

From the Archive

Safeguarding the Intangible^{*}

Michael F. Brown

Editor's Introduction

In November 2003, Michael F. Brown published the essay that follows on a website called *Cultural Commons: The Meeting Place for Culture and Policy*. *Cultural Commons* was an online project of the Center for Arts and Culture. After more than a decade of work in the field of cultural policy, the Center suspended operation in December of 2005 (Center for Art and Culture 2005). The suspension of the organization's activities led to the taking down of the *Cultural Commons* website, thereby making it difficult for scholars and students to find both Brown's essay and the December 2003 response, by Richard Kurin, that it prompted.¹

I read and appreciated both essays when they initially appeared and had taught them in my Indiana University seminar on cultural property and cultural heritage issues. Brown turned to the story of these disappearing essays in the context of a more recent discussion of the preservation and access questions arising from low-cost, web-only scholarly publishing (Brown 2011). Out of that conversation arose my expression of interest in republishing them in *Museum Anthropology Review* so as to secure their more-permanent place in the scholarly record. While the conversation on the issues raised by Brown and Kurin have advanced on a number of fronts since the initial publication of these paired essays, they remain of value to our collective work on heritage policy and they will hopefully be received appreciatively by those readers of the journal who encounter them here for the first time.² I wish to extend appreciation to the authors as well as to the original editors at *Cultural Commons* who saw the essays into publication initially.

Brown and Kurin both retained their copyrights at the time of initial publication and the essays are published here with their permission.

Safeguarding the Intangible

On October 17, 2003 UNESCO's 32nd General Conference, meeting at the organization's headquarters in Paris, voted to adopt the International Convention for the Safeguarding of the Intangible Cultural Heritage. The convention's goal is to provide a framework for promoting the survival of traditional folklore, knowledge, and artistic expressions throughout the world. In a press release distributed after the vote, Mohammed Bedjaoui, an Algerian jurist who chaired the committee that drafted the document, observed, "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."³

^{*} This work is © Michael F. Brown, 2003.

The UNESCO convention is a manifestation of growing concern about the fate of the intangible elements of cultural heritage: language, stories, art styles, music, dance, religious beliefs—in other words, those aspects of cultural patrimony not directly embodied in material things. In its quest to defend the intangible, UNESCO builds on its longstanding interest in protecting the world's artistic treasures. The concept of “cultural property,” once invoked primarily in struggles over the ownership of objects such as looted Maya ceramics or the Elgin Marbles, is increasingly applied to knowledge itself, especially the knowledge of imperiled ethnic communities.

Driving UNESCO's decision to shift its focus from tangible to intangible heritage is widespread anxiety about the cultural effects of globalization. The ease with which people and ideas now move across our planet poses a serious challenge to ethnic minorities whose languages, customs, and ideas are easily drowned out by the din of mass media catering to the interests of majority communities. Linguists report that languages are disappearing at an unprecedented rate. The picture for traditional knowledge and religious practices is more ambiguous: evidence of loss is offset here and there by examples of local revitalization. Yet there can be little doubt that UNESCO's concern about the survival of intangible heritage is warranted in view of the general trajectory of cultural change today.

The wild card in the movement to protect expressions of traditional heritage is simmering resentment about the developed world's intellectual property practices. The UNESCO convention calls for heritage to be documented and preserved. Once documented, however, it is more readily commandeered by musicians, novelists, pharmaceutical companies, the motion-picture industry—indeed, by anyone positioned to take advantage of an intellectual property system that favors individual or corporate creativity over the collective inventiveness of folk traditions, which are considered to reside in the public domain.

The potential impact of the UNESCO convention on global intellectual property norms may explain the decision of the U.S. delegation to register an abstention when votes were tallied at the Paris meeting. Rejoining UNESCO after an absence of nearly two decades, the U.S. was understandably reluctant to vote against a measure that enjoyed overwhelming international support. But the Convention for the Safeguarding of Intangible Cultural Heritage is just the opening salvo in a concerted UNESCO campaign to protect cultural diversity by allowing states to restrict the exportation of local knowledge and the importation of cultural items (for instance, music and films) perceived to pose a threat to national values and traditions. As the world's biggest exporter of copyrighted media products, the U.S. opposes this approach to cultural preservation.

Many indigenous groups, fearing that their cultural heritage will be copyrighted or patented by powerful outsiders, are gravitating toward greater secrecy. Various Native American and Australian Aboriginal groups have demanded that publicly accessible records of their beliefs and practices be “repatriated” from repositories, thus removing them from the public domain. A clear expression of this movement toward cultural closure is the policy of a few Southwestern Indian tribes that actively discourage non-Indian employees from learning the local language. By using language as a barrier, these tribes hope to prevent their knowledge from escaping. This is precisely the opposite of UNESCO's policy of publicizing heritage in order to save it.

Even if UNESCO manages to convince indigenous communities that heightened secrecy is the wrong way to protect endangered heritage, what are the new convention's prospects for success? The answer depends on how one envisions heritage. Despite UNESCO's references to the importance of language and oral traditions, its communiqués and policy documents tend to focus on public manifestations of culture, especially forms of cultural performance. The organization's growing list of officially designated "heritage treasures" includes a Spanish mystery play, Georgian polyphonic singing, and a form of sacred theatre practiced in southern India. But culture is more than a set of performances. It rests on deep-seated values and emotional dispositions so implicit that they may not be fully recognized even by culture bearers themselves.

UNESCO's focus on theater, music, dance, graphic arts, and traditional dress helps to explain the convention's insistence that signatory nations prepare "one or more inventories of the intangible cultural heritage present in its territory." One struggles to imagine the staggering bureaucratic labor required to develop such inventories in large, multiethnic nations such as Russia, Australia, China, Canada, or the United States, each of which contains scores or hundreds of distinct cultural communities. How does one turn the complexity of even a single culture into a list?

A vision of where UNESCO may be leading the heritage-protection movement is found in India. A fortnight before the intangible heritage convention was approved in Paris, the *Times of India* reported a major initiative, led by the country's minister of culture, to preserve endangered heritage by documenting it in digital form. The newspaper described plans to create the elaborate administrative apparatus necessary to direct such an ambitious project, including a national steering committee to develop procedures, regional committees to coordinate efforts at the local level, and an executive committee to define the project's mission and supervise its implementation.

This rationalized and bureaucratized vision of heritage—the notion that one can save traditional cultures simply by documenting them—inevitably calls to mind management practices in the world's parks and wilderness areas. Because humanity has made it impossible for natural ecosystems to sustain themselves, we try to re-create ecological communities by restocking animals, removing alien species, and replicating the beneficial impact of the forest fires that earlier management policies discouraged. The result is an environment that only mimics nature. Scientifically managed parks are preferable to the extinction of endangered species, of course, but they are poor substitutes for the real thing.

In much the same way, cultural heritage that is inventoried, declared an official treasure, sustained by self-conscious instruction, and surveilled by government oversight committees has lost much of the spontaneous creativity that gave it meaning in the first place. UNESCO's top down approach to heritage protection probably does little harm, and it might usefully raise awareness about the imperiled status of many ancient practices. But it will never replace the far more demanding policies that must be implemented if we hope to save the surviving fraction of our planet's cultural diversity. These include making sure that ethnic minorities can secure a decent livelihood in their traditional homelands and that they are granted a voice in decisions affecting education, natural resources, and local governance.

There is an ethnography that I often show to students in my anthropology classes, Walter Edmund Roth's *Introductory Study of the Arts, Crafts and Customs of the Guiana Indians*, published by the Smithsonian Institution's Bureau of American Ethnology in 1916. The volume contains a 50-page, profusely illustrated chapter on cat's cradles and other string figures. My students marvel at the document's obsession with detail, which has preserved for eternity one small expression of human ingenuity. Yet the extraordinary labor that it embodies has done little to protect the indigenous heritage of Guyana, at least as a lived experience that gives a particular shape to human lives. The document is better than nothing, I suppose, and we all have reason to be grateful for the author's thoroughness. Nevertheless, living cultures cannot be reduced to diagrams on a printed page or data on a server. They are unlikely to benefit greatly from the ministrations of bureaucrats in distant capitals, who are redefining cultural survival as a vast exercise in information management.

Notes

1. Editor's note: While it is true that the this essay and the response by Kurin that it provoked are no longer accessible in their original online home, those needing access to the original version can recover it in the Internet Archive. The full Internet Archive address for Brown's essay is:

<http://web.archive.org/web/20060427114622/http://www.culturalcommons.org/comment-print.cfm?ID=12>

For Kurin's essay, it is:

<http://web.archive.org/web/20060504044000/http://www.culturalcommons.org/kurin.htm>

2. Editor's note: Readers of this journal are encouraged to read this essays alongside Dorothy Noyes' 2011 commentary appearing in volume five of the journal. Among the many scholarly works addressing international heritage policy, Stefan Groth's (2012) book *Negotiating Tradition* is distinctive as an ethnography of international heritage policy making practices. It is available in an open access edition.

3. Author's note: The convention went into effect on April 20, 2006, and at the time of republication in late 2012, has been ratified by 143 states. The full text of the convention is available at:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006>

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