The fusion of aesthetics and religious beliefs can be a potent combination, establishing art as a tool for the manifestation and communication of values and traditions. This paper will explore the communicative power of art through a critical examination of sacred imagery present in the works of Ojibway artist Norval Morrisseau. The electric colours, undulating lines, and bold figures of Morrisseau's paintings have established him as a unique Aboriginal artist. I intend to analyze Morrisseau's paintings to demonstrate that many of his visual elements are borrowed from traditional Midéwiwin pictographs. Traditionally, these pictographs are believed to hold great religious power and should be treated with respect and caution. Morrisseau appropriated, or copied these images, defending his usage on the grounds of revitalizing Ojibway heritage. Nevertheless, during the 1960s and 70s, many Aboriginal community members objected to him sharing images imbued with traditional knowledge. This paper will incorporate a discussion of Aboriginal Traditional Knowledge into an analysis of Morrisseau’s sacred imagery and examine the potential for employing Western legal systems as a means of protecting this knowledge. The recent flood of Morrisseau forgeries circulating in the art market complicate the issues that arise in protecting Aboriginal Traditional Knowledge and threaten the sacredness of the imagery. It is my aim to contribute to a fuller understanding of both the artist and the impact of his artistic appropriations through this examination of Norval Morrisseau's early works.

Jean-Baptiste Norman Henry Morrisseau (1932-2007) was a highly acclaimed Ojibway artist. The Ojibway are a member of Algonkian speaking peoples whose own name for themselves is Anishnaabe, meaning simply “the people.” Morrisseau was one of the first Anishnaabe artists to illustrate the legends of his people and to reach international success in the process. His works are characterized by the fusion of Anishnaabe spirituality with modern aesthetic forms and colours. He was famously hailed as the “Picasso of the North" by Marc Chagall and is considered the founder of the Anishnaabe painting movement, sometimes referred to as the Woodland School. Morrisseau's paintings combined traditional content to which Native communities could relate, with a visual language that a non-Native audience could understand.

Morrisseau began making art at an early age, copying the scrolls and rock carvings
shown to him by his shaman grandfather. The eldest of seven boys, he was raised by his maternal grandfather, Moses “Potan” Nanakonagos. His grandmother, Vernique Nanakonagos, was a devout Catholic who introduced him to Christian themes and imagery, which are apparent in his later artworks.\(^4\) Morrisseau’s grandfather also had a significant impact on his artwork, exposing his grandson to the traditional imagery of the Midéwiwin society of shamans.

The Midéwiwin or Midé, are a shamanistic society within Ojibway culture. The Midéwiwin society was structured into a hierarchy of degrees of power.\(^5\) Members who achieved two or three degrees would practice a specialty within the community, such as rainmaking or finding game for hunters.\(^6\) Higher-ranking Medé members became powerful representatives of the community and were able to foresee events, cure disease and prolong life.\(^7\)

Midéwiwin shamans manifest their religion and culture through art – oral traditions, initiation rituals, and ceremonial rites are recorded in pictographic incisions on birch bark scrolls. The pictographs depict anthropomorphic and zoomorphic figures, diagrams of lodges, maps, and other motifs. These scrolls serve as a visual system of communication and as a form of record keeping for preserving their traditions.\(^8\) The scrolls were also integral to initiation ceremonies and the imagery mapped out the initiate’s spiritual journey.\(^9\) Through this enactment of ritual through ceremonial art, Midé beliefs were renewed and knowledge was passed on.\(^10\) The scrolls are also considered sacred objects because of the spiritual power they imbue. The Midé scrolls draw their power from a shared belief in the image,\(^11\) where the essence of the spirit dwells allowing the transfer of their power to the shamans through their artistic rendering.\(^12\)

Museums that hold Midé scrolls in their collections classify them as culturally sensitive materials and do not display them to the public. Out of respect for the Midéwiwin, who consider these images both sacred and private, I have chosen not to include photographs of the scrolls in this paper. Instead, I will be using anthropological drawings to illustrate the Midé symbols.\(^13\) For instance, a scroll completed by anthropologist W.J. Hoffman in 1888 (figure 1) illustrates the story of Menabosho, the first man, who was given gifts by the spirits. Hoffman’s anthropological text, “Pictography and Shamanistic Rites,” discloses that the Midé would not offer him direct explanations of these figures. Furthermore, he admits to making copies without their knowledge.\(^14\) The copying of scrolls is a process reserved for new Midé initiates so that they may learn the ceremonies of the society and is otherwise strictly prohibited.\(^15\)

Selwyn Dewdney, an amateur archaeologist from London (Ontario), also made copies of the Midé scrolls. Morrisseau met Dewdney in 1960 while he was working at a gold mine and selling his work at local tourist shops. At that time, Dewdney was studying petroglyphs at Red Lake and became very interested in Morrisseau’s work.\(^16\) The two worked closely together and published a book, Legends of My People the Great Ojibway in 1965, which divulged the oral narratives of the Ojibway as told and illustrated by Morrisseau. Dewdney also exposed Morrisseau to sacred rock carvings that Morrisseau appropriated into his paintings.

Art historians debate whether Morrisseau ever directly copied these scrolls himself. Coming Away (Legendary Scroll Motifs) demonstrates Morrisseau’s awareness
and usage of Midéwiwin pictography. Members of the Norval Morrisseau Heritage Society deliberate whether this drawing is a reproduction of a scroll or a recombination of symbols that occur on a number of different scrolls.\(^\text{17}\) While this drawing is evidence of Morrisseau’s usage of traditional symbols, his paintings illustrate a reinterpretation and elaboration of these forms through a development of a new pictorial narrative.\(^\text{18}\)

Many of Morrisseau’s paintings are of Manitous, which is an Algonkian term for personal guardian spirits.\(^\text{19}\) By creating an image of a Manitou, shamans become empowered and protected by the spiritual gifts of the deities.\(^\text{20}\) These images became a source of power to be transferred to the artist. Morrisseau also depicts Manitous in his paintings, such as Thunderbird (Figure 2). The Thunderbird is a giant celestial raptor, a powerful spirit of the upperworld. Thunderbirds were associated with success in warfare and also rainfall, which ensured success in agriculture.\(^\text{21}\) Morrisseau adopted the Thunderbird both as his alter-ego and artist name: Copper Thunderbird. He received this name from a medicine woman who treated him during an illness and signed it in Cree syllabics (the language of his wife, Harriet Kakegamic) in each of his paintings.\(^\text{22}\)

Another powerful Manitou commonly represented in Morrisseau’s artworks is the bear. Bear Spirit (Figure 3) of 1970 illustrates the connection between a shaman and bear. According to Morrisseau, the bear is a very sacred animal to the Ojibway people.\(^\text{23}\) This painting illustrates that bear bones are used as relics during sucking rites, in which the shaman uses a hollow bone to suck out disease or sickness brought on by sorcery.\(^\text{24}\) Additionally, this painting is a good example of some of the traditional elements that Morrisseau borrows from the Midé scrolls. One of the most widely recognized motifs is the divided circle. The divided circle traditionally represents the megis shell, a sacred symbol commonly depicted on shamanistic articles such as drums and rattles.\(^\text{25}\) Megis shells arranged in a line formation often portrayed a spiritual journey or processional path.\(^\text{26}\) Morrisseau describes his use of the divided circle as a symbol of wholeness and the union of opposites.\(^\text{27}\)

Morrisseau also uses transparency within the figures, now commonly known as “x-ray” painting. According to the Midé, this expression of internal parts symbolized the figure’s inner relationship to the outer world.\(^\text{28}\) As I have mentioned above, bones had an important function in society and were used as charms, flutes, and ceremonial relics.\(^\text{29}\) Another aspect of Midé drawings that Morrisseau uses in his work are the connecting lines between the figures. These interconnecting lines represent the relationships of power between the figures.\(^\text{30}\)

In addition to using symbols from the Midé scrolls, Morrisseau illustrated the ceremonies themselves. Untitled of 1958-61 depicts a divination ritual known as the shaking tent ceremony. During this ceremony, tribe members would ask questions of the shaman inside the tent: requesting cures for the sick, the finding of lost items, or enquiring about the future.\(^\text{31}\) The questions are interpreted by Mikkinnuk, a turtle spirit, whose presence causes the tent to shake with power.\(^\text{32}\) This painting is completed on birchbark, not for its religious significance, but for its availability and affordability. Morrisseau completed many of his early works using a number of media including plywood, kraft paper, and crayons.\(^\text{33}\)

Although Morrisseau’s early work was influenced and inspired by traditional Midé imagery, his stylistic and thematic developments demonstrate a departure that marks an aesthetic of his own. This is most
notable in his use of colour. Morrisseau’s bright pools of colour divided by heavy black outlines is an innovative approach to traditional imagery. He also incorporates the Western pictorial conventions of ground line and one-point perspective. Additionally, Morrisseau takes Ojibway Manitous, like the Thunderbird, out of their static isolated symbolism, and incorporates them into more fully described narrative compositions. Another departure is his use of self-portraits, such as *Artist and Shaman Between Two Worlds* (Figure 4). These self-portraits depict his own psychological state during visionary experiences, whereas traditional Ojibway pictographs record the visions themselves. Morrisseau used the pictographic system of the Midéwiwin as a point of departure for his art, but the final results were his own.

Morrisseau’s intent in sharing these sacred images and stories was to preserve Ojibway culture. He felt he was chosen to carry forward Anishnaabe traditions and wanted to establish the identity of his people in the eyes of the non-indigenous art world. He presented his work in what Ruth Phillips refers to as a “survivalist” context, as though he were recording a dying culture. Morrisseau also publicly acknowledged that his inspiration was drawn from the Midé: “...all my painting and drawing is really a continuation of the shaman’s scrolls.” However, some Aboriginal community members objected to Morrisseau’s illustrations. In Ojibway culture, only shamans had the rights to create art, and although a self-proclaimed shaman, Morrisseau was never initiated into the Midéwiwin society. Image making was restricted to participants in rituals, as the making of images was essential to the ritual itself. This unauthorized reproduction of art generates anxiety for Ojibway community members because it demonstrates the inability to control the circulation of sacred knowledge.

The recent flood of forgeries circulating in the art market further complicates Morrisseau’s work. Morrisseau fakes have been sold in galleries and online since the early 2000s. What does this mean for the sacrality of the symbols being reproduced by third parties? Do these illegitimate artworks undermine Morrisseau’s intentions to respectfully share the traditions of his culture?

The Norval Morrisseau Heritage Society was established in 2005 to create a catalogue raisonné of the artists’ works. This task has proved difficult in light of Morrisseau’s past. By the late 1980s, Morrisseau’s alcoholism had left him homeless. While he was living in the streets of Vancouver, he sold many of his paintings for the cost of a bottle. The provenance of these artworks is therefore difficult, if not impossible, to determine. It is estimated that Morrisseau created between ten to fifteen thousand paintings in his lifetime, of which about twelve hundred have been identified by the Heritage Society. The intent of this paper is not to decipher how many or which paintings are fake, but to re-open the discussion of the sacrality of the images in these paintings in light of their illicit reproduction.

Morrisseau had a general understanding of the images he was producing and knew of their sacred nature. While he broke cultural taboos by showing these images to a larger audience, he did so with respectful intentions. The intent of these third-party reproductions is purely economic, capitalizing on Morrisseau’s artistic career. Although Morrisseau’s paintings certainly did generate profit, he claimed that making money was secondary to sharing his culture with the world. The Morrisseau forgers are certainly producing these images for economic gain;
threatening not only the market value of the original works but also the sacralty of the images.

To prevent the misappropriation of Morrisseau paintings and other sacred imagery, indigenous communities are looking to Western legal systems for protection. Specifically, communities are seeking to protect their Aboriginal Traditional Knowledge through Intellectual Property laws. Aboriginal Traditional Knowledge, or ATK, is a “…unique body of knowledge [that] is culturally based, context specific, holistic, and differs nation to nation.”

ATK can exist in various forms such as songs, stories, ceremonies, customs and art. ATK is also implicated in ecology, agriculture, and medicine, but for the purposes of this paper I will limit my focus solely on ATK concerning symbols, customs, and rituals.

Intellectual Property (IP) refers to “creations of the mind” and is protected in law in forms such as patents, trademarks, copyright, and industrial designs. IP law aims to award recognition and/or financial benefit for creativity and inventiveness. Canadian IP laws are regulated and administered by the Canadian Intellectual Property Office (CIPO), an operating agency of Industry Canada. In seeking legal protection for ATK, communities are most often enacting copyright and trademarks to defend their sacred imagery. Copyright literally means “the right to copy” and aims to protect products of creativity against unwanted use and exploitation. It applies to “…all original dramatic, musical, artistic and literary works [...] performances, communication signals, and sound recordings.” A trade-mark is a word, short series of words, a sign, symbol, or design which distinguishes “…the goods or services of a person or organization.” Although there are many incompatibilities between Aboriginal values and Western legal systems, many Aboriginal communities have been successful in utilizing IP law to seek protection for their sacred imagery.

One example of indigenous groups gaining protection through Western legal means is the Coast Salish Snuneymuxw Nation from Vancouver Island. In 2000, the Snuneymuxw secured official mark status for ten petroglyph images. Official mark status is a subset of a registered trademark that includes the protection of any “…badge, crest, emblem or mark adopted and used by any public authority, in Canada.” The petroglyphs on Gabriola Island were being reproduced for the tourist market - their designs were sold as t-shirts, key chains, magnets and other tourist memorabilia. By registering these petroglyph images as official marks, the community now holds all legal rights to the images and can take legal action against anyone who uses them without permission. The ten most widely reproduced images were chosen for legal protection and the community has not ruled out the possibility of seeking protection for other petroglyphs in the future. Since official registration of the petroglyphs as trade-marks, the tourist shops have ceased selling items bearing the images in question and The Gabriola Island Museum has removed the photographs of petroglyphs from their website.

The Snuneymuxw sought the official mark status for several reasons; first, they were not receiving financial compensation from sales of the tourist items, and second, the ancestral power of the images themselves was not being recognized or respected. The Snuneymuxw emphasize that their main interest in protecting these images is religious, not commercial, and that their aim is to establish a framework which they can use to educate the public about their spiritual values. The Snuneymuxw believe that any use of these petroglyphs uninformed
by religious understanding can expose the user to spiritual harm.

56 While Aboriginal communities are looking to IP for protection, several aspects of the current legal system do not accommodate traditional knowledge. For example, IP protection only extends to intellectual activities that are considered original and unique. This does not coincide with ATK, which has existed for years and is passed down generationally. Additionally, copyright only protects the tangible expressions of ideas, not the ideas themselves. This distinction places Aboriginal communities at a disadvantage because their traditions are often conveyed orally. Likewise, this implies that the actual knowledge itself is not being copyrighted, rather the method or medium is.

57 Furthermore, current copyright is restricted to individuals, not collective communities, to which ATK belongs. Copyrighting can be difficult for indigenous communities when ATK spans many years and many practitioners. An Aboriginal community could in theory copyright a component of ATK with an individual, however this concept is inconsistent with indigenous views on collective ownership and becomes problematic when this individual dies. The impermanence of copyright insinuates that the sacred art or stories being copyrighted will eventually become detached from the community in which they originated.

59 Another problem with enacting legal protection is that such disputes are typically situated around commercial gain, which is usually not the intention of Aboriginal communities seeking to protect their sacred imagery. Indeed, the concept of owning knowledge introduces the risk of commodifying heritage. Sometimes objections to the use of ATK are economic, as communities are rarely compensated for knowledge that has commercial value. However, in most cases Aboriginal communities are more concerned with the desacralization of their knowledge through misappropriation.

60 The most important inconsistency between ATK and IP law is that IP laws require full disclosure for protection. ATK is a resource held by the community that can only be disclosed on community terms. This knowledge is not always intended to be shared, as with the Midé scrolls. In order for communities to gain protection for sacred objects such as the scrolls and for the knowledge they bestow, their stories must first be told, which runs contrary to the original intention.

61 Aboriginal communities continue to struggle with adopting Western legal systems to accommodate their own cultural practices. The incompatibilities noted above indicate the need for IP reform. Most communities would prefer the establishment of a parallel system specifically designed to protect ATK in conjunction with the current IP law. Such reform would allow Aboriginal communities to assert control over their knowledge, traditions, and their sacred imagery. There is a strong need to establish measures that respect the rights of Aboriginal communities to control access to their cultural expressions, particularly those of spiritual value.

62 ATK systems are gaining worldwide recognition and several countries have established laws accommodating indigenous values. Organizations have also been instrumental in establishing policy, such as the World Intellectual Property Organization (WIPO), which is an agency within the United Nations (UN). WIPO describes themselves as "the global forum for intellectual property services, policy, information and
cooperation.” WIPO is a world leader in the legal protection of traditional knowledge and works extensively with representatives from indigenous communities. While the discussion in this paper focuses on the Canadian legal system, these problems are global in nature. A global framework is therefore necessary to facilitate international enforcement.

The traditional knowledge imbued within the Midéwiwin scrolls was accessed and shared by Morrisseau, who did not have the rights to such knowledge. Although objections towards Morrisseau’s use of sacred imagery eventually subsided, their re-appropriation by third parties re-opens this discourse and once again threatens the sacrality of these images. The circulation of Morrisseau fakes reinforces the need for IP reform to prevent aboriginal knowledge from being desacralized. Through a larger discussion of Aboriginal Traditional Knowledge and the legal means of protecting it, my future research endeavours to further explore the knowledge sharing relationships between indigenous and non-indigenous Canadians, and seeks answers to larger questions of ownership, authorship, and appropriation.
Notes


2 Grania Litwin, “Ojibwa painter’s son at odds over maintaining his artistic legacy,” *The Ottawa Citizen*, October 27 2007.

3 Phillips, “Morrisseau’s Entrance,” 76.

4 Ibid., 50.


6 W.J. Hoffman, “Pictography and Shamanistic Rites of the Ojibwa,” *American Anthropologist* 1, no. 3 (July 1888), 220.

7 Ibid.


9 Ibid., 50.

10 Ibid., 53.

11 Ibid, 13.

12 Ibid.

13 Anthropological drawings are considered public domain, and are therefore more appropriate to use in demonstrating Midewiwin symbols.


15 Ibid., 220.


17 Elizabeth McLuhan and Tom Hill, two members of the Norval Morrisseau Heritage Society, suggest that it is a reproduction of an actual scroll. Ruth Phillips and Valda Blundell however assert that this drawing is a recombination of symbols that occur on a number of different scrolls.

19 Penney, “Great Lakes Indian Art,” 11.


21 Ibid., 56.


24 Ibid.


26 Ibid.

27 Ibid.


29 Patterson, “Shaking tents and medicine snakes.”


31 Ibid., 71.

32 Ibid.

33 Ibid., 32.


35 Ibid., 120.


38 Blundell and Phillips, “If It’s Not Shamanic, Is It Sham?”, 122.


Phillips, “Morriseau’s Entrance,” 76.


Ibid., 6.


WIPO, “What is Intellectual Property?”


Ibid., 84.

Ibid.

One stipulation of removing these images from public domain is that it requires copies to be made available for public inspection on the trade-mark database of the Canadian Intellectual Property Office. This stipulation explains why I may legally include these images in this paper (Figure 5), as they were taken directly from the CIPO website.

58 Brown, *Who Owns Native Culture?*, 60.


61 Canadian copyright law only extends fifty years after the individual owner’s death, after which it becomes public domain.


64 Brown, *Who Owns Native Culture?*, 5.


66 Ibid., 3.

67 WIPO, “What is Intellectual Property?”
Images

Figure 1. W.J. Hoffman, Scroll Drawings, 1888. See http://www.gutenberg.org/files/19368/19368-h/19368-h.htm#plateXX

Figure 2. Norval Morisseau, Untitled (Thunderbird) c.1960. http://4.bp.blogspot.com/_qIYc00ta9L4/R-gqrU-wTeI/AAAAAAAABF8/geoVrXzVruE/s1600/Untitled+(Thunderbird)+1960.jpg

