

Treasured Possessions: Indigenous Interventions into Cultural and Intellectual Property Law

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Haidy Geismar is an important contemporary voice in museological literature. Geismar is currently a Lecturer in Digital Anthropology and Material Culture Studies at University College London as well as an Associate Professor of Anthropology and Museum Studies at New York University. Geismar's previous publications have provided a rich resource for theorizing material culture and the place of museums in a contemporary context. Her most recent publication is no exception, and represents an important contribution to discussions of indigeneity, globalization, cultural property, and the role that museums play at the intersection of these topics.

Treasured Possessions examines the interaction between indigenous movements in the southern Pacific, cultural property, and intellectual property law. The book explores the relationship between cultural property—a murky term that is often used in relationship to art objects, or as Geismar states somewhat sardonically “the kind of object housed in the galleries of the Metropolitan Museum of Art” (2013:2)—and intellectual property, which Geismar explains as being “commonly understood to apply to the immaterial production of minds, but is practically used to define ownership for resources that are becoming daily more tangible and broadly circulating” (2013:2).

The intention of the book is to demonstrate the concept of intellectual property laws as a peculiarly Western concept by demonstrating how communities in Vanuatu and Aotearoa, New Zealand, indigenize these ideas. Indigenization is a concept that generally involves the empowerment of indigenous communities and the renunciation of European colonialism (Geismar 2013:46). Geismar approaches the idea of indigenization as a form of provincialization, a concept coined by Dipesh Chakrabarty in his influential book *Provincializing Europe*, published in 2000. Provincialization refers to the process of reassessing colonial ideas as originating from a particular place and time; it destabilizes the notion that there is some Global culture that exists somewhere outside of any particular context. It places European thought in—and not as—a global context, not as a default but as another peculiar perspective.

Following Chakrabarty, Geismar uses the idea of provincialization as a way to contextualize Western perspectives on intellectual property. She shows how museums play an important role in indigenizing the treatment of material culture and property rights. Because of the role of the museum as a colonial and public institution as well as its necessary engagement with material culture, the museum has become a central player in the emergence of indigenous methods of managing objects, providing international stages for alternative perspectives.

Throughout *Treasured Possessions*, Geismar continually highlights how local cultures adopt and adapt international law, molding it to their own purposes. Issues of legitimacy and entitlement are never adequately decided at the international level and, as Geismar deftly demonstrates, are as often developed from the bottom up as from the top down.

Geismar takes special pains early in the book to make clear her perspective as a Western researcher. Her viewpoint is not an indigenous viewpoint. However, Geismar shows how indigenous groups in Vanuatu and Aotearoa, New Zealand, have engaged with national and international colonial bodies through claims of intellectual and cultural property.

In chs. 1–3, the book provides a brief historical contextualization for both Vanuatu and New Zealand, as well as a history of the concept of indigeneity and law in both cases. As someone relatively ignorant of the history of these two places, I felt these chapters provided an excellent and concise crash course in the relevant history of these two island nations. The colonial histories of these nations are vastly different: Vanuatu is a post-colonial state populated and governed by a huge indigenous majority; New Zealand is a settler-state governed by a relatively large, though shrinking, European majority. The differences between these contexts highlight the author's argument against universal ideas of cultural and intellectual property.

Chs. 4–5 provide ethnographic case studies of how cultural and intellectual property laws play out on the ground in Vanuatu and New Zealand. Ch. 4 explores the application and alteration of copyright laws in traditional craft production in Vanuatu. Geismar argues that a successful attempt by the craftsmen of Vanuatu to apply traditional entitlements to the creation of certain sculptural motifs provides an interesting model of how *sui generis* (case by case) assessment of copyright law may be more effective than a blanket and inflexible international law. It also shows how parallel systems of law can coexist and complement each other. Ch. 5 follows the attempts of the New Zealand government to create a special trademark for Maori produced art. When dealing with the fluidity of both art and identity, and also the complex relationships between the artists, creating a clear definition of native art can become difficult. This chapter also highlights the

tension between the liberal idea of a cultural commons and open source access to ideas and indigenous sovereignty and control of cultural property.

Ch. 6 focuses on the place of museums in the negotiation of these complicated relationships between cultural property, intellectual property, and global markets. Geismar focuses on two museums: the Vanuatu Cultural Center in Vanuatu, and the Museum of New Zealand Te Papa Tongarewa. Geismar's discussion of a famous traveling exhibit was an especially helpful analysis of how Western museums could reapproach the manner in which they reconcile museum practice with sensitivity to the sovereignty of indigenous people over sacred images. Museums become a highly visible location for the physical expression of indigeneity.

Chs. 7–8 return to the style of ethnography to further explore the ideas discussed in chs. 4–5, but with more emphasis on the role that museums have played. Ch. 7 traces how the international art market values indigenous art from New Zealand, and what role the Te Papa Tongarewa museum has played in the valuing, representation, and repatriation of sensitive cultural artifacts on the international art market. Ch. 8 shows the important place that the (this abbreviation should be set up earlier) VKS has played in the establishment of a literal pig bank, blurring the lines between colonial and indigenous institutions and practices.

Following ch. 8, the book's conclusion ties together the various ideological threads presented in each chapter. This is an excellent example of how a conclusion chapter should be written; it revisits the entire book and synthesizes a very complex and varied range of arguments into a cohesive statement.

In *Treasured Possessions*, Geismar is able to take ephemeral theoretical concepts and demonstrate how they play out practically. Early in this book, Geismar states that she intends to succeed along the same lines as Marcel Mauss' *The Gift*; she means to highlight alternative perspectives to show how Western ideas of intellectual and cultural property are a culturally located and continually evolving group of concepts. Geismar accomplishes this goal in demonstrating how the process of indigenization serves to destabilize naturalized Western ideas about intellectual and cultural property. She does not just argue that Western legal ideas of ownership are provincial concepts, but also demonstrates effectively how indigenous ideas of things, objects, and entitlements interact with a global marketplace. She also shows how museums can play a role not only as a highly visible location for the dissemination and discussion of these ideas, but also as active participants in the indigenization of international law.

The strength of Geismar's ethnographic writing enlivens these esoteric concepts, and is a major strength of the book. The complex issues

that she is discussing take on an enormous depth, and the emergent and practical nature of how these issues are worked out is presented in a clear and exhaustive manner. Indigenous perspectives are shown, especially in Vanuatu, to exist concurrently with Western concepts, paralleling each other, but also shaping each other in important ways. For example, the Western legal concept of copyright has been appropriated into Vanuatu culture as *kopyrite*, combining with indigenous concepts of inherited rights to become a new concept. Geismar then tracks how *kopyrite* serves as a template for national law in Vanuatu, and goes on to shape international conversations of cultural and intellectual property. Following the flow and alterations of seemingly concrete legal definitions was very interesting, made accessible by Geismar's case studies. She demonstrates clearly how the theoretical idea of indigenization plays out in the real world, and it makes for a fascinating read.

While this is an excellent and highly nuanced discussion, the government institutions Geismar discusses sometimes lack the depth of her other interrogations. Especially in the case of New Zealand, these governmental bodies often feel opaque and slightly dehumanized. However, this is a minor complaint, and does not detract from the power of the study. This is also not a book for complete novices to the conversations; there is an assumption of prior knowledge on the debates on indigenous rights. It is not meant as an introductory textbook, but rather as an important contribution to the discussion of indigeneity, the rights and privileges to which indigenous groups are entitled, and resistance to neo-liberal mechanisms of control.

Nevertheless, *Treasured Possessions* would be a great addition to any syllabus discussing indigenous rights, intellectual property, or Pacific ethnography. The book also contains important discussions about the role of museums in contemporary issues, and I think would add an important perspective to Museum Studies courses. This book is well researched, well written, and highly recommended for scholars and students interested in museums, cultural and intellectual property, or post-colonial studies.

References

Chakrabarty, Dipesh

2000 *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press.
