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A Case Study of Academic Facilitation of the Global Illicit Trade in Cultural Objects: Mary Slusser in Nepal

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Abstract

In this article, we consider the role that academics play in the global illicit trade in cultural objects. Academics connect sources to buyers and influence market values by publishing looted and stolen cultural objects (passive facilitation) and by collaborating with market players, including by collecting artifacts themselves (active facilitation). Their actions shape market desire, changing what is targeted for looting, theft, and illicit trading across borders. However, this crucial facilitative role often goes unnoticed or unaddressed in scholarship on collecting, white collar crime, and the illicit market in cultural objects. This article explores the importance of academic facilitation through a case study of the career of Mary Slusser, a renowned American scholar of Nepali art and art history.

Keywords: Illicit antiquities; academic facilitation; antiquities trade; Nepal; Asian art

Introduction

To the travelers seeking enlightenment and spiritual authenticity along the “Hippie Trail” from Istanbul to India from the 1950s to the 1970s, Nepal’s Kathmandu Valley conjured up “mystique, ancient riddles with green-eyed idols, legends and exotic dreams.”¹ The valley became the focus of Western projections of otherness, orientalism, and counter culturalism.² The growing fame of the Kathmandu Valley’s numerous heritage sites also attracted an older set of European and North American travelers on postwar round-the-world tours.³ Their ability to indulge in leisure travel put their income in stark contrast to that of the average Nepali citizen back then. Meanwhile, many Tibetan refugees fleeing persecution during China’s Cultural Revolution also came to Kathmandu, often carrying a range of cultural objects.⁴ This combination of appreciative, affluent tourists and culturally rich Nepalis and Tibetans in need of (foreign) currency meant that the Kathmandu Valley became a regional hotspot for trade in cultural objects during the 1960s, with a ready supply for a very willing market.⁵ This supply was often sourced from thefts and looting:

¹ Maddick 2013, 129.

² Liechty 2017.

³ Liechty 2005.

⁴ Smith 2022.

⁵ Smith 2022.

sculptures, paintings, manuscripts, and other examples of Nepal's cultural heritage rapidly disappeared in large numbers from their pedestals, temples, and communities, despite a strict legal framework that had prohibited their removal, excavation, or export since 1956.⁶ Some were bought by foreign travelers as a memento of their exotic adventures; many others ended up in the hands of foreigners who had never been to Nepal but had learned about the splendor of its art from sources including pop culture, journalism, and scholarship.

Mary Slusser is credited with being one of the most important scholars to bring Nepal's cultural heritage to the world's attention. After obtaining her doctoral degree in archaeology and anthropology from Columbia University, she arrived in the Kathmandu Valley in late 1965.⁷ She soon began to write about the country, beginning with a few chatty tour-guide descriptions for a club for American women in Kathmandu and culminating in 1982 with her most substantial work, *Nepal Mandala: A Cultural Study of the Kathmandu Valley*, a two-volume study of Nepal's history and culture.⁸ Slusser continued to publish both scholarly and general audience articles – particularly those focused on the art market – until a few years before her death in 2017.⁹

Slusser's death was the occasion for many tributes by scholars that show her foundational importance to Nepali studies in both Nepal and America. As one of many examples, Alexander von Rospatt, professor for Buddhist and South Asian Studies at the University of California, Berkeley, claimed that Slusser “laid the foundations for the study of Nepalese art, culture and religion” and that *Nepal Mandala* is an “indispensable reference tool” that “remains to this day the authority for introducing the history of Nepal and its rich artistic and religious heritage.”¹⁰ Slusser herself was quick to claim a foundational and authoritative place for her role in scholarship. In her preface to *Nepal Mandala*, she claims that she wrote the book because “when I first went to Nepal I needed the book you are about to read,” but she could not find one like it – one that laid out a comprehensive explanation of Nepal's history and culture.¹¹ And, still today, visitors to the Patan Museum, in the heart of the Kathmandu Valley's World Heritage Site, are greeted with a sign identifying Slusser as “one of the leading experts in the cultural history of Nepal” and attributing the museum's “didactic concept” and “wealth of interpretive information” to her.

Slusser holds a valued, honored place within art historical, cultural, and museological studies in and about Nepal. It is no surprise that, from her first publications, she found an eager audience for her scholarship given the large number of English-speaking tourists and armchair travelers interested in the country. But her achievement as “one of the leading experts in the cultural history of Nepal” was also linked to her presence in the country during a crisis in the theft and illegal exportation of its cultural objects. A close reading of Slusser's scholarship reveals that she not only appreciated Nepali heritage, but she also purchased, exported, and authenticated artifacts both within the expat community in Nepal and for the benefit of American private and public collectors, therefore directly facilitating the trade in Nepali cultural objects. Her personal collection alone numbered in the hundreds of objects. For example, according to its online database, the Virginia Museum of Fine Arts holds 241 objects gifted by Slusser or bequeathed by her estate, including jewelry, statues,

⁶ Yates and Mackenzie 2018.

⁷ Slusser 1982.

⁸ Slusser 1982.

⁹ For example, Mary Slusser's multiple publications in *Orientalism*, a journal aimed at dealers and collectors of Asian art, show that she cultivated an audience of market participants. See, for example, Slusser 2001, 2005, 2006; Slusser and Bishop 1999.

¹⁰ Rubin Museum, “Remembering Scholars of Nepalese Art Mary Slusser and Dina Bangdel,” 22 September 2017, <https://rubinmuseum.org/blog/remembering-scholars-of-nepalese-art-mary-slusser-and-dina-bangdel>.

¹¹ Slusser 1982, xi.

manuscripts, thangka paintings, books, and architectural elements from Nepal. Slusser's indirect facilitation of the trade in Nepali cultural objects is even more important due to its extensive consequences. In her writings, Slusser painted a picture of the relationship between contemporary Nepalis and Nepali heritage that let Western collectors ignore any potential ethical dilemmas raised by the objects they acquired and legitimated their acquisition.

A close reading of Slusser's published writings and other records offers us an opportunity to learn more about how she directly and indirectly facilitated the illicit trade and illegal export of Nepal's cultural heritage. We recognize the difficulties of this methodology. We were not able to question Slusser directly; instead, we had to read between the lines of her writings, asking them to yield information about topics and concerns that Slusser either did not share or was not willing to write about publicly. However, our thorough reading of each of Slusser's numerous publications and all other statements of hers that we could find did show clear patterns in her activity and thought. Importantly, we also looked for, and gave priority to, contradictory statements. For example, if Slusser had ever stated that she believed Nepali cultural artifacts should remain in Nepal instead of moving to Western collections, we would not have argued, as we do in this article, that she believed they were better off in the West.

Deciding how to present our findings was difficult. Fully capturing the nuance of Slusser's thoughts would have required detailing the analysis we carried out on hundreds of sections of her writings. Instead, this article explores only a few of these examples, chosen because of the relative ease of providing the necessary contextual information. We are confident that readers who explore Slusser's publications more thoroughly will see the patterns that we have drawn from our analysis and illustrated with examples in this article. In this article, we will argue that Slusser is one of many Western scholars to have facilitated the trade in looted and stolen cultural heritage. She is the rule, not the exception. We will first outline the role of academics in the global illicit trade of cultural objects. Next, we will provide an in-depth understanding of how both passive and active facilitation of illicit trade in cultural objects work in practice by tracing the scholarship of Slusser. By pointing out the problematic premises of Slusser's scholarship, we seek to ask how much this rule has truly changed today.

Trusted criminals: academics as facilitators of illicit trade of cultural objects

The global trade in cultural objects is understood to be a "grey" market both in terms of the actions of its participants as well as the (il)legal and (un)ethical status of the objects traded.¹² As part of this global trade, cultural objects are sold via public networks of seemingly legitimate participants, such as dealers and auction houses, and end up in private and public collections, often far removed from their place of origin. Any potential illegal or unethical origin of the cultural objects is obscured by time passing or by their movement across borders, both on paper as well as physically – hence, the term "illicit" trade. Moreover, the trade relies on opacity and secrecy, with trade participants employing so-called techniques of neutralization to justify the removal and trade of stolen and looted cultural objects in the name of "saving" or "preserving" them.¹³ In effect, there is little oversight and high reward for those at the market end of the global illicit trade in cultural objects.

John Conklin has described how fraud, customs violations, insider trading, and other typical examples of white-collar crimes are found in the activities of collectors, dealers, auction houses, and museums.¹⁴ But, although Conklin and others who expanded on his

¹² Mackenzie and Yates 2017.

¹³ Mackenzie and Yates 2016.

¹⁴ Conklin 1994.

work have made the link between some stakeholders of the illicit antiquities trade and white-collar crime, relatively few scholars have included these facilitators in their analysis of the trade.¹⁵ Yet recent prosecution and repatriation cases have shown the importance of authenticators, restorers, conservators, valuers, and academics who engage with looted cultural objects and thereby support their trade and trafficking.

Academics are intimately connected with the global trade in looted cultural heritage. They contribute to the well-documented social harms of the global antiquities trade by studying and publishing unprovenanced cultural objects, which increases their market value.¹⁶ A recent case involving the relationships between museum consultant Emma Bunker, New York art dealer Nancy Wiener, and the Asian art dealer and collector Douglas Latchford demonstrates these connections. According to the criminal complaint filed against Wiener in December 2016, Bunker and Latchford assisted Wiener in creating fake provenances for Asian cultural objects, which were subsequently sold to private and public collections all over the world.¹⁷ Before his death, Latchford was charged with trafficking Cambodian antiquities and depositing the profits in hidden offshore accounts.¹⁸ Wiener pleaded guilty to the sale of looted antiquities.¹⁹ However, no complaints were brought against Bunker before her death in 2021.

This lack of charges for Bunker and similar facilitators might be due to the general difficulty prosecutors face in detecting and proving white-collar crime or the facilitators' ability to take advantage of the opacity of the illicit trade in cultural objects, in particular. But we believe there is another important reason. Respect for academic facilitators' scholarly contributions, and the general social value and esteem accorded to scholarship, often seems to hide or excuse their negative impacts on culture and knowledge. In our opinion, Slusser's career demonstrates that scholarship that hinges on unprovenanced, stolen, or looted cultural objects exploits and damages a cultural tradition, no matter how much it also advances "our" knowledge about it.

We do not believe all scholarly facilitators wish to aid the market. In fact, many deplore it. Some have acted thinking they were working to help protect heritage, not recognizing the damage caused by their actions. Others more clearly saw the damage but thought it was justified or outweighed by the benefits they believed they are bringing about (for example, better preservation or wider public access). Yet these mental states are irrelevant to our analysis because the damage done by facilitation occurred despite their intentions. The activities of academic facilitators have all the characteristics of white-collar offences: they occur in a legitimate occupational context, are motivated by the objective of economic gain or occupational success, and are not characterized by direct, intentional violence.²⁰ And, similarly to other white-collar offenses, there are very few ways to hold facilitators accountable.

Many opportunities arise for those who have successfully claimed a position as an expert on antiquities. These experts are afforded a trusted position within society, which can

¹⁵ See, e.g., Brodie 2009, 2011; Gill 2012; Hardy 2021; Mackenzie et al. 2019; Mazza 2021; Yates and Smith 2022.

¹⁶ See, e.g., Brodie 2009, 2011, 2016, 2017; Argyropoulos et al. 2011; Gerstenblith 2014; Prescott and Rasmussen 2020.

¹⁷ R. Blumenthal and T. Mashberg, "Expert Opinion or Elaborate Ruse? Scrutiny for Scholars' Role in Art Sales," *New York Times*, 30 March 2017, <https://www.nytimes.com/2017/03/30/arts/design/expert-opinion-or-elaborate-ruse-scrutiny-for-scholars-role-in-art-sales.html>.

¹⁸ Sarah Cascone, "The Pandora Papers Leak Reveals How the Late Dealer Douglas Latchford Used Offshore Accounts to Sell Looted Cambodian Antiquities," *Artnet*, 5 October 2021, <https://news.artnet.com/art-world/pandora-papers-douglas-latchford-2017069>.

¹⁹ T. Mashberg, "Antiquities Dealer Pleads Guilty for Role in Sale of Looted Items," *New York Times*, 5 October 2021, <https://www.nytimes.com/2021/10/05/arts/design/antiquities-dealer-looted-items-pleads-guilty.html>.

²⁰ Balcells 2014.

provide them access to the resources and platform necessary for harmful or explicitly criminal behavior. As we will argue through the example of Slusser, specialist occupational skills, access, and opportunities allow these experts to advance their careers by defrauding local communities of their knowledge, agency, and cultural objects. One very important aspect of the occupational context for academic facilitators is their access to a symbiotic web of museum curators, private collectors, auction houses, and other facilitators of the illicit trade, including other academics, restorers, advisers to collectors, authenticators, and financiers. These market participants can collude to defraud others.²¹ The mutual benefits of keeping secrets about such illicit activities results in opacity in all aspects of the trade in cultural objects. This makes misconduct extremely difficult to discover, particularly when it comes to specialized facilitation such as fraud related to provenance, restoration, and authentication.

To summarize, academics influence market values through passive and active facilitation: on the one hand, they may publish looted and stolen cultural objects that validate the illicit trade in cultural objects, even building a career based on these dynamics while discounting communities of origin in the process (passive facilitation); on the other hand, they may collaborate with market participants or even trade cultural objects themselves (active facilitation).²² These actions impact demand – namely, what is collected and, therefore, looted, stolen, and illegally traded across borders.

Illicit trade as a means of occupational and personal success

An academic might financially profit from the facilitation of the illicit trade by using their specialized skills in a number of ways – for example, by selling cultural objects for profit, receiving commission from collectors whose purchases they aided or advised, or accepting consulting fees for authenticating or otherwise commenting on purchases. Although we do not know how much this applies to Slusser, as we lack access to her financial records, Slusser's involvement in the illicit trade in Nepali antiquities certainly gave her occupational success, leading to an esteemed position within the scholarly field. More intriguingly, she also seems to have benefited in a more personal, psychological manner from the self-conception taken from her relationship to these artifacts, as the following sketch of her career will show. After examining Slusser's personal motivations for considering herself a preeminent expert of Nepali culture, we will demonstrate the systematic distortions in her scholarship about the country this self-conception enabled and then discuss how these distortions fed into her facilitation of the theft of Nepal's heritage.

In an oral history interview conducted by the Society for Women Geographers in 2012, when Slusser was ninety-three years old, she was asked about the formative influences in her life.²³ She mentioned her elder sister, whose example she followed in going to college and then graduate school (Slusser grew up on a farm in rural Michigan and described her parents as intelligent, although “fairly limited” in their academic education). Slusser also described at length the influence of a box filled with mementos from her mother's deceased first husband, who had been an officer in the British merchant marines. On rainy days, she

²¹ Analyses of antiquities trafficking networks demonstrate this reciprocity. See, e.g., Felch and Frammolino 2011; Mackenzie and Davis 2014.

²² For a discussion of these terms in relation to academic involvement in the global trade in cultural objects, see Brodie 2011, 2017; for a discussion of these concepts as applied to museums' involvement in this trade, see Yates and Smith 2022.

²³ Society for Women Geographers Oral History Program, Transcript of an oral history interview with Mary Slusser, recorded by Elizabeth Smith Brownstein on 21 March 2012 and 14 April 2012 (hereinafter Slusser Oral History).

and her sister would sit on the floor and pour through the contents of the box: “[A]t every port of call, he picked up little things, and so our home was full of Japanese pottery, Japanese teapots, Chinese this, Indian that. ... Looking back, I suspect that all those things helped both my sister and myself to be open to a bigger world than this little village in Michigan.”²⁴ From her early childhood, Slusser seems to have seen herself as someone interested in the “bigger world,” with a special interest in Asia.

After college at the University of Michigan, Slusser studied the art of central Asia under Alfred Salmony at the Institute of Fine Arts at New York University while working as a secretary at the American Museum of Natural History.²⁵ In 1950, she received her PhD from Columbia with a dissertation on Latin American pottery.²⁶ Slusser married in 1944. Her husband finished his service with the navy, obtained a graduate degree, and took a position with the US Department of State, the section of the federal government responsible for forming and carrying out America’s foreign policy. The couple then moved to postings in Puerto Rico, Vietnam, Yugoslavia, and Guinea in West Africa before arriving in Nepal. Slusser did research work for the Department of State and other governmental entities during these postings. In Puerto Rico, for example, she told her oral history interviewer that she “researched papers on Latin America, because that was my background. I didn’t know, at the time, but I think it was probably for the CIA.”²⁷ She later did research for the Department of State in Vietnam and in the neighboring country of Laos.²⁸ Such involvement in CIA research, whether knowingly or naively, was common for anthropologists in this period.²⁹

Slusser’s scholarly activities during her husband’s postings seem crucial to her self-definition. Slusser’s reminiscences about her career show that she thought of herself as someone who was able to navigate in a foreign setting in a way that was different both from local residents and most foreign visitors. “I didn’t do as many Foreign Service wives did,” she recalled. “In every country that we went to, I wanted to learn something.” By contrast, she describes the other wives as doing nothing in their posts: “[T]hey sit in their spot, and they don’t do anything. They don’t learn the language. They try to reconstruct the life they had in America, and they’re miserable because they can’t.”³⁰ Far from wanting to reconstruct her life in America, like the other Foreign Service wives, Slusser was eager to plunge into new cultures: “I usually fell in love with the place, too. In Yugoslavia, I wanted to be a Serb. In Vietnam, also. I loved each place.”³¹ The pull seems to have been strongest in Nepal: “I didn’t do anything in Nepal then except study. I went every place. ... I was just burned up with the fever of learning everything about this country.”³²

Slusser and her husband lived in the Kathmandu Valley from 1965 until 1971.³³ Although she arrived, in her own words, “almost totally ignorant of the country,” she was asked by the Smithsonian Institution “to collect ethnographic materials.”³⁴ A keyword search for “Slusser” in the online collections database of the Smithsonian Natural History Museum

²⁴ Slusser Oral History, 7–8.

²⁵ Slusser Oral History, 9.

²⁶ Slusser Oral History, 11.

²⁷ Slusser Oral History, 14.

²⁸ Mary Shepherd Slusser, “Remembrance of Things Past,” *Asianart.com*, 16 August 2017, <https://www.asianart.com/articles/maryslusser/index.html>.

²⁹ Price 2016. Our thanks for David Price for searching his research notes for his forthcoming book on American anthropologists whose work in Asia was funded through the Central Intelligence Agency (CIA) and confirming that he has no records of Slusser’s work in Nepal or elsewhere being a part of these projects.

³⁰ Slusser Oral History, 17–18.

³¹ Slusser Oral History, 18.

³² Slusser Oral History, 20.

³³ Slusser 1982, xi.

³⁴ Slusser 1982, xi.

Anthropology Collections shows that they retain over 200 artifacts collected by Slusser. Mostly, these are indeed “ethnographic” materials – baskets, bowls, jewelry, and other recently made materials. But some are sacred statues, ritual paraphernalia, manuscripts, or other older pieces whose export would have required legal permissions, and we have not found evidence that Slusser or the Smithsonian obtained this permission. Although she was an unpaid volunteer for the Smithsonian, charged with the relatively modest task of spending \$1,000 to purchase objects representative of Nepali life, she described her position as a “godsend” that “established me as a professional with a doctorate that excused me from making cookies and canapés, the usual lot of Embassy wives.”³⁵ Slusser considered herself a scholar, not an embassy wife defined solely by her marital status.

Slusser’s relationship with Nepal seems also to have been colored by her specific understanding of herself as an anthropologist. Up until the 1960s, anthropology was still understood as the study of “primitive” culture.³⁶ For Slusser to see herself as an anthropologist, she needed to see Nepal as primitive. As we will argue in the following section, Slusser did indeed uplift her own positionality by taking a patronizing view of Nepalis.

Denigration of source country residents as potential competitors in expertise

Academic facilitation of the illicit trade in cultural objects is a crime of the powerful.³⁷ In this case, the powerful are those who generate knowledge about the past and have the platform to reproduce this knowledge to a point where it becomes accepted and unquestioningly celebrated. Our examination of Slusser’s work reveals her dubious claims of expertise and broad mischaracterizations of Nepali history and culture. These claims and mischaracterizations let Slusser paint herself as someone with an unequalled expertise in Nepali culture – someone whose decisions about the best fate of Nepali cultural objects should not be questioned. Slusser’s proclamation of her role as the first person to lay out a comprehensive account of Nepal’s history and culture, and the continued acceptance of that understanding of her role in scholarship, depends on defeating potential rival claims. The most obvious rivals would be those with more intimate experience of Nepal’s languages and cultural traditions: Nepalis themselves. To counter this threat, Slusser’s publications are filled with assertions about the ignorance of the Nepali people about their own past, such as the claim in the preface to *Nepal Mandala* that “[t]raditionally, Nepalese interest does not turn to history.”³⁸

Slusser’s insistence on Nepalis’ lack of interest in, and ignorance of, their own history occasionally gives way when she must admit her dependence on the expertise of Nepali scholars. Thus, in the preface to *Nepal Mandala*, she thanks all the Nepali scholars on whose work she has “drawn unabashedly and with gratitude.”³⁹ She names Mahesh Raj Pant and Gautamvajra Vajrācārya, “two young Nepali historians” who worked to “assist me in reading and comprehending the sources.”⁴⁰ Slusser could not read Sanskrit, the language in which many historical inscriptions and documents were written, and she credits Pant and Vajrācārya for helping her understand sources in Newari and Nepali as well.⁴¹ As, respectively,

³⁵ Vajrācārya 2018.

³⁶ See, e.g., Berreman 1991.

³⁷ See, e.g., Mackenzie et al. 2019.

³⁸ Slusser 1982, xi.

³⁹ Slusser 1982, xiv.

⁴⁰ Slusser 1982, xiii.

⁴¹ She later recalled that she “never mastered Nepali” and had only about a 30-word vocabulary in Newari, an indigenous local language. See Slusser Oral History, 51.

Hindu and Buddhist Nepalis, they were also able to access some sacred sites that would have been closed to Slusser.⁴²

Slusser's occasional recognition of the existence of Nepali expertise on Nepal takes a strangely dissonant form. In one characteristic passage from the preface to *Nepal Mandala*, she explains why completing the book took much longer than she had thought it would because "in the third year of residence in Nepal [when the first draft of] my book was almost done, I made a startling discovery, at once exciting and sobering. In the course of studying the Nepali language, I stumbled on a hitherto unsuspected and untapped reservoir of historical data. Quite unknown in the west, this data had been quietly accumulating for a quarter of a century in Nepali-language journals."⁴³ Slusser describes this "unsuspected and untapped reservoir of historical data" as her own "discovery" rather than that of the Nepali scholars who wrote and published the articles she read. Describing these articles as "quietly accumulating" in journals makes it seem as if they had been generated spontaneously, without the involvement of their authors. Of course, these authors existed, but by insisting that they were uninterested in history, she could preserve her claims to expertise by being the one who condescended to extract information from non-English publications for the benefit of Western readers.

Slusser also claimed that the Nepali scholars whose work she was reading had purposely not assembled these materials into an overall history of Nepal, regarding "such a venture [as] premature."⁴⁴ She claims that her role was to do what she thought Nepali scholars could not: "They thus provided the pieces, unevaluated and uninterpreted, but not the structure that I needed to make the cultural materials understandable."⁴⁵ This statement is key to interpreting why she accuses Nepalis of a lack of interest in history: what she means is that they failed to produce Western-style scholarship, in English, addressing Western concerns and produced by Western ways of seeing and using cultural artifacts. In effect, she embodies Michel Foucault's concept of "subjugated knowledge" in how she approaches her scholarship.⁴⁶

One example of Slusser's simultaneous dependence on, and discrediting of, Nepali knowledge of history comes when, in *Nepal Mandala*, she boasted that she had reconstructed the lines of Kathmandu's Malla Period city walls, which had disappeared during the nineteenth century, through a process of "amplification of historical records through linguistic, archaeological, and anthropological evidence recovered in the field."⁴⁷ Slusser wrote that these walls "had long been forgotten" when she began her research.⁴⁸ Yet her primary process of discovery consisted of asking Nepalis, whether scholars or local residents, for information about their continuous recognition and use of these same city walls. In a perfect example of what Gayatri Chakravorty Spivak terms "epistemic violence,"⁴⁹

⁴² Slusser Oral History, 22.

⁴³ Slusser 1982, xiii.

⁴⁴ Slusser 1982, xiii.

⁴⁵ Slusser 1982, xiii.

⁴⁶ Foucault 1977, 82. Michel Foucault's concept of "subjugated knowledge" is also helpful in understanding the moves made by Slusser in this and other of her "discoveries": "[A] whole set of knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level or cognition or scientificity."

⁴⁷ Slusser 1982, 92.

⁴⁸ Slusser 1982, 92.

⁴⁹ Spivak 2010. And Spivak's broader argument, that British imperialism in India justified itself by claiming it was protecting Indian women from Indian men, can also be applied to the way Slusser and other Western collectors justify theft as a means of protecting cultural objects from those who live in the countries that produced them. In a related manoeuvre, Slusser adopts the conclusion of Gautama Vajrācārya that Kathmandu was a capital city in the Licchavi period. But although she admits that she is depending solely on his work, reached after he was no longer her research assistant, she attempts to take credit for his conclusion since he reached it by using "the

Slusser denied that information communicated to her by Nepalis had meaning until it had passed through and been interpreted by her.

Claiming physical and aesthetic peril to justify the extraction of cultural objects

Studying Nepali culture in Nepal was Slusser's way of creating an identity other than being an "embassy wife" during her time in Nepal – namely, that of scholar. Slusser also was assured that she could continue to hold this identity once she returned to America by ensuring her home country would hold examples of Nepali culture. She (in)directly justified the extraction of cultural objects through her claims about the physical and, what we might call, the "aesthetic peril" they faced – peril that would be avoided by their removal to Western collections where the "neglected" cultural objects could be preserved and "properly" displayed. Again and again throughout her publications, Slusser foretells the imminent disappearance of Nepali culture. In one characteristic passage from the preface to *Nepal Mandala*, she makes a claim for why the book contains information that cannot be rivalled by any subsequent historian:

Although the culture of the Kathmandu Valley has continued for two thousand years, it is becoming progressively more difficult each year to salvage the past. In the fifteen years prior to 1965, when I began my study, the closed kingdom opened to the outside world and forces of acculturation and change began their work. Between 1965 and 1971, when I left Nepal, these forces had rapidly accelerated and were taking their toll. The fine old brick buildings, mantled with exquisite wood carving, daily ceded to concrete. People began to slough off their traditional ways, losing the ancient bonds that had linked them to family and gods. Transistor radios and Datsuns came to be valued more than ancestral paintings and images. The latter were increasingly sold to tourists.⁵⁰

Slusser's self-definition as a scholar of Nepali culture meant that she gained more importance the more she had to contribute to the world's knowledge about the culture. If traditional Nepali culture was indeed dying, Slusser's observations had more value since she could position herself as one of the only witnesses to its final struggles.

Life in Nepal did change after 1950 – as it did, indeed, in countries across the globe. The process was particularly dramatic in Nepal where not only had the government prohibited entry by visitors from countries other than India from the mid-nineteenth century until roughly 1950 but there were also no motor roads into the country until 1956.⁵¹ That modernization brought change to Nepal is undeniable. But we can, and should, question Slusser's claim that modernization necessarily meant Nepali abandonment of traditional culture and the sale of tangible cultural heritage associated with that culture. This skepticism is especially necessary since Slusser's claims about the implications of modernization provided a powerful justification for the transfer of these cultural objects out of Nepal into Western collections, despite the prohibitions of Nepali law.⁵²

Slusser was especially insistent that the Buddhist faith was on the verge of extinction in Nepal.⁵³ The import of insisting that Buddhism is dying in Nepal is clear: if there are no more

anthropological concept of field work ... a methodology I was committed to teach my Nepali assistants." Slusser 1982, 119, n. 201.

⁵⁰ Slusser 1982, xiii.

⁵¹ Slusser 1982, 4.

⁵² Ancient Monument Preservation Act, 1956, [np_actancmontsarchaeohitart1956_engorof_neprorof.pdf](#).

⁵³ Slusser repeatedly describes images of bustling monasteries as "moribund" and "essentially defunct" as "institutions," as she is deeply invested in the argument that the very institution of the Buddhist monastery (*vihāra*) in Nepal is defunct. In Kathmandu, for example, she claims that the "religious past is still evident in some hundred

Buddhist worshippers, there is no need for sacred Buddhist objects to remain in the country. Without worshippers, these cultural objects become artworks. Although she does not explicitly close the loop by stating that these artifacts would be better off in Western collections, it is clear that this is the conclusion she has drawn from her observations. In her publications, Slusser continually describes the presence of worn, partially broken artworks in public in the Kathmandu Valley. These descriptions serve as evidence of the neglectful attitude of Nepalis and as arguments for their preservation in European and North American museums since “when bronzes and paintings or other cultural items cease to function and indeed are jeopardised in the milieu for which they were intended, then the world must be grateful that there are public repositories such as that in Los Angeles where they will be cherished for future generations.”⁵⁴ Western collections had the preservation expertise and ability to expose Nepali cultural objects to greater and supposedly more appreciative audiences.

From another point of view, the continued existence of so many centuries-old cultural objects *in situ* signals the opposite: these cultural objects would have disappeared entirely if not for their careful preservation, worship, use, and restoration by local communities, even when this use and worship changed over time. Even after decades of looting, it is impossible to walk for more than a few minutes in the historic centers of the towns in the Kathmandu Valley without seeing cultural objects created centuries ago. And even if one agrees with Slusser that Nepali cultural objects are better preserved in Western museums, since they are not exposed to the same inevitable, gradual changes as objects in public spaces in Nepal, this comparison ignores the unequal circumstances that make the West come out ahead. Slusser’s reasoning displays the cognitive bias known as the self-serving bias (also sometimes called “motivated reasoning”): the tendency to seek out only that information, or make only those arguments, that support the conclusion we wish to reach.⁵⁵ Slusser shapes all the information she encounters to make it support her conclusion that Nepal’s cultural heritage is better off outside Nepal.

Slusser’s ability to make information fit into her argument was aided, of course, by the relative rarity of opposing viewpoints in the United States. Few other Americans knew as much about Nepal’s cultural history as Slusser, and those who did, including Nepali

structures called monasteries, although for centuries this has been true only in name. These monasteries ... scattered among the houses, and themselves now serving as secular dwellings, still contain functioning Buddhist shrines.” Slusser 1982, 95. Her argument in *Nepal Mandala* and in numerous other publications is that these monasteries were no longer worthy of the name once no longer inhabited by communities of celibate monks or nuns who chose a monastic lifestyle. Such an argument might make sense in, for example, the United Kingdom, with its uninhabited, deconsecrated monasteries, seized from the Catholic Church and turned over to private owners or simply deserted. But this is far from the situation in Nepal: even a casual visit to the monasteries that dot the neighbourhoods of Kathmandu or the other cities of the Valley shows that they remain vital centers for worship and community. Slusser’s predictions of their quickly approaching death have not borne out. Probably monasteries were so functional in her time as well that her strategy of criticizing them for not being celibate evolved as an alternative means of arguing that they were not worthy of holding Buddhist cultural objects since they had become such different places than they were originally founded to be. But this change was centuries old by the time Slusser observed it; one might comparably argue that Catholic churches should be stripped of their art because of the doctrinal changes of the Counter-Reformation.

⁵⁴ Slusser 1985; at the start of her career, she also stated that “[t]he art of Nepal continues to be one of the least explored of the Asian art traditions. Certainly the easily portable objects of Nepali art such as bronzes and *patas* (paintings) have long been the subject of study in the West. But by comparison the *in situ* monuments which still perform a functional role in Nepali cultural have been quite neglected. Although the policy of foreign exclusion maintained by Nepal from the eighteenth century until 1951 effectively barred more than minimal research within the borders, it is not clear why so relatively few scholars have been attracted to Nepal in the subsequent decades.” See Slusser 1972.

⁵⁵ See, e.g., Rabin 2019.

Americans, were not disseminating their knowledge in as many publications and consultations as Slusser. Her use of her expertise is a reminder that those who know the most information do not necessarily use this information in a neutral way. And why would she have? Social controls, such as by colleagues and employers, were therefore largely absent, giving Slusser unchecked power and platforms to disperse her biased perspectives to a ready audience. The self-serving bias displayed by Slusser has an additional special characteristic shared by many scholars and collectors who participate in the illicit market for cultural objects. They bemoan the damage done by looting and purchase antiquities to “rescue” them from further harm without recognizing that such damage occurs precisely because looters are working to provide new material for the marketplace.⁵⁶ In other words, they fail to see the role their own actions play in harming what they claim to protect. This strategic ignorance might be dubbed the fallacy of self-serving obtuseness.⁵⁷

When Slusser points out the theft of Nepali art as a problem, the fallacy of self-serving obtuseness operates to allow her to suggest the solution that benefits her the most – rescuing the cultural objects by collecting them in the West, thus permitting her continued and unimpeded access. She rejects other solutions that would not serve her interests as fully, such as working to protect and preserve the cultural objects locally in Nepal. And she is spared from recognizing that her own behavior, in encouraging foreigners to collect looted Nepali art and, indeed, facilitating their ability to do so, contributed to the problem of looting and thefts.

Slusser noted that Nepal’s cultural objects are endangered by “the constant natural calamities of earthquake and fire.”⁵⁸ The West is, of course, not free of “natural calamities.” It is a weak justification of the transfer and retention of stolen cultural heritage to claim that they are safer in Western institutions. Slusser further claims that Nepal is not only susceptible to natural disasters but also, more damningly, that its people do not care to recover their cultural heritage from these disasters. This failure of care thus justifies transfer to possessors who can better preserve and appreciate the at-risk heritage. This set of assumptions is clearly at work in Slusser’s response to Nepal’s devastating 2015 earthquake in an article titled “On the Loss of Cultural Heritage in Quake-Ravaged Nepal.” Published a year after the earthquake, the article describes the fate of the remains of collapsed historic buildings in Kathmandu’s Durbar Square: after a “tiny fraction” of the artifacts were removed to storerooms, the remaining “ruins were left unguarded and subject to private appropriation, souvenir hunters, unbridled scavenging, and the drenching rains that followed the quakes. Soon bulldozers scraped the artifact-rich rubble out of the way and trucked it to the dump.”⁵⁹

Slusser’s article focuses on one building, the Kasthamandap, a landmark community center and temple probably established in the seventh century but subsequently rebuilt and restored countless times. Slusser based her article around her photographs of one of the Kasthamandap’s exterior figural friezes, which she believed had disappeared in the earthquake, the dump, or in “some tumbled and rain-soaked salvage pile.” Although she apologized for the fact that her photographs were “often poorly focused,” she thought it her “duty” to “preserve” the frieze through publishing them.⁶⁰ A year after the article’s publication, the editor of the website where it appeared added a note and an addendum.

⁵⁶ See, e.g., Mackenzie and Yates 2016; Hardy 2021.

⁵⁷ Our thanks to Erich Hatala Matthes of Wellesley College for coining the term “self-serving obtuseness” in our correspondence.

⁵⁸ Slusser 1982, 58.

⁵⁹ Mary Shepherd. Slusser, “On the Loss of Cultural Heritage in Quake-Ravaged Nepal,” *AsianArt.com*, 1 November 2016 (with 21 February 2017 addendum by editor), <https://asianart.com/articles/heritage/>.

⁶⁰ Slusser 1985.

The note relayed “the very welcome news” from the Nepali Department of Archaeology that the Kasthamandap frieze was “intact and with but slight damage” in the salvaged materials stored near the site.⁶¹ This was, indeed, an unsurprising outcome since as soon as human survivors were pulled from the remains of the collapsed buildings, the residents of the Kathmandu Valley went to work retrieving stone sculptures, carved wooden elements, and whatever else it was possible to salvage from the temples and shrines.⁶² In a region that suffers a major earthquake roughly once a century, residents are used to reconstructing their lives.

The editor also informed readers that the Nepali scholar Sukra Sagar Shrestha had “furnished us with complete pictures of the frieze” taken in 2013.⁶³ Slusser was not, as she assumed, the only one who had cared enough about the frieze to pay attention. Her photographs were not the only things standing between it and oblivion. In fact, the reverse was nearly true because, as the editor also noted, a comparison between Slusser’s and Shrestha’s photographs revealed that “something was amiss”: Slusser’s article included images of a frieze from a nearby monastery, described as part of the Kasthamandap frieze. To conflate two wooden freezes on contiguous rolls of film taken so many years previously is a minor mistake. But it does show that Slusser is not in fact the utmost and infallible expert on Nepali art.

Kasthamandap was reopened in 2022 after extensive rebuilding, which integrated surviving historical elements with replicated ones based on local knowledge and worship practices.⁶⁴ This reopening shows that Slusser was mistaken both about how many features of the collapsed buildings were preserved and how successful Nepali preservation and rebuilding techniques would be in recovering from the earthquake. Physical peril was not the only danger Slusser saw for Nepali cultural objects. When it would be false to claim that a particular site or object was disintegrating, Slusser employed another strategy: she insisted that an object she was interested in was being used incorrectly. Thus, Slusser painted a dire picture of the two alternate fates for shrines in Nepal: either “decay, dissolution, and renovation have taken their toll” or, if a shrine has “endured well,” its artistic contents “are compromised in other ways. As the objects of too much love, they have been all but obliterated by a shower of non-traditional offerings.”⁶⁵ Slusser often complained about the obscuring of sculptures by offerings, including metal sheaths or fabrics meant to clothe the deity.

In short, either a community was guilty of letting their material culture decay, or they were guilty of using these living heritage objects for their original purpose, therefore “compromising” their aesthetic presentation. Slusser blames Nepalis’ worship for frustrating her aesthetic desires. For example, Slusser described a sculpture in a shrine in Kathmandu that worshippers regarded as Kumari (the virgin aspect of the Hindu goddess Durga). Slusser wrote that if you lift the garments that swath this sculpture, “‘she’ becomes ‘he’” and argued that the sculpture was carved to depict Kumara, a male deity who suffers such “general neglect” that it is “little wonder that the Nepalese no longer recognize his images.”⁶⁶ Slusser interpreted what she described as “mistaken worship” as a failure rather than seeing it as responding to a change in the needs of the community or a repurposing of an existing cultural object in a way that increased the likelihood of its preservation. To call such worship “mistaken” is to position Slusser, who recognizes the mistake, as a more

⁶¹ Slusser 1985.

⁶² Yates and Mackenzie 2018.

⁶³ Slusser 1985.

⁶⁴ Joshi, Tamrakar, and Magaiya 2021.

⁶⁵ Slusser 1982, 136.

⁶⁶ Slusser 2006, 55, 59.

worthy user of the cultural object than its current worshippers. The prioritization of Slusser of her own perception over that of the community is evident in the conclusion to the Kumari/Kumara article where she wrote that “after centuries of oblivion this neglected god has reclaimed his identity, if only for a few of us. For those who bring him offerings, however, nothing has changed.”⁶⁷ Slusser is insisting that her use of Nepali heritage, a Western-style use that treats these objects as artworks valued primarily for their aesthetics, is better than their use by Nepalis as deities and cultural objects to be offered worship.

Many of Nepal’s deity sculptures were never intended to be seen naked, except by those who attend daily or weekly custodianship rituals during which their coverings are removed and the deities are bathed. Slusser notes in several publications that she saw and even inspected and photographed sculptures during these rituals. Her complaint, thus, is not that she could never see the sculptures unclothed but, rather, that she could not do so at her convenience. Similarly, elsewhere Slusser criticized the “tawdry, feminizing robe – product of misguided ritual” on a Licchavi Period statue of Vishnu, writing that she “yearns to see unhampered the artist’s total vision” of the sculpture but was at least thankful that, “despite all that has been unconsciously contrived to conceal the image from us, there can be no question whatsoever that we have before us another magnificent work.”⁶⁸ The pronouns here are telling: the “us” that includes Slusser and her anticipated readers are in conflict with the Nepali worshippers who adorn the statue. Slusser’s study of Nepal began with the idea of writing a guidebook for foreign visitors, and passages like this show that her imagined audience remained the Westerners who would tour the country’s heritage with her, whether on actual visits or through their readings. Slusser shows “us” her static, aestheticized, fetishized version of Nepal’s culture and inhabitants.

Even more frustrating for Slusser than the clothed, offering-rich objects were the cultural objects she could not see at all: those located in shrines closed to nonbelievers or those buried underground where she was not permitted to excavate. For example, Slusser writes with exasperation that it is not just non-Hindus who find it difficult to obtain permission to see the cultural objects in the inner shrine in a temple in the village of Panauti, but even Nepalis who do not live in the village “are often suspect. Temple guardians and priests see in all outsiders, even eminent local scholars, a threat to the security of their charges.”⁶⁹

The comparable difficulty of seeing art in various Western settings – from the churches that display some objects only at certain ceremonies or times of the year to museums who are reluctant to let any “outsider,” whether member of the public or scholar, into their storage facilities – would seem to suggest that Slusser should have more sympathy for these custodians. The need for sympathy should have been much more urgent in the mid-1970s when Slusser was writing these words – a period when Nepal was experiencing a wave of thefts from exactly this sort of shrine, exactly from outsiders like Slusser.⁷⁰ Indeed, the temple guardians in Panauti might have known they had good reason to bar her entry, as our next section will show.

Trade and transfer of stolen cultural objects by academics

As an acknowledged expert in Nepali art, Slusser’s authentication and description of unprovenanced antiquities in her publications (particularly, those in art and antiquities trade journals) added to these objects’ market value, thus fueling the market and encouraging further thefts to feed it. But Slusser’s publications contain strong indications that she

⁶⁷ Slusser 2006, 59.

⁶⁸ Slusser and Vajrācārya 1973.

⁶⁹ Slusser 1979.

⁷⁰ See, e.g., the many thefts recorded in Bangdel 1989; Schick 2006.

had even closer ties to the illicit antiquities market. Slusser wrote several articles about newly imported, never previously published, Nepali antiquities so soon after their acquisition by American private collections that it seems likely that she may have been involved in facilitating these purchases. At times, she reveals that she has knowledge about the objects that only could have come from close contact with thieves or in-country middlemen. For example, she will name a particular town as the source of an object when there is no indication from the object itself that it must have come from that town and no other.⁷¹

In several cases, she described collectors' acquisitions in ways that reveal absolute incompatibility with legal sale or exports, but she seems not to have reported these acquisitions to the Nepali authorities.⁷² Indeed, rather than cautioning American museums against purchasing these stolen objects or accepting them as donations, she praised them for doing so and, in several cases, was instrumental in connecting private collectors to museums. For example, Slusser wrote several articles about sculptures made of unfired clay from Nepal in American public and private collections. The particular deity represented by several of these sculptures belonged to a tradition of what is known as Tantric Buddhism, and, as Slusser explained, "representations of Tantric divinities were not to be seen by anyone not properly initiated and were therefore housed in secret shrines."⁷³ Slusser drew the logical conclusion clearly: "[U]ntil someone saw fit to remove" this sculpture, it "remained in the secret shrine in which it was created and was only seen by those ritually empowered to approach."⁷⁴

Slusser even recognized the harm done by such extraction. The heavy, fragile nature of the unfired clay meant that the sculptures would have been made within the shrines they were intended to occupy and then that, "[o]nce constructed and secured to the wall by iron rods attached to the armature, the sculpture was meant to stay."⁷⁵ But, instead, Slusser recognized that "thieves must have unceremoniously ripped them" from their shrines.⁷⁶ In an article on one sculpture now in an American collection, Slusser even speculated that the missing part of its left foot was "probably still lying in ruins in the shrine from which the sculpture was removed."⁷⁷

Slusser's knowledge of Nepali art and culture meant that she was certain the sculptures she was writing about had been stolen from their worshippers and then smuggled out of Nepal. But this did not stop her from studying them or writing articles that, by correcting pre-existing scholarly opinion about their construction technique, likely increased their value on the market. Quite the opposite: she claims that her interest in unfired clay sculptures "was rekindled" by their appearance in the United States "during the 1980s and '90s": "With such a sizable body of material relatively close at hand it seemed time to

⁷¹ For example, see her claim that a mid-eighteenth-century banner painting "now in a private collection in the United States" had "recently come to light from [the town of] Bhaktapur." Slusser 1990, 43.

⁷² Slusser wrote short comments updating her past articles for their collection in *Art and Culture of Nepal: Selected Papers* (Kathmandu, 2005). In the comment for "The Wooden Sculptures of Nepal: Temples, Images and Carved Walls" (originally published in *Arts of Asia*), Slusser (1974) notes that one of the wooden images, a Cintamani Lokesvara that she photographed in-situ at a Patan monastery before the article's publication, "is now in the Los Angeles County Museum of Art." It remains there today (M.84.93), having been donated by Anna Bing Arnold in 1983, a peak time for the looting of Nepali cultural objects. This object must have been illegally removed and exported contrary to Nepal's 1956 Ancient Monument Preservation Act, but Slusser merely notes this removal without notifying authorities.

⁷³ Slusser 2001, 77.

⁷⁴ Slusser 2001, 77.

⁷⁵ Slusser 1996, 11.

⁷⁶ Slusser 1996, 11.

⁷⁷ Slusser 2001, 76.

initiate an in-depth study” of the type.⁷⁸ To achieve this study, Slusser seems to have worked especially closely with the private collectors who held these works, who were mostly left anonymous in her publications. For example, she notes that she saw one of these sculptures in 1983 when it had “newly arrived” in the United States.⁷⁹ Although there is no hint that Slusser was involved in the extraction of these unbaked clay sculptures, her publications show how comfortable she was encouraging the market for what she knew could only be stolen objects.

And Slusser did directly facilitate the transfer of other stolen objects to the United States. In a 2003 article innocuously titled “Conservation Notes on Some Nepalese Paintings,” Slusser described her acquisition of six Nepali paintings on cloth in 1967. She begins by describing the market for art in Kathmandu when she arrived in 1965, when “the secluded nation had been opened to the outside world a mere fifteen years.”⁸⁰ She looked for antiquities in “the numerous funky, dusty ‘curio’ shops” in Patan, where, she claimed that

randomly mixed with junk, precious small objects – a bejeweled antique gold ear ornament, an exquisite tiny bronze image – gathered dust in open saucers on the countertops. Priceless Nepalese and Tibetan paintings hung draped in haphazard heaps over roughly hewn sawhorses to be pawed through at will as in a second-hand clothes shop. Sometimes, if you were judged trustworthy, the shopkeeper would offer to lead you to an upper floor by way of dark, steep, ladder-like stairs to see something hidden away from the general public, it being illegal (theoretically) to export genuine antiquities.⁸¹

This “theoretically” (enclosed in parentheses) reveals much of Slusser’s attitude toward the laws of Nepal. As the article makes clear, she acted as if the law simply did not exist.

Slusser describes shop proprietors making “‘house calls’ to members of the foreign community who were customers. ... [They] usually arrived in the evening with a few things stuffed into a cloth bag. The objects were spread out on the floor and buyer and seller sat cross-legged among them and haggled about purchases. Then, typically, the price of their offerings was often in the neighbourhood of fifty cents, offerings that, assuming they could still be found, would be unaffordable in today’s market.”⁸² Slusser claimed that her purchases from such dealers were modest until “one August evening in 1967 a couple of Nepali strangers arrived at our house with ... a painting on cotton cloth, to sell. It was an impressively large and stunning representation of [a] Buddhist goddess ... and her retinue. ... [T]he painting’s artistic value was so apparent that I knew I had to possess it. ... After much haggling I paid half the agreed price with the equivalent of about US \$300.00 in local currency, the rest with an old 35 mm camera.”⁸³ After this purchase, one of the sellers returned to Slusser’s house several more times, selling her more paintings that, like the first, also dated from the late fourteenth or early fifteenth century. One of these paintings depicted an important Nepali Buddhist religious site, the Great Stupa. The painting’s inscription informs us that it was made in around 1565 for a Buddhist monastery in the town of Patan to commemorate the stupa’s restoration.

⁷⁸ Slusser 1996, 11.

⁷⁹ This sculpture is now in the John and Berthe Ford Collection at the Walters Art Museum in Baltimore. Slusser 2001, 71.

⁸⁰ M.S. Slusser, “Conservation Notes on Some Nepalese Paintings,” *AsianArt.com*, 19 May 2003, <https://www.asianart.com/articles/paubhas/index.html>.

⁸¹ Slusser, “Conservation Notes.”

⁸² Slusser, “Conservation Notes.”

⁸³ Slusser, “Conservation Notes.”

Slusser was well aware that these and other paintings she purchased came from monasteries. She had seen them during the monasteries' annual display of sacred artworks when paintings as well as portable sculpture and other devotional artworks are brought out of storage or closed shrines for public view. In fact, Slusser had seen and photographed this very painting in its Patan monastery in August 1967. But then, she wrote in her article, "[s] old or stolen soon after the display – as, regrettably, so many things were in those changing times – the painting was soon making the rounds in the hands of a curio dealer. Already in lamentable condition, the bundled-up painting daily became more degraded as it was trundled around town on the back of a bicycle in search of a prospective customer."⁸⁴ By the end of September, a little more than a month after it had left its home of more than 400 years, Slusser bought it on behalf of a collector.

Slusser does not record the exact mechanics of how this and the other paintings left Nepal after she purchased them, but five of the six paintings would ultimately be donated, either by her or at her instigation, to the Virginia Museum of Fine Arts where they remain today. Nor was this the only American institution to benefit from Slusser's activity. For example, the Los Angeles County Museum of Art's (LACMA) online database shows that the museum holds Nepali cultural objects donated by Slusser or by her and her husband (described as "gift of Mr. and Mrs. H. Robert Slusser"). Among these are sculptures from the seventh-eighth century, such as a makara spout (M.74.43.1), reclining bull (M.74.43.2), and male figure (M.74.43.3), seventeenth- and eighteenth-century manuscripts (a ragamala [M.88.134.5] and a priest's manual [M.88.134.8.208]), and a fifteenth-century mandala painting (M.83.258). The accession numbers indicate that all these objects were donated to LACMA during the heyday of the looting in Nepal's cultural heritage.⁸⁵ And Slusser would have acquired them after her arrival in Nepal, which was long after their export was prohibited by way of the 1956 Ancient Monument Preservation Act.⁸⁶ Unfortunately for those interested in conducting further research as to the legality of their status outside of Nepal, many of these objects are not on public view and do not have an image available on the LACMA website.

Slusser wrote her 2003 article to praise the conservation by Western institutions of the paintings she purchased. She argued that this preservation justified the paintings' export. She described the "deplorable condition" of the stupa painting when she purchased it: "rodent-gnawed, wrinkled, and the pigments flaking away from dampness," insisting that "the poor condition to which it had succumbed by 1967 in its homeland is perhaps the most cogent argument in support of collectors and collecting: had it not been for the intervention of the art market, this important painting otherwise seems to have been slated for an ignominious end in someone's dustbin."⁸⁷ If Nepal was indeed like Slusser depicted it – a country on the verge of unavoidable modernization and Westernization, where art was disappearing because Nepalis were selling heritage that they no longer cared about – breaking its laws, which unjustly doomed its culture to destruction, would be justified. But to reach this conclusion, Slusser's narrative about the painting leaves out what happened to it between the monastery and the seller's bicycle. It is reasonable to suppose that it was her presence in town, as someone known to buy historic artworks, that prompted the theft.

Slusser was involved in another purchase of a likely stolen artefact in 1967: a thirteenth-century gilt copper alloy figurine of the goddess Durga slaying a buffalo demon, currently in

⁸⁴ Slusser, "Conservation Notes."

⁸⁵ The first two numbers after "M" indicate the year that the object was accessioned into the museum collection. For example, "M.74.43.1" would indicate this object was accessioned in 1974.

⁸⁶ Ancient Monument Preservation Act.

⁸⁷ Slusser, "Conservation Notes."

New York's Rubin Museum of Art.⁸⁸ In a series of reminiscences posted on the museum's website upon the occasion of Slusser's death, the Rubin's head of collections management and registration, Michelle Bennett Simorella, recalls stopping with Slusser in front of this sculpture and being "stunned when Mary began to tell me the story of how her sister had acquired the work while visiting her in Kathmandu in 1967."⁸⁹ Slusser told Simorella that, "[a]s was the custom, one evening one of the dealers came by with a few things while [my sister] was there. Among them was the Durga image. Thick with grime and offerings of ritual pastes, powders, and food, it very likely had come directly from some family's private chapel. The asking price was a thousand dollars but after bargaining would likely have dropped to three or four hundred. But to my shock, my impetuous sister said at once "I'll take it" and paid the full price."⁹⁰

A 1975 Asia Society exhibition catalogue confirms that the purchaser was Slusser's elder sister, Dorothy G. Payer Shepherd. Shepherd held a PhD in art history. In 1967, she was a curator of textiles and Ancient Near Eastern art at the Cleveland Museum of Art and thus cannot be regarded as being ignorant of the possible legal and ethical issues with purchasing and exporting this figurine.⁹¹ But Slusser would have been even more fully aware that the "grime" and offerings on the object was a sign that it had been removed from active worship from a shrine in a family house. Slusser would have known that the agreement of an entire family of worshippers to sell their household deity for a few hundred dollars was unlikely, meaning that the sculpture must have been removed without permission. And yet the thing that gave Slusser a "shock" was not the theft but, rather, her sister's failure to negotiate the price down. Although we cannot know for certain, it seems a reasonable guess that Slusser was not merely present for this transaction between her sister and the dealer, but probably took as active a role as she did with her own purchases – for example, by offering advice about how to take the sculpture out of the country. Slusser's close association with the art historian Pratapaditya Pal, who curated the 1975 Asia Society exhibition that contained this figurine, suggests that it was likely she who suggested its inclusion, which would have increased its market value.⁹²

Pal is another example of an academic facilitator who created market demand for Asian cultural objects in North America, building a career by authenticating and publishing Asian cultural objects from heavily looted areas without concern for provenance – in essence, "laundering" the objects and providing them with an air of legitimacy. For example, Pal also published Slusser's various LACMA donations.⁹³ The role that North American art historians played as market facilitators was already well known within Nepal, as evidenced by a 1984 letter from a Tribhuvan University professor: "I have a friend who is an archaeologist who has all but given up his profession, because according to him, every time there is an illustrated lecture on the art history of Nepal delivered by [names deleted] it is almost 100 percent sure that the art objects discussed have vanished from Kathmandu. The United States' art historians have academically guided the art pillage of Kathmandu."⁹⁴

⁸⁸ Rubin Museum, "Remembering Scholars."

⁸⁹ Rubin Museum, "Remembering Scholars."

⁹⁰ Rubin Museum, "Remembering Scholars."

⁹¹ Case Western Reserve University, "Encyclopedia of Cleveland History: Shepherd, Dorothy G. Payer," 2022, <https://case.edu/ech/articles/s/shepherd-dorothy-g-payer>.

⁹² Slusser 1982, xiv. Slusser acknowledges Pal for his "generous acceptance of me as a colleague, his willingness to review critically drafts of the formidable manuscript, not once but twice, the insights reached during numerous animated discussions, the hospitality of his home, his own publications, and especially his unflagging enthusiasm and support." Slusser even received a grant from the Asian Cultural Council to consult with Pratapaditya Pal. See "Mary Slusser," Asian Cultural Council, <https://www.asianculturalcouncil.org/our-work/grantee-database/mary-slusser>.

⁹³ See, e.g., Pal 1985.

⁹⁴ Letter from K.P. Malla, 1984, as quoted in Sassoon 1991.

Slusser's pride of her involvement in shaping American taste and market demand for Nepali cultural objects shines through in her description of the events leading up to this very 1975 exhibition:

Politically and culturally of enormous significance to the long-sequestered kingdom, the year 1950 was also epochal to the world of art for it was only then that the country's remarkable art treasures were freely exposed to the hitherto excluded world. That world's immediate appreciation is evident by the fact that it took scarcely a decade before the first exhibition of Nepali art was held – in 1964 at Asia House, New York – and could be followed there so soon after, in 1975, by another exhibition composed entirely of objects borrowed from American museums and private collectors.⁹⁵

It is clear that Slusser prioritized the aesthetic (and, therefore, monetary) value of Nepal's "art treasures" over their function as part of living heritage, doing whatever it took to remove these cultural objects from their original contexts in order to be appreciated by a more worthy Western audience.

Conclusion

It is our hope that this article has laid out the broad details of Slusser's mischaracterizations of Nepali history and culture and made clear how her work was aimed at justifying the extraction of cultural objects from the country, contrary to national legislation and in direct violation of its living heritage. Because the threadbare nature of these mischaracterizations and justifications might seem obvious, we will close with a reminder about how thoroughly Slusser's claims have been adopted by American audiences. A review of *Nepal Mandala* in the *Washington Post* called it "the definitive work" on the country, demonstrating that Slusser had convinced the reviewer that she had done exactly what she had claimed.⁹⁶ The reviewer praised Slusser for "mapping the walls of lost and forgotten cities" and "studying countless ancient, long-neglected shrines." Never mind that her map was drawn from directions given to her by the citizens of Kathmandu, who would be surprised to learn that they were living in a "lost and forgotten" city. Never mind that nearly all of these "long-neglected" shrines were still in daily, continuous use. The reviewer also marveled that Slusser "soon discovered that the Nepalese were traditionally not much interested in 'history' in the Western sense" and insisted that she "completed her voluminous research just in time," quoting Slusser's claims in *Nepal Mandala*'s preface about Nepalis "sloughing off" their past in the face of modernization.

We might also be tempted to dismiss Slusser's views about the extraction of Nepali cultural objects as a product of her time – a retrograde, paternalistic mindset that few scholars would be willing to admit to holding today. But the continued acceptance of her scholarship, without acknowledging the way it distorts Nepali history and culture in order to justify the theft and smuggling of its heritage, shows that we are far from demonstrating that we have moved past Slusser's world view. This is especially true when Slusser's scholarship is still referenced in connection with existing collections. The Virginia Museum of Fine Arts and the Rubin Museum, for example, cite her work on the objects they hold without commenting on the ethical dilemmas raised by the information she reveals in that work.

⁹⁵ Slusser 1985.

⁹⁶ N. W. Ross, "The Threatened Treasures of Nepal," *Washington Post*, 23 January 1983, <https://www.washingtonpost.com/archive/entertainment/books/1983/01/23/the-threatened-treasures-of-nepal/a3a067c5-e641-4ebb-a413-0189a2e65877/>.

But even though these entries in Western collections databases do not raise discomfiting questions on their own, such information can give us clues about the key figures who facilitated the trade in looted objects. These clues are a first step in holding facilitators accountable for the damage they have done – an accountability often rendered impossible thanks to the level of unquestioned trust often accorded to scholars. If we are no longer willing to engage in the acquisition practices born from an assumption of the inferiority of the non-Western creators and users of the cultural objects, but we still organize, publicize, display, and retain these collections in a way that is deeply rooted in this mindset, how much can we say that we have really moved beyond it? A thorough reconsideration of the scholarship that has formed a foundation both for the appreciation and exploitation of other cultures by Western collectors is necessary before we can answer this question.

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Bibliography

- Argyropoulos, Vasilike, Kyriaki Polikreti, Stefan Simon, and Dimitris Charalambous. 2011. "Ethical Issues in Research and Publication of Illicit Cultural Property." *Journal of Cultural Heritage* 12, no. 2: 214–19.
- Balcells, Marc. 2014. "Art Crime as White-Collar Crime." In *Cultural Property Crime*, edited by J. D. Kila and M. Balcells, 96–110. Leiden: Brill.
- Bangdel, Lain Singh. 1989. *Stolen Images of Nepal*. Kathmandu: Royal Nepal Academy.
- Berreman, Gerald D. 1991. "Ethics versus 'Realism' in Anthropology." In *Ethics and the Profession of Anthropology: Dialogue for a New Era*, edited by Carolyn Fluehr-Lobban, 38–71. Philadelphia: University of Pennsylvania Press.
- Brodie, Neil. 2009. "Consensual Relations? Academic Involvement in the Illegal Trade in Ancient Manuscripts." In *Criminology and Archaeology: Studies in Looted Antiquities*, edited by P. Green and S. Mackenzie, 41–58. Oxford: Hart Publishing.
- Brodie, Neil. 2011. "Congenial Bedfellows? The Academy and the Antiquities Trade." *Journal of Contemporary Criminal Justice* 27: 411–40.
- Brodie, Neil. 2016. "The Role of Conservators in Facilitating the Theft and Trafficking of Cultural Objects: The Case of a Seized Libyan Statue." *Libyan Studies* 48: 117–23.
- Brodie, Neil. 2017. "Scholarly Engagement with Collections of Unprovenanced Ancient Texts." In *Cultural Heritage at Risk*, edited by K. Almqvist and L. Belfrage, 123–42. Stockholm: Ax:son Johnson Foundation.
- Conklin, John. 1994. *Art Crime*. Westport: Praeger Publishers.
- Felch, Jason, and Ralph Frammolino. 2011. *Chasing Aphrodite: The Hunt for Looted Antiquities at the World's Richest Museum*. New York: Houghton Mifflin Harcourt.
- Foucault, Michel. 1977. *Power/Knowledge*, translated by C. Gordon, L. Marshall, J. Mepham, and K. Soper. New York: Pantheon.
- Gerstenblith, Patty. 2014. "Do Restrictions on Publication of Undocumented Texts Promote Legitimacy?" In *Archaeologies of Text: Archaeology, Technology, and Ethics*, edited by M. Rutz and M. M. Kersel, 214–26. Oxford: Oxbow.
- Gill, D. W. J. 2012. "Context Matters: Fragmented Pots, Attributions and the Role of the Academic." *Journal of Art Crime* 8: 79–84.
- Hardy, Samuel. 2021. "Conflict Antiquities' Rescue or Ransom: The Cost of Buying Back Stolen Cultural Property in Contexts of Political Violence." *International Journal of Cultural Property* 28, no. 1: 5–26.
- Joshi, Rija, Alina Tamrakar, and Binita Magaiya. 2021. "Community-based Participatory Approach in Cultural Heritage Reconstruction: A Case Study of Kasthamandap." *Progress in Disaster Science* 10: 100–53.
- Liechty, Mark. 2005. "Building the Road to Kathmandu: Notes on the History of Tourism in Nepal." *Himalaya* 25, no. 1: 19–28.
- Liechty, Mark. 2017. *Far Out: Countercultural Seekers and the Tourist Encounter in Nepal*. Chicago: University of Chicago Press.
- Mackenzie, Simon, and Tess Davis. 2014. "Temple Looting in Cambodia: Anatomy of a Statue Trafficking Network." *British Journal of Criminology* 54, no. 5: 722–40.
- Mackenzie, Simon, and Donna Yates. 2016. "Collectors on Illicit Collecting: Higher Loyalties and Other Techniques of Neutralization in the Unlawful Collecting of Rare and Precious Orchids and Antiquities." *Theoretical Criminology* 20, no. 3: 340–57.

- Mackenzie, Simon, and Donna Yates. 2017. "What Is Grey about the 'Grey Market' in Antiquities?" In *The Architecture of Illegal Markets: Towards an Economic Sociology of Illegality in the Economy*, edited by J. Beckert and M. Dewey, 70–86. Oxford: Oxford University Press.
- Mackenzie, Simon, Neil Brodie, Donna Yates, and Christos Tsirogiannis. 2019. *Trafficking Culture: New Directions in Researching the Global Market in Illicit Antiquities*. London: Routledge.
- Maddick, Peter. 2013. *Once Upon a Time in the Sixties: London, Chelsea and the King's Road*. London: Bookline & Thinker.
- Mazza, Roberta. 2021. "Descriptions and the Materiality of Texts." *Qualitative Research* 21, no. 3: 376–93.
- Pal, Pratapaditya. 1985. *Art of Nepal*. Los Angeles: University of California Press.
- Prescott, Christopher, and Josephine Munch Rasmussen. 2020. "Exploring the 'Cozy Cabal of Academics, Dealers and Collectors' through the Schøyen Collection." *Heritage* 3, no. 1: 68–97.
- Price, David H. 2016. *Cold War Anthropology: The CIA, the Pentagon, and the Growth of Dual Use Anthropology*. Durham, NC: Duke University Press.
- Rabin, Matthew. 2019. "Moral Preferences, Moral Constraints, and Self-serving Biases." *University of California at Berkeley, Department of Economics Working Paper* no. 95–241. https://scholar.harvard.edu/files/rabin/files/moral_preferences.pdf.
- Sassoon, David. 1991. "The Antiquities of Nepal: It Is Time to Start Listening to Communities Whose Possessions Have Become Objects of International Consumption." *Cultural Survival Quarterly* 15, no. 3: 47–52. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/antiquities-nepal-it-time-start-listening-communities>.
- Schick, Jürgen. 2006. *Gods are Leaving the Country: Art Theft from Nepal*. Bangkok: Orchid Press.
- Slusser, Mary Shepherd. 1972. "Nepali Sculptures: New Discoveries." In *Aspects of Indian Art*, edited by P. Pal, 93–104. Leiden: Brill.
- Slusser, Mary Shepherd. 1974. "The Wooden Sculptures of Nepal: Temples, Images and Carved Walls." *Arts of Asia* 4, no. 5: 51–71.
- Slusser, Mary Shepherd. 1979. "Indreśvara Mahādeva, a Thirteenth-Century Nepalese Shrine." *Artibus Asiae* 41, nos. 2–3: 185–225.
- Slusser, Mary Shepherd. 1982. *Nepal Mandala: A Cultural Study of the Kathmandu Valley*. Princeton, NJ: Princeton University Press.
- Slusser, Mary Shepherd. 1985. "South and Southeast Asian Art at the Los Angeles County Museum of Art: The Nepalese Collection." *Arts of Asia* 15, no. 6: 90–101.
- Slusser, Mary Shepherd. 1990. "An India-Import Devī Mahisāsura-Mardinī Scroll from Nepal." *South Asian Studies* 6, no. 1: 43–69.
- Slusser, Mary Shepherd. 1996. "Dry-Lacquer or Clay? Preliminary Notes on a Neglected Nepalese Sculptural Medium." *Contributions to Nepalese Studies* 23, no. 1: 11–33.
- Slusser, Mary Shepherd. 2001. "Nepalese Unfired Clay Sculpture: A Case Study." *Orientalia* 32, no. 7: 71–80.
- Slusser, Mary Shepherd. 2005. "More on 'Turning a Blind Eye.'" *Orientalia* 36, no. 4: 73–74.
- Slusser, Mary Shepherd. 2006. "Goddess or God? A Case of Stolen Identity." *Orientalia* 37, no. 4: 55–59.
- Slusser, Mary Shepherd, and Lila M. Bishop. 1999. "Another Luri, A Newly Discovered Cave Chorten in Mustang." *Orientalia* 30, no. 2: 18–27.
- Slusser, Mary Shepherd, and Gautama V. Vajrācārya. 1973. "Some Nepalese Stone Sculptures: Further Notes." *Artibus Asiae* 35, no. 3: 269–72.
- Slusser, Mary S. (ed) 2005. *Art and Culture of Nepal: Selected Papers*. Kathmandu: Mandala Publications.
- Smith, Emiline. 2022. "The Ongoing Quest to Return Nepal's Looted Cultural Heritage." *Georgetown Journal of International Affairs* 23, no. 2: 264–71.
- Spivak, Gayatri Chakravorty. 2010. "Can the Subaltern Speak?" In *Can the Subaltern Speak? Reflections on the History of an Idea*, edited by R. C. Morris, 21–79. New York: Columbia University Press.
- Vajrācārya, Gautama V. 2018. "Obituary: Mary Shepherd Slusser (1918–2017)." *Himalaya* 38, no. 1: 203–5.
- Yates, Donna, and Simon Mackenzie. 2018. "Heritage, Crisis, and Community Crime Prevention in Nepal." *International Journal of Cultural Property* 25, no. 2: 203–21.
- Yates, Donna, and Emiline Smith. 2022. "Museums and the Market: Passive Facilitation of The Illicit Trade in Antiquities." In *Oxford Handbook of Museum Archaeology*, edited by A. Stevenson, 88–97. Oxford: Oxford University Press.

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