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MUSEUM ACQUISITION AND MAORI TAONGA

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INTRODUCTION

The history of museum acquisition of Maori *taonga* (treasures) is a complex one which stretches back past the founding of the first museums in this country, and has yet to be resolved to the satisfaction of all parties. In the past, *taonga* were often acquired in ways which now look distinctly shady, and without consulting the relevant Maori group. Gradually those practices have been superseded and a strengthening dialogue between the two main parties, museum staff and Maori, taken up. This paper studies the process of change in museum acquisition policies on Maori artefacts and how it relates to legislation such as the Antiquities Act of 1975, with specific reference to the Auckland Museum.

All museum collection policies differ slightly, yet have in common one factor - *caveat emptor*. If the museum acquires an artefact, be it as a gift, purchase, bequest or deposit, which the donor did not have legal title to, they may lose it. Similarly if the conditions of acquisition by any of these methods are not fulfilled, or the details of the transaction are not properly recorded, the item may be reclaimed later (Eutick and Cordato 1983).

Eutick and Cordato deal exclusively with European objects, and regard personal property as a group of commodities. Generally Maori, and many other non-Western groups, do not regard their *taonga* as things which can be owned by one or two people but as being part of the group, an association which is strengthened by the passing of generations. As such, Maori do not often part with their *taonga* as lightly as Pakeha might with an object of the same physical function. The great difference in the Auckland Museum acquisition lists of Maori items between the number accessed through Maori agency and through Pakeha reflects this.

The problem is, then, that 'property' which in European law and usage is regarded as alienated from Maori owners, is frequently not regarded as being so by the Maori group in question. This was and still is compounded by the assumption of some New Zealanders that Maori should forget the past and get with the majority.

How does a *taonga*, or any Maori artefact, pass into the hands of a Pakeha? In the first case, Maori were quick to realise the value of iron for tools and of cloth, particularly red, among other things. By trading these items and others, Cook and other early explorers amassed large collections which returned with them to the Old World. As soon as the power of the musket was observed,

the entire country was convulsed in an arms race, either to avenge past losses or to defend themselves against such attacks; this intensified trade even further.

Almost any Pakeha provided access to these commodities and so was a valuable asset to the tribe, although the price of trade was high. Traders, missionaries, settlers and sailing ships were welcomed in many areas for what they brought with them, and paid what was necessary. Political alignments were marked by the formal presentation of *taonga*, sometimes along with land or a wife, to cement the connection between the group and the Pakeha; presentation could also occur as a recognition of the mana of a person's character, office or actions. Captain Gilbert Mair recorded that as a Land Court judge, he often received nearly the entire wealth of families to whom he awarded part of the Crown's payment; but that he followed "native etiquette" by returning all but a small portion (Mair 1923:67). Many failed to follow this example, either through greed or ignorance.

Last among these primary methods of transfer is the action of the military, either by confiscating a prisoner's weapons, raiding abandoned *pa* and *kainga*, or taking the possessions of those fallen in the field. Looting is a worldwide human phenomenon, but that does not reduce the instinctive anger of its victims.

As Government control over the country strengthened, secondary methods of acquisition were more frequently practised. When new settlers spread over the landscape the rate of accidental discovery of artefacts hidden or lost in lakes, swamps, caves and the ground increased; amateur collectors actively sought them. Sometimes artefacts were sold to a growing number of tourists who took them back to their own country. The dealing trade became quite profitable and a veritable flood of weapons, tools, carvings and pendants sailed away through the middle of last century.

MUSEUMS IN NEW ZEALAND

By that time museums were being established; the Auckland Museum opened its doors to the public in 1852 and the National Museum, then known as the Colonial Museum, in 1865. To begin with, emphasis fell on the natural sciences rather than ethnology, particularly at the Colonial Museum which was closely associated with the New Zealand Geological Survey. The Colonial Museum's first Director, Sir James Hector, had little interest in Maori ethnology and it remained for Augustus Hamilton to make up for lost time on his appointment in 1903 (Dell 1965:3-4).

In the meantime the Auckland Museum, now coupled with the Auckland Institute, declared its intention in 1885 "...to put together as complete a collection as possible of specimens illustrating the manners and customs of the Maori race ... for very few years will make it impossible to secure many articles once in common use," (Annual Report of the Auckland Institute and Museum, 1885-86:

7). The next year the Museum's Maori carvings, formerly scattered around the building, were relocated together in the entrance hall (A.R.A.I.M., 1886-87:7). From then on the accession lists at the back of each annual report show a steady increase in Maori items, and a new hall was built for the increasingly popular ethnological collection in 1892.

A little later Hamilton, then Registrar at the University of Otago, was in the thick of a campaign to establish a National Maori Museum alongside legislation to control the export of Maori articles. The majority of Parliamentary Members were in favour of his proposals - in 1901 he was asked to submit a report discussing the function, building and management of such a museum in conjunction with S. Percy Smith. In the end the cost must have seemed too great, for the project was never carried out. However, Hamilton's canvassing for a Maori Relics Act was successful when Carroll, then Native Minister, finally raised the issue in the House the same year. Some Members expressed concern at the possible restriction of dealers' business but the Act was passed in much the form Carroll had hoped for (Hamilton papers, Auckland Museum and Institute Library: MS 131, notebooks 10-11).

PARLIAMENTARY ACTS

The 1901 Maori Antiquities Act was to apply to "...articles manufactured with ancient Maori tools according to Maori methods," but excluded private collections not intended for sale. Under the Act no antiquity could leave the country without being first offered for sale to an authorised representative of the Governor. Trying to export an antiquity without permission allowed the Crown to seize the article, but the action could be reversed. Seemingly they had trouble policing this as in 1904 an Amendment Act was passed, instituting twenty-four hours notice to Customs of export and a penalty of up to one hundred pounds for successfully smuggling something out. Private collections were now included in the Act (sections 2 and 3).

The 1908 Act was simply a consolidation of its forbears. The Act continued to be something of a headache for officials; in one case, someone tried to send *kete* in the post, and the Postmaster had to detain the package while waiting to find out from Internal Affairs if they were restricted by the Act (Museum Acquisitions - Department of Internal Affairs: files 13-12-5, -6, -11). These problems were taken in stride until 1962 when the legislation changed quite dramatically. The Historic Articles Act was applied to almost anything made by Maori or other Polynesians before 1902, as well as any written matter of national importance which was over ninety years old and certain specimens of native animals, plants and minerals. The Minister of Internal Affairs was entitled to advertise any article submitted for export approval in the Gazette, to see if anyone within the country was willing to buy; if the owner did not accept any of the offers made the Minister was still able to refuse permission (sections 2 to 6).

Looked at in terms of accommodating the difference between Maori and Pakeha concepts of property, the 1962 Act was a definite step forward. Notifying the public of an article's availability at least gave any group who want their *taonga* back a chance to purchase it, assuming they could raise the money. If the price was too high, stating the case to the Minister might have influenced his decision. Appeals against the Minister's ruling could only be made by the person applying for permission to export, but in the new process an appeal was heard by a barrister and one expert each selected by the Minister and the appellant, each side calling its own witnesses (sections 9 and 10). As the new Act obliged the Minister to make cultural significance a factor in deciding whether to grant an export license or not, arguments based on Maori social tradition and oral history should have been admissible to both the appeal committee and, at an earlier stage, the Minister.

The 1975 Antiquities Act is the most recent, and the first to completely ban the export of antiquities, with the proviso that the Secretary of Internal Affairs may advertise a particular type of artefact as no longer coming under the Act. The Secretary, when deciding if a certain item is an antiquity under the Act, must now consider its historical, scientific and archaeological importance as well as its "spiritual and emotional associations" for any group within New Zealand society; and any other factors he or she deems relevant (sections 2 and 6).

This Act also controls the movement of antiquities within the country. Unless the transaction is between relatives in the form of a gift or inheritance (section thirteen), transferring the ownership of an antiquity must be done through a licensed second-hand dealer or auctioneer. This person must inform an authorised public museum of every artefact which passes through their hands, and the museum in turn must provide a certificate of examination and a registration number for each one. The dealer is required to forward details of the artefact, such as its previous and new owner, its registration number, and a description, to the nation-wide register at the National Museum (section 13).

The licensed dealers and auctioneers are only permitted to sell artefacts to each other, public museums and registered collectors. Therefore anyone who wants to be able to change their collection must apply for registration, which the Secretary may refuse or revoke as he or she sees fit. A registered collector has to inform the Secretary of any change in the content or location of his or her collection within a fortnight (section 14).

The 1975 Act is the first to address the problem of fossickers. Firstly it defines 'finding' as obtaining in a way that makes discovery of the legal owner's identity difficult, while having grounds for believing that the last legal owner was dead at the time you found it. It goes on to say that any artefact 'found' in New Zealand is *prima facie* (at first sight) the property of the Crown. In cases of claims to ownership or possessory rights over an artefact, the Maori Land Court determines the claim's validity; it can also appoint trustees for the artefact's custody and preservation (sections 11 and 12). The 1993 Historic Places Act

imposes penalties of up to \$40,000 for damaging any site under their jurisdiction although the minute an artefact comes out of the ground, it falls under the Antiquities Act (W. Gumbley: pers. comm., 2-9-1994). Unless you are prepared to break the law, there is no longer any profit to be made in digging things up and selling them.

From the point of view of scholarship, fossickers are a curse - they pull things out of their archaeological context and whole dimensions of information are lost. They were welcomed with open arms by museums, though, who were often bequeathed or gifted, or themselves purchased, whole collections of fossicked items, especially from the 1890s to 1950s. From around the time of the first World War, museums sponsored their own collecting expeditions around the North Island - "Mr Griffin, when collecting near Mercury Bay for the Museum, was fortunate enough to secure a recently uncovered Maori skeleton, with which fourteen large stone axes, in process of manufacture, had been buried," (A.R.A.I.M. 1913-14: 10).

Today it seems astonishing that fossicking went on for so long, and encountered so little publicly expressed opposition. In the aftermath of the New Zealand Wars, when the anti-Government *iwi* gave the British a much tougher time than the colonial mindset was prepared for, a subconscious bid to regain former comfortable convictions of superiority and make people pay - again - was part of the reason. Appropriating people's art and in this case, ancestors, for display in one's own territory is a particularly effective way of doing this. Until the turn of the century the Maori were thought to be doomed to extinction, so their current ideas and opinions might be taken as of little consequence . . . but eventually it became clear that they were very much alive and involved in the nation's affairs. Changes in legislation and museum collection policies followed developments within wider society.

MUSEUM COLLECTION POLICIES

Collection policies were rarely set down in writing, instead developing out of the staff's expectations about the museum's functions and goals. The Auckland Museum published its current collection policy in 1990; their last policy publication was at the Museum's foundation in 1852 (author unacknowledged, 1990: 1-3). A definite policy statement can prevent individual idiosyncrasy seriously biasing the content of the collection, and keep the desired balance between the museum's different functions (Haldane 1992:3) However, the Auckland Institute and Museum's early staff and members seem to have agreed on one thing - acquisition was the name of the game. If you could get it, do so, and hang on to it. They were less than particular about provenance where ethnological items were concerned, but in fairness it must be pointed out that before the Maori Antiquities Act was passed in 1901 the museums obtained many important collections and individual items which might otherwise have left the country.

In the process of adding an article to a museum collection (accessioning), each article, or group of related articles, is recorded on its own card with the date of accession, an accession number, and perhaps a separate register number as is the case in the Auckland Museum. The origin of the item, its description, who the museum obtained it from and how, should be recorded as well as any information on its nature. In reality artefacts may sit on shelves for weeks before being properly accessioned, and some details may be lost or unknown, although this is becoming less likely as the law develops.

Although the Auckland Museum first opened in 1852, its ethnology catalogue begins in 1890 when Gilbert Mair deposited much of his collection; articles obtained before then were re-accessed. Comparing the catalogue entries with information given in display labels and the Annual Reports of the Auckland Institute and Museum gives one a wider picture of the Museum's policy over the years. In the first reports (1870-84) ethnographical items are rare in the accession lists, but in 1885 the Museum embarked on its new policy of going after Maori 'specimens'. After that, acquisition of Maori *taonga* increased, the most important of these being Mair's collection which the Museum bought in 1901 with a massive public subscription of a thousand pounds (A.R.A.I.M. 1901-02: 7). This incident and several others like it show the extent of public support for keeping artefacts in the country and for the Museums themselves. From the 1890s onward the number of purchases for Ethnology rose (A.R.A.I.M. 1890-1900: accession lists). From the 1900s to 1920s the Museum bought from some dealers on a regular basis, such as the entrepreneurial E. Spencer. In 1901 he heard about the rediscovery in a cave of several pieces of a stone-carved storehouse, so he hired a ship, sailed to Te Kaha and bought them from Te-Whanau-a-Apanui before the Government had finished arguing about the money. He kept them for a decade before selling them to the Auckland Museum for four hundred and twenty five pounds, something of a profit over his own investment of seventy five pounds. The passing of the Antiquities Act in 1901 gave museums an improved chance to buy *taonga* like this, which might otherwise have been sold overseas.

The rate of Maori acquisitions peaked in the late 1920s and then dropped off somewhat, although several bequests meant there was always some money to buy with (Powell, *et.al.* 1967: 80-82). In the late 1930s more attention was being paid to the other functions of a museum such as conservation and education than before (A.R.A.I.M. 1930-39). This more balanced approach was contemporary with an increase in constructive dialogue between museums and in 1947 the Art Galleries and Museums Association of New Zealand was formed, "to ensure co-operation between museums," (A.R.A.I.M. 1947-48: 7). Today Auckland Museum focuses on the Northern half of the North Island, where it once collected from the entire country.

The 1962 Historic Articles Act provided another boost to Museum collections by making gifts to museums and other public institutions exempt from Gift Duty, and excluding them from the dutiable estate of the giver

(section 13), leading to an increase in the rate of acquisition into the 1970s. The radical change in policy between this Act and that of 1975 caused Museum staff a great deal of extra work, but provided an opportunity to study *taonga* that otherwise might never have come through their hands, besides keeping them within the country.

Some areas of the 1975 Act are problematic. Although the Maori Land Court may grant custody of *taonga* to the person or people it finds have the best claim on it, the artefact remains the property of the Crown, even when it was removed from the burial of an identified party (sections 11 and 12). Also, in public sale situations the edge belongs to the serious collectors, who are likely to have more money than a Museum or a prospective Maori buyer. Valuation is a major issue, because in any art market what collectors are prepared to pay depends a great deal on current fashion, whereas someone trying to retrieve his or her ancestral *taonga* is probably more interested in *mana*, the history of the *taonga* and its significance for them; how do you put a price on that? It seems ridiculous to try.

MUSEUM AND MAORI PHILOSOPHY

The current relationship between Museum and Maori philosophies on the nature of *taonga* is better than ever before, because arguments for maintaining Maori culture instead of merely displaying it have been accepted. From around the 1960s one can see that awareness among museum staff of the emotionally charged nature of the issue of rights to Maori *taonga* in museums is increasing. From the late 1970s there are a few incidents of *taonga* being returned to those who held them before the Museum. In the Annual Report of 1902-3, the author noted the discovery of burial chests in the Waimamaku Caves of Hokianga, and that "through . . . Mr Carroll, the Native Minister, the Maori owners have agreed to place these permanently in the Museum," (A.R.A.I.M. 1902-03: 7-8). Following negotiations between the Museum and various parts of Te Tai Tokerau, the contents of these were returned (it is unclear whether the *waka tupapaku* went too) for reburial in 1988, the Museum Council having decided that cultural arguments for return were far greater than scientific ones for retention (A.R.A.I.M. 1988-89: 15).

However, there is always room for improvement. Te Warena Taua, the Assistant Ethnologist at Auckland Museum since 1985, finds the notion of Maori *taonga* being owned by the New Zealand public ridiculous but admits some other staff members would disagree. He sees the Museum as physical caretaker for the *taonga* that live there, but the *wairua* (spiritual aspect) as the business of the appropriate Maori group or individual even if they cannot, under the law, be its physical custodian (Te Warena Taua, pers. comm., April 1994).

But what is to be done? Times have changed. As individuals some Maori are not inclined to accept these responsibilities, and on this basis it could be argued that a museum is the safest place for *taonga*. Sometimes the facilities

for housing and protecting a particular *taonga* are not available, or people gift *taonga* to a museum to stop family fighting about who should be holding it. I believe a museum's first responsibility should be to the people who regard the museum's 'property' as an integral part of their culture and history whether on a national, tribal or family level, and to the *taonga* themselves. Those accessions which were fossicked from graves and hiding-places could be acknowledged as rightfully under the *mana* of those who placed them there. In doing this the museum would be risking the logical next step, which is to allow the *taonga* to be removed from their care - but the Antiquities Act of 1975 makes it illegal to do this without the permission of the Secretary of Internal Affairs (sections 11 - 13) and it seems unlikely that this will change in the near future. The law admits no liability on the part of Government institutions and policy for previous methods of *taonga* acquisition and provides little recourse for their return.

A partial solution would be to take *taonga* from Maori custodians on deposit rather than as gifts or sales. Many museums will take only much-wanted items on deposit because of the hassle involved in dealing with sudden reclamation and attempts by unauthorised persons to remove things. However if the paperwork was done properly, specifying who is allowed to reclaim a deposited *taonga*, and under what circumstances, such problems would be reduced to a more manageable level. The extra work required might be considered a small price to pay for greater goodwill between museums and Maori.

To carry out this type of policy, museums would have to bring themselves to place permanent acquisition below preservation on their list of collection policy priorities. In short, museum ethnology departments should function less as final resting-places for relics of the past, and formally acknowledge the continuing relevance of *taonga* to a dynamic Maori culture, as well as to New Zealand culture in general. Many have already adopted this approach in some areas on an informal basis - the Auckland Museum has had a Conservation Department since 1981, and besides frequently consulting regional *iwi* about newly found *taonga*, have in the last decade acted helped to repatriate several *taonga* at the request of their Pakeha owners (A.R.A.I.M. 1988-89:15). But to incorporate these developments into official collection policies and into the law is a big step which will take years to accomplish.

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