THE UNIVERSITY OF WESTERN AUSTRALIA

Achieve International Excellence

Recognising and Translating Knowledge

An Institute of Advanced Studies Workshop

14–15 February 2011, Seminar Room 2, University Club, The University of Western Australia

Recognising and Translating Knowledge

Recognising something as knowledge takes cultural work. It relies upon assumptions about the shape and effect of ideas or processes. This is all the more apparent when recognition is itself a contested domain. This workshop focuses on recognition, use and translation in the production of knowledge.

Making something available, as when we recognise a set of ideas or practices as knowledge, foregrounds certain aspects of productive endeavours and obscures others. Focusing on knowledge creation as a social process allows a fresh understanding of its value. In fact, prior to any circulation or appropriation of knowledge, an initial translation of social processes into 'knowledge' must occur. This workshop takes these processes of recognition and translation as its focus.

In a globalised knowledge economy, commensurability, circulation and usability has moral, ethical commercial, legal and aesthetic implications. These implications emerge as knowledge acquires different forms of value, leading to specialised forms of recognition, management, conflict and misrecognition. These processes occur across a wide spectrum often drawing together people in diverse, specialised fields, such as artistic practice, conservation, archival and curatorial management, software engineering, copyright, literature, resource access and the politics of indigenous groups within nation-states.

In the social sciences and humanities there is an emerging critical scholarship on knowledge that has largely focused on how types of knowledge, such as art or resources, have been appropriated into larger commercial systems or battles over ownership and control. The particular relevance of this workshop is to look at how something might appear as knowledge, and its subsequent circulation outside the context of its creation. In this process things that may not be thought of as knowledge in one context gain value in another context through their re-articulation and transformation. This entanglement in context produces different kinds of value and pays attention to how knowledge travels, an especially important issue in a globalised economy that makes available things that were formerly not in public view or economic circulation. It also pays attention to how conflict over recognition can emerge and the centrality of institutions of knowledge management (including libraries, physical material archives, web archives, and museums) in this circulation and recognition.'

Conveners: Richard Davis and James Leach

Program

Day One **14 February 2011**

8.30am	Coffee on arrival
9.00am	**Welcome to The University of Western Australia** Professor Robyn Owens, Deputy Vice Chancellor (Research)
9.15am	**Overview of Workshop** Richard Davis and James Leach
10.00am	**Imitation as Transformation** Cori Hayden
10.30am	**Know-How and Knowledge Transmission** Nicolas Damnjanovic
11.00am	Morning Tea
11.30am	Open Dialogue
12.30pm	Lunch
1.30pm	**Law and the Politics of Sharing Knowledge** Jane Anderson
2.00pm	**Bark Painters and the Market in Western Arnhem Land** Luke Taylor
2.30pm	Open Dialogue
3.00pm	Afternoon Tea
3.30pm	**Summary** Discussant - Ana Vrdoljak
4.00pm	Open Dialogue
5.00pm	Close Day One
5.30pm	Drinks followed by barbecue – University Club

Day Two – 15 February

9.00am	Coffee
9.30am	**Interrogating Context** Richard Davis
10.00am	**Are Glaciers 'Good to Think With'?** Julie Cruikshank
10.30am	Open Dialogue
11.15am	Morning Tea
11.30am	**Leaving the magic out. Knowledge in different places** James Leach, Professor of Anthropology, University of Aberdeen
12.00noon	**The Show that Never Ends: How Intellectual Property Keeps Remaking "Knowledge"** Mario Biagioli
12.30pm	Open Dialogue
1.00pm	Lunch
2.30pm	**Emergent Themes, Reflection, Future Plans, Conclusions** Discussant - Cori Hayden
4.00pm	Close and Sundowner

Abstracts

Imitation as Transformation

Cori Hayden, Associate Professor of Anthropology, UC Berkeley

cphayden@berkeley.edu

What is the role of imitation, or simulation, in transforming or recontextualizing knowledge? I pose that question with a particular iteration of drug discovery in Mexico in view. Plant-based drug discovery in Mexico has long served as an iconic instance of mis-translation: this is a project, after all, that seeks to turn complex indigenous therapeutic practices into isolated molecules, to be scaled-up, and set into mass circulation by corporations or biomedical institutions. It is customary, and tempting, to focus here on the violence of transformation, as the acts of turning complex ontologies into a 'thing' (knowledge), and that thing into a 'different' thing (a profitable pharmaceutical), have become synonymous with the act of misappropriation itself. But, I argue that these translations are premised as much on producing 'the same' as they are on producing wrenching and consequential differences. Here, I am thinking of such concerns as phytochemists' efforts to reproduce the same chemical activity as that found in the cough remedy gordolobo, or to derive and stabilize a chemical compound with a similar structure to that of the popular plant, matarique. Drug discovery more broadly, indeed, places a great deal of emphasis on molecular mimickry and the identification of similarity itself as a guide to 'new' therapeutic agents. The paper thus takes up the workshop theme of 'translating knowledge' with a small shift of emphasis, looking to pharmaceutical research and development 1) as a process of imitation and simulation, and 2) as a process that works by producing and recontextualizing 'things' as simultaneously the same, and not the same. This phrase has a particular resonance in drug development, and pharmaceutical chemistry (not to mention in the work of someone like Gilles Deleuze); here, I use it as a point of departure for opening up the question of the particular material practices that ground our definitions of transformation itself.

Know-How and Knowledge Transmission

Asst/Prof Nicolas Damnjanovic, Philosophy, UWA

nicolas.damnjanovic@uwa.edu.au

Gilbert Ryle famously distinguished two kinds of knowledge: knowledge-how (such as knowing how to dance a jig) and knowledge-that (such as knowing that a jig is a folk dance). Philosophers have spent a great deal of time examining knowledge-that and the conditions under which it is transmitted between people and across contexts, but rather less time examining the equivalent questions about knowledge-how.

I intend to explore the relations between knowledge-how, knowledge-that and also what philosopher's call 'practical knowledge'. In doing so, I hope to shed some light on how cultural know-how can be transmitted and what the barriers to such transmission might be.

Law and the Politics of Sharing Knowledge

Jane Anderson, Assistant Professor, Centre for Heritage and Society, University of Massachusetts

janea@anthro.umass.edu

Intellectual property law is the modern western technology for identifying specific kinds of knowledge and establishing restrictions upon how this knowledge can be used and shared. How certain knowledge is made recognizable for protection in law is a good starting point for not only considering the role of law in making, recognizing and valuing certain kinds of knowledge over others, but also how this effects what we understand knowledge to be, and what the cultural conditions for sharing this knowledge constitute.

This paper offers initial theoretical musings on the different kinds of knowledge that law recognizes as valuable and therefore in need of protection. It necessarily invites reflection upon issues of power and agency in understanding how law produces specific kinds of recognizable knowledge, how some knowledge becomes valued and legitimized over others and how law is involved in establishing regulatory frameworks for sharing knowledge within our contemporary present.

Bark Painters and the Market in Western Arnhem Land

Luke Taylor, Deputy Principal, Australian Institute of Aboriginal and Torres Strait Islander Studies

Luke.Taylor@aiatsis.gov.au

In the fine art market, categories used by researchers, collectors and galleries to describe Aboriginal works have influenced how the works have been received. In the early years in Australia such works were deemed ethnographic or ritual items and not collected by art galleries at all. On the other hand there has been agency by artists, their representative organisations and researchers to open up the category of art and over time and this has gradually changed the collecting practice. However the current use of the term contemporary art to describe Aboriginal works also has limiting effects. I will examine the problems of such translation processes as they impinge on the interrelations between artists and the market in western Arnhem Land. In particular I am interested in comparing the treatment of artists from Oenpelli and Maningrida and how this has impacted on the trajectory of the arts developing in each locale.

Abstracts

The Show that Never Ends: How Intellectual Property Keeps Remaking "Knowledge"

Mario Biagioli, Distinguished Professor of Law and Science and Technology Studies

mbiagioli@ucdavis.edu

Richard Davis and James Leach ask us to look at the transformations and transfers through which activities, performances and, sometimes, things come to be seen as "knowledge." They also ask us to go beyond the still relevant but somewhat predictable analyses of such transformations through the figure of the author and the creative or intellectual agency imputed to it. My paper looks at intellectual property law as one of the key regimes that transform things and practices into protectable knowledge, but focuses on certain modes of transformation that do not hinge on the figure of the author.

There is a powerful and problematic reframing of what "invention" means emerging from very recent IP discussions and cases involving business methods and abstract diagnostic processes. These reframing, however, does not hinge on the drawing and redrawing of the distinction between discovery and invention, or nature and artifact - distinctions that have always been imputed to the agency of an author (or lack thereof). These trends, highlighted in the Bilski case reviewed by the US Supreme Court last June, concern what kinds of objects can be taken to be a patentable invention, but tie patentability to the materiality of an invention (and about what "materiality," "tangibility," "concreteness" may mean) rather than to traditional (though still highly problematic and contestable) distinctions between a natural thing and an authorial artifact.

One very schematic way to describe this trend is to say that we may be witnessing a transformation within a transformation. While the "classic" move that IP has performed over and over was to turn things and activities into knowledge and property by attributing some human-made immaterial feature to them, it now seems that the law is no longer grafting immateriality over materiality but rather redefining what materiality means, or even rendering it obsolete.

There are reasons to see this as a bad story getting worse - a trend that is only amplifying some of the key problems we have been criticizing IP for, like the discursive magic through which it attaches ideas, souls, ghosts, flashes of genius, and auras to material entities. But this trend toward "immaterial" invention may also force us to reconsider the assumptions through which we have both conceptualized and criticized the way knowledge and property are deemed to be produced. We tend to be comfortable with the notion of materiality and suspicious about transformations that claim to render it immaterial, but I hope to show that the responses to the Bilski case suggest that perhaps materiality is not (and has never been) what it used to be.

Interrogating Context

Richard Davis, Assistant Professor, Anthropology and Sociology, The University of Western Australia

richard.davis@uwa.edu.au

Placing ideas and practices in context, in order to see how they undergo transformation to gain new values and uses, makes 'sense'. Otherwise, without context, how could we make claims for understanding, (mis)recognition, appropriation or value? And after all, don't all practices, doesn't all knowledge, emerge from a particular context (culture for some, history for others)? I pose these questions as a way to think through the limitations of context when considering Torres Strait Islanders creation of dance performances, replete with costume, song and choreography for themselves, and then for others - as art, as knowledge, as commodity, as a contextually derived substance. Increasingly, some of the accoutrements of Islander dance, particularly headdresses, as well as prints, sculpture and paintings are finding their way into museums and galleries. New forms of value emerge in these alternate environments but whether we can understand these objects as being in or out of context, or whether they carry partial context or whether all of their original meanings are latent but potentially available seems to me to indicate the limits of the notion of context. In this paper I want to move away from context and its concern with boundedness and discrete domains and treat knowledge as an expressive material that emerges through relationships and is perpetually mobile, always being assembled. The sorts of questions that emerge from treating knowledge as expressive material involve thinking about how recognition occurs, its moral content, what happens when expressive material is forgotten or removed from social and economic circulation (and then, perhaps, re-emerges) and whether, in fact, we can say that there is no context to speak of when considering expressive material.

Are Glaciers 'Good to Think With'?

Julie Cruikshank, Professor Emerita, Department of Anthropology, University of British Columbia

crui@interchange.ubc.ca

Two parallel discussions currently engage researchers working in the Arctic and Subarctic. One centres on how (or whether) social sciences and humanities can contribute to scientific studies of environmental change; a second concerns potential contributions of indigenous knowledge to environmental sciences. Some scientists are now engaged in trying to assign value to traditional ecological knowledge (TEK) in projects that involve integrating local conceptions into existing knowledge frameworks. Historians and anthropologists who work with oral tradition propose an alternative approach. They reason that greater knowledge value - especially the possibility of surprises - may come from unfamiliar oral accounts that don't seem to fit easily within conventional frameworks.

My presentation builds on accounts I first heard from senior indigenous women in northwestern North America about unorthodox behavior of glaciers. These glaciers were depicted as sentient, willful beings that responded directly and sometimes dramatically to human behavior, often with devastating results. Similar themes turn up in colonial records where such ideas were invariably discounted. Nor do they provide straightforward data for contemporary science. Yet they may contribute to our session theme if we view them as "good to think with", to use Levi-Strauss's felicitous phrase.

Drawing on historian Luise White's insights about orality in Africa and on Brazilian anthropologist Viveiros de Castro's perspectival approach, I argue that local conceptions of what it means to be a person underlie narratives about glacier/human interactions during times of uncertainty. Culturally distinct understandings of personhood, in turn, challenge nature/culture binaries that no longer seem as firm as they once did. Paying attention to unfamiliar stories from people whose ancestors experienced climate change may help us expand scholarly epistemologies as we enter times of greater environmental uncertainty.

Leaving the Magic Out. Knowledge in Different Places

James Leach, Professor of Anthropology, University of Aberdeen

james.leach@abdn.ac.uk

In July last year, Porer Nombo and I were lucky enough to launch our book about indigenous plant knowledge to a large audience at the nearest University to his village in Papua New Guinea. The audience were rigorous in their questioning, as they discerned layers of information and understanding that were not revealed in the book. We were congratulated: surely the book made a record of important knowledge. But was not that knowledge dependent on magical procedures to be effective? What gave us the right to include such understandings? Or, if as many in that audience divined, there was in fact something missing from the book (the magical formulae to activate the medicines, divinatory, and gardening procedures it contained) then what was the use of publishing the thing?

To have an intellectual discussion in a University that took magic seriously in this way was a joy, but also a lesson. It revealed a different way of approaching knowledge, and what it might be. For indeed what members of that audience called 'secret names' or 'bits of talk' are crucial to the effect of many of the plants documented in the book. By using them, a gardener (or healer, or hunter) positions an action, or a thing, or a set of practices in relation to other things, people, and events. To be effective, both things and people must have the correct orientation, take the requisite form. In asserting that anthropology is in a position to usefully explore what that form is; as a matter of moral, historical, and what we would call social contingency, this talk will explore what we might learn from those students questions about knowledge, and revisit an anthropologically phrased question that might help us do so.

Biographies

Jane Anderson

Dr Jane Anderson is Assistant Professor in the Centre for Heritage and Society, Department of Anthropology, University of Massachusetts and Adjunct Professor of Law at New York University School of Law. Jane has a PhD in Law from the Law School at University of New South Wales in Australia. Her work is focused on the philosophical and practical problems for intellectual property law and the protection of Indigenous/traditional knowledge resources and cultural heritage. Jane has worked as an Expert Consultant for the World Intellectual Property Organization on a number of policy proposals for the protection of traditional knowledge and cultural expressions. These include developing a framework for an international alternative dispute resolution/mediation service for intellectual property and Indigenous knowledge disputes, international guidelines for cultural institutions with collections of Indigenous cultural material and the development of site-specific intellectual property protocols that help local communities enhance and support already existing knowledge management practices. Her most recent publications include *Law, Knowledge, Culture: The Production of Indigenous Knowledge in Intellectual Property Law*, Edward Elgar Press, 2009 and the Indigenous/*Traditional Knowledge and Intellectual Property Issues* Paper, Centre for the Study of the Public Domain, Duke University, 2010.

Mario Biagioli

Mario Biagioli is a Distinguished Professor of Law and Science and Technology Studies (STS), and Director of the new Center for Innovation Studies. At the law school, he teaches courses on intellectual property in science, and on the history and philosophy of intellectual property.

Prior to joining King Hall, he was Professor of the History of Science at Harvard University, specializing in intellectual property in science. He has also taught at UCLA, Stanford, the Ecole des Hautes Etudes in Science Sociales (Paris), and the University of Aberdeen (Scotland). For more than a decade, Professor Biagioli has been studying problems of authorship and priority attribution in contemporary "Big Science," editing (with Peter Galison), *Scientific Authorship* (Routledge, 2003). He has subsequently published on the history of patenting in the sciences, the development of specifications requirements, the peer review of patent applications. With Pater Jaszi and Martha Woodmansee, he has edited *Making and Unmaking Intellectual Property* (Chicago, 2011) and is working on *The Author as Vegetable*, a book on the role of environmental concepts in contemporary discussions of the knowledge commons. Other current research interests include definitions of patentable subject matter and the role of secrecy in science.

A former Guggenheim Fellow, he is a founding member of the International Society for the Theory and History of Intellectual Property (ISTHIP). After studying computer science at the University of Pisa (Italy) and receiving an MFA in photography from the Visual Studies Workshop and the Rochester Institute of Technology, he was awarded a PhD in history of science from UC Berkeley in 1989. He is also the author of *Galileo Courtier* (Chicago, 1993 - translated in German, Greek, Spanish, and Portuguese), *Galileo's Instruments of Credit* (Chicago, 2006)), and the editor of *The Science Studies Reader* (Routledge, 1998).

Julie Cruikshank

Julie Cruikshank is Professor Emerita in the Department of Anthropology at the University of British Columbia where she also held the McLean Chair in Canadian Studies, 2001-2003. Her work centres on the living traditions of oral literature and storytelling in the Yukon Territory. Her publications trace the interplay between indigenous knowledge and narrative forms with experiences of landscape, colonialism, societal change and especially how differing cultural groups "know" the natural world and their own agency.

Her books include *Life Lived Like a Story* (1990) written in collaboration with three Yukon elders, Angela Sidney, Annie Ned and Kitty Smith; *Reading Voices* (1991), prepared for use in Yukon high schools, and *The Social Life of Stories* (1998). Her recent book, *Do Glaciers Listen? Local Knowledge, Colonial Encounters and Social Imagination* (2005) received two book prizes from the American Anthropological Association - the Victor Turner Prize and the Julian Steward Book Award, and also a 2007 Clio Award from the Canadian Historical Association.

Nic Damnjanovic

Dr Nic Damnjanovic is Assistant Professor in the Philosophy Department at UWA. He has a PhD in Philosophy from the Australian National University. Before returning to UWA, where he received his BA and MA, he taught for a year at the University of Colorado, Boulder. Most of Nic's work has focused on the philosophy of language and metaphysics and specifically on questions about the nature of truth. However, he also works on the philosophy of mind and action. His interest in questions about knowledge arises from the overlap of his interests in truth and action. That is, he is interested in the interactions between truth, theoretical knowledge and practical knowledge. His recent works includes 'Reason, Action and the Will' in Beaney, M. (ed.) *The Oxford Handbook of the History of Analytic Philosophy* (Oxford University Press, forthcoming) [with Stewart Candlish] and 'New Wave Deflationism' in Pedersen, N. J. and Wright, C. (eds), *New Waves on Truth* (Palgrave Macmillan, 2010).

Richard Davis

Richard Davis is Lecturer in Anthropology and Sociology at The University of Western Australia. He was awarded his PhD in Anthropology from the Australian National University in 2000 and has held a postdoctoral fellowship at the North Australia Research Unit (ANU) and was Research Fellow at the Australian Institute of Aboriginal and Torres Strait Islander Studies from 2000-2003. Research interests include post-frontier relations, indigenous masculinities, performance and ritual, social and cultural innovation. He has edited and coedited three books, *Woven Histories, Dancing Lives: Identity, Culture, History and Torres Strait Islanders* (Aboriginal Studies Press 2004), *The Power of Knowledge, the Resonance of Tradition*, (Aboriginal Studies Press 2005) and *Dislocating the Frontier: Essaying the Mystique of the Outback* (ANUEPress 2006). In addition to his scholarly work he has worked in the areas of native title and cultural heritage assessment.

James Leach

James Leach studied Social Anthropology at Manchester University (B.Soc.Sci 1992, PhD 1997), and is currently Professor of Anthropology at the University of Aberdeen in Scotland. His interests are in creativity, knowledge production and ownership; in art, science and collaboration; and in the development of new technologies and their implications for social form. His published works have focused on kinship, creativity, place/landscape and art in Papua New Guinea, on creativity and the person, intellectual and cultural property, knowledge production and exchange in cross-cultural and cross-disciplinary contexts, gender and free software, and on the relation of law (specifically intellectual property law) to artistic and collaborative practice. His fascination with how persons and things come into being as aspects of social process has spurred an interest in design, taken broadly as the space in which people collaborate and negotiate different interests and capacities. He is interested to explore how anthropological methods and concepts can contribute to others' endeavours, and how both imagined, and unexpected, social and material outcomes emerge.

Cori Hayden

Cori Hayden is Associate Professor of Anthropology and Director of the Science, Technology, and Society Center at the University of California, Berkeley. She received her PhD in Anthropology at the University of California, Santa Cruz, in 2000 and has held postdoctoral fellowships at the Center for US-Mexico Studies (UC San Diego) and at Girton College, University of Cambridge. Research interests include the anthropology of science, pharmaceutical research in Latin America, and the epistemologies and global politics of intellectual property.

Recent publications include "The Proper Copy," Journal of Cultural Economy, 2010; "A Generic Solution?" in Current Anthropology 2007; and When Nature Goes Public: The Making and Unmaking of Bioprospecting in Mexico (Princeton, 2003). Her current project, *New Same Things*, is an ethnography of generic drugs in Latin America and beyond.

Luke Taylor

Dr Luke Taylor is currently Deputy Principal at the Australian Institute of Aboriginal and Torres Strait Islander Studies and Adjunct Professor with the Research School of Humanities and the Arts at the Australian National University. He is an anthropologist who specialises in research with Aboriginal and Torres Strait Islander artists and has written and edited a number of books on Aboriginal art including: *Seeing the Inside: Bark Painting in Western Arnhem Land* (Clarendon Press, Oxford, 1996); co-editor with Peter Veth of the Aboriginal art and identity special issue of *Australian Aboriginal Studies* (2008/1); editor of *Painting the Land Story* (National Museum of Australia, 1999); and is co-editor with Jon Altman of *Marketing Aboriginal Art in the 1990s* (Aboriginal Studies Press, 1990). As a Visiting Research Fellow at the Institute in 1987-89 he prepared the first edition of the National Aboriginal and Torres Strait Islander Visual Artists Biographical Database (electronically published by Discovery Media). During the period 1990 – 2000 he was a Senior Curator at the National Museum of Australia and project manager for the current Aboriginal and Torres Strait Islander exhibits.

Ana Filipa Vrdoljak

Ana Vrdoljak is the author of *International Law, Museums and the Return of Cultural Objects* (Cambridge: Cambridge University Press, 2006) and numerous academic articles on international law and cultural heritage. She has taught courses and been invited to present at international conferences on these issues in Europe, North America and the Asia Pacific.

She is currently completing a monograph provisionally entitled 'Law and Cultural Heritage in Europe', funded by the European Commission's Marie Curie FP6 Programme.

Dr Vrdoljak was a Marie Curie Incoming International Fellow (2006-08) and Jean Monnet Fellow (2004-05) at the Law Department, European University Institute, Florence. She has been a visiting scholar at the Lauterpacht Research Centre for International Law, University of Cambridge (1999) and Global Law School, New York University (2000).

She holds a Doctor in Philosophy (in Law), LLB(Hons) and BA(Hons) from the University of Sydney. She is a Barrister and Solicitor of the High Court of Australia, Federal Court of Australia (since 1997), and the Supreme Court of New South Wales (since 1992).

THE UNIVERSITY OF WESTERN AUSTRALIA

Achieve International Excellence

Institute of Advanced Studies

The University of Western Australia
M021, 35 Stirling Highway, Crawley WA 6009

Tel +61 8 6488 1340
Fax +61 8 6488 1711
Email ias@uwa.edu.au
Web www.ias.uwa.edu.au

CRICOS Provider Code: 00126G

IAS 11121010