SPECIAL SECTION

Owning culture

Edited by

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Introduction: owning culture

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Abstract: 'Culture' has become a powerful political symbol and economic resource in the information age, where the development of the service economy (including tourism) provides new opportunities to marginal groups and new challenges to dominant ones. In this introduction the authors explore a number of themes that are developed further in the following articles: the way in which 'culture' is produced, possessed and often transformed into a commodity for the market; the role of such reified culture in relations of power and inequality; the ownership of culture as a tool of identity and nation building. While to date such an interest has been largely limited to indigenous populations, here the discussion is taken a step further by focusing on the relevancy of owning culture in the Eurasian context. This allows us to expand our understanding of cultural property: as a tool available to any group seeking confirmation of an identity perceived to be under threat or as an instrument in the negotiation of a group's position vis-à-vis wider power structures.

Keywords: culture, Eurasia, globalization, identity politics, ownership, power relations, property

"Prince Offends Aboriginal Artists" is the title of one of the articles on the BBC world news web site (August 19, 2003). Pictured standing in front of two large paintings, Prince Harry is said to have produced the artwork, which was "inspired by Aboriginal culture", for his school A-levels. Commenting on the painting, a representative of an Aboriginal corporation, a group described as "protecting against the exploitation of Aboriginal culture" said that "Prince Harry's use of lizards in his artwork was akin to stealing their [Aboriginal] culture". He explained that "this kind of exploitation offends our people". A leading Aboriginal artist was

more forthright. She was quoted as saying, "What he [the prince] has to realize is that when he does that he's ripping off another family. His grandmother is the head of his church, he should show respect for other people's religions." The article goes on to say that Prince Harry's artworks have been valued at £15,000 each (see BBC 2003).

The central concept of culture has come under renewed scrutiny in recent years (e.g. Ortner 1999, Sahlin 1999, Wagner 2001, Fox and King 2002). Further, it has gained saliency outside the discipline amongst other scholars as well as with lawyers, national governments, international agencies and indigenous

activists. In this special section we focus on one particular usage of 'culture': claims concerning the ownership of culture as a new focus for political struggles involving groups marginalized from power structures or under pressure of perceived threat. As a starting point, we can understand cultural property as knowledge, practices and objects that are claimed by, or associated with, particular groups and over which group members assert ownership.¹ These (perceived) inalienable possessions may be ritual practices or specific economic activities, particular forms of knowledge or buildings and lands. But in all these instances, culture becomes a concept which is used by local actors in a reflective and deliberate way as a means of engaging with wider state or non-government institutions.

Many of the themes that we discuss are encapsulated in the above summary of the BBC news report: the idea that objects associated with collective identities can be owned by a group of people yet are vulnerable to appropriation by others; the role of objectified culture in power relations between different groups; and the fact that such objects of reified culture can be valuable commodities. As with the BBC example, many of the anthropological discussions to date concerning ownership claims of culture relate to indigenous groups' attempts at political mobilization and identity issues. We take the discussion a step further by exploring the relevancy of culture as a form of property in the European setting. Through case studies spanning the Continent, we suggest that the ownership of culture has relevancy in a variety of contexts. It is not only indigenous, but a wide range of marginalized groups or those perceived as under threat, who are staking claims to their 'culture'.

Cultural property is gaining new relevancy. Practices and objects previously not subject to identity claims and commodification are now being reified and owned in a way quite different from pre-colonial periods, or even from times of industrialization and modernization. Globalization, tourism and various nationalisms are creating a context in

which 'culture' takes on a new significance. The demand of capitalist economies to keep consuming requires a never ending supply of commodities needing to be produced and entered into the market place for consumption (see Errington 1998, Penny 2002). The resulting inequalities and exploitative relations of this process in a post-colonial world have increasingly come to the attention of various groups: 'culture' is an explicit and reflective part of political discourse and practice which structures engagement in state and NGO projects in an increasingly globalized world. The UN and its subordinate bodies are also involved in problems relating to cultural property. UNESCO, having set up protective mechanisms for tangible property some years ago, held a conference in October 2003, at which was adopted an 'International Convention for the Safeguarding of the Intangible Cultural Heritage' (UNESCO 2003). The convention provides for the drawing up of national inventories of cultural property to be protected and the establishment of an Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. A UNESCO press release states that "the safeguarding of intangible cultural heritage is of general interest to humanity", while an Algerian judge responsible for chairing the intergovernmental experts' meetings which drafted the convention was quoted as saying: "Despite all its complexity, this concept of intangible cultural heritage has affirmed and finally imposed itself on all of us as a key concept in understanding the cultural identity of peoples (...)" (UNESCO 2003). These discourses about cultural heritage show how various people have taken the anthropological concept of culture as a focal point for creating new categories of value: cultural properties.

Questions relating to the ownership of culture are also becoming increasingly important within the anthropological discipline, requiring that we review our analytical and theoretical position vis-à-vis the term 'culture', which is, after all, a central concept for the discipline. These are issues that we

cannot possibly treat exhaustively in this special section, but the following articles will suggest further areas for investigation.

Most of the articles in this collection were originally presented at a workshop on culture as a form of property held at the Max Planck Institute for Social Anthropology in Halle, Germany.² They focus on the ways in which culture is possessed, produced, often made into a commodity for the market and involved in relations of inequality. Cultural property is frequently viewed as a tool of identity and nation building. It binds local, state and NGO interests – all of which have a stake in the production and sale of ‘culture’ – in new and complex ways. Who controls or has access to ‘culture’ and how this is accomplished are questions that point to the political nature of this process. Often, too, it is a process under contestation. Relations of power, negotiations over ownership or control of such property and legal concerns are never far from the surface in discussions concerning the ownership of culture. The next article, by Eriksen, underlines the general anthropological issues through an ethnography of Norwegian folk costumes. Following is von Lewinski’s work, which provides an international legal overview of the subject. Together these two studies frame the set of issues subsequently analyzed by Alexander, Aplenc and Filippucci in their contributions. While von Lewinski’s essay provides a discussion of cultural property from the legal perspective, the other articles are anthropological studies that focus on dress/costumes, buildings and even cheeses, covering a wide area from Norway, Kazakhstan, to the former Czechoslovakia and France. Below we attempt to draw out some of the more important points made in these articles and point to some important themes that deserve further research in the future.

Framing the problem in terms of property issues

The term ‘cultural property’ presents an interesting set of problems for anthropologists

because it implies simplistic understandings of culture while it takes on the old category of economy. The ‘economy’ is fundamental to Western (and sometimes even anthropological) ways of thinking about societies – see Malinowski’s (1922) early questioning of the explanatory power of economic approaches and Schneider’s (1984) attack on conceptions of societies divided into domains of kinship, economy, politics and religion. While anthropologists are often aware that economic relations are not a domain of social life separate from or defining all others, the issue of cultural property provides a timely and forceful reminder that placing neat boundaries around such conceptual or practical relations is impossible in reality; something of which lawyers and others involved in the legislation process are also becoming increasingly aware (Coombe 1998). Cultural property has been used chiefly in the context of museum studies, specifically with regard to two problems: artworks stolen during the Second World War and indigenous peoples demanding repatriation of objects and human remains taken during colonial museum expeditions. Here we suggest that issues concerning ownership claims to ‘culture’ have much broader currency. Below we discuss the implications of the term ‘cultural property’ and assess its strengths and weaknesses with an eye to a fruitful direction for anthropological research.

Cultural property entails notions of cultural capital (Bourdieu 1977, 1986) and cultural commodities (e.g. Appadurai 1986), as well as the problematic distinction of sacred and profane. Cultural commodities are often sacred; their value and identity inheres in their collective origins: ritual knowledge, totemic artwork, shrines. Thus, art and other kinds of intellectual property as commonly understood in the West are profane, the creation of an individual author (von Lewinski this volume). The sacredness of cultural property is most salient when it is used as political capital, whether a folk costume (Eriksen), a saint’s shrine (Alexander) or castle (Aplenc), or a kind of cheese (Filippucci).

Cultural property is certainly not a new phenomenon. A charitable reading of Malinowski (1922) and Mauss (1990) sees that *kula* shells, spells, potlatch names and other gifts are forms of property with special attributes, whether that specialness is cultural or *hau* – to use the Polynesian term for the ‘soul’ of an object (Mauss 1990: 11). Lowie’s discussion of ‘incorporeal property’ highlights the fact that the trade in names, dances and heirloom pieces is not any more recent than the exchange of skins, meat and stone axes (Lowie 1940: 152–3, 281; 1948: 131). The nature of exchange relationships, however, has changed in the course of the twentieth century as cultural properties now move not only within a system, but also across continents in the world capitalist system (Harrison 2000). Since the Second World War, if not before, a growing consumerism has been linked to nationalism and ‘culture’. Companies make sales and profits by drawing on patriotic sentiment. Think, for example, of national airline carriers which, much like a national flag, use nationalisms as a selling point. The exclusive monopoly of the word ‘champagne’ by a particular region in France is another well-known example; everyone else has to be satisfied with producing sparkling wine!³ Recent growing attention to cultural property in legal scholarship (Coombe 1998, von Lewinski this volume), sociology and anthropology parallels the expanding role of the service economy and intellectual production in late capitalism. In the twenty-first century, the richest man (and he continues to be a man) does not trade in stuff as in the past, but in information and ideas. Bill Gates has never made anything, but Microsoft trades in ideas that seem increasingly indispensable in contemporary society.⁴

A second trend more directly connected to the sociopolitical issues surrounding cultural property as an anthropological concept is the growth in claims by indigenous groups to museum artifacts and artistic styles. These are the things first referred to as ‘cultural properties’ as early as the 1970s. Human remains, grave goods and sundry items collected (appropriated) during the age of colonialism

have seen a shift in designation from being a scientific artifact to *objet d’art* to cultural property liable to repatriation to the descendants of those from whom they were originally taken. The American Indian reservation can be seen as a post-colony insofar as Native Americans have been successful in their repatriation campaign with the passage of the Native American Graves Protection and Repatriation Act in 1990. Political battles in the last decade focused on the implementation of the law and working out the details in the United States; whereas in Britain the topic of repatriation of museum collections to groups in Canada, New Zealand, Papua New Guinea and Africa is only now gaining political currency.⁵

The model of culture implicit in the term ‘cultural property’ is, of course, a nationalistic reification already deconstructed by anthropologists (Handler 1988, McDonald 1990). Property – itself a widely contested term with a multitude of meanings (Humphrey and Verdery 2004) – is ‘cultural’ insofar as it is identified with a particular group; a specific ethnicity, imagined as internally homogeneous and definable in terms of a bounded locale; specific traits (especially language, religion and material culture); and a unique history. It is often considered to be part of an ancient heritage, or at least part of a tradition originating before the present generation of elders. This model of culture is, of course, a straw man, and one is hard-pressed to find anthropologists deploying culture in such a naive fashion (Brightman 1995), although exceptions could be noted. While nationalist identities make for poor anthropological analysis, they do make for effective politics (Handler 1994, Harrison 2000, King 2004). This idea, foregrounded in the term ‘cultural property’, is addressed in the following section. The cultural symbols derived from the mausoleum of Aisha Bibi are so powerful, as described by Alexander, that the Kazakh state seems almost desperate in its claims to be the inheritor of this crumbling patrimony. The same appears true for the case of Valtice-Lednice castles in the former Czechoslovakia, which were restored to their previous

glory by the socialist government (Aplenc). Whether buildings, folk costumes (Eriksen) or cheese (Filippucci), cultural property is an excellent example of the power Turner described for ritual symbols (1967: 19–58). Examples of important cultural property are semiotically complex, being both referential and condensing symbols in cognitively dramatic and emotionally powerful ways (Sapir 1949). Why else would a prime minister want to be attired in the manner of an imagined peasant (Eriksen this volume)? Understanding this power of symbols makes it clear why areas without clear examples of cultural property, such as Argonne (lacking even a cheese) lack a visible identity when such important questions as infrastructural investment are decided.

As tourism continues to be a strong growth industry, the 'experience of authentic cultures' is offered increasingly for sale. The value of cultural commodities is often based on the ethnic identity of the creator, or at least the ethnicity with which that art form is associated. The development of world tourism as an industry has reached a scale that Marx never contemplated, and it leaves his perceptive analysis of capitalism askew. Further, those people with dominant social relations to the means of production of cultural properties (art, dance, ethnic souvenirs, unique rituals, etc.) are usually caught in positions of subordination and poverty: Navaho elders, Australian Aboriginal painters and Argonnaise farmers are just as socio-economically vulnerable today as Manchester factory workers were in the nineteenth century. As Eriksen's article and the BBC (2003) story with which we opened this introduction attest, the control of production of cultural property is based on a tenuous symbolic capital, which is more vulnerable to appropriation (piracy) than the material capital Marx analyzes in *Capital*. The cultural capital behind cultural commodities is rooted in local identities in the context of an increasingly globalized marketplace.

The increase in globalism is twinned with an increase in localism (Hall 1997, Miller 1995, Sahlin 1999). Perceptions of globalization as

a homogenization of the world's ethnic diversity only increase the value of cultural property both as symbolic resources in identity politics and as commodities. As the stakes increase, there will be more calls for international codifications of the terms of exchange such as those suggested by von Lewinski's analysis and underlying the UNESCO declaration in October 2003. Filippucci's discussion of the Argonne, however, reveals a certain ambivalence that local people have in being classed as local: it often includes being classed as backward or primitive. Argonnaise hotel owners are thus insulted every time Parisians ask them if they know what a credit card machine is; Norwegian folk costumes are less authentic when made in Chinese factories, and other sorts of artists and performers the world over are decried as inauthentic when they take advantage of new tools, from music synthesizers to chainsaws, in the production of performances or items classed as cultural property (cf. Morphy 1995).

The commodification of culture

Culture is for sale and it means big business. Walk into any museum, gallery, or souvenir shop at an airport or city in Australia and you can stock up on T-shirts with Aboriginal artistic designs, calendars picturing the unique landscape, soft cuddly koalas or kangaroos or essential oils extracted from eucalyptus trees or other native plants. All these articles and many more have global significance and marketable value as 'Australian culture': recognizable as typically 'Australian' and holding significance as objects that cannot meaningfully be appropriated by foreign groups. Soft koala toys are not sold in Frankfurt am Main airport precisely because the objects are the property of a particular 'culture'. The development of such cultural properties are evident throughout the world. In Europe newly independent Ukraine is establishing its cultural market: witness the tourist craft markets in Odessa where hand embroidered items, in the typical Ukrainian cross-stitch style, and wooden handicrafts (predominantly Russian

dolls!) are sold to Western tourists who are discovering the country. And on the African continent, Egyptian street traders in Cairo join more established retailers at the national museum in selling revered scarab necklaces, pencil holders in the shape of mummy cases and pyramid paperweights. Such objects are familiar not only to anthropologists, but also to tourists and other travelers engaged in traversing the world. Clearly, there is a profit to be made from culture, which is bought, sold, exchanged, collected and possessed in a similar way to other items and services (Eriksen this volume; Jackson 1995: 16).

In this section we look more closely at the ways in which everyday activities and objects are transformed into cultural property. Eriksen (this volume) makes the pertinent point that the relationship between lived culture and commercialized culture requires exploration. Although not all reified elements of culture are commodities, a precondition of commodified culture is its objectification. The commodification of culture is a complicated process that also necessitates its elevation as both 'authentic' and a 'resource', before entering the market as a commodity.

The objectification of culture and the exchange of cultural property are not new phenomena. Harrison (1992) has convincingly argued for the importance of rituals and beliefs as part of gift exchange transactions in Melanesia both in pre- and post-colonial periods.⁶ Further, he reminds us that "cultural self-consciousness of some sort is probably universal:... people nowhere simply 'live' their cultural practices but always reflect upon, evaluate, discuss, modify and dispute them" (Harrison 2000: 663). However, the political and economic importance of cultural/ethnic self-consciousness, especially with respect to marginalized groups, has increased greatly in the second half of the twentieth century and often assumes engagement with the state or outside bodies.

Numerous anthropologists have provided descriptions of what is involved in the reification of culture, and despite the vastly different locations, the processes identified seem surprisingly similar – see, for example,

Becker (1998) for US context, Handler (1988) for Quebec, Harrison (1992, 1999, 2000) for Melanesia and Kaneff (2004) for Bulgaria. Objectification involves the divorcing of objects, beliefs or practices from their original contexts. This occurs through a number of processes, such as recording and cataloguing which serve to abstract particular activities or objects from their original environment. It enables culture to be scrutinized, identified and consumed (Handler 1988). Similarly, 'appropriation' as discussed by Schneider (2003) involves social actors making use of antecedent forms alienated from their previous contexts and making them their own. In noting the importance of such 'appropriation' processes we must further inquire as to what distinguishes such acts which lead to the development of cultural property from the many other acts of decontextualization on which all artistic creativity is based. For all creative activity is not cultural property. In part at least, the answer lies in the involvement of state agents in the process of creating cultural property (see following paragraph). Both academic research and legal attempts to 'protect' ownership rights in law are a means of reification or decontextualization. The process necessitates the placement of such cultural practices and objects in a new, state-determined, context, that is, they are represented, be it in museums, stages, festivals and fairs or shops. In so doing they adopt new meanings, often in the service of national identity goals (cf. Clifford 2004).

This process, at least in nation states, involves journalists, social scientists (from anthropologists to linguists and demographers) and/or state agents. The participation of a wide variety of professionals in the creation of cultural property implicates the involvement of a wider political and ideological framework that is also a significant factor in shaping the objectification process. Filipucci's French study makes clear the intimate connection between collective identity, cultural heritage and state involvement, highlighting the various levels of bureaucracy actively involved in this process. She argues that in collapsing and simplifying temporal

and spatial characteristics (through a process of selection) the state is able to push forward its modernization project. Anthropologists studying the United States have identified how non-state organizations, such as folklore societies and 'the market' also play a role in this process (Becker 1998, Handler and Gable 1997). This situation has many similarities to that which occurred in socialist states where, however, there was a centralized control of the entire process of developing collective identity through the production of culture: from its objectification – its initial selection and recording – to its dissemination through publications and festivals (Kaneff 2004). The preservation of Czechoslovak castles during the socialist period by state employees reliant on a tradition of non-socialist heritage methods, attests to the parallel ways in which some aspects of modernization were evolving on both sides of the ideological wall. Post-socialist cases are particularly valuable: at a time of political-economic reform and the rise of new nations, disputes over ownership of culture are prominent. Alexander's article discusses the shift in Kazakhstan, as a site once controlled by the state and its scientific staff which is now also being claimed by numerous other interested parties – including religious groups and local villagers – all insisting on their rights. As the prominence of the state has declined, other interested parties are making ownership claims.

Some authors would point to Alexander's or Aplenc's examples as one way in which tangible objects such as buildings differ from intangible forms of cultural property such as songs or artwork. The development of the latter do not lead to a necessary deprivation or exclusion of others in the same way as would a tangible object, since ownership rights over a building preclude other owners. This is why intangible property is sometimes referred to as non-rivalrous possession (Ziff and Rao 1997: 4). Others take a different position, arguing that intangible property can similarly exclude: for example, the development and profit of ethnic dances by non-natives deprives natives of their ability to represent themselves as well as the chance

to profit from those dances themselves (King 2004). Indeed, the most rivalrous possessions involved in the NW Coast 'potlatch' were the least tangible – names and titles, prestige (see Codere 1950; Dauenhauer and Dauenhauer 1987: 24–9). Harrison's (1992) observation that in discussing intangible forms of property the distinction between 'person' and 'object' becomes vague and unclear, supports this latter view.

The reification of culture also involves its 'scarcification'. That is, as a selection that gives prominence to particular aspects of culture above others, and to which some individuals or groups are given privileged right or access, culture becomes objectified as a scarce resource. It is the relations of ownership over the resource which are usually at the center of contestation, rather than the symbol itself, whose importance or prominence usually remains uncontested (Harrison 1992). A noteworthy example is that of the Roman-period building situated in the center of Thessaloniki, called the *Rotonda* (Stewart 1998). Various parties with different interests in the building are making claims for control over the building – the church is one contender, while secular uses of the space (for concerts, exhibitions and meetings) are being spearheaded by the state Ministry of Culture. So, too, in Kazakhstan, it is not the importance of the building which is contested; all parties, in the act of claiming ownership rights over it, unequivocally accept the building's value as a cultural resource. Cultural property itself remains undisputed, something valued, defined and scarce; what is contested is who can use it, access it, when and how (see Alexander this volume).

Claims of ownership over cultural property can, and often do, change over time. Harrison (2000) has shown in Melanesia how pre-colonial property rights were distributed according to social categories (age, gender, high status groups) while during the colonial and post-colonial periods cultural property has been defined in terms of kinship and blood ties, grounding legitimacy in terms of an inherited past. Eriksen makes a similar point when he notes the relatively recent development of

Norwegian traditional costumes while Alexander shows how the players involved in staking claims of ownership over the temple have changed as Kazakhstan moves from being a part of the Soviet Union to an independent republic.

Harrison (1999) also shows how groups come into conflict over the ownership, control and possession of cultural property. Culture can be used by powerless groups or individuals in order to claim membership in a privileged group, or vice versa, and ethnic minority groups are either incorporated or excluded from the majority group through the manipulation of ownership rights. Filip-pucci's French example presents an interesting study from this perspective since in this case a local group uses its lack of cultural property as a way to maintain a degree of autonomy and independence from, even resistance to, the centralized state.

The salience of contestations over ownership claims to culture lead us to investigate how such rights are established and protected (Harrison 1992). As cultural property becomes increasingly an economically significant resource, control over economic access and rights also becomes the main concern. Once out in the market, it is chiefly through legislation that some control can be exercised. Protection in law is thus a growing concern, as von Lewinski makes abundantly clear in her article. However, as von Lewinski also notes, Western law often finds itself in contradiction with customary law, which introduces a whole new set of problems in the attempt to legislate against exploitation. It is here perhaps that anthropological expertise would be welcome (e.g. Kasten 2002).

While legislation is one way in which to offer protection, another, sometimes more effective method, is through moral sanctions. The accusations aimed at Prince Harry noted at the beginning of this introduction were precisely couched in such moral terms. The representative of an Aboriginal corporation appealed to a history that harks back to a long heritage of exploitation of Aboriginal people by various agents of the British Empire. 'Stealing' their culture is one more act in

a long past of such exploitative relations. The publicity this event received in the news was an attempt to shame or embarrass the British monarchy. It represents yet another means of protecting claims of ownership. Expressions of moral outrage against the Norwegian businessman of Chinese descent provides another example (see Eriksen this volume).

'Authentic' commodities

Authenticity is an important part of what constitutes cultural property as a scarce resource. A real Rembrandt is worth more than a fake one, no matter what the technical or aesthetic quality of the reproduction. A Norwegian *bunad* produced in Norway by local tailors is worth more than one produced in China (Eriksen this volume). And no present day imitation of the bricks at the Kazakh Aisha Bibi temple can equal the holiness believed inherent in the original, eleventh century bricks (Alexander this volume). Authenticity is much more than an important merchandising device: understanding local configurations of what is authentic is key to understanding the *hau* of cultural property. Authenticity makes an antique piece of jewelry worth more than a recent copy, not only in monetary terms but also in aesthetic terms, since the techniques and materials by which it was produced are often no longer available or even known. A fine example is the use of horse milk and other unknown ingredients in the Aisha Bibi temple tiles (Alexander this volume), as well as Aplenc's discussion of the aesthetics of authenticity in Czechoslovak heritage projects. There are many ways in which the 'special' qualities can be attributed: through sacred words, the fact it was manufactured in the distant and now inaccessible past, or in the present by particular groups with unique qualities. These special qualities are what makes cultural property 'authentic'. It is precisely because restorations at the former Czechoslovakian castle had not been true to the original décor that one official had commented that the castles were as authentic as Disneyland (Aplenc this volume).

Of course authenticity is as much a culturally constructed concept as 'the natural order' or 'kinship'. Thus, the search for the authentic cultural experience – "for the unspoiled, pristine, genuine, untouched and traditional" – is futile (Handler 1986: 2; see also King 2004). For as Handler and Linnekin point out, "authenticity is always defined in the present" (1984: 286). Tradition is contemporarily significant culture which is symbolically valuable as 'traditional' or 'sacred' in the present. It is symbolically reinvented in an ongoing present in much the same way that the past is represented in the present in ways that always have political consequences (Clifford 2004).

Above, we noted that the political or ideological context is an important consideration in shaping the objectification process. Authenticity is always grounded in terms of political-economic ideology. Handler (1986) makes this clear when he speaks of authenticity as a cultural construct of the 'modern Western world' which he sees as closely connected to Western notions of the individual. Such ideological influences, perhaps unsurprisingly, are in line with any attempts to legislate the protection of traditional culture. As von Lewinski shows, in both Continental and Anglo-American legal frameworks, copyright is always based on individual rather than collective ownership, although there are ways around this. Authenticity characterized in this way may well be shaped by Western ideology but it's also important to recognize that, while equally important in other social systems, it is understood quite differently. In socialist Bulgaria, for example, authenticity was similarly grounded in a past that harked back to what the state wanted to see as 'its roots'. But this was done in a particular way, through emphasis on aesthetic value at the expense of religious symbolism (Kaneff 2004). In this way the state and its officials were able to uphold Bulgarian culture while maintaining their commitment to socialist ideology, divorcing the former from the latter while simultaneously sponsoring a state-approved form of nationalism in tune with the Soviet slogan 'national in form, socialist in content'.⁷ Post-Soviet Kamchatka, on the

other hand, provides an example where the state-sponsored 'indigenous culture' is judged as inauthentic by local people who control both indigenous forms and non-indigenous forms of culture common to white newcomers (King 2004; cf. Morphy 1995). Indigenous Kamchatkans attach authentic performances not to the identity of the performer, but to the faithfulness of the performance in replicating the forms of culture as carried out by elders living in 'native' areas (small villages, tundra camps). Given the apparent universal ability to objectify, we must also assume a general appreciation for 'authentic' as a valuable quality, although how authenticity is constituted may vary (as Aplenc makes clear in her study).⁸

Such a position, which denies the factuality of the category 'authentic' brings its own set of problems and moral dilemmas for the anthropologist. While the discipline's historical links to colonization are well known, the rising interest in ownership issues relating to culture must raise new warning bells. The acts of reification and representation which constitute anthropological activity, although largely confined to the academic world, easily find their way into other domains of capitalism. Like it or not, anthropologists are central figures in new struggles over culture being played out through cultural property. This brings with it new responsibilities as well as a new set of research problems and political choices.

While anthropology tells us that the category authentic is a construction, to demystify 'authentic' and reveal its constructed nature can work against the very subordinate groups that anthropology purportedly aligns or concerns itself with. The interests of many subordinate groups are bound to the acceptance of authentic culture. Jackson (1995), for example, shows how important having 'culture' is for Tukanoans. It is a means of retaining autonomy as well demonstrating their 'Indianness' in order to obtain benefits from both the Colombian government and NGOs sensitized to minority issues (cf. King 2003: 415). However, such labels of authenticity also introduce the possibility of the terms

being used against the minority group (see Clifford 1988). Root (1996: 79) discusses such a situation in British Columbia where government lawyers argued against land claims of Indians by suggesting they had no rights to claims under the guise of being ‘authentic’ natives, given the fact that they “eat pizza, drive cars and watch television”; in short, they no longer live a traditional way of life, or rather, don’t live as their ancestors did a century ago (but then, who does?). Such tensions on the basis of authenticity are also evident in Eriksen’s example; with the authenticity of *bunads* based on some inherited notion of Norwegianness, the attempted exclusion in the production and marketing process of *bunads* by recent citizens of non-Norwegian descent inevitably takes on undertones of racism and exclusion. Indeed, as Kuper (2003: 395) claims for the term ‘indigenous’ (on which many claims to authenticity are based – a relation we cannot explore here): “[T]he movement exploits the very general European belief that true citizenship is a matter of ties and blood and soil. In Europe today, this principle is used to justify anti-immigration policies.” In short, ‘authenticity’ as ‘indigenous’ is a double-edged sword as a political tool for marginalized groups.⁹

While always recognizing that there is no such thing as an autonomous, internally coherent or authentic culture, we should nevertheless remember that it is, as Rosaldo (1989: 217) reminds us, a ‘useful fiction’ and necessary tool in political engagement. This is not a truth that always sits comfortably with the anthropological endeavor.

The power of cultural property

Cultural property always assumes relations of power. Reified culture provides an occasion when different groups are brought together over the delimitation, possession, ownership and control of particular resources. Negotiations over the ownership of culture provide an indication of the changing nature of power relations; who has access to this valued resource, how was access

established, maintained or threatened are all important questions that inevitably lead to issues of power and struggle over reified culture. The particular way in which power struggles are played out through ownership claims to culture and the specific nature of the resource in question are two keys to understanding the nature of cultural property. Let us look at each in turn.

Claims to owning culture highlight power inequalities that are expressed in a number of ways. Firstly, they are expressed as identity issues manifested in terms of ethnicity, for example, determining who is really Norwegian or not. Secondly, power inequalities are expressed as internal struggles associated with nation building. Which group can control a particular post-socialist Kazakh site is important in promising the ‘winning’ group prominence in the new state; while the apparently unquestioned control displayed by preservationists in socialist Czechoslovakia clearly signaled the dominance of the state. Thirdly, power differentials are manifested as internal administrative inequalities in terms of the periphery/center. For example, to have a cheese is not only an issue relating to French regional identity, but also gives prominence to some regions above others, with all the advantages this entails. And finally, power inequalities are also obvious in terms of subordinate/dominant relations on the global stage, where post-colonial relations are being redressed through legislation that aims to protect and acknowledge the heritage of subordinate groups.

Most of the contributions to this special section address issues at the national level where the roots of culture are always sought or focused in the subordinate group: be this the marginal, spatially ‘backward’ rural community or an ethnic minority. In each situation culture becomes a means for the subordinate group to be incorporated into the development goals of the state’s modernist project. To have ‘a culture’ is to lose relative independence through being incorporated into the state (as an ethnic minority, or rural or class Other). At the same time, this incorporation gives the group access to power, or

at least the right to engage in wider power structures. Perhaps this is less true in the Czech example where the all pervading nature of a centralized socialist state meant the suppression of the elite class was carried out in part through appropriation of their property (including their cultural property). Such an appropriation provided a restriction on access to power, except in state-approved ways. While incorporation denies the group independence, it gains a recognized position vis-à-vis the nation. Jackson (1995: 19) makes this point in terms of ethnic groups, but it is equally valid for other subordinate groups which can be co-opted into the national project, such as people inhabiting (rural) peripheral administrative districts or in the case of socialism – a ‘backward’ class. To remain outside the system by having ‘no culture’ (or ‘no cheese’!) is to gain a degree of autonomy but at the expense of being placed ambiguously in terms of wider power structures. Filippucci’s discussion of *petit patrimoine*, or lack thereof, in Argonne demonstrates how regions can suffer when they don’t fit the categories as established by the center. Many people in northeast Scotland and the Shetland Islands find themselves in an analogous situation after Scottish devolution. While the local people in all these areas may think about themselves and their regional identity in one manner, outsiders can misunderstand or simply reject the legitimacy of regional claims. Gaelic is growing in status and serves as a symbol of Scotland and Scottishness. The local languages of northeast Scotland and Shetland (Doric and Nor, respectively) continue to be stigmatized as unprestigious dialects of English, or simply as broken or bad English.

Precisely because there are advantages to engagement in relations of power, different groups in Kazakhstan struggle to claim rightful ownership of a cultural site: to succeed is to have one’s own position in the developing nation given prominence and legitimation, with all the privileges (and sacrifices) that entails. As Rosaldo (1989: 198–202) notes, “[F]ull citizenship and cultural visibility appear to be inversely related. When one

increases, the other decreases. Full citizens lack culture, and those most culturally endowed lack full citizenship” (ibid.: 198). It may well be that “people with culture have been confined to marginal lands” (ibid.: 199), but it is equally true that marginalized people can use their culture as a tool with which to legitimately engage in the state project of modernization. In the process, culture is emerging as a focal point of struggle, because ‘having culture’ is not only the cause of disenfranchisement. It is also a powerful tool that such marginal citizens can use to engage – or disengage – with large political or economic systems. It is thus no surprise that Australian Aborigines are swift to defend their ownership of their cultural property against intentional theft or inadvertent appropriation. The use of the Norwegian *bunad* by national elites may seem to contradict this point, but actually it is a question of scale: Norwegians are responding to a perceived threat of immigration and EU homogenization (Eriksen this volume).

At the international level the ownership of culture is also a focal point at which power inequalities are played out, although in this context we have widened the focus, thus the problems are manifested in slightly different terms. As noted earlier Sahlins, amongst others, has pointed out that a reaction to globalism is localization: “[C]ulturalism is the differencing of growing similarities by contrastive structures” (1999: 411). Thus, the non-minority Norwegians still make claims to their culture in response to a perceived threat of globalism – more specifically to one consequence of globalization, immigration. We view the ownership of culture at the transnational level as part of what Sahlins (1999: 410) describes as the “indigenization of modernity”; cultural property is one means with which groups can stake out their cultural identities in the global scheme of things. These spaces, too, are sites for contesting differential power relations between colonizing and colonized countries.

Most of the fiercest debates surrounding the value and ownership of cultural property are connected to ethnic groups who are

socio-economically subordinate: in addition to our opening example of Australian Aboriginal cultural property, Native Americans (especially in Canada and the US), indigenous Papua New Guineans and minority groups in large states. Marginalization and subordination are not necessarily a result of demography (for example, apartheid South Africa). Moreover, the following articles in this special section provide evidence of other forms of marginality – based, for example, on ideology or being rural – and suggest that groups which from some perspectives are not socio-economically subordinate are also making claims to their ‘culture’. Nevertheless, legal initiatives such as those discussed by von Lewinski and announced by UNESCO (2003) are usually designed with indigenous populations in mind. The rightful ownership of cultural property and repatriation of stolen objects, whether paintings in the aftermath of the Second World War or artifacts taken during colonial regimes, opens up a Pandora’s box of international diplomatic problems. The controversy surrounding the position and custodianship of ancient Greek and Egyptian objects – found in the museums of every northern European capital – will not go away soon. Rather, the site of struggle has simply shifted; from political colonization to economic incorporation and subjugation which increasingly is played out in terms of culture.

This struggle is reinforced in the new legislation concerning international protection of cultural property, which operates within a framework based on two different legal systems – the Anglo-American and Continental system. We hardly need point out that this supports the old colonial division between colonizers (on which the international legal system is based) and the colonized (whose legal systems are not given serious attention). The heritage of colonization means that the operative international legal system gives little voice to the ‘customary’ laws of colonized peoples, although attempts are being made to accommodate some differences (see von Lewinski this volume). For the present at least, legal systems have great

difficulty in accommodating some of the most basic features that distinguish this resource from others: such as the apparent fact that culture is almost always collectively rather than individually owned – though see Kasten (2002) for an example of individual ownership.

Which brings us to the second point: the particularity of culture as a resource. Identifying objects such as a mausoleum or castle, cheeses, neo-traditional folk costumes and ritual carvings under a single rubric of ‘cultural property’ highlights the ambiguous position of such items and their circulation in the world capitalist system. Cultural property often shares with gifts special qualities that other commodities lack, a *hau*, an inalienability, a personification (Sahlins 1972, Gregory 1982, Mauss 1990, Parry and Bloch 1989, Weiner 1992). The *hau* of cultural property is connected to its mode of production. Weiner describes the inalienable qualities of a cultural object as “its exclusive and cumulative identity with a particular series of owners through time” (1992: 33), and goes on to explain that the history of the object is validated through genealogies, origin myths, sacred ancestors and gods, that is, “culturally authenticating ideologies” (1992: 150). The identity of the producer and the intangible, historical and spatial location of its production are more important for the value of a particular item of cultural property than any objective qualities inhering in the property independent of context. The personification of cultural property gives it an association with a group, whether a central Asian state, an outlying rural town, or an ethnic group, because it belongs and holds particular significance to that group or to that group when interacting with state powers.

The value of cultural property therefore depends upon a local context of meaning which is in some sense violated as it moves as a commodity in the world system. Thus, the *hau* of a cultural property is fundamentally different when analyzed from the perspective of consumption instead of production (Miller 1995). If the spiritual power of Australian Aboriginal art is not ignored in

places like London, then it is usually grossly misunderstood, as demonstrated in our opening vignette from the BBC (2003). Likewise, Parisians and other outsiders do not understand the local meanings of the First World War and a local cemetery in the Argonne (Filippucci). While the exchange and consumption of gifts is part of a system of production of persons, the production and exchange of cultural property is as much a part of the production of groups and group identities that provide the context for persons in various political spheres (for example, the global arena of human rights, local resistance to state policies or even internal differentiation within a group). When an object enters the market as cultural property, the stakes may have changed, as indeed the players, but power inequalities remain and are defining factors – the issues of who has entitlement and control over these objects and the form of this control.

Analytically, 'cultural property' lies equidistant between the ideal types of 'gift' and 'commodity' in the sense that it incorporates qualities of both, provoking us to ask new questions about the circulation of things and value in our own societies as well as others (Carrier 1995). Cultural property is both a gift in the sense of Mauss (1990) and Bourdieu (1990: 98–110) and a commodity in Marx's sense, but neither exchange theory can fully accommodate or explain its place. Weiner (1992) and Gregory (1982) perhaps provide us with a more useful way from which to analyze cultural property by trying to accommodate its qualities as both an inalienable possession as well as an object with exchange and market value. While anthropologists have abandoned the distinctions between 'traditional' and 'modern' economies implied by the terms 'gift economy' and 'commodity exchange' (Gregory 1982: 115 ff.), few seem to embrace the idea that the capitalist world system is all-encompassing. We are all modern, of course, though not all capitalist, or even capitalist in the same way (cf. Fabian 1983). For example, commodities produced in New Guinea for circulation in the global capitalist system can be produced

from gifts and not capital (Gregory 1982). 'Cultural property' draws attention to the multifarious qualities of gift, commodity and capital of specific goods and services not only in different contexts, but to varying degrees in one and the same context. It is something that can be sold, but the recipe remains with the producer (Eriksen this volume). Cultural property is a form of property that allows groups to retain the essence for themselves while agreeing to sell or part with copies.

Conclusion

While claiming ownership of culture is by no means new or characteristic of the global system, the global scale of cultural property is something more recent. The symbolic power of cultural property is nicely illustrated by the attack upon two B-grade paintings by an English juvenile, even a royal juvenile. Prince Harry's paintings serve as potent symbols of centuries of colonialism and oppression, and they have provided Australian Aborigines with an excellent position from which to give a clear, if oblique, warning to non-Aboriginal Australians as well as other historical colonizers about their intentional or unintentional appropriation of Aboriginal forms.¹⁰ But such claims of possession of culture are by no means restricted to indigenous populations as is made clear from the following articles.

Extending the focus of cultural property issues to include European case studies allows us to extend our understanding of cultural property: as a tool available to all groups seeking confirmation of an identity felt to be under threat, or as an instrument in the negotiation of a group's position vis-à-vis wider power structures. Often the groups employing cultural property are marginal in terms of power structures – for example, rural inhabitants in Argonne – but dominant groups are also using claims over culture as a way to assert their position (often in response to a perceived threat such as immigration) as in the Norwegian case or a means to legitimate their

ideological supremacy as in the former Czechoslovakian case (where the perceived threat was capitalism). While in a situation where power structures are under reform, as in the Kazakh case, multiple claims to the one and same property are common. Notably, 'dominant' groups from one perspective are, from another point of view, marginal or threatened. The articles in this special section thus explore an issue that is less obvious in discussions of cultural property concerning indigenous groups: that 'dominant' groups employ cultural property in much the same way as 'marginalized' ones. Cultural property is a weapon of the marginalized or threatened, and the context defines 'marginalization'. Eriksen's Norwegian article highlights this point. It is precisely because of the shifting status of what is a dominant or marginal group – depending on perspective and context – that cultural property can be seen as a double-edged sword: both a weapon of the weak and yet a potentially dangerous tool for nationalisms and oppression.

The fact that such a wide range of groups and individuals are making claims of ownership over 'their' culture serves as a reminder that the concept 'culture', once squarely in the possession of anthropology, has now been appropriated by others for different purposes. From this perspective anthropologists can't afford to ignore the political and ideological implications and applications of the term. No longer purely of analytical value, 'culture' has new ethnographic currency: around which power relations are being played out.

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Notes

1. All property is cultural, of course, so when we use the shorthand term 'cultural property' we have in mind the reification of culture over which people are making claims; often these claims are made by marginalized groups with a political agenda or for the purposes of identity.
2. The workshop, held in July 2002, was jointly organized by Erich Kasten and Deema Kaneff. This special section publishes some of the papers that focused on the Eurasian area. See Kasten (2004) for papers concerning Siberia.
3. The topic of brand names – such as champagne or British Air – being associated with particular places or claimed by certain 'cultures' is a subject not given further consideration in this special section, although clearly a major field for future exploration.
4. It is interesting that software continues to be sold in boxes which contain more empty space than anything else. On the other hand, the growth of Internet sales of software downloads points to a future of complete intangibility of one of the most valuable categories of property. (Recent news reports suggest that Ingvar Kamprad of IKEA fame may have displaced Gates as the richest man in the world as Microsoft stock values have fallen sharply in the last few years.)
5. Repatriation requests in Britain have been dealt with only on an individual case-by-case basis and by individual institutions. Ethnographic museums in Aberdeen and Manchester have taken these requests seriously and handed over items of considerable value. Other institutions, most notoriously the Natural History Museum in London, have barricaded themselves behind iron gates and the cloak of science in attempts to stonewall claims by Maori and Tasmanians.
6. On the other hand, Harrison (2000: 667) argues that in pre-colonial and early colonial periods reification occurred in a specific way quite different from later periods. In the former times it served to reproduce status and prestige, while later reification served issues of cultural heritage.
7. The phrase was coined during the development of Communist Party ideology and its program before the revolution (Rywwkin 1990: 63). Slezkine (1994) discusses the implications of this phrase for Soviet policies that served to support and at times repress ethnic groups.

8. This would make authenticity analogous to the incest prohibition: it is found everywhere in some form, but is not reducible to a single human denominator. No two groups are identical in the way they implement such commonly found 'laws' of 'culture'.
9. Ingold (2000) provides a nuanced critique of the 'genealogical' model of indigeneity used by the United Nations and the International Labor Organization. However, both Ingold and Kuper overstress the problematics of indigeneity in Europe and Africa and do not engage with the significant political successes 'indigenous peoples' have had in the Americas. See Donahoe (2004: 201–35) for a discussion of the value of indigenism as a category in southern Siberia.
10. In all fairness to the Prince, one could easily turn this argument around and point out that his paintings demonstrate the symbolic power latent in Aboriginal art, so moving that it inspires the next generation of European crown heads more so than European sources. Still, it is a nice example of the ambiguity of appropriation as discussed by Schneider (2003): there is fine line between homage and 'ripping off'.

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