DATA ETHICS

CULTURAL

HERITAGE

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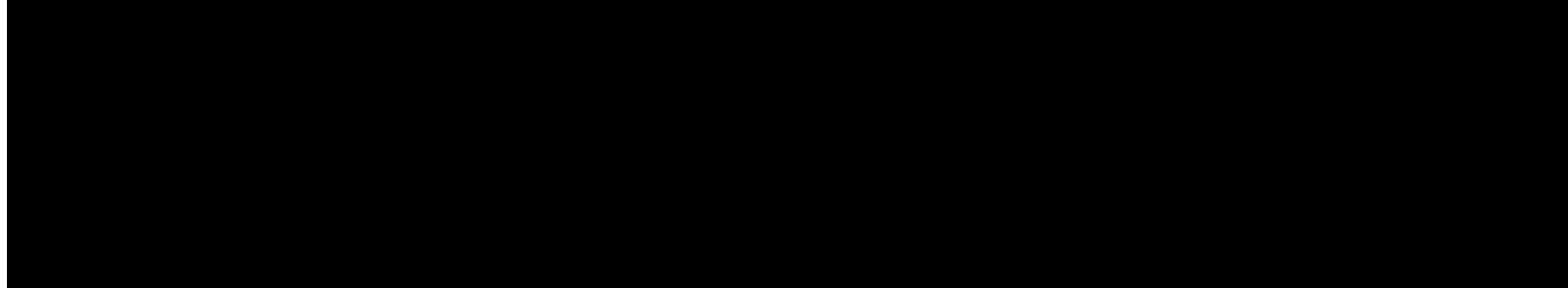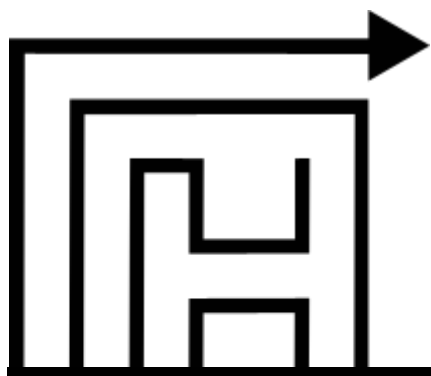
01 | INTRODUCTION

Ethical implication of working with post-colonial data and traditional knowledge

Dealing with colonial traces and sensible objects within museum collections is an important topic that currently concerns many museums, especially ethnographic or historic museums. From today's point of view, many objects were forcibly stolen from their communities of origin during colonalization and also during wars like WWII and were then added to scientific or art-collections, entered the art market and were therewith spread around the world. One example of those events is the looting of objects by British forces from the Kingdom of Benin (which is now Edo State, Nigeria) in February 1897, which were distributed immediately afterwards. Provenance research is bringing the dark histories and problematic travel paths of these objects to light bit by bit.

However, not only is it important to think about how to deal with the physical objects, which rightfully belong to the communities of origin and should be restituted to them. But one also needs to think about ethical implications of dealing with cultural data resulting from the digitization of these objects that are distributed in online collections and other data repositories by the institutions that hold the items in their collection. Even though digital distribution would potentially make objects more accessible and therefore findable from their communities of origin, Anne Luther describes for the example of looted objects from Benin kingdom that the "[…] access remains difficult for several reasons: first, the objects were part of general catalogues, requiring prior knowledge of object locations, and additionally, such catalogues are in different languages, many different search queries could be required to get a full list and museums often do not publish object information online" (Luther, 2022). And even if the communities of origin can find the current location of their physical cultural objects, it results in a situation where they neither have access to the objects nor are able to regulate who is able to see or handle the artifacts. On top, the communities have not even control over the digital data about these objects or the modalities of access to knowledge and information related to them – especially if the data was already published as open data or in public domain by the institutions that have the object in their collection. Following standards of open or FAIR data(GO FAIR, 2023) accessibility and reusability of digital cultural objects is desired and politically wanted. Within a community of origin there could be much stricter viewing restrictions for example for a religious object, so that this object could only be seen or handled by religious personnel. Thus how to deal with this challenge of cultural differences in an ethical way?

| TRADITIONAL KNOWLEDGE AND THE OPEN DATA COMMUNITY

In the USA the term "traditional knowledge" was developed to denominate objects or practices from indigenous communities. It "consists of a wide range of skills, cultural works, and practices that have been sustained and developed over generations by indigenous communities around the world" (Khan, 2018). And the sensible objects that can be found in ethnographic collections were and are oftentimes part of or results of these practices.

Jennie Rose Halperin asked in her blog article for the Creative Commons community "Is it possible to decolonize the Commons" the following crucial questions towards the relation of the open movement and traditional knowledge: "How can we have an open movement that works for everyone, not only the most powerful? How have power structures historically worked against Indigenous communities, and how can the Creative Commons community work to change this historic inequality?" (Halperin, 2019) In her article she is interviewing legal scholar Jane Anderson from NYC university who is addressing challenges and difficulties of copyright law and licensing for indigenous communities wanting to get access to and control to the circulation of their cultural heritage. As digital technology makes the creation, dissemination, appropriation and remixing of knowledge and cultural artifacts easier than before, also colonial history is brought further into the digital, which heightens the problems of indigenous communities to make sure their rules for accessing and handling their objects' traditional knowledge can be obeyed. "These communities hold entitlement over this knowledge as well as responsibility for the preservation of their knowledge, but haven't always had the autonomy to decide what can be done with their knowledge. International and national instruments have attempted to codify the value of traditional knowledge and rights of indigenous peoples, but the place of such knowledge within conventional intellectual property structures remains deeply contested and uncertain" (Khan, 2018). Thus the communities of origin need empowerment to actively control their digital heritage and set their own rules on for access, distribution and reuse. These rules oftentimes differ heavily from the ideas encoded in western copyright or licences used in the participatory culture, such as Creative Commons (https://creativecommons.org/).

	Traditional Knowledge Label: Attribution - Elihtasik (How it is done). When using anything that has this Label, please use the correct attribution. This may include individual Passamaquoddy names, it may include Passamaquoddy as the correct cultural affiliation or it may include Passamaquoddy Tribe as the tribal designation. http://passamaquoddypeople.com/digital-heritage/elihtasik-trans-how-it-done⧉
	Traditional Knowledge Label: Outreach - Ekehkimkewey (Educational). Certain material has been identified by Passamaquoddy tribal members and can be used and shared for educational purposes. Ekehkimkewey means 'educational'. The Passamaquoddy Tribe is a present day community that retains cultural authority over its heritage. This Label is being used to teach and share cultural knowledge and histories, and to raise greater awareness and respect for Passamaquoddy culture and worldviews. http://passamaquoddypeople.com/digital-heritage/ekehkimkewey-trans-educational⧉
	Traditional Knowledge Label: Non-Commercial - Ma yut monuwasiw (This is not sold). This material should not be used for commercial purposes, including ways that derive profit from sale or production for non-Passamaquoddy people. In Passamaquoddy, Ma yut monuwasiw means 'this is not to be purchased'. http://passamaquoddypeople.com/digital-heritage/ma-yut-monuwasiw-trans-not-sold⧉

Screenshot of a detailed description of Traditional Knowledge Labels by https://localcontexts.org defined by the Passamaquoddy people at Library of Congress: https://www.loc.gov/collections/ancestral-voices/about-this-collection/rights-and-access/

One possible solution for this challenge are the Traditional Knowledge Labels, which were introduced by Local Contexts (https://localcontexts.org). These are a set of icons as an extension to the licensing information of the metadata of third party owners of traditional knowledge objects or colonial objects published in public, indicating intended modalities of access, sharing, reuse or attribution. The descriptions and terms are not fixed by institutions but can be defined by the communities of origin themselves. Thus, these labels add historical and cultural context to the items and therewith increase the knowledge and meaning of them also for the cultural institutions and their visitors. However, this requires a collaboration between the institution and the communities, which can be facilitated by another set of labels to be used by the institutions in order to mark their openness for collaboration with communities of origin and to make visible that their attribution is incomplete. With these signs institutions are actively reaching out to the communities of origin and seek their input.

This however does not give the communities full sovereignty and access control over their traditional knowledge yet. To achieve more data sovereignty the content management system or collection management system needs to have access rules in place that observe much more finegrained regulations and protocols of an indigenous community – from totally open to strictly controlled in any level of granularity needed. As described above, for a religious object, for example, there could be a viewing restriction in some communities, so that this object can only be seen or handled by religious personnel. In the digital world this would entail that only verified users (e.g. with a login) should be able to see the images related to this cultural object.

Moreover, there is oftentimes more than one story, information or point of view related to an object. So a system should provide the space for multiple narratives, enabling if possible oral histories to be related with the objects to capture stories outside of written culture, that were passed down orally from generation to generation. And ideally the communities are empowered to host the data themselves and enrich, enhance and update them any way they like as well as being able to share them with other institutions while keeping the provenance intact. These traits can be found in CMS systems like Mukurtu (https://mukurtu.org), an open-source project for communities of origin to host and share their digital heritage of traditional knowledge. But also Digital Humanities projects start to set best practices. One of them is Digital Benin (https://digitalbenin.org).

| BEST PRACTICE EXAMPLE

Digital Benin
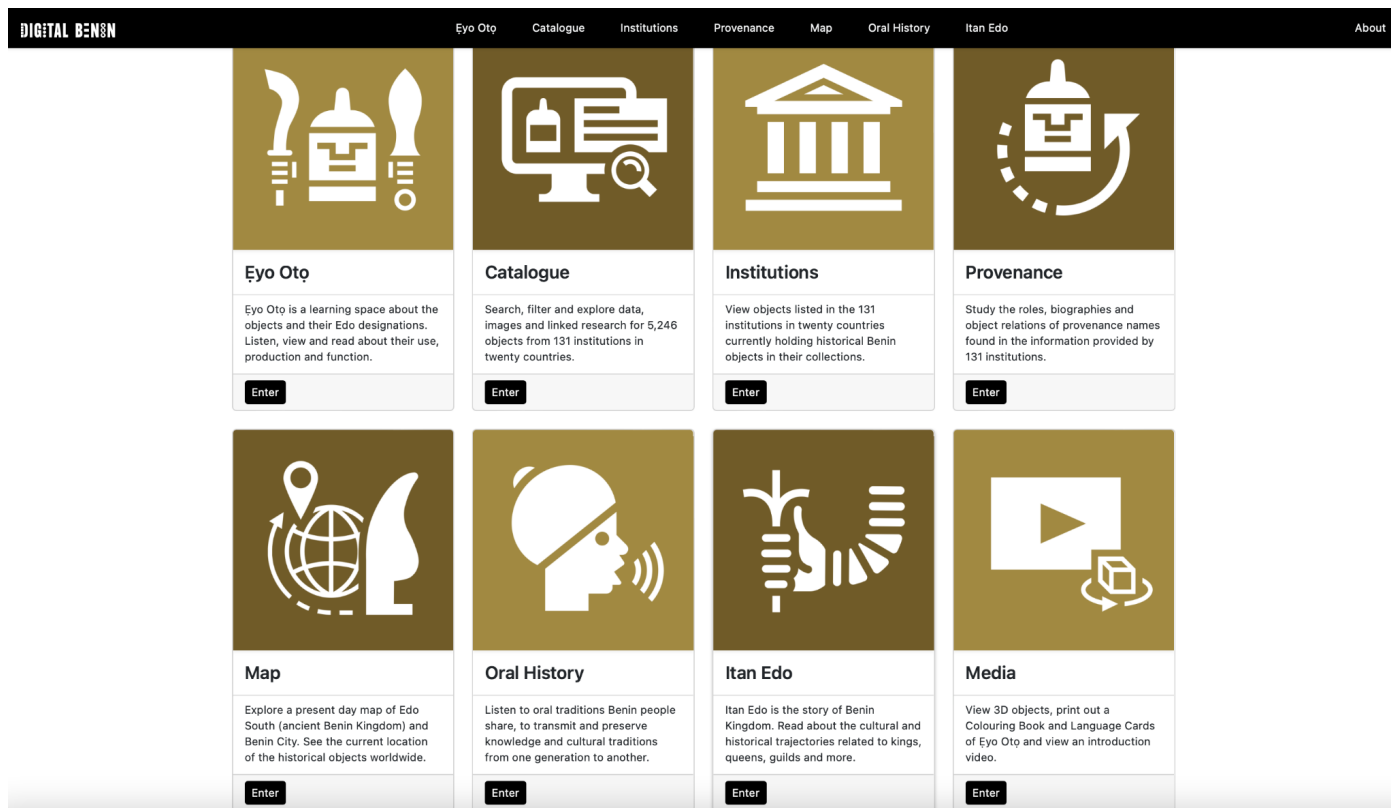
Screenshot of the homepage of digitalbenin.org taken by the author.

Digital Benin (https://digitalbenin.org) is a platform that was launched in Fall 2022 and was created by a project consortium spearheaded by the Museum am Rothenbaum, Berlin, Germany. The project specialized on data about objects that have been looted by British forces in the former kingdom of Benin (now Edo State, Nigeria) in February 1897. „For the first time since their violent translocation, the Digital Benin platform shows the objects in one unique space accompanied by information that in certain cases had only partially been available to the public (i.e., internal museum data) or available in a dispersed form" (Luther, 2022), writes Anne Luther in her introduction to the project documentation. The overarching goal was to make all works identified as coming from Benin accessible first and foremost to the local communities but also to international scholars through a digital hub.

The first huge effort was therefore to find these by now 5000 objects including their object information, images, or research material in museums, collections or publications dispersed around the world. Oftentimes this information was not even published publicly. Thus, it was important to get the institutions on board and convince them to share their datasets. In a second step the collected datasets were harmonized and matched with regard to data structures and source languages in order to become interoperable. The project decided to make the Edo-language the connector between the data sources. Therefore, the native Edo-designations coming from the local community of origin are used as controlled vocabulary and serve as a baseline for classifying the objects instead of a language of the former colonizers. This is also a huge step for the communities of origin as they are able to find the objects using their native designations for them. But also local rules of access and reuse of the objects were taken into consideration for the choice of data presented on the platform.

Besides making the dispersed data accessible through a central platform, the overarching goal of the platform is to present the objects embedded in knowledges, traditions and histories from the local communities of origin – thus offering an Edo-centric perspective on the objects. Therefore, the platform expands the institutional information from the museums and collections with oral histories collected in Benin City and all over Nigeria as well as further research into the objects conducted by local Nigerian researchers. The layers of contextualization are offered through various entrypoints, as the documentation of the project describes:

> "**Eyo Otọ**, a foundational learning space about Benin objects and their Edo designations; a catalogue for searching and filtering institutional data for over five thousand objects from 131 institutions and twenty countries; **oral histories** of Edo people contextualising objects, sharing traditions and reflecting on Benin history; a **map** to explore historical and present-day sites of Benin Kingdom and the current location of the translocated objects in institutions worldwide; a **list of the 131 institutions** currently holding Benin objects in their collections; **provenance** for the study of roles, biographies and object relations of provenance names found in the information provided by the institutions and **Itan Edo** (story of Benin Kingdom) highlighting the socio-economic trajectories of various historical figures. A **bibliography** shows publications, reports, sales catalogues and more which are cited across the platform, and the **media space** includes 3D objects, educational video materials and documents to print" (Luther, 2022)

Digital Benin's local approach in data acquisition with focus on Nigerian perspectives and knowledge should empower the local communities to reclaim the interpretative power over their objects. This also becomes evident by prioritizing Nigerian users and their needs for mobile access to the platform in its design. Moreover, the project plans to hand over the data to a Nigerian partner in the future, according to Luther (2022). "We organised the storing of data received from the museums in a way that would make a digital restitution process possible in the future, which would conclude the transfer of ownership of digital materials currently stored by the institutions about the Benin holdings. Our internal database has all data transferred by institutions stored in its original formats and documented with metadata about the transfer and data. Digital Benin is not a substitute for the restitution of the physical objects and is not changing the licensing or ownership of digital materials on the platform" (Luther, 2022). However it is already an important step towards a data sovereignty of the Edo community over their sensible objects and traditional knowledge.

If you want to look deeper into the project you can find detailed documentation at https://digitalbenin.org/documentation.

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