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Stewarding Collections in Times of Changing Perspectives: How Traditional Knowledge and Traditional Cultural Expressions Can Facilitate Preservation and Access

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Abstract

Libraries, archives, museums and other cultural heritage organizations are collections-based institutions with the mission to preserve their collections and make them accessible in various ways, whether for research, study, exhibition and educational purposes, while holding the physical collections in trust for the public. With the transitioning values for the collecting practices, the norms of collecting practices and accessibility standards are being challenged. The provenance of collections is being challenged, as well, and in some cases, objects and materials in collections have become the subject of repatriation. This is particularly true where collections include objects and materials that were acquired or taken from one global region or community and accessioned into the collection of a cultural heritage organization in another. How can access to collections be provided to patrons and the public in a way that is true and respectful of the normative traditions of traditional communities, in keeping with shifting societal values? This article presents the argument that a recognition and respect for intellectual property norms, specifically traditional knowledge (TK) and traditional cultural expressions (TCEs), facilitates quality collections stewardship and access to collections.

Keywords: Traditional knowledge, traditional cultural expression



Stewarding Collections in Times of Changing Perspectives: How Traditional Knowledge and Traditional Cultural Expressions Can Facilitate Preservation and Access¹

Libraries, archives, museums and other cultural heritage organizations are collections-based institutions with the mission to preserve their collections and make them accessible in various ways, whether for research, study, exhibition and educational purposes, while holding the collections in trust for the public. They are institutions that collect objects, artistic works, and materials in all media and formats, whether published or unpublished, that document historic events, are rare and are primary sources, and categorize and organize them from a specific world perspective. With this mandate in mind, the professional staff of a library, archive, or museum are responsible for acquiring and curating the objects and materials in a collection to represent a specific canon of knowledge. Professional staff organize and document collections in inventories, that is, information systems developed historically from the dominant worldview of the particular cultural heritage organization. The purpose of using standardized systems is to ensure that collections may be made searchable, discoverable, and accessible to patrons, the public, researchers, and scholars.²

With the transitioning values for the collecting practices of cultural heritage organizations, the norms of collecting practices, and accessibility standards in libraries, archives and museums are being challenged. The provenance of collections is being challenged, as well, and in some cases, objects and materials in collections have become the subject of repatriation claims. This is particularly true where collections include objects and materials that were acquired or taken from one global region or community and accessioned into the collection of a cultural heritage organization in another. Societal values and expectations are shifting so that how objects and materials were acquired, and are now referenced, cataloged, interpreted, displayed, exhibited, managed, handled, preserved, and made accessible to the public, are being re-examined and adjusted to feature the worldview and the normative values of the communities directly connected to the collections.

¹ This paper was given as part of a two-part workshop developed by the [World Intellectual Property Organization](#) (WIPO) and the [Musée d'ethnographie de Genève](#) (MEG) on April 20, 2021, and represents foundational research for a forthcoming WIPO guide and interactive learning tool about managing collections that include traditional knowledge and traditional cultural expressions.

² For example, Melvil Dewey invented the Dewey Decimal Classification system, which became the Library of Congress standard during his tenure as University Librarian at Columbia University (OCLC, n.d.).

How can a library, archive, or museum steward a collection meaningfully in these circumstances? How can access to collections be provided to patrons and the public in a way that is true and respectful of the normative traditions of traditional communities, in keeping with shifting societal values? This article presents the argument that a recognition and respect for intellectual property norms, specifically traditional knowledge (TK) and traditional cultural expressions (TCEs), facilitates quality collections stewardship and access to collections. This is the case, notwithstanding that federal legislation does not recognize formally TK and TCEs as forms of intellectual property in the United States.

TK, TCEs, and Intangible Cultural Heritage

The World Intellectual Property Organization (WIPO) defines TK as “knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity” (WIPO, n.d.-b). WIPO provides further that

Innovations based on TK may benefit from patent, trademark, and geographical indication protection, or be protected as a trade secret or confidential information. However, traditional knowledge as such – knowledge that has ancient roots and is often oral – is not protected by conventional intellectual property (IP) systems. (WIPO, n.d.-b)

Traditional cultural expressions (TCEs) are also defined by WIPO:

Traditional cultural expressions (TCEs), also called “expressions of folklore”, may include music, dance, art, designs, names, signs and symbols, performances, ceremonies, architectural forms, handicrafts and narratives, or many other artistic or cultural expressions. (WIPO, n.d.-a)

While there is no accepted international standard that defines TCEs, WIPO provides that TK in a general sense can also include TCEs, integrating distinctive signs, symbols, and designs as connected to or representing TK. Finally, WIPO provides that TK and TCEs can be found in a wide variety of contexts across many disciplines in both the arts and sciences.

By contrast, the term “intangible cultural heritage” is most often used by professionals working in the cultural heritage domain and was adopted by the United Nations Educational Social and Cultural Organization (UNESCO). It is defined in the *International Convention of the Safeguarding of Intangible Cultural Heritage* (UNESCO, 2003a). UNESCO provides that,

The term “cultural heritage” has changed content considerably in recent decades, partially owing to the instruments developed by UNESCO. Cultural heritage does not end at monuments and collections of objects. It also includes traditions or living expressions inherited from our ancestors and passed on to our descendants, such as [oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe](#) or the [knowledge and skills to produce traditional crafts.](#)” (UNESCO, 2003b)

According to UNESCO, the intangible cultural heritage of a community is traditional, contemporary, and living at the same time, supporting the idea that while steeped in history, it has currency and is ever evolving. It is also inclusive and may be shared by one community with another, for example, in a similar geographic region. It is community-based, meaning that it is not owned by one individual, and representative. That is, as representative,

intangible cultural heritage is not merely valued as a cultural good, on a comparative basis, for its exclusivity or its exceptional value. It thrives on its basis in communities and depends on those whose knowledge of traditions, skills and customs are passed on to the rest of the community, from generation to generation, or to other communities. (UNESCO, 2003b)

With a nod to intellectual property, the purpose of the UNESCO convention is to preserve and maintain not just the cultural heritage of communities but their ways of knowing, and making within the context of their respective world views. While WIPO and UNESCO, both United Nations agencies, have their own respective purposes, there appears to be clear overlap in subject matter. Cultural heritage institutions have long considered “intangible cultural heritage” as part of their collections landscape. Thus, for cultural heritage institutions, the changes necessary to steward community-based collections responsibly, acknowledging the intellectual property interests inherent in TK and TCEs, may not represent an overwhelming transition.

Consider the following case. Certain traditional communities may consider the objects now found in collections as tools that have specific uses. The objects may not, in fact, hold much value to the traditional community that used them. Value, as dictated by the normative traditions of the community, may lie in the narrative or the knowledge about the objects’ use. To put it another way, the narrative may hold specific value to the community as TK or TCEs. Professional staff in libraries, archives, and museums, by imposing their own curatorial perspectives as observers, may have interpreted the narrative about the tool or its usefulness incorrectly or in

violation of the normative traditions of the community. This may be the case because institutional emphasis of value was placed on the ownership of the object and not, in keeping with the normative traditions of the community, on the narrative itself.

In this case, the institutional curatorial and ethnographic perspective defined the tool's importance. The community perspective was objectified, at best. In order to learn of the knowledge about the object and its usefulness, community participation is paramount, but full and collaborative participation of the community will only take place if the library, archive, or museum respects the community's normative traditions surrounding the narrative. These normative traditions may dictate who, how, when, why, and whether the narratives can be accessed, reproduced, or shared.

How do we reconcile the conflict between the preservation and access missions of the library, archive, or museum and the normative traditions of the community? Who holds the voice of authority curatorially and the authority to preserve collections and make them accessible? How do libraries, archives, and museums ensure that their curatorial work is of integrity and quality and is truthful in its representations?

The Importance of Process and the Quality Institution

The answers may lie in adopting a fundamental change to our approach in the stewardship of collections that include TK and TCEs. This is not about consulting traditional community members about how to steward these collections but instead about forming collaborative partnerships that acknowledge and respect the normative traditions connected to the narratives, that is the TK and TCEs connected to the objects and materials in collections. It is this kind of change that is necessary to ensure that stewardship practices are, as noted by scholar Stephen Weil, of a "quality" institution.

Stephen Weil, in his publication *Making Museums Matter* (2002), created a formula to determine whether a museum was one of "quality" (pp. 3–23). A quality museum is an institution guided by its mission, with robust capabilities. It's effective and results-oriented. His formula sets out four requirements and the percentages of importance, as found in Figure 1.

Figure 1. Weil's Four Requirements of a Quality Museum

Purposiveness 35%	Capability 30%
Effectiveness 25%	Efficiency 10%

Weil considers the most important factor to be one of purpose. All objectives and activities of a museum, according to Weil, should be purpose driven and dictated by a museum's mission and mandate. He provides further that museums should be held accountable to meeting their purpose.

Weil describes capability as the intellectual and financial wherewithal to carry out a museum purpose or mission. For Weil, effectiveness, on the other hand, considers results. It is an integrity test of sorts. Weil provides that in order for a museum to meet a standard of quality, the activities, scholarship, and initiatives of a museum need to be assessed to determine whether they achieved for the purposes intended. Weil considers this form of assessment "summative evaluation," measuring the results of programming and scholarship by their stated goals and objectives (Weil, 2002). Consider again the case described above. Has the cultural heritage institution met its purpose in remaining object oriented in its scholarship? What about its effectiveness in meeting its purpose or mission?

To illustrate a lack of effectiveness, consider Figure 2. It represents the traditional curatorial and institutional view, drawing on the taxonomy generally used to describe collections of objects and materials representing the cultures of traditional communities. It takes into account the object and the curatorial perspective of the importance of the object within the context of intangible cultural heritage. The curatorial view fails to include the knowledge and information about the object from the perspective of the community. It instead objectifies the object and the narratives connected to it, leaving the curator as the sole authoritative voice.

Figure 2. Components of the Traditional Curatorial Perspective

The Traditional Curatorial Perspective	
Museum curatorial research	<ul style="list-style-type: none"> • Intangible • Intellectual Property owned by museum or curator/researcher
Intangible cultural heritage	<ul style="list-style-type: none"> • The practices, knowledge, narratives, protocols about the objects
Object	<ul style="list-style-type: none"> • Tangible • Property owned by museum • Object based discipline

By contrast, Figure 3 depicts a far richer and deeper perspective that has not been represented by the traditional object-based perspective employed by western cultural heritage institutions.

Figure 3. Components of the Collaborative Perspective

The Collaborative Perspective	
Curatorial narrative	<ul style="list-style-type: none"> • Narrative developed by curator that is about the object • Intellectual property of museum, archivist or curator
Object	<ul style="list-style-type: none"> • Tangible • Tool of practice • Property of the museum
Community narrative	<ul style="list-style-type: none"> • Body of historic community knowledge and traditional cultural expressions
Community norms & protocols	<ul style="list-style-type: none"> • Determines authority to hold and retell community narrative

Cultural heritage institutions, when working with collections that include TK and TCEs, may have to account for, respect, and, to the extent possible, understand the traditional community’s epistemological protocols and the community’s ontology concerning the TK and TCEs inherent in objects and materials. The curatorial approach and collections practices may, instead, have to attend to the

worldviews of the traditional community. They represent necessary capabilities in collections stewardship, should a cultural heritage wish to be most effective in exercising their stewardship responsibilities. Acquiring these capabilities is also referenced as “epistemological stretching,” which is described by Barrett et al. (2015):

Even though the importance of Indigenous knowledge (IK) has been recognized, and in many instances its inclusion has been legally mandated, the lack of comprehension about epistemology (the manner in which knowledge is acquired) and ontology (the manner in which the nature of reality is understood) is an impediment to open dialogue and co-operation among the parties involved. This, in particular, holds true when spiritual aspects of knowledge are vital for respectful engagement and/or to accomplish research tasks. In order to effectively and ethically conduct research with Indigenous peoples, the wide range of human abilities to know must be at the very least respected, and ideally, both understood and engaged by those involved in any collaborative effort. (p. 1)

The question now remains, how can cultural heritage professionals working with collections achieve optimal effectiveness to meet the objectives and purpose of their respective institutions? What may be the tools and approaches they can use to achieve optimal results?

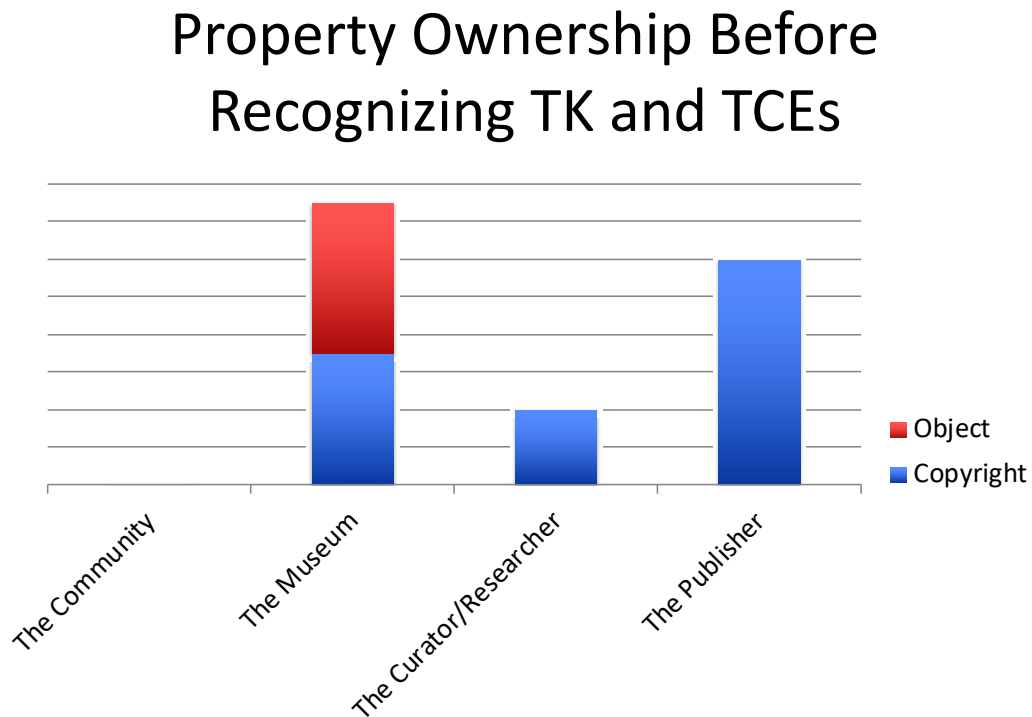
A Case for Intellectual Property

The hypothesis at the outset was to determine whether the intellectual property imposed by asserting TK and TCEs as proprietary intellectual property interests actually facilitate preservation and access to collections. Can an IP framework facilitate preservation and access to collections connected to traditional communities while at the same time protect the integrity, interests, intellectual property, and values of the communities connected to them? If proven correct, the approach would be both visionary and contrary to presumptions often held by cultural heritage institutions that greater intellectual property interests create barriers to both preserving and providing access to collections.

Consider the following chart that illustrates a hypothetical, but common, arrangement of property ownership where TK and TCEs are not acknowledged as forms of intellectual property. This chart is in fact representative of how property interests are most often apportioned with respect to cultural heritage collections. The dominant forms of property are inherent in the objects or materials as being tangible, and the dominant form of intellectual property is copyright. The cultural

heritage institution may own copyright in research output and own the object or materials as property in their collections. Cultural heritage institutions will also own copyright in their online spaces, exhibitions, and in certain cases and jurisdictions, in their inventories, databases, and photographic reproductions of their collections. Independent researchers, scholars, and curators may also own copyright in their own scholarly research output. Publishers, too, will own copyright in their publications, created with research output that may or may not be in partnership with a cultural heritage institution whose collections are the subject of the publication. The traditional community, where the objects or materials were created and whose culture and knowledge are captured, is left without any property interests. This is a decisive inequity and is startling when visualized in a chart like in Figure 4. There is little impetus for communities to participate in sharing their knowledge and their cultural expressions connected to the objects and materials in the collections of cultural heritage institutions.

Figure 4. Property Ownership Before Recognizing TK and TCEs

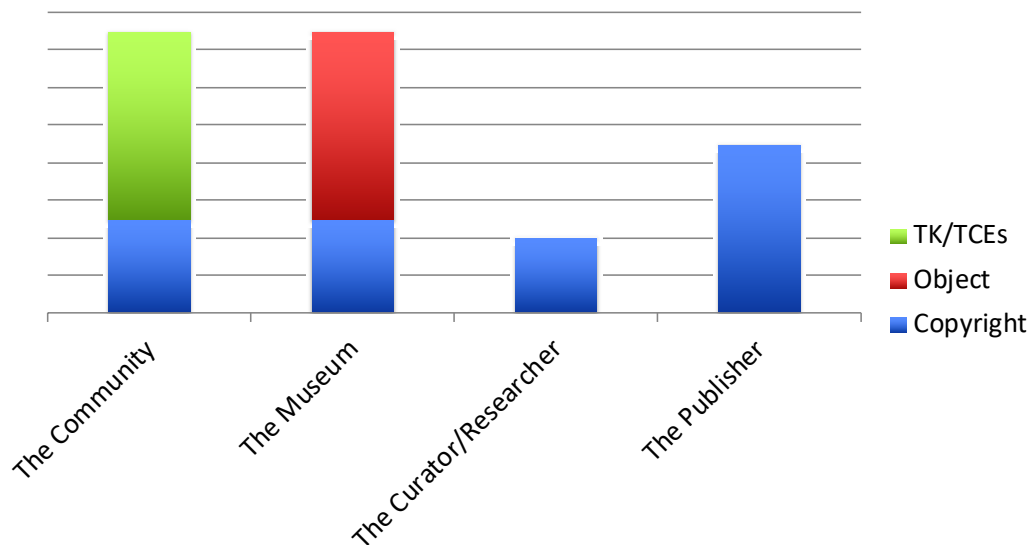


When TK and TCEs are acknowledged as forms of intellectual property, together with all the rights and interests inherent in them, the inequities start to shift. Consider Figure 5 as representative of this shift. Cultural heritage institutions

are obligated to acknowledge community property interests in relation to their own. At the same time, given the rights and interests now recognized, the community becomes more invested in participating collaboratively with the cultural heritage institution. This shift in equities is precisely the catalyst needed to decolonize collections because it necessitates both the cultural heritage institution and the community developing a collaborative approach to collections management and stewardship.

Figure 5. Property Ownership After Recognition of TK and TCEs

Property Ownership After Recognition of TK and TCEs



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Now consider again Figure 3. It represents a collaborative approach where a cultural heritage institution engages with the community in developing its scholarship about collections through the recognition of intangible cultural heritage, representing TK and TCEs, as forms of property. The image illustrates how a cultural heritage institution can achieve its effectiveness (as per Weil's formula) by accessing the deeper and enriched knowledge and information about the object or tool in the collection while representing that knowledge and the object or tool in a way that is consistent with the normative traditions and values of the community. This image illustrates Epistemological Stretching.

“Quality” Stewardship

The objective of stewardship in a library, archive, or museum, in addition to preservation, is to achieve an authentic representation of a narrative surrounding objects and materials in collections so as to communicate their relevance and place them into context. As cultural values have shifted, the only way to achieve the “authentic voice,” as suggested by one curator preparing for an exhibition that included TK and TCEs, is to acknowledge and be guided by the proprietary interests in the narrative and to work within that framework. Acknowledging the community’s intangible and proprietary interests in the narrative signifies respect and ensures integrity in the final curatorial output. It ultimately becomes an issue of quality (Weil, 2002). Without such acknowledgements and respect, institutions may be perceived as not moving forward in their approach. They will continue to hold objects and materials in collections but without the ability to communicate their relevance with integrity or with definitive authority. And, where they attempt to communicate the narrative relating to an object or materials, they do so without the integrity necessary to achieve what Stephen Weil described as necessary to achieve effectiveness in curatorial scholarship. Effectiveness is, as described earlier, Weil’s third of four pillars for achieving quality (Weil, 2002).

Community Participation

At the same time, there is room for community representatives to be strategic and proactive in protecting their intellectual property rights, that is, to ensure that their normative values and proprietary interests are respected and acknowledged in the collection management practices of cultural heritage institutions. This ensures the authority of institutional scholars to communicate the narratives relating to objects and materials in collections with integrity in the narrative being communicated. It may be that certain objects, materials, oral histories, and narratives may not be appropriate for public communication or institutional handling and sharing as determined by the community normative protocols. However, access limitations have always been part of the landscape for libraries, archives, and museums when managing their collections.

For example, libraries, archives, and museums may be legally prohibited from communicating private information or prevented from making public certain materials in collections for a period of time by way of acquisition agreements, or may make curatorial determinations that certain harm may result from the public disclosure of sensitivities inherent in the materials found in collections. A potential harm may make it inappropriate to reproduce and distribute objects and materials found in collections to the public. In the case of collections that contain TK and TCEs,

it is no different. Curators and professional staff managing these collections will be subject to the authority and control of the community. At the same time, by acknowledging and respecting community authorities, cultural heritage institutions are able to maintain their integrity and ultimately the quality in their own output.

Why is it important for communities to engage proactively with cultural heritage institutions? Engagement at this level will support the repatriation of their own intangible property interests, an objective of TK and TCEs. If a community takes a proactive approach in working with cultural heritage institutions that hold objects and materials in their collections that are connected to their community and their culture, there is the opportunity for the community to assert its proprietary interests. These interests will ensure that community values and normative traditions and protocols are respected in relation to the use of the objects and materials and ultimately to the narratives connected to them. It will ensure that appropriate attribution is provided, not only for provenance purposes but as an acknowledgement of proprietary interests, in a way required to protect their culture and ultimately to avoid harm.

Some Additional Observations

Redefining Stewardship Responsibilities

The stewardship responsibilities of the cultural heritage institution for collections that are connected to a community's TK and TCEs fall to distinct institutional staff. Working with these collections may require professional development to understand these distinctions, particularly distinctions in what constitutes the stewardship of collections. Typically, *stewardship* is defined as the responsible management, preservation, and documentation of collections held in trust for the public. Public access to collections is fundamental to the concept of stewardship. For example, the American Alliance of Museums defines the stewardship of collections on its website as part of its statements on Ethics, Standards and Practices:

Stewardship is the careful, sound and responsible management of that which is entrusted to a museum's care. Possession of collections incurs legal, social and ethical obligations to provide proper physical storage, management and care for the collections and associated documentation, as well as proper intellectual control. Collections are held in trust for the public and made accessible for the public's benefit. Effective collections stewardship ensures that the objects the museum owns, borrows, holds in its custody and/or uses are available and accessible to present and future generations. A museum's

collections are an important means of advancing its mission and serving the public. (American Alliance of Museums, n.d.)

Shifting practices, particularly with respect to collections that include TK and TCEs, however, acknowledges new beneficiaries into the trust relationship sitting at the heart of cultural heritage stewardship. The traditional community is not just the public. This community's stake is far greater since they hold property interests. As described more fully below, there are added expectations and requirements of a cultural heritage institution when stewarding collections containing community objects and materials that are connected with or contain TK and TCEs. In fact, returning to Weil's formula for what constitutes a quality cultural heritage institution, the ability to steward collections containing these characteristics relates to the second of his four pillars, capability.

Consider the Relational Properties Impacting Responsibilities

A cultural heritage institution may have documented objects and materials containing TK and TCEs in their collections as being culturally sensitive. However, what does this really mean, and what is the community viewpoint within the context of their normative traditions and protocols?

Objects may be considered and documented by a cultural heritage institution as sacred or spiritual, or objects may be used as ceremonial tools by the community that created them. However, these categorizations speak to their description as tangible objects. The ontology of the community may be fundamentally different, placing emphasis and value on knowledge and expressions of the community and not centered upon the object or the materials themselves. Objects may be documented as being used as tools, but at the same time, the same objects may hold "living" and relational qualities, and the community may not perceive the same binary living versus nonliving qualities that western cultures place upon objects in relation to human beings, for example.

Consider Changes to the Trust Relationship

Dr. Shawn Wilson, formerly of the Gnibi College of Indigenous Studies at Southern Cross University, Australia, and now of the University of British Columbia, describes the community view of objects and materials in collections as one of a parent-child relationship (personal communication, March 6, 2021). The objects and materials held in collections are inherently connected to the community from which they came, like children, and the cultural heritage institution holds the same

responsibilities for the objects and materials as would a parent responsible for the well-being of these children.

Thus, similar to the expectations and presumptions held by parents, the community connected to the objects and materials in a collection may hold similar expectations and presumptions of the cultural heritage institution. Parents expect that an organization or entity caring for their children will follow certain protocols, adhere to standards of care and respect the reasonable expectations of the parents of the children for whom they are responsible. Most importantly, the actions of the parent should not cause harm to the children in their care. The expectations of traditional communities in relation to the objects and materials connected to their community and culture can be defined within this perspective (S. Wilson, personal communication, March 6, 2021). Thus, the cultural heritage institution not only holds materials and objects in their collections in trust for the public, but where their collections comprise objects and materials that include TK or TCEs, the trust relationship also extends directly to the community connected to the collection and who own the property interests in the TK and TCEs inherent in them.

In summary, an intellectual property framework that includes TK and TCEs rebalances authorities and equitizes property ownership. The IP framework can influence greatly a transition in curatorial approach and in collections management practices that will result in a more authentic and integral representation of the objects and materials in a collection, thereby achieving Weil's definition of quality. An IP framework can ensure, too, that the cultural heritage institution can carry out its collection management practices while lessening the risk of harm to the community connected to their collections. The questions that remain, however, is how to engage meaningfully with communities connected to collections while carrying out preservation and access to collections, in trust for the public and while serving the interests of the community. The purpose of the forthcoming WIPO reference materials and interactive learning tool is to provide guidance to this challenging but ultimately rewarding issue.³

³ WIPO will be publishing an updated guide to TK and TCEs for cultural heritage collections and hosting an interactive learning tool on its site that will provide professional development opportunities in this field. It is anticipated that both will be made available to the public on the WIPO site in 2024.

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