

BOOK REVIEW

Michael F. Brown, *Who Owns Native Culture?*. Pp. xiii+315. Harvard University Press, Cambridge, London, 2003. ISBN 0-674-01171-6.

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Michael Brown has written a book that must be read by all who have a serious concern with heritage, particularly that where the interests of “native” peoples are involved. Throughout the book, there is evidence of extensive research and careful analysis of the often complex issues that he raises. But it is not a dry tome. A sense of humor appears. Describing the ethnobotanist Richard Schultes, of Harvard University, Brown says: “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” (p. 96). The book is written in a clear style with no use of jargon.

The title—“Who Owns Native Culture?”—is provocative and it would seem deliberately so. The concept of ownership and its role in culture are contested. Brown is no advocate for increased ownership rights for native peoples. For him the fundamental principle is one of dignity. “How can we promote respectful treatment of native cultures and indigenous forms of self-expression within mass societies?” (p. 10). At the conclusion of the Introduction he indicates that all of us have a stake in decisions about the control of culture. This is recognition of what is becoming more and more widely acknowledged in heritage management—effective control is the crucial aspect, not ownership.

The title refers to “native” cultures. Who are these “natives”? In the text Brown uses the term sparingly. He prefers to discuss specific groups: Native American tribes (Hopi and Navajo among others); Australian Aboriginals; Maoris and some South American peoples. From time to time he uses the term “indigenous” which, coupled with “peoples,” is the official terminology of the United Nations. There is a specified number of groups recognized as indigenous peoples by that body. Other advocacy organizations want to include various vulnerable groups who live in the shadow of majority populations with a different and dominant cultural ideology. Among the United Nations “indigenous peoples” ranking there are some more equal than others: Native Americans, Australian Aborigines and Maoris, having had longer and

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better support are more organized and better funded than others thus giving them a superior position. Brown touches on the issues involved but does not take them to any great depth. His use of “native” in the title allows him to cover a wide range of situations in order to pursue his central argument. In an Author’s Note he indicates that he intends to use the terms native, indigenous, and aboriginal interchangeably throughout the work (p. xiii).

His central argument concerns what is known as the “global commons”—the part of culture which is freely available for use by all. Brown is concerned that many of those who seek to protect native cultures want to do so by cutting them out of the global commons. They would do this through ownership, confirming and expanding ownership rights for native peoples to their “cultural property.” As Brown rightly points out, in adopting this route no attention is paid to the distinction between “matters of economic justice and the broader goal of protecting ‘cultural integrity’—an emerging code word for respectful treatment of indigenous symbols, religious practices, and knowledge” (p. 234). Brown sees this as leading to an impoverishment for all. General society would lose through a narrowing of the global commons and possible unintended consequences as people seize on concessions made to native peoples in order to further their own interests. He illustrates this by referring to the possibility of using copyright to protect cultural integrity. If this were done, it would be hard for legislators to then resist calls for increased copyright protection generally, thus further restricting the free availability of material. Moreover, for native peoples, it is by no means certain that increased ownership will give greater protection to their “cultural property.” As was mentioned above, control is the crucial issue, and ownership does not necessarily equate to control.

The disappointment of this book is that Brown does not further develop these themes. They are discussed in the seventh chapter and summed up in the final short chapter but, by the conclusion, the reader feels the need for more. Having criticized supporters of what he calls the “Total Heritage Protection” approach, Brown does not go on to fully develop his own solution to the many issues raised by his preceding chapters.

Each of the first six chapters is formed around a particular episode illustrating the matter under discussion. Chapter 1—“The Missionary’s Photographs”—concentrates on access to, and use of, documentation from research on native peoples. Access to records, particularly photographs, made by H.R. Voth in the 1890s of Hopi religious practices, is the vehicle for the discussion. Also mentioned is the contested publication by Charles Montford of Pitjantjatjara rituals in Australia.

Chapter 2—“Cultures and Copyrights”—concerns the creative works of native peoples particularly where their inspiration lies in knowledge associated with religion and ritual. Copyright is examined to see if it can prevent these works and the underlying knowledge being used contrary to the wishes of those native peoples concerned. The vehicle here is an Australian court case *Bulun Bulun and Milpururru v. R & T Textiles Pty. Ltd.* concerning textiles printed with images taken from one of Bulun Bulun’s major paintings.

Chapter 3—“Sign Wars”—discusses trademarks and the general public’s use of symbols originating in the life of native peoples using as a context the Zia sun symbol from New Mexico. The symbol was inspired by the design element of a pot crafted by a potter from Zia Pueblo.

Chapter 4—“Ethnobotany Blues”—concerns patents and the knowledge native peoples hold in respect to the therapeutic value of plants. Much of the discussion is restricted to the patent practices of the United States of America. The problems involved in exploitation of native knowledge are illustrated by the history of the International Cooperative Biodiversity Groups Program’s projects in Peru and Mexico.

Chapter 5—“Negotiating Mutual Respect”—studies the issues that arise when the practice of religion by native peoples comes into conflict with the interests of other members of society. Two episodes are used in illustration. One concerns the Bighorn Medicine Wheel and the other Devils Tower—both in Wyoming—and efforts by the United States National Park Service to negotiate access rights to these features. Native Americans perform various religious ceremonies at both places while they also act as tourist attractions and, in addition, Devils Tower is a magnet for many rock climbers.

Chapter 6—“At the Edge of the Indigenous”—looks at the difficulties for native peoples in having their religious concerns taken account of when affected by outsiders. Brown uses what became known as the Hindmarsh Island Affair as an example. This involved construction of a bridge from the South Australian mainland to the island. Certain women from the Ngarrindjeri tribe alleged that its construction would violate secret women’s ritual knowledge. This posed problems for the legal and administrative system, complicated by the fact that other tribal women denied the existence of this knowledge.

In Chapter 7—“Native Heritage in an Iron Cage”—Brown takes issue with those he sees as arguing that native cultures should be quarantined and allowed to develop their own protective measures in isolation—what he calls “Total Heritage Protection.” In his view this approach is overwhelmingly endorsed by the report—*Protection of the Heritage of Indigenous People*—prepared for the Economic and Social Council of the United Nations in 1994 by Erica-Irene Daes. Brown describes the report as “more a grab-bag of laws, resolutions, and legal precedents than a closely reasoned policy statement. . . . the Daes Report takes for granted that indigenous people are not part of any public other than their own enclosed conceptual universe and the piece of territory to which it belongs” (pp. 211–212).

However, the Daes Report must be taken in its political context. It was written to support the Draft Declaration on the Rights of Indigenous Peoples. In such circumstances the author of policy documents is always confronted with the dilemma of how much to ask for, and the approach adopted is usually to go for the ultimate on the basis that whatever is asked for will be cut back during negotiations. The Daes Report and other statements on the rights of indigenous peoples fall into this category.

Brown is certainly correct in pointing out that the report does not consider the position of indigenous peoples within the general public order nor the impact of the regime it envisages on indigenous societies themselves. Laws do have unintended consequences. Brown refers to the Indian Arts and Crafts Act 1990. He finds that this act has resulted in a situation where “people who are clearly Indians, but who lack the requisite tribal membership, are prevented from identifying their work as Native American” (p. 215).

On reading *Who Owns Native Culture?*, one is struck by parallels between what Brown notes in relation to native peoples and aspects of heritage in the broader society. For example, the problems of Ancestral Puebloan sites in Navajo territory (p. 20) immediately recalls those of Armenian sites in Turkey and of Georgian murals in Israel. The story of a tipi regarded by the Kiowas as continuing in existence even though the buffalo hides were regularly replaced and the painting redone (p. 87) brings to mind those Japanese temples which are periodically dismantled and rebuilt with new timber where necessary.

One hopes that this book will be widely read and that those who read it will reflect on what is written. Brown has laid bare issues that are often put to one side because they raise questions that people would prefer not to answer or, better yet, not have raised at all. It is to be hoped that his future work will further pursue those answers.