

Narot, Copyrighted, All Rights Reserved: On the Tension between Music Copyright and Religious Authority

John T. Giordano

Assumption University of Thailand



Tapone Drum (photo by author)

Abstract

This essay investigates the tensions between traditional music and its modern codification as intellectual property. It will begin by considering the myths concerning the divine source of music. In traditional music and in folk music, music is closely connected to religious ritual. In these rituals the source of the music is recognized and attributed to certain deities. For instance, in Thai traditional music, the Wai Khru ceremony venerates the Duriyathep or devatas drawn from Indian mythology: Phra Visawakarm, Phra Panjasinghkom, and Phra Parakhonthap (Narot). Much of modern and contemporary music has long been disengaged from ritual and its traditional forms of transmission. Especially since the nineteenth century with the growth of popularity of music printing, it has been subject to copyright law. With these restrictions in transmission, the more fluid routes of transmission have become broken and the ritualistic and religious identifications have been transferred to the cult of performers, to legal codification, to the control of corporations, and the construction of new mythologies through marketing. This essay will use Walter Benjamin's reflections on the loss of "aura" in the reproduced work of art to try to understand the consequences of this transition in the function of music. And it will consider the situation in Thailand where traditional music and mythology stands side by side with marketed music, and traditional performance stands side by side with commercial performance. It will demonstrate that these conflicts cannot be resolved. But it is precisely in the appreciation and preservation of these conflicts, that traditional culture can itself be recognized and preserved.

I am an outsider. So what right do I have to speak of the topic of Thai traditional knowledge, music and ritual? After all, any performer of Thai traditional music must be initiated through a Wai Khru ceremony. They must be chosen by their teacher and they must possess certain ethical qualities. For instance, a student who performs the *Ong Phra Phrirap* must be distinguished by their good character and must possess the qualities maturity, proper age (over 30 years), and

must have been an ordained monk.

One must have the *right* to reproduce tradition or even to speak about its more secret doctrines. But with this in mind, I will attempt to tread lightly and point out certain challenges to traditional authority by contrasting it with the increasing legal authority of intellectual copyright.

Traditional music has a ritualistic function of making contact with the sacred. Music and dance is not mere entertainment but a connection with the sacred. Alain Daniélou in his book *Sacred Music*, writes about this function.

Sound structures, in which physical vibration reunites emotional feeling and thought, are thus both the most powerful tool for the supernatural world beyond perception to manifest itself and at the same time the means through which mankind can become aware of the supernatural world and be integrated with it.¹

Paul Cravath, in his study of Khmer drama, *The Earth in Flower*, shows how traditional Khmer music is rooted in animism and involves making "offerings" to the spirits.

One of the fundamental methods of retaining harmony with these spirits has always been the giving of gifts: rice, water, candles, incense, prepared food, roast meat including pig's heads, eggs, areca nut and betel leaf, as well as a major form of offering – of which there are many elaborate types – made form a decorated section of banana trunk. A Cambodian scholar has suggested that such gift giving is probably an "autochthonous" custom growing out of "magic rites" that preceded both Brahmanism and Buddhism. One other powerful offering that can be made to the spirits is dance. In her study of the "sacred dance" of Cambodia, French ethnologist Solange Thierry pointed out that many folk dances were traditionally considered to represent a point of contact between the celestial and terrestrial worlds.²

Music and dance are themselves considered offerings to the spirit world. But within the orchestra it is the drum which has the most sacred significance and so offerings are also made to the Sampho Drum. Cravath here quotes Jacques Brunet, "Music and Rituals in Traditional Cambodia."

The drum, once it is in an orchestra, continues to be the object of a ceremony that is repeated before each concert: facing the drum which is the dwelling of the spirits of

music, each instrumentalist brings an offering which is placed, in accordance with established rules, on a small tray by the master. The purpose of these offering is on the one hand to gratify the spirits, and on the other to enable the musicians to play well and to avoid any technical mishap during the concert. Among many instrumentalists the drum still remains the object of a particular cult.³

In Cambodia and Thailand, some of the bones of a master drummer, are even inserted in the drum after their death. The spirit of the drummer then joins the spirits within the drum.

The Thai Wai Khru Dondree ceremony venerates the Duriyathep or *devatas* drawn from Indian mythology: Phra Visawakarm, Phra Panjasinghkorn, and Phra Parakhonthap. The spirit of the drum is personified as Phra Parakhonthap who is also known as Narot, or in India is known as Narada. I take the following account from a well-known artist and Buddhist monk Phra Siripong Kharupankit who has done much work trying to preserve Thai traditional knowledge concerning Hua Khon, Phra Phirap and the Duriyathep of traditional music. Allow me to quote him at length.

His real name is Narot. There are many stories concerning him in the Brahman and Buddhist literature. The meaning of the name Phra Parakhonthap is “the highest of the Rishi”, or “the king of the Rishi”. So Phra Narot receives the highest respect – more than all the other Rishis.

He was the one to first invent the Pin. In reference to his role in music, some call him Thepkorntam or Korntamrat (meaning an angel or person who is great in music). In addition to playing music, he considered a specialist in many other areas including: singing, astrology, law, and medical science. In black magic, they call him Phra Rishi Narod. In the ancient Indian scripture, he was called Phrom Rishi Mahaphrachabodhi. Some believe that Phra Narot is the son of Phra Manu. But some texts point out that Phra Narot was born from the forehead of Phra Phrom. This is why he sometimes has the name “Son of Phra Phrom”. But the Vishnu Puranas point out that Phra Narot is the son of Pakot Sayathep Bidon.

He has many other names. For example, Phra Bisuna, which has the meaning of a “journalist”, some call him Phra Kri Kalka, the meaning is one who incites arguments and fighting. Some call him Phra Kapak or “monkey face”. Phra Narot has also a female form. Her name is Nang Nartee. She is the wife of Phram San Nayasi, an avatar of Phra Narai (Vishnu). She had sixty children.

According to one story, Phra Parakhonthap transformed himself to be a great bird and perched in a large fig tree near a river. His weight caused the figs to fall into the river, and the bobbing figs created a kind of music, which inspired him to create a musical instrument.

Phra Parakhonthap has many roles. In the form of Phra Pisuna he causes many events to happen among the devas. King Rama VI points out that Phra Narot is a Trikasan, or a person who knows the three dimensions of time: past, present and future. His omniscient abilities are the result of his ascetic practice. He knows many charms. He is credited with composing a sacred treatise on law whose name is Nartiyathamaset. He is also the one to tell the story of the Ramayana to Phra Rishi Valmiki, who then recorded the sacred treatise of the Ramayana when commanded by Phra Phrom.

The piphat musician and natin dancer revere Phra Parakhonthap (Narot). They believe that he is the one who controls the musical rhythms, and who conducts the playing of instruments and dancing. Thus he is associated with the tapone drum. This drum has the function of controlling (natap) the rhythm of the piphat ensemble. That is why the tapone is the symbol of Phra Parakhonthap, and is why it is also greatly revered. In the piphat ensemble, the tapone is placed in a position higher than all the other musical instruments. Before the playing begins a bowl of offerings is made to the khru tapone. When the piphat ensemble plays for the Wai Khru, they will cover the tapone, and the stand that supports it, with a white cloth. The person who conducts the Wai Khru ceremony should honor the khru tapone first. They then fill up a conch shell with pure water which is used to wash the tapone whereupon the water becomes sacred. Then this water is used to bless the other instruments, and then bless the participants in the ceremony.

While it is believed that Phra Parakhonthap is the Phrom Rishi Mahaphrachabodhi, most prefer to honor Phra Parakhonthap as represented by the tapone. He is honored with a white cloth and offerings which do not include any animal flesh. This includes flowers, incense, candles and other fragrant things. The offerings before playing music should also include money, consisting of six and twelve baht offerings. When the playing of the piphat ensemble is finished, there is a beating of the tapone, whereupon the performance is formally closed. Then all the offerings are brought in a bowl to make merit to the khru arjan: both the divine teachers and the human teachers who have passed away.⁴

Notice that in the Thai tradition of the Wai Khru, gratitude is given to the chain of teachers through which knowledge is passed on. And the living performer is merely the vehicle through which a tradition is expressed. This is why a performer needs to be initiated and needs to possess a certain ethical character. Traditional music is bound up with elaborate duties and rituals.

The Loss of Aura and Ritual Function

Today it is clear that the authority of tradition is challenged by technological innovation. Particularly by the ability to reproduce images and sounds in the form of copies. The philosopher most famous for his reflections on this topic was the early twentieth century German philosopher Walter Benjamin. For him "technological reproducibility," calls into question the authority of the

original, or the authority of the traditional object. This means that the changes in technology through history changes the way we perceive objects, artworks, or pieces of music. It changes our epistemology.

*Just as the entire mode of existence of human collectives changes over long historical periods, so too does their mode of perception. The way in which human perception is organized – the medium in which it occurs – is conditioned not only by nature but by history.*⁵

This would include music as well as the work of Daniélou demonstrates. The loss of aura represents the loss of the experience of distance from the object of perception. We bring the object closer to us and it loses its ritualistic value while gaining a new use value. Benjamin writes:

Originally, the embeddedness of an artwork in the context of tradition found expression in a cult. As we know, the earliest artworks originated in the service of rituals – first magical, then religious. And it is highly significant that the artwork's auratic mode of existence is never entirely severed from its ritual function. In other words: the unique value of the "authentic" work of art has its basis in ritual, the source of its original use value... No investigation of the work of art in the age of its technological reproducibility can overlook these connections. They lead to a crucial insight: for the first time in world history, technological reproducibility emancipates the work of art from its parasitic subservience to ritual. To an ever increasing degree, the work reproduced becomes the reproduction of a work designed for reproducibility.⁶

What this means for culture is significant. If the traditional authority connected to the transmission of culture is destroyed, the cultural production is based upon capitalism and marketing. Benjamin's friend Theodor Adorno calls this the "Culture Industry."

The culture industry intentionally integrates its consumers from above. To the detriment of both it forces together the spheres of high and low art, separated for thousands of years. The seriousness of high art is destroyed in speculation about its efficacy; the seriousness of the lower perishes with the civilizational constraints imposed on the rebellious resistance inherent within it as long as social control was not yet total. Thus, although the culture industry undeniably speculates on the conscious and unconscious state of the millions towards which it is directed, the masses are not primary, but secondary, they are an object of calculation; an appendage of the machinery.⁷

Culture no longer works through the lives of the people reacting to tradition, but is now controlled from above, from a distance by marketers and those in power. The mixing of high and low art collapses the traditional forms of authority. Not only is popular culture directed by capitalism, but capitalism has devised its own forms of authority.

Intellectual Property and Control

The most famous philosophical explanation of private property goes back to John Locke. It begins with the individual and assumes their ownership of their own bodies. This extends to the ownership of their own labor. And when an individual body mixes this labor with nature itself, it becomes private property. Property is an extension of ourselves. So notice that the idea of property begins with individual work and creation.

Peter Drahos in his work, *A Philosophy of Intellectual Property*, attempts to characterize the phenomena of intellectual property through the idea of "abstract objects". This stresses the incorporeality of intellectual property and how it moves from being considered a thing, to an abstract expression of relationships between people. In music, an example of an abstract object would be its reification into what is called a "phonogram".

In art and music, this production is considered through the idea of creativity. This idea relates the production or performance to the labor of the individual. Within modern music we consider the artist or musician as creating a piece of music and as a result, having some claim over its reproduction. But Drahos asks if creativity a part of a tradition or the individual's reaction to a tradition?

A better way of thinking about creativity is to say that it involves individuals in dual and contrary roles. When the act of creation is complete, the individual steps forward to claim the role of inventor, pioneer, innovator, genius and so on. Yet the link between tradition and creativity suggests that, in the creative process, individuals play out another role, that of the borrower and copier. When intellectual property rights are claimed, right holders often lose sight of the duality of roles they have occupied, preferring to think of themselves exclusively in terms of creator and demanding protection against other borrowers and copiers. Intellectual property law, because of its focus on individual ownership, helps in fact to embed an individualistic notion of creativity.⁸

The aura shifts from the cult of the sacred to the cult of the performer or artist. The aura shifts from the communal to the individual. But this focus on the individual hides something deeper. The individual ownership of abstract objects like phonograms is also a claim on the intellectual commons, in this case the possible musical forms. We make it our property by mixing our labor with it. The commons can be considered both positively or negatively. Positively when we consider it a pool to be shared for everyone in a community, or negatively when we compete over it to see who can claim it. The music industry follows the second approach. And this is further complicated by the fact that the claim over music by artists or individual composers, obscures the real power of ownership which lies with the music publishing companies and corporations. It is not the local community which is served, it is the impersonal community of investors in a corporation.

This idea of control leads to another way to consider the problem of intellectual property, which is through the idea of "Sovereignty". Drahos summarizes the argument of Morris Cohen that private property is a kind of sovereignty over other.

Cohen's analytical argument rests on the now accepted view that property consists of a relation between persons in respect of an object rather than a relation between a person and an object. The link between *dominium* and *imperium* is accomplished by arguing, quite plausibly, that the dominant feature of property is the right to exclude others; the capacity to exclude others from things where those things are important or necessities gives the property owner considerable or even great power over others. Hence Cohn's conclusion is that '*dominium* over things is also *imperium* over our fellow human beings'.⁹

Abstract objects are then mechanisms to concentrate power and sovereignty into private hands.

We have opted for the view that abstract objects are fictional entities, albeit highly useful ones. Our question is: what role do these entities play in the concentration of power? Our answer will be that within law they form the basis of identity judgements, judgements that ultimately determine who has access to vital capital resources. The fact that these judgements are made using fictional entities suggests that the judgements are themselves pragmatic and based on conventions.¹⁰

So this is our major departure from the traditional or mythological approach to music. In its

traditional form musical performance involves the eclipse of the human ego, where the musician is trained to be a conduit for an expression beyond his own will. In the modern form, individual ownership by a creator is emphasized. And this ownership become established through law and plugged into a system of investment whose purpose is to make profit. The new gods to whom we owe allegiance are the corporations who own the copyrights and are responsible for the dissemination of music as copies and as digital information.

So the idea of copyright is based on a negative conception of community. That is, something to be merely claimed, marked and exploited. But traditional wisdom is based upon a positive conception of community. Something that benefits the community in general and whose authority connects us back to the past, beyond the living community.

Traditional Culture and Copyright Law

What is a copyright? Ultimately it is related to authorship. As we saw, when an author creates something, they can claim it as property and claim authority over its copies or reproductions. The reproduction of abstract objects such as images and music is controlled by copyright law. As we have seen, from a philosophical perspective, the focus of intellectual property is a focus on the individual and their act of creation. This is then controlled by the music industry. This is a problem of what Benjamin understood as a change of epistemology. But there is a more immediate threat to traditional culture and that is the direct exploitation of it through copyright law. Bryan Bachner explains copyright law and points to its dangers for traditional cultures. Let me again quote this at length since it is a fine summary of the problem.

Copyright law in the United States and the copyright frame-work embodied in the World Trade Organization's (WTO) Agreement on the Trade Related Aspects of Intellectual Property (TRIPS) ignore traditional practices and incorporate a mercantilist approach to the creative process. This legal regime presumes that a single author merits exclusive rights over a copyrighted work because it is only through an author's individual genius that a copyrightable work can be created. This legal regime rests on the theory that by providing an economic incentive to authors, the creative process will be nurtured. Further, it assumes that the absence of any reward for the creative effort would undermine the creative process.

Copyright law formalizes the mercantilist approach by regulating the definition of

work, the ownership of that work, and the permissible uses of that work. Only original works that are fixed in a tangible medium are copyrightable. Copyright law affords the author of a work the right to reproduce, distribute, perform, display, or make derivative works from the copyrighted work. Infringement actions arise when third parties make use of the work or copy a substantial part of the work without permission from the author. Although observers describe this copyright system as an unbiased arbitrator of an individual's property rights and the freedom to express, dominant majority groups have exploited this system to profit from the works of ethnic minorities.

THE COPYRIGHT SECTION OF THE TRIPS AGREEMENT embraces the notion that the assignment of exclusive rights to copyright owners is desirable for two reasons. First, it promotes international trade and investment. Second, it provides for the development of local cultural industries. A skeptical developing world, however, wonders whether such an approach protects traditional music that is not only a diverse and abundant resource but also a marketable commodity known as "worldbeat" that can be sold to developed countries.¹¹

Copyright law cannot help but reduce traditional culture to a marketable commodity. But this is based on its crude understanding of traditional culture. In many cases traditional culture is not considered to have legal rights because tradition is considered to be something prior to language or law. Monica Dommann investigates the history of the idea of tradition or folklore and attributes it to the eighteenth century encyclopedia of Johann Heinrich Zedler who defines it as "what you know from hearsay, but what you will not find written down by any capable author".¹² She goes on to conclude:

It is thus evident that tradition was an invention of modernity. Modernity defined itself *ex negativo* as not being traditional, uneducated or uncivilized.¹³

So in this way, tradition is considered inferior and becomes a Commons to be exploited through what is considered as a more developed or more authoritative power.

When we attempt to apply the idea of copyright to folklore or traditional culture it is complicated by the fact that there is not individual ownership of a piece of music or work of art. Luo Li writes:

It is difficult to apply copyright protection to derivatives of folklore, where the identity of the author is known but has not achieved originality as regulated by copyright law. The inheritance and development of folklore depends on many individual contributions. Some individuals may be members of indigenous communities, custodians of a folklore

tradition which they transmit and develop by bequeathing their culture intact to subsequent generations.¹⁴

So a part of the problem is that from a modern perspective, tradition is merely communal and undeveloped. It comes prior to the proper and accurate recording of the creation of its forms. It has an unsophisticated resolution of conflict. And this leads to the attitude that it is fair game for the claims of commercial ownership and codification. And yet this simplistic understanding of tradition is far from the truth.



Phra Phirap by Phra Siripong Kharupankit (Illustration from *Phra Phirap*, National Library)

The Conflict of Authority

Within the Thai tradition, the piece of music identified with the invitation of Phra Phirap to the Wai Khru ceremony is called the *Ong Phra Phirap*. It is a special piece of music since it is personifying the most powerful deity of dance, the originator of dance itself, Shiva, both in the form of the Nataraja and in the form of the Bhairava Shiva who is the deity of destruction. Both the music and dance is special. The dance itself can only be performed by specially selected individuals in the presence of the King. Over time there were few who were considered qualified to perform this important dance. Therefore, King Rama IX, in order to ensure the survival of the dance, held an initiation ceremony for selected dancers to carry on the tradition. Phra Siripong writes:

His Majesty the King Rama IX (Phrabat Somdet Phra Chaoyuhua Bhumibol Adulyadej) issued a royal command to Mr. Rongpakdee (Jian) Jarujarana, who was the senior teacher of the Bureau of the Royal Household, to conduct the *Pidhi Krob Ong Phra Phirap* (the *ram na phat* which is the highest and most sacred of all Thai dances). This ceremony was conducted for the instructors of art in the Fine Arts Department at Amphon Sathan Theatre in the Dusit Palace, on Thursday 24 January 1963, on the new moon, in the second lunar month in the year of the rabbit. In this ceremony, His Majesty the King admitted the members of royal family, the privy councilors, the government officials, the artists, and the students of dance of the Fine Arts Department. In this ceremony the Fine Arts Department sent four senior teachers of dance to be initiated to *Ong Phra Phirap* by Khru Rongpakdee:

1 Mr. Arkom Sayakhom	<i>Teacher of Phra</i>
2 Mr. Aram Inthornnut	<i>Teacher of Yak</i>
3 Mr. Yat Changthong	<i>Teacher of Yak</i>
4 Mr. Yosange Pakdeedeva	<i>Teacher of Yak</i>

These were the four senior teachers of dance who had reached the highest level of skill, knowledge, and maturity.¹⁵

Deborah Wong in her study of the Thai Wai Khru ceremony for dance, discusses the tensions of authority between the various traditional dance performance organizations in contemporary Thailand, particularly with regard to the *Ong Phra Phirap*. She points out the struggle over the authority of the dance:

Meanwhile, the dance was alive and well outside the Department of Fine Arts. While the line of transmission through the former dancers of the royal court was imperiled, the ritual dance for *Ong Phra Phiraap* was still taught in other pedagogical lines... In 1989 I witnessed a dramatic performance of the dance as part of a *wai khruu* ritual at Wat Nok in Thonburi. The performer, a middle-aged dancer, was the friend and disciple of the officiant, *Khruu Somyot Pobiamlot*. *Khruu Somyot* told me that his versions of the ritual dances are older and “purer” than those known and taught at the Department of Fine Arts. Whether *Khruu Somyot*’s or *Khruu Rongphiakdi*’s version is “more” authentic is obviously not the question, as it begs the entire matter of how authority is constructed and maintained – and by whom... While *Khruu Somyot* and the performers at the Department of Fine Arts may have nothing but disdain for each other, the king’s intervention established the Department of Fine Art’s version as *the* version, even if it could not do away with the presence of multiple versions. In short, the continued vitality of *Ong Phra Phiraap*’s dance points to real struggles over status and authority in the world of dance-drama.¹⁶

But authority in traditional culture has often been contested. Cravath in his work discusses how Khmer drama during the colonial period of the 1920s and 1930s was claimed both by the Khmer kings, Sisowath and Monivong on one side, and the French colonialists on the other. The contest for the control of the country was partly fought through the control of traditional culture.¹⁷

Perhaps these historical conflicts of authority give us a clue to how to understand the relationship of traditional culture and intellectual property. It becomes a matter of a contest of authority. In his essay "Ritual as Intellectual Property" Simon Harrison recognizes that this struggle of authority is a central part of ritual. He recognizes that, "specific groups or individuals may own the exclusive rights to perform or organize it, to enact the leading roles in it, or to teach or transmit it authoritatively."¹⁸ But the authority of these groups are always in question. The very staging of rituals in many cases involves power struggles of which the ritual ceremony is the resolution. He writes:

A ritual may be intended by the group staging it as a display of solidarity, particularly perhaps in relation to outsiders. But it is also a display – perhaps implicit, or perhaps overt and triumphant – of the current state of often changing and contested power relations within the group itself.¹⁹

And so the key question to ask is how authority is exercised in traditional culture. Or as he puts

it, "what needs examining is how property rights in religious symbolism are themselves established, and how they are protected if they are challenged or infringed"²⁰

For us, this has additional resonances. Positioned as we are between the contests of traditional authority, and contests of intellectual property in pop culture. This is important because the outcome of these contests determine who we are. Harrison recognizes that the battles fought in the staging of rituals comes to define one's place in the society.

The performer of ritual is simultaneously projecting his identity into, and drawing identity from, a universe of social relations transcending his own time and place. Participation in this larger world is an important privilege, and the measure of a man's rank or status.²¹

The conflicts of traditional authority establish prestige and control. But this also means that if the power struggles of traditional authority completely merge into the larger global struggles of intellectual property, it would be the replacement of traditional supernatural realm with one based on the flows of capital. It would be the shifting of allegiance to new gods.

Contrapuntal Investigations

The problem then cannot be reduced to a single movement or trajectory. It is one of a counter-currents and musical dissonance. On one hand we are caught in the movement Benjamin describes. We are faced with the loss of the religious element of art in the age of reproduction. We are faced with the movement away from the authority of tradition and towards the authority of capital. We move from a situation of communal ownership of abstract objects to the ownership by individuals and investors in a corporation.

What would signal the end of traditional culture would be its successful codification into a single language of law and ownership. To codify it into one language would be to reduce it to one system of control and authority. This authority would be outside of itself and its own mythology. This would then constitute an extinguishing of the metaphysical realm as the Perennial philosophers like to name it.

But as long as there is conflict, this metaphysical realm remains alive. It is the conflict between various forms of authority that holds the key to the survival of tradition. As Daniélou realized, different traditional forms of music are like different languages which cannot be entirely translated into one another. Music and art resists disappearing into one system of codification. There are always borrowings, always new improvisations, always various claims of authenticity, always acts of intellectual piracy, always noise and dissonance mixed with these transmissions and performances. So the recognitions of the necessity of conflict and noise is one way a tradition can be preserved. Within these competitions for authority a higher authority is remembered. And so the music corporations stand in perpetual tension with the Duriyathep and Narot.

Remember that in the Indian treatise on dance, the Natyasastra, Brahma invites both the gods and the demons, the devatas and the asuras, to attend the performance. This is the basis of the Thai Wai Khru ceremony in the dramatic arts where all the conflicting deities are called to preside.

So let us "call" all the gods and demons to gather together. In a sense, that is not only the role of the Wai Khru officiant, but also the role of the scholar. On one hand, the scholar has a responsibility to participate in the proper attribution of property rights. They cite their sources and give credit where credit is due. But the scholar also straddles various forms of authority. In many ways, we try to collect together what has been broken. We try to understand what is in conflict. We try preserve what is being lost. We call and awaken the scholarly spirits of the past. We call all of these gods and demi-gods together.

And yet, in the end, rhythm cancels out time. It breaks individuation and identity. So behind this call, at the very center of the ensemble we recognize and give honor to a force which establishes the rhythms behind our lives and music. A force which can often be given a name but can never be completely be owned, captured or copyrighted.



Duriyathep by Phra Siripong Kharupankit. From left to right: Phra Parakhonthap (Narot), Phra Visawakarm, Phra Panjasinghkorn, (illustration from *Duriyathep*, National Library)

Bibliography

Adorno, Theodor. "The Culture Industry Reconsidered." in *The Culture Industry*. London: Routledge, 1991

Bachner, Bryan. "Facing the Music: Traditional Knowledge and Copyright." (<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1322&context=hrbrief>)

Benjamin, Walter. *Selected Writings Vol 4 1938-1940*. Massachusetts: Harvard University Press, 2003

Cravath, Paul Russell. *Earth in Flower: An Historical and Descriptive Study of the Classical*

Dance Drama of Cambodia. UMI Dissertation Information Service, 1985.

Daniélou, Alain. *Sacred Music: Its Origins, Powers, and Future*. Varnasi: Indica Books, 2002

Dommann, Monica. "Lost in Tradition: Reconsidering the history of folklore and its legal protection since 1800." in *Intellectual Property and Traditional Cultural Expressions in a Digital Environment*. ed. by Christoph Beat Graber and Mira Burri-Nenova. Edward Elgar Publishing Limited. Cheltenham, UK, 2008

Drahos, Peter. *A Philosophy of Intellectual Property*. Singapore: Dartmouth, 1996

Li, Luo. *Intellectual Property Protection of Traditional Cultural Expressions*. International Publishing, Switzerland, 2014,

Harrison, Simon. "Ritual as Intellectual Property." in *Man*, New Series, Vol. 27, No. 2 (June 1992)

Phra Siripong Kharupankit. *Duriyathep*. compiled by Mrs. Poonbhol Arunrakthawon, National Library, 2550, 2007.

Phra Siripong Kharupankit. *Phra Phirap*. National Library, 2548, 2005

Wong, Deborah. *Sounding the Center: History and Aesthetics in Thai Buddhist Performance*. Chicago: University of Chicago Press, 2001

Endnotes

¹ Daniélou, pp. 16-17.

² Cravath, p. 564.

³ Brunet, p. 221, quoted in Cravath, 573.

⁴ Phra Siripong Kharupankit, *Duriyathep*, p. 13. Phra Siripong's work can also be found online at monnut.com

⁵ Benjamin, *Selected Writings Vol. 4*, p. 255.

⁶ *Ibid.*, *Vol. 4*, p. 256.

⁷ Adorno, "The Culture Industry Reconsidered," p. 98.

⁸ Drahos, *A Philosophy of Intellectual Property*, p. 62.

⁹ *Ibid.*, p. 147.

¹⁰ *Ibid.*, p. 153.

¹¹ Bachner, "Facing the Music: Traditional Knowledge and Copyright."

¹² Dommann, "Lost in Tradition," p. 4-5

¹³ *Ibid.*, p. 6.

¹⁴ Li, *Intellectual Property Protection of Traditional Cultural Expressions*, p. 47.

¹⁵ Phra Siripong Kharupankit, *Phra Phirap*.p.7.

¹⁶ Wong, *Sounding the Center*, p. 126.

¹⁷ C.f. Cravath, "The Earth in Flower." Chapter IV.

¹⁸ Harrison, p. 235.

¹⁹ *Ibid.*, p. 235.

²⁰ *Ibid.*, p. 236.

²¹ *Ibid.*, p. 239.