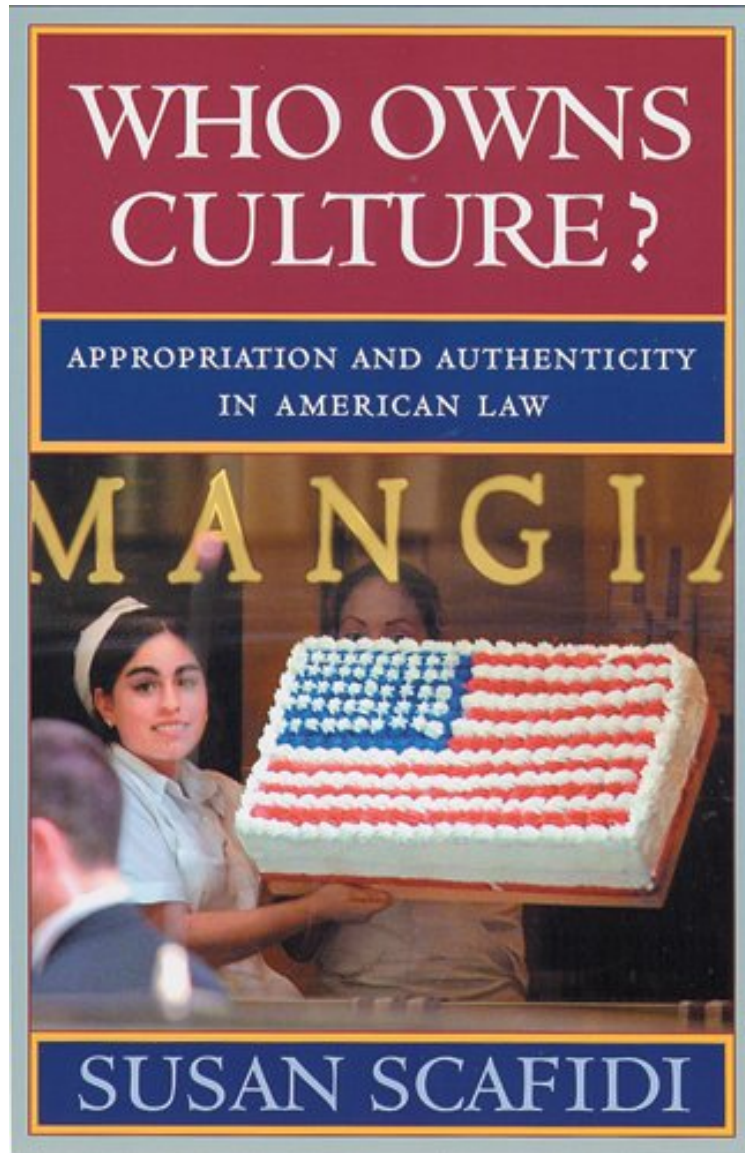


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Who Owns Culture?: Appropriation and Authenticity in American Law (Rutgers Series: The Public Life of the Arts)

Susan Scafidi

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Susan Scafidi : Who Owns Culture?: Appropriation and Authenticity in American Law (Rutgers Series: The Public Life of the Arts) before purchasing it in order to gauge whether or not it would be worth my time, and all praised Who Owns Culture?: Appropriation and Authenticity in American Law (Rutgers Series: The Public Life of the Arts):

22 of 27 people found the following review helpful. Cultures are not power structures
By Daniel Brockert
There's a very simple reason why cultures don't have ownership in the manner the author is suggesting- cultures are not power structures. Individuals, corporations and governments can claim ownership, because responsible parties are capable of exercising authority in a way that cultures fundamentally cannot. What exactly is a culture? Because the author has not adequately defined culture, she has failed to notice that cultures are not institutions of power. For two extreme examples, let's take Korean culture. On both sides of the North/South divide, Koreans agree that they are part of one single culture. But since 1945 there have been two opposing governments claiming legitimacy over the entire peninsula. Who exactly gets to decide questions of ownership in that situation? In the second case, with American ethnic and racial groups. There is one common political body for racial and ethnic groups (Native-American tribes are sort of an exception). Where does one culture end and another one begin? This is a struggle that cultures constantly negotiate and there is never homogeneity or a finished "whole" that one can point to. When two white Americans invented the airplane, there was a legal patent protection system that gave them ownership over their intellectual property. But would it have been possible or desirable for the white race or for American culture as a whole to claim ownership over the airplane? For an excellent critique of the type of thinking that went into this book I recommend Lawrence Cahoon's *Cultural Revolutions: Reason Versus Culture in Philosophy, Politics, and Jihad*.
19 of 20 people found the following review helpful. Good Question
By Bert Krages
This book thoughtfully explores the interesting issue of to what extent the law should protect cultural products and customs. Current intellectual property law is very much oriented towards the protection of rights of individual entities and largely ignores the creations that are attributable to the efforts of cultural groups. A good portion of the book examines various aspects of cultural life and the internal and external ramifications to individuals, communities, and societies. It then explores how cultural products might be protected depending on factors such as the unity of the cultural entity and the nature of the product. Moreover, the book explores culture from perspectives ranging from indigenous peoples to skateboarders and its ideas encompass both traditional and emerging cultures. If you are looking for a book that adds a new angle to the ongoing debate about the role of intellectual property protection within society, this would be a good one to read.

It is not uncommon for white suburban youths to perform rap music, for New York fashion designers to ransack the world's closets for inspiration, or for Euro-American authors to adopt the voice of a geisha or shaman. But who really owns these art forms? Is it the community in which they were originally generated, or the culture that has absorbed them? While claims of authenticity or quality may prompt some consumers to seek cultural products at their source, the communities of origin are generally unable to exclude copyists through legal action. Like other works of unincorporated group authorship, cultural products lack protection under our system of intellectual property law. But is this legal vacuum an injustice, the lifeblood of American culture, a historical oversight, a result of administrative incapacity, or all of the above? *Who Owns Culture?* offers the first comprehensive analysis of cultural authorship and appropriation within American law. From indigenous art to Linux, Susan Scafidi takes the reader on a tour of the no-man's-land between law and culture, pausing to ask: What prompts us to offer legal protection to works of literature, but not folklore? What does it mean for a creation to belong to a community, especially a diffuse or fractured one? And is our national culture the product of Yankee ingenuity or cultural kleptomania? Providing new insights to communal authorship, cultural appropriation, intellectual property law, and the formation of American culture, this innovative and accessible guide greatly enriches future legal understanding of cultural production.

About the Author
Susan Scafidi is a member of the law and history faculties at Southern Methodist University. She has taught at the University of Chicago Law School, Saint Louis University School of Law, and most recently, the Yale Law School.