

The Gatekeepers

An anthropologist is skeptical about extending the logic of group rights to music, art and origin stories.

WHO OWNS NATIVE CULTURE?

By Michael F. Brown.
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By Richard A. Shweder

SOME years ago an American anthropologist I know, who was trained at the University of Chicago, sought permission to conduct research among the Maori people of New Zealand. During one part of an elaborate bureaucratic process he found himself being interviewed by a "native," a rather well-traveled Maori with an Oxford University degree in anthropology. This cosmopolitan graduate of aboriginal descent was a gatekeeper for his "indigenous people" and a legally empowered guardian of their group privacy. He believed that Maori rituals, art, legends and history belonged to and were, in some sense or other, owned by the Maori. He believed that the Maori people had a collective interest in regulating the scholarly interests of outsiders and in controlling how Maori traditions got talked about in the rest of the world.

The man took his job seriously. He interrogated the American petitioner and expressed doubts and reservations about the "Chicago School of Anthropology" as a way of representing the Maori way of life. And he was in a position to say "no" — to limit research and restrict the flow of information and to constrain the freedom of academic outsiders to associate with Maori insiders, including those insiders who might be willing or even eager to speak to any American anthropologist who came along. One does not know whether to laugh or cry.

Every once in a while critical reason triumphs over political correctness and identity politics, and the result can be exhilarating. Michael F. Brown, who is the Lambert professor of anthropology and Latin American studies at Williams College and knows more about intellectual property law than most legal scholars, has written a brave, logical and even witty book about some of the hazards and challenges of cultural heritage protection. His book is titled "Who Owns Native Culture?" yet his message is one of skepticism and caution about extending the logic of ownership and group rights to the music, art, religious rituals, origin stories and botanical knowledge of any cultural tradition.

Do we want to turn culture into a legally protected resource? Is cultural heritage something that ought to be owned, patented, copyrighted, trademarked, licensed, exclusively controlled or treated as the private property of

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particular ethnic groups? What are the risks to a liberal pluralistic democratic society when ethnic groups are empowered with group rights? Does the assertion of cultural ownership by indigenous peoples threaten the public domain? Does it hazardously restrict that region of our open society — the intellectual and social commons — where members of different traditions can meet, mix, creatively invent hybrid cultural forms and do so freely and without bureaucratic surveillance?

"Who Owns Native Culture?" describes a series of fraught and provocative incidents in contemporary democracies, especially the United States and Australia, where there is a history of

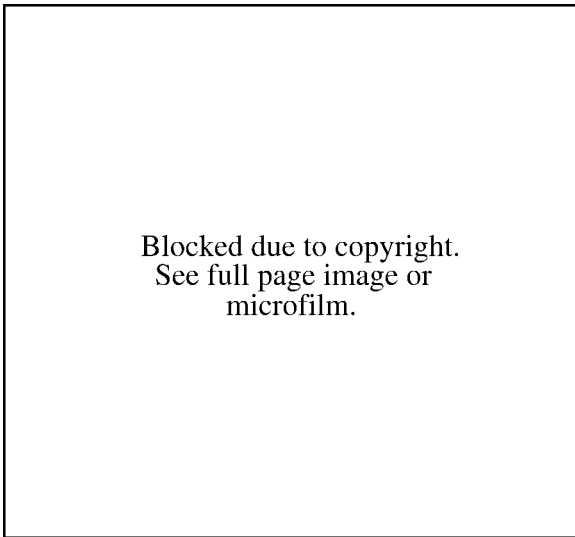
What code of cultural privacy makes sense when representatives of the Pueblo community complain that the sun symbol on the New Mexico state flag was stolen without permission from a design on a 19th-century ceramic pot made by an anonymous and unidentifiable American Indian potter? What about the disempowered forest-dwelling pygmies of Central Africa? Is there a meaningful modern sense in which they can be said to own their traditional flute music and distinctive form of yodeling, traces of which have diffused throughout the globe and can be detected in Herbie Hancock's album "Headhunters" and Madonna's "Bedtime Stories"? Should the pygmies be compensated? Why and

Wyoming who are indignant about the rights claims of American Indians, he writes: "An ethic of self-reliance contrasts with the reality of ranching and mining enterprises heavily subsidized by the federal government — hence the criticism that Wyoming, like other Western states, practices a form of socialism for the rich that benefits a few corporations and cattlemen ("welfare cowboys")."

Commenting on the use of the name Redskins (as in Washington Redskins) he writes: "Native American cultures have survived five centuries of pestilence, military conflict and dispossession. Compared to these catastrophes, in what meaningful sense does the name of a professional football team put their survival at risk? One could argue just as convincingly that petty insults actually promote cultural survival by bringing Indians together in solidarity against the dominant culture." This writer is a sardonic liberal pluralist who is prepared to defend both liberalism and pluralism without resorting to group rights and ideas of exclusive possession.

THE courage in Brown's book is his insistence that we live in a morally complex world. Part of the complexity stems from the fact that, despite some of the illusory claims associated with the Western Enlightenment, modern, post-modern and premodern values continue to coexist even in the developed world; and they make powerful and contradictory claims on our sympathy and judgment. No one really owns culture is Brown's message: cultural elements are too hard to define, too easily copied or too long detached from their points of original creation. Contact between cultures and processes such as borrowing, appropriation, migration and diffusion have been ubiquitous for so long that little remains of the authentically indigenous (southern Italian cuisine got its tomatoes from the New World, the Navaho got some of their current practices from the Hopi); which is just as well, and a very good thing for the creative and innovative side of the human search for meaning.

The bottom line in Brown's book is his challenge to both multiculturalists and liberal individualists. For he believes we can develop informal social norms of decency and respect that are responsive to the concerns of indigenous peoples without turning our society into a patchwork of legally empowered illiberal cultural enclaves. He seeks the middle road. Not the postmodern path, at the end of which there is a free flow of everything, all boundaries are down, everything is up for sale and nothing is sacred. And not the premodern path either, at the end of which everything is private, secreted and shielded from the interest and interests of outsiders, and the intellectual and social commons have been destroyed. It remains to be seen whether in a commercial and legalistic society such as ours there really is a middle road. □



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domination and even genocide of native, aboriginal or indigenous groups. In these multicultural countries, historically devastated minority groups are understandably and often legitimately sensitive about the appropriation, commercial exploitation and disrespectful use of their culture.

So what happens in a liberal democracy when Australian Aborigines demand that museum curators forbid all female staff members from handling the indigenous sacred objects that are on display in Sydney, out of respect for the sexual division of the world in Aborigine society? Or when Native American Lakotas object to the desecration of a sacred site by mountain climbers and by New Age religious worshippers, and the sacred site just happens to be Devils Tower National Monument (made famous by the movie "Close Encounters of the Third Kind"), which is located in a public park in Wyoming?

how? What are our legal responsibilities under such circumstances? What are our moral responsibilities?

Brown's writing is gorgeous, often funny, and he has a near perfect sense of the absurd. Recoiling at the idea that all knowledge is parochial and owned by those who are insiders (as though only African-Americans are entitled to rap or sing the blues), he points out that reggae is currently the music of choice among young American Indians on the Hopi reservation. In the context of a discussion of "bioprospecting" he acquaints us with the famous ethnobotanist Richard Evans Schultes, who pioneered the study of the roots and shoots of the forest and the medicinal plants of indigenous people: "He may have been the only Republican in America who freely admitted to having sampled just about every mind-altering plant yet discovered in the New World." With regard to the moral majority of rugged individualists in the state of