

*Who Owns the Past?**History, Cultural Property, and the Logic of Possessive Individualism**Richard Handler*

We are a nation because we have a culture." So said a Quebec high school student, explaining to an English-Canadian television audience why French Canada considers itself a distinct nation with a distinct identity. We can substitute the word "history" for "culture" in the student's formulation, since people use the same metaphor of possession to depict the relationship between their nation and its past, as in phrases like "the nation's history" or "this nation has a long history." (In the present essay I argue that we must take these metaphors of possession seriously. Rather than discount them as trite or lifeless, let us use the powers of cultural analysis to raise them to life, to make us reflexive about certain themes that are central to modern culture but, precisely because of their centrality, are usually overlooked. Pursuing such a tactic, I will show why such expressions as "cultural property" and "who owns the past" must be interpreted in terms of what has been called "possessive individualism" (Macpherson 1962). - cum

Modern Western culture places a high value on the individual. In the explicit cultural wisdom that most modern citizens can recite, individualism entails the equality, freedom, and uniqueness of each person; it also entails opportunity, talent, competition, achievement, just reward, and so on. (But certain aspects of modern individualism are less apparent to common sense, and it is these that merit analysis.)

① First, the modern individual is expected to be a self-sufficient and self-contained monad. Each of us stands, or should stand, on his or her own two feet, as the cliché has it. Each of us is, or has the potential to become, a complete human being. As Montaigne wrote in 1585, at the beginning of the modern era, "Chaque homme porte la forme entière de l'humaine condition" (1962:222), which I translate as "Each man embodies the human condition in its entirety."

To understand the uniqueness and, perhaps, strangeness of these cultural beliefs, we must follow such authors as Tocqueville (1835) and Louis Dumont (1966), who contrasted our individualistic culture to cultures that value social hierarchy. In a culture such as European Christianity during the Middle Ages, it would have been blasphemous to pretend that an individual was complete per se, a monad. To the medieval mind it was obvious that any human person or, indeed, any tree, rock, flower, or angel, was merely a tiny element in God's vast creation, each such element deriving its value from its place in the whole. Moreover, all such places were ranked relative to all others: hence no equality, but all the elements of creation ordered, from the highest to the lowest, according to their distance from God. Such a world sounds alien to us, and perhaps unfair. But we must endeavor to see our own conception—that each separate individual is complete—as equally strange; as creatures who depend on both our physical and social environment, we are obviously not alone, apart, and complete (cf. Bateson 1971).

One further comment on this modern monad: One is not only complete in oneself, one is *completely oneself*. By this I mean that we conceive of the individual person as having, as we say, "an identity." Identity means "oneness," though it is oneness of a special sort. Webster's *New Collegiate Dictionary*, 1980 edition, defines "identity" as "sameness in all that constitutes the objective reality of a thing" (p. 563). In other words, as an individual one is completely and uniquely oneself, through and through, only oneself, nothing but oneself, and, note well, objectively oneself.

② The second aspect of modern individualism that I want to bring to awareness is its possessive element. In modern culture an individual is defined by the property he or she possesses. I do not have space to

develop this point extensively, but let me suggest Locke's *Second Treatise of Government* (1690) as a key cultural document with regard to this point. In Locke's theory, the origins of society (he called it "civil society") are to be found in natural human acquisitiveness. (That is, humans, as Locke depicts them, seek naturally, without the promptings of any cultural teaching, to subdue nature and to transform her bounty into private property.) Thus, society, or social rules, are necessary in order to regulate the interrelationships of property-owning individuals and, in particular, to allow individuals to enjoy their property and rights without being molested by other individuals similarly endowed yet always seeking more. For our present purposes, the point is that property is thought to be intimately connected to human individuals, whose most basic instincts compel them to create it. Individuals who do not lust after accumulation, who do not seek to "improve" or conquer nature, were thought in Locke's day to be savages or degenerate specimens of the race. (In the United States, the politics of welfare suggests that this conception still obtains.)

③ There is a tension or contradiction between individual completeness and individual possessiveness, and this brings me to the third aspect of modern individualism that I want to discuss. The modern individual can never be at ease, can never be satisfied or fulfilled, because modern culture has enshrined endless progress, endless development as a value as potent as simple individualism. Each of us is said to be a complete and worthy human being, but each is also told to become ever more complete and worthy. We must never stop growing, learning, developing, seeking to realize our greatest potential and to fulfill ourselves. "Be all that you can be," says a recent recruitment jingle for the U.S. military. Such instructions hold in the material as well as the spiritual domain, and most of us strive for an ever greater degree of material comfort, or to possess more possessions. As Tocqueville wrote of the American citizen in 1835, "Besides the good things that he possesses, he every instant fancies a thousand others that death will prevent him from trying if he does not try them soon. This thought fills him with anxiety, fear, and regret and keeps his mind in ceaseless trepidation" (1955:145).

The completeness and apartness of the individual, the individual's

relationship to property, and the contradiction between completeness and the drive to acquire ever more property—these, then, are three aspects of modern individualism that I want now to apply to the question of who owns the past. To do so, we must make a conceptual jump, to recognize that the individuals pertinent to the present discussion are not single humans but ethnic groups and nations. Louis Dumont (1970) argued persuasively that in modern culture nations (and, I would add, ethnic groups) are imagined as “collective individuals.” Each nation or group is imagined to be bounded and apart, and internally homogeneous. This is obvious from a glance at any modern map, which uses dark, unbroken lines to portray the boundaries between nations, and which fills in the interior of each bounded unit with a different color. These cartographic conventions suggest, first, that each nation is unambiguously separated from its neighbors; second, that each nation, colored differently than its neighbors, possesses a unique identity and culture; and third, that each nation, of one and only one color, is internally homogeneous.¹

Granted that, in the logic of modern culture, groups can be imagined as though they were individuals, we must consider the possessive element of modern individualism as it relates to groups. A group’s most prized possessions are said to be its culture and history. Any spokesperson for a nation or ethnic group will tell you what the Québécois high school student said, “We are a nation because we have a culture”—“it is our culture and history, which belong to us alone, which make us what we are, which constitute our identity and assure our survival.”

From this perspective, that of self-conscious cultural nationalism, the notion of survival is crucial. It is precisely the ethnic activists’ belief that their group’s survival, its identity or objective oneness over time, depends upon the secure possession of a culture, that renders debates about who owns the past so passionate. Here let me open a parenthesis in order to explain that “culture” and “history” become nearly synonymous in such debates. This is because a group’s history is said to be preserved and embodied in material artifacts, such as buildings, works of art, ceremonial objects, and antiques. All such objects are coming to be known by the term “cultural property,” which implies the possessive

individualism I am stressing. In other words, a group’s existence as a unique individual is believed to rest upon its undisputed possession of property, and that property often comes in the form of historically significant objects. Nations and ethnic groups prove their existence and their worth to the entire world by cherishing their property. It is but a short step from cherishing to “developing”—hence the proliferation of museums and historic-preservation legislation, as well as the competition among nations, including relatively impoverished ones, to demonstrate that they have truly “world-class” cultural monuments and museums.

As an extended example of one type of dispute over ownership of the past and of cultural property, consider a debate that is currently lively in museums and the international art and antiquities market, that between “restitutionists” and “retentionists” (Dummett 1986). The debate concerns cultural treasures from around the world housed in metropolitan museums. Retentionists argue for the right of museums now possessing such treasures to retain them indefinitely, while restitutionists believe that some of those cultural treasures ought to be returned to their places of origin. The restitutionist position (my chief concern in what follows) rests on three arguments, concerning (1) cultural identity, (2) aesthetic integrity, and (3) fair play. Though I favor the restitutionists, I believe that their first and second arguments are of dubious value though for different reasons, to be explained in what follows.

The cultural-identity argument of the restitutionists reproduces the Western ideology of possessive individualism while ostensibly promoting cultural diversity. Restitutionists say that dispossessed nations or ethnic groups have a right to the cultural property stolen from them. They say that the identity and continuity of the plundered cultures depend upon reacquisition of those life-preserving pieces of property. Thus in 1976 a Unesco panel formulated the principle that “cultural property is a basic element of a people’s identity,” and argued for “the return to their countries of origin of certain items of overriding importance for cultural and historical identity, for the personality and the spiritual values of particular peoples.” Two years later a second Unesco panel recommended, in addition to restitution, “the establish-

ment of representative collections in the countries whose cultural heritage has been dispersed" (Robinson 1980:56). The entire argument is neatly summarized by a Unesco official who described the loss of cultural treasures as "a deprivation of possession which is a deprivation of being" ("privation d'un avoir qui est une privation d'être," Salah Stetie, Chairman [1982] of Unesco's Intergovernmental Committee for the Return or Restitution of Cultural Property, quoted in Browning 1986:805). In other words, being depends upon having. One could find no pithier statement of the relevance of possessive individualism to the international politics of culture.

The problem with these restitutionist arguments is that they make use of worn-out metaphors—collectivities seen as individuals, culture seen as property—borrowed from the hegemonic culture that the restitutionists are attempting to resist. (Much of the anthropological literature of the past decade has argued that nations and cultures are not bounded, continuous over time, or internally homogeneous. It is no longer useful for anthropologists to imagine cultures as collective individuals possessed of property and characterized by that "identity" so central to the individualistic worldview. Rather, it is more fruitful to think of cultures and groups as being continually reconstructed, realigned, and reimagined, as various actors negotiate their social lives.) To argue, as the restitutionists do, that artifacts plundered in the past bear witness to the cultural continuity of the plundered group, and hence must be restored to that group's possession, is to take a present-day understanding of one's collective identity and to naturalize it as if it were an objectively and continuously existent thing. But in my opinion, cultures are not things exhibiting this oneness over time. Today's disputed cultural treasures, at the time they passed into the hands of Western imperialists, bore witness to human realities that are only today reconstructed as the "cultures" of victimized non-Western people. Similarly, to speak of the "countries of origin" of cultural treasures is to speak anachronistically, since those treasures did not in most cases "originate" in the present-day sociopolitical entities we call countries. (I am aware that my argument at this point is similar to that of the retentionists, who say, for example, that the Greeks who today wish to reclaim the Elgin marbles ought not to be considered

the descendants of the Athenians who built the Parthenon; I will address this issue below.)

Indeed, the ethnic groups now proclaiming their existence, their boundedness, and their historic continuity are in most, if not all, cases the creations of rather recent events. This holds true for an apparently prototypical nation-state like France (Weber 1976) as well as for groups with less well-validated pedigrees. And the culture that present-day groups claim as belonging to them from time immemorial, embodied in historically particular pieces of cultural property, is likewise the product of a current interpretation and not an objective thing that has possessed a continuous meaning and identity over time. Thus, to constitute "representative collections" is to invent a static culture that never existed in the past (cf. Ames 1986: 48–58), though the notion of representativeness implies a truthful portrayal of what is already there (the "what" in this case being a historically existent culture).

(2) In the aesthetic-integrity argument of the restitutionists, cultural treasures are said to be fully understandable only when viewed in their original setting:

A work of art is the product of a particular time and place, and cannot be fully understood save as being of that time and place. This is . . . especially true of those works that were made to adorn a particular building, or to be used in a particular ceremony: if they have been removed from their intended setting, the viewer has to make a strong imaginative effort if he is to come near seeing them for what they are. (Dummett 1986:809)

"Seeing them for what they are" suggests the logic of identity critiqued above. It is as problematic to speak of the true meaning ("fully understood") or identity ("what they are") of works of art as it is to speak of the essential personality of a culture. I would argue, in either case, that the object (culture or work of art) is constructed in part by the interpretations that viewers, users, and/or participants bring to it. Granted that an artwork or culture can be understood from multiple perspectives, how is it possible to privilege any particular interpretation as conveying the sole or complete truth of the object in question?

Arguing for the return of cultural treasures to their "original" settings, restitutionists apply various criteria to validate their interpretations of the essence or true meaning of such objects. Sometimes they speak of the "natural" setting of an object (Robinson 1980:56), a term whose implicit appeal to "the way things are" can preclude further discussion. Or, as in the passage quoted above, they mention the settings "intended" by the creators of cultural treasures. This second argument poses two problems. (First, the meaning of an artwork ought not to be limited by the artist's intentions which, at the most, can supply only one among many clues as to how the work can be interpreted.) (Freudian psychology alone suggests how much of the potential meaning of art may be inaccessible to its creators; think also of the Boasian notion of the unconscious patterning of culture.) (Second, it is doubtful that a museum in the "country of origin" of a cultural treasure is at all comparable to the setting intended for the treasure at the time of its creation.) Indeed, to objectify something as a cultural treasure probably makes it impossible ever to restore it to its original setting, since that setting (assuming it remains in existence) will change or will have to be changed to accommodate the object's new status as treasure, as cultural property.² Moreover, artworks and cultural treasures gain new meanings when placed in new settings (cf. Lowenthal 1985:286, 356, footnote 334); to claim that full meaning depends on an original setting seems unnecessarily to limit the potential meaningfulness of human creations.

Having rejected arguments based on cultural identity and aesthetic integrity, I want now to suggest that the retentionists' third argument, concerning fair play, allows us to advocate the return of cultural properties to countries claiming entitlement. I said above that the metaphors of cultural property and the collective individual are "worn out." I believe that they are worn out in the sense of being epistemologically bankrupt, particularly for the purposes of the human sciences. They are not, however, worn out with respect to power; to the contrary, they remain dominant metaphors in the hegemonic discourse of a worldwide postmodern culture. Those who would assert what they see as their rights against the powers-that-be must articulate their claims—in the case discussed here, claims con-

cerning a more equitable division of cultural property—in a language that power understands. Metropolitan museums, whose avowed mission is to display the cultural treasures of humankind's diverse cultures, cannot credibly deny that claimant countries ought to pursue policies to develop their cultural identities and to protect the heritage upon which such identities are thought to depend. As Michael Dummett suggests (1986:809), for retentionists to defend their position by deconstructing the national identity of their opponents—claiming, for example, that modern Greeks are not "true" descendants of ancient Greeks—is fundamentally dishonest, because retentionists are not simultaneously willing to call into question their own nationalistic claims to cultural superiority. In other words, retentionists are quick to condemn the parochial nationalism of their opponents, but rarely question their own more imperial nationalisms, which they mask in the name of internationalism.³

In the world of international power relations, then, it is necessary to speak, as restitutionists do, about "heritage" and "identity," the "reapportionment" of cultural property, "art-consuming" and "art-producing" countries, and the "theft" of cultural "treasures." The retentionists and the forces they represent have foisted the logic and language of possessive individualism upon the world. Now let them return the property that logic fetishizes to the collective individuals, or non-Western nation-states, that have sprung up in the wake of Westernization. To do so would make for a good piece of reflexive anthropology whereby we of the West could experience our own rules from the perspective of those without power.

Ironically, even were the retentionists to yield to the restitutionists on every point, the cultural preservation and authenticity so ardently sought would not materialize. Paternalistic retentionists sometimes say they would be willing to return cultural properties were Third World countries endowed with museums and technicians adequate to care for them. Restitutionists often, though not always, agree that the proper setting for cultural property is the museum. But to place one's own property in one's own museum is yet another example of the hegemony of Western culture and the disappearance of alternative modes of living. That putatively diverse national and eth-

nic groups understand one another well enough to fight about who "owns" the past suggests that all of them have been assimilated into a global culture of the present.

NOTES

1. Elsewhere (Handler 1986, 1988) I have pursued the implications of Dumont's work, arguing that most social science, including anthropology, treats cultures and societies in this individualistic fashion. This is so despite our explicit Durkheimian championing of social rather than individualistic perspectives, and despite our recognition that cultures and societies are not internally homogeneous.

2. With respect to the mutability of setting, consider the following incident: "When our team started work on it [the Bramayani Temple in Panauti, Nepal], we discovered an added hazard: the structure had no foundations. This called for the development of a new technique to float reinforced concrete pads, like large snowshoes, under the main supporting columns. The concept and design were simple enough, but the execution proved difficult, as the chief priest said that we would be threatened with dire consequences should we move the stone divinity" (Sanday 1986:105).

3. As Ekpo Okpo Eyo, head of the Nigerian Federal Department of Antiquities, argues concerning such pretensions to international brotherhood: "In real life the notion appears to be valid *only* as long as art treasures flow in from the 'peripheries of the world' to the 'centre' and not from the 'centre' outwards. Benin bronzes should be seen in museum showcases in New York and London, but it is impossible to contemplate Leonardo's Mona Lisa . . . in Lagos or Accra" (Eyo 1986:203).

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Creation Myths and Zoning Boards

Local Uses of Historic Preservation

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With the increase in local-level surveys of "cultural resources," archeologists and other historic preservation specialists have become players in the arena of local politics. To be effective cultural resource managers, we must examine historic preservation within the structure and process of local politics. This paper discusses how neighborhoods and local jurisdictions can and do use "history" to achieve ends not related to the preservation of historic resources, to combat perceived threats to the community, and to attempt to maintain the status quo. The preservation process can provide a tool for community manipulation and control at the same time that it supports, exposes, or opposes the mythology of local history. Rather than simply existing within a realm of "truth" and "knowledge," studies of history and prehistory by specialists often compete with residents' concepts of their own local antecedents. In turn, preservation goals can compete with those of other interest groups in a complex, and sometimes volatile, political process of land-use decision making.

Although organized interest in historic preservation predates the environmental movement of the 1970s, it was strongly influenced by these concerns (Fowler 1986). Simply put, historic preservation aims to protect a portion of this country's history for future generations,