

paired), and *malentendant* (hard-of-hearing). The central fact elucidated by Delaporte—and this is the justification for an ethnographic account of this population—is that the signing deaf have traditionally seen themselves not as handicapped or impaired but as a cultural group defined by its language. Attempts by the larger society to “fix” the deaf by treating them medically and attempting to stamp out their language are to be resisted. According to Delaporte, creation of the category “deaf,” as opposed to the more traditional “deaf-mute,” represents a societal move to group all those with “hearing impairments” for similar treatment, something that the signing deaf have always resisted. Delaporte next explicates the origin myth of the French deaf community, that of the Abbé de l’Épée, who “invented” sign language in the mid-eighteenth century and founded the first school for the deaf in France. An interesting sidebar is that this is also the origin myth of the American deaf community (see Padden and Humphries 1988), because this method of educating the deaf was brought to America early in the nineteenth century by Laurent Clerc, a deaf graduate of de l’Épée’s school. Other topics include the disastrous history of deaf education following the Milan conference in 1880 that led to the dominance of oral education in Europe; the formation, nevertheless, of new generations of signing deaf people in the residential schools; endogamous marriage patterns; deaf storytelling; and LSF and its uses.

Delaporte does a thorough job of telling the story of the French deaf community. Especially revealing is his description of the language and the central role of iconicity in its manner of making meaning. He points out (pp. 327–44) that early linguistic descriptions of ASL, beginning in the 1960s, tended to minimize or deny the role of iconicity in signed languages because of the general prejudice against “mimicry” and “pantomime” as primitive forms of communication (see Armstrong 1999: 65–87). These methods were subsequently applied broadly to other signed languages. Happily, the linguistic study of signed languages has matured, at least in France (Cuxac 2000, Bouvet 1997) and the United States (Taub 2001, Liddell 2003), to the point that major works are now appearing that describe the grammatical processes of these languages in their own metaphorical, gestural, indexical, and iconic terms and that do justice to the creativity and resourcefulness of the people who use them rather than simply attributing them to a genetically induced language organ.

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Heritage Protection: Seeking a Middle Ground

STEPHEN B. BRUSH

Department of Human and Community Development, University of California, Davis, CA 95616, U.S.A. (sbbrush@ucdavis.edu). 5 VI 04

Who Owns Native Culture? By Michael F. Brown. Cambridge, MA: Harvard University Press, 2003. 315 pp.

Michael Brown’s thoughtful book is a major contribution in anthropology’s belated engagement with the issues of intellectual property. It joins a small but growing number of efforts to comprehend the meaning of the worldwide diffusion of intellectual property regimes not only for the subjects of anthropological inquiry but for that inquiry itself. The pressures behind this diffusion are manifest in the international negotiations that created the World Trade Organization and the Convention on Biological Diversity, but the rapid entry of the terms and concepts of intellectual property into everyday discourse arises from several widely felt latent factors. Among these are the hegemony of capitalist ideology for organizing national economic and political systems, the importance of information in the contemporary global economy, and threats to significant stores of accumulated information such as indigenous knowledge and biological diversity. Intellectual property is traced to the beginnings of European capitalism as a temporary privilege granted and enforced by the state to limit the use

of nonmaterial goods. The debate over whether this right should be considered a natural right or a utilitarian one has been largely settled in favor of the latter. In Joan Robinson's (1956) memorable terms, patent systems that create temporary monopolies slow down the diffusion of technical progress in order to ensure that there is more technical progress to diffuse. Intellectual property was enshrined in the U.S. Constitution, and its scope and strength have steadily grown to cover more products of creativity. In the past 100 years, the nonmaterial goods once thought to be outside of the purview of intellectual property that have been added to the list of patentable goods include pharmaceuticals, plant varieties, and genes, and new goods such as computer software have also been added.

It should not be a surprise, therefore, that indigenous knowledge and other cultural goods might also be considered appropriate for intellectual property protection. Brown describes the foundation for this step in both the Western engagement with indigenous societies and indigenous people's response to that engagement. The romancing of non-Western spirituality and wisdom and the marketing of the "indigenous" have increased the value of indigenous knowledge. At the same time, intellectual property has been viewed by marginalized and disenfranchised communities as a possible new tool for economic and political leverage. This tool is legitimized by the urge to overcome the historical asymmetry between Western and indigenous societies represented by the practice of acquiring indigenous knowledge and resources as "common heritage" goods.

Two critical contradictions that Brown explores at length make this well-known situation a compelling topic for anthropological discourse. First, the urge to define culture or indigenous knowledge as intellectual property runs counter to prevailing theory and scholarship that emphasizes its protean, hybrid nature. Thus, one group's urge to claim "ownership" of cultural goods or knowledge may well obscure the creole nature of the goods and deny similar rights to other groups which share the good's collective history of creation and stewardship. Second, intellectual property is closely identified with liberal democracy, in which a group's rights and interests are negotiated in the larger sphere of state power and these negotiations depend on transparency and a departure from exceptional status which are often part of indigenous claims. In the broader debate about the expansion of intellectual property, this second contradiction is seen as one between individual or group interests and the public interest in managing the public domain. Brown's accomplishment is to see the merits and problems on both sides of each of these contradictions and to seek ways to balance the interests of indigenous groups and the requirements of liberal democracy. By taking a "centrist stance" Brown provides solutions to the political and intellectual deadlock between "indigenous rights protectionists" and "public domain advocates."

Six chapters explore different areas in which rights are claimed and contested, such as the right to restrict the

use of imagery in photographs or from indigenous art, religious symbols, or botanical knowledge. These draw on cases from many different societies, including the Aguaruna in the Peruvian Amazon, the Hopi of the American Southwest, and the Aborigines of Australia. *Who Owns Native Culture?* opens with a discussion of restricting access to cultural information, including material previously gathered and published. The cases at hand here range from Hopi concerns about early-twentieth-century ethnographic photographs taken by H. R. Voth to Australian Aborigines' successful challenge to the publication of Mountford's ethnographic text *Nomads of the Australian Desert* (1976). The protectionist position calls for something akin to indigenous censorship, under which nonmaterial goods would be treated analogously to grave goods covered by the Native American Graves Protection Act (NAGPRA). Brown suggests instances in which tightly held patrimony over cultural information will infringe upon the rights of other indigenous groups or become an abusive monopoly of information that is antithetical to democratic ideals. His alternative is the adoption of a code of cultural privacy based on the ethics codes of professional societies, tighter community control over research activities, and moral education about the destructive impact of the wider use of indigenous symbols. Brown offers cultural privacy as a more effective solution to the misuse of cultural imagery than efforts to claim ownership and to censor or repress the use of this imagery.

The next two chapters, "Cultures and Copyrights" and "Sign Wars," follow a similar format of exploring different sides of claims to intellectual property through case studies. The Australian Aborigines' efforts to restrict the use of their artistic imagery and to use that imagery to establish land claims are explored in "Cultures and Copyrights." Although their case did not add substantively to land claims, it established that Aboriginal communities in addition to individual artists have defensible rights to protect their traditional art. "Sign Wars" underscores the importance of national context for the recognition of intellectual property rights. The opening question here is whether the state of New Mexico in the southwestern United States infringed on the trademark rights of the Zia Pueblo in its use of a sun symbol in its state flag. Although the Native American community failed to gain recognition for its symbol as a trademark, the case is emblematic of conflicts over the appropriation of names and images by private companies, an arena in which native communities have occasionally prevailed.

"Ethnobotany Blues" explores access to botanical resources and knowledge that was once considered public but is now increasingly restricted by patents and national and local concerns over appropriation. A focal point here is "bioprospecting" projects that attempt to recognize local knowledge by making local communities partners in the search for new pharmaceuticals. The other side of prospecting is piracy, and the negative record of many well-intentioned projects, such as the Maya International Biodiversity Collaborative Group in Chiapas,

Mexico, is evidence of the powerful contradictions that Brown identifies.

The last two substantive chapters, "Negotiating Mutual Respect" and "At the Edge of the Indigenous," raise topics that fall outside of the normal range of intellectual property instruments such as copyright or patent. The first of these deals with Native American efforts in the United States to effect a change in the use of sites that they consider sacred but are owned by the government. These efforts do not involve intellectual property because they aim not at safeguarding rights to nonmaterial goods but at restricting the use of particular places. These cases share intellectual property's fundamental tension over whether the state should privilege one group's claim but differ in emphasizing temperance rather than exclusion, and Brown finds hope in the policy of voluntarism. "At the Edge of the Indigenous" similarly deals with indigenous peoples' efforts to affect land use policies, but the issue here is who and what cultural practices and beliefs should be considered indigenous and sacred. Again, cases from Australia and the United States illustrate the complexities of settling claims in the often ambiguous terrain of indigenous heritage.

Who Owns Native Culture? ends with two strong chapters that dispute the contemporary fashion of increasing the scope and strength of protection for traditional knowledge and chart a path through the increasingly frequent collisions between recognizing indigenous interests and protecting the public domain. These confrontations frame a central theme in the current academic and legal debate over the future of intellectual property. Proposals to protect traditional knowledge are part of a larger movement to fashion new instruments for restricting access to domains previously considered public. The penultimate chapter dissects the Daes report to the United Nations, *Protection of the Heritage of Indigenous People*, which recommends a regime of total heritage protection. Brown faults the report for such facile assertions as that indigenity is readily identifiable, that heritage is owned by community members, and that the cultural and intellectual commons need not be considered, but of greatest concern is the premise that intrusive new regulatory regimes will not affect indigenous life other than protecting knowledge. Brown's penetrating dissection of the Daes report may well resonate with anthropologists, but an ongoing effort of the World Intellectual Property Organization to fashion new tools to protect "traditional knowledge, genetic resources, and traditional cultural expressions (folklore)" suggests that nation-states embrace this latest augmentation of intellectual property and state power. The forces of cultural hybridity and technology may overwhelm this effort, but the collision of fundamental values between protectionists and public-domain advocates will not be easily averted.

Brown seeks a path away from this collision, a "middle ground," in the final chapter. He looks back to the negotiations described in earlier chapters that avoid exclusionary rhetoric and emphasize multiple publics and decency, and he rejects total heritage protection and other

intellectual property implements. Regimes to protect traditional knowledge as intellectual property are seen as unrealistic and unlikely to provide the solutions sought by their advocates. Brown's affinity at the end of this voyage is with public-domain advocates who seek a reversal of the trend of extending intellectual property into new domains and territory. One possibility is to recognize "limited common property" with implements such as compulsory licensing agreements, but such alternatives face a field that is crowded with polarized rhetoric and powerful economic and political forces. Brown eloquently shows that anthropology can and should be a vital contributor to this ongoing debate.

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Slash and Burn: A Swidden Critique of Sri Lankan Anthropology

ARJUN GUNERATNE
*Department of Anthropology, Macalester College,
 1600 Grand Avenue, Saint Paul, MN 55105, U.S.A.
 (guneratne@macalester.edu). 27 v 04*

Anthropologizing Sri Lanka: A Eurocentric Misadventure. By Susantha Goonatilake.
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Anthropologists are one of Sri Lanka's minor export industries. In this polemic, the Sri Lankan social scientist Susantha Goonatilake, who disapproves of both anthropology and the Sri Lankans who practice it, takes aim at the two most prominent among them, Gananath Obeyesekere and Stanley Tambiah. For good measure he also throws in two non-Sri Lankans, Richard Gombrich and Bruce Kapferer. All four write about the religion of the Sinhalese, and it is their representations and interpretations of Sinhala religion that stir Goonatilake's ire. This is a relentlessly angry and intemperate book whose slash-and-burn approach undermines its own argument.

Goonatilake's thesis is essentially that "the anthropology of the four authors is seriously flawed with respect to basic facts on the ground, the methodology used, and the conclusions arrived at" (p. xiii). His central theme is that these four authors engage in a colonial