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**TRINIDAD CARNIVAL  
THE CULTURAL POLITICS OF A  
TRANSNATIONAL FESTIVAL**

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## 9. The Politics of Cultural Value and the Value of Cultural Politics: International Intellectual Property Legislation in Trinidad

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Contemporary concerns with the "global" mark a shift in thinking about the nation-state as the "container of social life," and the central terrain on which to analyze the production of citizen-subjects, economic development, political sovereignty, and cultural distinctiveness (Appadurai 1990, 2003; Gupta and Ferguson 1992; Basch, Glick Schiller, Szanton Blanc 1994; Brenner 1997; Castells 1997; Comaroff and Comaroff 2000; Hardt and Negri 2000). A central concern for many "developing" nations has been the supranational control exercised by international lending agencies such as the International Monetary Fund (IMF). Structural adjustment policies and privatization undermine state sovereignty, and the imposition of austerity programs increases poverty and hardship among the most vulnerable populations (Hakkert and Goza 1989). Achille Mbembe (2001) argues that in addition to the direct economic impact of these policies, the "tutelary government" exercised by the IMF and World Bank in Africa not only undermines the material base of society, but also destroys specific relations of political legitimacy. Fractured social, political, and economic relations are largely responsible for increased violence, banditry, and witchcraft accusations, which ultimately threaten the very existence of the post-colonial state.

I draw on these analytic insights to address questions of sovereignty in the Caribbean, especially the area of international intellectual property (IP) law as another important arena of supranational control. During the course of multilateral negotiations of the General Agreement on Trade and Tariffs (GATT), 152 states agreed to revise and enforce intellectual property law with the goal of

achieving global "harmonization" by the year 2000. Much of the worldwide debate on IP law focuses on "North-South" conflicts of interest and on unequal relations of power between metropolitan and "developing" nations. Through a situated analysis in Trinidad, however, I show how the implementation of intellectual property legislation must also be analyzed in relation to transnational class consolidation and deepening inequality and instability within nations. In Trinidad, IP laws are supported by national cultural producers (thereby disrupting reductive "North-South" analysis), but enforcement criminalizes underclass pirate cassette dealers, for example, and generates protestations from consumers. Moreover, the emphasis on individual authorship threatens to erase the social context of struggle from which Trinidadian expressive culture arose. When much of the population becomes excluded from "their" culture's expressions and profits, what then constitutes community? Exploring how intellectual property legislation is negotiated, accommodated, and resisted by various interests raises questions of social fragmentation as national subjects are repositioned by transnational forces (Balliger 2001).

Colonial and postcolonial analysis problematizes the concept of sovereignty because state formation has always been embedded in a global economic, political, and social context (Scott 1995; Chambers and Curti 1996; Stoler and Cooper 1997). This is especially true of the modern Caribbean, forged by the "world-encompassing processes" initiated by European expansion more than five hundred years ago, which eliminated the native population and created Creole societies (Mintz and Price 1985; Trouillot 1992; Gilroy 1993; Yelvington 2000). Spain first colonized Trinidad in 1498, it had a significant French population, and then became a British colony in 1797, with a substantial population of African slaves and free blacks. After emancipation in the 1830s, East Indian indentured laborers were brought to the colony, initiating the dual ethnic and cultural character of contemporary Trinidadian society (with 40.1 percent Indian descent, 39.3 percent African descent, 16 percent mixed, and 4 percent Chinese, white, Syrian and "other").<sup>1</sup> While national definitions of culture are often "imagined," Trinidad's colonial history and racial divisions make questions of national culture especially contentious, and the polarization of Afro- and Indo-Trinidad dominates sociohistorical debate (Singh 1988; Ryan 1996).

Music figures prominently in public discourse about culture, race, and place in Trinidad and has recently become central to debate on intellectual property, as music is Trinidad's primary "creative" product. Calypso music (songs of topical social commentary), which voiced opposition to British colonialism in Trinidad and after independence in 1962, exemplified national culture, along with the Afro-Trinidadian performance traditions of steelband and Carnival. Since

the 1980s, Indo-Trinidadians have contested their exclusion from definitions of national culture through the popular Indo-Trinidadian music of *chunney* (Ramnarine 2001), and in the 1990s through the first nationally broadcast "Indian" radio stations. The first Indian government (United National Congress; UNC) was elected in 1995. While racial divisiveness threatens to leap from public discourse and music to actual ethnic violence (Premdas 1993; Hayde 1997; Allabar 1999), much of the backdrop to this situation has been a severe economic decline after Trinidad's oil boom. The Ministry of Social Development reported that since the late 1980s, poverty levels have increased from 3 percent to 36 percent. In addition, there have been multiple currency devaluations and cuts in the public sector (Crichton and de Silva 1989; La Guerre 1994; World Bank 1995; Dookeran 1996).

Beyond their direct economic impact, privatization and commodification also affect definitions of culture. Much analysis of international IP law in the context of neoliberalism illustrates how the metropole maintains a West-Other binary, as "authors with intellect art distinguished from cultures with property" (Coombe 1997:90). However, public discourse on intellectual property in Trinidad produces subjects in contradictory ways—both as ahistorical autonomous subjects of capitalism who participate in culture through consumption, and as situated cultural subjects contributing a unique, nationally defined cultural experience to the global marketplace. While Trinidad has been coerced by metropolitan interests into adopting IP legislation designed to protect foreign technology and entertainment industries, parliamentary debate focused on the enhanced protection of "national culture," particularly the steel pan (considered the most important acoustic instrument of the twentieth century, arising from an urban, black underclass). By mobilizing legitimate historical charges of cultural imperialism, the government fosters cultural nationalism in a period of racial tension and economic decline, along with rhetorically salvaging national sovereignty. A definable cultural identity also promotes an attractive image of political stability for foreign investors.

While state discourses represent "culture" as historically shared by members of the nation, pressure from a globalizing economy leads to representations of cultural expression as the creation of an autonomous subject. Commercial interests attempt to redefine popular understandings of Trinidad's music as socially produced ("we 'ing"), into the valuing of music as an individually authored commodity. The move from social text to individual product undermines music's historical role in anticolonial struggle and its contemporary importance as a sphere of social critique. Recent revisions in copyright law also aim at eliminating cassette piracy and have led to a crackdown on sidewalk cassette dealers, who are often poor youth. But forms of petty production such as

cassette piracy are important sources of income precisely for those segments of the population increasingly excluded from the workings of the global economy. In sum, national debates about music production and consumption exist in wider economic and ideological fields, and illustrate how globalization disrupts national culture, intensifies ethnic and class conflict, and produces new social-spatial formations.

### AUTHORIZING CULTURE

Before analyzing the cultural politics of intellectual property legislation in Trinidad, I briefly historicize conceptions of authorship and culture that inform contemporary neoliberal discourse. Most critics of bourgeois ideology note the emergence of a modern subject concurrently with capitalist expansion and liberal humanism in Europe in the late Renaissance. In contrast to premodern Europe and understandings of God's universe as composed of unequal elements, the modern individual is conceived as a "self-sufficient and self-contained monad." In 1690, John Locke articulated the "possessive" character of the modern individual in that man has property in his own person; the mixing of human labor in the transformation of nature not only creates value in "his" property, but "natural human acquisitiveness" separates the civilized from the savage (who exist in a state of nature). Although modern individuals are naturally autonomous and equal, they must freely give up their natural state to become members of civil society, in which the purpose of government is to protect and regulate property by law (Locke 1980).

Locke also argues that to protect "equality," hierarchy is necessarily reintroduced in the form of man over woman (facilitated by the ideology of a public and private sphere), parents over children, and master over slave. Kant extends this core contradiction of modernity not only to reason over emotion within a divided subject, but also to the nation over the individual, to relations among nations, and over time and succeeding generations (Kant 1963). In contrast, Marx argues that liberalism is neither natural nor universal, but an ideology serving dominant class interests. By declaring individuals equal as political subjects, the state depoliticizes inequalities based on birth, class, education, and profession (1990). Marx rejects the "Robinson Crusoe" model of the independent, "self-contained monad," by describing how capitalism disguises the social character of labor and its products (Marx 1976). Relating these ideas to art and cultural production, Janet Wolff (1992) describes how the idea of "aesthetic autonomy" and the concept of genius first appeared in the late Renaissance (as did copyright), and, by the nineteenth century, art was understood through the lens of Romanticism as an autonomous activity that transcends the social.



The anthropological concept of culture that emerged in the late nineteenth century transferred "possessive individualism"<sup>2</sup> onto groups by drawing on German Romantic ideas that a people had a distinctive character and spirit. Ethnic groups and nations are commonly understood as "collective individuals" whose most prized possessions are their culture and history (Handler 1991). While essentializing notions of culture have given way to understandings of difference as a discourse embedded in relations of power, the language of cultural diversity remains dominant in international relations. Kearney comments on how the concept of culture has entered into legal discourse just as anthropologists are debating the usefulness of the concept: "It is somewhat ironic that while the conditions of transnationalism are causing anthropologists to reconsider the validity of the culture concept, the growth of transnational communities is causing the legal system to pay more attention to it" (1995:556-557). The possessive concept of culture is a necessary component of globalization, as neoliberal assumptions frame international discourse on "culture"—its reification enabling cultural ownership, preservation, and exploitation. Non-Western peoples have employed the language of rights and ownership to make claims against dominant forces, but their arguments for particularity must be conducted within a broader conformity, as "the spread of bourgeois law around the world, backed by the weapons and wealth of overdeveloped nation-states, has made these ideas difficult for people anywhere to ignore" (Collier et al. 1995:14). Or, as Handler writes: "That putatively diverse national and ethnic groups understand one another well enough to fight about who 'owns' the past suggests that all of them have been assimilated into a global culture of the present" (1991:72).

Rosemary Coombe's essay, "The Properties of Culture and the Possession of Identity: Postcolonial Struggle and the Legal Imagination" (1997), addresses hegemonic constructions of authorship in the context of international law. Coombe argues that contemporary discourse on cultural appropriation is polarized in two positions that she labels Romanticism and Orientalism, both of which draw on the concepts of a universal Culture (capital "C") and cultural relativism (small "c"). Legal constructions of authorship are imagined in Romantic terms in which an autonomous subject freely creates from his imagination—transforming any "idea" into "expression," which then represents his work and property. Coombe contrasts this "imperialist" view with the "Orientalist" understanding of a univocal "voice" capable of transparently speaking for an authentic cultural tradition. While "Native Peoples" have made claims based on internationally recognized definitions of property, cultural claims are profoundly limited compared to the rights of individual authors (to whom royalties flow). While I agree with Coombe's contention, she tends to overlay this duality on Western and non-Western peoples:

The law offers two possibilities of property that reflect two visions of culture. Intellectual property laws enable individual artists imagined as acultural Romantic authors to collect royalties for the reproduction of their personal expressions as reward for their contributions to a "human" cultural heritage. Cultural property laws enable collectivities to physically control objects that can be shown to embody the essential identity of a "culture" statically conceived. (1997:86)

However, these two visions of culture cannot always be mapped onto "white" artists and "Native" people. In Trinidad, defining individual or cultural ownership has become a contentious question among people with a *sharad* national culture and reveals a conflict between national cultural producers and lower-class consumers. This illustrates that the international imposition of neoliberal concepts of property onto less powerful nations also fuels class antagonism within the cultural space of the nation-state.

#### INTELLECTUAL PROPERTY, INTERNATIONAL RELATIONS, AND THE STATE

In discussing the globalization of intellectual property legislation, I attend to the continuing power of the metropole to shape policy on a global scale, while developing a more nuanced analysis. Much of the critical scholarship on international intellectual property legislation emphasizes "North-South" conflicts of interest, and the superior power of the "North" to enforce its position over weaker states, thus eroding national sovereignty. However, this approach makes a more complex analysis of transnational class interests, an increase in inequalities within nations, and the re-territorializing of identities in transnational space. Stoler and Cooper's approach to globalization highlights the necessity of bringing the metropole and colony (or postcolony) into one analytic field, attending to different populations and agendas within those categories, and conjoining political economic and discursive analysis:

The current focus on the cultural and representational features of colonial authority powerfully underscores that we can understand little about the political economy of colonialism without attending to the culturally constructed and historically specific notions of "labor," of "trade," of "freedom," and of the practices and perceptions in which relations of domination were lived. But the cultural work in which states engage and the moralizing missions in which they invest are discursive fields both grounded in and constitutive of specific relations of production and exchange. (1997:18)

Ronald Betrig's *Copyrighting Culture: The Political Economy of Intellectual Property* (1996) offers an overly structural approach to cultural production, but

it raises important issues regarding the globalization of intellectual property legislation. Betting points out that copyright appeared with the historical emergence of capitalism and that protection has always required the state. He argues that intellectual property legislation follows the expanding markets (such as in software and entertainment) of powerful nations, and that protecting IP internationally has been fueled by an emphasis in the U.S. economy on the production of services, along with new forms of protection necessitated by the international division of labor. The United States has dictated the terms of protection, and "Free Trade" areas have been a central method of advancing these interests:

The global proliferation of communications technologies and the expansion of the realm of intellectual property is a process that clearly benefits the advanced economies of the United States, Europe, and Japan. The incorporation of intellectual property protection into the General Agreement on Tariffs and Trade (GATT) signaled the consolidation of control over intellectual and artistic creativity in the hands of transnational corporations based in rich countries. (1996:5)

In addition to "metropole-periphery" conflicts, Betting addresses the issue of intellectual property for classes across and within nations. Since the 1980s, he cites increasing class consolidation (e.g., NAFTA was supported by "big capitalists" in all three countries); clashes within nations between more advanced export sectors and those industries involved in copyright infringement; and the widening gap between rich and poor (within industrialized countries as well). Economists trace these developments to the debt crisis of the 1970s and the power of nonaligned nations in this period. The structural crisis in transnational capital fueled efforts by international economic policy-planning organizations such as the IMF and World Bank to "reestablish the international unity of the capitalist class in the face of popular social movements" (Betting 1996:190). Debt payments to the IMF have largely been serviced by reducing the "labor share" of income, so that international redistribution of income has been accompanied by a regressive redistribution on the domestic level. Because a significant portion of interest payments to international banks are "returned" to local elites as interest on stock of previous capital flight, "Popular classes are not only forced to undergo austerity to pay international debt, but also to fund their own upper classes" (Pastor 1989:99).

To summarize recent intellectual property law in Trinidad, I draw on the work of Taimoon Stewart and Keith Nurse from the University of the West Indies. Stewart's primary concern is the conflict of interests between North and South nations, not only in terms of their economies, but also with regard to value systems, morality, and community. South nations claim that the pirating

of foreign technology is done on humanitarian grounds, or that their IP laws reflect greater access to food and medicine. But Stewart argues that cross-country differences matter little when the North establishes the "rules of the game." The World Intellectual Property Organization (WIPO) administered international agreements on intellectual property in a one-country, one-vote system (giving developing nations greater influence), until more powerful industrialized nations undercut this system by successfully including TRIPS (Trade-Related Aspects of Intellectual Property Rights) under the World Trade Organization in the Uruguay Round of GATT in 1994. Developing countries were given to the year 2000 to implement IP legislation, with the goal of achieving "global harmonization" ("harmonization" meaning upwards to EU and U.S. law).

In the Caribbean, Jamaica and Trinidad signed bilateral treaties with the United States to revise their domestic legislation in advance of the transitional deadline, and Trinidad instituted new laws in early 1997. In Stewart's analysis, the government's argument that strong IP laws will attract foreign investment is flawed, and "while some benefits can accrue to us in terms of protection for our artistes under copyrights, by far the bulk of the new intellectual property regime protects owners of foreign goods and technologies" (1996:20). Trinidad will receive little benefit from this legislation, but the state must absorb all administrative and enforcement costs, and is subject to cross-retaliation in areas other than IP to ensure compliance.

Writing on the music industry and Carnival, Keith Nurse summarizes the impact of international IP law on developing countries as follows:

- (1) additional administrative and enforcement costs
- (2) increased payment for foreigners' proprietary artistic work
- (3) price increases associated with greater market power for copyright producers
- (4) enhanced protection and collection of copyright royalties for developing countries. (1996:22)

Simply put, most benefits will flow to the international music industry, whose global losses from piracy in 2005 were estimated at \$4.3 billion.

Nurse also critiques the economic inequalities of cultural production on an international level and with regard to race in Trinidad. In an interesting reversal of the cultural imperialism thesis, he favors privatizing Carnival and shifting it away from a festival to "seeing carnival as an industry" (personal correspondence 1997). He characterizes the dominant discourse on Carnival as modern Europe's "dialogue with itself," in which Western cultural critics romanticize Carnival as an authentic festival of liberation in danger of losing its meaning through commodification, as seen in Payson's description of Carnival's "evolution from sacred to commercial ritual" (1995:12). However, Carnival in the

Caribbean has been situated in the circuit of global capitalism for the last five hundred years. Nurse challenges the perception of Carnival as something only "black people do," as other races have always been involved—primarily as entrepreneurs—through the sponsoring of music and masquerade competitions, the selling of fabric and alcohol, the renting of sound systems, and so forth. While the question of "who benefits?" from cultural production in terms of race is an extremely important question, conflicts of interest within Afro-Trinidadian populations are an important issue I discuss below.

#### PARLIAMENTARY DEBATE ON INTELLECTUAL PROPERTY, THE POLITICAL USES OF PAN, AND THE SEARCH FOR AN AUTHOR

In Trinidad, constructions of culture and authorship have emerged as a field of contestation within the nation by different economic and political interests. Analyzing the articulation of spatial scales is useful for thinking through contradictory relationships between the state and transnational sphere, as well as that of the state and various national interests (Sassen 1996; Brenner 1997). Parliamentary debate on IP might be understood as *performing* state sovereignty (in the context of its erosion by supranational lending agencies, law, and trade policies), by shifting the IP debate towards the protection of national culture, especially the steel pan. However, with the dramatic increase in racial tension in Trinidad in recent years, national discourse about the steel pan becomes reframed by Afro-Trinidadian or Indo-Trinidadian interests. Beyond constructions of culture as shared by members of the nation, or by a national ethnic group, the redefinition of culture as individually authored is being promoted by the local copyright organization that represents national cultural producers, especially calypsonians. I discuss how these contradictory interests affect specific parliamentary debate on IP legislation, which focused on protecting the steel pan as the ultimate image of national cultural achievement.

In accordance with a bilateral treaty signed with the United States, Trinidad had both to "rush" to enact intellectual property legislation in advance of the deadline for developing nations and to provide even greater IP protection than the TRIPS agreement. As a result, parliamentary debate on intellectual property was largely a matter of form over substance (but necessary for the staging of political sovereignty). The package of legislation was debated through early 1997 and included five bills in the following areas: Patents, Industrial Designs, Layout Designs of Integrated Circuits, Protection Against Unfair Competition, and Geographical Indications. While this legislation primarily protects multinational corporations and foreign investors, parliamentary debate focused

on protecting the steel pan and was extensively covered by the major news media. Legislation that clearly represents a capitulation to foreign powers was recast as providing enhanced protection for national culture. Focusing on the steel pan not only constructed IP legislation as something Trinidadians would support, but also form part of a continuing political effort by the (Indian dominated) UNC government to foster "national unity."

Opening remarks in the House of Representatives by Kamla Persad-Bissessar, Minister of Legal Affairs, articulated a familiar discourse of modernization (naturalizing "development" and neoliberal interests), enhanced by contemporary Silicon Valley, techno-liberationist assumptions:

Mr. Speaker, as we approach the year 2000; as we approach the 21st Century, we see unfolding before our eyes, a new age, a new era. We see the world shrinking before our eyes as we enter into the high tech electronic age: we see the Hon. Prime Minister with his laptop computer and so many others with computers. We see a shrinking world, as we speak in one place we can hear our words broadcast across the globe in a couple seconds; incidents as they occur in one place can be relayed in seconds across the entire continent as we are witnessing globalized economy.

No more in Trinidad are we isolated; no more are we insulated from world events. Indeed, we cannot afford to be isolated and we cannot afford to be insulated from what is taking place in the rest of the world. Within this changing scenario, in the count down to the 21st Century, this Government has embarked on a progressive legislative agenda so as to facilitate the absorption of advanced technologies and the stimulation of domestic activity in order to contribute to the development of Trinidad and Tobago and so to place Trinidad and Tobago firmly on the world map.

One could argue that Trinidad was never insulated from world events, but was forged by world events (especially histories of conquest and colonization). However, it would simply be metropolitan arrogance to refute the statement that "we cannot afford to be isolated . . . from what is taking place in the world." While efforts to create a more equitable society on a national level have certainly not vanished, there is an increasing sense of powerlessness in the context of the triumph of capitalism, international class consolidation, and the economic and military power of the United States. Moreover, the invasion of Grenada in 1983 and remilitarization of the Caribbean during the Reagan era chilled radical politics in the region (Deere 1990; Payne and Sutton 1993), except for groups espousing martyrdom, such as the Jamaat-al-Muslimmeen, who attempted a coup in Trinidad in 1990.

Later in her parliamentary statement, Persad-Bissessar describes forms of intellectual property such as artistic works: "We think of calypso and chutney as ready examples in this land of ours." While calypso is a world-renowned form, the

inclusion of "chutney" in her opening remarks reflects greater recognition of Indo-Trinidadian music and culture under the UNC. She admits that enacting intellectual property legislation is now a matter of meeting "international obligations," but argues that IP legislation will encourage "creative activity in this country; industrialization, investment and trade" designed to enhance the "quality of life for all of us in Trinidad and Tobago." Here, state political authority benefits from producing a unified narrative of national culture, or by addressing "Indian" or "African" contributions in a pluralist model. This encourages further analysis of the "political uses of ethnicity," as Kevin Yelvington argues that ethnic identity is fostered by post-independence politicians in the "anti-neo-colonial" struggle (1993). However, encouraging a racial identity also risks divisiveness because "race" encompasses historically divided geographies of power, resources, electoral support, and claims to artistic creation.

As the debate on IP legislation opened to members of parliament, the issue of the steel pan took center stage, initiated by Eulalie James, the opposition People's National Movement (PNM) representative from Laventille West (a poor, urban, Afro-Trinidadian community where pan is said to originate).

Mr. Speaker, nowhere in this Bill does the legislation attempt to deal with the frightening situation of our national instrument, King Pan. Mr. Speaker, can we not protect the pan? . . . I am aware that the pan was discovered and it evolved. It continues to evolve. Its 1969 tone is much different from that of 1995, and much more refined is it not? Mr. Speaker, I am aware that it will be very difficult to identify the actual inventor or divisor of pan. I am aware that there are arguments as to whether the pan was discovered or invented. Without any doubt, what we know today is that the pan was either invented or discovered in Trinidad and Tobago. . . . could there not be an agreement as to who is the most likely person we can identify as the actual divisor? Does the Act not envisage one or more inventors, point inventors or co-inventors? (Minutes of the House of Representatives, Port of Spain, July 9, 1996)

James's statement, while claiming credit for her political constituency of Laventille, points to a central contradiction of authorship and cultural property. The fact that IP law protects individuals as "authors" negates the social contexts that fuel creative expression. Both calypso and pan emerged from a subordinate population over years of racial, class, and anticolonial conflict; indeed, one book on the history of the steelband recounts more than ten narratives on the invention of pan (Goddard 1991). Because the steel pan arose from an impoverished black district, being a "pan man" was associated with uncouth behavior and violence. While this stigma continues even today, it has largely been supplanted by a cautious pride brought about by the international recognition of pan, and steelbands come to perform in Trinidad's carnival from as far away as Japan and

Switzerland. In a small former colony like Trinidad, one cannot underestimate the power of international recognition in confronting persistent feelings of "secondclassness" (Lovelace 1996). At the same time, greater resources in nations such as Switzerland have enabled superior pan production. Some of Trinidad's best tuners have been lured abroad, so there is also the perception that Trinidad is "losing" pan to the world, a perception that the lack of patent reinforcements quickly subsumed by the rush to conform to internationally established definitions of invention. Ultimately, the search for an author appeared futile as the pan has likely passed into "public domain."

When the senate met to discuss intellectual property legislation, a more critical discourse emerged. The imbalance of power inherent in international agreements, North-South conflicts, and even the politics involved in the pan discussion were voiced:

Sen. M. Daly: This is to protect certain interests . . . It also protects us because we will get foreign investment as a result of passing these laws, but it completely ignores indigenous concerns. So, not only do we have this situation where, in my opinion, superficial political credit is being claimed, but we are going to hear from every political contender, that the steelband is the greatest invention of the 20th Century. . . . I ask, what legislative support is there in this country for the steelband? What opportunities have we lost on this occasion to dialogue with these experts and interest groups, to tell us?

Sen. Rev. D. Teelucksingh: . . . 73% of the homeless people, the vagrants, and so on, in the town, were former mas men. . . . 53% were former pan men. You speak about intellectual property rights and property protection. This is a result of your failure over the years to see the need to protect the property treasure of your people [applause]. The property treasure of their minds and their hands and culture have been exploited to the extent where, of all homeless people you see, 73% of them were former mas men and pan men. (Minutes of the House of Representatives, Port of Spain, July 12, 1996)

These statements highlight unequal power relations involved in IP legislation, while transforming state subordination into a nationalist cause. The "failure" to protect culture raises continuing questions of self-worth, and can also be read as a masculinist national politics easier to applaud in the Red House (Trinidad's House of Parliament), than to support in policy or daily practice. While it is common to hear complaints that "Trinidadians don't value their own," with the pressure to commodify culture from international and national locations, valuing one's culture is increasingly constructed as paying for it. In the next sections, I discuss the contradictory efforts to transform national subjects who conceive of themselves as embodying a rich cultural heritage, into ahistorical subjects who participate in culture through consumption.



### UNLEARNING CULTURE AS "WE TING": THE ECONOMICS AND CULTURAL POLITICS OF COPYRIGHT

Trinidad enacted its first copyright act in 1985, and along with the "general overhaul" of intellectual property legislation, replaced it in 1997, increasing penalties for cassette piracy to up to ten years in jail and TT \$100,000 (approx. US \$17,000). While parliament emphasized the protection of Trinidad's "cultural property" for political reasons, pressure from a globalizing economy aligns with the interests of cultural producers on a national level to represent culture as the property of individuals. Educational efforts and police enforcement of anti-piracy laws contribute to the recasting of culture as a commodity. However, popular memory works against the reification of calypso, soca, and steelband music, because these are thought of as "festival" music, and are associated with a history of mass participation and freedom. Cassette piracy is the dominant form of music distribution in Trinidad because most people simply cannot afford to buy new tapes or CDs. The crackdown on piracy sparked public debate on intellectual property and culture.

On the broadest level, the impetus for increased enforcement of copyright, patent, and all intellectual property law is pressure from foreign interests. However, discourse on cultural and economic imperialism must also be seen for its value in terms of cultural nationalism and in garnering support for the Government—especially in a period of heightened poverty and social tension. An article by senator and professor Ken Ramchand in one of the major newspapers articulates this view; in fact, Ramchand wrote this piece in the form of a letter to himself from a grassroots reader:

Dear Kenos,

... I am begging you to make the connection between the copyright laws other people forcing us to sign, and the laws of the oppressor that they throw down from the time they bring us here ... Make people understand that copyright laws are designed to benefit not creators but businessmen. In our case, foreign businessmen. Tell them the International copyright laws we rushing to sign exist to serve the interests of the not so absent absentee landlords of our culture and society. Same old boots. Same old khaki pants. Old plantation, new crops. Carrying me back to old Virginny.

What we fighting about is the art and endurance and soul of all who came as strangers to these blessed islands that we labour to make our home. That is the struggle and creativity our folklore and mas commemorate and mean ... (Ramchand 1997)

Ramchand argues against American cultural imperialism while articulating a romantic view of Trinidadian culture. Ironically, while he contrasts oppressive

images of the plantation to the art, soul, and struggle of the Trinidadian folks, his promotion of such an image of national culture serves the intensifying, commodification of Trinidad's music and mas, as "Carnival" is identified as the export that will give Trinidad competitive advantage in the neoliberal marketplace (Nurse 1996b). The nostalgic discourse of "our culture" generates national solidarity to combat increasing economic, racial, and generational fragmentation in the context of globalization.

Popular discourse also illustrates a concern with exploitative international power relationships involved in cultural ownership and control. While Trinidad is famous for calypso music (Rohlehr 1990), the most popular calypso in history was "Rum and Coca Cola," recorded in the United States by the Andrews Sisters in 1943 and selling an estimated four million copies. Lord Invader (of Trinidad) successfully sued after proving he was the composer, but never received adequate compensation.<sup>3</sup> Similarly, Lord Melody penned many of the songs that made Harry Belafonte's career. Most artists in "underdeveloped" countries lack the power to effectively control and market their music internationally, but there have been some improvements in this situation. Although it's a sore spot among Trinidadians that the biggest selling soca song was also recorded by a foreigner, Arrow's "Hot Hot Hot" of 1983 not only sold three to five million copies, but he has reportedly earned royalties into six figures.

Along with the enhanced legal framework of copyright in Trinidad, the Copyright Organization of Trinidad and Tobago (COTT) was formed in 1985 to protect the rights of songwriters and collect money (for both foreign and local artists) from music sales, broadcasting, and licensing. In their *Annual Reports* (1995), COTT reported distributions to local owners of approximately TT \$215,000 and to foreign owners of TT \$585,000. The amount of royalties distributed has increased steadily in recent years. Besides interfacing with international intellectual property organizations, COTT conducts workshops and advertises in the local media to educate the general public and local businesses about copyright law. They also collaborate with the government and police on enforcement.

COTT is actively reeducating the public about their relationship to Trinidadian music and culture—away from thinking of music as "we t'ing"—to conceptualizing music as an industry made up of individual authors. Alvin Daniell, composer and chairman of COTT, produces a weekly one-hour television program called *Calypso Showcase* that features interviews with calypsonians and issues related to music. Two segments on copyright featured entertainment lawyers, calypsonians, members of the police force, and a former pirate cassette dealer. These programs focused on the need to dislodge popular conceptions of music as shared national culture and to reconceptualize music as a commodity.

In this country here . . . we like to believe that calypsonians and calypso belongs to everybody, and that attitude is what affects not only the artist but the society as well . . . People want to enjoy music and they have a right to . . . but they seldom see the artist in the excitement, they seldom see the artist in the enjoyment, they believe that to get a tape it is for *them* to enjoy at a minimum cost. (Watchman, calypsonian)

I would hope that we move away from the concept that music is just anything . . . and that the people who produce this music do not really need the reward from their music. Just as we look at work . . . they have worked and expect payment, and that people cannot just tape the people's music . . . (Winston Cooper, Assistant Superintendent of Police; see Daniell n.d.)

Watchman's statement clearly articulates the popular perception of "Trinidadian music" as a cultural text that *belongs* to Trinidadians. Cooper's statement reiterates John Locke's theory on labor as the basis for property, and in this context, emphasizing the *work* in music is an excellent argument. Since his statements were spoken in a televised interview, I find the ambivalence of the words, "the people's," particularly interesting. Given the nature of Cooper's argument, I assume he meant "the people's music," describing the possessions of individuals, but the words might also be interpreted as "the peoples' music," or as music belonging to a group or culture. While both phrases are "possessive," this ambiguity is central to issues of ownership and articulates a persistent confrontation between use value and exchange value (Marx 1976).

COTT has succeeded in collecting licensing fees from major promoters. For many of its member composers, receiving even small amounts of money for royalties makes a difference on a subsistence level. However, there have also been complaints regarding the targets of anti-piracy campaigns, as pirate cassette dealers are poor youth with few employment opportunities. COTT is certainly not responsible for arrests, but they have instigated police enforcement of copyright infringement.<sup>4</sup> One letter to the editor addresses the issue of affordability for consumers and argues that piracy is a way to make a few dollars.

Dear Editor:

The present action of copyright clean-up campaign of all those self-employed youths and others who sell recorded cassettes for a living has disrupted me greatly.

Firstly music is everybody's and mostly everyone knows quality music. And secondly every person does not have a stereo or turntables to spin a record. And most certainly a person will not purchase a \$30 original cassette which is not a quality recorded cassette, whereas a cassette sold by a trying youth will have a combination of singers which cost cheaper. Presently people have no money to spend stupidly . . .

. . . As a solution for more record or C.D. sales and a chance for those frustrated youths who are now unemployed, is it possible for copyright owners to grant a license for those people in the cassette selling business?

Signed,

Frustrated and Unemployed's

Another article discusses the arrest of a pirate cassette dealer and his incompensation of guilt:

In an obvious way of clamping down on persons selling pirated cassettes around the country, Magistrate Narine ordered Pacheco to pay the maximum fine for selling the cassette.

Pacheco, 19, of La Horquetta, Arima, appeared dumbstruck as Magistrate Jai Narine imposed the fine in the Port of Spain Third Court.<sup>6</sup>

This statement illustrates the use of law in protecting class interests, and would probably be read by Trinidadians as "racial" as well.<sup>7</sup>

A columnist for the *Express* combines consumer concerns with a hyperbolic description of increased enforcement as follows:

a "Kriswallnacht" for creators, and it leaves me profoundly uneasy. I meet young men eager to enforce copyright infringement with a kind of brownshirt enthusiasm that seems to be entirely removed from the intent and practice of the law.

When COTT cracked down on sidewalk music pirates, they made it impossible for people to buy cheaply priced compilations of calypso tapes. (Lyn-dersay 1997)

Some people claim that piracy is an organized industry having nothing to do with a "scrutinizing youth man."<sup>8</sup> Because of its illegal nature, accurate data is difficult to obtain, but my sources indicated there are groups involved who own about twelve music sets, in addition to smaller groups and individuals. However, enforcement has emphasized the endpoint of sale, and the majority of sidewalk cassette sellers are poor youth. The criminalizing of pirate cassette dealers vividly and tragically symbolizes the contradictory effects of transnationalism from "above" and "below," as the masses have been increasingly abandoned by the state and have been thrown into a globalized marketplace, where a "whole counterzone of informal transnationalization has also emerged" (Robotham 1998:319). Simply put, while neoliberal *ideology* condemns piracy, neoliberal *economic policy* actually fuels it—as global economic inequalities force people into informal or illegal activities to survive.

I have expanded North-South analysis of global power relations by examining the multiple affects of international intellectual property law in Trinidad.

Transnational forces fuel the reconceptualizing of state sovereignty, producing competing subjectivities within the nation-state as the interests of cultural producers clash with enduring popular understandings of cultural belonging. Fostering a sense of shared Trinidadian culture was politically useful during the anticolonial struggle and served the same classes who now, in the postcolonial era, seek to transform a politicized popular culture into an economically profitable one. Similarly, discourses on "cultural imperialism" may be "resisting" on the level of foreign domination while effacing inequalities and difference within the nation. Popular expression in Trinidad has always required resources and has been involved in the circuit of global capitalism—which negates teleological narratives of a pure culture of resistance becoming a purely commodified popular culture. What I find most important to examine are changing relationships to cultural expression for subjects differently positioned in society—indicative of new geographies of culture and power.

It may be inevitable under advanced capitalism that "culture" bares a reified and possessive character, whether it is constructed as the property of groups or individuals. While I have analyzed cultural ownership at several levels, important questions remain regarding contradictory discourses operating in the same space and how it is possible to foster both a sense of culture as historically shared and as a commodity. Finally, I suggest that we think beyond analyses of state discourses or the global trajectory of commodification—towards examining the "value" of competing discourses and the production of social instability.

## NOTES

1. The 1991 census data is from a survey conducted by the Institute of Social and Economic Research, UWI, Trinidad.
2. C. B. Macpherson argues that the "possessive" character of individualism is central to modern liberal-democratic theory from the seventeenth to the nineteenth centuries. "Its possessive quality is found in its conception of the individual as essentially the proprietor of his own person or capacities, owing nothing to society for them. The individual was seen neither as a moral whole, nor as part of a larger social whole, but as an owner of himself. The relation of ownership, having become for more and more men the critically important relation determining their actual freedom and actual prospect of realizing their full potentialities, was read back into the nature of the individual. . . . Society consists of relations of exchange between proprietors. Political society becomes a calculated device for the protection of this property and for the maintenance of an orderly relation of exchange" (1975: 3).
3. Raising additional questions about autonomous authorship, Donald Hill argues that Lord Invader's "Rum and Coca Cola" was based on a Martiniquean folksong (1993: 234–40).

4. See, e.g., "COTT goes after 'free music,'" *Punch*, June 28, 1997; "Police for Pirates: COTT flexes its legal muscle," *Punch*, August 24, 1997.

5. "Give licenses to cassette dealers," *Express*, November 21, 1992.

6. "Pirate" fined \$5,000 for cassette," *Guardian*, July 21, 1994.

7. "The conflict of interests between composers and pirate cassette dealers exists largely within the Afro-Trinidadian population as they are the majority of producers. However, in the polarized racial climate of late, this type of incident would probably be read through race as well. When describing an incident of domestic abuse, robbery, or any unusual occurrence, in popular discourse the next question is likely to be: 'Was it an Indian or African?' In this piracy case—regardless of the 'facts'—the newspaper article would probably be understood as an example of racism because 'an Indian judge ordered the maximum fine against a plaintiff of mixed African and Spanish descent.'

8. "Skulduggery and Crossbones," *Express*, August 13, 1995.