour' of the Park.

National Parks as specialized railroad destination points for cross-country travellers, and publicizing maps and advertising information on National Parks. The way forward—the establishment of a unified system of National Parks—was, by 1916, not so much the subject of contention as was *how* best to organize and implement a National Park service. Only the law to effect it remained lacking.

FIGURE 2.2 Atchison, Topeka, and Santa Fe Railway Advertisement circa 1910. 'A mile deep, miles wide, & painted like a sunset. That's the *Grand Canyon* of Arizona. You can go there in a Pullman [railroad sleeping car] to the rim at El Tovar [Hotel] en route to Sunny California on the train of luxury. *The* California Limited.' (Photo: National Park Service Historic Photograph Collection: HPC-001985; originally from *Harper's Weekly* 3 December 1910, LIV(2815): p. 28.)

The Atchison, Topeka, and Santa Fe Railway (commonly abbreviated as the Santa Fe) began operation in 1859 and ultimately had rail lines running from Chicago to California. This 1910 advertisement was not just targeted at drawing tourists westward to the Pacific but strategically promoted the Grand Canyon as a destination point by highlighting the newly opened El Tovar Hotel (1905), perched on the canyon rim.

FIGURE 2.4 Mount Rainier National Park: park-operated automobile transportation circa 1900s. Visitors in vehicle no. 2, National Park Transportation Co. (Photo: National Park Service Historic Photograph Collection: HPC-001892.) Mount Rainier National Park, established on 2 March 1899, had developed early on an internal automobile transportation scheme to shepherd visitors within the park.

A unified system

The administrative considerations inherent in the configuration of a new service within the government were myriad and, fittingly, required substantial attention. Since the United States was devoid of a coherent structure specifically constituted to oversee the functioning of the nation's National Parks, administration was unsystematic and decentralized. Such disjuncture precluded effective and consistent management and utilization of resources in a manner that would optimize the full potential of the parks. Rising visitor numbers—particularly pronounced in 1915—swelled administrative work and created surges that the Department of the Interior could not offset. Further pressures could not be sustained. Secretary of the Interior Franklin K. Lane described the status quo as 'unbusinesslike and inefficient'.

It should be possible to administer these reservations along one general comprehensive line instead of having to deal with each separate[ly] … as an independent entity without any relation to any other … [A unified system] will obviate a great many of the difficulties … to the best

FIGURE 2.5 Yosemite National Park circa 1903. 'Early visitors to Yosemite came into the Valley on horse-drawn stages over a dusty road clinging perilously to the steep slopes.' (Photo: National Park Service Historic Photograph Collection: HPC-000600; Photographer: J. T. Boysen.)

advantage. It involves no additional expenditure by the Government, but…should effect economy. (H. Rep. No. 64–700, 1916, pp. 5–6)

The Committee on Public Lands concurred and supported the general efficacy and cost-effective administrative provisions in the proposed legislation, which included staffing a central administrative office in Washington, DC. At the same time, several Congress members opposed centralization under the Department of the Interior because that would remove Congress's direct authority over National Parks and National Monuments.

Members of the public also lobbied heavily in support of a unified National Park system. Legislative archival materials show a substantial and rich unpublished record, which reinforces the published documentation. It also reveals the opinions and priorities of individual citizens and more localized advocacy groups. Correspondence was penned overwhelming by Westerners, who, by virtue of location and/or livelihood, would be affected most by the advent of a National Park service. Messages—long and short, hand- and typewritten—came from merchants' and manufacturers' associations, businesses and trade organizations, civic clubs and chambers of commerce, women's clubs, individuals, academics, and preservation and conservation societies. This composite of citizens' communications was fortified by other documents including

excerpts of Congressional material from prior attempts to pass legislation, communications among the Secretaries of the Departments of the Treasury, Interior, Agriculture, and War, correspondence within governmental departments, and from members of Congress to their constituents. The overall focus revolved on the need for a centralized agency to manage and develop the nation's National Parks. Development was referred to in the Unpublished Congressional Material principally by letters that petitioned Congress to allow automobiles in National Parks. As was also evident in the 1906 legislative history of the Antiquities Act, exponents of National Park system legislation who wrote to Congress commonly petitioned for more than one preservation measure, advocating and appealing for Congressional action, involvement, or funding at a particular National Park as well. Examples of National Parks so noted include Glacier, Yosemite, and Sequoia.

Another difficulty of disjointed administration was appropriation of funds. Lack of appropriations resulted in lamentable conditions under which the National Parks were forced to operate. Citing 1915 statistics, the Superintendent of National Parks demonstrated that even with the substantial and increasing revenue generated at National Parks, the severe failure of Congressional appropriations prevented the functioning, and even the imminent existence, of National Parks. For the 1915 calendar year, statistics furnished in the House Committee on Public Lands Hearing are as follows: 335,000 visitors; 99 employees in Parks services; 256 concessionaires in all National Parks generated $3,262,606; 12,360 automobiles entering National Parks; $242,550 appropriation from Congress; $153,274 revenues received.

The crippling effect of insufficient and poorly distributed appropriations meant that there was not enough money to create and maintain park infrastructure (from roads to tourist facilities) or to support a centralized administration—both of which were desperately needed. The Superintendent abhorred the inadequate conditions constraining his Department's operations, contending that '…no business concern would think for a moment of attempting to conduct its affairs as the Department of Interior has been forced to conduct the affairs of the national parks…It is the most appalling condition I ever heard of in or out of the Government service' (Published Hearing, House Committee on Public Lands, 64th Cong., 1916, p. 74). To alleviate Congressional concern as to how a unified system would minimize appropriation expenditure, the Superintendent asserted that the creation of a National Park Service would save the government money *as well as saving the National Parks* by consolidating separate appropriations in effective centralized administration in Washington, DC. Monetary investment in the National Parks would generate revenue to help the system become as self-sustaining as possible.

Since establishing a new service would modify the existing governmental organization, jurisdictional divisions were a recurring topic of debate and dissension throughout the 64th Congress. Objections to consolidation were made by the Secretary of Agriculture, David F. Houston, because the bill would transfer control of National Monuments on Forest Service lands to the Department of the Interior. Jurisdictional

considerations also pertained to the War Department. In House Report 700, the Committee on Public Lands recommended against the transfer of the two National Monuments—the Big Horn Battlefield National Monument (MT) and the Cabrillo National Monument (CA)—administered by the War Department (H. Rep. No. 64–700, 1916, p. 4). Ultimately, a compromise granted joint management to be the exception, not the rule, and only under special circumstances. National Monuments would be under the jurisdiction of the Department of the Interior and their care at the discretion of the Secretary of the Interior, except when National Monuments were surrounded wholly or partially by Forest Reserves. Under such circumstances, the Department of the Interior would share jurisdiction with the Department of Agriculture and management plans would be formulated jointly.

Economic potential and development

The economic potential of National Parks was tied directly to a centralized system. International comparison was reminiscent of the legislative history of the 1906 Antiquities Act in which the status of antiquities protection in the United States was measured against the rest of the world. On this occasion, capacity to manage, and not solely to protect, was the subject of comparison. Time had not altered the outcome. Falling short yet again in the global arena exposed the backward position of the United States and the need for the country to join the ranks of other nations: 'With equal scenery we are lagging far behind the European countries, notably Switzerland, and are outclassed by the development of park travel and park use in Canada' (H. Rep. No. 64–700, 1916, p. 2). United States National Parks were not reaping the benefits of a centralized administration with controlled mechanisms of appropriations and development processes. Parks were global tourist beacons, emerging lodestones for profit. Scores were visiting parks, and parks—and countries—not attracting visitors were missing opportunities to generate revenue.

> Notwithstanding the lack of economic sophistication in the United States, escalating visitor statistics were attesting to the '[t]he growing appreciation of the national assets found in the [country's] national parks and monuments'. (H. Rep. No. 64–700, 1916, p. 2)

With tourism on the rise, especially in the midst of the First World War when foreign travel destinations were limited, the challenge was to harness those burgeoning numbers in a fiscally productive manner. The development of a coherent system of National Parks decidedly would help to meet this challenge by exploiting the link between visitation and economic gain.

An increasing understanding of the economic viability of United States National Parks engendered new ways of thinking. Long-standing and intrinsic qualities included preservation, protection, edification, and enjoyment. Value in economic terms now augmented this list. Offering concessions to the public was perceived as one practical

means to increase revenue. In 1915, concessions alone grossed $173,554.88 (H. Rep. No. 64–700, 1916, p. 5)—and the potential of the National Parks within a cohesive unit had not yet been cultivated.

Whereas the ideal of preservation is so often ingrained in the present-day mindset as diametrically opposed to economics and development, such an association was absent (nor was development considered a threat) in 1916 when preservation and economic growth were envisioned as harmonious with the development of the National Park Service. During the 64th Congress, there was not the slightest inkling of the manner in which the range of economic developments—both positive and negative—would, or could, affect the National Parks. In the early twentieth century visitation was auspicious, while today, one hundred years later, over-visitation is problematic. (See *Devil's Bargains: Tourism in the Twentieth-Century American West* (Rothman 1998); Little and McManamon (2005: pp. 12–14).)

In 1916, the monetary advantages in the development of a National Park service were self-evident. Economic incentives were promising not only in and of themselves but also in the way in which their successful implementation would affect other facets of an integrated system. Envisioning such positive outcomes, the Committee on Public Lands

> believe[d] that through the organization and establishment of a park service we shall make our home country a place worthy of retaining our own tourists and securing others and that we shall also create a knowledge of the land we possess, which will develop a higher patriotism. (H. Rep. No. 64–700, 1916, p. 5)

Nationalistic perspective underpinned the preservation of many sites and places unique to the United States. While the economic assets of National Parks were great, their 'priceless' non-economic values were also appreciated.

Catering to tourism represented a new cogent legislative priority. It even trumped the long-lived divisive issue of grazing. A hotly debated topic in the making of the 1906 Antiquities Act, its momentum did not diminish over the decade as it continued to strike a central chord of dissension. Grazing harked back to the controversy surrounding the right of the federal government to withdraw land from the public domain and to impose restrictions on its use and accessibility. In 1916, grazing rights also contended with tourist dollars and revenue potential. Thus, following much discord, the National Park Organic Act resulted in a compromise that deferred to tourism. The Secretary of the Interior was granted discretion to determine whether grazing livestock would be beneficial or detrimental to any other National Park, National Monument, or National Reservation, with the single exception of Yellowstone, after Senator Clarence D. Clark (R-WY), implored an exception to grazing rights at Yellowstone National Park because of its fragile native ecosystem. (Senator Clark's request not only received unreserved support from the Senate but also was preserved in Section 3 of the Act.) Regulated grazing would not necessarily stifle tourism and could be favourable by alleviating the threat of forest fire and raising capital for park administration. However, 'the needs of tourists [took precedence

over] the granting of grazing permits' (Conf. Rep. No. 64–1136, 1916, p. 2). The sentiment underlined how aware Congress was that tourism—both existing and future—was a critical consideration for, and in, the creation of the National Park Service. It also recognized the great diversity among National Parks and that what may be beneficial for one National Park, National Monument, or National Reservation may not be the best for another, illustrating significant foresight considering the very small number of existing National Parks in 1916.

Conclusion

National Parks are American icons. They are unique national treasures—reserves unrivalled in their diversity and unsurpassed in their stature. They represent and symbolize the country's shared histories, cultures, and heritages, reifying an 'American identity'. By uniting quintessential American landscapes, the National Park Service provides a platform from which to launch systematized policies, enterprises, and initiatives across the country. Since its inception, the National Park Service's charge has extended beyond parks, monuments, and reservations to encompass memorials, historic trails, recreation areas, wild and scenic rivers, lakeshores, seashores, archaeological ruins, and battlefields. The increase in programmes, initiatives, and institutions has provided the public with a multitude of recreational and educational opportunities, including museums (the largest group of museums in the world, curating over 100 million items), interpretative centres, ranger-guided walks, lectures, audio-visual programmes, and technologies extending from history appreciation to safety. Amplified interpretation has incorporated more diverse constructs of the past. Alongside such expansion, a constant has been reliance on philanthropy, volunteer contributions, and partnerships with other governmental entities and non-governmental organizations, foundations, and businesses. Today, the National Park system stewards over 400 units and 58 National Parks encompassing approximately 84.4 million acres (338,000 km^2), spanning nearly every state and possession (Figure 2.6).

All that the National Park Service at present encompasses probably would have been unfathomable to those who advocated its creation. However, as envisioned almost a century ago, National Parks have proved to be economic assets and leading tourist destinations. Many of the same values and sentiments still resonate as those expressed to Congress by a citizen from Kansas in 1916.

> [National Parks must be] … preserved, maintained and conducted to the best possible advantage, so that in future years to come, their general value and attractiveness will be not only maintained to the highest order possible, but [also] improved for the edification, recreation, and enjoyment of the people of our United States. (Unpublished Committee Material, House Committee on Public Lands, 64th Cong., 1916, letter from Lee Hardware Co.)

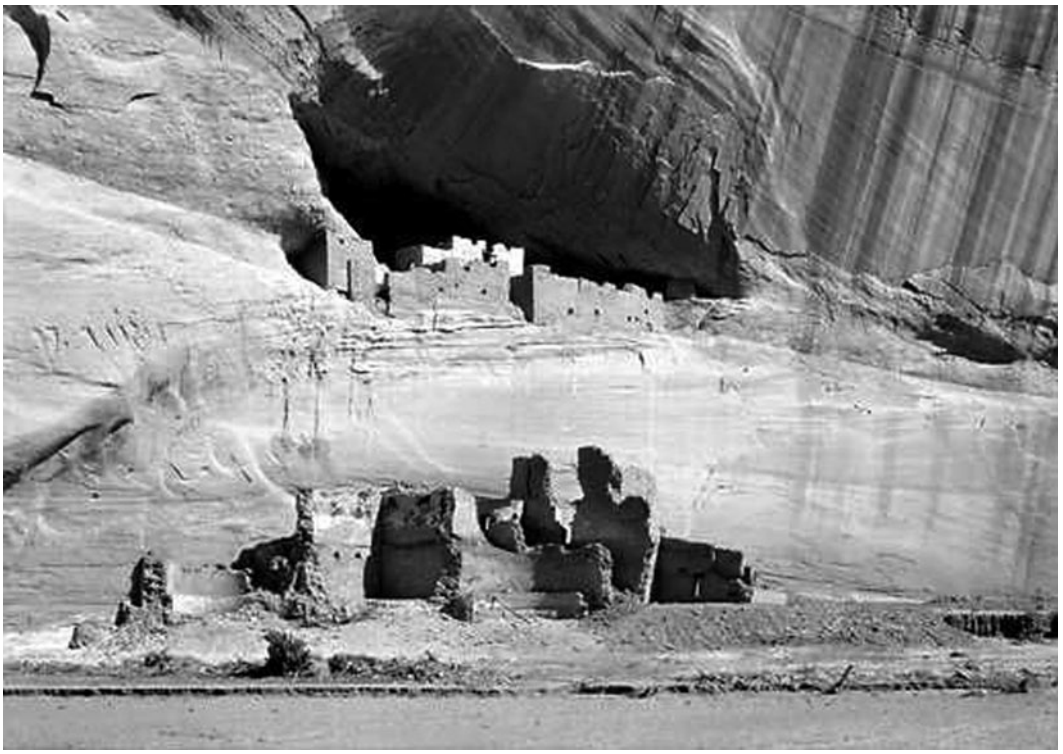

FIGURE 2.6 Canyon de Chelly National Monument 1932. View of the White House (ruin) and a small ruin located below it. 19 October 1932. (Photo: National Park Service Historic Photograph Collection: HPC-000040; Photographer: George A. Grant.) Canyon de Chelly in Arizona, which contains extensive cliff dwellings, became a unit of the National Park Service when designated a National Monument on 1 April 1931.

More than ninety years after this entreaty, National Parks continue to serve as living testaments to America's past, linking that past with its present and future.

The National Park Service is the chief governmental agency overseeing archaeology. Its managerial precepts are far-reaching and have shaped the character of public archaeology in America. Its administrative apparatus also has facilitated protective legislation. Yet, since 1916 when the National Park Organic Act created the governmental agency that manages archaeology—albeit under the umbrella of a much wider mission—the law has not received adequate recognition in the legal historiography of American archaeology. An examination of the history of the legislation and the context from which it emerged illuminates both the factors and people who figured in making the law and how the law came to affect the relatively new profession and disciplinary bounds of archaeology. The significance of the National Park Organic Act in the development of United States public archaeology and