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# OBJECT LESSONS : THE QUESTION OF CULTURAL PROPERTY IN THE AGE OF REPATRIATION

## Michael E. HARKIN \*

Northwest Coast material culture has become increasingly identified as cultural property, a quasi-legal concept that denotes objects of a collective patrimony. This represents a radical shift from earlier notions of property, seen strongly as privately owned by individuals and family groups. Moreover, the status of these objects as art, that is, framed in a museum setting and partaking of certain transcendent qualities derived from the Western tradition, represents a dramatic redefinition of pieces that were considered analogous to human beings, as temporary entities. This process of redefinition, which is generational, political, and an invention of tradition, is probably inevitable. [Key words : art, aesthetics, museums, cultural property, Northwest Coast, repatriation.]

Leçons d'objets : la question de la propriété culturelle au temps du rapatriement. La culture matérielle de la Côte nord-ouest est de plus en plus conçue comme une propriété culturelle, un concept quasi légal qui identifie les objets comme éléments d'un patrimoine collectif. Il s'agit là d'une modification radicale par rapport aux conceptions anciennes de la propriété : celle-ci était fortement ancrée dans la possession privée par des individus et des groupes familiaux. Par ailleurs, l'accession de ces mêmes objets au statut d'œuvres d'art, par leur inscription dans les musées et l'affectation qui leur est faite, sur le mode occidental, d'une valeur transcendante, redéfinit complètement leur nature puisque, jusqu'alors, ils étaient considérés, à l'instar des êtres humains, comme des entités passagères. Ce processus de redéfinition, qui est dans l'air du temps, a une dimension politique et représente l'invention d'une tradition, est probablement inévitable. [Mots clés : art, esthétique, musées, propriété culturelle, Côte nord-ouest, rapatriement.]

Lección de los objetos : el problema de la propiedad cultural en el tiempo de la rapatriación. La cultura material de la costa del Noroeste aparece más y más como una propiedad cultural, un concepto casi legal que se aplica a objetos formando un patrimonio colectivo. Eso representa un cambio radical respecto a las antiguas nocio-

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nes de propiedad, las cuales remitían a la posesión privada por parte de individuos y grupos de familia. Aparte de eso, la adquisición por estos objetos del estatuto de obras de arte, ya que se exponen en museos y se les reconoce, al modo occidental, un valor transcendental, modifica su naturaleza misma : en efecto, antes eran considerados, al igual que los hombres, como entidades temporarias. [Palabras claves : arte, estética, museos, propiedad cultural, costa del Noroeste, rapatriación.]

## CONTEXT

The Northwest Coast of North America is an ethnographic region stretching from southeast Alaska to the Oregon-California border, including the temperate lands to seaward side of the high Coastal and Cascade mountain ranges, and coastal archipelagos. Within this region, hundreds of indigenous communities, classified by anthropologists into ten major cultural-linguistic groupings, achieved a high degree of refinement in material culture. In the 19th century, Europeans began to appreciate this material culture, although often at the same time they perceived it as a type of subversively primitive cultural production. (In fact, the two perspectives are not unrelated, as we see in the writings of surrealists such as André Breton ; such objects were useful *pour épater le bourgeois*.) This recognition came to a climax in the first half of the 20th century, when two major cultural forces in the West came to impinge upon Northwest Coast cultures : the project of eradication undertaken by missionaries and governments, in both the US and Canada, and the redefinition of Northwest Coast material culture as fine art.

The eradicationist project was most fully realized in the Potlatch Law, passed by the Canadian Parliament in 1885. This law made illegal virtually all visible aspects of expressive culture, including ritual and art. It focused on the « potlatch », an institution practiced by all Northwest Coast cultures in one form or another, which entailed giving away large amounts of material property (Cole and Chaikin 1990 ; Mauzé 1995 ; U'Mista 1975 ; Harkin 2001). The law was, for a variety of administrative, legal, and political reasons, not successfully enforced during the first three decades of its existence. However, in 1921, the federal government, through the agency of the Royal Canadian Mounted Police, arrested participants at a potlatch hosted by Kwakwaka'wakw chief Dan Cranmer (see Loo 1992). The forty-five prosecutions under the Potlatch Law were successful. As part of the legal settlement, which included suspended or reduced sentences, some of those convicted were forced to give up their masks and other ceremonial objects, a total of more than 750 items; these formed the basis for ethnological collections at museums in Ottawa, Toronto, and New York (Cole and Chaikin 1990 : Jacknis 1996 : Sewid-Smith 1979).

At about the same time, in a much different cultural milieu, Northwest Coast objects were similarly coming into play. In the aesthetic avant garde, Picasso and THE QUESTION OF CULTURAL PROPERTY

the surrealists were focusing intently upon *« l'art nègre »* (Clifford 1988, pp. 117-151). The Paris-based circle of surrealists, including figures such as André Breton, Max Ernst, and Salvador Dali, made use of the Trocadéro museum collections of African and other tribal art, and began to collect such objects themselves. For them, such art provided insight into the workings of consciousness repressed in traditional Western forms (see Price 2001, pp. 31-33). Moreover, they used it to re-examine the notion of the art object in interesting ways, which prefigure more recent anthropological discussion (e.g., Gell 1998). Thus Breton, who was a master collector and came to own some important pieces of Northwest Coast art, developed the notion of « magic art » to refer to tribal art. Such art was « magic » in part because it possessed agency (Breton 1978 [1957], pp. 292-294). Ironically, despite this potentially liberating (that is, from what Michael Ames calls the « glass boxes » of traditional museum display) theory, the very fact that Northwest Coast art became a favorite of the surrealists led rather directly to its museofication.

Although Northwest Coast material constituted only a small part of the original Trocadéro collection, the arts of Oceania and North America gradually eclipsed those of Africa in the surrealist canon during the 1920s (Degli and Mauzé 2000, pp. 98-99). For Northwest Coast art, things would change rapidly during the Second World War. In 1941, André Breton and other surrealists fled to the United States, where they formed an expatriate community in New York City. Joined by a young French anthropologist, Claude Lévi-Strauss, who was familiar with Northwest Coast culture through his association with Franz Boas, this group studied and collected the art (Lévi-Strauss and Éribon 1991, pp. 25-46). Lévi-Strauss himself was a major collector, picking up pieces cheaply, in advance of broader commercial interest in the art. He sold a large part of this collection in 1951; private donors later gave many of them to the musée de l'Homme, successor to the Trocadéro.

In North America, a parallel process was occurring. At about the time that the surrealists were celebrating « primitive » art, the Canadian intelligentsia were searching for visual symbols of nationhood. In Ontario, the artists of the Group of Seven school were creating a nationalist landscape aesthetic based on the rugged north shore of the Great Lakes and the Canadian Shield. At the same time, on the west coast Emily Carr was painting landscapes that were distinctive for incorporating traces of native art and architecture. The figure linking the two regions was Marius Barbeau, anthropologist and folklorist in the employ of the national museum, who had conducted fieldwork in British Columbia. He explicitly supported the Group of Seven and Carr, and was particularly interested in incorporating Northwest Coast artistic forms, almost as a diacritic of a Canadian nationalist landscape (Slaney 2000). Indeed, such associations persist into the present, as nationalist institutions such as the McMichael Gallery outside Toronto display both extensive Group of Seven collections, and, increasingly,

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examples of Northwest Coast art, including the Vancouver Art Gallery's 1998 exhibition *Down from the Shimmering Sky* (MacNair *et al.* 1998).

Three decades earlier, in 1967, The Arts of the Raven exhibition held at the Vancouver Art Gallery officially recognized Northwest Coast objects as « high art, not ethnography » (Duff 1967). One could argue whether this is a distinction without a difference, however, since Boas had long applied formal aesthetic criteria to objects he considered to be ethnographic (Ames 1992, pp. 52-53; Boas 1955). Indeed, as Ira Jacknis (2002) has recently argued, Boas and his native colleague George Hunt were engaged in a collaborative enterprise of simultaneously aestheticizing and ethnologizing Kwakwaka'wakw material culture. Both art and ethnology end up in much the same place. Moreover, each represent discursive strategies for removing objects from their original contexts and owners (see Glass 2004b). Moreover, even in the realm of museological display, the traditional distinction between ethnologic and fine art has been breaking down for years, a process culminating in the recently-opened Museum of the American Indian in Washington, DC, with its aestheticized, minimally contextualized display regime<sup>1</sup>. In any case, the incorporation of Northwest Coast artifacts into the collector/museum nexus represents a key moment in what Sally Price (2001) has called « the universality principle », whereby objects are assimilated into a global marketplace of and globalizing discourse about « primitive art ».

To complete the circle, in 2000, a new gallery at the Louvre was opened to display « world art ». Lévi-Strauss' pieces play a prominent role in this gallery. Northwest Coast art has achieved a rapid ascent in public estimation, measured both in terms of curatorial deference and market valuation ; authentic 19th-century pieces fetch six-figure prices, with modern creations not far behind. The Northwest Coast collections in major museums of art or natural history, with their totem poles and canoes, as well as smaller ceremonial art, are the major drawing card for these institutions. The famous « Indian Hall » in the American Museum of Natural History, celebrated by J. D. Salinger in *Catcher in the Rye*, has become a city landmark (Jacknis 2004).

This combination of factors makes the Northwest Coast an extremely interesting case study for an examination of the concept of cultural property, although one that cannot be thought of as typical. However, many of the complications that arise in considering the question of cultural property in the context of repatriation are far from unique, and find analogues in other regions. Three main themes will constitute the focus of my analysis : the idea of private *vs.* communal property (and its attendant problem of secrecy), the status of the object, and what Barbara Kirshenblatt-Gimblett (1998, p. 3) calls the « political economy of display ».

## **P**RIVATE PROPERTY

A characteristic intellectual habit of Western civilization has been to assume that peoples outside it represent marvelous inversions of their own social and cultural forms (see Deloria 1998, pp. 168-170; Greenblatt 1991, pp. 119-122; Krech 1999)<sup>2</sup>. In a famous example, the quasi-hoax of the Chief Seattle speech, the 19th-century Suguamish leader was made a spokesman for a utopian communitarian vision that was little removed from Rousseau's (Kaiser 1987; see Krech 1999, p. 214). A key issue in the Seattle speech is the notion of land ownership, which is said to be unthinkable. In fact, in the Northwest Coast, the region of Chief Seattle, ownership of land and goods was highly developed, comparable in some areas to Europe in the Middle Ages. Both groups and individuals owned streams rich with fish, productive land, village sites, and other types of territory. Indeed, one function of the potlatch was to establish such ownership claims in a public, quasi-juridical setting (see Adams 1973). Most Northwest Coast societies were stratified chiefdoms, meaning that a chief would hold land ultimately in trust for his people, but could control access to resources both temporally and spatially - much as a European feudal lord did (see Lévi-Strauss 1982, pp. 174-180). Territory was delimited with boundary markers, either natural or constructed landscape elements. Chiefs allowed their own people to use this land, but only in certain circumstances, including ritually defined « seasons » for salmon. In addition, certain territories were retained for the exclusive use of a chief or his designee. These might include sacred sites, such as whaling shrines or spirit caves, bathing pools, or special resource areas. In each Northwest Coast tribe, ownership of territory was more or less well developed, and with relatively clear lines of inheritance. This type of land ownership was restricted to chiefs. Beyond the question of land, which demonstrates clear principles of ownership, if not on the Western « fee simple » (i.e., fully alienable) model, ownership of other categories of goods, including objects and slaves, extended broadly throughout these societies. The ceremonial objects, and their attendant ritual knowledge, were the most private sort of private property, and, have come to be seen as prime examples of cultural property (Suttles 1958; see Townsend-Gault 1997, pp. 152-153).

An immediate conflict arises in the context of repatriation. Cultural property, as a legal concept, implies *collective* ownership (Harding 1999, pp. 297-300). Under NAGPRA<sup>3</sup>, the repatriation of materials is by definition to a community; the property is thus defined as communal or, technically, as « cultural patrimony » (Harding 1997, p. 729). Although this is arguably the most practical possibility – trying to sort out the lines of inheritance, which would rarely run patrilineally and which are often in dispute in specific communities, would prove very difficult, although probably no more so than efforts to place European art stolen by Nazis – it exposes deep rifts within indigenous communities (see Glass

2004b for a comparison of the issues of repatriation and return of Nazi art). To generalize, older and more conservative community members, who often (confusingly, to the outside observer) embraced aspects of the eradicationist project, especially Christian missionization, retain traditional notions of individual property rights. Opposing them are younger, well-educated and sophisticated community members (sometimes with degrees in anthropology or related fields) who wish to reconstruct an idealized vision of native culture as a communitarian utopia, or, at the very least, as a unified organic community, with little conflict and few internal divisions (Dombrowski 2001). Such an « invention of tradition » serves the current political purposes of the cultural elite well (see Hobsbawm and Ranger 1983 : Mauzé 1992). This conflict between visions of the past and its role in defining the present becomes institutionalized, inasmuch as the advocates of cultural property are affiliated with, or hope to establish, cultural institutions in which to house this property. They also, ex officio, become the community spokesperson to the outside world, and so are ultimately much more influential on global debates concerning repatriation and cultural property (Brown 2003, pp. 43-68; Saunders 1997, pp. 108-111; see Thomas 1992, pp. 222-223).

To give a case in point, the Tlingit of southeast Alaska have received materials repatriated from collections in the Anchorage Museum of History and Art, and elsewhere (Kan 2000; Thomas 1994). The totemic system among the Tlingit, tied to a strict matrilineal descent structure, makes the ownership of such property fairly easily traceable for cultural insiders. In some cases, the present legitimate owner of the property opposes quite strongly its being displayed in a community museum. There, it is subject to the gaze of unqualified persons, outsiders of various sorts. Moreover, in some of these elders' minds, some material may be connected with non-Christian beliefs, and so may be considered dangerous to the community's spiritual health.

This is tied to the issue of secrecy, as Harding (2000) has discussed it in the context of key repatriation cases. In addition to the more commonly accepted notion of secrecy between an indigenous community and the outside world, multiple boundaries of secrecy exist within a community ; these boundaries are defined by factors such as kinship, gender, rank, and age (Suttles 1958; Townsend-Gault 1997, pp. 152-153). In most Native American cultures, even the relatively egalitarian ones of the Great Plains, access to sacred property was highly selective ; for this reason, traditionalists have on occasion opposed the repatriation of objects from distant museums, where they are thought to be relatively safe, into communities where few people know or respect the proper protocol for dealing with them (see Ridington and Hastings 1997). On the Northwest Coast, such concerns are compounded. Northwest Coast societies all were defined to a very large degree by rank and kinship. The knowledge that was required of one person was forbidden to another ; as I discuss below, this knowledge almost always hung on material objects.

Given all this, the acceptance of repatriated objects as *cultural property*, that is, constituting part of an inalienable, communal heritage, is a radical innovation. It is linked to other sorts of cultural changes among the Tlingit and elsewhere. In a broad sense, what is at stake is the very sort of entity a native community is. (From a somewhat different perspective, but striking a similar theme, Ira Jacknis [2002, p. 345] has said that aboriginal museums « are always reflexive institutions... giv[ing] one culture's view of itself to itself ».) Traditionalists would tend to view most modern native communities (reservation or non-reservation, as in Alaska) as concatenations of particular families and lineage or clan groups. The ethnic community as a whole, for the Tlingit and in most native North American communities, would be seen as an artificial and temporary construct, or at most a sort of secondary affiliation. (A major exception to this would be the Pueblo communities of the Southwest, which, as the ethnonym implies, were constituted as towns, and have remained so with a remarkable degree of integrity.) Cultural innovators, especially those with links to national political structures, are attempting to constitute the communities as organic political entities, drawing on a variety of political and philosophical models in order to do so. Among the Tlingit, where the actual legal entity including all (Alaska) Tlingits is the Native Corporation (Sealaska), the gesture is to an idea of nationhood. In the recent past, controversy has erupted over the creation of a « Tlingit National Anthem » which traditionalists abhor as, paradoxically, very un-Tlingit (Dauenhauer and Dauenhauer 2004). For these traditionalists, a pan-Tlingit identity, to the degree that such a concept is reasonable, is properly represented in the context of the Russian Orthodox Church (Kan 1985). In the Tlingit community, the same faction who introduced the Tlingit National Anthem is behind the repatriation of objects as cultural property.

South of the international border, in British Columbia, repatriation has proceeded according to different protocols, but with similar results. In the absence of NAGPRA-like legislation, repatriation has occurred on a semivoluntary basis, which has tended to be put into effect by national museums in eastern Canada<sup>4</sup>. Regional museums in British Columbia itself have often avoided outright repatriation through the establishment of partnerships with native communities, the hiring of native artists and curators, and, in some cases, the reproduction of 19th-century pieces by modern artists. The largest and best-known case of repatriation was of the potlatch goods referred to above. In 1979, the National Museum of Man in Ottawa returned to the Kwakwaka'wakw the so-called « potlatch collection », to be distributed among two Kwakwaka'wakw communities in Alert Bay and Cape Mudge, British Columbia. Later repatriations from the Royal Ontario Museum in Toronto and the Museum of the American Indian (Heve Foundation) in New York restored the collection (Jacknis 1996, 2002; U'Mista 1983). Despite this success, at the time of repatriation, many among the older generation clearly desired, and expected, materials to

be returned to their owners, not to new community museums (Assu and Inglis 1989, pp. 105-106; Saunders 1997). In Cape Mudge, the continuing status of this material as private property, despite its presence in a museum, is made clear (Mauzé 1992, p. 29).

Each of the three collections mentioned so far – the Tlingit and the two Kwakwaka'wakw museums – represents a significant departure from traditional notions of display, which will be discussed below. At this point, to understand what a radical innovation all such museums represent, we must examine the nature of the object itself, and its role in both native and Western aesthetic philosophies.

## THE STATUS OF THE OBJECT

In the discourse on cultural property, we are asked to assume a particular epistemological stance toward the object : one that is unstated and probably unconscious. The aesthetic object is assumed to be, in Gadamer's (1986, p. 108) words, « timeless ». It partakes of « *parousia*, absolute presence », which creates a magical circle around the object and spectator and brings to the latter a radical sense of fulfillment, operating outside the flux of quotidian time (*ibid.*, pp. 113-114). The object is timeless in a second sense, as well. It exists outside the flow of history, and can speak with an immediacy across the ages. Thus the « classic », in what Gadamer (ibid., p. 255) calls the normative sense, is able to transcend time and history itself. We see an illustration of this in Keats' Ode on a Grecian Urn, in which the eminently corporeal and temporal act of sexual pursuit is captured in *parousia*, which can speak across the ages to the contemporary observer. That is, the moment is made eternal and immortal through the intervention of art; the definition of art is thus to make the fleeting moment eternal. Of course, such classical status may be accorded to other works, from other historical periods, such as Gothic cathedrals, paintings by Rembrandt or Picasso, or, increasingly, Northwest Coast objects (see Sax 1999). This « liberal » according of classical status to works of art from other cultures may be well-intentioned, but in many cases it ignores pre-existing categories. Moreover, it constructs a fiction around the object, which ignores not only its participation in time and history, but, in a more abstract sense, its « agency », as Gell (1998) argues. Far from being removed from the flow of history and of social life, certain objects - which are identical with the category of « art », as Gell sees it - possess the ability to act upon persons, including, interestingly, the artists who create them (Gell 1998, pp. 17-24; Galinier 2004). This accords with a widespread Northwest Coast belief that objects are produced by persons who, like shamans, are particularly good transmitters of sacred power, which flows through them to create the object (see Shane 1984).

Northwest Coast objects were far from timeless entities. Indeed, many objects had explicit or implied life cycles (see Kopytoff 1986). The copper shields (« cop-

pers »), which constituted the highest valuable in the potlatch, were fashioned to resemble human beings in a schematic way, and were said to pass through stages of life. At the pinnacle of the copper's value, it was destroyed, or « killed », often with a ritual knife that was said to be used to kill slaves as well. In fact, coppers were broken into pieces of copper sheet, each of which retained some residual value. On occasion they might be reassembled, and the copper thus « reborn », much as humans were believed to be reincarnated. During potlatches, other items were destroyed, including canoes and valuable wooden boxes. In each case, the objects were in some sense substitute sacrificial victims, sparing potential human victims – a purpose for which slaves were used in the precontact era (Donald 1997, pp. 80-81). Thus, in these cases, the object must be seen as a temporary, instrumental vehicle that derives its value from its ability to mimic human life, and in particular human death (see Boas 1966, pp. 81-98 ; Galinier 2004, p. 103).

On a more abstract plane, Marie Mauzé (1999) has argued that the sense of beauty, as a purely aesthetic category, does not exist among Northwest Coast cultures. Instead, a notion of « the good » was predicated on the idea of the aristocratic body, with tattoos, jewelry, and certain culturally prescribed deformations (particularly head flattening and the wearing of labrets), which stands as the prototype of all good objects. The lack of an independent notion of aesthetics does not mean that criteria of beauty do not exist : rather, they are implicated in broader categories, including morality. Indeed, beautiful objects are those which are well-made (a process embracing both skill and spiritual power, deriving from moral status) and which both represent and participate in the aristocratic world. As that last sentence makes clear, to speak of art « objects » is imprecise, as these partake in the agency and, in many cases, the morality and mortality of the human person.

We see these qualities especially in sacred objects : the masks and associated ritual paraphernalia. Indeed, another class of objects existed ; these were imbued with more sacred power (although coppers and other potlatch items were never simply profane objects – far from it). In particular, we must consider the masks, which by all accounts were the most sacred items, for they represented individual sacred beings. During the sacred winter season, these masks had the ability to transform the wearer from an ordinary person to an incarnation of the spirit being. Different cultures on the Northwest Coast possessed their specific pantheon of spirit beings, but these were usually connected with the origins of the human world, the coming into being of cosmos in place of chaos, and in particular the separation of humans from other beings (see Oosten 1992). During the winter season, the conditions of creation were recaptured, so that masks became part of a sacred drama, the conclusion of which was, dramaturgically speaking, always in doubt (see Holm 1990).

Such objects were connected with temporal transcendence, through their ability to represent what Eliade (1959, p. 21) calls the « illud tempus », similar to

Australian Aboriginal Dreamtime, the cosmological state of affairs present at creation, but which can be accessed by certain persons in the present. However, paradoxically, these masks and associated material were destined, like coppers, to a limited lifespan, a human-like mortality. Masks were often, in some places routinely, destroyed at the death of their holder. Skilled artists produced masks to reflect characteristics of both the spiritual being they represented and the owner who would wear them. Certain physical characteristics would be integrated into the basic design template of the figure represented. Thus, masks were a means of achieving a spiritual, as well as an aesthetic unification between wearer and the being represented (Harkin 1994). It was for more than reasons of mere practicality - the fact that they would not fit or look well on another wearer - that masks were often destroyed at the death of their owner, in a number of Northwest Coast cultures, e.g., Tlingit, Nootka, Heiltsuk, Salish, and Quileute (Laguna 1990, p. 219; Drucker 1951, p. 150; Kew 1990, p. 479; Powell 1990, p. 433; Sapir 1921, p. 366). The masks represented mediation between spirit and human, eternal and temporal. The burning of masks was, moreover, a means of sending their essence to the spirit world along with the owner's soul.

In the course of colonial history, faced with the powerful force of missionaries who arrived at a moment of crisis, many people converted to Christianity, especially Protestant Christianity, which stressed the « rebirth » of the spirit (Harkin 1993, 1997). What more logical response than to burn one's masks, as was known to have happened among the Heiltsuk, and probably elsewhere? If the old *persona* (a term that refers to the Roman *mask*) was no longer, then what use were its accouterments? Indeed, what more respectful way to treat these spiritual objects than to dispose of them in the traditional manner, ensuring their translation to a higher plane rather than their rotting away into the natural environment? With the prodding of zealous missionaries, bonfires of rich and complex meaning were lit (see Thomas 1991, pp. 154-157).

Other items of Northwest Coast art were similarly disposed of at the death (or conversion) of their owners. Poles and even houses were burned at the death of important chiefs. These each represented a unique social and spiritual identity : a synthesis of personal and transcendental qualities that were uniquely and temporarily conjoined in a historical individual. We might speculate that Northwest Coast art and world view were affected by the physical environment. Buildings were made of wood in a temperate rain forest, where nothing is likely to survive beyond a normal human life span. The Greeks built of stone in a clear, dry, bright environment, and derived the notion of the Platonic form and other transcendental concepts. But whether we accept the role of environment in the equation or not, the fact remains that the Northwest Coast philosophy of the object was, and to a certain degree still is radically different from that which Western civilization has inherited from the Greeks.

## POLITICAL ECONOMY OF DISPLAY

Of course, not all the objects were destroyed - if they had been, the question addressed here would be moot. More broad-minded or simply unscrupulous missionaries collected and sometimes sold these objects to museums and private collectors. Native people themselves often chose this route as a means of disposing of what they recognized as powerful and potentially dangerous objects that might seek revenge on their former owners. After sufficient exposure to missionary indoctrination, many people were ashamed of the objects, and the « savagery » they represented (Kan 2000). Others were concerned that younger generations lacked the esoteric knowledge to treat the objects correctly or respectfully. The status of these objects as private property made them at least partially alienable; indeed, commonly certain classes of objects, and their associated ritual knowledge, were given away in marriage exchange (Boas 1966, pp. 53-54; see Glass 2004a). Finally, the question of sheer financial gain must be considered. In a culture in which material wealth was equated with spiritual and moral power, the temptation to sell to private collectors or museums was intense. Representatives of the Field Museum and the American Museum of Natural History, including Franz Boas himself, and his colleague George Hunt, played upon such feelings (Jacknis 1991; 1996; 2002). Today these people and their descendants are criticized by elements within their communities for having « sold out » their culture, but such accusations are ridden with presentism and a failure to understand the intellectual underpinnings of traditional notions of aesthetics. To a large degree, such contemporary attitudes reflect the passing of power from an older to a younger cohort of native leaders, a process that in most places began in earnest in the 1960s (see Kan 1989).

It would be possible, however, to exaggerate the degree to which the relation between such objects and their owners was characterized by «fee simple » ownership, as the term is understood in western legal traditions, just as it is possible to overstate the relevance of a notion of « cultural property ». To begin with, the agency which I believe we must accord these objects works against their being considered as private property. The institution of slavery on the Northwest Coast notwithstanding, the categories of « property » and « agent » are somewhat, if not completely, conflicting. (Thus slaves were defined as those who had had their agency taken away from them.) Moreover, the imperative to treat objects with respect or according to certain protocols (such as the prohibition against members of another clan or mojety viewing them) may or may not lead to them being sold or otherwise treated as if they were private property. The fundamental point being that external definitions of the status of an object can only imperfectly represent that object's temporary status with regard to a much more complicated life history of ownership, exchange, and display.

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In the past three decades, a generational shift in power in both aboriginal communities and museums has led to the increasing destabilization of the older political economy of display, in which the metropolitan institution displayed (or, as in the case of the potlatch collection at the Museum of Civilization, did not display) artifacts extracted from « tribal » or « primitive » communities, while the latter were expected to remain mute and passive. Objects were contextualized as « ethnographic » by being placed into a simulacrum of native culture, constructed by curators for the purpose of « giving meaning » to otherwise fragmentary or even trivial pieces (Kirshenblatt-Gimblett 1998, p. 23). To a large degree, such representational practices achieved an erasure of actual, living cultures in favor of such simulacra, which served to marginalize these people politically and culturally (see Said 1979). After all, what visitor to the American Museum of Natural History Indian Hall would think of the Kwakwaka'wakw as other than the mute figures in the diorama, processing fish without the benefit of modern tools? And how could such figures speak to a modern society about issues that mattered?

The breakdown of this asymmetrical structure of representation is by no means a bad thing – indeed it is a positive triumph of a certain sort of liberal culture – but it has created problems for native communities, who must make their own choices about the politics of display. In the Tlingit case, the fault lines are extremely clear, between those who view the object as still retaining traditional meanings and thus not appropriately displayed in public at all, and those who would use the objects in an emblematic sense, stripping them of most of their specific meaning in favor of a semiotics of community. Such shifts in meaning are considered necessary from the standpoint of asserting political identity, a point that Graburn (1968), Handler (1985, p. 211), and others have made. Nicholas Thomas (1992), however, has spoken of « inversions of tradition », in which cultural reifications may come to assign opposite semiotic content to practices, objects, and symbols. « Reactive objectification », in his words, is the process by which elements of tradition may be reified in response to external political and cultural stimuli, in particular colonialism. Such objectification may represent significant shifts within the internal cultural-political structure (ibid., pp. 222-223). It is not an exaggeration to say that the repatriation process requires such reactive objectification as a condition of participation.

The two Kwakwaka'wakw museums provide the clearest case in point (Mauzé 2003). As early as the 1950s, attempts were made to repatriate the potlatch collection (Sewid-Smith 1979). Spearheading this effort was James Sewid, a hereditary and elected chief of the Kwiksudenoxw Kwakwaka'wakw, and a successful commercial fisherman. His initial overture in 1963 to the curators at the National Museum of Man consisted of an offer to pay \$1,400 cash for the collection, what the museum claimed it paid for it *(ibid.)*. At that time, his idea was to acquire the material as personal property, as indicated by his willingness to

pay private funds. In particular, he was interested in securing the material owned by his wife's high-ranking family, the Alfreds (Assu and Inglis 1989, p. 104). Although Sewid was originally from Village Island, later moving to Alert Bay, he had settled among his wife's people, the Lekwiltok (Southern Kwakwaka'wakw), in Campbell River, because of political conflict with the Cranmers, a powerful Alert Bay family. Both communities were eager for the return of the collection, but serious differences as to how to proceed existed. These differences were exacerbated by rivalry between the traditionally high-ranking Nimpkish and their first families (the Hunts and Cranmers) and the traditionally lower-ranking Lekwiltok and their first families (the Assus and Sewids) (Mauzé 1992 ; Saunders 1997).

The division between the two communities became exacerbated by the repatriation, as each attempted to cope with the political and semiotic demands of the « instant collections » thrust upon the community. James Clifford (1997, pp. 107-146) gives an overly schematic, but essentially correct reading of the divergent strategies the two museums followed. Alert Bay presented the collection as a unified representation of the ethnic community's political history, and its conflictual relations with the Canadian state, while Cape Mudge emphasized the role of the objects as family properties. The former is an attempt to speak for the ethnic group as a whole, from the perspective of the high-ranking position of the Nimpkish. Moreover, it asserts claims of national identity via the possession of a patrimony (see Handler 1985). What is radical about this is not only its external claims, but its relation to the community itself. As a young anthropologist currently working in Alert Bay has observed, the public display of sacred ceremony raises a variety of questions regarding appropriateness, private vs. cultural property, sacred vs. secular, rank and gender that are troubling and not easily settled (Glass 2004a).

In some ways, the Cape Mudge museum is closer to a traditional context, as it might be seen as a sort of permanent potlatch. The family and clan ownership of the pieces remains the organizing principle of display. However, this too represents a significant cultural innovation. Not only were such artifacts traditionally not displayed to all community members, or to the public at large, but their character as spiritual operators, as quasi-persons with a distinct biography, has been largely erased in favor of their status as aesthetic objects and valuables <sup>5</sup>.

The two representational approaches embody two distinct strategies in the process of « reactive objectification » (Thomas 1992). Politically, the two collections, with their differing political economies of display, have divided the two communities further. In particular, the Alert Bay U'Mista Cultural Centre stance of speaking to the outside world for all Kwakwaka'wakw has been viewed dimly by the people in Cape Mudge, which has undermined the Alert Bay position further. It is doubtful that either strategy will succeed in achieving the political and cultural aims of the two communities, as conceived by their leaders.

## CONCLUSION

The purpose of this essay is critical rather than prescriptive. We face a cultural-historical reality in which objects are indeed being repatriated. In certain cases, the reasons for doing so are absolutely compelling. Moreover, the process of repatriation represents an opportunity to address larger issues of power between aboriginal groups and the state, to redress past wrongs, and to establish a more equal political footing between them (see Glass 2004b). The Kwakwaka'wakw material, for example, was never legitimately accessioned by museums, and so was correctly returned to descendants of its rightful owners. Other collections are not so clearly improper, and whether repatriation is the best policy is an open question. In any case, decisions should be made in consultation with the culturally appropriate descendants of the original owners, as well as institutionally situated community members (see Ferguson *et al.* 1996, p. 261). Other strategies for breaking down the representational hegemony of museums, especially collaboratively curated shows, should continue to be pursued (see Black 1999; Butts 2002; Jonaitis 1991; MacNair *et al.* 1998).

One fact is clear, however : once artifacts have been transformed into what Kirshenblatt-Gimblett (1998) calls « objects of ethnography », or indeed as « fine art », any redefinition is highly unlikely. Repatriated objects find themselves placed in local versions of metropolitan museums, often in accordance with formal terms of repatriation agreements, as in the Kwakwaka'wakw case (Jacknis 1996, p. 283; Sewid-Smith 1979, p. 3). The shift in meaning is often experienced intensely in the local communities. Once, and properly, private property that reflected highly personal and esoteric spiritual meanings, these objects of ethnography become highly visible and public representations of incipient or developing notions of ethnic and political identity, imposed from within and without (see Keesing 1994, pp. 52-53; see Jacknis 2002). It is all but inevitable that this transformation will take place, and that the new definition of the objects as museological will become hegemonic. It is, however, important to recognize that this represents yet another instance of cultural domination in a long history of it, upon indigenous people whose own traditional aesthetic and spiritual philosophy represents a radical alternative to Western notions. Thus, returning objects to their original meaning may not be possible, even if they are returned to their original communities. Rather, we might draw on Michael Ames' notion of a museum object as palimpsest, accreting new meanings without entirely losing its previous meaning (Ames 1992, p. 141). This view may, however, be optimistic. \*

\* Manuscrit reçu en mars 2005, accepté pour publication en octobre 2005.

#### NOTES

1. This is not to deny the utility, for certain purposes, of the distinction between ethnographic and fine art conventions of display, as summarized by Price (2001, pp. 82-99). However, I am not convinced that this distinction is significant from the standpoint of indigenous communities or, indeed, the object itself.

2. The common anthropological view that cultural property replicates, at a higher level, Lockean notions of private property, and that these are necessarily a Western invention, is one with which I disagree (see Brown 1998; Handler 1997).

3. Native American Graves Protection and Repatriation Act of 1990, 25 USC, §§ 3001-3013 (1994).

4. The Museums Act of 1990 (1990, c. 3) and the Canadian Multiculturalism Act of 1985 (R.S., 1985, c. 24, 4th Supp.) do not directly treat the question of repatriation. However, museums have developed elaborate formal protocols (see www.moa.ubc.ca/FirstNations).

5. In Northwest Coast ethnology, numerous examples exist of cases in which those who inadvertently looked upon sacred regalia were either killed or inducted into the appropriate secret society (McIlwraith 1948, vol. 2, pp. 11-12).

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