

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

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In this carefully-crafted and important book, Michael Brown describes and analyzes a number of vexing and highly publicized conflicts over native cultural heritage. For instance: Hopi leaders request a moratorium on the use of all Hopi objects and ethnographic materials held in museums and repositories, expecting their eventual repatriation. Zia Pueblo demands reparations for New Mexico's use of the Zuni sun symbol in its state flag. Australian Aboriginal communities and artists successfully sue unauthorized duplications of their artistic images, setting new legal precedents

for Aboriginal rights. A coalition of Maya and international anti-bioprospecting activists declare University of Georgia ethnobotanists "bio-pirates" and effectively shut down a Chiapas research project. A group of American Indian tribes pressures the National Park Service to regulate climbing on Devil's Tower, which they consider sacred.

Disparate in location and sociocultural circumstance, what these examples share in common is that they symbolize a new era of indigenous assertiveness about cultural heritage, which has become a powerful proprietary resource and political organizing platform. In this era, cultural borrowing, sharing, imitation, and scholarship are subjected to claims of ownership and exclusivity, and their control is increasingly mediated through the legal and commercial avenues of intellectual property regimes. While the bulk of examples explored in this book involve North American Indians or Aboriginal Australians, Latin Americanists will find a few familiar examples drawn from their area, especially brewing conflicts around ethnobotany in Mexico and Peru. But more broadly, Latin Americanists working in indigenous contexts will find this book to be rich in comparative examples and perspectives on the similar issues that increasingly define indigenous movements and their claims throughout the region.

Brown, a respected ethnographer of the Aguaruna in the Peruvian Amazon and North American New Age religious practitioners, admits early-on that the real goal of this book is not to answer the question "who owns native culture?" His real interest lies in offering ethnographically-rooted and theoretically-informed reflections on the challenging legal and ethical issues that indigenous claims to cultural and public

resources raise for plural societies and liberal democracies, not to mention anthropologists and other cultural disciplines. Among others, he poses rich questions like:

To what extent can law control the movement of ideas? Does it make sense for ethnic groups to define their cultural practices that cannot be studied, imitated, or modified by others without permission? How far can democratic states go to provide indigenous peoples with cultural protections without violating the rights of the general public? What is the future of the public domain, which is squeezed on one side by the privatizing logic of the world's corporations and on the other by native-rights activists promoting novel forms of collective copyright? (7).

At the heart of these questions is a concern over culture's shift from an analytical category to a legal concept. The gist of his argument is that if we take the intangible qualities and tangible expressions of culture—which are hardly stagnant—and crystallize them as law, culture and its uses will become the focus of litigation, legislation, and bureaucratic control. This shift not only has troubling implications for the free exchange of ideas in a liberal democracy, but also tends to redefine matters of human dignity and rights into matters of financial interest and compensation. At its worst, Brown argues in the penultimate chapter “Native Heritage in the Iron Cage,” it leads to a situation in which bureaucratic institutions and procedures undermine the vitality of indigenous creativity. As he says, “Law’s universalizing power strips away history and contingency, replacing them with forms of policing and control that serve institutional needs” (214).

What is required, Brown concludes, is an “imaginative realism” in which the distinct actors involved in situations of cultural borrowing and sharing resist the temptation of perfect legal and financial settlements, and instead accept that each situation of cultural interchange needs to be worked out under terms accepted by the different actors. It is not entirely clear in this book what such a solution will actually look like, although Brown observes, “Imaginative realism favors less formal approaches—programs of public education, stricter ethics codes, institutional policies that sensitize staff members to the impact of specific kinds of field data—even as it recognizes that no effort to cleanse the world of hurtful information will ever enjoy complete success” (42). But to expect Brown to provide readers with programmatic solutions would miss the point, and one of the real strengths of this book lies in its insistence that it is useful to think through the complexity of the issues on their own terms, and not jump too quickly to superficial solutions.

One example of this approach is discussed in a chapter entitled “Ethnobotany Blues.” Brown dives into the heated conflicts surrounding the ICBG-Maya ethnobotanical research project in the late-1990s that pitted University of Georgia ethnobotanists against an alliance of indigenous rights and anti-bioprospecting groups. In a useful survey of the different positions and claims, Brown is careful to weed out real issues from media sensationalism. Referring to Maya activists, he points to the weakness of their claims to represent “all Mayas,” but he is equally circumspect about the hubristic assumptions of researchers proposing to do inherently controversial work in a region in which a low-intensity revolution was already playing out.

Brown's agenda here, as it is throughout the book, is not to give into the passionate claims and agendas of the actors, but to carefully identify their distinct perspectives and the sociocultural contexts that give rise to their claims. This is an enormous contribution in itself. But the fact that Brown makes such effort to think through the broader theoretical, ethical, and political questions raised by these specific situations is what sets this book apart, and marks it as a major contribution to public debates over cultural heritage and its protection.