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WHO OWNS NATIVE CULTURE?

A review of Michael F. Brown, *Who Owns Native Culture?* Cambridge, MA: Harvard University Press, 2003. xii + 252 pp. \$ 29.95 (cloth); \$16.95 (paper). ISBN: 0-674-01633-5.

INDIGENOUS RELIGIONS ARE TREMENDOUSLY ATTRACTIVE, today, to many non-indigenous people. Some non-natives genuinely appreciate the earth-based knowledge of native peoples. Other non-natives are interested in indigenous religions because they see them as “primitive” alternatives to “modern” religions. In other words, they romanticize the religions of indigenous peoples and view them as more pure or authentic than the “world” religions. They blame, upon the latter, many of modernity’s problems, such as religiously inspired wars, intolerance of diversity, colonialism, and so on. In a sense, then, these non-native, religious romantics turn toward indigenous religions as a means of critiquing aspects of the mainstream world around them, with which they do not agree. Of course, Native Americans, and, many other indigenous peoples in this increasingly postcolonial age, have been very critical of many aspects of the mainstream world, themselves. Yet, they are reluctant to let others use their religions to further such critiques.

The identities of indigenous peoples are built largely upon their religions. In many cases, when they have been deprived of their lands, livelihoods, and social structures, their religions are, in fact, the only parts of their heritage upon which they can still build such identities. It is for this reason that they wary of letting cultural outsiders use their religions as mere tools. This wariness is compounded by their belief that these outsiders, who rarely speak their languages and who come from radically different backgrounds, will wield these tools with very little understanding of their real importance. Worse yet, they believe that some individuals may try to profit from the interest of other, even more naïve cultural outsiders.

Thus, many indigenous peoples have recently embraced Western, legalistic notions of “property” in order to protect their cultural heritage. They have done

so despite the fact that, historically, there was little emphasis upon inalienable "ownership" in their societies. Most indigenous peoples emphasized the temporary stewardship and reciprocal exchange of things.¹ In *Who Owns Native Culture?*, anthropologist Michael F. Brown explores whether or not *any* society, especially one to whom property was an historically rare idea, can or should claim "ownership" of its cultural heritage. Brown is very sensitive to the concerns of indigenous peoples, who are losing control of their cultural resources – seeing their ceremonies imitated and corrupted, witnessing their traditional medicines and foods being genetically altered, watching their religious art being reproduced for profit, etc. He worries, however, about the feasibility and implications of policies that give *complete* legal protection to indigenous cultural heritage, solely on the terms dictated by discrete indigenous peoples. Brown writes, "The hybrid nature of indigenous cultural life today argues against rigorous separation of indigenous knowledge from the public domain of global society" (248). Brown points out that, in the world today, there are few cultures that are truly discrete (252). This may particularly be the case with indigenous cultures; most of them have been influenced by the cultures of the colonial peoples, who have sought to dominate them. Brown also points out that indigenous cultures may best be served today by appealing to global society for protection, rather than by cutting themselves off from the sympathetic segments of that society (246-248). Brown seems to understand that rigid legal protection is sometimes necessary to protect indigenous cultural heritage, but he asserts that we should first appeal to respect, civility, and compromise. The reason he makes this somewhat idealistic argument is that he genuinely feels that the circulation of ideas is a good thing. He feels that it is unavoidable, too.

Brown's book should be of great interest to anyone concerned with the amalgamation of things and phenomena we have learned to label "culture." It should be of particular interest, though, to scholars of religion. Brown offers a wide range of case studies, focusing upon conflicts between indigenous peoples and others over heritage, both intellectual and material, that is clearly "religious" to members of the indigenous camps. For instance, he looks at the publication of ethnographic photographs depicting secret, Hopi ceremonies in the American Southwest (11-24). He considers the reproduction and commoditization of sacred, Aboriginal art in Australia (43-54). He explores the efforts of pharmaceutical companies to appropriate and market medicinal herbs in South America (95-143). He even examines the public interest in sites of ritual significance, such as the Big Horn Medicine Wheel in the mountains of the American West (144-153). In each case, he presents the both the views of the

¹ For an introduction to recent scholarship on the economies of indigenous peoples, see Fred R. Myers, ed., *The Empire of Things: Regimes of Cultural Value*, Santa Fe: School of American Research, 2001.

indigenous peoples and of the non-indigenous peoples. He also presents the legal arguments, most often dealing with copyright, patent, and privacy laws, made by both sides. Finally, he details the outcome of each case, closely examining its impact upon the indigenous peoples as well as its impact upon the circulation of ideas. The information Brown presents in each case is extensive, and his analyses are well informed, sophisticated, and balanced.

Who Owns Native Culture? is a provocative book, with far-reaching relevance. As an ethnographer focusing upon Native American religions, I sometimes attend native ceremonies. Many of the people I see at these events know me well and are pleased to see me. Those who do not know me, however, treat me as a suspicious character and as a potentially troublesome outsider. They are perfectly justified in doing so; they are concerned that I might be there just to learn a bit about their religious culture – just enough to write and profit from a book that would sell in the New Age section of any bookstore. In his recent book, *Dream Catchers: How Mainstream America Discovered the Native Spirituality*, historian Richard Jenkins does a fantastic job of documenting the many instances in which exactly this sort of thing happened.² Michael Brown does not spend a great deal of time dealing with such cases in *Who Owns Native Culture?*, but his book is very pertinent to this explicitly religious issue. Should Native Americans copyright their ceremonies and ritual knowledge? Alternatively, should they appeal to the civility of those who are interested in their cultures?

The Native American peoples with whom I do most of my research often rely upon legal means to protect their material religious culture and their sacred sites. When it comes to ceremonies and ritual knowledge, though, they simply try to regulate and pay close attention to those outsiders to whom they give ceremonial access. Their own traditions teach them that there are “protocols of respect” that govern all interpersonal relations. Thus, it is natural for them to appeal to the inner sense of decency and honor they hope all interested outsiders have. For the most part, they have been successful in maintaining control over their cultural heritage.

There are, though, those stubborn outsiders who are so conceited that their desire to possess, control, and sometimes profit from indigenous religious knowledge or material overwhelms any sense of decency they might have. Recently, in a Montana weekly journal, there was an article focusing upon a group of people, who practice Lakota religious traditions in the mountains of

² Philip Jenkins, *Dream Catchers: How Mainstream America Discovered Native Spirituality*, New York: Oxford University Press, 2004.

northwest Montana.³ Most of the members of this group are admittedly non-Indian. The leader, who is blond-haired and blue-eyed, claims to be one-quarter Oglala Lakota, although he was raised in Chicago and refuses to prove his ancestry. He is quoted in the article as saying, "When the Creator asks me for a card stating my race, I'll get one. Until then, I'm just going to continue praying."⁴ According to the article, he says that some non-Indians who practice native religious traditions are, in fact, more native than those Indians who do not.⁵ His native critics acknowledge that he has a strong command of the traditions he practices, but they bemoan his teaching these traditions to cultural outsiders; they want him to follow the indigenous protocols that determine who has the right to pass along knowledge to whom.⁶ The fact that he does not follow these protocols calls his identity as a true representative of native culture into even greater question than does his dubious Lakota ancestry.

My reason for bringing up this example is to illustrate that there will always be those cases, in which indigenous peoples are faced with such obstinacy that they have no choice but to appeal to the law for cultural protection. How are native peoples to deal, otherwise, with the likes of the one described above? Certainly, it is true that determining "ownership" of cultural heritage is a difficult matter. It is true too, that an effort to do so may reinscribe boundaries between indigenous and non-indigenous peoples that limit more positive cultural interactions. Still, Brown's argument that we simply appeal to human concerns for respect, civility, and compromise, seems, at first, a bit unrealistic.

I would like to suggest that we create new international laws to give indigenous peoples greater control over their heritage. I know, however, that such laws would be hampered by the fact that, as Brown points out, boundaries between indigenous groups are not always clear, indigenousness, itself, is a contested category, and cultural hybridity is a fact of life. I suppose we really are left, then, with Brown's suggestion that we all simply try better to negotiate cultural contact. Such negotiations will often fail. Yet, it may indeed be better that we first attempt them, before turning towards laws that create even greater division between culture, than misguided appropriations of native heritage do. As Brown writes in his final paragraph, "a world ruled solely by proprietary passions is not a world in which most of us want to live" (252).

³ Mike Keefe-Feldman, "What's Blood got to do with It?," *Missoula Independent* 16, no. (2005), <<http://missoulane.ws.com/Archives/News.asp?no=4954>> (accessed 19 June 2005).

⁴ John Gisselbrecht, as quoted in "What's Blood got to do with It?".

⁵ "What's Blood got to do with It?"

⁶ Ibid.

In conclusion, I recommend Michael Brown's *Who Owns Native Culture?* strongly to any scholar, who is concerned with intercultural issues, particularly as they bear upon religion. While he does not offer an easy or definitive solution to the problems surrounding the appropriation of indigenous culture heritage, his suggestion that we look for other solutions, before relying upon laws that may set individual societies at greater odds, is compelling. More valuable, perhaps, is the wide range of detailed case studies he offers. Best of all is his careful description of laws dealing with copyrights, patents, and privacy and his analysis of how these laws bear upon the circulation of important, often religious ideas in an age when cultural contact is a daily reality.

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