

# CULTURAL ANALYSIS

AN INTERDISCIPLINARY FORUM ON FOLKLORE AND POPULAR CULTURE



VOL. 17.1



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## **Table of Contents**

### **Martin Fredriksson**

*Between Intellectual and Cultural Property: Myths of Authorship  
and Common Heritage in the Protection of Traditional Cultural Expression.....* I

Response: Marc Perlman

### **Beate Sløk-Andersen**

*The Butt of the Joke? Laughter and Potency in the Becoming of Good Soliders.....*25

Response: Lisa Gilman

Response: Barbara Plester

### **Dayò Àkànmú**

*Communicative and Stylistic Utilization of New Yorùbá Idioms  
among Students of Higher Institutions.....*57

## **Book Reviews**

Trinidad Rico, *The Flight of the Condor: A Letter, a Song and the Story  
of Intangible Cultural Heritage* (Hafstein and Einarsdóttir).....R1

Michelle L. Stefano, *Making Intangible Heritage: El Condor Pasa  
and Other Stories from UNESCO* (Hafstein).....R3

Brian Zang, *Hittin' the Prayer Bones: Materiality of Spirit in  
the Pentecostal South* (Blanton).....R7



# **Between Intellectual and Cultural Property:** *Myths of Authorship and Common Heritage in the Protection of Traditional Cultural Expressions*

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## **Abstract**

*Since the 1970s international law has tried to provide protection for traditional knowledge (TK) and traditional cultural expressions (TCEs). Academics, activists and policymakers have discussed how to apply a legal framework based on Western norms of authorship on various forms of creativity that exist in different traditional communities. While aiming to acknowledge indigenous rights, this discourse also reflects assumptions and distinctions regarding differences between indigenous and non-indigenous cultures, relating to concepts of commons as well as individual and collective authorship. Here certain norms of cultural creativity are taken for granted, not only with regards to indigenous cultures but also regarding a Western cultural heritage. This article questions these assumptions by analyzing international legislation regarding the protection of TCEs and comparing them to the articulation of creativity and cultural entitlements in European cultural and legal discourses. It takes a particular paragraph in the Swedish copyright law, regarding the so called “protection of classics”, as a case study to discuss the inconsistencies between individual authorship and collective cultural entitlements within Western copyright law. Eventually it takes a decolonizing perspective on dichotomies between concepts such as: Western/non-Western; modern/traditional; authored/non-authored and intellectual property/cultural property.*

*Keywords:* intellectual property, cultural property, authorship, traditional knowledge, biopiracy, “protection of classics”, commons

## **Introduction**

If we as an international community of critical scholars want to tackle the problem of how to embrace non-Western framings of law, we have to confront the supposed absence of myth in “modernity”. The birth of the rational man and modern law are indeed just as mythical; the portrayal of the lawless nature of the savage has been used to justify the need for rationality and universality, but these concepts are just as mythical as the savage’s supposed irrationality and bestiality. Instead of exoticising the other, the law needs to decolonise internally, only by “exoticising” its own myths can it de-exotise the other. (Vermeylen 2013, 200)

As Saskia Vermeylen points out, dichotomies between Western and non-Western, or traditional and non-traditional, cultures convey preconceived images of “the other”, but they also convey preconceived images of “oneself”. The challenge when speaking from a culturally dominant position is not so much to deconstruct the image of the other, but to deconstruct the image of oneself and acknowledge the power that image exercises. This article addresses how the dichotomy between commons and authorship—between collective creativity and private appropriation—is inscribed in a colonial imagination. The discursive polarization between “traditional” culture and “modern”, “Western” culture incorporates different understandings of authorship, commons, and intellectual and cultural property. This article analyses how authorship and the commons are conceptualized in a legal discourse on traditional and non-traditional cultural expressions, approached through a decolonizing perspective which takes the colonising culture, and not the colonised, as its object of deconstruction.

The article begins with an overview of how the discourse on traditional cultural expressions has changed since the 1970s and how it relates to the parallel and partly intertwined discourse on biopiracy and the protection of traditional knowledge and genetic resources. This highlights the impossibility of making clear-cut distinctions between natural and cultural—material and immaterial—resources. This is followed by a discussion on the romantic idolisation of the individual author but also of collectively created folk art and how this challenges the dichotomy between Western and non-Western art as one between individual and collective authorship. This leads up to an analysis of a particular paragraph in the Swedish copyright law, known as “the protection of classics”, which serves as a case study that exemplifies how a Western law, based on individual rights of authorship, also acknowledges works of particular importance as common cultural property. Looking at the protection of classics contributes to an internal decolonisation of Western law by exposing the inconsistencies hiding behind the myth of rationality. The last section relates the question of authorship to a hierarchy of different property regimes and discusses what these different perspectives on traditional and non-traditional, cultural expressions actually say about how we can view authorship, commons and intellectual property. Finally the article reflects on how the protection of classics offers a space of intervention where an internal decolonisation of Scandinavian copyright law can take place.

### **From Folklore to Traditional Cultural Expressions**

Since its adoption in 1886, the *Berne Convention for the Protection of Artistic and Literary Works* has been one of the most important instruments for the international harmonization of national copyright laws. When the Berne Convention was revised at the Stockholm meeting in 1967, an amendment was passed that protected anonymous and unpublished works. This was the first attempt to provide some kind of international copyright protection for expressions of folklore (Hemmungs Wirtén 2010; Hafstein 2014). It coincided with a global development towards decolonization, in which some nations were gaining independence from former colonial empires while other, sovereign, developing nations were claiming participation and influence



in international politics. At the Stockholm meeting, the issue of global justice took an important position on the Intellectual Property Rights (IPR) agenda which led to, for instance, a discussion of the global exchange of knowledge. Representatives of the developing world criticized the global IPR regime for maintaining colonial inequalities that positioned them as “recipients of knowledge ultimately produced somewhere else”, while it discarded and excluded folklore and traditional knowledge as not qualified for protection (Hemmungs Wirtén 2010, 550).

During the 1970s, developing countries saw how traditional patterns and expressions of folklore were being increasingly commercialized, and called for the United Nations Educational, Scientific and Cultural Organization (UNESCO) to establish protection for folklore. UNESCO turned to the World Intellectual Property Organization (WIPO) and together they developed the “Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions”. This document was presented in 1985 as a model for the protection of folklore that states could utilize in national legislation at will. The model provisions were originally intended to lead to an international convention. Although this never happened, the model provisions did have an impact on national legislation. One example is Ghana, which incorporated a protection for folklore into its national legislation the same year that the model provisions were released (Perlman 2011; Boateng 2011; de Beukelaer & Fredriksson forthcoming).

The political landscape changed in many ways during the 1990s. Global justice remained a core issue, but a wider range of social interests, such as the environment and indigenous rights, made their way onto the political agenda. These perspectives were also present in the *Convention on Biological Diversity* (CBD), which was adopted by the UN in 1992. The main focus of the convention was environmental protection, but it acknowledged indigenous rights, with Article 1 of the CBD calling for a:

...fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding. (CBD Article 1)

This statement refers not only to biological resources, but also to the rights of indigenous people to the traditional knowledge that they hold about those resources. This was intended to address the problem of biopiracy that had grown throughout the 1980s. Biopiracy refers to the illegitimate appropriation of locally held knowledge by non-local commercial actors. It is usually associated with Western pharmaceutical companies who forage the rain forests of biodiversity-rich developing countries to exploit and commercialize biological substances that have been used by indigenous people for generations.

The most obvious problem with biopiracy is that it reinforces economic inequalities through a neocolonial appropriation of commercially valuable resources from the developing world. There is, however, also a cultural side to biopiracy, since it tends to decontextualize resources—not only the plants and species themselves, but also

locally held knowledge on how to use them—that play an important role in local traditions and cultures. There are, in short, cultural and religious values to these resources that are neglected and violated when they are commercialized as products for Western consumers (Shiva 2007; Oguamanam 2006; Robinson et al. 2014; Dahlin & Fredriksson 2017; Fredriksson 2017). The debates about patenting of traditional knowledge speaks to the impossibility to make a clear distinction between natural and intellectual resources in traditional communities, as well as to the problems that arise when alienating certain resources from their original context.

Throughout the 1990s, the views held by WIPO and UNESCO on folklore began to change. Cultural expressions increasingly came to be regarded as embedded in holistic cultural systems, much like traditional knowledge. Erica-Irene Daes concluded in a WIPO report from 1993 that “A song, for example, is not a ‘commodity’, a ‘good’, or a form of ‘property’, but one of the manifestations of an ancient and continuing relationship between the people and their territory” (Daes 1993, in Perlman 2011). At the WIPO and UNESCO World Forum in Phuket in 1997, representatives of indigenous peoples in Australia criticized the concept of “folklore” for being: “narrowly defined”. They argued that it should not be limited to artistic expressions but should include “knowledge systems and biological diversity”. Since the word “folklore” was seen to connote inferiority, they recommended replacing it with “indigenous intellectual and cultural property” (Perlman 2011). In the following years, UNESCO and WIPO undertook a number of fact-finding missions. The term “traditional knowledge” became increasingly used, and came to encompass expressions of folklore.

UNESCO and WIPO issued their “Revised Provisions for the Protection of Traditional Cultural Expressions/Expression of Folklore” in 2005. This was an attempt to create guidelines for the protection of folklore, which in the document was primarily defined as traditional cultural expressions (TCEs). This change of terminology marked a turn in views of folklore/TCEs.

There are several significant differences between folklore as it is defined in the model provisions and the understanding of TCEs that underpins the revised version. The model provisions saw folklore as an artistic expression, while the revised version sees TCEs as an expression of “traditional culture and knowledge”. The revised version acknowledges that traditional cultural expressions need to be protected as emanating from and representing not only an individual creator but also a specific, cultural community. Furthermore, the model provisions saw the community as a “beneficiary of protection”, while the revised version sees it as an “independent normative realm whose customary laws are to be respected” (Perlman 2011, 127). The revised version recognizes that indigenous people are not only subject to, and protected by, domestic laws, but also have their own customary rights that both domestic and international laws must respect. Unlike the model provisions, the revised version refers explicitly to indigenous people as rights holders.

As this new paradigm emerged, folklore also came to be defined as one form of traditional knowledge. WIPO presented in 2001 a model in which folklore (i.e. cultural expressions) and indigenous knowledge (i.e. environmental, medical and technical

knowledge) together constitute traditional knowledge. This is, in turn, part of the entire heritage of a cultural community. Perlman (2011, 128) concludes that “The indivisibility of TCEs and traditional knowledge [...] also echoes the holism espoused by many in the indigenous people’s movement, given global resonance by the drive to conserve the world’s biodiversity.”

The shift towards TCEs tends to move the discussion towards another legal sphere: if folklore as a cultural expression is a copyright issue, then traditional knowledge is primarily protected or exploited through patents (Strather 2011). This brings us back to the issue of biopiracy, which may be the most blatant example of the problems of expropriation that threaten both cultural and natural resources. The problem with biopiracy as well as with the abuse of TCEs is that a resource that has been commonly used and governed within a community is being appropriated and privatized by external actors, who might exploit it in ways that disempower that community and violate its cultural values and natural resources.

### **The Romantic Author and the Cult of the Collective**

The primacy of individual ownership that underpins biopiracy is equally central to a traditional Western understanding of art and culture. In her ground-breaking article “The Genius and the Copyright” from 1984, Martha Woodmansee examined the concept of “authorship”. She describes how English and German romanticists gave birth to a new understanding of authorship that German authors used as an argument in their campaigns for a federal copyright law among the German states. While the pre-romantic author had been regarded as a learned craftsman who wrote in accordance to existing aesthetic rules and conventions, the romanticists minimized the elements of craftsmanship and defined the process of aesthetic production as an expression of the author’s own, internal creative capacities. The author was sanctified to what Edward Young called an “original genius” and the work of literature was no longer the product of an intellectual craft but rather a unique and original expression of the author’s personality—an immediate outflow of the superior creator’s exceptional inner qualities (Young, 1759/1918). This redefinition of authorship created an essential bond between the author and the work which the German writers could use to legitimize their own claims of literary ownership and argue for a federal copyright law (Woodmansee, 1984).

Since then, a great deal of academic research has looked at how the romantic author has become an ideal type of creator in Western copyright laws that have, consequently, been modelled on the concept of the author as an individual, original creator (Rose 1993; Hemmungs Wirtén 2004; Fredriksson 2012; 2014). Basing the legal definition of authorship on this romantic myth has come to deny legal recognition to forms of creativity that do not fit that conception of authorship, such as Traditional Cultural Expressions which are usually associated with a more collective creative process. This definition of authorship has generally tended to favour creators from a Western cultural sphere at the expense of non-Western or indigenous creators. Intellectual property, with its emphasis on originality and individualism, thus becomes a “language of

entitlement” that developed countries can utilize to exploit resources from developing countries (Boyle 1997, 173).<sup>1</sup>

At the same time, the romantic preoccupation with folk art acknowledges a creative potential of the collective. In the late 18<sup>th</sup> century, Johan Gottfried Herder and other prominent romantic thinkers embraced folk art, in literature and in music, as the expression of a collective *volksgeist*. Folk culture was cherished as an expression of collective traits and values, shared by a nation or a cultural community. This was evident in, for example, the romanticists’ interest in the Grimm brothers’ collection of fairy tales, and in the cult of the Celtic bard Ossian.

A collection of *The Songs of Ossian* was first published in 1765 by the Scottish writer James Macpherson. These were allegedly ancient Celtic poems attributed to the legendary bard Ossian, a well-known character from Celtic mythology. Macpherson claimed to have merely gathered these poems, but it later became known that Macpherson had written them himself. Ossian nevertheless became a cult figure for the romantic movement, as he personified the idea of the original visionary author. The songs of Ossian are interesting as they express both a fascination for folk art, emanating from a collective consciousness, and a cult that praises individual and autonomous genius.

The authorial voice of the Grimm brothers is equally ambiguous. On the one hand they made great efforts to collect and compile orally narrated stories that they considered typical for a popular German tradition. On the other hand, the Grimm brothers were, in the words of Jack Zipes:

...not mere collectors. In fact, their main accomplishment in publishing their two volumes of 156 tales in 1812 and 1815 was to *create* an ideal type of literary fairy tales, one that was intended to be as close to the oral tradition as possible while incorporating stylistic, formal and substantial thematic changes to appeal to a growing middle-class audience. (Zipes1987, 68)

The work of Jacob and Wilhelm Grimm thus straddles the border between editing and writing, and the tales are a product of both individual and collective creativity: they are equally and simultaneously authored by the Grimm brothers and by the German *volksgeist*.

The romantic understanding of expressions of folk art as embedded in, and representative of, a holistic social and cultural system was akin to how traditional cultural expressions came to be defined in the 1990s. And yet, when this folk art became canonized, it was necessary for it to be, in one way or another, authored. Although the songs of Ossian and the tales of the Grimm brothers were assumed to be anonymous products of a collective imagination, they were attributed to individual collectors and scribes who emerged as their authors in place of an anonymous collective *volksgeist*. As I will return to later, this operation hides the fact that the chorus of indistinguishable voices that make up this anonymous, collective narration may very well consist of individual authors who are made indistinguishable by the label “folk art” or “traditional cultural expression”.



This complex relation between individual authorship and collective composition is also evident in the discussions on folklore and anonymous works at the 1967 Stockholm meeting on the Berne Convention. Valdimar Hafstein has pointed out that even when the legislators discussed folklore—a form of art that is defined as collectively produced and reproduced within a cultural community—they defined it as the work of an “unknown author”. The legal discourse could simply not address works as expressions of collective processes without a single point or person of origin (Hafstein, 2014, 18).

It is no coincidence that the romantic author and folklore were invented simultaneously, since the two were intertwined from the outset. Folklore is defined by its lack of individual authors, which makes it a binary, dialectic opposite to modern authorship. Hafstein argues:

Folklore, in fact, came to be defined as such only with reference to norms of originality and ownership intrinsic to authorship and the intellectual property regime. A critical genealogy allows us to understand folklore as a constitutive outside of authorship. Folklore is the nonauthored. Better yet, it is the antiauthored. It circumscribes the discursive domain of authorship and defines the criterion of originality. Without folklore, no authorship—or at least it would not have the contours we know and recognize. (Hafstein 2014, 22)

The authored and the nonauthored are thus inherently interconnected, and both individual creativity and collective composition were idealized within romantic aesthetics.

### **Cultural Property and Commons**

The romantic cult of folk art reminds us that the idea that artistic expressions are representative of an entire culture is not unique to indigenous or traditional communities but has been equally significant to Western culture since the late 18<sup>th</sup> century. The most important difference between TCEs and the Western canon might not be the nature of the works, but the different concept of authorship applied to them. While indigenous cultural expressions are seen as anonymous and collectively created, non-indigenous cultural expressions are assumed to be products of individual artists. This is primarily a consequence of how a Western discourse on art and creativity disregards creative agency from other parts of the world.

There are, of course, many examples of attributed works within traditional cultures. Accomplished craftspersons have been acknowledged as individual creators within their own community all across the world, but when their works are displayed in museums in Europe they become anonymized ethnographic objects representing an entire culture. This not only applies to material works of art. As anthropologist Joann Keali'inohomoku, has pointed out, dance within first nation communities often have its own highly respected dancers and choreographers, these are just not recognized as individual creators when Western dance scholars categorise their works into distinctions between artistic (Western) and ethnic (non-Western) dance

(Keali'inohomoku, 1970/1983). Indigenous cultural expressions are thus seen as representative of and belonging to a cultural community, while non-indigenous cultural expressions are representative of individual creators and belong to those individuals. Consequently, indigenous cultural expressions tend to be seen as part of a commons by default, while non-indigenous cultural expressions are seen as private property by default.

This corresponds to a distinction between intellectual property and cultural property. Cultural property has been described as the “fourth estate” of property, distinct from personal property, real estate property and intellectual property (Wilf 2001). The term “cultural property” is used to describe resources that carry particular meaning for a cultural community, and in this way are considered to belong to this community. The term was originally most often applied to tangible cultural artefacts, but it has increasingly come to encompass also intangible cultural heritage (Carpenter et al. 2009). Joseph Slaughter argues that the distinction between intellectual property and cultural property follows certain colonial boundaries:

Accordingly, we in the West produce spontaneous original intellectual property: they in the rest of the world have a rich (though probably burdensome) collective legacy of cultural heritage and traditional knowledge that is, so the logic goes, part of what keeps their societies underdeveloped. (Slaughter 2011, 198-199)

As Fiona MacMillan points out, this is a mutual loss: while the assumption that “the West lacks intangible cultural property is socially (and culturally) impoverishing”, the perceived lack of individual authorship in non-Western cultures can also expose those cultures to appropriation. (MacMillan 2015, 61).

While the idea of cultural property in some senses rely on a colonial cultural distinction, it also serves to protect traditional culture from a form of appropriation that threatens all resources that can be perceived as commons in the sense that they lack clearly distinguishable individual owners. In some indigenous communities certain resources—such as traditional knowledge or environmental resources—are managed as a form of a commons, in the sense that they are being collectively shared within a community according to certain norms. The discussion on biopiracy is one example of how indigenous uses of biological material and traditional knowledge can be a kind of commons that is often under threat of being privatised and exploited.

It is important to remember that uncritically associating traditional knowledge—or other indigenous resources—with commons runs the risk of reproducing a colonial logic of dispossession by regarding indigenous spaces as a *terra nullius* in which indigenous resources are there for the taking, as long as they have not been claimed by anyone who can act as a legitimate owner under Western law—in this case intellectual property rights. If the concept of cultural property aims to prevent such appropriation of cultural resources, then the Convention of Biological Diversity tries to offer a similar kind of protection for genetic resources.

Before the CBD, genetic resources had been defined as the “common heritage of mankind” which, in this case, had the consequence that they could be freely

exploited by any commercial actor (Hemmungs Wirtén 2007). The doctrine of the common heritage of mankind grew out of the same global justice movement that put folklore onto the IPR agenda in the 1970s. The term had originally been used to refer to global commons such as outer space, the ocean bed and Antarctica, and the motive for declaring such resources to be the common heritage of mankind was to prevent them from being privatized and exploited by individual states or corporations. The United States, on the other hand, preferred another interpretation, and argued that the common heritage of mankind merely meant that “no country has sovereignty over a common space but may acquire exclusive property rights in its resources”. This was taken to mean that no one could own the land but anyone could exploit it (Noyes 2012, 451). This interpretation eventually came to apply to the definition of biological resources as a common heritage of mankind. The CBD responded to this by redefining genetic resources as the property of sovereign states in order to give national legislators the right to prevent foreign companies from appropriating such resources without the consent of local owners.

This reflects a certain confusion regarding what a commons actually is. Most people working with, or studying, commons as a form of resource management agree that a resource that is free for anyone to use in any way is not really a commons but rather an *open access resource* (Dahlin & Fredriksson 2017; Ostrom 1999; Bollier 2002). A commons is, in contrast, defined by the fact that its use is formally or informally regulated and restricted to a specific community. The way that the concept of a “commons of all mankind” came to be applied to genetic resources, thus made them open-access resources rather than commons. In this regard, the CBD can be said to enclose these resources, but in a way that makes it possible to manage them as commons rather than as open-access resources, which ensures a more sustainable exploitation.

Conflating commons with open-access resources in this way runs the risk of disregarding the norms and rules that already exist within the local communities that have governed the resources for generations. Furthermore, assuming that those resources are ungoverned and unaccounted for also reproduces the stereotype that Vermeulen describes as the “lawless nature of the savage”. The problem is thus not a lack of property rules in indigenous communities; the problem is that the customary laws that exist and that have been adapted to those resources are overruled when another property system takes precedence through international regulations and trade agreements such as Trade-Related Aspects of Intellectual Property Rights (TRIPS) (de Beukelaer & Fredriksson forthcoming; Fredriksson 2012; Drahos & Braithwaite 2002). Such agreements impose a Euromerican system of intellectual property rights as an international one-size-fits-all model, in spite of the fact that it is associated with a certain—rather narrow—type of cultural creativity formulated by European romanticists in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. The significant difference between customary law and international regulatory regimes is one of power and subordination, since the social system that spawned Western law and the property regime that it supports has come to dominate the world through colonialism and subsequent neoliberal globalization.

### **The Protection of Classics: Cultural Property as Intellectual Property**

The view of Western law as a homogenous body of consistent ideas, norms and rules is yet another myth of modernity. It has been emphasized, repeatedly, that copyright law is crafted around the rights of the individual creator, drawn from the romantic notion of an original genius. However, romanticism also acknowledged collective composition, and not only romantic aesthetics, but also the law, can incorporate contradictory perspectives on literary rights and authorship. An example from Scandinavian copyright law that illustrates this heterogeneity of perspectives is the so called “protection of classics” [“klassikerskyddet”], which undermines the idea of a consistent, legally codified, authorial subject by incorporating an alternative way to acknowledge cultural entitlements, similar to that of cultural property, within the copyright framework.

The protection of classics was formulated in the 1950s and still formally exists in several Scandinavian copyright laws. The following discussion will focus on the Swedish Act on Copyright to Literary and Artistic Works (SFS 1960:729) but an almost identical provision exists in the Finnish copyright act (1961/404, § 53), and a similar one can be found in the Norwegian copyright act (§ 48). The protection of classics is codified in Paragraph 51 of the current Swedish copyright act (SFS 1960:729), stating that:

If a literary or artistic work is rendered in a way that offends the interests of spiritual cultivation, a court may, at the request of an authority appointed by the government, prohibit distribution and sanction a fine. What is here stated shall not apply to reproductions rendered during the lifetime of the author.<sup>2</sup>

SFS 1960:729, § 51

When it was passed in 1960, this paragraph was intended to protect older works of art that were in the public domain, and considered to be of particular cultural importance, against derogatory adaptations. The preamble that preceded the law stated that the objective of the paragraph was to give “the public the authority to interfere to protect the moral values in the more significant works of art and literature”, and “to protect the free works, primarily the classical masterpieces, against being rendered in a way that can be regarded as a distortion” (SOU 1956:25, 403).<sup>3</sup> Examples of such distortions were jazz adaptations of classical masterpieces, and semi-pornographic editions of literary classics.<sup>4</sup>

The protection of classics can be described as providing an eternal moral right to works of particular cultural significance, but it defines “society”, rather than the original author’s estate, as the rights holder. The interest of society in this case is represented by the Swedish Academy, the Musical Academy and the Academy of Fine Arts, and the preamble to the law argued that only these institutions should have the right to prosecute according to Paragraph 51 (SOU 1956: 25, 410). In practice, the academies have been very reluctant to prosecute, and in the few cases in which individuals have reported possible violations of Paragraph 51 to the academies, they have never taken a case to court (Fredriksson 2009; Österlund 2013).



Many aspects of the protection of classics makes it an anomaly in current copyright thinking. First of all, the protection applies a normative standard that is alien to copyright thinking in general, where the definition of a protected work relies on originality and not on artistic quality. Secondly, it extends the rights indefinitely, which is contrary to copyright tradition in which the temporality of the rights of authorship have always been a cornerstone. Thirdly, the rights are attributed not to an individual author or rights holder, but to an obscure cultural community.

It is not clear whose interests the law is intended to protect. Initially, the preamble discusses the law as an extension of the moral rights of the author, where the public acts in the name of the author (SOU 1956:25, 407). A few pages later, however, the general public emerges as the entity whose interests are to be protected. The protection of classics has become distinct from the moral rights of the author, and it is stated that the protection of classics gives “the public an independent right, apart from the moral right [of the author], to interfere against such abuses” (SOU 1956:25, 410).<sup>5</sup> It is also significant that although the report discards the idea that the public should interfere with a living author’s work, it maintains a distinction between the interests of the author and the interests of the public. That the protection of classics arises immediately after the death of the author, furthermore, means that the public could act against distortion of a work even if the author’s inheritors or other secondary copyright holders have accepted it. Thus, in this case the rights of the public would be given priority over the rights of the secondary copyright holders (SOU 1956:25, 410).

The definition of the “public”, whose interests are to be protected by this law, is equally diffuse. The preamble clearly states that a revision of a work must be perceived as offensive “by the educated public” in order to be a violation but makes no suggestions about who or what can constitute such an “educated public” (SOU 1956:25, 409). The fact that the origins of the work are not geographically defined—i.e. the law can in theory apply to works from anywhere in the world—indicates that it is not only a protection of a national heritage. The reference to “classical masterpieces”, the examples from a Western canon and the fact that the protection is enforced by the academies of art however indicate that the is intended to protect some form of Western cultural heritage.

Similar provisions had been previously proposed in Sweden, but never accepted. On this occasion, however, the act was passed without any significant opposition, and although the legislators at the time acknowledged that it had potential implications for free speech, the need to protect the cultural heritage was considered to be more important. Furthermore, it was claimed that the protection of classics was not unique to Swedish law and that similar statutes existed in several countries including Denmark, Finland and Italy. When the Berne Convention was discussed at the Brussels Conference in 1948, it was proposed that the convention include a form of *droit au respect* that was particularly adapted for protecting works of exceptional cultural significance that had passed into the public domain (SOU 1956:25, 405).

The fact that this paragraph is introduced as late as the 1950s may appear anachronistic but is actually a very timely reaction to the growth of popular culture.

The examples mentioned in the preambles and the few cases that were raised but never taken to court often concern jazz adaptations or other forms of new cultural genres, and they all tell the same story: the Western tradition needs to be protected against commercial culture (Fredriksson 2009; Österlund 2013). What makes the protection of classics particularly interesting in this context is that it is essentially a cultural heritage clause embedded in a copyright law. As such, paragraph 51 of the Swedish copyright act addresses the object of protection—the work of art—not as intellectual property, belonging to the individual, but as cultural property belonging to the people, or the “educated public”. Consequently, the protection of classics not only questions the internal consistency of Swedish copyright law and the assumption that the West has not cultural property, it also compromises the distinction between intellectual and cultural property.

### **New Perspectives on Authorship, Collectivity and Property**

Swiss folklorist Eduard Hoffmann-Krayer wrote in 1903: “The ‘soul of the folk’ does not produce, it reproduces”.<sup>6</sup> Drawing on Antonio Gramsci, Hafstein reformulates this to: “*The subaltern do not produce, they reproduce*” (Hafstein 2014, 25). This applies not only to the European peasants that Hoffman-Krayer originally referred to, but to all subordinate groups who are, or have been, denied an authorial voice. In the bourgeois household, women, for example, were assigned the role of reproducing not only the family, but also “national culture”, by passing it on to the children in the form of “the mother tongue, folktales, lullabies, foodways, costumes, and customs” (Hafstein 2014, 25). They were, nevertheless, not considered capable of creating art or holding property. Many of the story tellers the Grimm brothers consulted when gathering tales for their compilations were young, middle-class women (Zipes 1987). We can assume that these women—like most carriers of an oral tradition—made their own adaptations of the stories depending on the audience, but none of them embodied an authorial persona in the way that the Grimm brothers did.

Today, we may use the same formulation to describe how indigenous cultures are ascribed a reproductive form of creativity that idealizes them as carriers of ancient traditions and custodians of cultural property but refuses them the capacity to create works of individual authorship that qualify as intellectual property. The problem with this logic is not the insight that the creativity of the “folk”—or the subaltern—is collective and reproductive. The problem is the assumption that the authorial voice cannot be collective, and that there is a clear distinction between the productive and the reproductive, between creating *ex nihilo* and crafting without any original contribution.

Like Vermeylen, Hafstein implies that it might be more important to deconstruct Western society’s myths about itself than its myths about the other:

Instead of granting folklore a degree of originality by postulating individual origination, I propose that we recognize the cult and concept of originality for what it is: a Romantic relic and the ideological reflex of a particular economic order. Rather than claim a measure of originality for folklore, we should repudiate originality

itself and embrace instead a social concept of creativity, along the lines of theories of intertextuality and distributed innovation. (Hafstein 2004, 308)

As Hafstein implies, cultural theory abandoned long ago the ideas of the autonomous artist and artwork that underpins the logics of intellectual property and replaced them with a more intertextual understanding of art and creativity as socially and semiotically intertwined processes (c.f. Barthes 1968/1977; Foucault 1969/1977).

This shift is present not only in cultural theory. Hafstein emphasises that collaborative creativity is becoming increasingly dominant for contemporary cultural production. The idea of individual authorship is incompatible with a wide range of cultural expressions today, from industrial design and large movie productions to digital remixing and swarm intelligence. If the (constructed) distinction between traditional and non-traditional cultural expressions has been exaggerated throughout history, then these (imagined) differences are further compromised as cultural production becomes increasingly digitized, and promotes collaborative and reconfigurative ways of creating art. And as Hafstein argues, many of these examples show that “The language of folklore often captures creative processes and products more accurately than the language of authorship” (Hafstein 2014, 36).

These new modes of creativity have led to extensive conflicts between copyright holders and pirates, and arguments over the rights of authorship, access to culture and creative liberties to remix and reproduce copyrighted material. To some extent, creative commons licenses and open-access publishing have provided alternative ways to regulate the distribution of, and access to, culture and information within the IPR system (Dahlin & Fredriksson 2017; Fredriksson 2015). On the whole, however, such initiatives come across as *ad hoc* solutions to problems associated with a system that is becoming increasingly unable to serve its purpose and protect and promote culture and creativity.

Many have concluded that IPRs are insufficient to capture the cultural entitlements that are related to traditional knowledge and traditional cultural expressions. In the discussion of how the global IPR regime does not correspond to the needs or conditions of indigenous creativity, traditional cultural expressions are generally portrayed as an anomaly that deviates from international norms of property rights. The recent destabilisation of the IPR regime in the face of new modes of cultural production, however, raise the question of whether, in fact, the inverse is true: is the IPR regime the anomaly?

When Shubha Ghosh calls for a new and more user-friendly approach to IPR, he elaborates on the idea of conceptualizing IP as a matter of stewardship rather than of ownership. He argues that

designated owners are just stewards for a broader class of users, which consists of, among others, consumers, future generations, and constituents that rely on property but may not have not [sic] a direct ownership stake. (Ghosh 2012, 1007)

Ghosh's vision of stewardship recalls the indigenous relation to biological resources that is often evoked as a contrast to the extractive and exploitative practices of biopiracy. However, Ghosh applies this view of stewardship to intellectual property in general, challenging the universal primacy of individual ownership from a position that is similar to a traditional indigenous approach to resource management.

In a sense, a similar idea of stewardship is expressed in the protection of classics where society is entrusted the responsibility to ensure a respectful treatment of a collective cultural heritage. In light of that, maybe the protection of classics is not such an anomaly after all. In its current condition the protection of classics is hardly enforceable and lacks any practical significance. But let me, for the sake of argument, end this article by asking if the protection of classics could be employed to protect TCEs. Some of the characteristics that make the protection of classics an anomaly in copyright law would actually make it particularly applicable to protect TCEs.

First, the fact that the protection of classics is not limited in time makes it more suitable to protect TCEs, which are often inherited cultural customs, dating back several generations. Secondly, the lack of an individual or identifiable author is often presented as an obstacle that makes it hard to incorporate TCEs in existing IPR legislation. The protection of classics however does not rely on the rights of an individual author. Thirdly, the protection of TCEs is not only about protecting the rights of a creator but the rights of a cultural community. It assumes that the defamation of certain significant expressions of this culture offends the members of that culture as a collective. This is alien to copyright in general but corresponds directly to the logics of the protection of classics.

Originally, the protection of classics was, indeed, designed to protect a Western cultural canon and it is to be enforced by institutions that embody colonial power and lack legitimacy or competence to represent indigenous cultures or other minorities. The fact that the law does not define the origins of the protected work or the nature of the cultural community it belongs to however makes it theoretically applicable to indigenous cultural expressions as well. Paragraph 51, furthermore, clearly empowers the government to decide which bodies are to enforce the protection of classics. It would thus be perfectly possible for them to appoint a self-governing indigenous body—such as the Sami Council which represent indigenous people in Northern Scandinavia—to enforce the protection of classics with respect to Sami cultural expressions. Such a decision would give the Sami council legal grounds to act against different forms of cultural appropriation.

In that way, hacking the protection of classics could, at least theoretically, enable indigenous agency within existing legislation and contribute to a decolonization of intellectual property rights. Although this game of thoughts is not likely to ever be of more than academic interest, it points to the fact that also Western laws have their hidden spaces of intervention: internal inconsistencies that open up possibilities for new legal subjects to make alternative interpretations.



## Conclusion

This article has shown how binaries collapse under closer scrutiny. We see how the dichotomies that seem self-evident in a (post)colonial world dissolve one-by-one. The entire discourse on the protection and promotion of traditional cultural expressions is based on a distinction between Western culture, described as individual and authored, and traditional culture, described as collective and anonymous. This distinction has never been valid. Not only does it disregard the dimensions of collectivity in Western cultural production: but the very dichotomy is ambiguous, as the authored and the non-authored are a mutually dependent historical construction.

Both the Swedish example of the protection of classics and the case of the Grimm tales indicate that the distinction between intellectual and cultural property is not as clear as it appears. The protection of classics can be seen to transform intellectual property into cultural property, within the structures of a Western copyright law. The Grimm tales, on the other hand, can be seen to transform cultural property into intellectual property by translating folktales into authored texts, without relinquishing the claim that the texts represent a cultural community. These examples show that neither authorship nor the law are homogenous and consistent. The rationale of the authorial voice and that of intellectual property begin to crumble, together with the colonial distinctions on which they are based.

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## Notes

1. These assumptions have recently been questioned. One example is a recent dissertation by Jens Eriksson that argues that romanticists like Fichte and Kant were very open to acknowledging remixes of existing works as original works, and that this affected the German copyright laws. These, in fact, allowed for rather extensive copying... (Eriksson 2016).
2. "Om litterärt eller konstnärligt verk återgives offentligt på ett sätt som kränker den andliga odlingens intressen, äger domstol på talan av myndighet som regeringen bestämmer vid vite meddela förbud mot återgivandet. Vad nu är sagt skall ej gälla återgivande som sker under upphovsmannens livstid."
3. "ge det allmänna befogenhet att ingripa till skydd för de ideella värdena hos de mer betydelsefulla litterära och konstnärliga verken" [...] "skydda de fria verken, främst de klassiska mästerverken, mot att de återgivas på ett sätt som är att betrakta som förvanskning", (SOU 1956:25, 403).
4. The report mentions a Danish edition of Balzac's novel *Esther* that had been edited down from 350 pages to 90, filled with suggestive titles and illustrations, and advertisements for contraceptives (SOU 1956:25, 409).

5. 'det allmänna en självständig, vid sidan av den ideella rätten stående befogenhet att inskrida mot sådana missbruk'.
6. "Die Volksseele produziert nicht, sie reproduziert"

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## Response

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### Collective Creativity and Collective Ownership

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This highly original article makes a welcome contribution to a decades-old debate. Although formulated in the esoteric terms of intellectual-property law, it is a debate that seems to expose deep and wide-ranging conceptual divisions in our cultural lives (the individual versus the communal, innovation versus tradition, the Self versus the Other). Martin Fredriksson (MF) makes a genuinely new intervention by drawing attention to a little-noticed provision in the copyright laws of certain countries—what in Sweden is called *klassikerskyddet*, the protection of classic works.

MF uses this relatively obscure provision to shine new light on a set of familiar notions, especially ‘authorship,’ ‘folklore,’ and the ‘commons,’ as well as making larger points about legal imperialism and the incoherence of normative systems. The central binary he examines is “the dichotomy between commons and authorship—between collective creativity and private appropriation.” In developed-world legal systems, because ‘works of authorship’ are seen as the unique products of individual genius, they are protected by intellectual-property (IP) law, with ownership vested in their creators. However, because the “traditional cultural expressions” (TCE) of indigenous peoples are seen as anonymous and collectively created, international IP

law—which ethnocentrically fails to recognize or value communal creativity—offers them no protection. This binary is what makes Sweden’s *klassikerskyddet* so interesting since it seems to be a cultural-property provision embedded in developed-world IP law. Since it is inconsistent with the fundamental principles of the IP system, its presence there exposes that system as incoherent, and questions the dichotomies of individual authorship versus collective creativity and private appropriation versus the commons.

In what follows I’ll offer a few scattered thoughts on MF’s dichotomies, but I would first like to comment on legal incoherence in general, and its possible usefulness. The internal inconsistency MF uncovers in Swedish copyright law is one example of a broader phenomenon. Incoherence, we might say, is the default condition of law. This is true for at least two reasons.

Legal concepts are elaborated over time by drawing on “legal formants” (Sacco 1991), a disparate set of authorities, not all of which are mutually consistent. Consider, for example, the multiplicity of definitions of ‘originality’ that frustrate US jurists. This criterion of copyrightability has been both historically inconstant and doctrinally uncertain. Jane Ginsburg argues that there are two de facto originality thresholds: one protecting the creative presence in “high authorship” works like novels, and one protecting the sweat of the brow in “low authorship” works like telephone directories (1990:1870). Hence the enduring tension between creativity and expenditure of labor as the criterion of copyrightability.

Second, the piecemeal, cumulative process of law-making is a potential

threat to whatever degree of consistency a statute may possess. Since legislation is the result of a drafting process that often involves compromises—which are not necessarily conceived of as compromises between general principles (Litman 2001:77)—a statute can seem to embody internally inconsistent logic. Indeed, given the trade-offs and log-rolling that drive the legislative process, such inconsistency might be the most likely outcome: “the existence of a coherent overall framework would be a miraculous accident” (Liu 2001:1299). Far from being inherent in law, coherence is a hard-won accomplishment. The price of statutory consistency, we might say, is ceaseless vigilance.

Throughout history, IP laws have accrued provisions that seem to contradict their own basic principles, and which are sometimes opportunistically exploited for various purposes. One recent example is the European Union’s “publication right” (as described in Article 4 of the EU Directive 93/98/EEC of 1993), which covers the publication of an out-of-copyright work that has not been previously published. Another is the *domain public payant*, a regime imposed after the expiration of copyright protection, allowing use of the work upon payment to the State of some predetermined amount. In both cases, protection does not benefit the author, but an actor (the publisher or the State) which need not have played any role in the creation of the work. (The latter regime is especially interesting because it has been justified in several different ways. The revenue collected could be used by the State to assist struggling young artists at the dawn of their careers, or to provide an old-age pension for those at the sunset of theirs. It could be used for the promo-

tion of culture in general. It could even be used to support collective rights organizations in developing countries that lack them; Perlman 2018).

Like the “publication right” and the *domain public payant*, “classics protection” fits uncomfortably within the doctrinal framework of copyright. But MF does not merely identify a moment of internal contradiction in Swedish law, he suggests using it to decolonize IP jurisprudence. By “hacking the protection of classics” indigenous peoples might be able to make their voices heard, and their perspectives acknowledged. I won’t comment on the feasibility of this ingenious idea—MF himself seems to consider it no more than a thought experiment—but will only point out that the strategy he adopts here has a distinguished pedigree. His discovery of this “hidden space of intervention” looks to me like an application of the “deviationist doctrine” of the Critical Legal Studies movement, in which partially submerged contradictions in existing law are revalued to “transform the deviant into the dominant” (Unger 1986:60).

Now let me return to the dichotomies at the heart of MF’s paper, dichotomies of individual authorship versus collective creativity and private appropriation versus the commons. The former concerns the process by which works are made, the latter concerns assignment of ownership in the results of that process. MF clearly sees the two as closely related (indeed, at one point he seems to treat them interchangeably, referring to “the dichotomy between commons and authorship – between collective creativity and private appropriation”). He describes the assignment of ownership as to some extent motivated by judgments of authorship:

works of individual authors “are seen as private property by default,” while indigenous cultural expressions which lack such authors “tend to be seen as part of a commons by default.”

MF builds here on a well-established research program that traces the possessive individualism of IP law to the concept of the so-called Romantic author, the solitary creative genius thought to embody something of himself in his—usually his—works. Following Hafstein’s suggestion that we “repudiate originality itself and embrace instead a social concept of creativity,” MF proposes that the dichotomy between individual and group creativity is a false one. All creativity is collective, though IP law is structurally unable to recognize that fact.

This is where MF’s argument might be brought into illuminating juxtaposition with recent historical research and with a more detailed examination of current legal provisions. For some time now a growing cohort of scholars has suggested that the appeal to Romantic ideology is a rationalization, an intellectual fig leaf to cover developments undertaken for more prosaic reasons such as interest-group politics, as well as economic forces ranging from the decline of aristocratic patronage to the rise of neoliberalism. There are quite a few critics who find the causal role attributed to Romantic ideology historically implausible (Kitch 1968, Posner 1988:351, Lemley 1997, Barron 2006, Bentley 2008, Bracha 2008, Lavik 2014).

A careful study of both lay and legal methods for assessing authorial contributions today reveals elaborate mechanisms for domesticating and disciplining the inherently collective nature of authorship. Consider, for example, how creative cred-

it is assigned for a popular-music recording. In US law, a distinction is sometimes made between a recording’s “featured artist” and the other musicians who perform on it, whose contributions are considered to be “works for hire.” (The “work for hire” doctrine defines circumstances in which the law will consider the author of a work to be, not the actual author, but his or her employer.) Unsurprisingly, the difference between a musical contribution that earns the musician a copyright and a contribution that (as a “work for hire”) becomes someone else’s property is contestable (Stahl 2013:183-225). While in such contests the two sides may make florid appeals to the ideology of Romantic authorship, these are unlikely to be decisive.<sup>1</sup> And in other contexts—such as apportioning “screen credit” among the writers of a film or television show—the arbitrariness of the determination is more or less openly admitted. The contributions of many writers are deliberately ignored, and the list of credited writers is kept as short as possible, in order to enhance the “dignity” of all writers (Fisk 2011).

Turning now to the other side of the dichotomy, what of TCEs? Are they seen as a commons *because* they are considered anonymous products of communal creativity? There is an ambiguity here since it’s not clear which kind of commons is meant: an open-access regime, or a common-pool resource? Clearly, an open-access regime can coexist with even a strong ideology of individual authorship, for this is the case in developed-world IP law, where the “public domain” has endured for centuries as an open-access commons. Nor does anonymity and collective creativity strictly necessitate open access, since provisions like the “publica-

tion right” can create private ownership rights in uncopyrighted or even uncopyrightable materials, including TCEs.

What of the other kind of commons, the common-pool resource? As MF explains, a common-pool resource presupposes a social group (say, an indigenous community with a robust system of customary law) whose members alone have legitimate access to the resource and who respect the group’s norms governing its allowable uses. But couldn’t such a normative regime govern the assignment of ownership in TCEs without any reference to the nature of the creative process? Whether or not a work is communally produced may be entirely irrelevant to its ownership status, for customary law could dictate that even new works by known individuals immediately become group property.

Of course in many societies there are TCEs not governed by customary law, but which the society may still wish to treat as a common-pool resource. In such cases, it is possible to appeal to the collective contributions of the group’s members that have shaped the TCE. However, given the porous nature of cultural boundaries, it’s not always possible to determine if the creative inputs to a TCE came exclusively from the members of a single group. Societies have always borrowed from each other, and external influences are omnipresent in most traditions. It seems to me that communities wishing to claim ownership are more likely to appeal to the concept of group *identity*. A TCE (regardless of its ultimate origins) would be said to belong to a group insofar as it is emblematic of that group’s identity—though it remains to be determined what precisely that phrase might mean (Perlman 2017, 183-185).

Sweden’s *klassikerskyddet* is incongruous in the context of IP law since it ignores some of the latter’s foundational principles (such as the limited duration of the right). I suggest that it is equally incongruous in the context of TCE protection since it ignores all issues of social identity. Indeed, as MF points out, it extends beyond the Swedish cultural heritage, reaching all “classics” regardless of origin. Any modification of *any* classic work from anywhere in the world can be proscribed if the Swedish Academy considers it offensive to the educated Swedish public. MF suggests that the Sami Council could be given a similar role “with respect to Sami cultural expressions.” This qualification, though seemingly minor, in fact completely changes the nature of *klassikerskyddet* by assigning to each “classic” a cultural identity. At the very least it would require reconsidering the role of the Swedish Academy: would it retain authority over all Swedish cultural productions? Or to avoid possible clashes with the judgments of the Sami Council, would its authority have to be limited to non-Sami works?

In these brief miscellaneous remarks, I haven’t pretended to offer a thorough consideration of MF’s article, which raises many more important points than I can address here. Its richness and sophistication is heartening. Over several years of researching the legal status of TCEs, I have found it frustratingly difficult to communicate the depth and relevance of the issues involved to scholars outside of the legal academy. IP law is considered highly technical even by many attorneys, and it is rare to find detailed knowledge of it combined with a grasp of folkloristics and common-property regimes—all



of which are needed to attain a panoramic vision of the problem. Martin Fredrickson's contribution offers us a view of the scenery from a refreshing new angle.

### Notes

1. As Jessica Litman remarked in another context: "One can greatly overstate the influence that underlying principles can exercise over the enactment and interpretation of the nitty-gritty provisions of substantive law. In the ongoing negotiations among industry representatives, normative arguments about the nature of copyright show up as rhetorical flourishes, but, typically, change nobody's mind" (Litman 2001, 77).

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## The Butt of the Joke?

### *Laughter and Potency in the Becoming of Good Soldiers*

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#### **Abstract**

*In the Danish military, laughter plays a key role in the process of becoming a good soldier. Along with the strictness of hierarchy and discipline, a perhaps surprisingly widespread use of humor is essential in the social interaction, as the author observed during a participatory fieldwork among conscripted soldiers in the army. Unfolding the wider context and affective flows in this use of humor, however, the article suggests that the humorous tune (Ahmed 2014a) that is established among the soldiers concurrently has severe consequences as it not only polices soldiers' sexuality and 'wrong' ways for men to be close, but also entangles in the 'making' of good, potent soldiers. Humor is therefore argued to be a very serious matter that can cast soldiers as either insiders or outsiders to the military profession.*

*Keywords:* military, humor, attunement, affects, military service, potency, sexuality

**D**uring a four-month-long participatory fieldwork amongst soldiers serving in the Danish army, I experienced how laughter permeated everyday life and caused momentary breaks from the seriousness that came with being embedded in a quite hierarchal structure. Even the sergeants who were supposed to discipline the young soldiers were keen on lightening the atmosphere by telling jokes or encouraging others to do so. Humor appeared to make military service more fun: it lightened the mood and supported social bonds among soldiers which also made the tough times more bearable.

However, I also observed how humor took part in 'making' of military professionals; how seemingly innocent comments or actions that were "just a joke" took part in establishing otherwise unspoken limitations and norms for how to be a good soldier. In this article, I will unfold how the telling of jokes, laughter, and pranks seemed to "tinker towards" (Law and Mol 2002) what was expected of the soldiers for them to be recognizable as military subjects; and thereby move closer to becoming insiders to the military profession. Attempting to grasp this role of humor in soldiers' continuous process of *becoming* (Haraway 2008), I will combine insights from previous ethnological studies of humor and gender studies, unfolding how the concept of *affects* might further develop the understanding of how humor works in powerful ways in military settings.

This crucial role of humor will be examined by unfolding the question of *potency*, not only as enacted sexually but equally as enacted through leadership. Connecting these two ‘versions’ of potency, it is possible to demonstrate how humor not only takes part in a very serious policing of ‘right’ and ‘wrong’ ways for soldiers to create social bonds, but equally to demonstrate how humor in subtle ways takes part in negotiating the recognition of ‘insiders’ to the military profession. Thus, humor is essential to military subjectivity.

To set the scene for the analysis, I want to present the reader with the scenario that spurred this article; it is a scenario which occurred during a two-and-a-half hour long march one warm afternoon:

It’s getting hot walking with about 25 kilos of gear on our backs, so during our first stop, Just, Fischer, and Persson pull down their pants to cool off their legs—which means that they are standing in the middle of the woods in their underwear, pants down by their ankles. On the other side of the trail, about 15-20 meters away and somewhat separate from the rest of the group, Juul and Karlsen are lying down against each other on the ground, enjoying a break in the sun. One of them has their arm around the other, and they are both smiling.

On the opposite side of the trail, one of the guys with his pants down around his ankles notices the two guys and proclaims loudly: ‘That’s kinda like *Brokeback Mountain*.’ After a few more guys comment on the apparently homoerotic character of this scenario, several of them sneak up on the two guys and throw themselves in a bundle on top of them. Juul and Karlsen are surprised and look like they are exhausted by the many kilos of human bodies that suddenly land on top of them, while the guys who have thrown themselves on top of them laugh. (based on field notes, week 11)<sup>1</sup>

The two men lying together, Juul and Karlsen, seemed to grow fond of one another during the conscription period. But, as this excerpt indicates, their way of being close was considered inappropriate. It was compared to *Brokeback Mountain*, the 2005 blockbuster film about the forbidden love between two male cowboys. Although it was apparently perfectly fine to pull down your pants while surrounded by the rest of the platoon, it was deemed out of place to show another guy tenderness by holding him. I did not know the intimate details of Juul and Karlsen’s relationship—they might have been close friends without any sexual interaction, or they might have been lovers. But this is irrelevant, as they were considered to be ‘more’ than conscripts with a close bond; they were read as men who desired men. Seeing this display of assumed desire that did not fit the norm, some of the other male conscripts intervened with humor, which illustrates how humor can be an effective mechanism for policing sexuality and closeness.

But the scenario opens up an array of possible interpretations. Seeing it as a form of policing that safeguards the norms of heterosexuality is, of course, just one way to interpret this scenario. The scenario could also be seen in a broader perspective regarding how to perform as a soldier, and how this is regulated affectively—e.g.,



through laughter. This becomes apparent as the wider context of the scenario is unfolded. By doing so, I suggest that the tenderness between the two men was interfered with not just because of their display of intimacy, but also because their individual performances as soldiers fell outside of the recognizable patterns for being a good soldier.

Second, to understand why Juul and Karlsen did not oppose the group of peers throwing themselves on top of them, at the end of the article I will attend to the powerful forces working through jokes, mockery, and teasing. Here, I will draw on the work of affect scholar Sara Ahmed (2014a) who has argued that ‘being with’ means to be ‘similar with’ as recognition entangles in processes of *attunement*. In the form of a seemingly innocent use of humor, this social mechanism is suggested to take part in the disciplining of soldiers, keeping them within a humorous mood out of fear of ruining ‘the good mood’. But before turning to affects, I must set a minimal framework for this article, empirically as well as analytically.

### **Empirical setting and analytical approach**

In a landmark article, feminist military scholar Carol Cohn notes how, during her fieldwork among defense analysts in the US, she realized “that talking about nuclear weapons is fun” (1987, 704). As part of a more extensive analysis of the use of language in this context, Cohn argues that language becomes a way of bypassing the realness of a subject that may otherwise invoke moral outrage or emotional reactions, thereby making it possible to work in close proximity to death. Cohn’s argument still appears relevant 30 years later, as I reflect on my own fieldwork in which the potentially very serious and deadly consequences of military work seemed absent. While Cohn did not focus on humor as such, I wonder how we might approach this still-very-present matter of “fun” in the training of Danish soldiers. For readers to understand the empirical setting for the analysis, the following section briefly introduces the Danish case and the empirical work leading to this article.

The overarching research project from which this article has unfolded, explores what it means to be a good soldier in the twenty-first century and how the road to becoming one might be challenged and obstructed.<sup>2</sup> In this work, the *good soldier* has been constructed as “a figure or character with agentic presence and force” (Ashcraft 2017, 53), which opens up to contradictions, negotiations, and compromises in the performative becoming of these soldiers. Here, I draw on Judith Butler’s definition of performativity as “that power of discourse to produce effects through reiteration” (Butler 1993, 20). This term is used to enable an analytical exploration of how the recognition as a good soldier is a continuous process that is never finalized; it is a continuous becoming. Empirically, the project attends to soldiers doing military service in Denmark where a 170-year-old conscription system is still in effect, albeit most of the 4,200 conscripted soldiers needed each year voluntarily sign a contract to serve.<sup>3</sup> While only male citizens can be drafted, women are given the option to serve alongside them—unlike in the neighboring countries of Sweden and Norway where gender-neutral conscription has recently been introduced. However, all three



Figure 1. Conscripted soldiers marching at a Danish military camp, men and women marching side by side.

countries have somewhat similar conscription systems that historically have been tied to the development of the country's welfare system and claims for democratic rights (see e.g. Østergaard 1998; Sundevall 2011; Kronberg 2014). Summed up in the phrase "One man, one vote, one rifle" (Sundevall 2017, 63), military service could be seen as 'the price to pay' for recognition as a citizen of the state. Hence, the Danish male-only conscription system is reminiscent of a time when only men were considered citizens entitled to certain rights. However, since becoming one of the first countries to legalize pornography and abortions, many Danes have considered the country to be a frontrunner when it comes to matter of gender equality (Nellemann et al. 1988), something that is supported by a substantial representation of women on the labor market and men involved in child rearing and housework.<sup>4</sup> A recent attention to gender issues in the military could perhaps also be seen as testimony to an egalitarian assumption that men and women should not just have equal rights but also a more

even representation, even in traditional male-dominated professions.<sup>5</sup> Further, when interviewing male soldiers in Denmark, I found that they tend to distance themselves from militaries assumed to be hyper-masculine—often exemplified through the U.S. military—mentioning that Danish soldiers are far better at critical thinking, have a more informal tone, and respect women more. Among the conscripted soldiers that this analysis focuses on, 17 percent are now women (*Conscripted Soldiers*, 2018), making them less of a rare sight in the Danish military than they were just ten years ago.

The primary empirical foundation for this article is a participatory fieldwork carried out in the spring of 2016. Here, I participated in the everyday life of a platoon comprised of conscripted soldiers, joining them from the first day until they were discharged four months later.<sup>6</sup> I performed the same routines and drills, wore the uniform, and shared a dorm room with a group of both male and female conscripts in an attempt to “perform the phenomenon” (Wacquant 2006). With this approach, I could observe the interactions between and practices of these conscripts; this allowed me to become part of their experience, and thereby gain insight into the forms of *tacit knowledge* that are attached to the daily routines that make up much of the everyday life in this setting (Ehn & Löfgren 2010; Löfgren 2014). And while my agreement with the platoon commander was that I was allowed to come and go as I so desired, most of the conscription period passed by so quickly that I almost forgot about my original intentions of alternating between participation and observations. The embodied experience of this fieldwork in a setting that somewhat resembled a *total institution* (Goffman 1968) simply overruled most intentions of detachment (Sløk-Andersen 2017).

It was not until the last month of the conscription period that I decreased my *degree of participation* (Spradley 1980). I did this by first doing a week of interviews, where I would pull conscripts and sergeants aside during the diverse activities planned for the week (e.g. while the platoon was learning to put out fires and evacuate buildings), whenever this would not interfere with the activities. I was still wearing the uniform, marching from one place to the other and taking part in cleaning and maintenance, but I was allowed to sidestep most of the core activities to do interviews. The week after, I took a step further away from the role as a conscript by observing the platoon from the sideline. For this part, I was wearing my own clothes, primarily to avoid causing too much confusion as I was now disrupting the integration that the uniform had enabled so far (Sløk-Andersen 2018). Concurrently, I kept doing interviews with conscripts during evenings and weekends throughout the remaining weeks, ending up with a total of thirty-eight qualitative interviews.<sup>7</sup>

To get a sense of the generalizability of insights from the four months of participatory fieldwork, I did an additional two days of contrasting fieldwork at a different military camp in the spring of 2017.<sup>8</sup> Material from these two days is also included in this article, as this small fieldwork offered a case highly relevant for discussing women’s positions within a setting where a sexualized humor is predominant—something that I shall return to at the end of the article. Here, I will also I will reflect on the limitations and possibilities that came with being a woman doing fieldwork in a military setting often said to be defined qua concepts of masculinity (Higate 2003; Carreiras 2006; Baaz & Stern 2010; Kronsell & Svedberg 2012).

### The seriousness of laughter

Quite some research effort has been put into the exploration of the social and cultural meaning and effect of humor (e.g. Radcliffe-Brown 1961; Douglas 1968; Lyman 1987; Billig 2005; Lockyer & Pickering 2005; Oring 2016). In an anthology by ethnologists Lars-Eric Jönsson and Fredrik Nilsson (2014), humor has for instance been argued to be a highly useful analytical approach as it negotiates and makes visible the “taboos, limits, norms, and rules” that the use of humor presupposes (ibid., 11, my translation). This analytical potential is in this article used not only to unfold how an active (primarily male) heterosexual practice is established and policed as the norm, but equally to argue that the performance of potency in the form of leadership and dominance is inherent to being a good soldier. Working my way towards these arguments, I will unfold how being positioned as ‘the butt of the joke’ indicates the limits of recognition. That is, how being the one being ridiculed, teased or made fun of, can be seen as a way to perform and police the boundaries between an inside and outside of the military profession.<sup>9</sup>

Rather than developing our understanding of humor in itself—as plenty of competent scholars have already led the way in this—my aim is to expand on how humor has been analyzed within a military setting. Here, ethnographers in previous studies have suggested humor to be a disciplining mechanism, a way to exclude that which disrupts efficiency and cohesion, a way to keep one’s honor intact within the hierarchal system, a way to build social bonds, and a way to express critique or complaints without disrupting cohesion (Ben-Ari & Sion 2005; Engman 2014; Godfrey 2016; Bjerke & Rones 2017). The following analysis will be contextualized to how humor has been analyzed in Scandinavian military settings as the structure and culture of these militaries—vis-a-vis the introduction to Denmark and Scandinavia in the previous section—are quite similar, making this a solid point of reference for the analysis.

In the above-mentioned anthology on humor, Jönsson and Nilsson (2014) suggest that the use of humor presents a risk of ridicule but it also builds social bonds because it challenges and makes visible elements that create order in society; thus, laughter is serious business. Specific to the military setting, this is illustrated in Jones Engman’s contribution to the anthology. Engman (2014), who has conducted fieldwork in the Swedish navy for years, argues that humor—in counterpoint to an otherwise formal and disciplined tone of the armed forces—helps to create intimate and informal bonds among the sailors, while its playful and carnivalesque character also provides them with an opportunity to challenge the social and cultural order of the navy.

In another recent Scandinavian study based on fieldwork among Norwegian conscripted soldiers, Thea A. Bjerke and Nina Rones (2017) explore the use of humor as a way to manage life in a strict and disciplined *total institution* (Goffman 1968). Pinpointing the usefulness of humor in such a setting, Bjerke and Rones note that this is a strategy for handling frustration and disagreements “without being someone who causes problems” (2017: 15). Drawing on the work of social anthropologist Alfred Radcliffe-Brown, the authors argue that the soldiers in their study walked a fine line



between funny and offensive humor, which suggests that there is a risk that the joke's usefulness could turn counterproductive. As this fine line is difficult for not only the soldiers but perhaps also researchers to navigate, I refrain from using such a distinction here and explore instead the practices to which the use of humor is attached.<sup>10</sup> And here, silences as well as bodily experiences might be just as useful to explore; however, they are difficult to grasp through theories about humor. This is one argument for going beyond the field of humor studies, complimenting this with arguments from affect theory—which I will be doing at the end of the article.

A second argument is that in much of the existing research on humor in military settings, the use of humor seems to presuppose established and recognized subject positions; the person making the joke, the person casted as the butt of the joke as well as the audience are all presented as entities. Their positions might be destabilized through the joke, but in the 'successful' use of humor, the social order is restored after the telling of the joke, hereby establishing the use of humor as a somewhat linear interaction process between subjects. But what if we do not presuppose coherent subjects? What if we approach humor as an inherent mechanism in the becoming, e.g. as in good soldiers, and thus as a continuous process where recognition is never ensured? With the help of *performativity* and *affect theory*, this is what I am curious to investigate. Thus, this article does not set out to define what humor is, but rather how it is done and what the implications of this could be in a military setting. In this attempt, *humor* will be joined by terms like *laughter* and *mood* as a way to open up to a broader approach in which the embodied experience and the non-verbal use of humor and its bodily felt implications can be included in the process of becoming.

### **A laughing band of brothers**

There was a lot of laughter during the four months I spend at the military camp, not least because humor and jokes were considered a way of creating a positive atmosphere. Humor was so essential to the everyday life that we even had one week where the company commander, called "Boss," decided that the focus for the entire company should be on creating "a good mood and attitude" which resulted in daily competitions of who could tell the best joke—of which many revolved around male sexuality.

After having visited a fair share of military camps across Denmark and interviewed soldiers of various ranks over the last five years, I would claim that the widespread use of humor is something that many employees in the military take pride in. As suggested by Engman (2014) in his article on the Swedish Navy, this might be to counterbalance the strictness and seriousness that also defines being a soldier. For the conscripted soldiers that I joined, the occasional jokes appeared to be a nice break from everyday routines defined by discipline, hierarchy, and order. As mentioned above, Engman further suggests that humor takes part in creating intimate and informal bonds amongst soldiers (*ibid.*), whereby humor could be said to support the establishing of so-called *bands of brothers*.

Expressions such as *band of brothers* and *brothers-in-arms* are often used to describe the intimate bonds that can be made between soldiers during their service; within military research, this has been referred to as *cohesion* (King 2013), a concept that is considered essential for the efficiency of military troops (Creveld 2002; Maninger 2008). The establishment of such close bonds may have been challenged by the fact that the service period for most conscripts in Denmark has been reduced to four months, yet the issue of closeness still appears to be a priority—among soldiers as well as superiors. As expressed by our platoon commander, Lieutenant Petersen, with regards to his own relationship to others in the company: “You quickly become more than colleagues. [...] Soldiers find it quite easy to bond” (1<sup>st</sup> interview with Lt. Petersen). The focus on creating bonds and closeness—whether we call this cohesion or something else—not only seems to have a beneficial effect on the capabilities of a platoon; it also appears to simply make the job more enjoyable for the people who devote a lot of time and energy to the Danish military. Thus, becoming a soldier is also about becoming part of a collective in which humor is an integral element.

As the expressions *band of brothers* and *brothers-in-arms* indicate, the idea of closeness amongst soldiers has typically been contingent on a male-only platoon. Following, as suggested with the scenario that opened this article, intimate bonds between male soldiers may, however, also have limitations; there are unspoken restrictions regarding this closeness, which necessitates a certain policing of ‘right’ and ‘wrong’ ways to be close. Underscoring such limitations of the closeness among male soldiers, historian Stephan Maninger has stated that:

When operational, the members of military units are in each other’s presence on a 24-hour basis, involving matters of life and death. Operational conditions are therefore by their very nature intimate, but among heterosexual men never sexual (Maninger 2008, 22).

As a scholar, Maninger represents one of the more extreme positions in the debate about the inclusion of women in combat units, yet his position illustrates a prevalent assumption that the bonds between male soldiers are not, or at least should not be, sexual. Making the same argument, albeit in the form of a humorous comment, our platoon commander was quoted numerous times for saying: “This is not a summer camp, we don’t sit in a circle and play the flute... Well, maybe we play flute, but we don’t touch each other’s instruments” (field notes, week 17). Here, embedded in the sound of laughter, it was made clear that sexual relations between (male) soldiers were unwanted. Through the use of humor, a heterosexual practice was thereby reiterated as recognizable.

As both quotes imply, the bond between brothers-in-arms *could* be but *should* not be anything more than a closeness that is brotherly and non-sexual.<sup>11</sup> So while the Danish military have for the last three years taken part in the Copenhagen Pride Parade under the slogan “Serve with pride,” doing military service still does not seem to be easily combined with the gender and sexual diversity celebrated with the parade.



Figure 2. The Danish Defence has taken part in the Copenhagen Pride Parade since 2016. (Photo by Tine Damsholt)

### The expectation of sexual potency

Making it more complicated for soldiers to maneuver through this field, the policing of closeness was accompanied by an extensive focus on sexual activity and potency.<sup>12</sup> Because while relations between (male) soldiers were expected to be non-sexual, an active sexuality *was* expected of them. An example of this was how a three-day long drill in the woods was wrapped up by our platoon commander mentioning that by now, we were probably looking forward to going back to the barracks to take a shower, sleep indoors, and “beat the bishop a bit” (field notes, week 4), referring to an expected male masturbation practice impatiently on hold during the drill.

References to sexual activities were, perhaps not surprisingly, extremely present in the use of language in this setting. For instance, when we were given instructions or were standing in a waiting position, we were often told to (or rather, expected to know that we should) “take a knee”; i.e., kneeling down with one knee and one foot on

the ground. As we learned this process, those who incorrectly put both knees on the ground were corrected with the exclamation: “Not in the blowjob position!” Similarly, the expression “dick in the ass” was used to emphasize situations in which we needed to be very close to the person in front of us. And when we were praised for having done something well, there were analogies to erections or ejaculation. Especially among the male conscripts, discussions that caused laughter could be on topics such as, “Who in the platoon is short enough to give a blowjob standing up?” or questions like, “If you *had* to choose, would you rather have sex with a scrawny guy like Torsten or a big fat black dude?” (field notes, week 17).

This use of language might have required an initial getting used to for some of us, but I did not take note of anyone complaining or expressing annoyance over this.<sup>13</sup> The only comment came from Olsen, a female conscript who—despite her overall tendency to be highly adaptable and laugh things off—reacted to one sergeant’s particular comment:

It’s a bit odd, because when they [sergeants] say that something is so good that ‘The Boss will get an erection’ and stuff like that, I just think, ‘Sure, whatever.’ Then this [Sergeant] KM comes along... and we’re standing there, listening, and then he asks us to all just step a pussy hair closer’, and I felt that it was super inappropriate and... ‘Couldn’t you just have asked us to take a step forward?’ [...] I was like, ‘Ugh, that was a gross statement’ (Interview with Olsen)

While Olsen had gotten used to images of sexual practices being an integral part of the language, something stood out for her in this case. And while Olsen did not say anything in the situation, what her reaction makes clear is how almost all of the sexualized references implied a sexually-active *male* body: men giving blowjobs, men masturbating, men penetrating or being penetrated, men getting erections and ejaculating. With Sergeant KM’s utterance—which was no doubt meant as an attempt to be humorous—the female genitalia suddenly appeared, which interrupted the expected pattern and made it visible (Star 1990; Bowker and Star 2000).

Within queer studies, criticism has been raised over the often “excluding assumption about the subject’s sexual existence” in queer theories (Johansson 2013: 45); a neglect of people who are not sexually active, e.g. asexual or celibate people. However, what I am trying to illustrate is that an active sexuality and potency was assumed among the male conscripts, regardless of their individual practices. An example of this presented itself during another drill, where we were cracking jokes and taking lighthearted punches at each other. One of the male conscripts, Hald, ended up as the butt of the jokes because someone had heard rumors that he had hooked up a female soldier:

During our breaks, there is talk about tree stumps, holes, moistness, and all sorts of other things [in the woods] that can be misinterpreted as being related to sex. Each time, it leads to laughter. And then there is a long interrogation of Hald; whether he had sex with Nielsen, or if he ‘couldn’t get a boner?’ as Buster asks with a cheeky smile. Hald tries several times to diplomatically shut down the conversation, but Fischer, Buster, Madsen, and Andersen keep the interrogation going. (based on field notes, week 16)



Among the conscripts, gossip about sexual encounters always prompted great curiosity and enthusiasm. In this case, even one of Nielsen's best friends was cheering and pushing for more intimate details. Although the rest of us found the interrogation amusing, Hald did not seem comfortable in the situation. When I talked to him later that day, he told me that he and Nielsen had not had sex but "just kissed" and slept next to each other. Either way, he did not want to 'spill the beans' out of consideration for Nielsen, who might feel betrayed. However, remaining silent about the details of their encounter also worked to Hald's advantage, keeping him within the boundaries of an active heterosexuality. His silence meant staying inside the norms of a male soldier who *wanted* to have sex with this (or any) woman; thus, he remained recognizable as a sexually potent soldier. The jokes and questions from the others suggest that he certainly *would* have had sex with her if he was potent enough to "get a boner." Thus, the use of humor not only policed the types of sexual practices or closeness that were considered to be a threat to the band of brothers; it also pointed to the importance of a heterosexual desire and potency.

In prior research, such significance of male soldiers' heterosexual desire and potency has been presented as a key focus for both national militaries and the nation-states they are meant to defend (Goldstein 2001; Kronsell 2012; Bourke 2016; Bulmer 2017). One argument for this preoccupation with sexuality could be that soldiers are supposed to be "the ideal, exemplary male" (Kilshaw 2011, 182) and, as such, this profession is highly entangled with issues of sexuality and reproduction. I want to add that humor plays a crucial role in the policing of this sexual practice and desire, hereby ensuring that the potent sexuality of male soldiers was turned towards women and not towards other men (see also Sundevall 2014). Through humor, an active heterosexual practice was hereby reiterated as the norm.

My empirical examples from drills may suggest that the connection between sexuality and humor was primarily present when we moved outside the military camp, but it was indeed present in most situations in which formality or exhaustion did not rule out the use of humor. But different settings made the expectation of an active sexuality play out in different ways: while heterosexual couples kissing and sleeping together were highly visible at the camp, as we were all living in very close proximity to each other, we were told that this behavior was not permitted when we were on duty. Here, activities that could take part in establishing someone as sexually potent, such as kissing or watching pornography, were not allowed. Thus, the numerous jokes and sexualized humor could be seen as a way of showing one's potency in situations where it was not allowed to be actively practiced. As I shall demonstrate next, sexual potency was however not the only form of potency that was expected of good soldiers.

### **A potency beyond sexual desire**

Reading the Oxford Dictionary's definition of *potency*, a possible broadening of how potent soldiers are supposed to perform presented itself. Here, being potent is defined as having two different meanings:

1. “having great power, influence, or effect. *Synonyms*: powerful, strong, vigorous, mighty, formidable, influential, commanding, dominant, forceful, dynamic [...]”
2. (of a male) able to achieve an erection or to reach an orgasm.” (Oxford Dictionaries 2019)

While the second definition refers to the sexual potency that I have so forth argued to be an expected part of being a male soldier, the first one seems to correspond with my impression of how *the good soldier* should be practiced. This twofold definition of potency seems to encapsulate the expected performance of good soldiers; they are not only expected to be sexually potent, but also expected to be able to perform in a way that can be described as being powerful, strong, vigorous, etc.<sup>14</sup> Here, I want to once again return to the scenario that opened up this issue in the beginning of the article.

Juul and Karlsen, the two young men who were enjoying each other’s company that day in the woods, had quite different approaches to conscription. While Juul knew that he did not want a career in the Danish military and had primarily signed up for conscription primarily to make new friends, Karlsen was focused on showing his potential as a good soldier with leadership potential. Juul recognized this potential in Karlsen but felt that few others saw it because of his somewhat hesitant approach:

Someone like Karlsen, well, if you ask me, I would say that he should be Soldier of the Month [an honor awarded to one conscript each month], but he’s just not the type. I mean, he’s really tough and bad-ass and a good soldier, I think, but he’s just not the type who publicly shows that he’s a leader. Yeah, he just holds back more and lets others take control, even if he is a really good soldier. (Interview with Juul)

As Juul expresses in this quote, it is difficult for someone like Karlsen to be rewarded and earn respect if he is unable to take control and enact authority. To be recognizable as a good soldier, it seems necessary that one is positioned as active and influential—as potent. In Juul’s opinion, Karlsen “let others take control,” even though his skills had earned him a spot in two drills that were for only the most talented conscripted soldiers. Despite these achievements, few soldiers in our platoon mentioned him when I asked them during interviews to give an example of “a really good soldier.”

During an interview, our platoon commander—who had selected Karlsen for the two drills—stressed the need for soldiers to be extroverted. Describing himself as highly introverted, Lieutenant Petersen knew that this did not work in the military, so he focused on performing as more extroverted; “you have to,” he told me (1<sup>st</sup> interview with Lt. Petersen). Regarding the evaluation of the potential of each conscript in the platoon, he noted that “[i]f you’re invisible, it’s very easy to score a low grade.”<sup>15</sup> This statement was supported when another conscript in our platoon, Fischer, was named Soldier of the Month. In the motivation for this decision, which was read aloud in front of the entire company, Fischer was praised for “actively participating in all activities and being proactive when it comes to tasks and questions. He is committed and is [...]”

good at taking responsibility for the group” (field notes, week 17). To a large degree, this praise reflects the Oxford Dictionary’s first definition of being potent. Regarding the second definition, Fischer was not hesitant in referring to his own potency; he was very open about his own sexual prowess.

Even if one is not sexually potent, one can at least still be potent through means of leadership; but being neither seemed to be a bad fit with the military setting. Professionally as well as sexually—if these can even be separated—Karlsen did not enact potency. So, while Lieutenant Petersen and Juul recognized Karlsen’s potential as a good soldier, he failed to perform as such in various ways: in appearing considerate and sensitive, and in being read as non-heterosexual. A combination of potency and *homosexuality* might have been an even greater breach of the norm. As such, this combination was delimited or even tabooed by the humorous policing of sexuality to such a degree that I have not met any openly gay soldiers during my fieldwork—or any other representatives of the LGBTQIA ‘community’ for that matter.

### **The effect of humor**

While the last section supported the suggestion that Danish soldiers need to perform potency in more than one way, I have yet to unfold how humor is then entangled in this process. Underscoring how extensively humor is embedded in the social interaction in the empirical setting that I observed, an advisor at the camp noted this during a presentation about the working environment and sexual harassment. Here, she remarked that “it is of course not prohibited to tell a naughty joke, but try to be considerate of each other [...] The tone can be rough every once in a while. We have a certain jargon here” (field notes, week 4). Thus, soldiers were encouraged to find a fitting level of humor among themselves; something that, as illustrated, made it difficult for some to express their uncomfortableness with comments and actions considered humorous by those who executed them. Because while humor makes the military an enjoyable workplace for many, the use of humor appeared so fundamental that it would be almost inappropriate to show offence or oppose over sexual jokes or comments because “it was just a joke.”

The work of feminist scholar Sara Ahmed (2014a; 2014b) might help us understand the powerful forces embedded in the seemingly innocent telling of jokes or pranking of peers. Along the claims of scholars like Engman, Ahmed recognizes that the establishing of a collective mood—e.g. a humorous mood—enables us to be “in relation to others” (2014a, 15). Yet she takes a more critical approach by arguing that this also makes it difficult to stand outside of this mood. Not being in the mood—or, being “affectively ‘out of tune’ with others” (ibid.: 17)—affects one’s possibilities to take part in the collective as “attunement is understood not only as being *with*, but being *with in a similar way*.” (ibid., 16, my italics) So while generating a humorous tune may be seen as an innocent and positive way to support social bonding, it also (re)produces a certain, required way of being with as these flows of affects “produce subjects and relations” (Frederiksen 2013, 26). Thus, as a consequence of being out of tune, recognition as a subject is threatened. From such a perspective, the use of humor

in a military platoon not only establish a certain affective mood to which everyone was expected to contribute, it also indicated what was expected of good soldiers, thereby enabling military subjectivity (see also Billig 2005). Hence, the use of humor that I observed feeds into not only one's possibilities to become part of the band-of-brothers but also to be recognized as a military subject.

So while the humorous tune in the conscription company was seen as just a certain jargon, it affected one's possibilities to become an insider to the military profession. This is clear in the following example, which addresses the tradition of using the conscripts who are unable to participate in drills and exercises as 'extras'; i.e., making them play the role of an enemy soldier, a person in need of first aid, or a civilian in order to make the scenario more realistic for the other conscripts. Being an extra thereby meant the opposite of being an able soldier; it was an indication of failing as a soldier.

While standing outside the auditorium, lined up *at ease*, waiting for a sergeant to come out and give us orders to go in, a male voice in the crowd—I can't hear who it is—repeats a joke that Sgt. Kleinmann told yesterday: 'What do you call Peter in the military? An extra!' The crowd laughs. (based on field notes, week 13)

19-year-old Peter had been an extra a number of times due to an old injury. The sergeant's joke was therefore inspired by a recognizable situation, albeit one that was exaggerated to be more humorous. This joke was repeated numerous times over the course of the following weeks and, while Peter also laughed at the joke, he revealed to me that he was annoyed that he could not participate in the drills. As he mentioned during the interview, he felt that he was missing out on "some of the most fun and cool things in the military" (interview with Peter). In this case, laughter made visible something that was not part of being a good soldier: disability. If nothing else, a good soldier should at least be *able-bodied* (McRuer 2006).<sup>16</sup>

Not just dishing out jokes but also being the butt of them every once in a while, seemed to be the price to pay to be part of this social context. Each one of us was the butt of the joke once in a while, but being caught in this role too often—as was the case with Peter—was not a good sign. Yet laughter seemed to *stick* to some more than others (Ahmed 2014c), especially those who were not performing as potent soldiers. Returning to Engman once again, he notes that "[w]ith gesticulations that seem light as a feather—gazes, gestures, smiles and posture—people point out where there is order, [where it] should be found or should not be found. Humor makes us act and reflect on the state of the world" (Engman 2014, 19, my translation). In this way, it can be argued that laughter contributes to shaping good soldiers through the seemingly innocent attempts to use humor to create a positive mood.

To counter this critical emphasis on the power working through effects of humor, it should be noted that humor can also be a setting for challenging the social and cultural order (Lockyer & Pickering 2005; Engman 2014). For example, during a drill in the woods, the platoon second-in-command, Sergeant Bolt, caused quite a bit of laughter as he—in front of the entire platoon of conscripts lined up for inspection—





Figure 3. Conscripted soldiers lined up for inspection.

started moving his hips and singing the chorus of a song that was apparently stuck in his head: Rihanna's "Work." As he interrupted his own singing, he cursed and said something about wanting to fuck her ("her" being Rihanna). Our amusement over his actions was no doubt a response to his normally very strict appearance; starting to dance and sing in front of us was a definite break with his typical strictness, and the performance of most sergeants in general. But humor offered a way to play with these expected and recognizable performances. For Sergeant Bolt, however, order was restored when he emphasized his active, dominating position as a heterosexual male who wanted to "fuck" Rihanna.

#### **Not in the mood**

Just like Peter Lyman (1987) in his well-known analysis of the use of humor in American fraternities illustrates that jokes do sometimes fail, so was the humorous



tune challenged on few occasions. But what happens when someone speaks up? According to Ahmed, someone who has “ruined the atmosphere by turning up or speaking up” is a *killjoy* (2013). This figure reflects the aforementioned idea of being out of tune or not being in the mood. A feminist killjoy is defined based on a number of possible criteria, such as: one who “will not laugh at jokes designed to cause offense” (Ahmed 2013), or will “refuse to laugh at the right points” (2014c, 2), indicating that the right point is probably when everyone else is laughing.

Returning to Juul and Karlsen’s silence after the group of conscripts threw themselves on top of them—as well as Olsen’s silent repulsion to the mentioning of “pussy hair”—their response could be interpreted in terms of the silencing effects that come with the threat of being a killjoy. If they had not accepted the other conscripts’ behavior as a joke, then they would have revealed themselves as being out of tune—as killjoys. This would also have been the case if Karlsen had filed a complaint after one of the other male conscripts punched him in the testicles, causing Karlsen to curl up in pain, almost unable to move. This was not the only time a male conscript was punched in the genitals; these incidents seemed to function as a way to test whether the receiver could ‘take it’ as the butt of a (physical) joke while simultaneously amusing the immediate bystanders. In accordance with the formal regulations, such an incident could be reported. But, because Karlsen neither opposed, screamed, nor reported this, I argue that this was a consequence of him not wanting to ruin “the good mood.” As Ahmed notes, “[s]ometimes we might keep laughing in fear that otherwise we would cause a breakage” (2014a, 17). Karlsen accepted being the butt of the joke in order to stay in the band of brothers; he performed potency through his ability to physically and affectively ‘take it.’

During the two days of observations I conducted at a different military camp, it once again became clear how humor can make it difficult to speak up. During the second day, I sat in on a meeting in which five female conscripted soldiers were asked to expand on accounts of sexual harassment that had been mentioned to one of their sergeants the day before. The soldiers themselves did not refer to the matter as sexual harassment; this was the term used by the company commander who wanted the soldiers to decide whether or not this should be raised as a legal matter. As the soldiers started to describe what they had experienced, they mentioned how they had gotten used to daily comments like, “This guy could fuck you, right?” However, certain incidents over the preceding few weeks had been “the last straw” (field notes, MC 2, day 2). While their male peers seemed to consider their actions as merely playful and humorous, being surrounded by male soldiers only wearing underwear, being pulled into someone’s dorm room, or being surprised in the shower had made some of the women “snap” (Ahmed 2017). But they were hesitant; they seemed unsure whether they were even allowed to complain, let alone whether they wanted to take the next step and file a formal complaint. The rumors of their reporting had already made some of the male soldiers approach them with spiteful comments. When the company commander suggested that the farewell party the following day might be cancelled as a consequence of these accounts, one of the conscripts protested, stating that, if that

were the case, she did not want to report anything. Having already interfered with the good mood in the company by speaking up, the women would most definitely become killjoys if they were seen as the reason that the farewell party got cancelled. In this case, the female soldiers turned something that was supposed to be humorous into something serious because they were not ‘in the mood’—and they were aware of the breach they had caused to the humorous attunement within the platoon.

An interesting aspect of this story was that the company commander assumed that it was the recent introduction of gender-mixed dorm rooms that caused these unpleasant situations; that it was the closeness between men and women in small dorm rooms that derailed their interaction. However, the soldiers corrected this assumption, stating that the men with whom they shared close quarters were actually the least of their worries (see also Ellingsen et al. 2016). Rather, it was men from other platoons that were causing them trouble.

This case illustrates another interesting point as the company commander stated that he would take the complaint just as seriously if it were men making it. But it seemed just as difficult for men like Karlsen to oppose this sexualized humor. Perhaps because men are considered to be active and potent, both sexually as well as humorously—thus, unlike the women, they are not seen as non-potent subjects that need to be protected against sexual harassment.<sup>17</sup>

Following up on these observations, I called the company commander a few days later to ask how the case had evolved. He told me that he had discovered that one male soldier in particular had initiated most of the incidents; perhaps a way for him to signal to me that sexual harassment was not a widespread phenomenon in his company. Regardless, pinpointing a single offender connects the incident to my argument that being a good soldier is entangled with being potent—particularly because the soldier in question was not only supposed to continue on to a military career, but was also a candidate for the honor of *Best Soldier*. Although the company commander said that he would have to wait and see if the Military Prosecution Service would press charges, he doubted that the soldier would be honored or become a sergeant now that this matter had come to light. Because, while he had impressed his superiors by performing as a potent soldier, he had perhaps been overly potent towards his female colleagues.

### **An embodied experience of attunement**

While my presence among the conscripted soldiers was motivated by a scholarly purpose—which may have affected how soldiers acted around me—I was also involved in the reiteration of potency through the use of humor and laughter. For example, as I was about to sit down to have breakfast in the canteen one day, a male soldier with a smirk on his face next to me asked: “So, Sløk, did you pop any anal sphincters this weekend?” (field notes, week 13). This ignited a conversation about anal sex in which I felt no need to engage, especially not while eating oatmeal at 6:05 in the morning. However, this particular scenario stuck in my head; I was curious about the penetrative role in which such a question cast me. The comment somehow challenged both the gender and sexuality roles that I had otherwise observed female soldiers being assigned. I assume that, due to my additional role as ‘the researcher,’ my position in this setting was different from that of the other female soldiers in the platoon.



Figure 4. Breaks during drills were a recurrent scene for the telling of jokes.

During the five days of observations I did a few weeks later, the following scenario occurred and positioned me quite differently. I had been following the platoon around all day as they rehearsed various tactical moves in the terrain adjacent to the military camp. Now, the platoon had returned to the barracks and the soldiers were polishing their weapons; a group of them were sitting on rickety benches around a long wooden table in our maintenance room.

Andersen needs help disconnecting the shoulder strap from his weapon. Krebs gives it a go while Andersen proclaims to the rest of the group: 'You're not done before I'm done'—which is technically correct, since no one is ever dismissed before the entire platoon is done with a given task. Kirkegaard and I joke about this comment also being applicable at home. But, unlike what I was referring to, Kirkegaard was talking about sex and proceeds to discuss this subject with the guys sitting across the table from him.

As I move on to talk to Andersen and Torsten instead, Torsten locks eyes with me and starts gesticulating a hand-job, using the lock of his weapon—which he was in the middle of polishing—as a sham penis. After a couple of seconds, I tell him, 'You can do that all day without affecting me.' He stops gesturing and goes back to polishing the lock, turning his gaze to the weapon instead of me. At the other end of the table,



Jimmy finally gets Andersen's strap disconnected from the weapon after several other guys have given it a shot without any luck. Gloating, Jimmy asks, 'Who are all those faggots who couldn't get this off?' (Field notes, week 15)

This type of scenario often prompted more-or-less conscious decisions on my part to not be a killjoy. I never called out someone for overstepping my boundaries or asked them to refrain from "jokes designed to cause offense" (Ahmed 2013) because I figured that this was just the tone that came with being in the military. Since it was all just fun and games, did I really want to disrupt the good mood and the bonds I had built by saying "stop"? The months of participatory fieldwork had ensured that I was just as caught up in the naturalization of this humorous tune as everyone else—if not fully adjusting to the tune, then at least I was reluctant to become a killjoy.

Had I been in a different setting, I would most likely have expressed disgust or turned away if someone gesticulated a hand-job while locking eyes with me. But here in the maintenance room, expressing my ability to 'take it' seemed like the best possible reaction while neither actively adding to the sexualization of the scenario nor being a killjoy. However, I could not help but wonder what Torsten's agenda was. What was he trying to achieve? Did he want to see me disgusted? Was he trying to make me laugh—or make Andersen laugh? I could not help but feel the gender marks on my body suddenly become more visible and sexualized in a room with only men present. Noting how my body was indeed part of the humorous attunement, 'taking it' became an embodied experience of engaging pride and will, followed by an awkward awareness of my own gendered body. My body was a vessel for gathering empirical material, picking up affective experiences along the way.

The reading of my body as feminine could be argued to have both enabled and challenged my participatory fieldwork (Horn 1997; Pini & Pease 2013). Either way, it affected the empirical material that I gathered through bodily experience, interviews, and observations. For instance, Olsen sharing her distain when a sergeant asked the group of conscripts to step "a pussy hair" closer seemed to rely on a certain complicity between us as members of the gender being called out in this specific situation. While appearing female and thus 'harmless' may have increased my access in the military—as suggested in psychologist Rebecca Horn's study of the police (1997)—my gender also prevented access to certain settings where humor played out—e.g., in the male-only dorm rooms in which half the platoon was living. Horn argues that "when conducting research in a male-dominated environment, such as a police force, gender assumes a greater significance than it might do in other environments" (ibid.: 306). However, I would rather argue that its visibility and the practices in which its performance is enrolled differ (Mol 2002); and in my case, it is closely tied to practices of humor.

### Conclusion

The military might be best-known for a strict order and clear hierarchy. But in the midst of this seriousness and discipline, I discovered an abundance of laughter and jokes during a four-month-long ethnographic fieldwork in this setting. In the Danish military, it appears, soldiers of all ranks put honor in the profession's informal and

humorous tune; their abilities to joke with one another and pull pranks. And just as Cohn argued in 1987 that a certain use of language can make the very serious topic of nuclear weapons “fun” to talk about, the extensive use of humor did indeed push the potentially very serious backdrop of military work to the back. In addition, the widespread use of humor certainly ensured that the four months of military service that I took part in were more pleasant than they would have been without all the laughter. But perhaps it was more fun for some than others.

Taking a performative approach to my empirical material, I have followed in the footsteps of previous studies on humor by arguing that humor *does* something in the military setting. In addition to potentially bypassing the very serious consequences of being a soldier, humor creates a certain mood that seems to support the establishment of close bonds. However, drawing on the work of Ahmed, I have argued that this mood could be seen as *attunement* among the soldiers; an affective ‘synchronizing’ that not only makes soldiers part of the band of brothers, but also makes them similar according to current norms (2014a). Laughing at the jokes—because it was after all “just a joke”—is a way of showing that you are *in tune* and, as such, not only part of the collective but also recognizable as a military subject.

Entangled in the humorous tune, there was an implicit expectation of an active male heterosexuality—a male *potency* directed towards women. The reiteration of this expectation and the corrections of those who dared to sidestep it worked through the use of humor. Humor indicated norms and subtly corrected or punished those who deviated from them. And while there were also plenty of jokes and humorous comments in which sexual encounters between men was the punchline, they were not a threat to this male heterosexual potency as long as this stayed in the carnivalesque sphere of humor.

Beyond the matter of sexuality, the humorous tune also indicated other ways in which good soldiers should be potent; that is by “having great power, influence, or effect.” The two types of potency—which I would argue are deeply entangled—seemed to make up elements in the performance of good soldiers. And while good soldiers might appear as an abstract concept, they were easy to notice, honor, and potentially recruit for further training in the military. So while the extensive use of humor did indeed make the mood positive most of the time, it also had serious consequences as the humor in question made it difficult for conscripts in general to speak up out of concern that this would ruin the good mood. Speaking up when the platoon commander for instance stated that “we don’t touch each other’s instruments” would be an indication that one was out of tune—not only by not being able to take the joke, but also by challenging the implied heterosexuality.

This article has been focused on an assumed *male* sexual potency, as this is what seemed to define the humorous tune that takes part in ‘making’ good soldiers in the military. As an effect, women are placed in a difficult position within the military, as this attunement based on male potency leaves a difficult space for women to act within. Most of the time, the female soldiers that I spend my days alongside were in tune. But—as their limited role in this article illustrates—they were rarely actively involved



in setting the tune. Their presence was however instantly noticed if they caused a breakage by speaking up, as shown with the case of sexual harassment. Because while the fear of being a killjoy kept both men and women from ruining ‘the good mood’ by speaking up most of the time, soldiers sometimes “snap” when someone gets tired of being the butt of the joke.

The camaraderie and laughter that is part of doing military service is undoubtedly a motivation for many of the Danish citizens who sign up voluntarily each year. But through the flows of affects that the use of humor brings with it, those who keep ending up as the butt of the joke are positioned as being outside the limits of what can be recognized as a good soldier. Thus, the use of humor enables conscripted soldiers (and their superiors) to discover whether or not they are in tune—and thereby determine if they have ‘what it takes’ to pursue a military career.

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### Notes

1. The names of soldiers as well as the specific regiments, companies and platoons referred to in this article are concealed due to considerations of anonymity. Thus, all informants have been given different names as they are presented in this analysis.
2. The definition of *good* that I rely on in this analysis is inspired by the work of philosopher Annemarie Mol (2002; 2008; Heuts & Mol 2013). Based on ethnographic research within the health care sector, Mol argues for an understanding of ‘good’ as something that is done through the practices of which the object is part of rather than inherent characteristics. Following this reasoning, good is “established along the way” as a collective doing (Mol 2008, 75). Thus, the mention of *good soldiers* in this article does not refer to soldiers acting in a way that can be said to be morally good. This is a different—but no less relevant—debate.
3. My focus on this system of compulsory military service is motivated by its function as basic training as well as the primary recruitment platform for the rest of the military. However, as an effect of cut-backs and a transformation towards a military force primarily made up by so-called “professional soldiers”, most conscripted soldiers now only serve a total of four months. During this period, they are neither deployed nor involved in ‘real’ combat.
4. However, gender pay gaps and a highly gender-segregated labor market indicates that while the welfare system ensures a basic safety net and redistribution, men are still dominating power and economic wealth in Denmark.
5. Women have had access to entry-level positions in the Danish military since 1971. The remaining restrictions to women’s participation in military work were gradually annulled up until 1992, when there were no more formal restrictions for women in the Danish military

(Sløk-Andersen 2014). However, no woman has so far been promoted to the highest ranks or been accepted to the special operation forces.

6. The four months of fieldwork were carried out at one of the eight military camps where conscripts can serve in the Danish army. While conscripts can also serve in the Navy, the Air Force, and the Danish Emergency Management Agency, I decided to focus on the army as this is where 94 percent of all Danish conscripted soldiers serve (*Conscripted Soldiers*, 2018).
7. The thirty-eight interviews carried out during this period—of which twenty-six were with conscripted soldiers, and twelve were with superiors at different levels—were all semi-structured (Kvale 1997). Questions were based on a combination of insights from the previous three months of participation as well as my analytical framework. The length of each interview as well as the circumstances leading to a specific interview taking place varied a lot, but all of them took place within the boundaries of a military camp or terrain.
8. Besides the ethnographic work mentioned here, additional observations and interviews, as well as a wide variety of written materials have also been included in the overarching research project that this article is part of.
9. Here, I draw on the work of military scholar Kenneth T. MacLeish (2013; 2015), who has argued that boundaries between a military and civilian sphere rather than being an organizational or educational given, are the result of a “constant policing, performing, and imagining of the boundaries between in and out” (2015, 17).
10. The edited volume *Beyond a Joke: The Limits of Humour* by Sharon Lockyer and Michael Pickering (2005) ambitiously engages with this attempt to locate the limits of ‘fun’.
11. Historians have described how male soldiers have supported their financial situation during their military service by selling sexual services to other men—without this making them self-identify as homosexual (Edelberg 2011; Belkin 2012). Thus, military service has been closely linked to matters of men’s sexual relations.
12. Mary Douglas, in “The Social Control of Cognition” (1968), has suggested that it is exactly in cases of cultural contradictions that joking fills a purpose. Here, the subversive effect of jokes can be utilized “on the dominant structure of ideas” (*ibid.*, 364).
13. A similar reluctance to oppose a humor often based on gender-discriminatory punchlines has also been documented in a recent interview study among female combat soldiers in Denmark (Knudsen & Teisen 2018).
14. In analyzing the interconnection between the two different types of potency, I have been inspired by not just Judith Butler’s heterosexual matrix (1990), but also Dorte Marie Søndergaard’s (2006) reworking of this.
15. The grades given during the conscription period, which evaluate the accomplishments as well as the potential of each conscript, define their possibilities for a career in the Danish military.
16. Working in the intersection of compulsory able-bodiedness and compulsory heterosexuality, McRuer argues that the two are intertwined in a way that “works to (re)produce the able body and heterosexuality” (2006: 31).
17. This was also indicated by an internal investigation regarding the extent of sexual harassment in the Danish Defence in which only women were asked to participate (Øhrstrøm et al. 2003).

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## Responses

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### Some Remarks from a Folklorist and American Perspective.

Lisa Gilman

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Danish male soldiers claim that they have more respect for women than do their American counterparts. Yet, misogynist and homophobic humor pervade both military cultures (see Gilman 2016). These prejudicial attitudes are not restricted to fun-making, but extend to harassment and violent behavior. Humor is a powerful hegemonic mechanism for socialization and gender policing because the joke frame trivializes the message, however repugnant or controversial. As Beate Sløk-Andersen notes, humor makes military service more fun, lightens the mood, and supports social bonds; however, it also contributes to the socialization of soldiers, helping make them “recognizable as military subjects; as insiders to the military profession.” Joking reinforces that real soldiers inhabit sexually dominant male bodies, regardless of a military’s actual demographics or policies.

The humor in both militaries clarifies that to succeed and ultimately belong, one has to live up to a narrow definition of masculinity. The Danish male soldiers in this study were drafted conscripts. The women, by contrast, served voluntarily. Because women joined out of their own volition, many women may have felt a greater motivation than did their male counterparts to participate appropriately in order to belong, even if it meant accepting the rampant sexist joking. In the U.S. context, military service is voluntary. Since troops select to join, many feel that they do not have grounds

to criticize or reject something for which they volunteered. This adds to the pressure on troops who may not fit well because of gender or sexual identity, skill, or ideological positioning. Furthermore, the Danish conscripts served for four months. Though the training during this period was physically taxing, the social dimension was similar to a camp setting: people who don’t know each other develop social bonds by spending intensive time together for a short duration. Humor contributed to fostering connection and making the four months fun. By contrast, those serving in the U.S. military serve multi-year terms, and in the last two decades, the majority deployed to war zones. Whether social bonds are formed and whether one is deemed warrior-worthy therefore has much higher costs in the U.S. setting.

The butt of the jokes described by Sløk-Andersen’s are situated symbolically in various sexual positions; however, the power is clearly associated with the joker rather than the jokee. As Alan Dundes and Carl Pagter explain, the goal of much sexual humor between heterosexual men is to “humiliate one’s opponent by depriving him of his masculinity, that is, to feminize him.” Phallic aggression or symbolic anal penetration in humor expresses the ultimate feminization (Dundes and Pagter 1991: 320). Humor contributes to the reification of the always fragile social hierarchies tied to masculinity that require continual reinforcement. Proof of how well one belongs in the masculine environment of the military, regardless of one’s gender, can be performed through demonstrations of being skillful, tough, emotionally stoic, or jocularly dominant. Despite these ongoing tests, the same joking that contributes to power contests also forges social bonds that are supposed to be equitable, emblemized in the solidarity and mutual support expected

of a 'band of brothers.'

As with the Danish example, men in the U.S. military share a great deal of physical, social, and emotional intimacy. Yet, they are not supposed to "touch each other's instruments." But where is the line? In my interviews, men described jokes that involved men placing their naked genitals on other men. Relatedly, John Paul Willis and Jay Mechling (2015) analyze a playful test of sexuality common in U.S. military settings, a game called gay chicken. Two men move toward one another with the goal of kissing. The one who does not pull away, even if it means kissing, affirms his manliness because he demonstrates being so confident about his heterosexuality that nothing could put it into question. In situations where acts of physical intimacy occur, who participates, the context in which it occurs, and how everyone responds determines the assessment of whether or not a line was crossed. A man whose occupational and social potency has already been proven is likely to receive little more than laughter. For a man whose manliness is already at stake, the fact of touching, even in a joking frame, could contribute to his ongoing devaluation and ultimately to harassment. Yet, these examples are paradoxical because they also give men the opportunity to engage in physical intimacy, albeit under critical surveillance that they exhibit no sign of desire.

Juul and Karlsen drew attention because their potency was already suspect and they exhibited intimacy outside a play frame. The policing ironically augmented the male-on-male touching by producing an intimate tangle of bodies. Presumably, the two men at the bottom continued to enjoy the bodily proximity for which they were chastised.

Not knowing more, I was left wondering whether this teasing also suggested tacit approval? There is often much greater acceptance of homosexuality in the U.S. military than what is suggested by the constant homophobic ribbing. When I was doing research, the policy of "Don't Ask, Don't Tell" allowed homosexual men and women to serve as long as they kept it top secret. Nevertheless, many of the straight people I interviewed knew of gays or lesbians in their units (see Weems 2012). Sløk-Andersen's discussion of tension between potency associated with leadership versus sexuality provides a useful framework. I ascertained that U.S. troops were often much more concerned with an individual's ability as a soldier than their sexual orientation. Somebody who was deemed a good soldier who was also gay could be granted greater acceptance than a heterosexual man who was considered inadequate. The straight bad soldier would be judged not only for his occupational inadequacy, but his heterosexuality would also be put into question, thus further weakening his status.

This emphasis on potency tied to masculinity in the military is paradoxical. Those at the lower echelons, who are most likely to engage in sexual joking, have little real power. In addition to rules restricting dress, living arrangements, and mobility, they have to follow their command regardless of whether they agree with a strategy or deem it ethical. Furthermore, troops have to exhibit the roughest forms of masculinity at the same time that they are in situations that inevitably evoke feelings that aren't typically considered to be very "masculine." War experiences necessarily evoke fear, anxiety, sadness, regret, loneliness, vulnerability, hurt, weakness, and neediness. Though they are expected to display rough masculinity,



they also often rely on one another emotionally. Marine veteran Pete whom I interviewed in December 2012 explained:

We all go through hell, so we know what it's like and there is a time and place for everything. Just because you're a wreck about the wife and kids back home doesn't mean you can't handle business overseas. We all worked through the problems (and ribbed each other over it as usual), but it was never looked down on as feminine, besides the jokes of course.

It is mostly only with others within their 'band of brothers' that many U.S. male troops feel comfortable sharing their pain, at the same time that they mitigate their vulnerability through humor.

Gary Alan Fine (2005) has written extensively about what happens when women enter male-identified occupations and are expected to either operate on the margins or integrate into the masculine culture. The U.S. and Danish militaries are integrating women into more and more spaces; however, little has been done to transform the military *cultures* to make it more gender inclusive (Burke 2004). Women and those who do not fit the gender binary in the U.S. are expected to listen to and sometimes participate in highly misogynist humor. Being a "killjoy" can jeopardize their acceptance within the "band of brothers" where unity can be equally important to the skill-based training. However, more and more military operations are happening off the battle ground, requiring less physicality or the bravado needed to face an enemy. Contemporary military intelligence and operations require high levels of intelligence, education, focus, precision, and speed more than physical

proWess. Yet, the culture of the military continues to be about hypermasculinity, suggesting that this lack of attention to fostering inclusivity around gender and sexuality could be detrimental in the long run.

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I found this to be a really interesting article based on unique, rich, ethnographic data. I was impressed at the author's dedication to data gathering by assimilating with a military unit and following them and joining their exercises and activities. This offers a richly authentic, embodied account that can stimulate a variety of different papers and publications. The humour data are both interesting and engaging and I like that the author has not censored the highly sexualised jokes and interactions that form the basis for her analysis of humour and affective flow in the army. The military setting gives a distinct point of difference from established research work about humor in the workplace.

The author has drawn on a wide-ranging assortment of literature and concepts, even though there are under-theorised parts in regard to humour theories and research. The key concept presented is humour and this aspect could be theorized in greater depth to increase the scope and discussion of the paper. The research occurs in the organizational (workplace) context - the Danish Army. The argumentation could be developed by looking at the excellent paper by Nick Butler (2015) which examines how humour/laughter is used as a 'corrective' to modify behaviour. This would help to theorize the concept of humour as Sløk-Andersen's notion of 'policing' is theoretically similar to Butlers 'corrective' function of laughter.

There are distinct gendered aspects in the article, but I sensed some confusion in the gendered arguments. While the author mentions one specific female

soldier and her reaction to a sexualised, sexist joke much of the rest of the paper appears to rest on the gendered assumption that 'soldiering' is masculine. There are frequent references to male solidarity, 'band of brothers' and even the abstract outlines that humour offers 'ways for men to be close'. A further debate about what hegemonic masculinity might mean for female soldiers could be developed. My own research (Plester 2015a) depicted life inside a technology company where heterosexual masculinity was highly prized to the extent that women employees also displayed and performed masculinity in order to fit the culture. They did not want to be considered a spoilsport towards the highly sexualised joking and pranks. Homosexuality was openly derided, as was feminism, and there are some strong parallels with the military culture portrayed in the Sløk-Andersen's article. It might be interesting for further research and debate to frame the gendered aspects more elaborately in such a way that the term soldiers is recognized as inclusive of both male and female soldiers and to look at the gender implications of the use of humour.

The article analyses humour to show its contribution to male bonding, and the desirable outcomes of creating a 'band of brothers' or 'brothers in arms' as argued by the author. Additionally, it is argued that humour in the Danish army offers a break from routines, hierarchy and order. The author argues that sexual potency is an expected part of being a male soldier and is displayed through sexual jokes and banter. Beate Sløk-Andersen states that the soldiers found a "fitting level of humor among themselves." Citing Lyman (1987) she concedes that jokes sometimes

fail but she does not fully acknowledge the 'dark side' of humour nor does she discuss the disturbing elements of sexualised, sexist humour used by the soldiers (see Plester 2015b and Billig 2005). Humour is highly complex and can be highly disturbing, offensive and even dangerous. The sexual, sexist humour used by the Danish soldiers could be analysed as an extreme form of hegemonic masculinity, or as sexual harassment and as a form of domination, power and control (see Plester, 2015a and b; Collinson, 1996). As argued by Butler (1997b) sexual humour may even be considered a form of pornography. Butler (1997b) argues that sexual speech can be considered "tantamount to a sexual act" (76) and she claims that institutional power maintains subordination, and this may be enacted through injurious language (such as sexualised jokes). This could be an interesting angle to pursue. The embodied and aggressively gendered aspects in Sløk-Andersen's article could be further developed.

In her conclusion, the author notes: "I... feel the gender marks on my body..." and such an embodied aspect and what she has endured during this research could stimulate really interesting discussions about feminist research, embodied and subjective research experiences and becoming subjected by sexualised, sexist jokes (see Judith Butler's work on subjection and subjectivities 1997a as well as Harding, Ford & Fotaki, 2013).

My final reflection on Sløk-Andersen's work is that it gives us food for thought about why sexual jokes are openly shared and are considered 'currency' in the male bonding described in the article. Freud (1905) wrote an entire book on 'joke work' that theorises the release

and relief functions of humour. According to Freud much joking concerns sex, sexuality and /or aggression and because we cannot openly release these thoughts and impulses in social (or work) settings we frame sexual or aggressive outbursts as 'just a joke' or banter (see Plester & Sayers, 2007). Joking is seen as a safe, acceptable way of releasing such impulses. Of course, society is changing and sexualised joking is becoming much less acceptable and tolerated in our #metoo climates. The joking presented in the paper could be considered through Freuds 'release' lens. Other avenues might be to include more modern conceptions of sexual harassment and workplace protocols. There are a variety of workplace, shop-floor ethnographic studies that explore male joking, profanity, sexuality, sexism and humor boundaries and these could contribute to a robust theorisation of this unique military joking and its meaning (see for example, Roy, 1959; Collinson, 1988, 2000; Collinson & Collinson, 1996; Linstead, 1985; Kehily and Nayack, 1997; Plester, 2009, 2015a and b).

I wish the author well in the development of her highly interesting, original research and look forward to many forthcoming papers.

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# Communicative and Stylistic Utilization of New Yorùbá Idioms among Students of Higher Institutions

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## Abstract

New idioms and idiomatic expressions are unique, and contemporaneous stock expressions constitute communicative clogs in Yorùbá literary and routine communication due to their semantic complexity and deviant nature. Existing studies on them abound in the works of Olátéjù (2005) and (2016), Àkànmú (2014) and (2015) but little or nothing has been done on the use of this phenomenon by students of higher institutions. This paper investigates issues expressed with these idioms and strategies adopted for using them. Mukarovsky's theory of Standard Language is adopted for this paper based on its potentiality and ability to explain nonstandard nature of these idioms as well as explaining 'differentia specifica' between the language of everyday conversation and literary language. Lagos State University Ojó and Adéníran Ògúnsànyà College of Education Ijànikin were purposively selected for having many users of new idioms among the students where eight new idioms were retrieved from the two institutions. They are: 'gúnsẹ̀ lóbe' (stab the work/job), àgbékó (brassier), láìwòwé (without looking at the book), kò sí lóri fún un (he does not have it in his head), ó gbóná ó yeruku (it is hot and dusty), gbéégún (robed in masquerade dress), kílú tempà (cool temperament), ebo (sacrifice). Data were subjected to stylistic analysis. In all of these, an academic issue was expressed and was contextualized in absenteeism, carry-over/references, brilliance, dullard, examination malpractice, temperament, and merriment. Only the metaphorisation linguistic strategy was employed, and was differentially derived from nominalizations, composition, loan words, and phonaesthetic coinages. These idioms reflect the dynamism and modernity-constrained stylistic choices in Yorùbá discourses.

*Keywords:* new idioms, higher institutions, stylistics, Yorùbá discourses, linguistic strategy

## Introduction

This paper is another dogged attempt to project and re-emphasize in a clear term, the pervasiveness, implication and currency of the new Yorùbá idioms among the students of higher institutions in Nigeria and as an aspect of language that is fast becoming a universal phenomenon. The paper is equally motivated based on the fact that the new idioms and idiomatic expressions are an instrument in the

hands of its users who have serious desires to move with time and be part of the latest development in every area of human experiences. However, in the course of participating in the latest or new development in science and technology, as well as telecommunication faced with certain linguistic constraints imposed on them by their language, especially difficulty in getting the appropriate lexical items and terms to express fresh ideas. However, to get out of this linguistic imbroglio, the option left for them according to Babalola (1972), Awóbùlúyì (1992), Àkànmú 2014 and Olátéjú (2005) lies in the use of the new Yorùbá idioms and idiomatic expressions derived by coining new words and by ascribing new meanings to the existing words or idioms. This paper is preoccupied, essentially, with the effort of analyzing and interpreting new idioms and idiomatic expressions used among the students of higher institutions in Lagos State, in order to determine their stylistic and communicative relevance.

### **Method of Data Collection**

Data for this paper was collected from the Lagos State University, Ojò and Adéníran Ògúnsányà College of Education, Otò/Ìjanikin as institutions whose students exemplified sufficient use of new Yorùbá idioms and idiomatic expressions. Some of the new idioms selected for critical analysis include ‘*gúnṣe lóbe*’ (stab the work), ‘*àgbékó*’ (brassier), ‘*láiwòwé*’ (without looking or reading from the book), ‘*kò sí lóri fún un*’ (he does not have it in his head), ‘*ó gbóná ó yeruku*’ (it is hot and dusty), ‘*gbéégún*’ (robed in masquerade dress), ‘*kúlú tempà*’ (cool temperament), ‘*ẹbo*’ (sacrifice). The only academic issue was expressed by all the aforementioned and was contextualized in ‘absenteeism’, ‘carry over’, ‘brilliance’, ‘dullard’, ‘examination malpractice’, ‘temperament’ and ‘merriment’. The new Yorùbá idioms and idiomatic expressions were analysed specifically at the stylistic level.

### **New Yorùbá Idioms and Idiomatic Expressions**

New Yorùbá idioms and idiomatic expressions are another unique and veritable aspect of language use formulated in reaction to the demands of the moment emanating as an outcome of the linguistic challenges faced by the users which, consequently, necessitates creation of new idioms and idiomatic expressions. These contemporaneous stock expressions are so unique and vital because of their complex and deviant nature which invariably necessitates overlapping tendencies of their semantic derivations and unique differences from the automatized or traditional idioms. These phenomena are the replication of metaphor, euphemism, and the established traditional Yoruba idioms in terms of structure and meaning. New Yorùbá idioms and idiomatic expressions are differentially used in spoken and written form at the lexical and phrasal levels. The lexical ones are referred to as ‘*one-word idioms*’ while the phrasal or sentential ones which are more than one-word expression are called ‘*idiomatic expressions*.’ New idioms and idiomatic expressions which are full of interest and vitality are created through coining and by investing old words and expressions with new meanings. They are new, fresh, strange and ingenious. They are familiar and, their origin is not cloudy to the users who are dexterous and dazzled at their appearance in any form and context.

### **Existing Works on New Yorùbá Idioms and Idiomatic Expressions**

There are a significant number of works on the new Yorùbá idioms and idiomatic expressions by few scholars. These works include Qlátéjú (2005), and (2016), Àkànmú (2014), and (2015) respectively. The two scholars are of the views that idioms are terms referring to as words or expressions whose meanings cannot be determined or predicted from the individual elements in them. These scholars examined idioms and idiomatic expressions from the linguistic and literary point of view using Transformational Generative Grammar (TGG) and Mukarovsky's theory of Standard Language respectively. In their works, stylistic and some socio-linguistic variables were also adopted to bring out the aesthetic and communicative potential of the new Yorùbá idioms and idiomatic expressions.

### **Theory of Standard Language**

Jan Mukarousky formulated the theory of Standard Language in 1970, and it is considered suitable for this paper because of its ability to explain the '*differentia specifica*' between the language of everyday conversation and literary language. It is also a good model to explain and interpret the deviant and inventive nature of the new idioms and idiomatic expressions.

### **Standard Language vs. Literary Language**

According to Mukarovsky (1970), Standard Language (SL) is the language of everyday usage, and its major preoccupation is to facilitate understanding between the speaker and the audience in such a way that effective communication is ensured. It is unexamined, uncritical and does not draw attention to itself or open up provocative questions to the nature of its coding. It is used in schools, markets, during political campaigns and preaching. In Standard Language, communication must conform to the entire linguistic norms. Concepts crucial to the Standard Language are 'backgrounding' and 'automatization' illustrated by the hypothetical example below:

Lâi fàkókò òfò  
Mo jẹun síkùn mi

Without wasting time  
I eat into my stomach

It is clear from the example above, that no single element needs further clarification in regards meaning because of the standard form of the expression. However, Literary Language (LL) is the language of literature or poetic language. It has special nature which makes it remarkably different from Standard Language (SL), it cannot be referred to as the brand of a standard because it has all the forms of given language such as syntax and others. It is a stylistic variation of Standard Language as observed by (Qlátéjú, 1998). In Literary Language, violation of the norms of the Standard Language

is its major preoccupation and, that is what makes possible the poetic utilization of language. Concepts embedded in the Literary Language are ‘foregrounding,’ ‘de-automatization’ also illustrated in the example below:

Láì fàkókò òfò  
*Mo jeun sókè/mo jeun sáṣò*

Without wasting time  
 I eat into the upper stomach/I  
 eat into the pocket

In contrary to the example presented under Standard Language, here, ‘*jeun síkùn*’ has been foregrounded to have ‘*jeun sókè*’ (eat into the upper stomach) and ‘*jeun sáṣò*’ (eat into the pocket). In other words, ‘*jeun sókè*’ and ‘*jeun sáṣò*’ are the artistic forms of ‘*jeun síkùn*’ (eat into the stomach). There is no expression like ‘*jeun sókè*’ and ‘*jeun sáṣò*’, but there is ‘*jeun síkùn*’ in the language. ‘*jeun síkùn*’ is automatized and serves as the background from which ‘*jeun sáṣò*’ and ‘*jeun sókè*’ are derived to create a foregrounding effect. ‘*jeun sókè*’ and ‘*jeun sáṣò*’ are made new and thus become elements of surprise. New idioms of this nature are created for entertainment and communicative effects. While ‘*jeun síkùn*’ means ‘eat into the stomach’ ‘*jeun sáṣò*’ and ‘*jeun sókè*’ mean ‘collect bribe’ and ‘move on/go on’, respectively. Foregrounding is also applied in this paper by using new Yorùbá idioms whose formation and structure are deviant from the standard norms primarily for stylistic effects.

### Linguistic Strategies for Formation of New Yorùbá Idioms

Word formation is a universal linguistic concept that is concerned with the study of the patterns on which a language forms a new lexical item (Bamgbose 1975). In this paper, the linguistic strategies involved in the formation of new Yoruba idioms include the following:

(i) Nominalization

Nominalization is a linguistic strategy known for generating new words in virtually all languages. It is a derivation of a noun phrase from an underlying clause or sentence; or the process of forming a noun from other word classes (Ruvet, 1973:172). Below is an example of new idioms created from the linguistic process of nominalization:

Idiom	Formation	Literal/meaning	Idiomatic meaning
Olóṣẹkóṣẹ	Oní+oṣẹ+kí+oṣẹ	Olóṣẹkóṣẹ	Olóríburúkú
	Pre+n+neg.mark+n Owner-of-bad-soap	Possessor of bad soap	(a misfortune person)



(ii) Compounding

According to Ògúnḃòwálé (1967), Rowland (1969) and Owólabí (1976), compounding is a very productive word-formation strategy which entails the combination of two or more independent words to form another word with an entirely different meaning. In compounding, two separate words are joined together to produce a single word. New Yorùbá idioms formed through compounding are mostly in the form of verb and noun structure – (vb+N) or (N<sub>1</sub>+N<sub>2</sub>) structure. For instance:

**Vb + N**

Idiom	Formation V + N	Literal meaning	Idiomatic meaning
Gbéégún	Gbé + eégún Carry + masquerade	Gbéégún Carry masquerade	Jí ìwé wò nínú ìdánwò
Idiom	Formation N <sub>1</sub> + N <sub>2</sub>	Literal meaning	Idiomatic meaning
Àtíkè Qla	Àtíkè + Qlà Powder + Wealth	Powder of wealth	(a powdery substance) for an illicit drug like cocaine

See Àkànmú (2014) and (2015) for further study and examples of linguistic strategies involved in the formation of new Yorùbá idioms.

**Analysis of New Yorùbá Idioms and Idiomatic Expressions used among Students of the two selected Institutions**

As discussed earlier, the new Yorùbá idioms and idiomatic expressions from the two selected institutions are critically analysed at the stylistic level in this section. For instance, in Lagos State University, a new Yoruba idiom ‘*gúnṣẹ̀ lóḃẹ̀*’ was used by a student who in an attempt to inform his friend about his intention not to come for one of the general courses:

‘Mo máa *gúnṣẹ̀ yẹn lóḃẹ̀* ni  
I will stab that class with knife

In the above, the use of the new idiom ‘*gúnṣẹ̀ lóḃẹ̀*’ (stab the work) is contrived through personification; it is not possible to stab what one cannot see or hold. However, the expression can be interpreted connotatively to mean ‘absent from the class’. In another instance, to be specific, during the student union election that brought the incumbent president of Adéníran Ògúnsànyà College of Education into power, the president was applauded for his excellent campaign speech which was full of scholarly quotations

from different authors. At the end of his speech, the feedback from the fellow students was the use of the new Yoruba idioms:

- Láìwòwèé  
(Without looking or reading from the book)

The expression above which literally means (without looking or reading from the book) is used to eulogize high intellect displayed by the incumbent president of the student union in the delivery of his speech, especially for quoting some great portions from scholarly works without reading from the book. It is believed that only an exceptionally brilliant person can do it. The new idiom 'láìwòwé' can be interpreted to mean *a brilliant person* or *someone who is intellectually or cerebrally endowed*. So when an argument ensued between two students of Lagos State University, one of the students remarked thus:

- Báwo lo ɛ ń sòrò bí ẹnì tí kò sí lórí fún bá yí?  
(Why are you talking as if it is not in the head for you?)

In the above, the new idiom 'kò sí lórí fún' (it is not in the head for/it is not in his head) is used derogatorily to insult and abuse the addressee as someone who does not have common sense, intellect or brains, since it is believed that all these reside in human's head and whenever someone acts or talks stupidly in a manner comparable to the above, it means the person is *not intelligent, brilliant or lacks etiquette*. The issue of brilliance is also expressed in another instance where some students of Adéníran Ògúnsànyà were commending teaching ability of one of their lecturers:

- ...lecturer yẹn gbóná ó yeruku  
(...the lecturer is hot and dusty)

The above is a new idiom also linked to 'brilliance'. The idea behind it can be likened to the process of putting something on fire; food becomes good and perfect if is well cooked while iron comes out solid, strong and perfect for whatever shape the blacksmith prefers. Here, the new idiom 'ó gbóná ó yeruku' (he is hot and dusty) is used for the lecturer probably because of the rigorous study he must have subjected himself to every day and night (putting something on fire for long) which consequently yielded into the acquisition of great knowledge displayed during lecture. The new idiom of this nature can be interpreted to mean *'an erudite person', 'a brilliant person', 'intellectually sound person' and 'cerebrally endowed person'*.

There is also an instance of the use of the idiom 'kúlú tempà' which is popular not only among the two selected institutions but virtually all students of higher learning in the southwest, Nigeria. 'Kúlú tempà' an expression that is loaned from the English expression *'cool your temperament.'* It is used by students to douse tension, chaos, and noise in a rowdy and chaotic situation on the campus, especially when student

leaders are addressing their colleagues who are angry over a certain issue. In order to get students' attention, student leaders always employ the use of the new idiom '*kúlú tempà*' (cool temperament). The moment they hear the expression, they will all maintain perfect silence. The expression '*kúlú tempa*' can be interpreted to mean '*come down*' '*calm down*' '*cool down your temperament*' '*be calm and listen attentively*.'

It should be stressed here also, that students generally have different expressions for examination malpractice. For instance, in Adéníran Ògúnsànyà College of Education, whenever a student is caught with some written information related to the examination of the day in a short piece of paper, this action is captured with a new Yorùbá idiom:

'Ó gbéégún'  
(He carried masquerade)

This new idiom is culturally inclined because it is assumed that the person who puts on the masquerade's cloth is veiled and cannot be seen or known by anyone except those in the Egúngún's cult. This scenario is likened to a student who is caught with some exhibits in the examination hall thinking that he is equally veiled and that nobody sees him, forgetting that nothing is hiding under the heaven and that the invigilators he thinks are not there when he is preparing the exhibits aware of such based on their experiences and can easily fish out the perpetrator(s) in a manner comparable to the non-initiates of the Egúngún's cult who may also identify a person wearing the masquerade's cloth especially when they are familiar with the person's movement, gesture, and body language. By and large, the new idiom '*gbéégún*' which is formed through compounding of verb '*gbé*' (carry or lift) and Noun '*eégún*' (masquerade) can be interpreted to mean '*cheating in the examination*' or '*examination malpractice*' respectively.

As said earlier, sometimes new idioms can be existing words in the language with new meanings. A typical example of this is the use of '*Àgbékó*' (Brassiere) by the students of Lagos State University for something different from its original meaning in the context like:

Àgbékó méjì ni wọn gbé fún mi ní last semester  
(I was given two brassieres in the last semester)

Looking at the above, it looks so ambiguous, especially when the speaker is a male student because only the female can use a brassiere. However, '*Àgbékó*' which is formed through nominalization *À-gbé-kó* (that-which-is carried-and-hung) can be interpreted to mean '*carry over*' or '*reference*'. '*Reference*' is called '*carry over*' by the students. The word '*carry*' from '*carry over*' can be translated in Yorùbá as '*gbé*' while '*over*' is translated as '*hang*'. In view of the aforementioned, the above context can be interpreted as '*I have two carry over in the last semester*'.

There is also an instance of the use of the new idiom that is common among students of higher learning in Lagos State and by extension, south west Nigeria, where a culturally based expression is given new meaning. The use of 'ẹbọ' (sacrifice) is credited to a student of Adéníran Ògúnsànyà College of Education, Ìjànikin when informing one of his friend about a party organized by one of them thus:

*'Ebo wà ní hostel àwọn*  
*Bíólá lójó Saturday*

*Ebo* (sacrifice) is a Yorùbá word for propitiation, sacrifice or atonement. In its original sense, 'ẹbọ' is used when someone is instructed by Ifá oracle to appease to god(s) with certain sacrificial items in order to overcome his or her misfortune. The metaphoric manner by which 'ẹbọ' is used in the above connotes 'party', 'ceremony' and 'merriment' where assorted foods and drinks are served. The similarity of purpose here is that some of the items used for atonement in the cultural sense are sometimes assorted and sumptuous, especially to some careless, funny and hungry members of the society who may not have eaten eggs, fish, chickens, palm oil and maize pudding items put on the 'ẹbọ' for years.

### **Inference**

In this paper, it is discovered that new idioms and idiomatic expressions were used in the routine discourse of students of higher learning for both stylistic and communicative effects. New idioms in this paper were found to be used to express purely academic issues and were differentially contextualized in brilliance, dullard, examination malpractice, and absenteeism, dousing tension, carry over/reference and students' party respectively. The paper also revealed the various linguistic strategies involved in the creation of new Yorùbá idioms and idiomatic expressions used by the students of higher institutions in Lagos State. These include neologism through prefixation and nominalization, borrowing and compounding, some of which were conveyed through metaphorisation. The use of new idioms and idiomatic expressions analysed in this paper has further proved that the Yorùbá language has the mechanism to cope with any communicative exigencies.

### **Conclusion**

This paper has established concrete examples of the communicative and stylistic potentials of new Yorùbá idioms and idiomatic expressions used among students of higher learning in Lagos State and by extension, south west Nigeria. It has equally shown that the Yorùbá language has the necessary mechanism, like every other language of the world, to cope with the linguistic constraints necessitated by a global communicative economy. The coping strategies were discovered to be located in the word-formation capacity of the Yorùbá language in which the new idioms and idiomatic expressions constitute a vital and critical part of the strategies. Finally, students, scholars in Yorùbá



studies and by extension, African indigenous languages are encouraged to tap into the far-reaching implications and effects of this quintessential phenomenon called ‘new Yorùbá idioms and idiomatic expressions’ and make good use of it, especially in their respective disciplines and in a global communicative economy.

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## Reviews

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*The Flight of the Condor: A Letter, a Song and the Story of Intangible Cultural Heritage*. Directed and Produced by Valdimar Tr. Hafstein and Áslaug Einarsdóttir. Vimeo. 2018. <http://flightofthecondorfilm.com/#watch>. 30 minutes. English with Spanish, French, English, Italian, Icelandic and Mandarin Chinese subtitles.

Narrated by Valdimar Tr. Hafstein, Professor of Folklore, Ethnology, and Museums Studies at the University of Iceland, the film *The Flight of the Condor: A Letter, a Song and the Story of Intangible Cultural Heritage* begins with a letter. But, to many of us, it also begins at the inaugural conference of the Association of Critical Heritage Studies (ACHS), which was held at the University of Gothenburg in June 2012, and where Professor Hafstein offered a stimulating keynote lecture surrounding the life-history of the popular song “El Condor Pasa.” The narrative arc of this documentary is driven by his engagement with critical work in heritage studies, asking, “when is protection not a means of dispossession?” There has been, therefore, much anticipation for the publication of this heritage narrative, and it does not disappoint.

This 30-minute film traces worldwide circulations and transformations of the melody that is globally known as the 1970 hit “El Condor Pasa,” by Simon and Garfunkel. It examines the itineraries of international heritage and copyright norms through oral and written transmissions, reflecting an interest in anthropology on the study of things in motion, rather than on the artificial designation of beginnings and ends (see Rosemary A. Joyce and Su-

san D. Gillespie. *Making Things Out of Objects that Move*. Santa Fe: SAR Press, 2015). From the highlands of South America to a cosmopolitan network of cultural and bureaucratic landscapes across the world, the heritage preservation narrative of *The Flight of the Condor* travels through texts, voices, languages, and landscapes. The narrative brings to light the *chaîne opératoire* involved in the rise and popularization of intangible heritage norms and instruments, one that leans on identifiable individual personalities and states. In alignment with the concerns of intangible heritage, the human scale is preserved and emphasized throughout, both in its dedication to the channels of expertise as well as through the depiction of its stakeholders.

Each itinerary comes to life expertly in the form of a documentary that extends the limits of representation of traditional mediums in heritage studies, such as Hafstein’s companion book, *Making Intangible Heritage: El Condor Pasa And Other Stories from UNESCO* (Bloomington: Indiana University Press, 2018). The film situates historical and contemporary discussions of heritage rights and justice in every day streetscapes that are a far cry from the institutional landscapes of UNESCO and other academic settings presiding over the study and discussions of heritage values. Away from the dominant representations that define the visual cultures of the tangible heritage preservation regime – images cropped to perfection, sanitized, vacant – the stills and shots that the authors curate to accompany this narrative bring an unusual realism to the visuality of heritage as a lived experience: heritage value and voices sometimes set in places

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## Reviews

with unpaved roads crowded with people, traffic, or trash. In addition, this film depicts the significance of anecdote that reveals and underpins ethnographic engagements with heritage studies and its narratives of preservation, particularly significant in the more recent rise in institutional heritage ethnographies (see Denis Byrne. *Surface Collection: Archaeological Travels in Southeast Asia*. Lanham: Altamira Press, 2007; and Lynn Meskell. *A Future in Ruins: UNESCO, World Heritage, and the Dream of Peace*. Oxford: Oxford University Press, 2018). It also illustrates the methodological complexities that construct contemporary heritage ethnographies, which include an engagement with diverse archives, temporalities and locales.

Tensions in this story are not limited to those surrounding indigenous claims in Peru and Bolivia, neo-colonial extraction practices, and the commoditization of traditions. The trajectories of the melody become additionally entangled in the politics of ownership *ad infinitum*: a version of the song still travels to outer space as part of the compilation *Sounds of Earth* included in the Voyager 1 and 2 phonograph records that were launched in 1977. Made to represent the legacy of humanity in its most literal form, this stands as an amplified example of challenging ethical concerns in the management of intangible heritage resources, one of the foundations of a critical heritage turn. As Hafstein explains, “we have a lot of grey area here, but very little black and white”, in particular when it comes to redressing injustices of the past.

Anyone grappling with the complexities of transporting the experience of intangible heritage preservation to the

more sterile spaces of a PowerPoint presentation in lectures and seminars will find a fitting place for *The Flight of Condor* in the teaching of heritage and preservation studies, practices, and debates. Hafstein and Einarsdóttir know the challenge of conveying the deep historical and contemporary narratives, voices, urban textures, and affects that are involved in the historiography of this term and invite us to give it a distinct platform from the traditional modes of representations of heritage.

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*Making Intangible Heritage: El Condor Pasa and Other Stories from UNESCO.* By Valdimar Tr. Hafstein. Bloomington: Indiana University Press, 2018. Pp. viii + 216 pages, b&w illustrations, prelude, postlude, acknowledgements, bibliography, index.

With the publication of folklorist and heritage scholar Valdimar Tr. Hafstein's *Making Intangible Heritage*, it is safe to say that we have fully entered the period of *critical* intangible heritage studies in global heritage scholarship and discourse. Indeed, we have reached a level of "meta-ness" in analysis that could make one dizzy. Yet, through his piercing and persuasive unpacking of the many meanings, uses, and contradictions that "intangible cultural heritage" brings us, we are offered sturdy footing—a self-aware grounding—with which to take a beat and reflect, and perhaps correct our course. Even grammatically, the case is now made that "intangible cultural heritage" ought to always be written with scare quotes, signaling its many layers and legacies, and of course its problems. Luckily, Hafstein's arguments are sprinkled with humor and personal vignettes, complete with a story of a broken pant fly, allowing for moments to chuckle at the glaring paradoxes inherent to this thing we call "ICH."

*Making Intangible Heritage* can be described as a tour of the "ICH" world, or paradigm, which is structured in large part by UNESCO's 2003 *Convention for the Safeguarding of the Intangible Cultural Heritage* (and overarching Western heritage values and norms). This tour is rather brisk, but heavy with thought; our guide

makes stops at some of the most problematic (and ironic) facets of the "ICH" concept, its long line of precursors, historiography, and associated machinery—that is, the ways in which the concept is put to use. To be sure, Hafstein's purpose is not just an exercise in laying bare all of the inadequacies of "ICH;" he does believe that, at the end of the day, "the world is better off" (18) with it. His aim is to signpost (in neon) the places where anthropologists, folklorists, ethnologists, and ethnomusicologists—the book's target tourists—can infiltrate this paradigm at international, national, and local levels in order to make it better. While a prior knowledge of international heritage policy can help, students, scholars, and professionals in anthropology, folklore, and allied fields and disciplines—those interested in heritage theory and practice, and those out on the frontlines of "ICH" work—should read this book.

Situated firmly in a good portion of the critical heritage studies literature, particularly with respect to "ICH" policy and related impacts, Hafstein draws on his previous writing since 2009, which bears repeating, as well as a decade's worth of participation in several UNESCO (and World Intellectual Property Organization) meetings. Importantly, Hafstein served as a member of the Icelandic delegation during a 2003 Intergovernmental Meeting of Experts on the Preliminary Draft Convention for the Safeguarding of the Intangible Cultural Heritage, and provides gossipy, behind-the-scenes looks at how decisions, such as in terms of "ICH" selection criteria, were made. However entertaining, these accounts present needed context that "read against the grain" (26) of of-



ficial texts and instruments to illuminate how the “patrimonial regime” (10) is *really* propped up and, thus, how UNESCO heritage is made. We become privy to why the words “masterpiece” and “treasure,” in describing selected “ICH,” ignited heated debate, and the alliances that were formed backstage to fuel it.

He begins his tour with a biographical introduction, sharing his own story in becoming a diplomat—albeit accidentally—and his fascination in studying the peculiar and ritualistic machinations of “ICH” policy-making through a folklore and ethnographic lens. Most compelling is how he then frames the rest of our journey through an interrogation of three, key “ICH” origin stories: the 1973 letter to UNESCO from the Bolivian Minister of Foreign Affairs and Religion on the misappropriation of folk culture as related to Simon and Garfunkel’s “El Condor Pasa;” Japan’s vested interest in developing global “ICH” policy; and the turn-of-the-century recognition of Jemaa el-Fna Square in Marrakesh, Morocco as “ICH.”

Each of these stories has come to be known both inside and outside UNESCO as inspiring and justifying the “ICH” paradigm of today. Here, he turns to his training as a folklorist to study their “structure, their performance, their affects” to better understand their uses and “to appreciate how they help imagine coherence, conjure up contrast, and provide charters for action” (13). As such, we travel to Peru, Japan, and Morocco, among other places, to complicate these narratives of “organizational storytelling.” Critical space is opened up to include such unromantic truths as the fact that the Bolivian government’s attempts

to protect folk and traditional arts half a century ago were part and parcel of its systematic oppression and disenfranchisement of Indigenous peoples (Chapter 2). Bringing to light the mythical and sometimes hollow-hearted components of these stories, Hafstein surfaces the deep-seated issues that “ICH” presents as a social, economic, and political tool for, most often, national governments. This is where the “meta-ness” shines: by turning to folklore studies, he encourages us to see “ICH” as folklore in and of itself, so that we are not pulled in to critique it on its terms, but to “critique its terms” instead (9).

The detailed disruptions of the three stories serve as vehicles for delving into what could be called—in this period of critical intangible heritage studies—the “greatest hits of intangible heritage problems,” organized into the book’s core chapters. Interwoven throughout, though, Hafstein poses a wide range of questions that help disentangle relationships “ICH” has to universalism and authenticity, and forces such as globalization, neoliberalism, and folklorization, to name a few. Chapter 2, Making Threats, features Hafstein’s twisty tale of “El Condor Pasa,” while integrating an important critique of how “ICH” policy can so easily be mobilized by state authorities to administer and control the cultural traditions and expressions of local communities. The following chapter, Making Lists, focuses on the hegemonic forces behind listing and, thereby, designating heritage as heritage, exemplified by the Convention’s Representative List of the Intangible Cultural Heritage of Humanity. Hafstein dips into his field notes from early drafting meetings (and the chats

over coffees and post-meeting dinners) to provide insight into the political negotiations and jockeying of Member States, especially Japan in using the then budding “ICH” enterprise to become a “global authority in the cultural sector” (71). Here, the curtain is drawn: we are treated to a view of heritage’s cozy, essentializing relationship with national branding and prestige, and how on the global stage, “ICH” is a device for “channeling attention and resources to certain cultural practices and not to others” (87).

Chapter 4, *Making Communities*, opens with the *still-there*, bustling square, Jemaa el-Fna, and an examination of how it came to be “ICH.” Local intellectuals in the 1990s seized on UNESCO’s nascent “ICH” efforts to “transform the relationship of Marrakesh’s own [bourgeois] inhabitants to what goes on in Jemaa el-Fna” via global heritage valorization and, thus, save it from proposed-shopping mall destruction (94). In 2001, the square received the “ICH” stamp of approval through inscription on the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, the precursor to the Representative List. Hafstein’s analysis covers a full array of damages that can come in the wake of UNESCO “makeovers:” the bureaucratization, conservation, commodification, sanitization, and ordering of all that was once *way* more chaotic and living, such as a market square, to become “heritage.” He tarnishes this fairytale ending by inserting the 2010 story of two student activists tortured in the notorious police prison below Jemaa el-Fna.

A breakdown of similar transformations that “heritage” brings to the relationships between people and their liv-

ing traditions is closely considered in Chapter 5, *Making Festivals*. Nonetheless, *Making Communities* takes another sobering turn in its second half. Hafstein cautions that, in essence, “ICH” is “an intervention in community practices, and this intervention defines and delimits the community” (117). Since the onus is on states to “endeavour to ensure the widest possible participation of communities...” in safeguarding schemes, as written in the Convention (Paris: UNESCO, 2003), state actors can decide what and who the “community” is. He continues:

By defining community, providing it with outside expertise, and conferring official prestige on its marginalized practices and expressions, this process demonstrates how residual and interstitial cultural representations – craftsmanship, oral traditions, rituals, performing arts – are incorporated into the hegemonic order of representation. (118)

Moreover, the danger of states “enforcing conformity within the diverse communities it designates” (124) is high, and we should surely heed this warning. Yet, it rests on the premise that communities *are* participating—as widely as possible—in formal “ICH” activities, which as Hafstein contends, is not so clear-cut. Conceivably, space remains for living cultural traditions to continue to develop and change in the hands of communities and groups under the official radar.

Despite all of the fundamental flaws in this UNESCO-“ICH” world, we are certainly stuck with it for the foreseeable future. As almost 180 countries begin and continue to implement the Convention, Hafstein is right to stress that this is

when criticism (or tough love) is crucial. Perhaps *Making Intangible Heritage* can be read as a love letter, helping to steer this framework into more equitable and effective directions. Optimistically, he ends with the reminder that “ICH” has great potential in uniting diverse peoples through their just-as-diverse cultural traditions, representing the “capability to relate to previous generations through expressions and practices that rehearse their words, sounds, gestures; and the social ability to share these with others.” And that as scholars and professionals, “we can reach out, foster collaborations, and promote alliances” (168).

Similarly, it would be too disheartening and limited to view the protection, vitalization, and *decline* of living cultural traditions at the local level, and across the globe, as only functioning within the UNESCO-“ICH” paradigm, or because of it. Fortunately, “ICH” is not the be-all and end-all of sustaining living heritage, and heritages—in whatever forms, locally defined—can very much be alive, with strong currency, outside Western hegemonic parameters and ideals. We need to remember that in States Parties to the Convention and/or where there is no “ICH” mandate, longstanding, diverse, and interdisciplinary ways of thinking and doing “safeguarding” are and have been happening, with successes and failures. Indeed, the reaching out and fostering of collaborations and alliances, as challenging and imperfect as it can be, should also stem from communities themselves, based on their needs and terms. If there is one lesson that critiquing “ICH” can carry forward it is that while “communities” may be conceptualized and treated as passive entities to be categorized and

administered from above, we should not perpetuate the idea that they are and will be. Recognizing and respecting people’s autonomy as the decision makers of their own cultural knowledges and expressions must be paramount, even when taking part in wildly transformative cultural policy. Communities can resist and reject the “administrative grid” (98) of “ICH,” and should be able to make it their own. It is our job to learn how to not stand in their way.

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*Hittin' the Prayer Bones: Materiality of Spirit in the Pentecostal South.* By Anderson Blanton. Chapel Hill, NC: The University of North Carolina Press, 2015. Pp. xii + 224 pages, acknowledgements, introduction, 8 black and white photographs, notes, bibliography, index.

Blanton Anderson takes the reader on a journey through Southern Appalachian Pentecostal religious practice and media use from the 1940s to the present day. His study focuses on the “materialities of prayer” by seeking to describe the phenomenon of charismatic Holy Ghost power transmitted between subjects and objects in “the space of enthusiastic worship” (3). These subjects and objects include the preachers, radio stations, microphones, radio sets in the homes of listeners, prayer cloths, and, of course, the worshipers themselves. Blanton writes to a scholarly audience in fields such as religious studies, anthropology, folklore, media studies, and material culture.

Principally, he asks, “In what ways, if at all, did the microphone and associated technologies of radio broadcasting actively organize the charismatic worship environment and concomitant practices of devotion?” (5). Blanton explains, “this ethnography explores the specific ways efficacious prayer and other practices of divine communication are experienced and understood when the sound of prayer is ‘heard’ by the artificial ear of the microphone, amplified by the mechanical mouth of the loudspeaker, and communicated across vast expanses through ‘wireless’ apparati” (10). Through themes of technological bodily

extension or prosthesis, vicarious theurgical practice, and displaced “presence and immediacy,” Blanton captures the essence of the healing and transformative powers of the Holy Ghost tradition in the Pentecostal South (184).

Blanton places his analysis in the framework of folk religious practices with an “intimate link of oral-folk transmission with larger mass-mediated religious movements of the twentieth century,” such as Oral Robert’s “Healing Waters” revival radio programs beginning in the late 1940s (7). Blanton relies heavily on theories regarding hearing and sound and on material culture methods regarding the use of radio technology, healing objects, and the physical bones of knees during prayers and knuckles knocking on altars. He links the presence of the Holy Ghost with these material objects and faith practices to showcase what American cultural scholar Leigh Eric Schmidt (2002) calls the “communicative relays between the sacred and the everyday.”

Furthermore, Blanton’s analysis contrasts scholarly skepticism about faith practice by taking an anthropological approach to the performance of faith, and specifically, faith healing. His research aligns with Colleen McDannell’s (1995) and others’ focus on the materiality present in individual religious devotion, daily practice, and community making (5). Blanton cites John Pemberton as a mentor who heavily influenced his use of the concepts of the voice and the object. Also, Blanton relies heavily on French sociologist Marcel Mauss’s theories on prayer.

*Hittin' the Prayer Bones* is divided into four chapters interspersed with ethnographic transcripts of sermons, concluding with a metaphorical altar call just like



the traditional closing of Pentecostal faith healing radio broadcasts. Chapter 1 addresses the extensions of body inherent in faith healing over the radio as prayer warriors broadcast “skein prayer” and glossolalia to reach heaven and manifest healing power through a point of contact with listeners. Through the microphone and radio speakers, the layered voices of ecstatic prayer (like skeins of yarn) crescendo until a point when the ailing devotees touch their radios to receive a mediated release of faith and the Holy Ghost’s efficacious power. In this way, the laying on of hands for healing purposes is transferred over—and substituted with—technology as a medium for worship, as the Pentecostal faithful enhance ritual with media to “get a prayer through” (17).

Chapter 2 connects the materiality of the older tradition of creating prayer cloths to the mediated meanings of religious narrative. Through the substitution and faith transfer inherent in anointing cut up pieces of fabric and praying over them, practitioners create portable blessings. Blanton brilliantly inventories a broad range of references and symbolisms potentially connected to this practice, including “classic sleight-of-hand magic” which can further be traced to imitations of the “veiled moment of transubstantiation” in the Eucharist. Additionally, prayer cloths allude to tactility and the skin itself, as vegetable oil substitutes for bodily fluids. A skin-like cloth that is produced by humans but blessed by God transfers the power of human and divine virtue simultaneously. The grotesque overtures of something that looks like detached skin cut into squares could also call to mind swords, knives, and biblical

themes of sacrifice (87). Cloth extensions are also reminiscent of tongues crying out in prayer and the portable religious voice utilized so dramatically in the radio broadcast manifestations mentioned in the last chapter (57).

Extending these types of connections and returning to the act of preaching over the radio, chapter 3 explores the moment the religious voice is claimed to be “anointed” and enhanced by the Holy Ghost. The congregation views heaven as the transmitter and the preacher and worshipers as the receivers. Through the extensions of radio, this process is easily magnified by microphone and receiving speakers as the technological point of contact for listeners seeking healing. Chapter 4 develops the theory of the gap between the sacred and the everyday and how these human and technological mediums of the Holy Ghost negotiate healing power, recognizing the limitations of the material domain to “stand-in” for the divine (157). Briefly, these worshipers rely upon fervency and charismatic vocal intensity and rhythm to make their intercessory prayers more efficacious in the gap that separates them from the supernatural—a gap intensified by demonic blocks and human skepticism. Pentecostal religious practice seeks to enter this gap and fuse the two worlds, including mechanical reproductions that affect worshiper experience in different ways that also expand and extend original practice.

Blanton fuses ethnography with an analysis of history, symbols and potential meanings that is as enriching for his scholarly audience as the radio broadcasts are for Appalachian Pentecostals. While this particular ethnography is not

very accessible for the lay reader, potentially excluding any non-academic individuals among his research subjects from reading his book, the invaluable stylistic recreations of faith healing and preaching over radio that Blanton includes throughout and after each chapter give a sense of being involved in these interesting charismatic worship sessions.

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#### **Works Cited**

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- McDannell, Colleen. 1995. *Material Christianity: Religion and Popular Culture in America*. New Haven: Yale University Press.



