

Cultural Records in Question

Information and Its Moral Dilemmas

On a clear day in November 1997, as the late autumn sun warmed the mesas of northern Arizona, I sat in the crowded office shared by Lee Wayne Lomayestewa and Clyde Qotswisiuma of the Hopi Cultural Preservation Office, an agency of the Hopi Indians' tribal government. I had come to the Hopi reservation to discuss the future of cultural records held in the nation's repositories. In 1994, the chairman of the Hopi Tribe sent a letter to dozens of museums and archives requesting that they close Hopi collections to researchers who had not first obtained the tribe's written permission. Among other things, I wanted to know how public institutions responded to this request and, more important, why the Hopi harbored such strong feelings about documents that lie mostly unnoticed and unused in distant storage cabinets.

Our conversation began slowly. I was a stranger, possibly with an axe to grind, adding his questions to those of countless outsiders whose persistent curiosity baffles and sometimes exasperates the Hopi. But after an awkward silence the two men began to explain the tribe's policies regarding NAGPRA, The Native American Graves Protection and Repatriation Act of 1990, a law that has radically transformed relations between Indian tribes and America's museums. NAGPRA spells out procedures for handling Native American burials, grave goods, and items of religious significance, which can be repatriated to tribal claimants meeting certain conditions. As with most judicial processes in the United States, the law calls for claims to be substantiated with archival and testimonial evidence. This puts tribes in the awkward position of having to reveal secret religious knowledge in order to prove that contested items are in fact sacred. As Clyde Qotswisiuma observed, "Even something like a digging stick could have a ritual use, but we're not about to say what it is."

The dilemmas faced by the Hopi Cultural Preservation Office as it wrestles with the terms of NAGPRA have given rise to new conflicts likely to engulf archives in the United States, Canada, Australia, and elsewhere in the coming decades. **The central issue is the disposition of potentially sensitive cultural information, including photographs, sketches, audio tapes, inventories of rit-**

ual objects, anthropological fieldnotes, and transcriptions of oral literature. The struggle pits native nations against the institutions entrusted with cultural records. **At the heart of this conflict are two irreconcilable views of information.**

The Moral Meaning of Information

American law, and the liberal democratic tradition in general, place a high value on the unfettered exchange of information. **It is an article of faith that openness fosters artistic creativity, encourages scientific innovation, and insures political accountability.** For reasons of personal privacy or national security, of course, access to information is sometimes restricted. But because history has shown time and again that governments readily hide improper behavior behind a screen of official secrecy laws, we work hard to restrict their scope and duration. Free access to information, in other words, is seen as a cornerstone of democracy and a key element of open societies.

Among many indigenous peoples, a different attitude prevails. The social fabric of native nations often consists of reciprocal spheres of knowledge, the boundaries of which are zealously protected. Elders preserve information that they share only with those who demonstrate required wisdom. Women and men have understandings unique to their gender, fostering complementarity that helps to keep spouses together in times of trouble. Specialized religious cults conserve practices that may extend back to a distant time when peoples with diverse traditions merged to form a single society. **The uneven distribution of information thus strengthens social bonds while insuring that powerful knowledge remains in the hands of those who know how to control it.** To outsiders, this patchwork approach to knowledge seems artificial, but to cultural insiders it is simply the way things were meant to be.

Indigenous attitudes toward knowledge were intensified by the colonial experience. In 17th-century Peru, for example, the Spanish priest Pablo José de Arriaga gathered information about the religious beliefs of local Indians not to preserve them for posterity but to "extirpate idolatry," his contribution to the Church's evangelization campaign. Closer to home, information about American Indian religions was used against practitioners

until quite recently, when Indian freedom of religion was guaranteed by federal law. **In the colonial setting, native peoples thus survived by protecting knowledge behind a wall of silence and sharing it only when necessary.**

Today many native groups perceive themselves as less threatened by overt persecution than by the rapid circulation of images of their cultures—sometimes accurate, sometimes wildly distorted—via the popular media. Particularly upsetting to American Indians are religious seekers, many involved in the New Age movement, who insist on performing ersatz versions of Native American rites, including sweat-lodge ceremonies and Medicine Wheel rituals. **Seeing their religions parasitized by outsiders, Indians feel a powerful urge to re-establish control over information about their cultures and, in particular, about traditional ritual practices, pilgrimage sites, and sacred stories.** Archives and other institutions that care for cultural records become lightning rods for this impulse because they, unlike the diffuse New Age movement and the culture from which it arises, are obliged to respond to criticism from members of the public.

The struggle over public knowledge about traditional religious life dovetails with broader concerns about the future of indigenous peoples' intellectual property, which is routinely appropriated by a majority culture hungry for novel ideas. Native art and music, local knowledge of medicinal plants and crop varieties, even the gene sequences of isolated populations—all remain largely unprotected by existing intellectual-property laws, making them easy targets for acquisitive outsiders (Greaves 1994).

H. R. Voth preaching at Hopi, Winter 1901. Photo courtesy Mennonite Library and Archives, Bethel College, North Newton, Kansas.

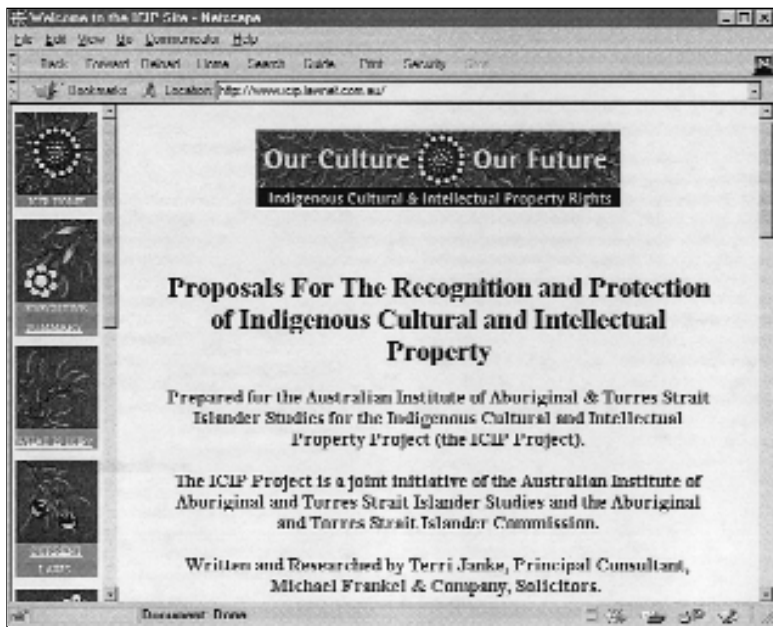


Archival Ironies

For professionals who dedicate their lives to the conservation of irreplaceable cultural documents and who take understandable pride in their ability to make them available for public use, the growing firestorm of criticism comes as a shock. After all, archival materials have played a major role in countless legal decisions that have restored tribal lands, led to the protection of sacred sites, and helped native peoples assert their cultural sovereignty. Historical and ethnographic records continue to provide essential information for native groups trying to reconstruct the belief systems of their ancestors. **It is a particularly cruel irony, then, that repositories are now criticized for fulfilling their mission too well.**

Increased sensitivity to questions of historical injustice and colonial privilege forces us to confront the moral ambiguities of archival records. Consider, for example, the photographs and fieldnotes of the Reverend H. R. Voth (1855-1931), a Mennonite missionary and ethnologist who lived among the Hopi for more than 20 years. Voth's dual vocation presented a major conflict of interest, and at times it is hard to tell whether his goal was to destroy their religion or to preserve it through careful documentation. In any case, his photographs and first-hand observations of Hopi rituals are among the best ever recorded, and they figure importantly in most studies of Hopi culture published since the 1920s. Hopis are bitter about Voth's success in penetrating their ritual life. In the memorable Hopi autobiography *Sun Chief*, published in the 1940s, Don Talayesva remembered Voth as a "wicked man" who had "stolen so many of our ceremonial secrets." Fifty years later, sentiments remain unchanged. The Voth material, tribal leaders insist, continues to damage Hopi culture by making public a wealth of esoteric information that should be available only to authorized religious experts.

Yet would anything be accomplished by closing the Voth collection, however compromised its moral status? Voth's photographs and fieldnotes have been reproduced in countless books, so quarantining the originals would have little impact on the circulation of information about Hopi customs. **Mindful of precedent, archivists must also wonder whether the imposition of moral quarantines would set off a wave of similar requests by politically or religiously motivated groups offended by specific collections.** At risk is an honorable tradition of archival impartiality—one that led the Mennonite Archives of Bethel College, a major repository of Voth material, to grant permission to publish one of Voth's photographs despite my unflattering portrait of his work.



The Web site of the Indigenous Cultural and Intellectual Property Project <<http://www.icip.lawnet.com.au>> presents specific legal proposals designed to protect the cultural property of Australian Aborigines from inappropriate uses.

Prospects for the Future

In Australia, where the disposition of information about Aboriginal religion has long been a matter of debate, public repositories now informally limit access to sensitive documents and artifacts (Anderson 1995). Ironically, this often means that **Aboriginal** staff members are prevented from handling such collections unless they are members of the community from which the material comes. Aboriginal communities, it seems, worry more about transfer of ritual secrets to other Aboriginal groups than about their use by non-Aboriginals. In some cases, collections are also off-limits to female staff members, again in deference to community wishes. New intellectual-property laws currently under consideration would formally limit non-Aboriginal researchers' access to Aboriginal materials in Australia's archives (Janke 1997:54).

Given the anti-discrimination laws currently in force in the United States, it is hard to imagine that the Australian model could be followed here. **The personnel of most repositories would be reluctant to deny access solely on the basis of a patron's ethnic identity, gender, or religious affiliation. So how can they respond to native demands?**

Some archives are already following the common-sense practice of marking certain collections as sensitive and urging researchers to contact the appropriate Indian tribe before using them. Others are exercising greater care when preparing exhibits to insure that they do not contain religious information inappropriate for Indian children and uninitiated people in general. Most have opened dialogues with those communities that have the greatest claims on particular collections.

Nevertheless, pressure may be mounting for new legislation that would extend NAGPRA into the realm of cultural records (Nason 1997). Before this can happen, however, courts and legislators must answer difficult questions. Are some cultural records so morally contaminated that they should be closed to the general public? Does a culture "own" its traditions, or do they properly belong to the individuals who create and transmit them? In the interests of preserving indigenous societies, should free speech and freedom of information be curtailed by government edict? Finally, should we recognize an inherent right to "cultural privacy," a concept mentioned in a recent conference calling for fundamental changes in the relationship between the Hopi tribe and outside researchers (*Dialogue with the Hopi*, 1995)? Debate over these complex issues is likely to dominate conversations between archives and native peoples well into the 21st century.

References

- Anderson, Christopher, ed. *Politics of the Secret*. Oceania Monograph 45. University of Sydney, 1995.
- Dialogue with the Hopi: Cultural Copyright and Research Ethics*, 1995. (Copies available from Paaqavi, Inc., P.O. Box 747, Hotevilla, AZ 86030).
- Greaves, Tom, ed. *Intellectual Property Rights for Indigenous Peoples: A Source Book*. Oklahoma City, Okla.: Society for Applied Anthropology, 1994.
- Janke, Terri. *Our Culture, Our Future: Proposals for Recognition and Protection of Indigenous Cultural and Intellectual Property*. Canberra: Australian Institute of Aboriginal and Torres Straits Islander Studies, 1997.
- Nason, James D. "Native American Intellectual Property Rights: Issues in the Control of Esoteric Knowledge," in *Borrowed Power: Essays on Cultural Appropriation*. Edited by Bruce Ziff and Pratima V. Rao, pp. 237-254. New Brunswick, N.J.: Rutgers University Press, 1997.
- Talayasva, Don. *Sun Chief: The Autobiography of a Hopi Indian*. Leo W. Simmons, editor. New Haven, Conn.: Yale University Press, 1942.

Michael F. Brown is the James N. Lambert Professor of Anthropology and Latin American Studies at Williams College in Williamstown, Massachusetts. He is currently writing a book on the future of cultural property.