

## ABSTRACT

### **Copying Right: Cultural Property and the Limits of (Occidental) Law**

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A personal tale of everyday treachery of the lawyer/civil servant to begin, the tale being one of the subversion of a law in Papua New Guinea that would have recognized ‘traditional groups’ and enabled them to have rights in their cultural property – rights enforceable within the national legal system. Apart from its therapeutic value for the speaker, the unburdening of this tale serves radically to contrast indigenous and occidental legal systems. The indigenous half of the comparison is then generalized beyond Papua New Guinea, but with some passing regard for caveats about the generalizing of indigenous systems. Even more extravagantly, an affinity is then traced between indigenous law and poststructural thought – an affinity nicely concentrated in the idea of copyright itself. An obliging etymology reveals that ‘copyright’ is simply the addition of ‘copy’ and ‘right’. But poststructural thought would reveal not only the impossibility of the copy, of copying a right, but also the impossibility of copying a right. It is these impossibilities which indigenous law constitutively absorbs and makes its own by incorporating the responsive regard that right, in its very iteration, must always and incipiently have to futurity and context – a context that can never be stilled or saturated. Occidental systems, in contrast, elevate a putatively fixed appropriation ‘falsely projected into the essence of things’ (Nietzsche).

Sensitive observers have aptly and repeatedly remarked on the difficulty, even intractability, of aligning indigenous systems with occidental regimes for the

protection of cultural property. Perhaps an inverted observation would be productive: the difficulty, even intractability, of aligning such occidental regimes with indigenous systems. Minimally, this could counter the travesties that too often pass for indigenous systems in this setting. More ambitiously, such an inversion may, just may, intimate effective ways of protecting 'traditional' cultural property.