

The Usurpation of Ancient Intellectual Property:  
The Restoration of Maya Sites and the Social Role of Archaeology in the Contemporary  
Scene.

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The built environment is recognized as a form of cultural expression, one that is replete with social meaning. The modern territory of Belize, El Salvador, Guatemala, Honduras, and Mexico, has thousands of Maya settlements dating from Pre-Classic to Post-Classic times (1000 BCE-1500 CE). The effective conservation of Maya architecture implies looking at different aspects of ancient construction in the context of current archaeological research. Since the early 1900s, field archaeologists uncover the different layers that conform the architectural history of ancient settlements, along with the social processes embedded in buildings as artifacts. Guided by almost the exact same methods implemented by the first archaeological projects of the last century, approaches to architecture still include the stratigraphic excavation and documentation of architectural features (i.e. floors, walls, decorative elements). Therefore, the study of Maya buildings has been typically concerned with chronological histories and the use of theoretical frameworks of politic and stylistic analysis to infer architectural function.

Field archaeologists and conservators face the challenge of interacting not only with material culture they uncover but also with presenting the past to the public, both national and international. Although, the tradition of preserving Maya sites is at least a century old, there exists a tradition of transforming original remains into completely new structures. The idea of preserving a site is overwritten with proud intentions to shine as the best and most amazing site for the tourist to experience. Today, the restoration of ceremonial architecture in the Maya area is extensive and represents a direct contact with

the history of ancient and contemporary Maya peoples. Within the context of their original settings, buildings are displayed for the amusement and education of a national and international audience in the form of an institutionalized representation of Maya culture that sometimes overwrites the archaeological data by creating marketable cultural commodities. On one hand, we have the scientific community contributing to our knowledge of ancient societies, and on the other, a big need to exploit our cultural heritage as a commodity for economic profit. Even if we struggle to keep a balance, the second almost always prevails. As architectural conservators, we are faced with the dilemma of presenting the past to local populations and international travelers that have completely different agendas and interests.

The northern Guatemalan region of El Peten has the largest tropical forest of Central America. The depopulation of the area since the Late Classic Period (600-900 CE), allowed for the regeneration of the natural environment and, in most part, for the preservation of a vast area of ancient settlements. From 1926-1937, the Peten housed the first archaeological project in Guatemala by the Carnegie Institute of Washington (Ricketson and Ricketson 1937, Smith 1950). After its discovery in 1916 (Morley 1943), the site of Uaxactun attracted the interests of scholars since it was known to have one of the oldest inscriptions and an astronomical complex. To this point, Maya archaeology was at its beginnings and it was in the jungles of Peten that a methodology for the study of architecture was developed (Black 1990). Research and travel conditions to the area were nothing close to the modern roads and international airports of this day. The archaeology and tourism of Petén continuously presents ethnocentric and preconceived opinions of past and present societies. As the result of archaeological research and the

development of tourist attractions (like the Tikal National Park), almost take over the rest of the economy in the region. Archaeological sites are evaluated and designed to meet the standards to compete internationally as a destination where everything and everyone is proudly “Maya”. Maya identity will never be encapsulated on an absolute category. Our current understanding of the ancient Maya is explained through the role of the past in our society. Unlike ethnographers, archaeologists lack the direct communication with the people they study. So even to the denial of archaeologists, we utilize our visual perception to interpret the objects we collect as part of the archaeological record. To a certain point, artifacts or material remains of ancient times are understood and interpreted as visual representations of contemporary conceptions of the past (Stone and Molyneaux 1994:4).

With the lack of copyrighted architectural designs, there is no objection to the new reconstruction of ancient buildings. Recent works in Tikal and Yaxhá are some of the best examples of the new uses and public performances of architectural settings, that include public rituals of indigenous groups, and the overloading of tourists. Lately, some groups are claiming the “right of access” to a sacred place, while others just look for a sanctified experience commemorated in a photographic moment. Governmental efforts are mainly guided toward the exploitation of archaeological sites, ignoring the original purpose of buildings was not to serve as props for the economy. The continuous erosion and overcapacity of buildings, and the few investments in their conservation and maintenance evidence such abuse.

Beyond the legal implications of intellectual property, this paper is intended to draw attention to the big problem that is currently represented by the reconstruction of

architectural remains at Maya sites. The efforts of preserving the architectural legacy of ancient populations can be highly challenged by the mistaken idea of institutions and individuals that misuse restorative techniques to give ancient buildings the ultimate and extreme make over. As we can attest by visiting the most popular archaeological sites near the Cancún area in southeast Mexico, or the national icons of Copán, Honduras and Tikal, Guatemala, there has been little respect shown to ancient construction systems. It is that intangible nature of technological knowledge that makes us wish there was some sort of protection against the abuse of modern reconstructive methods. Unfortunately for those concerned with the study of material culture and the preservation of ancient construction techniques, the unstoppable trend of not examining and interpreting a building before deciding to get “creative” with it, becomes a real challenge. Architects are thought to be creative and explore new ways of solving a social need in the form of aesthetically correct forms. On the other hand, archaeologists are trained without the foundations of architectural theory and history, and are commonly used to treat the building as if it was no more than the context of other smaller artifacts (e.g. ceramics, bones, lithics).

The Convention for the Safeguarding of Intangible Cultural Heritage (ICH) intends to go beyond the World Heritage Convention that focuses on material heritage (Kono 2009). I think it is imperative to note that when it comes to architectural remains, we need to recognize the duality of heritage. Of course, no one will argue that an ancient Maya building should be protected and preserved. But, who will argue in favor of protecting the rights of those builders and creators that gave them meaning and its original function? To this day, a great deal of archaeological research in the Maya area

focuses on architectural function and meaning only to acknowledge its limitations (Houston 1998). These consist on the little time spent developing more accurate approaches to architecture, and in the lack of written records and oral histories that can help decipher ancient construction processes.

We typically categorize buildings into generic functional terms such as palace, or temple that mainly come from other cultures and completely different social contexts. The economic aspects of monumental architecture, along with their ceremonial attributes, make the typical site tour be all about experiencing the elite populations and the wonderful architectural settings for ancient kings and queens. But Maya buildings were not all about the privileged part of society. Architecture is recognized as the result of a long process where more than one person is involved. Public architecture is tight to sociopolitical and cultural implications that imply collective efforts. As problematic as it is to establish the original function of an ancient building, there is little refraining from assigning Maya sites the new purpose of serving as tourist attractions. First of all, in my view, an old structure ceases to be a house or a place of veneration when its remains were substituted with a modern shell that may or may not reflect its original form. Those tourists on the top of a building are the new users that turn it into some sort of resort. Second, it is that false appearance that creates a new narrative for the history of the building. Most importantly, it is that innovated shape that carries all the meaning and understanding of its builders and the ancient knowledge of construction.

Nowadays, the almost extreme position of some conservators is to document all architectural elements in details as if they all were to be restored, and to leave the building appearance as closely as possible to the way it has been found by archaeologists

(Larios 2008). In doing this, not only we are preserving the building but the right to prevail of its deterioration history and the knowledge of its original creators.

Cultural rights not only include the protection of cultural property and heritage but also “the right to benefit from the protection of moral and material interest resulting from any literary or artistic production” (Goonasekera et. al. 2003:5). So, what happens when architectural data is shaped into a uniform reconstructed form, or when the lack of protection of original remains results in the loss of unique forms? The Petén region in northern Guatemala presents us with a unique case, since the area was recently repopulated by a diversity of groups.

Archaeology plays an important role toward the construction in already contested identities as part of a national historical narrative. The public aspect of archaeological research becomes relevant in the protection of ancient intellectual property. The attempt to reconstruct the social identity of ancient populations by archaeologists should be as important as the study of contemporary interrelations of existing inhabitants of the Maya region and their Pre-Columbian past that is commonly taken for granted by archaeologists. Cultural tourism has promoted the reutilization of architectural settings as tourist attractions, through the redefinition of archaeological interpretations and our perceptions the ancient Mayas through the reenactment of some of their most *popular*<sup>1</sup> performances.

The introduction of cultural tourism in Mexico and Central America provides a new agenda to generate representations of Pre-Hispanic historical events by using a combination of marketing strategies and the archaeological record. To a certain extent,

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<sup>1</sup> By popular I specifically refer to specialized studies that throughout the history of Mesoamerican archaeology have captivated both scholars and are well known to a general public (e.g. ballgames, incense burning, royal accession, warfare and astronomical phenomena).

scientific data is typically restricted to academia and professionals of the field of Maya anthropology and history, and only part of those interpretations are left accessible to the general public. It is of special interest to review the cultural right of access to knowledge included in the UNESCO Universal Declaration on Cultural Diversity (Goonasekera 2003:11). Scientific knowledge can and should reach a broader audience besides academia and the professional realms of archaeology contributing to the construction of cultural identities that can eliminate the temporal and shallow reconstructions and performances of cultural heritage.

The limited exercise of archaeological conservation has resulted in new predicaments whose solutions might go beyond the aesthetic aspects of restoration to take into account the modern multicultural dynamics in the Maya region. The implementation of new anthropological approaches for the interpretation and use of ancient architecture is needed in order to responsibly advance our understanding and respect of ancient Maya culture and its relations to modern societies.