

Sound Returns: Toward Ethical “Best Practices” at Smithsonian Folkways Recordings*

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Abstract: Intangible cultural heritage archives face a dilemma when it comes to repatriation. Claims and counterclaims from source communities must be balanced within legal frames and ethical obligations of museums to give back, retribute, or redress past perceived injustices, while maintaining the essential preservation functions of a heritage archive. This paper examines this dilemma through the illustrative case study of Smithsonian Folkways Recordings, a unique collection that is at once an archival collection of traditional music and recorded sound from all over the world, and a nonprofit record label housed in the U.S. national museum since 1987. With a duty to keep its catalogue available in perpetuity, a mandate to pay its own way, and a mission of cultural documentation, collaborative curation, and broad appeal to global audiences, Smithsonian Folkways practices digital repatriation (of audio recordings) and circulation of indigenous knowledge (through publication, payment of royalties and license fees). The paper describes four cases of returns from Folkways’ evolving repatriation practice, offering useful ways of thinking about museum obligations with intangible heritage returns, and several ways of redistributing individual artists’ rights and their communities’ rights to control use of their music even when legal rights of ownership remain with the institution.

[Keywords: Cultural Heritage Archives, Anthropology, Museums, Archives, Museum Archives, Museology, Heritage, Intangible Cultural Heritage, Music, Repatriation, Applied Ethnomusicology, Cultural Repatriation, Museum Community Relationships. Keywords in italics are derived from the American Folklore Society Ethnographic Thesaurus, a standard nomenclature for the ethnographic disciplines.]

We have been saved by our music.

- Aaron Kintu Moses, Headmaster, Abayudaya Primary School

A hundred years from now, we want our children’s children to be able to hear the voices of our ancestors.

- Donald Topfi, Kiowa tribal council chairman

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

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- Article 27, Universal Declaration of Human Rights¹

A Museum of Sound

Even among the world's museums and heritage repositories of music, Smithsonian Folkways Recordings—referred to in the late 1980s as a “museum of sound” by founding director and curator *emeritus* Anthony Seeger—is somewhat unique. It is at once an archival collection of traditional music and recorded sound from all over the world as well as a nonprofit record label housed in the U.S. national museum. With a duty to keep its catalogue available in perpetuity and a mission that balances revenue needs with cultural documentation, collaborative curation, and broad appeal to global audiences, Smithsonian Folkways embodies two central constructs of the conference title: digital repatriation (of music); and circulation of indigenous knowledge (through publication, payment of royalties and license fees).² This brief article suggests that Smithsonian Folkways' evolving repatriation *practice* may offer useful ways of thinking about museum obligations with intangible heritage returns, and several ways of redistributing individual artists' rights and their communities' rights to control *use* of their music, even when legal rights of ownership remain with the museum.

Our two points of reference from the *After the Return* workshop are the [Keynote](#) by Jim Enote and the Endnote by Rosemary Coombe. In the opening session, Enote, director of New Mexico's A:shiwí A:wán Musuem and Heritage Center in Zuni Pueblo, suggested that digital repatriation as a concept was fundamentally flawed—in that the return of a *copy* to native communities, but not the original object, was an empty gesture, neither a real catalyst for social change nor a transfer of real power and authority.³ Final conference speaker Rosemary Coombe, on the other hand, argued that digital returns of indigenous knowledge and intangible heritage, seen from the point of view of cultural rights (as a category of human rights), could be transformative for communities. Relying on a global framework for digital returns—in other words, moving beyond U.S.-centric perspectives and looking to UNESCO Conventions as framework—she recommended looking at other intangible cultural heritage genres beyond just the visual, music being key among them. In her view, music is an ideal heritage genre “to think with” in digital repatriation cases for two reasons:(1) recorded music embodies the heart of the worldwide “cultural wars”, where the fiercest battles are being fought across continents and international business interests; and (2) music as a category in Western law has the capacity to divorce ethnological content (as in potlatch songs) from the *social* capacities of song, especially through digital technology. In this view, digital returns can thus have far-reaching effects on cultural renewal, social justice, agency and indigenous self-determination, which go well beyond property claims or individual artistic expressions.

Our article on Smithsonian Folkways' “music returns” lies somewhere between these two positions. On the one hand, it suggests (contra Enote) that digital returns in practice are not a new phenomenon with music recordings, that they make a significant difference to the communities concerned in both legal (what is mandated to happen) as well as ethical practice (what should happen) within the constraints of international law. On the other hand, it suggests (following Coombe) that music may be one missing link in any discussions of heritage return, often leading the way in policy circles because of the realities of recording history, technologies,

ownership, distribution, and use, with cutting edge models of benefit-sharing, redistribution, justice, and reengagement for the communities and artists concerned. As Coombe argues elsewhere, the “mnemonic power of music” makes it easy to understand the repatriation of audio recordings as an assertion of *cultural rights* (as opposed to property claims): namely, one category of claims to collective cultural heritage that appear proprietary in nature but that are vital to indigenous self-determination.⁴ Viewed as a bundle of cultural rights, “repatriation can be considered not only as a partial means of restitution for historical injuries suffered but as a provision of unique resources necessary to enable distinct futures to be articulated (Coleman with Coombe and MacAlairt 2009:181).”⁵ It may be important to add here that both advocates and critics of international repatriation have tended to view the returns process through either the property lens, as cultural objects to be owned and reclaimed by nations or tribes on grounds of their sacred and ceremonial content, or through the lens of artistic expression, which assumes individual authorship and free choice. Seeing repatriation and returns as a set of cultural rights moves the discussion in a different direction toward the category of inalienable human rights, to which we add the complementary notion of museum *responsibility* and cultural obligations of stewardship.

If music is the missing link or missing genre in heritage returns theory, the elephant in the room for museums is ongoing repatriation *practice*—the long history of actual return of heritage intellectual property to its place of origin that has been quietly taking place from “universal museums” and archives for years. And so a third point of reference we introduce here is the set of ethical and institutional dilemmas peculiar to international museum returns in 21st century practice. Do museums around the world, with their functions of collection, interpretation, and display, have special obligations with music returns, which parallel issues of moral rights for artists or cultural rights for communities to collective cultural heritage, as with other genres (arts, antiquities, photographs, human remains)?⁶ Should museum practitioners—curators, archivists, conservators, interpreters—be mediators, facilitators or “cultural brokers” when it comes to returning music and its traditional knowledge to source communities worldwide (Kurin 1997)? With digital music collections, especially those that fall into the category termed “world music” (as does the Smithsonian Folkways catalogue), is it more accurate to speak of restitution in terms of the ethical responsibility of museums in the West to “give back” to the Rest, rather than repatriation (which assumes prior ownership), or reparation (which assumes guilt), or even reunification, which seems to be the preferred term in some European debates on material culture, for example over the return of the Elgin marbles to Greece?⁷

At Smithsonian Folkways, while ownership of sound recordings remains with the museum, control over *use* has—in several cases—been returned to the communities and artists that made the music. Although this is still some distance from a best practice for all concerned, we describe some actual returns as case studies. Taken together, they map several ways in which returns can and do make differences to communities by changing access, reuse, or revitalization of the music, and redistribution of the cultural knowledge that contextualizes that music. The examples also point to ways in which *ad hoc* practice, typically decided on a case by case basis, could inform better policy, allowing us to foreground both the cultural rights of musical performers and the ethical responsibilities of museums as cultural stewards in civil society.⁸

Brief History of Smithsonian Folkways: Restitution for a Song

[Smithsonian Folkways Recordings](#) may in some ways be a pioneer in thinking through the practice of traditional and indigenous knowledge returns. In Folkways Records and Service Corporation's private sector period (1948-1986), its founder Moses Asch paid modest royalties and license fees to compilers or artists, depending on the contract, or bought the recording and all its rights outright. If there were obligations to artists, it was up to the compiler to inform Asch of them for inclusion in the contract. A few years after the 1987 acquisition of Folkways Records by the U.S. national museum, in what may have been an unprecedented move in the history of the recording industry, Smithsonian Folkways director Anthony Seeger instituted comprehensive royalty reform (ca. 1991) and unilaterally raised the royalty payout rate for every archival Folkways royaltor. Of course no one refused the higher rates. The reform is part of the hidden history of Smithsonian Folkways, a commitment to the fundamental value of audible performance and recognition of obligations to artists engendered when they are recorded by a third party.

Shortly after the U.S. presidential election of 2000, in a meeting with State Department cultural attachés in DC about repatriation, Smithsonian Folkways thought through and offered a schema of return for the catalogue's North African recordings. The suggestion was to use the help of the State Department to return music to its place of origin. The concept was simply to license back recording rights to communities of origin *gratis*, or for one dollar, in exchange for a royalty to Smithsonian for each copy made by the licensee. There was no discussion of the question of ownership because under U.S. and international law, the Smithsonian owns rights to the recordings and any financial benefit accruing to publication by virtue of its acquisition of the Moses and Frances Asch Collection.

But the Smithsonian only owns the recordings insofar as Asch owned the rights. What rights did he own? In the world of field recordings, s/he who owned the recording device often owned the recordings and thus could enjoy any financial benefit that might accrue from its publication. The concept of traditional community artists' rights first emerged in the 1940s but became somewhat more formalized in the 1970s as "moral rights", which is one side of the equation.⁹ But in addition to the legal rights established in contracts and legislation, there are the complicated questions and issues of museum obligations and responsibilities to the communities and artists whose music comprises these collections. We present here four cases to show the wide-ranging and varied forms that museum restitution can take—namely, the ways in which Smithsonian Folkways responded in practice to ethical issues of rights and redistributive justice for ever-changing communities.

Case One. Revitalizing Community

[Abayudaya: Music from the Jewish People of Uganda](#)

Recorded and annotated by Jeffrey Summit, 2003. SFW40504

[Delicious Peace: Coffee, Music, & Interfaith Harmony in Uganda](#)

Recorded and annotated by Jeffrey Summit, 2012. SFW50417

In 2000 at the joint Society for Ethnomusicology/American Musicological Society/College Music Society conference in Toronto, ethnomusicologist, professor and rabbi Jeffrey Summit offered a recording to Smithsonian Folkways that documented the religious music of the Abayudaya Jewish community of Uganda. After audition of the music and review of accompanying photography and text, our response was that it was significant and beautiful material indeed, but to be a great Folkways album we needed to hear the musical life of the entire community—including lullabies, children’s songs, political songs, work music, teenage music-making—as well as the religious aspect. Summit raised funds to support another field recording trip and returned with an array of recordings that revealed a striking documentation of the community’s culture via local Ugandan music, infused with rich choral singing, Afropop, 19th century European music, and traditional drumming. The resulting Smithsonian Folkways album was nominated for a Grammy Award in 2005 for Best Traditional World Music Album. More to the point on the details of repatriation, to date the royalties from the album have funded, on their choice, nineteen university scholarships for members of the community.

The story does not end there for the Abayudaya. On September 11 2001, JJ Keki, one of the community’s leaders, was onsite at the World Trade Center disaster, and in the days that followed was deeply disturbed that the attacks had been made in the name of one of the great world religions. He vowed to do something with his own religious community and beyond “in the name of peace”. Back in Uganda, Keki established an interfaith coffee cooperative with his Muslim and Christian neighbors called *Delicious Peace* (Mirembe Kawomera) that sells its entire harvest at fair trade prices. Today, the cooperative includes over a thousand Jewish, Muslim, and Christian members and has helped “make a difference in multiple spheres: economic empowerment for women, medical care, education and sustainable farming practice.”¹⁰

The Smithsonian publication of these Summit field recordings documents the music of more than 1,000 farmers of the coffee-growers’ cooperative: in community gatherings such as local farmer days, meetings, wedding receptions of its constituent village communities and more, expressing a variety of themes relevant locally and worldwide, from the benefits of fair trade to the importance of peace. Royalties from the *Delicious Peace* album may spark the creation of new group identities, novel expressions of agency and self-determination for a changing community, an instance where interfaith cooperation has proven to be economically and socially advantageous to Jews, Muslims, and Christians alike. As noted in the epigraph, the liner notes for the first Abayudaya album included the jubilant quotation, “We have been saved by our music” by Aaron Kintu Moses, headmaster of the Abayadaya primary school, but only the passage of time will demonstrate any lasting social effects of projects like these two.¹¹

Case Two. Rights to Control Use

[*Voices of the Rainforest*](#)

Recorded and annotated by Steven Feld, 1991. HRT15009

[*Bosavi: Rainforest Music from Papua New Guinea*](#)

Recorded and annotated by Steven Feld, 2001. SFW40487

For more than 20 years, anthropologist and ethnomusicologist Steven Feld worked closely with the Kaluli people of Papua New Guinea to explore the links between their musical expression and the sound world of the Bosavi rainforest in which they live. Feld was sympathetic to the ideal of cross-cultural collaboration, but he consistently pointed out that the music industry's profit motives can re-entrench already existing power relations between different cultures. In 1991, with the help of former Grateful Dead percussionist Mickey Hart—who provided equipment and post-production support—Feld produced *Voices of the Rainforest* (now HRT15009 in the Smithsonian's Mickey Hart Collection), a CD of Bosavi music and rainforest soundscape. Shortly thereafter, he set up the Bosavi People's Fund, a non-governmental organization that the Kaluli control, to receive all the royalties from both the recording as well as Feld's writings on Bosavi. To determine how the royalties should be distributed, the Fund put together a Bosavi community group that has financed projects as various as the building of schools and clinics, the creation of a Bosavi-English dictionary, and the re-release of a 3-CD set of Bosavi music on the Smithsonian's Folkways label.

The album *Bosavi: Rainforest Music from Papua New Guinea* draws on two generations of Bosavi musicians and 25 years of field recordings to present a comprehensive and intimate musical portrait of life in a Papua New Guinea rainforest, including not only the contemporary music of the youngest generation of guitar band composers but also the traditional ritual and everyday styles of their parents. With royalties received from recordings over the past ten years, the community has used a portion in support of the Bosavi Digital Archive Project, to digitize all recordings, images, and texts gathered by Feld and two other researchers.¹² A major part of the royalties went to fund educational scholarships to support the talents of the younger generations of Bosavi.¹³ The digital archive project and the return of revenue to the community represent an example of redistribution inspired by the exemplary gesture of the compiler. It also flags the ultimate irony of the return of traditional music to its place of origin—recording Bosavi music as the intangible cultural heritage of the Kaluli led to the return of material benefits (through royalties) and educational benefits that in turn will change the music that the Kaluli will produce and record for posterity. Music from the past thus paves the way for the future even as the changing music of the future will transform perspectives on the past, a topic which has been addressed more generally in the case of other genres by several scholars at the *After the Return* workshop.

Case Three. Rights to Secrecy and Sacred Rites

Songs of the Western Australian Desert Aborigines

Recorded by R. A. Gould. Asch Mankind Series, 1972. AHM 4210

In 2006, Richard Kurin, then the director of the Center for Folklife and Cultural Heritage (the institutional home for Folkways at the Smithsonian), got a call from an anthropologist with extensive field experience among the Western Australian desert aborigines regarding questions about the propriety of the recording *Songs of the Western Australian Desert Aborigines* and whether it should be available to the public. On hearing of these questions, Smithsonian Folkways immediately removed the material from public availability while investigating. The

Ngatatjara people of the Western Australian desert form a dialect group of a single language (Pitjantjajara), whose sacred traditions are primarily told through song and ceremony. Traditions for initiation rites such as circumcision and bloodletting include varying degrees of restriction of access to one or the other gender, sometimes with harsh penalties if persons of the opposite sex should witness them. At least half of this particular recording included male initiation rite songs—such as the Dingo and Kangaroo cycles sung by adult men for novices (*malulu*) prior to their circumcisions at Cundelee during May-June 1966.

From the point of view of the museum, our initial discussion went the other way—should not the recordings remain available to, for example, a female adolescent in the USA—say a 12 year old girl in the Midwest? The issue of her rights of access to the recording by virtue of the U.S. concepts of free speech, the recording contract with Folkways Records, and copyright law, needed consideration. Yet she certainly would be forbidden by virtue of gender alone from access to these songs in Australia. To consult on how to best navigate this issue, Sonneborn contacted Jane Anderson, then at AIATSIS (Australian Institute for Aboriginal and Torres Strait Islander Studies) to request consultation with the communities and the recording collections in question. What we learned from Anderson at AIATSIS was more interesting than anticipated—the recordings in question were restricted not only from female adolescents or females but from everyone! In Australia, they had never been made publicly available to anyone outside the rite: the initiates, and their dreamtime collaborators. R. A. Gould, the original recordist in 1966, was contacted and he wholeheartedly agreed that given contemporary concepts of best practices in anthropology and other disciplines that use fieldwork-based material, the album should definitely be taken out of print.

But the issue of access is complicated by the fact that a thousand or more copies had been sold over the years—to students, research libraries, and anyone else who may have been interested, including libraries and institutions in Australia. While returning control over the use of a recording such as this is an important goal in theory, it raises several questions in practice. How should privacy, and restricted access to traditional knowledge, be balanced against greater public access to such material? What are museum obligations to balance respect for the privacy or secrecy of those groups who were recorded, with requests to hear and study them? Should museums consult elders on how recordings must be used after they are collected? There are no simple answers in a museum setting, especially in cases that pit what is known as “indigenism” (which is sometimes linked with corollaries of secrecy and privacy to restricted members of the community) against the open access model facing the public domain (with its romantic idea of the commons), both of which have their extreme proponents and critics when taken to extremes.¹⁴ As in the past, Smithsonian Folkways has decided these on a case-by-case basis, when and as questions are raised with particular recordings regarding privacy or being in the public domain. It seems appropriate as our understanding increases that a more proactive policy be developed that will guide ethical returns in terms of control over use—both retroactively with prior recordings that were published in the past, as well as proactively for new recordings that will need all our cultural sensitivities and enduring respect. The album remains unavailable to the public except by in-person consultation visit to the Rinzier Archives.

Case Four. Right to Hear Ancestors' Voices

Washo-Peyote Songs. Songs of the American Native Church-Peyotist.

Recorded by Warren d'Azevedo. Ethnic Folkways Library, 1972. Album No. FW04601 / FE 4384

[*The Kiowa-Peyote Meeting.*](#)

Recorded by Harry Smith. Ethnic Folkways Library, 1973. FW04601 / FE 601

Like many Native American communities into which the Native American Church introduced Peyotist practices, the Washo [more often spelled today "Washoe"] practice of the ceremonies of the Native American Church began relatively recently, around 1939. The Washoe are a people of Nevada and California; a small Hokan-speaking group of the Great Basin region. Peyotists rely, as a sacrament and a sacred medicine, on the peyote cactus (*Lophophora williamsii*). Based on recordings collected by Warren d'Azevedo over a period of nine months in 1954-55, the *Washo-Peyote Songs* in the collection consist of five song cycles sung by three Washoe members at "an open prayer meeting"—an informal social gathering of Peyotists for the purpose of singing practice and religious discussion. The liner notes, written by D'Azevedo and Alan Merriam, describe singing for the Washoe Peyotists as a measure of prestige and spiritual eminence, the degree by which a Peyotist found "the Way" through "the medicine" reflected by competence with song, drum and rattle.

In 2004, Smithsonian Folkways was approached by a spokesperson for the Washoe tribe regarding the *Washoe-Peyote Songs* album. They had consulted an anthropologist who had recommended that the album should not be available to the public because of its sacred content. Smithsonian Folkways complied and took the album out of distribution. As Center for Folklife and Cultural Heritage archives policy holds, it remains available for researchers and visitors to the Rinzler Archives.

The concerns raised by the Washoe case brought attention to another Smithsonian Folkways recording of Peyotists of the American Indian Native Church: namely, the *Kiowa Peyote Meeting* (Album FW04601). Recorded by Harry Everett Smith in 1964-65 in Anadarko, Oklahoma, this album consists of songs sung in more casual performances—recorded either in a truck or in hotel rooms, but not at an actual "Peyote Meeting" ceremony even though there had been opportunities for the latter. This deliberate privileging of recording casual over ceremonial versions of the songs means that the album lacks samples of drumming, considered by some practitioners to be the pre-eminent peyote instrument.

The responses of the Kiowa Peyotists also differed from the Washoe tribe on issues of control over use and return of the recording. Smithsonian Folkways made attempts over several years to gain the attention of tribal authorities, and in 2009, with the help of colleagues at the National Museum of the American Indian, ultimately interested Juanita Ahtone, the tribal librarian at Carnegie, OK. She in turn was able to contact Donald Topfi, then chief of the Kiowa tribal council, who assembled the living descendants of the singers on the album. We expected strong similarity between the Kiowa and the Washoe in their concerns but the Kiowa response went in an opposite direction. The consensus of the descendants was that they *wanted* the material to

remain online and widely available. “A hundred years from now, we want our children’s children to be able to hear the voices of their ancestors,” summarized Topfi. In cultural rights parlance, the current generation not only has a moral claim on recordings that their ancestors made, namely their past heritage, but also has the rights to *hear* their ancestors’ voices and pass this on to future generations as historical legacy. The album remains publicly available. This relatively amicable ending to one recurrent type of dilemma of museum restitution—for community-based heirs and the national museum alike—is a fitting note on which to close our section on Smithsonian Folkways case studies.

Coda: Listening Forward

Is there a bigger picture, or even an anthem, that emerges when we examine these different cases of music returns at Smithsonian Folkways?¹⁵ Can we describe a collective body of best practices without losing the detail and nuance of the particular case? As with music, so with returns policy—seen from the larger perspective of the original material (or that of the archive), we learn as much from the chorus as we do from the silences, gaps, fault-lines and any discordant notes. In the vexed field of international museum restitution where practice is the only short-term reality and precedent, we would do well to listen to these gaps and fault-lines as ethnographers would—one ear pressed close to the ground in the ethnographic present, the other oriented to pick up sounds from a more distant past or an imagined future.

Each of our four cases raises as many questions about the music restitution process as it resolves. Taken together, they suggest that even the questions raised by each of these returns differ—questions about how to define community, identity, authenticity, tradition, sovereignty, and the past itself. The Abayudaya case challenges our definitions of a changing community as the newly-created music created through the returns process changes the community itself. The Bosavi case raises the question of what traditional knowledge is in the first place in our continuously changing world, and if we could indeed “save” it. It suggests that museums could shoulder the same sorts of responsibilities for reciprocity shown by this ethical and generous compiler. The Western Desert aboriginal case asks us to think about the limits of restricting traditional knowledge on the grounds of secrecy or privacy from the public domain, and about who controls the rights over such knowledge—the community, the elders or the initiates. And the Kiowa Peyote music case asks (depending on the circumstances of collection and recording) whether in some cases sacred knowledge should remain in the public domain to enable the rights of the community—or their children’s children—to hear their ancestor’s voices.

The larger problem is that if even within a single archive (or cultural form or belief system within that archive, as with the Peyotists) cultural claims do not always share similar definitions or ask the same questions, how can we begin to theorize returns or ethical obligations across such pluralities of traditional music or museums? In *A Broken Record* (2009), Coleman, Coombe and MacAlairt describe three broad philosophical arguments for the restitution of rights in indigenous or traditional music: (1) as a subject of customary rights within the originating society; (2) as rights arising from agreement between performer and publisher; and (3) as a consequentialist argument of the power of music where repatriation of recordings may be important for cultural renewal and self-determination.

In the case of Smithsonian Folkways, it would not be an exaggeration to say that the organization does all three of the above.¹⁶ Archives of recorded music are not only sound sites, they are also contested sites of power, sites of reinvention, and self-determination. If we treat these diverse recordings as mere records or documentation of information about music traditions (some of which were recorded more than 70 years ago), we may end up reifying stereotypes about indigenous groups, denying them some capacity to recover their own traditional resources for creating their own futures. But if we see the full social capacity of recorded songs (in terms of the real *cultural* work that they accomplish), and if we try consistently to redistribute this power and knowledge—to ethically transfer control over use—we will be in a better position to articulate the mission of museum collections such as Smithsonian Folkways: an archive of “music of the people, by the people, for the people.” Seen collectively, the slowly accumulating body of music returns described above begin to tell a powerful story—that activities of restitution can, with all their flaws in practice, serve *both* contemporary archival as well as indigenous social needs, at once documents as well as advocates for sound museum practice.

Acknowledgments

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Notes

1. As noted later in this paper, the first epigraph appears in (Summit 2003), the second derives from Smithsonian Folkways Records consultations (personal communication with Donald Topfi via teleconference, January 30, 2009), and the third is from United Nations (1948).
2. Jon Pareles, writing in *The New York Times* on April 15, 2005, noted that Smithsonian Folkways’ online offering, then called Smithsonian Global Sound was “the ethnographic answer to iTunes”. See <http://www.nytimes.com/2005/04/15/arts/music/15glob.html/>, accessed January 20, 2013. Smithsonian Folkways also aligns with the core values of the Center for Folklife and Cultural Heritage (its home in the Smithsonian) in addressing heritage protection through grassroots justice and global policy.
3. For the A:shiwi A:wam Musuem and Heritage Center, see <http://www.ashiwi-museum.org/>, accessed January 20, 2013.
4. For more on Coombe’s views on music and cultural rights, see Coleman with Coombe and MacAlairt (2009) and also Weintraub and Yung (2009).
5. See Coleman with Coombe and MacAlairt (2009). Within the large, diverse and growing literature on culture and rights that has developed in the last few years, several works have direct

relevance to the repatriation and circulation of arts, music, film and new media. See for instance, Anderson and Christen, and Hennessy *in this volume*.

6. For international returns, this goes well beyond NAGPRA legislation as operational framework for U.S. museum practice. See for instance the University of Manchester-based Museums and Restitution International conference, (<http://www.arts.manchester.ac.uk/museology/museumsandrestitution/> , accessed November 2, 2013) and its foregrounding of the 2002 Declaration of the Value of Universal Museums and their ethical obligations.

7. See for instance the term “Elginism” in the Museums and Restitution 2009 conference, blog, (and forthcoming book) that refers to the reunification of the Elgin marbles currently in the British Museum with Greece.

8. For early views on the role of civil society institutions such as archives and museums in heritage protection, see Brown (2003) and <http://web.williams.edu/go/native/>, accessed November 2, 2013. See also a range of UNESCO, WIPO, and AAM white papers and reports on museum and archive repatriations, including: <http://unesdoc.unesco.org/images/0014/001401/140184eo.pdf> http://www.wipo.int/export/sites/www/freepublications/en/tk/1023/wipo_pub_1023.pdf <http://www.oclc.org/content/dam/research/publications/library/2012/2012-01.pdf>, all accessed November 2, 2013.

9. See the Berne Convention for the Preservation of Literary and Artistic Works of September 9, 1886, as amended on September 28, 1979, available at: www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html, accessed November 2, 2013.

10. From dialogue and e-mail correspondence between Jeffrey Summit and D. A. Sonneborn, June 14, 2012

11. From the [*Abayudaya: Music from the Jewish People of Uganda*](#) CD liner notes (Summit 2003).

12. The other two researchers are Bambi B. Schieffelin and Edward Schieffelin. See www.bosavipeoplesfund.net, accessed June 15, 2012.

13. E-mail correspondence between Steven Feld and D. A. Sonneborn, June 14, 2012.

14. For romantic perspectives on the public domain and the commons, see Chander and Sunder (2004). We acknowledge a variety of perspectives on the concept of commons, common-pool resources, and practices of enclosure.

15. We follow a method of examining diverse case studies glossed under one heuristic or legal category as developed in our earlier work on heritage genres such as traditional medical knowledge (Reddy 2006) or music (Sonneborn 2003).

16. The role of the producer/record label, which could not be addressed adequately here, will be explored in a future article.

References Cited

Berne Convention for the Protection of Literary and Artistic Works

1979 Berne Convention for the Protection of Literary and Artistic Works. Amended on September 28. www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html, accessed November 2, 2013.

Brown, Michael F.

2003 *Who Owns Native Culture?* Cambridge, MA: Harvard University Press.

Chander, Anupam, and Madhavi Sunder

2004 The Romance of the Public Domain. *California Law Review*. 92:1331-1373. <http://ssrn.com/abstract=562301>, accessed November 2, 2013.

Coleman, Elizabeth, with Rosemary Coombe and Fiona MacAlairt

2009 A Broken Record: Subjecting Music to Cultural Rights *In Ethics of Cultural Appropriation*. James O. Young and Conrad G. Brunck, eds. Pp. 179-210. Oxford: Blackwell.

Kurin, Richard

1997 *Reflections of a Culture Broker: A View from the Smithsonian*. Washington: Smithsonian Institution Press.

Museums and Restitution International Conference

2010 Museums and Restitution International Conference. [Conference Program] July 8-9. University of Manchester. <http://www.arts.manchester.ac.uk/museology/museumsandrestitution/>, accessed November 2, 2013.

Pareles, Jon

2005 This is the Sound of Globalization. *New York Times*, April 15: Arts Critics Notebook

Reddy, Sita

2006 *Making Heritage Legible: Who Owns Traditional Medical Knowledge*. International

Journal of Cultural Property 13(2):161-188.

Sonneborn, D.A.

2003 Smithsonian Folkways Recordings: A Question of Balance. *Folklore Forum*, 34(1-2):111-118. <http://hdl.handle.net/2022/2360>, accessed November 2, 2013.

Summit, Jeffrey

2003 [Liner Notes] [Abayudaya: Music from the Jewish People of Uganda](#). SFW40504. Washington: Smithsonian Folkways Records.

United Nations

1948 Universal Declaration of Human Rights. <http://www.un.org/en/documents/udhr/>, accessed March 10, 2013.

Weintraub, Andrew and Bell Yung, eds.

2009 *Music and Cultural Rights*. Urbana-Champaign: University of Illinois Press.

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