

WHO OWNS OUR SONGS?

Authority of Heritage and Resources for Restitution

Kristin Kuutma

This article analyses property relations in cultural expression in the ambivalent process of heritage production, and considers the implementation of intangible heritage by communities and individuals in the framework of cultural policy making. Ownership reflects an entanglement of interests, grounded in the established social and political domains. There appear moments that sustain or contest agency in property ownership, while modern cultural politics may dictate conflicts between individual or communal property rights in the context of claiming significance to heritage. My discussion of the predicaments of collective or individual ownership, contested restitution or celebration observable in the policies of intangible cultural heritage is based on the experience of the Seto community in Estonia.

Keywords: property relations, communal and individual ownership, intangible heritage, policy making

Property relations in general tend to be conceived in their economic dimensions, focussing either on material or intellectual ownership. In this article, my concern shifts from the objects to the dynamics in claiming subjectivity in these relations, while my aim is to analyse the conflict or potential in the ownership relations from the perspective of the individual or the community. Communal property subsumes negotiated junctures with the state, rendering it significance in the discussion of property rights, and eventually pointing to the aspect of policy making. My discussion of the predicaments of the ownership, contested restitution or celebration observable in the policies of intangible cultural heritage is based on the experience of the Seto community in Estonia. Cultural heritage, as a value-laden project

of ideology, plays on the category of time while making claims for ownership, purity, and restitution. The employment of past repertoires and expressive practices in the construction of celebrated intangible heritage lumps together different periods, entails exclusions and renders communal cultural experience homogeneous.¹

The Seto are a tiny ethnic group² in the border zone between Estonia and Russia. Today most of the Seto live in Estonia, but their historical settlement area spread further to the east, to the territory of the present Russian Federation (about 1,700 km² on the southern and south-western shores of Lake Peipsi³ and of Lake Pskov⁴). The Seto region (Setomaa) is divided between Võru and Põlva counties of south-eastern Estonia, and Pechory administrative district

of north-north-western Russia. Similarly to Estonian, the Seto language falls into the Balto-Finnic group of the Finno-Ugric language family. Seto traditions have been defined by an agrarian village community and the Russian Orthodox Church. The social and political changes of the twentieth century have caused the Seto to move outside their historic region but they have largely remained in good contact with it. The total number of the Seto in Estonia is estimated around 10,000–13,000, with about 3,000–4,000 in the historic Seto area. Although the 2000 census of the Republic of Estonia did not provide a possibility for the Seto to register separately, their indigenous representative body, the 6th Seto Congress of 2002 proclaimed the Seto “a nation” (see Sarv, Õ. 2008). The contemporary Seto carry a double Seto-Estonian identity. Their Seto identity is predominantly defined by ancestral descent; it becomes manifest in their usage of the Seto language, relations to the historical habitat, their maintenance of communal and family traditions, and the veneration of their passed ancestors, but also their skills in and understanding of the traditional singing style. Today one of the most visible elements of Seto culture is their traditional singing, called *leelo*.

Due to limited space, the present article cannot discuss the various aspects of the manifestation (or contestation) of the complex Seto identity, nor the political constraints or observable entanglements,⁵ but proposes to focus on the major cultural element in Seto identity construction that has been identified and celebrated in the process of heritage studies, and transformed into an empowering asset by different agents both inside and outside the community. The Seto have been the object of cultural policy making from the early twentieth century onwards when their rich poetic repertoire was identified as the cultural reservoir of pristine heritage. The Seto identity construction emanates from a combination of versatile liminalities, rising from the geographical placement in the border zone between south-eastern Estonia and north-north-western Russia. A complex interplay of continuous social and political marginalization on the one hand and an active idolization of Seto

cultural heritage on the other define their cultural expression (see Kuutma 2006). Those powerful external constraints have produced significant internal response, revealed in the sentient traditionalization of Seto culture, which empowers particular groups, rhetorics and interests. Among them traditional *leelo*-singing⁶ and *leelo*-choirs⁷ have acquired increasing recognition. The following article will look first at the ramifications, constraints and contingencies of identifying cultural heritage as property; secondly, it will situate the Seto singing practices and repertoires in the socio-political context and cultural policies concerning intellectual property. At the same time, drawing on the case analysed here, I propose to problematize the common framework of ownership discussions in the context of intangible heritage. The emerging questions have been articulated with the help of interviews with community representatives.

The value-laden connotation implied by reference to heritage alludes to preservation and celebration of past elements of reified culture that is intended to manifest ethnicity, locality, and history; and yet the cultural politics involved with heritage proposes to address the concerns of the present, with a perspective to the future. In Estonia, the Seto have functioned for about a century as the imaginary folklore reservoir (Kuutma 1997), nurtured by the interaction of ethnographic research with heritage production and cultural policy making, and including a discursive impact on local communities and their cultural expression.

Property Relations

Property as a concept entails elaborations on politics and economy, when looking at the social organization of rights and authorities over material and intellectual resources. Ownership is a product of interests; the possession or appropriation of something is grounded in the perception of established social and political domains. Private ownership is related to the individual, and yet it implies social relationship and cultural ramifications, complicating the implied homogeneity in this association that is embedded in western capitalist perception of ownership. To complicate the organizational constraints,

in modern technological societies the issue of property ownership has become a complex amalgam of legal and economic concerns and interests because of the technologies of reproduction. This concerns the regulations of public availability that are governed by copyright, which denotes the legal owner of a recorded product. And today, these confinements extend potentially to any cultural expression, especially to those labelled exotic. However, such concepts of ownership cannot be regarded as a universal given. Max Gluckman has argued that all property relations are ultimately social and political relations, whereas anthropological research should go beyond formal definitions to unravel the real distribution of rights (Gluckman 1965). Ownership reflects the nexus of specific relationships, but it appears to be easier to understand rights over things than rights between people. We should observe particular ideologies of distribution and sharing, complemented by analysis of position in status hierarchy, control and power.

The discussion of property rights is clearly defined by the western concepts and practices of ownership, as well as the organization of the distribution of assets or knowledge (cf. Strathern 1999). David Napier (2002) looks critically into the role that anthropological studies (burdened by the “monopoly” on the translation of cultural categories of thought) play in the appropriation of indigenous forms of knowledge, but he also looks at how scholars could facilitate interaction between policy makers and indigenous groups, in order to establish a fair footing for the intellectual property rights of the latter in the current globalized economic exchange. He points out that knowledge needs to be framed before it can be bought or sold: “one must first give it a name, establish a provenance, and at least suggest a range of experience to which it might apply” (Napier 2002: 289). The western thinking about property concerns also implies the commoditization of knowledge, reified and legitimized by international systems that are easily supported by national government policies. Napier concludes that the promotion of intellectual property rights for the “silenced indigenous voices” happens in

morally and politically complicated settings (ibid.: 295).

There is a clear clash in addressing the issue of ownership in post-industrial societies when juxtaposed with indigenous groups and their regulations. But from the perspective of cultural expression, we should not only focus on capitalist interests in contrast to individual or communal ownership. Among the important factors regulating property rights and managing policy making that influence them subtly, the role of the state should be analysed, which in certain conditions overrules other interests involved. My drawing in the constitutive capacity of the state regulative system should also lend an opportunity to extend the discussions of ownership rights that involve government programmes and policies targeted on cultural expression, particularly in the context of claiming significance for heritage. Those ramifications are of special concern in the Seto case, where the community has been subject to different property relations under different political rules: their cultural practices have been subjected to outside concepts of ownership, and then also governed by state-ruled regulations under the Soviet domination.

Identification of Ownership

The systematic collection of Seto folklore started in the late nineteenth century, but got a particular boost in the second decade of the twentieth century when a local government administrator, Samuel Sommer,⁸ received a government grant for collecting Seto poetry. His initiative resulted in more than a hundred thousand pages of Seto cultural expression. Sommer did not do fieldwork for recording repertoires but asked the locals with adequate writing skills (teachers, students, schoolchildren) to note down their (family) prose and poetic lore, and then deposit the notebooks with transcriptions with him. This followed the general practice of the early Estonian amateur folklorists from the late nineteenth century, who had relied on “correspondence networks” of literate collaborators to record folklore in their vicinity according to the guidelines provided (Kuutma 2006: 155). The agenda was to carry out massive collecting projects, to participate in the

“eleventh-hour” rescue operation of saving the lore of past ancestors under the pressure of the invasive modernity. Curiously enough, Sommer’s extremely successful undertaking led to a court case about the ownership of this vast collection: the initiated lawsuit involved the ruling between the claims of the collector in service of fatherland, and “the Estonian nation” as the true owner of such treasures. Sommer had delivered a part of his collection that had been funded by government grants to the Estonian Folklore Archives⁹ at the Estonian National Museum, which were the major central archives. However, in the mid-1930s he refused to deposit the rest of it, explaining his decision due to the cease of funding that had compelled him to involve private resources which he expected to be remunerated. Consequently, the main dispute on trial at this legal process was about frictions in differentiating between private property and “national property” in the form of “collected antiquities”.¹⁰ The suit of the Estonian National Museum claimed the Seto collection to be a “national heritage” entitled to be deposited at the Folklore Archives, while Sommer, the *primus motor* of the collecting activities, contested it due to his falling out with the archive folklorists.¹¹ Yet the Seto, whose poetic expression was at the very core of this debate, remained insignificant altogether in the property claims presented by the outside collector or the national archives.

Eventually, the agency of the performers of this poetry, of the Seto singers, was lost in the production of “archived folklore” (cf. Kalkun 2006), in the cultural politics of archives. But singing was a comprehensive cultural expression, particularly for the Seto women at the time: it had been an integral part of ritual and ceremony (especially at weddings and burials), an accompaniment to collective work and recreation. The targeted initiative of cultural activists and folklorists idealized Seto cultural expression for its singular, pristine qualities and eventually shifted the singing practices away from the traditional contexts into performances for folklore recordings and on public stages in a national representational arena previously unknown to that community, creating thus singular “star performers”

(for detail see Kuutma 2006). The later, Soviet system of cultural politics manipulated public singing practices into the foregrounding and recognition of *leelo*-choirs, i.e. registered performance groups that would be legitimized participants in organized cultural festivities. These developments represent powerful acts of representation, manipulated according to the dominant regimes of property and political capital that fashioned culture and redefined policies (cf. Lidchi 1997: 168).

The Seto claim individual Finno-Ugric descent, though they carry today a double Seto-Estonian identity (cf. Jääts 1998). Their Seto identity becomes manifest in their usage of the Seto language, their skills in and understanding of the traditional singing style, their maintenance of communal and family traditions, and the veneration of their passed ancestors. Their cultural practices have been defined by an agrarian village community and the Russian Orthodox Church, which contrasts to the predominant Protestant Lutheranism in Estonia, at least from the historical perspective. Their identity emanates from the geographical and cultural placement in the border zones between Estonia and Russia, expressed through a regional language,¹² lifestyle and religion. From the perspective of the present social status, the Seto seem to be integrated into the general prevailing Estonian framework, although their territorial and socio-political integration with Estonia (and foreseeable enculturation) took effect only in the 1920s.¹³ While urban academics from distant cities gave recognition to the genuine and unique qualities of Seto poetic talent and praised the distinctiveness of Seto expressive culture and its pristine rural lifestyle, these same features were stigmatized by the immediate neighbours of the Seto. Their farming practices were considered backwards and primitive; alien Orthodox religious practices, recreational customs and a certain discord in temper, compounded by educational inequality, served to create problematic friction. In Soviet Estonia, following World War II, political circumstances changed for the Seto along with the rest of Estonia, although their marginalization, assimilation, and celebration found its extremes at different times. In the collectivization

period under Stalin's regime, the Seto lost the agricultural basis of their distinct lifestyle, they were hit by severe economic hardships and the suppression of their vernacular at school, which forced migration to urban centers in Estonia and assimilation to conceal their ethnic identity in public, trying to blend into the mainstream completely (Hagu 1999: 93; Õ. Sarv 1997; Jääts 1998). The Soviet cultural system, however, in contrast to its devastating effect on free individual expression, claimed to favour "collective popular traditions", and showcased certain forms of cultural practice to symbolize the cultural abundance and diversity available to the Soviet citizenry, among them registered performing *leelo*-choirs (see Kuutma 2008).

Under the circumstances of ongoing modernization and urbanization, the evaluation of Seto culture by outsiders gradually changed. Soviet cultural policy aimed at achieving uniformity and collective cultural expression to guarantee ideological manipulation, generated adversarial reactions and the pursuit of alternative identities, tacitly concurring with "the genuine cultural heritage."¹⁴ In this unfolding cultural context, the Seto and their expressive traditions, which the mainstream had denounced as being unprogressive and mired in conservatism, were gradually exoticized and celebrated by urban intellectuals (especially by cultural researchers) as the survivals of bygone cultural wealth. The significance of the scholarly interest towards previous repertoires and lifestyles, furthered the idea of "folklore reservoir" that gradually also gained ground in the late 1980s and early 1990s among the Seto community, being ambivalently supported by the political situation of the dismantling of the Soviet Union. The ruptures of reclaiming independent Estonia eventually severed their region between separate states by the gradually established political border. Since part of the Seto district has been officially annexed to Russia – which leaves the historical centre of the region inaccessible behind the border – the painful constraints of the mainstream *realpolitik* have made the Seto increasingly conscious of their regional, historical and cultural identity, which today is manifested as a distinctive ethnic political identity (cf.

Jääts 1998; V. Sarv 1997; Raun 1991). In their struggle for outside socio-political recognition and cultural survival, all distinct elements of past heritage gained vital importance, the *leelo*-singing among them. In the context of *Seto liikumine*,¹⁵ the singing practices, renowned singers of the early twentieth century and present *leelo*-choirs have gained special recognition, while serving as a prominent and widely publicised asset that functions both outside and inside the community.

Community Resources and State Authority

I would like to focus here on the role of the community in negotiating, establishing or rejecting cultural politics, defined and imposed by the state, which I have referred to in passing in the context of Soviet cultural politics when the issue of property rights existed as a state-ruled "one-way-street" of hegemony and domination. In the last decade, the Seto have acquired significant cultural and political activism, which is seeking an outlet on national and international level, with clear intention of providing means and support for the advancement of autonomous recognition.¹⁶ They have found the manifestations and mobilizations of their historical cultural practices, based on communal lifestyle, particularly instrumental. For that end, the Seto have sought and identified the instrumental significance of the Unesco programmes, particularly on state-level policies regarding intangible cultural heritage.

The analysis of cultural expression's interrelations with ownership entanglements needs to include both the individual level and the communal context. The "culture carriers" should be identified as members of the community who are framed either as subjects or objects of cultural policies manifested by local authorities or the state, which may concur or manifest contradiction. My reference to this level of geopolitical organization draws here from the argumentation by Anna Tsing who perceives the state to ascribe the "aspects of governing, administrative, and coercive apparatus that are experienced as external yet hegemonic" (Tsing 2002: 334). Her formulation and conceptualization of body politics enables me to expand the analysis of political negotiation by including

the “out-of-the-way-people”, and it seems relevant also to pose the question together with Tsing in the present context whether one could simultaneously be inside and outside the state (ibid.). In the current examination, this position proves to be relevant in the discussion of the dynamics of community, and the cultural politics exercised by authorities, be they local or national.

Tony Bennett (1998) has illuminated the relation between culture and the social while examining the organization of contemporary cultural life through the various levels of engagement in policy making. He looks at the triangle of community, culture and government, in order to bring out the potential tensions between autochthonous community and government, where the latter is observed from the position of cultural critique with indignation as external and impositional, being indifferent or antagonistic to the creative cultural life. Yet it is “precisely from within the practices of government that ‘community’ acquires this paradoxical value of something that is both to be nurtured into existence by government while at the same time standing opposed to it as its antithesis” (Bennett 1998: 201). This becomes particularly apparent in the context of making cultural policies where local communities find outlet to activism and seek to create an operational mechanism that provides them with agency in the instrumentalization of local cultural policies. Policy making functions for and activates on community level, depending on the inclusion (as well as exclusion) of community representatives. Therefore, it is reasonable to investigate how people act, create positions, and find new potential in such interaction – with the tacit aim of recognizing the empowering or latent moments for agency and dialogue. Bennett points to the community perspective advocated by James Clifford in his analysis of contemporary museum practice, which concurs also with my perspective of recognizing potential moments for reciprocal negotiation of meanings and values between different agencies that operate in the field of policy making. Clifford has seen contemporary museums as contact zones that reverse the previous monologic universalism of representation and may be turned

into sites of dialogic exchange between different cultures and communities (Clifford 1997). Inspired by these argumentations, I am resorting on the analogy to promote the idea of policy making as a contact zone, where cultural heritage programmes presumably function as the instrument and occasion for non-hierarchical relations of reciprocity (cf. Bennett 1998: 203).

This lends me a perspective to analyse property relations in cultural expression from the vantage point of the community involved, which acknowledges the role and position of community activists in the framework of policy making. Thus one can refrain from the usual labelling of the “target”-community members as passive recipients of a hegemonic system – a frequent academic outsider’s perspective that seems to be blind to the potential agency. However, the individual-constrained concept of mental ownership and the contingencies of intellectual property appear to be a complicated sphere of interests and conflict zones, where definitions and regulations based on universalities and statutory rulings may not always, in every place and in every circumstance serve the common good. Here I would rather pinpoint the particularities, and identify the interests of the community in its overarching significance in the matter discussed. Furthermore, the community requires instrumental agency in this context, because its understanding of mental ownership may not correspond to the official legislation or the conception of western capitalist regulations concerning authorship.

My argumentation stems from the observation that the described mapping and identification of “intangible heritage” as the formational premise of cultural politics signifies a phase of *reformative modernity*¹⁷ where shared experience and practices are transformed into political assets both on a local and a global arena. This process inevitably involves codification of cultural practices into manageable symbols of representation and argumentation. On the other hand, the necessity for easily identifiable, promotional and exemplary cultural expressions tends to exclusively celebrate the past, whereas consequently lived elements of culture may become

overshadowed by the veneration of passed repertoires. It may also dislocate the previous status of the members of the community, by granting them new positions in reference to cultural expertise – which may now become governed by outside regulations. For example, the previously recognized expertise in communal practices may be overridden by another community member holding a local administrative office. The rules of power play have shifted, endorsing communicative skills with the outside world. The project of maintaining intangible heritage denotes interventions that complicate explicit or implicit hierarchies inside the communities involved, whereas lived expressive forms are reconfigured into codified symbols implemented in cultural policy making, and mediated on national and international level through various agencies and organizations.

The Seto community activists have convened a representative body to debate and reach an agreement on defining, inventorying and safeguarding their cultural expression. They have launched activities for identifying viable elements of cultural practice for the survival of their heritage. A rather prominent factor in those undertakings has been the Estonian affiliation with the Unesco 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and its concurrent projects of selective representative lists.¹⁸ They have utilized inside and outside resources for attaining recognition, in implementing previous scholarly research, and in employing concurrent socio-political advantages with the purpose of drawing up an international candidature file to be submitted for celebratory recognition by the Unesco. This process has identified the Seto *leelo*-singing tradition as a cultural expression that involves music, verbal lore, ritual practices, communal celebration at festivals, handicraft practices and worldview that defines the Seto heritage in a nutshell. Several cultural and political activists have acquired both personal and communal symbolic capital in this sequence of events, though their position as heritage practitioners or representational capacities may appear contradictory. The eventual setting of authorities and the creation of hierarchies inside the community pronounce the fact that communi-

ties are not homogeneous, nor are they conjoined in their practice and perception of their cultural heritage.

Fleeting Ownership of Cultural Expression

The contestation of authorities highlights the question about the ownership of Seto songs in the emergent representative situations, and what kind of agency it lends to the Seto singers in the modern cultural politics. The issue of property in cultural expression in the modern complex society immanently also concerns the Seto singing. It may seem relatively obvious to pinpoint and define the “perpetrator” on property rights in the context of traditional society when the Seto heritage was retrieved and transformed into archived folklore. On the other hand, today, members of a cultural or ethnic group are at the same time community activists with particular agendas, and they frequently implement terms like “culture carrier” or “cultural heritage” in their vocabulary, where heritage symbols function to demonstrate particular socio-cultural capital (e.g. Hörn 2008). Modern cultural politics have a strong footing in the process of branding where all levels of administrative action are involved and employ the initiatives instigated by Unesco. A local cultural administrator has introduced these aspirations with pointed clarity and determination.¹⁹

In 2004 we took up the initiative to be included in the Unesco list. This is the place where world politics happen. If you are inscribed on this world register, it means that your culture is mighty in this world. The other reason for being included on that list is that then the state has to recognize this culture and is obliged to pitch in to the safeguarding and supporting of it.²⁰

The process launched by the Unesco programmes inside the Seto community has highlighted certain issues and inspired the community members to document and survey the position of singing practices for the Seto today. One of the results of these undertakings was a number of interviews carried out with some of the most active *leelo*-choirs, in order

to collect and communicate the singers' reflections on the dynamics and significance of traditional singing practices.²¹ Although these interviews – where the modern Seto singers were asked to elaborate on mechanisms to safeguard their cultural practices – do not address “property issues” directly, several ideas and concerns that the *leelo*-choir members repeatedly bring forth indicate the complicated nature of the role of an individual and the community of singers, or the Seto community in general, in respect to the question of cultural practices and their ownership. The recorded discussions resonate the role of scholars in shaping the argumentation about the significance of the singing traditions, but also juxtapose the personal experience of those growing up in the Seto village community to the reflection of those representing the diaspora (urban) Seto in other regions of Estonia.

Q: What is Seto *leelo*? Women, what do you think?²²

A1: Seto *leelo*, Seto *leelo*. This means – Seto songs heard from your parents, inherited from them. I wouldn't know what else to say. It depends – who repeated what they heard, who made new songs. All Seto women sang, the way they could. Nobody trained anything on purpose then. People got together and sang. That was all. When I was young, everyone sang without special instruction.

A2: I've been involved in this only for eleven years. I was raised in Russia and lived in Setomaa for a short time, I was taken away as a child. But this is something transmitted perhaps in your genes. When I came here, I think I could sing right away. It's hard to say.

A3: I think that Seto *leelo* is the Seto way of living and always has been. And in olden days they expressed in their songs everything what they experienced, their feelings, included that in their *leelo* lyrics, be it joy or sorrow, anything, because it was the life one lived. So do we, who have roots there but have now moved to Tallinn.²³

Particularly the Seto in diaspora were concerned about the qualifications defining a Seto, recollected in the context of the encounters with stigmatization:

hesitation to use Seto language or manifest customary practices.

A: Well, I had an incident when I was working at the factory Teras, and then there once, when I was working at the stocks with another lady, there a man approached, he was Laur Elmar, and oh boy did he start to curse the Seto! I said: Elmar, be quiet, I'm also a Seto. – No way, it can't be: you and a Seto?! – Bloody hell, do I have my nose stuck the other way in my face or what?²⁴

A: There was a period when there was no singing. And what does this Seto mean. They abused us. That's how everything was. Seto, Seto. Now the Seto are considered highly. Now the Seto choirs are respected. They can travel.²⁵

A: There was a period when the Seto singing was a taboo, the Seto themselves were also taboo. My uncle's wife lived in Tallinn and she begged me not tell anyone that she was a Seto.²⁶

While most of the interviewees were middle aged and older, these experiences dated back to the post-war period through the 40s to the 60s. However, these painful memories were counterbalanced by the recent turn of the tables, when “many want to ‘become’ Seto” (*paljud tahavad setoks hakata*), which referred to the acquisition of Seto repertoire from published sources.

A1: In old times this would have never happened that someone comes to you and says that hello I'm a Seto, how are you, and starts to talk. But now it seems like a flood has broken through the dam, and I have several addresses of those who may want to join the Seto choir.

A2: What I see now, particularly in recent times, is that so many want to “become” a Seto. Especially when I read the Võro-Seto almanach, there anyone who finds a tiny bit of Seto roots in her family starts to write poems or stories.²⁷

The question about the ownership of songs was implicitly related to the discussions about who has the authority or obligation to teach Seto singing in modern times, when the familial or communal regulative instruction is dominantly substituted by the national educational system. It has in turn recourse to the scholarly impact in its inquiry into the “authenticity” of Seto repertoire, referred to by the interviewees as “the correct Seto singing.”

Q: Who has the right to say what songs are correct in Seto terms, which choirs are excellent?

A1: When a good lead singer composed a song once and started to sing, then that was the correct Seto song.

A2: This reminds me of my aunt who said that she would be the lead singer, and then my father would snap back at her that she might be the lead, but no one would sing to accompany her. If one’s performance of the lead found no recognition, then everything was settled. Without any regulations or committees, Volli dear.

A1: Exactly. But today we need such a committee.²⁸

It was reiterated by the interviewees that in olden times everybody sang naturally (*tavaliselt*) when nowadays people need to “learn” to sing.

A1: I think it is an ancient expression of the Seto people. They expressed everything in their *leelo* – their problems, their sorrow, their joy, at weddings, at funerals. Of course, in the old days, people in the village sang naturally. But nowadays, well, all those groups they get some kind of instruction.

A2: You may train yourself to sing the [modern Estonian] many-part choral songs, but you need to sense the Seto singing. Choral singing can be learnt by anyone who sings in tune, but not everyone can manage the Seto singing.

A3: I had to try for six months, not knowing whether I would manage it or not.

A4: If they have not heard it since their early childhood, they cannot do it. But if you have some of it in your blood, then you’ll manage.²⁹

It also appears that the concept of “authorship” is rather confusing, depending on the ambivalent nature of the individual–collective interaction in the Seto singing. The Seto singing tradition involves the interaction between the lead singer and the choir: the lead singer defines (composes or chooses) the lyrics for the verse line that the choir repeats. In the traditional settings, those lines were mostly composed on the spot, and highly dependent on the occasion, while strictly following the poetic rules. Only in ritual context (e.g., at weddings) more strict rules applied to the creative license. On the other hand, all those compositions were at the same time predominantly formulaic, which rendered them unquestionably rooted in the tradition. The judgement of the lead singer’s talent was particularly based on the qualities of the composed lyrics, whereas the variation in melodies was much more limited, being mostly fixed to the occasion of singing.³⁰ Therefore, the question of ownership applied indirectly to individual singers, with complex relevance.

Q: You are all of similar age, how was it in your youth? Did you have *leelo*-choirs, how did a group of singers gather?

A1: There were no “choirs” at the time. Who had the talent, was the lead singer. For weddings a good lead singer was chosen. The lead singers were the ones with enough talent.

A2: During a village festivity anyone could sing, but the weddings required the really good lead singers. They needed two powerful women, otherwise people would complain. Those had to be excellent lead singers.³¹

A1: In the old days, you sang just for yourself, to express your feelings. But if you did it for the others, then it was for the people in your village. In the old days the singers gathered at the village swing.

In the old days, weddings were of great importance. Then everyone got together, listened to the ones singing. Then the bride learnt her lines. It was all part of the everyday life.

A2: No one performed on stage in the old days, or

at festivals. When I came to live in Värška [village in Setomaa] then I used to go out quite early in the mornings to listen to the singing.³²

A: My grandmother, great-grandmother, all of them were lead singers. There were very few women in the village that could not compose songs. Those usually had no voice either, couldn't even join in with the chorus. I have composed them myself, recorded them on a tape. Next week I'll make another tape and then there will be a third one as well. Those are my personal songs, they have not been published anywhere yet.³³

On the other hand, it has been repeatedly pointed out that people sang somewhat differently in different villages. In the interview made with the prominent Seto choir Leiko, which has toured widely during its existence of about half a century, women recounted their experience of working together with music professionals – composers or ethnomusicologists who have collected Seto tunes, and also found inspiration in them. Seto melodies and songs have both been published in collections of folklore material, as well as on LPs or CDs with archival sound recordings. The interviewed singers were disturbed by the friction pointed out in their interpretation of similar melodies, which they cannot but justify with the claim that in the old days they used to sing differently in every village, and they want to stick to their version which they are used to.

A1: In every region [of Setomaa] they have their own [variants]. And that would be the correct one.

Now there are new times. The songs we've learnt with one melody, they now try to change into another melody.

A2: Of course, you could not complain about Tormis [the famous Estonian composer]. But we will sing the way that we're used to.

A3: They had different melodies in Saatserinna. My mother had other ones, from the Poloda region. People sang the way they used to in their region, and you would never say that they sang

the wrong way. We have our own melodies here. Then Saia Kati has different melodies, because she comes from the Obinitsa region.³⁴

This testifies to the ambivalent qualities that determine what is "correct" in a tradition, observed either from within or without; or where the moment of fixation occurs in dynamic expressive culture. The scholarly professionals rely on previously published documentation, whereas Seto singers create their singing communities inside their choir context, being dependent on memory and personal interaction.

One repeated concern discussed in the interviews was the ownership of songs performed by renowned lead singers in the case of accessible dissemination by modern technologies. Actually, it should be admitted that an abundance of recordings with modern Seto choirs is available only since the end of the 1990s. Previously, the sound recordings released were predominantly based on archive material from the pre-World War II period. The interviews state that in the village community, one did not perform the lyric compositions of another lead singer, though being inspired by them would be natural. Today, largely due to the published (academic) song collections and the general demise of being fluent and well-versed enough in the Seto vernacular, talented singers rely on the modern standard of being "gifted" by resorting only to musical talent when they perform songs learnt via publications. On the other hand, the suitable settings for performing Seto songs are today mostly limited to recreational and celebratory performances, due to the differences in working and ritual practices, as well as in lifestyles.

Yet again, the modern perception of ownership has been shaped by scholarly practices and concepts, when folklorists identified the distinction of repertoires falling either into the category of "tradition" or that of "improvisation" – a lyric composition dependent on the occasion and a response to the immediate circumstance, labelling the latter as innovation not worthy enough for recording (Kuutma 2006: 147, 211).³⁵ Therefore, singers were expected to perform songs already categorized as "tradition" and belonging to a certain type, which in its way favoured the

collective nature of the repertoires recorded. However, even the most talented singers claimed that they performed their own compositions, their own lines and words (*uma' sōna'*), i.e. lyrics. As a result of the outsiders' favouring of repeated repertoires, and the more recent tendency of performing Seto songs with fixed choirs, we could say that the autochthonous category of performing "another singer's" repertoire has become confused and shifted.³⁶ Due to the folkloristic collections and publications, Seto songs are no longer "personal properties" but function in the public domain of general dissemination.

If previously a talented singer and composer of Seto lyrics found recognition inside the community according to her creative capacities, then today the prominent spotlight of public awareness shines more on a choir as a collective performer. There are usually more than one lead singer in such a choir, which today provides the scene to express their singular talent.

Communal vs Individual Ownership

The discursive impact of the concept and perception of intangible heritage paves a battleground of celebration and contestation among those entangled in the process of heritage production, which is ambivalently based on previous ethnographic research that has entered the sphere of public domain. There appear frictions based on cultural competence, conflicts between conservationists and innovators, hierarchies of authority. The claims for intangible heritage involve policy making embedded in framing of culture, its history and expression. These major interventions combine insider activism with interests from the outside involving political gain.

The awareness of cultural heritage has loaded Seto singing with the task to manifest a difference for the community and an aspiration to integrate it, which reflect the agenda of cultural selfhood in the margin. Seto *leelo* has been transformed into a codified symbol performed at larger public venues or disseminated via contemporary technologized mediation and reproduction, emanating from the interplay of communal tradition and subjective creativity. This process of formalization and ritualization is a reaction

to an alteration of circumstance, when the swift social transition has weakened or destroyed previously established social patterns (Hobsbawm 1983). It is tacitly geared towards creating a unified cultural expression, with an eventual goal of establishing representative cultural symbols. Objects and elements of previous cultural experience are transformed into heritage as fragments that are decontextualized, in order to recontextualize them in a novel situation of representation that transforms them into national or ethnic symbols (cf. Kirshenblatt-Gimblett 1998). The verbal and musical performance called singing, an important element of expressive culture, has powerful social functions both on personal and communal levels besides the observable aesthetic ones. It is a mobilizing mechanism at targeted social gatherings but also a means to manifest codified symbols, and to construct or express identities.

What becomes clear from the interviews made with Seto singers in the framework of the Unesco project, the latter eventually foregrounds and relies upon the collective practice of Seto singing. It is based on the practice of Seto *leelo* in fixed choral groups which has become the epitome of Seto singing traditions: the guardian and nurturer of *leelo* is the choir, which suggests that a lead singer alone could not function in this capacity.

Q: Who is the guardian of Seto songs today? Who nurtures them – the people, choirs, a good lead singer?

A1: Perhaps the choirs do.

A2: Definitely the choirs, a lead singer cannot do anything alone.³⁷

Q: What did they call it in the old days, did they call it *koor*?

A: They said *park* [group]. No, they did not call it anything. There was no organized performance at the time. People just got together and sang.

Q: How many songs that you perform today do you remember from your childhood and how many do you compose yourselves?

A1: Mari composes them. Her melodies are the old ones, but the lyrics are mostly composed by

her. We would have nothing if it wasn't for her.

A2: I remember well how those lines should fit together, how a good Seto song should sound, how it should work.

Q: Mari, do you know what is correct or do you sense it?

A2: I sense it. It is inside me.

Q: Who has managed to safeguard the Seto songs up to now, how have they survived?

A: They've been passed on from person to person.³⁸

The notion of “collective ownership” in respect to repertoire has concurred with the modern process of documenting and promoting past repertoires and practices. However, it leaves out the single performer who is simultaneously the creative poet in the process. Seto *leelo* is traditionally a complicated framework of collective practice of collective heritage in a collective learning process. Even if this phenomenon can be interpreted as an implied homogeneity – with the collectiveness being defined by folklorists – the recent Unesco-initiated framework that has become operational in the community leaves out the agency of the individual singer. The individual asset of creative communication has been turned into the communal Seto property, and simultaneously also a “national property” of Estonia to represent national heritage on the international level.

Consequently, there remains little room for agency in property ownership when singing and songs are part of a collective practice. It appears that modern cultural politics dictate this conflict in property rights. On the other hand, when observing the Seto undertakings in the context of the state-level or international policy programmes, it seems justified to draw the conclusion that the Seto cultural activists have made the assets that are available to them instrumental. They have applied those projects as a means to register and reinforce *leelo* in the capacity of “the cultural property” of the Seto community, to be recognized both on the national and the international level. As it were, Aare Hõrn justified the significance of submitting Seto *leelo* for the representative list compiled by Unesco with the following words: “If you are inscribed on this world register,

it means that your culture is mighty in this world” (*Kui sa üleilmä nimekiräh olõt, sis olõt üle ilma tukõv kultuur*).³⁹

These discrepancies point to the complex problems involved in the implementation and the contested potential of cultural policies of representation, and appropriation in the context of intangible heritage. My discussion concerned mainly Seto *leelo*, a collective cultural practice and singers who are the objects, subjects or agents in the global reconfiguration of “heritage production”. In the universal programs of controversial impact, there occur enabling moments for particulars, which deserve our notice and should prompt investigation to explore the controversial implementations of the authority of heritage and the emergent claims for restitution.⁴⁰

Notes

- 1 For further discussion of the political implications in heritage construction, see Bendix 2000; Kirshenblatt-Gimblett 2004; Noyes 2006.
- 2 Scholars of Seto origin stress their descent from a Finno-Ugrian tribe (e.g. Hagu 1999).
- 3 Peipsi järv in Estonian; Chudskoye Ozero in Russian.
- 4 Pskovskoye Ozero in Russian; Pihkva järv in Estonian.
- 5 For the discussion of Seto history see, e.g., Raun 1991; Hagu 1999; for the analysis of Seto identity see Jääts 1998.
- 6 *Leelo* is a Seto vernacular term for song, with a verb derivative to denote the act of singing. In the current context it refers to a traditional way of singing where music (a specific polyphonic melody and timbre of voice) is combined with texts that follow particular poetic rules and structures, and which are defined by particular occasions and singing situations.
- 7 The practice of singing features an alternation of solo and choral parts: a lead singer performs a verse-line; the choir (of at least two persons) joins in for the last syllables of the line, and then repeats the whole line. Modern organized choirs usually include around 10 singers.
- 8 Samuel Sommer (1872–1940) was an administrator working at the Society of Border Regions, a man widely popular in the Seto region, familiar to and respected by nearly everyone. He had long been interested in preserving traditional heritage, which found a productive practical outlet during his years in office in Setomaa, where he played a major role in their cultural life in the 1920s.
- 9 Founded in 1927.

- 10 Information on the court case is based on Kalkun 2006 and Kalkun, in press.
- 11 A sideline to the debate was on the international level: Sommer was accused of planning to sell the collection to Finland (apparently with no cause), while he justified his “haste” in arranging the project altogether to “rescue” Estonian material from the annually visiting Finnish scholars “who have taken this heritage to Finland, so that Estonian scholars have been forced to travel to Finland to study their own heritage” (Sommer 1938: 120–121).
- 12 Academic linguists in Estonia have claimed Seto to be a dialect of Estonian, but the modern Seto activists have vehemently, and rather successfully, contested it.
- 13 Previously they formed a linguistically distinct rural population in the margins of the Pskov province of the Russian Empire, outside of the confines of the Baltic provinces. For further details on Seto history, see e.g. Raun 1991.
- 14 This concept of authenticity aimed at labelling particular un-Sovietized cultural expressions (that is, untainted by Soviet aesthetics or ideology) which were considered spontaneous and not specially arranged for performance.
- 15 A socio-cultural movement to gain recognition and amplify Seto identity with complex cultural and territorial interests, cf. Jääts 1998.
- 16 Since 1993, the Seto Congress convenes regularly, and also elects a representative body of the local and diaspora Seto communities, the Board of Elders.
- 17 I note here dependency on the prolific concepts of “liquid modernity” (Bauman 2000) or “reflexive modernity” (Beck 2005) that inscribe the current social experience, but want to expand the compound to the implied potential of “reforming” previously dominant or prevalent hierarchical systems.
- 18 I have analysed this topic in greater detail in Kuutma 2007.
- 19 Introduction to the interview with the *leelo*-choir Kulakõsõ (17.10.2006). All translations of the interviews are mine. The interviews were carried out mostly in Seto, but occasionally the respondents chose to speak in Estonian, particularly in the diaspora group Sõsarõ in Tallinn, the capital city located in North Estonia. The Seto transcription was made by Õie Sarv.
- 20 2004 naksi ajama säänest värki, õt saia’ UNESCO nimekirja. Sääl om maailma poliitika. Kui sa üleilma nimekiräh olõt, sis olõt üle ilma tukõv kultuur. Tõõnõ põhjus, õt sinnä’ nimekirja saia’, sis riik piat kultuuri tunnistama ja piat sinnä’ mano minemä kui kultuuri hoit ja toetas.
- 21 The group interviews were carried out by the Seto activists, the local official of cultural affairs Aare Hörn, and the Seto folklorist and renowned singer Õie Sarv. I suggested initial questions for the interviews in their preparatory phase, but participated only in one of them in Tallinn with a substantiated intention of abstaining from influencing the discussion. Thus, the course of the actual interviews was governed by the Seto interviewers. All recordings were shared with me.
- 22 Q = question; A = answer, with the following number referring to different respondents in the same group.
- 23 Interview with Sõsarõ (24.01.2006).
K: Mia’ om seto leelo? Midä’ naase’ arvasõ? [---]
V1: Seto leelo, seto leelo. Vanõbidõlt kullõld, vanõbidõlt pärandõt seto laul. Muud olõ-õi midägi, ma mõista-ai. Ja no’, kiä sis laul edesi, kiä tege vahtsõst. Seto naase’ lauli’ kõik, kiä’ kui mõistõ. Õgas sis olõ-õs määnestki opmist. Lätsi’ kokko, naksi’ laulma. Ollgi kõik. Ku ma nuur olli, sis viil laulõti ka ilma opmalda’. [---]
V2: Ma alles ütstõist aastat tegelen sellega. Ma olen ikka Venemaal üles kasvanud ja Setomaal vähe elänü, lat-sõna ar viidü. Ta on nagu geenidega vist edesi antud. Nii ku siia tulli, vist mõistsõ kohe laulta. Ma tiia-ai. [---]
V3: Ma arvan, et seto leelo, see on seto elu ja on kogu aeg seda olnud. Ja vanasti leelo kaudu väljendatigi kõike seda, mida sa elasid läbi, tundsõd, panid selle leelosse, panid selle sõnadesse, oli see siis rõõm või mure, ükskõik mis, see oli elu, mida elati. Ja meie nüüd, kes meil juured sealt on nüüd siia Tallinnasse saanud.
- 24 Interview with Sõsarõ.
V: Minul oli küll selline juhus kui töö lõkëve tehas Terases ja siis tuli, ma töötasin laos teise naisega, prouaga ja siis tuli üks meesterahvas, Laur Elmar oli jah, oi kui ta hakkas neid setosid kiruma. Ma ütlesin: Elmar, ole nüüd vait, et ma olen ka seto. – No ei või olla. Virve, sina ja seto! – No kurat võtaks! Kas mul on nina siis teistpidi või?
- 25 Interview with Helmekaala (18.12.2006).
V: Vahepääl laulõta-as ja mis tuu seto om. Sõimati. Jäigi kõik nii. Seto, seto. Nüüd om seto õigõ. [---]
Nüüd peetäs seto koorõst luku. Reisi saava’.
- 26 Interview with Leiko (15.03.2006).
V: Vahepääl oll seto laulul tabu, seto eis oll ka tabu. Tallinah eläsi lellänaane, üteli, et kae et sa üteli-ei ma ollõ seto.
- 27 Interview with Sõsarõ.
V1: Vanasti niisugust asja ei olnud, et keegi tuleb sulle ligi ja üteli, et ta on seto, et kuidas teil läheb ja tuleb rääkima. Aga nüüd on nagu paisu tagant see asi lahti läinud ja mul on mõnedki aadressid, kes tahavad seto koori võib-olla tulla. [---]
V2: Mis mulle tundub nüüd, eriti viimasel ajal, et väga paljud tahavad setoks hakata, eriti kui ma loen võro-seto tähtsamatuid, siis kes vähegi leiab endal seto juuri, siis teevad laulusid, lugusid.
- 28 Interview with Sõsarõ.

- K: Kes ütles, et tuu om õigõ seto laul, määne koor om tukõv? [---]
 V1: Kui lauluimä tekk laulu ja naada-as laulma sis olõki-is õige.
 [---]
 V2: See oli nagu minu sõtse, kui ütles, et ta hakkab nüüd iist ütlemä, siis minu esä üteli, et sa ütlet küll iist, aga kes sulle takkaperrä ütles. Kui ei tunnistata sinu eestütlemist, omgi selge. Ilma igasuguse seaduse ja komisjonita, Vollikene.
 V1: Täpselt. Aga nüüd peab komisjon olema.
- 29 Interview with Sõsarõ.
 V1: Minu meelest on ka üks ürgne seto rahva väljendamine. Oma muresid, kurptust, rõõmu, pulmi, matuseid – kõik nad selle leeloga väljendasid. Vanasti oli muidugi, külarahvas laulsid tavalist, tavaliselt, aga no nüüd, muidugi need ansamblid mingil moel ikkagi õpivad.
 [---]
 V2: Koorilaul on õpitav, aga seto laul on tunnetatav. Koorilaulu võib ära õppida igaüks, kes viisi peab, aga seto laulu ei laula igaüks.
 V3: Kuus kuud oled ikka nii, et kas saad hakkama või ei saa. [---]
 V4: Kui seda ikka lapsest peast ei kuule, siis ta ei tule. Aga kui sul midagi veres on, saab hakkama.
- 30 The Seto melodies fall into separate categories according to the occasion of singing: working in the field, calendar ritual, herding song, wedding song, groom's family song, etc.
 31 Interview with Helmekaala.
 K: Tii' olt kõik eisiälitsõ', õt kuis tii' iäh oll. Kas oll leelokuurõ, kuis leelopark kokko tull?
 V1: Säänest olõ-õs, kuurõ olõs. Kes mõistsõ, tuu üteli iist. [---] Pulma' olli' sis osti kost sõnalinõ. [---]Lauli' nuu' kiä' mõistsõ'.
 [---]
 V2: Praasniku aigu ütškõik kes laul, a pulmõh pidi olõma õigõ sõnolinõ, kats kõva naist pidi olõma, muidu sõimati. Kõva sõnolitsõ pidi olõma.
- 32 Interview with Leiko.
 V1: Vanasti oll laul hindä jaost, hindä väljendämise jaost, ku tõiste jaost, sis külä jaost. Vanastõ minti hällü pääle kokko. [---]
 Vanastõ olli pulma' tähtsä'. Sis tulli' kõik kokko, kullõldi, õt kui laulõti, mõrsja opse sõna' selges. Tuu oll elu koostisosa.
 V2: Vanastõ olõki-is esinemä minemist, praasniga'. Ku tulli Verskahe elämä, sis lätsi hummogu varra vällä, õt kullõlda, õt koh laulõtas.
- 33 Interview with Sõsarõ.
 V: Vanaema, vanavanaimä, kõik mõistsõ'. Küläh veitü' oll inemisi kiä' mõista-as üldä'. Tuul olõ-õs hellü ka', tuu saa-as takah ka laulta'. A mul om no hindäl tett, üte lindi pääl om, järgmine nätlä saa tõõnõ lint ja peräst tulõ kolmas lint. Nu omma mul isikliku' laulu', nuu' olõ-õi' viil kokhi olnu'.
- 34 Interview with Leiko.
 V1: Õgah nulga' umadsõ. Taa vaest om õigõ.
 No om uus aig. Nu laulu midä olõt uma viisiga opnu, sis muudõtas tõõsõ viiega'.
 V2: Kuis tii saatõ nurisõda Tormisõ pääle. Laulamõ nii kuis miil olõmi harinõnu. [---]
 V3: Saaterinna puul oll tõistmuudu. Mu imäl oll tõist muudu Poloda nulgast. Kust oll kant, nii laulõtas ja olõ-õi' nii, et kiäki laul valõsti. Meil omma' uma viie'. Saia Katil omma' tõõsõ' viie', tä om Obinita kandist.
- 35 Samuel Sommer, in contrast, had included also those repertoires in his collection. In academic circles, he was not considered an "indoctrinated" folklorist.
 36 This practice nevertheless continues to exist on the level of personal compositions in performances for particular occasions, like the *sõnoliste* contest at Seto Kuningriik.
 37 Interview with Leiko.
 K: Kiä' parhilla' omma' laulu hoitja'? Inemise', koori', sõnolitsõ', kes hoitva'?
 V1: Vaest ikka koori'.
 V2: Koori' õks, sõnolinõ ka ütsindä midägi tii-i'.
- 38 Interview with Kullakõsõ.
 K: Kuis vanastõ üteldi, üldsäs kuur?
 V: Park. Üteldäski'. Sis olõ-õs esinemise värki. Tulti kokko ja laulti.
 [---]
 K: Palju on teil praegu lauldavatest lauludest om meele lapsepõlvest, palju ise teete?
 V1: Mari tege. Viisis on vanad, aga sõnad on rohkem ise tehtud [---] Ilma Marita meil ei ole midagi.
 V2: Mul on meeleh, õt kuis piat kokko minemä, seto laulul piat sobima, piat kokko minemä.
 K: Mari, sa tiiät kuis om õigõ vai tunnõt?
 V2: Ma tunnõ. Tuu om mu seeh.
 K: Kes seeni maani om laulu hoitnu, kuis om seto laul püsünü?
 V: Suust suhu.
- 39 Interview with Kullakõsõ.
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Kristin Kuutma is professor of cultural research at the Institute of Cultural Research and Fine Arts, University of Tartu, Estonia. She is the author of *Collaborative Representations: Interpreting the Creation of a Sámi Ethnography and a Seto Epic* (2006) and numerous articles on cultural heritage in the context of representation and cultural policy making, and on the history of ethnographic studies. She has also co-edited a collection in memory studies: *The Burden of Remembering: Recollections & Representations of the 20th Century* (2009). She is engaged in several international research networks on cultural heritage, and is currently leading a project on the knowledge production in heritage institutions. (kristin.kuutma@ut.ee)