

Accounts from the Frontier | Cultural Institutions, Commons Politics and the New Resistance

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Convening Cultural Commons

NYU School of Law, 23-24 September 2011.

(This really is a draft)

Abstract

Cultural institutions like libraries, archives and museums are unlikely sites for battle. Yet over the last five years there has been a steady increase in conflicts over access and control of the enormous collections that relate to and/or document Indigenous peoples. This paper uses case studies from institutions in the US and Australia to explore the changing politics of knowledge sharing that is challenging cultural commons agendas and rationales within these sites. These institutions, as privileged central repositories for the accumulation and circulation of diverse cultural materials, are at the frontline of having to address interests that have historically not been taken into account. This involves confronting the historical circumstances leading to the making of these collections, and mediating the contemporary legacies as Indigenous peoples fight to gain access, to control and to create new conditions for the future circulation of these materials.

My Grandmother, and many of the other women who passed away before the release of these files, would have no idea of the extent to which their lives were tracked, recorded and monitored . . . to actually see the volume of paper, the lines of type and to hear the powerful voices of ignorance within them is something that has to be experienced . . . The thing that [my sister] Jess couldn't get over, as we sat around the kitchen table as a family and poured over the file when it first arrived in the mail, was the fact that my grandmother wasn't even allowed to buy her own underwear. Stephen Kinnane *Shadow Lines*, 128.

Introduction

This paper explores the contemporary challenges that are facing cultural institutions (such as libraries, archives and museums) regarding access to specific Indigenous collections. Contrary to rationales embedded within these institutions about providing greater access to collections because of their status as research materials, the owners, custodians and subjects of these collections are increasingly demanding a radical rethinking of the terms and conditions of access to these resources.

The pressure on institutions to deal with the difficulties that these collections present are increasing. Institutions are at the front-line of renegotiating the conditions for access that now must include participants who are not owners or authors, and thus might have some legally recognized legitimacy to determine the terms of access and use. Rather, institutions must engage with the subjects of the materials, those who had and continue to have very limited rights to negotiate what happens to this material and how it even got demarcated as open access research materials to start with. Thus institutions find themselves at the frontier facing significant problems with their collections that involves colonial and post-colonial conflict, politics, power, economics and histories of human relationships. Such difficult terrain has the potential to undermine the central governing rationales of these institutions and the key role they hold as sites in the accumulation and circulation of knowledge resources. As the quote from Stephen Kinnane infers, Aboriginal persons were and are arguably the most studied and, in a Foucauldian sense, governed, of all citizens. With 'discovery' and the invasions, their culture, communities, families and personal histories have been recorded, archived and circulated on a grand scale by innumerable academic experts and other officials. Indigenous peoples have had little, if any, control over their processing as the original objects of academic inquiry and governance. An inclusive concept of cultural commons must come to terms with historical conditions that made this material into a specific kind of knowledge resource for a privileged group of citizens, in the first place.

The paper focuses on Indigenous collections for three reasons. Firstly, the size of these collections is so significant that nearly 80% of all cultural institutions throughout the world have some kind of collection that relates to an Indigenous community.¹ This is not some marginal issue facing out of the way institutions. The fascination and consequent study of Indigenous peoples has an extensive history, which as technology improved also produced the possibility for the excessive accumulation of manuscripts, films, sound-recordings and photographs that document Indigenous people and their lifestyles. For example, from her two-year period of fieldwork between 1936-8, Margaret Mead returned with over 35,000 photographs and over 33,000 feet of motion picture film of local communities in Bali, Indonesia. This is just what one researcher, over a two-year period in one location produced.

¹ This figure comes from the interviews and region-based studies of cultural heritage material and cultural institutions conducted by WIPO consultants between 2008-2010. See WIPO cultural heritage website for these reports.

Gustav Heye, not an academic but certainly a collector of Indigenous artifacts and objects, employed over 10 anthropologists between 1890s and 1940s to collect material relating to Indigenous peoples throughout the Americas. Some of this material was collected freely. Most of it was not. His collection of over one million objects and documents forms the corpus of the Smithsonian's Museum of the American Indian. Both of these examples should give a good indication of how much material we are actually talking about.²³

Secondly, as the cultural and economic value of Indigenous knowledge has increased exponentially in the last ten years, demand to access the extensive collections of Indigenous knowledge materials has also increased. Access is not just about furthering enlightenment goals of study and research. There are significant economic motivations. The search for valuable gems of information about medicinal properties in plants or other ethnobotanical information that could lead to some new discovery is a regular activity in the specifically designated Indigenous collections at the Royal Botanical Gardens in Kew for example. Most researchers who come to access these kinds of Indigenous collections are non-Indigenous – the potential benefits of having access to such valuable material continuing to perpetuate the historical legacy of exclusion that remains unacknowledged and unaddressed. Indigenous collections are highly valuable for all sorts of reasons and to all sorts of people – and understanding the potential value of these collections also helps understand the conflict for Indigenous people as they watch, again, the way their cultural resources are used to economically benefit others.

The third reason for focusing on Indigenous collections is to bring in a critical conversation about the way in which certain peoples have been actively excluded from participating in debates about what constitutes a public good in the access and circulation of certain knowledge resources. There is a profound need to address the cultural particularity of the concept of a knowledge commons and the history that leads to the exclusions to which Indigenous people are responding. If we can take account of these, we get closer to understanding the resistance to the further circulation of Indigenous materials and the idea that this material is and was always meant for everyone. We may even begin to understand why it is that cultural institutions have become the key site for this new Indigenous resistance. If we are willing to suspend some of our assumptions and recognize the cultural particularity of some of our core concepts, we may even find the means to negotiate ways out of this contemporary dilemma and produce nuance within the cultural commons concept.

This paper is not written against the ideals and ambitions of providing access to knowledge resources. However, in the many contexts that I have worked over the years, I do feel a responsibility to account for the dissonance experienced by Indigenous people in relation to these. While also working on solutions for some of the problems facing cultural institutions that incorporate Indigenous practices of knowledge access and use, I also believe that it is important to bring these issues into a larger discourse, even if the conversation is somewhat uncomfortable. The failure to think more carefully about the nature and subjectivity of this new humanitarian cause will only result in perpetuating the injustices of the past, and reinvigorating them. I believe that most of us would agree that this is unacceptable.

² All this material is now housed in the National Museum of Natural History in New York.

I – The Archival Promise

The ‘new’ Indigenous public?

Patrick Joyce has traced the emergence of the ‘public’ in relation to libraries in Britain. He locates the Reading Room in the British Museum in 1753 and the Public Record Office in 1838 some eighty years later as offering a fuller rendering of the ‘public’. Joyce argues that the (British) Library Act of 1850 instituted the first democratic archive. The very idea of the free library was central to the new vocabulary of the social that was engineered through the library – especially the meanings of ‘public’.⁴ However, whilst both the British Museum and the Public Record Office were theoretically ‘public’, access to both was limited – and this was not only in what was accessible, but the extent that freedom of the public was also limited or contained by the very structure and architecture of the buildings themselves.

The generation of the ‘public’ space is a relatively recent phenomena, and it is worth reflecting how it is also intrinsically tied to the development of liberalism, and the autonomous liberal subject.⁵ This notion of the archive as a public space and the freedom of the individual to access that space is important. In particular, it raises necessary reflections about the range of political powers that are engaged when, for instance, the public space of the archive is disrupted by explicit, as opposed to more subtle forms, of restriction. For the prior consignment of documents to libraries and archives limits what visitors can find in it, and in cases where the archive is tightly constructed to enhance the reputation of an author or to cast an event in a way that supports a partisan cause, the archive can be said to embody an intentional design. Archives are not always coherent, and they may contain a surplus of materials which can enable contradictory readings.⁶ It is partly because of the potentiality of multiple and various interpretations that cultural institutions have become the site for articulated Indigenous claims for access and for the capacity to determine access conditions upon material that is believed to be theirs.

What is currently occurring for cultural institution is directly related to shifts in the colonial polity – and the people traditionally subjects of, and subjected to, archives, gain a recognized voice and question not only status within the archive, but the authority of the archive as a centre of interpretation. The relationship between the archive and its constituents (the public) raises a range of questions. In thinking about who the public for a library and archive might be, Osborne notes that, “the archive is there to serve memory, to be useful – but its ultimate ends are necessarily indeterminate. Material is deposited for many purposes, but one of its potentialities is that it waits a constituency or public whose limits are of a necessity unknown.”⁷ Just as a text exists because there is a reader to give it meaning – so a library or archive exists because there is a user to give it meaning. The creation of a centralized site for

⁴ P. Joyce, “The Politics of the Liberal Archive” (1999) 12(2) *History of the Human Sciences* 35 at 39.

⁵ David Rollison provides a much needed historical account of the idea of a ‘common’ or what was characterized as the ‘common weal’ in *A Commonwealth of the People: Popular Politics and England’s Long Social Revolution, 1066-1649* Cambridge University Press 2010.

⁶ M. Lynch, “Archives in formation: privileged spaces, popular archives and paper trails” (1999) 12(2) *History of the Human Sciences* 65 at 79.

⁷ *Ibid* at 55

the accumulation of knowledge resources is also now a promise to maintain future access to these resources for unknown publics, unknown users.

In the changing social and historical contexts of colonial states, it seems worthwhile asking what happens to the meaning produced by the archive when the users of the archive shift focus – and what happens when new user groups are constituted, users who have not only been historically excluded from the ‘public’ space but whose lives and histories informed and consequently formed a corpus of material contained within the walls of libraries and archives?

In the organization where I worked for seven years - the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), it is possible to locate the moment when Indigenous people started becoming the primary users of the archive, constituting a new Indigenous public. In 2005, approximately 80% of the clientele of the library and archive were Indigenous people – in the early 1990s this figure was 1%.⁸ In a period of roughly fourteen years this is a dramatic increase in who the users of the cultural institution are – and whose needs the collections of material are serving. This desire and capacity to access cultural materials was related to significant changes within Australia at this time and in particular spoke to the era of land rights and native title, recognition of the issue of stolen generations and attempts to reconnect with lost family members and the rise of interest in reviving Indigenous languages. The desires for increased access were historical, cultural and political.

Certainly Indigenous cultural material is not all of one kind, and the Indigenous reasons for accessing this material vary. Many, if not all reasons for access are also a product of complex histories and changing politics, which become embedded within requests to change access policies. The three examples that follow are illustrative of the types of politics that inform these complicated positions of first, new access and then after access has been granted, and the full extent of the material recognized, requests for restricting the access to some more sensitive material. These requests come after an assessment of the extent of the material has been made. This is a paradox that unrestricted access, in keeping with the rationales of the institutions themselves, to those who were previously not provided easy access, leads to the requests for regulation or closure of these previously open collections.

Land rights and, more recently native title, have produced more Indigenous users because, quite simply, the possibility of the legal recognition of Indigenous land title rests upon using historical documents to *prove* continuity or Indigenous connection to particular parts of Australia.⁹ Much of the early anthropological and historical work with Indigenous people documented where people lived, and how and for how long they engaged with particular parts of Australia. With the demands of the native title legislation, Aboriginal people came to AIATSIS to find the historical texts that they could use in court as evidence and thus have legal recognition of their existence and their land title.¹⁰ As the courts have incredibly limited

⁸ Conversation between E. Hudson and B. Lewincamp for *AIATSIS/IPRIA Intellectual Property and Indigenous Knowledge Project: Access, Ownership and Control of Indigenous Cultural Material*. IPRIA Preliminary Report April 2005.

⁹ *Native Title Act 1993*(Cth) and *Native Title (Amendment) 1998* (Cth).

¹⁰ *Members of the Yorta Yorta Community v Victoria* [1998] FCA 1606; *Members of the Yorta Yorta Community v State of Victoria* [2001] FCA 45 and *Members of the Yorta Yorta Community v State of Victoria* [2002] HCA 58. For example: V. Kerriush and C. Perrin, “Awash in Colonialism” (1999) 24(1) *Alternative Law Journal*, 3; S. Young, “The

space for oral testimony, the primary form of testimony that would be provided by Indigenous people, this written and documentary evidence is often crucial and the dependence that Indigenous people have on this material greatly changes their association with it.¹¹ The material, and its possibility for future circulation to unknown audiences, is important. Of course, the extensive published and unpublished documents that AIATSIS holds are also used *against* these Indigenous land claims – depending upon perspective and the nature of the claim, they can also be used to prove the contrary, for instance that certain groups were ‘transient’ and didn’t hold any, or more often, lost their connection (and hence any title) to land. Under such circumstances, where the stakes are so high, one can start to see how access to this material might also render an adverse reading of Indigenous experience of land use. The material itself becomes differently politicized. The material carries its own authority, but it is certainly not objective, even if there is a desire to present it as such. The material can never get itself out of the reality that it was a product of the colonial mindset that sought to fulfill beliefs about the inferiority and inevitable demise of Indigenous peoples.

The stolen generations, is a term for describing the governmental policy existing between 1890 and 1970 of removing Indigenous children from their parents and relocating them in institutions far away from their country, most often with no further contact with their parents and families. This was a policy that has had a profound impact upon the lives of Indigenous people and still affects contemporary Indigenous subjectivity. In the 1990s many Indigenous people started coming to AIATSIS to try and locate records of their family, and any traces of family histories. The displacement of Aboriginal people has had profound effects, and people use the library and the archive to reconstruct histories of which they may know very little, and to reconfigure meaning about associations and identity. This is always a sensitive process and there are legitimate reasons for the desire to keep access to this material regulated. For libraries and archives also have effects upon the personal and with this kind of material in particular, issues of privacy are critically engaged.

Similarly, the reviving of Indigenous languages is also tied to the abovementioned changes in Australia’s negotiation of its past. Indigenous people access language materials – wordlists, dictionaries, sound recordings and films – in order to learn or relearn specific languages that relate to their family, their clan, or their country. For instance, it is estimated that prior to colonization there were approximately 250 distinct Aboriginal languages spoken in Australia. That figure is now estimated at approximately 30. Language materials might not seem the most obvious place for a politics of closure – but in this institution it was one of the key areas where the complete closure or extreme regulation of language materials was requested. I struggled deeply with this, as it seemed counter-intuitive to close the collections – as it would seem that for language to survive it needs to be accessed and spoken. But as I worked more closely with the Indigenous communities who were sensitive about their language

Trouble with ‘Tradition’: Native Title and the *Yorta Yorta* Decision” (2001) 30(1) *The University of Western Australia Law Review* 28; J. Weiner, “Diaspora, Materialism, Tradition: Anthropological Issues in the Recent High Court Appeal of the *Yorta Yorta*” (2002) 2(18) *Land, Rights, Laws: Issues of Native Title* 1; L. Strelein, “Members of the *Yorta Yorta* Aboriginal Community v Victoria [2002] HCA 58 – Comment” (2003) 2(21) *Land, Rights, Laws: Issues of Native Title* 1.

¹¹ R. Bartlett, “The obsession with traditional laws and customs creates difficulties establishing native title claims in the South” (2003) 31(1) *The University of Western Australia Law Review* 35.

materials, these desires became clearer. Within one significant collection of language materials from 1920s – over 100,000 slips of paper and notation – the closure of the collection was requested in order to give the Indigenous community to whom this material pertained, who had just, in 2002 been made aware of the existence of this material, time to assess and understand its content. Their rationale was that this collection had been available for 80 years to researchers, linguists and historians, many of whom had made their careers on the ‘discovery’ of this material. None of these researchers had thought to share either this material or their success with the living descendent of the Indigenous community who had originally shared this material. With the effect of policies mentioned above, this community has experienced extreme dislocation and dispossession. Yet they are able to identify themselves as the descendents of those documented. Two old women are the only remaining speakers of this language. Yet they discovered this material by accident – and quickly realized that it was more than just language material, that it held important and in parts, secret, law business within it. The request for closure was not a permanent one – but one that would give the community a time period to make their own assessment of the material, to find space to deal with the trauma that this kind of material can bring up about the extent of the historical loss suffered and to make decisions about what should be shared and what should not be shared.

The changing status of Indigenous users within libraries and archives points to the emergence of a new kind of public, one that includes Indigenous people rather than posits them as subjects which the eurocentric gaze makes meaning about (although this still actively occurs). But the question here is whether this new public generates differing demands to those historically managed by libraries and archives, both through policy and management structures and daily negotiations of access and users need? Once we start getting more specific about the kinds of material and the various reasons for accessing it, it seems that in certain circumstances, it does. It is at this point, with these changes in access for Indigenous people that certain claims for ownership and control of material that resides in these institutions have arisen. This places institutions like AIATSIS in difficult negotiating positions – both in the extent that it wants to accommodate Indigenous peoples needs (especially in recognizing the historical imbalances that left Indigenous people excluded from these spaces to begin with), whilst also maintaining a healthy perspective of what should remain available for unregulated access. These changes have produced anxieties in terms of rationalities of managing future access to material. Such anxieties manifest themselves most clearly in debates over the increasing use of technology and the extent that digitization of material can better facilitate access for all kinds of users, but also for Indigenous people, who are often in locations very far away from the institutions themselves.

II – Colonial Archives and Commons Politics

Libraries and archives provide a pivotal space for negotiating meaning about past histories, reconstructions of cultural memory, and reinterpretation of culture. As many other writers in this field have already suggested, this social function is dependent upon free access to information and knowledge resources. This is for instance why there are specific exceptions within copyright legislation for libraries and archives.

The surprising lack of attention to Indigenous collections perhaps has more to do with their

inherently political nature. This is not only in relation to their establishment and collection – and the colonial power relations that enabled such projects – but also the changing nature of Indigenous political representation. In short, over the last twenty years a shift in access to such collections by Indigenous people has occurred. Thus we are now in a contemporary space that needs to recognize an emerged and emerging Indigenous ‘public’. As the historical subjects of colonial archives start becoming new users, it is inevitable that there will be challenges in terms of representation and access, control and ownership of those same knowledge resources. The resulting impact upon library and archival rationalities of access and control of information raise difficult questions for policy and practice. What happens when Indigenous people ask for material *not* to be freely available? What happens when Indigenous people want to restrict material that is in the public domain? How does this alter and perhaps compromise our understanding of what is common and available for general access? Do we need to rethink the universalisms embedded in our logics and categories?

Before moving to these questions, it is integral to briefly discuss some of the historical dimensions that feed this problematic. I want to do this for two reasons. Firstly, there is a need to historicize this debate. This will make it clear that the issues we are dealing with today have their genesis in colonial projects of recording Indigenous peoples lives, languages, cultures and histories. This is not an *ahistorical* problem to which we are now expected to respond. Secondly, an understanding of this history repositions how concepts of open access or knowledge commons may be interpreted by Indigenous people as being culturally contingent frameworks that do not necessarily benefit emerging postcolonial political projects of cultural interpretation and assertions of sovereignty through controlling the dissemination of material.

The colonial project and the indigenous subject

It is useful to develop an understanding of what kinds of historical spaces archives and libraries constitute, not only what kind of knowledge resources they contain. In this sense it is possible to argue that they can be conceptualized as centers for interpretation. In providing a way of relating to the past, significantly a predominately written past, these places are not innocuous or neutral holders of material but are part of socio-political practices. Although archives continue to be valuable facilities, the practices and struggles associated with composing, assembling and controlling access to documents plays a substantive role in history as well as in the scholarly reconstruction of history.¹²

Libraries and archives are as much products of historical struggle as they are primary sources for writing histories.¹³ Here the interest in the archive is not only what it constitutes as a cultural space, but what meanings have been made and how, in the particular colonial contexts, the documentation itself was produced. The subsequent interpretation and development of meaning from archives and libraries came to hold an immensely influential position in the development of categories of social organization. Cultural institutions have historically and contemporarily provided a wealth of information about Indigenous people. This is most aptly illustrated through the kinds of material that libraries and archives contain

¹² M. Lynch, “Archives in formation: privileged spaces, popular archives and paper trails” (1999) 12(2) *History of the Human Sciences* 65 at 67.

¹³ *Ibid.*

about Indigenous people – for they contain information not only about specific kinds of Indigenous sociality and praxis, but also details of the birth and death rates, conditions of employment, wage negotiations, as well as family records about the removal of children, governmental strategies of assimilation, and even in some rare cases (that were ‘officially’ recorded) documentation of massacres and frontier violence. This kind of material is not always easily digestible and offers an interpretation of how the state and its workers, often anthropologists and bureaucrats, sought to collect and collate information that could help manage the lives and futures of Indigenous people.

In the context of Australia, where the contours of Indigenous resistance and reconciliation are very different to those here in the US, there is space to hear the concerns that have been raised about making these kinds of representations of Aboriginal experience publicly accessible. One side the argument runs along the lines that making the material even more accessible (through online access to this material from the national library for example) is in the interests of the public good: that we should know how Aboriginal people were treated. The counter argument is that this material is still offensive to the families involved who do not want pictures of their dehumanized nameless family members ‘paraded’ again for other peoples benefit. While there is potentially a middle road to be found between these positions, and some institutions are working closely to accommodate Indigenous needs, the political nature of these debates leads to polarizing positions. But they are an inevitable consequent of the limited time that Indigenous people have been able to participate meaningfully in decisions about what kinds of historical documents should be accessed and why.

Nicholas Dirks, Partha Chatterjee and Ann Stoler, have argued that overall the colonial project was about knowledge and that the colonial knowledge produced for and through archives and libraries was more powerful than the colonial state ever was. The colonial documentation project encoded a certain anxiety that rule was always dependent upon knowledge, even as it performed that rule through the gathering and application of knowledge.¹⁴

In most states but particularly in colonial states, archives and libraries made renderings of other places, people and cultures and functioned as repositories of coded beliefs that clustered (and bore witness to) connections between law, power and cultural ordering.¹⁵ This leaves the question to what extent can we understand these spaces as epistemological experiments and to colonial archives as cross-sections of contested knowledge? For example, what constitutes the archive, what form it takes, and what systems of classification signal at specific times, are the very substance of colonial politics.¹⁶ “Colonial archives were both sites of the imaginary and institutions that fashioned histories as they concealed, revealed and reproduced the power of the state.”¹⁷ As Jacques Derrida’s discussion of the etymology of the word ‘archive’ has illustrated, power and control have been fundamental to the term and

¹⁴ N. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* Princeton University Press: Princeton, 2001 at 123; A. Stoler, “Colonial Archives and the Arts of Governance” (2002) 2 (1-2) *Archival Science* 87; P. Chatterjee, *A Princely Imposter: The Kumar of Bhawal and the Secret History of Indian Nationalism* Princeton University Press: New Jersey, USA, 2002.

¹⁵ A. Stoler, “Colonial Archives and the Arts of Governance” (2002) 2 (1-2) *Archival Science* 87 at 96.

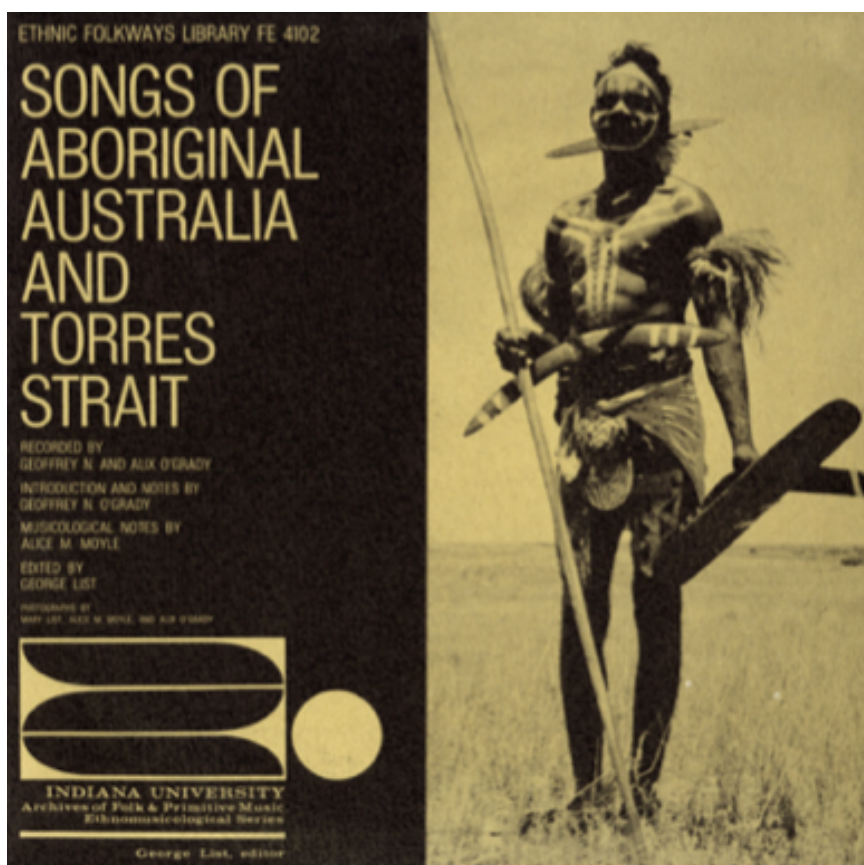
¹⁶ *Ibid.*, at 92.

¹⁷ *Ibid.*, at 97.

its effects within liberal colonial contexts.¹⁸

Different national contexts must also make us recognize that these historical struggles are not all of one kind, and that they are not the expression of a single ‘archic’ or ‘patriarchic function’.¹⁹ Instead they are local materializations of history, or rather, historical materializations of the records from which histories are (re)constructed. If, as Stoler and Dirks suggest, that archives hold a powerful position as political technologies in how we make meaning of the past, of social organization and representations of relations between ourselves, then the political shifts that re-imagine relationships with the archive are certainly relevant to this discussion. As we negotiate new forms of ‘public’, we need to be mindful of the way in which the public is not all of one kind and the very late inclusion of Indigenous people into the ‘public’ produces some new and perhaps unintended effects.

The Smithsonian Folkways Aboriginal Song Collection



In 2005, the Smithsonian decided to make its extensive music archive available online. The Smithsonian’s archive of music, which includes all the Folkways recordings, is the largest in the world, and the most diverse. There are thousands of songs from hundreds of locations that are available. But the music is not just ‘music’ for everyone, it can be ceremonial

¹⁸ J. Derrida, *Archive Fever: A Freudian Impression* Chicago University Press: Chicago, 1996.

¹⁹ Ibid.

material, much of which comes replete with cultural sensitivities – for instance, sometimes the whole ‘album’ tells an important cultural narrative embedded within a ceremonial context. To break it down into individual song tracks could, from the ‘original’ performers’ perspective, fracture the overall and intended meaning for the audience.

Whilst not an explicit attempt for procuring capital, Global Sound as the new commercial arm of Folkways, breaks the music down into digestible parts or ‘tracks’ to be sold on iTunes. This material is not free, but it is not expensive. Legally, the Smithsonian owns all the music, as for nearly a century, it has funded its researchers to procure music from exotic and more local contexts. Further permissions are legally un-necessary – and time consuming, there is the problem of whom to ask, as names and details of performers were not generally included in the original recording processes and supplementary documentation. This was an outcome of the colonial project that repetitively failed to record names of musicians and performers because the music was considered traditional and by that inference, authorless. At best, the rubric ‘various artists’ captures the otherwise featureless musicians and performers.

When the original recordings were made, digital access and global dissemination of the music was not possible. For many involved, it was an educative process, bringing cultural experience via musical channels to the world, sharing stories, and feelings, values and expectations. For others, it was a rather curious experience, and the longevity and future possibilities of that recorded form were not, and sometimes could not be, explained. There were no explicit agreements regarding future use, and of course, digital reproduction. As the institution owns the recordings, it was not felt as though the ‘original’ performers, if still alive, would need to be consulted. From an institutional perspective, it was easier to put the material on the web, and manage any contestation later if and when it arose.

In the material accessible through the web-site, there are over thirty complete albums of recordings of Aboriginal and Torres Strait Islander music dating between the 1940s and the 1990s. A significant amount of the material derives from communities in the Central Desert region of Australia - Pintupi, Walpiri, Aranda, and Pitjantjatjarra peoples. Three of the albums available for download relate to the important Kangaroo and Dingo Dreaming – significant and secret male initiation ceremonies – arguably the most secret and significant ceremonial material in Central Desert cultural life. This is not material generally available to anyone outside the community. It is not material generally available to anybody *inside* the community. But there it is on the web, available for anyone in any country, and you can buy one track, not the whole album, the whole ceremony. The circulations now possible for this material have exceeded expectations. They certainly go beyond what anyone thought was possible certainly in the 1940s, and even through to the late 1980s. Does it matter that this increased circulation of material is assumed to be of benefit for all, without attention to what the people in the recordings, and their descendents might think? Does it matter that for a significant amount of this material, the performers would have had no idea about what was possible for its future?

In late 2005, a cultural institution within Australia, received an urgent request from the Smithsonian. The director had been alerted, by someone with intimate knowledge of the communities involved, to the possibility of restricted ceremonies being available for access and download on their website. The Smithsonian wanted to check whether the ceremonies

really were restricted, whether they were still restricted and then for advice on action. The archived records of the anthropologist who made the recordings were consulted. He had, in a rare moment, documented his subjects' desires in relation to the circulation of this material and it was marked unambiguously as being indefinitely restricted. The subsequent advice on action was to pull the recordings off-line permanently. They were not public, and despite existing in the public domain, never were supposed to enter a 'public' space.

This problem arose not only because of the capacity of new communicative technologies to facilitate new kinds of access and new kinds of access communities, but also because of the historical conditions for making the studying Indigenous people possible. It highlights the very localized politics through which decisions need to be made in relation to material, and the extensive knowledge networks and institutions, where the presumption of access, enables certain types of material to be classified (as songs for example) in ways that renders invisible their cultural particularity.

III – Reflections for a Nuanced Cultural Commons

One of the key prompts for writing this paper, and attempting to deal with unease in relation to access to knowledge resources and the promotion of knowledge commons, comes in the form of what the perceived effects of more access to more knowledge are. In this context as well as in much of my work, the unfinished business of archives and cultural institutions and the extensive collections of knowledge about Indigenous people continues to haunt.

Facing past histories, addressing current political climates of neglect and rejecting the current domestic disavowal of responsibility, matters if we are to move beyond the rhetoric of cultural inclusion and confront the challenges facing cultural institutions and their enormous collections of Indigenous cultural resources. It is important that we address the wrong contained in the collection of certain kinds of information *alongside* the emancipatory potential of knowledge. We need to make room for choice for those who were excluded from 'the public', but were objects of the colonial project. We need to find a space to be able to understand that the problem with much of this material is that despite its apparent public domain status, it never was supposed to be made public – that there were and remain specific cultural conditions for sharing this Indigenous cultural material, and these management strategies for knowledge resources need to be recognized as legitimate and incorporated in meaningful ways.

This paper has been written with a view to the issues that inform the making of this historical material and its positioning as valuable knowledge resources within cultural institutional contexts. This is important for appreciating current Indigenous politics around getting access and securing different circulation conditions. Cultural institutions are at the frontier of these negotiations because quite simply they hold so much of what is left and valuable to Indigenous people. But the reasons for looking backwards and this paper's attempt to develop an interpretative grid for appreciating how and why these claims might exist, is also an effort to realign our perceptions for the present and the future. How are we to deal with the continual recording and documentation processes, and the classificatory grids that are super-imposed on Indigenous knowledge systems and knowledge frameworks? Now the players are multiple – there are many more individuals, agencies, corporations,

organizations working with and in Indigenous contexts now than there were at the height of the colonial endeavor. Whose agendas are being advanced here? Who benefits from these projects, and how exactly do we know this and adequately explain it across linguistic and cultural contexts? The responsibility is to pay careful attention to the politics and the relations of power at play than hitherto occurred.

Increased advocacy for documentary projects around Indigenous epistemology, or intricate details on plant and animal use, cannot be understood outside the contested histories, nor the knowledge accumulation endeavors that featured Indigenous peoples and their knowledge as objects of study and for the benefit of non-Indigenous people. Current documentary endeavors fit well with the current interest in making knowledge more accessible. Indeed, we make it accessible by first recording and documenting it, and then circulating it. But such documentary projects cannot move away from the fundamental issues about who benefits from this access, who decides what becomes accessible, who is speaking for Indigenous interests, what exactly are the benefits for the changing Indigenous public and whose cultural agendas are advanced in this process? If we can address these questions, it is possible for us to develop a more nuanced understanding of the cultural commons that provides space for differentiated conceptions of the good that access to knowledge resources provides.