

Collectors and Society

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Collectors are, and have always been, central to the purchase and sale of Tribal Art just as we are other art forms. And at all levels of society we have been important participants in the world of culture. From many of our Founding Fathers to the business entrepreneur and the youngster of modest means we are the engine that drives the acquisition of the interesting, the beautiful and the historic. Whether it be coins, stamps, paintings, pottery, arrowheads, toy soldiers or native attire, collectors share certain fundamental traits: a keen interest in the people who made such things, care and preservation of these treasures, a fundamental willingness to share our discoveries with others and an interest in what happens to our possessions after we pass on. We are the custodians of our collections and know that our possessions enrich the lives of all who come into contact with them.

Collectors have always felt that we are in the mainstream of our nation's cultural life. We endow museums and schools, loan our cherished works out so that they may be seen by the masses and either give our treasures to public collections or let them re-enter the marketplace when the time comes. And while museums have to wrangle with questions such as, "should we be serving art or education?" we collectors hold a central place in the intellectual public square without the necessity of answering such questions. We collect what inspires us – leaving it to others to assess whether we are prescient or crazy!

Many an object or artifact would be lost to posterity without the collector who sees its beauty or importance well before society sees its worth.

Most of us were fortunate enough to visit a museum or two when we were children. Where do you suppose the museum acquired all those items? From the largest museum to the smallest, the bulk of their holdings came by way of generous patrons – collectors! Practically every museum in America began as the vision of a passionate collector. Without those individuals, from Thomas Jefferson to Bill Gates, our national collections would be artistically impoverished. And I stress the word *individual*. Even corporate collections are largely the result of a discriminating individual: great collections are not built by committees (though, indeed, they may eventually keep the ball rolling and pay the bills.)

It is with special alarm, then, that many honest collectors now sense that we are within the sweep of some great federal net – a net meant to catch the bad guys. (It feels similar to the tuna industry when they used nets that did not distinguish between tuna, dolphins and turtles – so many non-tuna animals died because their association with the subject of the chase did not permit them an out, an escape. It was 'explained away' as "collateral damage.")

To be sure there are those individuals who would like to shut down ANY tribal

collecting activity at all. Is this proper in our society built on private property and free enterprise? I do not believe it is.

The sellers of tribal art directly benefit from the sale of artifacts that are either no longer in use or are created to be sold to an “outsider”. Those of us in urban environments tend to think of these ‘source’ cultures as static and fixed in place (that is, when we do not think of them as declining.) In fact, tribal peoples desire the same comforts and improvements as the rest of us. They, too, want funds to purchase medicine, food, clothing, home repairs, farm improvements, or educational and other opportunities. Our legitimate purchases not only fund the acquisition of these things; they keep age-old skills and traditions alive that teeter on the brink in an industrializing world. It is a sad fact that local digging by the rural poor is driven by economic necessity, loss of the old ways and urbanization, not by the art market and collectors.

Tribal art is a deep expression from the mind and hand of its maker. This can be said about much other art as well. But what makes tribal art different is an intensity derived from its association with the ancient and supernatural, with mastery and productiveness. And yet, it is bounded by human experience in its attempts to cure the sick, propagate the harvest, explain our place in the natural world and help its citizens negotiate the pathways of their daily lives. Those are activities and feelings with which all of us can relate and which we see as something worth preserving. It is we, the collectors, who assist in the great effort of preservation of this material world.

Cultural heirlooms, and pre-ban archaeological materials must not be confused with archaeological items removed from public or tribal land, which action is clearly illegal. However, tribal people do have a right to dispose of personal property just like any person who swoons with surprise and delight on public television’s Antiques Roadshow. In our economic system it is market forces that determine where once-personal property keeps company as it travels through time and history.

According to an old Roman proverb, “art has no enemy except ignorance.” Federal zeal to deal justly with those who break the law with regard to our country’s common cultural patrimony should not be confused with Federal zeal run amok by the thrust of civil servants pushing an agenda not in the purview of the laws as currently written. People committing suicide before their legal cases even go to trial, as in the 2009 Four Corners arrests, is a terrible outcome for the families involved. (It also puts a chill on legitimate collector’s activities that will take years to undo.) I do not think it impertinent to suggest that what’s bad for the honest collecting fraternity is bad for the country’s cultural scene as well.

As collectors we have seen our emphasis begin to shift, or shall we say, expand, from authenticity, price and condition to include provenance and clear title. Well and good. But to move the burden of proof on these issues from government to the individual, while at the same time moving historical goal posts is bad practice and bad law. Many native tribal items do have a provenance – it is just not recorded because, in the past, there was no such requirement. To institute a

provenance requirement, now, on good faith purchases from the whole of our national past, is not something that could ever be done with more than hit or miss accuracy. It also would be, in our legal system where the presumption of innocence is a signal American right, an historic shift of “burden of proof” by requiring collectors to prove their materials are legal rather than requiring the government to prove them illegal. This may seem to the non-legal mind a small turn of phrase but it is a huge issue in law and a grounding principle of our system of justice. Such a turnabout can only lead to the confiscation and “nationalization” of previously known, legitimately privately-owned artifacts, or State theft, as government institutions add this material to their collections.

In December 2009 the U.S. Department of the Interior Inspector General’s Report heavily criticized federal warehouses and many of our national museums as bulging with cultural

objects which have no recorded provenance and which are extremely poorly conserved due, in part, to lack of funds and poor management practices. Surely many of these pieces could be released to the market, since, obviously, they are believed by the experts in charge to have little or no archaeological value. The monies obtained could be used to do a better job conserving and inventorying our cultural past. It is obvious from this Inspector General’s Report that the government should begin attending to what it already has on its plate.

Finally all we hear about these days is the benefits of globalization. Where is that displayed in the world of policing our shared, national cultural patrimony? Our world seems to be heading the other way, towards insularization. If globalizing the work force, markets and economies is a good idea, why not material culture?

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