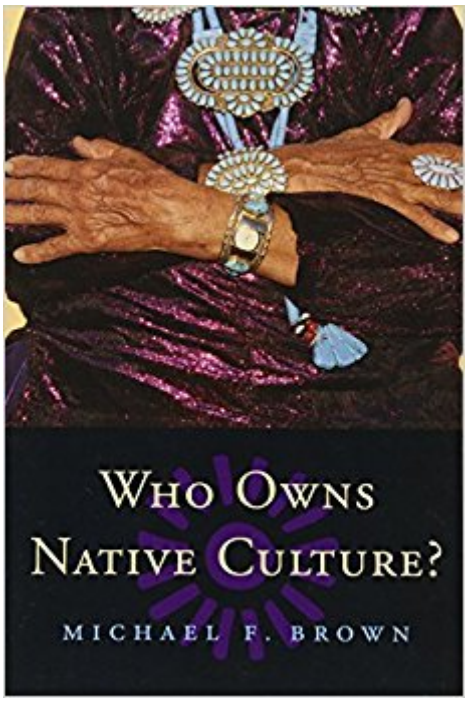
Who Owns Native Culture?



Synopsis

The practical and artistic creations of native peoples permeate everyday life in settler nations, from the design elements on our clothing to the plot-lines of books we read to our children. Rarely, however, do native communities benefit materially from this use of their heritage, a situation that drives growing resistance to what some denounce as "cultural theft."Who Owns Native Culture? documents the efforts of indigenous peoples to redefine heritage as a proprietary resource. Michael Brown takes readers into settings where native peoples defend what they consider their cultural property: a courtroom in Darwin, Australia, where an Aboriginal artist and a clan leader bring suit against a textile firm that infringes sacred art; archives and museums in the United States, where Indian tribes seek control over early photographs and sound recordings collected in their communities; and the Mexican state of Chiapas, site of a bioprospecting venture whose legitimacy is questioned by native-rights activists.By focusing on the complexity of actual cases, Brown casts light on indigenous claims in diverse fields--religion, art, sacred places, and botanical knowledge. He finds both genuine injustice and, among advocates for native peoples, a troubling tendency to mimic the privatizing logic of major corporations.The author proposes alternative strategies for defending the heritage of vulnerable native communities without blocking the open communication essential to the life of pluralist democracies. Who Owns Native Culture? is a lively, accessible introduction to questions of cultural ownership, group privacy, intellectual property, and the recovery of indigenous identities.

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Customer Reviews

Michael Brown brings a discerning anthropological eye and ear to the passionate questions raised by efforts to protect native heritage from use by outsiders. Who Owns Native Culture? is a major and vital work, opening up to view a tournament of values central to contemporary thinking about culture. (Fred Myers, New York University)The genius of the book is both to bring together a vast amount of disparate material... and to add to this the author's own touch: his ability to present embattled people and conflicting logics with hopes for provisional, practical, empirically wise and humane solutions. (Marilyn Strathern, University of Cambridge)An outstanding book on a subject of vital importance. Michael Brown has emerged as a commanding figure in debate about this subject, and here we see why. Not only does he cover a tremendous range of issues but unlike other books on the subject, his offers guidelines for how such complex issues should be politically negotiated. Must reading! (Katherine Verdery, University of Michigan)Everyone whose research involves indigenous cultures, indigenous property rights, or intellectual property issues should have a closely read and well-highlighted copy of Brown's book. (Joe Watkins, University of New Mexico)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. (Richard A. Shweder New York Times Book Review 2003-09-14)This is an excellent guide to conflicting logics and to what occurs when 'culture' is transformed from an abstraction into something apparently tangible and immutable as 'heritage.' This outstanding book is also a plea for flexibility in civil society and social justice for First Nations. (O. Pi-Sunyer Choice 2004-04-01)This is one of the most important books in cultural economics published in the last fifteen years. (Tyler Cowen Journal of Cultural Economics 2004-11-01)In a series of case studies of battles concerning the ownership rights to native or indigenous (interchangeable terms) artifacts, places, and practices, the reader is lead through layers of political, religious, bureaucratic, and moral entanglements. When one finally emerges on the other side, one is left with a useful picture of the contemporary muddle. Notable for the tone and temperament Brown brings to the discussion, he is decidedly unsentimental in his evaluation of claims to culture brought by natives and other bodies, like the United Nations. At the same time he is conscientious of and sympathetic to the histories of colonial oppression that contextualize current conflicts between governments, commercial interests, and indigenous peoples worldwide. He questions the practical ability of native peoples to lay exclusive, restrictive claim to their "culture," while acknowledging that "heritage" can and should be respected…Acknowledging that it is difficult

to square the "emotivism of heritage claims with the factual demands of the law," Brown addresses important epistemological and philosophical discontinuities that exist between heritage, law, and morality. (Daniel Thomas Cook American Journal of Sociology)For the uninitiated, Michael Brown's thoughtful book, Who Owns Native Culture?, can serve as a welcome point of entry into current debates on cultural property. Written for a general audience in an engaging style, the book offers a virtual fieldtrip in which readers are introduced to the issues through consideration of recent court cases, public debates, and policy developments...Who Owns Native Culture? is a rich introduction to discussions that will occupy us for the foreseeable future and that will surely lead in unexpected directions. (Jason Baird Jackson Journal of American Folklore 2006-01-01)

Michael Brown brings a discerning anthropological eye and ear to the passionate questions raised by efforts to protect native heritage from use by outsiders. Who Owns Native Culture? is a major and vital work, opening up to view a tournament of values central to contemporary thinking about culture. (Fred Myers, New York University) --This text refers to an out of print or unavailable edition of this title.

I bought this book for an anthropology class I was taking. It is interesting concept to consider who owns native culture. This book chronicals the trials and tribulations of native peoples.

I gained an entirely new perspective in the theft of Native Culture.

This is not a review of the content of the book, but rather the format of the Kindle edition. It apparently does not have the option to show the page numbers of the hard copy. This is completely unacceptable for an academic text, as it renders citing a page impossible.

In this book, Michael Brown discusses a wide range of cases in which indigenous cultures and cultural artifacts are used or appropriated by majority (or foreign) cultures. The kinds of issues that he discusses include folk tales, folk music, native art, traditional ecological knowledge (including medicinals), crop varieties used primarily by Native peoples, and religious beliefs and objects that have been borrowed by others.His strategy is to avoid establishing hard-and-fast rules but to explore, sympathetically, middle-ground solutions that respect Native beliefs and rights. He argues that general rules often cause more harm, introducing elements of policing and control that cause Native peoples to lose control over their own culture. According to Brown, negotiated solutions

among well-meaning people can lead to better resolutions in individual cases, while also developing new principles that may prove to be useful in future disputes.Brown explores these issues through a series of cases and anecdotes, which he seems to have chosen in a completely haphazard way. He tells the stories journalistically, providing his own commentary and the opinions of both sides of each issues. This approach makes the book very readable but not fully satisfactory to people looking for systematic treatment of these issues.Hardliners will be offended because Brown does not give Natives exclusive control over their own heritage. He would argue that all culture includes shared (social) elements as well as individual elements (artistry for example), and that both features are routinely shared. Cultures borrow from one another all the time - - New Age beliefs borrow from Native religious, Native cultures have borrowed from Christianity and Islam. Exclusive rights ignore these elements of sharing, exchange, and new syntheses.Brown is likely to satisfy most well-meaning people from majority cultures, such as liberal whites in the United States, Canada or Australia. Those people who regularly end up on the short end of the stick will be suspicious of consensus solutions, which reflect power imbalances in more subtle ways. This book awaits a response from them, but nonetheless represents a respectful attempt at reasonable solutions to these various problems.

In reading this review, keep in mind that I am a lay person in the truest sense of the word, and so I brought no prior understanding to the subject of "cultural ownership" in reading this book. With that caveat, my review:In Who Owns Native Culture? Brown successfully combines two philosophical perspectives to the subject: the legal view, and the social/anthropological view. In the legal view, he covers applicable law, and emerging international conventions in several different countries. In the social view, he turns away from the formal rationalism of the law, to the formal irrationality of numerous social views, such as "emotivism". Throughout numerous case studies, he relates the opinion that entirely legal constructs will not work in preserving Native Culture. He thoroughly rejects the idea that a single legal framework can cover all situations, as a result, he promotes the case by case approach of negotiations.One small problem I had was that in the chapter on Ethnobotany, some sections read like a press release directly from Shaman Pharmaceuticals, touting the superiority of the drug Provir, whose efficacy was in fact minimal. Beyond this, my lack of knowledge of the subject precludes a more comprehensive review.

How much we need a book that looks with unjaundiced eyes on the issue of cultural ownership and cultural appropriation. This is that book, but with a caveat: there is something slightly out of balance

here, with the overbalance being in the form of a bias toward an intellectual definition of ownership. Brown is a scholar, and a worthy one. As such, his virtue is a healthy skepticism toward all points of view, rather than an unreflective sympathy toward each. In a sense, he is a debunker, not a sequential believer, and this places him in a distinct relationship to his material that seems to this reader to militate against a sympathy toward that which cannot be explicated or analyzed by rational means. I know I am getting murky here. But the simple fact is that you cannot do justice to non-analytical traditions and points of view by the application of analysis. This is perhaps better explained by demonstration in a wonderfully subtle treatise by Kent Nerburn called Neither Wolf nor Dog. Here, in the guise of a novel or some sort of fictionalized non-fiction, a man who has lived with native people takes on the subject from a different angle. He, too, comes up a bit short by using a device that is perhaps too clever by half. But he gets me closer to an understanding by embodying conflicting points of view and expressing them with the conviction of different systems of belief. I suggest that the reader consider both these books as distinct halfs to a very difficult whole. Though the distance between them is great, it is in the space in the center that some true understanding of the problem of cultural appropriation and ownership will be found.

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