The Ethics of Collecting

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The author questions the concepts underlying ethnological collections of art and artifacts in the context of the Native American Graves Protection and Repatriation Act (NAGPRA). Alternatives to traditional Western anthropological and art historical methods of collection and display of sacred Native American material are found in traditional Native American philosophy and practice. The contemporary fashion among curators for contextualization of displayed objects from Indigenous cultures is critiqued in the light of broader ethical concerns regarding the appropriateness of collecting sacred objects from living Indigenous Peoples.

conceptual framework (also worldview) . . . a set of basic beliefs, values, attitudes, and assumptions that shapes, reflects, and explains our view (perception, description, appraisal) of ourselves and our world. It is the lens through which "we" (whoever we are) conceive ourselves and our world.[1]
collect *vb* -ed/-ing/-s [ME, adj., collected, fr. **L** collectus) *vt* **1a :** to bring together into a band, group, assortment, or mass : GATHER ‹—~ an army› ‹~ all the available chairs› ‹~ing facts about immigration› **b:** to receive, gather, or exact from a number of persons or other sources **c:** to serve as a point of attraction or focus for . . . **4:** to bring together esp. in accordance with a principle of selection or an informative or profitable end: come to own as a collection or part of a collection: include as part of one's experience.[2]

1 THE INVITATION

I WAS EXTENDED AN INVITATION by Professor Gerstenblith to write about the impact of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) on collections and collecting. Specifically, how does the Native American Graves Protection and Repatriation Act affect standards for collecting artifacts? Is it possible to build a "good," "representative," "aesthetically pleasing," or "important" collection with NAGPRA's legal, cum ethical, restrictions? Can knowledge be gained while adhering to an ethical approach?

These questions sparked contemplative inquiries on matters philosophical, pragmatic, and humanistic. However, it is not possible to answer questions about ethics before examining the underlying ethic of collecting. This article emerged from musings about the conceptual frameworks of collecting American Indian artifact and its impact on intercultural relationships.

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2 INTRODUCTION

The Native American Graves Protection and Repatriation Act requires the repatriation of selected sensitive material (specifically human remains, grave goods, cultural patrimony, and ceremonial materials) from federally funded institutions.[3] The private sector is not bound by NAGPRA, but nevertheless the art market has been affected—dealers, auction houses, and collectors. NAGPRA inherently questions past as well as present means of acquisition of objects and the appropriateness (or lack thereof) of sale or possession of certain material. NAGPRA recognizes Native sovereignty and oral tradition and has compelled a review of museology as it relates to the exhibition of art and artifact.

In pondering questions of standards and goals, I focused not on the ethics of collecting but on an exploration of the *ethic* of collecting. It is necessary to scrutinize the activity before addressing codes of ethics or the inherent challenges or new obstacles facing collectors or recipients of collections, such as museums. What do collections yield and contribute? What is the value of collecting? What encourages collecting? Why do people collect?

Curiosity. The desire to *understand* life, find *truth,* is perhaps one of the consequential motivating factors behind the activity of collecting objects of the past. One aspect of curiosity is the linear comparison of the objects.

Amassing. The desire to accumulate art and artifacts with an aesthetic appreciation or as a commodity that enhances one's wealth and power.

I attempt here to assist the Western reader in shifting worldviews and, for a moment, to shed assumptions, presumptions, and beliefs, thereby initiating the possibility that more than one way exists to incorporate the past, to absorb the present, view life and death, and be with nature, humankind, and the universe in its entirety.

3 WORLDVIEWS

Grasping unfamiliar worldviews may require shedding comfortable conceptual frameworks through a steppingstone-like process. First, release the assumption of the superiority of the collecting methodology. Second, consider the gathering of a corpus of data (or the collecting of remnants of past and present cultures) as a learned behavior of a specific civilization, not innate to the species Homo sapiens. Third, assume that the predilection to know the past by analysis, comparison, and deduction of objects is a cultural obsession, endorsed as elemental. Fourth, consider the possibility that "a singular difficulty faces peoples of Western European heritage in making a transition from thinking in terms of time to thinking in terms of space.[4] . . . If time becomes our primary consideration, we never seem to arrive at the reality of our existence in places but instead are always directed to . . . abstract interpretations rather than to the experiences themselves."[5]

For Indigenous Peoples[6] *experience* is reality, the truth of existence. Contextualization, understood to be no less than actual physical presence, is essential in order to know truth. Therefore, to American Indian people the Western approach of collecting, compiling, and analyzing data of subjectively observed Native American objects, chronologically organized and pieced to-

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gether, results neither in the truth nor knowledge of either the object or the culture. No accurate understanding of objects or the cultures from which they were created can be learned when they are separated from their Peoples, ceremonies, and lifeways.

Indigenous views of the universe have been described "as an interplay of elusive and ever-changing natural forces, not as a vast array of static physical objects."[7] To Indigenous Peoples, the collecting of artifacts, therefore, is neither representational nor informational of past lifeways or contemporary cultures. "It is not what people believed to be true that was important but what they experienced as true."[8] For thousands of years and to this day, the oral transmission of histories, ecological and medicinal knowledge, philosophies, astronomical observations, and codes of kinship[9] are relevant insofar as the experience is relevant. Spiritual revelations are captured through active ritual participation (i.e., ceremony). Western interpretations of the use and aesthetic of ceremonial regalia omit the most vital part of Indigenous ceremony, which is dependent upon human presence within and around the regalia.

The predominant linear methodology of Western scholars falls under the rubric of collecting as they gather enormous numbers of remnant objects from which to glean cultural information and patterns of times past. Time is a guiding principle of Western culture: *viewed* and *quantified*, not *experienced*. The Western approach to analyzing objects, therefore, results in the quest for a "complete" display of objects in order to gather information about the past to preserve for the future. The larger the quantity, the more complete the array, the more "valid" the investigation and "accurate" the information. Rational Western minds assume three distinct compartments of past, present, and future—Indigenous Peoples offer an alternative.

For the Indigenous philosophy that organizes around spatial concepts, time is, of course, still a reality. However, American Indians have described time as circular—natural cycles of which human beings are participants and preservationists. The Western worldview of time, on the other hand, is one of a constant linear conveyor of events and progress. Circular thinking removes time delineation such that the collecting of objects to understand "the past for the future" is not only irrelevant but destructive to life's natural cycle. The use of certain ceremonial items, by way of illustration, prepared in a certain manner and initiated in a certain way, is essential in order to sustain natural cycles. The removal of those items compromises a Native person's ability to participate actively in the preservation of the precious (and now precarious) life cycle.

4 COLLECTING

Amassing is part of the European heritage of contemporary American culture and the foundation upon which our competitive economy rests. It is also the fertile soil out of which collecting, in all arenas, has blossomed.

Today, consumerism is the food of the United States' most powerful educational vehicle—television. It is estimated that the average television viewer

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watches five hours each day—this means that every year an average viewer is bombarded with 21,000 commercials;[10] the message 21,000 times a year is to buy more, to have more. According to *Advertising Age,* 75 percent of commercial network advertising is paid for by only 100 corporations of more than 450,000 corporations in America.[11] Have more, know more, be more. The relatively nascent Indian art market benefited from this consumer mentality. Once solely comprised of paintings, sculpture, and so forth, the art market expanded to include antiquity and artifact.

Fine American Indian Art, as it is referred to by auction houses, now fetches excellent prices on the block; dealers sell to collectors who savor the pieces on walls and mantels; anthropologists covet artifacts to enhance scholarship; museums and historical societies create educational and cultural exhibitions.

However, even in pre–NAGPRA 1989, debate around collecting was heated. Phyllis Mauch Messenger edited *The Ethics of Collecting Cultural Property. Whose Culture? Whose Property*. Brian Fagan (University of California at Santa Barbara) posed a series of provocative questions in the foreword. Do people have the right to collect artifacts for personal profit and gratification? Who owns the archaeological record? Should all objects be deposited in museums for common enjoyment?[12] Karen J. Warren's introduction to Messenger's book reminds us:

> For persons in a cultural context where "the past" is not viewed as property, perhaps not even as "past" (e.g., some Native American cultures), or where talk of property ownership, utility and right do not capture important conceptions of the past (e.g., communal kinship with the "living past") . . . *parties to the debate must take enormous care not to see as inferior, irrelevant or of less significance the sorts of concerns that indigenous peoples raise*.[13] (author's emphasis)

From the worldview of many Indigenous Peoples, collecting is unnatural and conclusions deduced from decontextualized accumulated items inaccurate. In addition, the insatiable, passionate exploitation of American Indian culture is painfully offensive.

There is an innate intercultural tension around the ethic of collecting. It is but one of a long list of cultural differences between Western and Indigenous cultures. The separation of spirituality from daily life, dead relatives regarded as gone rather than present, time measured by machine rather than awareness, private ownership as opposed to communal ownership, environment as resource rather than deliberate subsistence, and, of course, amassing as opposed to giving.[14]

5 THE AMERICAN INDIAN RITUAL OBJECT REPATRIATION FOUNDATION

NAGPRA is an unusual meeting of White Man's law and Indigenous law. The American Indian Ritual Object Repatriation Foundation arose from the need for a place where people of disparate worldviews could meet to discuss issues surrounding the collecting of American Indian ceremonial material of living cultures. That place, that intersection, has proven to be fertile ground and has

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A THRILLING MOMENT: THE SIGNING OF A DEED OF GIFT RETURNS A CEREMONIAL BUFFALO MASK TO THE EASTERN BAND OF CHEROKEE. CHIEF JOYCE DUGAN (SEATED LEFT) WATCHES AS TRADITIONAL ELDER WALTER CALHOUN SIGNS. (STANDING, LEFT TO RIGHT) LYNNE HARLAN, ELIZABETH SACKLER, AND PATRICK CALHOUN WITNESS THE MOMENT. (PHOTO BY LAURA S. SMITH)

provided advocacy resulting in new understandings between individuals as well as Native Nations and public institutions.

NAGPRA raises the question of whether it is appropriate for non-Natives to possess sensitive American Indian objects and raises the issue of questionable provenance. Recognizing the distinction between sensitive material as commodity and its spiritual connection to living cultures has been central to the Foundation's success in influencing a change of ethics in the private sector.

Living cultures is a key phrase. Foremost, the Repatriation Foundation is engaged with *living* peoples and cultures on this continent. It is a part of the continuing chronicle of the conquest of the Western Hemisphere and the endurance of the two million survivors whose reculturalization is often dependent on the return of ceremonial material. The manner in which intercultural interaction unfolds determines the diversity of this continent and the future of the First Peoples.

6 VALUE: A CONCEPTUAL CONSTRUCT

Dealers in American Indian art are delighted that what were originally considered curios used in anthropological study are now recognized as sophisticated, aesthetic pieces appealing to art collectors. As we have seen, one of the primary goals of the collection-gathering sodality is determining and explaining the *value* of objects. Value includes not only monetary value and aesthetic value, but informational value, cultural value, and historical value.

What is the *source* of value? At this time museums are concerned with the

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contextualization of objects they hold as opposed to their long-accepted approach of positioning all objects as isolated instances of a timeless global patrimony. For museums and collectors there is a polemic between the arguments of contingent and intrinsic value.

In 1993, the Brooklyn Museum's Native American Exhibition *Of Myth and Memory* included a cutting-edge symposium exploring the collecting and exhibiting of ethnographic materials. Richard Handler, Associate Professor of Anthropology at the University of Virginia, Charlottesville, delivered a paper titled "The Logic of Collecting." Handler argued in favor of a contingent (or relativistic) position: objects have no intrinsic value or meaning as isolated masterpieces. To have meaning, objects must be surrounded by other objects, by words, by human activity.

In order to provide maximum information to the viewer regarding the cultures, individual items are labeled. Text relating geography and/or general use is on walls, and sometimes audio recordings are available to enlighten the viewer, or scholarly catalogs, or docent tours. All have become a part of daily museum life and a visitor's experience.

Handler supports the relativizing of positivist constructs. Specifically, he argues that labels including "title," "provenance," and "date"—are *interpretive* information.

> Of these three, surely date—the "time" or historical moment at which an object was produced—would seem to be something that is intrinsic to the object and not a function of our interpretation of it. Yet, an intricate system of interpretive presuppositions is built into the innocuous date. . . . That system of presuppositions is the modern Western conception of time . . . that conception is not universally shared among all peoples. Western time is homogeneous . . . enumerating time to objects emerging out of vastly different cultural contexts brings them all into a universalized frame of reference constructed from the perspective of modern Western historiography.[15]

In short, a fictional time-creation of the objects and the peoples from which they come is artificially created.

Referring to identification of objects through collective labeling, Handler states, "[O]ur own theories of collective and social boundaries [have been imposed] on peoples and places that fell under Western control . . . the ethnic or collective labels we attach to exotic museum objects would not always be recognized by the peoples who are deemed to be their creators."[16] If this is true, labels are as irrelevant to the cultures whose works they "describe" as they are relevant to interpretive Western frameworks. What value do they hold?

Tom Hill notes in his introduction to *Creation's Journey, Native American Identity and Belief* that museums and universities are beginning to support the cul-

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tural self-determination of Native Peoples.[17] New theories in anthropology now question "once-assumed objectivity," art history is less hierarchical and "emerging scholarship more closely reflects Native Americans' traditional notions of artistic expression, in which art is an integral element of life."[18]

Extending Handler's and Hill's observations to private collections of Native American artifact, it follows that the value attached to an object is not intrinsic to it but solely meaningful within a Western conceptual framework of "collecting," since the material has been contextually severed from function and culture of origin.

NAGPRA is a door to legal revolution in that it not only requires Western institutions to honor the rights of Native Americans to manage their own cultural patrimony, but also summons scholars and collectors to review their conceptual frameworks and assumptions.

The meaning of collecting and the value of interpreting ethnographic material are no longer as obvious as they were in the past, and the practices not as clearly defined. This is a hard pill to swallow for conservative collectors and scholars, yet this is where we are.

7 CONCLUSION: NEW ETHIC

Museums, scholars, and collectors still discuss the relevance of "comprehensive" Native American collections in order to satisfy educational, applied, and aesthetic passions. The question of whether NAGPRA is creating an obstacle or even destroying the possibility for comprehensive collections has been posed in any event.

We know that the limitations of NAGPRA negate the possibility for a museum to possess a "complete" collection. But, what is the loss? From a scholarly point of view, it has been argued, an object's decontextualization can provide neither complete nor accurate information. What value is there in amassing objects under the pretext of knowledge and scholarship when the methodology is faulty at its core? Is it possible for collectors to amass a "valuable" body of artifacts or American Indian art? Can one put together a collection ethically?

You *cannot* put together a collection ethically *if* you confine yourself to the conceptual framework of traditional scholarship and connoisseurship and an antiquated ethic of collecting. Until recently, *comprehensive* collections attempted to include Indigenous materials relating to *all* aspects of lifeways. Yet knowledge about them has been limited to anthropological and archaeological field notes, or dealer and auction house provenance, if any.

I must ask, then, if one cannot possess a comprehensive collection as defined above, what is the loss? What is the *value* of amassing objects under the pretext of aesthetic or love of culture when we *know* that an item is acquired despite the protestations of its original cultures? Is that not a contradiction, in addition to being morally untenable?

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On the other hand, you can achieve a collection of "value" if you create new standards and approaches toward acquisition of material and its relevant data. A new ethic of collecting that includes reciprocity and the proactive participation on the part of the collector in identifying from primary sources, such as Native Americans, what it is appropriate to possess. Native Americans do have select items of sensitivity. The repatriation of masks, wampum, pipes, ceremonial regalia, and cultural patrimony, such as the Zuni War Gods, has become the backbone of reculturalization for surviving cultures. Museum personnel across the nation are discovering the excitement of the *new* information forthcoming as a result of interpersonal communications and relationships with Native representatives; this is a requirement of NAGPRA.

Vine Deloria points out that "ethical systems are notorious for having the ability to relate concepts and doctrines to every abstract consideration except the practical situation with which we become involved. Ethics seems to involve an abstract individual making clear, objective decisions that involve principles but not people."[19]

Possessing "objects" is not the only means to a goal of fulfillment. NAGPRA invites the possibility that objects are *not* more important than human dignity. Assisting in the revitalization of living cultures through communication and repatriation is a greater purpose that provides even greater pleasure than possessing even the most beautiful mask. It also nets a collection of knowledge and wisdom.

Regardless of whether or not "comprehensive" collections are currently a viable possibility, the questions of validity and value echo. In the face of what is understood as offensive decontextualization, the resounding question remains: Are scholarly endeavors, aesthetic appreciation, or monetary gains acceptable motives?

In addition, we know that without proper care, feeding, and use, certain objects are unable to fulfill their function in preserving the life cycle. This information has been told to personnel in scores of museums across the country by Native representatives from scores of Nations visiting their material in museums under NAGPRA guidelines. The meaning of preservation is a worldview: different cultures, different assumptions, different conclusions. To Indigenous People, objects kept in a museum are not being preserved; to the contrary, their life-giving purpose is obliterated.

I propose that museums, institutions, scholars, and collectors abandon the idolization of objects whose richest values are within the cultures that created and use them. And instead, embrace the spirit of the NAGPRA legislation by supporting the human rights of the First Peoples, whose cultures they profess to revere and to whom the objects belong.

From this flows the possibility for Western culture, whose history is scarred with the guilt of conquest and suppression, to relinquish its hold and collect

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knowledge and wisdom from Indigenous Peoples of this continent out of which a triumphant hybrid of legitimacy, respect, and integrity might emerge.

NOTES

1. Karen J. Warren, Introduction, in *The Ethics of Collecting Cultural Property. Whose Culture? Whose Property?* 11 (Phyllis Mauch Messenger ed., Albuquerque, University of New Mexico Press 1989).

2. *Webster's Third New International Dictionary* (1976 ed.).

3. Native American Graves Protection and Repatriation Act, Public Law 101–601, 104 Statute 3048 (1990) (codified at 25 U.S.C. §§ 3001–3013 (Supplement V 1993)).

4. Vine Deloria, *God Is Red, A Native View of Religion* 63 (Fulcrum Publishing, Colorado 1994).

5. *Id.* at 73.

6. *Indigenous Peoples, American Indian, Native American, First Peoples, the People* are used interchangeably throughout this article.

7. David Suzuki and Peter Knudson, *Wisdom of the Elders, Honoring Sacred Native Vision of Nature* 17 (Bantam Books, New York 1992).

8. Deloria, *supra* note 4 at 67.

9. Adam Delaney, *Blackfeet* (Canada), tapped his forehead as he said to the author recently, "We Indian people had the first computers."

10. Jerry Mander, *In the Absence of the Sacred* 78 (Sierra Club Books, San Francisco, CA 1991).

11. *Id.* at 79.

12. Messenger, *supra* note 1 at xvii.

13. *Id.* at 15.

14. *Id.* at 219.

15. Richard Handler, On Valuing of Museum Objects, 16:1 *Museum Anthropology* 21, 22 (1992).

16. *Id.* at 24.

17. Richard Hill and Tom Hill, *Creation's Journey, Native American Identity and Belief* 16 (Smithsonian Institution Press in association with the Museum of the American Indian, Washington, D.C. 1994).

18. *Id.* at 16.

19. Deloria, *supra* note 4 at 73.

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