

Keeping the Network in View Compensation Claims, Property, and Social Relations in Melanesia¹

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What if culture were subject to copyright, patent and trademark law, as Michael Brown (1998) asked recently in a review essay on cultural property rights. He suggests that the application of these forms of ownership to culture could stop or slow the movement of ideas, reducing innovation in literature, art, music and other creative endeavours. Limiting access to cultural property seems incommensurate with liberal political values that emphasise the free and open exchange of information. While caution is clearly indicated with respect to the application of legal codes designed for commerce to cultural domains, Brown fails to take into account the various provisions for 'fair use' that accompany these laws. Furthermore, there is a growing body of knowledge that is already subject to private and corporate control; why should indigenous communities have fewer resources for controlling their intellectual property?

A more fundamental problem with Brown's approach to these issues is his assumption that Euro-American models of property and ownership are the necessary starting point for policy and/or legislation on cultural property rights. Alternatively, can Melanesian ways of investing in relationships and claiming rights to property be used as the basis for providing recognition and/or protection of indigenous knowledge and other forms of cultural