

# The Era of Endless Repatriation Respectful Relationality and the Reconfiguration of Colonial Authority

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Résumé de l'article

Donné à l'origine sous la forme de deux conférences au Musée du quai Branly, cet essai explore la politique souvent lourde du rapatriement dans un contexte canadien. Cela suggère que nous sommes entrés dans une ère où le rapatriement, compris dans ce sens alternatif comme le décentrage de l'autorité muséale des colons et la reconnaissance des droits souverains autochtones, est tout simplement inévitable. Il ne s'agit pas seulement d'un « compte » des histoires antérieures d'appropriation coloniale mais plutôt d'une reconnaissance du fait que les structures du colonialisme des colons elles-mêmes sont en train de changer (Kauanui 2016) et que les musées, dans de tels contextes, devront s'engager dans l'idée du rapatriement en tant que tel, en tant que phénomène social qui implique une transformation de longue durée au lieu d'un ensemble d'incidents individuels, au cas par cas. S'appuyant sur les expériences de l'auteur en tant qu'anthropologue et conservateur travaillant avec les Nations autochtones de la Côte Nord-Ouest, de ce qu'on appelle maintenant le Canada, l'essai soutient finalement que les musées parviendront à des relations plus solides et plus productives avec les Premiers Peuples en acceptant la réalité actuelle des rapatriements. En effet, cela suggère que ce n'est que grâce à la collaboration qui décentre véritablement l'autorité muséale et met en avant la souveraineté autochtone que les musées pourront développer des pratiques véritablement tournées vers l'avenir et responsables.

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# The Era of Endless Repatriation

## Respectful Relationality and the Reconfiguration of Colonial Authority

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**Abstract:** Originally given in the form of two lectures at the Musée du quai Branly, this essay explores the often fraught politics of repatriation in a Canadian context. It suggests that we have moved into an era in which repatriation, understood in this alternate sense as the decentring of settler museum authority and the recognition of Indigenous sovereign rights, is simply unavoidable. This is not just about a “reckoning” with prior histories of colonial appropriation. Rather, it is a recognition of the fact that the structures of settler colonialism themselves are shifting (cf: Kauanui 2016), and museums in such contexts will need to engage with the idea of repatriation as such, as a social phenomenon that entails transformation over the *longue durée* instead of a set of individual, case by case incidents. Drawing on the author’s experiences as an anthropologist and a curator working with Indigenous Nations on the Northwest Coast of what is now called Canada, the essay ultimately argues that museums will arrive at stronger, more productive relationships with First Peoples by accepting the ongoing reality of repatriations. Indeed, it suggests that it is only through collaboration that genuinely decentres museum authority and foregrounds Indigenous sovereignty that museums will be able to develop genuinely future-oriented and responsible practices.

**Keywords:** Repatriation; museum anthropology; sovereignty and Indigenous rights; cosmopolitics; settler colonialism

**Résumé:** Donné à l’origine sous la forme de deux conférences au Musée du quai Branly, cet essai explore la politique souvent lourde du rapatriement dans un contexte canadien. Cela suggère que nous sommes entrés dans une ère où le rapatriement, compris dans ce sens alternatif comme le décentrage de l’autorité muséale des colons et la reconnaissance des droits souverains autochtones, est tout simplement inévitable. Il ne s’agit pas seulement d’un « compte » des histoires antérieures d’appropriation coloniale mais plutôt d’une

reconnaissance du fait que les structures du colonialisme des colons elles-mêmes sont en train de changer (Kauanui 2016) et que les musées, dans de tels contextes, devront s'engager dans l'idée du rapatriement en tant que tel, en tant que phénomène social qui implique une transformation de longue durée au lieu d'un ensemble d'incidents individuels, au cas par cas. S'appuyant sur les expériences de l'auteur en tant qu'anthropologue et conservateur travaillant avec les Nations autochtones de la Côte Nord-Ouest, de ce qu'on appelle maintenant le Canada, l'essai soutient finalement que les musées parviendront à des relations plus solides et plus productives avec les Premiers Peuples en acceptant la réalité actuelle des rapatriements. En effet, cela suggère que ce n'est que grâce à la collaboration qui décentre véritablement l'autorité muséale et met en avant la souveraineté autochtone que les musées pourront développer des pratiques véritablement tournées vers l'avenir et responsables.

**Mots-clés :** Rapatriement ; anthropologie des musées ; souveraineté et droits des autochtones ; cosmopolitiques ; colonialisme de peuplement

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## **A Prefatory Note**

This text is adapted from a series of two talks originally given by the author at the Musée du quai Branly in December of 2020. The audience was primarily composed of French museum professionals who had asked me to give a series themed around “museum-Indigenous relations in Canada.” The talks drew on my own experiences as a Canadian settler, a former curator at the Canadian Museum of History and an anthropologist who has been engaged in ethnographic research with the Haida Nation for more than a decade. My goals were synthetic, attempting to bring together a mass of different examples in order to characterize and highlight what I think is an ongoing significant paradigm shift in the necessary relationships settler-operated museums should and will need to have with Indigenous Nations. In this condensed adaptation of the talks, I have attempted to preserve at least some of the tone and tenor of the original lectures.

## **Stewardship, Authority, Sovereignty**

Now, let's begin with a story. In 2000 the Nisga'a Final Agreement was signed between the Nisga'a First Nation, the province of British Columbia, and the federal government of Canada. It would be difficult to exaggerate the importance of this for Indigenous-settler relations in the country, particularly on

the west coast. The Nisga'a Final Agreement was the first modern treaty signed in British Columbia and, effectively, the first treaty in the region *tout court*, as the vast majority of land in the province was never ceded to colonial powers and Aboriginal Title was never extinguished. The treaty has had profound consequences in all sorts of different ways but today we are concerned with only one tiny part of it: The Final Agreement's provisions for the repatriation of Nisga'a artifacts from the Canadian Museum of History (CMH) to the Nisga'a Nation. As part of the treaty negotiations, a team of Nisga'a Elders and experts working in tandem with curators and staff from CMH identified a significant number of artifacts as being of Nisga'a provenance, and the repatriation of those artifacts was written into the Final Agreement itself.

Except, only a third of the artifacts were actually returned to Nisga'a territory in the early 2000s, while the other two thirds remained housed at the museum. This was by design. The Nisga'a Final Agreement set out two different categories for the Nisga'a artifacts that were, at the time, housed by the CMH, then the Canadian Museum of Civilization. The first, Appendix L-1, were those for which, it had been agreed, the museum "will transfer all legal interest in, and possession of," to the Nisga'a Nation *at the request* of the Nisga'a Nation. The second, Appendix L-2, were artifacts that the treaty specified would be shared between the museum and the Nisga'a Nation under the terms of a custodial agreement between the two parties, subject to occasional renegotiation in good faith. This custodial agreement set out, explicitly, conditions for display, housing, care, and access for each artifact that formed part of Appendix L-2, meaning that in a very real sense the museum and the Nisga'a shared the rights and responsibilities of their curation – and, in a practical sense, at least during my time as a curator, the museum deferred to Nisga'a expertise on these matters.<sup>1</sup>

Which is to say that the really important part is how all this played out on the ground. During the initial period after the signing of the treaty, the Nisga'a Nation was not yet ready to take possession of all the artifacts laid out in Appendix L-1. They were working on their museum facilities and were not yet in a place where they could safely care for hundreds of artifacts.<sup>2</sup> So only a portion of those L-1 artifacts were repatriated and the rest were kept at CMH, awaiting a Nisga'a request. In a certain practical sense, the national museum of Canada had become Nisga'a external storage. The Nisga'a retained veto rights over the display of and controlled access to their patrimony, but at the same time were able to rely on the museum to care for their artifacts until such time

as they were ready to house them. Moreover, they could collaborate with the museum on how the Nation wished their artifacts to be displayed, what stories they wanted told or found valuable, and what treasures were too sensitive or powerful to be exposed to public eye.

This was, I would submit, a fantastic solution to one of the simplest and yet most fundamental dilemmas in Canadian repatriation today: the plain fact that most Indigenous-run museums simply do not have the space or the resources of large-scale provincial or federal museums. Here we need to emphasize what I take as the single most important consideration when trying to develop Indigenous-settler museum relations, whether one is in Canada or anywhere else: listening to what Indigenous communities actually want. Repatriation, as we will explore today, seems to provoke a swirling anxiety for at least some settler subjects who engage with, work at, or care about museums. “Surely,” they ask hesitantly, “they (and it’s always *they*) can’t want *all of it* back.” “The collections will be emptied.” “There will be no museum left.” What we hear in these fearful phrases is a recognition that the nature of control – the nature, we might even say, of sovereignty – at the level of the museum is shifting, something which is not disconnected from the shifting sovereignty of the nation-state itself.<sup>3</sup> The museum is in this sense a metonymy for a broader set of social conditions. And yet, in my experience, it is rarely the case that Indigenous communities seek the destruction of settler museums or the obliteration of their collections. What I would argue most Indigenous Nations hope for – and expect – from public museums in particular is collaboration and respect.<sup>4</sup> These simple ideas are the first pivot around which I will build my discussion here, focusing my examples on the Canadian context and in particular, British Columbia, where I am from and have worked as an anthropologist, teacher and occasional museum professional for almost two decades.

My second focal point is somewhat more ambitious. I would like to push against the idea that the most important concerns in repatriation processes are the artifacts themselves. In making this seemingly counter-intuitive claim, I centre an expansive political and social understanding of relationality in how we should understand the ways in which repatriation can – and should – unfold. My two foci are intimately interwoven; indeed, they stem primarily from critical feedback I have heard over and over again from Indigenous colleagues about the failures of repatriation processes. For my colleagues, the premise that a repatriation claim represents a crisis or a problem – that is to say, an *attack* on the museum – that is resolved either by the rejection of a repatriation claim

or the successful repatriation of a given set of artifacts is deeply problematic. What my Indigenous colleagues emphasize instead is that repatriation is part of an *ongoing* set of relations between the museum, Indigenous Nations, and the beings in the collections themselves, relationships that do not end with the event of a repatriation (cf: Kramer 2004). Instead, Indigenous Nations expect the repatriation of their *authority* over their own patrimony; the recognition that museums are stewards for Indigenous heritage who must necessarily defer to the wishes, rights, and protocols of the Indigenous communities for whose history and relatives they have been caring.

Put another way, I am urging settler museum professionals (and, indeed, settler subjects more broadly) to reject the fantasy of finitude in their understandings of how museum relationships can be understood. Repatriation, I argue, is here to stay; indeed, I would suggest we have moved into an era in which repatriation, understood in this alternate sense as the decentring of settler museum authority and the recognition of Indigenous sovereign rights, is simply unavoidable. This is not just about a “reckoning” with prior histories of colonial appropriation. Rather, it is a recognition of the fact that the structures of settler colonialism themselves are shifting (cf: Kauanui 2016), and museums in such contexts have no choice *but* to engage with the idea of repatriation *as such*, as a social phenomenon that entails transformation over the *longue durée* instead of a set of individual, case by case incidents. This is not to imply that all settler-led museums are necessarily unwilling to engage in such a manner; it is, however, to argue that they have no choice but to do so.

This is why I have begun with the Nisga’a Final Agreement as a model for the framing of repatriation for which I will be arguing. The Nisga’a treaty, however, is not uncomplicated. Perhaps most challenging is the fact that the treaty is contested, not by Canadian settler governments, but, rather, by other First Nations. To the neighboring Gitksan and, to a smaller extent, Ts’ymšen First Nations, the Nisga’a treaty set into law a distribution of land and resource rights that conflicted with their own territorial claims, understandings, and histories, and thus in effect represented a colonially sanctioned appropriation of their territory on the part of the Nisga’a (Steritt et al. 1999). This is neither the time nor the place to argue this claim, which remains controversial, but those of you who have worked on provenance will already have, I suspect, heard alarm bells. How can one determine the proper provenance of an artifact when territorial claims themselves are conflicted?

This introduces another layer of complexity for our discussions: First Nations in Canada do not form a single, unified polity, and the nature of the treaty process in British Columbia and the colonial politics of recognition<sup>5</sup> throughout the country mean that, although First Nations can and often do ally with each other, they do not negotiate with either the state or museums as a single conglomerate. This can be overwhelming for museum practitioners, even those working in good faith, and it has been my experience that there is an understandable desire to “let” Indigenous communities work out their disputes before engaging in a potentially contentious repatriation. And yet, these very logics of delay can in fact contribute to conflict between different Nations, creating a kind of unintentional (but still absolutely colonial) “divide and conquer” effect. What might *feel* like working in good faith within a set of already-given colonial constraints can, in fact, reiterate those constraints *as if* they are absolute rather than settler impositions. I will return to these pragmatic dilemmas near the end of my discussion, but I wish to signal to them here first, as I want my audience to understand that I am not attempting to downplay the complexities of individual repatriations even as I am urging us to reconsider our museological frameworks as such.

## Repatriation and Colonialism

It might be useful to turn, now, to a working definition of repatriation upon which we can build. The Royal British Columbia Museum’s *Indigenous Repatriation Handbook* (2019), written by Indigenous scholars Jisgang Nika Collison, Sdaahl K’awaas Lucy Bell, and Lou-ann Neel, defines repatriation simply as the act of “returning [something] to its country of origin” (14). This is implied in the word itself—*re-* to return— and *patria*, for “fatherland.” This precise usage is common in English when dealing with living human actors, appearing in order to describe, for instance, the return of prisoners of war to their country of origin. And yet this is muddled for us almost immediately when considering Indigenous Nations, which are typically not recognized as their own distinct countries by the settler states, which have colonized and continue to envelop them. This means that the actual term “repatriation” may not be the most apposite one for our purposes, a point that Ts’ymsen and Cree scholar Robin Gray has made with particular vigour, suggesting instead “rematriation” in order to recognize the vital role of matriarchs, female Elders and women more broadly in the cultural worlds about which she writes (Gray 2015). At the same time, the nationalist overtones of the term do distinct political work for us, implicitly

highlighting the fact that Indigenous Nations are precisely that – nations – and that it is the colonial state that has eroded their sovereign status. To repatriate an artifact to an Indigenous Nation, then, is also to acknowledge that the Indigenous Nation has the right to receive a repatriation, just as colonial countries do. It is this latter consideration that accounts, I suspect, for the continued ubiquity of the term in discussing the return of ancestral remains and artifacts to Indigenous communities even in nation-states which do not have explicit repatriation legislation extant.

This means that Indigenous-oriented repatriations occupy a different political (and conceptual) space than flashpoint controversies such as the fate of the Elgin marbles or the final resting places of Egyptian mummies. While I'm by no means dismissing the importance of those debates, they are fundamentally negotiations between different nation-states that are, at least in a formal sense, equal parties on the world stage. When an Indigenous polity makes a repatriation claim to a national museum in a colonial state, by contrast, they are in an inherently vulnerable position because their sovereignty has already been disregarded. Indeed, typically, the very fact of colonial appropriation was already premised on the erasure of that Indigenous sovereignty. As historians such as the late Douglas Cole have long argued, the “scramble for Northwest Coast” artifacts was justified both because of the dominant colonial assumption that the disappearance of Indigenous Peoples was inevitable and, crucially, that Indigenous artifacts were already state property precisely *as* Canadian heritage that needed to be preserved due to the always already given disappearance of Native Peoples (Cole 1985).<sup>6</sup> There's thus a strange colonial paradox inherent in repatriation claims. On the one hand, to recognize the rights of an Indigenous community to make a claim is to recognize that the Indigenous community has the *right* to make that claim. But on the other, it is the museum, and in the case of a national museum, by extension, the state, that is doing the recognizing, thus maintaining the colonial authority to decide. Power, as a certain school of political theory has long asserted, lies in the right to make the decision (Schmitt 1996).

It is this paradox that makes possible the framing of repatriation as a form of foreclosure. Let us take up the examples of the very first repatriation undertaken by the Canadian Museum of History, the repatriation of confiscated Potlatch masks and ceremonial regalia to the Kwakwaka'wakw communities of 'Namgis and We Wai Kai in the late 1960s and early 1970s. As is now notorious in Canada, there were a series of colonial laws enacted between 1884 and 1951 that effectively made Indigenous ceremonialism illegal in British Columbia.



While they were extensive, these laws are often referred to collectively as the “Potlatch ban,” referencing their most overt aim: to prohibit the well-known rituals of distribution, status-assumption, and legal negotiation that had become known as “potlatching” – though this term, from Chinook Jargon, is already a gloss for a whole host of different practices with common elements (Cole and Chaikin 1990). As part of the enforcement of the ban, Indigenous belongings were confiscated from Kwakwaka’wakw communities and given to CMH (or, rather, the Museum of Man, its then current name) among other institutions to form part of their collections. The confiscated objects represent one of the most obvious instances in Canadian history of museum collections as repositories for colonial theft, raw and obvious instantiations of settler violence against Indigenous lives and cultures. This overt quality was a major motivating factor in the Museum of Man’s ultimate decision to honor the repatriation requests of the two Kwakwaka’wakw Nations.<sup>7</sup> It seemed an obvious way not only to correct the excesses of colonial authority, but, equally importantly, to signal the idea that Canada was changing, becoming more equitable, and leaving behind the violence of a prior era of settler colonial overreach.

The symbolic function of repatriation on the part of the colonial state does not, I should emphasize, mean that repatriations should not take place or, for that matter, that they represent an inherent erosion of Indigenous authority. Rather, it speaks to the paradox of Indigenous rights claims within settler colonial states as such – the fact that Indigenous rights claims *do* represent an advance of Indigenous sovereignty *within* the context of colonialism, but do not thereby *overturn* the authority of the colonial state. More distressing yet, the very *progress* of Indigenous rights enables colonial authorities and institutions to continuously erase their own ongoing modes of domination, asserting instead that Indigenous Peoples are being respected, their rights recognized, their needs met – all within *reason*, that is to say, within the already given boundaries of colonial legitimacy. This is the violence of “tolerance,” as Wendy Brown might say – the standards for acceptable difference are always oriented towards the imaginaries and political ends of the state, and gestures of tolerance, of recognition, even of the seeming correction of injustice always shore up the power of the state as legitimate arbiter (Brown 2006).

This legitimizing dynamic for which, I would suggest, repatriations are potently metonymical helps us understand two different, interconnected responses to successful repatriations on the part of some museum professionals.

The first is the notion that repatriation “resolves” a problematic history. This is emblemized by the Kwakwaka’wakw repatriation I specified above: There was an act of injustice in Canadian history that led to artifacts being improperly given to museum collections. By returning those artifacts to the proper communities, the injustice has been corrected and “we” can all move on. By extension, this means that museums need not be concerned with other artifacts within their collection, acquired through “fair purchase” rather than confiscation, because they have already addressed the “problematic” artifacts through repatriation. However, the very context of museum collecting itself in colonial spaces makes this perspective problematic. Even in situations in which museum artifacts were purchased from Indigenous actors, it is difficult to claim with confidence that such purchases were “fair,” or at the very least absent of some element of coercion. The decimation of disease and radical forms of social, political, and economic marginalization that Indigenous communities have faced under settler colonial conditions make “fair purchase” a fraught concept at best, and attempting to hive off the “bad” artifacts from those that carry the veneer of legitimacy elides these broader questions. We cannot escape this history, however much we might want to, for the simple reason that Indigenous Nations have *not* disappeared, and they will neither forgive nor forget the violent histories that constitute contemporary colonial states and their museum collections.

The second unproductive paradigm for repatriation is the model of repatriation as a “gift” to Indigenous communities on the part of a well-intentioned museum. In this framing, repatriations are *granted*, acts of generosity on the part of museum institutions (or, for that matter, governments) without this thereby entailing any obligation on the part of these institutions. This is not necessarily a foreclosure of relationality, but it is absolutely a refusal of responsibility. As I am sure is already clear, taking repatriations to be colonial gifts normalizes already well-established structures of power and inequality. It averts criticism of the museum or the notion that repatriation is in fact necessary by simply pretending that there are no issues at all. If one combines the “gift” perspective on repatriation with the “solution” perspective, we arrive at a way of thinking about repatriation which not only denies the responsibility of the museum to address histories of violence, but suggests that if the museum *chooses* to repatriate objects, that is already more than enough, and we should all simply return to business as usual. I reject this attitude completely, finding it unhelpful and, by definition, irresponsible. Instead of ending at rejection, however, allow me now to

offer, instead, an invitation to an alternative means of considering repatriation as itself a structure, rather than an event, to playfully transmute Patrick Wolfe's well-known characterization of settler colonialism (Wolfe 2006; Kauanui 2016).

## Refusing the Gift

The idea of “the gift” is a familiar one in anthropology. And there is a certain irony to the fact that Mauss' seminal *Essai sur le don* (1990), which introduced the terms “mana,” “hau,” and “Potlatch” to a broader scientific and popular audience, drew many of its own central ideas from a practice that was, at the time, illegal under Canadian law. There are more ironies to uncover here, but first, it is useful to revisit one of the central tenets of reciprocity, per Mauss' argument. That is, the fact that a gift given always compels a return.<sup>8</sup> So, now, consider the positively striking irony in the idea that museums, which gained access to Indigenous artifacts through processes of expropriation to which Indigenous Peoples could never, essentially, offer full consent, might in turn consider the return of those artifacts to be “gifts” to First Nations, ones for which *they* should be grateful.

Mohawk anthropologist Audra Simpson has argued, forcefully, that the expectation of Indigenous gratitude for colonial gifts is a significant means through which contemporary colonial nation-states articulate their continuing structures of domination. For Indigenous Peoples to refuse, say, a passport, as in Simpson's work, is taken up by settler actors as evidence that these Indigenous Peoples do not know what is good for them, that they are not only ungrateful for what they have been given, but not sophisticated enough to understand their own best interests. And yet, Simpson argues, Mohawk people continually refuse these gifts, asserting their own sovereign rights even in the face of a colonial regime that condemns them for doing so. A relation in which an occupied People would be expected to show gratitude to the concessions made by their occupiers is, Simpson suggests, as unacceptable for individual Mohawks over the course of day-to-day life as it might be for us as a broader political premise (Simpson 2014).

There is the possibility for productive inversion in this, however. Consider 2010's “Giving Back the Name with Respect” ceremony, which took place on the islands of Haida Gwaii, the unceded sovereign territory and the ancestral homeland of the Haida Nation. Except up until 2010, Haida Gwaii was not known on maps as Haida Gwaii. Instead, it went by the name “The Queen Charlotte Islands,” a name introduced in the late 18th century by one captain George Dixon, after his ship, *The Queen Charlotte*. This name was imposed on the islands

without any consent from Haida people, for whom the name of the islands had *always* been Haida Gwaii, which literally means “islands of the people” in the Haida language. And yet, the colonially imposed name stood for more than two centuries, when it was finally officially repealed by the province of British Columbia after years of requests from the Haida Nation. The language of Bill 18, the Haida Gwaii Reconciliation Act, posited the “renaming” as a “restoration” of the islands proper name. Haida perspectives on the names, however, were somewhat different, and this was ritually enacted at the Giving Back the Name Ceremony, held on Haida Gwaii, in which representatives of the Haida Nation formally returned the name “The Queen Charlotte Islands” to the Crown, symbolized by the gift of two bentwood boxes to provincial representatives.

As Haida artist and filmmaker Gwaliga Hart put it, “It wasn’t the province giving our name Haida Gwaii back to us. We were giving the Queen Charlotte Islands name back to them and having ours formally recognized, and all within the spirit of respect and reconciliation.” Put another way, it was not the province repatriating the name Haida Gwaii back to the islands, but rather the Haida Nation repatriating the colonial name, returning an unwanted gift they had neither asked for nor accepted. This is not just a question of semantics, but speaks to a refiguring of the power relations involved in repatriation (and colonial politics) as such. The Haida Nation’s means of doing so returns us to Mauss and the Potlatch. To give a gift in a Haida Potlatch is to make a ceremonial assertion of one’s own status – I, as a person of this rank and cosmological identity am able, and obligated, to give these gifts to you, who are both audience and witnesses. A gift refused, in this context, is not only null and void, but represents a rejection of the status of the giver, a negation of their claims to exist in a particular set of social relations with other humans and non-human beings. By this way of thinking, you literally *cannot* impose a gift on Haida people, for the simple reason that a gift must be recognized to “count” as a gift. The Giving Back the Name with Respect Ceremony did two kinds of ritual *cum* political work simultaneously: it denied that the restoration of the name Haida Gwaii *could* be read as a gift to the Haida Nation, and shifted the terms so that it was Haida people returning the *colonial* name that was the actual gift. In other words, it rejected the claim that the Crown – that is to say, settler governance – had the right to give gifts to the Nations they were occupying, and asserted instead that, as those who understood and could act upon the proper protocol, it was the Indigenous Nation who was able to give gifts to the colonizer (Weiss 2020).

To give a gift, Mauss reminds us, is an act of power. In casting the colonial government as bad faith actors, attempting to give gifts without the proper protocols or recognition, the Haida Nation also asserted their own authority as those who *could* act in good faith, who could respect protocol and, in the most general sense, act respectfully. They rendered themselves as senior to a settler government that still needed to learn how to properly behave, and, indeed, compelled that government to respect those relationships through the obligations involved in giving and receiving gifts. As Mauss reminds us too, however, giving a gift is also an act of generosity. Gifting creates relationships, even as those relationships are, by definition, full of negotiation, obligation, and the potential for inequality. Inherent to the Haida's gift to the settler state was the invitation to *be* in proper relation with Haida people, to develop proper relationships based on mutual respect instead of colonial imposition and violence. In these new relations, it will be the Haida that will be senior to the Crown, but, as Guujaw, then-president of the Council of the Haida Nation, suggested in his speech at the Ceremony, this might be the only way to build relationships that recognize Haida sovereignty while also enabling productive dialogue with the colonial state: "We'll be on our canoe. You'll have your ship, and we're going to get along together" (See Weiss 2020 ff).

The "reverse" repatriation of the Giving Back the Name with Respect ceremony makes very clear that what is really being negotiated in any repatriation are ongoing relationships of authority and respect.<sup>9</sup> Names matter, just as artifacts matter, just as ancestors matter, just as non-human beings matter. None of these are merely symbols *for* relationships; but neither is the significance of a repatriation ever restricted merely to these different items, as important as they are. What Indigenous Nations are seeking in repatriations, in my experience, is never just the return of a few artifacts, however important those might be, much less a colonial gift that would obligate *them*. They are seeking the establishment of respectful relationships in which not only their rights, but also their knowledge and expertise is recognized, and this not just as one "factor" among many in purely museum-determined decision making processes. Indigenous Nations are seeking, and should be given, priority. They are seeking that same seniority that the Haida Nation asserted for itself in relation to the settler state in the Giving back the Name with Respect Ceremony. What needs to be repatriated is authority itself (cf: Gray n.d.).

## Collections are Already Communities

We might digress here, if perhaps a bit too briefly, to consider the nature of ethnological collections themselves. While I have so far discussed the human actors involved in repatriation processes, we should not forget that repatriation is also a shift in relationship between humans and the non-human beings who currently inhabit museum collections. Consider, for instance, the scandal of *The Spirit Sings*, a now-notorious exhibit that opened at Calgary's Glenbow Museum in 1988. Among its many sins, *The Spirit Sings* prominently displayed a *Hadu:wi*, what is commonly, if erroneously, referred to as a "false face" mask. Indeed, the Mohawk Council of Kahnawá:ke went so far as to file an injunction against the Glenbow seeking to prevent the being's display. While the language of the injunction framed the *Hadu:wi* as "sacred," and Canadian museums ultimately responded to the scandals of *The Spirit Sings*, in part, by developing specific policies for the "sacred materials" in their collection (for example, Herle 1994), the language of sacrality – with its relatively sharply delimited implications of organized religion and ceremony – might in fact lead us away from a fundamental issue: *Hadu:wis* are living beings. They require regular ritual feeding, possess potent energies that when approached incorrectly can cause illness or even death, and should only be interacted with by trained ritual specialists (Williams 2010). To display them is, to borrow a phrase of Hilary Morgan Leathem's, "improper relationality," demonstrating a profound disrespect and inviting negative responses (Leathem 2019; cf: Phillips 2011).

In a post-*Spirit Sings* Canada, *Hadu:wis* can no longer be displayed, except in cases where Haudenosaunee artists have specifically created non-living replicas – if one accepts, that is to say, that this is itself a respectful practice, a position which is not universal. Likewise, research access to these masks is usually extremely limited to non-Haudenosaunee scholars, and they require regular care from a ritual specialist in order to continue to live within the space of a museum's collection. Given these complex relational dynamics, many *Hadu:wis* have been repatriated within the last few years. After all, what else is there to be done with them? They cannot be put on exhibit and could not form the basis of scholarly writing – that is to say, they have no museological function beyond the simple fact that they have formed part of the museum's collection.

*Hadu:wis* are by no means an isolated instance of artifacts within museum collections that carry what is, in effect, an aporetic quality. Even in my brief eighteen-month tenure as a curator at a major Canadian museum, I worked with masks that I could not safely look at, stone figures that were understood to

be transformed ancestors, and hundreds upon hundreds of objects that carried some form of active spiritual power within different Indigenous traditions. Like the false faces, these objects – or, perhaps more appropriately, these beings – were essentially without purpose when considered as museum artifacts. Even if one did not subscribe to the ontological systems that understood them as alive, sacred, or even dangerous, the political consequences of their display in a national museum had become dire. By 2016, when I began as a curator, Canada was in the process of formally embracing the U.N. Declaration on the Rights of Indigenous Peoples and we would see the final report of the Indian Residential School Truth and Reconciliation Commission within the year. Both documents mandated the rights of Indigenous communities to control their own patrimony, making it for all intents and purposes impossible to put sacred or restricted objects on display at museums, and putting immense pressure on museums to prioritize consultation with Indigenous communities over the needs of either non-Indigenous researchers or the broader settler museum audience.

What if, however, even well-intentioned human-centred politics are not adequate to the realities of a museum collection? That is to say, if one *does* understand the beings that inhabit museum collections to be precisely that, *beings*, with their own modes of animacy (Chen 2012), then the repatriation becomes more than just an act of respect to the *beliefs* of a given Indigenous community – a set of imaginaries and understandings of the world that are specific to the community in question and should be respected as a multiculturalist gesture. Rather, it becomes a response to a set of *ontological* premises about our shared world. These artifacts are active with power, this power can affect those who come into contact with the artifact *whether or not* they believe in the artifact or even understand its significance, and this means that they must be treated according to particular protocols already identified by their communities of origin independent of any proximate political concerns. Or, put another way, it is the artifacts themselves that determine the ways in which we should engage with them.

This is what Marisol de la Cadena might call, borrowing from Isabelle Stengers, a “cosmopolitical” challenge (de la Cadena 2010). In the Peruvian conflicts on which de la Cadena focuses, one of the fundamental divisions is between those who count as persons, able to speak legitimately and be heard as political actors, and those who do not, in essence, count as human. Most of Peru’s Indigenous communities, de la Cadena suggests, have rarely been accorded true “human” status, and are thus silenced even in decisions that

affect the most intimate dimensions of their lives. This is a relatively familiar critique, albeit an important one, but where de la Cadena pushes it further is in noting that alongside Indigenous human actors, non-humans – the “earth beings” with whom Andean Indigenous communities have been in ongoing relationships with since time immemorial – have also been excluded from the circle of legitimate speech. Most non-Indigenous persons, even those with good intentions, lack the capacities or the understandings necessary to understand the ways mountains and other earth beings communicate. Of course, far more often the fact that Indigenous actors from Peru to Australia understand themselves to be in durative and intimate relations with non-humans is used as a weapon against them by state and colonial agents, a way to delegitimize their political claims as grounded in irrationality and an absence of proper understandings. Again, though, we need not understand these issues as existing simply at the level of the political. As de la Cadena and many other scholars, both Indigenous and settler, have pointed out, non-human beings act, whether or not we understand the reasons for their actions (Cruikshank 2005; Povinelli 2016). If treated without the proper protocol, earth beings cause avalanches; glaciers surge; *Hadu:wis* make people sick. The stakes of these cosmopolitical questions, in other words, can be existential; they can be, quite literally, life and death.<sup>10</sup>

The notion of repatriation as an isolated act between one human community and another would from this perspective simply cease to make sense. At the same time, however, they point towards a direction I have already been sketching out, one that considers the ways that repatriation works as a particular kind of enduring social action within and between members of relational communities. Consider the premise, recently articulated by Joshua Bell, that artifacts within museum collections can be characterized as “bundles of relations,” semiotic, affective, material, and social (Bell 2017). Even the most inanimate of museum objects, Bell suggests, needs to be understood as being striated by any number of different forces that exceed the material contours of the object itself. So, one could explore the material composition of an artifact, querying where, say, the stone of a sculpture was quarried, the wood of a mask acquired, from what location and by whose hands the red ochre that lingers on the painted eyes of a rattle was found and ground. One could explore the hierarchical relations of patronage and commission that led to the painting of a portrait, the labour politics and critiques of social inequality that were emblemized in a great protest song now preserved on scratched acetate, or the intimacies of a ring given by a lover to his beloved many hundreds of years ago. Or one could



remove oneself from a historical perspective completely and attempt to treat the semiotic complexities that are triggered by even the most mundane, everyday objects that find themselves in museum collections. All of these, in Bell's sense, are part of the relations that an artifact bundles, and even these examples are by no means the limits of these possible complexities.

Of course, as museum people we might say to ourselves, well, we know all this already. Certainly, a given artifact is a composite of a whole host of different factors, and of course one can tell stories from the perspective of any of these. But what is productive in Bell's reading is more than this. It is the notion that an artifact is already a *community*, linking the living and the dead. This, in turn, would make a collection a community of communities, compromising an extraordinary diversity of relationships in even modest museum collections, much less the centuries-old archives of the major museums of Europe.

Two points of clarification before we continue. First, I want to be sure it is understood that there is nothing inherently egalitarian in understanding an artifact or a collection as a community. Communities, as we well know, can quite easily be sedimented into the very most unjust of hierarchies. I am not making an idealistic or utopian claim here, nor would I suggest that simply re-framing our collections as communities will necessarily resolve centuries-old inequalities. This leads me to my second point. I am not claiming that museum collections have *become* communities in our more enlightened twenty-first century. Rather, they have *always* been communities. These communities have simply shifted their terms of relation over the course of the past hundred years.

This in turn gives us one fundamental question for how we conceive of and manage collections going forward: What are the communities of relation that we wish to develop and nurture? This question is not dissimilar to the one posed by Miguel Tamen, who argues in his 2004 treatise *Friends of Interpretable Objects* both that objects *invite* us into communities of relation because of their semiotic nature – here again the idea that the very grounds of interpretation are social as such – and that this invitation carries particular responsibilities. We have a duty to our friends, Tamen argues; effectively, we should act as their advocates, allowing them to speak in ways – and be *heard* – by audiences that would otherwise ignore their needs. We can expand this frame of reference between human-object relations towards the broader sense of community that I have suggested above. The next significant question then becomes this: What are the obligations that are owed between different members of the community that is a collection? This is a not a question that can be answered in the abstract,

much less one that should be addressed unilaterally. Instead, it locates us precisely within an ever-expanding field of relations, one that encompasses many different beings over a potentially vast time-scale, but is not thereby impossible to understand or navigate because of its complexity. Repatriation thus becomes a particular intervention within that field of relations, shifting a set of ongoing dynamics between humans and non-humans, between living and non-living actors. Such shifts would not, nor could not, *sever* relationships as such; they could only transform them. And, I would submit, it is Indigenous communities that hold both the primacy of knowledge and the sovereign right to determine the most responsible and productive ways that these communities can be transformed.

### **The Aporias of Provenance**

While I am in every sense a “true believer,” as one might say, in the recognition of a primary Indigenous authority on museum collections (among many other things), it is also worth emphasizing that nothing less, in the long run, will be able to adequately account for the constitutive violence of ethnological collection. Indeed, I think that any other position that justifies an inherent right for museums to withhold authority over their ethnological collections ultimately ends in a kind of colonial equivocation. This can either be based on false premises – for example, “colonialism was a long time ago and we all just need to move on,” when in fact the structural conditions of settler colonialism are ongoing – or on fallacious legal justifications that ultimately merely re-affirm colonial authority – for example, “this was properly purchased by a collector rather than illegally taken,” when, as I have already suggested, the very conditions of settler legality are themselves violent. Whether or not one takes these positions to be immoral, as I do, there is also a simple, practical point to be made here. Eventually these positions will simply be inadequate in the face of the advance of Indigenous rights, just as they are inadequate under the terms of the U.N. Declaration on the Rights of Indigenous Peoples. Museums need to think differently because, sooner or later, they will have no other choice.

However, this reality does not erase the problems of provenance and “competing claims,” as they are typically termed in Canadian government circles. Let us take up two different, hypothetical illustrations of these issues, albeit ones loosely grounded in my own experiences as a curator. Imagine that there was a carving in the collection of a Canadian museum for which only partial records existed. These hypothetical records state only that the figures had

been carved by and purchased from a “half-breed Indian” in Prince Rupert in the early twentieth century. This presents two immediate and potentially critical problems. First, the question of what is meant by “half-breed Indian” in the context of those early field notes. Formally speaking, there are three categories of Aboriginal status in Canada: First Nations, which denotes the vast majority of Canadian Indigenous Nations, Inuit, and Métis. Historically, the term “Métis” could refer to any person with mixed Indigenous and settler ancestry, but there are also distinctive Métis communities, for example, the Red River Métis, with their own histories and rights separate from First Nations. And claims to Métis status are growing in Canada, with new (and often very controversial) associations of Métis Peoples being established throughout the country (Leroux 2019). At the same time, for most First Nations on the Northwest Coast, the notion of a “half-breed” doesn’t really make sense. Instead, First Nations on the Coast reckon membership by descent rather than blood quantum. In the primarily Ts’msyen context with which we are concerned in this instance, one becomes a member of a Ts’msyen clan (and thus, legibly Ts’msyen ) when one’s mother is a member of a Ts’msyen clan, regardless of the ethnicity of one’s father. But the converse can also be true; even if one has a Ts’msyen father, one will not be a member of a Ts’msyen clan without that maternal connection, unless one has been formally adopted (Gray 2015). So, put more simply, “half-breed Indian” could potentially mean a member of a historical Métis community, a member of a coastal First Nation with normal standing in that Nation, or someone who is descended *from* a First Nation but does not formally belong to that community.

Adding to this complexity is the fact that Prince Rupert was a trading hub in the early twentieth century. Though formally situated on Ts’msyen territory (though, notably, there are at least more than a dozen different Ts’msyen communities, many of which negotiate independently of each other), Prince Rupert was a colonial town that attracted settlers and Indigenous people from many different backgrounds and contexts. So “Indian,” hardly a specific term to begin with, could refer to someone from the local Ts’msyen communities, but it could equally refer to virtually any other Indigenous person who was living in Prince Rupert, either from nearby First Nations or more distant pastures. It could even be a misnomer entirely!

What, then, is to be done from the museological perspective? In this imagined instance, there would be no way for a curator to make anything beyond a purely speculative determination on the provenance of these carvings based on the

available data. That would seem to put the museum in an impossible position: either it simply removes these artifacts from consideration for repatriation because they cannot be adequately provenanced, or risks repatriating them to a Nation that does not, in fact, have a “legitimate” right to the figures. Except, and this is what I want to emphasize here, this is a false dilemma. Consider now the fact that many Canadian museums rely on the determination of where an artifact was collected (acquired, purchased, or otherwise) in order to determine provenance unless further details about the object were known – and, even then, that other information tended to be cast as subsidiary to the place collected. Of course, a “place collected” is not a community, so in fact museum provenance was already a complex act of translation, associating given geographical areas with cultural groups. At the Canadian Museum of History, for instance, an artifact collected on Haida Gwaii would be classified as VII-B, VII for being from the “Northwest Coast,” B for “Haida” classification. The more trivia-minded among you might appreciate that “VII” is also the volume number for the Northwest Coast installment of the *Handbook of the North American Indians*, upon which Edward Sapir based his classification system reasonably directly.

But “place collected” does not encompass all the possible provenances of (or legitimate claims to) a given artifact. Take a second hypothetical example, a carved “bentwood” box, made by a Ts’msyen carver living in Kwakwaka’wakw territory, given in gift to a Haida Chief to mark his marriage to a Kwakwaka’wakw woman as a demonstration of her wealth and then brought home to Haida Gwaii by the couple. Ts’msyen artistry, but made for a Kwakwaka’wakw noble, given to a Haida Chief, ultimately purchased, let us say, from the Chief’s nephew on Haida Gwaii. In the best-case scenario, the box was collected by a detail-oriented ethnologist like Marius Barbeau, who recorded all this information in a notebook that was then archived and, eventually, its contents transferred into a digital database (hopefully free from transcription errors). But even when you know all this information and understand it to be true, that does not make determining *which* provenance should really count any easier or more obvious. Collections, as I have argued here, are already communities, and provenance attempts to draw a line *through* those communities in order to make final decisions.

The reason we have to do this has very little to do with either best practices or the needs of individual Indigenous polities themselves, and everything to do with a colonial hunger for resolution and finitude. Repatriations are premised on the idea of a transfer of ownership – museums have the legal right to their collections, and they transfer this legal right to the community receiving the

repatriation. Treaties are, likewise, based on finitude – Indigenous Nations will extinguish their Aboriginal Title to the totality of their land claims in exchange for payment and “concessions” from the government, including repatriations of ancestral remains and cultural objects. This is, in part, why repatriation policies have such limited scope. If they were more expansive, than how could a museum understand itself to have any permanent rights to *any* of its collections? This is also why repatriations have such high stakes. As *permanent* transfers of ownership from one legal entity to another, there is no room for ambiguity or error. Given such a charged context, we can better understand the quite simple reason why so many museums rest so heavily on “place collected” as its primary criteria for provenance: because that was typically the most reliably documented aspect of a given artifact.

These dilemmas articulated, let us return to the case of the hypothetical carving by the unnamed “half-breed Indian,” which we took early as a paradigmatic example of what effectively makes repatriation impossible. However, such a presentation presumes that museum documentation is the only way to properly *know* artifacts. This is quite simply not the case. Even in the context of such fraught museum mysteries, in my own experience, Indigenous artists, Elders, and experts are typically well able to identify not only where a given artifact might come from, but also, at times, the artist themselves. This does not “resolve” the ambiguities of provenance, as for instance the “proper” owner of the cosmopolitan bentwood box I alluded to earlier. But what such interventions can do is shift the terms of the conversation from an irreconcilable dilemma to a question of community, even of family. Museums can indeed have a role in these conversations, but it is facilitating an already ongoing conversation between communities *already* in relation to each other (human and non-human) rather than an attempt to limn their possibilities.

The point here is that artifact provenance is usually only aporetic from the perspective of the museum. Artifacts, even those which are not animate, were created within dense networks of relationality, ones that were rarely, if ever, premised on the firm boundaries and the urge to finitude that characterizes settler colonial rule. And in the case of Indigenous North America, at the very least, those networks of relationship have not been severed by even centuries of colonial rule and its accompanying violences. The dilemmas of repatriation are irreconcilable if we do not recognize, first, that we cannot base our decisions on museum data alone, because it is rarely, if ever, adequate to capture the complex communities of artifacts, and, second, if we continue to work within

a framework of repatriation as the cessation of relationships, as a form of finitude. Repatriations represent collaborations across many different communities, ones which will need to be ongoing to “succeed,” if we understand success to be the productive continuation and maintenance of relationships.

### **Repatriation Without End**

The thoughts I have offered today do not “solve” the dilemmas of repatriation. One way or another, however, repatriation is inescapable for us as museum professionals. Indeed, in Canada, and in particular in British Columbia, there is tremendous pressure to repatriate in order to “solve” bad colonial histories. One can imagine the temptation, for instance, to position repatriations as relatively uncomplicated elements within challenging negotiations, as the “easy part” of challenging negotiations, a gestural means of showing good faith that has relatively small consequences as compared to, say, the final border of a Nation’s territory or the allocation of their resource rights. This can be frustrating for museum professionals faced with issues such as our complexly provenanced bentwood box or the initially baffling carving of a “half-breed Indian” in a commercial hub. What is fair? What will not create conflict with other Nations? But, to put this bluntly, it is a set up. The conditions of colonial negotiations already put individual Indigenous Nations in an antagonistic relationship with each other, precisely because they take what was, historically, a fluid system of relationship-building and territorial negotiation, elements of which were eventually glossed as “the Potlatch,” and transformed it into legally binding, exclusive decisions in perpetuity. Repatriation cannot exist merely as a good faith gesture. To continue reifying structures of colonial authority means that museum professionals will always be stuck with arbitrary provenance and the sense that every good-faith decision they could make is the wrong one whenever even a hint of complexity is introduced.

Instead, let us embrace the idea that we have entered into an era of endless repatriation, and let us, even more importantly, attempt to understand what repatriation is really about: a transformation in the ways that museums understand and distribute authority. The notion of endless repatriation recognizes two emerging realities which, I think, will be inevitable: First, the fact that artifact repatriations will not mark the end (or the resolution) of museum-Indigenous relationships, and will likewise always take place in the midst of complex networks of relations between many different actors, all of whom will have their own perspectives on what is correct and what should

be done. Second, that there is no going back to an earlier moment in which museums (or, for that matter, historically colonial or settler colonial states) could lay claim to an unproblematic, unified sovereignty. It is the fragmentation of seemingly solid states into complex communities of interest that will mark our future. I have suggested that the place of the museum – and, in particular, the curator – lies at the nexus of these webs of relationality, but I want to emphasize, as navigator, rather than arbitrator. Museum staff are not typically negotiators, nor are they trained in conflict resolution. Beginning a repatriation process by decentering the authority of the museum has the potent effect of making the process a collaborative effort *even with* its seeming contradictions and aporias. These become questions we attempt to answer together, rather than anxious problems that haunt our ongoing efforts to build museums as ethical, pedagogical spaces. In abandoning the fantasy of finitude, in short, settler museum professionals not only come closer to the ongoing realities of relationality that compose museum collections and museum relationships with Indigenous Nations alike, but we can attempt to form part of them as genuinely responsible actors in our own right, rather than dooming ourselves to repeat the terms of a colonial fantasy that has long since been proven to be without merit.

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## Notes

- <sup>1</sup> *Nisga'a Final Agreement*, Chapter 17. See <https://www.nisgaanation.ca/sites/default/files/Nisga%27a%20Final%20Agreement%20-%20Effective%20Date.PDF>, accessed 22 February 2021.
- <sup>2</sup> The Nisga'a Museum *Hli Goothl Wilp-Adokshl Nisga'a* was opened in 2011, and a number of artifact repatriations and reciprocal exchanges between the Museum and CMH have taken place since, for example, <https://www.theglobeandmail.com/arts/art-and-architecture/nisgaa-museum-houses-repatriated-treasures/article18741686/>, accessed 22 February 2021 and <https://www.cbc.ca/news/canada/british-columbia/ceremonial-spoons-repatriated-to-b-c-s-nass-valley-in-celebration-of-nisga-a-lunar-new-year-1.4550238>, accessed 22 February 2021.
- <sup>3</sup> This is not to say that *every* museum professional feels this way. Indeed, many Canadian museum professionals support repatriation efforts both in principle and in practice, and we should equally not assume that all museums are staffed solely by non-Indigenous subjects. One could best understand these as settler social anxieties that pivot *around* museums as opposed to anxieties held exclusively by museum staff.
- <sup>4</sup> See, in this regard, the exemplary *Indigenous Repatriation Handbook* (2019) by Haida scholars and museum professionals Jisgang Nika Collison, Sdaahl K'awaas Lucy Bell, and Kwakwaka'wakw artist and museum professional Lou-ann Neel.
- <sup>5</sup> See Glen Coulthard's *Red Skin, White Masks* (2014) for further information on the violence of recognition in the Canadian context and Elizabeth Povinelli's *The Cunning of Recognition* (2002) for a theoretical overview of how recognition operates as part of a distinctly colonial multiculturalist politic.
- <sup>6</sup> In my monograph, *Shaping the Future on Haida Gwaii*, I explore the ways in which Canadian settler colonialism relies on a pernicious future-oriented temporal logic in order to justify its continued occupation of Indigenous territory and appropriation of Indigenous resources and material culture. As Indigenous Peoples *will* disappear, then, in effect, they can be understood as having already disappeared for all intents and purposes, and their rights can thus be disregarded in the present (Weiss 2018).



Such an assumption also justifies the theft of Indigenous belongings for preservation, which become re-figured as “historical artifacts” of vanishing (already vanished) peoples rather than objects stolen contemporaneously.

- <sup>7</sup> The U’Mista Cultural Center in Alert Bay offers an accessible overview of these events from the ‘Namgis perspective: <https://www.umista.ca/pages/collection-history>, accessed 22 February 2021.
- <sup>8</sup> Bourdieu, we might recall, made this detail a central tenant in his own theory of practice, analyzing in great depth the social work that is done by delays in the return of gifts as a means of social strategy (Bourdieu 1977).
- <sup>9</sup> This is a point ably made at greater length in Cara Krmpotich’s (2014) *The Force of Family*, which focuses on Haida repatriations more broadly.
- <sup>10</sup> *We are Coming Home*, an edited volume edited by Gerald Conaty (2010), offers a detailed account from many different perspectives of the display and ultima repatriation of medicine bundles to Blackfoot and Cree communities in the Canadian prairies by the Glenbow museum. It is a poignant case study in precisely these complexities and the ways in which cooperation and the recognition of Indigenous authority produced better relations between all of the parties involved.

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