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El Penacho, the lack of provenance and the gains of decolonization

Ethical, technical or political reasons for restoration

A prize of the Spanish conquest over the Aztec Empire in the sixteenth century, *el Penacho* is now a treasure that troubles the ethnographic museum of Vienna *Weltmuseum Wien* (Fig. 1). Too valuable and, some argue, too fragile to return, it has become so notorious through protests demanding its repatriation, that it now overshadows Mexican-Austrian relations. The complexity of its case rests in the time lapse between sixteenth century colonialism and twentieth century conventions regarding looted objects. The feather headdress is thereby emblematic of many similar objects that are a legacy of other époques which today haunt very different legal and ethical regimes. My reflections here on the ethics of repatriation are intentionally not fixed in the authority of provenance history. As a short summary of my academic research for a forthcoming first monograph dedicated to this case study, I am interested in representing the polyphony

Fig. 1 *El Penacho,* feather headdress, Mexico, Aztec, early 16th century, feathers of Quetzal, Azurkotinga, roseate spoonbill, Cayenne-firecock; wood, fibers, Amate paper, cotton, cold, bronze, *Welt Museum* Vienna © KHM-Museumsverband

Fig. 2 *The Restitution of Complexity,* performance by Khadija von Zinnenburg Carroll and Nikolaus Gansterer, 2017–2020

of perspectives and the complexity of emotional identification with material culture such as *el Penacho*. In contrast to using solely historical provenance research, which has been done eruditely in this case by Christian Feest et al, I am using the anthropological methods of fieldwork, interviews and participant observation to think beyond the archive's lack of evidence for the Penacho's route from Mexico to Austria.[1]

The sensitivity of the Penacho subject might be evidenced by the museum's response to my monograph and performance lecture 'The Restitution of Complexity' (Fig. 2 and 3), which toured around several UK venues, from the Austrian Cultural Forum in London to IKON Gallery in Birmingham. It hasn't been shown, to date, in Vienna because initial plans to present it within the museum and in front of *el Penacho,* have been rejected by the director. Apparently, the interest in repatriation at the time of writing has changed again and now finds no place of representation in the museum.

Let us for the purposes of this volume revisit the case of *el Penacho* in light of the larger current discourse around repatriation. The workshop 'The Museum in the Colonial Context', the basis for this anthology about collections in Vienna was held

Fig. 3 *The Restitution of Complexity,* performance by Khadija von Zinnenburg Carroll and Nikolaus Gansterer, 2017–2020

at the *Weltmuseum* in 2019, and an Aztec exhibition in 2020, are two palimpsests in *el Penacho*'s long history of repatriation claims that I'll focus on as a phenomenon currently expanding around the world. This was also my focus in the questions to the panel I moderated at the conference and a public podium discussion I led with Barbara Plankensteiner about her key role in the Benin Dialogue (as former interim director of the *Weltmuseum*, when it was still the *Museum für Völkerkunde*).

Many countries and communities that have been subjected to imperial rule are demanding the return of stolen artefacts, these demands are often met with skepticism and resistance from museums, politicians and the general public in the countries now in possession of these objects. This can invoke awe and often anger, particularly for those directly affected; the "generation that has only known restitutions by way of painful struggles".[2] Ongoing attempts at historical redress in public discourse are often met with virulent racism in newspaper reader comments. Position statements by national museum associations such as *Deutscher Museumsbund* responded to the report released in France in November 2018, *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*, as did the above mentioned conference hosted by the

Austrian Ministry of Culture and International Council of Museums (ICOM) Austria that serves as the basis for the discussion which follows.[3]

Responding to the session I chaired in the *Weltmuseum* conference, the provenance researcher Claudia Spring asked the museum director, Christian Schicklgruber, how it was that on stage everyone could speak about restitution while sitting alongside a poster of *el Penacho* that advertises the museum, but without acknowledging the ongoing denial of that very claim? The director of the museum jumped up in defense and said that 14,000 Mexicans had visited the *Weltmuseum* in the last year and were pleased to have free entry to the museum to see their *Penacho*. This statement was made together with another one at the beginning of a day of workshopping colonial collections in Vienna, which asked about the approach to the nineteenth century history such as Maximillian of Mexico's collections. The question was answered through *el Penacho*, and once again the director replied that after cooperation with Mexican scientists, all parties had clearly agreed that it was impossibly fragile and therefore should not be returned. Both these answers are partially true, for while wealthy Mexicans, who can afford to travel to Vienna, are happy to see the *Penacho*, many regret their lack of access. That is a large majority, as Mexico currently has a population of around 123 million people, and in contrast the *Weltmuseum*'s total visitor numbers were 240,000 (2018) of which 14,000 were Mexicans. The statistical argument is used to censor Mexican desires for repatriation, to the same end as the bi-national commission on the Austrian side published and retained control over the research on its transportability. This commission accompanied a two year research project led by former museum director Christian Feest, which did a rigorous conservation analysis of *el Penacho*, published in German and Spanish.[4] The lasting conclusion of these analyses done in 2012–2014 was that *el Penacho* is too fragile to ever travel (back to Mexico). Yet, interviews I have done with Mexican scientists who were also part of this bi-national project have, in the course of my research since, revealed that it is likely that *el Penacho* would not fall apart.[5] There are engineers who have found various technical solutions, and with political will and resources, more solutions could be found.

These questions about *el Penacho* at the conference marked the return of the repressed. Despite a gaining sense that provenance is not the only authority or basis on which a claim might be made, *el Penacho* had conveniently fallen off the table in the five years since the bi-national commission.

Arguably, even if every feather disintegrates on the way to Mexico and those fragmented pieces are all that the Mexicans then have, is this for those in Austria to decide? The image of the broken feathers reminds me of Derek Walcott's statement about making and remaking poetry and culture, using the metaphor of the vase whose cracks, because they are visible, have an honesty.

> "Break a vase, and the love that reassembles the fragments is stronger than that love which took its symmetry for granted when it was whole. The glue that fits the pieces is the sealing of its original shape. It is such a love that reassembles our African and Asiatic fragments, the cracked heirlooms whose restoration shows its white scars. This gathering of broken pieces is the care and pain of the Antilles, and if the pieces are disparate, ill-fitting, they contain more pain than their original sculpture, those icons and sacred vessels taken for granted in their ancestral places. Antillean art is this restoration of our shattered histories, our shards of vocabulary, our archipelago becoming a synonym for pieces broken off from the original continent."[6]

The complexities of restoration play a powerful, often invisible role behind the scenes of repatriation claims. At other times it is the museum's focus on the conservator's scientific process of restoration that allows it, in the case of *el Penacho*, to give little acknowledgement of the widely held desire to see the restoration of the feather crown to Mexico. The same word — restoration — can be used to describe repairing a work of art so as to restore it to its original condition and the action of returning an object to a former owner or place of origin. Furthermore, restoration can also be defined as the reinstatement of a previous practice, right, custom, or situation. It is ironic that the same term can be used to justify opposite ends, that is one form of restoration can be used to avoid engaging in the other.

The Austrian press has covered this repatriation case over many decades in a range of exoticizing and perplexing short reports. There are no First Nations writers among the Viennese intellectuals. This is a notably different situation to that of the settler colonies in the former British dominions of Canada, Australia and New Zealand, where Indigenous voices are now guiding curatorial and public funding decisions.

Movement

Five hundred years of stillness — for a feather, this is a long time. Feathers are designed for movement and yet, ironically, the reason these particular feathers have survived for five hundred years is because they were kept relatively immobile for centuries.

The feather headdress was made to move, to be worn; a function very different to being an object on display. *El Penacho* is so sensitive that it responds to heat by moving. Engineers found that the feathers register heat, when they were measuring the

temperature index of the room generated by visitors. It was presumed in the engineering report that movement would be equated with damage and therefore to avoid damage one should never again move the crown. This was the expertise on which the invisible, but scientifically measurable agency of vibrating movement, was gathered by Professor Johann Wasserman for the museum.[7]

Wasserman's counterpart in Mexico was the engineer Alejandro Ramírez from the National Autonomous University of Mexico (UNAM). He explained the ingenuity of the Aztec featherworkers in their technique of knotting, which created a durable but also kinematic system for the feathers. In a series of drawings he illustrated how the "type of connection" achieved through particular knots in the design of the headdress mimicked the movement of the bird. "The people who designed the headdress wanted it to move naturally, to give an elegant aspect, the original knots never came apart (… but in the restoration [in Vienna by Ferdinand Hochstaetter] they came apart in just 100 years)."[8] Ramírez's emphasis on movement in the manufacture of the crown stands in stark opposition to the statements by Austrian scientists that it is impossible for the crown to be moved from Vienna back to Mexico.

The Mexican engineers sourced 100-year-old feathers from the zoology department of the university to simulate the load of movement that an airplane journey would put on old feathers. It turned out that the vibrations created by visitors and cleaners in the gallery were much higher than those in an airplane and that a case could be built to buffer this "bad energy". (Whilst this sounds like esoteric language, it is in fact the terminology used in complex mathematical model making.) In the process, the Mexican engineers consulted experts from the United Kingdom, the United States and Belgium, who all confirmed that vibrations were "not the issue". Their elegant equations explained the physics and mathematics behind this, but to no avail. "They were telling us no, it's not possible," the Mexican engineer told me with palpable frustration, "It was like two little boys, fighting with a toy in the middle... The idea was to work together on a scientific project... It's a political issue, not a scientific issue."[9]

Zelia Nuttal's 1887 research paper about *el Penacho; Standard or head-dress?* was picked up by the news in Mexico in the early 20th century when the president of Mexico, General Abelardo L. Rodriguez tried to have the crown returned.[10] When that attempt failed, in his later interim presidency (1932–1934) Rodriguez began to prepare a copy to be made for Mexico City. The archeologist Eulalia Guzman was employed in 1937 by the Ministry of Public Education to investigate the "great feather headdress". In the lead up to World War II there was a tense exchange of letters between Mexico City and Vienna about the production of a reproduction headdress in Vienna. Mexico wanted to order a copy to be made based on the original. Amongst the correspondence

Fig. 4 Anonymous, Scene from *Der weisse Heiland,* 28.3.1920, Black and white photo, 16.5 cm x 22.3 cm, Theatermuseum Wien © KHM-Museumsverband

(carefully kept in the Mexican National Museum of Anthropology museum archive but conspicuously absent in the Viennese one) a reply from Vienna includes a list of necessary materials to be provided by Mexico for the copy.[11]

On 11 January, 1938, the Mexican national newspaper *El Universal* published ex-president Rodriguez's call to the Mexican people to help collect and deposit the necessary feathers.[12] At the same time, in January 1938, the newspapers in Vienna reported on an unusual rise in removal services. Jewish households were packing up and moving before the purge that had already been announced began.[13] While the ethnologist Rose Kühnel and the museums conservator Karl Skalitzky waited for Mexico to reply to their list, the whole city of Vienna was changing around them.

When on 19 July 1938 Kühnel and Skalitzky sent another letter about the list of necessary materials; who did they think would be able to copy the ancient *amantecas*' work in Vienna? Presumably they were thinking of doing it themselves, but they never got the chance because Hitler had annexed Austria in March 1938, some three months earlier, and Mexico had subsequently launched a protest at The League of Nations.

The arrogance of those discussing making a copy in Vienna is significant, because it reflects the importance of the "humbling process" stressed by decolonial scholars from Latin America such as Rolando Vázquez and Walter Mignolo. Colonial arrogance and

ignorance is not peculiarly Austrian, but in this case it runs alongside the decline in Austrian power after the overthrow of Maximilian of Mexico. To assume the ability to reproduce a foreign crown of masterful manufacture from a vastly different time and place in precolonial Mexico without any of the cultural or artistic knowledge of the *amanteca* (the featherworking craftspersons) was completely unrealistic.

Comparative global responses to repatriation claims

Felwine Sarr and Bénédicte Savoy declare a position that would not privilege provenance, if a living cultural relationship to the object can be otherwise proven. This can be done through continued practices of making and enlivening (featherwork in this case). Oral histories are another alternative source to the hard evidence of the historical archive. The written record is afterall not the only way of 'knowing' an object's story, it's the European way, but not universal by a far stretch of the imagination.[14] There may be stories or songs, performances and rituals, material practices or genealogical links passed down through generations. *El Penacho* is a prime example of this, as its own provenance is unclear yet much can nevertheless be learned from such a case of the failure to repatriate. Current debates around ethics, changing structural racism, and black lives matter, have further shifted the focus from evidence to healing trauma.

What does repatriation mean and why is it important to political and artistic representation? The literal meaning of repatriation, that comes from the Latin *re* (back) and *patria* (native land), is to return to one's own country. It suggests the heat of patriotism and nationalism; ideas around origin, property ownership and return are not becoming any less politicized in the twenty-first century. The mass mobility of objects and people due to global trade results in economic rationales for art collections to travel and return, and for the retention of objects far from their cultural contexts. It might be impossible to return post–conflict to a place, but the outpouring of desire to do so is urgently expressed both by artists and activists. The voices of communities of people who enliven culture come "from below" as anthropologists of heritage David Berliner, Charlotte Joy, and archaeologist Lynn Meskell argue.[15] It is necessary to weigh their reality, as it is understood through cultural heritage, with the institutional definitions that operate at state level and often have little relevance or interest in the communities that use these cultures.

Volumes have been written in postcolonial literature that provide ample details on the detriment of imperial rule. In Mexico there is argument over who was the legitimate heir of Motecuhzoma's artefacts.[16] There is a clear problem that the state of Mexico, which continues to oppress *Indigenous groups*, is the one to claim restitution for the national museum.

Fig. 5 Lisl Ponger, *"Give us back what belongs to us – Montezuma's Crown" Activists in demonstration organized by Xokonoschtletl,* 2005, Stephansplatz, Vienna

That repatriation itself is a conservative political move that only distracts from social problems and potential solutions is also a strong argument that is articulated across the globe, from Greece to New Zealand.

This question about the rightful recipient recurs the world over, as in the recent case of the returned bible and whip belonging to Hendrik Witbooi, a chief of the XKhowesin people in the nineteenth century and one of the national heroes of Namibia. When representatives of the Nama people of Namibia explained to the Stuttgart delegation that they were not yet ready to receive these two precious relics to their figurehead of the anticolonial resistance, the German delegation turned to the Namibian government. Despite the protest of the indigenous Nama people, the Namibian government accepted the bible and whip and allowed the objects to tour the country. Accompanied by human remains that were completely unrelated, this travelling road show of sorts visited towns and cities across Namibia. The government's public relations team broadcast these efforts, while the perspectives of the protestors remained conspicuously unpublished. This repetition of unjust reacquisition plays

Fig. 6 Lisl Ponger, *"Mexico was against Hitler's march into Austria in 1938 ... already forgotten??" banner by activists in demonstration organized by Xokonoschtletl,* 2005, Stephansplatz, Vienna

Fig. 7 Lisl Ponger, *protest organized by Xokonoschtletl,* 2005, Stephansplatz, Vienna.

out the very relationships that it seeks to address. Finally, Witbooi's family, who had emigrated, returned to Namibia to chime in, and claimed that the objects were family rather than national heirlooms.[17]

There is a tendency for the powerful owners of cultural property and capital to try to use repatriation for their own ends. This, in turn, undermines the difficult processes of decolonisation that Indigenous people are undertaking globally. Repatriations cannot be made only on the terms and within the time frames that suit European political whims, which often do not allow enough support to prepare the correct conditions for the objects' arrival. The destabilization of these peoples is today a complex interweave of familial, tribal, national government and lobbying interests that did not exist at the time of the looting. This is why a considered approach based in ethical motives, research and respect for the time and process needed at the receiving end is essential to the success of repatriations.

On the other hand, excessive delays and deliberations can frustrate those involved in claims; for example in the repatriation to Nigeria of the famous Benin Bronzes, the colonial provenance of which is so clearly linked to the British punitive raid of the royal palace in 1897. The urgency of the action set out by Emmanuel Macron involved a "swift" five-year timeline. Critics, such as Zoe Strother, Professor of African Art History and Archaeology at Columbia University, point to France's economic interests; for Macron's ongoing economic agenda to be effective, the perception of

France in Africa must change quickly, and that means its colonial legacy. France is losing the economic edge in its former colonies to China, e.g. in the competition for lucrative oil contracts off the coast of Senegal. As well as these neo-colonial activities, Macron deflected anger over French immigration policy and the presence of French troops in West Africa with his pledge to repatriate.[18] The same criticisms of deflection from urgent social issues have been made of the Greek government's campaign for the Elgin Marbles or New Zealand's support of the return of James Cook collections.

Fig. 8 Unknown Master of Bronze sculpture, Kingdom of Benin, *Relief with horse rider,* 16/17th century, Edo, Kingdom of Benin, bronze, W. 29 cm, H. 35 cm, D. 6 cm. Photograph by Wilhelm Albert Maschmann © KHM-Museumsverband

Although the UK has one of the strongest diaspora voices for repatriation, the retentionist policies of the country's major museums have been buttressed by the inalienability of national patrimony – a legal ban on giving possessions up permanently. However, this law could be changed – as promised but not enacted by prime minister Tony Blair in 2000. What has changed is that Germany, the Netherlands, Norway, and France have now dedicated funds and focus to actual cases and envisioned guidelines. Importantly, the staunch denial of the consequences of their extractive expeditions, colonial settlements, and neo-colonial endeavors has given way. Indeed, the profits that countries like Austria made through colonialism are undeniable, as historian of Africa, Walter Sauer, made clear.[19] Since a newly elected Austrian government has made this a priority from 2020/2025, there are always readers' comments in press articles about how this is an issue for France but not for Austria, because it 'didn't have any colonies'. The question, therefore, is how to raise this general ignorance to a point of empathy with the real emotional impact of repatriation? To amplify, make visible and audible, voices that tell the stories of that impact.

Legal questions also loom large over apparent goodwill and proper repatriation laws are sorely lacking. European concepts of property were both constituted by and

constitutive of imperial expansion, and therefore of international law.[20] Locke's famous labour-based account of private property, which still grounds liberal theory, sought to justify British dispossession of the Americas; and the imputed capacity of indigenous populations to exercise proprietary rights was used by international lawyers to develop doctrines of conquest, occupation and *terra nullius*.[21] The intimate historical relationship between concepts of property and the transition from imperialism to international law is increasingly well mapped with respect to 'real property' or land but, with some notable recent exceptions, much of this work is yet to be brought into the literature on property rights pertaining to objects.[22]

A complex mixture of legal ideas which draw on transitional justice, human rights, heritage and intellectual property law are at play in different national legal systems. Law, time, and a convenient silence have been the means by which nations have protected themselves from acting upon claims in the past. Another shift in the current climate is a recognition that hiding problematic collections in the storerooms of museums is not an option, instead there needs to be a proactive agreement on behalf of the institutions to be open to access and facilitate work on the provenance of their colonial collections. Museums have responded defensively to Savoy's criticism by saying that many of the changes she recommends have already slowly been put into action. However, this applies to certain trailblazing museum directors, and does not alter the fact that in many storehouses there are collections whose provenance is known, or suspected, to be loot and which the curators therefore intentionally keep hidden.

In time, an equivalent of the Washington Principles (guidelines for the repatriation of Second World War loot) would solidify an ethical agreement, but the European nations are far from the legal and political readiness which took almost half a century to be instated for Nazi loot.[23] The comparison is striking, and while it has been conspicuously avoided to date, repatriation to Holocaust victims provides a legal framework (in Austria particularly). This precedent legal system for repatriation and the attendant recognition of guilt and responsibility brings with it an ethical response to claims. The level of awareness raising of the different forms of ongoing profit from colonialism, the injustice and deep grievance it causes, are part of the symbolic value of repatriation. Sceptics claim that identitarian politics are being instrumentalized, yet I have witnessed first-hand the emotional work to heal colonial wounds through cultural artefacts (not to speak of human remains) being returned.[24]

Indigenous scholars agree that the current convention on Indigenous rights, while providing a standard of behavior that is acceptable in law, is inadequate for the sovereignty they seek: because it supports a possessive logic.[25] In a vacuum of recognition, the Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) is better than

nothing. Yet its shortcomings are detailed by Indigenous legal experts who do not identify with the convention which sought to give rights to self-determination in political, religious, education, natural resources, land, language, sovereignty, including also the restitution of spiritual property taken without their free and informed consent.[26] They say the recognition of rights works to assimilate political claims into Eurocentric legal terms and that they revert to universal human rights rather than binding international laws. As Aileen Moreton-Robinson argues, it remains an 'aspirational document with political and moral force but no legal force' in the states that assert the 'possessive logic' by affirming 'patriarchal white sovereignty'.[27]

In some cases, the convention will be consonant with the claims of *Indigenous groups* for sovereignty, land rights and repatriations. However, such instances are unusual and immediately expose the challenges of imposing such an exhaustive legalistic framework. While museums (for example the British Museum and the Weltmuseum Vienna) appear receptive to contemporary Indigenous claims, at the same time they uphold their own rights of property to prevent repatriation. It is fashionable at present to speak of decolonization, but it is starting to sound hollow when the rhetoric of museum directors is not accompanied by any action. Take for example the British Museum's various recent initiatives under the banner of "decolonization", which have not however made any concessions or structural changes, indeed the current director has on several occasions admitted that he is just doing lipservice.[28]

The laws impact the arts in a variety of highly influential ways, but each discipline is traditionally dealt with by its own experts. Until fairly recently, restitution material remained limited to online databases, inventories and publications (for example *The National Archives*, the *Commission for Looted Art in Europe* and notably Jessie Hohmann and Daniel Joyce's set of legal object biographies in *International Law's Objects*, 2019). Now the mission of the museum is being rethought around the globe on the basis, in part, of memorial cultures in the German-speaking world post-Holocaust.

How museums account for the development of their collections and how they should be exhibited in order to be open and transparent about their histories is becoming imperative. Yet the value of possessions makes it difficult for museums to relinquish control over where and what they do. To the oft raised question of whether the Global South can look after its valuable material culture, the Ghanaian-Austrian legal advisor to the United Nations, Kwame Opoku, recently offered an amusing comparison; of a car being stolen and on being told to give it back, the thief demanding to see the garage in which it would be parked upon return. The ancestral remains that are claimed back are obviously far more significant than an expensive commodity. Reducing claims to finances is absurd in the eyes of those who do not keep art works as investments, but who live with them as family of a kind.

Reading the commentary by the general public in response to recent press reports in Austria about restitutions to African countries, there is an alarming arrogance on the part of the public that seem to believe these countries cannot look after their own heritage. Despite corruption in Austria itself, the destruction wrecked by insects and ignorant conservation decisions (as in the case of *el Penacho*) are not considered when assumptions of corruption are railed at countries in Africa. Racialized reader letters in the national press presume the inferiority of African people. The tone of disparagement towards outsides resonates with the ways that the Mexicans I interviewed spoke about being treated while in Vienna.

In response to the legal hurdles and lack of political will that beleaguers repatriation, museums like those in England have adopted the long-term loan format. At best this format ties both parties into a relationship, while avoiding changing the law of inalienability. A relationship maintains the responsibility of the European institutions to support the communities receiving these collections. Yet the gesture of a loan or gift does not acknowledge the need to repair a situation of violence, the way that a repatriation does. The loan does not even commit to transfer of ownership, maintaining ultimate control over property. Cheryl Harris has shown how 'whiteness *is* property' because race is used historically to dispossess non-whites.[29]

Beyond repairs, the gains that can be made in the process of repatriation come from the open contact with a system of knowledge or ontology that goes beyond our own. Supporting such knowledge through the circulation of the material vessels which are so important to Indigenous people is the best possible outcome, for conservation was long used as a technical excuse to disguise a lack of political will. It is telling that in the archives and collections of museums, non-western objects are not understood on their own terms, nor written about and discussed in the language from which they came, or connected to their original purpose. Through the exchanges made in repatriation claims grows a respect for the value of that which we cannot know, interpret, explain and own.

It was with vehemence that the provenance researchers in Vienna who have sharpened their teeth on WWII cases recognized similar retentionist tendencies in the current debate about colonial collections. In the *Weltmuseum* Vienna conference these provenance researchers compared it with how the Austrian state only begrudgingly restituted Nazi loot in the early years after the art restitution law was passed in 1998. At the 2019 conference there was clear restraint in the way in which the disaster of the Witbooi bible restitution was described. It is not clear whether this was because being critical of the Stuttgart delegation's 'good intentions' would seem to speak negatively about proactive restitutions; or whether to avoid perceived solidarity with the protestors, whose voices are unheard, as independent curator Susanne Wersing pointed

out.[30] The conference was held in the Hofburg palace, in a room full of European perspectives. For those who work outside of Europe and hear cosmology told in another way, it is clear that there is a striking lack of non-European views being exchanged. Ironically it is precisely these perspectives that are needed to elaborate the parts of the argument for repatriation that come from knowledge with a depth of feeling, a sense of the horizon and stories from alternative ontology. The terms in which this argument is made might be incommensurable, yet there is a way of being inclusive and listening to a knowledge that includes new and important analytical frameworks. I am referring to cultural agents who are identified by their communities, who operate in the cultural sphere and whose value is not measured as kneejerk political correctness.

Another point that is often raised and which resurfaced at the workshop was that of digital repatriation.[31] It is backed by the hope on one hand that technology will solve our social problems and that creating a reproduction might placate the claimants. What will become of the fetish in the age of digital reproduction? Will digital files and prints become a kind of trans-medium, or is digital repatriation merely an easy way of addressing the claims on the original? Is the original weighed down by its own value and would renewed access through digital technology open it to new forms of agency? If, given a cultural process and proximity, the copy can become as agentive (or even holy) as the original, then these forms of sampling can be further explored. Whether in the digital language of hacking or of enacting performatively, there is a part for contemporary making to play in the resolution of repatriation processes.[32] For it is often in the process of copying, researching or even re-enacting that a creative form is understood in its own material's terms. Artistic researchers argue that the best way to understand the creative form is in its own medium, therefore the process of making and performing the feather headdresses as many contemporary Mexicans do, is of value in understanding aspects of *el Penacho*.

These practices raise the larger question of what a copy can be. Copies can be material culture based, for instance, drawing on environmental history to explain the quetzal birds' extinction in the case of the feather Penacho. Or they can also be performative, textual or lens based when the intangible cannot be represented through material. The feathers of *el Penacho* might one day be 3D printed with biomatter that moves with the flexibility of the original.

How do the copies relate to the biography of the original objects? Will they take on a new life, or will the objects gain multiple personalities? When the idea of object agency is pushed further through the production of contemporary copies, what are their agentic effects? How do the interactions and influences they have on people differ from the original objects? Our greater understanding of repatriation depends upon gaining this deeper grasp of what is at stake in human-object relations.

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Notes

1 For further explication of this method and its reasons see: Khadija von Zinnenburg Carroll and Damian Skinner, "The Senses, Presences and Beliefs in Indigenous Art History: Towards a recognition of non-Western historiography and methodology," in *Furthering, nurturing and futuring Global Art Histories*, special issue of *Kunstlicht* (2018), 72–80; and Khadija von Zinnenburg Carroll, *Art in the Time of Colony*, Farnham: Ashgate Press, 2014. See also Katya Garcia-Anton, *Sovereign Words: Indigenous Art, Curation And Criticism*, Amsterdam: Valiz, 2019; and Rolando Vázquez, "The Museum, Decoloniality and the End of the Contemporary," in Thijs Lijster (Ed.), *The Future of the New: Artistic Innovation in Times of Social Acceleration*, Valiz, 2018, 187–188.

2 Felwine Sarr and Bénédicte Savoy, *The Restitution of African Cultural Heritage: Toward a New Relational Ethics* (Translated by Drew S. Burk), https://www.about-africa.de/images/sonstiges/2018/sarr_savoy_en.pdf (30 November, 2020), 17.

3 See also: Jisgang Nika Colliso, Sdaahl K'awaas Lucy Bell and Lou-ann Neel, *Indigenous Repatriation Handbook, Canada*, Victoria: Royal BC Museum, 2019.

4 Maria Olvido Moreno Guzman and Bertina Olmedo Vero, "Die Nachbildung des altmexikanischen Federkopfschmucks im Museo National de Anthropologia von Mexiko," in Sabine Haag, Alfonso de Maria y Campos, Lilia Rivero Weber and Christian Feest (eds), *Der altmexikanische Ferderkopfschmuck*, Altenstadt: ZKF, 2012, 107–115.

5 Professor Alejandro Ramírez's interview with the author is published in full in the forthcoming Chicago University Press book on the Penacho (2021), the German edition for which is: Khadija von Zinnenburg Carroll, *Mit fremden Federn: Quetzalpanecoatl, Ein Restitutionsfall*, Vienna: Mandelbaum, 2021. The tension between modernist notions of conservation and repatriation claims is also part of the author's European Research Council project 101001407 – REPATRIATES.

6 Derek Walcott, *Nobel Lecture: The Antilles: Fragments of Epic Memory*, 7 December, 1992, https://www.nobelprize.org/prizes/literature/1992/walcott/lecture/ (30 November 2020).

7 Professor Johann Wasserman, interview with the author, in Carroll, *Mit fremden Federn*. See also the interview with Wassermann in: Hannah Schifko, "Trotz Federn: Kein Flug!," *Falter*, 31/12, 1 August 2012.

8 Author's interview with Alejandro Ramírez, Mexico City, August 2017. See Carroll, *Mit fremden Federn*.

9 Loc. Cit.

10 Zelia Nuttall, *Standard or Head-Dress? An Historical Essay on a Relic of Ancient Mexico*, Cambridge, Mass.: Harvard Univ., 1888.

11 The list is cited in full in *Mit Fremden Federn* (2021).

12 From a letter sent from Vienna 19 June 1937, to the National Anthropology Museum in Mexico City. 14959 ADM-MUS 2/oct/1958 9/feb/1959. Partida de Museografía 'C'. Montaje de la copia del penacho de Motecuhzoma. Exp. 51 fs. 286–287.

13 Tim Bonyhandy opens his family biography *Good Living Street* with this wry observation. Tim Bonyhady, *Good Living Street: Portrait of a Patron Family, Vienna 1900*, New York: Knopf Doubleday Publishing Group, 2011, 3.

14 For critique of the universal see: Khadija von Zinnenburg Carroll, "Indigenous Classification and Enlightenment's Taxonomy: Wilhelm Blandowski's Encyclopaedia of Australia (1849–1859)," in Nina Zschocke (ed.), *Productive Universals - Specific Situations. Analysis and Intervention in Art, Architecture and Urbanism*, Berlin: Sternberg, 2019.

15 David Berliner and Christoph Brumann (Eds.), *World Heritage on the Ground: Ethnographic Perspectives*, Oxford: Berghahn, 2018; Lynn Meskell, (Ed.) *Cosmopolitan Archaeologies*, Durham, NC: Duke University Press, 2009; Chip Colwell and Charlotte Joy, "Communities and Ethics in the Heritage Debates," in: Lynn Meskell (Ed.), *Global Heritage: A Reader*, Malden, MA: Wiley, 2015, 112–128.

16 Blanca Montezuma is one vocal claimant of direct descendancy who has also published on the Penacho. In terms of critical theory from the perspective of colonial perpetrators one important new book is Ariella Aisha Azoulay, *Potential History: Unlearning Imperialism*, London: Verso Press, 2019.

17 Thank you to Julia Binter, provenance and Namibia curator at the Humboldt Forum Berlin, for her analysis of this case, as I have recounted here. Interview with the author, September 2019.

18 Zoe Strother, 'Eurocentrism still sets the terms of restitution of African art: A selective view of African cultural heritage continues the colonialist paradigm', *The Art Newspaper*, 8th January 2019.

19 Walter Sauer, "'Nichts als die Liebe zur Forschung selbst'? Sammeln im kolonialen Kontext – Implikationen für eine aktuelle Museumspolitik" – see this volume.

20 Martti Koskenniemi, "Sovereignty, Property and Empire: Early Modern English Contexts", *Theoretical Inquiries*, 18 (2017), 354–389.

21 Fitzmaurice, Andrew, *Sovereignty, Property and Empire, 1500–2000*, Cambridge: Cambridge University Press, 2014.

22 Hohmann, Jessie and Daniel Joyce (Eds), *International Law's Objects*, Oxford: Oxford University Press, 2019. Vrdoljak, Ana Filipa, *International Law, Museums and the Return of Cultural Objects* (Cambridge University Press, 2006).

23 Jos van Beurden, *Trusted Hands: Negotiating the Future of Colonial Cultural Objects*, Amsterdam: 2017.

24 For example the return of Captain Cook collections from the UK to New Zealand in 2019, which I documented in the film *Te Moana* (2020, available through TB21-Academy's *Ocean Archive*) and wrote about in the forthcoming book (London: Bloomsbury Press, 2021) and articles: https://kurier.at/kultur/koloniales-kulturgut-rueckgabe-ist-keine-bedrohung/400709418.

and https://theconversation.com/making-kin-not-cash-repatriations-of-substance-cannot-be-made-on-terms-that-solely-suit-european-museums-128089 (30 November 2020).

25 Irene Watson, "The 2007 Declaration on the Rights of Indigenous Peoples," *Griffith Law Review*, 20:3 (2011), 507–514.

26 Aileen Moreton-Robinson, *The White Possessive: Property, Power and Indigenous Sovereignty*, Minneapolis: University of Minnesota Press, 2015; Aileen Moreton-Robinson "How White Possession Moves: After the Word," in Tess Lea, Emma Kowal and Gillian Cowlishaw (Ed.), *Moving anthropology: critical indigenous studies*, Darwin, Australia: Charles Darwin University Press, 2006, 219–232. UNDRIP, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf (30 November 2020).

27 Aileen Moreton-Robinson, "Virtuous Racial States," *Griffith Law Review*, 20, 3 (2011), 641–658.

28 Author's conversation with Richard Drayton, Ex-Rhodes Professor of Global History, Kings College London, July 2019. See also, in the conference proceedings I published with British Museum curators Imma Ramos and John Giblin: Richard Drayton, "Rhodes Must Not Fall," *Exhibiting the Experience of Empire*, special issue of *Third Text*, Imma Ramos, John Giblin, Nikki Grout (Eds.), 33, 4–5 (2019), 651–666.

29 Cheryl I.Harris, , "Whiteness as Property," *Harvard Law Review*, 106, 8 (1993), 1707–1791.

30 Susanne Wersing, conference comment at *Das Museum im kolonialen Kontext*, 17 October, 2019.

31 More on digital repatriation: Khadija von Zinnenburg Carroll, *The Importance of Being Anachronistic: Contemporary Aboriginal Art and Museum Reparations*, Melbourne: Discipline Verlag with Third Text publications, 2016; Rafael Capurro, "Digitization as an ethical challenge," *AI & Society* (2017) 32, 277; Siobhan Senier, "Digitizing Indigenous History: Trends and Challenges," *Journal of Victorian Culture*, 19, 3 (2014), 396–402; Artist Nora Al-Badri's *Nephertiti Hack* is also a subversion of the museum's colonial rule(s) using 3D technology to make a 3D printable copy of the bust of Nephertiti in Berlin (also the subject of a long standing claim from Egypt). See: http://nefertitihack.alloversky.com/ and Nora Al-Badri, Khadija von Zinnenburg Carroll, Silvy Chakkalakal, Alya Sebti and Jonas Tinius, *Traces, Legacies, and Futures: A Conversation on Art and Temporality*, Third Text, January 2020, http://www.thirdtext.org/tinius-et-al-conversation (30 November 2020).

32 There have been brilliant interventions into the Penacho case by contemporary artists. In 2011, Austrian artist Nina Hoechtl created the wrestling character *Superdevolucion Copilli Quetzalli* and promoted his fight *PENACHO VS PENACHO* as being "over the Penacho" but as part of an existing Lucha Libre program. In an accompanying comic Crazy Boy is said to have "wrestled for Mexican power for years … receiving energy from the past" while Superdevolucion Copilli Quetzalli was "fighting for the treasures which originated in other places and are now hoarded in Europe". Nina Hoechtl, *The Transcultural Legacy*, installation, sound, video, wrestling, 2011, http://www.ninahoechtl.org/works/the-transcultural-legacy/ (30 November, 2019). In 2013 the choreographer Amanda Pina parodied the image of the bloodthirsty Mexican by enacting what she called '*Penacho-ritual*' in the Weltmuseum during the Wiener Festwochen. She removed the hearts of the powers that be in the museum, namely the director Sabine Haag, the new director Steven Engelsman and others. These hearts were then put on display in the vitrinized style of the museum.