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"Copy Debts"?—Towards a Cultural Model for Researchers' Accountability in an Age of Web Democracy

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Introduction¹

The highly standardized oral narrative about Sunjata, nowadays known as the Sunjata Epic, has been governing society since—at least—the fourteenth century when Arab travel writer Ibn Battuta on a trip along the Niger River reported a Sunjata tradition. This epic tells about the foundation of society—called "Mali" or "Mande"—and expresses values that go beyond the borders of countries: it explains the relationships among clans. It also prescribes how, based on patronymics and clan-related praise songs, every person should behave in public. The epic is also now much esteemed as Mali and Guinea's medieval history and as a national and supranational charter, maintaining prominence both in the mass media and in educational programs (cf. Bulman 2004; Adejunmobi 2011). The name "Mali" itself, which in 1960 became the official designation for the territory, is definitely the most striking example of this heightened status of the Sunjata Epic.²

Several villages in Mali and Guinea have families living there that have much prestige because of their knowledge of the Sunjata Epic. In Mali, the Diabate family from Kela are among the most authoritative interpreters of the Sunjata Epic (cf. Austen 1999; Jansen 2001). I use the case presented in this article—about a Sunjata Epic recording in Kela and the discussions of ownership that the recording raised—to argue that researchers whose work deals with such an intangible heritage may have to reposition themselves. They must work from a radically different perspective than the one behind the usual discourse, which is based on concepts of permission/approval, individual author rights, and informed consent. A new attitude, based on the idea of "copy debts," may meet the local deep concerns and unexpected claims that underlie a

¹ My gratitude to Seydou Camara, Boubacar Diabate, Daniela Merolla, Nienke Muurling, Natalie de Man, Simon Toulou, Mark Turin, and an anonymous reviewer of the journal for discussions and comments.

² The Sunjata Epic is unique. For centuries it has been passed down orally, yet versions all over the West African savannah are remarkably similar, contrary to the belief that oral traditions vary over time and place. The epic's stability has been a topic of ongoing academic discussions. Many scholars have attributed this lack of variation to the griots' remarkable memory. However, there is insufficient evidence for such a claim since in-depth research on the griots' memory has never been carried out. Personally, I seek to explain the narrative's stability through structural characteristics of the socio-political organization in which the griots work (Jansen 1996).

prestigious and intangible heritage. It is the property rights of this intangible heritage that form the main focus of this article.

Any attempt to publish an oral tradition is a political statement in line with supporting an open society and an agenda of web democracy. One may even argue that researchers, in their academic attempt to maximize access to oral traditions and in their professional search and fascination for optimal recording and documentation technologies, are tempted to practice a "WikiLeaks mentality" by making accessible as much data as possible. However, the approach of researchers differs from WikiLeaks practices in the fact that researchers are concerned with the rights of their sources. The accountability of researchers in their desire to combine web democracy with a concern for local population groups will therefore be a central concern throughout this article, and the present-day concern for intellectual property rights provides its context. These rights are conceptualized in terms of copyrights and author rights (droits d'auteur). UNESCO's program for Masterpieces of Oral Intangible Heritage of Humanity has definitely increased the focus on these rights and has institutionalized them. Unfortunately, UNESCO has institutionalized these rights in a primarily legalistic way, thus conceptualizing copyrights primarily from a written text perspective that prioritizes *national* copyright laws along with the idea that a group is, legally, a collection of individuals.³ I will argue here that it may be problematic and even undesirable for a fieldworker, who is closely related to the performers and the recording of the oral traditions, to follow UNESCO's ideas and procedures for establishing property rights. My case thus illustrates the limits, and even the shortcomings, of UNESCO's program of Masterpieces and the copyrights/droits d'auteur that it implies.

Based on a representative case study of an epic text recorded in 2007 in Mali, this article calls for a methodological discussion: what does one do when terms of ownership are intrinsically impossible to conceptualize in a legal framework? First of all, I will describe the social tension created by my recording. Subsequently, I will describe the conceptual framework that I developed to deal with this tension in a culturally appropriate way. In this article I suggest that determining ownership in terms of copyrights easily runs the risk of imposing a Western political standard. As an alternative, I have explored a *cultural* framework, based on a permanent dialogue, in which the performing group determines the terms and central values of ownership/property.

The Background to My 2007 Recording: A 1995 Dispute

In West Africa, centuries-old manuscripts—if they even ever existed—cannot have survived the harsh climate and the devastating appetite of termites. Therefore, as an oral tradition originating from the Middle Ages, the Sunjata Epic is a fascinating historical source. The Sunjata

³ See the UNESCO website for copyrights (http://portal.unesco.org/culture/en/ev.php-URL_ID=14076&URL_DO=DO_TOPIC&URL_SECTION=201.html) and author rights (http://unesdoc.unesco.org/images/0012/001206/120677e.pdf). Clearly, UNESCO explicitly rejects families as owners/representatives of intangible heritage; it accepts only governments and NGOs. However, in practice it is more flexible: in the case of the Cultural Space of the Sosobala, a monument of intangible heritage from Guinea that is closely related to the Sunjata Epic, UNESCO was willing to work with an NGO whose members are exclusively male family members of the Kouyate family from the village of Nyagassola (cf. Jansen 2011).

Epic may indeed be West Africa's most important masterpiece of intangible heritage, and the Diabate family members of Kela are definitely among its most renowned performers. Although from a literary and textual point of view the Kela version resembles versions collected elsewhere (see Belcher 1999), the organization around the recitation and the manner of performance grant the Kela version a special status in African literature and history. The recitation of this version of Sunjata is organized in a septennial ceremony in and around a sanctuary called the Kamabolon (known in local French as *la case sacrée de Kangaba*, "the sacred hut of the town of Kangaba"). The recitation during this ceremony attracts hundreds of visitors (Jansen 2001). During the event the "Master of the Word" (kumatigi) recites the epic inside the Kamabolon only in the presence of his own family, thus making the most prestigious performance of the epic an event shrouded in secrecy. Given its prestige and its secret character, public recordings of the Sunjata Epic are rare (exceptions that resulted in publications are Ly-Tall et al. 1987; Jansen et al. 1995) and extremely complex socially, not only during the preparation of the recordings, but also afterwards. 4 It was therefore like entering terra incognita when in 2006 I asked kumatigi Lansine Diabate (1926-2007) to let me record him reciting two narrational themes that are specific to the Kela version of the Sunjata Epic.



The Kamabolon sanctuary in Kangaba in 1992. Picture by Jan Jansen.

The preparation for this video recording took almost two decades, which is a fact of major relevance to my argument. Since 1989 I have been visiting Kela almost annually, and in 1991 and 1992 I spent a considerable amount of time in the village for my Ph.D. research. In Kela I was always hosted by *kumatigi* Lansine Diabate. During this research, I recorded a performance of the epic, which I published as a co-edited source edition (Jansen et al. 1995). This book became a major point of debate in the village of Kela.

In 1992, at *kumatigi* Lansine Diabate's *own* initiative, I made an audio recording of

him reciting the Sunjata Epic. Of course, I was very enthusiastic to do so. In 1991 I had asked Lansine to be my teacher and host in Kela in order to be as close as possible to the Sunjata Epic from an ethnographic point of view. This appeared to be a fruitful strategy; I knew from senior colleagues how difficult it was to arrange a recording in Kela.

In 1992 Lansine, who had been a *kumatigi* since 1989, told me that he was responsible for arranging the necessary approvals for recording and told me to follow his instructions. This is a normal reciprocal arrangement in the case of a host-guest relationship and a master-apprentice relationship. The recording itself took place in the local health clinic. Only two *ngoni* players,⁵

⁴ Historian Seydou Camara, a now retired researcher at the Institut des Sciences Humaines in Bamako and a member of the team that recorded the epic in Kela in 1979 and published it much later (Ly-Tall et al. 1987), reports having had similar experiences (personal communications 1991-2011).

⁵ Lansine's younger brother, Sidiki Diabate (or "Super"), and his son, Brehman.

who accompanied Lansine, were present aside from Lansine and myself. Although at least some members of Lansine's family must have known about the recording, Lansine forbade me to refer to it in public. Moreover, I had to promise never to show the recording to Malians. Clearly, the recording was a delicate topic.

In 1995, after I had sent my publication of the epic to the Diabate families in Kela, a dispute arose. Lansine was accused of having sold the family secrets. He was also accused of claiming rights over the Sunjata text by putting his picture on the back cover of the book, even though it was communal property; of having falsely informed his guest (me) with regard to appropriate behavior; and of receiving 450,000 CFA francs (at the time equivalent to 4,500 French francs, now approximately 700 euros) from me every month into a bank account in Bamako. The book itself did not matter to the Diabate families; that was just paperwork for outsiders with bad memories. Remarkably, the Diabate continued to give my work and research their blessing. It has become clear to me that the Diabate intended to intensify their brotherly rivalry with Lansine, as brotherly rivalry is a *structural* characteristic of settlement strategies in this area and *not* a matter of personal animosity (Jansen 1996). When I visited Kela in April 1996, it took me weeks of negotiation and several public statements before El Haji Bala (also known as Kelabala, 1919-1997), the most prestigious Diabate of his generation, decided that the whole issue should be buried.⁶

In my opinion, the dispute between Lansine and his brothers was a process of retrospectively adapting the prestige of the recording. People who are accused of forgetting certain groups may feel guilty or ashamed and blame themselves for having been ignorant and insensitive to local customs. It may indeed be possible that people, researchers or others, overlook the importance of certain social rules. However, I believe that the "forgotten group" is often constructed, deliberately and *a posteriori*, in order to challenge a person; it may spontaneously come into existence as an expression of changed social relationships.⁷

⁶ The recordings were a public scandal. In 1996 I met an American Peace Corps volunteer from a nearby village whom I told about my research. To my astonishment he replied: "Aha, so you are the guy who stole the secrets of the people of Kela." It had become a widespread rumor!

⁷ The following two examples illustrate the diplomatic strength of the forgotten group with regard to recordings of the Sunjata Epic recited by the griots from Kela. The first example is of the first recording of the Sunjata Epic that resulted in a book (Ly-Tall et al. 1987). The authors of this book were accused a posteriori of having forgotten to ask the right people for permission to record the epic (personal communication with Seydou Camara; cf. note 4). The second example is of a film team from Mali's national television broadcaster, ORTM, which suffered a similar fate to that of the aforementioned authors. The team had permission to record the 1997 Kamabolon ceremony. In the weeks before the ceremony—and even during the ceremony itself—groups continuously presented themselves to grant their approval of the recording, while in reality they merely added restrictions to the recording of the performance when visiting the film team. A month before the ceremony the team had full permission, but at the end they returned to Bamako with empty tapes. A performance like that of the Sunjata Epic during the Kamabolon ceremony is such an important event that almost everyone feels responsible for it; the closer the day of the ceremony comes, the more people feel responsible. Therefore, people come and claim that their approval of the performance and its recording should be requested. In my case of the 1992 recording, the recitation for a scholarly text edition was not prestigious at the moment of recording itself, but the publication in the form of a book transformed the recording into something prestigious. Moreover, the next Kamabolon ceremony was approaching, which was to be held in 1995; the last one had been held in 1989. An increase in the number of groups that claim to have the right of approving the performance is a direct result of this increase in prestige.

Of course, one may argue that Lansine and I were opportunistic or that we had misunderstood the local rules and failed to ask the appropriate "owners" of the Sunjata Epic permission to record the performance. However, such owners are impossible to locate in space and time: a performance is a social event and its prestige as a communal property is related to the *dynamic* social context in which it is performed. The discussion of whom to ask and who grants permission for recording a performance is very dynamic, stretching from before the recording until years after.

I think that many scholars have faced similar situations, irrespective of whom they asked for permission to record. After a while others want to be incorporated in the result of the recording, as publication turns a modest event—an induced performance—into something prestigious. The more prestigious the social context of the performance, the fewer people are allowed to perform and the more people claim that they should have been given the opportunity to grant their approval.

The Setting of the 2007 Performance

Much has changed since this dispute about my text edition, which took place between 1995 and 1997 in Kela; people have access to new mass media and the inhabitants of Kela have hosted dozens of scholars and students. Moreover, the Diabate from Kela have gone on international tours and have often appeared on Malian television, with their CDs having been distributed all over the world.

In addition, a major aspect of my fieldwork setting changed. Not only had I proven to be an annual visitor for two decades, which is highly appreciated, but I had also become part of the Diabate family network. In 2005 Nienke Muurling, currently a Dutch Ph.D. student under my supervision, married Boubacar Diabate, son of El Haji Yamudu, El Haji Bala's younger brother. This marriage has placed me in a sort of transnational in-law position as the Kela people know Nienke as *my* student, while they do not know her family.

My social relationship with the Kela people changed, but so did my academic status as a Sunjata researcher. In the previous decades more than once a European filmmaker had proposed making a video recording of the Sunjata Epic. I always dismissed such proposals for two reasons. First, I had never forgotten the dispute that was triggered by my 1992 audio recording; I did not want to be involved in such a delicate issue again. Second, I believed that a Sunjata Epic recitation would be a visually unattractive event. I came to this conclusion based on my observations of Sunjata performances, which consist of a *kumatigi*, who makes hardly any gestures while reciting the epic, supported by two *ngoni* players, who sit on the ground. However, in 2006 I agreed to participate in Daniela Merolla's *Verba Africana* project on oral traditions and new technologies. This meant that I had to put the idea of filming the Sunjata Epic explicitly on my research agenda.

The reason I accepted the challenge of joining the *Verba Africana* project was related to the fact that so much had changed since the mid-nineties. This time I sought permission through my "academic son-in-law," Boubacar Diabate, who is a member of the kin group that had argued most with *kumatigi* Lansine Diabate during the 1995 dispute. In the fall of 2006, during a visit

with Boubacar and Nienke in Soest (the Netherlands), I explained my case to Boubacar, who was about to leave for Mali for a visit to his family. I wanted Boubacar to ask permission to film Lansine reciting two narrational themes from the Sunjata Epic that are specific to the Kela version: the story about the Diabate's ancestor, Kalajula Sangoyi, and the story about the Diawara's ancestor, Sitafata. Some weeks after his return to Mali, Boubacar informed me that I was granted permission. However, I was skeptical and expected a discussion to arise about this topic upon my arrival in Kela. As a result, I had planned to visit the village for only one night and expected to actually record the performance only in 2008 or later, if at all.

In January 2007, I arrived on a Saturday at 3:30 p.m. in Kela. After a warm but quick welcome I was instructed to wash myself up quickly and prepare my camera for the recording. I could not believe my ears. After my bath, I was accompanied to the compound of the lineage chief where all the senior Diabate members were seated on chairs; musicians and younger Diabate members were seated on mats, ready to perform.⁸ Now, I could not believe my eyes either.

A Silent Man at the 2007 Performance Setting: More Than a Small Detail

I was already seated and ready to start filming, when I saw Fantamadi Diabate enter the scene and sit down on a chair right behind Lansine, who did not himself notice Fantamadi's entrance. In retrospect, I think I made a wise decision. I stopped the camera and walked over to Fantamadi to greet him.

Greeting Fantamadi was a strategic choice. Lansine and Fantamadi do not like each other, even though they are members of the same patrilineage. Lansine's lineage lives in one compound, but Fantamadi lives separately from them. Although he hardly ever visited Lansine's compound, over the years I had learned to know Fantamadi as a gifted and often consulted diplomat (for details, see Chapter 2 in Jansen 2000), who often operated jointly, and in perfect harmony, with Lansine during diplomatic missions *outside* Kela. I took this all into account when I decided to greet Fantamadi.

⁸ I agree with Nienke Muurling's suggestion (by personal email, October 2, 2008) that the role of kinship in the process of getting permission to record should be emphasized. El Haji Yamudu Diabate's first wife, Setu Diabate, is a classificatory sister of Lansine, which makes him Boubacar's "mother's brother." In this region, the relationship "sister's son—mother's brother" is a classic format for peaceful negotiations and receiving acceptance from the mother's brother. For instance, as Nienke and Boubacar once told me, in 2004 Lansine refused to give up his central role in the septennial Kamabolon ceremony until it was demanded in public by Boubacar's older brother Seydou (also known as Yaba); a man cannot refuse something to his sister's son.

⁹ In 1993 Fantamadi had severely criticized me—in private—for inviting five Kela griots to the Netherlands. He argued that I should have invited other people, namely his daughter Amy Diabate and her husband, Sidiki Kouyate, because I had worked with them in 1988-1989 on my M.A. research. In 1991 Fantamadi had also suggested I make a recording with him, but when I asked my host Lansine for permission to do so, the latter did not approve.

¹⁰ The Diabate belong to an endogamous status category called *jeliw* (better known in French as *griots*). In West African Sudan, these people are often employed as diplomats in service of other non-*jeliw*, the large majority. For a detailed description of *jeliw*, see Jansen 2000.

After this short break, the recording started and Lansine recited the narrational themes I had requested. From a literary point of view his words were less eloquent compared to his performance of these narrational themes in 1992. I assumed this difference was a result of Lansine getting older: in 2004 Seydu Diabate had already replaced Lansine in the Kamabolon ceremony, 11 and after Lansine's death in June 2007 Seydu succeeded Lansine as *kumatigi*. Moreover, I think it is difficult for a *kumatigi* to start reciting the Sunjata Epic somewhere in the middle on command. However, the recording itself (available in the enhanced publication of Jansen 2010) took place in a relaxed atmosphere, which shows that both Lansine and the other elder men were pleased with the performance.

Nevertheless, there was one exception to this overall positive mood: Fantamadi. To my surprise, ¹² Fantamadi behaved as though he was uninterested, even unappreciative, of the performance. For instance, he ate peanuts, ordered water, yawned, picked his nose, and smeared his nasal mucus on the wall. When I watched the recording with Boubacar Diabate back in Holland, he also immediately noticed and commented on Fantamadi's behavior. Why did Fantamadi behave that way? Both Boubacar and I believe that Fantamadi's behavior is related to the fact that I made a video recording of the performance instead of an audio recording as I had done previously. Had he realized this, he would have probably found a more subtle way of demonstrating his disapproval.

But Fantamadi would definitely have shown his disapproval publicly! It seems to me that Fantamadi found his behavior necessary because of his position in relation to the group of elder men who attended the performance. Fantamadi's behavior was a perfect demonstration of the potentially "forgotten group." In order to understand this point of view one has to be aware of the social dynamics involved in gaining approval from the senior Diabate in Kela to record a performance of the Sunjata Epic. In view of the fact that Lansine himself was the compound chief, his permission automatically implied that all his brothers had given their permission as well. This permission could never have been granted by younger brothers within the same patrilineage, as a junior will always defer to a senior.

However, with the death of Lansine—who was in good health in January 2007 but died in June 2007—a new situation *may* arise in the future, and the men from Lansine's patrilineage *may* claim that their permission had never been granted; they will present themselves as a "forgotten group." Yet it is tricky and potentially harmful for them to make such a claim unanimously, as such a claim would be against me, a respected long-term friend of the compound. Therefore, they need a relative from whom they can distance themselves in case their claim against me is not supported by the other Diabate family members in Kela. In short, they need a person like Fantamadi, who is one of the oldest members of the patrilineage but lives outside the compound. Fantamadi's social position allowed him to express his disapproval *only* without saying so in actual words, and as a result diplomatic liberties were granted to him for possible future negotiation. This reminds me of something Lansine Diabate once said (Jansen et al. 1995:34): "[...] *mògò kumabali ye hòròn di*; *n'i kumara*, *i bara i yèrè dòn jònya rò*," which can be

¹¹ The nocturnal recital in the Kamabolon ceremony requires a person to be in top condition physically: he has to speak, almost non-stop, for about eight hours.

¹² I noticed Fantamadi's behavior only when I watched the recording back in Holland.

translated as: "A person who does not speak is free; a person who does speak just put himself in a condition of slavery [to his promise]."

Towards an Attitude of Copy Debts¹³

When I present my recording from 2007 at conferences, I am often asked whether my choices have been ethical. Should I not have asked Fantamadi for permission, given that I explicitly argue that his permission was overlooked? My reply to these concerns is that I refuse to impose legalistic concepts such as *property*, *ownership*, and *individuality* on the Diabate from Kela. I argue that if Fantamadi had not been there, another person would have represented the "forgotten group" since this is a structural factor in any "performance of ownership." This is the way the Diabate from Kela preserve their status as the authoritative owners of the Sunjata Epic. Moreover, I am disinclined to come to a formal agreement with the community with regard to ownership, as defining a community excludes other present and future forgotten title-owners.

However, this anti-legalistic argument does not explicitly justify the choices I made in this process. I seek instead to justify my choices by following local, culturally defined ideas about ownership. Terms for *inalienable* ownership do exist in this area but only in a limited number of cases. 14 For instance, you can say in Bambara/Bamanakan 15 "I own my arm/I have my arm" (Bolo bè n bolo)¹⁶ or "I have three sons" (Denkè saba bè n bolo). Similar constructions are possible with the postposition kun (instead of bolo). However, the use of the verb "owning/ having" with regard to possession often appears to be highly problematic. Let me illustrate this with a standard discussion that I love to initiate. I ask someone how many cows he owns (Misi ioli b'i bolo?). When the person replies that he owns/has X cows, I suggest selling them and using the money for an investment. At this point people start to smile and explain to me that it is impossible to sell cows because their ownership is embedded in kinship networks. In addition, the usufruct of the cow depends both on the social position of the "owner" in relation to the person who may need the cow and also on the age of the cow—old cows can be consumed at marriage ceremonies and funerals; younger cows can be used for breeding. People have assured me that my question, by using bolo, is sound, but they explain that one should know that "owning/having cows" does not mean legal ownership, only a limited economic ownership.

¹³ When presenting this case to a French-speaking audience, I find it more suitable to replace the French concept *droits d'auteur* with *dettes du médiateur*.

¹⁴ Here I follow ideas and explanations of Charles Bird in his Bamanakan language course for Peace Corps volunteers (Bird et al. 1987).

¹⁵ Here I follow standard Bamanakan ("Bambara") orthography. The people of Kela speak Maninkakan ("Malinke"), which is linguistically and conceptually closely related to Bamanakan. As Bamanakan is Mali's *lingua franca*, it has a well developed orthography.

¹⁶ Bolo means both "arm" and the postposition "with." (As a linguistics term, a "postposition" is an adposition that occurs after its complement, just like the preposition "in" or "at" is an adposition that occurs before its complement.)

However, terms such as *bolo* and *kun* are rarely used. Rather than using expressions that refer to ownership, people use expressions that refer to responsibilities, such as *-tigi* ("a person who is possessing, responsible for, or mastering something"). For instance, both Malians and scholars translate *kumatigi* as *maître de la parole* ("Master of the Word"), but a literal translation would be *responsable pour la parole* ("responsible for the Word"). Thinking in terms of *-tigi* is the rule: someone riding a bicycle is called a *nègèsotigi*, which literally means "responsible for the bicycle"; someone selling containers of cold water is a *jitigi*: you cannot know whether the person riding the bicycle or the seller of the water (*ji*) is the true owner. When asked about ownership, people either present themselves as *-tigi* or say that they are "guarding" (*maara*) an object for someone. Moreover, if you point out to them that they actually posses something, they will reply that this is because of or "thanks to" another person, using the postposition *kosòn*.

The idea of not owning something is related to economic principles according to which it is bad to have something, since this is always at the expense of another (Shipton 1995). I have observed that according to these principles people also tend to borrow money from poorer people in order to lend it to richer people, thus fabricating networks of social capital (cf. Bradburd 1996:144 on the shah of Persia) in which the richest person has the largest debt. It is noteworthy that in my research area the term *juru* is never translated as *dette* ("debt"), but as *credit*.

I plan to present my publication of the 2007 recording¹⁷ to the Diabate of Kela as well as deal with future negotiations related to this publication in accordance with these principles. I intend to emphasize that I have a debt to the Diabate of Kela, that is, I have taken something in credit from them. I will stress that any success in my research is thanks to them. I cannot predict what this will mean for the financial aspects of my relationship with them. Nor can I foresee whether this approach will avoid any sort of dispute. However, I am convinced it is better to discuss these issues according to the local conceptual framework rather than to speak in *tubabukan* (literally meaning "the white man's language," referring to French), a language full of concepts that I refuse to impose upon them.

Although ethnographically well grounded, my argument has its flaws. In science it is, of course, unacceptable to generalize on the basis of a single case, even when the case regards West Africa's most authoritative performers of the Sunjata Epic. Nevertheless, I think that my case can be useful in challenging the dominant discourse, which conceptualizes ownership of oral and intangible heritages in terms of rights. My case, which thinks of ownership in terms of debts, argues that it is necessary to take cultural norms and values into account and to search for alternatives to legally defined copyrights in order to express our ongoing accountability to the performers of a recording, especially in an age of web democracy and constantly-developing new media for archiving and representing oral tradition.

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¹⁷ Jansen 2010 in the References.

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