



5-1-2009

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The Native American Graves Protection and Repatriation Act (NAGPRA) explicitly pertains to the ownership of Native American sacred objects, objects of cultural patrimony, human remains, and funerary objects that are either housed in museums receiving federal funding or have been excavated from federal or tribal land since 1990. However, NAGPRA's implications extend far beyond the realm of property law. NAGPRA limits the ability of museums to exercise power over the material culture of Native peoples and facilitates the inclusion of Native perspectives and agendas into exhibits about Native American groups. In doing so, NAGPRA challenges the acceptability of 21st century museums continuing to function as artifacts of colonialism and extends the idea of Native self-determination into the cultural sphere.

Understanding how NAGPRA curtails the use of museums' Native American collections as tools to reinforce the dominance of the West over Native cultures requires a cursory understanding of the specific responsibilities that the legislation confers on Native groups and museums. NAGPRA defines a museum as an institution that possesses or controls Native American material and receives federal funds¹, and requires that within five years of its November 16, 1990 enactment, museums must complete an inventory of all Native American human remains and associated funerary objects in their collections². Additionally, within 3 years of the law's enactment, museums are required to produce a summary of all their Native American sacred objects, unassociated funerary objects, and objects of cultural patrimony³. These reports must include all known information about the cultural affiliation of the objects concerned, and must be made available to inquiring Native American tribes and individuals. NAGPRA further mandates that museums engage in a discussion about the possibility of repatriation of objects with any Native American individual or tribe that can demonstrate a biological or cultural relationship to an object included under NAGPRA. Since it is often difficult for a claimant to establish cultural affiliation with an object without the cooperation of the museum, and since what constitutes sufficient evidence of "cultural affiliation" can be very subjective, complying with this mandate has not resulted in the depletion of museum collections⁴, but has instead fostered a dialogue between Native Americans and conservationists and curators about how Native American artifacts should be conserved and presented.

NAGPRA itself, and the discussions that have grown out of it, have inspired substantial change in the way that museums think about, maintain, and present their Native American collections. A brief discussion of the ways that ethnographic collections and exhibits have been seen as reflecting and perpetuating colonial power structures is necessary to understand the theoretical implications of the changes that NAGPRA has catalyzed.

In many cases, the accumulation of ethnographic collections by Western institutions was facilitated by colonial relationships that allowed for objects to be "obtained through unequal power relationships"⁵. Ethnographic collections are populated by objects that were looted from indigenous peoples⁶ purchased from individuals who were not entitled to sell an object owned by an entire community⁷, or extorted from Native peoples at unreasonably low prices⁸. Further, this collecting was often fueled by paternalistic sentiments and ethnocentrism. Many collectors justified ethically questionable acquisition practices by reasoning that their work was necessary because indigenous cultures were near extinction⁹, or because the cultural artifacts they were collecting would be "far more valuable amongst the records and treasures of a museum than in the dinginess and filth of their [native homes]"¹⁰.

The amassing of large quantities of indigenous groups' material culture by Western museums is in and of itself a manifestation of the power differential that exists between politically dominant and subordinated cultures. The attempts of Western institutions and individuals to

gain a monopoly on an indigenous group's cultural heritage can be seen as an expansion of colonialism out of the geopolitical sphere and into the cultural sphere. When a dominant group possesses the material culture of a politically subjected group, the objects become war booty, "trophies"¹¹ and "material signs of victory over their former owners and places of origins"¹². The collection itself can even be seen as "colonized": Classen and Howes describe the ethnographic collection as an "unruly mass of displaced Natives that has to be disciplined and rendered subservient to its masters"¹³. This theoretical approach suggests that even before an object is exhibited, those who possess other's material culture are empowered to organize, store, preserve, and categorize the objects in a way that asserts the supremacy of the individual or institution that owns them¹⁴.

Ethnographic collections also transfer power from indigenous groups to the dominant social group that is doing the collecting by restricting the access of indigenous peoples to their material cultures. Since artifacts are important in any community's ability to connect its past to its present¹⁵ and to assert its unique cultural identity¹⁶, communities that cannot access, use, and care for their material culture are at a severe disadvantage when trying to preserve customs and consolidate cultural identity. In these ways, the museum storeroom with its rows and rows of captive, controlled, and contained ethnographic objects continues to affirm the colonial attitudes and power structures that facilitated the filling of its shelves decades or centuries earlier.

Exhibition galleries are the one place in museums where colonial power dynamics may be more influential and palpable than they are in the collection storage rooms. One of the most elemental ways that exhibition spaces work to reinforce colonial power dynamics is by facilitating the representation of indigenous cultures as an "other"; Karp describes "the other" as a "generalized conception of people on the losing side of the colonial or imperial encounter"¹⁷. Exhibits create "otherness" primarily by drawing parallels and contrasts between "them" and "us"¹⁸. However, regardless of whether "the other" is presented as "familiar" or "exotic"¹⁹, its definition is entirely dependent on its relation to Western culture, and its material culture is understood only within the context of Western typologies and aesthetic standards. The creation of this "otherness" is not necessarily dependent on the content or form of an exhibit but can also be seen as a product of the fact that museums are "undeniably part of a Western philosophical tradition"²⁰ and embedded in a dualism of "entrenched oppositions between 'self/other', 'subject/object', 'us/them', which becomes problematic as a conceptual framework for addressing issues of representation"²¹ because it "inevitably leaves power in the hands of the defining institution"²².

In addition to empowering curators to *define* indigenous cultures as passive objects of the "imperialist gaze"²³, exhibition spaces allow curators to *represent* cultures to museum-goers. In selecting certain objects for display, designing the aesthetics of an exhibit, and writing interpretive text panels, the curator acts to mediate all of the museum-goers' contact with the indigenous culture. Western curators are trained and employed by the dominant cultural group and hence, they "perceive value in objects based on Western scientific categories of knowledge"²⁴. This bias often results in exhibits that are not accurate representations of dynamic and contemporary indigenous cultures, but "culture-writing formations"²⁵ in which indigenous cultures are constructed as stagnant, defeated, and temporally isolated²⁶. This distortion is important because museum exhibits both "reflect" and "refract" the colonialist attitudes of their Western patrons²⁷. Museums are recognized as authoritative sources of knowledge about non-Western cultures²⁸. As a result of this perceived authority, museum exhibits can "affect the behavior and consciousness of museum visitors to advance various governmental [or colonial] agendas"²⁹ if the tone, content, and message of an exhibit in a Western museum reinforce the political and cultural dominance of the West. In this way, the museum exhibit acts as a translation device that converts control over objects and their public interpretation into crude colonial power.

In the almost 500 years of domestic imperialism that separate the first colonial encounters in North America and the passage of NAGPRA, the use of ethnographic collections and exhibits

as tools of colonialism was facilitated by the exclusion of Native voices from discussions about the ownership and representation of Native American cultural heritages. NAGPRA is the first federal law to effectively solidify the rights of Native Americans to their material cultures. Earlier laws aimed at protecting human remains were often written and judicially interpreted to exclude Native American materials³⁰. The 19th and 20th centuries are full of examples of how this lack of legislation and dearth of public outrage resulted in collection practices and museum exhibits that marginalized Native Americans and abetted American internal colonialism. Since the ethnocentric attitudes these examples evidence stand in stark contrast to some of the outlooks and approaches that have emerged in museology as a result of NAGPRA, these examples are also important to any discussion of how NAGPRA undermines the use of museums as props of the United States' colonialism.

The effects of colonial power relationships on museum methods and practices in the pre-NAGPRA world are particularly pronounced in regards to the collection and exhibition of Native American human remains. Many contemporary museum collections are filled with Native remains that were curated on the orders of the US surgeon general³¹, collected through Works Progress Administration programs³², stolen from graves and battlefields, and appropriated for science despite the fact that Euro-American remains excavated from the same site were reburied³³. These disrespectful collection methods were perceived as necessary and justified despite the protests of many Native groups that they “view the bodies of deceased loved ones as representing human life”³⁴ and “believe that if the body is disturbed, the spirit becomes restless and cannot be at peace”³⁵. In not extending the same respect enjoyed by Euro-American remains to Native American remains, and in treating Native remains as “scientific data” and “specimens”³⁶, these museum collection practices functioned to reify the supremacy of Western priorities and perspectives over those of Native groups. The amassing of Native American remains by US museums and scientific institutions is also a superb example of how Western anthropological collecting can be seen as a form of imperialism. When Indian remains are used as “data” to be manipulated and studied by US scientists, Native American skeletal material becomes, like timber, coal, and oil, just another natural resource of North America that the colonizing power has appropriated from Native peoples.

The United States' colonialist agenda also benefited from the display of Native human remains in museums and other public spaces, a practice that was common until 30 or 40 years ago. This type of exhibit worked to justify and rationalize the cultural genocide, removal, and disrespect that characterized federal Indian policy before the 1970s by presenting Indians as “culturally and physically different from and inferior to non-Indians”³⁷ ³⁸. This effect was amplified by the fact that Native remains were often exhibited in Natural History museums alongside dinosaurs and displays about parasitic worms³⁹. Public exhibitions of Native American human remains not only illustrate museums' complicity with colonial ideas about race and power, but also evidence how thoroughly Native beliefs and perspectives were discounted and ignored.

The mode in which Native Americans have been presented to the Euro-American public has fluctuated in the last 400 years, but there has been a stalwart continuity in both the lack of Native American input in the development of the presentations, and in a reliance on tropes of “otherness”, “inferiority” and “extinctness”. Regardless of whether American Indian cultures were encountered in cabinets of curiosity, world expositions, or art museums, the voices of authorship were white and the perspective was that of the colonizer.

The expositions and world's fairs of the late 19th and early 20th century were the first time that large portions of the American public were exposed to representations of Native cultures. Exhibits were not composed solely of cultural objects, buildings, or foods: people were also on display. Native Americans from all over the continent were showcased as “artifacts” of their cultures. Many of the artifacts displayed in these expositions came to from the basis of prominent ethnographic collections. In the 20th century, museums became the primary place where white Americans interacted with Native cultures. Though the vast number of ethnological exhibits

developed in the first half of the 20th century make it difficult to identify and discuss specific exhibits, there are several themes and exhibit types that were, and still are, common to displays about Native American cultures. Regardless of whether exhibits were organized based on culture group, time period, or whether they used panoramas or open storage to display their wares, they rarely made reference to the persistence of Native cultures into the present times⁴⁰. By displaying only objects and photographs from the past, museums played into the myth that Native cultures had been vanquished by the might of the American spirit. Another commonality is the “anonymity” of many ethnographic displays, which “rarely identify the makers of Native American objects on display”⁴¹. In disassociating objects from human beings, museums supported colonial power structures and rendered exhibition spaces “bounded sites of difference energized by asymmetrical power relations, which confined Native Americans, seized their property, and constrained their cultural practices and precepts within EuroAmerican categories”⁴².

These discussions collectively demonstrate that the theories linking colonial power with museum collection and display strategies are excruciatingly applicable to North American museums’ collection and exhibition of Native American remains and artifacts. The decades of abhorrent collection practices, Native skeletons on public display, frozen-in-time-panoramas, and white perspectives have forced NAGPRA’s implications into the theoretical. For more than a century American museums functioned to abet internal colonialism, and because of this legacy any legislation limiting the power of museums over Native material culture and narratives is inherently imbued with theoretical significance.

At its most basic, NAGPRA is an acknowledgement that the way in which US museums and archaeologists have historically interacted with Native American groups is unacceptable. NAGPRA is certainly not an apology of any sort, but the fact that a law intended to level the playing field between Native Americans and anthropologists was passed suggests a congressional recognition of indigenous peoples’ right to at least some degree of control over Native cultural heritages. Even though it may be inadequate and misguided⁴³, NAGPRA’s aim is clearly to transfer some of the power that has traditionally been held by curators and anthropologists to Native peoples. The most explicit way that NAGPRA accomplishes this is by requiring the “expeditious return” of human remains, funerary objects, sacred objects, and objects of cultural patrimony to individuals and groups that are “culturally affiliated” with them.

NAGPRA’s position on repatriation directly challenges many of the assumptions and practices that have historically characterized Western curatorial practices. In recognizing that “Native American human remains and cultural items are the remnants and products of living people”⁴⁴, NAGPRA challenges the motif of the “extinct” or “vanquished” Indian that was so common in 20th century exhibits about Native Americans. Further, in asserting that these contemporary cultures have a right to their material heritage, NAGPRA frames Native cultures not as fossils of “traditional Indianess”, but as vibrant dynamic organisms with agency that are fully capable of maintaining independent interests and objecting to colonial power structures. Also, unlike the ethnological exhibits about Native cultures that worked to “disassociate” individuals and groups from their material cultures, NAGPRA uses the concept of “cultural affinity” to affirm the importance of the “cultural and spiritual relationship” that descendants have with the deceased⁴⁵. In these ways, NAGPRA both calls into question many of the practices and attitudes that have defined ethnological exhibits for centuries and affirms the agency and relevancy of contemporary Native Americans groups.

NAGPRA’s call for “expeditious return” also challenges the acceptability of superimposing Western typologies and conceptions of value onto Native American cultures by forcing non-Indian museums to “consider what is *sacred* from an Indian perspective”⁴⁶. NAGPRA’s content and syntax reflect an understanding that Native American bones, art, and artifacts are not just “scientific collectibles” or inanimate museum objects, but living objects of contemporary importance to Native peoples; its requirements oblige museums to act with a similar awareness. Since so many of the museum exhibits and attitudes that worked to perpetuate

colonial power dynamics grew out of an ignorance and disregard for Native perspectives, this increased awareness alone is an important step in creating a critical museology that works with Native Americans, not against them.

Just as the hoarding of Native material culture by Western individuals and institutions is pregnant with political and social implications, the transfer of human remains or cultural materials from museum collections back to Native peoples brings with it a transfer of power. Not only is there an implicit admission of wrongdoing when Native remains or funerary objects are returned to Native groups, but the Native groups are then empowered to own, control, and use their material heritage. NAGPRA says nothing about how repatriated objects are to be handled, so a Native community has complete jurisdiction over what is done with repatriated materials. Once repatriated under NAGPRA, the same object that was once a “trophy” becomes a symbol of Native sovereignty and can be used to assert Native cultural self-determination through disposal, reburial⁴⁷, use in the creation of an exhibited counter-narrative, or ritual use.

Perhaps the most essential way that NAGPRA has helped to undermine the Western monopoly on representations of Native cultures is by requiring that museums talk with Native groups about the materials in their collections. Many of these mandatory discussions have blossomed into valuable dialogues in which museum professionals are able to learn from Native peoples about the history and cultural significance of objects in their collections and employ culturally appropriate ways to store and display these materials. Many of the relationships that have developed between tribes and museums as a result of NAGPRA have also led to the use of Native consultants during the curating process. This type of indigenous input helps prevent exhibits that paint Native Americans as the exotic “other” or as inferior and extinct peoples. Further, in explicitly empowering Native American groups and individuals to seek the repatriation of material culture, NAGPRA provides an incentive for museums to foster a spirit of cooperation and compromise with Native groups. Though NAGPRA only specifically changes the power relationships between Native Americans and archaeologists and museum professionals in regards to the ownership of objects, this shift alone makes it advantageous for museum professionals to consider Native perspectives and makes concessions in the realms of exhibition and representation. In this way, NAGPRA has also begun to undermine the use of exhibits about Native cultures as vehicles for the dissemination of colonialist agendas.

NAGPRA derives much of its theoretical potency from the decades of inappropriate and insensitive practices and attitudes that preceded its enactment. Though NAGPRA does a remarkable job of empowering Native Americans to control and create their cultural heritage, it does so without ever acknowledging the appalling circumstances that necessitated the legislation in the first place. NAGPRA is not simply an appeasement for pesky Indian rights activists or backhanded reparations, it is a long awaited response to a deep rooted and still-present problem. For this reason, NAGPRA’s challenge of the use of the museum and the ethnographic collection as tools of colonialism would be much more direct if the act included a preamble or explanatory section that acknowledged the grim history of cultural-colonialism in the United States⁴⁸.

Western exhibits and collection practices of Native American cultural materials have come a long way since cabinets of curiosity and grave robbers, but there is still much that needs to change. NAGPRA is a definitive step towards a critical museology equipped to identify and eliminate the residue of colonialism in exhibits and collection practices, but it is certainly not as effective as it could be. One “glaring example of the colonizing worldview”⁴⁹ within NAGPRA which prevents the act from best institutionalizing Native American control over Native cultural material is the “scientific study” exception of NAGPRA’s repatriation section⁵⁰. The exception reads that “the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States”⁵¹. This clause contradicts NAGPRA’s overall tone by affirming the supremacy of the Western belief in science over Native American beliefs about the

sanctity of the dead. Removing this exception would make NAGPRA a more cohesive and decisive statement in favor of Native cultural self-determination.

NAGPRA may only explicitly deal with issues of property law and ownership, but within the context of the historical treatment and exhibition of Native American collections, NAGPRA takes on much more meaning and significance. Though public sentiment and museum practices were changing well before 1990, NAGPRA is the first federal law to articulate that it is unacceptable for archaeologists, collectors, or museums to steal Native cultural heritage, defile Native belief systems, and monopolize Native material culture. Within the historical context of federally subsidized grave robbing expeditions and Native Americans displayed in museums like artifacts, NAGPRA can be seen not only as a bold challenge of the use of museums as tools of colonialism, but also as human rights legislation.

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¹ United States Congress. "Native American Graves Protection and Repatriation Act" (NAGPRA), 25 U.S.C. §§3001-3013. 1990a.

² United States Congress. *Congressional Record* 136, pt. 3 (October 26, 1990) at S17174. 1990b

³ US Congress 1990a: §§3004(b)

⁴ Brown, Michael F. *Who Owns Native Culture?*. Cambridge, Mass: Harvard University Press, pp. 17, 2003.

⁵ Simpson, Moira G. *Making Representations: Museums in the Post-Colonial Era*. (London; New York: Routledge, 1996) 192.

⁶ Simpson, 193.

⁷ Simpson, 193.

⁸ Simpson, 193.

⁹ Riding In, James. "Repatriation: A Pawnee's Perspective". *American Indian Quarterly* 20(2, Special Issue: Repatriation: An Interdisciplinary Dialogue): 238-250. 2003, pp. 245.

¹⁰ Thomas, Nicholas. *Entangled Objects: Exchange, Material Culture, and Colonialism in the Pacific*. (Cambridge, Mass: Harvard University Press, 1991) 181.

¹¹ Riding In, 2003.

¹² Classen, Constance and David Howes. "Museum as Sensescape". In Edwards, Elizabeth, Chris Gosden, and Ruth B. Phillips, eds. *Sensible Objects: Colonialism, Museums and Material Culture*. (NY, New York: Berg, 2006) 209.

¹³ Classen and Howes, 209.

¹⁴ Hooper-Greenhill, Eilean. *Museums and the Shaping of Knowledge*. (New York: Routledge, 1992) 168.

¹⁵ Lowenthal, David. "The Past is a Foreign Country". (Cambridge, Cambridge University Press, 1985) 185-259.

¹⁶ Rowlands, Michael. "The Power of Origins: Questions of Cultural Rights". In. Buchli, Victor, ed. *The Material Culture Reader*. (NY, New York: Berg) 110-112.

¹⁷ Karp, Ivan. "How Museums Define Other Cultures". *American Art* 5(1/2):10-15 (1991) 10.

¹⁸ Karp, 10.

¹⁹ Karp, 10.

²⁰ Cruikshank, J. "Oral Tradition and Material Culture. Multiplying meanings of "words" and "things"". In *Anthropology Today*, 8 (3):5-9, 1992.

²¹ Cruikshank, 6.

²² Cruikshank, 6.

²³ Allen, Ngapine. "Maori Vision and the imperialist gaze". In. Barringer, Tim and Tom Flynn, eds.

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- “Colonialism and the Object”. (London and New York: Routledge) Pp. 144-152, 1998.
- ²⁴ Nason. “‘Our’ Indians: The Unidimensional Indian in the Disembodied Local Past”. In *The Changing Presentation of the American Indian*. National Museum of the American Indian (U.S.) (Washington, D.C; Seattle: National Museum of the American Indian; University of Washington Press, 2000) 40.
- ²⁵ Luke, Timothy. 2002. “Museum Politics”. (Minneapolis, MN: University of Minnesota Press) 2.
- ²⁶ Simpson, 35.
- ²⁷ Nason, 40.
- ²⁸ Karp, 11.
- ²⁹ Luke, 39.
- ³⁰ Pensley, D. S. *Native American Graves Protection and Repatriation Act (1990): Where the Native Voice is Missing*. *Wicazo Sa Review* 20 (2, Twentieth Anniversary Commemorative Issue):37-64, 2005, 46-47.
- ³¹ Trope, Jack F. And Walter R. Echo-Hawk. “The Native American Graves Protection and Repatriation Act: Background and Legislative History”. In. Mihesuah, Devon A, ed. *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln: University of Nebraska Press, 2000) 126.
- ³² Rose, Jerome C., Thomas J. Green, and Victoria D. Green. Nagpra is Forever: Osteology and the Repatriation of Skeletons”. *Annual Review of Anthropology* 25:81-103, 1996. 83.
- ³³ Rose et al, 81.
- ³⁴ Riding In, 240.
- ³⁵ Riding In, 240.
- ³⁶ Echo-Hawk and Trope, 127.
- ³⁷ US Congress 1990b.
- ³⁸ Pensley, 39.
- ³⁹ LaVaque-Manty. “There are Indians in the Museum of Natural History”. *Wicazo Sa Review* 15, no. 1. (2000):7-11.
- ⁴⁰ Nason.
- ⁴¹ Nason, 38.
- ⁴² King, C. Richard. *Colonial Discourses, Collective Memories, and the Exhibition of Native American Cultures and Histories in the Contemporary United States*. (New York: Garland Pub, 1998) 5.
- ⁴³ Pensley.
- ⁴⁴ Trope and Echo-Hawk, 151.
- ⁴⁵ Trope and Echo-Hawk, 151.
- ⁴⁶ Trope and Echo-Hawk, 151.
- ⁴⁷ Weaver, Jace. Indian Presence with no Indians Present: NAGPRA and its Discontents. *Wicazo Sa Review* 12(2):13-30, 1996. 26.
- ⁴⁸ Pensley.
- ⁴⁹ Pensley, 52.
- ⁵⁰ Pensley.
- ⁵¹ USC 3005(b)