Negotiating Interests in Culture

Researchers can point to the WTO and WIPO as part of the machinery of globalisation without assessing the nature of the flow generated by those engines of change, thereby hiding from view the diversity of experience that machinery seeks to cannibalise. Under the rubric of ‘negotiating interests’ all exchanges in property appear to be the same, from Adam Smith’s discussions of human nature in market transactions to present day accounts of privatisation as a global economic practice. Cultural property debates, which complicate understandings of interest, open to critique this long-held mechanistic rubric. For example, legal processes can enchain people, leaving them vulnerable to the loss of their way of being. An anthropologist choosing to analyse transactions as the communicative, meaningful domain of interpersonal exchange finds it is possible to assess the effects of global flows and movements in people’s life worlds. By de-seating the concept of ‘interest’ from the individual person to the transactions that differentiate forms of interests it is possible to break past an impasse in cultural property debates. Negotiating interests ceases to be a process of legal entanglement that pins down rights to ownership in only private or collective forms, and becomes a process to enable the recognition of diverse forms of ownership. This paper analyses transactions in cultural property showing how negotiation of interests in culture affects a people’s ways of being. One of these effects is to turn culture as lived relations into an object to be owned. Under regimes of globalisation culture becomes transactable.

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