

**Max Planck Institute for Social Anthropology**  
- A World of Cultures: culture as property in anthropological perspective -  
**June 30<sup>th</sup> – July 2<sup>nd</sup>, 2002**  
**Conveners: Erich Kasten & Deema Kaneff**

**PROGRAMME**

**Sunday, June 30<sup>th</sup>**

- 17.30–19.00 Video/talk presentation by Aimar Ventsel: "Popular culture of Sakha"  
Film presentation by Alona Yefimenko: "Koinatatyk" (in Russian with English information)
- 19.00 Dinner/drinks will be served at the conclusion of the presentations

**Monday, July 1<sup>st</sup>**

- 8.30-9.30 *Registration in front of the seminar room*
- 9.30 Official Opening  
**Deema Kaneff & Erich Kasten**  
Max Planck Institute for Social Anthropology

**GENERAL OPENING SESSION: A WORLD OF CULTURES: CULTURE AS PROPERTY IN ANTHROPOLOGICAL PERSPECTIVE**

*Chair: Chris Hann*

- 9.40-11.10 **Thomas Hylland Eriksen**  
Department of Social Anthropology, University of Oslo  
"Culture as investment capital"
- Erich Kasten**  
Max Planck Institute for Social Anthropology  
Cultural heritage: property of individuals, collectivities or humankind?
- 11.10–11.40 *Coffee break*

## LEGAL AND HISTORICAL APPROACHES TO CULTURAL PROPERTY

*Chair: Franz von Benda-Beckmann*

11.40–13.00    **Hannes Siegrist**

Institut für Kulturwissenschaften, Universität Leipzig

Historical perspectives on cultural property

**Silke von Lewinski**

Max Planck Institute for Foreign and International Patent, Copyright and  
Competition Law

Folklore: the perspective of law

13.00–14.00    *Lunch*

## PERFORMANCE AS PROPERTY AND THE VALUE OF RITUAL

*Chair: Frances Pine*

14.00–15.30    **Thomas Miller**

Department of Anthropology, Columbia University New York

Object lessons: collecting wooden spirits and wax voices as  
cultural property

**Alexander King**

Max Planck Institute for Social Anthropology

How to dance like a real Koryak

15.30–16.00    *Coffee break*

## SACRED LANDS

*Chair: Alexander King*

16.30–18.00    **Alona Yefimenko**

Arctic Council for Indigenous Peoples, Copenhagen

Indigenous people and sacred sites

**Mare Koiva**

Folklore, Tartu

The Land Myth of Estonia: what has become of it?

19.30      *Dinner at Restaurant "zum Schad"*

**Tuesday, July 2<sup>nd</sup>**

**COMMODIFICATION OF CULTURE AND ETHNICITY**

*Chair: Patrick Heady*

- 9.30–11.00      **Paola Filippucci**  
Department of Social Anthropology, University of Cambridge  
  
"The only place in France without a cheese": marginality and the  
problem of heritage in rural North-East France  
  
**Barbara Bodenhorn**  
Pembroke College, University of Cambridge  
  
Is being 'really' Inupiaq a form of cultural property?

11.00–11.30      *Coffee break*

**CULTURAL PROPERTY AND CHANGING POST-SOVIET IDENTITIES**

*Chair: Lale Yalçın-Heckmann*

- 11.30–13.00      **Catherine Alexander**  
Department of Social Anthropology, University of Cambridge  
  
The cultures and properties of empty buildings  
  
**Deema Kaneff**  
Max Planck Institute for Social Anthropology  
  
Culture for sale: local-state relations and the production of cultural  
objects in rural Ukraine  
  
13.00–14.00      *Lunch*

**MUSEUM COLLECTIONS AND REPATRIATION**

*Chair: Melanie Wiber*

- 14.00–16.15      **Mary Bouquet**  
University College, Utrecht University  
  
(Ethnographic) Museum collections as a form of cultural property

**Julia Kupina**

Peter the Great Museum of Anthropology and Ethnography, St.  
Petersburg

Heritage and/or property: the Siberian ethnographic collections in  
Russian museums

**Sonja Lührmann**

Johann Wolfgang Goethe University, Frankfurt

Beyond repatriation: collaborations between museums and Alaska  
native communities

16.15–16.45    *Coffee break*

**CONCLUDING SESSION**

*Chair: Erich Kasten & Deema Kaneff*

16.45–18.00    Discussants:

**Steve Reyna**

Max Planck Institute for Social Anthropology

**Thomas Widlok**

Max Planck Institute for Social Anthropology

18.30            *Dinner at Institute*

## **Abstracts**

### **The Cultures and Properties of Empty Buildings**

***Catherine Alexander***

Aishi Bibi is a small mausoleum in the south east of Kazakhstan. The date is uncertain, although usually accepted to be 11<sup>th</sup> century. Only one original wall remains; the others have been rebuilt over the last seventy years in a simplified version of the original highly decorated and varied bricks. Aishi Bibi is currently the focus of attention from a range of institutions and people since it is located near the city of Taraz, which is to celebrate its 2000<sup>th</sup> jubilee in September 2002. As part of these festivities, there are plans to rebuild the crumbling, original west façade and to top the building off with a dome. This act, if still only being discussed, is seen by archaeologists as a potential act of vandalism in line with the President's announcement last year in Turkestan's famous unfinished *medrese* that, 'what Timurlane had failed to complete he, Nazarbaev, would go down in history as having completed.'

This paper considers the multiplicity of interests in this building from 'the state' seeking to legitimate its claims to the territory of Kazakhstan through archaeological remains, through UNESCO and archaeologists to local villagers, the guardian mullah and visiting pilgrims. On the whole, the building has always been able to accommodate a number of different stories. Now, however, with reconstruction plans afoot, attention has become more sharply focussed upon what the building represents for whom, and who has the right to care for it. The rebuilding project has also made explicit contested views of what and where the essence of the building actually is: the dust itself, the context of the landscape in which it is set, the idea of the original whole and so on.

### **Is being 'really' Inupiaq a form of cultural property?**

***Barbara Bodenhorn***

In the sense that property is the social organization of resources that have been defined in terms of 'value', all property is cultural. How, then, might 'cultural property' form a particular class of property relations? Is it possible to distinguish between 'cultural' and 'social' property as Bourdieu distinguishes between cultural and social capital? Does the category itself invite us to develop new ways of understanding and analyzing what we mean by 'property' in general? Although 'cultural property' has become a common focus of analysis, I'm not sure of the answers to these questions. However, I propose to explore them through the analysis of a series of unexpected conversations I found myself in during my 1997 fieldwork in Barrow, Alaska – conversations that centred on whether or not particular people were 'really' Inupiaq. Having the right to claim Inupiaq – or Native American –

status has been a form of property since the early 19<sup>th</sup> century when the Supreme Court recognized that indigenous peoples in the United States represented 'semi-dependent nations' and therefore had different standing viz a viz the nation state

from any other members of the polity. The Federal Government defined membership through 'blood quantum'. In the late 20<sup>th</sup> century, however, Inupiaq communities seemed to conform to Ingold's model of h/g permeability in terms of inclusion. Indeed, archival sources suggest that Euro-americans were often thought 'easy to turn into Inupiat' (unlike Athapaskans who were much more fixed in their ways). The conversations in question are striking, not only because they seemed new in the context of Barrow's social relations, but also because the 'reality' of the Inupiaq-ness at stake does not have political implications. The underlying anxiety about cultural identity is about something else. What that might be forms a key question of the paper.

### **(Ethnographic) Museum collections as a form of cultural property**

***Mary Bouquet***

Competitive acquisition and display of ethnographic objects was an integral part of the formation of nineteenth century European nation states. Many famous national museums acquired their collections either directly from their respective colonies (*via* military or scientific expeditions), or through private donors with professional or personal connections overseas, or by way of exchange with other institutions. There are myriad variations across the spectrum from punitive raids (Congo and Benin), through major scientific expeditions (1898 Torres Strait), to personal gifts (a British judge's Norwegian wife donated tons of Indian objects to the Oslo museum), in the modes of acquiring and building collections. Transposed into their new contexts, these objects were subjected to the classificatory, conservation and exhibitionary practices that transform them into museum 'cultures', either in storage or in the public narratives communicating official meanings.

The criteria for exhibiting cultures altered during the twentieth century - towards object-sparse/ information-dense, design-conscious displays. The issue of having national museums with representative collections emerged among newly independent 20<sup>th</sup> century states. This development is obviously part of the world system of museums as well as the art market to which it is related.

### **"Culture as investment capital"**

***Thomas Hylland Eriksen***

It is commonly agreed that reified versions of culture are important political resources in a contemporary world of identity politics, political cosmopolitanism and tensions between the local, the national and the transnational. This paper explores one aspect of the functioning of culture as a resource, namely as a form of investment capital. It is argued that culture can actually be invested in a way analogous to financial capital. When invested, the investor naturally expects it to pay interest. The analogy seems particularly fruitful in the context of culturally sensitive development programmes, where local entrepreneurs and political leaders invest "their own culture" in locally adapted notions of development supported by foreign

donors and development workers. All expect culture, as invested locally, to be profitable at several levels.

However, the reified (politicised, commodified) version of culture tends to stand to culture like the menu stands to the food, and can actually be an impediment to locally based development. The argument will engage with examples and the recent literature on cultural property and intellectual rights.

### **'The only place in France without a cheese': marginality and the problem of heritage in rural North-East France**

*Paola Filippucci*

In this paper I reflect critically on the notion of 'heritage' and on the link between heritage and identity commonly made both in policy and in social practice (for instance in the idea that heritage displays identity and sense of place, and that both can be fostered through heritage valorisation). I argue that heritage as commonly defined, a past that has become symbolic and material (because marketable through tourism) value in and for the present, implies and contributes to realise a certain definition of identity, as bounded, continuous and linear in time and space. The implicit model is that of the possessive individual, who 'is' because 'he' saves, accumulates, owns: so too the logic of heritage is that the past is 'what is ours', that materialises and displays 'who we are'. In this paper I consider the case of a place that, according to this conventional model, has no heritage and therefore no identity. I use this case to argue that the notion of heritage should be redefined to accommodate the possibility of identities founded on a link between past, present and future that is not linear and progressive but rather chaotic and full of uncertainties. The case I consider is that of a rural area of North-East France, the Argonne, where heritage conservation and valorisation are now greeted cautiously by the population ('here there is nothing to see'), and where the marketing of locality as 'produits du terroir', typical of the French countryside, is underdeveloped. Through ethnography of how local inhabitants perceive and relate to past remains, I show that this lack of interest in creating a marketable 'heritage' does not express a lack of 'identity' or 'sense of place'. Rather, it reflects the complex nature of place and past in an area whose history includes long-term economic decline, depopulation and devastation by two World Wars, especially World War I. This history is difficult to order into a linear and progressive narrative, and its material remains tend to be interpreted by locals as evidence of waste and loss ('what we have lost', 'who we no longer are' rather than 'what we have' and 'who we are'). I show that such remains are used locally to bring the past into the present and to create times and spaces for identity. However, this is not clearly appreciated by outsiders (tourists, policy-makers) because both the identity and the time-space so constituted do not conform to the dominant temporal and spatial order of the nation-state. In this order, the Argonne features primarily as one of the battlefields and the resting place of the heroic fallen of World War I. It is thus located in and by a narrative of national heroism and military suffering, that tends to silence alternative narratives of local-level civilian suffering and post-war resettlement and reconstruction. The Argonne's main association in the national imagination with death and destruction in turn prevents it from becoming, like other parts of the French countryside, a space of nostalgia and desire, appropriated by non-locals through a commodified heritage. I conclude that the absence of such commodified heritage does not signal a lack of sense of identity and place, but it does suggest that the definition of heritage contained in policy and in popular understanding is incapable of encompassing

the diverse ways in which the past may be held and made valuable in and for the present, and used to compose viable, if unsteady, identities.

### **Culture for Sale:**

#### **Local-State Relations and the Production of Cultural Objects in Rural Ukraine**

*Deema Kaneff*

This paper is based on fieldwork carried out in a Ukraine village, Odessa province. Although part of Ukraine since the end of World War II, the village is ethnically Bulgarian (migration to the region occurred in the late 1790s). In the last decade of postsocialism, there has been a 'traffic' of cultural objects, with locals actively involved in the sale and production of their 'cultural property'. There are three ways in which this is occurring: firstly, villagers are selling their own household artefacts to visiting Bulgarians as 'authentically Bulgarian', secondly, villagers have donated a variety of 'Bulgarian' objects in order to be exhibited in the new government-sponsored cultural centre that has been established in the capital of the multi-ethnic district, and thirdly, a number of village women are involved in a recently founded sewing centre (2001) where embroidered items are produced following standard 'national' Ukraine styles for the tourist market in Odessa. (The latter enterprise is a project sponsored by the British Department for International Development.)

Through the production and sale of such cultural objects, I suggest that villagers are carving out a new position for themselves vis-à-vis the emerging new independent Ukraine state. 'Cultural property' may be viewed as an objectification of social relations that bind villagers in a particular way with wider state (and/or state-approved) institutions. This raises several questions which are explored in the paper. How is this local-state relation being renegotiated in the postsocialist context through the production of cultural objects? Who is involved in the negotiation of this relation? And finally: why is it through the production of 'culture' in particular, that this relation is being redefined?

#### **Cultural Heritage: Property of Individuals, Collectivities or Humankind?**

*Erich Kasten*

Knowledge which gives meaning to practices, objects and land is often specific to, or associated with certain groups. Transmitted through generations it is regarded as cultural heritage over which members can assert privileged claims. These – perceived – inalienable possessions might be ritual practices or specific economic activities. They can be objects with particular relevance for creating or maintaining identities of ethnic groups; or they can be certain lands, interpreted in terms of a particular worldview as sacred sites.

Such knowledge is often displayed and transferred as cultural property through symbols as a means of communicating social networks and for securing a ceremonial dialogue with the supernatural. Depending on context, cultural property can receive additional and more complex meanings. A cultural tradition is today often promoted or even invented as a way of legitimatising native claims to territories or other resources. Or a cultural tradition can be turned into an economic resource or commodity itself, while lobbying for one's privileged or restricted use of it. At the



same time, multiple identities which incorporate foreign traditions and their symbols are a common feature of many native groups and a key to innovation and cultural dynamics.

This paper seeks to explore the extent to which a particular cultural tradition, or parts of it, can be interpreted as the exclusive property of certain individuals or collectivities, or when it becomes or may be seen as the cultural heritage of humankind. The question is whether flexible concepts of ownership may better reflect the often multiple origins of a cultural tradition and shared responsibilities in maintaining it.

### **How to Dance like a Real Koryak**

*Alexander King*

Ethnic dances are one of the most pervasive cultural properties in Kamchatka. The value of dance in general, as well as a commodity, hinges on issues of identity and authenticity. This paper will present local models of cultural authenticity and value of dance as cultural property through a discussion of one semi-professional dance ensemble. This ensemble is considered by most local people as one which consistently stages authentic dances, whether Koryak, Chukchi, Even, or Itelmen. This authenticity is often discursively connected to the director's learning from the elders. Although the director is himself native, neither his blood nor his upbringing are cited as sources of his authenticity. Rather, his anthropological-like fieldwork is directly connected to his ability to stage authentic dances. Comparisons to the fully professional dance ensemble and to one example of an amateur ensemble from a small village serve to reinforce my model of Kamchatkan authenticity as being surprising similar to anthropological notions.

### **Heritage and/or Property: the Siberian Ethnographic Collections in Russian Museums**

*Julia A. Kupina*

The material from the practical work of the central ethnological museums and the field material of the author from the recent expedition to the Yamal region will let to compare the role of different kinds of modern Russian museums in the development of the cultural property of the Siberian Aborigines- local and nation-state ethnographic museums.

The Siberian ethnographic collections in the metropolitan, big-city museums have received public recognition of their importance and these material achieved the status of “heritage” or “national (state) property”. The ethnographic museums in St. Petersburg, far removed from the Siberia became the largest repositories in the world of the aboriginal Siberian cultures. During the last years there has been a serious concern how do central ethnographic museums represent (or misrepresent) others, in particular Northern and Siberian cultures, on their exhibitions. Most of big-cities museums today are the shows of dead cultures, which fix the image of the historical past. Today they primarily capture the material heritage, but they don't function as a part of the cultural property of the aboriginal peoples. To understand the situation in

these field we have to exam the purposes to which those museums serve in the Russian society and how do they use their collections to achieve these purposes.

In contrast to them the local Yamal museums thanks to their close relationship with the local population continue to function as a part of the cultural property of the local communities to whom belong the creators of the collection items. Those museums during the last years began to play an important role in the hot discussions about national identities and cultural diversity in the region.

The relations between museums and communities is the major dimension with which help us to evaluate museum ability to be the perfect (or imperfect) instrument in preservation and interpretation of ethnological collections, which may function in the modern society as cultural heritage and/or cultural property. This is the major issue which influence the modern debates in Russia on the repatriation of cultural property stored in museums as ethnographic collections.

### **Folklore: The Perspective of Law**

*Silke von Lewinski*

This contribution will look at cultural expressions/folklore by Indigenous Peoples essentially from an intellectual property point of view. The following basic situation has led to the current discussion on the possible legal protection of folklore by intellectual property or similar rights: cultural expressions/folklore are productions in the literary and artistic fields in the broadest sense and are usually the result of tens or hundreds of years of development of music, dances, stories, designs and so on. They have been passed on from generation to generation, often accompanied by continued, small changes. Folklore and works derived from folklore have been and are increasingly exploited everywhere in the world, in particular in the area of music and design, in particular by foreigners who usually do not (and so far in most cases do not need to) acquire any license from, or make any payments to, Indigenous Peoples for such exploitation. This situation has provoked claims of different kinds by Indigenous Peoples, with a view to achieving some protection, for example in form of benefit sharing, recognition of the source or the right to prohibit certain uses. This contribution will show the difficulties of applying the western concept of copyright to folklore which is a „product“ of indigenous communities, as well as issues arising from the concept of public domain. It presents current considerations with a view to achieving a working protection system which takes account of the needs of Indigenous Peoples and industries.

### **Beyond Repatriation – Collaborations between Museums and Alaska Native Communities**

*Sonja Lührmann*

As other inhabitants of northern regions, contemporary Alaska Natives have little access to objects made by their ancestors, since many of them are stored in far-away museums in the temperate zones of North America and Europe. In recent years, imaginative attempts have been made to bring the knowledge represented by these objects back into Native communities through collaborative projects involving Native elders and museum anthropologists. This paper discusses two examples: the

temporary return to Alaska of the Smithsonian Institution's Fisher Collection in the traveling exhibit "Looking Both Ways – Heritage and Identity of the Alutiiq People",

curated by Aron Crowell and Amy Steffian under extensive consultation with groups of Alutiiq elders, and a book project by Ann Fienup-Riordan, recording Yup'ik elders' analyses of the Jacobsen Collection at the Berlin Ethnographic Museum. Intended to present alternatives or necessary supplements to the physical return of objects into Native custody, these projects raise general questions about the meaning of "repatriation" and "cultural property", and about the possibilities of relationships between museums and indigenous communities in other parts of the world.

### **"Object Lessons: Collecting Wooden Spirits and Wax Voices as Cultural Property"**

*Thomas R. Miller*

This paper will examine the negotiation of material objects and performances as forms of cultural property through examples from the ethnological collecting activities of Franz Boas and Waldemar Jochelson around the turn of the 20th century. Jochelson's removal of a sacred wooden figure, connected in folklore and ritual to the Yukaghir people and their land, forms the basis for a series of retellings of this abduction scene and its social consequences from different points of view. The interpretations of this story by children, elders and anthropologists blur the lines between image, artifact, and the performative power of the sacred, illuminating the power of symbolic ritual objects and the importance of place in maintaining a cohesive sense of identity and cultural survival.

In contrast, traditional Kwakwaka'wakw (or Kwakiutl) and Nlaka'pamux (or Thompson Indian) songs recorded by Jochelson's colleagues Franz Boas, George Hunt, and James Teit remained in the possession of their owners even as they were pressed onto wax-cylinder records and distributed to a wider audience. The introduction of new technologies for collecting performances as objects posed a challenge to the proprietary status of ritual songs which customarily belong to individuals and their heirs. Native artists have responded by elaborating the restrictive codes, permission protocols, and performance practices surrounding their music as cultural property and the circumstances under which its reproduction is approved.

These two case studies from the North Pacific circa 1900, and contemporary interpretations of their meanings, illuminate the distinctions and commonalities between artifacts and performances as cultural objects, as well as the conundrum posed for indigenous cultural continuity when outsiders attempt to preserve local heritage with acquisitive methods, technological means, and foreign values. The performativity of the material object in the Yukaghir case, the material objectification of performance in the NWC case, and the ambiguous legacy of anthropological intervention have unexpected consequences for cultural property rights, heritage issues, and identity concerns as reinterpreted by succeeding generations.

## **Historical perspectives on cultural property**

***Hannes Siegrist***

„Intellectual property“ is an idea, a concept or a legal institution that is based on the assumption, that signs, symbols, shapes, images, meanings and knowledge can be assigned to individuals and collective actors as a „property“. Intellectual property means a concept of domination and ownership, social and cultural differentiation and integration, inclusion and exclusion. In an abstract and ahistorical way, „intellectual property“ is regarded as a bundle of rights, which represent social relations and steer the creation, transformation, use, reproduction, distribution, reception and use of symbolic objects and knowledge. The history of intellectual or cultural property asks, (1) how and why certain symbols and forms of knowledge are regarded as exclusive; (2) why they are assigned to specific actors, roles, groups, cultural artifacts and the private or public domain; (3) which are the modes, conceptions and legal forms, the motives, aims and social effects of such assignments/classifications; (4) which are the regimes of intellectual property in different times and societies?

My paper deals with the history of the symbolic and social construction of intellectual (or, in a more general sense „cultural“) property from the 18<sup>th</sup> to the 20<sup>th</sup> century. Before the 18<sup>th</sup> century, symbols and knowledge were rarely regarded as „property“ in the modern sense. Symbols and knowledge were classified as sacral or profane, traditional or new, high and low. They were constitutive attributes of power, authority, religion, status, professions, social estates and professional corporations.

After the abolition of the old social and cultural order, the conceptions of private, economic and moral „property“ on the one hand, and the notion of culture as a „public domain“ on the other, shaped new social roles, interest groups, symbolic and social classifications, hierarchies, laws and property regimes in the field of cultural property. Increasingly, the relation between actors on the one hand, symbols and knowledge on the other, were conceived in terms of „property“, which were embedded in discourses on personal and private autonomy on the one hand, progress, state, nation and general welfare on the other. The private owner was conceived as a social role and status (author, creator, inventor) which was complemented by legal roles such as the proprietor of the income flows, the holder of the copyright and of moral rights over his products. The public domain was conceived in terms such as the „public“, „general interest“, „national culture“, cultural heritage and so on. The history of modern intellectual and cultural property is shaped by the dynamic character of „culture“ (between tradition and innovation) and by the tensions and conflicts between private and public interests. The actual debates about access to, control and use of symbols and knowledge in the age of globalization, microbiology, internet and „information society“ show, that the patterns and codes of property, which stem from the 19<sup>th</sup> and 20<sup>th</sup> century have again become dubious

## **Popular culture of Sakha**

***Aimar Ventsel***

In this video presentation, popular music videos and my own popular culture related film material will be shown. The commercial music culture of the Sakha is unique, because it is the only existing successful modern commercial culture of Siberian indigenous people. Russian and foreign popular music is present everywhere in the whole of Siberia but only the Sakha people have created modern dance music in their own language. This music is not only entertainment. Through singing village youngsters can gain prestige and become famous not only in their own district but in whole republic. The marketing of this music has either, depending on producers, a strong ethnic character or, is an attempt to break existing ethnic boundaries to sell music both to Sakha and to Russian audiences. The commercial music is a factor, that gives the Sakha speaking northern minorities (Dolgan, Evenki, Eveni), and especially the youths, a reason to identify themselves as Sakha. The urban culture and its influence of/for the indigenous people in Siberia has not yet been researched and this video presentation gives only short overview of one aspect of the current life-style of Siberian natives: the popular music culture.

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