

Epilogue: The Cartography of Copyright Cultures Versus the Proliferation of Public Properties

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Contexts, concepts, controversies

This is the second of three volumes which compile papers generated in the three-year existence of the *Sibirien Projektgruppe* at the Max Planck Institute for Social Anthropology in Halle (2000-2002). The Editor, Erich Kasten, was the initial coordinator of this project group. I am grateful to him for seeing this trilogy through to completion, despite his busy agendas in the field in Kamchatka, in museum exhibition projects and as a consultant for UNESCO. In the case of this volume he has contributed a substantial introductory chapter, illustrated with examples drawn from his own work in circumpolar regions over the years. I also thank Erich for inviting me to contribute this Epilogue. I shall take the opportunity to engage with some of the main arguments of the book and to place them, and the conference at which they were first presented, in wider contexts.

The first context might seem parochial; but if this volume has any lesson, it is surely that we should never underestimate the significance of local knowledge. The *Sibirien Projektgruppe* was located within a Department dedicated to the investigation of “property relations.” The main focus of our projects in this period was on processes of decollectivization in the former Soviet Union and Eastern Europe. I had worked in this field myself in Hungary, and I saw the possibility of exploiting the opportunities provided by the Max Planck Institute to organize more systematic comparisons throughout the postsocialist world. Accordingly, the members of the Siberian group were expected to join their colleagues in gathering data on the changing political economy, and in particular on the dissolution of State Farms and the emergence of new forms of landholding. Some of the results of this work have already been published (Hann *et al.* 2003; see also Ziker 2002).

At the same time, two things were always clear. First, the comparative potential of our projects in the Russian north was not exhausted by the framework of “postsocialism.” On the contrary, whether investigating common environmental factors, similar paths of economic development, or the general dilemmas of small, indigenous peoples, it made every sense for our group to pursue comparisons in multiple contexts on a global scale. Second, some project group members were more interested in aspects of property which had little direct connection to the dissolution of socialist

rural institutions. The conference of July 2002 and this volume are both to be viewed as complementing the central thrust of our work on “real property.” Cultural property raises somewhat different issues but these too can be approached as an aspect of postsocialist political economy. By highlighting this concept, my colleagues were drawing attention to controversial issues that have gained increased salience in numerous disciplines in recent years, and which also have urgency outside the academy.

By coincidence, some of the critical debates were rehearsed in the Max Planck Institute just a few weeks before the conference. The climax of the ceremonies on 11 June 2002 to mark the official opening of the Institute was a *Festvortrag* by Adam Kuper entitled “The Return of the Native” (later published under the same title in *Current Anthropology*, Kuper 2003). The basic message of this powerfully delivered address was an extension of Kuper’s recent book engaging with the concept of culture itself (1999). He argued in the lecture that anthropologists should be critical of indigenous groups which base their claims to resources on “... obsolete anthropological notions and on a romantic and false ethnographic vision. Fostering essentialist ideologies of culture and identity, they may have dangerous political consequences” (2003, 395). Specifically, Kuper criticized both the “anachronistic” policies of NGOs such as Survival International and the call of former UN Secretary-General Boutros-Ghali to recognize the preservation of “cultural authenticity” as a collective, historical human right. Kuper developed his analysis with reference to property claims to land by indigenous groups in Canada, South Africa and Botswana. He argued that to emphasize origins and to privilege the putative blood descendants of the first inhabitants of a territory against other contemporary residents is to risk a drift to new forms of apartheid and racism. Ironically, he points out, these convictions replicate fashionable Western cultural theories as well as familiar European nationalist ideologies of the “blood and soil” variety. Kuper (himself a native of South Africa) calls upon anthropologists to reject such arguments, both because they are based on bad anthropology (notably through the tendency to reify cultural “essence”) and because they do not in practice lead to any improvement in the often precarious predicaments of the people concerned: “Wherever special land and hunting rights have been extended to so-called indigenous peoples, local ethnic frictions have been exacerbated” (*ibid.*, 395).

Many months later these arguments were still generating lively discussion at our Institute. Anticipating some of the criticisms made later by *Current Anthropology* reviewers, numerous colleagues felt that Kuper was going too far in depriving marginal groups of one of the very few weapons at their disposal against the overwhelming power of states and multi-

national companies. They denied, as does Barbara Bodenhorn in her contribution to this volume, that the recognition of special cultural rights necessarily leads to racism. The concept of culture does not have to be based on romanticizing or essentializing customs and practices, and Kuper's apparent dismissal of local voices (e.g. local understandings of history that happened not to coincide with the latest ethnological or archaeological evidence) seems to some of his critics to be as arrogant as the stance of a colonial missionary. These issues turn up repeatedly in the present volume. The emphasis here falls not so much on land or material objects, but primarily on intangible property – the knowledge and skills associated with particular groups, according to the definition given by Kasten in his Introduction. In characterizing this knowledge and the nature of the groups which carry it, a concept of culture seems unavoidable. I shall therefore begin with this, then move on to look more closely at the problem of authenticity and at property issues, and then (after a musical interlude) return again to culture in my conclusions.

The objectification and commodification of culture

Erich Kasten opens his chapter by citing with approval a critique by Thomas Hylland Eriksen of the UNESCO concept of culture (2001). The world cannot be viewed as an “archipelago” of distinct cultures and, as Kasten points out, UNESCO itself has recently come to realize this. Rather, we should recognize a “reservoir” of cultural ideas, on which in principle all members of “humankind” should be free to draw. This vision seems compatible with the Boasian notion of “cultural traits.” However, it is not clear to me how this is to be reconciled with the use of “cultures” in the plural. I suggest that many anthropologists still find it difficult to give up thinking of cultures as if they were natural kinds, in which each is assumed to be congruent with a particular population. Alternatively we may be confronted by a double archipelago of cultures and groups, in which case the relations between the two are far from clear. I shall return to this confusion below.

Meanwhile Eriksen himself in his contribution to this volume reminds us that those who patrol the boundaries of ethnic groups and nations are very selective in the manner in which they attribute cultural significance to particular symbols or practices, while ignoring others. This is often the first step towards the objectification or reification of culture, a process which forms the backdrop to many of the papers in this volume and is discussed most fully by Eriksen and Trond Thuen. The former focuses on the *bunad* as a symbol of modern Norwegian identity and reports on recent controversies concerning who is entitled to wear particular variants of this dress,

and where and under what conditions it may be manufactured. The latter explicitly draws attention to the disjuncture between Saami ethnicity and Saami culture. It is easier to fix reindeer as an eternal symbol of Saami culture than it is to protect an informal system of social organization such as the *siida* system of common land management. Difficulties arise because most contemporary Saami people have no direct connection to reindeer herding, the precise meanings and material significance of which are in any case continuously changing.

Several of the Siberianists' contributions raise similar issues. While Kasten is concerned with the commodification of artifacts for tourists and for collectors in "old Europe," Argounova shows how a particular product of the Sakha republic, diamonds, has been turned into a "national symbol" in post-Soviet struggles between the republic and the Moscow Center to secure control over Sakha's vast mineral wealth. The contemporary political dimension is dealt with more fully in the case studies presented by Marjorie Mandelstam Balzer, who highlights the dangers that recent trends towards recentralization under President Putin may pose to the smaller peoples. A dichotomy between "cultures" on the periphery and the anonymous power of the metropolis also comes through strongly in the chapters dealing with the museum world. Sonja Lührmann notes the increasing instrumentalization of "culture" by Native groups in North America, while Julia Kupina notes the difficulties experienced by "mainstream" museums in Russia in dealing with regional and local museums that are increasingly closely linked to particular indigenous groups. While Kupina would like regional museums to serve all of the inhabitants of a given territory, in practice they may increasingly find themselves constrained to represent particular ethnic groups, which see themselves as endowed with "cultures."

This objectification of culture is, of course, not a new phenomenon that is limited to indigenous groups on the periphery. On the contrary, it has been a prime ingredient of nationalism since at least the early nineteenth century, and it was carried forward in new ways in the framework of socialist nationalities policies. Under postsocialist conditions there has been a pervasive concern with the recovery of histories and memories that were repressed under the previous régime. Majorities as well as minorities have been busy (re)constructing national ideologies and claiming new authenticities. For example, Melissa Caldwell has investigated the "commercialized appropriation of the past and the traditional" in 1990s Moscow, where Russian entrepreneurs found that it was possible to counter foreign foods by stimulating pride in "traditional" Russian dishes or styles of cuisine. Caldwell speaks here of a "nationalizing culinary movement" (2002, 307, 309). As in other domains such as music and dance, this typically involves

the appropriation of local or regional traditions and their re-presentation by the state as emblems of a “national culture.” This process can lead to contestation by the intellectual elites of minority or “peripheral” groups, for whom such cultural expressions constitute their unique heritage.

Academics have hastened to point out that the creative manipulation of symbols can often be at least partially explained in terms of conflicting group interests in the postsocialist present. Yet, as Alexander King points out in this volume, diagnoses of reification and “inventing traditions” have been made so often that they may be getting stale. Eriksen too appears to sympathize with Marshall Sahlins’ recent criticisms of scholars intent on debunking the concept of culture on the grounds that its foundations are always somehow fraudulent. In Eriksen’s presentation of the Norwegian case in this volume it would seem that, beneath the visible tip that is subject to manipulation by activists and commoditization by a variety of commercial interests, there really is a submerged iceberg of common culture, in the sense of tacit understandings, shared values etc. Other scholars might counter that even the submerged parts of the iceberg are to a large extent the product of modern nationalism, with its techniques to create “imagined” communities (Anderson 1983) and to infuse even “banal” contexts with a national content (Billig 1995). Perhaps it is not surprising that Norway, which remains sentimentally opposed to joining the European Union and economically strong enough to implement this sentiment, has featured prominently in recent debates over the nature of “multiculturalism.” Scholars such as Marianne Gullestad (2002) have documented increasing racism towards new immigrants (*innvander*). A few anthropologists, notably Unni Wikan (2002), have recently begun to call for greater effort to be made to integrate these people into Norwegian society – in their own material and welfare interests, and notwithstanding the loss of traditional cultural features of the group in this process. As Ralph Grillo has warned for the wider European context, “stronger” forms of multiculturalism are “prone to all manner of essentialisms” (2002, 19). He therefore favours a weaker form of multiculturalism grounded in “intercultural dialogue” as the alternative to a “Europe of enclaves.” Of course the enclaves may differ in kind. While there seems to have been a general willingness over many years on the part of ethnic Norwegians to acknowledge special cultural rights (including entitlements to land) in the case of (allegedly) indigenous Saami, mainstream attitudes to recent immigrants and their “cultures” are quite different. Although the circumstances of Norway, a relatively small and wealthy Western country, are obviously quite different, there may nonetheless be lessons here for those concerned to promote multicultural futures in the Russian Federation and elsewhere.

Contrasting authenticities

“...he was the first singer to teach me that there was an art to interpretation: his best songs were invariably covers, and I had always presumed (I was a music snob even before I knew anything) that covers were inauthentic, somehow, and inevitably inferior – that only the originals really counted. But when I checked out these originals, I discovered to my confusion that quite often he had improved upon them.”

(Hornby 2003, 40–1)

The objectification of ethnic and national cultures is commonly associated with an obsessive interest in origins and authenticity, both among internal enthusiasts and external *cognoscenti*. Alexander King notes that the Kamchatka town (population 4-5000) of Palana where he did fieldwork has become a “European space” in the sense that inhabitants nowadays reflect consciously on “culture,” especially in connection with staged productions for tourists. He draws attention to the fact that a concept of authenticity now provides the local standard for assessing all dance performances. Erich Kasten, however, who also does research in Kamchatka, insists that the “staged performance” is quite different from the cultural stream as such and incommensurable with the inherent meanings for local people of a cultural activity such as dance. He and King appear to differ in their evaluations of two troupes who perform “folklore” commercially. The major difference between the troupes is not the ethnic origin of their respective founders and leading choreographers, but rather the newer troupe’s greater concern to perform styles projected as specific to distinctive groups, and to reject the external adulteration of these by modern accretions. Both dance troupes seek approval and authorization from Native elders, but the elders’ criteria seem quite different from the European nationalist’s conception of authenticity, in terms of a pure origin. What matters for contemporary Kamchatkan authenticity is not descent or expertise in executing a petrified routine from the past, but cultural competence in performing dances which are always being modified to reflect the creativity of the people. In this way, the continuous renewal of authenticity provides an in-built antidote to the objectification of cultures.

For King, whatever the context and whatever the appeal to authenticity, in reality all human societies are engaged in never-ending processes of renewal. He nonetheless draws a distinction between the “harmonious culture” (Sapir) to be found in places such as Kamchatka and the “spurious” culture of the dominant power, which represses such creativity. This contrast makes me uncomfortable. Surely enough anthropologists have dem-

onstrated that it is possible, even in the modern mega-city, for groups and networks to find ways of maintaining their creativity, integrity and even harmony. In this respect Soviet rule, with all the destruction it wrought, is really no different from other modern forms of governmentality. True, in the more complex societies there is a stronger ideological concern to fix cultural forms and deny the reality of change; authenticity is not subject to dynamic amendment and scale factors make the legitimization of innovation through a telephone call to one's grandfather no longer feasible. The dynamics of cultural property in Kamchatka derive much of their fascination from the fact that "modernity" – in the form of new technologies, performances for tourists etc – is here playing itself out in relatively small communities whose notions of culture are not yet irretrievably objectified. The status of being "real" Koryak in Kamchatka, or "really Inupiaq" in the Alaskan case examined by Bodenhorn in this volume, seems to relate primarily to an idealized identity which, at least in the latter case, can be emulated by others and is not restricted by descent. The question I would like to raise here is: are these new categories in the respective groups, and if so, does their very emergence provide evidence of the rise of a new kind of identity, which is likely to end in closures of the sort that we find in categories such as "real German" or "really English?"

King draws on Walter Benjamin's seminal essay on the work of art in the age of mechanical reproduction – an essay that contains ambivalences and demands a complex reading. The conventional "progressivist" understanding is that Benjamin welcomed the undermining of the "aura of authenticity" by the technologies of mechanical reproduction. But, as Talal Asad has recently pointed out, his work is better viewed as exhibiting a dialectic, the other side of which is a recognition of the need for aura in the sense of "real" historicity. "Benjamin had a notion of aura not only as essential to modern concepts of historicity but also as intrinsic to 'tradition'" (2002, 7). This is pertinent to the issues raised by Erich Kasten concerning the sharing of cultural knowledge, as I shall try to show below.

Property in profusion: literal, metaphorical and moral ownership

So much at this point for authenticity and culture (for further examples of current debates surrounding this concept see Fox and King 2002), but why has the connection to property become so important in recent years? Clearly the answer for Siberia has much to do with postsocialist transformations of political economy, but new information technologies seem even more decisive. These have everywhere undermined the ability of established legal systems to protect intellectual property rights as they have

evolved since the origins of liberal capitalism. Although notions of intellectual property have a long history in anthropology, symbols and other identity markers of ethnic groups have only recently been juridified as property objects. As Silke von Lewinski shows in her chapter, international lawyers have been struggling since the 1960s to find ways to protect “folklore.” Von Lewinski documents the considerable progress that has been made and the other authors in this section of the book show the impact that external initiatives are beginning to have on the ground in Siberia. There are growing signs of a willingness to deviate from the individualist bias of both Anglo-Saxon and Continental law systems to recognize the rights of groups, unconstrained by any time limit on their unique “cultural expressions.”

Yet the problems are legion. Secret and sacred knowledge have to be excluded, but it will be hard in practice to specify this boundary and to determine what may be legitimate as a form of “fictionalized” appropriation. Local markets may become swamped and fall under the control of external entrepreneurs. Critics may balk at the export of cultural valuables to individuals or institutions in other countries who can afford to pay higher prices for them, leaving local collectors unable to compete. To accept the power of the international market in cultural artifacts may be seen as unfair by those groups which have fewer suitable cultural goods to offer. The market may be good news for some members of some Native communities, but there are bound to be losers. There are likely to be great difficulties in tracking cultural products to their original sources. If a certain style of dancing or painting has for generations been associated with relatively large groups, how would one ensure that market remunerations in the form of royalties are equitably distributed? Similar problems arise concerning indigenous environmental knowledge and all other “products” where the unexpected emergence of a market creates a need to specify property rights in a way not needed before. At least two basic areas of fuzziness seem guaranteed to lead to conflict: defining the boundaries of the owning group (including an uncertain boundary between Native and non-Native) and defining exactly what should be protected – a particular object, or only a “style” or “type” of product? (See Brown 2003, Verdery and Humphrey 2004.)

Like all previous extensions of the market principle, it seems that its extension into the realm of intellectual property leads to new inequalities, both between individuals and between groups. However, although lacking a concept of property in the Euro-American sense, Native peoples certainly had and still have their own mechanisms to include some and exclude others from the ownership and possession of intellectual property. Thomas

Miller draws attention to the fact that Northwest Coast songs are commonly considered to belong to individual owners; they were also inherited by descendants, though in other Indian groups they became the public property of the group on an owner's death. Both for members and non-members, Native systems of "ownership" were often highly complex: for example, specific others could be allowed access to intellectual property, without any alienation of ultimate ownership. Miller shows how that complexity is being maintained in new forms in the present day. Anthropologists can play a role in challenging the hegemony of the market by documenting past systems and helping to conceptualize and operationalize new forms of non-commodity ownership. In this connection Thuen draws a theoretical distinction between literal ownership and the "metaphorical" or "moral" ownership of symbols and ethnic markers, while Kasten and Lührmann point to practical ways forward. They suggest moving away from a focus on the ownership of unique objects towards a sharing of images of the objects and the practical knowledge necessary to ensure a continuation of the tradition which produced the object in the first place. Both the Alaskan projects on which Lührmann reports "conceptualize ownership in different terms than just holding an object in physical custody."

There are many signs that changes are underway in the application of the standard liberal property paradigm in the West itself, even in the archetypal instance of the individual author of a literary work. Open a paperback bestseller in 2003 such as Nick Hornby's *31 Songs* and you are likely to find, immediately under the usual copyright declaration, the statement: "The moral right of the author has been asserted." By analogy, it might be said that some anthropologists wish to endorse an attribution of moral rights to cultural groups ("metaphorical" ownership in the terminology of Thuen; cf. Lührmann's use of a term supplied by Crawford, "semiotic ownership"). The main difference is that Hornby's book is well protected by western property law: he and his publishers can reliably expect to continue to profit from his work for many decades to come. This has become less certain in the case of the musicians Hornby writes about, because copying technologies have made "piracy" much easier in this medium.

Another place, another time, another medium

The medium of music is central to the chapters of Aimar Ventsel and Thomas Miller, and certainly repays closer examination. I have not worked in Siberia, nor am I a specialist on cultural property. Despite this double disqualification I would like here to sketch a story which I think is pertinent, though it may diverge from a contemporary anthropological con-

vention, which we should perhaps officially call the Fabian rule (following Fabian 1983). In Siberia as in other remote places, the Native peoples studied by early European anthropologists were often represented as standing “out of time” (Thomas 1996). In reality observers and observed showed the same moment: as Miller shows, the “salvage ethnography” of Franz Boas was in part an opportunistic strategy, shaped by contemporary geopolitics as well as the consolidation of museums and academic rivalries.

The cases presented in this volume deal primarily with postsocialist contexts. Extending Fabian’s principle of “coevalness,” it might seem most appropriate to compare today’s discussions of authenticity in Siberia with debates taking place elsewhere in the contemporary world. In the late twentieth century, the popular US musician Paul Simon drew explicitly on the music of Southern Africans and Brazilians to record some of his most famous and commercially successful songs. He revived his own career and became widely associated with the increasing popularity of “world music,” but he also attracted some criticism for “hybridizing” or “cannibalizing” the creativity of others. Undoubtedly the local artists with whom Simon worked were well compensated; but some critics were troubled by a feeling that the music of other people and other places was here being unfairly appropriated by the star, who retained not only full control but also copyright. Others pointed out that the popular music of the North Atlantic has been an expansive dynamic cultural stream for centuries: from this perspective there was nothing really new about such borrowing.

Local debates about authenticity in new forms of popular music are discussed in the chapter by Ventsel. But rather than explore contemporary connections in the world of popular music (for further discussion see Hutnyk 2000, Taylor 1997) I want to change the time frames and consider the genealogy of current ways of thinking about cultural property in the light of the history of “classical” music in Central Europe. I suggest that, in reflecting on today’s debates in places like Kamchatka, it may be fruitful to consider developments at the other end of the Eurasian landmass in earlier centuries. The emergence of a distinctive “high” musical culture in Europe was evidently connected to both political hierarchy and advances in the technologies of sound production and of notation, which make specific compositions available for posterity. It goes without saying that the European court composers frequently drew inspiration from the popular music of the folk, in the town and in the countryside. But however obvious and prominent a folk melody in the work of a composer, it was not considered necessary to give attribution – certainly not to a national culture, since these did not yet exist. How can Händel be classified as a German com-

poser, given that Germany did not exist in his lifetime? In fact, he left Halle as soon as he could and produced most of his masterpieces in England. European music in this era was a cosmopolitan cultural stream. Händel, commonly known as Mr. Hendel after moving to London, composed for the Hannoverian Kings, but he was also among the first to realize the commercial potential of his compositions.

Further significant changes came with the onset of the romantic era, which was also the beginning of bourgeois society and modern nationalism. Beethoven's Opus 105, *Six National Airs with Variations*, is an interesting case (Kárpáti 1982). Composed between 1816 and 1818, five of the six airs are described as "air écossais" (the third of the series was an "air autrichien"). Closer inspection reveals, however, that most of the five "Scottish" folksongs were not really Scottish at all. Three were Irish, while the first was Welsh – at least the melody was labeled Welsh, though the song adapted by Beethoven had an English text ("The cottage maid"). Authenticity in the modern sense was evidently not yet an issue. The invention of separate "national" cultures for Wales and Scotland was only just getting underway (Hobsbawm and Ranger 1983). Any folk tune from the British Isles was an "air écossais."

It is, however, interesting to note a new property dimension in this era. Beethoven was by this time a famous composer. A market for his compositions existed among the amateur musicians of the emerging bourgeois classes, and so commercial publishers in Edinburgh and London competed to secure them. George Thomson, the Edinburgh publisher who had also commissioned Beethoven's earlier vocal adaptations of Celtic folk songs, was successful. A Vienna publication followed only two months later, presumably without consultation with Thomson, who would not have been able to claim any payment as the rights holder. The musical compositions of a famous composer had commercial value; this cultural property was cosmopolitan rather than national, regional or local (even when its content proclaimed "national airs"), but it was not until later in the nineteenth century that new laws gradually extended the protection of such intellectual property internationally.

In the early twentieth century Gustav Mahler was at the height of his powers in Vienna. Much of his music incorporates popular, "folk" melodies of Central Europe, some of which might be attributable to particular named groups – though it would hardly have occurred to Mahler to do so. Nowadays, whenever a suitable anniversary presents itself, we can witness competitive attempts to appropriate or "own" Mahler and his heritage. Can Vienna's obvious claim be extended to the Austrian nation? Or to

the entire German-speaking world, since this was Mahler's language and much of his inspiration came from German texts? Can Israel enter a claim, on the grounds of the composer's Jewish identity? Or the Czech Republic, on the grounds of his birthplace? To adjudicate such claims in the case of a Central European artist who was a genuine cosmopolitan (Mahler also drew inspiration from Chinese poetry) may seem absurd – yet this is the logic of the nationalist objectification of culture.

On the other hand the contemporaneous music of Dvořák (and before him of Smetana) does seem to belong unambiguously to the Czech nation. A generation later the other half of the Dual Monarchy provides an example of another outstanding composer who can apparently be claimed by one nation for its unique culture. As a young man, Béla Bartók was profoundly influenced by Magyar nationalism. He drew on Hungarian folk melodies throughout his career, and was careful to recognize regional traditions and to distinguish them from those of neighboring non-Magyar groups (which he also respected – in this sense Bartók was never a strident nationalist). I am not aware that either Bartók or contemporaries with similar agendas (notably Zoltán Kodály) ever went quite so far as to share their royalties with the local groups whose melodies they appropriated and in effect nationalized. In the course of his efforts to uncover the origins of the music of his national culture Bartók made pioneering expeditions to Anatolia, recording melodies designed to prove the Magyars' close links to the Turkic peoples. By the end of his life his position had mellowed: he was more concerned to point to the creative potential of inter-cultural contacts, and to the similarities of types and styles of folk music all over the world.

Both Mahler and Bartók are major late figures in the cultural stream of “Western” classical music, but only the latter can be claimed by a single national “culture” in the sense that has become dominant today. Arguably, though Bartók's work certainly transcended Magyar nationalism, this musical transition signified the end of the continent's classical tradition. The creative stream was not threatened by commodification and the rise of copyright protection in bourgeois society, but it could not long survive the objectification of cultures promoted by modern nationalism. The date of this transition can be specified: it took place in the generations immediately before and after the collapse of Europe's multi-national empires in 1918. The implication of this history for today's debates about indigenous cultural heritage in multicultural regions of Siberia should be clear: legal measures to “close down” cultural creativity by tying it to alleged ethnic or national “cultures” may be prejudicial to the continuation of that creativity.

The concept of culture: intellectual property of the anthropologist or of humankind?

Given all the difficulties, it is hard to conceive of a more equitable and balanced solution than that advanced by Erich Kasten (whose views on “world heritage” seem close to that of the mature Bartók as far as folk music is concerned). Kasten in effect advocates a combination of property forms. He seems ready to endorse unconditional commoditization of the products of native artists: the ability and willingness of private owners in Germany to pay higher prices than local collectors is to be welcomed, since some of these moneys can be channeled back into anthropological research projects such as his own. But in the latter case the ownership principle is quite different: Kasten recommends a form of open access, whereby the researchers must make even their “raw” data available not only to other researchers but, more importantly, to native communities themselves. The “visual repatriation” (Lührmann, *this volume*) not of original objects but of pictures of them, of cultural knowledge and information, can contribute to the continued creativity of the native communities, and hence the production of more attractive artifacts for alienation. The anthropologist plays the role of middleman or facilitator in this virtuous cycle.

And it does indeed seem virtuous. The wealthy Europeans, both individual collectors and perhaps also some museum curators, with their sadly rigid definition of authenticity in terms of original artifacts, can continue to obtain an inner glow as the exclusive private owners of these objects (see the discussion of Miller, *this volume*). But at the same time, many more exciting possibilities open up for a variety of publics in the regions and localities where the artists continue to thrive. Here the knowledge is open access and new technologies can help it to proliferate, subject only to due acknowledgement by the new users.

This vision of new public properties is a seductive alternative to centuries of engrained liberal evolutionist theorizing about property, which has always equated human destiny with the rigorous specification of private property rights. But is it realistic and how far can it be extended? However attractive they may be in principle, Kasten’s proposals do not address all the problems, let alone resolve them. Several other chapters highlight what Trond Thuen calls the “uncomfortable position” of the anthropologist in these debates. To begin with there are formidable practical difficulties in gathering cultural knowledge in the first place, as illustrated in the very “hands on” contribution of Alona Yefimenko to this volume. For example, sharing will be problematic if it means that data which people have willingly confided to an anthropologist from far-away Europe, but would not

reveal to a Native, are suddenly made available for the local public after all. A more fundamental problem, as we have noted, is that it will normally be in the interests of some Native individuals and some groups to insist on more protection of heritage than Kasten's scheme would allow.

But the issue is by no means reducible to one of material interests. Is the anthropologist ever justified in "deconstructing" an objectification of culture to which group members, whether rich or poor, have become sincerely attached? What if some Native peoples insist that, for them, Benjamin's "aura of authenticity" is crucial, and that this requires not merely the reburial of their ancestors on sacred ground but the return of original objects appropriated, rather than copies and photographs?

This brings us back to the unresolved conceptual issues I raised at the beginning. Definitions of culture often imply and confuse two kinds of group mapping. The first (let us call it Map I) should depict "objective" clusters of cultural traits, but this kind of cartography poses challenges to which no generally accepted solutions have ever been found. The second task (Map II) is to map the social groups which define their boundaries on the basis of a (subjective, historically contingent, though seldom arbitrary) selection of particular cultural markers. In the contemporary world such groups generally define themselves as ethnic groups or nations. This cartography is a good deal easier, especially if current trends to grant Native groups some form of land rights continues, since this requires the specification of sharp boundaries, legally inscribed at a land registry. But what if, even after generations of ethno-nationalist "homogenization" pressures, the two kinds of map still turn out very different, even incompatible? What do anthropologists say to those who become committed to an identity in the sense of Map II and who insist, against the facts, that the boundaries of their group coincide with "a culture" according to the criteria invoked by scholars in the drawing of Map I? Needless to say, it goes against the grain for anthropologists to challenge the deeply held convictions of the people they work with by accusing them in effect of invention, reification etc.

At least since Boas, anthropologists have been proud of the concept of culture, to the point where many might claim it as a crucial item of their common intellectual property. We have learned in recent years to be more aware of the pitfalls of objectification, and to avoid the "methodological nationalism" of equating cultures with nations, nationalities, ethnic groups, indigenous peoples, or whatever other terminology we choose to employ. But we have not yet reached agreement on how to react when the members of those units themselves begin to use the term culture in ways which we want at some level to criticize. Nor are we sure how to deal

with those academics, lawyers, national governments and well-meaning international agencies who, like the members of Native communities, are increasingly using the concept of culture in problematic ways. It is hard not to sympathize with colleagues who call for unconditional support to the social movements of indigenous peoples, especially when these are seeking to remedy historic injustices perpetrated by European colonialism. In this context the entire series “Pathways to Reform in Post-Soviet Siberia” has the great merit of reminding anthropological readers that Russia has been a colonial power right across the Eurasian landmass for many centuries, and arguably remains one in the present day. But, as Adam Kuper points out, to endorse blinkered scholarship on the grounds that it appears to bring benefits to those we wish to support harbors dangers for both scholarship and political outcomes in the longer term. Anthropologists may have to accept that one of their most prized possessions, the concept of culture, has become subject to open access inside and outside the academy; for some, it has been irreparably degraded to the point where it deserves to be forever alienated from the discipline; others may prefer to fight to reclaim it, as their most valuable common property. The materials in this volume provide support for both stances, and that debate seems certain to run and run.

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